

The Title was added to the Bill

SHRI KEDAR NATH SINGH: I beg to move:

"That the Bill, as amended, be passed"

MR DEPUTY-SPEAKER The question is:

"That the Bill, as amended, be passed"

The Motion was adopted

13.15 hrs.

INDIAN STANDARDS INSTITUTION (CERTIFICATION MARKS) AMENDMENT BILL

THE MINISTER OF STATE IN THE
MINISTRY OF INDUSTRY AND
CIVIL SUPPLIES (SHRI B P
MAURYA) Sir, I beg to move

That the Bill further to amend the Indian Standards Institution (Certification Marks) Act, 1952, as passed by Rajya Sabha, be taken into consideration"

The ISI (Certification Marks) Amendment Bill, 1976 was considered and passed by the Rajya Sabha on the 10th March 1976. The Committee on Subordinate Legislation, while scrutinising the Indian Standards Institution (Certification Marks) Amendment Regulations 1968 noticed that though the regulations provide for the levy of fees for the grant or renewal of any licence which have the effect of imposing a financial burden, they are not required to be laid before both Houses of Parliament and hence they recommended that the regulations should be so laid. This Bill, therefore amends the ISI (Certification Marks) Act to achieve this object.

In amending the Act for this purpose, sub-section (4) of Section 20 of the Act has been deleted, and a new section 22 has been inserted. The new section 22 clearly provides for the

laying of the rules and regulation framed under the Act to be laid on the Tables of the two Houses of Parliament.

Secondly, clause (e) of sub-section (2) of section 20 has been deleted and the words, "and may also provide for the levy of fees for the grant or renewal of any licence" have been added at the end of sub-section (2) of section 21. This has been done to empower expressly the Indian Standards Institution to make regulations for the levy of fees for the grant or renewal of any licence under the ISI (Certification Marks) Act, 1952. This amendment does not involve any new provision in the Act. The provision already existing against clause (e) of sub-section (2) of section 20 has been omitted and it has been added at the end of sub-section (2) of section 21. Sir, I beg to move that the Bill be taken up for consideration.

MR DEPUTY-SPEAKER This is only to enjoin that regulations should be laid on the Table of the House. What are you going to say? I thought you should welcome a measure of this kind.

Motion moved

"That the Bill further to amend the Indian Standards Institution (Certification Marks) Act, 1952 as passed by Rajya Sabha, be taken into consideration."

DR SARADISH ROY (Bolgpur) I have a few observations to make. This Bill has been introduced in accordance with the recommendations of the Subordinate Legislation Committee of this House. In a report of the Fourth Lok Sabha presented on 16th December, 1970 to this House the Committee says

The ISI is not precluded from making regulations for prescribing fees, such regulations are not in consonance with the spirit and scheme of section 21 of the principal Act. Even otherwise, the Committee feels, that fees for grant of licences

[Dr. Saradish Roy]

which have the effect of imposing a financial burden should be regulated through Rules which are laid on the Table of the House rather than Regulations, which are not so laid. The Committee, therefore desires that the Government should consider the matter in the light of its forgoing observation."

MR. DEPUTY-SPEAKER: Now they have considered it.

DR. SARADISH ROY: After five long years. This is the sixth year and this is the grace period for the Fifth Lok Sabha; that report was presented to the Fourth Lok Sabha.

MR. DEPUTY-SPEAKER: You have a point there.

DR. SARADISH ROY: The Subordinate Legislation Committee of the Fifth Lok Sabha in its report presented on 3rd April, 1974, says:

"They desire the Ministry to take early action to amend the Act for incorporating therein the laying clause as approved by them."

The first recommendation was made in 1970 by the Fourth Lok Sabha and that was reiterated on 3rd April 1974 by the Committee of the Fifth Lok Sabha.

I want to draw the attention of the Minister to the fact that scant attention has been given by the Ministry to the observation made by the Committee appointed by this House. That is my point. In a period of a few months, a propaganda has been made inside the country regarding the maintenance of standards and the Government have come forward to ensure correct packaging of materials, fixing of correct prices of the various items and mentioning of the date of their manufacture. I.S.I. have stated that they have standardised more than 4000 items ranging from steel to kerosene. Even

for the last few days they have standardised items like janata soap and its fat content has been increased from 65 per cent to 75 per cent. All these things are there. It is very good. But the question is how they are going to implement this Act in the case of each and every item. The business men, the manufacturers and the exporters are taking the benefits of the I.S.I. mark.

MR. DEPUTY-SPEAKER: These are important things. But they are outside the Bill. You have made important observations about the working of the I.S.I. But it is not within the ambit of this Bill.

DR. SARADISH ROY: I want to know how this Act is being implemented.

MR. DEPUTY-SPEAKER: For that you should have a discussion.

DR. SARADISH ROY: Taking advantage of these I.S.I. marks these manufacturers and the exporters have ruined the prestige of our country. The articles which they are exporting in the guise marks are in many cases below the I.S.I. standard. On account of that we are losing some foreign markets. Even in our traditional goods, we are losing foreign markets. This Act provides for punishment for not maintaining the I.S.I. standard under Section 13.

MR. DEPUTY-SPEAKER: We are not discussing the Act and its implementation. The Bill only proposes that certain regulations that were made and were not laid on the Table of the House, should now be laid on the Table of the House and you made a good point about the delay of five years. If you want to take this opportunity for discussing the entire function of the I.S.I. I think it would be very difficult. There should be a separate discussion for that.

DR. SARADISH ROY: Under Section 13 of the original Act, there is a provision for imposing penalty for

Improper use of standard marks I would like to know, during the last several years, that is, from the year the Act has been in force (1952), whether any person has been prosecuted under this Section. At least for the last two or three years, after Emergency, how many cases they have lodged and in how many cases, concerned persons have been punished.

SHRI M C DAGA (Pah) As you have rightly pointed out, under rules 2, 3 and 4 of Rules of Procedure and Conduct of Business in Lok Sabha, this should have been laid on the Table of the House. This has not been done so long. One more thing I want to know. Whether the Government has recovered any fee for the renewal of licences because the Act was passed in the year 1952 and today they have come forward with this amendment. If they have recovered any fee for the renewal of licences I would like to know whether it has been recovered legally from the people who have got their licences renewed. Are you going to return it back?

SHRI B P MAURYA I will first deal with the point raised that there has been unnecessary or undue delay in the implementation of the recommendations of the parliamentary committee. No doubt there was a recommendation in 1971, but the Ministry of Industrial Development gave its comment on the recommendation and we feel obliged to the committee that they agreed with our proposal. I quote the final recommendation of the Committee on Subordinate Legislation, Fifth Lok Sabha 1974 Tenth Report, page 43.

"The committee are happy to note that the Ministry of Industrial Development have agreed to the regulations made under section 21(1) of the Indian Standards Institution (Certification Marks) Act, 1952 being laid before Parliament. They desire the Ministry to take early action to amend the Act for incor-

porating therein the laying clause as approved by them vide paras 33-34, Second Report, Fifth Lok Sabha."

This recommendation was made on 3rd April 1974. It at all, there is a little delay. We tried our level best to come before the House for its approval at the earliest.

MR DEPUTY-SPEAKER It was a delay of two years. I would like this point to be clarified. When the committee first submitted its report in 1970, did the government raise certain points which necessitated reconsideration by the committee and the committee again came with a report in 1974 or the second report of the committee was only a reiteration of its previous report?

SHRI B P MAURYA There was a little modification. I have already quoted the recommendation made in 1974. The recommendation made in 1971 was a little different. They said some of the sections of the ISI Act are contradictory and conflicting. Secondly, they said, they are having the power to impose some levy and under the Act the institution is not supposed to lay it before the House. There was a little modification. So far as the Ministry is concerned, we said we are going to amend the ISI Act itself and when we make that amendment whatever was recommended in 1971 will be incorporated therein. The committee agreed to that proposal. That was the position. I quote '71 report.

DR SARADISH ROY It is 16th December 1970.

MR DEPUTY-SPEAKER How many reports are there?

SHRI B P MAURYA In 1971, this was recommended.

MR DEPUTY-SPEAKER But he is saying 1970. What is the year of the report?

DR. SARADISH ROY: This was placed in the House on 16th December, 1970.

SHRI B. P. MAURYA: In fact, there are three reports. My hon. friend is quoting 1970 report and I am quoting 1971 and 1974. The recommendation of 1974 Report was final. If you take note of the three reports, you will find that the final recommendation of 1974 was a little different from those of 1970 and 1971.

MR. DEPUTY-SPEAKER: Even if it is '74 there is a delay of 2 years. If we take the Minister's words that there have been certain objections or certain submissions made to the Committee and certain changes have been made by the Committee, even if you take '74, it has been a delay of two years. I think, it will meet the point if you say that this is due to overlooking.

SHRI B. P. MAURYA: A little delay is there, no doubt, and I am sorry for that.

As far as the working and mis-use of ISI mark is concerned, as the hon. Member has mentioned, Sir, If you permit, I want to say that the ISI mark is not being mis-used and we have got vigilant watch on that. The certification mark reflects a rigid quality control in accordance with the Scheme of testing and inspection given by the Institution and supervision coupled with surprise inspections to assure the quality. The Inspecting Officers who thoroughly check the records of the manufacturer, draw samples and make a number of other checks, are qualified Grade I officers. Their reports, in addition, are scrutinized by senior authorities at a higher level before the licence is granted or the same is renewed. The arrangement within the Institution is such that the Inspecting Officers visit the manufacturing premises by rotation. Testing of factory samples as well as samples purchased from the market is done at different places. Thus possibility of slackness or in-

Amdt. Bill

difference on the part of any one in the whole process is eliminated.

Consumer complaints, if any, receive immediate and adequate attention and in accordance with the agreement between the manufacturer and the I.S.I. the manufacturer has an obligation to place free of cost any of this goods bearing the mark and found defective by the consumer. In addition, if it is found that the defects are through negligence or by errors of commission, penal action can be taken under the Act and the licence cancelled altogether.

Another important feature of the ISI certification marks scheme is that when a manufacturer is granted licence for marking his product with ISI mark, he has also to sign an agreement according to which if any product bearing the mark does not conform to the relevant Indian standard, the manufacturer is solely held responsible and action can be taken against him in accordance with the Act. Therefore, the possibility that an ISI Inspector can relax his inspection and permit a sub-standard product being marked with ISI is very remote.

Further, in view of the fact that many officers are involved in checking the quality, no one individual is responsible for finally approving the quality of any material or product. Thus, the scheme totally eliminates the personal factor of an individual. Sir, the inspecting officers of I.S.I. are subject to the normal conduct rules of the Government; and if any offence is committed during the course of their duties, it will be punishable in accordance with the rules. The services of ISI are sought extensively by the industry and the Governments....

The details regarding the action taken during the period are also here. If the hon. Member is keen, I can give them to him, outside the House. Unnecessarily, I should not take much more of the valuable time of this august House. With these words, move that the bill be passed.

SHRI M C DAGA What about the levy recovered illegally?

MR DEPUTY SPEAKER. What is illegal about it?

SHRI M C DAGA The rule was not there You say, because you have come up with this amendment (*Interruptions*)

SHRI B P MAURYA Since this very practice has been brought to the knowledge of the department concerned we are coming before the House, so far as the past is concerned

MR DEPUTY SPEAKER I personally, do not see anything illegal, because the Act did not specify that the regulations should be laid on the Table, but the Act empowered the making of the regulations As long as the Act does that, any fee levied under those regulations is not illegal The only thing that the Act did not specify was that it was not necessary for the regulations to be laid on the Table, and this was discovered as a lacuna, which the Government wants to rectify I don't see any irregularity in that

SHRI M C DAGA I want to draw your attention to Section 20, which says that the rules will be framed Section 20 says

'The Central Government may, subject to the condition of previous publication by notification in the Official Gazette make rules to carry out the purposes of this Act'

MR DEPUTY SPEAKER The rules have been laid?

SHRI M C DAGA (e) says 'levy of fee for the grant or renewal of licence'

They have never been laid on the Table

MR DEPUTY SPEAKER There is a point there

SHRI B P MAURYA The Act itself was passed by the House, and there is

a provision in the Act itself. The only lacuna was in regard to the rules Whatever further rules are made, they should be brought before the House.

SHRI M C DAGA The point to be considered is whether they were laid on the Table of the House or not When it has not been done, Government has no right to recover it

MR DEPUTY SPEAKER Order, order I am dealing with them Let us clarify the position Did the Act specify that these rules and regulations, under which you are to charge certain fees for the grant or renewal of licences should be laid on the Table of the House and were they ever laid on the Table of the House?

SHRI B P MAURYA The Act itself provides for this levy and it also provides for the rules

MR DEPUTY SPEAKER The Act itself provides for the fee Where is the Act? Just a minute (*Interruptions*)

SHRI B P MAURYA You can see it under Section 3 'Powers and duties of the Institution' Under Section (3) (d) it says

'levy such fees for the grant or renewal of any licence as may be prescribed'

The provision is there The lacuna was about the rules

MR DEPUTY SPEAKER I see that

The Act itself empowers these levies They have not been levied under the rules and regulations but under the provisions of the Act itself. So, there is no illegality

I would request the Table that whenever any Act is being amended the original Act should also be kept here I did not find it here and that is how the whole confusion arose

The question is:

[Mr. Deputy Speaker]

"That the Bill further to amend the Indian Standards Institution (Certification Marks) Act, 1952, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We now take up the clause by clause consideration.

The question is:

"that clauses 2 to 4, clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 to 4, clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI B. P. MAURYA: I beg to move:

"That the Bill be passed"

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed".

The motion was adopted.

13.42 hrs.

MATERNITY BENEFIT (AMENDMENT) BILL

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): Sir, I beg to move*.

"That the Bill further to amend the Maternity Benefit Act, 1961, as passed by Rajya Sabha, be taken into consideration."

As hon. Members are aware the Maternity Benefit Act, 1961 regulates

the employment of women in certain establishments, for certain periods before and after child birth and provides for maternity benefit and certain other benefits. The Act applies, in the first instance, to factories, mines plantation and circus industry except those factories or establishments to which the provisions of the Employees' State Insurance Act, 1948 apply for the time being. It can be extended to other establishments by the State Governments.

It will take some time to extend the ESI Act, 1948 to all areas and to cover all establishments thereunder. As such, the grant of maternity benefit to women industrial workers is at present governed by the provisions of the Maternity Benefit Act, 1961 or the Employees' State Insurance Act, 1948, as the case may be. The provisions for the grant of maternity benefit under the two Acts are almost similar except that all female employees are covered under the Maternity Benefit Act, in respect of any wage limit, while under the Employees' State Insurance Act, only those are covered who are in receipt of wages not exceeding Rs. 1000 per month.

A number of women are employed in the factories or establishments which are covered under the Employees State Insurance Act, 1948, but are not covered by that Act, as they are in receipt of wages exceeding the amount specified in that Act namely, Rs. 1,000 per month. The provisions of the Maternity Benefit Act, 1961 also do not apply to them, as that Act specifically excludes from its purview factories or establishments to which the provisions of the Employees' State Insurance Act, 1948 apply. Thus, the women employees employed in factories or establishments covered by the Employees' State Insurance Act, 1948 and in receipt of wages exceeding the

*Moved with the recommendation of the President.