

[Shri Yeshwantrao Chavan]

Dr. Rao, during the general debate on the budget in May last, had also referred to the problem of rationalisation of the tax structure. At that time had he made the suggestion for Commission. I am glad that he has now changed his mind and has come down for a study team. I will certainly consider this question.

My hon. colleague the Planning Minister, also happens to be present here, and he is applying his mind to this. The Planning Commission itself is going into this aspect, of some of the new modes of mobilisation of resources, etc. But I cannot promise hon. Members that we will be able to do it immediately. But this is a question that certainly requires our consideration.

As far as the other points raised by Shri Indrajit Gupta are concerned, he has made some very useful suggestions. I will certainly assure him that I will take into consideration some of the suggestions that he has made. I have nothing more to say.

MR. SPEAKER : The question is :

"That the Bill to provide for the levy of a Surcharge on income-tax payable in advance by companies during the financial year 1971-72 under the Income-tax Act, 1961, be taken into consideration."

The motion was adopted

MR. SPEAKER : There are no amendments to any clause.

The question is :

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI YESHWANTRAO CHAVAN :
Sir, I move :

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

15.20 hrs.

PERSONAL INJURIES (EMERGENCY PROVISIONS) AMENDMENT BILL

MR. SPEAKER : SHRI KHADILKAR.

THE DEPUTY MINISTER IN THE
MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA):
Sir, I beg to move.....

MR. SPEAKER : I have allowed it as an exceptional case. I had no intimation. You should give me intimation. Once I have allowed it as an exceptional case and it is not to be treated as precedent. Atleast you should have the courtesy to send me something in writing. This is a war-time exception.

SHRI BALGOVIND VERMA : I thank you. On behalf of Shri Khadilkar, I beg to move* :

"That the Bill to amend the Personal Injuries (Emergency Provisions) Act, 1962, be taken into consideration."

The purpose of this Bill is to extend the provisions of the Personal Injuries (Emergency Provisions) Act 1962 to the present period of emergency. This act was promulgated during the last emergency to provide for grant of relief to persons including civil defence volunteers who sustain personal injuries during the emergency. During the last emergency a scheme called the Personal Injuries (Emergency Provisions) Scheme 1962 was promulgated. The Bill seeks to empower the Government to formulate a

Similar scheme for grant of relief during the present emergency. Under the scheme of 1962, relief is provided by way of temporary allowance temporary disablement, disability pension for prolonged or permanent disablement and family pension and children allowance in the case of injuries resulting in death. The scheme is for the provision of relief and not for compensating anyone for actual loss sustained, and therefore, a more or less uniform rate is provided for all. This rate is roughly equivalent to the rates of disability pension and injury allowance drawn by lowest paid combatant ranks of the army in the case of persons other than civil defence volunteers; and equivalent to the rates of the next higher rank in the case of civil defence volunteers. It is proposed to adopt the same principles in the formulation of the scheme of the current emergency.

The liability to pay compensation under the Workmen's Compensation Act and Employees State Insurance Act ceases to exist by virtue of section 4 of the Personal Injuries (Emergency Provisions) Act, 1952, in the case of such injuries, and workmen covered by these Acts drew relief under the Personal Injuries (Emergency Provision) Act supplemented by compensation under the Personal Injuries (Compensation Insurance) Act, 1963 so that the total benefit payable is about the same as under the Workmen's Compensation Act. An amending bill to amend the Personal Injuries (Compensation Insurance Act, 1963 so as to extend the Provisions of that Act to the present emergency is also being brought before the House

Provision has been made in the Bill to ensure that the claims allowed during the last emergency are not affected by the amendment to the Personal Injuries (Emergency Provisions) Act, 1962. With these words, I commend the Bill for the approval of the House.

SHRI INDRAJIT GUPTA (Alipore) : I want to know whether the Bill have retrospective effect. By the time you pass this Bill, war may be over. What happens to those people who were injured in the last 12 days or 14 days?

SHRI BALGOVIND VERMA : It will not have retrospective effect.

MR. SPEAKER : Let it be from tomorrow onwards at least.

SHRI INDRAJIT GUPTA : Am I to take then that the civil defence personnel in the Punjab and other places on the borders who had been injured in air raids by the Pakistani airforce since the night of the 3rd are not to be brought within the purview of this Bill, just because you have brought this late and the House passed it late?

SHRI BALGOVIND VERMA : I appreciate the feelings of the hon. Member. So far as those injuries are concerned, they will be taken care of; it will have retrospective effect. This Bill will have retrospective effect.

SHRI SOMNATH CHATTERJEE (Burdwan) : Clause 2 (b) provides for its operation from 3rd December. I do not know why he is saying it is not retrospective.

MR. SPEAKER : I have also seen that, and I was about to mention it. There is no difficulty about it.

The question is :

"That the Bill to amend the Personal Injuries (Emergency Provisions) Act, 1962, be taken into consideration."

The motion was adopted.

MR. SPEAKER : 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 BALGOVIND VERMA : I beg to move :

"That the Bill be passed."

MR. SPEAKER : The question is : 15.30 hrs.

"That the Bill be passed."

The motion was adopted.

PERSONAL INJURIES (COMPEN-
SATION INSURANCE) AMEND-
MENT BILL

THE DEPUTY MINISTER IN THE
MINISTRY OF LABOUR AND REHABI-
LITATION) (SHRI BALGOVIND VERMA:
I beg to move* :

15. 26 hrs.

MOTION UNDER RULE 388

SUSPENSION OF PROVIS TO RULE 66 IN
RESPECT OF PERSONAL INJURIES
(COMPENSATION INSURANCE)
AMENDMENT BILL

THE DEPUTY MINISTER IN THE
MINISTRY OF LABOUR AND REHABI-
LITATION (SHRI BALGOVIND VERMA)
I beg to move :

"That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to motions for taking into consideration and passing of the personal Injuries (Compensation Insurance) Amendment Bill, 1971, in as much as it is dependent upon the personal Injuries (Emergency Provisions) Amendment Bill, 1971."

MR. SPEAKER : The question is :

"That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to motions for taking into consideration and passing of the Personal Injuries (Compensation Insurance) Amendment Bill, 1971, in as much as it is dependent upon Personal Injuries (Emergency Provisions) Amendment Bill, 1971."

The motion was adopted :

"That the Bill further to amend the Personal Injuries (Compensation Insurance) Act, 1963 be taken into consideration."

The Personal Injuries (Compensation Insurance) Act 1963 is the second of the twin Acts governing grant of relief during the last emergency, the first being the Personal Injuries (Emergency Provisions) Act 1962, the extension of which to the present emergency the House has already considered. This Act was promulgated to provide for Payment of compensation to certain classes of workers like those in factories, mines, plantations and major ports, for personal injuries sustained during the emergency. This compensation is to be in addition to the relief provided under the Personal Injuries (Emergency Provisions) Act 1962 so that the total benefit received will be about the same as under the workmen's Compensation Act 1923. As I mentioned earlier, the liability to pay compensation under the Workmen's Compensation Act 1923 and the Employees State Insurance Act 1948 ceases to exist in the case of such injuries and the workmen covered by these Acts draw relief under the two emergency enactments.

The Personal Injuries (Compensation Insurance) Act 1963 imposes on the employers of workmen liability to pay compensation in respect of personal injuries to the extent the amount of compensation payable under the workmen's Compensation Act 1923 exceeds the relief payable under the Personal Injuries (Emergency Provisions) Act 1962. It also provides for compulsory insurance of the liability by the employers with Government based on the premium

*Moved with the recommendation of the President.