MR DEPUTY CHAIRMAN. We can take up the amendment when we come to the clause by clause consideration stage Have you any reply to his speech?

DR. B GOPALA REDDI He has spoken about the amendment itself

MR DEPUTY CHAIRMAN: The question is:

"That the Bill to regulate dividends on preference shares of certain companies, as passed by the Lok Sabha, be taken into consideration

The motion was adopted

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

Clauses 2 *and* 3 *were added to the Bill*

Clause 4—*Special provisions in relation to companies where a portion of their income is not chargeable to income-tax.*

MR DEPUTY CHAIRMAN Shall we consider this amendment, Mr Reddy? If it is objected to I cannot allow it

DR. B GOPALA REDDI I do not think there is any need for him to move it

SHRI P D HIMATSINGKA Then I do not move it

MR. DEPUTY CHAIRMAN The question is

'That clause 4 stand part of the Bill"

The motion was adopted

Clause 4 *was added to the Bill.*

Clauses 5 *to* 7 *were added to the Bill*

Clause 1, *the Enacting Formula and the Title were added to the Bill.*

DR B GOPALA REDDI: Sir I move

"That the Bill be passed"

The question was put and the motion was adopted.

—

THE MATERNITY BENEFIT BILL, 1960

THE MINISTER OF REVENUE AND CIVIL EXPENDITURE (DR B. GOPALA REDDI) Sir, on behalf of Shri Gulzari Lal Nanda, I beg to move

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for payment of maternity benefit to them, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee —

1 Shri Akhtar Husain
2 Shrimati Anis Kidwai
3 Shri Arjun Arora
4 Sardar Budh Singh
5 Shrimati K Bharathi
6 Shri Rohit Manushankar Dave
7 Shri Khandubhai K Desai
8 Shrimati Jahanara Jaipal Singh
9 Shri Akbar Ali Khan
10 Shri Kishori Ram
11 Shrimati Krishna Kumari
12 Shri Bhagirathi Mahapatra
13 Dr A Subba Rao
14 Shrimati Shanta Vashist and
15 Shri Abid Ali"

The question was proposed

श्री निरजन सिंह (मध्य प्रदेश) · उपसभापति महादय जो विधेयक हमारे सामने है उसके सम्बन्ध मे मुझे कुछ ज्यादा नही कहना है। सिर्फ मै कुछ ऐसे सजेशन देना

[श्री निरंजन सिंह]

चाहता हूं जिस के ऊपर सिलेक्ट कमेटी विचार करेगी और इस विधेयक को ठीक रूप में लाने की कोशिश करेगी ।

चौथे पेज पर जिस प्राविज़न के सम्बन्ध में मैं कहना चाहता हूं वह इस प्रकार है --

"Provided that the qualifying period of two hundred and forty days aforesaid shall not apply to a woman who has immigrated into the State of Assam and was pregnant at the time of the immigration."

इस प्राविजन को लाने की कोई आवश्यकता नहीं थी । मैं मानता हूं कि जहां टी गार्डन्स है वहां बाहर के लेबर जाते है और यह भी होता है कि वहां जा कर के थोड़े दिन काम करने के बाद यदि वहां की क्लाइमेट ठीक नहीं होती तो वे वहां से वापस चले आते है । मैं यह समझता हूं कि यह प्राविजन अच्छा नही है । प्राविजन ज्यादा से ज्यादा यह किया जा सकता था कि जितना पीरियड छ: वीक्स का है वह यदि खत्म हो जाता है और डेलिवरी के बाद वह स्त्री वहा पर नहीं रहती है बल्कि अपने प्रान्त को चली आती है तो उसको वह बेनिफिट न दिया जाय । लेकिन यह कहना कि जब कोई स्त्री किसी सर्विस में २४० दिन रहे उसके बाद उसको मेटर्निटी की जो फैसिलिटीज है वह पाने का राइट है और वह राइट आसाम की स्टेट में जो बाहर की काम करने वाली स्त्री है उसको नही मिलेगा, ठीक नहीं है । यह साढ़े सात महीने के करीब समय होता है । जान बूझ करके यह साढ़े सात महीने का पीरियड रखा गया है । यदि साढ़े सात महीने कोई स्त्री काम करती है तो उसको यह अधिकार हो जाता है । मैं यह कहना चाहता हूं कि यह साढ़े सात महीने का पीरियड आसाम में उतना ही अनुकूल है जितना कि किसी और दूसरी स्टेट मे । मैं यह जानना चाहता हूं कि आपने आसाम के लिए यह कर दिया, किन्तु मैसूर के लिए क्यों नही किया, देहरादून के लिए क्यों नहीं किया, दार्जिलिंग के लिए क्यों नहीं किया जहा दूसरी टी गार्डन्स है । यह आसाम के लिए किसी खास उद्देश्य से किया गया है । वहा पर इंडियन्स की टी गार्डेन्स नहीं है और वहा जो फारेनर्स हैं उनसे आप डरते है । इसलिए यह प्राविजन किया गया है ।

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): It is open to the State Government to bring in as many other concerns as necessary; the other gardens could be brought, if necessary, by the State Government. There is the provision in the Bill for it.

श्री निरंजन सिंह : मेरा यह कहना है कि ऐसा प्राविजन लाने की जरूरत नहीं है । आपने इस बिल में सिर्फ यह प्राविजन किया है कि कोई स्त्री जो आसाम की नही है वह अगर वहां जाती है तो उसको यह प्रिविलेज नहीं मिलेगा । इसलिए मैं यह चाहता हूं कि जिस वक्त यह सवाल सिलेक्ट कमेटी के सामने आये तो उसको इस पर गंभीरता से सोचना चाहिये क्योंकि यह जो वैरिटी है यह गलत है । एक तरफ आप यह कहते है कि जहा तक स्टेट्स का सम्बन्ध है, हम एक दूसरे में मतभेद नहीं करना चाहते और दूसरी तरफ यहा आपने एक स्टेट को एक ऐडवांटेज दिया है । यह ऐडवांटेज क्यों दिया है, इसके ऊपर सिलेक्ट कमेटी के मेम्बरों को गंभीरता से, जब उनके सामने यह प्रश्न आये, सोचना चाहिए ।

इसमें जो १२ हफ्ते का सवाल है, उसके सम्बन्ध मे मुझे थोडी आपत्ति है । मैं समझता हू कि जिन्होंने काम किया है या जो काम करते है उनको इस सम्बन्ध में अनुभव है और खास कर जो स्त्रियां है उनको भी अनुभव है कि जो छ: हफ्ते पहले दिये गये हैं वे किस तरह से आप मंजूर करेंगे । पहले मैं यह कहना चाहता हूं कि इस सब सेक्शन ३ के सम्बन्ध मे गंभीरता से सोचने की आवश्यकता है । हर जगह जो गवर्नमेंट के या फैक्ट्री के हास्पिटल है

उसको वेरिफाई करना चाहिये कि कितने दिन का गर्भ किसी स्त्री का है । जब यह वेरिफाई हो जाय तब सोचना पड़ेगा कि कितने दिन के बाद उसको छुट्टी मिलेगी । फिर भी इसमें जो प्राविजन है वह ऐसा नहीं है । डेलिवरी नौ ही महीने में हो जाय, यह भी नहीं है । साढ़े नौ महीने में और कभी कभी ११ महीने में डेलिवरी होती है । उस पीरियड में यदि आप उसको ६ हफ्ते देते हैं तो वह छ हफ्ते किस तरह से जान सकती है ? एक स्त्री अपने आप भी नहीं जान सकती है । इसके लिए डाक्टर की हैल्प मिलनी चाहिए । डाक्टर की हेल्प मिलने के बाद जब छ हफ्ते का पीरियड मालूम हो जाता है और वह पहले से छुट्टी ले लेती और उसके बाद उस पीरियड में अगर डेलिवरी नहीं होती है तो उसके लिए भी आपने कह दिया है कि पैसा नहीं मिलेगा और आफ्टर डेलिवरी फिर छ. हफ्ते का उसको पैसा मिलेगा । तो जो पीरियड वह बेचारी घर बैठी रहेगी, उस पीरियड में आपने उसके ऊपर दूसरे सेक्शन में प्रतिबन्ध लगाया है । तो इसलिए जब सिलेक्ट कमेटी के सामने यह सवाल आये तो उस समय यह देखना पड़ेगा कि जो छ हफ्ते का आपने पीरियड दिया है उसका ज्यादा से ज्यादा सदुपयोग हो । मैं मानता हूं कि आपने उसको यह फैसिलिटी जरूर दी है कि डेलिवरी के बाद यह रोक नहीं है कि छ हफ्ते से ज्यादा की छुट्टी नहीं मिलेगी या कमेशन नहीं मिलेगा । लेकिन यह जो पीरियड आपने फिक्स कर दिया है कि बिफोर डेलिवरी छ वीक की छुट्टी उसको मिलेगी, यह ठीक नहीं है । ठीक तरह से जो कानून के भीतर आ सके, जो फैसिलिटी के रूप में आ सके, ऐसा प्राविजन आपको इसमें करना पड़ेगा तब जिनको आप सुविधा देना चाहते हैं वे सुविधा पा सकेंगे अन्यथा नहीं पायेंगे ।

पेज ६ पर क्लाज १२, सब क्लाज (२) डिसमिसल फार ग्रास मिसकाडक्ट के संबंध में है । मैं मानता हूं कि गवर्नमेंट ने इसमें एक प्राविजन अपील करने का कर दिया है, लेकिन प्रश्न यह है कि अपील किस तरह की होगी । जब एक बार आपने ग्रास मिसकाडक्ट में किसी का निकाल दिया तो उसकी हालत ठीक नहीं होगी । स्वयं गवर्नमेंट द्वारा बताई गई फिगर्स से पता चलता है कि डेढ़ दो करोड़ लोग अनएम्प्लायड है । ऐसी दशा में यदि उस स्त्री का पति अनएम्प्लायड है, उसका लड़का अनएम्प्लायड है और केवल वही काम करने वाली है, और उसको सर्विस से निकाल दिया जाता है तो परिणाम यह होगा कि उसके घर में न खाने के लिए कुछ होगा न, बच्चों की परवरिश के लिए कुछ होगा और न उसकी कहीं सुनवाई होगी । इस तरह यह मिसकाडक्ट की बात ठीक नहीं है । वहां पर मिसकाडक्ट का इंटरप्रिटेशन कौन करेगा ? अकेला इंस्पेक्टर नहीं करेगा । इंस्पेक्टर के बाद अपील भी होगी । इस तरह मिसकाडक्ट का प्राविजन ठीक नहीं है । मान लीजिये दो महीने पहले उसको निकाल दिया जाता है तो वह कहीं की नहीं रहती । उसके बाद वह अपील करती रहेगी और उसको पैसा नहीं मिलेगा । तो यह जो मिसकाडक्ट के लिये प्राविजन है इसको फिर से फ्रेम कीजिये और ऐसा फ्रेम कीजिये कि लॉ के अनुसार उसको फैसिलिटी मिल सके और कठिनाई न हो ।

उपसभापति महोदय, जो सब से खराब चीज है वह सेक्शन १४ है, जिसमें लिखा है :

"The appropriate Government may, by notification in the Official Gazette, appoint such officers as it thinks fit to be Inspectors for the purposes of this Act "

तो स्टेट गवर्नमेंट का दो अधिकार आपने दिये है, एक तो यह कि वह खुद एप्वाइंट कर सके और और दूसरे यह कि वह किसी को भी एप्वाइंट कर सके । ऐसा क्यों ? यह आपका सेंट्रल एक्ट है । आप इसमें मिनिमम क्वालिफिकेशन रखिये कि इस क्वालिफिकेशन का आदमी वहां पर एप्वाइंट किया जा सकेगा । दूसरी चीज यह है कि जब स्टेट गवर्नमेंट को आप

[श्री निरंजन सिंह]

यह राइट दे रहे हैं तो इसका अर्थ यह होता है कि या तो वह प्राइज्ड-पोस्ट होगी या पार्टी-पोस्ट होगी और जैसा कि हम अक्सर सब जगह देखते है कि इस तरह के एप्वाइंटमेंटस में स्टेट गवर्नमेंट अपने आदमियों को भरती है और उसमे फेवरेटिज्म, नेपोटिज्म और करप्शन होता है। तो इस तरह से करप्शन, नेपोटिज्म और फेवरेटिज्म बढ़ता है। जब आप यह कानून बना रहे है तो उसमे यह लूपहोल क्यो छोड़ते है कि स्टेट गवर्नमेंट अपनी लाइकिंग का आदमी एप्वाइंट करे। उसके लिये आप क्वालिफिकेशन प्रेस्काइब कीजिये। ड्यूटीज़ के लिये आप रूल्स बनाना चाहते है लेकिन मिनिमम क्वालिफिकेशन के लिये नही बनाना चाहते है। तो सेलेक्ट कमेटी का, सरकार का, यह काम है कि जिस वक्त पर सेलेक्ट कमेटी मे यह चीज आये तो उस समय इस्पेक्टर्स की मिनिमम क्वालिफिकेशन के लिये प्राविजन किया जाय। फिर यह भी है कि उनका एप्वाइटमेट स्टेट की मर्जी पर नही हो बल्कि पबलिक सर्विस कमिशन के द्वारा हो जिससे कि यह बात न हो सके कि तुमने मेरा काम नही किया इसलिये तुमको निकालते है। ऐसा नही हो कि डिसमिसल उनकी मर्ज़ी पर, एप्वाइटमेट उनकी मर्जी पर और वह उनकी मर्जी के अनुसार काम करे, फिर चाहे जो मजदूर है वह सफर करे या न करे, जैसा कि कई बार होता है। तो मेरा कहना है कि इस सेक्शन के बारे मे आपको गौर से सोचना पडेगा। या तो इसमें आप मिनिमम क्वालिफिकेशन रखिये या जिस वक्त गवर्नमेंट रूल्स बनाये उस वक्त वहां मिनिमम क्वालिफिकेशन रखे। दूसरी चीज यह है कि एप्वाइंटमेट एट दि विल ऑफ दि गवर्नमेंट न हो बल्कि उसके लिये गवर्नमेंट एडवर्टाइज करे और उसके बाद यूनियन पब्लिक सर्विस कमिशन द्वारा या स्टेट पब्लिक सर्विस कमिशन द्वारा हो। जब इस तरीके से एप्वाइंटमेंट नहीं होता तब तक वह नाजायज़ होगा, उनसे नाजायज काम करवाया जायगा और नाजायज़ काम होता रहेगा और जो हम आशा करते हैं कि इस बिल से मजदूरों को फायदा होगा वह नही होगा।

MR. DEPUTY CHAIRMAN: There are four more speakers.

श्री निरंजन सिंह : पहला बिल दो घंटे के लिये था लेकिन जल्दी कोलैप्स हो गया।

MR. DEPUTY CHAIRMAN: We have to finish the entire business for today. We may sit till 5-30.

श्री निरंजन सिंह : अच्छा, अब मै जल्दी जल्दी कहता हूं और खत्म करता हूं। इसमें पेज ७ पर लिखा है :

> "Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself;".

तो कोई भी आदमी गवाही नही देगा। हर एक आदमी इससे बचेगा। जब किसी मालिक से कहेंगे कि तुम यह गवाही दो, तुम यह इंफार्मेशन दो तो वह कहेंगे कि मैं तो पुलिस में फस जाऊंगा, क्रिमिनल केस में फंस जाउंगा, मेरे ऊपर केस चलेगा, इसलिये मैं गवाही नहीं दूंगा, मुझे ऐसा करने का राइट है। तो यह भी जो चीज़ रखी है वह ठीक नही है। यह राइट जो रखा है वह राइट गवर्नमेंट को होना चाहिये, जो इवेस्टिगेटिंग आफिसर है, जो इंस्पेक्टर है, उसको यह राइट दीजिये क्योंकि जो गवाह है वे बच जाते हैं और कहते है कि मै नही बता सकता, मैं फंस जाऊंगा।

जो सेक्शन १८ है वह भी बिल्कुल वेग है। अगर कोई औरत छुट्टी पर हो या और कुछ हो तो जो मैटरनिटी बैनीफिट है वह नहीं मिलेगा। तो क्लाज़ १८ को ठीक तरह से लिखना चाहिये।

क्लाज़ २३ मे आपने १ साल का टाइम दिया है। एक साल में अगर प्रॉजीक्यूशन इंस्टीट्यूट न हो तो फिर उसके ऊपर कोई एक्शन नही होगा। तो मैं यह चाहता हूं कि

ऑफ़ेंस को रजिस्टर करने में एक साल से ज्यादा देर हो तो केस न चले लेकिन एक साल से पहले यदि वह रजिस्टर कर दिया जाय फिर उसके बाद इनवेस्टिगेशन में या प्रॉजीक्यूशन को लाने में कितनी भी देर लगे उसका कोई विचार नहीं हो ।

दूसरी बात यह है कि जो कार्पोरेशन हो उसमें जो गिल्टी आफिसर है वह ट्रॉसफर हो जाता है तो उसके ऊपर एक्शन होना चाहिये । इसके अनुसार यह होगा कि जो आदमी ट्रॉसफर हो गया है और जो आफेंस करने वाला है वह कम्पनी में नहीं है तो जो पैसा वगैरह देना है वह तो कम्पनी दे देगी लेकिन जो आफेंस हुआ है उसको करने वाला वहां नहीं है इसलिये वह दंडित नहीं किया जायेगा । तो इसके लिये आपको ममें प्राविजन करना पड़ेगा ।

दूसरी बात यह है कि हम चाहते हैं कि जब सेंट्रल गवर्नमेंट का कोई एक्ट हो तो वहां से जो सरकुलर भेजा जाय वह हर एक स्टेट को भेजा जाय और उस पर हर एक स्टेट अमल करे । कभी कभी यह होता है कि एक तरह का सरकुलर एक स्टेट को जाता है और दूसरी तरह का सरकुलर दूसरी स्टेट को जाता है और आपस में स्टेट्स के के मैनेजमेंट में और वहां के काम करने वालों में असंतोष होता है । दूसरी बात यह भी होती है कि एक इंडस्ट्री वाले कुछ बेनिफिट पाते हैं और दूसरी इंडस्ट्री वाले दूसरे स्टेट में कुछ बेनिफिट पाते हैं सबको बराबर एड-वानटेज नहीं मिलता है तो इस तरह के जो सरकुलर आप निकालें वे हर एक स्टेट के लिये, हर एक संस्था के लिये हों और उसको सब लोग कार्य रूप में उसी तरह से परिणत करे । एक सरकुलर एक के लिये और दूसरा सरकुलर दूसरे के लिये, इस तरह की जो मनोवृत्ति है वह नहीं होनी चाहिये ।

DR. SHRIMATI SEETA PARMANAND: Mr. Deputy Chairman, let me congratulate the Government on bringing forward this Bill which, more or less, puts in one Act whatever is available so far under the three Acts, namely the Mines Act, the Plantation Act, etc. Before I speak on the clauses of the Bill I should like to make some preliminary remarks.

Sir, I feel that the more the benefit that we give to women in employment, particularly to illiterate women in industry, the greater has become the danger of their being removed from industry altogether. During the last three years, as far as the coal-mining industry is concerned, the more the advantages of salaries and equal wages given to women, the greater has been their reduction from the industry. Therefore, it has become necessary for Government today to do two or three things before they bring forward such a legislation, with all the best motives one could have. They should get the census of women requiring employment and also get the census or assessment of jobs suitable for women in industry.

Sir, it is a well-known fact that women do not go to take up manual labour in industry unless it is an absolute necessity. Either they have too big a family or the husband is not capable of earning—either he is an incompetent man or he is a disabled person—or the woman is a widow, or she is perhaps not married which rarely happens. Only under these circumstances women seek employment. Ordinarily, at least in lower classes, every man thinks it *infra dig for him to let his wife work.* He thinks it a slur on his manliness to let his wife earn and contribute to the family income. Under the circumstances, it is absolutely necessary that women are given a chance to earn a living and maintain the family which is sometimes left to them not only because they are widows but their husbands had married again. There are so many discarded wives. That is another category which I forgot to give earlier. These women are left with children who are to be brought up as they are minors. Here incidentally I may say that our men

[Dr Shrimati Seeta Parmanand]
would fight for the custody of their children particularly when they are major, in the lower classes but when the children are minor, many women are left with the upbringing of these children mainly because the man has another wife but when there are major sons, rather older sons—otherwise the question does not arise—then the men usually would take them away on the plea that they are the legal guardians So I should say that it is very necessary for the Government to make some rule for the industries that if they want certain benefits, where women can be employed, in those industries, they shall make certain persons remain in that industry Such a rule may sound dictatorial and may perhaps be against the industrialist's fundamental freedom to carry on an industry as he likes but we have also to see that the other Directive Principles of our Constitution are fulfilled that the State shall help every citizen to get employment In other countries also this problem of women's employment is being felt as becoming a problem more and more Therefore the I L O last year appointed a Panel of Women Consultants to specially go into the problem of women in employment You would be surprised to know that even in the U K where there are otherwise equal chances given to women and men—and people in the Eastern countries would think that the men in the U K are living perhaps, as far as equal rights and economic rights are concerned, in a paradise—even there, they are not given full wages but three-fourths of the wage of men

MR DEPUTY CHAIRMAN Dr Parmanand, you confine yourself to this Bill

DR. SHRIMATI SEETA PARMANAND It is very necessary to go into all these We have saved so much time from the other Bills

MR DEPUTY CHAIRMAN We have still another Bill to go through

DR SHRIMATI SEETA PARMANAND This is an important Bill I think in the First Reading of the Bill I am within my rights to make general remarks so that we may give an idea to the Joint Select Committee I was saying that in England also even when women are giving their output equal to 1½ times that of men in skill, still they are given three-fourths of the wage of men These problems have to be faced according to the economic possiblities in the country Therefore, as the Government itself is well aware, even in an earlier stage these laws about maternity benefits were passed and women were to get 3 months' leave wages for maternity—6 weeks before and 6 weeks after—still so many women are being removed from employment Similarly, after the women are given equal wages in the coal industry, the percentage of dismissal is now as much as 25 per cent or even more

Another way—I would like the Minister to pay special attention to this—is to employ women through contractors That is not mentioned here in clause 3(d)(iii) It only says —

> "Manager, managing director, managing agent or by any other name, such person,"

Such men may not be called directors but women are employed in the coal industry through contractors

With these preliminary remarks that the greater the legislation to benefit women in their employment and to make their economic position equal to that of men—in this the responsibility of maternity will be a great burden, it is the country's burden really—the greater is the practice today to remove them from employment That has to be safeguarded against in some way, otherwise it would be kinder not to bring in legislations of this type

Now I come to the provisions of the Bill as suggested by you As I have

already said, the word 'contractor' has to be brought in clause 3(d)(iii) under Definitions Similarly, as was pointed out remotely by the previous speaker the word 'misconduct' here should be defined so that it does not become a question merely of appeal and a delaying tactics to decide what is a misconduct The period under (l) is as follows

> during the twenty-sixth week of pregnancy but does not include any miscarriage, etc

Perhaps the period 'during the twenty-sixth week' need not be mentioned because that itself will give a handle to the management to evade the provisions of this Bill Once the pregnancy, after the application by the woman, is established or accepted by a doctor, the period about the miscarriage need not be specifically mentioned

With regard to sub-clause (o) of clause 3, I would draw the attention of the Minister to this —

> "'woman means a woman employed, whether directly or through any agency, for wages in "

The word 'contractor' is implied here and the same could therefore be adopted in (e) The word 'agency', namely, the contractor should be put there Here under clause 4 sub-clause (4)(a) it says

> "The period referred to in sub-section (3) shall be
>
> (a) the period of one month immediately preceding the period of six weeks, before the date of her expected delivery,"

The same difficulty would arise The explanatory note below should be such that this precision about the date and week should not be insisted upon in areas where the plantations or coal-mines are situated where medical aid is difficult to get

I would go to clause 6 (4) which says —

> On receipt of the notice, the employer shall permit such woman to absent herself from the establishment until the expiry of six weeks after the day of her delivery "

What happens? All these are of a similar nature I would point out one difficulty in this respect They are good in themselves but they are difficult to carry out strictly always When women are in the interior, where there is no doctor, not even a hakim available and there is nobody *who could even give a certificate,* their word has to be accepted Very often we come across cases where a woman is not given any maternity benefit on the ground that she has not carried If there has been a miscarriage, she cannot produce a child So some provision has to be put in regard to the six weeks after the date of delivery What is the proof? There is no recognised *dai* also there There perhaps the proof of 3 women of that place, corroborated or authenticated by the Village Patel, should be sufficient because he is the greatest authority in that village There is need for such proof and there is no provision in the Bill for such proof Otherwise the employer may not consider it as maternity leave and he may treat it as wrongful absence and so difficulties will arise So suitable changes in the language should be there both with regard to going home on leave and also after coming back there should be proof from somebody and statements of some persons as I have just now mentioned should be enough proof

There is provision for the payment of Rs 25 as medical bonus Formerly it was counted as 8 annas and later on it was raised to 12 annas I feel that in view of the fact that the cost of living has gone up 4 times, it should be Rs 2 Industrial wages are not equal and so, that stipulation should be there specifically made

[Dr Shrimati Seeta Parmanand]

Next I come to clause 12 of the Bill. All I have to say about that clause is that the employer may falsely bring the charge against the woman that she has accepted appointment and it will then be matter of tussle So unless she has accepted appointment in some organised industry, I don't think anybody's word should be taken that she was working with him and so on Her employment should be shown as being in an organised industry and that should be made specific Then again, the dismissal may be for misconduct or for breach of any standing orders or for being rude On these scores she should not be deprived of this benefit When the woman worker goes on leave for this period she should not be dismissed before her leave is sanctioned It the leave is sanctioned in two months and if the woman applies some 15 days before that, then under some pretext or the other, as being a habitual late-comer and so on, she should not be dismissed So there should be proper provision to see that scope is not given to the employer to get rid of the woman worker in this manner

Sir, the Government is making more and more provisions for women and so the benefit of a woman inspector should be available to them, especially to women who have to ask for leave for maternity Enquiries have to be made and the powers given to the inspectors under clause 15 are wide in respect of putting questions and so on So I think it is but proper that the services of women inspectors should be there, especially where there are no lady doctors near-by The services of women inspectors in the neighbouring industry may be made available.

Clause 19 says·

"An abstract of the provisions of this Act and the rules made thereunder in the language or languages of the locality shall be exhibited in a conspicuous place by the employer in every part of the establishment in which women are employed"

Now, this rule is there in more or less every legislation applicable to industry But I find that in most cases this provision becomes meaningless, because most of the labour is ignorant, is illiterate, particularly so women And the way in which these rules are published makes it still more difficult They are published in English and in fine type and put outside the office You say here 'in every part of the establishment" That is very vague We now ask the unions to make provision to give attendance cards So on the back of it these rules dealing with these concessions to women should be published, showing what she should do, what proof she should produce and what she has to do Otherwise it becomes a tussle betwen the time-marker or the management and the worker and the worker naturally is defeated

These, Sir, are, broadly speaking, the main points which the Joint Select Committee should take into consideration But the most important point still remains for me to touch upon I fear that greater legislation either in respect of maternity benefits, equal wages, provision of creches, hours of work, feeding of children and so on, may result in women not getting even a chance to be employed in an organised industry, where the wages are attractive Therefore, I suggest that with increasing employment exchanges it should be quite possible for Government, especially when there are progressive unions and when more and more employers are coming under the control of the Government, to have an assessment of the employment potential of women in the various industries and also how many women are actually fit to work. I am here referring to the hard cases that I mentioned, women with children to support, discarded women and old women Accordingly to their

registration, these should get work and it should be the duty of the Government both through their inspectors and through their employment exchange officers, to take special efforts to approach women in order to help them in this manner. That is especially necessary where there are no progressive unions or where there are unions who do not care for welfare work but only to promote litigation, who encourage litigation with a view to gaining a foot-hold in an industry. In such cases, unless the Government makes it the duty of the officers to go and help these women, all this labour legislation will not be beneficial to them, but may become a curse to women and their employment

SHRI P. RAMAMURTI (Madras): Mr. Deputy Chairman, I had expected the Government to bring forward a Bill on this subject which would provide for greater benefits than have been actually envisaged in the present Bill. Anyway, in spite of the fact that I know that the hon. the Deputy Minister of Labour is allergic to any suggestion that may come from me . .

AN HON. MEMBER: Why so?

SHRI P. RAMAMURTI: Allergy is allergy, a disorder. There is no reason . .

THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI): It is always unreasonable.

SHRI P RAMAMURTI: He is allergic to any suggestion from me, whatever may be the suggestion. Despite that fact, I would like to consider certain aspects of this Bill that has been brought forward now.

In the very preamble to this Bill is has been provided that this Bill is applicable only "in the first instance to every establishment being a factory, mine or plantation". And later in sub-clause (2) of clause 2, it is laid down:

"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."

We know that a number of factories are covered by this Employees' State Insurance Act and it is also being extended to more factories and establishments from time to time. And we expect that in the very near future, say in the course of two or three years, if the promises made so far are carried out, almost all the factories will be covered by this Act. Therefore, as far as the organised industries or factories are concerned, this Maternity Benefit Bill is not going to be of use They will be covered by the Employees' State Insurance Act. And then you see clause 26 gives exemptions It says —

"If the appropriate Government is satisfied that having regard to—

(i) the seasonal character of the working of any establishment . . "

It can exempt that establishment We know how the State Governments have a tendency to exempt these things, for there are lots of pressures and pulls brought to bear on the State Governments by various interests. Only those factories which are not covered by the Employees' State Insurance Act and which are not seasonal will come under this measure and there also you have given powers to the State Governments to exempt some factories. I want the Government to consider seriously the class of women in employment who do require this benefit immediately. They should be straightway brought under the purview of this Bill. This power of giving exemption to seasonal factories should not be given to the State Governments. The term "seasonal factories" has not been defined It might mean factories working for two months in a year or more. This itself is vague and therefore it is absolutely necessary for us to define what exactly we mean by saying "seasonal factories". It should not

[Shri P Ramamurti]
be left to the sweet will and pleasure of the State Governments to decide as to what is a seasonal factory and what is not In the State of Kerala, you have got the cashew factories which are working for nearly nine to ten months but the employers always get away by saying that theirs is a seasonal factory even though the factories work for ten months Just because they do not work for two months in a year, they say that theirs is a seasonal factory It is a perennial factory but because they do not work for two months in a year, they get away Some State Governments may exempt such factories Therefore, it becomes all the more necessary for us to define as to what exactly we mean by the term "seasonal factory", a factory working for more than four months or six months, whatever it is Let us define it and let us be absolutely definite about it and say that a factory which works for six months in a year will not be called a seasonal factory and the women employed in such establishments must be entitled to the benefits of this measure This must be provided for More and more of women are coming up for employment in the commercial establishments It is a very good feature Despite what Dr Seeta Parmanand said, we do find women coming into these jobs in greater numbers We have more and more of women teachers in private schools There are a number of private schools and private nursing homes and the benefits of this measure should be given to women employed in such institutions There are private nursing homes which are run by private doctors where none of these things is applicable. There are women teachers in private schools The private schools are far greater in number than Government schools, particularly in the sector of elementary education

DR. SHRIMATI SEETA PARMANAND That is a different thing It is going to come

SHRI P RAMAMURTI I want to make the provisions of this Bill applicable to them straightway There are also other women who have absolutely no protection whatsoever and instead of leaving this matter to the discretion of the State Governments, it is desirable to make the provisions of this Bill applicable to the commercial establishments, to agricultural establishments and all these classes This is a suggestion that I would like the Minister to consider

It has been stated in the Bill that where the Employees' State Insurance Act is applicable, this measure will not be applicable Under this measure, we have got some benefits greater than those provided in the Employees' State Insurance Act It is provided here that where an employer does not provide for pre-natal and post-natal treatment facilities, a bonus of Rs 25 shall be paid Let us discuss in the Joint Committee whether this sum of Rs 25 is sufficient or not, but this benefit does not exist under the Employees' State Insurance Act whereas it is provided for under this measure. Under clause 10 of this measure we have provided that where a woman after delivery and after the expiry of six weeks of delivery still continues to be ill, she is entitled to have a further period of leave of one month on full wages. The Employees' State Insurance Act does not provide this sort of amenity It provides only for six weeks after delivery We have made a provision that where the Employees' State Insurance Act applies, the provisions of the Bill under discussion would not apply I would like respectfully to submit to the hon Minister to consider whether it is not possible to say that only those provisions with reference to six weeks' benefit, post-natal and pre-natal benefits, will not apply in the case of women employed in those factories where the Employees' State Insurance Act applies The other benefits that are going to be provided for in this Bill should be

made applicable to all women employees in every establishment This is a suggestion which I would like the Minister to consider very seriously

Clause 5 says —

"Subject to the provisions of this Act, every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence immediately preceding and including "

* * * * *

"(2) No woman shall be entitled to maternity benefit unless she has been employed in an establishment of the employer from whom she claims maternity benefit, for a period of not less than two hundred and forty days in the twelve months immediately preceding the date of her expected delivery,"

I would like to point out here that the word 'employment" is likely to be misinterpreted There is difference between a worker being under employment and actually attending work The word "employment" should be very clearly defined A woman delivers after nine months. Normally, nine months would mean 275 days and in those 275 days there would be nearly about 37 Sundays, holidays If we substract 37 Sundays and certain other holidays that might intervene in that period of nine months, we would get about 235 days The employer would then say that she is not entitled to maternity benefits as she has not attended work for 240 days This would be the sort of interpretation that would be given by many of the employers I do not know whether any court would uphold this interpretation or not let us not, therefore, make provision for litigation Let us be absolutely clear and let us define "employment" in such a way that it does not lead to any other interpretation A worker may be in employment for 240 days but he might be absent on leave even without pay That is why this question must be made absolutely clear. Further, I would also like them to consider whether this limit of 240 days is not too long a period It should be shortened and it should be about 150 days or so That is all that I would like to press at this stage The other questions may be considered in the Joint Committee

The only other point that I would like to urge once again is this If Government brings forward amendments, it becomes easy for us to amend, otherwise, it becomes difficult for us in the Select Committee I want the Minister to consider whether it is not necessary for the Government to right away bring in an amendment in the Select Committee itself providing for the benefits of this Bill not only to the factories but also to other commercial establishments and other estalishments so that the people employed there may be grateful to the Government for giving them benefits which have been denied to them all these years

श्री पा० ना० राजभोज (महाराष्ट्र): उपसभापति महोदय, आज [illegible] किया गया है उसका [illegible] करने के लिये मैं खड़ा हुआ हूं। मेरे ख्याल से यह बिल अच्छा आया है लेकिन बहुत देर में आया है इसको जल्दी लाने की आवश्यकता थी क्योंकि सामाजिक समस्याओं के लिये जो बिल होते हैं उनकी आवश्यकता बहुत होती है और उनको ज्यादा देरी से नहीं लाना चाहिये। फिर भी मंत्री महोदय को मैं धन्यवाद देता हूं कि वह जो बिल लाये हैं वह अच्छा है और उसका फायदा अच्छे ढंग से लोगों को मिलेगा। वैसे तो हर एक स्टेट के अन्दर मैटर्निटी बेनिफिट एक्ट अमल में है और उसका फायदा मिल रहा है और जहां जहां पर एम्पलाईज स्टेट इंश्योरेंस लागू है वहां भी हमारी बहनों को अच्छा लाभ मिल रहा है लेकिन इस बिल की कई तरतूदियों को देखने से मालूम होता है कि जो स्टेट का एक्ट है उससे कुछ बातों में यह बिल पिछड़ा

[श्री पां० ना० राजभोज]

हुआ है और उन बातों पर माननीय मंत्री जी को ध्यान देने की आवश्यकता है क्योंकि सब बहनों को जो कि काम करती है उनको इसका फायदा मिलना चाहिये। कुछ हमारी बहनें ऐसे उद्योग व्यवसायों मे काम करती हैं जहा पर कि काम बहुत सख्त है और जहा पर कि वर्किंग कंडीशंस बहुत ज्यादा खराब है।

अभी मेरे कई भाइयों ने कहा है कि ऐसी ऐसी प्राइवेट फैक्ट्रीज और इंडस्ट्रीज है जहा कि ज्यादा सहूलियतें नहीं मिलती है। सबसे महत्व की तरतूद बिल की दफ़ा ५ में रखी गई है और वह है "Right to payment of maternity benefit"। उसके सब-क्लाज २ में लिखा गया है कि :

> "(2) No waman shall be entitled to maternity benefit unless she has been employed in an establishment of the employer from whom she claims maternity benefit, for a period of not less than two hundred and forty days in the twelve months immediately preceding the date of her expected delivery."

तो यह तरतूद ठीक नहीं है। जब बेकारी बढ़ रही है और सारे काम में मशीनों का ज्यादा इस्तेमाल होने लगा है तो वह २४० दिन की हाजिरी देना कठिन है। २४० दिन मे मजदूरों को—चाहे वे महिला हों या आदमी हों—पर्मानेन्ट तो करते नहीं है और पूरे २४० दिन रखते भी नहीं हैं। कब नई मशीन आयेगी और कब दिन खत्म हो जायेंगे इसका कोई भरोसा नहीं रहा है। टेक्सटाइल इंडस्ट्री जो एक बड़ी इंडस्ट्री है वहां मशीनों के आने की वजह से रोजी और रोटी का सवाल स्त्रियों के लिये कितना कठिन हो गया है वह तो आप सब जानते ही हैं। हाई स्पीड वाइंडिंग के कारण जहा पर २० औरतों की जरूरत थी वहां अब ६–७ औरतें काफी हैं। पूरा काम न मिलने से एक दिन पूरा काम और दूसरे दिन घर बैठना, ऐसी परिस्थिति का निर्माण हुआ है और अब तो यह मैटर्निटी बिल आने की वजह से महिलाओं को थोड़ा ही काम देने की प्रवृत्ति बढ़ जायगी।

इसी प्रकार की परिस्थिति सीजनल फैक्ट्रियों मे है, जैसे कि जिनिंग फैक्ट्रीज है जो कि जलगांव में है, तो वह सिर्फ छः महीने चलती है। वहां उसके अन्दर इतनी खराब हालत होती है कि उसका ठिकाना नही है। रुई उडती है और रुई के तन्तु महिलाओं के नाक मे, पेट मे जाते है और उसका परिणाम यह होता है कि महिलायें रुई डालने का और कपास ओटने का काम ६ महीने करती है और ६ महीने बीमार रहती है। महिलाओं को इससे क्षय का विकार होता है। तो ऐसी हालत मे यह २४० दिन की हाजिरी कैसे हो सकती है और उनको बिल का फ़ायदा कैसे मिल सकता है? ज्वाइंट कमेटी को इस बात पर विचार करना चाहिये और २४० दिन का जो रिजिड फार्मूला है उसको बदल कर इंडस्ट्रीवाइज़ दिन निश्चित करना चाहिये।

सिर्फ इस एक क्लाज से ही सारे बिल को सर्कमवेंट किया जा सकता है। आपको बीड़ी उद्योग के बारे में मालूम है। उसमे आम तौर से महिलाये ही काम करती हैं। इस उद्योग के संचालक ऐसा करते हैं कि महिलाओं को तम्बाकू और पत्ते देते हैं और घर से बीड़ी तैयार करके लाने का फर्मान करते हैं। महाराष्ट्र में भंडारा, छिंदवाड़ा में और बिहार में पटना, सिंगभूम, दरभंगा मे कई जगह पर यह उद्योग है। बीड़ी के कारखानों में महिलायें कामगार हैं या नहीं यह मालूम नहीं होता है क्योंकि तम्बाकू और पत्ती उनको दे देते हैं और उसके बाद प्राइवेट मकानों में उनको ले जा कर वे बीड़िया बनाती हैं। तो मेरी प्रार्थना है कि उनको रजिस्टर नही किया जाता है और ऐसी

महिलाओं को किसी भी कानून का लाभ नहीं मिलता है । तो बीड़ी उद्योग एक पीस-वर्क बन गया है जब कि लाखों का टर्न-ओवर झोपड़ी में रहने वाली महिलायें करती हैं । तो ऐसे उद्योग धंधों पर इस बिल का अमल हो इसके लिये जरूरी है कि ये महिलायें कारखाने के रजिस्टर पर हों । इसी तरह से अन्य ऐसे उद्योग धंधे मैं आपको बता सकता हूं जो कि सीजनल हैं या जहां आम तौर से महिलायें काम करती हैं, जैसे कि फ्लोर मिल्स हैं, दालों की मिलें हैं, तेल की मिलें हैं, ड्रम की फैक्ट्रियां हैं ।

तो आप सारे राज्यों से पहले यह जानकारी मंगवाइये कि कौन कौन से धंधों में कितनी कितनी महिलायें काम करती हैं और उसको मंगवाने के बाद में इसका फैसला करें कि २४० दिन की हाजिरी रखनी है या नहीं ।

केवल फैक्ट्रीज पर यह बिल लागू करने के बजाय इसको सीजनल धन्धों पर तथा छोटे उद्योगों पर भी लागू करें । इसके लिये पहले तो आपका काम यह होगा कि सारे छोटे मोटे उद्योग धंधे रजिस्टर करें ताकि आपके अच्छे अच्छे कानूनों का फायदा सारे मजदूरों को मिले ।

उपसभापति महोदय, आपने जो १२ आने प्रति दिन की बात सब-क्लाज १ में रखी है वह इतना कम है जैसे कि दरिया में खसखस । आज चीजों के दाम इतने बढ़ गये हैं कि १२ आने में रोज का गुजारा होता नहीं तो फिर स्त्री के माता बनने की अवस्था में उसके लिये पौष्टिक खुराक कहां से लाई जायेगी ? हमारी बहन ने महिलाओं के बारे में बहुत अच्छी अच्छी बातें कही हैं लेकिन मैं कहता हूं कि यदि वह स्त्री घर में अकेली ही कमाने वाली हो तो उसको विश्रान्ति लेना भी मुश्किल हो जायेगा । उसको उस अवस्था में भी काम करना होगा । तो पैसा देने के मामले में यह बिल आदर्श होना चाहिये । यह १२ आने की मजदूरी को सवा रुपया तक बढ़ाना जरूरी है ।

डा० श्रीमती सीता परमानन्द : मैंने इसके लिये २ रुपया बताया है ।

श्री पां० ना० राजभोज : वह तो मिलता नहीं है । कम से कम इतना ही मिल जायेगा तो अच्छा हो जायेगा । आपकी बात बहुत अच्छी है ।

वही हालत २५ रुपये के बोनस की है । स्त्री के आरोग्य की सारी व्यवस्था सरकारी हास्पिटल में होनी चाहिये । मालिक यानी कारखानेदार सिर्फ २५ रुपया दे कर अपनी जिम्मेदारी खत्म करेगा और २५ रुपये की दवाइयां नहीं ली जायेंगी और वह अपने रोज के खर्चे में लगाये जायेंगे । इसलिये स्त्री को एप्रूव्ड मेडिकल प्रैक्टिशनर के यहां ट्रीटमेंट मुफ्त में मिलना चाहिये और उसकी फीस वगैरह मालिक को देनी चाहिये, क्योंकि मालिक बहुत पैसा कमाते हैं, वे करोड़पति और लखपति बन गये हैं । हमारे भंडारा जिले में उनकी बहुत सी अनुचित बातें होती हैं, ये सब मंत्री महोदय जानते हैं । उनकी ये बातें रोकनी चाहिये और जो पैसा वह कमाते हैं उसमें से गरीबों को हिस्सा मिलना चाहिये ।

आखीर में एक बात मैं कहना चाहता हूं कि आप मजदूरों की भलाई के लिये कानून बनाते हैं लेकिन उनका पूरा फायदा मजदूरों तक पहुंचता नहीं है । उसके दो कारण हैं । एक तो मजदूरों का अज्ञान और दूसरे आपकी एनफोर्समेंट मशीनरी । आपने भलाई के लिये क्या क्या कानून बनाये हैं उसका मजदूरों को ज्ञान न होने से जो भी कुछ उस पर लादा जाता है उसको वह स्वीकार करता है । यह बिल तो असल में महिलाओं के लिये है इसलिये यह बहुत जरूरी है कि इसको पूर्ण प्रसिद्धि मिले और इसका भाषान्तर प्रादेशिक भाषाओं में किया जाये । मेरा कहना है कि जो एनफोर्समेंट मशीनरी है वह तत्पर और

[श्री पा० ना० राजभोज]

कार्यक्रम होनी चाहिये। उपसभापति महोदय जो, मजदूरों को गाइडेंस मिलना चाहिये और जो कारखानेदार इस बिल के खिलाफ काम करे उनके ऊपर कडक शासन होना चाहिये। जब तक कि जो कारखानेदार है, मालिक है उनके ऊपर कडक शासन नहीं होता है तब तक बिल को अमल मे लाना कठिन होगा।

डा० श्रीमती सीता परमानन्द: "कडक शासन" की व्याख्या क्या है।

श्री पां० ना० राजभोज: "कडक" की क्या व्याख्या करू, टाइम बहुत कम है। आप देवी जी शान्ति रखिये।

उपसभापति महोदय, अन्त मे फिर एक बार मै मजदूर मंत्री जी को इस बिल के लिये धन्यवाद देता हू। मै आशा करता हू कि मैने जो दो चार विचार बताये है उन पर ज्वाइंट कमेटी विचार करेगी और मंत्री जी भी विचार करेगे। राज्यो मे जो मैटर्निटी एक्ट्स है उनका काम कैसे चल रहा है इसकी रिपोर्ट उनके पास होगी और उसका फायदा जरूर होगा।

अभी देवी जी ने सजा के बारे मे कहा है। मेरा कहना है कि कई प्रकार के रूल्स और रेगुलेशन्स है और उनके अन्दर कारखानेदारो को अच्छे प्रकार से सजा दे सकते है। मजदूरो के ऊपर गरीबो के ऊपर अन्याय होता है, जुल्म होता है, तो उसका जो स्वरूप है उसको देखकर उनको जरूर किसी न किसी ढंग से सजा होनी चाहिये। सरकार यह सब

4 P M

जानती है। इसीलिये मै इस बिल का समर्थन करता हू और आशा करता हू कि इस बिल के बारे मे मैने जो सुझाव दिये है उनको सरकार अमल मे लाने की कोशिश करेगी। जो झोंपड़ियों मे कामगर लोग, गरीब लोग, मजदूर है, महिलाये है उनके ऊपर जो अन्याय, अन्याचार और जुल्म होता है उसको दूर करने के लिये इस बिल मे कई तरक्कियां की गई है और इस सम्बन्ध मे मैने जो सुझाव दिये है और अपने विचार प्रकट किये है, मै आशा करता हू कि ज्वाइंट कमेटी के जो बड़े बड़े मेम्बर यहा बैठे हुए है वे उन पर विचार करके अमल मे लाने की कोशिश करेगे।

SHRI ABID ALI: Sir, at the outset I wish to express my regret for not being here in the beginning.

MR. DEPUTY CHAIRMAN: This is the second time it has happened. It is most regrettable that the Ministers are not here.

SHRI ABID ALI: The other Bill was expected to take about an hour, but it did not take more than fifteen minutes.

I may submit that at present in thirteen States maternity benefit provisions are already applicable and besides that we have got two Central Acts, one for the mines and the other for plantations Also, the Employees' State Insurance Act provides for maternity benefit Now, this Bill, which consolidates and takes the beneficial and progressive provisions from these Acts, is progressive, and in case, as the hon Member there has mentioned, any particular provision here is more progressive, while comparing it with the Employees' State Insurance Act, then certainly the provisions which are being proposed should have precedence Therefore, there should be no room for any complaint on that account

SHRI P. RAMAMURTI That should be clarified in the Bill itself

SHRI ABID ALI· That is the intention, Sir Now, about the 240 days, what the hon. Members were expressing perhaps will be clarified if I say that the provision as it appears in the Factories Act should be applicable That is, holidays, as mentioned here, should be included in 240 days. It should not be exclusive of holidays.

Therefore, the difficulty should not arise I am glad my friends will appreciate what I am saying He will also appreciate that all reasonable suggestions are always accepted by us He should not expect us to concur with him when unreasonable things are suggested

Now Sir, about the qualification of inspectors, the hon Member, who spoke first, was having doubt about the *bona fides* of the State Governments, which is very unfair The same electorate that has elected Members of Parliament has elected Members of the Legislative Assemblies and they select their Government Therefore, it would not be proper to make such observations here Certainly the qualifications, standards and the status of the inspectors should be according to the work and the responsibility placed on them It may not be necessary to have a separate inspectorate for the provisions of this particular Bill They may entrust this work also to one of the many inspectorates they have already got working in the States

Now, Sir, about the period, it is mentioned here as twelve weeks In some of the other enactments it is eight weeks, somewhere twelve weeks also The I L O has provided twelve weeks and we have accepted the suggestion of the international organisation which, as everybody would appreciate, is sufficiently advanced

In regard to seasonal factories, of course, Government should be given the discretion, because it is not possible to fix any particular period here, working days for a seasonal factory, and in this matter the best judges would be the State Governments

About misconduct the term is already recognised so far as Standing Orders are concerned It is in the Act—not in this particular Bill—but in the Standing Orders Act and I do not envisage any difficulty or that anybody would go beside what is generally understood However, this point as well will be taken into consideration by the Joint Select Committee

With regard to women, it is true that the number of employees is going down, because of the changing procedure of manufacture and also automation and other factors I am glad that the representatives of various groups and parties in both Houses will be giving consideration to this item as well in the Committee They may be able to suggest what should be done in this respect, but I do not find it possible to act on the suggestion which was made here by the hon. lady Member, Dr Shrimati Seeta Parmanand Perhaps that may be unconstitutional Anyway, this point as well will be . . .

DR. SHRIMATI SEETA PARMANAND What would be unconstitutional?

SHRI ABID ALI To have reservation for women That is what was suggested

DR. SHRIMATI SEETA PARMANAND· We have got reservations for the Scheduled Castes and Scheduled Tribes

SHRI ABID ALI That is all right there Anyway, I do not want to take more time of the House, because the various suggestions given will be placed before the Joint Select Committee and they may be further elaborated

DR. SHRIMATI SEETA PARMANAND May I draw the attention of the hon Minister to article 15 of the Constitution which allows for any special concessions, etc to be given in the case of women and children because of their economic backwardness?

SHRI ABID ALI Anyway, I have already said that these points would be given due consideration by the Committee As I was saying, I would submit that all the groups and parties

[Shri Abid Ali]

which are represented on the Committee, will further elaborate these points there, which will be duly considered Therefore, I will not take more time of the House

श्री पां० ना० राजभोज मैं माननीय मंत्री जी से यह पूछना चाहता हूं कि जो बीडी बनाने वाली महिला वर्कर्स बम्बई की झोपड़ियों में रहती है उनकी हालत सुधारने के लिये सरकार क्या उचित कार्यवाही इस कानून के जरिये से करेगी ?

श्री आबिद अली . जो बहिने इस कानून के अन्तर्गत आ सकेंगी उनको फायदा मिलेगा ही ।

श्री पां० ना० राजभोज : वही तो आश्वासन मुझे चाहिये ।

श्री आबिद अलि जरूर ।

MR. DEPUTY CHAIRMAN The question is

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for payment of maternity benefit to them, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee —

1 Shri Akhtar Husain
2 Shrimati Anis Kidwai
3 Shri Arjun Arora
4 Sardar Budh Singh
5 Shrimati K Bharathi
6 Shri Rohit M Dave
7 Shri Khandubhai K Desai
8 Shrimati Jahanara Jaipal Singh
9 Shri Akbar Ali Khan
10 Shri Kishori Ram
11. Shrimati Krishna Kumari
12 Shri Bhagirathi Mahapatra
13 Dr A Subba Rao
14 Kumari Shanta Vasisht and
15 Shri Abid Ali'

The motion was adopted

THE INDIAN TARIFF (AMENDMENT) BILL, 1960

THE MINISTER OF INDUSTRY (SHRI MANUBHAI SHAH) Sir, I beg to move

"That the Bill further to amend the Indian Tariff Act, 1934, as passed by the Lok Sabha, be taken into consideration"

This Bill mainly seeks to amend the First Schedule to the Indian Tariff Act, 1934, in order to give effect to Government's decisions on certain recommendations of the Tariff Commission, which are·

(a) to continue protection beyond the 31st December, 1960, in the case of (i) Sheet Glass, (ii) Aluminium, (iii) Engineers' Steel Files, (iv) A C S R (Aluminium Conductor Steel Reinforced) and A A C (All Aluminium Conductor), (v) Cotton Textile Machinery, (vi) Ball Bearings, (vii) Power and Distribution Transformers, (viii) Bicycle, (ix) Piston Assembly, and (x) Automobile Sparking Plug and

(b) to discontinue protection with effect from the 1st January, 1961, in the case of (i) Calcium Lactate, (ii) Plywood and Teachests, (iii) Wood Screw, (iv) Bare Copper Conductor and Electrolytic copper rods, [Bare hard drawn or annealed electrolytic copper wires and cables of all sizes, solid or standed—72 (12) and Electrolytic copper rods or black copper rods (in coils)—64(4)] and (v) automobile Hand Tyre Inflator

Copies of the Tariff Commission's reports on all these industries and of