

[Shri Shah Nawaz Khan.] 4th October 1964. Section 2(2) of the Maternity Benefit Act, 1961 reads as under :—

"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."

Some employers in Ahmedabad stopped the payment of maternity benefit to women workers to which they were entitled before the 4th October 1964 under the Maternity Benefit Act on the ground that they were not required to do so in view of Section 2(2) of the Act. In accordance with the provisions of Section 50 of the Employees' State Insurance Act, 1948, however, maternity benefit becomes payable after a period of about 9 months from the date of application of Employees' State Insurance Scheme to an area subject to the fulfilment of certain qualifying conditions in regard to the payment of contributions. Thus, during a period of nine months the women workers in Ahmedabad could not get maternity benefit under either of the two Acts. In order to meet the situation, the Government of Gujarat amended the Maternity Benefit Act in its application to that State.

In order to safeguard against the recurrence of such cases in areas to which the Employees' State Insurance Scheme may be extended hereafter, 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 the Employees' State Insurance Scheme to any factory or establishment, maternity benefit under the Maternity Benefit Act would continue to be available to women workers therein, until they become qualified to claim similar benefits under the Employees' State Insurance Act.

With these words, I move.

The question was proposed.

SHRI LOKANATH MISRA (Orissa) : Madam Deputy Chairman, as indicated by the Mover of this Bill, this is a simple amendment. But all the same it is a very necessary one. I could not quite follow, when he explained the position, how a legislative lacuna could creep in to debar

certain workers in the country from the benefits that were due to them. Who was responsible for it? If it was the Minister himself, he is incompetent; if it was any of his officers, they must be sacked, because if in the case of such a small amendment, such a simple legislation, his officers or he himself could go wrong, how can we entrust him with the entire field of labour of this vast country? I think he would seriously look into this.

SHRI N. PATRA (Orissa) : Are you really serious?

SHRI LOKANATH MISRA: I do not know whether you can imagine the seriousness with which I am urging the Minister to take action against those people who are responsible for it. You need seriousness to realise my seriousness and my effort at trying to persuade the Minister to take action.

Now, Madam, I am one of those who definitely would plead for as much benefit to the workers as possible. But I have another point to make in this regard. I have not been able to persuade myself on one point to agree with the Minister. On the one hand, the Government of India is spending Rs. 100 crores on publicity on population control, on birth-control as they call it. On the other hand, here is a Bill whereby the Government becomes an abettor in population growth. You encourage people to produce more, to give birth to more children.

SHRI S. SUPAKAR (Orissa) : There is an amendment.

SHRI LOKANATH MISRA: Is there an amendment? I have not been supplied with it.

What should happen if, there should be a limit to it. You must allow maternity benefit up to a maximum of three or four children. If you want to give them additional benefits, do so, but educate their children. If you want to give them additional help, in the society. You can do it at Labour Minister. Instead of doing that why should you spend money both ways? On the one hand, you go on spending money to the tune of Rs. 100 crores and make a farcical show of it that you are

doing all that is possible to prevent more production of children and here you give encouragement, definite encouragement, to produce more children. Either do that or do away with the amount of Rs. 100 crores. Do not waste it. The way you have been penalising people through the process of taxation there has been a great hue and cry. People have been overburdened. Do not waste their money if you are not serious about what you want to do. If you are serious about it, I would urge that the Minister should bring forward a legislation that would enable the workers largely to be taken care of by the employers. If they produce two or three children, they could be cared for much better than they are being cared for now. I think every worker in this country would be much happier that way than by claiming this maternity benefit for two months and a half. Thereby you solve both the problems. You do not have children who are left uneducated in the country and at the same time you check overpopulation.

With this suggestion, Madam, I would urge again upon the Minister to look into it seriously.

DR. SHRIMATI PHULRENU GUHA (West Bengal) : Madam Deputy Chairman, I support this amendment, but I would say that the amendment should have come long before. I agree in certain points with our friend, Shri Lokanath

Misra, not with every word of his, that as soon as it was found out that there are some lacunae such a simple amendment could have been brought forward in this House long before. It is quite amazing, Madam,—I place before you—, that one Ministry likes to give maternity benefit by amending the Bill while in another Ministry we are spending crores of rupees for family planning. I think in this Maternity Bill, the Ministry concerned should have brought, along with this amendment, the spacing of children and also the limitations of the families. I think that, along with this amendment, full maternity benefits should be looked into, and I would request, through you, Madam, the Ministry concerned to bring forward a Bill or an amended Bill to limit the family of the people with all provision and help of T-60RS/66—5

Family Planning within this year. With this suggestion I support this Bill.

SHRI BANKA BEHARI DAS (Orissa) : Madam Deputy Chairman, I extend my support to this Bill. As a trade unionist I am happy that at last this lacuna has been realised. In our State we approached our Labour Directorate many times drawing their attention to the difficulties that we are facing. In this connection I want to remind the Minister that because labour is concurrent subject according to the Constitution, different States have their different Bills concerning maternity benefits. I would rather request the Minister to take up this matter in the coming Labour Conference so that all the States can agree to have a uniform measure as regards maternity benefits. I know that in our State of Orissa we have a different Act about maternity benefits and the financial advantages and the advantages that the women workers get under that Act are completely different from those prevailing in other States. So without speaking much about it, I would like to ask the Minister to have this subject on the agenda in the coming Labour Conference so that we could have a uniform measure throughout India.

Madam, in this connection I want to draw the attention of the Minister to another serious fact. Because of some special measures for women, the Indian industrialists and employers are not employing them in spite of the fact that there are both educated and uneducated women who are seeking employment in this country. You know, Madam, in many of the cases in Bombay, some of the industrialists, while they give advertisement, specifically mention that no woman is eligible to apply for these posts. As a result some of the trade unions have gone to the court and the Bombay High Court has decreed that such advertisements are very illegal. So, Madam, I want to emphasise the fact that because the employers of India are to give certain benefits to the women once they are employed, the tendency everywhere in the country, whether they are industrial employers or employers in offices, is not to employ women labour. Though in the Constitution we have given this privilege to the women and we have declared that there will be no discrimination

[Shri Banka Behari Das.] tion on the ground of sex, actually everywhere there is discrimination on this^ ground just because of this financial reason. I have no ready-made solution to this, and I know that under this law nothing can be done. But this is a serious matter. Not only we as trade unionists are concerned about it, but I would request the Government also to consider this aspect of the question.

Madam, beyond this I have nothing to say. But I want to emphasize this fact that not only women should get this maternity benefit but this question of employment should be solved also.

Secondly, I do not agree with some of my friends who advocate that beyond a certain number of children the women should not get this benefit. I cannot agree with this though I sincerely believe in population control and I want that the Government should take all measures specially in the under-developed areas to see that population control is effectively done. But because somebody, for whatever reasons, whether it is out of ignorance or anything, does not resort to population control, such punitive provisions against him should not be there in the Act.

ni. if we have in this country these Maternity benefit measures, it is in pursuance of certain decisions that we have taken in the International Labour Conferences. So even in other countries, where they sincerely believe in population control, they have not taken resort to measures like this because through such measures alone population should not be controlled. Though I am one with everybody that population is a serious problem in India, we should not take advantage of such measures to control the population. With these words, I fully extend my support to this measure.

SHRI A. P. CHATTERJEE (West Bengal) : Madam, I welcome this Bill. Perhaps I would not have taken the time at the House by speaking on the Bill but for the suggestion from some hon. Members that those women, who do not follow the spacing rule as far as begetting of children is concerned, should not get the maternity benefit.

Now, Madam, as far as population control is concerned, first of all, I must say that basically population control is something which cannot be really imposed upon a people. Population control comes along with education, I think when these sterilizing and other methods of contraception were not known to the people, people did know how to control the begetting of children because of education. If we could make education available to every ordinary working woman and man, if we could spread education properly among the poorer strata of population, that itself would make them conscious of the size of the family that they should have.

4 P.M.

But if the Government wants or intend* to impose sterilisation or castration on the population, that would be, in my humble submission, really not only immoral but also inequitable. As far as children are concerned, they come sometimes, as my predecessor has very well said, due to ignorance and sometimes because they perhaps did not know the methods of population control or sometimes because of other reasons but that should not mean that there should be any provision in the Act preventing or depriving the women from getting the maternity benefit. Rather should be able to see that where there is more poverty, there are more children. That is a thing which is very noticeable in our society and in every society in every country. It is because the poorer sections are ignorant or illiterate and they have lesser chances for other recreation. It is really education and better means of living that can really bring about population control but what the hon. Members have now suggested is exactly this that because they are having more children, therefore, we should impose on them more poverty and not better means of livelihood. That is what it comes to. When an hon. Member suggests that if a woman has more than two children she should not get maternity benefit that really means that you put her into greater poverty, and she thinks that that will put her into more dire economic condition and so she will have lesser children but our sociological experience is quite different and is quite otherwise. We know that the poorer and poorer conditions*

tions into which people are put, the more illiterate or uneducated condition in which they are put, the more we find that there is less and less of family planning and greater is the size of the family. That is the sociological experience of all countries and that is the experience in our country also. Therefore the hon. Member's suggestion something which is quite wrong and as I have said, it is inequitable, immoral and a funny too. Instead of providing for greater amenities and better conditions of life, instead of providing for greater chances of education, the hon. Member wants to punish those persons who have been put into a position of poverty, not due to any fault of theirs but due to the fault of the society, a society which is ridden like a nightmare by the richer sections who want to appropriate the best things of life for themselves by depriving the poorer sections and the poorer strata of the population.

Therefore I welcome this Bill and I ask this House to reject the pernicious suggestion that has come from certain Members of this House.

DR. (MRS.) MANGLADEVI TAL-WAR (Rajasthan) : Madam, I am very glad to support this simple amendment as the Minister has stated. I agree with Dr. Guha who has said that this amendment should have come much earlier. However, better late than never and therefore it is welcome. This is to help those women who are now deprived of it, the factory or the institutions where they are working were covered by the Employees State Insurance Act, 1948. The original Bill envisaged two things one was that the woman should be paid her average wage for the period of two and a half months for which she is absent and, secondly, she should be given medical bonus of Rs. 25 or be provided by the employer ante-natal and post-natal care. Both these are essential and do not need much elaboration now. I would draw your kind attention to the amendment that Dr. Paranjpye has proposed, which I support. I would draw the attention of the Members of the Opposition who have said that this restriction or regulating the number of children should not be applied to woman workers. As we know, our population is increasing at a terrible rate. There is a 2.5 per cent, increase in our popula-

tion per annum. At that rate, after 25 or 30 years, we will not be able to meet the basic needs of the people, of giving them clothing, shelter, food and medical aid, no matter how much increase we have in our production, yet the standard of living will not rise and when we are introducing measures for educating the public to control the population, there is no reason why this section of the population should not be included in it. True enough that it implies certain amount of compulsion but this compulsion is of the type as, we saw in the case of children that they would be admitted in certain schools only if they produce vaccination certificate or something of that type. It is an indirect restriction on the people. Therefore I suggest a slight change in the amendment.

THE DEPUTY CHAIRMAN : The amendment is not before the House. Now it is general discussion.

DR. (MRS.) MANGLADEVI TAL-WAR: Even without the amendment, I suggest that the women who are given this benefit should be given for three children and after that their cases should be considered on merit. As Members have pointed out, it is a thing that has to be considered on merits and I agree that a rigid rule should not be applied in all the cases. For three children they should be given and after that, their cases should be considered on medical and other grounds.

At the same time good care should be taken to see that the parents are given education and other facilities, to practise planned parenthood. They should be given all the facilities that they need to limit their families.

With these words, Madam, I support the amending Bill.

SHRI M. V. BHADRAM (Andhra Pradesh) : Madam Deputy Chairman, I welcome the measure though it is a belated one. It is a piece of labour welfare legislation, but the amending Bill contains only one amendment, only one Clause proposed as an additional section to the original Act. This Bill contains only one Clause which is additional to the original Act, and it reads :—

"5A. Every woman entitled to the payment of maternity benefit under this

[Shri M. V. Bhadram.]

Act shall, notwithstanding - the application of the Employees' State Insurance Act, 1948, to the factory or other establishment in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under section 50 of that Act." •

It means that, till she is qualified to be entitled to the benefit under the Employees' State Insurance Act she will continue to get the benefit under the Maternity Benefit Act from her employer. The employer has to pay the benefit till such date when she becomes entitled to the benefit under the Employees' State Insurance Act. It means that a woman worker, for a certain period, gets her benefit from her employer, and for the remaining portion she is to get the benefit from the Employees' State Insurance Corporation. Therefore I feel that amendment of the Maternity Benefit Act is not quite a proper one; the proper amendment should have been to the Employees' State Insurance Act where the benefits are more. My information goes to show that there are enough funds with the Employees' State Insurance Corporation, which are lying idle, and the Corporation does not know what to do with the amounts, and they have invested them in securities. Such amount is to the tune of about Rs. 40 crores. Now the money that is collected by the Employees' State Insurance Corporation is for the medical benefit and other benefits of the employees that are members of the Corporation. But unfortunately that is not being done. Maternity hospitals may be built and maternity wards may be opened and thereby more money can be given under the Employees' State Insurance Act rather than under the Maternity Benefit Act.

There is one more incongruity in this thing. Under section 5 of the Maternity Benefit Act a woman worker is entitled to the average daily wage, or one rupee, whichever is higher. Under sub-section 50(3) of the Employees' State Insurance Act it is medical benefit, or twelve annas a day, whichever is greater. So under the Maternity Benefit Act she gets one rupee, and under the Employees' State Insurance Act she gets only twelve annas. This disparity should be removed.

Even though the object of the Bill is quite welcome, I feel that this amendment will not do. A comprehensive amendment to the Employees' State Insurance Act should be brought forward and I think Government will do well to do that

Some suggestions are there in an amendment for birth control and all that, and when the amendment comes. I shall have my say.

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Another incongruity is there. The hon. Minister stated that, under the Employees' State Insurance Act, till nine months on, is not eligible to the benefit under the Act. But here, under the Maternity Benefit Act, if she has put in 160 days, she is eligible. So these two things are incongruous. Since it is a labour welfare measure, it should be thought of properly and a proper amendment to the Employees' State Insurance Act should be brought forward, not to the Maternity Benefit Act. as is done here.

With these remarks I conclude my speech.

SHRI T. V. ANANDAN (Madras) : Madam Deputy Chairman, I rise to support the Bill amending the Maternity Benefit Act of 1961. Since the introduction of that Act a lacuna has been created making a woman worker suffer for entitlement of this maternity benefit. As per the statement made by the Deputy Minister while introducing the Bill, although this maternity benefit was stopped as far back as in 1964 by some employers in Ahmedabad, it has taken about two years for the introduction and passing of this amendment. However, it is a good amendment and I welcome it. At the same time I like to ask the Government why, when it takes up the question of workers in this country, it does not convey what is taking place in the advanced and developed countries whereas the Government is very eager to introduce the labour-saving devices which are employed in those foreign countries where there is dearth of working hands. But here in our country there is no dearth at all and we are not able to give employment to those who seek it. Yet we are introducing labour-saving machines, like electronic computers, central traffic control, electrification

cation, dieselisation and so on, thereby reducing the number of those who are already working in some industry or other. And when they want to introduce a labour welfare measure, what the advanced countries have done in that direction is not at all being sighted and adopted here by our Government, or the Ministers who go to foreign countries on some fact-finding missions. But in foreign countries I may point out that when a woman worker has to go into confinement, they allow eight weeks before confinement and eight weeks after confinement. But here in our country it is only six weeks before and after. Now, Madam, is it not fair, when our country is copying the labour-saving machines introduced in advanced countries, is it not right, if the working classes demand that the Government must also extend the labour welfare measures which are prevailing in other countries to our workers also? Now here what is the maternity benefit? What is that? It is seven-twelfths of the rate of pay, that a woman worker is entitled to for six weeks. And it is not going to be paid by the Government; it is going to be paid by the employer, whom the Government allows to amass wealth by fair and foul means, and we must thank the Governor of Punjab for the recent action he took to unearth the stocks of hoarders and blackmarketeers. Our Government is not so much interested in labour welfare measures of the kind that is prevalent in foreign countries, but it is encouraging the capitalists and the industrialists to amass wealth, and they do so also by cheating the Government denying it its due by manipulating their accounts. Here I make a small point, in connection with this amending Bill. It is not difficult for Government to enact a law; as they have now introduced an amendment, they can still say: full wages for the six weeks at least; it may better be amended to cover a period of eight weeks either way or sixteen weeks in all allowing full wages for the period, as is prevailing in other countries. It is high time we do that.

SHRI AKBAR ALI KHAN (Andhra Pradesh): We are in full sympathy with these suggestions, but you should produce more wealth also.

SHRI ARJUN ARORA (Uttar Pradesh): Where more wealth is produced

by the workers and by nobody else, what happens?

SHRI T. V. ANANDAN: The wealth is there in the country, but we have not yet excavated that wealth. As much as Rs. 20,000 crores have been spent in this country and yet the "have-nots" have not been benefited at all. This is the demand and the representation of the working classes who make the wealth in this country.

This is a good piece of legislation which the Deputy Labour Minister has introduced. At the same time as has been stated by my hon. friend, Shri Misra there, I am also of the same opinion and I feel that instead, of spending Rs. 100 crores on population control by the Planning Ministry and the Health Ministry or a family planning, and having other measures by other Ministries, they should have more coordination among the different Ministries. There is no sufficient coordination among the different Ministries of this Government. That is my opinion. That has been observed even during the question time. One Minister says that such and such a question does not belong to him but to some other Minister and so on. That is not a right thing at all. That shows want of coordination. If there is coordination, instead of spending Rs. 100 crores in this manner, they can enlist the help of other Ministries and in the Cabinet consider the whole matter and instead of spending Rs. 100 crores here they can say that any woman worker having more than three children will not get this benefit.

SHRI ARJUN ARORA: Why not?

SHRI T. V. ANANDAN: There should be this control on population increase because this population explosion is feared all over the world, not only in our country.

SHRI BANKA BEHARY DAS: Why on the working class only? Have a tax on all persons who have more than, say, two children.

SHRI T. V. ANANDAN: The idea is that an attempt like this will have a good effect on limiting families.

SHRI ARJUN ARORA: But why only on the working class?

SHRI T. V. ANANDAN: If we have such a provision it will induce the woman worker. She will know that after her third child when she is bringing forth her fourth child this maternity benefit will not be available. In that way it will be helpful to the country.

SHRI ARJUN ARORA: Does the hon. Member imagine that women workers produce more children only in order to earn this maternity benefit ?

AN HON. MEMBER : Yes.

SHRI ARJUN ARORA: Not at all.

SHRI T. V. ANANDAN : No, do not misquote.

SHRI BANKA BEHARY DAS: I suggest that we should make a start with Parliament and the Legislatures and say that any Member of Parliament or of a Legislature if he has more than two children will be disqualified to be a Member. Let us start with that.

SHRI AKBAR ALI KHAN: I am sure this will not apply retrospectively.

SHRI T. V. ANANDAN: The ques- tion just now before the House is this amendment to the Maternity Benefit Act, 1961 and I shall confine myself to that now. I am not going into the other things. Therefore, I say the hon. Minister may, though not now, but at a subsequent time when he introduces a measure, incorporate these suggestions of ours also and thereby benefit the country and make it prosperous That is my intention. With these words I fully support this amending Bill that is before us now.

SHRI D. THENGARI (Uttar Pradesh): Madam, before I deal with the subject proper, I must clarify that so far as the amendment of Shrimati Shakuntala Paranjpye is concerned, I will pass no comment, either for or against it, because being a bachelor I consider myself not qualified and . . .

SHRI DAHYABHAI V. PATEL (Gujarat) i Why not say : Example is better than precept ?

SHRI AKBAR ALI KHAN : He does not want to enter a subject that he does not know. But other persons who do not know, they enter it.

SHRI D. THENGARI: I consider that it is beyond my jurisdiction. Madam Deputy Chairman, this measure is one that I welcome, so far as it goes. As a matter of fact, it should have been brought in much earlier. Nevertheless as the saying goes, it is never too late to mend. But the present amending Bill is again, as usual, an inadequate step in the right direction. As the Government is well aware, even today there is no uniformity, in the rate) of benefit, and the relief given is not related to the reality of the existing prices As such such piecemeal measures do no provide appropriate relief to those for whom they are meant.

The subject of maternity benefits in India was taken up for discussion, for the first time, by the Commission on the Employment of Women of the Washington Conference, *i.e.*, the first session of the International Labour Conference, 1919, which adopted the Child-birth Convention. This means that the subject is quite old. In 1924, Shri N. M. Joshi made an unsuccessful attempt to place an all-India Maternity Benefit Law on the Statute Book of the Central Government.

In 1929, the Bombay Government passed the first maternity benefit law, to be followed in 1930 by the Madhya Pradesh Government.

AN HON. MEMBER: You mean the Central Provinces of those days ?

SHRI D. THENGARI: Yes, the Central Provinces and Berar. And then other Provinces followed suit in course of time.

The Royal Commission on Labour examined this question, but the guiding principles laid down by the Royal Commission were found to fall far short of the standards laid down by the Child-birth Convention.

It is a matter of great regret that even Uxlay, that is to say, nineteen years after our attaining independence, we are not free from the inadequacies, the defects and the drawbacks of the maternity benefit legislation, and have not been able to ensure fully the two essential features of a maternity benefit scheme namely, com-¹ pensation and medical care. Whatever legislation is there, suffers from the absence of proper enforcement. Insecurity of service is still a menace that women workers are required to face constantly. The paucity of women doctors including women workers, is still a handicap. Ignorance of women workers is also another obstacle.

The point to be considered seriously by us is this. Immediately after independence we had set before us as an ideal in respect of maternity benefit, some measures including the International Labour Conference regulations concerning the problems of maternity protection. These were;

- (i) The Child-birth Convention of 1919 (Convention No. 3),
- (ii) The Child-birth (Agriculture) Recommendation, 1921 (Recommendation No. 12),
- tiii) Articles 10 and 24(3) of the Income Security Recommendation, 1944 (Recommendation No. 67),
- (iv) Article 31 of the Recommendation concerning Minimum Standards of Social Policy in Dependent Territories, 1944 (Recommendation No. 70),
- (v) The Havana Code of 1939,
- (vi) The Social Security Resolution of the Asian Labour Conference, 1947, and
- (vii) The Medical Care Recommendation, 1944.

The point is this. After nineteen long years, how far have we progressed in this direction? I am confident that even the hon. Minister cannot claim that our performance so far has been satisfactory. But what is most important is the evolution of an integrated social security scheme,

covering all aspects of social security, from workmen's compensation to unemployment insurance.

In 1939, New Zealand took the lead in creating a comprehensive social security social assistance and schemes that provided scheme by bringing together a series of old-age, invalidity and survivors' pensions, unemployment benefits and family allowance adding sickness benefit and all forms of health services. Other advanced countries also followed the example of New Zealand, one by one.

In 1942, as is well known, Sir William Beveridge, in his historic Report on Social Insurance and Allied Services, pleaded for improvement of state insurance—to quote his words:

"by means of improving the present schemes of social insurance in three directions :

- (i) by extension of scope to cover persons now excluded;
- (ii) by extension of purposes to cover risks now excluded; and
- (iii) by raising the rates of benefit."

The 26th session of the International Labour Conference made two recommendations, *i.e.* Recommendation No. 67 and Recommendation No. 69—and I quote:

"to bring together in a single scheme all provisions for assuring maintenance in case of inability to work or to obtain work, and to extend these provisions to all workers whether employed or self-employed, and whether urban or rural."

It has now become obvious to all thinking minds that there can be no real freedom from fear or worry, in the absence of an integrated social security scheme.

Our Constitution states :

"The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and public assistance in case of unemployment, old-age, sickness, disablement and other cases of undeserved want."

[Shri D. Thengari.]

Obviously, the Constitution envisages an integrated social security scheme. In the past we had evolved a characteristically Bharatiya socio-economic order which ensured fullest social security to all. But that order is now disintegrating. And a new order is not yet evolved. Thus ours is a case of unborn tomorrow and dead yesterday. Against this background I urge upon the Government to make an early and determined effort to realise our long-cherished dream of full comprehensive social security.

THE DEPUTY CHAIRMAN : Mr. Sen Gupta is not here. Miss Vasisht.

KUMARI SHANTA VASISHT (Delhi): Madam Deputy Chairman, this is a very good Bill and I am glad this amendment will be helping the women workers but actually I wanted only to speak on the amendment.

SHRI ARJUN ARORA: Madam, this is a very simple Bill aimed at correcting some drafting error in the 1961 Bill. It is strange that all sorts of things have been said in connection with the passing of this Bill and all sorts of fancy ideas have been aired by various Members, particularly by a lady Member who has moved an amendment. I will not go into her amendment just now; I will oppose it when it comes before the House and I hope it will be thrown out. The Bill aims at providing certain benefits to the workers who are employed in factories covered by the Employees' State Insurance Act. The Employees' State Insurance Act, where it is applicable, takes up the coverages under the Workmen's Compensation Act and the Maternity Benefit Act but under the Employees' State Insurance Act a workman, whether he is a man or a poor woman, is covered by the Act and he or she begins to get the benefits permissible under the Act only when he or she is qualified for those benefits. There is a certain period of service, period of paying contributions to the Employees' State Insurance Corporation. When she has paid those contributions in that period, then alone she becomes entitled to the benefits under that Act. This Bill seeks to provide that where a woman worker is

employed in a factory covered by the Employees' State Insurance Act she will get the benefits under the Maternity Benefit Act in case she is not qualified to get those benefits under the E.S.I. Act. This is a very simple, correct and humanitarian thing which this Bill seeks to provide. This Bill does not seek to give any increased maternity benefits to any class of workers and the amendment limiting the benefits to two children or twenty children is beyond the scope of this Bill. The Bill merely seeks to provide coverage of women workers for a period during which while they continue to pay contributions under the Employees' State Insurance Act they have not paid it for a period of six months or nine months or whatever it is which is prescribed under that Act for qualifying for the benefits. I therefore support the Bill.

Mr. Bhadram mentioned that the Employees' State Insurance Corporation has huge funds. The story of the funds of the Employees' State Insurance Corporation must also be told to this House.

SHRI A. D. MANI (Madhya Pradesh) : Misused.

SHRI ARIUN ARORA : Whether they are misused or not is the function of the Public Accounts Committee to find out and I hope the Public Accounts Committee will one day go into it. It is already seized of the matter and let us suspend our judgment. The funds of the Employees' State Insurance Corporation are drawn from two sources, workers' contribution and employers' contribution. The workers' contribution is paid only by those workers who are covered by the Act whereas the employers' contribution which is a little less is paid by the employers all over the country irrespective of the fact whether their factories are covered by the E.S.I. Act or not. At one stage the scheme was applicable only to employees at Delhi and Kanpur, but the employers all over the country had to pay contribution. So certain funds accumulated. The funds were bound to accumulate because employers all over the country were being made to pay certain contributions while the workers at Kanpur and Delhi alone got the benefits

and they paid the contributions also. Now the scheme has been made applicable to many other areas and now the coverage is more than 30 lakhs of industrial workers. So the funds are not accumulating now. Mr. Mani feels—I do not know what his reasons are—that the funds have been misused. I know that the accumulated funds have been used to build hospitals, dispensaries and other buildings to be used for the benefit of the workers covered by [the E.S.I. scheme.

SHRI M. V. BHADRAM : Not to the extent of the availability of the funds.

SHRI ARJUN ARORA: Yes; some States undoubtedly have got more hospitals and some States have got less. Ahmedabad, for example, insisted that the scheme shall be applied to Ahmedabad only after hospitals and dispensaries have been built. Kanpur and maybe Andhra Pradesh did not insist on these things and so we have got less of hospitals and less of dispensaries but the funds have been utilised for building hospitals and dispensaries. The E.S.I. Corporation has certain funds. The hon. Member mentioned Rs. 40 crores; my information is that they are of the order of Rs. 35 crores but the Corporation is already committed to build hospitals and dispensaries worth Rs. 20 crores. The other day the Standing Committee of the Corporation met and we were informed—and I know the position—that no demand for a hospital is refused provided the State Government concerned is prepared to pay one-eighth of the expenses involved. There are certain State Governments, unenlightened and short-sighted including the Government of my own State, which do not agree to spend one-eighth of the capital expenditure.

And, therefore, we have got less and less hospitals. But the Government of Gujarat . . .

SHRI LOKANATH MISRA : Why do you not throw some light on your State Government ?

SHRI ARJUN ARORA : So much light was thrown on that yesterday. The Government of Gujarat is more enlightened.

So, everywhere in Gujarat, where the ESI scheme is applied, it has provided hospitals, dispensaries and residential quarters for the medical staff, which means that the doctors can be approached at any time.

The Employees' State Insurance Corporation is a tripartite organisation. A tripartite committee reviewed its working last year. The report has been laid on the Table of the House and I have given notice of a "No-Day-Yet-Named Motion" that that report should be discussed. I hope that the Government and you will find time for discussing the report. That will be the time to decide whether the funds have been properly used or misused. At the moment we are concerned with only one question and not the success of the idea of family planning, which will never succeed in anywhere. We are concerned only with one thing, whether a woman employed in a particular factory, which is covered by the ESI Act and is not entitled to get maternity benefit under the ESI Act, should get maternity benefit under the Maternity Benefit Act, 1961 and my reply to the question is 'Yes'. I hope the reply of every decent person will be 'Yes' and this Bill will be passed with a thumping majority.

SHRI SHAH NAWAZ KHAN: Madam Deputy Chairman, I am grateful to all sections of the House who have given their unanimous support to this Bill. My friend, Shri Arjun Arora, who is a member of the Standing Committee of the Employees' State Insurance Corporation and who has an intimate knowledge of the working of the Corporation, has elucidated the main object of this Bill. As he has correctly stated, in the actual working of the Maternity Benefit Act, it has come into conflict with the Employees' State Insurance Act. Some flaws have come to light and it is in order to rectify it this amending Bill has been brought forward.

SHRI LOKANATH MISRA : Have you found out who was responsible for the lapse or lacuna which has prevented certain workers in the country from getting this legitimate benefit ?

SHRI SHAH NAWAZ KHAN: It was an oversight, I might say.

SHRI LOKANATH MISRA . It must have been caused by somebody.

THE DEPUTY CHAIRMAN ; He will find it out.

SHRI SHAH NAWAZ KHAN : Most of the Members have spoken on the point whether maternity benefits should or should not be allowed to women who bear more than two or three children. This point has been gone into in great detail at the time the Maternity Benefit Bill, 1961 was before Parliament. This point was raised by the United Planters' Association of South India and this point was actually discussed by the Joint Committee of Parliament which went into the question. They turned down the suggestion that maternity benefits should be denied to women workers who bear more than two or three children. Even in the ILO Conventions nowhere is there a mention that this benefit should be denied to lady workers bearing more than a certain number of children. This point was again discussed in the Standing Labour Committee in February this year and it was again turned down. I should say it was rather a strange phenomenon that almost all the lady Members who spoke on this Bill were in favour of denying the maternity benefits to women workers who bore more than two or three children. *(Interruption)* I said almost all. Maternity benefits are provided to women workers when they need medical attention and care. To deny the benefits to the lady at the stage when she is about to deliver the child would cause great hardship to the woman worker. I am very glad to see that the people who live and work among the workers and who know the actual conditions have stood solidly for the benefits to be given to women workers, even if they bear more than two or three children, r fully agree with this House and with ray other lady Member friend when they say that the number of children born in this country should be restricted, but that applies to the whole country. The number Of women workers who derive these maternity benefits is very small indeed. They form a very small part of the entire population of this country and it would be invidious to deny these benefits to women workers. But I may assure the House that this

Ministry is fully alive to the need for enforcing family planning among workers and we are leaving no stone unturned to ensure that our workers are properly educated and that they take full advantage of the family planning facilities that are provided to the workers.

My friend, Mr. Banka Behary Das, from Orissa very correctly wanted that the Maternity Benefit Act should apply uniformly to all the States. It is correct that many States have enacted their own legislation. We have written to all the States and we have asked them to adopt the Central Maternity Benefit Act and to give up their own Acts. Many States have done so already.

Then one hon. Member suggested that the E.S.I. Act should be amended. I may inform him that the E.S.I. Act is being amended, and the amending Bill is before Parliament to provide for a minimum benefit of twice the standard rate which normally will not be less than Rs. 1.30. With the enactment of this Bill the minimum maternity benefits made applicable to women workers would be Rs. 1.30.

I do not, think there is any other point which needs clarification at this stage.

THE DEPUTY * CHAIRMAN : The question is :

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

The motion was adopted.

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

Clause 2 was ddded to the Sill.

Netv Clause 2A

SHRIMATI SHAKUNTALA PARANI-PYE (Nominated) : Madam, I move :

3. That at page 1 after line 9, the following new clause be inserted, namely :—

"2A. In section 5 of the principal Act. after sub-section (3), the follow-

ing sub-section shall be inserted, namely : —

'(4) Notwithstanding anything contained in this Act, no woman shall be entitled to the payment of maternity benefit after the first two deliveries.'"

Madam, I am really happy to see that a lot of discussion has taken place on my amendment even before I have moved it. I welcome that. That only shows that people's minds have started working. (In-temptation) They sometimes go in the wrong direction first before they come in the right direction. I have been working in this field for thirty years and I know how people reacted towards this suggestion, this policy and this scheme, and I know how they are all veering round to birth control. But, Madam, I would like to say that several of the hon. Members raised very pertinent points, and I will answer them according to the order in which they made the points.

I was/ surprised that my friend, Mr. Banka Behary Das, opposed the idea involved in my amendment by saying that he did not agree that benefit should be denied after two deliveries or even after ten deliveries. I think he would go in for any number of children that he possibly could. I think that is a wrong attitude because when anybody, be it the Government, be it the employer, be it anybody, offers any benefit, any facility or any aid, he has a right to see that the person who is thus benefited does not go in for irresponsible behaviour, does not go in for increased poverty, does not go in for increased want.

SHRI SHAH NAWAZ KHAN : She is not responsible for the irresponsibility.

SHRIMATI SHAKUNTALA PARANJ-PYE : Of course. When every employer now has all kinds . . .

SHRI ARJUN ARORA : Madam, on a point of order. The amendment which the hon. Member has moved is out of order. This is out of order, firstly, because the amendment does not come with-

in the object and the purview of the Bill. It says something for which the hon. Member can bring in a separate Bill and try her luck in the ballot etc. Secondly, it is out of order as it is *ultra vires* the Constitution because it is discriminatory.

THE DEPUTY CHAIRMAN: What about the second part ? Your first argument is all right.

SHRI ARJUN ARORA : I do not press my second point.

THE DEPUTY CHAIRMAN : Now that she has moved it I would like to hear her.

SHRIMATI SHAKUNTALA PARANJ-PYE : Thank you, Madam.

SHRI ARJUN ARORA : If it is out of order, it will not be in order to hear her.

THE DEPUTY CHAIRMAN : I would like to hear her.

SHRIMATI SHAKUNTALA PARANJ-PYE : Madam, I would like to be heard in silence. I was answering Mr. Banka Behary Das's suggestion that there was no reason to deny, that it was immoral etc. etc. to deny these benefits to a woman because she went in for more than a certain number of deliveries. I maintain that when a benefit is given, be it the Government or the employer . . .

SHRI ARJUN ARORA : Here you are mistaken . . .

SHRIMATI SHAKUNTALA PARANJ-PYE : I am not yielding. Please sit down.

SHRI ARJUN ARORA : She is misleading the House. The employee who will get the benefit has herself contributed money for several years before the child is born.

SHRIMATI SHAKUNTALA PARANJ-PYE : I quite agree that it is some of the money taken from their salaries or wages. But even this is not enough for the maintenance of the child, the extra child that will be born which, in my opinion and the

[Shrimati Shakuntala Paranjpye]

opinion of several of my women Member friends, is unnecessary. Before I answer other Members I had better answer my friend. Mr. Arora, first.

Mr. Arora asked a question : Does a woman worker go in for a child because of the benefits ? I say "Yes".

SHRI ARJUN ARORA : You are absolutely wrong.

SHRIMATI SHAKUNTALA PARANJ-PYE : May I have my say ?

SHRI ARJUN ARORA : I may tell you . . .

THE DEPUTY CHAIRMAN : Mr. Arora, please take your seat.

SHRIMATI SHAKUNTALA PARANJ-PYE : He may be a worker, a millhand, but I also have spent months and months of my life visiting and talking to them.

THE DEPUTY CHAIRMAN: You must address the Chair and not Mr. Arora. That is why he is interrupting you.

SHRIMATI SHAKUNTALA PARANJ-PYH : When I went to these people and told the women that they should learn something about birth control, about contraceptives, and so on, some of the women turned to me and said : "Do you want to deprive me of Rs. 300 ?" First of all I was taken aback and I said : "I do not understand you." They said : "Every time I have a baby I get this much, I get so many days' leave and I get so much of wages and it all amounts to more than Rs. 300". Now, Madam, I ask you if the woman answers me back in this way . . .

SHRI ARJUN ARORA : If she worked during the period she will have more than Rs. 300.

SHRIMATI SHAKUNTALA PARANJ-PYE : If she works she will have those Rs. 300 no doubt but she will have to get the rest and all that. But she will be a short-sighted woman when she has to bring up that child, feed that child, clothe that

child, etc., and I think it will be very wrong to go on giving these benefits for an> number of children seeing that our country at the present moment cannot feed iumber of people that it has on it. land. That is the main reason and we must cut our coat according to our cloth. It is very necessary. The hon. Minister said that it was not done in any of the European countries. Yes, the European countries want more population. Of course they do not go in for such a mea-but if they need it, I am sure they will go in for it. Another thing it . . .

5 P. M.

THE DEPUTY CHAIRMAN: I think you have covered the main points.

SHRIMATI SHAKUNTALA PARANJ-PYE . They said that it should not be given.

THE DEPUTY CHAIRMAN : We will finish this in a few minutes more.

SHRI MULKA GOVINDA REDDY (Mysore) : There are so many Members who want to oppose that.

[Interruptions]

THE DEPUTY CHAIRMAN : Please be quick. Let her have her say.

SHRIMATI SHAKUNTALA PARANJ-PYE : Be quick ? I did not speak much a id . I ask you to let me have my say on the amendment.

THE DEPUTY CHAIRMAN : Whatever it is. the House will finish this Bill.

SHRI LOKANATH MISRA : There are 10 speakers who will speak on the amendment.

SHRI ARJUN ARORA : Madam on a point of order again. When you have a:cepted my point of order . . .

SHRI MULKA GOVINDA REDDY: She has not accepted it.

SHRI ARJUN ARORA : She has. When you have already accepted my point of

order that this amendment is out of order . . .

SOME HON. MEMBERS : No, no.

SHRI ARJUN ARORA: . . . it is a waste of public time and public money to allow this to go ahead.

THE DEPUTY CHAIRMAN : Shrimati Shakuntala Paranjpye, you finish your comments.

(Interruptions)

SHRIMATI SHAKUNTALA PARANJPYE : I do not know where I am.

THE DEPUTY CHAIRMAN : You finish your comments.

SHRI ARJUN ARORA: Madam . . .

THE DEPUTY CHAIRMAN : Please. Mr. Arora, take your seat. I want her to finish, let her finish her comments.

(Interruptions)

SHRI DAHYABHAI V. PATEL: Is Shri Arjun Arora regulating the House ?

SHRI ARJUN ARORA : I want to raise a point of order and Shri Dahyabhai Patel certainly can never regulate the House.

SHRIMATI SHAKUNTALA PARANJPYE : I would like to ask the Members who do not see eye to eye with regard to this amendment : Is it not a fact that when a freeship is given to a student who goes to school, that is a kind of help, a kind of inducement for him to do well and learn ? Now I ask you : If that boy fails in the examination, is that freeship not withheld ? It is a similar thing that I am suggesting. You are giving the benefit for a certain number of children and you are . . .

SHRI AKBAR ALI KHAN : He is responsible for the failure. But here there are other circumstances.

SHRIMATI SHAKUNTALA PARANJPYE: My hon. men Members here are L60RS/66—570—3-4-67- GJPF.

stressing so much upon other people being responsible for the child being brought into this world; it is too late to send in an amendment. But if they do not want to deny the maternity benefit to the women, I suggest that there should be a paternity tax on men.

Madam, you want me to finish now and not tomorrow ?

THE DEPUTY CHAIRMAN : Yes.

(Interruptions)

SHRIMATI SHAKUNTALA PARANJPYE : I said, paternity tax.

SHRI ARJUN ARORA : You will bring one.

SHRIMATI SHAKUNTALA PARANJPYE : Madam, the mill *chawls* are very much overcrowded. The children have no room to move about. What I suggest, if adopted, will be a help for the families to be happy and to live in a healthy manner.

My friends are always talking in this House about automation and about labour-saving devices. Shri Anandan referred to it too. Now, when they are opposing automation, installation of computers and all those things, saying that so many hands will go out of employment, mine is an amendment to see that there will not be many hands to be thrown out of employment. This is the suggestion. We ought to see that the numbers are restricted if we want to progress, if we want to eat well, if we want to live well and to have enough.

Thank you.

The question was proposed.

THE DEPUTY CHAIRMAN: Since there are others who want to express their views on this amendment, that can be done tomorrow.

The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at four minutes past five of the clock till eleven of the clock on Wednesday, the 27th July, 1966. .