

MR. DEPUTY CHAIRMAN: Let me now move on to the listed Business. If you are very serious about it, you can consider the idea of a Constitutional Amendment. That is all I have to say. Now, we have already agreed that first, we will take up the Maternity Benefit (Amendment) Bill, 2016. That is again a non-controversial Bill.

SHRI JAIRAM RAMESH: It is also not a Money Bill.

MR. DEPUTY CHAIRMAN: I told you that you should try for a Constitutional Amendment instead of wasting time here on this issue.

THE LEADER OF THE HOUSE (SHRI ARUN JAITLEY): Sir, the Taxation Laws (Amendment) Bill, 2016, is a Money Bill, which has been listed today.

MR. DEPUTY CHAIRMAN: Now, the Maternity Benefit (Amendment) Bill, 2016, to be introduced. Shri Bandaru Dattatreya.

The Maternity Benefit (Amendment) Bill, 2016

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): Sir, I beg to move for leave to introduce a Bill further to amend the Maternity Benefit Act, 1961.

The question was put and the motion was adopted.

SHRI BANDARU DATTATREYA: Sir, I introduce the Bill. Sir, I beg to move:

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

The question was proposed.

MR. DEPUTY CHAIRMAN: Now, Shrimati Rajani Patil. Mrs. Patil, the total time allotted for the Bill is limited. We have to pass it in one hour. Therefore, you can speak for five minutes.

श्रीमती रजनी पाटिल (महाराष्ट्र): माननीय उपसभापति जी, मैटर्निटी बेनिफिट बिल, जो अभी सदन के सामने रखा गया है, उसका मैं स्वागत करते हुए कुछ सूचनाएं यहां पर सरकार को देना चाहती हूँ। हमारे मराठी में बोलते हैं—

“जिच्या हाती पाठव्याची दोरी ती सर्व जगासी उद्धारी”

इसका मतलब यह है कि पालने की डोर जिसके हाथ में है, वह पूरी दुनिया का उद्धार कर सकती है। आज की नारी को अगर देखा जाए, तो आज की नारी आधुनिक ज्ञांसी की रानी है। वह कैसे? क्योंकि एक हाथ में लैपटॉप है, दूसरे हाथ में मोबाइल है, घोड़े की जगह स्कूटर ने, टू व्हीलर ने ले ली है, तो टू व्हीलर में अपने छोटे बच्चों को पकड़ कर अपने साथ बांध कर चली जाती है और फिर अपने ऑफिस में जाकर पुरुष का मुखौटा हासिल कर ऑफिस का काम करती

[श्रीमती रजनी पाटिल]

है। जब घर आती है, तो महिलाओं का मुखौटा हासिल करती है और फिर बच्चों को पालती है। कवि कालिदास के शब्दों में गृहिणी सचिव, प्रिया, सखी और माता भी। कवि कालिदास ने यह वर्णन मां का किया है, स्त्री का किया है, जिसके अनेक रूप होते हैं। भगवान, परमात्मा ने एक और जिम्मेदारी हमारी बढ़ा दी है और वह है मातृत्व। अपनी कोख में 9 महीने बच्चों को रखना, उसके बाद उनको प्रसूत करना और उसके बाद बच्चों को पालना-पोसना, बड़ा करना, ये सारी जिम्मेदारियां ज्यादा तौर पर महिलाओं के ऊपर आती हैं। शायद परमात्मा को यह मालूम है कि इतनी बड़ी जिम्मेदारी निभाने का काम सिर्फ महिला ही कर सकती है, इसलिए उन्होंने यह काम महिलाओं को दिया है।

सर, Maternity Benefit Act, 1961 में बना था और 2016 में इसके amendment को कल कैबिनेट ने मान्यता दी है। इससे हमारे देश में organized sector में सर्विस करने वाली 18 लाख महिलाओं को फायदा होने वाला है। राज्य सभा में और लोक सभा में, यह बिल पास होने के बाद, हमारा भारत देश उन 40 देशों में से एक होगा, जिनमें 18 weeks से ज्यादा की maternity leave के benefits मिलने वाले हैं।

सर, मुझे इसमें एक सजेशन देना है। इन्होंने क्रेच के लिए एक शर्त रखी है कि अगर कहीं 50 से ज्यादा कर्मचारी हैं, तो ही क्रेच की सुविधा दी जाए। लेकिन 10 से ज्यादा और 50 से कम कर्मचारी अगर कहीं काम करते हैं, तो — मंत्री जी से मेरी यह दरखास्त रहेगी कि जिस जगह पर भी 10 से ज्यादा लोग नौकरी कर रहे होंगे, तो वहां पर महिलाएँ भी काम करती हैं, पुरुष भी काम करते हैं, तो इसमें 50 की प्रतिबद्धता नहीं रखते हुए इसे 10 किया जाए और कानून में इस तरह से बदलाव किया जाए।

सर, यह निश्चित रूप से एक progressive legislation है। यहां मुझे दो चीजें बहुत महत्वपूर्ण लगती हैं। महिलाओं की मर्यादा तो हम जानते हैं, लेकिन आपने उसमें adoption का प्रावधान किया है। तो adoption or surrogacy आज की तारीख में यहां पर बहुत ही महत्वपूर्ण मुद्दे चल रहे हैं। सर, adoption के लिए भी आपने अगर 12 weeks के बदले उससे ज्यादा समय का दिया होता, प्रसव पूर्व या गर्भवती होते हुए भी दिया होता, 12 weeks के बदले 26 weeks का दिया होता, तो और अच्छा होता। सर, surrogacy में भी ऐसा कुछ किया जाना चाहिए, क्योंकि आज कल surrogacy को ज्यादा मान्यता दी हुई है। आज कल surrogacy हो रही है। जिनको बच्चे नहीं हो रहे हैं, वे surrogacy से बच्चे पा रहे हैं। जब तक वह बच्चा उस माता के साथ सूट नहीं होता है, तब तक उसे माता को भी अपने साथ रखना पड़ेगा, तो उनकी आदत होने के लिए, उनकी bonding होने के लिए, उनको भी 26 weeks की परमिशन देनी चाहिए।

सर, मैं एक मानसिकता की बात कहना चाहती हूँ। कॉर्पोरेट सेक्टर में या प्राइवेट सेक्टर में या किसी भी नौकरी में महिलाओं के प्रति जो hidden biases होते हैं, उनको हमें थोड़ा सा एड्रेस करने की जरूरत है। What are the hidden biases? अगर कहीं पर हमारी लड़की नौकरी मांगने के लिए चली गई, तो बाहर के देशों में यह नहीं पूछते कि क्या आपकी शादी हुई है, आपको कितने बच्चे हैं। ऐसे सवाल वे नहीं पूछते हैं। लेकिन हमारे यहां इस तरह से सवाल पूछेंगे कि क्या आपकी शादी हुई है, आप बच्चे कब करेंगे। इसका मतलब, अगर वह बच्चा करना चाहती

है, तो उसको छुट्टी चाहिए होगी, वहां पर उस महिला को उसका हक देना पड़ेगा, इसलिए उसको उस नौकरी पर नहीं लिया जाएगा, उसके लिए उसको नाकाबिल ठहराया जाएगा। यानी उस महिला को वहां पर नौकरी नहीं मिल सकती है। तो उसके लिए भी आपको सोचना पड़ेगा।

सर, senior management के लिए इस बिल में कोई प्रावधान नहीं है। वह प्रावधान भी होना चाहिए। मंत्री जी, इस बिल में जो आपने language use की है, आपने बोला है कि "The women will be allowed..." तो allow करने वाले आप कौन होते हैं? जिस तरह से महिलाओं को ...(समय की घंटी)... आज भी आपकी मानसिकता यह दर्शाती है कि किस तरह से महिलाओं की तरफ आपका प्रतिरोध है।

सर, मैं एक मिनट में unorganized sector के बारे में बोलना चाहूँगी। मैं उस क्षेत्र से आती हूँ, जहां पर खेत मजदूर और गन्ना तोड़ने वाली महिलाएँ सबसे ज्यादा काम करती हैं। कम से कम हमारी दो-ढाई लाख महिलाएँ गन्ना तोड़ने के लिए बाहर जाती हैं। तो मंत्री जी, उन महिलाओं के लिए, जो नौकरी में नहीं हैं, लेकिन दिन-रात काम करती हैं, उनके लिए भी, unorganized sector के लिए भी, आपको कुछ प्रावधान करने की जरूरत है।

सर, मैं सबसे बड़ी बात लास्ट में कहना चाहूँगी कि maternity leave देते हैं, माताओं के बारे में "यत्र नार्यस्तु पूज्यन्ते.." बोलते हैं और हमें हमेशा देवी बना दिया जाता है, लेकिन माता बन कर बच्चों को पालना, यह केवल मां का काम नहीं है, इसमें उतनी ही जिम्मेदारी पिता की भी बनती है, इसलिए इसमें paternity leave भी होनी चाहिए। बच्चों के जो पिता हैं, उनकी भी जिम्मेदारी उतनी ही है, जितनी मां की होती है। इसलिए मैं कहना चाहूँगी कि आपको maternity benefits के साथ-साथ paternity के लिए भी, ...(समय की घंटी)... पितृत्व के लिए भी कुछ जिम्मेदारियां फिक्स करनी चाहिए। इसी के साथ, मैं आपको धन्यवाद देते हुए इस बिल का समर्थन करती हूँ।

MR. DEPUTY CHAIRMAN: So, you are recommending paternity leave also.

SHRI TAPAN KUMAR SEN (West Bengal): In the Government sector, it is already there, Sir.

MR. DEPUTY CHAIRMAN: Okay. Now, Shri Narayan Lal Panchariya.

श्री नारायण लाल पंचारिया (राजस्थान): माननीय उपसभापति महोदय, माननीय मंत्री महोदय ने जो 'प्रसूति प्रसुविधा (संशोधन) विधेयक, 2016' पेश किया है, मैं इसके लिए उनको बधाई देता हूँ। इस बिल के पारित हो जाने का सबसे ज्यादा लाभ उन गरीब, दलित, पिछड़े और कमजोर वर्ग की महिलाओं को मिलने वाला है, जो कारखानों, फैक्ट्रियों, दुकानों, बागानों आदि में कार्य करती हैं। इससे उन गरीब, दलित, पिछड़े और कमजोर वर्ग की महिलाओं को निश्चित तौर पर सबसे ज्यादा लाभ मिलने वाला है। गरीब और दलित परिवारों की मेरी जो बहनों और माताएं कारखानों में कार्य करती हैं, दुकानों में मजदूरी करती हैं, वे भी चाहती हैं कि मेरी कोख से जो बच्चा पैदा हो, मैं उस बच्चे का लालन-पालन ठीक प्रकार से कर सकूँ, बच्चे को भरपूर स्तनपान भी करवा सकूँ और उसको निरोग तथा तंदुरुस्त रख सकूँ।

[श्री नारायण लाल पंचारिया]

महोदय, मैं माननीय मंत्री महोदय को धन्यवाद देना चाहूंगा कि उन्होंने मातृत्व अवकाश की जो समय-सीमा केवल 12 सप्ताह थी यानी तीन महीने, उसको बढ़ा कर 26 सप्ताह यानी लगभग साढ़े छः माह निश्चित किया है। इससे उन माताओं और बहनों को बहुत लाभ होने वाला है।

श्रीमान्, कारखानों में काम करने वाली हमारी जो बहनें और बेटियां हैं, प्रसूति के 26 सप्ताह बाद उनको जो तकलीफ होती है, उसको भी हमारे मंत्री महोदय ने समझा है। होता यह है कि 26 सप्ताह तक एक मां अपने बच्चे के साथ रहती है, उसको दूध पिलाती है और उसके तुरंत बाद उसको छोड़ कर उसे पूरे दिन के लिए कार्य स्थल पर चले जाना पड़ता है, यह एक दुविधाजनक स्थिति होती है। उस पीड़ा को वह मां या शिशु ही समझ सकता है। माननीय मंत्री महोदय ने इस बिल के माध्यम से कार्यस्थल पर शिशु कक्ष की सुविधा का जो प्रावधान बिल में किया है, वह भी स्वागत योग्य है। उन्होंने केवल प्रावधान ही नहीं किया है, बल्कि उसमें यह भी प्रावधान कर दिया है कि एक मां अपने बच्चे को दूध पिलाने के लिए, देखने और संभालने के लिए दिन में चार बार शिशु कक्ष में जा सकती है और बच्चे की देखरेख कर सकती है।

महोदय, कारखानों और फैक्ट्रियों में मजदूरी करने वाली उन महिलाओं के बारे में हम विचार करें, तो पाएंगे कि वे उतनी पढ़ी-लिखी नहीं होती हैं। इस बिल में यह भी प्रावधान किया गया है कि जो मातृत्व सुविधा, प्रसूति सुविधा उन्हें मिलने वाली है, उसके बारे में उनको सूचित करवाना है। इस बिल में इसको अनिवार्य कर दिया गया है कि प्रथम नियुक्ति के समय ही उनको लिखित में और इलेक्ट्रॉनिक मीडिया के माध्यम से सूचित किया जाना है कि आपको ये-ये मातृत्व और प्रसूति सुविधाएं मिलेंगी। इसके लिए भी मैं माननीय मंत्री महोदय को साधुवाद देना चाहूंगा।

मान्यवर, इस बिल के पारित होने से देश को बहुत बड़ा लाभ होने वाला है। एक महिला 26 सप्ताह सवैतनिक अवकाश लेने के पश्चात् यानी प्रसव के पश्चात् निश्चित होकर कार्य भी करेगी और साथ ही उस बच्चे का लालन-पालन करके, उसको पूर्णतया स्तनपान करा कर एक तंदुरुस्त बच्चा तैयार करेगी। इससे निश्चित ही शिशु मृत्यु दर भी घटेगी। मैंने कल ही अखबार में पढ़ा था, हमारे स्वास्थ्य मंत्री, आदरणीय जगत प्रकाश नड्डा जी का स्टेटमेंट था। मैं यह बताना चाहूंगा कि इस देश में शिशु मृत्यु दर 13 प्रतिशत है और अगर मैं संख्या बताऊंगा, तो आपको आश्चर्य होगा। उसकी संख्या 1.56 लाख है यानी 1.56 लाख बच्चे स्तनपान के अभाव में इस दुनिया में नहीं रह पाते हैं। इस कारण से उन माताओं की कोख खाली हो जाती है, इसलिए मैं यह सोचता हूँ कि इस बिल के माध्यम से उन माताओं और बहनों को बहुत सुविधा मिलेगी। इससे वे 26 सप्ताह तक अपना पूरा समय देकर अपने बच्चे का लालन-पालन करेंगी और उसके बाद भी अपनी छत्र-छाया में अपने बच्चे को बड़ा करने का दायित्व पूर्ण करेंगी। उपसभापति महोदय, हमारे देश में कुछ समय पहले तथाकथित प्रगतिशील व्यक्तियों ने पश्चिमी सभ्यता से प्रेरित होकर एक अभियान चलाया और मीडिया के माध्यम से एक भ्रम पैदा किया। वह भ्रम यह था कि अगर बच्चे को मां का दूध पिलाया गया तो बच्चा कमजोर हो जाएगा, इसलिए उन्हें डिब्बा बंद पैकड दूध पिलाइए, ऐसा एक भ्रम समाज में फैला। साथ ही मेरी उन माताओं, बहनों को भी भ्रमित किया गया और यह कहा गया कि यदि आपने स्तनपान करवाया तो आप बीमार हो जाएंगी, कमजोर हो जाएंगी, जवानी में बूढ़ी दिखने लग जाएंगी। श्रीमान्, वह भ्रम इस देश में दुर्भाग्य से ऐसा चला कि उस काल खण्ड में हमारे जो बालक हुए, वे ढीले, पीले, कमजोर होने लगे। साथ ही हमारी

माताओं, बहनों की भी दुर्गति हुई, वे भी बीमार रहने लगे। कई रोगों से ग्रसित हो गईं, लेकिन हम सौभाग्यशाली हैं कि भारत सरकार ने भी और हमारे जागरूक नागरिकों ने एक अभियान चलाया। अभी तो यह अभियान स्तनपान को लेकर इतना अच्छा चल रहा है, खूब विज्ञापन हो रहे हैं, उससे ऐसा लग रहा है कि वास्तव में मां का दूध अमृत के समान है। ...**(समय की घंटी)**... हमारी मेडिकल साइंस ने भी सिद्ध कर दिया**(व्यवधान)**... श्रीमान, बस दो मिनट लूंगा। हम आपके आज्ञाकारी हैं और आपके आदेश से स्टैंड अप और सिट डाउन करते हैं।

MR. DEPUTY CHAIRMAN: You have made very good points.

श्री नारायण लाल पंचारिया: श्रीमान, मैं निवेदन करना चाहूंगा, डिलीवरी के वक्त एक बात कही जाती है। ये कहते हैं कि क्या बच्चे का जन्म हो गया और बच्चे ने मां का प्रथम दूध पिया या नहीं? श्रीमान, मां के प्रथम दूध में वह ताकत है, जो अमृत के समान है। उसके अंदर रोग प्रतिरोधक क्षमता भी होती है। उस दूध को पीने से बच्चा मजबूत होता है, कभी बीमार नहीं होता। मैं एक बात कह कर अपनी बात को पूरा करूंगा। जब स्तनपान और दूध की बात आई, मेरे मन में जीजाबाई का प्रसंग याद आया है, जिसको मैं शेयर करना चाहूंगा। जब शिवाजी छोटे थे तो उनकी मां जीजाबाई किसी कार्य में व्यस्त हो गईं, शिवाजी बहुत रोने लगे। श्रीमान, दासी से रहा नहीं गया और उनका ममत्व जागृत हो गया और उसने अपने स्तन से शिवा को दूध पिला दिया, स्तनपान करवा दिया। जब जीजाबाई को पता लगा तो उसने तुरन्त प्रभाव से बच्चे को उल्टी करवाई, दूध बाहर निकलवाया। तो इसके पीछे भाव क्या था? उसके पीछे भाव यह था कि जीजाबाई समझती थी कि स्तनपान कराते समय उस मां का मस्तिष्क कैसा है, उस दासी ने निश्चित ही डर के मारे इस प्रकार का स्तनपान कराया है, कहीं उससे मेरा बच्चा कमजोर व डरपोक न हो जाए। जीजाबाई को शिवाजी के माध्यम से मुगलों को परास्त कर हिन्दू साम्राज्य की स्थापना करवानी थी, इसीलिए उल्टी करवाई।

MR. DEPUTY CHAIRMAN: Please conclude.

श्री नारायण लाल पंचारिया: श्रीमान, मैं राजस्थान से हूँ, एक बात और कहूंगा। हमारे यहां पर मेवाड़ के अंदर महाराणा प्रताप थे। वे इतने शूरवीर थे कि उसके बारे में हमारे यहां एक कहावत चली है। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: Please conclude.

श्री नारायण लाल पंचारिया: मैं कहना चाहूंगा कि इस बिल में जो व्यवस्था की गई है, ऐसे तमाम शूरवीर, ऐसे हमारे देश के तमाम नौजवान पैदा होंगे, उसके अंदर निश्चित तौर पर ...**(व्यवधान)**...

SHRI TAPAN KUMAR SEN: You are allowing surrogacy in this Bill. ...**(Interruptions)**... You are diverting it. ...**(Interruptions)**... What is going on?

MR. DEPUTY CHAIRMAN: I am not able to hear anything.

श्री नारायण लाल पंचारिया: श्रीमान, मैं निवेदन करना चाहूंगा कि इस बिल का मैं समर्थन भी करता हूँ और साथ में यह भी बताना चाहूंगा कि इस भारत की भूमि पर एक भी कमजोर बच्चा नहीं होगा। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: Please conclude. बस, बैठिए।

श्री नारायण लाल पंचारिया: यह बिल गरीबों एवं दलितों की महिलाओं के लिए है, इसलिए इसको पारित कराएं। मेरा इसमें पूरा-पूरा समर्थन है, धन्यवाद।

MR. DEPUTY CHAIRMAN: What is your objection? One of you can speak.

SHRI TAPAN KUMAR SEN: Sir, you are allowing surrogacy in this Bill. मेड सर्वेंट ने दूध पिलाया, उस पर आसमान टूट पड़ा।

MR. DEPUTY CHAIRMAN: You can speak when your chance comes.

श्री अली अनवर अंसारी (बिहार): यह एक मां का अपमान है जो ममत्व से बच्चे को दूध पिलाती है। ये तो दूध और पूत में फर्क कर रहे हैं। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: You can speak when your chance comes. Shrimati Vijila Sathyananth.

SHRIMATI JAYA BACHCHAN (Uttar Pradesh): Sir, I want to say something.

MR. DEPUTY CHAIRMAN: No, no. I have called her. ...**(Interruptions)**... That is not permitted. ...**(Interruptions)**... This is...**(Interruptions)**...

SHRIMATI JAYA BACHCHAN: Sir, I am actually very amused to see all the men talking about women, surrogacy...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: Why should you be amused? Women are our sisters and mothers. What is there to be amused about then? ...**(Interruptions)**... You are taking her time. ...**(Interruptions)**...

SHRIMATI JAYA BACHCHAN: It is showing the * of men present in this House. ...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: No, no. * is expunged. Don't say like that. Why are you saying * ?

SHRIMATI VIJILA SATHYANANTH (Tamil Nadu): Hon. Deputy Chairman, Sir, I want to have my time started again. ...**(Interruptions)**... Okay.

Sir, this Bill provides the pregnant women to get maternity benefits especially the holiday paid up salary during the pregnancy period or maternity leave from 12 weeks to 26 weeks. But, in our State, our hon. Chief Minister of Tamil Nadu has already given it for 26 weeks, which is in practice. And, now, *Amma* has promised to enhance it to 39 weeks, that is, almost nine months paid up salary. The maternity leave will be enhanced to nine months. So, that is a promise and it will be done very shortly.

* Expunged as ordered by the Chair.

Sir, through you, I want to put forward a few suggestions. The hon. Chief Minister of Tamil Nadu has well planned and well implemented the healthcare monetary programmes. Tamil Nadu is one of the best States in India for expecting mothers. So, *Amma* is first giving it during the period of seventh month of pregnancy – if a girl is seven-month pregnant, she gets ₹ 4,000 to take care of herself and take healthy food. After that, in two instalments, it is given. When she delivers the baby, she gets ₹ 4,000. When the child is four-and-a-half months' old, the baby is immunised with the Pentavalent vaccine, which combines different vaccines in one injection and protects infants against whooping cough, tetanus, hepatitis-B, Diphtheria and bacteria. Everything is vaccinated in one injection. After having these vaccines, she is again given ₹ 4,000. Tamil Nadu has implemented this. It is a landmark achievement for the expectant mothers and, all the more, there is a landmark initiative which has been introduced. To commemorate the International Breastfeeding Week, our hon. Chief Minister, *Dr. Puratchi Thalaivi Amma*, inaugurated more than 350 breastfeeding rooms at bus terminals across the State. So, all the bus stations have got breastfeeding rooms where mothers can feed their children. This is the first time any State in the country has made such arrangements for mothers, especially the lactating mothers. To improve the immune system of babies, who are newborns, breast milk banks were launched in seven Government hospitals across the State. Each hospital would be given equipment worth ₹ 10 lakhs to store milk donated by mothers. I put forward this as a strong suggestion, which has to be implemented in the country at large. According to Job Zachariah, who heads the field office in the UNICEF, not a single State has implemented this important thing, that is, giving expectant mothers an amount of ₹ 12,000. Not a single State has implemented this till date; and, Tamil Nadu is the only State. Our Government and *Amma* are more proactive than others in implementing initiatives for the benefit of pregnant women and, under the scheme for new mothers in the hospital, they get a baby kit. She has allotted ₹ 67 crores for providing baby powder, towel, dress, mosquito net, oil, shampoo, soap and even a toy for the baby. So, it is put as a baby kit and all the mothers, the poor mothers, once they deliver a baby, are given a baby kit, which is the first-of-its-kind in the whole of India. *...(Time-bell rings)...*

MR. DEPUTY CHAIRMAN: Okay. Time is over.

SHRIMATI VIJILA SATHYANANTH: Sir, only two minutes more. *...(Interruptions)...* This is a role model for the whole India, at large, to implement. *...(Interruptions)...* For unwed pregnant mothers, the Cradle Baby Scheme has aimed at reducing infanticide, especially female infanticide. Tamil Nadu ranks high in terms of institutional deliveries. I wanted to put on record a rapid survey on children conducted by the Union Ministry of Women and Child Development *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Okay. That is enough. ...*(Interruptions)*...

SHRIMATI VIJILA SATHYANANTH: As per the statistics, Tamil Nadu ranks high in terms of institutional deliveries. ...*(Interruptions)*... In Tamil Nadu, 99.3 per cent pregnant women deliver in the hospitals because they get ample benefits from the Government, and whereas it is only 87.9 per cent in Gujarat and 76.2 per cent in West Bengal. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay. Time over. ...*(Interruptions)*... No, no. ...*(Interruptions)*... It's okay. ...*(Interruptions)*...

SHRIMATI VIJILA SATHYANANTH: As far as Tamil Nadu is concerned....
(Interruptions)...

MR. DEPUTY CHAIRMAN: That is enough. ...*(Interruptions)*... Now, Ms. Dola Sen. ...*(Interruptions)*...

SHRIMATI VIJILA SATHYANANTH: Everything is free for a child till the age of six months ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay. ...*(Interruptions)*... Ms. Dola Sen. ...*(Interruptions)*...

SHRIMATI VIJILA SATHYANANTH: Till six months, everything is taken care of by the Government. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Ms. Dola Sen, your time-limit is four minutes, but you can take five minutes. I give you one minute extra.

MS. DOLA SEN (West Bengal): Thank you, Sir.

Sir, the object of maternity leave benefit is to protect the dignity of motherhood by providing for full and healthy maintenance of a woman and her child when she is not working. In today's age, more and more women are joining the workforce and, in this scenario, it is important to ensure that a woman, striving for self-sufficiency, does not have to compromise on her role as a caregiver to her child. Studies have shown that a longer maternity leave is likely to produce health benefits.

Expectant and nursing mothers require special protection to prevent harm to their own health and their infants' health. They need adequate time to recover after giving birth and nursing their children. At the same time, they also require protection to ensure that they will not lose their job simply because of pregnancy or maternity leave. Such protection ensures a woman equal access to employment.

But one point I must say. The proposed amendment is silent on the question of paternity leave. This is one very important point that the Labour Ministry must address. Extending paternity leave will contribute to men and women sharing responsibilities of child care. This, we have already started practising in West Bengal under the leadership of our hon. Chief Minister, who is the Health Minister as well, Ms. Mamata Banerjee. This is a progressive step, in which Bengal is already leading.

The present Bill seeks to increase the maternity leave for women to 26 weeks, as against the current provision of 12 weeks. This is a commendable reform, and I whole-heartedly support this provision. Another good provision is the option of "work from home" for nursing mothers, after completing the duration of their maternity leave, though this will be decided by the employer. It also provides for 16 weeks' leave for women, who adopt a child or opt for surrogacy. In case an establishment employs 50 employees or more, a creche will have to be provided by the establishment. These are all very progressive provisions and I laud the Government for bringing them.

However, it is important for us to go beyond the books and look at the bigger picture. Women are estimated to be only 30 per cent of all economically active individuals, even though they account for 48 per cent of the population. Only one per cent of women are employed in State and Central Governments, and three per cent in legislative, management and senior official positions.

Maternity benefits are crucial as malnutrition continues to be a huge hurdle. In India, almost one in every three children, or an alarming 4.8 crore children are stunted. Without these benefits, it often becomes difficult for a single mother to provide adequate nutrition for her child. A mother also has to ensure that her child is fully immunized against all types of diseases. India has still a long way to go in securing 100 per cent immunization for all children. In fact, the first phase of the National Family Health Survey, 2015-16 revealed that the highest percentage of fully immunized children are from Goa, Sikkim, Puducherry and West Bengal.

Indira Gandhi Matritva Sahyog Yojana is a conditional Cash Transfer Scheme for improved health and nutrition of pregnant and lactating mothers. This scheme is being implemented in 52 districts for women above the age of 19 years in respect of their first two live births. It is estimated that about three crore women get pregnant every year. If ₹ 6,000 is to be given to each of them, then, ₹ 18,000 crore is needed every year. However, in the present Budget, only ₹ 400 crore has been allocated to the scheme. This needs to be looked into by the Government.

There are some more points for consideration. First, it should be addressed by the Government that the timing of this 26 weeks maternity leave should be flexible in nature and according to the necessity and choice of a pregnant mother.

MR. DEPUTY CHAIRMAN: You have one minute more.

MS. DOLA SEN: Second, establishments, with ten employees, are entitled for ESI facilities. This Maternity Benefit Bill should not clash with the existing ESI facilities. Third, there are some provisions in the Act for maternity leave allowance or medical bonus for the pregnant mothers. I would like to know whether the Government is planning to increase this allowance or medical bonus, as it is not at all up to the mark. Fourth, it is there in the amendment that "every establishment shall intimate in writing and electronically to every woman at the time of her initial appointment about the benefits available under the Act." It means that this Maternity Benefit Bill should be implemented from the very first day of the service of the pregnant mother.

MR. DEPUTY CHAIRMAN: Okay; now conclude.

MS. DOLA SEN: This Maternity Benefit Bill must also address the working women of unorganised sector. I appreciate the thought, that the Government has put, behind the Bill. ...(*Time-bell rings*)... We also need to work towards building a future where women hold an equal stake in every aspect of India's social, political and economic life.

MR. DEPUTY CHAIRMAN: That is all. Your time is over.

MS. DOLA SEN: For a child, the most important person in their life is the mother. ...(*Time-bell rings*)...

MR. DEPUTY CHAIRMAN: Okay; now, please conclude.

MS. DOLA SEN: Let us ensure that we build an India where every woman is free to achieve her dreams, and no child is bereft of the love that only a mother can provide.

श्री उपसभापति: श्रीमती कहकशां परवीन। आपकी पार्टी का बोलने का टाइम चार मिनट है, लेकिन आप पांच मिनट बोलिए।

श्रीमती कहकशां परवीन (बिहार): सर, छह मिनट का समय दे दीजिएगा।

श्री उपसभापति: सिर्फ पांच मिनट बोलिएगा।

एक माननीय सदस्य: सर, छह मिनट का समय दे दीजिएगा।

श्री उपसभापति: सिर्फ पांच मिनट बोलिएगा। No, no. I have other Business also. ...(*Interruptions*)...

श्रीमती कहकशां परवीन: सर, आपका बहुत-बहुत शुक्रिया। आपने एक मिनट का ज्यादा समय अपनी तरफ से बोलने के लिए दिया, इसके लिए आपका बहुत-बहुत शुक्रिया।

उपसभापति महोदय, मुझे इस सदन में आए हुए 28 महीने हो गए हैं। जब से मैं इस सदन में आई हूँ, तब से लेकर आज तक यहां पर बहुत महिला सांसद आयी हैं। हम लोगों ने कई बार नोटिस दिया कि महिलाओं के issue पर चर्चा कराई जाए, लेकिन एक दिन भी चर्चा नहीं हुई। मुझे ऐसा लगने लगा कि कहीं ऐसा तो नहीं है, जैसा कि इस शेर में कहा गया है,

"पैरों में बांधकर यूँ रस्मों की जंजीरें,

चूड़ियों से तकाजा है कि खनकती नहीं।"

कहीं वही हाल हम लोगों का तो नहीं हो गया है। मैं महिला एवं बाल विकास मंत्री का एवं उनके मंत्रालय का शुक्रिया अदा करना चाहती हूँ कि यह जो बिल आया है, उनकी पहल से ही आया है, उन्होंने विशेष पहल की है। इसीलिए इस बिल को लाने का काम किया गया है। इस बिल का एक ही मकसद है कि शिशु मृत्यु दर पर कैसे रोक लगाई जाए। भारत में शिशु मृत्यु दर बहुत अधिक है, उस पर रोक लगाने के लिए महिला एवं बाल विकास मंत्रालय ने पहल की है। यह एक सराहनीय पहल है। कहा जाता है कि "माँ" का दूध बच्चों के लिए बहुत मुफीद होता है, इस बिल में इसी पर जोर दिया गया है।

मैं इस बिल का समर्थन करते हुए कुछ बातें माननीय मंत्री जी के समक्ष रखना चाहूंगी। सरकार ने प्रसूति अवकाश को 12 सप्ताह से बढ़ाकर 26 सप्ताह कर दिया है, यह बहुत अच्छी बात है और हम सभी इसका स्वागत करते हैं। मेरी आशंका यह है कि कारखानों में, दुकानों में जो औरतें काम करती हैं या लड़कियां काम करती हैं, उनसे सवाल किए जाते हैं, जिस तरह से रजनी पाटिल जी बोल रही थीं, वे कह रही थीं कि लड़कियों से सवाल किए जाते हैं कि वे शादी कब करेंगी? मैं कहती हूँ कि उनसे बांड भरवाए जाते हैं कि आप अभी अपने बच्चों को जन्म नहीं देंगी। उनको नौकरी देने से पहले उनसे इस तरह से पूछा जाता है। जो महिला pregnant हो जाती है, उनको कोई न कोई बहाना बनाकर नौकरी से निकाल दिया जाता है। आजकल लोग बेरोजगारी और भुखमरी से परेशान हैं। हमारे यहां 70 प्रतिशत आबादी गांव में रहने वाली है। आप इसका ख्याल कैसे रखेंगे कि गांव की कामगार महिलाओं को इसका लाभ मिले, मैं माननीय मंत्री जी से यह जानना चाहती हूँ। मैं माननीय मंत्री जी से यह भी जानना चाहती हूँ कि सरकारी नौकरी में तो उन्हें 12 से 26 हफ्ते तक वेतन मिलेगा, लेकिन क्या आपने निजी संस्थानों एवं कॉरपोरेट संस्थानों या उनके संगठनों से बात की है कि महिलाओं को जो छुट्टियां मिलेंगी, वे वेतन सहित मिलें, वेतन रहित नहीं? इस पर पर गौर करने की जरूरत है।

माननीय मंत्री जी, आप घर से काम करने की बात कर रहे हैं। यह बहुत अच्छी बात है और हम इसका स्वागत करते हैं। किन्तु, मैं आपका ध्यान एक बात की ओर भी आकर्षित कराना चाहूंगी कि शहरों में रहने वाली हमारी बहनें लैपटॉप, मोबाइल और नेट से जुड़ी हुई हैं। दूसरी तरफ गांव में रहने वाली बहनें, गांव की पगड़ंडियों से चलकर शहरों के मुख्यालयों में आकर काम करती हैं, क्या आपने उनके लिए प्राइवेट संस्थानों से बात की है? आप इन बहनों को कैसे लाभ पहुंचाने का काम करेंगे? आपने कहा है कि आप शिशु कक्ष बनाएंगे और महिलाएं दिन में चार बार अपने बच्चों को स्तनपान कराएंगी। मैं यह जानना चाहती हूँ कि जो शिशु कक्ष बनाए जाएंगे, क्या उनको सरकार बनाएगी या जिन कम्पनियों में महिलाएं काम करती हैं, वे कम्पनियां

[श्रीमती कहकशां परवीन]

बनाएंगी? अगर कम्पनियां बनाएंगी, तो आप उनके साथ कौन सा नियम लागू करेंगे, ताकि वे इन कक्षाओं को अनिवार्य रूप से बनाएं ही।

मैं एक बात और कहना चाहती हूं कि आपने दत्तक माता की बात कही है। जिनके दो से अधिक बच्चे हैं, क्या आप उनको इसका लाभ देंगे या नहीं देंगे? ऐसी भी है कि जिनकी दो बेटियां हैं, ऐसे में लोग एक लड़के की ख्वाहिश में किसी लड़के को दत्तक पुत्र के रूप में ले लेते हैं, तो क्या आप उस माता को इसका लाभ देंगे या नहीं देंगे? मैं सरकार से यह जानना चाहती हूं।

मैं आखिर में एक ही बात कहना चाहती हूं ...(समय की घंटी)...

श्री उपसभापति: पांच मिनट हो गए। Okay, conclude now. *...(Interruptions)..* I have to control the House, not you people. Okay.

श्रीमती कहकशां परवीन: महोदय, मैं आखिर में अपनी बात एक शेर के माध्यम से खत्म करना चाहूंगी। महोदय, गांव की औरतों के दिल से जो आवाज निकल रही है, मैं उस आवाज को एक शेर के माध्यम से रखना चाहूंगी।

"न हमसफ़र से निकलेगा, न हमनशीं से निकलेगा।

हमारे पैर का कांटा, खुद हमीं से निकलेगा॥"

बहुत, बहुत शुक्रिया।

MR. DEPUTY CHAIRMAN : Shri Tapan Kumar Sen, I know why you have argued for extension of time for other Members. Your party has three minutes, but I will give you extra two minutes. You can speak for five minutes.

SHRI TAPAN KUMAR SEN: Mr. Deputy Chairman, Sir, whatever it may be, but it is a labour issue. Whatever I have to speak, I will speak and then stop.

MR. DEPUTY CHAIRMAN: Within five minutes, you have to speak.

SHRI TAPAN KUMAR SEN: Sir, I rise to support the Bill. This was a product of long-standing demand of the country's trade union movement. It was taken up in 2013. At the 44th Indian Labour Conference there was a consensus recommendation on it. Ultimately, after three years, it is seeing the light of the day. देर आए, दुरुस्त आए। I welcome the step. This is number one.

Number two, I fully express my agreement with the proposals made by Shrimati Rajani Patil and Ms. Dola Sen, that whatever rights are there, those have to be increased further. The hon. Minister must seriously consider on that.

The third point is that the passage of this Bill will definitely give you great applause. But the purpose of the Bill is to get the benefits delivered at the grass

root level. Out of my own personal experience at the work place level, the present provision of 12 weeks maternity benefit implementation is hardly to the extent of 30 per cent, that is, 30 per cent of the eligible working women are getting this benefit. Because in many places, a woman has to join work by suppressing her marital status. If you are married, you will not be given the job, particularly, in the emerging highly mechanized spinning mills and industries where a young woman has to join the job by suppressing her marital status; otherwise, she is not going to get the job. The kind of enforcement machinery that is there, if these benefits are really to be delivered for whom it is meant for, I think, the system has to be strengthened much stronger. Only then will it ensure the benefits.

Thirdly, its implementation is also linked with various other factors. I crave the attention of hon. Minister, because he has to reply. Mr. Minister, I crave your attention, please. There are other provisions which are related to an effective implementation of that and, even, the eligibility of that. I think the Government, up in its sleeves, has already put it in the public domain to bring a legislation called 'the Small Factories Amendment Bill' where all the factories employing up to 40 workers will be considered as small factories and they will be exempted from 14 basic labour laws including the Maternity Benefit Act. Now, the Bill has not yet come up. The Government has proposed it to the Central Trade Unions and tripartite consultations have been held. The Government has stuck to its guns, but trade unions have opposed certain provisions and now it is awaiting Cabinet approval, after which, it will come before this House. Now, when this Bill comes up and by sheer strength of numbers, it is passed, then, this Bill will ultimately, be a piece of paper and nothing else. You can showcase it to the world that you have done like this but actually no benefit will go because more than 90 per cent of the industrial workers, say, around 20 per cent of them, are women. They will be deprived of, what you intended or what the Parliament intends, the benefits. So, while supporting the Bill, I also demand an assurance from the hon. Minister and the Government as such that, under no circumstances, the working women of any segment at their work places can be deprived of these benefits under any plea whatsoever, even if it is a law made by the Parliament, because that is up in your sleeves. That is going to come about. As a trade union official,—as I was part of the 44th Indian Labour Conference where this was consensually recommended—I am also a part of that system. We have received your written proposal and in your so-called Small Factories (Amendment) Bill, you are exempting small factories from the provisions relating to the Maternity Benefit Act.

Now, when you have brought this, we welcome your magnanimity. We support this Bill and we will get it passed. But, at the same time, we will request for a

[Shri Tapan Kumar Sen]

little more magnanimity to ensure that the labour law reform is aimed at expanding the coverage of the labour laws to the entire workplace and not in your model of Rajasthan or Madhya Pradesh or Maharashtra or Andhra Pradesh. ...*(Time-bell rings)*... It should not be made on a model which aims at pushing the workers out of the coverage of all labour law protection, including social security. So, while commending this Bill, I want a clear-cut assurance from the Minister on this count. Then only your intention will be acceptable and it will be welcomed. Thank you.

श्रीमती सरोजिनी हेम्ब्रम (ओडिशा): उपसभापति जी, आपका बहुत-बहुत धन्यवाद। ...*(व्यवधान)*...

श्री उपसभापति: आपको पांच मिनट में खत्म करना है।

श्रीमती सरोजिनी हेम्ब्रम: जी। सर, आज आपने मुझे इस महत्वपूर्ण बिल पर बोलने का मौका दिया है, इसलिए मैं अपनी पार्टी बीजेडी की ओर से इस बिल का समर्थन करती हूँ। यह बिल महिलाओं के लिए बहुत ही महत्वपूर्ण है। भारत जैसे विशाल देश में लाखों की संख्या में महिलाएं public sector और private sector में काम कर रही हैं। भारत में महिलाओं की सक्रियता में लगातार वृद्धि हो रही है। भारत, विश्व में Gender Inequality Index में 127वें नंबर पर है और Gender Gap Index में 108वें नंबर पर है। पिछले दस सालों में महिलाओं की नौकरियों में भागीदारी कम हो रही है। गवर्नमेंट रिपोर्ट के हिसाब से 2004-05 में जो संख्या 29.4 परसेंट थी, वह 2011-12 में गिरकर 22.7 परसेंट हो गई है।

उपसभापति जी, महिलाओं की शिक्षा के लिए माता-पिता भले ही खर्च करने के लिए उपस्थित रहते हैं, लेकिन केवल कुछ ही महिलाएँ सामाजिक प्रतिबंधनों से ऊपर उठकर नौकरी में नियोजित हो पाती हैं। इसकी वजह से, महिलाओं की भागीदारी में हमारा देश, पड़ोसी देशों, जैसे म्यांमार, मलेशिया, बंगलादेश, श्रीलंका आदि देशों से पीछे है। Government और Private Sector में नौकरी करने के लिए प्रोत्साहन देने के लिए maternity and child care support system बहुत ही जरूरी है।

महोदय, इस बिल में maternity leave 12 सप्ताह की जगह 26 सप्ताह करने का प्रावधान किया गया है। यह बात बहुत स्वागत योग्य है, लेकिन मां के लिए, एक बच्चे का पालन-पोषण करने के लिए एक साल बहुत जरूरी होता है। जो मां घर में रहती है, उसके लिए बच्चे का पालन-पोषण करना बहुत ही महत्वपूर्ण काम है। सर, इस बिल में जो सारे प्रोविजन्स लाए गए हैं, ये बहुत महत्वपूर्ण हैं। जो commissioning mother है, adopting mother है, उसके लिए भी मैं इस maternity leave provision का स्वागत करती हूँ।

यहां पर हमारे अन्य सदस्यगणों ने कहा कि paternity leave भी होनी चाहिए। क्योंकि बच्चे को पालने-पोसने के लिए माता-पिता, दोनों की बहुत जरूरत होती है, इसलिए paternity leave भी बहुत जरूरी है। मेरा यह submission है कि वह महिला चाहे private sector में, स्कूल में, कॉलेज में या जो महिलाएँ गांवों में रहती हैं, जो agricultural sector में employees हैं, उनमें से

3.00 P.M.

ज्यादातर महिलाएँ बच्चा होने के बाद नौकरी छोड़ देती हैं, इसलिए उनको यह सुविधा मिलनी चाहिए। आज दिल्ली में, 1 हजार की संख्या पर 30 परसेंट महिलाएँ केवल इसी वजह से नौकरी छोड़ रही हैं।

इस बिल की एक क्लॉज में जो प्रावधान लाया गया है, वह यह है कि जहां 50 से अधिक employees होंगे, वहां creches की व्यवस्था की जाए। इस पर मेरा submission है कि यह जो क्राइटेरिया रखा गया है, इसको कम करने से बहुत ही अच्छा होगा, क्योंकि गांव में या शहरों में ऐसी छोटी-छोटी organisations हैं, जैसे स्कूल हैं, अन्य establishments भी हैं, जहां पर दस, बीस या तीस महिलाएँ काम करती हैं। वे अपने बच्चों को साथ में लेकर आने के लिए मजबूर होती हैं, इसलिए मैं चाहूंगी कि इस बिल में उनका भी ख्याल रखा जाए। वहां पर भी creches होने से बहुत अच्छा हो जाएगा।

ओडिशा में, हमारे माननीय मुख्य मंत्री, श्री नवीन पटनायक जी ने मां और बच्चों के लिए एक "ममता" योजना आरम्भ की है। वे मां और बच्चे के लिए पांच हजार रुपये की राशि दे रहे हैं।

उपसभापति महोदय, मैं इस बिल का स्वागत करती हूँ। मैं आशा करती हूँ कि इस बिल को जल्द से जल्द पास कराकर कानून में बदला जाएगा, जिससे हमारे देश की आधी आबादी लाभान्वित होगी। मैं अपनी और अपनी पार्टी बीजेडी की ओर से इस बिल का संपूर्ण समर्थन करती हूँ। धन्यवाद।

MR. DEPUTY CHAIRMAN: Mrs. Maneka Gandhi, when would you like to intervene; now or later?

THE MINISTER OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI MANEKA SANJAY GANDHI): Sir, now, if you allow me.

MR. DEPUTY CHAIRMAN: Okay, please.

SHRIMATI MANEKA SANJAY GANDHI: Mr. Deputy Chairman and Mr. Minister, I would like to thank the Minister of Labour and Employment for bringing this Bill. As you all know, this was recommended by the ILC three years ago, and when our Government was formed, it was one of the earliest things that came to my mind and we proposed it to the Ministry of Labour and I am deeply grateful that it was supported and taken up. The reason why we did it is because there are more and more nuclear families today in which the woman or, for that matter, the man has to look after without help from the extended family of yore. The second reason why we did it is because malnutrition has increased and a lot of women have appreciated this Bill. It has its roots in malnutrition. We recommend — as a Government, as a people — breast-feeding. But this is almost impossible unless the woman is with her child, Unless she expresses herself in the morning, keep the bottle and allow it to be given. Otherwise, the woman has to be in physical

[Shrimati Maneka Sanjay Gandhi]

proximity with the child. Secondly, it is not just the malnutrition of the child which is affected, but the woman's body needs to be repaired. She needs to heal by herself over a period of time. This is not a holiday, as was said. The meaning of holiday is completely different. It is a very stressful time for the mother and that is the reason why we believe that she should be with the child for bonding and to make sure that malnutrition is not caused by non-breastfeeding even though the choice, of course, is with the mother. So, we have recommended eight months, but eight months was considered to be too long for the employer. So, the Labour Ministry and the Government, as a whole, thought that six-and-a-half months is reasonable and I think, yes, it is true, it is a reasonable time. I have to say that this is one of the most eagerly looked forward Bills by women all over the country because I have been hounded by women everyday through my e-mails saying, 'I am pregnant. I am working in an office. Is it going to come in time for me?' So, it will come in handy for many, many women, and again I congratulate the Minister for this. So, the main reason was malnutrition and this will go a long way towards making sure that our next generation of children will be healthier than before. It is a fact, as you probably know, that most countries in the world provide benefits ranging from 12 weeks to 54 weeks and some very big organisations and UN organisations provide up to 10 months because it so challenging for women to work.

The other thing that we asked for and which had been agreed on is that a woman be allowed, if she can, to 'work from home' after this period is over and still be paid. If not, she comes to office, but we suggested that in an office which has, say, five women who work, and are of child bearing age, then we could have a creche. This is being made mandatory, but it has been expanded to say that any company, which has 50 employees or more, will have to mandatorily have a creche. What are the penalties? The penalties are as they were before, which is one year for the employer in jail, if he does not agree or he has complained about, and/or fine. So, this was the reason for the Bill. We also requested for it to be extended to adopted children and there, I say the word, surrogate children, which has been agreed to because it is as important — breastfeeding or not — that the new mother be bonded with the child for as long as she possibly can before going back to work. Thank you.

श्री सिद्धार्थ अशोक (उत्तर प्रदेश): माननीय उपसभापति महोदय, मैं अपनी पार्टी की अध्यक्ष, माननीया बहन कुमारी मायावती जी का हृदय की गहराइयों से आभार व्यक्त करता हूँ कि उन्होंने मुझे the Maternity Benefit (Amendment) Bill, 2016 पर बोलने का अवसर दिया। मान्यवर, यह बिल हमारी उन कामकाजी मां-बहनों और बेटियों के लिए लाया जा रहा है, जो सरकारी, गैर-सरकारी, प्राइवेट सेक्टर में, कारखानों में, सर्विस उद्योग में, तमाम इस तरह के उद्योगों में

कार्यरत हैं, जहां पर 10 या 10 से अधिक कर्मचारी कार्यरत हैं। मान्यवर, गर्भधारण करना किसी भी स्त्री के लिए सबसे अधिक सुख की अनुभूति देने वाला होता है। स्त्री जब गर्भधारण करती है, तो सबसे ज्यादा अपने आपको कम्प्लीट या अपने आपको धन्य महसूस करती है। लेकिन भारत में खराब स्वास्थ्य सेवाओं के कारण और गर्भधारण की हुई स्त्रियों की उचित देखभाल न होने के कारण तथा खान-पान की उचित व्यवस्था न होने के कारण, जो मृत्यु-दर है, वह भारत में सबसे अधिक है। गर्भवती महिलाओं के सम्बन्ध में डब्ल्यूएचओ की एक रिपोर्ट आई है, जिसके अनुसार विश्व में प्रतिवर्ष 5 लाख 29 हजार माताओं की मौत उचित सुविधाओं के अभाव में हो जाती है — और बड़े दुख के साथ कहना पड़ रहा है कि — जिसमें केवल भारत में ही 1 लाख 31 हजार मौतें होती हैं। इससे स्पष्ट होता है कि गर्भवती महिलाओं को भारत में समुचित सेवाएँ नहीं दी जाती हैं।

जहां तक इस बिल का सवाल है, तो यह बिल उन कामकाजी महिलाओं के लिए लाया गया है, जो देश में लगभग 18 लाख के आसपास कार्यरत हैं। लेकिन उन गरीब महिलाओं के लिए, जो गांवों में बसती हैं, जिनको आज भी, आज़ादी के लगभग 70 साल के बाद भी, पूरे तरीके से सेफ एवं स्वस्थ प्रसव की सुविधा उपलब्ध नहीं होती है, तो क्या माननीय मंत्री जी और सरकार उनके लिए भी इस तरह की कोई सुविधा देने का काम करेंगे?

दूसरा, माननीय उपसभापति महोदय, डब्ल्यूएचओ की एक रिपोर्ट और आई है कि भारत में प्रसव के दौरान होने वाली समस्याओं से हर 5 मिनट में एक भारतीय महिला की मृत्यु हो जाती है। इससे यह स्पष्ट होता है कि गर्भावस्था के दौरान हमारी गर्भवती माताओं, बहनों और बेटियों के लिए समय पर उचित खानपान की व्यवस्था नहीं की जाती है। वे आर्थिक कमजोरी और गरीबी के कारण गर्भावस्था के दौरान, प्रसव के पूर्व या प्रसव के दौरान अपनी उचित देखभाल नहीं कर पाती हैं।

मान्यवर, काफी लम्बे अरसे से हमारे देश के तमाम श्रमिक संगठनों के द्वारा और तमाम सोशल आर्गनाइजेशंस के द्वारा मैटरनिटी लीव को बढ़ाये जाने की मांगी की जा रही थी। तो मैं इस बिल का स्वागत करता हूँ, क्योंकि इस बिल में 12 हफ्तों की जगह, उसमें बढ़ोतरी करके उसे 26 हफ्तों का किया गया है। लेकिन अगर हम इसमें 26 की जगह पूरे 9 महीने के लिए ही गर्भवती माता, बहन और बेटों को छुट्टी देने का काम विद पे करते, तो ज्यादा अच्छा रहता। क्योंकि हमारे शास्त्रों में भी यह लिखा है, हमारे देश में भी कहा जाता है और कहावत भी है कि जब कोई स्त्री गर्भवती हो, तो उसे प्रसन्नचित रहना चाहिए, उसका मन प्रसन्न रहना चाहिए। जिस बालक को वह गर्भधारण करती है, उसको दीये में रखे तेल की तरह सम्भालना पड़ता है। अगर उसका मन प्रसन्न होगा, तो निश्चित रूप से वह आने वाले भविष्य को सँवारेगी। हम लोग कहते हैं कि बच्चे भारत का भविष्य हैं और जब बच्चे भारत का भविष्य हैं, तो आने वाले भविष्य की उचित देखभाल करने की व्यवस्था भी सरकार को करनी चाहिए। कम से कम इस बिल के पास होने से हमारी उन मां-बहनों को, जो सरकारी कर्मचारी हैं या जो ऐसी तमाम जगहों में कार्य करती हैं, उनको इस बिल से लाभ तो मिलेगा और उनको लाभ मिलने के साथ-साथ यह जो मृत्यु-दर है, उसमें भी कमी आएगी। इस बिल की सबसे अच्छी बात यह है कि प्रत्येक महिला कर्मचारी को नियुक्ति-पत्र देने के साथ-साथ इस बात से अवगत कराया जाएगा कि तुम्हारे अधिकार क्या-क्या हैं तथा जब तुम गर्भवती होगी, तो तुम्हें क्या-क्या अधिकार मिलेंगे।

[श्री सिद्धार्थ अशोक]

मान्यवर, मैं एक और बात कह कर अपनी बात समाप्त करना चाहूँगा, क्योंकि समय कम है और मैं ऐसी पार्टी से सम्बन्ध रखता हूँ, जहाँ पर डिसिप्लिन सबसे ज्यादा महत्व रखता है। मान्यवर, मैं कहना चाहूँगा कि इस बिल में जो 6 या साढ़े 6 महीने की आराम करने की बात कही गई कि सरकारी महिला कर्मचारियों को या जो प्राइवेट सेक्टर में नौकरी करती हैं, कारखानों में अथवा खानों में काम करती हैं, उनको 26 हफ्ते की छुट्टी दी जाएगी, तो मैं आपके माध्यम से माननीय मंत्री जी से निवेदन करना चाहूँगा कि जो गांवों में गरीब महिलाएँ हैं, उनके भोजन के लिए, उनकी आर्थिक सहायता के लिए, कुछ ऐसी व्यवस्था की जाए कि जो गर्भवती माताएँ-बहनें हैं, उनको भी लाभ मिले। अगर हम सरकारी कर्मचारियों को, इस तरह से कार्यरत महिला कर्मचारियों को, कामकाजी महिलाओं को लाभ दे सकते हैं, तो हमें उन्हें भी लाभ देना चाहिए। इन्हीं शब्दों के साथ, मैं इस बिल का समर्थन करता हूँ। जय हिन्द।

MR. DEPUTY CHAIRMAN: Thank you, especially for the discipline and adhering to the time limit.

SHRI SATISH CHANDRA MISRA (Uttar Pradesh): Sir, still seven minutes are left. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: But everybody is given five minutes. That's the point. Shri D. Raja; not present. That is a very rare thing. ...*(Interruptions)*... Now, he has come.

SHRI D. RAJA (Tamil Nadu): Sir, while I support the content and intent of this Bill, I have a couple of questions. Number one, more than 96 per cent of women are employed in the unorganised sector, informal sector. I am raising this issue for the future. The Government should not stop with this Bill. It should keep on doing work on these issues. Among the women working in the unorganised sector, the women working in the agriculture sector constitute a major section. When I say this, they are mostly *dalits* and tribal people, and these women do not have direct access to any benefit because we don't have a Central Legislation for the agricultural workers. We have been demanding that the Government should come forward to enact a Central Legislation for the agricultural workers. This is very important and the Government should think about the welfare of the women employed in the unorganised sector.

Number two, under the Right to Food Act, there are certain maternity entitlements. Will these entitlements continue and will these be extended when the Government discusses this maternity benefit? These are two major questions I am raising.

The Centre should draw lessons from various schemes implemented in different States. For instance, Tamil Nadu is one State where successive Governments have strengthened different schemes in order to help children and women, particularly when

women are pregnant. Successive Governments have done that, but there can be one small lacuna. The money given to women may not be used for their welfare but for the entire family. It becomes family income because of various factors. That is a different issue. The State Governments will have to address that. But, the Central Government can draw lessons from the experience of some States, like Tamil Nadu, on how to strengthen the schemes which can directly benefit women and children in terms of nutrition and their healthcare. The Government will have to address these two issues in the coming days.

SHRIMATI MANEKA SANJAY GANDHI: Sir, with your permission, I would like to respond to the issues raised by the hon. Member. We already have schemes where we feed little children in the age group of 1 to 6 years. We have the Anganwadi Scheme. And, as was pointed out by Kahkashanji, we have the Indira Gandhi Matritva Sahyog Yojana, which does not cover the whole country, but it covers a small portion. It covers about 200 districts. It is a scheme for feeding pregnant women and we are thinking of giving them Direct Benefit Transfer covering the whole of India. So, this is under consideration.

SHRI D. RAJA: Sir, these were two major issues that I wanted to raise. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Thank you very much. For the first time, you have finished before the allotted time. Now, Shrimati Wansuk Syiem.

SHRI SITARAM YECHURY (West Bengal): Sir, please don't provoke him.

MR. DEPUTY CHAIRMAN: He will speak again.

SHRIMATI WANSUK SYIEM (Meghalaya): I thank you, Mr. Deputy Chairman, Sir, for giving me the opportunity to speak. Though belated, the Government's effort to move this Bill for consideration and passing is a welcome move.

Sir, the objective of maternity leave and maternity benefits is to protect the dignity of motherhood by providing for the full and healthy maintenance of women and her child when she is not working. In this context, the move to enhance the period of entitlement of maternity benefits under Section 5 of the principal Act is necessary.

I am of the view that the benefits of this Act should also extend to a large number of establishments or organizations in the country employing less than ten persons. There are several establishments with seven or eight employees, or, even less than that. Therefore, the benefit of the Act should be extended to contract workers, construction workers, call centre workers, etc. I would suggest that for availing the

[Shrimati Wansuk Syiem]

benefits of the Act, the ceiling of minimum ten persons in establishments may be reduced to five persons.

Much beyond the primary scope of ensuring a prescribed minimum rest period for women employees or workers, with full wages and perks, both pre-natal and post natal, the Government has launched many schemes for the well-being of pregnant women under Janani Suraksha Yojana under the National Health Mission. Sir, in the rural areas, for the pregnant women, there is poor entitlement under the scheme benefits to cover all expenses for delivery, including caesarean section, free drugs, consumables, free diet and diagnostics, etc. There are several women labourers, migrants from drought-hit areas in Rajasthan, Bundelkhand and Chhattisgarh, who are working in Delhi and other urban sectors. They work under inhumane conditions and are exploited by the contractors and the middlemen. The Government should ensure that the benefits of this Act should also be extended to them.

Sir, the National Health Mission launched during the UPA regime had a comprehensive system for rural population, which reached out to deprived sections of the society. North-Eastern States, including Meghalaya, are still to attain the record shown by other States in lowering MMR. It was UPA's ambitious plan to improve delivery on healthcare front with a scheme to engage more than 9.15 lakh Accredited Social Health Activists (ASHA) to assist pregnant women towards safe delivery. ASHA volunteers have been reaching every nook and corner of the remote and rural areas.

I hope you will forgive me for all this digression, but all I want to say is that the UPA Government wanted to ensure healthcare benefits also to non-working women, housewives, through a slew of measures and schemes under the National Health Mission and Janani Suraksha Yojana. The contributions of the non-working women, housewives, to look after the households as also the upbringing of children cannot be quantified in terms of remuneration. Let's find ways to compensate the non-working women, housewives, who do not get the maternity benefits enjoyed by working women as provided for in the Bill under discussion. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Thank you. Now, Shri Narendra Budania. Please take five minutes only.

श्री नरेंद्र बुढानिया (राजस्थान): उपसभापति महोदय, आज कुपोषण व अन्य कारणों से बच्चों की मृत्यु दर को कम करने की दिशा में यह बिल लाया गया है। आपका यह कदम स्वागत योग्य है और हमारी पार्टी और हम पूरी तरह से इसका समर्थन करते हैं।

महोदय, इस बिल में 26 सप्ताह के प्रसूति अवकाश का लाभ दिया गया है, लेकिन क्या यह सही है, हम लोग अगर बहुत ही ऊंचे विचारों से सोचें तो क्या यह जो 26 सप्ताह किया है, वह

क्या सही है? सर, यह सही नहीं है। वास्तव में हम अगर प्रसूता की मदद करना चाहते हैं, इस देश के बच्चों की मृत्यु दर कम करना चाहते हैं, हमारे बच्चों को कुपोषण से बचाना चाहते हैं, हमारे देश के आने वाले भविष्य को उज्ज्वल करना चाहते हैं तो हमको इस संख्या को बढ़ाना चाहिए, दिनों को बढ़ाना चाहिए, कम से कम 26 सप्ताह से एक वर्ष होना चाहिए, जिसकी अन्य साथियों ने भी मांग की है। सर, मैं यह भी कहना चाहता हूँ कि आज हमारे देश में असंगठित क्षेत्र में काम करने वाले मजदूरों की संख्या बहुत ज्यादा है। वहां काम करने वाली महिलाओं की संख्या भी ज्यादा है। मैं जानना चाहता हूँ कि जो महिलाएँ विशेष तौर से कृषि के लिए कार्य करती हैं, जो ग्रामीण हैं, गरीब हैं और अनपढ़ हैं, उनके लिए आप क्या करने वाले हैं? मैं समझता हूँ कि आपका यह बिल धरती पर उतरे, इसके लिए आपको बहुत ही अच्छे दिल से सोचना पड़ेगा।

महोदय, आपने किसी प्रतिष्ठान के लिए कर्मचारियों की संख्या 50 रखी है, जिसका मैं समर्थन नहीं करता हूँ। यह संख्या कम होनी चाहिए, क्योंकि आज अधिक संख्या में लोग 50 से नीचे काम कर रहे हैं, तो फिर उनको लाभ कैसे मिलेगा? आज उनको फैक्टरी ऐक्ट से ही बाहर कर दिया गया है। उनको मांग करने का अधिकार ही नहीं है, जबकि आज बिना मांगे कोई देता नहीं है। इसलिए इस बात पर विशेष ध्यान देना होगा। महोदय, मैं मंत्री महोदय से एक विशेष जानकारी चाहता हूँ। मुझे यह जानकारी मिली है कि राजस्थान के अंदर फैक्टरी ऐक्ट के अंदर 40 मजदूर से नीचे की संख्या को फैक्टरी ऐक्ट से ही बाहर कर दिया गया है। वहां वर्ष 2014 में राजस्थान फैक्टरी ऐक्ट, राजस्थान कांट्रैक्ट ऐक्ट और राजस्थान इंडस्ट्रियल ऐक्ट में संशोधन किया गया है। मैं मंत्री जी से यह जानना चाहता हूँ कि आप जो यह सेंट्रल बिल लेकर आए हैं, यह राजस्थान के लिए कैसे फायदेमंद होगा, यह वहां कैसे लागू होगा? आप यह नहीं कह सकते कि यह स्टेट का मामला है, क्योंकि यह आपका कर्तव्य है। आप सेंटर में बैठे हैं तो उनको लाभ कैसे देंगे, यह मैं आपसे जानना चाहता हूँ।

महोदय, मैं यह भी बताना चाहता हूँ कि महिलाओं के साथ बड़ा अन्याय होता है। हम लोग कभी कल्पना भी नहीं कर सकते कि एक महिला जब काम के लिए जाती है, तो उसको अपना मंगल-सूत्र छिपाना पड़ता है, ताकि किसी को पता न लग जाए कि वह शादीशुदा है। यदि वह शादीशुदा होती है, तो उससे काम नहीं लिया जाता है। इसके ऊपर सारे सदन को विशेष तौर पर सोचना पड़ेगा कि ऐसी महिलाओं के लिए हम क्या कर सकते हैं।

महोदय, मैं ज्यादा बात न करके अंत में इतना ही कहना चाहता हूँ कि आपका यह कदम स्वागत योग्य है और सभी लोगों ने जो मांग की है, उनमें मैं अपने आपको शामिल करता हूँ। मैं कहना चाहता हूँ कि असंगठित क्षेत्र में कामगार महिलाओं पर आपको विशेष ध्यान देने की जरूरत है, जो विशेष तौर से गरीब, कमजोर और अनपढ़ हैं और जो कृषि के क्षेत्र में तथा अन्य क्षेत्रों में काम करती हैं, धन्यवाद।

MR. DEPUTY CHAIRMAN: Now, hon. Members, all those who had given their names in time have spoken. But I have three more requests, which I received after commencement of the discussion, which are from our sisters. So, with your permission, I am allowing them also.

SHRIMATI VANDANA CHAVAN (Maharashtra): Sir, I rise to support the Maternity Benefit (Amendment) Bill, 2016, which seeks to amend the 1961 Act. Sir, this Bill seeks to make two main provisions — one is extending the time period of the maternity leave and the second is inserting clause 11 (a) for provision of creche facility. Sir, both these are, indeed, very commendable provisions, and I congratulate the Government for that. But I would like to make only two points on this. One is, while extending the period, it has been very categorically written that this provision of extension is allowed only in case of women who have less than two surviving children. Sir, I would like to say that this is very discriminatory. Kahkashanji has already said that sometimes, there are social pressures when the third child comes into being. I know a person who has two mentally-challenged children. So, she wanted to take a chance for the third child. So, in such a case, will she not be given maternity leave extension? This is a question, I think, the Government needs to look into. Secondly, Sir, the third child normally comes at a later age. And there is a research which has gone into it that there are chances of life-threatening conditions characterized by high blood pressure and gestational diabetes. So, this is another point that involves the health of women, and, therefore, it must be looked into.

Sir, the second point which I wish to make is about the creches. The present provision says that wherever there are fifty employees, only there will be a creche. This is in conflict with the provisions of the Factories Act of 1948 which says that in every factory which has more than 30 women workers, a creche facility would be made available. Therefore, I feel that instead of fifty workers, if the prescribed number is made thirty workers, that would make it more feasible. The Government may kindly look into it.

Sir, my last submission is this. A lot of my colleagues have already made it. We have to start talking about paternity leave in future. According to the International Labour Organisation Report, 2014, nearly seventy-eight countries in the world provide paternity leave. And seventy countries out of these seventy-eight countries have paid paternity leave. If I have to cite examples, Singapore is one. Then there are the Philippines, the U.K., Norway, Sweden, Iceland, Kenya, etc. Japan gives unpaid leave for each parent for up to one year. Then you have South Korea. These are the kinds of provisions which are there.

Budaniaji just mentioned that महिलाओं को अपना मंगलसूत्र छिपाकर आना पड़ता है। It is a fact, Sir. If somebody is to be given a job and if the employer realises that this woman may go on leave, probably there would be gender bias. So if a man is entitled to a paternity leave, maybe not as many as a woman will get, maybe that would check the gender bias. Thank you, Sir.

MS. ANU AGA (Nominated): Sir, I am for the maternity leave being extended from twelve weeks to twenty-six weeks. A child needs bonding from both the parents. Can this period of twenty-six weeks be shared between a mother and a father? Can we include paternity leave in it? Men in India leave child rearing hundred per cent to a mother and glorify motherhood. By offering paternity leave, we will sensitise the men a little more and maybe they will think twice before having more children. While I am aware of the great benefits of breast feeding, I do not think there should be overt or subtle pressure on women to breastfeed the child. It is a woman's choice and a woman should not be made to feel guilty for not breastfeeding the child.

I wonder why maternity leave in case of adopting a child is restricted to twelve weeks. This means we differentiate between a natural child and an adopted child. I think it should be extended to twenty-six weeks. Thank you very much, Sir.

MR. DEPUTY CHAIRMAN: Thank you very much for being brief and focussed. Shrimati Jaya Bachchan. You can emulate Ms. Anu Aga.

SHRIMATI JAYA BACHCHAN: Sure, Sir. Being one of the last speakers on the subject, there is not much to say.

MR. DEPUTY CHAIRMAN: There is one more speaker.

SHRIMATI JAYA BACHCHAN: I agree with all my other colleagues. I congratulate the Government and the Minister on bringing this Bill. I would just make a few points. You being a woman ...(Interruptions)...

SHRIMATI MANEKA SANJAY GANDHI: I am not the Minister who is dealing with it.

SHRIMATI JAYA BACHCHAN: Sorry. ...(Interruptions)... Okay, you being a man. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: It should be either a woman or a man.

SHRIMATI JAYA BACHCHAN: Sir, I am a bit cynical about this.

MR. DEPUTY CHAIRMAN: Please proceed.

SHRIMATI JAYA BACHCHAN: I hope, you will give a little more consideration especially to the women working in Parliament. It is fine for women who are Members. But what about the working women in Parliament, who work till very late and when a lot of them are pregnant? They may not tell you so.

SHRIMATI MANEKA SANJAY GANDHI: Government servants are already getting this leave.

SHRIMATI JAYA BACHCHAN: No, no. It is not about the leave. It is about the safety of these women going back home so late at night especially under the kind of circumstances that we are all living in, in a place called Delhi.

Sir, everyone is talking about the women in the unorganised sector. I understand that they need to be looked at compassionately. But that does not mean that the women in the organised sector are getting a fantastic deal from us till now. Now, of course, it is going to be different and I am very happy about that. The UP Government has already made it mandatory for Government organisations to give women six months' leave after delivery. ...*(Interruptions)*... Well, I am talking about UP; Central Government also...*(Interruptions)*... Okay. Wonderful! Thank you. सर, मिनिस्टर ही बोल लें, हमें बोलने की जरूरत ही नहीं है।

MR. DEPUTY CHAIRMAN: You speak what you have to speak. जया जी, आप बोलिए। You speak.

SHRIMATI JAYA BACHCHAN: Sir, pregnant women need equal care. Women, who deliver, of course, do need care because there is a lot to do. But, pregnant women need equal care, especially the seventh month of pregnancy is a very important and crucial month for a mother. I think a little consideration has to be given there. In the same way, when a child is seven months old, the child starts teething. That is when the child needs the mother most. With teething, you get a lot of problems which the child faces. I think attendance of the parent, mother or father or both together, is very, very important. So, Sir, I hope you will give it a thought and extend this to a year; if not a year, at least for eight months because seventh month is very crucial – when the child is seven months old. Seventh month of pregnancy is also very crucial for a woman. So, I would like you to think about it and give importance to it. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You proceed. I didn't say anything.

SHRIMATI JAYA BACHCHAN: Every time, there is a sound that comes from your table, one feels it. ...*(Interruptions)*... It is okay that you said so because I was a little worried.

I would also like to ask: What is your provision for the *anganwadi* women? Are they going to get the same leave benefits after delivery? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You put forward your points. ...*(Interruptions)*...

SHRIMATI JAYA BACHCHAN: She is saying 'no'. So, I am a bit confused. So, I am asking.

MR. DEPUTY CHAIRMAN: He will reply at the end. You say what you have to say. He will reply at the end.

श्रीमती जया बच्चन: सर, हर बात में कमेंट हो रहा है।

प्रो. राम गोपाल यादव (उत्तर प्रदेश): आप अच्छा बोल रही हैं, इसलिए लोग कमेंट्स तो करेंगे ही।

SHRIMATI JAYA BACHCHAN: Sir, I speak for all the women, including women parliamentarians, who are here and who have been telling me, please consider extending it from six months to, at least, eight to nine months, especially keeping in mind the seventh month of the child's teething. ...(*Time-bell rings*)...

MR. DEPUTY CHAIRMAN: All right. Now, you please conclude. Five minutes are over.

SHRIMATI JAYA BACHCHAN: There are a lot of non-lactating women also. I do not know whether they are also considered in the scheme which you have provided here. It is nothing to be ashamed of. Some people have problem. Not all women can breastfeed their children. ...(*Time-bell rings*)...

MR. DEPUTY CHAIRMAN: Okay. Now, please conclude. Everybody has taken five minutes.

SHRIMATI JAYA BACHCHAN: But, Sir, I have seven minutes.

MR. DEPUTY CHAIRMAN: No, you have only five minutes. I told you. Everybody was given five minutes. Please sit down. ...(*Interruptions*)... You gave the name after commencement of the discussion.

SHRIMATI JAYA BACHCHAN: I am sorry; I have lost my thought process. Thank you.

SHRI SATISH CHANDRA MISRA: Sir, I have only one clarification which I want to seek from the hon. Minister. Both the Ministers are here. In this Bill, you have included a woman who legally adopts a child and also a commissioning mother. But, what about a surrogate mother? This surrogate mother also can be an employee working somewhere. We are asking it for the commissioning mother, who is engaging a surrogate mother for bearing the child in the womb, and you are also making a provision for a woman who adopts a child. But, what about the woman, who is a surrogate mother? I would like to know whether this Bill covers them. From the Bill, it does not look so. If it does not, you should include it and you should also include it for surrogate mother in Clause 4, in which you are bringing forward this amendment.

SHRIMATI MANEKA SANJAY GANDHI: Sir, can I just answer?

MR. DEPUTY CHAIRMAN: Yes, please. You can.

SHRIMATI MANEKA SANJAY GANDHI: Since the purpose of the Bill is actually to bond the mother and child, a surrogate mother gives up her child on delivery, so she will not have a child to bond with. Therefore, she does not need that leave. ...(*Interruptions*)...

SHRI SATISH CHANDRA MISRA: No; during the pregnancy. ...(*Interruptions*)...

SHRIMATI MANEKA SANJAY GANDHI: No, we are not giving ...(*Interruptions*)...

SHRI SATISH CHANDRA MISRA: What about leave during that period. ...(*Interruptions*)...

SHRIMATI MANEKA SANJAY GANDHI: There is no need during the pregnancy. ...(*Interruptions*)...

SHRI SATISH CHANDRA MISRA: She is carrying ...(*Interruptions*)... She has to recover thereafter also. ...(*Interruptions*)...

SHRIMATI MANEKA SANJAY GANDHI: It is absolutely true but ...(*Interruptions*)...

SHRI SATISH CHANDRA MISRA: Therefore, I think, it is missed. So you must consider it and consider bringing an amendment into this so that you include the surrogate mother also.

MR. DEPUTY CHAIRMAN: Okay. Now, hon. Minister.

SHRI BANDARU DATTATREYA: Mr. Deputy Chairman, Sir, I thank all the hon. Members, who have participated and unanimously, in one voice, supported this Bill. I am thankful, particularly, to the women Members. With very serious thought provoking words, they have specially mentioned about the mother and child relation.

Sir, first of all, the very purpose of this Bill is to increase the working women force because in the workforce, participation of women is decreasing day by day. But in formal sectors, a little bit increase is there over the last few years. That is why, we have thought of taking an overall view. Regarding the amendments, which are the proposed amendments, all the Members have already expressed their views. But I wanted to make it clear that this entitlement of maternity benefits of 26 weeks from earlier provision of 12 weeks is in the case of women who have less than two surviving children. In other case, the existing level of 12 weeks' maternity benefit will continue. Secondly, regarding this provision of maternity benefit, as many Members were mentioning, commissioning mother means biological mother

who uses her egg to create an embryo implanted in any other woman and adopting mother means a woman who legally adopts a child upto three months of age. Thirdly, the commissioning mother and the adopting mother shall be entitled to 12 weeks maternity leave from the date the child is handed over after birth or from the date of adoption as the case may be. Fourthly, it is to facilitate 'work from home' to a mother, where the nature of work assigned to a woman employee is of a kind where she can work from home, by inserting an enabling provision. The fifth one is that we make it mandatory in respect of establishments having 50 or more employees for the facility of creche either individually or as a shared common facility within such distance, as may be prescribed by the rules and also to allow four visits to the creche by a woman daily including the interval of rest allowed. These are the amendments newly framed. This Act applies to mines, factories, circus industry, plantations, shops or establishments. This also applies to establishments employing ten or more persons, except ESIC. The Central Government employees are entitled to 26 weeks of maternity benefit and now we are extending the same to the organized sector also. This is the genesis of the 44th, 45th and 46th Indian Labour Conference. They had recommended enhancement of maternity benefits to 24 weeks. Our senior colleague, hon. Minister for Women and Child Welfare, time and again, was requesting to pass this Bill most urgently. And their recommendation was for eight months. Taking all these aspects into consideration, we have decided the maternity benefit to 26 weeks for two children, as I have mentioned. As Mr. Tapan Kumar Sen is here, I would like to say that in the tripartite consultation meeting, 100 per cent consensus was there on this Bill.

There are some other important aspects also which I want to mention. Twelve weeks' entitlement is for the first time. Earlier, it was zero. That is why we have now increased it from 0 to 12. The other aspect is that the maternity benefit is a paid absence from work. The other important aspect is that now there is a maternity bonus of up to ₹ 3,500. While replying to the apprehensions expressed by some hon. Members, I would like to say that no employer can remove any employee on the ground of pregnancy and the employee also will not be permitted to work. So these were the few aspects which I wanted to mention. There are two more important things. First is regarding the crèche. We have made it mandatory for establishments having 50 or more employees. There were a few clarifications which I will explain. As I said, this is expected to give benefit to more than 1.8 million workforce in this country. There is another important point regarding international scenario, which some hon. Members had also pointed out. Compared to our country, the maternity benefit in Pakistan is for 12 weeks; South Africa, 12 weeks; Mexico, 12 weeks; Japan, 14 weeks; Germany, 14 weeks; Netherland, 16 weeks; Spain, 16 weeks; France, 16

[Shri Bandaru Dattatreya]

weeks; Venezuela, 18 weeks; Denmark, 18 weeks; United Kingdom, 20 weeks; Italy, 22 weeks; Norway, 44 weeks and Canada 50 weeks. Now India is coming to the third position. Respected hon. Members have sought some clarifications but I want to deal with only two important things. Shrimati Rajani Patil asked about commissioning and adopting mothers maternity benefits for 26 weeks. As I have told earlier,...

MR. DEPUTY CHAIRMAN: She is not here, so, you need not worry. ...*(Interruptions)*... She is not here; don't worry.

SHRI BANDARU DATTATREYA: They are entitled to leave, but not allowance.

MR. DEPUTY CHAIRMAN: Everyone is supporting the Bill; don't worry.

SHRI BANDARU DATTATREYA: They sought some clarifications. We have not excluded any labour law. That is number one. The other important aspect is, the Maternity Benefit Act is applicable to every employer. There is no question of excluding the small factories. As my colleague has said, the penalty will be for three years. On other things, particularly for the unorganized sector, poor people many suggestions have come. We are also examining many aspects. We will examine all these suggestions.

Once again I thank all the hon. Members for participating in the debate on the Bill. Our NDA Government is for empowering women and our hon. Prime Minister, Narendra Modi, has taken the initiative to protect the dignity of women, this is a first step in that direction. Thank you.

SHRIMATI KANIMOZHI (Tamil Nadu): Treating the woman like a delivery machine.

MR. DEPUTY CHAIRMAN: Nobody is treating like that. Please do not restart.

SHRIMATI KANIMOZHI: When a woman delivers a child, I think, she needs to recuperate. So, the surrogate mother has to be included.

SHRIMATI MANEKA SANJAY GANDHI: Can I explain? When a woman gives birth, she, in any case, avails of sick leave for hospitalization, whatever is necessary for that period to give birth because she is allowed to do that under various other Acts. This particular Maternity Benefit (Amendment) Bill that is being passed is for post-delivery. When a woman has a child, she gets this period to bond with the child and to feed the child if she wants. Since a surrogate mother gives up her child, she gets the leave that she is entitled to from the office for fifteen days or twenty days, whatever sick leave is. But she can't avail of maternity benefits leave because she doesn't have the child with her.

MR. DEPUTY CHAIRMAN: That is very reasonable.

SHRI SATISH CHANDRA MISRA: There is a flaw in it, you correct it. I do not know why you don't want to do it.

MR. DEPUTY CHAIRMAN: Let them examine it. Okay. Shrimati Kanimozhi, what is your clarification?

SHRIMATI KANIMOZHI: Sir, 15 days' sick leave for a mother who is pregnant and has to deliver, how is this fair?

SHRI DEREK O'BRIEN (West Bengal): Shri Satish Chandra Misra has raised a point. They have defined the "commissioning mother". They have defined the "adopting mother". There is no use of arguing over this. They may have overlooked the surrogacy. Let them look at that. That is all. *...(Interruptions)...* One minute, to be fair to the Government, all of us who have been studying this Bill with our colleagues, we also missed that point. I am glad that Shri Satish Chandra Misra has pointed it out. We all studied the Bill.

MR. DEPUTY CHAIRMAN: The Bill came late.

SHRI DEREK O'BRIEN: That is okay but in 24 hours we studied the Bill.

MR. DEPUTY CHAIRMAN: No, you cannot. So, that is all well taken. The Government may examine it. Mr. Minister, you may examine it. *...(Interruptions)...* It is over. *...(Interruptions)...*

SHRI TAPAN KUMAR SEN: Sir, it is not over. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Okay, you will never allow. *...(Interruptions)...*

SHRI BANDARU DATTATREYA: Sir, we classify the surrogate mother. *...(Interruptions)...*

SHRI TAPAN KUMAR SEN: How can it be over? Sir, two points have not been responded to, which were raised in the discussion. One is that there is a contradiction. It appears, that establishments, employing up to 50 workers, are directed to have creche whereas the Factories Act provides that crèche should be provided by establishment employing up to 30 workers. So, there is a clear contradiction with the present Factories Act, unless you change it lock, stock and barrel; but it has not yet been changed. So, there is a contradiction. How do you address that contradiction? It is 30 workers under the Factories Act and here it is mentioned as 50 workers. That is the first point.

The second point is that you need to clarify whether women who are employed as Anganwadis or who are Mid Day Meal workers will be entitled to these benefits.

SHRIMATI MANEKA SANJAY GANDHI: Sir, they are already getting the maternity benefits. They come under me and they are already getting the maternity benefits.

SHRI TAPAN KUMAR SEN : No,... *...(Interruptions)...* Mid Day Meal, workers are not getting the benefits. You kindly clarify.

MR. DEPUTY CHAIRMAN: Now, Shrimati Kahkashan Perween. Yes, please.

श्रीमती कहकशां परवीन: महोदय, मैं माननीय मंत्री जी से यह पूछना चाहती हूँ कि जो संस्थान गर्भवती महिलाओं को इसका लाभ नहीं देंगे, आप उनके खिलाफ क्या कार्रवाई करेंगे? साथ ही, मनरेगा में जो औरतें काम कर रही हैं, क्या वे इसका लाभ उठा पाएँगी?

SHRIMATI VIJILA SATHYANANTH: Sir, I wish to ask whether financial assistance would be given along with this. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: No, no, that is over. *...(Interruptions)...* Now, the question is that... *...(Interruptions)...* I cannot prolong like this. *...(Interruptions)...* I cannot. *...(Interruptions)...*

श्रीमती कहकशां परवीन: महोदय, माननीय मंत्री महोदय हम लोगों की बातों का जवाब दें। *...(व्यवधान)...*

श्री तपन कुमार सेन: फैक्टरी एक्ट और इस एक्ट में जो contradiction है, उसके लिए आप क्या करेंगे? *...(व्यवधान)...* Sir, he has to respond. *...(Interruptions)...* He has to stand up and assure... *...(Interruptions)...* On the matter of surrogacy, he must respond. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: If he wants he can. *...(Interruptions)...* He is not standing. What can I do? *...(Interruptions)...* That is up to him. *...(Interruptions)...*

SHRI ANAND SHARMA (Himachal Pradesh): Sir, the Minister has to respond. *...(Interruptions)...* He should give assurance and put it right for a greater clarity. *...(Interruptions)...*

SHRI TAPAN KUMAR SEN : Sir, the point here is on surrogacy. The Minister should respond. We don't mind getting a negative response but please respond. *...(Interruptions)...*

SHRI ANAND SHARMA: Sir, please ask the Minister to answer. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Now, see, hon. Minister... *...(Interruptions)...*

SHRI BANDARU DATTATREYA: I have already told in my answer that the penalty is jail term up to one year.

MR. DEPUTY CHAIRMAN: No, he is not asking that. *...(Interruptions)...* See, this is a question of anomaly with regard to Factories Act. *...(Interruptions)...* How do you correct it because your Bill says... *...(Interruptions)...*

SHRI BANDARU DATTATREYA: Sir, *...(Interruptions)...*

SHRI SATISH CHANDRA MISRA: Sir, about surrogate mothers, he has to reply. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: No, *...(Interruptions)...* Mr. Minister, please listen. *...(Interruptions)...*

THE MINISTER OF STATE OF THE MINISTRY OF MINORITY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI): The Minister will examine all these things. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Mr. Minister, number one is about the surrogate mothers. You can examine that matter, and then with regard to anomaly regarding Factories Act, do the needful *...(Interruptions)...* You say, you will examine it. *...(Interruptions)...* You can examine it.

SHRI BANDARU DATTATREYA: Sir, we will examine it.

SHRI MUKHTAR ABBAS NAQVI: Sir, he has already assured. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: That is okay. That will be examined. What else he can do?

SHRI TAPAN KUMAR SEN: Sir, *...(Interruptions)...* It is a legal matter.

MR. DEPUTY CHAIRMAN: No, if it is a legal issue, then let him examine. *...(Interruptions)....*

SHRI MUKHTAR ABBAS NAQVI: Sir, the Minister has already assured that whatever suggestions are given by the hon. Members, he will examine them.

SHRI TAPAN KUMAR SEN: Sir, ... *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Now, Shri Tapan, he cannot give an assurance now. What he said was, he will examine it. *...(Interruptions)...* Yes, examine it.

SHRI SATISH CHANDRA MISRA: Sir, he can bring an amendment tomorrow. He can bring it up in the Bill tomorrow. *...(Interruptions)...*

SHRI SITARAM YECHURY: Sir, *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Satishji, he can bring it only after examining it. ...*(Interruptions)*... Let him examine. ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: The point is simple that surrogate mother is being excluded.

SHRI SITARAM YECHURY: Sir, on the issue of surrogate mother, he has clarified. ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: No; he has not clarified.

SHRI SITARAM YECHURY: He said, that will be the same.

SHRI SATISH CHANDRA MISRA: He said he will examine it.

MR. DEPUTY CHAIRMAN: Examination for action, examination is not for 'no action'.

SHRI SITARAM YECHURY: Sir, the next point is, you cannot have two laws which are... ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I have said it already.

SHRI SITARAM YECHURY: No, no, it is not a question of examination. Existing law must prevail. That is all. The matter is simple. Whatever is existing will prevail. Let him say that.

SHRI BANDARU DATTATREYA: Sir, in the Factories Act, a provision for 40 women is there.

MR. DEPUTY CHAIRMAN: That will prevail. That is what you want.

SHRI BANDARU DATTATREYA: The other one is, in the Maternity Bill, 50 workers may include even single women. Sir, even in this Bill, we have made gender equality. A mother can take the child; even a father also can take the child. So, this is a very progressive law. For this progressive law, I seek the support of everybody. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: All right. The question is:

That the Maternity Benefit (Amendment) Bill, 2016... ...*(Interruptions)*

SHRI DEREK O'BRIEN: Sir, there is a confusion.

SHRI SATISH CHANDRA MISRA: Sir, I am still not satisfied with what he wants to say. Let him clarify it. There is an Act. ...*(Interruptions)*... Sir, I will just take half-a-minute. Sir, in this Bill sub-clause (ba) is being added. It says,

'(ba)"commissioning mother" means a biological mother who uses her egg to create an embryo implanted in any other woman;" Now, what about that 'another woman', who is going to be a surrogate mother? The whole Bill does not speak about that. There is no benefit for her. The hon. Minister has to give some answer. ...(Interruptions)... Sir, there is no provision in this Bill.

श्री मुख्तार अब्बास नक़वी: सर ...(व्यवधान)... Existing law तो अपनी जगह पर है। ...(व्यवधान)... Existing law जो है, वह अपनी जगह पर है। ...(व्यवधान)... ये उसमें थोड़े ही लाए हैं? ...(व्यवधान)...

श्री सतीश चंद्र मिश्रा: नहीं। यह अमेंडमेंट है। आप अमेंडमेंट ला रहे हैं, डेफिनिशन ला रहे हैं। So, I just want to know whether you are going to include surrogate mother.

SHRI BANDARU DATTATREYA: First of all, I would like to make it clear that there is no contradiction. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Yes, there is no contradiction, but for surrogate mother you have not mentioned anything. You examine it for necessary action. ...(Interruptions)...

SHRI BANDARU DATTATREYA: Sir, I have already said that I will examine it. ...(Interruptions)...

श्री उपसभापति: एग्जामिन कीजिएगा। ...(व्यवधान)...

SHRI ANAND SHARMA: Mr. Minister, you are making a law. You have to give an assurance that you will examine it. ...(Interruptions)... Surrogate mothers are also the citizens of this country. The law has to be fair and just and has to protect the rights of surrogate mothers. ...(Interruptions)... Sir, the Minister is not understanding this. When the Government brings the Bill, the Minister should be told... ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Okay; I have no problem, but I have to proceed. It is for the Government to give assurance, not for the Chair. What can I do?

SHRI MUKHTAR ABBAS NAQVI: Sir, he has already given an assurance. ...(Interruptions)... He has already assured.

MR. DEPUTY CHAIRMAN: He said, "He will examine it." Then, what more do you want?

SHRI SATISH CHANDRA MISRA: What examine?

MR. DEPUTY CHAIRMAN: Examine for action. ...(Interruptions)...

SHRI DEREK O'BRIEN: Sir, here no one is trying to do any politics. This is about the surrogate mother. Let him give us a one line assurance that the 'surrogate mother', like the 'commissioner mother' and the 'adopting mother' will be included. हां बोल दीजिए, finished.

MR. DEPUTY CHAIRMAN: I have no objection. It is up to him. He can give the assurance, if he wants. ...(*Interruptions*)...

SHRI DEREK O'BRIEN: Then, bring it tomorrow. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Even if he doesn't, we have to proceed.

श्री सतीश चंद्र मिश्रा: Otherwise, postpone कर दीजिए। ...(*व्यवधान*)...

श्री अली अनवर अंसारी: इसे कल लाने में क्या दिक्कत है? ...(*व्यवधान*)...

SHRI ANAND SHARMA: This Bill can't be passed. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Let me say something. ...(*Interruptions*)... Please listen to me also. ...(*Interruptions*)... Shri Anand Sharma was a Minister in the previous Cabinet. If a Minister says in the House, "I will examine it," do you say that it is not an assurance? It is an assurance. He has to examine it.

SHRI SATISH CHANDRA MISRA: Sir, it is an Act. ...(*Interruptions*)... He is not including it.

MR. DEPUTY CHAIRMAN: That is what I am saying. It is an Act. ...(*Interruptions*)... मिश्रा जी, बैठिए। ...(*व्यवधान*)... बैठिए, बैठिए। ...(*व्यवधान*)... It is an Act. He has to examine it. And if he finds that what you said is of some validity, he has to come with an amendment. He can bring an amendment. ...(*Interruptions*)... That we will do later.

SHRI SATISH CHANDRA MISRA: Let him come tomorrow. I am making a point that this Act is for giving benefits to mothers.

MR. DEPUTY CHAIRMAN: That is well taken.

SHRI SATISH CHANDRA MISRA: Now, if the 'commissioning mother' who...

MR. DEPUTY CHAIRMAN: That is accepted.

SHRI SATISH CHANDRA MISRA: The mother who is going to have that egg is not going to be included in this, then, what piece of legislation is this? ...(*Interruptions*)... फिर इस legislation का मतलब क्या रह गया? ...(*व्यवधान*)...

MR. DEPUTY CHAIRMAN: No, no; please. Mr. Minister, are you going to say anything more? ...(*Interruptions*)...

4.00 P.M.

श्री नीरज शेखर (उत्तर प्रदेश): सर ...(व्यवधान)... समझ में नहीं आ रहा है। ...(व्यवधान)... उनकी समझ में नहीं आ रहा है। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Are you going to say anything more, Mr. Minister? ...(Interruptions)... Mr. Minister, have you got to say anything more? ...(Interruptions)... No, he has nothing more to say. It is over. ...(Interruptions)... He is not saying anything more. ...(Interruptions)...

SHRI ANAND SHARMA: Sir, can I make a suggestion?

MR. DEPUTY CHAIRMAN: Okay.

SHRI ANAND SHARMA: Sir, my suggestion to the Government is, if the Minister and the Government can say that they will examine and consider the rights of a surrogate mother then, that would be an assurance. That would be an assurance. Examining is not an assurance. He should be specific.

MR. DEPUTY CHAIRMAN: It is up to the Minister. Examine and consider it.

DR. K. KESHAVA RAO (Andhra Pradesh): Mr. Deputy Chairman, Sir,..
...(Interruptions)...

MR. DEPUTY CHAIRMAN: I have to proceed now.

DR. K. KESHAVA RAO: Sir, it is confusing. The issue of surrogate mother comes under maternity...

MR. DEPUTY CHAIRMAN: I am also for supporting surrogate mother, but it is for the Government...

DR. K. KESHAVA RAO: Sir, please understand. The Minister got up and said...

MR. DEPUTY CHAIRMAN: Anyhow, it is not there in this Bill.

DR. K. KESHAVA RAO: Sir, the Bill is the Labour Ministry's Bill, but the issue of surrogate mother belongs entirely to a different Ministry and the Minister got up and gave the reason as to why she is not accepting it. They are putting the Labour Minister in the dock.

MR. DEPUTY CHAIRMAN: What can he do? Okay, let me proceed.

SHRI ANAND SHARMA: Sir, the Minister of Women and Child Development says that she will not accept. We have no clarity.

MR. DEPUTY CHAIRMAN: No, no; I cannot enforce a decision on the Minister. ...*(Interruptions)*... Shri Anand Sharma, you had also been a Minister. Whatever you said is on record, and whatever Government said is also on record. I cannot do anything more. I have to proceed.

SHRI DEREK O'BRIEN: Sir, this is not a mistake made by the Government alone. This is a mistake made by all of us, including the Opposition, who have spoken on this Bill. So, let's not do any one-upmanship. Satishji pointed this out in good spirit. There were 15 speakers, including from my party, and the only person who pointed it out was Satishji. What is he saying? We are simply saying that there is a commissioning mother, there is an adopting mother and in between there is a surrogate mother, which went unnoticed by all of us. It also went unnoticed by them. So, it is not that the Government has made a mistake. Opposition, who have also spoken, have made a mistake. But the fact is that the surrogate mother has got left out. That is all the point that we are making. So, we humbly appeal to the Government to look at this. The surrogate mother is the mother who is actually...

MR. DEPUTY CHAIRMAN: You made your point. It is very clear. Would the Government like to react? Otherwise, I will proceed. Okay, Government does not like to react. So, I will proceed.

Now, the question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause-by-Clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

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

SHRI BANDARU DATTATREYA: Sir, I beg to move:

‘That the Bill be passed.’

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the Short Duration Discussion on the National Education Policy - 2016. Shri Sitaram Yechury to initiate.
