

of the Bill itself. I thought that is a matter to be sorted out and discussed by the Central Council. It is precisely having that sort of an objective in view that this body is being set up. With these remarks, I would like to express our eagerness to accept the amendment for sending this Bill to the Joint Committee.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is—

"That the Bill to provide for the constitution of a Central Council of Homoeopathy and the maintenance of a Central Register of Homoeopathy and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 45 members, 15 members from this House, namely:

1. Shri Sasankasekhar Sanyal
2. Shri Bhupinder Singh
3. Shri N. G. Goray
4. Dr. K. Nagappa Alva
5. Dr. Debiprasad Chattopadhyaya
6. Shri Sitaram Kesri
7. Shri Man Singh Varma
8. Shri T. K. Srinivasan
9. Shri K. C. Panda
10. Shri Manubhai Shah
11. Shri Sultan Singh
12. Shri N. P. Chaudhari
13. Shri T. G. Deshmukh
14. Shrimuti Savita Behan, and
15. Shrimiti Purabi Mukhopadhyay

and 30 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that the Committee shall make a report to this House by the first day of the Eighty-first Session; and

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

The motion was adopted.

THE MATERNITY BENEFIT (AMENDMENT) BILL, 1971

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR): Sir, I beg to move:

"That the Bill to amend the Maternity Benefit Act 1961 as introduced in the Rajya Sabha be taken into consideration and passed."

Sir, in 1961 the Maternity Benefit Act was enacted to secure uniformity in the payment of maternity benefit to women industrial workers throughout the country in certain industries. There is then also the Employees' State Insurance Act, 1948 which provides for the payment of maternity benefit.

Sub-section (2) of Section 2 of the Maternity Benefit Act, 1961 provides that—

"Nothing contained in this Act shall apply to any factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948 apply for the time being."

The intention is I hat a woman worker should cease to get maternity benefit under the Maternity Benefit Act, 1961 when she gets the same benefit under the Employees State Insurance Act, 1948.

In accordance with the provisions of Section 50 of the Employees' State Insurance Act, 1948 maternity benefit becomes payable after a period of about nine months from the date of application of the Employees' State Insurance Scheme to an area subject to the fulfilment of certain qualifying conditions in regard to payment of contributions.

The Government of Gujarat brought the Maternity Benefit Act into force in factories with effect from the 1st March, 1964. The Employees' State Insurance Scheme was extended to Ahmedabad with effect from the 4th October, 1964. Some employers in Ahmedabad stopped payment of maternity benefit to women workers to which they were entitled under the Maternity Benefit Act, 1961 before the 4th October, 1964 on the ground that they were not required to do so in view of Section 2(2) of the Act. To meet the situation, the Government of Gujarat amended the Maternity Benefit Act, 1961.

[Shri R. K. Khadilkar]

In order to safeguard against the recurrence of such cases it is proposed, through this Bill, to amend the Maternity Benefit Act, 1961 so as to provide that in the event of the application of Employees' State Insurance Scheme to any factory or establishment maternity benefit under the Maternity Benefit Act would continue to be available to women workers employed therein, until they become qualified to claim similar benefits under the Employees' State Insurance Act.

An identical Bill was passed earlier by the Rajya Sabha in July, 1966 and again in December, 1967, but it did not reach the stage of consideration and passing by the Third and the Fourth Lok Sabha and it lapsed on either occasion on the dissolution of that House. Sir, I commend the Bill for consideration and jassing by the House.

The question was proposed.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Yes, Mr. Shejwalkar.

SHRI N. K. SHEJWALKAR (Madhya Pradesh): Mr. Vice-Chairman, Sir, I welcome this amendment. I do not know why, when it was passed once in 1966 and at another time in 1967, it took such a long time for the Government to bring forward this Bill in this House. It could have been brought much earlier. Anyway, better late than never.

Sir, it is really in the interest of these women labourers who were up till now denied the benefits under this Bill on account of the existing Section 2. The Employees' State Insurance Act lays down certain conditions under which only a woman becomes entitled to this benefit as has been explained by the hon. Minister. Actually, there are certain cases, for example, in Gujarat, where this ben.fit which was being given was stopped. Now, Sir, I hoPe, after this amendment, this disa-advantage which was being put by the Employees' State Insurance Act will be removed and uniformly all these women will be gelling this benefit. So, Sir, I entirely welcome this and support this Bill.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Any other Member willing to parti-

cipate? I think the Minister can reply now.

SHRI R. K. KHADILKAR: Sir, I have already explained. As the hon. Member has said, under certain conditions the workers were deprived of the benefit. Now, this is an amending measure which was carried by this House twice. Unfortunately, because of the dissolution of the Lok Sabha, it lapsed. So, Sir, I do not think any further reply is called for.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is—

"That the Bill further to amend the Maternity Benefit Act, 1961, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

Clause 1

Short Title

SHRIR.K. KHADILKAR: Sir, I move:

2. "That at page 1, line 4, for the figures "1971" the figures "1972" be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is—

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

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

Enacting Formula

SHRI R. K. KHADILKAR: Sir, I move:

1. "That at page 1, line 1, for the word "Twenty-second" the word "Twenty-third" be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is—

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

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

The Title was added to the Bill.

SHRI R. K. KHADILKAR: Sir, I move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE HIRE-PURCHASE BILL, 1968

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITI RAJ SINGH CHAUDHURY): Sir, I beg to move:

"That the Bill to define and regulate the rights and duties of parties to hire-purchase agreements and matters connected therewith or incidental thereto, as reported by the Joint Committee of the Houses, be taken into consideration."

A hire-purchase agreement is a hybrid transaction which starting as a contract of hire may culminate in an out and out sale. It is an agreement for hire with an option to the hirer to purchase the goods. It is a convenient and useful legal device to persons who desire to acquire goods on long terms and obtain possession of them.

In India the need for a separate law on the subject was not felt until quite recent times as hire-purchase transactions were not resorted to on a large scale except in the field of automobiles. As in England and other foreign countries, with the growth of hire-purchase business, the absence of a specific law on the subject has sometimes given rise to certain abuses and evils, especially in relation to the hirer who is usually the weaker party to the transaction.

[THE VICE-CHAIRMAN (SIRIMATI PURABI MUKHOPADHYAY) in the Chair]

With a view to avoiding such abuses and evils, the Law Commission has, in its Twentieth Report on the Law of Hire-Purchase, made detailed recommendations for the enactment of a law with respect to hire-purchase.

The Hire-Purchase Bill, 1968, which was introduced in the Rajya Sabha on the 22nd July, 1968, sought to implement the recommendations contained in the Twentieth Report of the Law Commission subject to certain modifications suggested by the study Team on Road Transport Financing and some of the administrative Ministries.

I shall briefly explain the salient features of the Bill as introduced.

The scope of the Bill is quite limited. It does not purport to codify the law relating to hire-purchase agreements. It only seeks to define and regulate the rights of the owners and the hirers and of persons claiming under them in certain circumstances. It leaves all other matters relating to hire-purchase agreements to be governed by the law in force relating to contracts. Many of the provisions incorporated in the Bill are more or less declaratory of the existing position though there are a few provisions which are intended to give special protection to the hirer. The provisions included in the Bill deal *inter alia* with the form and content of hire-purchase agreements, the conditions and warranties to be implied therein by operation of law, the mutual rights and obligations of the parties to such agreements and the procedure for the enforcement of these rights in certain cases. As explained in the statement of objects and reasons appended to the Bill, the Bill seeks to give special protection to the hirer, who is the weaker party to the transaction, wherever such protection is legitimately needed.

The Joint Committee felt that the interests of the hirers especially should be considered by them and for that purpose appointed two different Sub-Committees for visiting Calcutta and Madras respectively. I do not wish to deal at length with the amendments made by the Joint Committee. I have no hesitation in stating that the various amendments which the Committee has made are well considered though I have some reservations regarding the amendment made by the Committee to clause 6 (2) (a) of the Bill and I will try to place my viewpoint with regard to this at the time of clause