

श्री कल्पनाथ राय (उत्तर प्रदेश) : उप-समापित महोदया, मैं श्री शमीम हाशमी का स्वागत करता हूँ जो जनता दल से इस्तीफा देकर कांग्रेस में शामिल हुए हैं। सामंतवाद के खिलाफ लड़ाई की शुरुआत उन्होंने कर दी है। सामंतवादी और साम्राज्यवादी ताकतों के पोषकों के खिलाफ उन्होंने बगावत का झंडा खड़ा किया है और मुझे विश्वास है कि सामंतवादी ताकतों के खिलाफ हिन्दुस्तान की जनता एक होगी।

MESSAGE FROM THE LOK SABHA

The Small Industries Development Bank of India Bill, 1989.

SECRETARY-GENERAL: Madam, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Small Industries Development Bank of India Bill, 1989, as passed by Lok Sabha at its sitting held on the 28th July, 1989."

Madam, I lay a copy of the Bill on the Table.

THE EMPLOYEES' STATE INSURANCE (AMENDMENT) BILL—

Contd.

THE DEPUTY CHAIRMAN: We shall now have further consideration of the Employees' State Insurance (Amendment) Bill, 1989.

SHRI P. N. SUKUL: Madam, I rise to welcome most heartily and sup-

port the Employees' State Insurance (Amendment) Bill.

THE DEPUTY CHAIRMAN: Mr. Chitta Basu, you don't want to sit for the Employees' State Insurance Bill? I want you to listen.

SHRI P. N. SUKUL: He wants to speak. He does not want to listen; he wants others to listen to him.

Madam, it is a very good Bill, I should say, a very comprehensive Bill. The Bill contains very many definite improvements on the original Act to help the workers of our country.

The ESI scheme has been there since 1948. It is a very good scheme and lakhs and lakhs of workers and crores and crores of their family members are covered under this scheme. They get cash benefits during sickness, during maternity and during injury.

Coming to the Bill proper, it is good that the definition of a "family" is now being amended so as to include children up to the age of 21 years and infirm/invalid children without any restriction of age. Earlier "family" consisted of only spouse and legitimate or adopted minor children only.

[The Vice-Chairman (Shri V. Narayanasamy) in the Chair]

At present the Act can be extended to any establishment only after giving six months' notice. As the Minister has said, this causes delay. Now it is being proposed that, if the Act is applicable to establishments in any part of a State, it can simultaneously apply to any other similar establishment in any other part of that State.

It is also a very welcome measure that in the ESI Corporation, the number of representatives of the employees and the employer organisations is being increased from 5 to 10. This is definitely going to give them greater representation in the Corpora-

tion and serve their purpose. It is also good that the Central Government is being authorized to make rules for specifying things like wage ceiling or coverage, rates of contribution and conditions for grant of benefits, etc. At present, if any change has to be made, then the Act is to be amended and how many times can the Act be amended and why should it be amended so frequently? That is why this amendment is really very good, very welcome.

It is also a very welcome move that the ESI Corporation is now being authorized to appoint its own officers except the Director-General and the Financial Commissioner who will continue to be appointed by the Central Government. Officers other than these two, being career officers of the Corporation, it is quite in the fitness of things that the Corporation itself appoints them. So, this move also is quite good and it is a step forward for giving greater autonomy to the Corporation.

It is equally good that the Corporation is also being empowered to make regulations regarding recruitment, emoluments and conditions of service of its officers and staff. So far, the Central Government used to do this job and there was a lot of delay and, to avoid that delay, the Corporation is now being empowered to make regulations for its own staff.

Setting up of an independent machinery for effecting recovery of dues is also a very good step because the machinery of the State Government is often not able to do it expeditiously. If I am not incorrect, I think, more than Rs. 160 crores of arrears of dues have to be recovered. They are lying because of the inability of the machinery of the State Governments to recover it. So, establishment of an independent machinery to effect recovery is also a very good step.

It is also good, Sir, that a worker who has to leave his job due to an

injury during employment, and also a retired employee who pays contribution, will now be entitled to get continued medical benefit. It is also quite welcome that now no employer will be able to file any application disputing the claim of the Corporation, without depositing 50 per cent of the amount involved with the court.

Sir, I think the wage limit of employees must be increased from Rs. 1,600 to Rs. 2,500 as has been done under other Acts. In the case of payment of bonus, for example, this limit has been raised. It is good that now the Central Government is being empowered to revise it from time to time, but the Central Government can do it right away. So, the wage limit should be increased from Rs. 1,600 to Rs. 2,500.

Sir, under section 5(1) of the Act, the term of office of members of the Corporation is four years at present. But I would suggest that it should be five years because three Members of Parliament are also on the Corporation—two Members of Lok Sabha and one Member of Rajya Sabha. Lok Sabha Members are there for five years. So, this term of office of the members, especially those of MPs in the Corporation, should be five years instead of four years. Otherwise, one member will be there for four years and another Member will be there for one year because his term will expire if he is appointed after four years. So, the term of office of the members can be made coterminous with that of Parliament if Members of Parliament have to be there. Now, again according to the proviso to the said section section 5(1), "Even after the expiry of his term, a member may continue indefinitely till his successor is elected or nominated." Now, according to me this is not proper. There must be a time-limit beyond which he cannot continue. Either you elect or nominate his successor or he should

[Shri P. N. Sakal]

bid good-bye to the Corporation. Elsewhere there is always a time limit. This morning we submitted the report of another Joint Committee — the Committee on the Medical Council (Amendment) Bill. I submitted that report today as its Chairman. There we have kept it that no member can be allowed to continue on the Medical Council for more than six months after the expiry of his term, whether you elect someone or you don't elect someone because otherwise it becomes meaningless. So, some time-limit should be provided.

I have seen ESI hospitals in my own State in Lucknow, in Kanpur and in other places. I have generally found their condition very bad and poor. There is no adequate stock of medicines. Often there is shortage of vaccines. I have seen patients lying on the floor. It means these hospitals are not being run properly. The Central Government is contributing 87.5 per cent towards maintenance of ESI hospitals in the country and the State Governments contribute only 12.5 per cent. The State Governments run these hospitals and still they don't maintain them properly. So my suggestion is wherever hospitals are being run properly, it is all right. For other cases some way should be devised so that the Corporation is able to take over the hospitals, because the Central government is funding them mostly.

There is Section 3 that is being amended. That is as regards the amended Section in the Bill, Clause 25. This says:

"Save as may be provided by the regulations, no person shall be entitled to sickness benefit or disablement benefit for temporary disablement on any day on which he works or remains on leave or

on a holiday in respect of which he receives wages or on any day on which he remains on strike."

I take objection to the word 'strike' being included here. If it is a legitimate strike and if you have given the worker the right to strike and they proceed on a legitimate strike, then at that time they should not be deprived of these medical benefits.

SHRI E. BALANANDAN (Kerala):
Legal strike.

SHRI P. N. SUKUL: Yes, legal strike. If there is an illegal strike, I have nothing to say. But if it is legal and lawful strike with due notice and all that, then he should get the temporary disablement benefit and that will reflect the socialist character of this Government.

श्रम संतो (श्री विदेश्वरी दुबे) : स्ट्राइक के बाह् मारपीट करता है. (व्यवधान) तो उसके लिए भी देना चाहिए।

श्री पशपति नाथ सुकुल : उसके लिए भी देना चाहिए। मानवता के नाते देना चाहिए। अस्पताल होते किस लिए हैं। लोग खून करके जाते हैं फिर भी उनको दिया जाता है। लड़ाई होती है, अगड़े होते हैं ... (व्यवधान)

— नहीं नहीं, आप देते हैं। एक्सीडेंट होते हैं, कोई रोमे ही छुरा मार देता है ... (व्यवधान) तो क्या आप उसका अस्पताल में इलाज नहीं करते हैं। मानवता बहुत बड़ी चीज है दुबे जी और खासतौर से जबकि वह कांस्टीट्यूट कर रहा है, स्ट्राइक पर है, लेजिटीमेट स्ट्राइक पर है। यहाँ पर हमारा आपसे थोड़ा सा मतभेद है कि उसको स्ट्राइक के दौरान कम से कम दें। अगर वह काम पर है, लीव पर है, हालीडे पर है, या पेड हालीडे पर है तब आप ठीक हैं मत लीजिए, टेम्पोरेरी डिसेबलमेंट में, लेकिन अगर वह स्ट्राइक

पर हैं और लोग स्ट्राइक पर है तो आपको देना चाहिए। यह मेरा कथन है।

श्री राम अवधेश सिंह (बिहार) : सरकार तो लोगल स्ट्राइक को इल्लगल करा देती है।

श्री पशुपति नाथ सुकुल : सरकार के कराने का सवाल नहीं है। अगर वह लोगल है, तो वह लोगल है।

श्री राम अवधेश सिंह : आप तो जानते हैं, कम्युनिस्ट पार्टी में रहे हैं। आप तो सब जानते हैं।

श्री पशुपति नाथ सुकुल : मैं कम्युनिस्ट पार्टी में न कभी रहा हूँ और न रहूँगा, क्योंकि कम्युनिस्ट पार्टी को भगवान में विश्वास नहीं है और मुझे भगवान में विश्वास है। एक आस्तिक आदमी वहाँ नहीं रह सकता।

Clause 19 of the Bill enables the Centre Government to prescribe separate eligibility criteria for sickness and other benefits for certain categories of workers who due to the vagaries of industry cannot satisfy the old criteria. For example, it is laid down that in a half year he should work for minimum 91 days. But there are certain other industries like cashew industry where on an average in a half year, he gets work only for 45 days and that is why he is not able to enjoy those benefits under this scheme. Our learned friend and Minister, Mr Krishna Kumar is here, who is M.P. from Quilon and for the last three years he has been fighting for their cause. I would request the Government to kindly consider these things also and to have the eligibility criteria changed. When he cannot get work, it is not his fault. If you cannot provide him with work for more than 45 days in a half year, at least, the benefits that are available to all the workers under the ESI scheme

should also be made available to such workers.

With these words, I support the Bill.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now, intervention by the Minister, Shri Krishna Kumar.

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI S. KRISHNA KUMAR): Mr. Vice-Chairman, Sir, in my brief intervention I would like to congratulate our hon. Prime Minister, Shri Rajiv Gandhi, the Labour Minister, Shri Bindeshwari Dubey and his junior colleague, Shri Radhakrishnan Malaviya for bringing to this House, this beneficial legislation which can have far-reaching implications for the working class of the country especially in relation to the relaxed ESI benefits for certain categories of workers. Sir, I am intervening mainly because the existing legislation has, *inter alia*, adversely affected the ESI benefits of cashew workers of Kerala. Most of them are concentrated in my constituency, Quilon. In 1984, Sir, the ESI Act was amended and at that time the definition of the 'wage period' was altered previous to 1984, the cashew workers of Kerala who are registered workers under the Factories Act had been beneficiaries of ESI ever since ESI Act came into force if they work for 13 weeks in a half year. The conditions of the cashew industry are such that the number of days work whether in a year or half year are dependent on the availability of raw material, namely, raw cashew. For the last 2 or 3 decades many of the traditional industries in Kerala including cashew have been suffering due to the variety of

[Shri S. Krishna Kumar]

reasons including paucity of raw materials. Thirteen weeks in a half year will theoretically mean that even if the worker had only one day's work in a week and if he had put the ESI stamped card to the authorities—in other words, theoretically, even if he had worked for thirteen days, the cashew worker used to be the beneficiary for the ESI benefit till the amendment of 1984. The amendment changing the wage period of eligibility to 91 days was brought about for the country as a whole, for the working class as a whole in order to instil discipline in the working of the scheme so that there are no malpractices. But, unfortunately, the change of criterion meant that cashew workers who have been enjoying the ESI benefits, the eligibility for sickness and other benefits even if they had worked for only thirteen weeks which could have theoretically meant a minimum of even thirteen days in a half year were denied the benefit after the promulgation of the amendment. The political parties of the State of Kerala as well as Members of Parliament, irrespective of political affiliation, including me as a Member representing Quilon, which is the cashew industry capital of our country, have been representing before the Labour Ministry for the last two years for changing the criterion so that the cashew workers are restored the benefits which have been traditionally enjoyed by them. The Government of India have serious difficulties in amending the Act because the criteria have been changed earlier by detailed consultations in the ESI corporation in which the trade unions affiliated to almost all political parties had participated and we could appreciate the difficulties of the Government of India in not amending the Act earlier because it was not possible to bring in an amendment in a national legislation only to cater to the peculiar demand of a certain section of workers. But the hon. Prime Min-

ister as well as Shri Bindeshwari Dubey have taken a very sympathetic attitude to our problem. Sir, the cashew workers who are about 2 lakhs in number in Kerala represent one of the most disadvantaged sections of the work force in our State. I am sure, Shri Balanandan, a very senior trade union leader of the State of a national stature, will agree with me that it was necessary to restore the ESI benefits to the cashew workers which had unfortunately been denied to them. By this amendment, the Government of India is taking over the power to prescribe separate conditions for various categories of benefits. Section 49, for instance, enables the Government of India to prescribe separate conditions for eligibility for sickness benefits. Section 50 enables the Government of India to prescribe separate conditions for qualification of the insured woman to claim maternity benefit. Section 52 enables the Government of India to prescribe separate periods, separate conditions for the benefits under the Act. Similarly, the Government of India is taking the power to provide separate conditions for disabled men and other benefits under the Act. Thus, by this amendment, the damage which was unfortunately in practice inflicted on certain categories of workers in India, especially the cashew workers is sought to be rectified because the rigidity of the wage period has been overcome by the flexibility which is being allowed to the Government of India under the amendment by which the wage period and other conditions have been fixed. After this Bill is passed in Rajya Sabha and Lok Sabha, the hon. Labour Minister has assured us that an administrative order will be passed for the cashew workers of Kerala by which taking into account the average work that they will get in a year they will become eligible for sickness and all other benefits. I understand, Sir, that this administrative scheme is already in the final stages of preparation and its

promulgation is only awaiting. the the passage of this Bill in the Rajya Sabha and the Lok Sabha. It is as the Member of Parliament from Quilon that I have taken the liberty of announcing that before the 15th of August, possibly, the Government of India will not only be able to get this Bill passed in both the Houses but also to promulgate the administrative scheme so that in this season itself the revised wage period criteria will be available to the cashew workers of Kerala so that in this period itself, 45 days or whatever is the period that is fixed by the Government, those who satisfy the criteria will be entitled to the full ESI benefits, the sickness, accident, maternity and other benefits, the entire benefits across the spectrum of ESI benefits under this Act. I would like to congratulate again Shri Bindeshwari Dubeyji on taking this revolutionary step in taking a sympathetic attitude towards the cashew workers of Kerala. Probably there are similar workers similarly situated in other parts of the country. I do not know. But Shri Balanandan, Shri Antony and I, all of us coming from Kerala, are aware of the plight of cashew workers. I would like to congratulate him and his junior colleague on taking this very sympathetic attitude and on bringing this Bill in the present Session of Parliament itself so that the benefits will be available to the cashew workers in this very season.

Thank you, Sir.

SHRI E. BALANANDAN: Sir, I join the hon. Minister in expecting that before the 15th of August the scheme will be accepted. If the scheme is accepted by the Government of India, it will be a good step.

श्री राम अचरेश सिंह : माननीय उपाध्यक्ष जी, यह जो कर्मचारी राज्य बीमा (संशोधन) विधेयक, 1989 सदन के सामने पेश हुआ है, सब मिला-जुलाकर एक अच्छा प्रगतिशील कदम कहा जा

सकता है। जो इसके उद्देश्य से जाते श्रमिकों की गई हैं, अगर वह सही मायनों में व्यावहारिक बनाई जाये तो निश्चित तौर पर श्रमिकों को लाभ होगा। इसमें दो राय नहीं हो सकती। लेकिन मुझे जो शक है इस सरकार पर, वह यह है कि कानून तो अच्छा बनाती है, लेकिन लागू करने के वक्त, लागू करने के समय उसका व्यावहारिक पक्ष ऐसा हो जाता है कि निष्कूल उसका रूप विकृत हो जाता है। मैं चाहता हूँ कि जो प्रस्ताव है, जो परिवर्तन किए गए हैं और जिस मंशा से परिवर्तन किए गए हैं इस विधेयक में, वह मंशा पुर तौर से लागू हो जाये और उसका लाभ कर्मचारियों को मिल जाये। जहाँ तक सीजनल फ़ैक्टरी में काम करने वाले मजदूरों के लिए इसमें प्रावधान किया गया है, उन्हें भी इस अधिनियम के लाभ मिल सके।

महोदय, मैं चाहता हूँ और अर्ज करना चाहता हूँ माननीय श्रम मंत्री जी से, कि इस बीमा योजना को थोड़ा और आगे बढ़ाएं क्योंकि आप स्वयं एक मजदूर से आगे बढ़कर के यहाँ आए हैं। आपको मजदूरों का दर्द मालूम है। जब आप बिहार में थे तो चौकीदारों, दफ़्तरियों के लिए कुछ करने का प्रयास किया था, जो सबसे अच्छा प्रयास पाया था। यहाँ भी मैं चाहता हूँ कि सारे देश में चौकीदार हैं और उनकी पूरी जिदगी सरकारी सेवा बीतती है।

आप यह कह सकते हैं कि वे सरकार के फुलटाइम वर्कर नहीं हैं। लेकिन मैं कह सकता हूँ कि सरकार के फुलटाइम वर्कर हैं क्योंकि केन्द्रीय सरकार के कर्मचारी महीने में 18-20 दिन काम करते हैं। उनकी दो दिन की हफ़्ते में छुट्टी होती है। इस तरह वे ज्यादा से ज्यादा 20 रोज़ काम करते हैं और जो चौकीदार हैं, वे 15 दिन रात के अंधेरे में गश्त करते हैं। इस तरह 15 दिन की तो उनकी ऐसी उम्टी होगी 4 रोज़ घने पर जहर जाना है हर हफ़्ते में एक दिन। इस तरह 19 रोज़ हो गए, संझल गवर्नमेंट एम्प्लाइज बीस रोज़ काम करता है और

[श्री राम अवधेश सिंह]

बे 19 दिन काम करते हैं लेकिन किसी दिन, किसी-समय कोई सरकार का कोई आदमी आ गया गांव में, चाहे एलेरिया विभाग का आ जाये, चाहे रेवेन्यू वसूल करने वाला आ जाये, चाहे छपाई विभाग वाला आ जाये, वह चौकादार को पकड़ेगा और दिवभर उसको डमारागा। इस तरह उसका समय पर कोई अधिकार नहीं है। उसे ही उसका बेटा बीमार होगा लेकिन उसे सरकारी आदमी के साथ जाना पड़ेगा अगर पुलिस का कोई आदमी आ गया फिर तो उसे जाना ही है। इस तरह उसका समय पर कोई अधिकार नहीं है और वह फुल टाइम वर्कर है। इसके अलावा सबसे बड़ी बात उसके लिए खतरा है। माननीय मंत्री जी बिहार के मुख्य मंत्री रहे हैं। आपको इसका ज्ञान होगा कि साल में पूरे बिहार में सौ से लेकर डेढ़ सौ चौकादार मारे जाते हैं। क्यों मारे जाते हैं? इसलिए कि उनकी लाइफ रिसकी है। उनकी जिंदगी खतरे में मरी हुई है।

कल्याण मंत्रालय की राज्य मंत्री (डा० राजेन्द्र कुमारी वाजपेयी) : आपने बिल को पढ़ा है।

श्री राम अवधेश सिंह : भा है। मैंने कहा कि ये पैक्टूज तक सीमित किया है आपने। मैं इनकी बात समझता हूं और ये मेरी बात समझते हैं। आप बीच में मत पड़िए ... (व्यवधान) ... इसलिए मैं कह रहा हूँ कि इसको भी इसमें इक्लूड किया जाए मैं इतना जर्क इसलिए भर रहा हूँ कि उसे किसी तरह कवर किया जाये क्योंकि रेख उठने से दांत छोड़ने और आँख की रोशनी जाने तक सरकार की नौकरी में वह रहता है। लेकिन उसको कोई बेनीफिट नहीं है न मेडिकल बेनिफिट, न रिटायरमेंट बेनीफिट न और किसी तरह का उसको बेनीफिट मिलता है। इसलिए मैं चाहता हूँ कि हमारे उसको भी जोड़ा जाये जैसा कि काजू के मजदूरों को जुड़वाने लिए माननीय राज्य मंत्री जी ने अनुरोध किया ... (व्यवधान) ... उन्होंने कहा कि जोड़ लिया जाये ताकि उनको भी इश्यो-रेंस का लाभ मिले। माननीय स्टेट

मिनिस्टर जो केरल के हैं, उन्होंने माननीय मंत्रीजी से अनुरोध किया तो मैं भी अनुरोध कर रहा हूँ कि गांव के चौकादार हैं, उन्हें भी इस योजना के अंतर्गत इस अधिनियम के अंतर्गत कवर का लिया जाये और उन्हें भी वह लाभ दिए जाएं जोकि सीजल मजदूर को दिए जाते हैं। जब सीजल फेस्टो मजदूर को देते हैं तो उसको क्यों नहीं देर है जो रेख उठने से लेकर दांत छोड़ने और आँख की रोशनी जाने तक सरकार की सेवा में रहता है बिहार में तो उसे दो सौ रुपया मिलता है। माननीय मंत्रीजी जब चौक मिनिस्टर थे तब हम लोगों ने बात घेराव और प्रदर्शन बगैर कहिए। उसे इन्होंने माना कि यह ठीक मांग है और इन्होंने करोब-करेब नियमित कर दिया और रेगुलर कर दिया अभी उत्तर प्रदेश में तो 35 रुपए है, लेकिन हमारे यहां तो दो सौ है, सवा दो सौ।

डा० राजेन्द्र कुमारी वाजपेयी : वहां काजू नहीं है।

श्री राम अवधेश सिंह : आप को तो काजू और गुनका हो याद आया। चौकादार वफादार सेवक है जोकि भूखों रहता है। आपके सूबे में 35 रुपए मिलता है। आपने कभी सोचा है, आप तो वेलफेयर मिनिस्टर हैं।

तो मैं पूरे तौर पर यह कह सकता हूँ कि यह सब मिला-जुलाकर एक प्राति-शील बिल है। लेकिन मुझे यह आशंका है कि व्यवहार में सरकार इसको जितना उतार सके, बहुत अच्छा है। यह मजदूरों के लिए एक अच्छा प्रगतिशील कदम है। इसका मैं समर्थन करता हूँ।

SHRI A. K. ANTONY (Kerala): Mr. Vice-Chairman, Sir, I rise to support this Bill. At the outset, I would like to convey the heartfelt thanks of lakhs and lakhs of cashew workers of Kerala for this step taken by the Government of India and I would like to congratulate and express our thanks to the Prime Minister, Shri Rajiv Gandhi, and also our Labour Minister, Shri Bindeshwari Dubey, for having brought forward this legislation.

As a result of this legislation, lakhs of disadvantaged workers will again get their rights which were taken away by the ESI (Amendment) Act, 1985. This Bill will help many sections of workers including the cashew workers of Kerala. That is why they are very happy over this amendment. Cashew workers are one of the lowest-paid working classes in the country. It is not only that they are the lowest-paid workers, but also their work is seasonal. Their work being seasonal, these days, in the present-day conditions, it is very difficult to get more than a hundred days' work in a majority of the cashew factories. As a result of the previous amendment, the cashew workers of Kerala lost many benefits including maternity benefits and some other material benefits. We were requesting the Government again and again to restore those benefits to the backward sections of the workers in Kerala and also in other parts of the country. Sir, Mr. Krishna Kumar represents the Quilon constituency and in that constituency itself there are nearly one lakh and sixty thousand cashew workers. All the political parties in Kerala, the Congress(I), the CPI(M) and other parties also were again and again requesting the Central Government for bringing forward a new amendment. We were expecting it much earlier, but because of certain factors it was not possible. Anyway, it has come now and my only request is that it should be implemented as quickly as possible. "Onam" is coming now. "Onam" is an important festival for the Keralites which is coming in the second week of September. Let us pass this Bill now. I would request the Labour Minister, if it is humanly possible, to implement it before "Onam".

SHRI E. BALANANDAN: Accepting it is as good as implementing it.

SHRI A. K. ANTONY: My reference to implementation means that the material benefits should reach the

workers by that time. There is no dispute between us about implementation. Anyhow, if it is possible to implement it soon, it will be much better. It is a good piece of legislation and let us implement it and let us give the benefits to the cashew workers. They were all anxiously waiting for the passing of this Bill. Let us not delay its implementation. Not only the official order of implementation, but actual benefits should be given to the workers as quickly as possible. I do not want to go into the details. Once again I would like to congratulate the Government and also express my thanks and gratitude as also of the working class of Kerala, especially when you are bringing this legislation at a time when the whole of Keralites are preparing to celebrate their national festival. Once again I congratulate you. And I am sure that this Bill will be passed unanimously in the Lok Sabha and Rajya Sabha and the Government will implement it quickly.

Once again I support this Bill. I am happy that our Government is bringing such a piece of legislation at the request of all the political parties in Kerala and in many other States and also because of the strenuous and continuous effort made by my esteemed colleague, Mr. Krishan Kumar, and the trade union movement there. All of us can be proud of this. I support this Bill once again. Thank you.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, I rise to support the Bill, the Employees' State Insurance (Amendment) Bill. I have, however, a few observations to make.

Shri Krishan Kumar and Shri Antony congratulated the Government because the orbit of the Bill extends to cashew workers. But it is all embracing, for which the Minister needs to be congratulated.

I have certain doubts and I want the hon. Minister to clarify. I must

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say that any legislation which helps the employees or workers or the labour is always welcome, and anybody, even if he may have certain reservations about a particular piece of legislation, should see to it that that particular legislation gets passed so that if any amendments or any other thing is to be done later that can be done. Any legislation that is brought forward by the Government for the amelioration of the labour or employees is always welcome and should be passed unanimously. This is the first aspect.

The other aspect is that in the Statement of Objects and Reasons it is stated that one committee was set up, Mr. Minister, in 1975 with regard to the amendment of this Act. It submitted its support in 1978. Another committee was formed and it submitted its report in 1982. So I would like to know from the Minister that when in the case of a piece of legislation, for which a comprehensive report of experts is in his hands, firstly, for 11 years and in the case of the latter for six years, why has the Government faulted in bringing this legislation so late? I seek an explanation from the Government that when the committees had put forth their reports in time why was such a Bill delayed so much? This is my first objection.

The second objection that I have got—perhaps I may be misconceived about it—and I would like to the Minister to elaborate on it is that clause 2 seeks to amend section 1 of the Act so as to enable extension of the provisions of the Act to factories and other establishments simultaneously in certain circumstances. I can understand that whether it is in Qulien or it is in Trivandrum or elsewhere it should be equally applicable to all. I can understand that. But here is an obnoxious thing from my point of view. It also provides for exclusion of factories and establish-

ments under the control of the Central Government or State Governments from its purview. Does it not show that this Bill is a retrograde step? It has been applicable to the State Government institutions and the Central Government institutions. Does this amendment seek to exclude the State Government and the Central Government institutions? If it is so, then is it not a retrograde step? I would like the Minister to explain to me about it.

I heartily welcome the clause which seeks to amplify the definition of the family because it includes the other people in the family.

The third objection I have got is with regard to the clause which seeks to amend Section 36 of the Act and to provide for laying of the report of the Comptroller and Auditor General and the comments of the Corporation thereon before Parliament. It also seeks to do away with the practice of publishing the Annual Report, the Audit Report and the Budget of the Corporation in the Gazette of India. If it is only limited to the point that it will not be published in the Gazette of India, I have no objection. If it means or if it is sought to mean or if it conveys the impression to the employers that there will not be a practice of publishing the Annual Report or the Audit Report or the Budget of the Corporation, then this is a retrograde step. I would like the Minister to clarify it as to whether it is incumbent on the corporation to publish Annual Reports, Audit Reports and Budget. This needs a little clarification and I would like to know from the Minister as to what the actual position is.

Sir, Clause 25 seems to substitute Section 63. It says:

"Save as may be prescribed by the regulations, no person shall be entitled to sickness benefit or disablement benefit for temporary disablement on any day on which he works or remains on leave or on a holiday in respect of which he

receives wages or on any day on which he remains on strike."

I do not understand it. If there is a legitimate strike resorted to by the workers or he leaves for a holiday or he is temporarily disabled, then how can he be denied the benefit? This needs an explanation by the Minister.

I welcome the clause with regard to appeal from an employer against a claim for recovery. No claims shall be entertained by the Employees' Insurance Court unless he has deposited with the Court fifty per cent of the amount due from him. This is a healthy provision. I wish this provision could be extended to Income-Tax and other taxes which we have got. The payment of these taxes is being stalled by court cases and by stay orders. It is a very healthy provision because he has to deposit fifty per cent.

The Bill seeks to appoint a separate machinery for recovery. I do not know how the Central Government will be able to recover dues from the employers. I do not know what the Central Government will do and how will it seize the property without the assistance of the State Government. I feel that the State Government has been completely eliminated by this provision. This should not have been the case. Of course, the Central Government should have taken the powers. The Central Government should also have the powers to enforce it. In my opinion, it is not possible to enforce the law, to enforce forfeiture of the property, to enforce the recovery of arrears of land revenue and things like that. It cannot be done without the help of the State Government. I would like the hon. Minister to tell us how the Central Government machinery *suo moto*, without the assistance of the State Government, will be able to implement the provisions of this Bill. Sir, this needs clarification on the part of the Government.

Sir, a point has been made by Mr. Sukul, and that is also very important, Sir, a general tendency has arisen now that even after the term of a Director or a Member of the Corporation expires, he still continues there. I have got instances also with me that originally the term is for four years and because his successor is not nominated, he continues for another five years. This is a very obnoxious provision. A time limit should be fixed that after six months he ceases to be a Member. The Government may fill the vacancy at any time, but it should be declared as vacant. This needs to be clarified. I think, if the Act does not provide, the rules can provide some such thing.

Sir, Clause 41 seeks to amend Section 92 and to provide for issue of directions by the Central Government to the Corporation for the efficient administration of the Act. I think, this means that you are interfering in the affairs of the Corporation. I think, the best course would have been that if the Corporation fails to act according to the Act, then directions can be issued by the Central Government. If the Corporation does not act according to the Act, of course, the Central Government can point out to the Corporation that 'you are not working according to the Act'. But, giving directions straightaway, by-passing the Corporation, I think, needs to be looked into again.

Then, Sir, I want to say that I agree with Mr. Sukul that the condition of the hospitals under the Employees' State Insurance Corporation is not up-to-date. I think, a Committee should be appointed by the Government to inspect all these hospitals which are running not only to see whether they are functioning efficiently but also to ensure that they are provided with modern equipment so that the employees are benefited.

Lastly, Sir, it has been observed that in case where an employee really needs a specialised treatment, etc.,

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it is being denied to him by one plea or the other. He is a poor man. He cannot afford the treatment. He is not a VIP that he can do anything he wants. I think, where the Head of the Department of that particular hospital says that the treatment of a particular person can only be done at such and such a place, without going into the rules, immediate steps should be taken to provide the necessary finances and facilities to the person concerned.

With these observations, Sir, I support the Bill and I request the

hon. Minister to react to what I have stated in my speech. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Further discussion on the Bill will continue next week.

The House stands adjourned till 11 a.m. on Monday, the 31st July, 1989.

The House then adjourned at fifty-four minutes past five of the clock till eleven of the clock on Monday, the 31st July, 1989.