

LOK SABHA

SYNOPSIS OF DEBATES* **(Proceedings other than Questions & Answers)**

Tuesday, July 30, 2019 / Shravana 8, 1941 (Saka)

OBITUARY REFERENCE

HON'BLE SPEAKER: Hon'ble Members, I have to inform the House about the sad demise of our former Member Shri S. Jaipal Reddy.

Shri S. Jaipal Reddy was a Member of the 8th and 12th to 15th Lok Sabha representing the Mehbubnagar, Miryalaguda and Chelvella Parliamentary Constituencies of United Andhra Pradesh now in Telangana respectively. An excellent administrator, Shri Reddy was a Union Minister of Information and Broadcasting, Urban Development and Culture, Petroleum and Natural Gas, Science and Technology and Earth Sciences. During his long and illustrious political career, Shri Reddy was Chairman of Committee of Privileges and also member of various Parliamentary Committees. He was also a Member of Rajya Sabha for two terms and held the position of Leader of Opposition in the Rajya Sabha from 1991 to 1992. He was conferred 'Outstanding Parliamentarian Award'

* Hon. Members may kindly let us know immediately the choice of language (Hindi or English) for obtaining Synopsis of Lok Sabha Debates.

in 1998. Earlier, Shri Reddy was the Member of the Andhra Pradesh Legislative Assembly for four terms.

Shri S. Jaipal Reddy passed away on 28 July, 2019 in Hyderabad, Telangana at the age of 77.

We deeply mourn the loss of our former colleague and I am sure the House would join me in conveying our condolences to the bereaved family.

The Members, then, stood in silence for a short while.

SUBMISSION BY MEMBER

Re: Failure of Uttar Pradesh Government to maintain law and order and also crime against women in the State.

THE MINISTER OF PARLIAMENTARY AFFAIRS; MINISTER OF COAL AND MINISTER OF MINES (SHRI PRALHAD JOSHI) *responding to the issue raised by an hon. Member, said:* No politics should be done on this issue. Already, a CBI enquiry is going on in this regard. FIR has already been registered in the matter. The Uttar Pradesh Government is conducting a thorough and fair investigation in the matter. We are with the family.

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT(SADHVI NIRANJAN JYOTI) *also responding said:* The

owner of the truck is an office bearer of Samajwadi Party and is from my area. The Samajwadi Party is defaming the Bhartiya Janata Party to save its worker.

THE CONSUMER PROTECTION BILL, 2019

THE MINISTER OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI RAMVILAS PASWAN) *moving the Motion for the consideration of the Bill, said:* This Bill is a new Bill. It has been brought before the House after 33 years. I move that the Bill to provide for protection of the interests of consumers and for the said purpose, to establish authorities for timely and effective administration and settlement of consumers' disputes and for matters connected therewith or incidental thereto, be taken into consideration.

THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI DANVE RAOSAHEB DADARAO): This Bill was passed by the Lok Sabha on 20.12.2018, but it lapsed in the Rajya Sabha due to the dissolution of the 16th Lok Sabha. This Bill has been reintroduced, with some amendments, in the Lok Sabha on 8th July, 2019. Earlier, there were consumer courts at the district level, state level and the national level, but the consumers were not getting justice within the prescribed time limit of six months. Therefore, a proposal has been made to set up

a Central Consumer Protection Authority (CCPA) in addition to these consumer commissions. Simplified dispute redressal procedure, provision of mediation, punishment for misleading advertisements of products and adulteration, simplification of investigation by consumer commission and simplification of adjudication process has been included in this Bill. Quick redressal of the cases through mediation, e-commerce and new rules for the cases of consumers of new age have also been included in this Bill. There will be a Chief Commissioner in the Central Consumer Protection Authority besides other commissioners. There will be one commissioner in regional authority. Its detailed organisation and constitution will be specified in consultation with the States after the passage of the Bill. CCPA is the execution agency for providing relief to the categorized consumers through which additional quick reforms have been proposed in the Bill. Earlier, consumers could not get timely relief. The dispute redressal process has been made faster and simple through this Bill. I request the House to pass the Bill.

SHRI RAJENDRA AGRAWAL *initiating said:* This Bill has been brought after much deliberations. Ways of doing business have changed, trade items/commodities have changed and a new kind of e-commerce system has started. People are using the increased information in cheating the common man. We have had the Act of 1986 but it became difficult to provide protection to consumers through it. It's not that this Act was totally useless but the delivery of justice took very long time under it. The average time for the settlement of

consumer cases came out to be 12 months. A total of 4,61,786 cases are still pending. Some old arrangements have been continued, some amendments have been made into them and some new provisions have been incorporated in this Bill. The Consumer Dispute Redressal Commission, which was earlier known as consumer forum, district forum, will now be constituted in the form of a court with more powers. These commissions could now be called as consumer courts. Their powers and jurisdiction has been increased. The Chief Commissioner will be the Chairman of the Central Consumer Protection Authority and other Commissioners will also be selected for assisting him. A new thing has been included in this Bill which is product liability. Whether it is some service or some product, there was no provision of punishment as to who should be held liable. If there is some injustice then even at the beginning, the district, State or National Commission can punish the guilty person with three years imprisonment or with a fine of Rs. 25 thousand which can be increased up to Rs. 1 lakh. Lot of misinformation is given in the advertisements. The description of product is totally different from the real product. This Bill provides a complete safety cover against the false and misleading advertisements and other such frauds. A provision for mediation to resolve the disputes have also been provided in it. Every person is a consumer also. If the consumer does not get protection, dissatisfaction and disappointment spreads in the society. Our Government has always been sensitive about these. I, therefore, believe that the proposed Bill will prove to be a milestone in protecting

the rights of the consumer and will also provide an effective safety cover to the consumers. I support the Bill.

SHRI BALLI DURGA PRASAD RAO: The Government is bringing this Bill to establish CCPA to look into the grievances of the consumers. 'Mediation' as an Alternative Dispute Resolution Mechanism has been provided for in the Bill. I would like to know from the hon. Minister the definition of 'Mediation' as it is not defined in the Bill. However, I would like to appreciate the Government for carrying out multi-media campaign, namely '*Jago Grahak Jago*' on pan-India basis. I would also like to know as to how much funds have the Central Government released for particularly to my State Andhra Pradesh for creating awareness among the consumers? The Bill does not address the fundamental problem of protracted and complicated litigation, the bane of consumers. The patient is also a consumer. Earlier, healthcare was not included in the service list of the Bill. I appreciate the Government for including healthcare in the list. There is a penalty of Rs. 10 lakhs and up to two years imprisonment, if any manufacturer or an endorser gives false or misleading advertisement. I would request the hon. Minister to increase the penalty amount to Rs. 25 lakhs for initial false or misleading advertisement. For the subsequent offence, the penalty imposed may be up to Rs. 1 crore. CCPA can also prohibit the endorser or manufacturer for misleading advertisement. However, there are certain exceptions mentioned when endorser will not be held liable for such a penalty. I want to know from the hon.

Minister as to what those exceptions are. There is no time frame for disposal of cases. Consumer complaints should be disposed of in less than 90 days.

DR. G. RANJITH REDDY: The consumers have the right to know about the quality, quantity, pricing, purity and potency of the product together with the standard of goods and services. Has the Bill really taken care of all these rights? I would say that it is partially right because all the rights have not been considered in this Bill. I would request the hon. Minister to look into these things. The rights are amply defined in the Bill but when it comes to defective goods or bad services, the Bill does not clearly say about the action to be taken against this. The third point is relating to MRP. But sometimes, the shopkeepers charge above MRP depending upon the season. The Bill does not clearly say about the punishment for retailer if he is selling the product above MRP. The next point is relating to false or misleading advertisements. I request the hon. Minister that along with the manufacturer and the service provider, even the celebrities have to be charged because they have a big impact on the consumers. I hope that with the proposals of the Bill, if the suggestions given by all the hon. Members in the House are included in the Bill, it would definitely improve the state of affairs between the consumer, the manufacturer and the service provider.

DR. M. K. VISHNU PRASAD: Who is the consumer? It is who consumes, who buys and sells. The maximum numbers of consumers in India are basically the PDS beneficiaries. The real Consumer Protection Act should come in such a

manner that immediately consumer voices can be heard. As far as insurance companies are concerned, we go to the insurance company to get our money back but there is no immediate claim bonus. What mechanism has been devised by this Government to solve such problems? A consumer has to be hundred per cent satisfied. As far as toll roads are concerned, they are another big subject. Even the Supreme Court has given a judgement that if you are waiting for more than three minutes at a toll gate, you are not bound to pay the toll tax. In spite of that, they are collecting the toll tax. Why is the Government mute on this? We pay toll tax to travel anywhere in India. But, the agencies do not provide mandatory services like ambulance, telephone and water facility. The expiry date and the MRP are printed in tiny letters on the Indian products. I would like to know from the hon. Minister as to what control does the Government exercises over the manufacturers who are located outside India. The Bill does not attribute liability to e-commerce companies for goods sold on their platform. With regard to the false or misleading advertisement, I would like to tell that the term 'false' is vague and it gives discretionary power to the authorities. The redressal mechanism has been designed in such a way that the poor people will not be able to fight for their rights. We should have time bound solutions. I request the Government to send this Bill to the Standing Committee.

DR. KALANIDHI VEERASWAMY: The Bill had made sure that the national level and the State level commissioners will be nominated or appointed by

the Central Government without specifying the qualifications for these Commissioners. I would like to say that rather than bothering about the revenue that the Government can generate, it should bother about the civilians or consumers. We are talking about consumer protection but how can we expect a common and illiterate person to get justice when he is cheated. Sometimes the products are sold above the MRP. In this regard, there should be some kind of e-mail system and the complainant should be given a detailed reply about what action has been taken. Frivolous cases are being filed against medical professionals. I would suggest the Government to come up with a policy where any complaint would be sent to the State Medical Commission and the case should be filed only after obtaining the approval from the Commission.

SHRIMATI PRATIMA MONDAL: I request the Government to take note of the advertisements which use derogatory language and depict women in an unacceptable manner. I would like the hon. Minister to clearly define the role of Consumer Protection Council. The Government should have fixed the number of members that will constitute the body. As per the provision of the Bill, the Central Government will nominate the members in the State Council. Thus the Central Government has encroached upon the rights of the States. I request the Government to make a provision to ensure the participation of a judicial member in the Consumer Disputes Redressal Commissions and also enumerate the qualifications of its members in the Bill itself. It is also necessary to add a sunset

clause in the Bill which will ensure regular modernization of laws. I would like to know from the hon. Minister as to how does the Government intend to control advertisements on the internet. Further, how the Government will control the foreign companies which put up misleading advertisement but do not fall under our jurisdiction. We should impose a penalty on the adjudicator for non-compliance of the given time period for settling the disputes. The Bill imposes a penalty on the endorser but does not provide imprisonment as a form of penalty. The Minister also needs to specify the channel through which a consumer can clarify their queries. I would also like to know as to how the rights of the customers will be safeguarded in the case of C2C business model.

SHRI RAHUL RAMESH SHEWALE: This Bill is an important step towards safeguarding and promoting and enforcing the interests of the consumers. Now a days, a number of people place orders online. In case, they get substandard or faulty goods, the suppliers do not pay heed to their complaints on one or another pretext. This lead to a loss to the customers, ultimately. We should have provision in the Bill to fix the accountability on the suppliers in such situations. Besides, the Government should have mentioned the number of Commissioners which will constitute the CCPA. Further, the Government should ensure provision in the Bill for judicial representation in the Redressal Commissions. The Government should form an independent selection committee with the representation of the judiciary for the purpose of appointment of the Members of the Redressal Commissions.

The State Government should be given rights to appoint members in the Redressal Commission in their respective States. The Government should also set up a regulatory framework to ensure the timely redressal of the cases in which the consumers have been cheated by the multinational companies.

SHRI CHANDESHWAR PRASAD: I rise to support this Bill. Now, the markets have become advanced as a result of which certain evils have also crept in along with many good things. Sometimes, the consumers are cheated. This Bill provides for a Central Consumer Protection Authority (CCPA). Earlier, district forums were entitled to try the disputes of value of upto Rs. 20 lakh. Now, this limit has been enhanced to Rs. 1 crore. This Bill has a provision of mediation also. The sellers should mandatorily give a bill for the sale and the goods can be returned within a period of 1 month. All the market committees and government godowns should be equipped with electronic weighing machines for the benefit of farmers.

SHRI RAMESH CHANDRA MAJHI: I rise to support this Bill. This Bill has a new provision of class action suit. There is a provision of mediation also in the Bill. E-commerce policy and Consumer Protection Bill are in conflict with each other. I would like to know as to what will be the qualification of the judges. Earlier, the forums at district level were entitled to try the disputes of value upto Rs. 20 lakh. It's good that now this limit has been enhanced to Rs. 1 crore.

SHRI GIRISH CHANDRA: The Consumer Protection Act was passed in the year 1986 but a number of posts of president and members are still lying vacant in several consumer forums. There are circuit benches of State Commissions in several States but in the state of Uttar Pradesh, there is only a single State Consumers Commission. At least 5 circuit benches of State Commission should be established in Uttar Pradesh also. Eligibility of candidates to be appointed as members of State Commission and District Forums should be at least law graduate and prescribed reservation should also be ensured for Scheduled Castes, Scheduled Tribes and the most backward classes. The sanctioned strength of employees should be enhanced in different consumer forums so that cases can be decided timely.

SHRI SAPTAGIRI SANKAR ULAKA: This Bill proposes to set up a Central Consumer Protection Authority but there is no mention of the jurisdiction of the existing consumer forums. There are contradictory provisions in terms of the liability of celebrities endorsing the advertisements. With the advent of e-commerce, spurious goods are also being sold. The provision of mediation is likely to encourage corruption and may lead to delay in deciding the matters. There may be some subjects which are covered under some other laws too. There is a need to have clarity on this aspect. This Bill should be referred to the Standing Committee.

SHRI AJAY MISRA TENI: I rise to support the Consumer Protection Bill, 2019. The object of this Bill is to protect the interests of the consumers. The entitlement of different consumer forums has been enhanced. Besides, provision of mediation as well as facility of registering online complaints is also there. Now many people are using e-commerce. This is also a big challenge before us. This Bill proposes to establish a Central Consumer Authority which will help us stop unethical trade practices. This Bill provides that in case a consumer gets a favourable verdict from a district forum or the State Commission, the opponent company does not have a choice to move the National Commission. This Bill provides the facility of hearing through video conferencing as well. The Government should address the issue of MRP also.

SHRI JAYADEV GALLA: Whereas this Bill defines the term “service” and has brought under its purview a host of services but there is no mention of health care which is a very important service. Now a days, consumers justice has turned out to be anything but simple, quick or inexpensive. A victim of medical negligence in a Government hospital or if a person dies due to negligence of any of the identified municipal services, should also be entitled to compensation. The proposed Bill restricts this. I feel that the definition should be broadened bringing even free services provided by the Government under the purview of the Bill for compensation. There is no provision in the Bill to act against surrogate advertisements. The Bill delegates powers with regard to qualification, terms and

condition of service, salaries etc. to the Government of India whereas the existing Consumer Protection Act clearly mentions that Commissions at various levels will be headed by a person qualified to be a judge. The Government wants to keep in its every institution by keeping with it the qualification, salaries, allowances, tenures, etc. So, instead of detailing them under subordinate legislation, I would request the hon. Minister to mention the same in the Bill itself. I suggest for consideration of the hon. Minister to provide some extra financial support for this *Jago Grahak Jago* movement and to bring awareness among consumers about their rights and duties. With these observations, I support this Bill.

***SHRI GIRISH BHALCHANDRA BAPAT:**

SHRIMATI SUPRIYA SADANAND SULE: I stand here in support of this Bill. There is no redressal system in this Bill which had actually been recommended by the Standing Committee. I would like to have a pointed clarification that in case of all the adulterations that we are seeing, can we find a better system with the help of technology which is far more effective? If there is a bad product you go to court and will get help. But what about services? How will this redressal system work for bad services given? There is always a loophole in most of these rules. If there could be some specific rule, it will be good. Are the labs strengthened enough to look into adulteration and food products? We cannot go to Central Government for everything. Product liability is applicable to all

* Please see Supplement

participants in the food chain. There are multiple agencies which can be responsible for it. How will you pinpoint in the whole supply chain? I think everybody should have accountability. There are a plenty of laws already in the country but adulteration has still not stopped. The collective thought of this entire discussion should be to make better and stringent rules in the interest of the citizens. The consumer is the king. Let us put the consumer first and find a Bill which is in the interest of the nation.

SHRI HASNAIN MASOODI: This effort to run down institutions is not good for the health of the democracy of the country. Democracy flourishes in the country only when we respect institutions. This law needs a second look. We have provided an alternate mechanism because consumers do not have a level playing field. They have no resources. This is a cause of big concern. I do not know whether this Bill will stand a judicial scrutiny before the Supreme Court. Its composition has been so much centralized that we are not giving power to States even to constitute a District Redressal Commission. So, this is worrisome. Until and unless we integrate IT tools with consumer delivery system, till then we are not hopeful. We have not been successful to evolve an efficient consumer delivery system.

SHRIMATI APARAJITA SARANGI: I would definitely like to say that this particular Bill if implemented well, will be a game-changer for consumers and consumers interests in our country. There are three major goals of this Bill. One is

to prevent violation of consumer rights, two is to check illegal trade practice, to check illegal business ethics and the last one is to prevent misleading advertisements. We have been talking about different kinds of marketing, misleading advertisements, tele-marketing, multi-level marketing, direct selling and e-commerce pose new challenges to the consumers. So, there is the need for this kind of a Bill. About 4,61,000 cases await disposal. This is extremely unfortunate. So, we need quick disposal of cases. The Bill provides for several provisions for simplifying the consumer dispute adjudication process. This Bill is very much pro-consumer. We are talking of ease in filing. The e-filing is there. The mediation and product liability is there. We all need to work together. This comprehensive Bill is very much in the interest of consumers.

SHRI E. T. MOHAMMED BASHEER: This Bill is a welcome move. We call consumer a king. The rights of the consumer have been specifically defined in this Bill. As far as the Consumer Dispute Redressal Commission is concerned, that is also specifically mentioned in this Bill. But as far as the Grievance Redressal Mechanism is concerned, I still have my own doubts that these provisions are insufficient. It has again to be addressed seriously. This system is time-consuming. It is not keeping pace with the new market dynamics and multi-layered delivery chains. The main problem lies with the implementation of the provisions of the Bill. We have to streamline the grievance redressal mechanism and improve consumer education programmes.

ADV. A. M. ARIFF: Intensive efforts are required to be taken to protect the interests of the poor rural consumers as they are not left with enough time to go through the procedures. A variety of products available through e-commerce needs to be considered in the Bill. The Bill does not grant the authority to proceed against any person guilty of violation of the Rules. Quick disposal of cases is essential as justice delayed is justice denied. I would like to seek a clarification from the Government on the average time taken to dispose of the cases doctor community has raised apprehensions regarding definition of deficiency which may lead to a situation where doctors will not be ready to take risk and doing treatment. I request the Government to send this Bill to the Standing Committee.

SHRI ASADUDDIN OWAISI: I oppose this Bill. Women are in the lead role in terms of consumer protection but that reservation has been removed in this Bill. Section 107 of the Bill has no provision as to what would be the fate of the cases lying pending with District, State and National Commission in the wake of repealing the Consumer Protection Act, 1986. It needs to be clarified whether time limit specified is mandatory or discretionary. The provision of depositing 50 per cent amount of award by the appellant to go for appeal, will cause hardships. Instead of making it mandatory it should be left to the State and National Commission. There is no clarity on the number of members to be taken on board in the Central Council nor is there any specific mention about the criteria thereof.

There is a need to correct pecuniary jurisdiction norms. This Bill is not in favour of the consumer.

SHRI JANARDAN MISHRA: The Bill provides that a consumer or a party concerned may approach the Supreme Court against the verdict of the Central Consumer Authority. Earlier, the pecuniary jurisdiction of the district court was Rs.20 lakh which has been increased upto Rs.1 crore. Further, it has also been provided in the Bill that the process of appeal shall commence only after paying the 50 per cent amount of the award by the consumer. All the issues cannot be brought within the ambit of the Consumer Forum. If need be, other provisions shall also be incorporated some way down the line in tune with the changing circumstances and of course commensurate with the modern market scenario.

SHRIMATI ANUPRIYA PATEL: Given the pendency of cases in the Consumer Forum there is really a need to have a new and a more dynamic law which is in tune with the changing times and needs. This becomes all the more relevant in view of the growing popularity of online purchase. The Government has brought a new comprehensive Bill with the intention of protecting consumer rights and the unfair and restricted trade practices have been well defined. Though, the Bill does not specify minimum judicial qualification for the person to be appointed as President and members of Consumer Disputes Redressal Commission. Consumer Protection Councils are supposed to play an advisory role. What I fail to understand is who exactly the Consumer Protection Council is

rendering advice to. I want the hon. Minister to clarify this. The recommendations of the Standing Committee have not been incorporated in this Bill. I support this Bill.

SHRI P. RAVEENDRANATH KUMAR: I appreciate the hon. Minister for bringing in this Bill. In order to reduce the prolonged pending cases as well as to curtail unwarranted litigation, a new chapter has been added in this Bill. This would enable settlement of disputes by a mediator upon reference by a consumer court and will reduce unnecessary litigation in future. I would request the hon. Minister to enlighten us as to what kind of action the Government is going to take to create awareness among the public to file the complaints. At the same time, I wish to know as to what kind of monitoring system is planned to be in place to prevent misleading advertisements.

SHRI N.K. PREMACHANDRAN: I rise to support the spirit of the Bill but have certain reservations about the contents of the Bill. I think, this is the right time to review the Consumer Protection Act of 1986. So, I welcome the step to repeal the Act. The Consumer markets for goods and services have drastically changed. There is emergence of global supply chains and modern marketing technological tool, like on-line trading, e-commerce, e-trading, etc. have come into existence. So, we have to change in tune with the changing market scenario or market conditions. It is quite unfortunate to note that most of the Commissions are not delivering service as we expected them to do. This Bill provides for the

constitution of Central Consumer Protection Authority and wide powers being given to it. I am of the view that no specific power has to be given to it. As per the Bill, the Government is going to determine the qualifications of the Chief Commissioner of the Central Consumer Protection Authority. In a way it is taking away the rights of Parliament. I have a strong objection to it. I would like to emphasise that stringent punishment has to be there for the misleading advertisements.

***SHRI THOL THIRUMAAVALAVAN:**

SHRI RAMVILAS PASWAN *replying said:* I hope that this Consumer Protection Bill will prove to be a historical Bill. Several hon. Members have expressed their views on this Bill and the Government has seriously pondered over them. Through this Bill, our main objective is to streamline the system of consumer protection. With regard to non-inclusion of healthcare in this Bill, I would like to say that under the prevailing scenario, a medical practitioner prescribes medicine for any disease very easily, whereas if healthcare is incorporated in this Bill, he will prescribe medicines only after advising the patient to go for a comprehensive health check up. It will cause extreme difficulties to the patients as it will consume time and money both. Over the time, district level consumer forum, state level consumer commission and national consumer commission established with the purpose of consumer protection have gradually

* Please see supplement

taken the shape of courts due to which its main purpose has been defeated. One of the reasons for delay is the court cases as well. As per the provisions of this Bill, services of advocate are not necessarily required. Now, any person can represent his case on his own. Similarly, if a person files any complaint and if it is not registered within a day, then it will be automatically registered. In addition to that, purview of District Level Consumer Forum has been increased from Rs.20 lakh to Rs.1 crore and purview of State level Consumer Commission has also been increased to Rs.10 crore. Similarly, cases involving more than Rs.10 crore have been brought under the purview of National Consumer Commission. Several hon. Members have commended the provisions pertaining to arbitration but have also pointed out that it lacks transparency. In this regard, I would like to say that the Government will definitely take care of these aspects while framing the Rules. As far as misleading advertisements are concerned, a person giving such advertisements will be held responsible under the provisions of this Bill. Another issue which has been raised is related with celebrities. The Government has removed the imprisonment related provision from this Bill. We would definitely punish them by imposing ban or penalty which will be enough. As the matter pertaining to food adulteration is related with health, such cases comes under the jurisdiction of separate department. The Government has also taken action in the cases of charging of double the prices vis-à-vis the MRP. Similarly, CCPA is a very effective mechanism, but we have not given absolute power to it. In the event

of any complaint, it is capable of taking immediate action. Individual action was taken under this arrangement so far but now it has been conferred powers to take class action also. The Government has formulated this Bill after considering the comprehensive reports received from NGOs and Media. We are making endeavours to simplify the justice delivery system to provide relief to the consumers at the earliest. I would like to assure you that we would try to incorporate all the suggestions related with national interest and public interest in the Rules. So, I would request all the hon. Members to pass this Bill unanimously.

The Bill was passed.

THE CODE ON WAGES, 2019

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI SANTOSH KUMAR GANGWAR) *moving the motion for consideration of the Bill, said:* The extant labour laws are very archaic and 17 out of them are more than 50 years old and some of them date back to the pre-independence era. The second National Labour Commission was constituted to make these laws relevant, responsible and transparent in view of the changing social and economic scenario. The Labour Commission submitted its report to the Government in the year 2002-03. But, I am constrained to say that there was

inordinate delay in putting the reforms recommended by this Committee in place. So far as the inordinate delay is concerned, I would like to tell you that we have to hold consultation with all the major trade unions, employers and State Governments before bringing about any change in the labour laws. Only after such consultations, it becomes possible for us to bring about any change with consensus. Moreover, we have incorporated the suggestions given by the common people on the Code on Wages into this Bill. We all are aware that the Ministry of Labour and Employment is amalgamating 32 Central labour laws into four Codes. We are going to take such a step that will tremendously benefit the labours of organized and unorganized sectors of our country. Our Government is providing legal right of minimum wages to 50 crore labourers which will be a first step of its kind in the history of independent India. The provision of minimum wages is applicable only to 45 central scheduled employments and 1709 state scheduled employments. Today, only about 40 per cent labourers are availing the benefits of minimum wages and with the passage of this Code the remaining 60 per cent labourers will also be able to avail the benefit of this legal right. We are also making efforts to ensure the timely payment of wages to the labourers through this Code. We all know that the Union and the State Governments determine the minimum wages in their respective jurisdictions. Our Government substantially increased the minimum wages. We are also trying to remove the anomalies prevalent in the minimum wages fixed by the different states through this Code. This Code

provides for the determination of a floor wage by tripartite institution in consultation with trade unions, employers and states. Hence, I would like to urge upon all the hon. Members to express their views on this Code.

SHRI KODIKUNNIL SURESH *initiating said:* I rise to elucidate my views and observations on the Code on Wages Bill, 2019. There was no special circumstances or contingency to codify and amalgamate the existing labour laws. There has not been any consultation with different stakeholders concerned with this legislation, including trade unions and other representatives. This shows that the Bill is designed to benefit the corporate. Now the Government is going to destroy the ESI. The Government vehemently objected to the enhancement of the PF pension. The country has witnessed the largest ever unemployment rate, a historical high of 46 per cent. Instead of providing for a uniform National Minimum Wage for the entire country, the provisioning of different Minimum Wages to be fixed for different States, is an attempt at hoodwinking the working class. The Government has totally rejected the recommendations of their own Expert Committee on determining the methodology for fixing the National Minimum Wages. It sets the single value of national minimum wage for India at Rs.375 per day or Rs.9,750 per month. This Bill is totally against the working class. So, the Government should call the trade unions and take their opinion. The Government has to accept their suggestions and views.

DR VIRENDRA KUMAR: This Bill has been brought after including the 17 recommendations out of 24 given by the Standing Committee on Labour. There was a long pending demand to bring reform in the labour laws. This Wage Code has been framed by integrating four important laws in the series. The labour laws in India had been only for the organized sector so far. This Code provides for the minimum wages for the labourers. The wages given to the woman labourers was less as compared to the males and this Bill is a right step in this direction. The most important objective of this Bill is to fix minimum wages. Timely payment of wages has now been extended everywhere instead of only notified institutions. The Central Government will seek the advice from the Central Advisory Board before fixing minimum wages which will advise the Government on different aspects of wage determination and increasing the employment opportunities for women. The Central Advisory Board will be constituted with the representation of employers, staff, independents and State Governments' representatives. One-third of its members will be women. There is a provision in the Bill that the rate of overtime wages shall not be less than double of normal wages. The wages which is to be paid before the retrenchment of a worker is normally not paid. This Bill will ensure that the dues of the worker are paid within two weeks. A provision regarding deductions from the wages of the workers has also been made. One important provision in this Bill is that the minimum wages will be reviewed after a gap of five years. The contractors and the employers will not be able to harm the

interests of labourers. There is another important provision in Section 33 that the Gazetted Officer of the Government of India and the State Government can dispose of the cases inviting penalties upto Rs.50 thousand. This Section is a commendable step in reducing the burden from the judiciary. The penalty or punishment under various laws was less till now which has been increased upto Rs.50 thousand. In fact, this Bill is meant for the last person in the social strata.

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SNEHLATA SHRIVASTAVA
Secretary General

**Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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