

15.55 hrs.

EMPLOYEES' STATE INSURANCE (AMENDMENT) BILL

The Deputy Minister in the Ministry of Labour, Employment and Rehabilitation (Shri Shah Nawaz Khan):
Mr. Speaker, Sir, I move:

"That the Bill further to amend the Employees' State Insurance Act, 1948, be taken into consideration."

The Employees' State Insurance Act, 1948 provides for certain benefits to employees in case of Sickness, Maternity and Employment Injury, and for certain other matters in relation thereto. The Act, in the first instance, applies to perennial factories using power and in which 20 or more persons are working. It can, however, be extended to any other establishment or class of establishments.

The scheme is financed mainly by contributions from employers and employees. The rates of contribution are laid down in Schedule I to the Act. However, before the actual implementation of the Scheme, it was found that phased implementation would lead to competitive handicap for industries situated in areas of proposed implementation of the Scheme as against those in non-implemented areas. With a view to remove this handicap, the Act was amended in 1951 and in lieu of the employer's contribution in Schedule I to the Act, a provision was made for levy of Employers' Special Contribution on employers all over the country at rates to be determined by the Central Government from time to time subject to a maximum of 5 per cent of the total wage bill.

15.56 hrs.

[SHRI P. VENKATASUBBAIAH in the Chair]

The rates of employers' special contribution now in force are:—

- (i) implemented areas 2½ of the total wage bill.
- (ii) non-implemented areas... 1% of the wage bill.

The scheme is administered by the Employees' State Insurance Corporation which consists of 2 elected members of the Parliament, the representatives of Central and State Governments, employers, employees and medical profession. A Standing Committee constituted from amongst the members of the Corporation acts as executive body for the administration of the Scheme. A Medical Benefit Council including representatives of the medical profession has been set up to advise the Corporation on medical questions. For the day-to-day administration of the Scheme, State-wise Regional Offices have been set up. Under each Regional Office, several Local Offices are established to receive claims of insured persons and pay Cash Benefits to them, in addition to looking after the work of registration etc. On the Medical side, Employees' State Insurance Dispensaries have been set up in various centres all over the country. In Panel Areas like Bombay and Calcutta, the Panel Doctors, who are registered with the Scheme, provide the necessary medical care to the beneficiaries.

While Cash Benefits under the Scheme are administered by the Corporation directly, the provision of medical care is the responsibility of the State Governments, except in the Union Territory of Delhi, where the administration of medical care has been taken over by the Employees' State Insurance Corporation since 1st April, 1962. The expenditure on medical care is, however, shared between State Governments and the Employees' State Insurance Corporation. The State Governments bear 1/4th of the cost of medical care in an area where medical benefit has been extended to the families of the employees and 1/4th in the other areas.

Out of a total coverable strength of industrial employees of about 38 lakhs in the country, about 31 lakh employees have so far been covered till 30th September, 1966 under the

Scheme. Medical Benefit has been extended to the families of insured persons also in most areas.

Insurance Corporation is being raised from 2 to 3 with a view to including 2 members from the Lok Sabha and one from the Rajya Sabha.

16.00 hrs.

The Scheme has been in operation since 1952. In the light of the experience gained during this period, it is proposed to amend the Act with a view to making the administration of the Scheme simpler and to eliminate complicated formalities for payment of contributions and grant of benefits. The working of the Scheme has also been reviewed by a high level tripartite Committee which has submitted its Report. The Committee's recommendations which are at present under examination in consultation with the interests concerned, are based on the assumption that the amendments as proposed in the Bill and as already agreed to by the parties, will be carried out. It is, therefore, not necessary to wait for decisions on the Review Committee's recommendations. The important amendments proposed in the Bill are as follows:—

(1) The existing wage-limit for coverage of employees is being raised from Rs. 400 to Rs. 500 per month with a view to securing benefits of the Insurance Scheme for a larger section of industrial employees.

(2) The existing definition of the term "employee" is being amended so as to cover those engaged in work connected with the administration of factory or its departments, purchase of raw materials, distribution or sale etc. of the products of the factory.

(3) The definition of the term "family" is being enlarged to include dependent parents of female insured persons. At present dependent parents of only male insured persons are included in this definition.

(4) The number of representatives of Parliament of the Employees' State

(5) The exemption limit for employees' contribution is being raised from the present below rupee one to below Rs. 1.50 p. per day with a view to providing relief to low-paid employees.

(6) A new Section is being inserted to enable the Corporation in certain cases to make assessment of the contributions due on the basis of such information as is available to it regarding number of persons employed, their wages, etc.

(7) A new provision is being made to empower the Corporation to recover any contribution payable under this Act, that is, both Employers' Contribution as well as employees' contribution as arrears of land revenue. At present, Section 73D provides for recovery of Employers' Special Contribution only as arrears of land revenue. However, there is no corresponding provision regarding recovery of Employees' Contribution as arrears of land revenue. The Employees' Contribution has, therefore, to be recovered under Section 75 which takes time. It is, therefore, necessary to ensure that recoveries of dues to the Employees' State Insurance Fund through which all the benefits under the Scheme are financed are made as speedily as possible.

(8) Provision for the grant of Funeral Benefit, not exceeding Rs. 100 on the death of insured person is being made for the first time. This benefit is supported by the I.L.O.

(9) Qualifying conditions with regard to eligibility to Sickness Benefit are being simplified. The present dual qualifying condition vide Section 47 of the Act not only complicate actual working but is administratively costly without any significant advantage. Moreover, an insured person finds it difficult to follow the condition. The

[Shri Shah Nawaz Khan]

revised qualifying condition would be the payment of 13 weeks contribution in a contribution period of 26 weeks.

(10) As in case of Sickness Benefit, the qualifying conditions for Maternity Benefit are also being simplified on similar lines. Besides the additional conditions of payment of at least one contribution between 35 and 40 weeks before the week in which the confinement takes place or in which notice of pregnancy is given is being dropped because this condition causes hardship in certain cases.

(11) The scope of maternity benefit relief is being enlarged so as to provide for the additional benefits on the lines of the Maternity Benefit Act, 1961.

(12) The calculation of average daily wage for purposes of determining the weekly rate of contribution is being simplified.

(13) A standard rate of Sickness Benefit is being fixed corresponding to each wage-group. Calculation of the rate of benefit in an individual case would thus be no longer necessary in the local offices of the Corporation. An additional advantage would be that the employees would now know the rate of benefit to which they would be entitled from the rate at which contributions are paid in respect of them or even from the rate of wages they draw.

(14) The rate of Disablement and Dependents' Benefits is being increased by 25 per cent over and above the Sickness Benefit Rate. Moreover, even the method of calculation of the rate for these benefits is being simplified by providing that the full rate of Employment Injury Benefits will be equal to 25 per cent more than the "Standard Benefit Rate" applicable to Sickness Benefit.

(15) The existing provision relating to the payment of Dependents' Benefit to the children upto 15 years of age, except when they are receiving education to the satisfaction of

the Corporation, is being liberalised by providing that the benefit would be available to children upto the age of 18 years and also beyond that age in case of infirm children.

Certain minor and formal amendments to the Act have also been proposed in the Bill. The notes on clauses explain in detail the important provisions of the Bill.

Sir, I move.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Employees' State Insurance Act, 1948, be taken into consideration."

The Minister has tabled certain amendments which have been circulated; they will be taken up later. Now, I call upon Mr. Banerjee to speak.

Shri S. M. Banerjee (Kanpur): I thank the hon. Deputy Minister for bringing this piece of legislation, a Bill further to amend the Employees' State Insurance Act, 1948.

I am happy that certain very good provisions have been included in this Amendment Bill. The wage limit for coverage of employees is being raised from Rs. 400 to Rs. 500 per month in order to secure the benefit of the scheme for a larger number of employees; I welcome this. I also welcome the definition of 'family'; it has now been broadened. What was the definition of 'family' previously in the British regime? It has only wife and legitimate children. Now it has been broadened. Now when we read the definition of 'family', we find that it includes the dependent members of the insurer; it includes widowed mother, widowed sister and even, in certain cases, the other members of the family. It is really heartening.

A provision for the grant of funeral benefit not exceeding Rs. 100 has also been made for the benefit of in-

sured persons. I do not know whether the hon. Minister has attended any funeral ceremony. At the present cost of living, under the Congress rule, under the Congress regime, with Rs. 100 you cannot possibly burn a dead body. Rs. 100 may be a token gift or for encouraging a worker to die and get Rs. 100 for his family. A sum of Rs. 100 is too inadequate for any funeral benefit. I would only request the hon. Deputy Minister to kindly consider this: in a Hindu society for performing the minimum ceremonies done after the death of a person, at least Rs. 200 to Rs. 250 would be required. We have been giving the workers loans from the welfare fund and the union fund and I am sure that it cannot be less than Rs. 200 to Rs. 250.

Shri N. C. Chatterjee (Burdwan): The sum of Rs. 100 is the maximum.

Shri S. M. Banerjee: Rs. 100 is the maximum. The employers will hardly pay Rs. 30; I can assure you this much. There is also a scheme for maternity benefit. Having welcomed certain aspects and certain provisions of this Bill, may I ask the hon. Deputy Minister to clarify to this House whether the huge arrears have been recovered from the employers. In Kanpur alone, some of the employers have not paid their share to E.S.I. I have mentioned just before an hour that a notorious industrialist of Kanpur, Mr. Ram Rattan Gupta, owner of Lakshmi Cotton Mills, has not paid to the tune of Rs. 4½ lakhs—Rs. 4,52,000—to the E.S.I. with the result that no employee, no worker who is employed in Lakshmi Rattan Cotton Mills—it employs more than 5,000 employees—gets any benefit out of this E.S.I.; they do not get this benefit because the employer has not deposited his share. I would like to know whether these employers have been prosecuted or whether prosecutions are going to be launched against these employers for violating various provisions of this Act. A Committee

was appointed for further improvement of the working of the E.S.I. Corporation with Mr. Pattabhiraman—if I am not wrong—presently Minister in the Ministry of Law, as its Chairman. They have also suggested certain things and I know that when this was under the Social Security Department and Mr. Jaganatha Rao was one of the Ministers, he visited Kanpur and during his visit he asked the E.S.I. Corporation people to start prosecution against certain employers for non-payment of dues. I would like to know what has happened to that.

When we talk of the E.S.I. Corporation, I am also pained to note the cold and callous attitude of some of the doctors towards the patients. In some places the entire medical benefit has been reduced to this: the doctor certifies a man fit when he is unfit and unfit when he is fit, this is nothing but granting certificates for getting leave. For their improvement, I suggest that qualified doctors should be brought. Whether it is panel or otherwise, it is a matter for the Union to take a decision. But surely I would request you to consider this.

There is another point. Who are the persons who are running this Corporation? What about those employees? When there was hunger strike going on in the country by almost all the employees of the Employees' State Insurance Corporation, a solemn assurance was given by the hon. Deputy Minister, Mr. Shahnawaz Khan—he is known for his integrity, boldness and firmness—that their demands would be considered with utmost sympathy. What happened to that assurance? What is going to be the fate of those employees who went on a token hunger strike; there was a mass hunger strike. Unless their demands are fulfilled, unless they are taken out of the growing discontent, how can they possibly serve the Corporation?

[Shri S. M. Banerjee]

With these words, I would request the hon. Minister to throw some light on the three points that I have made, namely firstly whether adequate steps have been taken, legal or otherwise, to recover the huge amounts due from the employers at Kanpur and other places, secondly whether the demands put forward by the employees are being conceded and if not, the reasons for the same, and thirdly whether the death benefit or the funeral benefit will be increased from Rs. 100 to a minimum of Rs. 250, because otherwise, it would be impossible for the employee's family to manage and the employer may just give only Rs. 15 or Rs. 20 or Rs. 30 and there will be no check on that.

Shri K. N. Pande (Hata): I am very happy that this Bill has been brought forward because it seeks to remove many of the difficulties in the implementation of the Act. For instance, formerly it used to cover people who were drawing a salary of only up to Rs. 400, but now it is going to cover also those who are getting Rs. 500. This should have been done in the beginning itself, but somehow that was not done. Anyhow, I am happy that it has been done now.

The revision of the definition of the term 'family' is also a very happy feature.

There was one thing which gave me great pleasure at first sight, but when I read the clause, really it gave me disappointment. I do not know whether the benefit of the clause is going to be derived by the employees for whom it is intended. For instance, this scheme was brought forward to help the insured workers. Really, the workers are getting help in the shape of medical benefit. The difficulty is that the corporation is the agency to collect the subscription from the employees as well as from the employers, but the medical facilities are provided by the State Governments, and there have been a lot of complaints from every quarter that this facility is not properly being given to the employees. Therefore, a

suggestion was made that the corporation itself should take over the function to giving medical benefit to the workers. Since the corporation is the collecting agency, the corporation is morally responsible for providing the medical benefits. But under the clause as it stands in this Bill, the administration of medical benefit may be taken over by the corporation in consultation with the State Government. The difficulty will arise this way namely that no State Government will be prepared to let this function go over to the corporation, because even if they do not do anything and even if there is room for complaint, they do not want to leave this function. How the corporation will get over this problem is a matter which is for the consideration of the House.

When I read the Statement of Objects and Reasons, I thought that this Bill was going to cover seasonal industries also so that the workers working in the seasonal factories also would be benefited by this amending Bill. But the condition imposed is that this Bill will apply to those seasonal factories which work for seven months. I can give the example of a sugar factory run by the State Government of Mysore. This factory works for eight months. It used to have two seasons. For the last two years, because of failure of rain, this factory has not been able to run. So, this kind of thing may be true in some cases and may not be true in other cases. So, why should a period be prescribed at all? Why should we not mention word seasonal only. In application of the amending clause 2 covering seasonal factories I want to suggest that all seasonal factories should be covered without specifying any period for which they should work in a year? Under the provision as it stands, only the tea industry may be covered. But what about the sugar factory which is a seasonal factory? It employs more than two lakhs of people. Now, the rate of contribution to the provident fund is also

Shri Dinen Bhattacharya (Serampore): Mr. Chairman, the amendments that have been brought forward here are, I think, on the basis

[Shri Dinen Bhattacharya]

of the recommendations of the Review Committee set up for the purpose of going into the working of the ESI scheme. At the outset, I may state that although there are certain provisions which will improve the situation, the situation as it prevails today will not be much improved by these amendments.

From my experience in my State of West Bengal, I can say that this ESI Scheme is not so much favoured by the workers as a whole; they consider it as a burden on their income.
16.27 hrs.

[SHRI SHAM LAL SARAF in the Chair]

First of all, the minimum benefit that a worker or insured person expects from this scheme is that he will get supplies of medicine in case of his sickness. I would ask the hon. Minister to go round the industrial belts in Calcutta. He will find that the insured persons have to move like a shuttlecock from this chemist shop to that chemist shop to get a particular medicine. The schedule or list of medicines given to the panel doctors is not reviewed. I have talked with the doctors who work in this panel. They have said that they cannot treat the patients as per their own choice. They have to select medicines or prescribe medicines as per the detailed list given by the Corporation. This list is not sufficient.

Then after getting a prescription from a doctor, he won't get medicines. When I asked a chemist why he does not keep all the stocks required, he said, that he does not get payment of his bills. So he cannot keep these medicines for ready supply.

Another complaint—I have referred to it several times here—is that two standards of medicines are there in the chemist shops, one for those who purchase it with their own money and another for these insured persons. This is an open secret that two types of the same medicine

are kept. The reason for that is very well known to the authorities. In spite of the fact that locally we raised this matter with the authorities in Calcutta, nothing has been done up till now to rectify the matter.

Then there is another thing. Take the question of consultation with specialists, for example. There are certain types of diseases which require consultation with specialists either for diagnosis or for regular treatment. I have heard that there is an arrangement whereby so many specialists are there in the list, but in reality, the workers do not get the help of the specialists when necessary. If an insured person requires blood test, he will have to wait for several days to get himself referred to the concerned specialist; then his blood will be taken for examination and it will take at least 15 days to get the results of the test, I know this from my own experience. This is not only with regard to blood test, but in respect of x-ray or any other type of special treatment. This type of thing prevails in West Bengal.

Then about hospitals. Assurances were given that sufficient hospital accommodation will be there for the hospitalisation of these insured persons, but up till now the arrangement that is there is too meagre. Even in my own constituency of Serampore where there is a hospital, I know that the number of doctors, the number of nurses and the other appliances necessary for the proper functioning of a hospital are not there with the result that the patients or insured persons who are admitted do not get the full benefit.

Then there is another point. A worker who lives in an industrial town or place just near a factory may have his own place of residence far away from the factory. If I am an insured person registered with a panel doctor near the factory, I get treatment there. But my family resides in a far-away place in a

village. While I get the treatment from the panel doctor near the factory, I do not get the benefit of medical treatment for my family in the village. This is the state of affairs in hundreds of cases.

Regarding certificate for leave etc., a large number of people from Bihar and UP are there in West Bengal who go to their places on medical certificate from the panel doctor in the factory in which they are working, when they go to their own places and want to get the leave extended, they are not allowed to do so by submitting certificates from private doctors. I have not seen any provision to rectify this state of affairs in this Bill.

Then there are so many other things. I may say in one word that the ESI Scheme, instead of becoming an instrument of some social benefit to the workers and employees, has practically become a mockery. Nobody wants this type of ESI Scheme. On several occasions, the insured workers are so dissatisfied with the scheme that they are on the point of stopping the contribution unless and until these things are rectified.

There are so many local offices. But for taking payment, the workers have to go several times. The money they get by way of benefit is more or less wiped out by the travelling expense they have to incur going from this place to that place.

These things should have been looked into. In the Review Committee's Report, there are certain very astonishing remarks. I have seen in the dispensaries that there are certain bottles with red, white, and green coloured medicines. The doctor who is there does not see who is suffering from what. He gives this bottle or that bottle to the man who comes, just as in the prison the doctors give some bottles with

red, white, green or yellow medicines as they like to somebody or other. This is the way treatment is going on and this is the benefit the workers rederiving from it.

It is good that the wage limit has now been raised to Rs. 1.50, but the representatives of the workers in the Review Committee have recommended raising this exemption level to Rs. 3.00, and raising this limit to Rs. 3.00 will also not be much of a financial burden on the Government. So, I do not see why, in spite of the recommendations of those directly connected with these insured workers, namely representatives of the Central trade union organisations—INTUC, HMS and AITUC—Government has retained Rs. 1.50 and should not reconsider the matter and revise it to Rs. 3.00.

There is a waiting period. On the first day you fall sick you do not get the benefit. This is the trick of the whole thing. You may remain sick for seven days, but two days will be deducted as waiting period. This is something absurd in the scheme. This must be totally abolished. If not totally abolished, at least, as suggested by the dissenting note by trade union representatives in the Review Committee's Report, in the case of a person who is sick for seven days continuously, the benefit should be from the first day. I do not know why Government is not considering this very humble suggestion.

Suppose an insured worker under the ESI scheme continues to contribute throughout his life but does not claim any benefit from it, why should he not be given a no-rebate claim? Why should this not be introduced? This is a very just demand and this should have been a part of this amendment. I am sorry the Minister has not given real thought to this.

[Shri Dinen Bhattacharya]

Again, this amendment will not change the situation. At least in my place I can say that the situation is very, very critical, and the workers are too much agitated over the mal-administration and whimsical functioning of this Corporation, beginning from medicinal benefit to hospital benefit and also payment of their dues from the Corporation. So, I request the Minister to seriously think over the matter, so that the situation may not take serious turn by continuation of the present practice that is going on throughout the country.

Shri C. K. Bhattacharyya (Raiganj): I have great satisfaction in supporting this Bill which has been brought by the Ministry in the interests of the poor workers. As the hon. Minister has said, the purpose of the Bill has been explained in the Statement of Objects and Reasons, and also in the explanation and notes on clauses.

The hon. Member who spoke just now referred to some of the difficulties of insured persons in the matter of medical benefits. I feel I should agree with some of the points that he made. In fact, I have seen that insured persons do not get proper service or sufficient service or as much service as they should get under the present arrangements under the Act.

In Calcutta, the Corporation took up a whole hospital—the Calcutta Medical School Hospital—from the authorities, but I do not think it has been brought to working order up till now. The Statement of Objects and Reasons mentions:

“Provision for the taking over by the Employees' State Insurance Corporation of the administration of the medical benefit from State Governments is being made.”

At least in every State capital there should be a hospital completely under the management and control of the Corporation where the employees requiring medical help and medical

benefit and hospitalisation, could go. That would be the most helpful arrangement for the employees themselves. The present arrangement is that in each civil hospital the Corporation, through the State Government, makes certain reservations and a certain provision for beds for the employees. Difficulties arise when in such places the services of specialists are not available for the particular disease which an employee may be suffering from. I also know that in some of them the employees get, from the doctors specially appointed for this purpose, a general service only and general sort of medicines. If they require any special medicines or special help, they are told that they have got to make separate payment for that. I have known of some cases when employees told me that for special medicines they were advised that they must procure them and give them to the doctor, the doctors themselves do not provide them. This is a difficulty which has come to my notice, and some of the employees have informed me about this difficulty from which they suffer. I request the hon. Minister to go into this.

This arrangement is proposed in the Bill under clause 28:

“...the State Government shall share the cost of such medical benefit in such proportion as may be agreed upon between the State Government and the Corporation.”

I believe there will be no difficulty coming up from the State Governments in the matter of sharing such costs, and that the Corporation will be able to persuade the different State Governments to come over to its view, so that as much perfect provision may be made for the employees as possible. Most of the employees who come under this scheme are poor. Of course I find a provision here which raises the wage limit from Rs. 400 to Rs. 500 per month. Persons having

higher wages are in a position to secure the services of specialists for themselves if they find that they are not getting or they find that there is some difficulty in getting specialists but the poor employees getting a low salary in our country have to depend completely on this scheme. Therefore, they require particular attention from the administrators so that the requirements of these poor people are met sufficiently and entirely in all cases.

I might say one word about the term 'family' which is being amended to include dependent parents of a female insured person. Dependent parents of a male insured person are already included.

My friend Shri Kashinath Pande made some reference to situations in life in Bombay and somehow those references disclosed a state of things which did not leave a good taste in the mouth. If it becomes a fact that there are widows who without finding any other support come to be mothers, those children have got to be protected. This requires attention not only by the ESI authorities but also social workers. According to me, it is more a social problem than an economic problem or an employment problem and it should be tackled from the social side by persons who do social welfare work. We have such bodies under the Central and the State Governments. Those conditions should be tackled in such a way that the situation that compels the inclusion of illegitimacy in a case like this may be tackled at the root so that it may not exist at all; it requires the attention of persons who are concerned with the individual good, the social good and the moral good, who want to see the social atmosphere to be as clean as possible and as healthy as possible.

Another point was that it should be extended to persons not only in tea or coffee factories but also to other seasonal occupations and seasonal work because these workers will remain uncovered even after this amendment comes into operation. I

request the hon. Minister to take into consideration this particular phase in the life of the workers which requires to be tackled and provided for.

There are other provisions in this Bill and most of them will depend for their effective use upon the attention and care that the administration bestows on them. The hon. Minister should keep the administration conscious of its responsibilities towards the workers particularly the poorer ones so that they may not be in the need of running hither and thither when there is any difficulty. This Bill was contemplated to provide such conditions of service for them in which they might feel secure and confident that there is some arrangement for looking after them, that there is some agency to care for them. It is the responsibility of the State and of society and this Bill is a worthy attempt to meet that responsibility, I would only urge that that responsibility be discharged well and administrators responsible to discharge that duty be made to function in a way that the workers and other persons who are covered by this Bill and who are to get the advantage of these provisions get their benefits, sufficiently, fully and to the utmost that can be provided for them. I should thank the hon. Minister for having brought this Bill and for having provided for the workers as much as he could. If it is found in the operation of this Bill that it has left anything not covered or if there is any defect anywhere, I believe he will not hesitate to come to this House with another amendment with the experience of the working of this Bill so that Parliament may be doing its duty and discharge its responsibility to the people of this country under a democratic Constitution.

Shri Narendra Singh Mahida
(Anand): Mr. Chairman, every advanced country in the world thinks of its citizens and brings welfare measures for farmers or workers. This is a Bill which is intended for the

[Shri Narendra Singh Mahida]

welfare of employees. Therefore, the Employees' State Insurance Act, 1948, applies to a number of Central Government undertakings. Some of the amendments proposed in the Bill will have the effect of increasing the liability of the employees (including Central Government) for payment of contributions. As a country advances, as I have said earlier we have to take care of our workers in respect of their health, in respect of their families, because, if the health of a worker is good, he can put in more work, he can work only if he is happy with his family. Education is given to his children. There is provision for medical help. They are provided with nourishing food, housing and other welfare facilities. This measure is a liability in respect of the Government and I am glad that the Government is thinking in terms of providing them with increased emoluments and facilities by way of medical assistance and so on.

I shall now refer to the clauses before coming to other points. In clause 3 of the Bill, they have sought the insertion of a new section, section 2A which reads as follows:

"Every factory or establishment to which this Act applies shall be registered within such time and in such manner as may be specified in the regulations made in this behalf."

This will cover most of the factories and establishments and they will have to do all that is intended by the Government in respect of the welfare of the workers. Then in clause 6 of the Bill, section 7 of the principal Act is sought to be substituted by a new section which reads as follows:

"All orders and decisions of the Corporation shall be authenticated by the signature of the Director General of the Corporation and all other instruments issued by the Corporation shall be authenticated by the signature of the Director General or such other officer of the Corporation as may

be authorised by him."

This section is for authentication of orders, decisions etc. This is a welcome measure whereby there will be no doubt in the minds of the people whether the authentication is there or not.

Then there is another important amendment, and that is, clause 19 of the Bill which seeks to substitute section 47 of the principal Act by a new section, which reads as under:—

"A person shall be qualified to claim sickness benefit for sickness occurring during any benefit period, if during the corresponding contribution period, weekly contributions in respect of him were payable for not less than thirteen weeks."

Even while a person is engaged in work if he falls ill, he is entitled to benefits. That is also a very welcome measure.

There is another measure in clause 23, and this is in relation to section 51 of the principal Act.

It is about disablement benefits: It says:

"(a) a person who sustains temporary disablement for less than three days (excluding the day of accident) shall be entitled to periodical payment for the period of such disablement in accordance with the provisions of the First Schedule;"

So in various measures we are providing benefits for the workers, not only when they fall ill but that they should receive their wages in fulfilment of their obligation to maintain their families, apart from their receiving medical help.

Then in clause 51A, it has been provided as under:—

"For the purposes of this Act, an accident arising in the course of an insured person's employment shall be presumed, in the absence of evidence to the contrary, also

to have arisen out of that employment."

So, we are covering up all the lacunae in the various other Acts, by this welcome provision.

Then there is also another clause, clause 51B, which relates to accidents happening while acting in breach of regulations, etc. Many times I have seen that accidents happen in respect of employees driving motor-cars in regular service. But sometimes, it is held that the driver was not on duty at that time and that is why though an accident has happened he would be entitled to no payment. Here, in this clause, we cover such cases where, although the person may not be on

duty actually with the officer, yet he should not suffer for having lost his hands or legs or any other part of the body through an accident. We have also provided in clause 51C, that the persons involved in an accident while travelling in the employer's transport will also be compensated and they will get all the medical benefits. Similarly, there are accidents happening while meeting an emergency. Supposing we send some of our employees....

Mr. Chairman: The hon. Member will resume his speech tomorrow.

17 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, November 15, 1966/Kartika 24, 1888 (Saka).