

1a/11.00/skc

The House met at eleven of the clock,  
MR. CHAIRMAN in the Chair.

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MR. CHAIRMAN: Question No. 161.

(Hon. Member absent)

MR. CHAIRMAN: Question No. 162.









## Q. No. 162

**SHRI KUMAR DEEPAK DAS:** Sir, it has been said that the eighth bid round of the NELP has been completed. I would like to know what has been the result, because it is understood that the eighth bid round of the NELP has not met the expectations of the Ministry. On the other hand, it has been said that ONGC has found Uranium in the oil fields of Barholla, Amguri and Geleki and, therefore, private companies are very much interested in occupying those fields. I would like to have a specific reply on this issue from the hon. Minister.

**SHRI JITIN PRASADA:** Sir, as far as the eighth bid round of the New Exploration Licensing Policy is concerned, we went in for this bidding process at a time when there was a downturn and there was recession. There was contemplation within the Ministry whether to go in for this round or not. But we took the decision to go ahead and we came out with results that were much better than our expectations. Out of the 70 blocks that were on offer for bidding, there was a bid for 36 blocks. And out of the ten coal bed Methane blocks, eight blocks were on bid. So, we got a result of about 51 per cent in terms of the bids that came in for this round. In terms of monetary figures, the amount that has been estimated for the eighth round is 1.3 billion, as compared to the seventh round when it was about only 1.2 billion. In fact, this round of bidding has been successful in terms of the market conditions. No matter that compared to the seventh round, the number has slightly declined, but that is because of the market conditions.

**SHRI KUMAR DEEPAK DAS:** Sir, it is a matter of great concern that the Ministry is trying to withdraw from Assam's assets and urban basin and

Q. No. 162 (Contd.)

hand it over to the private companies. It is a setback to the interests of the North East region as a whole. On 27<sup>th</sup> November, thousands of people sat on a dharna in front of the ONGC headquarters at Nazira.

**MR. CHAIRMAN:** Please, put your question.

**SHRI KUMAR DEEPAK DAS:** Again, this Ministry is trying to shift ONGC and OIL office from Assam to Kolkata. I would like to protest such a move. It is against the interests of the people of Assam.

**MR. CHAIRMAN:** Please, be careful with the words you are using.

**SHRI KUMAR DEEPAK DAS:** Sir, I would like to have a specific reply in the matter.

**MR. CHAIRMAN:** Please, put your question.

**SHRI KUMAR DEEPAK DAS:** Sir, I seek protection on behalf of the people of Assam.

**MR. CHAIRMAN:** What is the question?

**SHRI MURLI DEORA:** Sir, I don't know from where the hon. Member has got this information. There is no question and no reason to shift the OIL or ONGC office from Assam to Kolkata or anywhere else. There is no such proposal.

**SHRI KUMAR DEEPAK DAS:** Sir, my specific question...

**MR. CHAIRMAN:** That is all. Your two supplementary questions are over.

**SHRI KUMAR DEEPAK DAS:** Sir, my specific question was that Assam's assets and...

**MR. CHAIRMAN:** If you had asked your specific question earlier, this time could have been saved. What is the specific question?

Q. No. 162 (Contd.)

**SHRI KUMAR DEEPAK DAS:** Sir, Assam's assets and urban property are on the verge of being shifted out of Assam.

**MR. CHAIRMAN:** He has already replied to that. Shri Bagrodia.

(Followed by hk/1b)

HK/1b/11.05

**SHRI SANTOSH BAGRODIA:** Mr. Chairman, Sir, exploration of any minerals from these blocks is a continuous process and it leads to the development of the country. The hon. Minister said that out of these 70 blocks 49 blocks have not been given the bid by people. When do you want another bid for them? Why are private people not interested in these blocks? I just want to know about the blocks. This is a continuous process and unless you go in for a bigger way, we will continue with the shortage of petroleum in the country. So, I would like to know your policy about exploration in the country.

**SHRI JITIN PRASADA:** Mr. Chairman, Sir, as far as the bidding for the blocks is concerned, out of 70 blocks 36 blocks were bid for, and it is not, as the hon. Member said, that 49 weren't bid for. Only around 34 were not bid for. ..(Interruptions).. So, more than 50 per cent were bid for. It is a world-wide phenomena that 100 per cent of the blocks are never bid for, especially when there were down-turn and recession in the market during the previous year across the world. I can give you figures of different countries that went in for bidding of blocks. When they went in for bidding, Algeria got 26 per cent bidding only, Uruguay got 18 per cent, Brazil got 41 per cent, Indonesia got 31 per cent, Norway got 52 per cent and Iceland got 40 per cent. That way we are far ahead of

Q. No. 162 (Contd.)

other countries and got better response. It is the endeavour of this Government to ensure oil security and we are trying to ensure that best technologies and best people come to India. We are framing simplified laws giving them incentives so that they can get tax benefits. If the procedure is simpler, people can come, bid, explore the depths of Indian sedimentary basin and find out oil here so that we become oil sufficient and our country can strengthen itself as far as oil security is concerned.

**SHRI RAVI SHANKAR PRASAD:** Sir, in the reply two expressions have been used -- "New Exploration Licensing Policy 2009" and "production sharing contract". My question is: (a) Who owns the petroleum products of the country? (b) Does the Government have any standard production sharing contract? ..(Interruptions).. (c) Is the contractor entitled only to contract price or also a share in the ownership of the product? Please clarify it.

**SHRI JITIN PRASADA:** Sir, as far as the New Exploration Licensing Policy which was started in 1999 is concerned, bidding of oil blocks and gas blocks under this policy from then onwards is subject to a profit-sharing contract. In that profit-sharing contract, a contractor is given the mandate to explore and find out whether there is any commercial viability with regard to oil or gas. Whatever expenses are incurred in finding out or searching oil, they are reimbursed. That is how there is a share of the Government and of the contractor with regard to the profit that comes which is known as the profit petroleum. That only comes when oil or gas is commercially viable.

Q. No. 162 (Contd.)

**SHRI MATILAL SARKAR:** Sir, our State, Tripura, is floating over gas and there is a high potential to explore gas from here and there. But the thing is that ONGC is minimising its period of exploration so the seasonal workers who depend on this work get less than six months' work in a year. So, my request is to give more time for exploration. There is potential to serve the seasonal workers in the right earnest.

(Followed by 1c/KSK)

KSK-MP/1C/11.10

**SHRI MURLI DEORA:** Sir, I am very happy to inform the hon. Member that as per the request of the Government of Tripura, the ONGC has cleared power plant there. Though the cost of power transmission was very high, but in order to help the small State of Tripura, the ONGC has agreed to put up a small power plant which will be able to use their gas.

**SHRI SITARAM YECHURY:** Sir, I would only like to thank the hon. Minister for this.

**SHRI MURLI DEORA:** You intervened; that is why, it happened.

**SHRI MATILAL SARKAR:** No; no intervention...(Interruptions).

**MR. CHAIRMAN:** Mr. Sarkar, your question is over. Question No. 163.

(Ends)



























## प्रश्न संख्या 163

**श्री अवतार सिंह करीमपुरी :** सर, ऑनरेबल मिनिस्टर साहब ने जो जवाब दिया है, उसकी स्टेटमेंट में लिखा है कि 2006-07 में 3839.21 लाख funds की availability थी, 2500 करोड़ का एक्सपेंडिचर हुआ और 1339 लाख unused रहा। इसी तरह 2007-08 में और 2008-09 में भी जो availability of funds है, उसमें इसका एक्सपेंडिचर भी 2000 लाख के करीब हुआ। महोदय, पंजाब में बेरोज़गारों की संख्या में कोई कमी नहीं है, तो मैं जानना चाहता हूँ कि इसका एक्सपेंडिचर क्यों नहीं हो रहा है और प्लान properly execute क्यों नहीं हो रहा है?

**श्री सी.पी. जोशी :** माननीय सभापति महोदय, NREGA demand-driven scheme है। लोग काम मांगते हैं, तब उनको काम देते हैं। As per the Act, दिसंबर महीने में लेबर बजट बनाकर भारत सरकार को भेजना पड़ता है। वहां से भारत सरकार द्वारा लेबर बजट पाने के बाद जितनी डिमांड होती है, उतना पैसा वहां पर खर्च होता है। इसी आधार पर वहां की सरकार ने उस डिस्ट्रिक्ट में जितने proposal भेजे, उस हिसाब से पैसा रिलीज़ किया। वहां पर काम नहीं हो पाया, इसलिए इसका पैसा बचा हुआ है। इसमें बजट एलोकेशन का कॉन्सेप्ट नहीं है।

**SHRI AVTAR SINGH KARIMPURI:** Sir, the reply is not satisfactory. As per facts available, हमारे पंजाब में टोटल 20 डिस्ट्रिक्ट्स हैं। होशियारपुर डिस्ट्रिक्ट में 35,512 households को employment दिया गया है। Hoshiarpur is one leading district, लेकिन पंजाब में ही लुधियाना डिस्ट्रिक्ट है, जिसने केवल 996 households को employment दिया है। तो जो गैप है, वह डिस्ट्रिक्ट एडमिनिस्ट्रेशन की lacking की वजह से है। वह स्कीम को sincerity से लागू न करने के कारण है। अभी भी इस साल की जो स्कीम है, उसमें भी जो मोगा डिस्ट्रिक्ट है, उसमें भी सिर्फ 932 परिवारों को employment दिया है, जबकि मोगा गरीबी के लिहाज़ से शायद पंजाब में सबसे आगे होगा। क्या वहां के लोग रोज़गार नहीं चाहते हैं? लोग रोज़गार चाहते हैं, लेकिन सरकार की मशीनरी में कुछ कमियां हैं। इसलिए महोदय, मैं आपके माध्यम से मिनिस्टर साहब से आश्वासन चाहूंगा कि जिन डिस्ट्रिक्ट्स में, जैसे होशियारपुर डिस्ट्रिक्ट

Q. No. 163 (Contd.)

economically forward डिस्ट्रिक्ट है और वहां 35,512 households को employment मिला है....

**श्री सभापति :** सवाल पूछिए।

**श्री अवतार सिंह करीमपुरी :** मेरा सवाल यह है कि जो डिस्ट्रिक्ट इस स्कीम को लागू नहीं कर रहे हैं, क्या आदरणीय मंत्री जी यह एश्योरेंस देंगे कि उन डिस्ट्रिक्ट्स में भी होशियारपुर डिस्ट्रिक्ट की तरह आगे बढ़कर वे इस स्कीम को लागू कराएंगे?

**श्री सी.पी. जोशी :** महोदय, यदि वहां काम करने वाले व्यक्ति available हैं और सरकार उनको काम नहीं दे रही है, तब तो हम इसमें intervene कर सकते हैं, लेकिन लगता है कि वहां काम मांगने वालों की संख्या कम है। इसलिए मैं चाहता हूं कि आपके पास यदि कोई स्पेसिफिक जानकारी हो कि जो कार्ड बने हुए हैं, उनको सरकार काम नहीं दे रही है, तो वह आप मुझे दें। तभी भारत सरकार राज्य सरकार से उस संबंध में कुछ बात करेगी।

**श्री अवतार सिंह करीमपुरी :** Information provide करवा देंगे।

**श्री ईश्वर सिंह :** चेयरमैन सर, मैं आपके माध्यम से मंत्री जी से कहना चाहता हूं कि वैसे तो यह पंजाब का सवाल है, लेकिन ग्रामीण रोजगार गारंटी योजना में अनियमितताएं बहुत आ रही हैं। हमारा वास्ता देहात से बहुत ज्यादा है और मंत्री जी ने अभी बताया कि देहात के अंदर काम ज्यादा है और काम करने वाले कम हैं।

(1D/SC पर क्रमशः)

SC-GSP/11.15/1d

**श्री ईश्वर सिंह (क्रमागत) :** मैं इनसे यह पूछना चाहता हूं कि क्या यह बात सरकार के विचाराधीन है कि जिस गांव में रॉ मैटीरियल मिलता है, वहां पर ट्रेनिंग देकर रोजगार गारंटी योजना उन्हीं को दी जाए, विशेषकर उसी इलाके के लोगों को रोजगार दिया जाए।

**श्री.सी.पी.जोशी :** महोदय, मैं समझता हूं कि हम सबको मिलकर लोगों को जानकारी देने की आवश्यकता है कि यह वह स्कीम है, जिसमें पैसे की कमी नहीं है। जितने लोग काम करना चाहते हैं, उनको काम मिलेगा। यदि जागरुकता नहीं है तो हम सभी पॉलिटिकल पार्टीज़ के वर्कर्स की ड्यूटी बनती है कि उनमें जागरुकता लाएं और जिन लोगों को जॉब की

Q. No. 163 (Contd.)

आवश्यकता है, उनको जॉब मिले। मैं समझता हूँ कि माननीय सदस्य मेरी इस भावना से सहमत होंगे और मेरी जानकारी में अगर वे कुछ और बात लाएंगे तो हम निश्चित तौर पर उस पर और कार्यवाही करेंगे।

**श्री ईश्वर सिंह :** मैंने पूछा कि क्या आप वहां ट्रेनिंग देने जा रहे हैं?

**श्री बलबीर पुंज :** महोदय, मैं आपके माध्यम से माननीय मंत्री जी से पूछना चाहता हूँ कि क्या यह सच नहीं है कि पंजाब में जो वेज़िज़ हैं, जो दिहाड़ी है, वह डेढ़ सौ, पौने दो सौ रुपए तक की है और जो आपकी योजना है, उसमें जो दिहाड़ी दी जाती है, प्रतिदिन मजदूरी दी जाती है, वह सौ रुपए है? इस कारण से - क्योंकि आपकी मजदूरी का रेट कम है और बाज़ार में मजदूरी ज्यादा मिलती है - इस योजना में बहुत सारे लोगों को रोज़गार उपलब्ध नहीं हो रहा है। क्या यह भी सत्य नहीं है कि पंजाब सरकार ने आपसे निवेदन किया है कि इस योजना का जो प्रारूप है, वह प्रदेशानुसार बदला जाए और पंजाब की जो परिस्थिति है, उसके हिसाब से वहां पर यह योजना लागू की जाए जिससे ये जो आंकड़े, आपको अलग-अलग जिलों में नज़र आ रहे हैं, जिसमें कुल मिलाकर अभी तक मुश्किल से 61 करोड़ रुपए इस योजना पर खर्च हुए हैं, वहां पर भी लोग इस योजना का लाभ उठा सकें।

**श्री.सी.पी.जोशी :** माननीय सभापति महोदय, इस योजना को बनाने के पीछे मंशा यह थी कि गांव में रहने वाले गरीब आदमी को हम सौ दिन रोज़गार की गारंटी का assurance दें। अब wages से इसका संबंध नहीं है। जो prosperous states हैं, उनके minimum wages ज्यादा हैं। Minimum wages का इसके साथ कोई संबंध नहीं है। जहां-जहां पर भी इन दोनों के बीच में अंतर है, वहां पर लोग प्राइवेट में काम करने जा रहे हैं और इस योजना के अंतर्गत काम करने नहीं आ रहे हैं। मैं समझता हूँ कि दोनों चीज़ों के बीच अंतर समझने की आवश्यकता है। इस प्रकार उन गरीब आदमियों को, जिनको lean period के अंदर काम नहीं मिलता है, उनको काम देने के लिए यह कानून बनाया गया है।

**श्री बलबीर पुंज :** क्या पंजाब सरकार ने इस बारे में उनको आवेदन किया है? मेरे प्रश्न का दूसरा भाग था कि..(व्यवधान)..

**श्री सभापति :** एक समय में एक ही सवाल कीजिए।

Q. No. 163 (Contd.)

**श्री बलबीर पुंज :** मेरे प्रश्न का दूसरा भाग था कि क्या पंजाब सरकार ने आपसे निवेदन किया है कि इस योजना पर पुनः विचार करें?

**श्री.सी.पी.जोशी :** यह पंजाब सरकार का सवाल नहीं है। पूरे भारत के अंदर यह योजना लागू है। जिस स्टेट में यह अंतर है, वहां पर इस योजना के अंतर्गत काम कम हो रहा है। जहां पर जॉब की आवश्यकता है, वहां पर हमने ensure किया है कि हम 100 रुपए तक देंगे। जो भी आदमी काम करने आएगा, उसको 100 रुपए का assurance है, बाकी को जहां ज्यादा मिल रहा है, वहां काम करें।

**श्रीमती वृंदा कारत :** क्या आपने 100 रुपए minimum wage कर दिया है? ..(व्यवधान)..

**SHRI PRASANTA CHATTERJEE:** You ensure hundred rupees.  
(Interruptions)

**MR. CHAIRMAN:** Please don't intervene. (Interruptions) Please don't intervene. (Interruptions) Don't intervene in the... ...(Interruptions)...  
Please listen.

**SHRI MOINUL HASSAN:** Sir, hundred rupees is not... ...(Interruptions)....

**श्री.सी.पी.जोशी :** आप लोग सुनिए तो सही। ..(व्यवधान).. महोदय, कांग्रेस पार्टी ने चुनाव से पहले यह आश्वासन दिया था।..(व्यवधान).. आप सुन तो लीजिए। ..(व्यवधान)..

**श्रीमती वृंदा कारत :** यह कांग्रेस पार्टी का सवाल नहीं है। ..(व्यवधान)..

**MR. CHAIRMAN:** Please. (Interruptions) It is a national scheme.  
(Interruptions)

**SHRI A. VIJAYARAGHAVAN:** Mr. Chairman, Sir, this is not something...  
...(Interruptions)...

**श्री सभापति :** आप बैठ जाइए। ..(व्यवधान).. It is a national scheme. (Interruptions)  
Please. (Interruptions) Please.

**श्री रवि शंकर प्रसाद :** सर, मेरा एक व्यवस्था का सवाल है। यह सारे भारतवर्ष का सवाल है।..(व्यवधान)..

Q. No. 163 (Contd.)

**SHRI A. VIJAYARAGHAVAN:** Sir, the Minister is... ..(Interruptions)...

**श्री रुद्रनारायण पाणि :** सभापति महोदय..(व्यवधान)..

**MR. CHAIRMAN:** Please. (Interruptions) One minute. (Interruptions) आप

ज़रा एक मिनट मेरी बात सुन लीजिए। ..(व्यवधान).. One minute. (Interruptions)

The question relates to a national scheme of the Government.

(Interruptions)

**श्री रवि शंकर प्रसाद :** कई ऐसी स्टेट्स हैं जहां कांग्रेस की सरकार नहीं है। ..(व्यवधान)..

आप थोड़ा संतोष रखिए। ..(व्यवधान)..

**MR. CHAIRMAN:** I think, no further discussion on this. (Interruptions)

Please. (Interruptions)

**श्री रवि शंकर प्रसाद :** आप भारत सरकार के मंत्री हैं। ..(व्यवधान).. The Minister must

know it. (Interruptions)

**SHRI C.P. JOSHI:** I am a Minister of the Government of India. I am

aware about it. (Interruptions)

**श्री सभापति :** आप प्लीज़ बैठ जाइए। ..(व्यवधान)..

(1ई-जीएस पर क्रमशः)

SK/1E/11.20

**श्री रुद्रनारायण पाणि :** सरकारी पैसे से सबसे ज्यादा पार्टी का काम करते हैं।..(व्यवधान)..

**MR. CHAIRMAN:** I am sorry to say ..(Interruptions)..

**श्री सी.पी.जोशी :** सर, मैं फिर रिपीट कर रहा हूं। कांग्रेस पार्टी ने चुनाव घोषणा पत्र में यह

कहा कि हम सौ रुपए देंगे। आज सरकार में आने के बाद मैं यह घोषणा करना चाहता हूं

कि ..(व्यवधान).. हम सौ रुपए देंगे। जो भी सरकार की घोषणा थी, उसको लागू

किया।..(व्यवधान)..

**श्री रवि शंकर प्रसाद :** ये कांग्रेस के मंत्री नहीं हैं।..(व्यवधान)..

Q. No. 163 (Contd.)

**श्री सभापति :** आप जरा बैठ जाइए। देखिए, ..(व्यवधान).. Please बैठ जाइए। ..(व्यवधान)..  
Please ..(Interruptions).. Please ..(Interruptions)..

**SHRI C.P. JOSHI:** I am aware of this. ..(Interruptions).. I am aware of this. ..(Interruptions).. Don't worry about this. ..(Interruptions)..

**MR. CHAIRMAN:** I am sorry to say ..(Interruptions).. I am sorry ..(Interruptions)..

**SHRI C.P. JOSHI:** I am a Minister of Government of India. ..(Interruptions).. I am a responsible man. ..(Interruptions)..

**MR. CHAIRMAN:** One minute, please. ..(Interruptions).. Leader of the Opposition is saying something. ..(Interruptions).. Please ..(Interruptions)..

**SHRI ARUN JAITLEY:** I have a point of order, Sir. ..(Interruptions)..

**MR. CHAIRMAN:** Please ..(Interruptions)..

**SHRI C.P. JOSHI:** I am a responsible man. ..(Interruptions).. It is my party's commitment, not your party's commitment. ..(Interruptions).. It is my party's commitment to the people of the country. ..(Interruptions)..

**MR. CHAIRMAN:** Please ..(Interruptions).. The Leader of Opposition. ..(Interruptions)..

**SHRI ARUN JAITLEY:** Sir, I have a point of order. Sir, each one of us is expected to maintain a certain quorum or dignity. But we expect certain exemplary conduct from Ministers. After you have almost directly indicated that the Minister must answer on behalf of the Government, he is not standing here as a spokesman of a party; he is standing here as a Minister of the Government, this is still not a sufficient clue to the Minister to discipline himself and he now starts answering as though this

Q. No. 163 (Contd.)

is a street meeting that he is addressing on behalf of his party.  
..(Interruptions)..

**SHRI C.P. JOSHI:** Sir, I am very sorry. ..(Interruptions).. He is a senior leader. ..(Interruptions).. We have gone to the people of this nation ..(Interruptions).. What is wrong in it? ..(Interruptions)..

**MR. CHAIRMAN:** Please ..(Interruptions).. Let us get on with the Question Hour. ..(Interruptions).. Please ..(Interruptions).. All right ..(Interruptions).. Okay ..(Interruptions)..

**श्री रुद्रनारायण पाणि :** लोगों को रोजगार मिलना चाहिए। .. (व्यवधान)...

**MR. CHAIRMAN:** Please resume your places. ..(Interruptions).. Let's get on with the Question Hour. ..(Interruptions).. Please ..(Interruptions).. Please ..(Interruptions).. Just one minute. ..(Interruptions)..

**DR. (SHRIMATI) NAJMA A. HEPTULLA:** Sir, he should apologise. ..(Interruptions)..

**SHRIMAT BRINDA KARAT: \***

**MR. CHAIRMAN:** Please ..(Interruptions).. This is not on record. ..(Interruptions)..

**SHRI C.P. JOSHI:** Madam, I have said in the House that from first April 2008, we are committed to give one hundred rupees ..(Interruptions).. We will give it. ..(Interruptions)..

**MR. CHAIRMAN:** Please. ..(Interruptions).. Please resume your places. ..(Interruptions)..

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**\* Not recorded**

Q. No. 163 (Contd.)

**SHRI M. VENKAIAH NAIDU:** Sir, my request is, after the hon. Chair has said something, the Minister should not provoke others. ..(Interruptions)..

**MR. CHAIRMAN:** Let us get on with the Question Hour. ..(Interruptions)..

**SHRI M. VENKAIAH NAIDU:** I only request the Chair to direct the Minister to withdraw the statement. ..(Interruptions)..

**MR. CHAIRMAN:** Please ..(Interruptions).. Let's get on with the Question Hour. ..(Interruptions)..

**श्री एम० वेंकैया नायडु :** काँग्रेस कहां से आ गई ? ..(व्यवधान)..

**MR. CHAIRMAN:** Please ..(Interruptions).. Mrs. Karat, please ..(Interruptions).. I request you to resume your places. ..(Interruptions).. Dr. Malaisamy, does your supplementary relate to this question? ..(Interruptions).. It relates to Punjab? ..(Interruptions)..

**DR. K. MALAISAMY:** Sir, it directly relates to this question. ..(Interruptions).. I will come to this. ..(Interruptions).. Sir, as far as the scheme is concerned, the CAG has conducted a performance audit some time back. During the audit, the auditor has made an observation that though the scheme is laudable in letter and spirit, it has been badly implemented. I mean, he has illustrated it in several ways. On of the ways that, I am coming to the question, the person who is seeking for employment is registered. But he has not been given the employment. With the result he has to wait. The law says, the Act says that during the time of non employment after registration, he has to be paid. But he has not been paid.

Q. No. 163 (Contd.)

**MR. CHAIRMAN:** What's the question?

**DR. K. MALAISAMY:** There are several illustrations like this. May I know from the Minister whether these kinds of lapses have been corrected or not?

**SHRI C.P. JOSHI:** Sir, such lapses have been corrected and the few States have paid the dues as per the provisions of the Act. There are examples of few States which have paid it.

(continued by 1f - yrsr)

-SK/YSR-ASC/11.25/1F

**SHRI C.P. JOSHI (CONTD.):** We are adhering to the provision given in the Act. If they are not giving jobs, after 15 days, the State Government is paying unemployment allowance. (Interruptions)

**MR. CHAIRMAN:** All right. (Interruptions) No argumentation, please. (Interruptions) No arguments. Question No.164.

(Ends)









## Q. No. 164

**SHRI RAJEEV SHUKLA:** Sir, if I go through the reply of the hon. Minister, he has made it very clear that several steps have been taken to control the price rise, which include reducing import duty on several food items and sugar, and imposition of stock limits.

Sir, it appears the problem is basically coming from hoarders, black-marketeers and speculators of essential commodities. I want to know from the hon. Minister whether he has given any direction to the State Governments to keep a check on these people, because primarily the State Governments are responsible to have a look on these people, to keep an eye on these people. What are the steps taken by the Central Government in this regard?

**SHRI PRANAB MUKHERJEE:** Sir, so far as the question of price rise is concerned, it is a matter of concern to everybody because the common people suffer from it. This trend of inflation is not demand-pull inflation; it is mainly because of the shortage of certain essential commodities. For instance, our total production of pulses is 14.80 million tonnes, while our requirement is 18 million tonnes. This is a shortfall of nearly 3.6 million tonnes. That means 36 lakh tonnes. Very few countries, like Myanmar and Turkey, produce pulses. And those who produce it in the sub-continent like Bangladesh and Pakistan, they themselves consume it and there is no exportable surplus. Similarly, this year sugar availability would be about 16 million tonnes and our requirement would be 23 million tonnes. So there is a shortfall and it is pushing up the prices. Our total production of edible oil is 92.98 million tonnes and our demand is 158.64 million tonnes. That is why we have to import it. In fact, to

Q. No. 164 (Contd.)

ameliorate the adverse impact of rising prices, particularly on the vulnerable sections of society, the answer lies in strengthening the Public Distribution System. If we can improve the Public Distribution System, it would be possible for us to substantially provide relief to the vulnerable sections of society, particularly those who are in the BPL category.

So far as the question relating to de-hoarding or taking action against hoarders, black-marketeers, and profiteers is concerned, we are in touch with all the State Governments. The Minister for Agriculture, Food and Public Distribution is having discussion with them from time to time, and they are trying their best. But the problem is still there.

**SHRI RAJEEV SHUKLA:** Sir, my second supplementary is this. Despite the shortfall in grains, is the Minister still hopeful of having economic growth over six per cent?

**SHRI PRANAB MUKHERJEE:** Sir, inflation has no direct correlation with growth. Of course, it has some correlation with it. But the fact of the matter is that there is an inflationary pressure in the system. But I started my observations in replying to the question that up to now we did not find that there is any demand-pull inflation or the availability of more supply of money is causing the inflationary trend. It is not. The classical theory that too much money chasing too few goods is not applicable here, because there are genuine shortfalls. It is mainly because of imbalance between demand and supply. The figure available for the last second quarter of the GDP growth is 7.9 per cent, which is quite encouraging. I do hope that if this trend continues, we will surely enter into the high-growth trajectory. But I am not just forecasting anything.

(Contd. By MKS/1G)

MKS-LT/11.30/1G

Q. No. 164 (Contd.)

**SHRI PRANAB MUKHERJEE (CONTD.):** I am a bit cautious of making any prediction.

**SHRI SANTOSH BAGRODIA:** Sir, ...(Interruptions)...

**MR. CHAIRMAN:** Dr. T. Subbarami Reddy.

**SHRI SANTOSH BAGRODIA:** Sir, I am not asking a question. I am requesting you for something else. Question 170. Can you please club it? Can you check it? It is on the same subject. ...(Interruptions)...

**DR. T. SUBBARAMI REDDY:** Sir, I would like to know one thing. In the year 2008, the inflation went beyond 12 per cent, but our UPA Government has successfully succeeded to bring it down to below zero level; because of that, the entire nation is feeling very happy. ...(Interruptions)...

**MR. CHAIRMAN:** What is the question? ...(Interruptions)... What is the question? ...(Interruptions)...

**SHRI M. VENKAIAH NAIDU:** What is the question? ...(Interruptions)...

**DR. T. SUBBARAMI REDDY:** Let me complete. Why are you impatient? Please listen to me. ...(Interruptions)... You keep on shouting; I don't care. ...(Interruptions)... If you don't allow me to speak...(Interruptions)... Sir, now, ...(Interruptions)...

**MR. CHAIRMAN:** What is the question? ...(Interruptions)... Put the question.

**DR. T. SUBBARAMI REDDY:** The question is, the inflation has now come down to 1.14. Sir, my question is ...(Interruptions)... From zero, it is going up; 1.14. There is a poor monsoon; there is a drought; there

Q. No. 164 (Contd.)

are floods in the nation. Now, the food article prices are going up. Sir, I would like to know from the hon. Finance Minister what efforts he is going to make to see that the inflation rate will not again grow in future.

**MR. CHAIRMAN:** Thank you.

**SHRI PRANAB MUKHERJEE:** Sir, the hon. Member, in one way, is correct that we got some statistical advantage for about 11 weeks where the negative rate of WPI was there. But those are because of the variations of the base years. Actually, it is not that the prices come down certainly. But for making a comparison on a year-to-year basis, with reference to a particular day, sometimes, it happens. So, he is correct in one sense that for 11 weeks, from 6<sup>th</sup> June to the end of August, there were negative rates of inflation so far as WPI is concerned.

**SHRI SITARAM YECHURY:** Sir, the hon. Minister has, in his reply, given us a data which suggests that the whole sale price index of food articles has grown up. It is now at 13.32 per cent. If you actually take the retail price, which is the consumer price index, it is nearly 20 per cent. The hon. Minister has also given us the reasons for that. Because of shortages, there is a pressure on the prices to rise. And that requires other infrastructural investments in agriculture. That is a separate issue; I am not going into that. I am happy that he has talked about strengthening the PDS. But that is just not happening. The price-rise is, actually, a very, very serious burden on the livelihood of the vast majority of our people. In this context, the additional factor that is pushing up the prices much beyond what the shortages should warrant

Q. No. 164 (Contd.)

is the speculation in trading. Will the hon. Minister give an assurance to this House to ban this speculation in trading? Will the Minister consider banning the future trading and the speculative trading in essential commodities and part (b) take measures to ensure that all essential commodities will go through.....(Interruptions)...

**MR. CHAIRMAN:** One question please.

**SHRI SITARAM YECHURY:** One question, Sir. ...(Interruptions)... Only one question. Both are part of the same question, Sir! Ban the essential commodities from speculative trading and include all essential commodities in the Public Distribution System.

**MR. CHAIRMAN:** That is three questions in one!

**SHRI PRANAB MUKHERJEE:** Sir, so far as the strengthening of Public Distribution System is concerned and so far as taking action against hoarders and traders is concerned, this power is vested with the State Governments. ...(Interruptions)... I can coordinate with them; I can advise them, but the actual execution is to be made by the State Governments.

So far as future trading is concerned, we are keeping a watch on it. A number of items have been put; for a number of *dals*, rice, the future trading has been banned. Therefore, it is not banned for today. It has been banned for quite some time.

And the third element which we are doing is this. I have stated the two points. As I mentioned, that is mainly because of the imbalance between the supply and the demand we have stopped exports of a large number of times, particularly and essentially the food items; which

Q. No. 164 (Contd.)

is the primary concern. If you look at the figure, there itself, you will find that for the manufacturing sector, it is 63 per cent of the WPI. ... (Interruptions)... Please don't mix it up. The question relates to WPI, not to CPI. WPI and CPI, there is a variation of the weightage. For instance, here, for food articles, it is only 15 per cent, the weightage in WPI. Food items has a weightage of 15 plus percentage wherein you take any CPI, whether it is industrial worker, whether it is an agricultural worker, whether it is a rural labour, the weightage of food items in that basket varies from 46 per cent to 48 per cent.

(Contd. by TMV/1H)

-MKS-TMV-AKG/1H/11.35

**SHRI PRANAB MUKHERJEE (CONTD.):** It is bound to vary. Therefore, there will be a divergence of views and divergence of approach. The question relates to the WPI. While dealing with the food items, I have myself admitted that it is a matter of concern that the prices of food items are increasing and we are taking all necessary steps that we can take. But simply I can't bridge the gap of 3-4 million tonnes of pulses if they are not available in the international market. I am just giving monthly figure. ... (Interruptions)...

**SHRIMATI BRINDA KARAT:** What about sugar? It is Rs.40 a kilogram.

**SHRI PRANAB MUKHERJEE:** Yes, there is a shortfall of sugar. (Interruptions)...

**MR. CHAIRMAN:** Please don't interrupt. (Interruptions)... Please don't interrupt. (Interruptions)... I am sorry. (Interruptions)...

Q. No. 164 (Contd.)

**SHRI PRANAB MUKHERJEE:** Please don't interrupt. (Interruptions)... It is a wrong practice. (Interruptions)... I am not going to yield. (Interruptions)... It is not permitted here. (Interruptions)...

**MR. CHAIRMAN:** Mr. Manohar Joshi. (Interruptions)...

**SHRI PRANAB MUKHERJEE:** I am answering a question. You are nowhere in the question. (Interruptions)...

**MR. CHAIRMAN:** Please don't interrupt. (Interruptions)... Mr. Vijayaraghavan, you can't get up like that. (Interruptions)... Please don't get up like that. (Interruptions)...

**SHRI PRANAB MUKHERJEE:** Please don't show your temper in the House. Show your temper somewhere else. (Interruptions)... Please don't show your temper here. (Interruptions)... I am not yielding. (Interruptions)...

**MR. CHAIRMAN:** Please. (Interruptions)... Please don't interrupt. (Interruptions)...

**SHRI PRANAB MUKHERJEE:** I am not going to yield. (Interruptions)...

**MR. CHAIRMAN:** Please resume your places. (Interruptions)... Please. (Interruptions)... There are others who want to put questions. (Interruptions)... Why are you trampling on their rights? (Interruptions)... Mr. Vijayaraghavan, please don't shout. (Interruptions)... Please. Shri Manohar Joshi.

**SHRI PRANAB MUKHERJEE:** Sir, what I was going to tell the House was that I was answering and completing my answer. There is no need of interruption. If the hon. Members feel something more needs to be clarified, he or she is fully entitled to ask me. But please allow me to

Q. No. 164 (Contd.)

complete the answer because I am replying to a question put by somebody else.

My point is that we have taken steps, whatever is possible. But in the case of sugar there is a shortage. As I have mentioned, if there is a shortage of sugar, we are asking that raw sugar should be imported and duty-free import is permitted. But if the international price is high, how could you explain that you would buy it at a higher price in the international market? That is why even private traders are not coming. (Interruptions)...

**MR. CHAIRMAN:** Please don't interrupt. (Interruptions)...

**SHRI PRANAB MUKHERJEE:** He knows that better than me. (Interruptions)...

**MR. CHAIRMAN:** Mr. Vijayaraghavan, will you please resume your place? (Interruptions)...

**SHRI PRANAB MUKHERJEE:** He knows that better than anybody else. (Interruptions)...

**MR. CHAIRMAN:** Shri Manohar Joshi. (Interruptions)... Will you please resume your places? Just one minute. I would like to draw the attention of the hon. Members to the fact that only one person can speak at a time. This practice which has developed of interjecting at any point of time is simply not only rude but also a waste of the precious time of the House during the Question Hour. Shri Manohar Joshi. (Interruptions)...

**SHRI BALBIR PUNJ:** Sir, what the Government is saying.... (Interruptions)...

Q. No. 164 (Contd.)

**MR. CHAIRMAN:** Please. You can come and tell me your views a little later, but not now.

**SHRI MANOHAR JOSHI:** Sir, the hon. Minister has stated in his reply that the Government has taken several measures to control the rise in prices. My question is very specific. I would like to know from the hon. Minister whether the Government is prepared to consider the plight of poor people and whether the Government is going to organise something by which subsidy can be provided to such people who can't afford this rise in prices. Sir, I am putting this question because I experimented this as Chief Minister in the State of Maharashtra. The prices were controlled for five years. I would like to know whether the Government is going to do that.

**SHRI PRANAB MUKHERJEE:** Sir, we are practically providing subsidy. The hon. Member is fully aware of it. For BPL families, through the Public Distribution System, we are providing rice at Rs.5.60 per kilogram. We are providing, through the Andhyodaya Anna Yojana, rice at Rs.3 per kilogram and wheat at Rs.2 per kilogram. We are providing for these social welfare programmes about 34 lakh tonnes of foodgrains per year. But there must be a vehicle to reach the poor and the vulnerable sections and it is only the Public Distribution System which we have at our command.

(Contd. by 1J/VK)

Q. No. 164 (Contd.)VK/1J/11.40

**SHRI PRANAB MUKHERJEE (CONTD):** Except that, there is no other instrumentality through which we can reach them. I do agree that the rising prices hit the unorganised poor people the most. The organised sector can link it up with some sort of DA formula and other salaried classes can also have some sort of compensation mechanism, but the poor unorganised sector is the worst hit. Therefore, to provide amelioration, food subsidy of nearly Rs. 1,00,000 crore goes towards that so that, at least, the weaker sections of the society are insulated, to some extent, from the adverse impact of the rising prices.

**SHRI M. VENKAIAH NAIDU:** Sir, it is a very important question. Is the Government ready to approach this entire issue in a three-pronged manner? One, better targeting of subsidies to the vulnerable sections; two, monitoring regularly exports and imports because first we export and then we start importing and say that there is no stock available. Three, it is about long-term policy of increasing production. The Minister was, time and again, stressing on the fact that the production has gone down, not only here but also nearby. Keeping that in mind, is the Government, from long-term perspective and also short-term perspective, prepared for a three-pronged approach? I do not want to join the issue with the senior Minister. Just now the hon. Member quoted from the Congress Manifesto. I am also quoting from the Congress Manifesto. The Congress Manifesto says, "Within 100 days we will try to bring down the prices." The prices are skyrocketing now. What is the specific assurance the hon. Minister wants to give in this regard?

Q. No. 164 (Contd.)

The lower middle-class which is not covered by PDS is also one of the worst casualties. Is there any plan with the Government to take care of those vulnerable sections where the sugar is being sold at Rs. 40 per kilogram, rice at Rs. 35 per kilogram, and both the dals, arhar and tur, at Rs. 105 and Rs. 95 per kilogram? Is the Minister aware of this alarming situation?

**SHRI PRANAB MUKHERJEE:** Sir, prices of some essential commodities are available with me which I can share with the House. For instance, in the Delhi market, the price of rice per kilogram -- I am giving variations -- between April and November, was Rs. 20 to Rs. 23; wheat price was Rs. 13 to Rs. 15; atta price was Rs. 15 to Rs. 17; gram dal price was Rs. 34 to Rs. 40; tur dal price was Rs. 59 to Rs. 91; sugar price was Rs. 27 to Rs. 38. (Interruptions). Sir, if you want I can lay the whole list on the Table of the House. (Interruptions).

**MR. CHAIRMAN:** Let him conclude his reply.

**SHRI PRANAB MUKHERJEE:** Some hon. Members wanted these figures earlier, that is why I wanted to give these figures. So far as Shri Venkaiah Naidu's question about long-term and medium-term arrangement is concerned, in the past, in fact, we are trying it even from the mid 1980s. A mission mode approach was taken. But unfortunately we could not make a breakthrough. Even our efforts in the production of pulses failed to make a breakthrough. Again we are talking to the agriculture scientists as to how we can do it. Here you shall always have to keep in view that the farmers have an option. They can make a calculation that which particular crop will give him more profit.

Q. No. 164 (Contd.)

Sometimes, as a result of this -- sugar is a classical case -- you will find that in one particular year, there is glut of sugar and in another year there is shortage of sugar. When there is glut of sugar, sugarcane growers do not get the price. So they do not go for the sugarcane production next year. These types of cyclical disorders have also taken place. But the ultimate answer lies in having more production and for that massive investment in agriculture is needed. We are doing so. In the Eleventh Five Year Plan, massive step up has been given and it is our programme also to step up agriculture investment both in the public and the private sectors so that, at least, agricultural growth continues at the annual average of four per cent. But sometimes, we are hovering between two and two-and-a-half per cent. This year it may be even less because of the adverse monsoon and because of flood and drought. These are the measures which we are taking.

(Ends)

(Followed by 1K)









RG/11.45/1K

**Q. No.165**

**SHRI SANTOSH BAGRODIA:** Sir, the hon. Minister has mentioned in his reply, "In view of huge liquidity in the system and to contain overall cost of funds, the PSBs are offering lower interest rates for bulk deposits." Now, when there is cartelisation by the banks, like the real demand and supply, which he has been mentioning about other commodities, in the money market also, it is the question of demand and supply. I cannot understand as to why the PSUs should be asked to subsidise the banks, because the whole percentage is just a miniscule percentage of deposits in the banks against the total deposits in the country. If that is so, it is not going to really affect the economy. It only affects the PSUs which are, otherwise, in trouble. Then, we question in Parliament. So, why should there not be maximum interest rates, whatever they can get in the market, either from the private banks or from the PSUs?

**SHRI PRANAB MUKHERJEE:** Sir, it is not that simple because when there is competition, you go for competitive bidding, and it will, ultimately, distort the entire interest rate structure. And, what do we gain by it? The Public Sector Enterprises are expected to make profits by upgradation of scale, application of better technology and reducing the cost of production, and not by depositing their money over a period of time and earning their interest. Therefore, this distortion was going on. I do agree with the hon. Member; he is correct that the total investment is not very high. The total public sector deposits with the banks is Rs.25 lakh crores, and the percentage of the CPSEs is just 6.4

Q. No. 165 (Contd.)

per cent. But it was creating distortion in the overall structure, and that cannot be permitted.

**SHRI SANTOSH BAGRODIA:** Sir, my second supplementary is this. Investments in mutual funds by CPSUs have been banned till January, 2010. Does the Government plan to open it to the wisdom of the CPSUs, that they can invest in mutual funds after 2010? If that is so, then, planning for it has to be done now by the CPSUs, as we are nearing January, 2010.

**SHRI PRANAB MUKHERJEE:** Sir, this is not related to the main question.

**SHRI D. RAJA:** Sir, the banks form the central net system of modern economy today. If that is so, our banks need to be streamlined. Now, the answer is very clear about bulk deposits and retail deposits. The bulk deposits and the corporate houses, which have the Instrument of Certificate of Deposits, are getting 10 to 12 per cent interest rate now, whereas on savings accounts, their interest rate now, I am told, is 3.5 per cent. I would like to know from the hon. Minister whether the Government has any strategy to encourage ordinary people to go in for net savings. If that is so, is the Government thinking of increasing the interest rate on savings accounts from 3.5 per cent to, at least, 5 per cent, which was there earlier?

**SHRI PRANAB MUKHERJEE:** Surely, I am not going to discuss the interest policy or the monetary policy in the House. It is a major policy matter, and this is being done by the Reserve Bank of India. Determining the interest rate is not in the domain of the Government of

Q. No. 165 (Contd.)

India. The senior Members would know it. It is in the domain of the Reserve Bank, which they do so, from time to time, keeping in view the overall requirements. We always encourage people for thrift, and various schemes are being introduced. But there must be a balance between the interest at which the banks will pay to the depositors and the interest which they will charge from the lender.

(Continued by 1L)

TDB-MCM/1L/11.50

**SHRI PRANAB MUKHERJEE (CONTD.):** Keeping that in view this balance is to be struck. Let us not enter into that area; let us leave it to the experts. The Reserve Bank is the competent body to deal with it. Let them do it. ...(Interruptions)...

**SHRI D. RAJA:** Sir, I asked...(Interruptions)...

**MR. CHAIRMAN:** Mr. Raja, that question is over. ...(Interruptions)...

**SHRI D. RAJA:** One second, Sir. The answer says, 'the public sector banks were advised.' If that is so, why can't the Government advise the public sector banks? That is the simple question I asked.

**SHRI PRANAB MUKHERJEE:** The public sector banks are advised by us and also by the RBI. ...(Interruptions)...

(Ends)









## Q. No. 166

**श्री जनेश्वर मिश्र :** महोदय, मंत्री जी ने जो जवाब दिया है उसका पहला पैराग्राफ है - "हालांकि अंशतः इस्तेमाल" और आखिर में "किन्तु सार्वजनिक क्षेत्र की तेल विपणन कम्पनियों (ओएमसीज) के एलपीजी डिस्ट्रीब्यूटरों द्वारा छोटे सिलिंडरों में गैस भरने की कोई रिपोर्ट प्राप्त नहीं हुई है।"

सभापति महोदय, सरकार को निर्देश दे दीजिए कि ये लोग "इफ" एंड "बट" में नहीं बोला करें, क्योंकि यह जवाब देने का तरीका ठीक नहीं है, यह मेरा एतराज है। केवल ओएनजीसी को बचाने के लिए यह जवाब बनाया गया है। क्या सरकार को यह मालूम है कि ओएनजीसी में इस तरह के कितने केसेज में कार्यवाही की है? हमने इनके जवाब में अंकित उस लाइन को भी पढ़ा है जिसमें लिखा है कि -"ओएमसीज" ने रिपोर्ट दी है कि एलपीजी डिस्ट्रीब्यूटरों द्वारा कम वजनी सिलिंडरों की आपूर्ति/उत्पाद की चोरी की शिकायतें प्रमाणित होने के आधार पर 163 मामलों में कार्रवाई की गई है।" सर, देश बहुत बड़ा है, गड़बड़ी के 163 मामले तो हम जानते हैं जो अकेले इलाहाबाद जिले में होंगे। इसलिए ऐसा असत्य जवाब दिया जाए, यह ठीक नहीं है। मैं चाहूंगा कि मंत्री जी हम लोगों पर रहम करें और इस सदन पर भी रहम करें।

**श्री मुरली देवरा :** सर, मैं माननीय सदस्य का बहुत-बहुत आभारी हूँ कि आज आपने यह सवाल उठाया और इसमें आपको कुछ बताने की नौबत नहीं रही। तीन पब्लिक सैक्टर अंडरटेकिंग्स तेल के काम में हैं, आईओसी, एचपीसीएल और बीपीसीएल। ये तीन कम्पनियां प्रति माह 11 करोड़ सिलेंडर डिस्ट्रीब्यूट करती हैं और वापिस लेती हैं। इसके अलावा हम 2015 में नया टारगेट बना रहे हैं, जिसमें कि 16 करोड़ सिलेंडर लेंगे और बांटेंगे। यह बहुत बड़ा काम ये लोग कर रहे हैं। यह बात सही है कि कहीं-कहीं चोरी होती है और तौलने में कमी होती है। इसके लिए काफी नए उपाय भी किए गए हैं। आपने सही कहा है कि 163 केसेज ऐसे आए जिनको पकड़ा गया है। इस संबंध में एक नया प्रोग्राम किया है -Marketing discipline guidelines इसके अन्तर्गत यदि पहली बार गलती की तो Rs.20,000 plus price of the LPG diverted, उसके ऊपर लगते हैं, दूसरी बार गलती की तो पचास हजार रुपए फाइन हो जाएगा और अगर तीसरी बार की तो

Q. No. 166 (Contd.)

termination of the distributorship on the third offence. हम बहुत प्रयत्न कर रहे हैं। अगर आपके पास कुछ खास सुझाव हों तो मेहरबानी करके दीजिए, हम उनको लाने का प्रयत्न करेंगे।

**श्री जनेश्वर मिश्र :** मैं इनकी काबलियत की तारीफ करूंगा, क्योंकि हमने एक दिन अखबार में पढ़ा है और मेरा ख्याल है कि मंत्री जी और मंत्रालय के लोगों ने भी पढ़ा होगा कि शास्त्री भवन की छत पर जो पेट्रोलियम गैस खाली थी, उसमें घट तौली, कम तौल करके गैस भरी जा रही थी। शास्त्री भवन में पेट्रोलियम मिनिस्ट्री चलती है। जब लोकल पुलिस को मालूम पड़ा तो उसने जाकर के छापा मारा और उन लोगों को गिरफ्तार किया। तो यह कितनी काबलियत है, यह तो मुझे मालूम है।

**श्री मुरली देवरा :** सर, मैं तो अभी आया हूँ, आप खुद थे उधर। आपको मालूम होगा कि कहां छापा मारा और क्या किया।

(1m/DS पर आगे)

1m/11.55/ds-kgg

**श्री नतुजी हालाजी ठाकोर :** महोदय, माननीय मंत्री जी से मेरा यह सवाल है कि गुजरात सरकार को आप जो रॉयल्टी दे रहे हैं, वह wellhead price के आधार पर दे रहे हैं। अप्रैल, 2008 से दिसम्बर, 2008 तक गुजरात सरकार को आपने जो रॉयल्टी दी है, उसमें गुजरात सरकार को 1500 करोड़ का नुकसान हुआ है, तो इस पैसे की भरपाई ओ.एन.जी.सी. कब कर रही है और इसके नहीं देने के क्या कारण हैं?

**श्री मुरली देवरा :** सर, इस प्रश्न का original question से कोई संबंध नहीं है।

**श्री मोहम्मद अली खान :** चेयरमैन साहब, मैं आपके द्वारा मंत्री जी से यह पूछना चाहता हूँ कि सरकार आम आदमी की जो बात करती है, क्या यह सही है कि जो सप्लाई कंज्यूमर को दी जाती है, उसमें रिफिलिंग के लिए 20 दिनों का जो वक्फा रखा गया है, उससे देश के अंदर जिन घरों में बड़ी फैमिली है, उनको दुश्वारी होती है। मैं आपसे यह जानना चाहता हूँ कि अगर यह सही है तो आपने जो चेक कंट्रोल रखा है, क्या उससे रिफिलिंग के लिए यह

Q. No. 166 (Contd.)

जो 20 दिनों की समय-सीमा है, उसको कम करके सप्लाई को रेगुलर कराने की कोशिश करेंगे?

**جناب محمد علی خان:** چیئرمین صاحب، میں آپ کے ذریعے منتری جی سے یہ پوچھنا چاہتا ہوں کہ سرکار عام آدمی کی جو بات کرتی ہے، کیا یہ صحیح ہے کہ جو سپلائی کنزیومر کو دی جاتی ہے، اس میں ریفلنگ کے لئے 20 دنوں کا جو وقفہ رکھا گیا ہے، اس سے دیش کے اندر جن گھروں میں بڑی فیملی ہے، ان کو دشواری ہوتی ہے۔ میں آپ سے یہ جاننا چاہتا ہوں کہ اگر یہ صحیح ہے تو آپ نے جو چیک کنٹرول رکھا ہے، کیا اس سے ریفلنگ کے لئے یہ جو 20 دنوں کی سمے-سیما ہے، اس کو کم کر کے سپلائی کو ریگولر کرانے کی کوشش کریں گے؟

**श्री जितिन प्रसाद :** जहाँ तक माननीय सांसद जी का प्रश्न है कि जो एलपीजी कनेक्शंस हैं, पहली बार जो एलपीजी कनेक्शन के लिए आवेदन करता है, उसे हम 60 दिनों के अंदर एलपीजी कनेक्शन उपलब्ध कराते हैं। एक बार जब उसको एलपीजी कनेक्शन मिल जाता है तो उसे 21 दिनों का समय दिया जाता है कि वह 21 दिनों में एक सिलेंडर का इस्तेमाल करेगा, उसके बाद ही उसे दूसरा सिलेंडर मिल पायेगा। यह प्रति हाउसहोल्ड पर लागू है। जहाँ एक रसोई घर है, वह एक हाउसहोल्ड माना जाएगा। अगर किसी घर में चार-चार परिवार हैं और वहाँ चार-चार किचेन हैं तो उन्हें चार सिलेंडर उपलब्ध करा दिये जाएँगे। यह मानक इसलिए बनाया गया है कि हम लोगों ने और मार्केटिंग कंपनीज़ ने यह देखा है कि अगर सिलेंडर किसी को दिया गया और उससे रोज़ खाना बनेगा तो वह कम से कम 21 दिन चलेगा। अगर वह 21 दिनों से पहले खत्म हो रहा है तो या तो वह किसी और चीज़ के लिए इस्तेमाल हो रहा है और आम तौर पर उसका इस्तेमाल खाना बनाने के लिए नहीं हो रहा है।

**श्री ईश्वर सिंह :** चेयरमैन सर, मैं आपके माध्यम से मंत्री जी से यह पूछना चाहता हूँ कि क्या सरकार का ग्रामीण क्षेत्र के अंदर गैस एजेंसीज़ खोलने का विचार है? जो बड़े गांव हैं, अगर उनके अंदर ये खोले जाएंगे तो इसके लिए सरकार क्या criteria fix करने जा रही है?

**Q. No. 166 (Contd.)**

**श्री जितिन प्रसाद :** जहाँ तक ग्रामीण क्षेत्र का सवाल है, मैं माननीय सांसद जी को और इस सदन को यह बतलाना चाहता हूँ कि हमारी सरकार ने एक नयी योजना "राजीव गांधी ग्रामीण एलपीजी वितरक योजना" के नाम से शुरू की है। इसमें प्राथमिकता पर वे प्रदेश लिये गए हैं, जहाँ 50 प्रतिशत से भी कम एलपीजी कनेक्शंस हैं और इसका उद्देश्य सिर्फ ग्रामीण क्षेत्र में, देश के गांव-गांव तक एलपीजी कनेक्शन पहुंचाने का है, क्योंकि अभी तक इस देश का ग्रामीण क्षेत्र उस सुविधा से वंचित था और वहाँ के लोग खाना पकाने के लिए मिट्टी का तेल, गोबर से तैयार के गये कंडों और फायरवुड का इस्तेमाल करते थे। इसीलिए सरकार की यही मंशा है कि गांव-गांव तक लोग इसे अफोर्ड कर सकते हैं, उनके पास पैसा है, मगर इसकी सुविधा नहीं दी गई है। इसी के तहत यह ग्रामीण योजना लायी गयी है जिसमें प्रत्येक गांव में मिनिमम 600 कनेक्शंस पर एक एजेंसी नियुक्त की जायेगी और उस एजेंसी के लिए जो मानक हमने तैयार किये हैं, उनमें भी हमने रिलैक्स किया है कि गोदाम छोटा होगा, initial investment कम होगा। इसमें गैस की जो डिलीवरी होगी, वह घर तक नहीं होगी, बल्कि वह केश एंड कैरी के आधार पर होगी, जिसमें गांव वाले अपने एजेंसी में आकर उसे खुद उठा कर ले जा सकते हैं, क्योंकि ग्रामीण क्षेत्र में दूर-दूर तक यह बिल्कुल भी प्रैक्टिकल नहीं होगा कि इसे घर-घर तक पहुंचाया जाये। इसके साथ ही, मैं यह बतलाना चाहता हूँ कि यह योजना लांच हो गयी है और अब जल्द ही आपके प्रदेश, आपके गांव और आपके हलके में एलपीजी सिलेंडर पहुंचेगा। बहुत-बहुत धन्यवाद।

(समाप्त)

**(Q. No. 167: Hon. Member absent)**









## Q. No. 168

**DR. T. SUBBARAMI REDDY:** Sir, in the reply, the hon. Minister mentioned that the hon. Prime Minister on 2.10.2009 has clearly mentioned that a number of States are failing to give funds and that the functionaries have not been delegated to the Panchayati-raj institutions. So, I would like to know the names of States; if the Minister has the names readily with him, I would request him to communicate those to us. What action is the Minister taking when the Prime Minister himself has mentioned that so many States are failing and that are not taking the effective steps in the Panchayati-raj system? When are they going to be successful to effectively implement those?

**MR. CHAIRMAN:** Question Hour is over.

(Ends)

SSS/1N/12.00

(MR. DEPUTY CHAIRMAN in the Chair)

**PAPERS LAID ON THE TABLE**

1. **SHRI GHULAM NABI AZAD:** Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:

- (a) Annual Report and Accounts of the Lokopriya Gopinath Bordoloi Regional Institute of Mental Health, Tezpur, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.

2. **SHRI G. K. VASAN:** Sir, I lay on the Table

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Shipping, under sub-section (4) of Section 124 of the Major Port Trusts Act, 1963:

- (1) G.S.R. 767 (E), dated the 20<sup>th</sup> October, 2009, publishing the

**Uncorrected/Not for publication - 01.12.2009**

Kandla Port Trust Employees (Recruitment, Seniority and Promotion) Amendment Regulations, 2009.

- (2) G.S.R. 800 (E), dated the 7<sup>th</sup> November, 2009, publishing the New Mangalore Port Trust Employees (Retirement) Amendment Regulations, 2009.
- (3) G.S.R. 801 (E), dated the 7<sup>th</sup> November, 2009, publishing the Mormugao Port Employees (Superannuation and Age of Retirement) Amendment Regulations, 2009.
- (4) G.S.R. 802 (E), dated the 7<sup>th</sup> November, 2009, publishing the Mormugao Port Employees (Allotment of Residences) (Amendment) Regulations, 2009.

II. A copy each (in English and Hindi) of the following papers, under sub-section (1) of Section 619A of the Companies Act, 1956:

- (a) Fifty-ninth Annual Report of the Shipping Corporation of India Limited, Mumbai, for the year 2008-09, together with the Auditors Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Annexure to the Annual Report of the Shipping Corporation of India Limited, Mumbai, for the year 2008-09.
- (c) Review by Government on the working of the above Corporation.

3. **SHRI PRAFUL PATEL:** Sir, I lay on the Table, a copy each (in English and Hindi) of the following Notifications of the Ministry of Civil Aviation, under Section 14A of the Aircraft Act, 1934, together with Explanatory Note on the Notifications:

- (1) G.S.R. 686 (E), dated the 17<sup>th</sup> September, 2009, publishing the Aircraft (11<sup>th</sup> Amendment) Rules, 2009.
- (2) G.S.R. 690 (E), dated the 23<sup>rd</sup> September, 2009, publishing the Aircraft (12<sup>th</sup> Amendment) Rules, 2009.
- (3) G.S.R. 745 (E), dated the 12<sup>th</sup> October, 2009, publishing the Aircraft (14<sup>th</sup> Amendment) Rules, 2009.

4. **SHRI NAMO NARAIN MEENA:** Sir, I lay on the Table

**Uncorrected/Not for publication - 01.12.2009**

I. A copy (in English and Hindi) of the Ministry of Finance (Department of Economic Affairs) Notification S.O. 2629 (E), dated the 20<sup>th</sup> October, 2009, amending Notification No. S.O. 1937 (E), dated the 14<sup>th</sup> November, 2007, to substitute certain entries in the original Notification, under sub-section (2) of Section 7 of the Finance Commission (Miscellaneous Provisions) Act, 1951.

II. A copy each (in English and Hindi) of the following papers under sub-section (1) of Section 619A of the Companies Act, 1956:

- (i) (a) Thirty-seventh Annual Report and Accounts of the General Insurance Corporation of India (GIC), Mumbai, for the year 2008-09, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.  
(b) Review by Government on the working of the above Corporation.
- (ii) (a) Annual Report and Accounts of the Oriental Insurance Company Limited, New Delhi, for the year 2008-09, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.  
(b) Review by Government on the working of the above Company.
- (iii) (a) Annual Report and Accounts of the New India Assurance Company Limited, Mumbai, for the year 2008-09, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.  
(b) Review by Government on the working of the above Company.
- (iv) (a) Annual Report and Accounts of the National Insurance Company Limited, Kolkata, for the year 2008-09, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.  
(b) Review by Government on the working of the above Company.
- (v) (a) Annual Report and Accounts of the United India Insurance

**Uncorrected/Not for publication - 01.12.2009**

Company Limited, Chennai, for the year 2008-09, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

- (b) Review by Government on the working of the above Company.

III. A copy each (in English and Hindi) of the following papers:

- (i) (a) Tenth Annual Report and Accounts of the Pratichi (India) Trust, Delhi for the year 2008-09, together with the Auditor's Report on the Accounts.
  - (b) Statement by Government accepting the above Report.
- (ii) (a) Twenty-second Annual Report and Accounts of the Institute for Studies in Industrial Development (ISID), New Delhi, for the year 2008-09, together with the Auditor's Report on the Accounts.
  - (b) Statement by Government accepting the above Report.
- (iii) (a) Annual Report and Accounts of the Institute for Social and Economic Change (ISEC), Bangalore, for the year 2008-09, together with the Auditor's Report on the Accounts.
  - (b) Review by Government on the working of the above Institute.
- (iv) (a) Sixteenth Annual Report and Accounts of the Centre for Development Economics (CDE), Delhi School of Economics, Delhi, for the year 2008-09 together with the Auditor's Report on the Accounts.
  - (b) Statement by Government accepting the above Report.
- (v) (a) Annual Report and Accounts of the National Council of Applied Economic Research (NCAER), New Delhi, for the year 2008-09, together with the Auditor's Report on the Accounts.
  - (b) Review by Government on the working of the above Council.
- (vi) (a) Annual Report and Accounts of the Centre for Policy Research (CPR), New Delhi, for the year 2008-09, together with the Auditor's Report on the Accounts.

**Uncorrected/Not for publication - 01.12.2009**

- (b) Statement by Government accepting the above Report.
- (vii) Annual Report and Accounts of the National Institute of Financial Management (NIFM), Faridabad, Haryana for the year 2008-09, together with the Auditor's Report on the Accounts.

5. **SHRI S.S. PALANIMANICKAM:** Sir, I lay on the Table

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 159 of the Customs Act, 1962, together with Explanatory Memoranda on the Notifications:

- (1) G.S.R. 672 (E), dated the 14<sup>th</sup> September, 2009, amending G.S.R. 569 (E), dated the 16<sup>th</sup> December, 1996, to substitute certain entries in original Notification
- (2) G.S.R. 676 (E), dated the 14<sup>th</sup> September, 2009, appointing the 15<sup>th</sup> day of September, 2009, as the date on which sub-sections (2A), (2B), (2C) and (2D) shall be inserted in Section 28F of the Customs Act, 1962.
- (3) G.S.R. 678 (E), dated the 15<sup>th</sup> September, 2009, authorizing the Authority constituted under Section 245-O of the Income Tax Act, 1961 (43 of 1961), to act as the Authority under Chapter VB of the Customs Act, 1962.
- (4) G.S.R. 810 (E), dated the 11<sup>th</sup> November, 2009, amending Notification No. G.S.R. 118 (E), dated the 1<sup>st</sup> March, 2002, to substitute certain entries in the original Notification.

II. A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification G.S.R. 582 (E), dated the 19<sup>th</sup> August, 2009, publishing Corrigendum to G.S.R. 436 (E), dated the 1<sup>st</sup> July, 2005, to substitute certain entries in the original Notification, together with Explanatory Memorandum on the Notification.

III. A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification G.S.R. 809 (E), dated the 11<sup>th</sup> November, 2009, seeking to impose definitive anti-dumping duty on imports of All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn

**Uncorrected/Not for publication - 01.12.2009**

of Polyester (non-textured and non-POY), originating in, or exported from, the Peoples Republic of China, Thailand and Vietnam, under sub-section (7) of Section 9A of the Customs Tariff Act, 1975, together with Explanatory Memorandum on the Notification.

IV. A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification G.S.R. 821 (E), dated the 12<sup>th</sup> November, 2009, exempting taxable service in relation to one or more of the specified processes during the course of manufacture of part of cycles or sewing machines, subject to certain conditions, under sub-section (4) of Section 94 (Chapter IV) of the Finance Act, 1994, together with Explanatory Memorandum on the Notification.

V. A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification S.O. 2879 (E), dated the 11<sup>th</sup> November, 2009, empowering all Additional Directors of Income Tax and Joint Director of Income tax working under the Director General of Income Tax (Investigation) and Director-General of Income Tax (Intelligence) to issue authorization, under sub-section (1) of Section 132 of the Income-tax Act, 1961, together with Explanatory Memorandum on the Notification.

VI. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under sub-section (2) of Section 38 of the Central Excise Act, 1974, together with Explanatory Memoranda on the Notifications:

- (1) G.S.R. 798 (E), dated the 6<sup>th</sup> November, 2009, regarding exemption of the goods falling under Chapter 69 of schedule to the Central Excise Tariff Act, 1985 and manufactured by KVIC Units, during the period from the 1<sup>st</sup> September 1987 to 28<sup>th</sup> February, 1989, from the Excise duty.
- (2) S.O. 673 (E), dated the 14<sup>th</sup> September, 2009, amending Notification No. G.S.R. 265 (E), and G.S.R 266 (E), dated the 31<sup>st</sup> March, 2003, to substitute certain entries in the original Notification.

6. **SHRI JITIN PRASADA:** Sir, I lay on the Table, a copy each (in English and Hindi) of the following Notifications of the Ministry of

**Uncorrected/Not for publication - 01.12.2009**

Petroleum and Natural Gas, under Section 62 of the Petroleum and Natural Gas Regulatory Board Act, 2006:

- (1) G.S.R. 750 (E), dated the 14<sup>th</sup> October, 2009, publishing the Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for City or Local Natural Gas Distribution Networks) Amendment Regulations, 2009.
- (2) G.S.R. 769 (E), dated the 20<sup>th</sup> October, 2009, publishing the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2009.

7. **SHRI DINESH TRIVEDI:** Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:

- (i)(a) Annual Report and Accounts of the Population Research Centre, Institute for Social and Economic Change (ISEC), Bangalore, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (b) Annual Report and Accounts of the Population Research Centre, Department of Statistics Faculty of Science, The Maharaja Sayajirao University of Baroda, Vadodara, 2008-09, together with the Auditor's Report on the Accounts.
- (c) Annual Report and Accounts of the Population Research Centre, Utkal University, Bhubaneswar, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (d) Annual Report and Accounts of the Population Research Centre, Panjab University, Chandigarh, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (e) Annual Report and Accounts of the Population Research Centre, Centre for Research in Rural and Industrial Development, Chandigarh, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (f) Annual Report and Accounts of the Population Research Centre, Institute of Economic Growth, Delhi, for the year 2008-09, together with the Auditor's Report on the Accounts.

**Uncorrected/Not for publication - 01.12.2009**

- (g) Annual Report and Accounts of the Population Research Centre, JSS Institute of Economic Research, Dharwad, Karnataka for the year 2008-09, together with the Auditor's Report on the Accounts.
- (h) Annual Report and Accounts of the Population Research Centre, Department of Statistics, Gauhati University, Assam, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (i) Annual Report and Accounts of the Population Research Centre, Department of Economics, Lucknow University, Lucknow, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (j) Annual Report and Accounts of the Population Research Centre, Department of Statistics, Patna University, Bihar, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (k) Annual Report and Accounts of the Population Research Centre, Gokhale Institute of Politics and Economics, Pune, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (l) Annual Report and Accounts of the Population Research Centre, Department of General and Applied Geography, Dr. Harisingh Gour University, Sagar (M.P.), for the year 2008-09, together with the Auditor's Report on the Accounts.
- (m) Annual Report and Accounts of the Population Research Centre, Department of Economics, University of Kashmir, Srinagar, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (n) Annual Report and Accounts of the Population Research Centre, University of Kerala, Thiruvananthapuram, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (o) Annual Report and Accounts of the Population Research Centre, Mohanlal Sukhadia University, Udaipur, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (p) Annual Report and Accounts of the Population Research

**Uncorrected/Not for publication - 01.12.2009**

Centre, Andhra University, Visakhapatnam, for the year 2008-09, together with the Auditor's Report on the Accounts.

- (q) Annual Report and Accounts of the Population Research Centre, Himachal Pradesh University, Shimla, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (r) Annual Report and Accounts of the Population Research Centre, The Gandhigram Institute of Rural Health and Family Welfare Trust, Dindigul, Tamil Nadu for the year 2008-09, together with the Auditor's Report on the Accounts.

(ii) Review by the Government on the working of the above Centres.

8. **SHRI S. GANDHISELVAN:** Sir, I lay on the Table

I. A copy (in English and Hindi) of the Ministry of Health and Family Welfare (Department of AYUSH) Notification No.7-1/2004-CCH, dated the 18<sup>th</sup> March, 2009, publishing the Homoeopathy Central Council (Registration) Amendment Regulations, 2008, under sub-section (2) of Section 32 of the Homoeopathy Central Council Act, 1973, together with delay statement.

II. A copy each (in English and Hindi) of the following papers:

- (a) Annual Report and Accounts of Institute for Post Graduate Teaching and Research in Ayurveda (IPGTRA), Jamnagar, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.

9. **SHRI VILASRAO DESHMUKH:** Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers, under sub-section (1) of Section 619A of the Companies Act, 1956:

- (a) Annual Report and Accounts of the Andrew Yule and Company Limited (AYCL), Kolkata, for the year 2008-09, together with the Auditors Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Statement by Government accepting the above Report.

(Ends)

**CALLING ATTENTION ON 'THE DISINVESTMENT OF PROFIT MAKING  
CENTRAL PUBLIC SECTOR ENTERPRISES'**

**SHRI TAPAN KUMAR SEN (WEST BENGAL):** Sir, I beg to call the attention of the Minister of Finance on the Disinvestment of profit making Central Public Sector Enterprises.

**THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE):** Mr. Deputy Chairman, Sir, through you, I would like to apprise the House of the following factual position:

The policy on disinvestment articulated in the President's Speech to Joint Session of Parliament on 4<sup>th</sup> June, 2009 and Finance Minister's Budget Speech on 6<sup>th</sup> July, 2009 requires the development of "people ownership" of Central Public Sector Undertakings (CPSUs) to share in their wealth and prosperity, with Government retaining majority shareholding and control. This objective is relevant to profit-earning CPSUs as it is only these that will sustain investor-interest for sharing in their prosperity.

In line with this policy announcement, Government has decided that:

- (i) already listed profitable CPSUs not meeting the mandatory public shareholding of 10 per cent are to be made compliant;
- (ii) all CPSUs having positive networth, no accumulated losses and having earned net profit for three preceding consecutive

**Uncorrected/Not for publication - 01.12.2009**

years, are to be listed through public offerings out of Government shareholding or issue of fresh equity by the company or a combination of both; and

- (iii) the proceeds from disinvestment would be channelised into National Investment Fund and during April 2009 to March 2012 would be available in full for meeting the capital expenditure requirements of selected Social Sector Programmes decided by the Planning Commission/ Department of Expenditure. The status quo ante will be restored from April 2012.

In pursuance of above policy, the Department of Disinvestment is in dialogue with the administrative Ministries and the CPSUs to assess their capital expenditure requirements to be raised through issue of fresh equity. The composition of the 'public offering' will be based on this input and each case will be considered on merits and submitted to Government for approval.

Disinvestment of Government shareholding in NTPC Limited (5%) and SJVN Limited (10%) and Rural Electrification Corporation Limited (5%) through Public Officering in domestic market, is under implementation. These Public offerings are likely to be completed by 31<sup>st</sup> March 2010.

(Followed by NBR/10)

-SSS/NBR-NB & VNK/10 & 1P/12.05 & 12.10.

**MR. DEPUTY CHAIRMAN:** Shri Tapan Kumar Sen. Mr. Sen, you have seven minutes.

**Uncorrected/Not for publication - 01.12.2009**

**SHRI TAPAN KUMAR SEN (WEST BENGAL):** Mr. Deputy Chairman, Sir, in response to the statement made by the hon. Finance Minister to the Calling Attention Motion, I would like to seek some clarifications. While doing so, at the outset, I would like to quote the present hon. Finance Minister's assertion in this very House on 27<sup>th</sup> February, 2001, which he made as Leader of the Opposition on the same subject. He said and I quote, "Therefore, if the objective of the Government is to bridge the resource crunch by disposing of capital assets in order to meet consumption expenditure, it would simply not be permissible under any amount of fiscal prudence." But, precisely, I understand, maybe on the aegis of social sector expenditure and capital expenditure, same thing has started and 'that fiscal prudence' has taken a somersault. I ask the hon. Finance Minister why such a position has been taken. Is it that within a span of eight years the perception of fiscal prudence has undergone a change? It has been told that the social sector expenditure and capital expenditure of public sector undertakings will be met out of the proceeds of disinvestment. Now, the social sector expenditure is, basically, a budgetary responsibility aimed at enhancing the consumption capacity of the common people. So, basically, to augment the consumption capacity and the Budgetary expenditure, whether it is prudent to sell capital assets of the country that helped the country to avoid the serious and disastrous financial crisis arising out of the global meltdown. I would like to know whether it is prudent to disinvest on the same.

The Government has also made a statement that reducing the Government's share to 51 per cent does not amount to privatisation.

**Uncorrected/Not for publication - 01.12.2009**

But, I strongly feel, this disinvestment process is, basically, designed to pave the way for creeping privatisation of the country's Blue Chip PSUs. The Government made a statement that 51 per cent will be retained by it. So, most humbly, I would like to ask a question. How much credibility and sanctity that this policy statement may have looking at the track record of shifting policy position on the same subject in the process of last one decade? Sir, even within the framework of the UPA Government, four years back, the position was that Navratna PSUs would not be disinvested. Now, within a span of four years, the Navratna PSUs have been ordered to be disinvested -- either listed or unlisted -- to the tune of 10 per cent. Within a span of four years, as soon as the Government relieved from the bondage of the Left support, it has changed its stand! And, if this goes on -- the Government, in the Parliamentary democracy, is also expected to go on changing -- the disinvestment process, precisely, create an enabling situation. Maybe, there may not be privatisation. But, it is creating an enabling situation to final privatisation of the public sector network of the country which is, basically, governed by the neo-liberal political, economic design. So, this Government is making itself instrumental in creating an enabling condition for creeping privatisation in the country.

Sir, my third point is, the Government is arguing that disinvestment is being done to ensure people's ownership of PSUs. Now, the PSUs are under the control of the Government/Parliament control which is elected by people. Can there be more effective and broader mechanism of ensuring people's ownership other than the Parliamentary control? If you see the shareholding profile of the already disinvested public sector

**Uncorrected/Not for publication - 01.12.2009**

undertakings you will know the real position. What does it show? It shows that a very miniscule part of share invested has gone into the hands of general public. In BHEL, Sir, out of 32.8 per cent share disinvested, public holds only 1.9 per cent. In SAIL, the public holding is only 1.9 per cent out of 14.18 per cent disinvested. In BEL, 24.18 per cent was disinvested and the public holding is only 2.4 per cent. In ONGC, out of 25.86 per cent disinvested, general public holds only 1.6 per cent. In GAIL, Sir, out of 42.66 per cent, which is almost privatised, disinvested, the general public holds only 1.6 per cent. So, it is a very small or miniscule part that is owned by a few private individuals. Can that be a better way of ensuring people's ownership other than the present Parliamentary control? And, precisely for this purpose, why should you create an enabling situation to go thus far and vest ownership on private individuals. Basically, it is not even private individuals but the shares disinvested have gone to big corporate entities, FIs, financial institutions, NRIs, other companies and collective entities, not individual entities which you can show semblance of people's ownership. I think, Sir, it does not work.

Sir, my fourth point is: What is your credibility to revive the sick PSUs? Of course, you need fund mobilisation in view of resource crunch for social sector expenditure. Let me tell you, when the Government is lamenting for resource crunch, can it afford the luxury of allowing tax revenue foregone, as per the last Budget statement, to the tune of Rs. 4.5 lakhs crores? How can the Government, which is lamenting on resource crunch, allow accumulated unpaid tax arrears to the tune of Rs. 1.98 lakh crores till last year and are increasing in

**Uncorrected/Not for publication - 01.12.2009**

geometric position practically? So, to quote the hon. Finance Minister's own statement in this very House, how is it permissible, under any amount of fiscal and economic prudence, to forego such huge revenue? And, at the same time, how prudent is it to sell capital assets for meeting the Budgetary expenditure?

Sir, my sixth point is...(Time-bell)...I am going to complete, Sir. The PSUs also need funds or resources for their own modernisation and expansion. So, let them go in for IPOs. But, do they really need funds? Presently, the PSUs are having huge reserve and surplus of Rs. 4.85 lakh crores till last year. Just now, the hon. Finance Minister, while replying to another question, said that PSUs are not expected to augment their earning by interest income. They must go in a productive employment generation route. I fully endorse that idea.

**MR. DEPUTY CHAIRMAN:** Mr. Tapan Kumar Sen, please conclude.

**SHRI TAPAN KUMAR SEN:** Sir, I am concluding in one minute. How these Rs. 4.85 lakh crores being utilised? Kindly have a scrutiny. It remains underutilised or locked up with meagre interest rates either in the Government bonds or in the banking system. I would like to know whether that is permissible. Let me say, Sir, having a debt equity ratio of 0.75 per cent for PSU -- Re. 1 is equity and 0.75 paise is debt burden -- should they not go to debt procurement route instead of diluting the equity and diluting the capital asset?

**MR. DEPUTY CHAIRMAN:** Okay, Mr. Sen. Please conclude.

**SHRI TAPAN KUMAR SEN:** Sir, I am concluding. Just one minute.

**Uncorrected/Not for publication - 01.12.2009**

Sir, I would like to ask whether the country's banking sector is only for exploitation by private corporate houses which have the track record of not paying and generating NPAs for the banking system. So, I think, in that aspect also, in no way the disinvestment is justified. Will the hon. Minister for Finance clarify this?

And my last point, Sir, is...

**MR. DEPUTY CHAIRMAN:** No, no.

**SHRI TAPAN KUMAR SEN:** Sir, please allow me. It has been told that the PSUs to be listed to assess their real worth. Is the Stock Market such a holy place to assess the real worth of a PSU?..(Interruptions)... Do you want to assess the worth of the country's Blue Chip PSUs through Stock Market? I don't know how you explain this.

**MR. DEPUTY CHAIRMAN:** Mr. Tapan Kumar Sen, please conclude. I told you in beginning itself that you have got seven minutes.

**SHRI TAPAN KUMAR SEN:** Sir, I am concluding in one sentence.

**MR. DEPUTY CHAIRMAN:** No, no. There are other speakers.

**SHRI TAPAN KUMAR SEN:** Sir, please allow me. It is my last point. How will the hon. Minister explain that holy place where several thousands of vanishing companies accounting for several crores of rupees of loot of small investors? I can refer to my esteemed colleague Mr. Shourie. His own experience in the run up to the ONGC ... (Interruptions)... Sir, I am concluding.

**MR. DEPUTY CHAIRMAN:** No. no. You cannot go on like this. I call the next speaker, Shri N.K. Singh.

**SHRI TAPAN KUMAR SEN:** The Stock Market was manipulated.

**Uncorrected/Not for publication - 01.12.2009**

**MR. DEPUTY CHAIRMAN:** Please conclude. It is not a clarification ...(Interruptions)...Mr. N.K. Singh, you have five minutes.

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

**MR. DEPUTY CHAIRMAN:** What you are now saying is not a clarification. Please conclude...(Interruptions)...

**SHRI TAPAN KUMAR SEN:** So, I request the hon. Minister that he should consider these basic points to which his attention has been drawn before the country's Blue Chip PSUs are taken to Stock Market for manipulation by selling their capital assets...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Kindly conclude, Mr. Tapan Kumar Sen.

**SHRI TAPAN KUMAR SEN:** I request the hon. Minister to kindly revert his decision of disinvestment. Thank you.

(Ends)

**SHRI N.K. SINGH (BIHAR):** Mr. Deputy Chairman, Sir, I have six questions to ask; but, perhaps, no answers to give.

Before I ask my questions, there are three overarching considerations. The first and foremost is, I must compliment the hon. Finance Minister for having pulled out this entire issue of disinvestment where it was lying in deep freeze in public domain as an important instrument of economic policy.

(CONTD. BY PK "1Q")

PK/1Q/12.15

**SHRI N.K. SINGH (CONTD.):** Secondly, I think we all realise that disinvestment is more about the politics of disinvestment than about

**Uncorrected/Not for publication - 01.12.2009**

merely the economics of disinvestment. I need not go into the history, therefore, of the flip-flop stories. As the Government policy stands today, it is fairly clear, but it is more of a programme than a policy. It is short-term pragmatism over long-term prognosis and it is an undue emphasis on immediate progress than long-term performance. Now, I come to my questions. My first question to the hon. Finance Minister is that while the rest of the globe is not only not doing any disinvestment, in fact, it is buying shares and the Government is strengthening its consolidation and hold, is India, a *sui generis* case to do the very contra factual than what the rest of the world is doing? I understand that, perhaps, there are budgetary compulsions; I understand that the fiscal deficit is large; I understand also that for a softer exit from the stimulus package this, really, is of enormous help. So, I think that the first question is: *Are we a sui generis case?*

My second question is that since we are just doing 10 per cent disinvestment, an incrementalism, then, clearly any investor who realises that a little or no say in the management of this company is not likely to put in the true value of the company. So, I think that we are not with 10 per cent being able to realise the embedded value of what the public asset is. This is a classic case where not only the family silver is being sold, but by insistence on 10 per cent, family silver is being sold far too cheaply.

Thirdly, Sir, I think that the issue is of timing. The Finance Minister has repeatedly assured us that he will watch out for the best possible timings, but he knows that global markets are choppy; Indian markets continue to remain volatile, and the assurance and the comfort

**Uncorrected/Not for publication - 01.12.2009**

that he has is that the timing in the light of global and national market volatilities would be a timing which enables us to extract the maximum value from the sale of these undertakings.

My fourth question is of quality of due diligence. What assurance the Finance Minister has is that the due diligence being done by companies which are appointed by the these public sectors are companies in whom we can have confidence. I hope he is not following the CPWD procedure of the lowest standard in which case the cheapest is not always the best and these are large values involved. Therefore, we need an assurance that the quality of due diligence which is being done will enable us to extract the maximum possible value.

My fifth question Sir, is, in the large number of the spectrum of public undertakings which are proposed to be disinvested, what is the logic in the sequencing? How were priorities being assigned? What is the methodology for their selection? What is the rationale on which the sequencing is being done by the Ministry of Finance?

My last question, Sir, is this. Mr. Finance Minister, I read with great interest the statement of the Chairman of the 13<sup>th</sup> Finance Commission last week. He has said that the embedded value in these public undertakings are close to \$ 400 billion. And that if even less than 50 per cent of this was being realised, India would have closed \$ 200 - 250 billion to embark on anything that it wants on infrastructure, to embark on everything which it wants for the social sector, to embark on undertaking measures for taking the economy to a low carbon trajectory. Would the Finance Minister, therefore, move away from disinvestment through stealth, disinvestment through incrementalism into

**Uncorrected/Not for publication - 01.12.2009**

a genuine disinvestment which enables us to realise the maximum potential from these public undertakings? Finance Minister, get out of the mindset of to be or not to be, because you are really the essence of Denmark in this large game of economic reforms. When they are in cusp of change and when yesterday's data suggests that India is well poised at over nine per cent rate of growth, use this as an important armoury, use it imaginatively and use it boldly.

(Ends)

**MR. DEPUTY CHAIRMAN:** Thank you for adhering to the time allotted.

(Followed by 1R/PB)

PB/1r/12.20

**SHRI RAVI SHANKAR PRASAD (BIHAR):** Sir, I am grateful that you have given me opportunity to ask certain questions from hon. the Finance Minister.

Hon. Finance Minister, my statistic shows -- and I hope I am not wrong -- there are 214 operational PSUs, out of which profit-making are 160 and loss-making are 54. But we need not be very happy about the 160 number of profit-making because out of these 160, only 99 are having positive networth and 61 are having negative networth.

With your vast experience, the hon. Finance Minister, you are aware that under the Sick Industrial Companies Act (SICA), if the networth of a company is negative, *per force*, under Section 3, you have to go before the Bureau of Industrial Financial Reconstruction. Therefore, in this kind of not a very encouraging scenario, I have seen a silver lining from you that in all those companies, which are making profit in the last

three years and whose networth is positive, you are going to off-load ten per cent.

Now, the first question is this. Part (a) is, how are you going to select these companies? Part (b) of my question is, and it is more important, by ten per cent off-loading -- the money is going to come to the social sector, you have already outlined, in the National Investment Fund for three years -- the companies are not going to gain anything; they are going to get nothing. Therefore, what kind of encouragement are you going to give to the workers of these companies in terms of off-loading of shares? Are you having any strategy to ensure that the workers of these profit-making networth positive companies also have a share in the process? Do you propose to off-load something for them as well, if at all you wish?

The second is, instead of this general rule, thumb rule, hon. Finance Minister, why don't you have an individual PSU specific policy? There are PSUs and there is a PSU. The geographical location, international market, domestic market and a whole range of other things are there. Therefore, do you propose to have some kind of a policy which also addresses the individual concern of individual PSUs? These are my two questions.

I am a little worried, hon. Finance Minister. This whole off-loading is a kind of a selling of silver -- if I can use my good friend, Mr. N.K. Singh's expression -- through the privatisation route; it is not a disinvestment route. There is no policy *per se* indication in the entire policy which shows that these PSUs can also raise finances by themselves. Therefore, what kind of limitations are there? We would like

**Uncorrected/Not for publication - 01.12.2009**

to have a clarity about it because (a) they cannot use the money for themselves; (b) the workers are not being given any stake in the off-loading of ten per cent; and (c) the individual benchmark of individual companies is not being taken into account. We would like to have a clarity from you on this whole issue.

Now, we come to the disinvestment route of sick companies. Hon. Finance Minister, I always don't resist of appreciating a very vast administrative experience in the last nearly forty years that you have been a Minister in one Department or the other. You have seen that there are many companies which have become chronically sick. Now, Hindustan Photo Films is sick since the year 1990. Do you have any strategy for these companies or not? This is very important. After all, national asset is involved there; the workers' interest is involved there; they have a parliamentary accountability. Now, kindly see, when I said - - now here this number becomes very relevant -- out of 214, if 54 are loss making and 61 are having negative networth, this number becomes a very huge number of nearly 115 PSUs. What is your strategy for this huge number?

Hon. Finance Minister, may I tell you a very specific instance? And, that is the instance of Hindustan Cable. Now, this PSU went to the BIFR and the BIFR recommended that let some profit-making PSU become the strategic partner of this particular PSU. The Minerals and Metals Trading Corporation was willing to become the strategic partner, but no decision has been taken. Therefore, 'family silver' is being shifted off under the garb of ten per cent off-loading and for chronically sick PSUs, no strategy is there and there is no proposal even of merger of

these PSUs with profit-making PSUs. I think, hon. Finance Minister, we need clarity on this very important issue that is there for all of us to see.

(Contd. by 1s/SCK)

1s/12.25/skc

**SHRI RAVI SHANKAR PRASAD (Contd.):** The third question, hon. Finance Minister, is: after all, what do we need? What we need is that these PSUs must become profit-making good concerns with functional autonomy. They should not become an appendage to the Government. Therefore, when you are looking at this whole scenario of disinvestment, by whatever route, what is the focus area as far as improving the functioning, competitive edge and autonomy of these units are concerned? Does the policy factor all these into consideration? I will be grateful if these three questions are answered.

(Ends)

**SHRI MANOHAR JOSHI (MAHARASHTRA):** Sir, thank you very much for giving me this opportunity. The question of disinvestment is not at all a new question. Disinvestments have been done for several years. The Government has taken a decision to disinvest 10 per cent shares from the companies which are working well. And, therefore, my first question to the hon. Minister would be, how did you arrive at this decision? What is the reason behind this? Is it that the Government were short of money and, therefore, they came to this decision? Was this the only source of income for the Government that they decided to alter the original decision and take a new decision? As I remember, the original decision of the Government was to disinvest only those companies which are sick, and for that kind of disinvestment, I am sure, nobody in the House

**Uncorrected/Not for publication - 01.12.2009**

would have objected. But the present decision is meant for companies that are running well. Therefore, my first question is, why was this decision taken?

Sir, the Government has announced that the proceeds from disinvestment would be used for capital expenditure on social sector projects, mainly health and education. Has the plan been made? You may get huge amounts from disinvestment, as proposed. What is your plan? I would like to know, in the interest of the people of the country, what is the plan that you have for investment in education and health out of the amount that you get?

Sir, it has been said that funds made available from disinvestment will be used to bridge the fiscal deficit. According to me, this is an unhealthy practice, a short-term vision and is decelerating the Government's goals. I do not understand why such a decision was taken. In case of disinvestment, future streams of income from the wins are foregone against a one-time receipt from the sale of Government shares. Therefore, I would like to ask the Government whether a decision was arrived at only after consideration from all angles or it was taken in a hurry. The other objective that has been stated is, to develop people ownership. What percentage of the population invests in the share market? If it is a small percentage, then what is better-- Government investing the dividend proceeds for the public at large, or giving benefit to the small number of population which might be just about half per cent of the population? Therefore, my question is, how do you find it logical?

**Uncorrected/Not for publication - 01.12.2009**

Sir, the primary objective is to raise resources to bridge the fiscal deficit. Then why such arguments as increasing public and workers' participation have been given? Has the Government asked the workers whether they want this disinvestment of ten per cent share or not? It is absolutely necessary to consult the workers of the company whether they appreciate this type of disinvestment. Has the Government analysed the loss on account of dividend that could have accrued to the Government?

(Contd. by hk/1t)

HK/1t/12.30

**SHRI MANOHAR JOSHI (CONTD.):** Was the amount of dividend more? The Government can take the loan from outside if the Government needs money urgently. Were the calculations done by the Government, and if it is so, what the calculations of the Government are? Another important aspect I would like to mention. Sir, it is necessary that some industries should be run entirely by the Government because in case of emergency these industries would be useful to you, but not the private industries. I would give the illustration of petroleum sector where crude prices were increased to a large extent, but the Petroleum Department of our Government did not increase the price because that sector is operated by the Government itself. Therefore, it is necessary that such sectors should remain in the hands of the Government. This is a question of future. Lastly, Sir, has the Government considered the point of time when disinvestment is to be done? Did you want to do it right now? Did you think that there will be people giving good price and ready to buy them? If it is not so, why don't the Government wait for a

good period to come? It must be consulted in the market and found out whether we can get good price for shares, and then only the Government should go in for this. Otherwise, it is better and desirable that the Government waits.

(Ends)

**MR. DEPUTY CHAIRMAN:** Shri O.T. Lepcha, not present. Shri Mahendra Mohan, not present. Shri D. Raja. You have five minutes, Mr. Raja.

**SHRI D. RAJA (TAMIL NADU):** Sir, I am not in agreement with the hon. Finance Minister or the Government on the issue of disinvestment. According to me, every disinvestment is private appropriation of public property. Disinvestment of profit-making public sector enterprises is mother of all scams allowing cherry-picking by the interested private parties. In the past, we have witnessed appropriation of State capital by bunch of parasitic looters using fraudulent arrangements in the name of strategic disinvestment. I can refer to some of the past examples -- BALCO, Modern Food, IPCL, FACT. Due to constraint of time, I would like to elaborate a bit on the experience of BALCO. BALCO was sold to those of Sterling Industries which was debarred from accessing capital market for two years on the charge of price rigging involvement. Its market value was supposed to be Rs.15,000 crore, but 50 per cent was sold at Rs.551.5 crore. When challenged by the workers, the Supreme Court did not interfere in the merits of the sale and left the issue as it is a Government policy. This emboldened further similar disinvestments. I can give various experiences, but due to time constraint I stop at this. It is reported now that UPA Government or UPA-II Government has

**Uncorrected/Not for publication - 01.12.2009**

decided to sell Government stakes in 60 PSUs, out of which 50 are with positive net worth and have recorded net profit in the last three years consecutively. This includes SAIL, BSNL and Coal India. NHPC and Oil India have already listed on. This has kick-started the earlier stalled disinvestments programmes of SJVN and Rural Electrification Corporation. NMDC, MMTC and Neyveli Lignite Corporation are already in the list to bring down the Government stakes.

(Contd. by 1u/KSK)

KSK/12.35/1U

**SHRI D. RAJA (CONTD):** They are all being put on the list of Stock Exchanges. Sir, I would like to tell this august House that there have been myths and motivated propaganda against the Central public sector enterprises over the years. A few years ago, the Centre for Industries and Economic Research brought out a publication, 'Performance of Public Sector - a Comparative Study', which revealed that the public sector units were performing better than the private giants. The total turnover of Central public sector enterprises during 2007-08 was Rs.10,81,925 crores, compared to Rs.9,64,896 crores in the previous year showing a growth of more than 12 per cent in the turnover of profit-making public sector enterprises. Now, if you take the profit, it stood at Rs.90,140 crores during 2007-08, compared to Rs.89,578 crores in 2006-07. Contribution of Central public sector enterprises to the Central Exchequer by way of Excise duty, Customs duty, corporate tax, interest on Central Government loans, dividends and other duties and taxes went up from Rs.1,14,878 crores in 2006-07 to Rs.1,65,994 crores in 2007-08. (Time-bell). Thus, public sector enterprises have been growing tall, both

as performer and as contributor. In spite of above facts, the UPA-II wants to go ahead with the so-called reforms as dictated by the World Bank, the IMF and the WTO trio, and, as desired by the corporate sector...

**MR. DEPUTY CHAIRMAN:** Please, conclude now.

**SHRI D. RAJA:** I am completing, Sir. As my hon. colleagues pointed out, as selling family silverware in the days of *Nawabs* and *Maharajas* in order to maintain a particular lifestyle was the order of the day, now, disinvesting or selling the public sector shares is the order of the day to meet the Budget deficits and for purposes other than supporting the weak public sector.

Finally, Sir, this act of the Government, I understand, appears to be very unconstitutional. Privatisation of public sector enterprises is contrary to the very Preamble of the Constitution which declares India as a socialist, democratic Republic. Now, Part-IV of the Constitution - Directive Principles of State Policy - states, "that the ownership and control of the material resources of the community are so distributed as best to subserve the common good". Again, I quote, "that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;". These principles are sought to be flouted by the Government in the name of strategic disinvestment programme. In the context of so-called reforms in finance sector, off-loading the Government stakes in public sector enterprises is not in the interest of our economy. (Time-bell). The public sector is the only sector which has been meeting certain social and national

**Uncorrected/Not for publication - 01.12.2009**

objectives like providing employment to the Scheduled Castes, the Scheduled Tribes and OBCs.

**MR. DEPUTY CHAIRMAN:** Mr. Raja, please conclude.

**SHRI D. RAJA:** So, the Government will have to reconsider its decision of selling the Government's stakes, shares in the public sector undertakings.

(Ends)

**MR. DEPUTY CHAIRMAN:** Shri Rahul Bajaj. You have five minutes' time.

**SHRI RAHUL BAJAJ (MAHARASHTRA):** Thank you, Mr. Deputy Chairman. I also disagree with the hon. Finance Minister, but for reasons which are somewhat different from what my friend, Mr. Raja, just now mentioned. He is not doing enough. I realised that consensus is required. In India, we go slowly but surely. And, consensus in India, I believe, means that both the Houses should be able to pass or approve what the Government wants to do.

(continued by 1w - gsp)

GSP-LT-12.40-1W

**SHRI RAHUL BAJAJ (CONTD.):** We are a democratic society. I fully support that. But, Sir, things like family silverware being sold, this thing is happening, or, that thing is happening; what 'family', Sir. Are we undermining our country? Is this country only of few companies here and there? The country has land, water, air and people. We have to work for the 1,000 million people of this country. Keep some strategic units like ONGC or the State Bank of India with yourselves. We can understand that. It is fair enough. I have no comments on that. But, through you, I would like to request the Finance Minister that subject to consensus, the loss-making units should either be made into profit-making or sold off. But that takes a lot of time, and, some of them which are sick, sell them off, and, that should be sold to the highest bidder. You may get a lower price. But today, you are giving public money, shareholders' money, taxpayers' money every year. The total numbers of employees in public sector companies are very limited. You can give them any kind of VRS, I don't mind. Give them very attractive golden handshake, I don't mind. I am pro-employees. I employ 50,000 people today, Sir, in the group. I am not anti-employees but, for them, we cannot survive. The taxpayers' money, the country's money cannot be thrown away. So, loss making units should also be sold off to the highest bidder.

Coming back to the profit-making units, Sir, here, the important part is transparency. We have made some mistakes in the past. I would say, even as a business house that it should be sold through the capital market, not to the individual bidder. No. We are not yet ready

**Uncorrected/Not for publication - 01.12.2009**

as a country for that. We have heard 'socialism' for fifty years. It is in our DNA almost. Sell it through a capital market, through a transparent mechanism. Let it determine the things. Maybe you get a little lower price than what an individual company or a group may offer but that does not matter. Let there be no criticism. Whether it is an IPO or a public issue by a company, about which some people asked the question, the money will come to the company, and, the company will use it. Where it is a disinvestment by the Government, by the President of India, it will go into the investment fund, which will be spent on social structure or physical infrastructure.

My friend, Mr. Manohar Joshi spoke about it. We need money; the Government needs money. Can't they see that? Can't they see the fiscal deficit growing? It is unsustainable, Sir. It will lead to inflation. We don't want the growth momentum to stop. So, I am grateful to you and the hon. Prime Minister for saying that you would not withdraw the fiscal stimulus. We will wait for the Budget. Of course, in the second quarter, 7.9 per cent growth rate is very, very encouraging and almost surprising.

हिंदी में बोलते हैं, पब्लिक सेक्टर कंपनी का अचार डालेंगे क्या? Will you pickle them? What are you keeping them for? Some people may criticize me but I say it very proudly, help the people, help the country, do the NREGA, do the loan waiver and prevent the farmers from committing suicide, and, fight with the terrorism; that is for the Government to solve, not for running a hotel or even an airline. My friend Praful is not here. It is making loss of Rs, 5,000 crore every year. What for? You have got so many airlines. Nobody is holding us to ransom, Sir. If you want

**Uncorrected/Not for publication - 01.12.2009**

some of your flights to North-East -- I have no time to go into that -- we can give them subsidy to fly to the North East; go to Mecca. That is not the issue. But, why should not the loss-making units be privatised, Sir? (Time-bell) Mr. Mukherjee, Sir, I am very sorry. Ten per cent; ten per cent. We are not at all ambitious, Sir. Mr. Chairman, through you, I would like to tell the Finance Minister that he must move forward and not listen to my friends, Mr. Raja, Mr. Tapan Sen. They are very old type, Sir. (Interruptions) I am older than them, Sir, but broader-minded like our Finance Minister. So, my point of view is that इसको पिकल मत करो, इसका अचार मत डालो। Let not the taxpayers' money be put into loss-making units. (Interruptions) Brinda ji, don't interrupt. (Time-bell) It is your conflict of interest. That is my conflict of interest. (Interruptions) Please don't try to focus your unions. (Interruptions)

**MR. DEPUTY CHAIRMAN:** Please conclude. (Interruptions)

**SHRI RAHUL BAJAJ:** Sir, give me some more time because they are interrupting me. Brinda ji always interrupts me because she is such a close friend of mine. I would like to conclude by saying that with regard to some strategic companies, you need not do anything at the moment. But there also, make them accountable to people and make them more efficient. I was Chairman of Indian Airlines. There are outstanding people in public sector. (Interruptions)

**MR. DEPUTY CHAIRMAN:** Mr. Bajaj, please conclude.

**SHRI RAHUL BAJAJ:** The problem is that today in some companies, although I do not want to name them, the political and administrative interference is creating problems, and, that is why, the unions get very

**Uncorrected/Not for publication - 01.12.2009**

disturbed. I was talking to the pilot while coming from the Port of Spain.  
(Interruptions)

**MR. DEPUTY CHAIRMAN:** Okay. Please conclude. Please.

**SHRI RAHUL BAJAJ:** I am concluding, Sir. So, this is not the job of the Government to run every company. Through you, I would like to make a request to the Finance Minister, who has an experience, as Ravi Shankar *ji* said, of over forty years.

(Contd. by 1x-sk)

SK/12.45/1X

**SHRI RAHUL BAJAJ (CONTD.):** Take courage in your hand and take Mr. Raja and go not for 10 per cent but much more than that and even privatise. Thank you, Sir.

(Ends)

**PROF. P.J. KURIEN (KERALA):** Thank you, Sir. At the outset itself, I would like to congratulate the Finance Minister that we have got a GDP growth of 7.9 per cent. When the economic atmosphere around the country is so bad, that growth is actually surprising. Why do not all of us congratulate the Finance Minister? All of us should be happy on 7.9 per cent growth rate which was never expected. Sir, I congratulate you. Now, Sir, I don't want to take more time. I know my time is only five minutes.

The first thing which I want to know is, my friend, Mr. Ravi Shankar Prasad also asked, there are a number of loss-making PSUs which are continuously making losses. All efforts to turn around failed. They have put a substantial burden on the exchequer. What are you

**Uncorrected/Not for publication - 01.12.2009**

going to do with them? What is your policy on that? That is what I want to know first.

My second question is that you are disinvesting 10 per cent of the good profit-making PSUs. But the contribution of the workers in getting profit cannot be ignored or cannot be over-emphasised. When you take profit from public sector by selling the equity, what consideration you have for the workers? As has been said here, I would like to know whether you are prepared to give a portion of the equity to the workers of those profit-making PSUs.

Sir, my third question is, now you are doing 10 per cent disinvestment. Next year it can be 20 per cent. Sir, there is an apprehension that this is a beginning for total transfer of management for privatisation. If that is so, I do not agree. To that extent I don't agree with Rahul Bajaj; to this extent, I agree with Raja that the management should be, under any circumstances, with the Government. Don't disinvest to the extent that the management is transferred out of the Government. That is my point. Sir, I have an example of Maruti. Earlier Maruti was a PSU. Now, it is not a PSU. It is a private company. Therefore, I want the Government to assure, I want the Finance Minister to assure the House. Yes, we support the disinvestment policy but not to such an extent that the Government loses the management.

Sir, my fourth point is, as has already been mentioned here, economic ambience around is not conducive to getting maximum value for the equity. That is what I feel. Some others are also feeling the same way. Therefore, is the Government sure that this is the best time

**Uncorrected/Not for publication - 01.12.2009**

for off loading, for getting the maximum price? May I know whether such a study has been conducted? If not, why not a study be conducted so that the off loading will be done at the best time for fetching the maximum value for the equity. Sir, with these words I want to conclude. Thank you very much. These are my four questions.

(Ends)

**SHRI TIRUCHI SIVA (TAMIL NADU):** Sir, the statement has stated that, "The proceeds from disinvestments would be channelised into National Investment Fund and during April 2009 to March 2012 would be available in full for meeting the capital expenditure requirement of selected social sector programmes decided by the Planning Commission or Department of Expenditure. The status quo ante will be restored from April 2012". Sir, would the Minister kindly clarify what he means by 'status quo ante'? If at all it is about channelising the proceeds into National Investment Fund, how would he meet the needs for the requirements of selected social sector programmes which is a never ending process?

(continued by 1y - yrs)

-SK/YSR/12.50/1Y

**SHRI TIRUCHI SIVA (CONTD.):** Two, disinvestment is defined here as "...it requires the development of "people ownership" of Central Public Sector Undertakings..." So far, we were thinking that Public Sector Undertaking itself is of peoples. When it is owned by the Government, naturally, it is of peoples. Let us say, for argument's sake, that this is intended for "people ownership." What are the plans that the Government is having to restrict the entry of private industrialists in any

**Uncorrected/Not for publication - 01.12.2009**

garb? Otherwise, that would defeat the very purpose of "people ownership" of Central Public Sector Undertakings. Thank you, Sir.

(Ends)

**MR. DEPUTY CHAIRMAN:** Mr. Minister. (Interruptions) Please. (Interruptions)

**SHRI JESUDASU SEELAM:** Sir, we want some assurance from the hon. Minister that SC and ST employees will not be removed.

**MR. DEPUTY CHAIRMAN:** No. (Interruptions)

**SHRI JESUDASU SEELAM:** Sir, we did not get time. We want to raise this issue. None of the speakers has raised this issue.

**SHRI PRANAB MUKHERJEE:** Mr. Deputy Chairman, Sir, first of all, I would like to express my gratitude to all the hon. Members who have made their contribution while participating in this Calling Attention discussion. First of all, I would like to dispel one thing -- I have not brought out any new policy. Disinvestment is not being enunciated by the Government for the first time; Disinvestment is going on from the 90s. The process of disinvestment has taken different turns. At some point in time, there was a strategic sale. Two Disinvestment Commissions were appointed; first one was by the Democratic Front Government in 1996 and another one was by the NDA Government. They made a series of recommendations. Many recommendations were acted on.

Therefore, the first point, which I would like to clarify, is that this is not something new which I have brought. The second point, which I would like to make quite clear at this point in time, is that neither I want to be extra bold nor I want to be extravagant. I would like to chart a

**Uncorrected/Not for publication - 01.12.2009**

middle-course, as I have done in my earlier economic policies, and I would like to do so. Therefore, I am not going for outright privatisation. Whether the Government should engage itself in doing business or not, I am not going to enter into it. We are doing business. Sometimes we are doing bad business, and sometimes we are doing good business. But that does not mean that we are going to completely give up our doing business. We are going to do so.

Three things we shall have to keep in mind. Nobody can give you a guarantee. It is a parliamentary democracy. Every Government is sovereign. Every Government is elected with the mandate of the people. They have the right and authority to decide what would be the best in the interests of the country. The policy, which I am having for today, will be limited up to 2014. If the new Government considers it necessary, it can continue with it. And if it considers it not necessary, it can scrap it. This is the constitutional framework in which we are functioning. My friend, Mr. Sen, need not be worried about it. Nothing is permanent here. If you come tomorrow with 272 seats in the Lok Sabha, you will be fully entitled to do whatever you like to do. Therefore, let us not unnecessarily agitate on issues which are not the point for discussion.

The statement, which I have made, is limited. One, the Government will not go beyond ten per cent at this stage. I have stated that only those profit-making Public Sector Enterprises will be listed which are earning profit for three preceding consecutive years, which are having no accumulated loss, and which are having positive net worth.

(Contd. By 1Z/MKS)

MKS/12.55/1Z

**SHRI PRANAB MUKHERJEE (CONTD.):** When they will be listed; at what point of time; many Members have enquired. Of course, the Government will have to assess at what point of time they will disinvest; they will offload. The objective is to get money, good, bad or indifferent. The objective is not to make charity. The objective is to get the maximum price. Therefore, we shall have to make an assessment at what point of time they will disinvest. I am not carried away by an ideological Budget that I will offload the shares at a time; the Government does not want to do business. At the same time, I would not like to incur loss. I would like to get the maximum out of the market, prevailing in the market conditions, and for that, the best time is to be ascertained. And who will ascertain that? This has been pointed out on a number of occasions. I know that when I presented my Budget, there was a big disappointment because I did not read out the number of public sector enterprises which I was going to disinvest, and when I had interaction with the Chambers of Commerce, I told them, I have no such intention. Disinvestment is a Government policy continuing even not under your bondage. I do not consider that there was any bondage of the Left parties. They were our valued cooperators and we are grateful to them for lending their support to this Government, the first UPA Government, for full five years. But as many as seven public sector enterprises we have disinvested. If you want the list, I can give the list. There was no question of any bondage. Therefore, do not come to this conclusion that because our Left-Front parties are not supporting the Government, the Government has taken

**Uncorrected/Not for publication - 01.12.2009**

the decision. What we suggested in the Common Minimum Programme got reflected in the Presidential Address to the Joint House; that got reflected in my Budget Speech. I am just translating that objective into this in a limited way. So, the timing will have to be chosen. They are the individual public sector enterprises; the Departments and the Ministries concerned, and the Department of Disinvestment, all will have to consult each other, and they will find out what would be the maximum prices that we can fetch from the market, depending on the market condition.

One very valid question has been raised by Mr. N.K. Singh, and I appreciate that question, but in a different context. My interpretation is different. That speaks, on the one hand, on the strengthening of our economy. He raised this question that when the other developed countries are helping the private corporate sectors, including the major banks, by injecting money into them, why, at that point of time, we are going to dispose of our shares in the public sector undertakings. These differences speak of the strength of Indian economy. Thanks to Mrs. Indira Gandhi. I must tell you that in 1969 she took the decision of nationalising the 14 scheduled commercial banks, in all aspects, branch expansion, deposit mobilisation, credit disbursement; if Rs.25 lakh crores of deposits we have mobilised over these years, it is not by accident, but it is only because the public sector banks gave an excellent account, and they did not collapse when the mighty banks all over the world collapsed like pack of cards and the Governments of those countries had to inject resources to make them alive,. ...(Interruptions)... somehow, to go on floating.

(Contd. by TMV/2A)

-MKS-TMV-DS/2A/1.00

**SHRI PRANAB MUKHERJEE (CONTD.):** The question is whether we could have done better. Always we can think that we can do better. But the intention is quite clear. I do agree that it is bad fiscal management. What I said in the House, in 2001, sitting on the other side -- I don't change my views simply because of the accident that from that side I have come to this side -- was that I should not like to use the proceeds of the disinvestment to meet the normal revenue expenditure. That is really a wastage of the family silver. But if you use the disinvestment proceeds for strengthening the public sector enterprises themselves, enhancing their capacity, their modernisation, upgradation of their schemes and their expansion, what is wrong with it? What I have stated in my statement is that the public issues would be public offerings out of Government shareholding or issue of fresh equity or a combination of both. There will be all these three elements. What have I stated? I have stated that we have already decided some. It is not correct to say that the Navratnas are not listed. Some of them are listed. They are not allowed or permitted by the SEBI to offer above 10 per cent, which is mandatory. But now the SEBI is making noise. We do feel that adequate time has been given. Therefore, in the case of those public sector enterprises which have been listed and which are exempted from offering minimum 10 per cent, the exemption will be lifted now. The public sector enterprises, which have been listed, will have to comply with the minimum 10 per cent. Those enterprises which have done less than 10 per cent will have to do the balance so that they can reach the 10 per cent. Those enterprises which are listed now will

**Uncorrected/Not for publication - 01.12.2009**

go up to 10 per cent. It is not necessary that everyone will have to go in for 10 per cent. Some may go in for five per cent or some may go in for six per cent depending on the market and their requirement.

Another question has been raised whether there will be any share held by the employees if there is disinvestment. I am emphasising on the words of every disinvestment proposal that a part is earmarked for the employees. But, unfortunately, they are not fully subscribed. I would request my colleagues, Mr. Sen and Mr. Raja, to encourage the workers, whatever shares have been allocated to them, to subscribe. Take, for instance, the Indian Oil Corporation. The shares allocated to them were not fully subscribed. There are others also. Therefore, they should be encouraged. (Interruptions)...

**SHRI SITARAM YECHURY:** You give them loans.

**SHRI PRANAB MUKHERJEE:** You can't give them price concession. That is not possible. (Interruptions)... They will buy because they get enough. Don't say this. When you are talking of the ordinary people, you are talking of one per cent or two per cent. When you compare their income level and the public sector employees' income level, you will find that they are not helpless. Let us not distort the whole thing. In the situation which prevailed 30 years ago, the question didn't arise. The other day I have given a hefty seventeen-and-a-half per cent to step up the salary of the bank employees. I have given seventeen-and-a-half per cent compared to thirteen per cent, thirteen per cent and 13 per cent. When in three five-year bipartite they got thirteen per cent each, in the last bipartite which we signed on 27<sup>th</sup> November I have given them seventeen-and-a-half per cent. Don't say they can't buy that much. It

**Uncorrected/Not for publication - 01.12.2009**

is more than that. It is not that they are going to have bulk shares. But it will convey the right sense. It really means their participation. Therefore, their provision is always being met.

Another issue that has been raised is: What are you going to do about the sick public sector enterprises? It is true that, surely, I can't do what I can do for the profit-making companies. I am exposing them to the market.

(Contd. by 2B/MK)

VK/2B/1.05

**SHRI PRANAB MUKHERJEE (CONTD):** Which is the best place, I do not know. Which is the best place? Which is the place where you can have competition, where you can have bidding to assess as to what would be the value of a share of a public sector undertaking? If I do not stash in the stock market, where should I stash? Who is going to buy that? It is not a holy place. But when I am going in for that, I am not judging on that. But is there any other way, when I am going in for disinvestment? I know you are, on principle, against disinvestment. I do not agree with that. That is the basic difference. Let us live with that basic disagreement. The Left does not believe in disinvestment. But I believe in disinvestment. I did disinvestment in the UPA-1 with your support as part of the Common Minimum Programme, I am doing it now and if I get the opportunity in future, I might do it. Nobody can give you guarantee that it will remain static at 10 per cent. So far as this period is concerned, the mandate is concerned, I have no intention of enhancing it beyond 10 per cent. But when the new Government comes after five years, what decision they will take, who can tell this?

They can say that nothing should be done and everything should be under the Government's control. They are free to do so. So it depends on them. Let us not mix it up. There is nothing against the Constitution. If somebody feels that this act of the Government is anti-Constitutional, he or she is free to go to the court and take the help of distinguished lawyers, Shri Ravi Shankar Prasad or Shri Arun Jaitely, to file a writ petition. There is no problem. That is not the correct interpretation either of the Preamble or of the Directive Principles of the State.

Shri Shiva has raised an issue that how we would meet the requirement if the money goes to the NIF. What is the concept of the NIF? This decision was taken because the general criticism was that you will mix it up with the Consolidated Fund of India and thereafter, you will, with the approval of the Parliament through Supplementary Demand, spend for your normal regular expenditure. So it was earmarked. It was thought that the corpus which would be created out of the proceeds of disinvestment that corpus would be used for the purposes of social sector. We have actually used some money -- this was created on 27<sup>th</sup> January, 2005 -- in the social sector projects, health care, employment and education; capital investment in the selected profitable and revivable public sector enterprises that yield adequate return in order to enlarge their capital base. The fund was professionally managed. It was not managed by the Government. It was not part of the Consolidated Fund of India. There were three asset managers, the UTI Asset Management Company, the SBI Fund Management Company and the Jeevan Bima Sahayog Asset Management Company. They

**Uncorrected/Not for publication - 01.12.2009**

were the managers of this fund and the corpus was being used. The total amount was more than Rs. 1,800 crores. Therefore, the corpus was limited. I have sought one time exemption for a period of three years because I know during this period, during the remaining part of the Eleventh Plan, massive investment would be required for social sectors, health and education. The revenue realisation, the revenue buoyancy, which we enjoyed in the previous years from where our tax GDP ratio increased from 8 per cent of GDP in 2003-04 to 12 per cent of GDP, is no longer available. Although there has been some improvement in the manufacturing sector now and there will be some improvement in the remaining years, but it is not adequate.

(Contd. by 2C)

RG/1.10/2C

**SHRI PRANAB MUKHERJEE (contd.):** Exports are going down continuously. Imports are going down. Customs duties are going down. As the raw materials, intermediates and components are not being imported, to that extent, the manufacturing activities are not stepping up. On excise duties, realisations are going down. It cannot be made up only from direct taxes. We have looked at the Budget Paper. The Budget Estimates from direct taxes is around Rs.2,70,000 crores, and the B.E. is around Rs.2,69,000 crores from indirect taxes. Taken together, we will, perhaps, have around Rs.6,00,000 crores. But there will not be buoyancy which was witnessed year after year. Therefore, from where will the money come? Is it through borrowed resources! I agree with Shri Rahul Bajaj, and I myself stated in my Budget speech, that this level of fiscal deficit is not sustainable. Please

**Uncorrected/Not for publication - 01.12.2009**

remember, whatever elbowroom we have, whatever we could do, whether by introducing the NREGA, or, going in for a one-time loan waiver for the farmers, it was not because of mere revenue buoyancy, but because of the fiscal discipline, because of FRBM, because of reduced fiscal deficit, that is, revenue deficit to the extent of 1.2 per cent and fiscal deficit to 2.5 to 3 per cent. That provides you economic muscle. These rules cannot be ignored. And, if we try to ignore it, we may have some temporary reliefs, but there will be reactions and there will be counter-productive actions in no time. As it has happened, the bubble will burst. What happened in developed economies, which is described in various ways, say, meltdown, or, international financial crisis, because it was some sort of bubble artificially created, not backed by basic fundamentals, and the bubble burst. And, I am not indulging in going for the bubble. Therefore, that level of fiscal deficit is not acceptable in our system. This is my most respectful submission. So, some corrective measures have to be taken. That is why I have indicated that we will take a one-time exemption for these three years, namely, from 2009-12, and again, from 1<sup>st</sup> April, 2012, the entire proceeds will go back to the NII, and only the interest earned from the corpus will be used for this purpose because, at that time, the money will not be required.

Another important point raised was, what we are going to do for the sick industries. We established a mechanism which is known as the BRPSE, that is, the Board for Reconstruction of the Public Sector Enterprises. All the sick units were referred to them. And, from time to time, they have been making recommendations. This was established in

**Uncorrected/Not for publication - 01.12.2009**

July, 2004. This was also a part of the Common Minimum Programme. And, some sick companies have been revived. A couple of cases, which Shri Ravi Shankar Prasad, has referred to, -- I myself know about them -- that is, the Hindustan Photo Films and the Hindustan Cables, and to the question as to why the strategic partnership could not click, I will find out. A readymade answer is not there with me. I shall have to find out from the Department. But, in this country, we shall have to keep in mind that we cannot simply throw people who walkout. We shall have to keep in mind the fact that the social security in our country is not so adequate. Therefore, with such people, if I simply throw them out of job overnight, it is not possible. The society will not accept it. Therefore, a remedy should not be worse than the disease. So, we shall have to carry on with some sort of drag on; these are all drag on the revenues.

(Continued by 2D)

TDB/2D/1.15

**SHRI PRANAB MUKHERJEE (CONTD.):** But, at the same time, what would you do unless you can make a proper rehabilitation? These expert bodies are making recommendations, and we are trying to salvage the situation.

I would like to repeat in my conclusion, Mr. Deputy Chairman, Sir, that there is no question of Government's responsibility being given up; the management will be with the Government. So far as the present mandate of this Government for the five years is concerned, we are not going beyond 10 per cent; we are not going for strategic sale. At what point of time we will go for it and the public sector enterprises will be

**Uncorrected/Not for publication - 01.12.2009**

off-loaded, we will be guided by the experts, looking at the conditions of the market where the maximum values could be discovered. Keeping that in view, we will take the appropriate action. I am not going to reel out, nor is the Department of Disinvestment going to reel out for the satisfaction of the stock brokers and to go on speculation that such and such company, such and such percentage will be off-loaded on such and such date. It is not possible.

Now, Shri N.K. Singh raised this question about due diligence. Yes, that is very important that due diligence is to be exercised and is to be exercised in the transparent manner. That is why we are not doing it merely through the civil servants or the brokers; wherever the experts are available, we are taking their help and we are trying to work out and get the recommendations from all of them.

Sir, Mr. Ravi Shankar Prasad gave certain figures. I think, I have answer to some of them. I could read out the figures that whichever companies have been stated.

Lastly, Sir, my good friend, Shri Rahul Bajaj has advised me to be bold enough. I normally accept his advice, but in this case, I am a little scared to accept his advice, and I would like to be rather conservative or rather meek than to be too bold. Thank you Mr. Deputy Chairman. Sir, I once again express my gratitude to the participants.

(Ends)

**MR. DEPUTY CHAIRMAN:** The House is adjourned for one hour for lunch.

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**The House then adjourned for lunch at seventeen minutes past one of the clock.**

kgg-mp/2e/2.15

**The House re-assembled, after lunch, at seventeen minutes past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.**

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**MR. DEPUTY CHAIRMAN:** Now, we shall take up reply to the discussion on the Legal Metrology Bill, 2008.

**THE LEGAL METROLOGY BILL, 2008 (contd.)**

**SHRI M. RAMA JOIS (KARNATAKA):** Sir, with your permission, I would like to say that yesterday Shri S.S. Ahluwalia quoted Manu Smriti. It is here: तुलामानं प्रतीमानं सर्वं च स्यात्सुलक्षितम् ।

षट्सु षट्सु च मासेषु पुनरेव परीक्षयेत् ।।

The weights and measures should be fixed by the State and it must be checked every six months. This is in Manu Smriti.

**MR. DEPUTY CHAIRMAN:** Yesterday, there was a demand for this shloka. He could not quote and now Shri Jois has quoted it. Mr. Minister, now.

**THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (PROF. K.V. THOMAS):** Sir, yesterday, seven senior Members of this House participated in the discussion on the Legal Metrology Bill, 2008. At the outset, I would thank all the Members who have given deep thinking about this Bill.

Sir, firstly, I would like to give the background idea about the Legal Metrology Bill. The Government initially wanted only to make amendments to the existing two Acts, namely, the Standards of Weights and Measures Act, 1976, and the Standards of Weights and Measures Enforcement Act, 1985. Sir, when the amendment Bills were examined by the Parliamentary Standing Committee, it recommended, vide Tenth Report, integration of two legislations into a single legislation.

(Contd. by sss/2f)

SSS/2F/2.20

**PROF. K. V. THOMAS (CONTD.):** This is to avoid duplication and contradictions in the two Acts. Accepting the suggestion of the Standing Committee, The Legal Metrology Bill, 2008 was prepared. Sir, it was introduced in the Rajya Sabha on 24<sup>th</sup> October, 2008. Thereafter, this Bill was referred to the Standing Committee for examination. After examination of the Standing Committee's Report and discussions -- I repeat, discussions -- with the State Governments and stakeholders, certain official amendments have been proposed. Sir, there has been discussion at every stage with the State Government and different stakeholders. The Parliamentary Standing Committee which examined the 2008 Bill made six recommendations. Sir, out of the six recommendations, two recommendations are pertinent, (1) giving rule making power of States; (2) to do away with the Government Approved Test Centres proposed in clause No. 24. Sir, the Department examined the recommendations in consultation with the States. The recommendation to give rule making power to States was accepted. We have not taken any power or diluted the power of the States. But the recommendation to do away with the GATC was not accepted. Sir, I will tell you in detail why it was not accepted. This is because; it is felt that it only gives an additional option to the States. It strengthens the States. It does not take away their powers of functions. Sir, The Legal Metrology Bill, 2008 omits the following provisions in the existing legislation; (a) revelation of weights or measures used in industrial production. Sir, it is with the industrial manufacturing sector. We are not concerned. (b) Exempting regulation of weights or measures of

**Uncorrected/Not for publication - 01.12.2009**

other goods meant for export. Sir, it is exported to other countries. Sir, it does not concern our people. These were felt to be unnecessary as these restrictions do not affect consumers in India. Sir, The Legal Metrology Bill, 2008 has the following new features, (a) verification of prescribed weights or measures by the Government Approved Test Centres (GATC); (b) prescribing qualification of legal metrology officers appointed by the State Government. It has the following modified provisions: nomination of a director by a company who will be responsible for complying with the provision of the enactment. This is against the existing provision of the entire Board of Directors being responsible. Sir, the Legal Metrology Bill, 2008 is a single legislation in place of existing two legislations on weights and measures. The total number of provisions in the Bill is only 56 against 160 sections together in the existing two Bills. Thus, the Bill has greatly simplified the weights and measures. I would like to answer some of the questions put by the Members of this House. Many of the speakers stated that there should not be concentration of power at the Centre or dilution of the power with the States. Sir, the reply is: at present the powers are divided between the Centre and the States. The Centre has the power to frame the rules for laying down specifications, modal approval and establishing standards. The States lay down the rules for enforcement of the Act. So, we are giving a common idea. We are giving a modal of the rules. At the time of consultation with the States, during the preparation of The Legal Metrology Bill, 2009, the State Governments had in a conference suggested that for the sake of uniformity the rule making power will be the Centre.

(Contd. by PK/2G)

PK/2G/2.25

**PROF. K. V. THOMAS (CONTD.):** Accordingly, this has been put in the Legal Metrology Bill, 2008. But, Sir, after examination by the Standing Committee, a second round of consultation was held with the State Governments. Some of the State Governments suggested that they should be given the powers that they are enjoying even today. Accordingly, this has been proposed as an official amendment. These official amendments have been communicated. According to these official amendments, the Centre will frame the rules in respect of those items which they are doing even today. The States are proposed to be given powers to frame the rules, which they are enjoying today. Thus, after the official amendments, the present *status quo* will be restored. The amendment Nos. 52 (a) and 55 (2) have been made for this purpose.

Sir another question which was put was about the Government-Approved Test Centres. Many of the Speakers objected to the proposal for Government-Approved Test Centres, contained in section 24 of the Bill. Sir, the Government-Approved Test Centres can be recognised either by the Government of India or by the State Governments. Those State Governments which do not wish to appoint the Government-Approved Test centres can refrain from doing so. So, we will have these Test Centres only with the consent of the State Governments. So far as the Government of India is concerned, the Government of India will take the opinion of the State Governments prior to recognising any Government Approved Centre. Sir, there was an apprehension that it will be franchise to private people. Sir, our idea is

**Uncorrected/Not for publication - 01.12.2009**

to give it to the Government institutions, IITs and approved organisations only. Sir, this is the idea we have.

Sir, in the Eleventh Plan, the Government of India has been implementing a massive scheme of Rs.170 crores for giving equipment and providing laboratory buildings to the States. Capacity and skill building are also part of this project. Sir, we have already written to the Chief Ministers of the States for providing supporting funds to ensure that this programme is a success. Notwithstanding this huge effort, the State Governments may find it difficult to verify weights and measures services in all sectors. Even today, important areas like thermometers and blood pressure instruments are not being verified by the State Governments. This situation cannot be allowed to continue.

Sir, the Indian Boiler Act was amended in 2007 and a similar provision was provided in the Indian Boiler Act also. Sir, the rules would give details of how the GATC would be approved and what conditions they would be required to meet. Sir, we will do all these with the consent and approval of the State Governments. I can also assure that the Legal Metrology Department of State Governments will continue to enforce the laws as they have been doing today. GATC will only supplement their activities.

Sir, another point was made that why there is an appellate authority with the Government. Sir, the reason is, there are so many legislations. Further, this is also the practice in the Act, as it stands today.

**Uncorrected/Not for publication - 01.12.2009**

The other question was: Why have exports not been regulated in the new Bill? Sir, the items meant exclusively for exports will not touch the Indian consumer. The exporters will have to comply with the rules of the importing country. Therefore, any additional check on them will be unnecessary and will not help the Indian consumer.

Sir, another point was that the proposed Bill has not provided for reverification of weights and measures. Sir, section 24 provides for rules regarding the measurement and verification. The procedure for reverification will be provided in the rules.

Another point made was that there is no need for the word "Legal" before "Metrology". Sir, the phrase "Legal Metrology" is a well accepted international term which describes the legal regulations applicable to weighing and measuring instruments.

(Contd. by 2H/PB)

PB/2h/2.30

**PROF. K.V. THOMAS (CONTD.):** The State Governments are also familiar with this term -- many of State Departments are known as Departments of Legal Metrology.

Sir, another question has been asked about the responsibility of Company Directors under the law. Some of the speakers suggested that it is not sufficient to make one Director responsible for the enforcement of weights and measures, as has been provided in Section 49 of the Legal Metrology Bill. Sir, in the existing Act, the entire Board of Directors as well as the Company is responsible for any acts of omissions or commissions. The need was felt to change this provision

**Uncorrected/Not for publication - 01.12.2009**

since the Board of Directors as a whole will not be directly capable of controlling the proper compliance of the provisions of this Act.

Sir, there are certain other rules also which are at present existing in our country like which are there in the Boilers Act and the Prevention of Food Adulteration Act. Here, a similar situation is there. Sir, in those Acts, even officers below the Director level are permitted to be nominated. Sir, actually FICCI had suggested that this should be as per the existing Boilers Act and the Prevention of Food Adulteration Act. But we have not accepted that. We are saying, 'one of the Directors.'

Sir, it may also be noted that in the Legal Metrology Bill, 2008, at any point of time, if the Director is not held responsible, the Company as a whole will come under this rule.

Sir, these are the amendments which we have made. Sir, we are not diluting any of the rights of the State Governments. We are strengthening them. Sir, this law is to protect the interest.

(Ends)

**DR. (SHRIMATI) NAJMA A. HEPTULLA (RAJASTHAN):** Sir, the discussion is over and the questions that the Members had put, the Minister has tried to answer them with the help of 21 amendments. I believe, the Bill had gone to the Standing Committee and the Standing Committee's advice was that the Bill in this form should not be brought to the House, and, this fact is evident, Sir, when the Bill was brought to the House. I don't know the reasons behind it. Maybe, there was no other Legislative Business and ...

**MR. DEPUTY CHAIRMAN:** No; no.

**Uncorrected/Not for publication - 01.12.2009**

**DR. (SHRIMATI) NAJMA A. HEPTULLA:** ... so the Government thought to bring this Bill. They could have done these amendments, their homework before bringing it to the House. Now, instead of bringing a Bill over here with 21 amendments, why don't they do the amendments and bring a comprehensive Bill, including all that what you have envisaged, what you have spoken in the House? My point is, bring a comprehensive Bill instead of bringing amendments in your own original Bill. Instead of Opposition Members' bringing amendments, the Government itself is accepting that they did not apply their mind very well while they brought the Bill to the House. Take it back and bring it tomorrow or day-after-tomorrow or any other day or at the end of the Session. ...(Interruptions)...

Sir, I would suggest one thing. Whenever they bring the amended Bill or a comprehensive Bill, it is not necessary that we discuss it again. We will pass it without any discussion by voice vote.

**MR. DEPUTY CHAIRMAN:** Would you like to respond?

**PROF. K.V. THOMAS:** Sir, these amendments were given well in advance to the Secretariat and my impression was that this has been distributed to everybody. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Now, the question is,

"That the Bill further to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and for matter connected therewith or incidental thereto, be taken into consideration."

***The motion was adopted.***

Uncorrected/Not for publication - 01.12.2009

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2-4 were added to the Bill.*

(Followed by 2j/SCK)

2j/2.35/skc

*Clause 5 - Base unit of Weights and Measures*

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 5. There is one amendment (No. 3) by the hon. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (PROF. K.V. THOMAS):

Sir, I move:

(3) That at page 4, lines 23 and 24, the words "supplementary units" be deleted.

*The question was put and the motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

*Clause 6 was added to the Bill.*

*Clause 7 - Standard units of weights and measures*

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 7. There is one amendment (No. 4) by the hon. Minister.

PROF. K.V. THOMAS: Sir, I move:

(4) That at page 4, line 34, the word "supplementary" be deleted.

*The question was put and the motion was adopted.*

*Clause 7, as amended, was added to the Bill.*

*Clauses 8 to 12 were added to the Bill.*

*Clause 13-Appointment of Director, legal metrology officers and other employees*

Uncorrected/Not for publication - 01.12.2009

**MR. DEPUTY CHAIRMAN:** Now, we shall take up Clause 13. There are two amendments (Nos. 5 and 6) by the hon. Minister.

**PROF. K.V. THOMAS:** Sir, I move:

(5) That at page 6, line 4, after the word "Director", the words "the Controller" be inserted.

(6) That at page 6, line 17, for the bracket and figure "(6)", the bracket and figure "(7)" be substituted.

*The questions were put and the motions were adopted.*

*Clause 13, as amended, was added to the Bill.*

*Clauses 14 to 22, was added to the Bill.*

*Clause 23 - Prohibition on manufacture, repair or sale of weight or measure without licence.*

**MR. DEPUTY CHAIRMAN:** Now, we shall take up Clause 23. There is one amendment (No. 7) by the hon. Minister.

**PROF. K.V. THOMAS:** Sir, I move:

(7) That at page 8, after line 7, the following proviso be inserted, namely:-

"Provided that no licence to repair shall be required by a manufacturer for repair of his own weight or measure in State other than the State of manufacture of the same."

*The question was put and the motion was adopted.*

*Clause 23, as amended, was added to the Bill.*

*Clause 24 - Verification and stamping of weight or measure.*

**MR. DEPUTY CHAIRMAN:** Now, we shall take up Clause 24. There is one amendment (No. 8) by the hon. Minister.

**PROF. K.V. THOMAS:** Sir, I move:

**Uncorrected/Not for publication - 01.12.2009**

(8) That at page 8, line 24, **after** the word "shall", the words "appoint or engage persons having such qualifications and experience and" be **inserted**.

**MR. DEPUTY CHAIRMAN:** I shall now put the amendment moved by Shri Matilal Sarkar to vote.

**SHRI MOINUL HASSAN:** Sir, can I move the amendment on behalf of Shri Matilal Sarkar?

**MR. DEPUTY CHAIRMAN:** No. I shall now put Clause 24, as amended, to vote.

***The question was put and the motion was adopted.***

***Clause 24, as amended, was added to the Bill.***

***Clauses 25 to 30 were added to the Bill.***

***Clause 31-Penalty for non-production of documents, etc.***

**MR. DEPUTY CHAIRMAN:** Now, we shall take up Clause 31. There is one amendment (No. 9) by the hon. Minister.

**PROF. K.V. THOMAS:** Sir, I move:

(9) That at page 9, line 25, **after** the words "thereunder to", the words "submit returns" be **inserted**.

***The question was put and the motion was adopted.***

***Clause 31, as amended, was added to the Bill.***

***Clauses 32 to 36 were added to the Bill.***

***Clause 37 - Penalty for contravention by  
Government approved Test Centre.***

**MR. DEPUTY CHAIRMAN:** Now, we shall take up Clause 37. There is one amendment (No. 10) by the hon. Minister.

**PROF. K.V. THOMAS:** Sir, I move:

(10) That at page 10, **after** line 23, the following be **inserted**, namely:-

**Uncorrected/Not for publication - 01.12.2009**

"(2) Where any owner or employee of a Government Approved Test Centre performing duties in accordance with the provisions of this Act or the rules made thereunder, wilfully verifies or stamps any weight or measure in contravention of the provisions of this Act or the rules made thereunder, he shall, for every such contravention, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both."

***The question was put and the motion was adopted.***

***Clause 37, as amended, was added to the Bill.***

***Clause 38 to 40 were added to the Bill.***

***Clause 41 - Penalty for giving false information or false return.***

**MR. DEPUTY CHAIRMAN:** Now, we shall take up Clause 41. There is one amendment (No. 11) by the hon. Minister.

**PROF. K.V. THOMAS:** Sir, I move:

(11) That at page 10, line 48, **for** the words "ten thousand", the words "five thousand" be **substituted**.

***The question was put and the motion was adopted.***

***Clause 41, as amended, was added to the Bill.***

***Clauses 42 to 50 were added to the Bill.***

***Clause 51 - Provisions of Indian Penal Code and Code of Criminal Procedure not to apply.***

**MR. DEPUTY CHAIRMAN:** Now, we shall take up Clause 51. There is one amendment (No. 12) by the hon. Minister.

**PROF. K.V. THOMAS:** Sir, I move:

(12) That at page 14, line 34, **after** the words "Code and", the words and figure "section 153 of" be **inserted**.

Uncorrected/Not for publication - 01.12.2009

*The question was put and the motion was adopted.*

*Clause 51, as amended, was added to the Bill.*

*Clause 52 - Power to make rules*

**MR. DEPUTY CHAIRMAN:** Now, we shall take up Clause 52. There are six amendments (No. 13 to 17) by the hon. Minister.

**PROF. K.V. THOMAS:** Sir, I move:

(13) That at page 14, line 37, in marginal heading, **for** the words "Power to make", the words "Power of the Central Government to make" be **substituted**.

(14) That at page 15, lines 11 to 14 be **deleted**.

(15) That at page 15, lines 23 to 25 be **deleted**.

(16) That at page 15, line 28, the words "or the State Government" be **deleted**.

(17) That at page 15, line 30, **for** the words "the fee", the words "the qualifications and experience of persons appointed or engaged and the fee" be **substituted**.

*The questions were put and the motions were adopted.*

*Clause 52, as amended, was added to the Bill.*

(Followed by hk/2k)

HK/2k/2.40

**MR. DEPUTY CHAIRMAN:** I shall now put the amendment moved by Shri Matilal Sarkar. He is not present.

We shall now take up insertion of new clause 52A. In clause 52A, there is one amendment (No.18) by the hon. Minister.

*New Clause 52 A - Power of State Government to make rules*

**PROF. K.V. THOMAS:** Sir, I move:

**Uncorrected/Not for publication - 01.12.2009**

18. That at page 15, after line 46, the following new clause be inserted, namely:-

"52A.(1). The State Government may, by notification, and after consultation with the Central Government, make rules to carry out the provisions of this Act.

(2). In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the time within which the weight or measure may be got verified under proviso to sub-section (1) of section 16;
- (b) registers and records to be maintained by persons referred to under sub-section (1) of section 17;
- (c) the form, manner, conditions, period, area of jurisdiction and fees for issuance of licence under sub-section (2) of section 23;
- (d) fee for verification and stamping of any weight or measure under sub-section (1) of section 24;
- (e) manner of notifying Government Approved Test Centre, terms and conditions and fee to be paid under sub-section (3) of section 24;
- (f) fee for compounding of offences under sub-section (1) of section 48.

(3). In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to five thousand rupees.

(4). The power to make rules under this section shall be subject to the condition of the rules being made after previous publication in the Official Gazette.

(5). Every rule made under this section shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislatures, before that House."

***The question was put and the motion was adopted.***

***New Clause 52A was added to the Bill.***

**Uncorrected/Not for publication - 01.12.2009**

**MR. DEPUTY CHAIRMAN:** We shall now take up clause 53. In clause 53, there are two amendments (No.19 and 20) by the hon. Minister.

**Clause 53 -- Delegation of Powers.**

**PROF. K.V. THOMAS:** Sir, I move:

19. That at page 15, line 49, the words and figure "or section 19," "be deleted.

20. That at page 16, line 1, the words and figures "section 22 to 24 and section 50 relating to power to lay down scale of fee," "be deleted.

*The questions were put and the motions were adopted.*

*Clause 53, as amended, was added to the Bill.*

*Clause 54 was added to the Bill.*

**MR. DEPUTY CHAIRMAN:** We shall now take up clause 55. In clause 55, there is one amendment (No.21) by the hon. Minister.

*Clause 55 -- Existing Director, Controller and Legal Metrology Officer not to be affected by the new qualification to be prescribed.*

**PROF. K.V. THOMAS:** Sir, I move:

21. That at page 16, line 21, for the word "Central", the word "State" "be substituted.

*The question was put and the motion was adopted.*

*Clause 55, as amended, was added to the Bill.*

*Clause 56 was added to the Bill.*

**MR. DEPUTY CHAIRMAN:** We shall now take up clause 1. In clause 1, there is one amendment (No.2) by the hon. Minister.

*Clause 1 -- Short title, extent and commencement.*

**PROF. K.V. THOMAS:** Sir, I move:

Uncorrected/Not for publication - 01.12.2009

2. That at page 1, line 4, for the figure "2008", the figure "2009" be substituted.

*The question was put and the motion was adopted.  
Clause 1, as amended, was added to the Bill.*

**MR. DEPUTY CHAIRMAN:** We shall now take up the Enacting Formula. In the Enacting Formula, there is one amendment (No.1) by the hon. Minister.

*Enacting Formula*

**PROF. K.V. THOMAS:** Sir, I move:

1. That at page 1, line 1, for the word "Fifty-ninth", the word "Sixtieth" be substituted.

*The question was put and the motion was adopted.  
The Enacting Formula, as amended, was added to the Bill.  
The Title was added to the Bill.*

**MR. DEPUTY CHAIRMAN:** Hon. Minister to move that the Bill, as amended, be passed. ..(Interruptions)..

**SHRI S.S. AHLUWALIA:** Sir, I want the third reading.

**MR. DEPUTY CHAIRMAN:** Okay.

**SHRI S.S. AHLUWALIA:** Sir, the hon. Minister has assured that the powers which are already vested with the State Governments will not be snatched away through this Bill. At the time of making rules circulate the model rules to the States, take back their reaction, and, then come out with the rules. That will be better. Because in the Act, you may say, no, we are not doing it, but while making rules and sub-legislation when it will come, it may snatch the power of the States. So, this is my

**Uncorrected/Not for publication - 01.12.2009**

apprehension. Secondly, still I have my doubts for the testing centres -- the calibration testing centres and other centres. Are you going to outsource them or are you going to keep them with the Government? My third apprehension is about Director. You are talking about the Director that you will specify a person who will look after it. Will he be an instrumentation engineer or merely a Director? If he is not an instrumentation engineer and is not qualified to know the fault at the calibration level, then it is useless. I think there should be some qualification for the Director who can become the authorised person of that company who can see that the calibration is done in the right direction.

(Followed by 2L/KSK)

KSK/2.45/2L

**MR. DEPUTY CHAIRMAN:** Yes, Mr. Sarkar, you were not there.

**SHRI MATILAL SARKAR:** Sir, I rang up four to five times from my residence. For 25 minutes, I was standing behind. Sir, I want to seek one clarification. Though I have not heard the hon. Minister, my apprehension is that if the power of the making rules lies only with the Central Government, then the States will be deprived and the States may not be able to have their own conditions. That is why, the power of making rules should vest with the State Governments.

The second apprehension is that so far as the Bill in its present form is concerned, the company at fault may seek escape leaving the responsibility only on the officer concerned. The company may escape. So, I would like to get clearcut clarifications from the Minister whether

**Uncorrected/Not for publication - 01.12.2009**

this provision would be removed while framing the rules, and whether provisions in this regard would be accommodated.

**PROF. K.V. THOMAS:** Sir, I want to give an assurance to clarify that our idea is to strengthen the State Governments. So, while drafting the Bill, we had discussed twice with the State Governments and other organisations. So, when the rules come, we will definitely discuss them with the State Governments because we want their co-operation. We are also interested in protecting their interests. Definitely, we will have interaction with the State Governments and their views would be taken into consideration seriously and accordingly, the rules will be framed.

Sir, regarding the Government-approved testing centres, I would submit that the State Governments have all powers to have their own centres, and if the Government of India is going to have any Government-approved testing centres, we will have the consent of the State Governments, and we are not going to franchise. But, the idea is that with the consent of the State Government, whether we can give it to institutions like IITs and other eminent institutions; whether this is possible. This is the idea that we have got.

**DR. (SHRIMATI) NAJMA A. HEPTULLA:** Sir, IITs are educational institutions. They are not testing centres. How are they going to do it in IITs?

**PROF. K.V. THOMAS:** This is just an idea. The main thing is that this will not be franchised.

**SHRI S.S. AHLUWALIA:** The Minister should not come out with off the cuff ideas. Yesterday, I spoke about National Physical Laboratory which was started in 1950. The prime work was this. Now, when we

**Uncorrected/Not for publication - 01.12.2009**

are making Legal Metrological Institutes -- I belong to Jharkhand State. There is an Institute in Ranchi, Jharkhand also. -- why don't you do this and involve the Instrumentation Engineers in this?

**MR. DEPUTY CHAIRMAN:** That is the intention.

**SHRI S.S. AHLUWALIA:** Like at the time of giving licence for pharmacy, you need a B.Pharma person.

**PROF. K.V. THOMAS:** Sir, these suggestions are seriously considered. Now, coming to the qualification of the Directors, it can be addressed in the rules. Sir, the Director will be a well-qualified person.

Now, I move:

That the Bill, as amended, be passed.

*The question was put and the motion was adopted.*

(Ends)

**THE WORKMEN'S COMPENSATION (AMENDMENT) BILL, 2009**

**THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE):** Sir, I beg to move:

That the Bill further to amend the Workmen's Compensation Act, 1923, as passed by Lok Sabha, be taken into consideration.

(continued by 2m - gsp/sch)

SCH-GSP/2M/2.50

**श्री मल्लिकार्जुन खरगे (क्रमागत):** सर, यह बिल जो हम संसद के सामने ला रहे हैं, इसमें बहुत मूलभूत संशोधन शामिल किए गए हैं। लोक सभा में माननीय सदस्यों ने इसे 25 नवम्बर, 2009 को पारित कर दिया है। इस बिल को अब मैं आपके सामने रख रहा हूँ। इस बिल में संशोधन के लिए स्टैंडिंग कमेटी ने जो सुझाव दिए थे, वे हमने मान लिए हैं। इसमें जो महत्वपूर्ण संशोधन शामिल किए गए हैं, वे इस प्रकार हैं - इस अधिनियम को Gender Neutral बनाने के लिए इसके टाइटल को बदल कर 'Employees

**Uncorrected/Not for publication - 01.12.2009**

Compensation Act' किया जा रहा है। वर्तमान में इसका शीर्षक 'Workmen Compensation Act' है।

इस अधिनियम के Schedule II में बहुत रैस्ट्रिक्शन्स थे, जिससे पूरा लाभ कर्मचारियों को नहीं मिल पाता था। यह शैड्यूल खतरनाक उद्योगों की सूची है। हमने इस बारे में दिए गए सुझावों को मानते हुए सभी Restrictive Clauses को हटाने का प्रस्ताव रखा है। उदाहरण के तौर पर - जहां-जहां क्लैरिकल स्टाफ को कवर नहीं किया था, वे सब कलॉजिज़ हमने Schedule II से हटा दिए हैं। जहां-जहां यह प्रावधान था कि केवल 20 या इससे ज्यादा काम करने वाले Establishment में यह कानून लागू होगा, इसे हमने हटा दिया है। इसी प्रकार जहां यह add किया हुआ था कि "पिछले बारह महीने में कम से कम एक दिन '25 या इससे ज्यादा' अथवा '50 या इससे ज्यादा' अथवा '10 या इससे ज्यादा' वर्कर्स काम करते हों, तभी वह खतरनाक Establishment या activity मानी जाएगी", इसको हमने हटा दिया है।

इसी Schedule II में कुछ जगह पर शिप वगैरह में 25 टन का जहाज या इससे ज्यादा का जो रैस्ट्रिक्शन था, वह भी हमने हटा दिया है। जहाज का जितना भी Tonnage हो, उस पर कार्य करने के दौरान अगर खतरा है, तो वर्कर को compensation मिलना चाहिए। वर्कर के परिवार को दाह-संस्कार के लिए अभी तक केवल 2500 रुपया मिलता था, इसे बढ़ाकर हमने ESIC के बराबर 5000 रुपया करने का प्रस्ताव रखा है। यह भी प्रस्ताव है कि सरकार इसे समय-समय पर Notification करके Price Index के हिसाब से बढ़ाती रहेगी।

इस अधिनियम में अधिकतम मजदूरी की सीमा जिस पर वर्कर को compensation दिया जा सकता है, वह 4000 रुपये है। हमने प्रस्ताव रखा है कि इसे भी सरकार Price Index के हिसाब से समय-समय पर बढ़ाती रहेगी।

वर्तमान में मजदूर को अगर कोई injury होती है, तो इलाज के खर्च Reimburse करने का कोई प्रावधान नहीं है, इसे हमने डालने का प्रस्ताव आपके सामने रखा है।

2n/psv पर जारी

-SCH/PSV-SK/2N/2.55

**श्री मल्लिकार्जुन खरगे(क्रमागत):** इसी प्रकार से Minimum Compensation की राशि को बढ़ाने का प्रस्ताव है। जैसा कि death के case में 80 हजार रुपए से 1 लाख 20 हजार रुपए तथा permanent disability के case में 90 हजार रुपए से 1 लाख 40 हजार रुपए बढ़ाने का प्रस्ताव है।

महोदय, Workmen Compensation Commissioner वर्तमान में केवल राज्य सरकारों के अधिकारी होते हैं। उसमें special qualification का प्रावधान नहीं है। हमने अब Advocates तथा Judges को भी इसमें शामिल किया है। इसी प्रकार राज्य सरकारों के Gazetted Officers, जिनका qualification तथा experience अन्य क्षेत्रों, जैसे- Personnel Management, HRD तथा Industrial Development में हो, उन्हें भी eligible बनाया गया है।

उपसभापति जी, हमने इस बिल में पहली बार यह प्रस्ताव रखा है कि Compensation Commissioner मामलों का निपटारा केवल 3 महीने की अवधि में पूरा कर देंगे।

महोदय, इन संशोधनों से लाखों गरीब मजदूरों का भला होगा, जो कई तरह की गम्भीर दुर्घटनाओं का शिकार होते हैं। जैसा मैंने शुरू में कहा कि हम Standing Committee की recommendations को मान कर संशोधन प्रस्तावों को संसद के सामने लाये हैं। मेरी यह कामना है कि आप सभी मिल कर इसका समर्थन करेंगे तथा इसे सर्वसम्मति से पास करेंगे। ऐसी मैं आशा करता हूँ।

महोदय, यह बहुत ही अच्छा कानून है। जिन तब्दीलियों की वजह से, बदलावों की वजह से या amendments की वजह से बहुत से कामगारों को फायदा होता है, ऐसे कानून को अगर हम जल्दी-से-जल्दी मंजूरी दें, तो उसका अमल बहुत ही जल्दी होगा। इसलिए मैं आपसे विनती करता हूँ तथा तमाम सदस्यों से विनती करता हूँ कि इस कानून को पास कर के workers की, कार्मिकों की भलाई के लिए मदद करने की, मैं आशा करता हूँ। धन्यवाद।

***The question was proposed.***

**श्री उपसभापति:** श्री के०बी० शणप्पा।

**श्री के०बी० शणप्पा(कर्णाटक):** धन्यवाद, उपसभापति जी।

महोदय, इन्होंने जो वर्तमान compensation का बिल रखा है, उसमें heading में Workmen बना दिया है और नीचे में उसको Employees बनाया है। अगर वह इसे 'The Employees Compensation Amendment Bill' कह कर लाते, तो it would have perfectly served the purpose. आपने यहाँ पर Employees किया है। खुशी की बात है कि इस देश में बहुत सालों के बाद, तकरीबन 80 सालों के बाद, जब आप लेबर मिनिस्टर बने हैं, तो थोड़ा-कुछ परिवर्तन लाने की चिन्ता की है।

महोदय, वह मेरे फाज़िल दोस्त हैं। हम लोग एक ही district से आते हैं। वह गुलबर्गा के हमारे एम०पी० भी हैं। मैं वहीं का वाशिदा हूँ। ...(व्यवधान)... वह भी 40 सालों से राजनीति में हैं और मैं भी 40-50 सालों से राजनीति में हूँ। वह बहुत अच्छी तरह से 40 years में तकरीबन 10 बार चुन कर यहाँ आए हैं। He has got a good record. ...(व्यवधान)... जी हाँ, मैं 50 सालों से राजनीति में हूँ। वह कर्णाटक में एक अच्छे administrator के रूप में जाने जाते हैं। मुझे खुशी है कि आपके यहाँ आने के बाद यह पहला मौका है।

महोदय, working class बहुत ही कुचली हुआ जमात है। ये बिखरे हुए हैं। इनको ई०एस०आई० का भी कोई safe quart नहीं है। वे contract में काम करते हैं, ship yard में काम करते हैं और माइंस में भी काम करते हैं। महोदय, ये बहुत सी ऐसी जगहों पर काम करते हैं, जो कि जोखिम भरा काम रहता है। ऐसे लोगों के लिए उन्होंने बहुत ही हमदर्दी से यह कानून बनाया है। पहले जो कुछ भी था, इसे 1923 में बनाया गया था। इस तरह बहुत साल लग गए हैं। Britishers के जमाने में, मेहनतकशों के लिए उन्होंने थोड़े-से कानून बनाये थे।

(2ओ/डी०एस० पर क्रमागत)

20/3.00/ysr-ds

**श्री के.बी. शणप्पा (क्रमागत):** देश के आजाद होने के बाद 1948 में आपने फैक्ट्री एक्ट बनाया जिसमें यह था कि किस तरह से फैक्ट्री होनी चाहिए, working class और

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management में क्या संबंध होना चाहिए, कोड ऑफ कंडक्ट क्या होना चाहिए, पेमेन्ट ऑफ वेजेज क्या होना चाहिए, पेमेन्ट ऑफ वेजेज बोर्ड कैसा होना चाहिए और किन-किन मजदूरों को कितनी-कितनी सैलरी देनी चाहिए। इन 60 सालों के अंदर कई wage boards निकल गये। टेक्सटाइल वेज बोर्ड है, सीमेन्ट वेज बोर्ड है, इंजीनियरिंग वेज बोर्ड है, शुगर फैक्टरी में काम करने वाले मजदूरों को, अलग-अलग तरीके से आपने बहुत कुछ सहूलियतें दीं, लेकिन यह जो कानून आपने लाया है, इसमें ज्यादातर अमेंडमेंट की बात नहीं है। "workmen" की जगह पर आपने "employees" बना दिया। जो employee काम करते हुए मर जाता है, उसके funeral के लिए आप जो ढाई हजार रुपये देते थे, स्टैंडिंग कमेटी की सिफारिश के बाद उसे अब आपने 3 हजार से लेकर 5 हजार तक का अमाउंट रखा है। मैं समझता हूँ कि मरने के बाद का यह जो पैसा है, this is not for the person who is dead. वह जिस कम्पनी में काम करता है, उसे जो कम्पेनसेशन मिलता है, वह तो चला गया। उसके ऊपर जो फैमिली डिपेंड रहती है, उसे पेमेन्ट ऑफ ग्रेच्युटी, प्रोविडेंट फंड अथवा कंपेनसेशन का जो पैसा होता है, वह दिया जाता है। उसकी फैमिली जो सर्वाइव करती है, वह कितनी बड़ी है, यह किसी को पता नहीं चलता है। कानून को भी पता नहीं चलता कि उसके पीछे डिपेंडेंट लोग कितने हैं। अगर वह कम उम्र में मरता है तो इसको मल्टिप्लाई करके आपने 3 लाख या 4 लाख का प्रावधान किया है।

**(उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) पीठासीन हुए)**

मैं मंत्री महोदय से इतना ही बोलूंगा कि आप अच्छा कानून लाये हैं। I support you, लेकिन आप इतना कंजूस मत बनिये। आप बहुत कंजूस बन गये हैं। 5-10 हजार रुपये देने से क्या उसके funeral का खर्चा कम हो जाता है? अगर कोई क्रिश्चियन मर जाता है तो उसका coffin बनाने के लिए 10 हजार लगता है। हम जैसे कोई मरते हैं तो मिट्टी में गाड़ कर फेंक देते हैं, इसमें कोई खर्चा नहीं है, लेकिन फिर भी खर्चा है। लकड़ी द्वारा जलाने वालों के लिए तो न जाने लकड़ी का कितना भाव हो गया है! Is there any scientific study behind it? जब आप देते हैं तो दिल खोल कर दीजिए। दिल खोल कर दे दो। उसको 10 हजार बनाइये। मरने वाले के साथ आप यह क्या bargaining कर रहे हैं? I request the Chair to advise them not to do so.

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दूसरी बात, आपने यहाँ पर कमीशन की बात छोड़ी है। आपने यह अच्छा किया है कि तीन महीने के अंदर इसका फैसला होगा। सर, मुझे पता है कि कभी-कभी कंपेनसेशन का पैसा देने के लिए भी वर्कमैन को कई बार सताया गया। अगर कोई वर्कमैन कम्पनी के काम के लिए जाते समय रास्ते में मर जाता है तो मैनेजमेंट बोलती है कि वह तो मेरे premises में नहीं मरा, वह तो बाहर मर गया। उसका पैसा देने के लिए मैं तैयार नहीं हूँ। वह तो कांट्रैक्ट लेबर था, वह कांट्रैक्ट के अधीन मर गया, इसलिए मैं उसको पैसे नहीं दूंगा। आप इसमें principal employer का एक प्रावधान जरूर insert कीजिएगा। यह कभी-कभी होता है, लेकिन जिसके लिए वह आदमी अपनी जान देता है, उसकी जिम्मेदारी उस principal employer के ऊपर जानी चाहिए। एक मिडलमैन बोलता है कि मैं तो कांट्रैक्टर हूँ, मुझमें इतनी ताकत नहीं है कि मैं 4 लाख या 5 लाख दूँ। जब एक्सिडेंट होता है तो सरकार डिक्लेयर करती है कि उसको पांच लाख रुपये का मुआवजा दिया जाये। बाढ़ में जो लोग मर गये, उनको एक-एक लाख, दो-दो लाख रुपये दिये गये। जो आदमी मरता है, वह कम्पनी की जिंदगी के लिए मरता है, वह अपने लिए नहीं मरता है। वह अपनी जान हथेली पर रख कर काम करता है। वह माइन्स में जाता है। गोल्ड माइन्स के बारे में आपको मालूम है। आपने वहाँ देखा है कि किस तरह से वह नीचे जाता है। अगर वह परमानेंट लेबर है, तब तो उसकी कोई गारंटी है। उसके लिए फैक्ट्री एक्ट है और उसके लिए वेज बोर्ड है, मगर इसके लिए क्या है? कांट्रैक्टर बोलता है कि साहब, यह मेरा लेबर नहीं है। कांट्रैक्टर के पास उसका कोई मस्टर नहीं है। आप इसमें यह प्रावधान रखिये कि जब कोई कंपेनसेशन के लिए क्लेम करता है तो उसके पास मस्टर है या नहीं। वह जैसे ही फर्स्ट मार्निंग में जाएगा तो उस मालिक के पास उसका हिसाब-किताब होना चाहिए।

आपने क्लर्कों के बारे में भी यहाँ पर एक सहूलियत दी है। It is good that instead of calling them 'workmen,' you are calling them 'employees.' जब हम कोई फैक्ट्री में काम करते थे तो वे हमको वर्कमैन नहीं बोलते थे।

(2पी/एकेए पर क्रमशः)

aka-mks/2p/3:05

**श्री के०बी० शणप्पा (क्रमागत) :** वे बाबू कहते थे हमको, लेकिन तनख्वाह वर्कमैन से भी कम मिलती थी। आपने इनके बीच में जो डिफरेंसिएशन निकाला, वह बहुत खुशी की बात है। मैं कहना चाहूंगा कि यह जो Factory Act, 1948 है, यह बहुत पुराना है, कानून भी बहुत पुराना है। यह कानून उस वक्त बना था जिस वक्त industries were completely handled by the manpower. तब जो सीमेंट फैक्ट्री होती थी, आपको मालूम है उसमें जब हम काम करते थे, I was an employee in the foundry, 3000 लोग काम करते थे, अब उसकी जरूरत नहीं है, क्योंकि पिछले 60-70 साल में टेक्नोलॉजी इतनी बढ़ गई है कि जितनी प्रॉडक्शन हम निकालते थे, आज खाली 300 employees उतनी प्रॉडक्शन निकाल रहे हैं और accident का रेट भी कम हो गया है, क्योंकि वे contract labour के थू काम करवाते हैं। श्री ऑस्कर फर्नांडिज़ साहब भी यहां बैठे हैं, वे हमारे लेबर मिनिस्टर रह चुके हैं, he knows; उन्हीं के टाइम का यह बिल है। Contract labourers के बारे में he has very sympathetically taken the stand. I appreciate you, Sir. We salute you. At least, you thought for the unorganised labour, जिनके लिए कोई कानून नहीं था, जिनके लिए कोई safe guard करने वाला नहीं था, उन लोगों के बारे में सोचकर आपने जो पिछले सत्र में कानून बनाया, उसके लिए हम आपके शुक्रगुजार हैं। लेकिन, आज payment on compensation का जो बहुत ही छोटा मुद्दा आपने लिया है, आज के इस दौर में you should go through the book. Factory Act को लीजिए, इसमें बहुत से investigations होने हैं, बहुत से amendments होने हैं। 1948 Act बहुत पुराना है, ब्रिटिशर्स के हाथ में जो-जो कानून थे, उन्हीं में amendments करके आप लोगों के सामने लाए हैं। Kindly see that a new Factory Act is to be drafted, और एक कमिटी बनाइए, कितने ही ट्राइब्यूनल्स और अथॉरिटीज़ यहां पर हैं। बहुत से अच्छे लोग यहां पर हैं। Lower House में इसके ऊपर चर्चा हुई, यहां पर भी यही तो चर्चा हुई। मैं यह चाहूंगा कि पूरा संशोधन हो; you should have a complete thorough investigation in this labour act. चाहे Payment of compensation Act हो,

**Uncorrected/Not for publication - 01.12.2009**

Factory Act में standing orders हों, इन तमाम चीजों पर एक कमिटी बिठाइए, ताकि वर्कर्स और मैनेजमेंट के बीच में तकरार का सिलसिला न रहे। आज जो यह Compensation Act आया है, मैं इसके बारे में भी कहूंगा कि इसमें Standing Committee ने भी बहुत ही छोटी रिक्मेंडेशन की है, यह जो ज्वाइंट कमिटी ने आपको रिपोर्ट की है, they have not gone through it. Very limited recommendation है यह कि दो-अढ़ाई पास करो। On what basis have they recommended? 80,000 का 1,20,000 करो! नहीं, सर, ऐसा नहीं होगा। आदमी के मरने के बाद उसकी पूरी हिस्ट्री आपके पास होनी चाहिए। How much money is actually to be paid to you; उसको सारा पैसा एक ही साथ उसके हाथ में देना है या उसकी फैमिली को समय-समय पर देना है। इन तमाम चीजों का ब्यौरा इस कानून में होना चाहिए और contract labourers का आप एक रिकार्ड बनवाइए। So far, nobody has kept it. जहां पर education होता है, वहीं पर उनको शोहरत मिलती है और घर में काम करने वाले बहुत से employees हैं, वे घरों में काम करते हुए मर जाते हैं, atrocities की वजह से मारे जाते हैं। आपने पेपर में पढ़ा होगा how many ladies died, how many boys died in that, उनके बारे में आपने क्या किया है? Are they not the employees? मैं समझता हूं कि इस देश में इसकी इंक्वायरी होनी चाहिए कि ऐसे कितने लोग हैं जो होटल्स में काम करते हैं, उनके लिए क्या गारंटी है? 24 घंटे उनका हाथ पानी में रहता है, पानी की वजह से इतना गंदा रहता है कि उनके हाथ को कोढ़ हो जाती है। उनको wage नहीं मिलती और जो हाथ पर gloves डालते हैं, वे भी उनको नहीं मिलते और कहीं भी safety equipments नहीं मिलते हैं।

('2q/nb' पर जारी)

-MKS-TMV-NB/2Q/3.10

**श्री के.बी. शणप्पा (क्रमागत) :** इसी तरह salt workers हैं, और भी कई तरह के लोग हैं। Mines में काम करने वालों के लिए masks तक नहीं रहते हैं, उनकी सांस घुट जाती है। अभी चीन में हाल ही में कितना बड़ा हादसा हुआ। हमारे यहां भी इस तरह के बहुत से हादसे होते रहते हैं, लेकिन payment of compensation को और थोड़ा मजबूती से

**Uncorrected/Not for publication - 01.12.2009**

लागू करना चाहिए। आदमी तो मर जाता है, लेकिन उसकी फैमिली के लिए, उनमें से किसी को नौकरी देनी चाहिए। You must make a provision in it that if a person dies while working, अगर उसका कोई dependent है, तो उसको compulsory तौर पर नौकरी देनी चाहिए। कभी-कभी ऐसा हुआ है कि आपने इसे मालिक के ऊपर छोड़ दिया है। कमिश्नर के पास कई बार, कई लोगों की अपील जाती है, तो वह कहते हैं कि नहीं, इनकी कंपनी में वह प्रावधान नहीं है। गवर्नमेंट में यह प्रोविजन है कि अगर कोई आदमी काम करते हुए मरता है, तो उसके परिवार के किसी सदस्य को उसकी जगह पर ले लेते हैं, उसकी अपील भी एक ही साल के अंदर होती है, अगर कोई छोटा बच्चा है, तो उसके बड़ा होने तक नहीं, एक ही साल के अंदर लेते हैं। कंपनसेशन की जो प्रॉब्लम है, आप कंपनसेशन के लिए पैसे दीजिए, लेकिन उसके जो dependent members हैं, उनमें से किसी को तुरंत नौकरी देनी चाहिए। अगर ऐसा प्रोविजन आप करते हैं कि immediately उसकी पत्नी को नौकरी दी जाए, तो मैं समझता हूँ कि आपकी जो भावना है, यह कंपनसेशन देने के लिए अमेंडमेंट लाने की जो भावना है, इससे उन लोगों को कुछ मदद मिलेगी। इन सब चीजों के साथ मैं कहना चाहूँगा कि आपका जो प्रयास है, it is a good effort, but it should be a refined one. मैं उम्मीद करता हूँ कि आगे आने वाले दिनों में आप इसको स्टडी करके, thoroughly study करके इस देश के वर्किंग क्लास के लिए जो फैक्टरी ऐक्ट और लेबर कानून होना चाहिए, उसमें आप जरूरी अमेंडमेंट करेंगे, इतना कहते हुए मैं अपनी बात समाप्त करता हूँ और आपने मुझे इस बिल पर बोलने के लिए समय दिया, इसके लिए आपको धन्यवाद देता हूँ।

(समाप्त)

**SHRI RAMA CHANDRA KHUNTIA (ORISSA):** Sir, I do support the Workmen's Compensation (Amendment) Bill, 2009, which has been prepared on the basis of the Report of the Arjun Kumar Sengupta Committee constituted by this Government and brought before the House today. This is a very positive legislation and, I think, it would have been better if the Bill had come much earlier. While supporting

**Uncorrected/Not for publication - 01.12.2009**

this Bill, I thank the hon. Minister of Labour, the Minister of State for Labour, the ex-Labour Minister, who is sitting in this House, during whose tenure it was drafted, and all the persons connected with the drafting of this Bill. The previous speaker while supporting the Bill said that many Acts had been passed by the Parliament. But, unfortunately, no Governments other than the Congress Government took the initiatives to do that. If you look at the Labour Acts which are existing today in this country, you will find that all the Acts had been passed when the Congress Government was in power. It is a fact that the Inter-State Migrant Workmen (Regulation and Employment and Conditions of Service) Act, 1979 was passed when there was a Government other than the Congress. Having said that, I want to say that it reveals that the Congress Government is more sympathetic towards the welfare of the labour than any other Government. Of course, the Building and Other Construction Workers' Welfare Cess Act was passed during the NDA Government regime. But that came into limelight in the form of an Ordinance when Shri Narasimha Rao was the Prime Minister and Shri P.A. Sangma was the Minister of Labour.

Now, coming back to this Bill, I want to mention here that the points which have been included in this Bill are very important. Take the case of compensation. When you talk about compensation, whether it is Delhi Metro or the Golden Quadrilateral roads or cement factories or mines or any other type of industries where the workers are working, if they die while working due to accident or any occupational disease or any other disease or any such things, they should be paid compensation.

(Contd. by 2R/VK)

VK/2R/3.15

**SHRI RAMA CHANDRA KHUNTIA (CONTD):** We must realise that both the ESI and the Provident Fund do not cover the total workforce in the country. It is also a fact that if the social security schemes like the ESI and the Provident Fund had covered the total workforce, this piece of legislation would not have been very much relevant for the working class. We have around 400 million workers in our country. These two social security schemes, the ESI and the Provident Fund cover a minimum number of workers. Therefore, this piece of legislation is very much required in this country.

Now I come to a very important point. In all the labour Acts it has been mentioned that if a minimum number of 15 or 20 or 30 or 50 workers are working in a factory, then only this Act is applicable to them; otherwise, this Act is not applicable. I can see that there is no mention of this minimum requirement of number in this Bill. Now in this modern age, even 10 persons can run a factory. So there can be 10 persons or 15 persons or 20 persons or less than 10 persons who can run a factory, where there is always an apprehension of a fatal accident. I think this is a very important point. On the other hand, nowadays, in view of the changing global situation, these companies are giving contracts to big contractors or small contracts, this contractor or that contractor. Nobody knows where it ends. Ultimately, the benefit of compensation may not really go to the real family of the deceased or the injured person. So deletion of the number will definitely give benefit to the families of workers.

**Uncorrected/Not for publication - 01.12.2009**

So far as the amount is concerned, I fully agree with the hon. Member who was just now speaking. The amount has been increased from Rs. 80,000 to Rs. 1,20,000 and from Rs. 90,000 to Rs. 1,40,000. Definitely, it is a good step. I fully support this step because this is what the Standing Committee has recommended, which is represented by not only the Members of the Congress Party but also the Members of different parties. This issue was discussed in the Standing Committee and all the Members gave their views. It would have been better if it had been increased to Rs. 5 lakhs. Of course, they might have discussed all the things involved in it, like the condition of employers, revenue, etc. If an accident occurs at any place, the Government announces a compensation of Rs. 50,000 or Rs. 1 lakh. Now in the case of an accident where the workers are involved, sometimes, they announce a compensation of Rs. 3 lakh or Rs. 5 lakh. So the amount which has been mentioned here is very less, but, definitely, it is a good move. It is also mentioned here that provided that the Central Government may by a notification in the Official Gazette, from time to time, enhance the amount of compensation mentioned in this clause. This Bill is empowering the Government to enhance the amount as and when required. They can also enhance the amount. I think that takes care of the concern expressed by the hon. Member.

If you look at the time limit, it is a very important clause. Suppose a person who belongs to Orissa, is working in Delhi and he dies in an accident. It is very difficult for the family of the deceased to come to Delhi from Orissa or Rajasthan or Bihar or from any other place to file a compensation case or whatever it may be. Our judicial system is such

**Uncorrected/Not for publication - 01.12.2009**

that, sometimes, it takes three years or four years or five years to decide a case. So this time limit of three months is a very important thing for the workers.

The other important issue is change of nomenclature from workmen to employees, which is again a very important thing.

(Contd. by 2S)

RG/3.20/2S

**SHRI RAMA CHANDRA KHUNTIA (contd.):** Now, this word 'workmen' is a very old word. Maybe, in earlier times, women were not working. So, we called them 'workmen'. Perhaps, the word 'workmen' may not seem to include women. So, to have gender parity, we are changing the nomenclature. In our country, we have many words like workmen, employees, contractors, labourers, etc. 'Employees' is the more dignified word, and we can use the word 'employees' in place of 'workmen' in all the Acts. It should include all the workmen covered under the Trade Unions Act. That would give a moral boost to the workers. So, changing the nomenclature from 'workmen' to 'employees' is, definitely a good move.

Now, it is also a welcome move that the medical reimbursement costs have been increased. But, in my opinion, it could have been increased a little more. Here, I would want to draw the attention of the hon. Minister that while passing the Amendment Bill in the House, we should have given a thought to one more aspect. As the House is aware, we have lakhs and lakhs of compensation cases pending all over the country. In many cases, the cases have lapsed, and the families of victims have given up hopes. This could be because they are not able

**Uncorrected/Not for publication - 01.12.2009**

to get the continued support of the Unions for a long time. It is well-known that the office-bearers change every year, and there are, at times, rivalries within the Union. So, for various reasons, the compensation cases, filed before the Compensation Commissioners, whether it is the Assistant Labour Commissioner, who has been notified to handle the cases, either have lapsed, or, sometimes, the employers are not interested to proceed with the case, or, sometimes, the families of the victims are not able to come and fight the case. I would like to know from the hon. Minister -- he can give the information later on -- as to how many compensation cases are pending, before the Compensation Commissioner, which are at least a year old. I would also request the hon. Minister to give an assurance, while replying to the debate, that he would see to it that the compensation cases are disposed of within a specified time-frame so that the affected families get the benefit. Secondly, I would like to know whether the lower level officers, or, to say, the BDO/Tahsildars would be given the power to handle these cases. Otherwise, even if you confine it to the Assistant Labour Commissioner, it so happens that there is one Commissioner for two or three districts, and that also creates difficulty in enabling the families of the victims to file cases and get the benefit. So, the Government should take a liberal view and nominate the officers at the block level and the Tahsil level, so that people can file for compensation and also get the benefit.

Sir, this, definitely, is a very good Bill, and the Amendments which have been brought forward are quite welcoming. While appreciating the hon. Minister for this, I once again support the Bill. Thank you, Sir.

(Ends)

(Followed by 2T)

TDB/2T/3.25

**SHRI TAPAN KUMAR SEN (WEST BENGAL):** Mr. Vice-Chairman, Sir, thank you very much for giving me the opportunity to speak on this Bill. Sir, this Bill has already been passed by Lok Sabha and has come here. At the outset, while saying so, I would like to say that we will also pass the Bill. Having said that, I have certain observations to make on the Workmen's Compensation (Amendment) Bill, 2009. Sir, the Bill has taken certain laudable initiatives by enhancing the compensation and also by removing various restrictive clauses. My first point is, it is good that you have enhanced the compensation. There is no doubt about it. But at the present level, kindly consider that the enhancement is too meagre. You have kept a provision here that again for further enhancement, you need not come back to Parliament. The Government has empowered itself to increase it from time to time. But, at least, to make a beginning -- I think, my friend, Shri Khuntia also told the same thing -- the beginning should also look like a good beginning. The amount that is being given for death and permanent disablement is too meagre even for the most unorganised sector workers. So, this is one point.

Sir, my second point is that through this Bill an effort was made to liberalise the coverage. It is a welcome step. But, a close reading of the Bill will reveal certain ambiguities which are there in it. The contract workers and casual workers will become a victim of non-implementation and non-coverage of it. You will find it when you go through clause by clause. There are certain restrictive clauses which have been removed. But, there still remains a scope for interpretation that casual and contract workers, even those whose names are there in the employment

**Uncorrected/Not for publication - 01.12.2009**

registers, I am not telling about those whose names are not written in employment registers, even for them, there is a problem of coverage. I think, precisely, that is one of the reasons as to why there is so much of accumulation of compensation cases throughout the country. Several thousands of cases are pending. I should not say that there are lakhs of cases, though my friend, Khuntia talked about lakhs of such cases. If not lakhs, I think, at least, there are several thousands of cases which are pending throughout the country. One of the basic factors for delay in those cases is the ambiguity about the employer-employee relationship, and as usual, neither the principal employer nor the contractor takes any responsibility for this. So, this is another thing which I want to bring to your notice. If you want to deliver this benefit to the workers through this Bill, if this is really put into implementation, these are the aspects which, I think, need to be reviewed. I would request the hon. Minister to give a close look to that.

Sir, my third point is this. I would like to draw your attention because this is closely related to workplace safety aspect. Nowadays, there has been a phenomenal increase in workplace level accidents. You must link it with the kind of situation the workers are facing at their workplace. It is linked with the nature of employment relationship. Sir, even in the Government Departments, in public sector units the manner in which contractisation is increasing, the major jobs are getting outsourced, getting done by contractors, and that is creating a very big problem. So, naturally, this brings forth the issue of appropriate enforcement. For that purpose, having an appropriate enforcement machinery, duly manned, having enough manpower, having a thorough

**Uncorrected/Not for publication - 01.12.2009**

inspection machinery is of tremendous importance, if this Bill is really to deliver benefits to the intended beneficiaries among the working class who are contributing to your annual growth of the GDP in a very big way. It is the workers who are contributing in it. You just take right from December, 2008, till today. Many accidents have taken place during this period. In collieries, there are such places where these accidents have taken place. In a big fire in a factory in Faridabad more than 18 workers were killed. In the Sivakasi big fire, many workers were killed. In the Singrauli explosive factories, side by side, it happened. All these accidents have taken place from December, 2008 till today. In BALCO Captive Power Plant, the big chimney got collapsed, 41 workers were killed in that. Please go through the number of workers who have been killed in these accidents. These were the workers who were regular workers mostly. At all the places of accidents, there are reports that more workers were killed but their names were not in the register. So, that again reiterates the importance of proper enforcement; otherwise, all good intentions of passing this Bill will reduce it to a piece of paper in the statute books. I emphasise for the hon. Labour Minister this aspect particularly. While emphasising that, I would like to draw the attention of the hon. Minister towards this, and urge him to review this Bill. We are now going to pass this Bill. Another Bill is pending in this House itself.

(Contd. by 2u-kgg)

kgg/2u/3.30

**SHRI TAPAN KUMAR SEN (contd.):** That Bill is called Labour Laws Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments (Amendments) and Miscellaneous Provisions Bill. It is

**Uncorrected/Not for publication - 01.12.2009**

pending. Maybe, next week, we will be taking it up. While you are extending the coverage of the Workmen's Compensation Act, enhancing the benefit, in another Bill, you are bringing a provision to relieve the employers from the responsibility of submitting reports, annual returns, maintaining employment register in a very big way. On one side, you are enhancing the benefit. On another side, you are exempting employers from the basic labour laws including the Workmen's Compensation Act! On the one hand, you are enhancing the benefit, on the other hand you are bringing a Bill by which you are liberating the employers from their obligation to act according to those laws, basic laws.

Sir, what is it? An establishment employing up to 40 will be relieved or exempted or their obligation under all those labour-related Acts will stand substantially diluted. What do you mean by established employer up to 40? It is 70 per cent of the manufacturing and industrial establishments in the country. Anybody can consult the survey of industries, have a scrutiny; I think, I am correct. This is the fear I am living. You are liberating more than 70 per cent of the industrial and manufacturing establishments from the obligation of all labour laws including the Workmen's Compensation Act. At the same time, through this Act, you are enhancing the basic facilities and the benefit! I think, this Act and the next Act that is going to be coming in Parliament would work at cross purposes.

We are supporting this Bill with an earnest request to review the amount of compensation, strengthening the enforcement machinery, increasing the number of inspectors, arranging a regularly monitoring safety inspection teams in all the work places. You must take these

**Uncorrected/Not for publication - 01.12.2009**

steps; then only the purpose of the Bill for which it is brought is served. Along with that, I request you to please review and withdraw another Bill that is pending in Parliament which seeks to liberate the employer from all their obligations under all basic laws in more than 70 per cent of the industrial establishments in the country. Both the Bills would be working at cross purposes and I seriously urge upon the hon. Minister, while extending my support to this Bill, to consider withdrawal of the Bill which I just referred to.

With these few words, I conclude. Sir, thank you.

(Ends)

**DR. (SHRIMATI) NAJMA A. HEPTULLA (RAJASTHAN):** Sir, can I put a question to the Minister? What is the jurisdiction of this Bill? I am putting this question because there is a dispute going on on off-shore/on-shore labourers between the Labour Ministry and the Ministry of Oil and Natural Gas. Does this Bill include only on-shore labourers or it also includes the off-shore labourers? Now that we have got deep sea exploration of oil, many workers are working at very odd conditions in deep sea areas, in the Indian Ocean. What is the extent of jurisdiction of this Bill? Will they be covered by it or would the ONGC take care of them?

**SHRI TAPAN KUMAR SEN:** Madam, ONGC has denied taking care of them. Twelve nautical miles away from the shore, no Labour laws or the Indian laws would be applicable on them. They are denying it and it should be taken care.

**DR. (SHRIMATI) NAJMA A. HEPTULLA:** That is exactly what I wanted to bring to the notice of the hon. Minister. Is the Minister going to take

care of these people through this Bill or he is going to bring in another legislation for the off-shore workers?

(Followed by gs/2w)

GS-SSS/2W/3.35

**श्री वीर पाल सिंह यादव (उत्तर प्रदेश) :** उपसभाध्यक्ष महोदय, मैं कर्मकार प्रतिकर (संशोधन) विधेयक, 2009 का समर्थन करता हूँ और माननीय मंत्री जी को इस विधेयक को लाने के लिए बधाई भी देता हूँ। जिन लोगों के बारे में अब सोचा गया है, उनके बारे में बहुत पहले सोच लेना चाहिए था, क्योंकि वह समाज का ऐसा तबका है, जिसके बारे में बहुत कम लोग सोचते हैं।

महोदय, यह जो विधेयक लाया गया है, इसमें अभी और बहुत संशोधन करने की आवश्यकता है तथा इस विधेयक को और विस्तार से लाना चाहिए था। क्योंकि सन् 1948 में और आज 2009 में बहुत बड़ा अंतर है और बहुत अंतराल है। जैसे आपने अंत्येष्टि खर्चों को ढाई हजार रुपये से बढ़ाकर पांच हजार रुपये किया है, ठीक है कि आपने कुछ बढ़ाया है, लेकिन बढ़ाते समय इस बात को तो जरूर देखते कि 1948 में और 2009 में जो महंगाई का अंतराल बढ़ा है, वह बहुत बड़ा है। 1948 में कपड़े का रेट दो रुपये गज था और आज की तारीख में क्या भाव है, अगर उस रेश्यो के हिसाब से बढ़ाते तो निश्चित रूप से सभी वर्गों में, खासकर मजदूरों में इसका बड़ा भारी स्वागत होता। आज कहीं आकस्मिक दुर्घटना होती है, चाहे वह रेल की हो या किसी दूसरी जगह पर हो, तो पहले सरकार मुआवजे की घोषणा एक लाख रुपये या दो लाख रुपये की करती थी, लेकिन अब सरकार दस लाख या बीस लाख रुपये के मुआवजे की घोषणा करती है। आपने मजदूरों के लिए जो दुर्घटना का मुआवजा है, वह केवल 80 हजार रुपये से बढ़ाकर एक लाख 20 हजार रुपये कर दिया है, मेरे विचार में यह बहुत कम है और आपको इस पर विचार करना चाहिए।

मेरा सरकार से और मंत्री जी से यह भी निवेदन है कि विधेयक में जो कर्मकार शब्द की जगह पर कर्मचारी शब्द लाए हैं, इसमें इन्होंने अधिनियम की धारा 2 की उपधारा (1) के उपनियम में जितने भी चाहे रेल, पोत, वायुयान, मोटर यान, इन्हें देखकर लगता है कि जो खतरे के काम मजदूर करता है, उन क्षेत्रों को इसमें लिया गया है। जिस समय यह कानून

बना था, उस समय में और आज के समय में बहुत अंतर आ गया है। आज जितने कर्मचारी प्राइवेट क्षेत्र में काम करते हैं, उतने कर्मचारी सरकारी क्षेत्र में काम नहीं करते हैं। मैं समझता हूँ कि जितना खतरा कर्मचारों के लिए कोयले की खदानों में है, उतना खतरा और किसी क्षेत्र में नहीं है। जहां पर प्राइवेट रूप में, ठेकेदारी प्रथा या अन्य प्रथा से काम होता है, उसमें 70 से 80 परसेंट लोग अब काम करने लगे हैं। चाहे मजदूर मकान बनाता है, चाहे कोयले की खदान में काम करता है, उन लोगों की सुरक्षा और संरक्षा के लिए भी कोई न कोई प्रावधान करना चाहिए। क्योंकि वहां पर काम करने वाले मजदूरों की ज्यादा संख्या होती है। अगर तीन मंजिला मकान पर पुताई करते समय या प्लास्टर करते समय या मकान का लेंटर डालते समय मजदूर छत से गिर जाता है और उसकी मृत्यु हो जाती है, तो जो ठेकेदार उससे काम करवा रहा होता है, उससे पैसे मांगने की हिम्मत उसके घर वालों की नहीं पड़ती है। वह ऐसे मामलों में पैसा देता भी नहीं है, जब उसके परिवार वाले आते हैं, तो उनको समझा-बुझाकर और कहीं-कहीं पर तो पुलिस से कहलवा कर उन्हें वापिस भेज देते हैं। कभी भी मजदूर के परिवार वालों को ठेकेदारों से कुछ नहीं मिलता है।

(2एक्स पर जारी)

NBR-ASC/3.40/2X

**श्री वीर पाल सिंह यादव (क्रमागत) :** आपको उनका प्रावधान करना होगा। यह अच्छी बात है कि इन्होंने कहा है कि हम तीन महीने में निपटारा कर देंगे, मगर निपटारा तो तब कर देंगे जब वह कमिश्नर के यहां जाएगा। जब मजदूर की वहां जाने की हैसियत ही नहीं है, तो निपटारा कैसे कर देंगे? ऐसे बहुत से केस होते हैं, जिनमें ठेकेदार मजदूरों को वहीं से घर वापस कर देता है और उनको ठेकेदारों से कुछ नहीं मिलता है। यह बहुत बड़ा क्षेत्र है। मंत्री जी को इस संबंध में भी सोचना चाहिए कि यह जो देश का मजदूर वर्ग है, जो कमजोर वर्ग है, यह समाज का वह अंग है, जिससे हम कुछ न कुछ लेते ही हैं, इसका भला होना चाहिए। मेरा दूसरा निवेदन यह है कि आपने जिन क्षेत्रों को इसमें शामिल किया है, इनका दायरा और बृहद करें तथा और बढ़ाएं। एक अन्य निवेदन यह है कि जो एकल मजदूर काम करते हैं। जब हम कभी पहाड़ों पर जाते हैं या वैष्णो देवी की यात्रा पर भी देखते हैं कि एक चार आदमी एक पालकी को उठाकर किसी बुजुर्ग और असहाय महिला या पुरुष को दर्शन

करवाने के लिए ले जाते हैं। वह इतना दुरुह रास्ता है कि वहां पर अक्सर एक्सिडेंट हो जाते हैं और उनका पैर फिसल जाता है तथा उनकी मृत्यु हो जाती है। उन लोगों का न तो किसी से कांट्रेक्ट होता है और न वे किसी के कर्मचारी होते हैं, मगर वे भी खतरे की जगह पर काम कर रहे हैं। इसलिए आपको इनके बारे में भी सोचना चाहिए। मैं अंत में यही बात कहते हुए कि जो आप यह संशोधन लाए हैं, एक अच्छा कदम है, लेकिन और इसमें बड़े संशोधन तथा और बड़ी सोच की जरूरत है। बहुत-बहुत धन्यवाद।

(समाप्त)

**श्री आर.सी. सिंह (पश्चिमी बंगाल) :** महोदय, मैं इस बिल का स्वागत करते हुए, यह कहना चाहता हूं कि इन्होंने दुर्घटनाओं में होने वाली मृत्यु और व्यावसायिक बीमारियों से होने वाले नुकसान में जो compensation का प्रावधान किया है, यह स्वागत योग्य है। मैं इसका स्वागत करते हुए, जो हमारा ऑब्जर्वेशन है, उसको कहना चाहता हूं। मैं इस बात का स्वागत भी करता हूं कि इन्होंने gender को neutral बना दिया, जिससे सभी कर्मचारियों को सुविधा मिल सकेगी। सन् 2002 की सेकंड लेबर कमीशन की रिपोर्ट की सिफारिशों के आधार पर Workmen's Compensation Act में कुछ संशोधन करने के लिए कुछ प्रावधान आए हैं। इन्होंने जो Workmen की जगह Employee किया है, मैं इसका स्वागत करता हूं। इससे तमाम employees को benefit मिलेगा।

सर, हमारे देश में 40 करोड़ से ज्यादा अन-आर्गनाइज्ड वर्कर्स हैं और बहुत सी जगहों पर उनके रेकार्ड्स मेंटेन नहीं किए जाते हैं। अभी हमारे मित्र तपन कुमार सेन बाल्को का उदाहरण दे रहे थे। वहां पर एक्सिडेंट के बाद जब डेड बॉडी निकलती थी, तो उसकी आइडेंटिफिकेशन नहीं हो पाती थी क्योंकि उनका कोई रेकार्ड मेंटेन नहीं किया जा रहा था। एक बड़ी दुर्घटना घटी जिसमें 40 से ज्यादा लोग मारे गए और उनका आइडेंटिफिकेशन नहीं हो रहा था। इसका यह कारण है कि वे अन-एजुकेटेड हैं। वे रूल्स नहीं जानते हैं और वे कॉन्ट्रेक्टर के अंडर काम करते हैं तथा काफी दबाव में रहते हैं। इस संदर्भ में इस कानून को थोड़ा और पॉजिटिव होना चाहिए क्योंकि उनकी पहुंच employer तक नहीं हो पाती है, जिसके बहुत से कारण हैं, वे अन-आर्गनाइज्ड या फाइनेंशियली वीक हैं।

(क्रमशः 2Y/LPपर)

PK-LP/2Y/3.45

**श्री आर.सी.सिंह (क्रमागत) :** इन सब चीजों को देकर, ये अपने एम्प्लोयर्स पर दबाव नहीं बना सकते हैं। इससे इनको सारी सुविधाएं नहीं मिल पाती हैं। सर, नोटिफिकेशन में इस बात को कहा गया है, बिल के क्लॉज 1 के सब क्लॉज 2 में कहा गया है " It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint." इसका मतलब है कि राष्ट्रपति महोदया के तुरंत हस्ताक्षर के बाद भी इम्प्लिमेंट नहीं होगा, इसमें और देर लगने की संभावना है, इसलिए इसमें इस तरह की एक व्यवस्था होनी चाहिए कि इसको राष्ट्रपति महोदया के हस्ताक्षर के तुरंत बाद implement कर दिया जाए। सर, compensation में क्लॉज 7 (a) में मृत्यु की अवस्था में अमाउंट 80,000 से बढ़ाकर 1,20,000 रुपया किया जा रहा है। जो परमानेंट डिसएबल्ड हो जाएंगे, ऐसी अवस्था में यह 90,000 रुपए से बढ़ाकर 1,40,000 रुपए किया जा रहा है। हमारे तमाम साथियों ने कहा है कि यह अमाउंट बहुत ही नेग्लिजेबल है। अभी एक माननीय सदस्य बाल्को की बात कह रहे थे, जहां अभी हाल ही में एक्सीडेंट हुआ है, वहां सरकार ने खुद घोषणा की है कि उनको पांच लाख दिया जाएगा, जबकि यहां पर 1,40,000 रुपये देने के बारे में कहा जा रहा है। इस मायने में मेरा एक सुझाव है और मैं उम्मीद करूंगा कि मंत्री महोदय इसे ग्रहण करेंगे कि यह जो मिनिमम अमाउंट है - एम्प्लॉयर तो देना नहीं चाहते हैं, इसलिए मृत्यु के केस में कम से कम पांच लाख रुपए और परमानेंट डिसएबिलिटी के केस में आज की बाजार दर को देखते हुए छह लाख रुपए करना चाहिए। हम जानते हैं कि मिनिमम वेजेस ऐक्ट है, लेकिन बिल्डिंग एण्ड कांट्रैक्टर्स वर्कर्स में मिनिमम वेजेस ऐक्ट इम्प्लिमेंट नहीं होता है, इसलिए मंत्री महोदय को यह अमाउंट बढ़ा देना चाहिए। यह compensation पांच लाख और परमानेंट डिसएबिलिटी के केस में छह लाख रुपए करना चाहिए। इन्होंने एक प्रोविजन रखा है कि सरकार बीच-बीच में इसको बढ़ा सकती है। अभी एक अच्छी शुरुआत हो, इसलिए इसके क्लॉज 9 (a) में इस तरह से संशोधन कर देना चाहिए।

दूसरी बात मैं कहना चाहता हूँ कि बहुत सी कोर्ट्स में compensation commissioner ही नहीं है। वह बरसों से नहीं है, इसलिए तमाम केसेज पेंडिंग हैं। इसको कैसे कर सकते हैं, इसकी एक परमानेंट व्यवस्था होनी चाहिए। एक बात और है, अगर यह तीन महीने में इम्प्लिमेंट नहीं होता है, तो उसके लिए कुछ दण्ड का प्रोविजन होना चाहिए या वर्कमैन compensation का पैसा, जो बरसों से पड़ा है, उसको कंपाउन्ड इंटरस्ट एटलीस्ट बैंक रेट से मिलना चाहिए। इस तरह का एक प्रोविजन इसमें होना चाहिए। एक शुरुआत इस तरह से देने की होनी चाहिए। सर, मैं इसको इम्प्लिमेंट करने की बात कह रहा हूँ। मैं बहुत से ऐक्ट्स के बारे में नहीं कहना चाहता हूँ, मैं एक बात कहूंगा जो कि एक लेजिटिमेट डिमांड है, आप कहेंगे कि मैं जल्दी से खत्म कर दूँ, मैं सिर्फ यह कहना चाहता हूँ कि वे मजबूर हैं, यह उन तक पहुंच सके, इस ऐक्ट को इस तरह के प्रावधान से थोड़ा सा और उनकी तरफ, उनकी सुविधा के लिए प्रोविजन में जोड़ा जाना चाहिए। सर, मैं एक आखिरी बात कहना चाहूंगा कि बहुत सी बीमारियां हैं। इस तरह की करीब पचास इन्जरीज हैं, जिनके लिए इसमें किया गया है, लेकिन कुछ इंटरनल इन्जरीज होती हैं और इंटरनल इंजरीज का कोई असेसमेंट नहीं होता है। जैसे जो लोग पत्थर की खदान में काम करते हैं, उनको सिन्कोसिस होता है। इस इंटरनल इन्जरी का माप करने की कोई व्यवस्था नहीं हो पाती है। इंटरनल इन्जरी में आदमी की डेथ तक हो जाती है, उसका कोई ट्रीटमेंट नहीं है। इनको कैसे कम्पनसेट किया जा सके, इस तरह का भी प्रावधान इसमें होना चाहिए। जो लोग इंटरनल इन्जरी में अफेक्टिड हो गए हैं, उनका सांइटिफिकली टेस्ट कराकर कम्पनसेट किया जा सके, इसमें इस तरह का संशोधन जोड़ा जाना चाहिए। जैसे स्टील फैक्ट्री ही नहीं और भी दूसरी फैक्ट्रियां हैं, आजकल काफी हैज़ारडस फैक्ट्रीज आ गई हैं, जिनसे काफी ज्यादा नुकसान हो रहा है। इलेक्ट्रॉनिक डिपार्टमेंट में भी नुकसान हो रहा है, इंटरनल इंजरी हो रही है, इन तमाम चीजों को उसमें लाया जाए। मेडिकल ट्रीटमेंट की उत्तम व्यवस्था की जाए, उनको कम्पनसेट किया जाए। धन्यवाद।

(समाप्त)

(followed by pb/2z)

PB/2z/3.50

**SHRI TIRUCHI SIVA (TAMIL NADU):** Thank you, Mr. Vice-Chairman, for giving me this opportunity.

Sir, I rise to support this Amendment Bill. The Workmen's Compensation Act, 1923 provides for payment of compensation to workmen and their dependants in the case of industrial accident, in the case of injury caused due to industrial accidents, including occupational diseases arising out of and during the course of employment resulting in death or disablement.

Sir, this Bill is very meticulously drafted. The Second National Commission on Labour, constituted in 2002, have gone into this Act and have given some recommendations and those recommendations have been examined by the concerned Ministries, Departments, State Governments and Union Territories, and, simultaneously, a Bill was introduced in the 14<sup>th</sup> Lok Sabha in September, 2008. Sir, why I am referring to the exact date is, as soon as the Bill was introduced in the Lok Sabha, it was referred to the Standing Committee and the Standing Committee, within three months, had submitted its report to the Parliament with certain recommendations but due to the dissolution of Lok Sabha, the Bill got lapsed and now it has been introduced. This Bill contains amendments and many things are to be welcomed.

The foremost is the substitution of the word 'workman' with 'employee' for the law is applicable to all employees and mostly it is gender neutral. All my colleagues who are fighting for 33 per cent would appreciate that the time is ripen that every possible action is being taken

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on this route, and removing this gender disparity by way of substituting a word in Bill indicates the actual mind of this Government.

Secondly, the enhancement -- as my all other colleagues have pointed out -- of the compensation payable to a worker for death has been increased from Rs. 80,000 to Rs. 1,20,000 and so also for disability, it is from Rs. 90,000 to Rs. 1,40,000. Sir, what I don't understand is, in Tamil Nadu Government, even for the unorganized sector workers, if any unorganized sector worker dies, his family is compensated with Rs. 1 lakh. Compared to that, this is very less and I couldn't understand the rationale behind how a disabled person is getting more whereas the dependant of a diseased person is getting less? ...(Interruptions)... Excuse me. I am trying to bring something to the notice of the Minister. The disabled person is getting Rs. 1,40,000, whereas, a diseased person and his dependants will get only Rs. 1,20,000. If the argument goes in a way, as my senior colleague, the former Minister, told me very clearly, that the man who is disabled has to undergo much pains, he lives in anguish, his future life is at stake and so he wants this enhancement. But as far as I am concerned, Sir, what I would like to submit to the Minister is, a disabled person, of course, undergoes some miseries. But, at the same time, if a person dies, his family is totally deprived of any income or any person to support. So, I would like to suggest to the Minister that the compensation given for the dependants of a person who has died should be enhanced more than to that of the disabled or, at least, both should be equal. This is my suggestion. Sir, there are two other things which are to be very much welcomed.

(Contd. by 3a/SKC)

SCH-SKC/3.55/3A

**SHRI TIRUCHI SIVA (Contd.):** The amendment made in Section 4 of the principal Act says, 'Provided that the Central Government may, by notification in the Official Gazette, from time to time, enhance the amount of compensation mentioned in clauses (a) and (b).' So, by way of notification itself it empowers the Government to enhance the compensation or the minimum wages. So also, sub-section (1) of Section 20 of the principal Act says, 'after the words "appoint any person"-- this is an amendment to be welcomed wholeheartedly by all-- the words "who is or has been a member of a State Judicial Service for a period of not less than five years or is or has been for not less than five years an advocate or a pleader or is or has been a Gazetted Officer for not less than five years having educational qualifications and experience in personnel management, human resource development and industrial relations" shall be inserted'. So, this lays some qualifications for the Commission. Earlier, we could not understand, Sir, how any person without any qualification could have been made Commissioner. It has been existing for all these days. And it is the right time that the condition that the Commissioner has to possess some qualifications has been brought in.

Another provision that has been provided for in this Act is that any matter relating to compensation must be disposed of within a period of three months from the date of reference. This time fixation will fetch the affected persons the necessary compensation that has to reach them. After death or disability of any person, a workman, hereafter to be called an employee, for the family which has to run hither and thither to get

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compensation, it is a very strenuous effort and this provision would assure them that they would get compensation within three months.

My foremost query to the hon. Minister is: It is said that this Act is not applicable to the employees who are covered under the Employees State Insurance Act, 1948. I can understand that. But, at the same time, this Act includes a Master Seaman or other members of the crew of a ship, a Captain or other member of the crew of an aircraft. So, while the Captain of an aircraft can be included in this, whereas he is eligible for some compensation in any other manner, I don't understand why employees who come under the ESI are exempted. While making these points for consideration, I welcome this Bill for all the amendments that have been made, at least, now; they should have been brought in much earlier. I hope, the points that I have made to the Minister would be considered and they would bring relief to the employees in future.

(Ends)

**श्रीमती विप्लव ठाकुर (हिमाचल प्रदेश):** माननीय उपसभाध्यक्ष जी, यह जो 'The Workmen's Compensation (Amendment) Bill, 2009' लाया गया है, मैं इसके समर्थन में खड़ी हुई हूँ। यह बहुत ही सही समय पर, बहुत ही उचित बिल लाया गया है। अभी यहां पर बहुत कुछ कहा गया है, मैं उन सब बातों को रिपीट नहीं करूंगी। सबसे बड़ी बात मुझे यह लगी कि यहां जो compensation के बारे में कहा गया है कि employee की death पर हम 1,40,000 रुपया देने जा रहे हैं और permanent disability के लिए 1,60,000 रुपया देने जा रहे हैं। यहां पर मेरा प्वाइंट यह है कि जो एक्सिडेंट में घायल हो जाते हैं और जिन्हें पांच-पांच, छः-छः महीने बिस्तर पर पड़े रहना पड़ता है, उनके लिए compensation उतना नहीं रखा गया है, जबकि उनको compensation की ज्यादा जरूरत होती है। एक्सिडेंट में कई बार व्यक्ति की बाजू टूट जाती है, टांग टूट जाती है,

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कई बार स्पाइनल इंजरीज़ हो जाती हैं अथवा कुछ और इंजरीज़ हो जाती हैं, ऐसे में उनके इलाज के लिए जो compensation दिया जाता है, वह बहुत कम होता है।

मैं मंत्री जी से यह निवेदन करूंगी कि इस Bill में वह इसे जरूर लाए। जहां इन्होंने मरने के बाद और permanent injury के लिए पैसा दिया है, वहां पर इलाज के लिए भी पैसा बढ़ाया जाना चाहिए। वे कहीं पर भी काम करते हैं और जो उनके मालिक हैं, जरूरी नहीं है कि वे उन लोगों को नौकरी पर वापस रख लें।

3b/psv पर जारी

-SCH/PSV-HK/3B/4.00

**श्रीमती विप्लव ठाकुर(क्रमागत):** इनको यह बात भी इसमें लानी चाहिए कि जिस जगह पर जिन employees का काम करते समय accident हुआ, चाहे वह कोयले की खदान हो या कोई और जगह हो, वहाँ पर उनको दोबारा service मिले, उन्हें employment मिले। इन्हें इसका भी प्रावधान होना चाहिए, क्योंकि वे लोग इन्हें कह देते हैं कि "नहीं-नहीं, अब आप काम करने के योग्य नहीं रहे।" वे लोग न तो permanent disabled होते हैं कि बेड पर पड़े हैं और न ही वे कहीं और जा पाते हैं। इसलिए इस बात का भी प्रावधान इसमें जरूर रखना चाहिए। इसके साथ ही उनकी treatment के लिए ज्यादा-से-ज्यादा compensation होना चाहिए, क्योंकि बीमारी के बाद इलाज के समय उनके पास इतना पैसा नहीं होता, जिसके कारण वे ढंग से इलाज नहीं करवा सकते हैं। इसलिए मैं यह चाहूंगी कि इसमें यह एक provision जरूर रखना चाहिए, जिससे कि इलाज के लिए उन्हें ज्यादा-से-ज्यादा compensation मिल सके, उन्हें ज्यादा-से-ज्यादा पैसा मिल सके, चाहे वे जिनके employees हैं, वे इन्हें दें या Government दे। इस प्रकार जिस तरह से भी हो, इसका प्रावधान इसमें रखना चाहिए।

दूसरी बात यह है कि compensation देने में बहुत विलम्ब हो जाती है। जैसा इन्होंने कहा कि जो tribunal बने हैं, उनमें Commissioners ही नहीं हैं। मैं यह कहना चाहूंगी कि जैसे अभी हमारे यहाँ रोहतांग में मजदूरों की death हुई है। वे बाहर के मजदूर

थे। यहाँ तक कि उन लोगों के रिश्तेदारों को यहाँ आने के लिए पैसे नहीं थे। इन्होंने डी0सी0, कुल्लू को कहा कि आप इनका दाह संस्कार यहीं कर दीजिए। अब मुझे यह बताइए कि ऐसे में वे compensation के लिए इतनी दूर, दूसरे स्टेट में, कैसे आएँगे? उनके पास किराए के लिए इतने पैसे कहाँ हैं? इस तरह इसमें एक प्रावधान यह भी होना चाहिए कि चाहे तो उनका केस वहाँ की कोर्ट में transfer हो जाए या वहाँ की गवर्नमेंट को लिखा जाए कि "इतने-इतने लोगों का ऐसा हुआ है, यह Death Certificate है, यह उनका पूरा ब्योरा है", जिससे कि वहाँ की गवर्नमेंट ही उनको compensation दे सके। क्योंकि, यह जो आना होता है और बार-बार चक्कर लगाने होते हैं, इसमें उतना compensation नहीं मिलता जितना उन लोगों का खर्च हो जाता है। जो एक aggrieved employee है, ठीक है, आपने उसे 'मजदूर' से 'Employee' कर दिया, यह एक dignified बात है, लेकिन उसके रिश्तेदार कहाँ आ पाएँगे, कहाँ वे जा पाएँगे? इसी में वे चक्कर लगाते रहते हैं, उनकी correspondence होती रहती है। इसमें छः-छः महीने बीत जाते हैं, लेकिन उनको compensation नहीं मिलता। सर, मेरा निवेदन है कि इस तरह का प्रावधान रखा जाए।

तीसरी बात यह है कि अभी सभी ने Contractors की बात कही। मैं भी कहूँगी कि जो factories हैं, जो असली हैं, वे बहुत कम मजदूर रखती हैं, बहुत कम employee रखती हैं, बाकी contract पर रखती हैं। Contractor के साथ उनका कोई मेल नहीं होता। अगर contract के अन्दर किसी employee की या किसी मजदूर की या किसी की भी death हो जाती है या accident में कुछ हो जाता है, तो उसे कुछ नहीं मिलता। इस बात का भी ध्यान रखना चाहिए। यह contract का जो system है, इसको खत्म करके, यह कहा जाना चाहिए कि आप direct और सही employees रखिए, जिससे कि उन लोगों को फायदा हो सके या जिससे कि इन चीजों के लिए जो bills आ रहे हैं या जो amendments आ रही हैं, इनका वे फायदा उठा सकें। इतना कहते हुए मैं आपको धन्यवाद देती हूँ कि आपने मुझे समय दिया।

(समाप्त)

**श्री रुद्रनारायण पाणि(उड़ीसा):** उपसभाध्यक्ष महोदय, जब भाषा को लेकर देश में विवाद होता है, तब इस संसद में हम जो भी कार्य करते हैं, सारा कुछ भाषा की दृष्टि से ध्यान देते हुए किया जाना चाहिए या फिर इसमें अगर कोई तकनीकी त्रुटि है, उसे भी मंत्री महोदय को देखना चाहिए। जैसे इसमें अंग्रेजी में "as passed by Lok Sabha on 25<sup>th</sup> November" लिखा हुआ है। यह हमको दिया गया है। इसमें कहा गया है कि "This Act may be called The Workmen's Compensation (Amendment) Act. हालांकि मंत्री जी ने कहा कि उनको "employees" नाम देंगे। English में लिखा है "This Act may be called" वहीं हिन्दी में इसमें लिखा है कि 'इस अधिनियम का संक्षिप्त नाम "कर्मकार प्रतिकर (संशोधन) अधिनियम, 2009" है।' अंग्रेजी में "may be" और हिन्दी में "यह है" लिखा है। लोक सभा ने इसे पारित करके हमारे सदन में दिया है।

महोदय, मंत्री जी ने कहा है कि इसमें "कर्मकार प्रतिकर" के स्थान पर "कर्मचारी प्रतिकर" कर देंगे, लेकिन हमें जो पेपर दिया गया है, उसमें ऐसा नहीं है। यह एक महज संयोग की बात है। अगर माननीय मंत्री महोदय को इस तर्क का या इस वितर्क का पहला वक्ता माना जाए...।

(3सी/डी0एस0 पर क्रमशः)

KSK/DS/4.05/3C

**श्री रुद्रनारायण पाणि (क्रमागत) :** माननीय मंत्री महोदय कर्णाटक से आते हैं और हमारे विपक्ष की ओर से पहले स्पीकर श्री शणप्पा जी भी कर्णाटक के हैं। कांग्रेस की ओर से जो पहले स्पीकर थे, जिनको हम दूसरा स्पीकर मानेंगे, श्री खूंटीआ जी, वह संयोग से उड़ीसा से आते हैं और भाजपा का दूसरा स्पीकर, मैं भी उड़ीसा से आता हूँ। यहाँ पर अभी तक जितने सदस्य बोले, बहुत ही धनात्मक ढंग से बोले। चाहे वह सीपीआई के हों या सीपीएम के हों, यहाँ तक कि कांग्रेस की जो दूसरी वक्ता श्रीमती विप्लव ठाकुर जी हैं, हम आपस में नोक-झोंक करते हैं, लेकिन आज उनका यहाँ पर जो भाषण रहा, वह बहुत ही धनात्मक रहा। इसमें पार्टी का मामला नहीं रहा, लेकिन यह संयोग और दुर्भाग्य की बात है कि कांग्रेस के पहले वक्ता, जो कि एक ट्रेड यूनियनिस्ट हैं, श्रमिक आंदोलन से आते हैं, उन्होंने कहा

कि कांग्रेस की सरकार ही सारे श्रम कानून लाती है। उन्होंने इसका राजनीतिकरण कर दिया।

महोदय, स्टैंडिंग कमेटी की जो रिपोर्ट है, उसके पेज 4 के पैरा 8 में है, "The funeral expenses of the deceased employee have been proposed to be raised to Rs.3,000 from Rs.2500. When the Committee sought to know that since when Rs.2500 was being paid as funeral expenses, and whether it was sufficient to meet the entire expenditure, the Ministry, in their written reply, stated as under: The funeral expenses was increased from Rs.1,000 to Rs.2500 with effect from 8<sup>th</sup> December, 2000." उसके बाद, ईएसआई कितना दिया जाता है, उसका जिक्र किया गया है।

महोदय, मैं संयोग से इस स्टैंडिंग कमेटी में मैम्बर हूँ। उस समय स्टैंडिंग कमेटी के चेयरमैन सीपीआई के श्री सुरावरम सुधाकर रेड्डी जी थे। उस समय हमारी कमेटी ने यह प्रश्न किया कि क्या इस ढाई हजार से काम चलेगा? क्या तीन हजार से काम चलेगा? उन्होंने कहा कि 2000 में उसको एक हजार से ढाई हजार बढ़ाया गया था। मैं यह पूछना चाहता हूँ कि 2000 में किसकी सरकार थी? सारी दुनिया जानती है कि 2000 में राजग की सरकार थी और उसके प्रधान मंत्री श्री अटल बिहारी वाजपेयी जी थे। अगर इस कानून के अंदर सरकार, मंत्रिमंडल और मंत्रालय सख्ती लेना चाहता है कि हम समय-समय पर इसकी बढ़ोत्तरी करेंगे, महंगाई के कारण हम इसमें बढ़ोत्तरी करेंगे और प्रत्येक समय जो बढ़ोत्तरी होगी, उसके लिए हम संसद के पास नहीं जाएंगे। यह enactment होता है, यह तो संशोधन का कानून है। यह इस देश के श्रमिकों के लिए, इस देश के मजदूरों के लिए बहुत कुछ देने वाला कानून नहीं है। आप केवल इसके एक शब्द का परिवर्तन करते हैं। "कर्मकार" से "कर्मचारी" करते हैं, "workmen" से "employees" करते हैं और जो ढाई-तीन हजार आप देते हैं, उसकी सीलिंग को आप बढ़ाते हैं।

महोदय, आज सरकार के मन में एकाधिकार वाली भावना नहीं होनी चाहिए। यह सरकार पंडित जवाहरलाल नेहरू, इंदिरा गांधी और राजीव गांधी की बहुमत वाली सरकार जैसी सरकार नहीं है। यह सरकार आज भी बैसाखी के आधार पर चल रही है। यह बात

सही है कि पिछली बार कांग्रेस के 145 मैम्बर्स जीते थे और आज 206 मैम्बर्स हैं। महोदय, यह सरकार आज भी यूपीए की सरकार कहलाती है। यह कांग्रेस की सरकार नहीं है। ध्यान देना चाहिए कि महंगाई को किस प्रकार बढ़ाया जाता है। स्टैंडिंग कमेटी के बारे में भी कहा गया।

**SHRI SHANTARAM LAXMAN NAIK:** However, it is the Congress-led Government.

**श्री सन्नारायण पाणि :** शान्ताराम जी, आप यह घमंड अपने मन में मत रखिये। यह Congress-led सरकार हो सकती है, but, it is not the Congress Government as it was the Government of Shrimati Indira Gandhi, or as it was the Government of Pandit Jawaharlal Nehru. महोदय, मेरा विषय इतना है कि एक साल पहले दिसम्बर ...(व्यवधान)

**श्री विजय जवाहरलाल दर्डा :** पाणि जी, आपने इंदिरा जी को compliment दिया, इसके लिए धन्यवाद।

**श्री सन्नारायण पाणि :** लेकिन इंदिरा जी के शासन करने का जो तरीका था, आज वह आपमें नहीं है और आगे चल कर यह पता चल जाएगा।

(3डी/एकेए पर क्रमशः)

aka-gsp/3d/4:10

**श्री रुद्रनारायण पाणि (क्रमागत) :** महोदय, मेरा यह कहना था कि दिसम्बर, 2008 को स्टैंडिंग कमेटी ने इस पर सोचा था। मंत्री महोदय शुरु में बोले कि स्टैंडिंग कमेटी ने जो-जो सुझाव दिए हैं, उनको हमने वैसे ही ग्रहण कर लिया है, यह पूरा सत्य नहीं है, कहा जा सकता है कि यह 75% सत्य है। महोदय, स्टैंडिंग कमेटी ने कहा था कि कॉन्ट्रैक्ट लेबर को भी इसमें शामिल करिए। आप कर्मकार शब्द को कर्मचारी में परिवर्तित करते हैं, आप कहते हैं कि स्टैंडिंग कमेटी ने उस समय पांच हजार किया था, इसलिए हम मान लेते हैं, किन्तु स्टैंडिंग कमेटी ने उस समय कहा था कि कॉन्ट्रैक्ट लेबर्स को आप इसमें शामिल कीजिए, क्या आप उसको ग्रहण किए हैं? मैं आपसे एक प्रश्न करना चाहता हूँ कि दिसम्बर, 2008 में दाल का क्या भाव था, आज दाल का क्या भाव है? उस समय चावल का क्या भाव

था? मैं आप ही के शासन के समय की बात कर रहा हूँ। मैं अटल जी के शासन के समय की बात नहीं करता हूँ, उस समय तो महंगाई को बांधा गया था। किन्तु, मैं पूछना चाहता हूँ कि 2008 में जो कीमत थी, क्या आज 2009 में वही कीमत है? नहीं है। दोबारा सत्ता में आने के बाद आपने महंगाई इतनी बढ़ा दी है, यह एक अलग विषय है, इसलिए मैं इसमें नहीं जाना चाहता हूँ। महंगाई जो बढ़ी है, यह सर्वस्वीकृत है और इसने कर्मचारी, कर्मकार और गरीब मजदूर की ही नहीं, बल्कि मिडल क्लॉस और अपर मिडल क्लॉस के लोगों की कमर को भी तोड़ दिया है। यह एक अलग विषय है, किन्तु सरकार को इस पर गौर करना चाहिए कि जितनी इसमें बढ़ोत्तरी की गई है, उतनी उनको प्राप्त नहीं हुई है। इसलिए आपको इसके बारे में सोचना होगा। मैं आपसे कह रहा था कि आपने केवल employee करके इसको gender neutral कर दिया है, इससे आप शाबाशी मत लीजिए, यह शाबाशी आप मत लीजिए। व्याकरण के लिए आपको असुविधा होती थी, इसलिए आपने इसे gender neutral कर दिया है, यह कोई महत्वपूर्ण मुद्दा नहीं है।

आज आप भारत निर्माण की बात करते हैं। आज देश में शारीरिक श्रम के प्रति एक श्रद्धा का जागरण हुआ है। मैं यहां पर कई बार कह चुका हूँ कि जो सुपरवाइज़री बात करते हैं, जो केवल बैठकर भाषण दे देते हैं, उनसे काम नहीं होता है। आप किसी भी डिजीजन को लेने के लिए बैठक करते हैं, लेकिन बैठक के लिए जो कुर्सी लाता है, बैठक के लिए जो चाय लेकर आता है, वही शारीरिक परिश्रम करता है। हमने महात्मा गांधी को महात्मा इसीलिए कहा क्योंकि वे केवल भाषण नहीं देते थे, वे आपको केवल सुझाव नहीं देते थे, बल्कि साथ ही साथ वे परिश्रम करते थे। इसलिए जो वर्कमैन था, वह श्रमजीवी के आधार पर था। आज दुनिया में दृष्टिकोण बदला है, हरेक काम के लिए लोग लड़ रहे हैं। इसलिए वर्कमैन से आप इम्प्लॉयी तक आए हैं, कर्मकार से आप कर्मचारी तक आए हैं, श्रमिक से आप कर्मचारी तक आए हैं। मैं आपको बताना चाहूंगा, मेरे मित्र श्री आर0सी0 सिंह भी कह रहे थे कि इस देश में लगभग 40 करोड़ असंगठित क्षेत्र के लोग हैं। 40 क्या, 45 करोड़ भी असंगठित क्षेत्र में होंगे। खेत में जो काम करता है, उस खेत किसान, खेत मजदूर के बारे में आपका दृष्टिकोण क्या है? आपने पिछले साल असंगठित क्षेत्र के विधेयक को यहां पर कानून में तब्दील किया और वाहवाही लेनी शुरू कर दी कि हमारी सरकार ने

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असंगठित क्षेत्र के लिए कानून बना दिया है, किन्तु उसके लिए आर्थिक प्रावधान कहां पर हैं? हमने कहा था और संयोग से श्री अर्जुन कुमार सेनगुप्त जी किसके विचार से संसद में आए हुए हैं, यह दुनिया को पता है। श्री अर्जुन कुमार सेनगुप्त जी हमारी लेबर कमिटी में थे और उन्होंने एक सुझाव दिया था कि नाबार्ड की तर्ज पर नेशनल सोशल सिक्योरिटी फंड क्रिएट किया जाए और उसी फंड से ही आप जिस सोशल सिक्योरिटी की बात करते हैं, उसके लिए स्कीम चलाएं, उसके लिए उसी से आप फंडिंग करें। Without making any provision for funds, you are claiming that you have passed the Bill, and, enacted the Act, namely, the Unorganized Workers' Social Security Act. किन्तु, उसके लिए पैसे का कोई प्रावधान नहीं है, इसके बारे में आपको ध्यान देना होगा। आपने उस समय कहा था कि इस देश के खेतिहर मजदूरों के लिए आप एक कम्प्रिहेंसिव बिल लाएंगे।

('3e/nb' पर जारी)

NB/SK/3E/4.15

**श्री रुद्रनारायण पाणि (क्रमागत) :** हमने भी बार-बार डिमांड की थी कि खेत में जो गरीब किसान काम करते हैं, जो सीमांत किसान काम करते हैं, जो marginal farmers काम करते हैं, जिनको हमारी उड़िया भाषा में "भागोचासी" कहते हैं, आज उनकी हालत बहुत खराब हो गई है। आप उनको किसानों और मजदूरों में मत बांटिए। वह आधा एकड़ जमीन का मालिक है, वह अपनी ज़िंदगी उसी में दे देता है, वहां पर वह काम करता है, वह खेतिहर मजदूर के बराबर है, उसकी सोशल सिक्योरिटी के बारे में आप क्या सोचते हैं? आज खेतिहर मजदूर की जो liabilities हैं, उनके बारे में आप क्या कर रहे हैं? आपने कहा था कि खेतिहर मजदूर के बारे में आप एक Comprehensive Bill लाएंगे, वह आज तक आप नहीं ला पाए हैं।

आप वाहवाही लूटते हैं कि "नरेगा" के माध्यम से हमने इतना employment दिया। आज सुबह प्रश्न काल में "नरेगा" के ऊपर हंगामा भी हुआ। जो लोग "नरेगा" में काम करते हैं, अगर उनमें से किसी के साथ हादसा हो जाए, किसी एक्सीडेंट में कोई मर जाए, तो उसके लिए आप कहां से प्रावधान करेंगे? इसलिए मैं यह कहना चाहता हूं कि यह जो बिल

है, पूरा का पूरा हाउस इसका समर्थन कर रहा है, इसलिए यह पारित हो जाएगा, लेकिन आपको इस बात की ओर ध्यान देना होगा कि इस देश में असंगठित क्षेत्र के नाम पर जो आंगनवाड़ी के वर्कर्स हैं, "नरेगा" के तहत काम करने वाले लोग हैं, खेतिहर मज़दूर हैं, इन लोगों को आप कोई हादसा होने पर कैसे मुआवज़ा देंगे, इसके लिए आपको ढंग से सोचना होगा।

उपसभाध्यक्ष महोदय, इस बिल में एक विषय है, जो रेलवे के बारे में है। रेलवे के कर्मचारियों का इसमें समावेश करने के लिए एक क्लॉज़ भी है। अंत में मैं इतना कहूंगा कि यह तो समाविष्ट हो गया है, हम लोग समर्थन दे रहे हैं, लेकिन आप अगर कर्मचारियों का हित चाहते हैं, "कर्मचारी" शब्द के अंतर्गत जितने लोग हैं, अगर उन सबका कल्याण आप चाहते हैं, तो मैं आपसे कहना चाहता हूँ कि कर्मचारी की एक ही मानसिकता होती है, जो कि इस देश की मानसिकता है और वह लोकतंत्रीय मानसिकता है। कर्मचारी हमेशा चाहता है कि एक प्रकार से चुनाव के माध्यम से उसका उस समय का नेता तय हो। इसलिए रेलवे के कर्मचारियों के नेताओं के चुनाव की व्यवस्था जो 2005 में हुई, वह पारदर्शी नहीं थी, उसमें श्रम मंत्रालय कोई हस्तक्षेप नहीं कर पाया। इसलिए मैं इस मौके का लाभ उठाते हुए माननीय श्रम मंत्री जी से निवेदन करना चाहता हूँ कि 3-4 साल हो गए हैं, रेलवे के कर्मचारियों के नेताओं के चुनाव विधिवत ज़ोनवाइज़ करवाने की ओर ध्यान दिया जाए।

इसी के साथ मैं यह भी कहना चाहता हूँ कि संसद के एक ही परिसर में बहुत से कर्मचारी काम करते हैं, सुरक्षा के कर्मी काम करते हैं, लोक सभा के कर्मचारी काम करते हैं, राज्य सभा के कर्मचारी काम करते हैं। एक ही परिसर में काम करने वाले कर्मचारियों की तनख्वाह में, सुविधाओं में कोई विसंगति नहीं रहनी चाहिए। इसलिए मैं आपसे गहराई से निवेदन करता हूँ कि राज्य सभा के जो कर्मचारी हैं, उन लोगों के प्रति भी न्याय किया जाए। लोक सभा के कर्मचारियों को जो सुविधा दी जाती है, समान सुविधा, राज्य सभा के कर्मचारियों को भी दी जाए। आपने मुझे इस विधेयक पर बोलने के लिए समय दिया और सभी लोगों ने इतना आग्रहपूर्वक मुझे सुना, इसके लिए मैं आपको धन्यवाद देता हूँ।

(समाप्त)

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**SHRI T.K. RANGARAJAN (TAMIL NADU):** Thank you, Mr. Vice-Chairman. Sir, no Act, whether the colonial rule or the Congress rule, comes in the vacuum. Behind this Act, there was people's struggle, working class struggle. If you see the first Act of 1923, you can see that there was a lot of struggle before that Compensation Act. So, the rulers are forced to bring certain amendments, certain laws to protect the working class. That becomes a part of their job. Without struggle, no Act has come. Even the Compensation Act of 1923 came only like that. Some Acts, as correctly pointed out by my colleague, Tapan Kumar Sen, though they are there on papers, they are not implemented. The other day I made a Special Mention that no Central Act had been implemented in Sivakasi Fireworks. Thousands and thousands of workers are suffering. So, I want to suggest two things here. One, the compensation should be enhanced immediately.

(continued by 3f - yrsr)

-SK/YSR-VNK/4.20/3F

**SHRI T.K. RANGARAJAN (CONTD.):** I want the Minister to consider that.

Two, under clause 25A, the Commissioner shall dispose of the matter relating to compensation under this Act within a period of three months from the date of reference. It is a good thing. But what happens is after the Commissioner gives an award, the concerned worker has to go through a process. First he has to go to civil court. If he gets any relief there, the employer moves the High Court and gets a stay. That is why thousands of cases are pending in the courts. So, I request the Minister to amend the Act and give the power of a civil

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court judge to the Commissioner. If you give the power of the civil court judge to the Commissioner, then also the employer can go to the High Court, but he has to deposit 50 per cent of the amount and the worker gets immediate relief. Now the worker is not getting any relief. The litigation goes on in the High Court and then the Supreme Court and in the meantime he dies. So, I request you to amend that and the Commissioner should have the power of a civil court judge. That must be considered.

Another thing I want to say is this. This power is not a new thing. The Provident Fund Authority is having that power. The ESI Authority has got that power. When these authorities can have this power, why not this Commissioner? Then only you will be doing justice.

You have already deleted Section 2(n). Now I request you to delete Section 12. I am not a trader or a businessman. If I say I am not a businessman, I need not pay any compensation. So that section is already deleted in 2(n). Now I request the Minister to delete Section 12 also. Otherwise, many people will not get any compensation. I propose these two amendments.

I again request you to go through the occupational diseases. New occupations have come up. In most of the occupations, nothing has been done so far. The occupational diseases may vary from region to region. The State Government should be authorised to search for the occupations and perhaps an expert should be appointed to help it in finding other occupational diseases. This must be given. With this, I support the Bill.

(Ends)

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**श्री राजनीति प्रसाद (बिहार)** : महोदय, मैं मिनिस्टर साहब को इतना बढ़िया बिल लाने के लिए धन्यवाद देता हूँ। मैं इस पर बहुत ज्यादा नहीं कहते हुए आपके माध्यम से केवल एक बात मिनिस्टर साहब से जानना चाहता हूँ। Sir, I am drawing your attention.

महोदय, मैं एक बात जानना चाहता हूँ, मैं भाषण नहीं देना चाहता हूँ, कि फैक्ट्री के जो regular employees हैं, उनका तो नाम है, लेकिन जो regular employees नहीं है, जो scheduled worker नहीं है और जिसको बाहर से बोरो किया गया है, अगर वह फैक्ट्री में कोई काम करता है और उसमें वह मर जाता है, तो who will pay the compensation? This has to be clarified.

The previous speaker has rightly said that if the Commissioner does not dispose of the case within three months, and if the compensation has not been paid partly or completely, then what will happen? अगर उसकी जगह कोई सिविल जज रहेगा, तो बढ़िया होगा, क्योंकि आपने कहा है कि तीन महीने के अंदर इसका dispose of हो जाना चाहिए। आप इसके बारे में clarify करेंगे कि अगर वह तीन महीने के अंदर dispose of नहीं होता है, तो क्या होगा? अगर तीन महीने के अंदर फैसला हो जाता है, तो उसका execution कैसे होगा और कौन execute करेगा? अगर execute करना है, तो क्या फैसला करने के बाद उनका जो प्रिंसिपल employer होगा, उनको आधा पैसा जमा करना है या नहीं जमा करना है?

(3g/MP पर जारी)

MP-MKS/3G/4.25

**श्री राजनीति प्रसाद (क्रमागत)** : इसके बारे में भी क्लीयर करेंगे।

सर, एक और बात मैं कहना चाहूंगा कि क्रियाकर्म के लिए, funeral के लिए जो आपने कहा है कि 5000 रुपए देंगे, वह ठीक नहीं है। Funeral के लिए 5000 रुपए काफी नहीं हैं, इसका amount बढ़ाना चाहिए, क्योंकि सब चीजों के दाम बढ़ गए हैं। जो electric cremation की मशीन है, उसके भी दाम बढ़ गए हैं, लकड़ी के दाम भी बढ़ गए हैं, इसलिए इस amount को थोड़ा बढ़ाना चाहिए।

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अंत में मैं कहना चाहूंगा कि आपने 80,000 रुपए से जो थोड़ा बढ़ाया है, वह कम है, उसे थोड़ा और बढ़ाना चाहिए। आपने मिला-जुलाकर यह अच्छा काम किया है कि workman और workmen को employee और employees में परिवर्तित कर दिया है, यह बहुत अच्छी बात है। मैं समझता हूँ कि ये जो बातें मैंने कही हैं, इन पर आप जरूर विचार करेंगे और इनका जवाब हमें जरूर देंगे, क्योंकि ऐसे हजारों-लाखों मज़दूर हैं, जो फैक्ट्रियों में जाते हैं, काम करते हैं और कभी कोई चिमनी गिर गई, कहीं कोई devastation हो गया और वह मर गया, तो उसका पेमेंट कौन करेगा, कौन उसका employer होगा? मैं आशा करता हूँ कि आप इस पर जरूर विचार करेंगे और इसके बारे में जरूर कोई नियम-कानून बनाएंगे, धन्यवाद।

(समाप्त)

**SHRI SILVIUS CONDPAN (ASSAM):** Thank you, Sir, for allowing me to participate in the discussion on the Workmen's Compensation (Amendment) Bill, 2009. I have gone through the proposed amendment to improve the position by paying compensation to the workers as and when it is necessary. And also, a mention has been made about the contract workers. But, Sir, I think the hon. Minister is not aware of it-- I come from the tea plantation area of the North-East--that there are a huge number of workers in the regular schedule of the employers. They are popularly known as "*faltoo*" workers. There is no contract system. They are engaged in the tea gardens, including factories, for years together and they do not easily come into the regular schedule. Some of them come only when their own relatives who are there in the regular schedule of the tea gardens retire as workmen. Now, you have changed the name from "workmen" to "employees". Then only, they can substitute and become regular workers. They are entitled to avail all the benefits available at various levels. So, I will request the Minister to

**Uncorrected/Not for publication - 01.12.2009**

take note of it, and if you just miss it, I think, the proposed Compensation (Amendment) Bill will not be able to do justice to a great section of workers who are there in the North-Eastern area. I do not know the position about the plantation workers. There, the plantation is included; I know. But for the plantation workers of South India and the plantation workers of North India and North-East, there are differences. This matter has been gone into; otherwise, the proposed amendment for compensation of workers will not do proper justice or intended justice to the workers. Therefore, I request you to take note of the so-called, or popularly known, "*faltoo*" workers in the tea plantations of West Bengal and Assam.

(Contd. by TMV/3H)

-MKS-TMV-SC/3H/4.30

**SHRI SILVIUS CONDPAN (CONTD.):** There are a huge number of them. I don't know what entitlement or authority the employers have to have more unscheduled workers than scheduled workers. I don't want to dispute this thing. But this is the situation. In view of the existing situation, this Workmen's Compensation (Amendment) Bill is not going to do justice to the workers. Therefore, I request the hon. Minister, while thanking him for bringing forward this Amendment Bill, 2009, to take note of these serious lapses. Along with this, I would request him, and I will be happy, to examine the Minimum Wages Act also. The payment of compensation is all right. But it will be incomplete if the Minimum Wages Act is also not examined along with it. You have to examine whether the industrial establishments are really paying the minimum wages as fixed by the Wage Board. There are many instances where

**Uncorrected/Not for publication - 01.12.2009**

these things are not being followed. I am also a trade union activist. I have learnt from my own experience that the industrial establishments do not bother about paying the wages as prescribed under the Minimum Wages Act. The non-implementation of the Minimum Wages Act by the industrial establishments in various sectors has to be considered. Your intention to give a lot of relief to the workmen as proposed in this Bill will not be met unless the related Acts are also examined. You should see whether they are getting the due wages or not. I appreciate the amendments brought forward by the hon. Minister. I thank him because I also do trade union activities. This will really bring a lot of relief to the workmen if it is really implemented in the true sense of the words. With these submissions, I conclude and thank you very much.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Minister.

**DR. (SRHIMATI) NAJMA A. HEPTULLA:** Sir, I had asked a question about the jurisdiction. I had requested the Minister. Mr. Minister, before you reply to the debate, will you please let the House know how far the implementation of the law will be offshore and onshore?

**श्रम और रोजगार मंत्री (श्री मल्लिकार्जुन खरगे) :** उपसभाध्यक्ष महोदय, सभी दलों की ओर से 12 सदस्यों ने अपने विचार सदन के सामने रखे हैं और बहुत सी अच्छी सलाहें भी उन्होंने दी हैं। जो बिल यहां पर पेश किया गया है, उसके बारे में उन्होंने अपने विचार व्यक्त किए हैं और इसकी प्रशंसा भी की है, इसके लिए मैं सभी सदस्य मित्रों को धन्यवाद देता हूँ।

**(श्री उपसभापति पीठासीन हुए)**

महोदय, इस बिल को बनाने में स्टैंडिंग कमेटी का बहुत बड़ा हाथ है। इसके साथ ही जो पहले के मंत्री महोदय थे, माननीय श्री ऑस्कर फर्नांडिस जी ने बहुत कोशिश की और इस बिल को सदन में पेश किया लेकिन जैसा कि माननीय सांसद श्री तिरुची शिवा ने कहा

है कि पार्लियामेंट भंग होने की वजह से इसको फिर से दुबारा यहां पर लाने की कोशिश की गयी।

(3जे-एमसीएम पर क्रमागत)

MCM-VK/4-35/3J

**श्री मल्लिकार्जुन खरगे (क्रमागत) :** तो इन 12 सदस्यों ने और शणप्पा साहब ने, जो गुलबर्ग के बहुत बड़े नेता हैं, बात की। श्री रामचन्द्र खूंटीआ जी जो ट्रेड यूनियन लीडर हैं उन्होंने अपना विचार रखा। श्री तपन कुमार सेन जी, श्री वीर पाल सिंह यादव, उन्होंने भी अपने विचार रखे। श्री आर० सी० सिंह जी, श्री तिरुची शिवा, श्रीमती विप्लव ठाकुर, श्री रुद्रनारायण पाणि जी, श्री टी०के० रंगराजन जी, श्री राजनीति प्रसाद जी और श्री सिलवियस कोंडपन, जो आसाम के सीनियर नेता हैं, सभी ने इस बिल का स्वागत किया है तथा कुछ संशय भी व्यक्त किए हैं। खासकर के इस बिल में जो कॉम्पनसेशन बढ़ाने की बात थी, वह कॉम्पनसेशन बहुत ही कम है और खास कर शणप्पा साहब ने यह कहा कि लेबर को देने में हम बहुत ही कंजूसी कर रहे हैं। तो ऐसी कोई बात नहीं है कि सैक्शन-2e में जो एम्प्लॉयर रेस्पांसिबल है, तो उस डेफिनिशन में वह एम्प्लॉयर तो देगा, लेकिन 2500 से जो 5000 हमने की है, वह स्टेंडिंग कमेटी की सलाह है। लेकिन उसमें एक प्रावधान है, इनेबलिंग क्लॉज है, आज प्राइस इंडेक्स के मुताबिक हम उसको बढ़ा सकते हैं। तो जब यहां बढ़ाने का प्रावधान है, इनेबलिंग क्लॉज है, तो उसमें कुछ संशय की जरूरत नहीं है। अगर जल्द से जल्द जरूरत है, तो डेफिनिटली उसको इनहान्स करने का अधिकार गवर्नमेंट को है और फिर से सदन में आने की जरूरत नहीं। अमेंडमेंट के लिए कई महीने लगते हैं, उससे छुटकारा भी मिल गया। तो जो सदस्यों के मन में संशय है, मैं यह कहना चाहता हूं कि वह दूर हो जाए और हम नोटिफिकेशन के जरिए इसको इनहान्स कर सकते हैं और प्राइस इंडेक्स के मुताबिक करने के लिए ही वह एक प्रावधान रखा है। लेकिन जो अब 2500 है उसका अमेंडमेंट मैं समझता हूं कि सन् 2000 में कुछ हुआ है।.....(व्यवधान)

सन् 2000 में 2500 था। अब उसको आप ही ने 5000 बनाकर दिया है। फिर उसको बढ़ाना भी है तो डेफिनिटली गवर्नमेंट उसके बारे में सोचेगी और अगर उसकी जरूरत है तो वह करेगी। दूसरी चीज, फैक्टरी ऐक्ट के बारे में भी यहां बोले। वे सारी

चीजें अलग हैं, फैक्टरी ऐक्ट हो या ई0एस0आई0 का अमेंडमेंट हो या इण्डस्ट्रियल डिस्प्यूट ऐक्ट का अमेंडमेंट हो, ये एक के बाद एक इस सदन में आएंगे। मैं यह ही कोशिश करूंगा कि उस वक्त भी आप तमाम सदस्यगण उन ऐक्ट के अमेंडमेंट में मदद करेंगे।

(3K/GS पर क्रमशः)

GS-RG/4.40/3k

**श्री मल्लिकार्जुन खरगे (क्रमागत) :** इसके बाद माननीय सदस्यों ने पूछा है कि सरकार ने स्टैंडिंग कमेटी के कितने सजेसन्स या रिकमंडेशन्स को स्वीकार किया है। इसके बारे में बताना चाहता हूँ कि हमारे पास जो इन्फॉर्मेशन है, उस इन्फॉर्मेशन के मुताबिक more or less हो सकता है एक या दो में कुछ बदलाव हो या डेफिनेशन में उसके रहने की वजह से, उसको हमने अलग रखा है, लेकिन more or less जितने भी स्टैंडिंग कमेटी के सजेसन्स हैं या रिकमंडेशन्स हैं, उनको हमने माना है, चाहे वह डिसेबल्ड का हो या डेथ के बाद compensation देने का हो, उसके लिए भी हमने enabling clause रखी है, उसको भी हमने बढ़ाने का प्रावधान किया है। चाहे वह funeral expenses, चाहे वह disability का compensation हो, चाहे डेथ के बाद देने का compensation हो, इसको बढ़ाने के लिए प्राइस इंडेक्स के मुताबिक enabling clause करने की वजह से ज्यादा से ज्यादा करते जाएंगे, यह तो मिनीमम है, मैक्सिमम के लिए भी शैड्यूल 4 में प्रावधान है। जो सबसे कम उम्र वाला व्यक्ति होता है, यदि ऐसे कामों में, जो भी हैजार्डस वर्क्स हैं, उन वर्क्स में, occupations में, वह अपनी जान गंवा देता है, मर जाता है या disable होता है, तो उसके लिए एक केलकुलेशन है। इसमें उसकी चार-पांच लाख तक compensation बनती है, कम से कम एक लाख, डेढ़ लाख तक compensation बनती है, इसका पूरा शैड्यूल आपको मालूम है, इसलिए इसको बताने की जरूरत नहीं है। इसका शैड्यूल 4 में आलरेडी प्रॉविजन है और शैड्यूल 2 और 3 में भी जो हैजार्डस वर्क्स हैं, occupations हैं, उसकी एक लिस्ट है। अगर कोई occupation इस लिस्ट में नहीं है, शैड्यूल 2 और 3 में नहीं है, उसको शैड्यूल 2 और 3 में शामिल करने के लिए एक स्टेट लेवल पर और सेंट्रल गवर्नमेंट में एक कमेटी होती है। अगर वह कमेटी यह महसूस करती है कि पार्टिकुलर कोई काम हैजार्डस है, वह हानिकारक है, तो उसको वह कमेटी इस शैड्यूल में तीन महीने का नोटिस

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देकर शामिल कर सकती है। इसलिए इसमें कोई दिक्कत नहीं है। यह flexible है और हमने इस शैड्यूल 2 में जो भी restrictions थे, पहले एक कानून लागू था कि जहां पर 10 से ज्यादा मजदूर काम करते थे, वहां पर यह नियम लागू था या 15 से ज्यादा थे, उन्हीं पर लागू था, तो उन सारी चीजों को हटा दिया है और अगर एक आदमी भी काम करता है, उसको compensation देना चाहिए, इसका हमने इसमें प्रावधान किया है और इस अमेंडमेंट को आप पास कर रहे हैं। यह सबसे बड़ी बात है कि अगर एक आदमी भी नुकसान या हानिकारक occupation में काम करता है, उसको भी मुआवजा देना चाहिए। जब इस एक्ट में इतना बड़ा प्रावधान है, तो मैं समझता हूं कि आपको चिंता करने की कोई जरूरत नहीं है। अगर इस तरह का और कोई occupation भी आता है, तो उसके लिए इसमें गुंजाइश है और उसको इसमें इन्क्लूड कर सकते हैं।

डेफिनेशन के बारे में बात कही गई है। वर्कमैन के बजाए एम्पलाई शब्द एक्ट में क्यों किया है, इसके बारे में पूछा गया है। इसके बारे में बहुत से माननीय सदस्य जानते हैं कि आजकल जेंडर न्यूट्रल का जमाना है, अगर सिर्फ वर्कमैन बोले, तो बोलते हैं कि क्यों वर्कमैन बोले, तो इसीलिए उसको बदला गया है। सेकेंड लेबर कांफ्रेंस में जो इसके लिए रिकमंडेशन आई थीं, उन रिकमंडेशन के आधार पर इसको बदलकर हमने Title से लेकर Preamble तक हर जगह पर जहां कहीं वर्कमैन है, उस जगह पर हमने एम्पलाई शब्द को रखा है। ये सारी चीजें हम इस बिल में लाए हैं और सभी सदस्यों ने इसका बहुत वेलकम किया है।

(3एल पर जारी)

ASC-TDB/3L/4.45

**श्री मल्लिकार्जुन खरगे (क्रमागत) :** जो खासकर पांच सुझाव हैं, वे पांचों वर्कर्स के फेवर में हैं। हमने इसमें एक और नया प्रावधान किया है, जो रिएमबर्समेंट ऑफ actual medical expenses है। पहले यह actual medical expenses देने का या रेमिट करने का प्रावधान नहीं था। अब हमने उसको लागू किया है। हमें वर्कर्स को actual medical expenses देना चाहिए। हमने यह वायदा भी पूरा किया है। पहले कमिश्नर की क्वालिफिकेशन थी, यानी workmen compensation में जो कमिश्नर के पद को नोटिफाई

किया जाता था, उसमें कोई क्वालिफिकेशन नहीं होती थी, डेफिनिशन में सिर्फ any person लिखा होता था, उसमें जैसे जजों के लिए लीगल क्वालिफिकेशन है, ऐसे ही करते थे। अब स्टैंडिंग कमेटी के सुझाव के अनुसार हमने उसमें विस्तार किया है, not only advocates, retired judges, gazetted officers और दूसरे HRD आदि के जो कोर्सज करते हैं, उनको भी Workmen Compensation Act के तहत नोटिफाइ करने का अधिकार देना तय किया है। इससे हमें बहुत से अधिकारी मिल जाते हैं और जो भी vacancies होंगी, उनको भरना भी आसान होगा। दूसरी बात यह है कि जिनको बहुत नॉलेज़ है, हम उनको भी नोमिनेट कर सकते हैं, इसलिए बहुत से सदस्यों ने इसके बारे में एप्रिसिएशन भी किया है। Workmen Compensation और ESI को हमें अलग-अलग देखना चाहिए। जहां पर ESI का बेनिफिट मिलता है, उनको इससे रोकने के लिए क्या फायदा होगा? आप उनको इससे क्यों रोकते हैं? Workmen's Compensation में भी यह फायदा होना चाहिए और ESI में भी देना चाहिए। इससे यह होता है कि एक वर्कर को Compensation मिलता है और दूसरे वर्कर को Compensation न मिलने की वजह से heart-burning होती है। इसलिए हमने यह एक अच्छा काम करने की कोशिश की है। दूसरे, प्रेज़िडेंट ऑफ इंडिया के पास जाने से इसमें देरी हो जाएगी। जिस दिन यह प्रेज़िडेंट ऑफ इंडिया से आता है, उसी दिन इसको नोटिफाइ करके लागू करना चाहिए, नहीं तो फिर इसको सरकार में वक्त लगेगा, टाइम लगेगा, माननीय सदस्यों ने ऐसा संशय व्यक्त किया है। मैं आपको भरोसा दिलाता हूँ, आश्वासन देता हूँ कि as soon as President का assent आएगा, तो डेफिनेटली हम नोटिफिकेशन जल्द से जल्द इश्यु करेंगे। हम इसमें कोई देरी नहीं करेंगे। अगर देरी करेंगे, तो यहां कानून लाकर भी उसका कोई फायदा नहीं होगा। मैंने स्टेट में भी ऐसे बहुत से कानून देखे हैं और यहां भी ऐसे कानून हो सकते हैं कि वे कानून पास तो होते हैं, बिल पास होते हैं, लेकिन from the date of notification बोलने से कई दफा वह notification नहीं होता है और वह ऐसे ही पड़ा रहता है। हमें इस बात का पूरा-पूरा ख्याल है और हम इसके बारे में जानते हैं कि वहां से assent होकर आने के बाद हम नोटिफाई कर देंगे। एक बात कोर्सज की हुई है। वह तो हमारे डेफिनिशन में है और हमने उसको 2-D में रखा है। आपने भी अमेंडमेंट में देखा होगा।

(क्रमशः 3M/LPपर)

Kgg/lp/4.50/3m

**SHRI MALLIKARJUN KHARGE (contd.):** It covers the whole of India as per section 1(ii), which includes operational area. हम जो नया अमेंडमेंट लाए हैं It also covers the overseas. उसमें कोई दिक्कत नहीं है, इसलिए अब यह समस्या भी आपके सामने नहीं होगी। अभी माननीय सदस्यों ने एक सवाल उठाया कि जो वर्कमैन कम्पेनसेशन मिलता है, अगर बहुत से बाहर के कामगार दूसरी किसी स्टेट में जाते हैं, ट्रांसफर होते हैं या ट्रैवल करते हैं, फोर एग्जम्पल बिहार के वर्कर्स दिल्ली में आए या बिहार के वर्कर्स कर्नाटक में आए, तमिलनाडु में आए, तमिलनाडु के वर्कर्स आंध्र में गए या आंध्र के उधर गए, उनके लिए यह केस फोलो करना बहुत मुश्किल होगा और उनको कम्पेनसेशन मिलने में दिक्कत होती है, आपका ऐसा कहना है, इसके लिए Under section 21(ii), the commissioner can transfer the cases to other commissioner within the State or outside the State. It can avoid the expenses and frequent visits to the offices. ये सारी चीजें हमने इसमें की हैं, लेकिन एक बात एनकोड करना इसमें संभव नहीं है, हम इसके बारे में जरूर सोचेंगे कि जो सिविल कोर्ट ज्यूरिसडिक्शन कमिश्नर को देना चाहिए कि जो डिसीजन देते हैं, तीन महीने के अंदर, उसको एग्जिक्यूट करने के लिए जो वक्त लगता है, वह फिफ्टी परसेंट अमाउंट डिपोजिट करके जाएगा। वह प्रावधान इसमें नहीं है। इसे करने की आपकी सलाह है, यह अच्छी सलाह है, हम डेफिनिटली इस पर सोचेंगे। यह एक बहुत बढ़िया सलाह आपने दी है, मैं इसका स्वागत करता हूँ, लेकिन फिलहाल इस बिल में यह नहीं है। एक बात और है कि यह कांट्रेक्ट लेबर्स पर लागू होगा कि नहीं या कैजुअल लेबर्स पर होगा। In other words, an employee henceforth working either on casual or contract basis whether engaged directly or indirectly is covered within the existing definition. What we have proposed is just to replace the word 'workmen' with 'employees'. Therefore, everything depends on implementation. The implementation of the Act lies with the State Government. Yes, we all can try; Members of Parliament can try, the Government of India will try; every one of us can

**Uncorrected/Not for publication - 01.12.2009**

try our best to implement it. But, ultimately, the State Government should have a commitment to implement it. That is the most important thing. Unless we have the mind and the heart, I do not think passage of any number of laws will not help. But, to really help or assist them, all the State Governments should work on this issue and ये बहुत अच्छे अमेंडमेंट्स हैं और करोड़ों वर्कर्स को इससे फायदा होगा। मुझे खुशी है कि सदन के सारे सदस्यों ने इसको एकमत से सपोर्ट दिया है। मैं आप तमाम माननीय सदस्यों को धन्यवाद देता हूँ।

(समाप्त)

**SHRI T.K. RANGARAJAN (TAMIL NADU):** I suggested that the commissioner's power is not mentioned there. The commissioner must have power like the civil court judge or the provident fund commissioner or the ESI commissioner.

(Contd. by sss/3n)

SSS-AKG/3N/4.55

**SHRI T. K. RANGARAJAN (CONTD.):** If the Commission has not given any power nobody will deposit 50 per cent amount in the Commissioner's office. That must be given first. The second thing is, delete Section 12. Section 12 should not be there. You have already deleted Section 2 (n).

**MR. DEPUTY CHAIRMAN:** He has appreciated your suggestion.

**SHRI T. K. RANGARAJAN:** Mere appreciation will not help the worker.

**MR. DEPUTY CHAIRMAN:** Now, it cannot be done.

**श्री रुद्रनारायण पाणि :** सर, नजमा जी ने जो कहा था, इसके बारे में मंत्री जी ने कुछ नहीं कहा।

**Uncorrected/Not for publication - 01.12.2009**

**SHRI MALLIKARJUN KHARGE:** Since you are a senior man and you have got more knowledge in this, but, still I will bring to your kind notice Section 23, the powers and procedure of Commissioners. "The Commissioner shall have all powers of a civil court under the code of civil procedure, 1908 for the purpose of taking evidence on oath which such Commissioner is hereby empowered to impose and for enforcing the attendance of witnesses and compelling the production of documents and material objects and the Commissioner shall be deemed to be a civil court for all the purposes."

**डा. (श्रीमती) नजमा ए. हेपतुल्ला :** सर, हमारे सवाल का जवाब नहीं आया।

**श्री उपसभापति :** आपका क्या सवाल था?

**डा. (श्रीमती) नजमा ए. हेपतुल्ला :** सर, मैंने दो बार पूछा था।

**श्री उपसभापति :** मंत्री जी, आपने इनके सवाल का जवाब नहीं दिया।

**श्री मल्लिकार्जुन खरगे :** सर, मैंने जवाब दिया, लेकिन वे बात कर रही थीं।

**DR. (SHRIMATI) NAJMA A. HEPTULLA:** I am sorry. Can you repeat it?  
I am very sorry.

**SHRI MALLIKARJUN KHARGE:** It covers the whole of India as per Section 1(2) and it also includes abroad. यह अमेंडमेंट में 2(d) में इसके Definition में है।

**DR. (SHRIMATI) NAJMA A. HEPTULLA:** What about territorial water, Deep sea?

**SHRI MALLIKARJUN KHARGE:** It covers territorial water, sea, air, everything.

**MR. DEPUTY CHAIRMAN:** The question is:

**Uncorrected/Not for publication - 01.12.2009**

That the Bill further to amend the Workmen's Compensation (Amendment) Bill, 2009, as passed by Lok Sabha, be taken into consideration.

*The question was put and the motion was adopted*

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

*Clauses 2 to 10 were added to the Bill.*

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

**SHRI MALLIKARJUN KHARGE:** Sir, I beg to move:

That the Bill be passed.

*The question was put and the motion was adopted*

(Ends)

**MR. DEPUTY CHAIRMAN:** The House is adjourned to meet tomorrow at 11.00 A.M.

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The House then adjourned at fifty-eight minutes past four of the clock till eleven of the clock on Wednesday, the 2<sup>nd</sup> December, 2009.