

अध्यक्ष महोदय : अब माननीय सदस्य बैठ जाय। Are there any other issues also that would be discussed?

श्री जवाहरलाल नेहरू : खाली एक मसला था कि हम बातें करें आस में और वह हमें मंजूर था, हमें था, वह तो तय ही है किन और कोई बात या किस ढंग से बातें हों, यह कोई विधिगत नहीं दृष्टा है।

श्री बागड़ी : मेरे पृष्ठ के मतलब था

अध्यक्ष महोदय : आप ने सवाल किया जवाब आ गया कि ऐसा कोई बात अभी तक तय नहीं हुई। अब और आप क्या चाहते हैं ?

श्री बागड़ी : कश्मीर का जैसे नाम आया है उसी तरीके से क्या किसी और चीज

M. Speaker: Order, order. **Shri Kamath,**

Shri Hari Vishnu Kamath (Hoshan-gabad): Has the attention of the Prime Minister been drawn to certain tentative reports in this morning's papers, emanating from Rawalpindi regarding the basis of settlement in the course of which plebiscite and partition both have been mentioned; and, if so, can the House take it that as matters stand between the two governments at the moment there has been no talk or understanding about this matter prior to the talks that might ensue later?

Shri Jawaharlal Nehru: I am sorry I have not read all that the newspapers may contain this morning; I did not have the time to do that. I only saw a little about it; so I cannot specifically refer to that. But, as I said, when the hon. Member referred to the BBC broadcast which I have not heard, any such statement is completely without foundation. Our talks
 2288 (A) LS--2.

were concerned only based on our meeting and discussing it. It was not for Mr. Sandys or anyone else to suggest what kind of talk we should have and what manner of talk we should have. I have told them, what I have stated here, that for the last two months, certainly even earlier, we have suggested various meetings at official level, at ministerial level; but there was no positive response to that.

Shri Hem Barua: I want to seek one clarification.

Mr. Speaker: Not now. We shall proceed with the other business.

13.04 hrs.

**WORKMEN'S COMPENSATION (AM-
 ENDMENT) BILL—contd.**

Mr. Speaker: We shall resume further consideration of the Workmen's Compensation (Amendment) Bill. **Shri S. M. Banerjee.**

Shri S. M. Banerjee (Kanpur): Mr. Speaker, Sir, I rise to support this Bill. I am glad that certain amendments which were suggested both by the Opposition and the members of the ruling party have been accommodated in this Bill. I have certain observations to make and I wish the hon. Deputy Minister replies those points when he replies to the debate.

Sir, I am happy that the amending Bill which has been brought now by the hon. Deputy Minister also embraces those cases of occupational diseases. Much has been said in this House about occupational diseases. My hon. friend **Shri Kachhavaiya** mentioned clearly about a rayon factory at Nagda. I have experience of a rayon factory in Kanpur. I know that because of the fume—we do not call it gas, we call it fume—that comes out in the various departments anybody who works there gets an attack of paralysis—that is the report of many good doctors—after five or six

[Shri S. M. Banerjee]

years of work. I would like to know from the hon. Minister whether this is a fact, that a committee was appointed to go through the working conditions, safety measures and other things of those workers who are working in the rayon factories, and the committee recommended that the working hours in rayon factories should be reduced from 8 hours to 5 hours. If that is so, I would like to know whether the recommendation of that committee has been accepted by the Government. If it has not been accepted, I would like to know the reasons for not accepting it.

Then, in the ordnance factories we are now trying to increase production. It is the need of the hour and it has been done in many factories. Where filling work is going on in those factories. T.N.T. solution is used in those pans and other things. When that liquid is dried up there is a poisonous gas that comes out. As in the case of the rayon factories, I have seen that workers in these factories where T.N.T. solution is used are also attacked by paralysis after two or three years of work. I was one of the advisers to a committee called the Kalyanwala Committee when it visited all factories in 1950-51. It was told by the then general managers or superintendents of those factories where drilling work is going on that this is the direct result of using the T.N.T. compound or solution. I would like to know whether any steps have been taken to see that they are given compensation. I would like to know whether that occupational disease, which is not attributable to anything else but this gas or fume, will also come under this.

I fully agree with the suggestion given by my hon. friend on that side that it is very difficult to differentiate between one disease and another, whether one is an occupational disease or not. It is better that a panel of doctors is appointed to go into the various working conditions in the

various mills both in the public sector and the private sector and to come to a solution as to which are occupational diseases and which are not, which are directly attributable to certain gas or fume coming out of certain solutions or compounds. Such a provision should also find a place in this Bill.

I fully support my hon. friend Shri A. P. Sharma who brought the railway workers, the drivers and foremen also into this. They lose their eyesight. Supposing I am a driver and my eyesight is affected due to strenuous work, I am not provided with proper spectacles. Even the cost of spectacles is not provided by the railway authorities. I will say that it should be provided.

Another point which I should like to mention is about the quantum of compensation. I agree with some of the hon. Members who said that the quantum of compensation payable to those who are the lowest paid should be raised. At least after death there should be no classification as Class 1, Class 2, Class 3 and so on. If a man dies his family should be treated as the family of an earning member who has died, irrespective of the class to which he belonged. I do hope that the quantum of compensation will be increased.

With these words, I would like to give my unconditional support to the Bill which, to my mind, is a welcome piece of legislation brought before this House.

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): Mr. Speaker, I wish to express my deep obligation to the hon. Members of this House for the very many useful suggestions which were made, which will constantly be kept in mind. I am very thankful to the hon. Members for their unanimity in giving support to the Bill.

As has been pointed out, the Ministry were not deterred by emergency while bringing forward this Bill. Even though we are facing an emergency now, the moment we felt that something has to be done for the labourers, for the workmen, we did not hesitate to come forward with the Bill.

Shri Warior has stated that the Act should cover more trades. The list of persons who are covered by the Act is given in Schedule II of the Act, which is very wide. There is a comprehensive list which covers almost all hazardous occupations. There was a request, and I think Shri Banerjee also referred to it, that the workers in power using factories, workers in mines, plantations, construction works etc., should all be covered. Now most of them are already covered. The workers employed in 32 categories of occupations listed in Schedule II to the Act are covered under the Act.

He also suggested that there should be higher rates of compensation for workers in the lower wage groups. The ratio of compensation payable in the case of lower wage groups is higher than that of the compensation payable in the case of higher wage groups.

Shri S. M. Banerjee: I want to know the total quantum. I know the ratio is more.

Shri C. R. Pattabhi Raman: I have actually worked out the ratio and I will presently tell the hon. Members what the position is. For a monthly wage of Rs. 10 the amount of compensation is 50 times, i.e., Rs. 500 in case of death and 70 times, i.e., Rs. 700 in case of permanent disablement. So the half-monthly payment is five. For a monthly wage of Rs. 30 the compensation is 30 times i.e., Rs. 900 in case of death and 42 times i.e., Rs. 1,260 in case of permanent disablement. The half monthly calculation is less than one-third. In the case of a monthly wage of Rs. 200, it is 17½ times i.e., Rs. 3,500 in case of death and 24½ times i.e., Rs. 4,900 in case of permanent disablement, which is

less than one-sixth. In the case of a monthly wage of Rs. 400 it is 11½ times i.e., Rs. 4,500 in case of death and 15½ times, i.e., Rs. 6,300 in case of permanent disablement, which is less than one-thirteenth. Since the compensation is paid in terms of slabs of income from wages a man earning Rs. 101 gets as much compensation as one earning Rs. 200. Even though his salary is Rs. 101, he gets as much compensation as a person drawing Rs. 200. Similarly, a man earning Rs. 301 gets as much as a man earning Rs. 400. Under the new Schedule IV it is just double of what is given in the old Schedule.

With regard to the ILO convention a remark was made that the list of occupational diseases should be made more comprehensive. On the recommendations of a Technical Committee consisting of medical experts 8 additional occupational diseases were added by the Amendment Act of 1959, raising the total number of occupational diseases for which compensation is payable from 12 to 20. So far as occupational diseases are concerned, after the 1934 Convention there has been no other international convention. I think Shri Warior was not sure of his facts when he made that statement.

During the discussions on the Amendment Bill of 1959 inclusion of some more diseases was suggested. The matter was examined in consultation with the medical experts and it is now proposed to add two more diseases to this list.

Shri Warior made a valid point by referring to the cashew-nut industry and dermatitis peculiar to the cashew-nut industry. It is inherent in the cashew-nut industry. But the cashew-nut establishments are factories and the workers are covered by the Act. Under section 3(4) of the Act a worker contracting a disease other than an occupational disease mentioned in Schedule III to the Act, which is

[Shri C. R. Pattabhi Raman]

directly attributable to a specific injury by accident arising out of and in the course of employment is entitled to compensation. So, even though it is not listed, in effect it will be covered for compensation and if proof is given that the disease is traceable to that occupation the worker will always be entitled to compensation. It is true that *ex facie* it is not in the list itself.

A reference was made to the various suggestions made by the Study Group. This was examined and was found impracticable.

Shri Ranga (Chittoor): May I seek a clarification? The point suggested by my hon. friend was that in view of the fact that most of these employers are very small people with very small means of capital at their disposal, the responsibility of paying compensation should be taken over by the Government from the employers in the cashew-nut industry.

Shri C. R. Pattabhi Raman: As hon. Members are aware, when an industry is covered by the Employees' State Insurance, it is done by the Government. Every attempt is being made to enlarge its scope as much as possible and cover as many industries as we can.

I may straightway inform my hon. friend that out of 35 lakhs of workers about 30 lakhs are now coverable of which 19 lakhs are already covered—of course, I am giving only rough figures—by the Employees State Insurance Scheme. By the end of the Third Plan it is our ambition to see to it that the entire 30 lakhs of workers are covered. It is true that on account of the emergency, may be, I am just visualising it may happen that there may be some delay, but our ambition and endeavour are there.

Frequent references were made to employers going to courts. The fact of the matter is that while an employee can go to the court, an em-

ployer cannot. That statement by itself will be a bit misleading. The position is that in case there is any dispute under the Workmen's Compensation Act, under section 19 no civil court has jurisdiction in that matter. Of course, appeals to High Courts always lie. They cannot be prevented. Sir, as you are well aware with your judicial experience, writs can never be prevented. I think I have endeavoured to answer all the points raised by Shri Warior.

Shri D. C. Sharma suggested that workers in unorganised industries such as bazi and beedi industries should be given protection. He also referred to refugee stone breakers in the State of Punjab. Workers in construction industry and beedi factories are already covered. Under section 2(3) the State Governments can include in Schedule II any class of persons employed in other hazardous occupations. In any event, the Minimum Wages Act is there which embraces this class of workers.

With regard to the delay in awarding compensation, if I may say so with great respect, some of us feel that these delays are there. The State Governments are really working through their various commissioners. The commissioners are appointed by the State Governments and cases regarding delay in awarding compensation are taken up with the State Governments. We are frequently drawing their attention to it. In the case of some States, as Madras and Andhra, we are actually asking them to increase the number of officers and to see to it that pending cases are disposed of. What has fallen from the hon. Members of this House will be borne in mind with the due respect that it deserves and we will certainly draw the attention of the State Governments to his lacuna in the implementation of the enactment.

Shri Buta Singh and three or four other hon. Members referred to the

need for a comprehensive Bill being brought forward. I said in the opening address of mine how often it has been amended. It is frequently amended with the experience gained in its working. The improvements in the Act are constantly being made. Actually, manganese poisoning was included by us. We made a study and found that it requires inclusion which was done.

I do not wish to boast but actually there is a research section in the Labour Ministry which is doing very useful work. We are au fait with the literature so far as labour problems are concerned. We are endeavouring to catch up with whatever advances have been made in the scientific world. An institute has been set up, as I stated, for research in accidents etc. A Central Labour Institute and three Regional Labour Institutes have been set up to deal with various matters regarding the human factor in industries including questions regarding prevention of accidents and safety.

Shri A. P. Sharma was wanting the wage limit to be increased to Rs. 575. He said that when we have taken it from Rs. 400 to Rs. 500 why are we stopping there because there are certain categories which are in the Rs. 350-575 scale. He also gave some figures. The position with regard to this is that the wage limit was increased from Rs. 300 to Rs. 400 in 1946 and it is now being increased to Rs. 500 from Rs. 400 as a result of the Indian Labour Conference recommendation in the Employees State Insurance Act, 1948, the present wage limit is Rs. 400 and we propose to increase that also to Rs. 500. Gradually all these are being reviewed and lesser groups are always taken note of.

When these increases are made with regard to the wage limit, we have also to bear in mind the capacity of the industry to bear the burdens in these matters. We have to keep the entire picture of the industries and we just cannot ignore them. We are frequently consulting all the parties concerned

in the labour conferences and many decisions are taken as a result of such discussions.

Shri Vidyalkar said that as recommended by the Study Group an integrated social security scheme should be introduced. This recommendation has been considered by the Indian Labour Conference and by the Standing Labour Committee. The consensus of opinion at the Indian Labour Conference held in October 1961 was that an integrated scheme should not be started till increased resources were available. That is quite understandable. The Standing Labour Committee decided in October, 1962, that is, only two months ago, that further consideration of the scheme should be suspended for three years.

Then, it was said that production bonus should be included in wages. I think, two hon. Members referred to this. The definition of wages already includes this. The term wages includes any privilege or benefit which is capable of being estimated in money.

One reference was made, and I was personally interested in that because that industry is now growing in South India also, I refer to bagasse. As you are aware, Sir, bagasse is used in sugarcane areas for the paper industry and bagassosis is a disease in the sugar industry. It was suggested that that should be included in the list of occupational diseases. Bagassosis is already included in the list of occupational diseases in Schedule III to the Act. We have already stated as to what has been done so far as bagassosis is concerned.

Then, with your leave, I shall endeavour briefly to go into some new points that have been raised by other speakers. Shrimati Lakshmi Kantamma said that preference should be given to the dependants of employees for jobs. In fact, good employers do give such preference. We shall bear this point in mind. Specially when an employee has either died or has had a serious accident or disablement, that

[Shri C. R. Pattabhi Raman]

would be noted. But then most employers of standing do take that into account.

She also referred to preventive measures. There also I heartily agree with her. Such measures are provided for in the Factories Act. But just enumerating the Factories Act, Mines Act will not be an adequate answer. We always keep that in mind. Measures are provided in these Acts and new provisions are constantly being made with regard to these regulations from time to time. That will also cover what one hon. Member said with regard to the provision of gloves and other protective items. He was speaking in Hindi and I was trying my very best to understand, but if I have understood it correctly, he referred to that. That provision is there.

Shri Dubey, referred to manganese poisoning and the Calcutta High Court case. As I myself stated, it has been added. The trouble is, as you are aware, that in these enactments the amendment slips have to be put frequently and it just happens that in some cases hon. Members may have missed these slips.

Shri Elias referred to the loss of eye-sight, that is, irradiation causing blindness. That is already covered. I want to assure him about that. Then, he referred to accidents outside the factory. That also is covered. In my opening speech also I referred to it and, I think, it met with the approval of all sections of the House.

Then, with regard to the research institute I will again state what I have stated. So far as research is concerned, I do take pride in the fact that in this Ministry real research is being done and the benefit of all this research goes to the workers and labourers. We are primarily concerned with that. The aim of the institute is to see to it that all the improved methods of safety are introduced at every stage.

Shri Soy referred to cement, loading and unloading and the incidence of TB. Our investigations show that cement does not contain silica. So, the incidence of TB cannot be high on account of cement. But it will be taken note of. I am not trying to brush it aside; it will be studied. But the fact remains that it will be very remote to trace tuberculosis to cement workers. As regards Bidi and kyanita, we shall certainly investigate. About the temporary employees in the Railways, I have already stated that the temporary employees also get the benefit so far as compensation is concerned.

Shri Banerjee referred to the fumes in the rayon factories. He also said that the working hours in the factories, should be reduced. This was recommended by the Chief Adviser of Factories at one stage but later on he recommended that various safety measures have been introduced or are being introduced and so reduction in working hours might not be urged. That also is under constant study and we were able to take preventive measures. Of course, I have to see to it that they are observed. We will and we are hoping to take good care with regard to that.

Shri Hukam Chand said that the amount of compensation proposed was not adequate in the present stage of rising prices, that the workers were made to work harder and that measures to prevent dust nuisance were not there. He also referred to carbon Disulphide and to coverage of factories with five or more people. So far as compensation is concerned, I have already stated that it has been doubled. So far as Carbon Disulphide used in the Nagda factory is concerned, it is already covered as an occupational disease. Again I want to bring it to the notice that every factory is covered irrespective of the number of persons employed. If it is a factory, it will be covered. Where the Employees State Insurance Scheme is

working free medical care is provided to workers in factories.

Lastly, I shall refer to the points made by Shri Pandey. He said that employers were not dealing with workers as human beings and that in foreign countries several measures were taken to look after the health of the workers. There are several labour welfare schemes and a scheme governing awards to workers is also being prepared. Then joint management councils are being set up. At every stage improvements are sought to be made. To what extent the employers catch up or are persuaded are being noted. All this is a matter for investigation and constant care and we shall endeavour to take that care.

Then with regard to foundries it was said that proper preventive measures are not taken. The Factories Act provides for all those measures.

Then with regard to accidents outside factories, the present Bill provides for compensation for accidents if they take place outside the factory in the course of employment. I stated it in my opening speech.

I think, Sir, that I have answered all the points that were raised.

Mr. Speaker: The question is:

"That the Bill further to amend the Workmen's Compensation Act, 1923, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up the Bill clause by clause.

The question is:

"That clauses 2 to 10 stand part of the Bill".

The motion was adopted.

Clauses 2 to 10 were added to the Bill.

Clause 11— (Amendment of Schedule III)

Shri C. R. Pattabhi Raman: Sir, I beg to move:

(i) Page 5,—

for line 3, substitute—

"11. In Schedule III of the principal Act,—

(a) in Part A, after the existing entries, the following entries shall be inserted, namely:—

Poisoning by Organic phosphorus insecticides.	Any process involving the use or handling or exposure to the fumes dust or vapour containing any of the organic phosphorus insecticides. (1)
---	--

(b) in Part B,—

(ii) Page 6,—

omit lines 1 to 6, (2)

I explained this yesterday. Actually it is transferred from the one part to the other.

Mr. Speaker: The question is:

(i) Page 5,—

for line 3, substitute—

"11. In Schedule III of the principal Act,—

(a) in Part A, after the existing entries, the following entries shall be inserted, namely:—

Poisoning by Organic phosphorus insecticides.	Any process involving the use or handling or exposure to the fumes dust or vapour containing any of the organic phosphorus insecticides.(1)
---	---

(b) in Part B,—

(ii) Page 6,—

omit lines 1 to 6. (2)

The motion was adopted.

Mr. Speaker: The question is:

"That clause 11, as amended, stand part of the Bill".

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12 was added to the Bill.

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

Shri C. R. Pattabhi Raman: Sir, I move:

"That the Bill, as amended, be passed".

Mr. Speaker: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

13.33 hrs.

MULTI-UNIT CO-OPERATIVE SOCIETIES (AMENDMENT) BILL

The Deputy Minister in the Ministry of Community Development, Panchayati Raj and Cooperation (Shri Shyam Dhar Misra): Sir, I beg to move:

"That the Bill further to amend the Multi-unit Co-operative Societies Act, 1942, be taken into consideration."

Sir, this is a small, short, simple and most non-controversial Bill arising out of certain technical difficulties.

13.34 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Co-operation is a State subject. But there are societies which cover more than one State, and therefore in 1942 an Act named as the Multi-unit Co-operative Societies Act was passed. It was further amended in 1956 and 1959, and according to the present Act the registration of the society in the res-

pective State is taken care of by the multi-unit co-operative society there. The details regarding supervision, audit, liquidation, etc. are taken care of by the State Co-operative Societies Act itself.

But after the reorganisation of the States, certain co-operative societies became multi-unit societies. The States Reorganisation Act of 1956 and the Andhra Pradesh and Madras (Alteration of Boundaries) Act of 1959 provided for reconstitution and reorganisation of such multi-unit societies by the formation of new co-operative societies and the transfer thereto of the assets and liabilities of such multi-unit societies. In the case of Bombay, the reorganisation of Bombay State came in 1960. There was one Bombay Co-operative Land Mortgage Bank. This became a multi-unit society after Gujarat State was created. In the Gujarat area there was a Saurashtra Land Mortgage Co-operative Bank which was converted into the Gujarat Co-operative Land Mortgage Bank. This, therefore, was an existing society. Under the present Act, the transfer of assets and liabilities from the Bombay Co-operative Land Mortgage Bank could be only to a new society. So, this is the technical difficulty.

The State of Maharashtra and the State of Gujarat applied their minds to this matter. Our Law Ministry applied their mind, and it was understood that this technical difficulty could be removed only if we amend the present Multi-unit Co-operative Societies Act and put an enabling clause according to which not only the new societies can accept the liabilities and assets but also the existing societies are enabled to accept the assets and liabilities.

Therefore, according to this Bill, under clause 2 an enabling provision is being made whereby the assets and liabilities of the society can also now go to an existing society. For instance, it will go to the Gujarat Land Mortgage Co-operative Bank.