

remedy should not be worse than the disease. So, we shall have to carry on with some sort of drag on; these are all drag on the revenues. But, at the same time, what would you do unless you can make a proper rehabilitation? These expert bodies are making recommendations, and we are trying to salvage the situation.

I would like to repeat in my conclusion, Mr. Deputy Chairman, Sir, that there is no question of Government's responsibility being given up; the management will be with the Government. So far as the present mandate of this Government for the five years is concerned, we are not going beyond 10 per cent; we are not going for strategic sale. At what point of time we will go for it and the public sector enterprises will be off-loaded, we will be guided by the experts, looking at the conditions of the market where the maximum values could be discovered. Keeping that in view, we will take the appropriate action. I am not going to reel out, nor is the Department of Disinvestment going to reel out for the satisfaction of the stock brokers and to go on speculation that such and such company, such and such percentage will be off-loaded on such and such date. It is not possible.

Now, Shri N.K. Singh raised this question about due diligence. Yes, that is very important that due diligence is to be exercised and is to be exercised in the transparent manner. That is why we are not doing it merely through the civil servants or the brokers; wherever the experts are available, we are taking their help and we are trying to work out and get the recommendations from all of them.

Sir, Mr. Ravi Shankar Prasad gave certain figures. I think, I have answer to some of them. I could read out the figures that whichever companies have been stated.

Lastly, Sir, my good friend, Shri Rahul Bajaj has advised me to be bold enough. I normally accept his advice, but in this case, I am a little scared to accept his advice, and I would like to be rather conservative or rather meek than to be too bold. Thank you Mr. Deputy Chairman. Sir, I once again express my gratitude to the participants.

MR. DEPUTY CHAIRMAN: The House is adjourned for one hour for lunch.

The House then adjourned for lunch at seventeen minutes past one of the clock.

The House re-assembled, after lunch, at seventeen minutes past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

GOVERNMENT BILLS

The Legal Metrology Bill, 2008

MR. DEPUTY CHAIRMAN: Now, we shall take up reply to the discussion on the Legal Metrology Bill, 2008.

SHRI M. RAMA JOIS (Karnataka): Sir, with your permission, I would like to say that yesterday Shri S.S. Ahluwalia quoted Manu Smriti. It is here:

तुलामानं प्रतीमानं सर्वं च स्यात्सुलक्षितम् ।
षट्सु षट्सु च मासेषु पुनरेव परीक्षयेत् ॥

The weights and measures should be fixed by the State and it must be checked every six months. This is in Manu Smriti.

MR. DEPUTY CHAIRMAN: Yesterday, there was a demand for this shloka. He could not quote and now Shri Jois has quoted it. Mr. Minister, now.

THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (PROF. K.V. THOMAS): Sir, yesterday, seven senior Members of this House participated in the discussion on the Legal Metrology Bill, 2008. At the outset, I would thank all the Members who have given deep thinking about this Bill.

Sir, firstly, I would like to give the background idea about the Legal Metrology Bill. The Government initially wanted only to make amendments to the existing two Acts, namely, the Standards of Weights and Measures Act, 1976, and the Standards of Weights and Measures Enforcement Act, 1985. Sir, when the amendment Bills were examined by the Parliamentary Standing Committee, it recommended, vide Tenth Report, integration of two legislations into a single legislation.

This is to avoid duplication and contradictions in the two Acts. Accepting the suggestion of the Standing Committee, The Legal Metrology Bill, 2008 was prepared. Sir, it was introduced in the Rajya Sabha on 24th October, 2008. Thereafter, this Bill was referred to the Standing Committee for examination. After examination of the Standing Committee's Report and discussions — I repeat, discussions — with the State Governments and stakeholders, certain official amendments have been proposed. Sir, there has been discussion at every stage with the State Government and different stakeholders. The Parliamentary Standing Committee which examined the 2008 Bill made six recommendations. Sir, out of the six recommendations, two recommendations are pertinent, (1) giving rule making power of States; (2) to do away with the Government Approved Test Centres proposed in clause No. 24. Sir, the Department examined the recommendations in consultation with the States. The recommendation to give rule making power to States was accepted. We have not taken any power or diluted the power of the States. But the recommendation to do away with the GATC was not accepted. Sir, I will tell you in detail why it was not accepted. This is because; it is felt that it only gives an additional option to the States. It strengthens the States. It does not take away their powers of functions. Sir, The Legal Metrology Bill, 2008 omits the following provisions in the existing legislation; (a) revelation of weights or measures used in industrial production. Sir, it is with the industrial manufacturing sector. We are not concerned. (b) Exempting regulation of weights or measures of other goods

meant for export. Sir, it is exported to other countries. Sir, it does not concern our people. These were felt to be unnecessary as these restrictions do not affect consumers in India. Sir, The Legal Metrology Bill, 2008 has the following new features, (a) verification of prescribed weights or measures by the Government Approved Test Centres (GATC); (b) prescribing qualification of legal metrology officers appointed by the State Government. It has the following modified provisions: nomination of a director by a company who will be responsible for complying with the provision of the enactment. This is against the existing provision of the entire Board of Directors being responsible. Sir, the Legal Metrology Bill, 2008 is a single legislation in place of existing two legislations on weights and measures. The total number of provisions in the Bill is only 56 against 160 sections together in the existing two Bills. Thus, the Bill has greatly simplified the weights and measures. I would like to answer some of the questions put by the Members of this House. Many of the speakers stated that there should not be concentration of power at the Centre or dilution of the power with the States. Sir, the reply is: at present the powers are divided between the Centre and the States. The Centre has the power to frame the rules for laying down specifications, modal approval and establishing standards. The States lay down the rules for enforcement of the Act. So, we are giving a common idea. We are giving a modal of the rules. At the time of consultation with the States, during the preparation of The Legal Metrology Bill, 2009, the State Governments had in a conference suggested that for the sake of uniformity the rule making power will be the Centre.

Accordingly, this has been put in the Legal Metrology Bill, 2008. But, Sir, after examination by the Standing Committee, a second round of consultation was held with the State Governments. Some of the State Governments suggested that they should be given the powers that they are enjoying even today. Accordingly, this has been proposed as an official amendment. These official amendments have been communicated. According to these official amendments, the Centre will frame the rules in respect of those items which they are doing even today. The States are proposed to be given powers to frame the rules, which they are enjoying today. Thus, after the official amendments, the present *status quo* will be restored. The amendment Nos. 52 (a) and 55 (2) have been made for this purpose.

Sir another question which was put was about the Government-Approved Test Centres. Many of the Speakers objected to the proposal for Government-Approved Test Centres, contained in section 24 of the Bill. Sir, the Government-Approved Test Centres can be recognised either by the Government of India or by the State Governments. Those State Governments which do not wish to appoint the Government-Approved Test centres can refrain from doing so. So, we will have these Test Centres only with the consent of the State Governments. So far as the Government of India is concerned, the Government of India will take

the opinion of the State Governments prior to recognising any Government Approved Centre. Sir, there was an apprehension that it will be franchise to private people. Sir, our idea is to give it to the Government institutions, IITs and approved organisations only. Sir, this is the idea we have.

Sir, in the Eleventh Plan, the Government of India has been implementing a massive scheme of Rs.170 crores for giving equipment and providing laboratory buildings to the States. Capacity and skill building are also part of this project. Sir, we have already written to the Chief Ministers of the States for providing supporting funds to ensure that this programme is a success. Notwithstanding this huge effort, the State Governments may find it difficult to verify weights and measures services in all sectors. Even today, important areas like thermometers and blood pressure instruments are not being verified by the State Governments. This situation cannot be allowed to continue.

Sir, the Indian Boiler Act was amended in 2007 and a similar provision was provided in the Indian Boiler Act also. Sir, the rules would give details of how the GATC would be approved and what conditions they would be required to meet. Sir, we will do all these with the consent and approval of the State Governments. I can also assure that the Legal Metrology Department of State Governments will continue to enforce the laws as they have been doing today. GATC will only supplement their activities.

Sir, another point was made that why there is an appellate authority with the Government. Sir, the reason is, there are so many legislations. Further, this is also the practice in the Act, as it stands today.

The other question was: Why have exports not been regulated in the new Bill? Sir, the items meant exclusively for exports will not touch the Indian consumer. The exporters will have to comply with the rules of the importing country. Therefore, any additional check on them will be unnecessary and will not help the Indian consumer.

Sir, another point was that the proposed Bill has not provided for reverification of weights and measures. Sir, section 24 provides for rules regarding the measurement and verification. The procedure for reverification will be provided in the rules.

Another point made was that there is no need for the word “Legal” before “Metrology”. Sir, the phrase “Legal Metrology” is a well accepted international term which describes the legal regulations applicable to weighing and measuring instruments. The State Governments are also familiar with this term — many of State Departments are known as Departments of Legal Metrology.

Sir, another question has been asked about the responsibility of Company Directors under the law. Some of the speakers suggested that it is not sufficient to make one Director responsible for the enforcement of weights and measures, as has been provided in Section 49 of the Legal Metrology Bill. Sir, in the existing Act, the entire Board of Directors as well as the

Company is responsible for any acts of omissions or commissions. The need was felt to change this provision since the Board of Directors as a whole will not be directly capable of controlling the proper compliance of the provisions of this Act.

Sir, there are certain other rules also which are at present existing in our country like the Prevention of Food Adulteration Act. Here, a similar situation is there. Sir, in those Rules, even officers below the Director level are permitted to be nominated. Sir, actually FICCI had suggested that this should be as per the Prevention of Food Adulteration Act. But we have not accepted that. We are saying, 'one of the Directors.'

Sir, it may also be noted that in the Legal Metrology Bill, 2008, at any point of time, if the Director is not held responsible, the Company as a whole will come under this rule.

Sir, these are the amendments which we have made. Sir, we are not diluting any of the rights of the State Governments. We are strengthening them. Sir, this law is to protect the interest.

DR. (SHRIMATI) NAJMA A. HEPTULLA (Rajasthan): Sir, the discussion is over and the questions that the Members had put, the Minister has tried to answer them with the help of 21 amendments. I believe, the Bill had gone to the Standing Committee and the Standing Committee's advice was that the Bill in this form should not be brought to the House, and, this fact is evident, Sir, when the Bill was brought to the House. I don't know the reasons behind it. Maybe, there was no other Legislative Business and ...

MR. DEPUTY CHAIRMAN: No; no.

DR. (SHRIMATI) NAJMA A. HEPTULLA:... so the Government thought to bring this Bill. They could have done these amendments, their homework before bringing it to the House. Now, instead of bringing a Bill over here with 21 amendments, why don't they do the amendments and bring a comprehensive Bill, including all that what you have envisaged, what you have spoken in the House? My point is, bring a comprehensive Bill instead of bringing amendments in your own original Bill. Instead of Opposition Members' bringing amendments, the Government itself is accepting that they did not apply their mind very well while they brought the Bill to the House. Take it back and bring it tomorrow or day-after-tomorrow or any other day or at the end of the Session. ...*(Interruptions)*...

Sir, I would suggest one thing. Whenever they bring the amended Bill or a comprehensive Bill, it is not necessary that we discuss it again. We will pass it without any discussion by voice vote.

MR. DEPUTY CHAIRMAN: Would you like to respond?

PROF. K.V. THOMAS: Sir, these amendments were given well in advance to the Secretariat and my impression was that this has been distributed to everybody. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now, the question is,

“That the Bill further to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and for matter connected therewith or incidental thereto, be taken into consideration.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2-4 were added to the Bill.

Clause 5 - Base unit of Weights and Measures

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 5. There is one amendment (No. 3) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (3) That at page 4, lines 23 and 24, the words “supplementary units” be ***deleted***.

The question was put and the motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Clause 7 - Standard units of weights and measures

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 7. There is one amendment (No. 4) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (4) That at page 4, line 34, the word “supplementary” be ***deleted***.

The question was put and the motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8 to 12 were added to the Bill.

Clause 13-Appointment of Director, legal metrology officers and other employees

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 13. There are two amendments (Nos. 5 and 6) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (5) That at page 6, line 4, after the word “Director”, the words “the Controller” be ***inserted***.

- (6) That at page 6, line 17, **for** the bracket and figure “(6)”, the bracket and figure “(7)” be **substituted**.

The questions were put and the motions were adopted.

Clause 13, as amended, was added to the Bill.

Clauses 14 to 22, was added to the Bill.

Clause 23 - Prohibition on manufacture, repair or sale of weight or measure without licence.

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 23. There is one amendment (No. 7) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (7) That at page 8, **after** line 7, the following proviso be **inserted**, namely:-

“Provided that no licence to repair shall be required by a manufacturer for repair of his own weight or measure in State other than the State of manufacture of the same.”

The question was put and the motion was adopted.

Clause 23, as amended, was added to the Bill.

Clause 24 - Verification and stamping of weight or measure.

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 24. There is one amendment (No. 8) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (8) That at page 8, line 24, **after** the word “shall”, the words “appoint or engage persons having such qualifications and experience and” be **inserted**.

MR. DEPUTY CHAIRMAN: I shall now put the amendment moved by Shri Matilal Sarkar to vote.

SHRI MOINUL HASSAN (West Bengal): Sir, can I move the amendment on behalf of Shri Matilal Sarkar?

MR. DEPUTY CHAIRMAN: No. I shall now put Clause 24, as amended, to vote.

The question was put and the motion was adopted.

Clause 24, as amended, was added to the Bill.

Clauses 25 to 30 were added to the Bill.

Clause 31-Penalty for non-production of documents, etc.

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 31. There is one amendment (No. 9) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (9) That at page 9, line 25, **after** the words “thereunder to”, the words “submit returns” be **inserted**.

The question was put and the motion was adopted.

Clause 31, as amended, was added to the Bill.

Clauses 32 to 36 were added to the Bill.

Clause 37 - Penalty for contravention by Government approved Test Centre.

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 37. There is one amendment (No. 10) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (10) That at page 10, **after** line 23, the following be **inserted**, namely:-

“(2) Where any owner or employee of a Government Approved Test Centre performing duties in accordance with the provisions of this Act or the rules made thereunder, wilfully verifies or stamps any weight or measure in contravention of the provisions of this Act or the rules made thereunder, he shall, for every such contravention, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both.”.

The question was put and the motion was adopted.

Clause 37, as amended, was added to the Bill.

Clause 38 to 40 were added to the Bill.

Clause 41 - Penalty for giving false information or false return.

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 41. There is one amendment (No. 11) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (11) That at page 10, line 48, **for** the words “ten thousand”, the words “five thousand” be **substituted**.

The question was put and the motion was adopted.

Clause 41, as amended, was added to the Bill.

Clauses 42 to 50 were added to the Bill.

Clause 51 - Provisions of Indian Penal Code and Code of Criminal Procedure not to apply.

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 51. There is one amendment (No. 12) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (12) That at page 14, line 34, **after** the words “Code and”, the words and figure “section 153 of” be **inserted**.

The question was put and the motion was adopted.

Clause 51, as amended, was added to the Bill.

Clause 52 - Power to make rules

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 52. There are six amendments (No. 13 to 17) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

- (13) That at page 14, line 37, in marginal heading, **for** the words “Power to make”, the words “Power of the Central Government to make” be **substituted**.
- (14) That at page 15, lines 11 to 14 be **deleted**.
- (15) That at page 15, lines 23 to 25 be **deleted**.
- (16) That at page 15, line 28, the words “or the State Government” be **deleted**.
- (17) That at page 15, line 30, **for** the words “the fee”, the words “the qualifications and experience of persons appointed or engaged and the fee” be **substituted**.

The questions were put and the motions were adopted.

Clause 52, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now put the amendment moved by Shri Matilal Sarkar. He is not present.

We shall now take up insertion of new clause 52A. In clause 52A, there is one amendment (No.18) by the hon. Minister.

New Clause 52 A - Power of State Government to make rules

PROF. K.V. THOMAS: Sir, I move:

18. That at page 15, **after** line 46, the following new clause be **inserted**, namely:-

“52A.(1). The State Government may, by notification, and after consultation with the Central Government, make rules to carry out the provisions of this Act.

(2). In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the time within which the weight or measure may be got verified under proviso to sub-section (1) of section 16;

- (b) registers and records to be maintained by persons referred to under sub-section (1) of section 17;
- (c) the form, manner, conditions, period, area of jurisdiction and fees for issuance of licence under sub-section (2) of section 23;
- (d) fee for verification and stamping of any weight or measure under sub-section (1) of section 24;
- (e) manner of notifying Government Approved Test Centre, terms and conditions and fee to be paid under sub-section (3) of section 24;
- (f) fee for compounding of offences under sub-section (1) of section 48.

(3). In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to five thousand rupees.

(4). The power to make rules under this section shall be subject to the condition of the rules being made after previous publication in the Official Gazette.

(5). Every rule made under this section shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislatures, before that House.”

The question was put and the motion was adopted.

New Clause 52A was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall now take up clause 53. In clause 53, there are two amendments (No.19 and 20) by the hon. Minister.

Clause 53 — Delegation of Powers.

PROF. K.V. THOMAS: Sir, I move:

- 19. That at page 15, line 49, the words and figure “or section 19,” “be **deleted**.
- 20. That at page 16, line 1, the words and figures “section 22 to 24 and section 50 relating to power to lay down scale of fee,” “be **deleted**.

The questions were put and the motions were adopted.

Clause 53, as amended, was added to the Bill.

Clause 54 was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall now take up clause 55. In clause 55, there is one amendment (No.21) by the hon. Minister.

Clause 55 — Existing Director, Controller and Legal Metrology Officer not to be affected by the new qualification to be prescribed.

PROF. K.V. THOMAS: Sir, I move:

21. That at page 16, line 21, **for** the word “Central”, the word “State” “be **substituted**.

The question was put and the motion was adopted.

Clause 55, as amended, was added to the Bill.

Clause 56 was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall now take up clause 1. In clause 1, there is one amendment (No.2) by the hon. Minister.

Clause 1 — Short title, extent and commencement.

PROF. K.V. THOMAS: Sir, I move:

2. That at page 1, line 4, **for** the figure “2008”, the figure “2009” be **substituted**.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall now take up the Enacting Formula. In the Enacting Formula, there is one amendment (No.1) by the hon. Minister.

Enacting Formula

PROF. K.V. THOMAS: Sir, I move:

1. That at page 1, line 1, **for** the word “Fifty-ninth”, the word “Sixtieth” be **substituted**.

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

MR. DEPUTY CHAIRMAN: Hon. Minister to move that the Bill, as amended, be passed.
..(Interruptions)..

SHRI S.S. AHLUWALIA (Jharkhand): Sir, I want the third reading.

MR. DEPUTY CHAIRMAN: Okay.

SHRI S.S. AHLUWALIA: Sir, the hon. Minister has assured that the powers which are already vested with the State Governments will not be snatched away through this Bill. At the time of making rules circulate the model rules to the States, take back their reaction, and, then come out with the rules. That will be better. Because in the Act, you may say, no, we are not

doing it, but while making rules and sub-legislation when it will come, it may snatch the power of the States. So, this is my apprehension. Secondly, still I have my doubts for the testing centres — the calibration testing centres and other centres. Are you going to outsource them or are you going to keep them with the Government? My third apprehension is about Director. You are talking about the Director that you will specify a person who will look after it. Will he be an instrumentation engineer or merely a Director? If he is not an instrumentation engineer and is not qualified to know the fault at the calibration level, then it is useless. I think there should be some qualification for the Director who can become the authorised person of that company who can see that the calibration is done in the right direction.

MR. DEPUTY CHAIRMAN: Yes, Mr. Sarkar, you were not there.

SHRI MATILAL SARKAR (Tripura): Sir, I rang up four to five times from my residence. For 25 minutes, I was standing below for DTC vehicles. Sir, I want to seek one clarification. Though I have not heard the hon. Minister, my apprehension is that if the power of the making rules lies only with the Central Government, then the States will be deprived and the States may not be able to suit their own conditions. That is why, the power of making rules should vest with the State Governments.

The second apprehension is that so far as the Bill in its present form is concerned, the company at fault may seek to escape leaving the responsibility only on the officer concerned. The company may escape. So, I would like to get clearcut clarifications from the Minister whether this provision would be removed while framing the rules, and whether provisions in this regard as needed would be accommodated.

PROF. K.V. THOMAS: Sir, I want to give an assurance to clarify that our idea is to strengthen the State Governments. So, while drafting the Bill, we had discussed twice with the State Governments and other organisations. So, when the rules come, we will definitely discuss them with the State Governments because we want their co-operation. We are also interested in protecting their interests. Definitely, we will have interaction with the State Governments and their views would be taken into consideration seriously and accordingly, the rules will be framed.

Sir, regarding the Government-approved testing centres, I would submit that the State Governments have all powers to have their own centres, and if the Government of India is going to have any Government-approved testing centres, we will have the consent of the State Governments, and we are not going to franchise. But, the idea is that with the consent of the State Government, whether we can give it to institutions like IITs and other eminent institutions; whether this is possible. This is the idea that we have got.

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, IITs are educational institutions. They are not testing centres. How are they going to do it in IITs?

PROF. K.V. THOMAS: This is just an idea. The main thing is that this will not be franchised.

SHRI S.S. AHLUWALIA: The Minister should not come out with off the cuff ideas. Yesterday, I spoke about National Physical Laboratory which was started in 1950. The prime work was this. Now, when we are making Legal Metrological Institutes — I belong to Jharkhand State. There is an Institute in Ranchi, Jharkhand also. — why don't you do this and involve the Instrumentation Engineers in this?

MR. DEPUTY CHAIRMAN: That is the intention.

SHRI S.S. AHLUWALIA: Like at the time of giving licence for pharmacy, you need a B.Pharm person.

PROF. K.V. THOMAS: Sir, these suggestions are seriously considered. Now, coming to the qualification of the Directors, it can be addressed in the rules. Sir, the Director will be a well-qualified person.

Now, I move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

The Workmen's Compensation (Amendment) Bill, 2009

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): Sir, I beg to move:

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

सर, यह बिल जो हम संसद के सामने ला रहे हैं, इसमें बहुत मूलभूत संशोधन शामिल किए गए हैं। लोक सभा में माननीय सदस्यों ने इसे 25 नवम्बर, 2009 को पारित कर दिया है। इस बिल को अब मैं आपके सामने रख रहा हूँ इस बिल में संशोधन के लिए स्टैंडिंग कमेटी ने जो सुझाव दिए थे, वे हमने मान लिए हैं। इसमें जो महत्वपूर्ण संशोधन शामिल किए गए हैं, वे इस प्रकार हैं - इस अधिनियम को Gender Neutral बनाने के लिए इसके टाइटल को बदल कर 'Employees Compensation Act' किया जा रहा है। वर्तमान में इसका शीर्षक 'Workmen Compensation Act' है।

इस अधिनियम के Schedule II में बहुत रैस्ट्रिक्शन्स थे, जिससे पूरा लाभ कर्मचारियों को नहीं मिल पाता था। यह शैड्यूल खतरनाक उद्योगों की सूची है। हमने इस बारे में दिए गए सुझावों को मानते हुए सभी Restrictive Clauses को हटाने का प्रस्ताव रखा है। उदाहरण के तौर पर - जहां-जहां क्लैरिकल स्टाफ को कवर नहीं किया था, वे सब क्लॉजिज़ हमने Schedule II से हटा दिए हैं। जहां-जहां यह प्रावधान था कि केवल 20 या इससे ज्यादा काम करने वाले Establishment में यह कानून लागू होगा, इसे हमने हटा दिया है। इसी प्रकार जहां यह add किया हुआ था कि "पिछले बारह महीने में कम से कम एक दिन '25 या इससे ज्यादा' अथवा '50 या इससे ज्यादा' अथवा '10 या इससे ज्यादा' वर्कर्स काम करते हों, तभी वह खतरनाक Establishment या activity मानी जाएगी", इसको हमने हटा दिया है।