

THE DEPUTY CHAIRMAN: Okay, we will discuss the matter. *(Interruptions)*...

SHRI DINESHBHAI TRIVEDI: Madam, I am sorry. I have never come to the well of the House. *(Interruptions)*...

THE DEPUTY CHAIRMAN: I cannot answer. *(Interruptions)*...

SHRI DINESHBHAI TRIVEDI: \*

THE DEPUTY CHAIRMAN: I am not ....*(Interruptions)*... Nothing is going on record. *(Interruptions)*... Go back. *(Interruptions)*... Go back. *(Interruptions)*... I have asked you to go back. *(Interruptions)*... Go back. *(Interruptions)*... Don't misbehave. *(Interruptions)*... Go back and sit down. *(Interruptions)*... Let Mr. Bommai take care of his MP. *(Interruptions)*... Don't talk to me. *(Interruptions)*... You ask the Chairman. *(Interruptions)*... I cannot answer. *(Interruptions)*... I am not answering. *(Interruptions)*... I am not answering. *(Interruptions)*... Don't behave like that. *(Interruptions)*... I am not answering. *(Interruptions)*... You ask the Chairman. I am not answering. *(Interruptions)*... You ask the Chairman. I am not answering. *(Interruptions)*... I am not allowing. *(Interruptions)*... I am not allowing. *(Interruptions)*... Nothing is going on record. *(Interruptions)*... Sit down. *(Interruptions)*... I don't know. You ask the Chairman. *(Interruptions)*...

THE SOMAPPA R. BOMMAI (Orissa): Madam, we want more time for the discussion.

THE DEPUTY CHAIRMAN: आप बैठिए। *(Interruptions)*... आप बैठिए। *(Interruptions)*... आप एक मिनट बैठिए। आप बैठिए। *(Interruptions)*... There is a procedure in this House. I am sorry. There are very senior Members sitting here. He is also a Member of the House for a very long time. If he has written to the Chairman, everybody is not aware of

it. The Business Advisory Committee allocates time. He cannot come and put the blame on the Secretariat or on anybody sitting in the Chair that we are stopping it.

SHRI DINESHBHAI TRIVEDI: Madam, I am seeking a clarification.

THE DEPUTY CHAIRMAN: No. Sit down. *(Interruptions)*... Sit down. I said, sit down. I will not let you speak even for half a minute. *(Interruptions)*. I have not finished. Sit down; otherwise I will adjourn the House. You sit down. *(Interruptions)*.. I am not sitting here. I refuse to sit in the House. *(Interruptions)*... I adjourn the House till 2 o'clock.

The House then adjourned at eleven minutes past twelve of the clock.

The House reassembled after lunch at four minutes past two of the clock. The Vice-Chairman (Shri V. Narayanasamy) in the Chair.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I have to inform the Members that the Calling Attention motion on the situation arising out of the signing of the agreement between Doordarshan and CNN, listed in the revised list of business for today will now be taken up on 9th August at 1.30 P.M. Now we will take up the Payment of Bonus (Amendment) Bill and the Statutory Resolution together. Now, Mr. Jiborn Roy.

# I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE PAYMENT OF BONUS (AMENDMENT) ORDINANCE, 1995

## II THE PAYMENT OF BONUS (AMENDMENT) BILL, 1995

SHRI JIBORN ROY (West Bengal): Thank you, Mr. Vice-Chairman. But the hon. Minister has not come yet.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): He is coming. In the meantime, I will take notes.

SHRI JIBON ROY: Sir, bonus is a most important issue for workers and it is a most important social security measure. It is being eliminated gradually. The right to receive bonus was achieved by the workers after a long struggle. But only one-and-a-half hour's time is given to discuss this important issue. This speaks volumes about the status of labour in the existing system. The other day, within two hours' time, we disposed of the Workmen Compensation Bill which takes care of workers to get compensation in case of death due to some accident. Now I will concentrate on the bonus issue and since the time is very short, I would not make a speech.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Thank you.

SHRI JIBON ROY: To make out my point, I request you to allot to me the necessary time.

Generally we do not support Ordinances. But, in this case, I feel it was necessary because of urgency of the situation.

Sir, in a number of factories, bonus was paid to the workers for 1993-94 on the anticipation that an enactment would be passed on payment of bonus. Now recovery of bonus has begun in many factories in the absence of the legislation. In that situation, probably the Ordinance was required. I would request my esteemed friend Shri Krishan Lal Sharma to bear with this. So far as the Bill is concerned, I hoped that the Minister would come out with substantive proposals. Mrs. Alva, you are also not hearing me and the Labour Minister is

not here. Who would listen to me? We are talking about labour. If this is the situation, it is very difficult for me to speak.

SHRIMATI MARGARET ALVA: Mr. Vice-Chairman, Shrimati Sukhbans Kaur came to me to ask a question. I am giving her a clarification.

SHRI JIBON ROY: Sir, the thing is that we are discussing an important subject—the bonus issue.

SHRI GURUDAS DAS GUPTA (West Bengal): The hon. Member has forgotten that Ministers never listen, but only reply.

SHRI JIBON ROY: Sir, bonus is being eliminated. I am discussing that matter. Unfortunately, the Labour Minister is absent. I have to address him.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I agree with you. But Shrimati Alva is taking notes.

SHRI JIBON ROY: I have to address the Minister himself.

SHRI GURUDAS DAS GUPTA: Sir, may I point out one thing? This is an important Bill. Everybody knows that there have been different viewpoints among the trade union leaders and a large number of the Members of Parliament and that is known to the hon. Minister. If the hon. Minister cannot make himself present in the House, I don't think there is any use in discussing the issue. It is simply useless.

SHRIMATI MARGARET ALVA: Sir, I have made it very clear. There was some confusion...*(Interruptions)*...One minute, please.

SHRI JIBON ROY: Sir, it is a life and death question.

SHRIMATI MARGARET ALVA: One minute, please. There was some confusion till the last minute because negotiations were going on as to whether the Calling Attention or the Bill should

come up at 2.00 p.m. or not. In the meantime, the Minister concerned had gone out. We have sent a message—he is on his way—that his Bill is being taken up at 2.00 p.m. The whole agenda for the morning session was changed because of some confusion till the last minute. He is coming. He is on his way.

**SHRI JIBON ROY:** Mr. Vice-Chairman, I request you to adjourn the House for a few minutes.

**SHRI GURUDAS DAS GUPTA:** Sir, the point is that this issue was decided in the Chamber of the Deputy Chairman at 1.15 p.m. Now it is 2.00 p.m. Even after 45 minutes, the Minister could not present himself in the House.

**SHRIMATI MARGARET ALVA:** The Minister was not available. I rang him up at 1.15 p.m. In the meantime, the House was adjourned. His staff is here. They told me that he was on his way. He is reaching the House in five minutes...*(Interruptions)*...

**SHRI JIBON ROY:** There are some issues...*(Interruptions)*...

**SHRIMATI MARGARET ALVA:** We are all here. We are taking notes.

**SHRI JIBON ROY:** There are some issues which can be understood only by him.

**THE VICE-CHAIRMAN (SHRI V. NARAYANASAMAY):** Mr. Jibon Roy, I can understand your anguish and I agree with what you are saying. You started your speech on the assurance of Mrs. Alva that she is taking down the notes. Let her take notes. In the meantime, the Labour Minister would come.

**SHRI JIBON ROY:** This is an issue relating to bonus. Only he can understand it...*(Interruptions)*...

**SHRI GURUDAS DAS GUPTA:** You kindly give a direction that the Minister should be present in the House.

Till then, you adjourn the House...*(Interruptions)*...

**SHRIMATI MARGARET ALVA:** Sir, the Minister is on his way.

**THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY):** The Parliamentary Affairs Minister is already saying that. Jibon Royji, I think, you can continue. The Minister will be coming. You continue.

**SHRI JIBON ROY:** Mr. Vice-Chairman, Sir, I would request you to understand the issue. The question that I am raising is related to bonus. He can understand. I don't think that by her taking notes, all the points can be conveyed to him. *(Interruptions)*...

**THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY):** The parliamentary Affairs Minister is taking notes. You kindly proceed. *(Interruptions)*...Kindly continue.

**SHRI GURUDAS DAS GUPTA:** Sir, we have very much confidence in the ability of our hon. Minister of State looking after the Parliamentary Affairs. We are exalted by her presence. But...*(Interruptions)*

**THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY):** Mr. Gurudas, let Mr. Jibon Roy continue his speech.

**SHRI JIBON ROY:** What I want to ask is, is this the way to treat the labour? In fact, Sir, most of the labour laws are gradually being allowed to lapse in one way or the other. Sometimes, in our system...*(Interruptions)*

**SHRI SANGH PRIYA GAUTAM (Uttar Pradesh):** The Minister has come now.

**SHRI JIBON ROY:** In our system...*(Interruptions)*

**SHRIMATI MARGARET ALVA:** ...You mean to say that women have no brain, only men have! *(Interruptions)*

SHRI JIBON ROY: No, no. Madam, you have. We are having some...*(Interruptions)*

SHRIMATI MARGARET ALVA: We saw your attitude towards women, whether it is the question of Kashmir or labour. Women are not capable of understanding, only you men, have the capacity to understand!  
*(Interruptions)*

SHRI JIBON ROY: No. Please don't take it that way.

SHRIMATI MARGARET ALVA: Yes. If...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANSAMY): No, no. Mr. Jibon Roy, you can continue your speech. After five minutes, I will ring the bell.  
*(Interruptions)*

Mr. Gurudas Das Gupta, you kindly take your seat. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Sir, this is wrong. I made it clear that we are extremely happy over the exalted presence of the Minister of State.  
*(Interruptions)*

SHRIMATI MARGARET ALVA: We know your sarcasm, Mr. Gurudas Das Gupta. Don't try to cover it up.

SHRI JAGESH DESAI: It is not humour.

SHRIMATI MARGARET ALVA: It is not humour. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Shri Gurudas Das Gupta, kindly take your seat.

SHRI GURUDAS DAS GUPTA: Will you ask the Minister also to take her seat  
*(Interruptions)*

THE VICE-CHAIRMAN: (SHRI V. NARAYANASAMY): You kindly take your seat. You ...*(Interruptions)*

SHRI JIBON ROY: Hon. Vice-Chairman, Sir... *(Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANSAMY): Mr. Jibon Roy, when you started...

*(Interruptions)* Kindly hear me. When you started...

*(Interruptions)* Mr. Gurudas Das Gupta, when Shri Jibon Roy started, the hon. Minister was not here. *(Interruptions)* But you are impatient. I tell you that you are impatient. So, knowing fully well that the Parliamentary Affairs Minister is taking notes, Mr. Gurudas Das Gupta came and then Mr. Jibon Roy got interrupted. Now, you continue. *(Interruptions)*

SHRI JIBON ROY: I was very...  
*(Interruptions)*

SHRI GURUDAS DAS GUPTA: Definitely. If the hon. Minister looking after labour is absent when we are discussing about bonus, I am within my rights to say so and I shall continue to say so.

THE VICE-CHAIRMAN (SHRI V. NARAYANSAMY): But there is a way of saying that. *(Interruptions)* You cannot get up all of a sudden and take the permission of the Chair. *(Interruptions)* I am very sorry, Mr. Gurudas Das Gupta. Kindly don't interfere. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: I am also very sorry. I am not a new-comer in this House. I am sorry at the way the hon. Minister of State got infuriated for no rhyme or reason... *(Interruptions)*

THE VICE-CHAIRMAN: (SHRI V. NARAYANASAMY) No. I am telling you, Mr. Gurudas Das Gupta, kindly restrain yourself. *(Interruptions)*

SHRI JAGESH DESAI (MAHARASHTRA): He is the only judge in the House. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: No, no. She cannot speak about our attitude towards women. It is absolutely unfair.

THE VICE-CHAIRMAN (SHRI NARAYANASAMY): Mr. Gurudas Das Gupta, kindly take your seat. *(Interruptions)*

SHRI JIBON ROY: Sir, I was very specific that labour is being given a raw deal. That is why it so happens that for an enactment like this one on bonus, only 1 ½ hours' time has been given. For Workmen's Compensation Bill, only two hours were given. And, that too, when we were discussing a specific technical subject. That is why we wanted the Labour Minister to be present here. Anyhow, Sir... *(Interruptions)*

THE MINISTER OF LABOUR (SHRI P.A. SANGMA): Sir, I must apologise for not being... *(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (DEPARTMENT OF INDUSTRIAL DEVELOPMENT) (SHRIMATI KRISHNA SAHI): You are saying that women don't understand technical subjects. What do you mean by this? This is something... *(Interruptions)*

SHRI JIBON ROY: Nobody said that.

SHRIMATI KRISHNA SAHI: Sir, it happened earlier also when I was answering the questions. So many times, we had to face this. *(Interruptions)*

SHRI GRUDAS DAS GUPTA: Who said in the House that women don't understand? Who said it? Let us put the record straight because nobody has said like that.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Let us not quarrel on the man-woman issue. Let us discuss the subject. *(Interruptions)*

SHRIMATI KRISHNA SAHI: We are just stating what is happening in the House.

SHRI P.A. SANGMA: Sir, I think, the fault is mine as I was not here on time. I must apologise to the House. But I must admit one thing that the Ministers

are as much responsible people as the hon. Members are. No Minister, deliberately and intentionally, would like to be absent from the House where he has got duty. If sometimes we are late in coming to the House, I think, the House should appreciate that the Ministers also have some of their obligations and we can have our genuine problems. It can be some misunderstanding. I think the House should take it in this spirit. It is not me only. The House should take it in this spirit. I once again apologise for my fault. ... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): That issue is closed now. Mr. Jibon Roy to continue. ...*(Interruptions)*...

SHRI CHATURANAN MISHRA (BIHAR): We had a lady Prime Minister for so many years.

SHRI JIBON ROY: Mr. Vice-Chairman, Sir, I was saying that most of workers' social security laws are gradually being eliminated. That is the biggest problem of the Indian working class. Many of the labour laws are getting obsolete and not being renewed. When a law is enacted for giving some relief on a certain Consumer Price Index, that Price Index goes on increasing and after 15 years or 20 years when an enactment is made, that relief, that compensation is not being given. It is one problem. It happened to the Workmen's Compensation Act and it is happening to the Bonus Act also. You have enacted the Minimum Wages Act, 1948. There also no State is under compulsion to announce the minimum wages or revise the minimum wages within five years' time. So is the case with the payment of Wages Act. The Payment of Wages Act taken care of the workers who are within the wages limit of Rs. 1,600/- p.m. but now most of the workers in the organised industry are above

Rs. 1,600/-. Therefore, I wish to draw the attention of the Government and the Labour Ministry, through you, Sir, to the fact that all the labour laws and social security measures are being allowed to be eliminated gradually. This is a serious thing for the Indian working class. In case some benefit is given on certain Price Index point, it has to be related with the Price Index itself. Some system has to be made so that from time to time it is amended.

So far as bonus is concerned, the Bonus Act was enacted in 1965. In the year 1965, the Price Index level was only 140. Now when you are amending the Act, the Price Index level is 1,400. Section 11, clause 1 of the Bonus Act says that irrespective of the profit and loss and irrespective of loss, workers will get bonus, efficiency bonus to the extent of 20%. Twenty per cent bonus is guaranteed by section 11, clause 1. But, section 2, clause (13) says that workers under Rs. 2,500/- will be covered. In 1965 workers to the level of Foremen and other staff of the Public Sector Undertakings even upto Assistant Superintendents, etc., were being covered. Now with a limit of Rs. 3,500/- only unskilled and semi-skilled workers of public sector industries will be covered. It is not a matter of money only.

Sir, I am simply raising a point. I request you to give some time. It involves people's concern. At that time you were giving bonus upto the level of Assistant Superintendent and now you will be giving up to semi-skilled level, that too performance bonus is also attracted under section 2 clause 13 I request you to consider this aspect. The thing is that, if it is not revised, there will be an exodus of the technical staff and engineers from the public sector to the private sector. For the private sector we have changed the Companies Act. Wages are increased up to Rs. 1 lakh per month. In the public sector if you do not give bonus up to the

level of Assistant Superintendent, as it was, it will bring disaster for the public sector.

So far as bonus under section 10 is concerned, it is 8½%. The history is that it was given in 1971-72. During the Emergency it was withdrawn and reduced to 4% and again, afterwards, it was re-introduced in 1980. At that time, payment was limited to Rs. 1,600/-. This was the level of Chargeman grade-I and Technicians. As per the recent wage agreement, in most of the public sector undertakings, the wage of an unskilled person is Rs. 2,800/- Amendment made is aimed at reducing it. My esteemed friend, Mr. Narayanasamy was advising us to accept this. I would request him to address it at the factory gates. The maximum limit under section 2 clause (13) is proposed now is Rs. 3,500/-. At that time it was Rs. 2,500/-. There is an increase of Rs. 1,000/- only. At that time, the bonus ceiling under section 10 was fixed Rs. 1,600 and now it is Rs. 2,500/-. During 1980 the price index was 400 points and now it is 1,440. It is more than 300%. Therefore, Sir, my point is that the higher limit for bonus has to be withdrawn. You have to save the public sector industries. Why not increase. The payment from 8½% to 10%? The clause relating to the payment of bonus whose ceiling has been increased from Rs. 2,500/- to 3,500/- is attracting the performance bonus also. As far as the 20% is concerned, sometimes, both are calculated together to make it 20%. It will bring hardship not only for the workers, it will bring disaster for the big public sector industries too. Therefore, I request you to withdraw the ceiling from both the sections, section 2 clause 13 and section 12.

Thank you.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Shri John Fernandes.

AN HON. MEMBER: He has not given his name.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Shri Muthu Mani... Not here. Shri Gaya Singh.

श्री गया सिंह (बिहार): माननीय उपसभाध्यक्ष महोदय, यह जो अध्यादेश बोनस के ऊपर सरकार लाई है, आम तौर से हम लोक अध्यादेश के पक्ष में नहीं हैं लेकिन चूंकि यह काफी ढिले हुआ था और देश भर के मजदूर और ट्रेड यूनियंस पिछले चार-पांच साल से चिंतित थे तो आम तौर से लोगों ने समझा यह अध्यादेश देर से सही लेकिन कुछ आया तो। मैं इसमें मंत्री जी का ध्यान सिर्फ दो प्वाइंट्स की ओर दिलाना चाहता हूं। पहली बात, 1993 से अभी इन्होंने अमेंडमेंट किया। 1600 को 2500 और 2500 को 3500 रुपये तक इन्टाइटलमेंट दिया। 1992 से आम तौर से पब्लिक सेक्टर का वेज रिविज़न हुआ और इस वेज रिविज़न से जो 1.1.92 से कोयला, स्टील, भेल में हुआ, पब्लिक सेक्टर में वेज रिविज़न होने के बाद अनस्क्रिब्ड और सेमी-स्क्रिब्ड वर्कर का बेसिक और डी०ए० मिला कर आज वह इस बोनस के इन्टाइटल नहीं रहेंगे। सिर्फ एक साल उनको मिलेगा 1993-94 में और उसके बाद 1995-96 वर्ष में बोनस के इन्टाइटल नहीं रहेंगे। 10 प्रतिशत वर्कर भी इस रिविज़न के बाद बोनस के इन्टाइटल नहीं रह जाएंगे। दूसरा इनका एक्सपेक्टेड था जो आफिसर्स का ग्रेड रिविज़न हुआ ई० जी० सब से लोएस्ट ग्रेड का जो अफसर है, उसकी बेसिक पे फिक्स हुई है 3500 रुपये और 3500 प्लस डी०ए० से वह इन्टाइटल नहीं रहेगा। इसलिए यह जो अध्यादेश है, जो इसमें अपने सीलिंग लगा दी है, पब्लिक सेक्टर के मजदूर इसका मज़ाक उड़ा रहे हैं। यह अध्यादेश आप इतनी देर से लाए हैं लेकिन इससे आप कितने लोगों को लाभ दे सकेंगे? मंत्री जी को आश्चर्य होगा कि उनका छुटा 205 करोड़ का है, यह भी पुयनी फिगर्स के आधार पर वह दे रहे हैं। कोयले के इतने मजदूर हैं, स्टील के इतने मजदूर हैं, उनका वेज रिविज़न पब्लिक सेक्टर में बैंक डेट से हुआ इसलिए वह इन्टाइटल नहीं होंगे। इसलिए 203 करोड़ का आपका खर्च है, यह होने वाला नहीं है। इसलिए जो अपने सिक इंडस्ट्रीज़ की चर्चा की थी कि इतनी सिक इंडस्ट्रीज़ के अन्दर भी लोगों को लाभ मिलेगा, मेरा कहना यह है कि सिक इंडस्ट्रीज़ में

आज वह स्थिति नहीं है। दूसरी एनोमली यह है कि बहुत सारे पब्लिक सेक्टर उद्योगों में ट्रेड यूनियंस के दबाव में, मजदूरों के दबाव में उन्होंने मेनेजिरियल बोनस बनाया। आज स्थिति यह है कि मेनेजिरियल बोनस जो नान इन्टाइटल वर्कर हैं 3500 से ऊपर हैं या जो सेमी स्क्रिब्ड वर्कर हैं या जो अनस्क्रिब्ड हैं उनको ज्यादा बोनस मिलेगा और जो इन्टाइटल वर्कर हैं उनको बोनस कम मिलेगा। यह स्थिति भी आज पैदा हुई है। इसलिए मेरा सुझाव है, आप घंटी बजाने की ओर जा रहे हैं क्योंकि टाइम कम है, यह बात तो सही है कि चुनाव के लिए आपने अध्यादेश दिया है लेकिन चुनाव में भी अभी थोड़ी देर है, सेशन ने भी दो बार रोक दिया था, आप एक बार इसकी सीलिंग को हटा दीजिये। आपने उदारीकरण किया, नयी औद्योगिक नीति में आपने यह कहा कि सब चीज़ों से हम कंट्रोल हटा रहे हैं। तो फिर मजदूरों पर आप क्यों सीलिंग लगा रहे हैं? इसलिए नयी औद्योगिक नीति के साथ आप बहादुरी वाला स्टेप लीजिये और कहिये कि नो सीलिंग। नो सीलिंग जब हो जाएगा तो आपका एप्रिसियेशन देश भर में होगा अन्यथा सीलिंग अगर आपने रहने दी तो जितने परसेंट मजदूरों का 1600 से 2500 रुपये में कवरेज था, उतने मजदूरों का 2500 से 3500 तक करने से कवरेज नहीं होगा अर्थात् मजदूरों का बड़ा हिस्सा इन्टाइटल नहीं रहेगा। उनमें असंतोष बढ़ेगा। इसके साथ-साथ आपने ट्रेड यूनियंस को भी कानफिडेंस में नहीं लिया। उस समय जो सुझाव था नो सीलिंग का आम तौर से सेंट्रल ट्रेड यूनियंस ने यह रखा था इन्क्लूडिंग आई०एन०टी०यू०सी०, ए०आई०टी०यू०सी०, बी०एम०एस०, सी०आई०टी०यू०। सभी ने यह कहा था कि सीलिंग नहीं होनी चाहिये, सीलिंग को उठाइये। सीलिंग अगर है तो 3500 से बढ़ा कर 5000 की हाइयेस्ट सीलिंग रखिये। आपने सीलिंग रख कर लोगों में असंतोष बढ़ाया है चार साल से इसकी इंतज़ार थी लेकिन यह तो खोदा पहाड़ निकली चूहिया वाली बात है। आप समझदार हैं, इस पर विचार कीजिये और हाऊस की जो आम तौर से समझ है, उसको रखिये। धन्यवाद।

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश)  
माननीय उपसभाध्यक्ष महोदय, मंत्री जी ने जो संशोधन प्रस्तुत किया है उससे सिद्धांत रूप में मैं सहमत हूं। लेकिन किसी भी कानून को अध्यादेश के जरिये बनाने की सरकार की जो प्रक्रिया है, यह उचित नहीं है। विशेषकर के इस मामले में जो मंत्री जी ने कारण भी

बताए हैं; वह कारण उचित नहीं थे कि इस कानून को अध्यादेश के जरिये बनाया जाता।

क्योंकि कोई भी कानून जब सीधे सदन के समक्ष आता है तो उस पर सदस्य अपने विचार प्रकट करते हैं और उसके बाद वह पारित होता है। इस मामले में तो जो वर्तमान अध्यादेश संख्या 8, 1995 है उसको 9 जुलाई, 1995 को राष्ट्रपति द्वारा सरकार ने जारी करवाया था। ठीक उसके 20 दिन बाद सदन मिलने वाला था बल्कि राष्ट्रपति जी तो सदन के सत्र को आहुत भी कर चुके थे 5 जुलाई को। यह भी अनुचित है कि जब राष्ट्रपति कोई सत्र आहुत कर चुके हैं उसके बाद कोई अध्यादेश जारी किया जाए। इस तरीके से अध्यादेश के जरिए से जो कानून बनाने की कोशिश सरकार की है वह उचित नहीं है।

कृष्ण लाल जी का जो निरनुमोदन का प्रस्ताव है उसमें मेरा नाम भी जुड़ा हुआ है और मैं उस प्रस्ताव का समर्थन करता हूँ। दूसरा मंत्री जी ने सदन के समक्ष अपना जो वक्तव्य दिया है उसमें उन्होंने यह कहा है कि जो ट्रेड यूनियन के प्रतिनिधि थे उनसे उनकी बातचीत हो चुकी थी और ट्रेड यूनियन के प्रतिनिधियों से बराबर उनकी मीटिंग हुई। मैं यह जानना चाहता हूँ कि अखिर ट्रेड यूनियन के प्रतिनिधियों का क्या सुझाव था? उन लोगों ने जो अपना प्रतिवेदन दिया था सरकार के सामने उसमें उन्होंने क्या सुझाव रखे थे? जहां तक मुझे जानकारी करायी गयी है उससे मुझे यह पता लगा कि इन ट्रेड यूनियनों के जो प्रतिनिधि लोग थे उनकी जो सरकार से बातचीत हो गयी थी और जो प्रतिवेदन उन्होंने दिया था उसकी सरकार ने बिल्कुल ही उपेक्षा की है और उनके सुझावों को नहीं माना। जब मैं यहां आया तो गया सिंह जी और अन्य माननीय सदस्यों ने भी इस बात को रखा कि जो सीलिंग है, जो सीमा को सीमित कर दिया गया है, सीलिंग है इसकी कोई आवश्यकता नहीं है। उसकी आवश्यकता इसलिए नहीं है कि दिन प्रतिदिन महंगाई होती रहती है। जो वेजेज मिलते हैं उनके हिसाब से जो बाजार में सामान मिलते हैं वह खरीदारी की कैपेसिटी नहीं रहती है। इसलिए इस विधेयक में जो सीमा रखी गयी है मेरा मंत्री जी से सुझाव है और मंत्री जी बहुत समझदार हैं, जो श्रमिक हैं उनके प्रति बहुत भलाई की बात सोचा करते हैं तो मेरा भी यह नम्र निवेदन है सरकार से और सरकार के मंत्री महोदय से कि जो सीमा रखी गयी है उसको खत्म कर देना चाहिए। अंतिम मेरा एक सुझाव और है। आपने भी अपने भाषण में उस बात

पर चर्चा की थी कि हमारे संविधान में इस बात का प्रावधान है कि जो बाल श्रमिक हैं उनको रोका जाए। बराबर सरकार की ओर से इस बात का सुझाव भी आता है, सरकार का विचार आता है कि हमारे देश की जो आर्थिक स्थिति है उसको देखते हुए हम पूर्ण तरीके से बाल श्रमिकों को समाप्त नहीं कर सकते हैं। धीरे-धीरे समाप्त करने का प्रयास हो रहा है। सरकार ने बहुत से कानून बनाए हैं। अच्छे श्रमिकों के संबंध में भी यह जो बोनस का कानून है इसको लागू करने का प्रयास करना चाहिए क्योंकि जो फैक्ट्रियों, मिलों कारखानों वाले लोग हैं ये लोग बच्चों को इसलिए कारखाने में लगा देते हैं कि उनको उनके वेजेज कम देने पड़ते हैं, तनख्वाह कम देनी पड़ती है, मजदूरी कम देनी पड़ती है। लेकिन इसके जो लाभ हैं वे इन बच्चों को मिल नहीं पाते हैं। मेरा यह सुझाव है कि बोनस एक्ट को जो चाइल्ड लेबर जहां जहां हैं उन पर भी लागू करना चाहिए और उसका लाभ उन बच्चों को मिलना चाहिए। इन्हीं शब्दों के साथ मैं इसका समर्थन करता हूँ।

**श्री सतीश प्रधान (महाराष्ट्र):** थैंक्यू सर। उपसभाध्यक्ष महोदय, मैं सिर्फ दो तीन बातें इस विषय में आपके सामने और सदन के सामने रखना चाहता हूँ और माननीय मंत्री जी से विनती करता हूँ कि आप इन पर कुछ प्रकाश डालेंगे तो अच्छा होगा।

बोनस एक्ट पूरा देखने के बाद जहां डिफिनीशन दी गयी है उस डिफिनीशन के अंदर कहीं भी बोनस की डिफिनीशन आपने नहीं दी है। मुझे मालूम नहीं कि अभी तक बोनस की डिफिनीशन में आप क्यों टाला टाली कर रहे हैं। क्योंकि इग्नोर कर रहे हैं? जब तक आप बोनस की फिक्स करके डिफिनीशन नहीं करें तब तक यह विषय अधूरा रहेगा, परमानेंट यह ओपन टॉपिक रहेगा। इस विषय में आप कुछ ध्यान दें तो अच्छा रहेगा। जैसा कि आपने जो स्टेटमेंट दिया है तो स्टेटमेंट में फर्स्ट सेंटेंस जो है उसी में आप बता देते कि Bonus is treated as deferred wages.

तो इसी ढंग से आप वह डिफिनीशन में यह बंदोस्त कर देते तो यह अच्छा रहता। आपने जो बताया कि यह अर्जेंसी का बहुत सारा सवाल था, बहुत दिन तक इसके बारे में आपने निर्णय नहीं किया था और आज सेशन सामने होते हुए आपने यह किया तो यह अच्छा नहीं किया। सेशन जब है तो सेशन के टाइम पर सामने आकर उसके बारे में निर्णय करना अच्छा रहता। आपने



प्रोक्लेमेशन से किया तो वह ठीक ढंग से नहीं हुआ, ऐसा मुझे लगता है। एक बात और मुझे आपके ध्यान में लाने की इच्छा है। किसको बोनस मिलना है, उस बोनस एक्ट के अंदर क्या-क्या आपने कवर किया है, इंडस्ट्रियल वर्कर्स के लिए सिर्फ बोनस लागू किया, आप इसका दायरा और क्यों नहीं बढ़ाते? गवर्नमेंट सर्वेन्ट्स, सैमी गवर्नमेंट सर्वेन्ट्स वे सब लोगों को इसके अन्दर लाने में आपके क्या तकलीफ है? मैं मुंबई से आता हूँ, महाराष्ट्र से आता हूँ और हमारे यहाँ ढेर सारी इंडस्ट्री हैं और हर राज्य के अधीन सब पूरे के पूरे इंडस्ट्री हाउसेज में यह तरीका चलता आया है कि इंडस्ट्रियल वर्कर्स के अन्दर कान्ट्रेक्ट पर रखे जाते हैं, अभी इतने सारे जौ कान्ट्रेक्ट लेबर हैं इनको इसके अन्दर लाने के लिए आप कोई बंदोबस्त क्यों नहीं करते? इसलिए इस विषय में आप सोचें और कुछ निर्णय करें, यह मुझे आपके ज्ञाताना है।

इसके साथ-साथ मैं एक और विषय आपके सामने लाना चाहता हूँ। पूरे देश में हर जगह पर हमारे यहाँ एग्रीकल्चर सर्वेन्ट बहुत सारे हैं तो उनको भी अलग क्यों रखा जाता है? उनको भी यह सुविधा होनी चाहिए। क्या इस ढंग का आप कुछ बंदोबस्त करेंगे, यह मेरा सबाल है? आपने मुझे मौका दिया, धन्यवाद।

**SHRI MISA R. GANESAN (Tamil Nadu):** Mr. Vice-Chairman, Sir, with the erosion of money value year after year, followed by a series of wage revisions, the enhancement of the coverage up to Rs. 3,500/- per month of basic with DA, makes a mockery of the payment of bonus. Even the Minister himself in his statement laid on the Table of the House has admitted this. He says that considering the wage revisions on the one hand and progressive increase in the cost of living index on the other, he has raised this ceiling up to Rs. 3,500/-. So, he himself admits this. Similarly, Mr. vice-Chairman, Sir, with the revision of DA to public sector industries, most of the public sector industries will again remain outside the provision of DA to public sector industries, most of the public sector industries will again remain outside the provision of the amended Act. Similarly, it is estimated that about 85 per cent of the organised workers both in

the public and the private sectors will not be benefited by this Ordinance. Sir, the very principle as contained in the original Act is defeated as only some unskilled and semi-skilled workers in the organised sector will be covered under this Act despite these latest amendments. Sir, last year, the Railways has fixed Rs. 4,500/- as eligibility for getting bonus. I do not know why the Government has ignored this while promulgating the new ordinance. The Railways has fixed Rs. 4,500/- last year as the ceiling. But here, he says Rs. 3,500/-. Sir, our hon. friends, Mr. Jibon Roy and Mr. Dipankar Mukherjee, had given a very good amendment. The hon. Minister should not hesitate. he should accept these two amendments. The first amendment relates to section 2. It says: 'That at page 1, for clause "2. In section 2 of the Payment of Bonus Act, 1965 (hereinafter referred to as the Principal Act), in clause (13), the words "not exceeding two thousand and five hundred rupees per mensem" shall be omitted.' This is the first amendment which has been given notice of. The second amendment relates to clause 3. It says: 'That at page 2, for clause 3. the following clause be substituted, namely:— "3. Section 12 of the principal Act shall be omitted."

*Sir, these two amendments are very good amendments. The Minister himself has said in his statement that big festivals like Ganesh Chaturthi, Onam and Dussehra are to be celebrated in the months of August and September. The entire labour force in the country would praise him if he accepts these two amendments. he would thus be ensuring a good life for the working class of this great country. Thank you very much.*

**THE VICE-CHAIRMAN (Shri V. Narayanasamy):** Thank you. Shri Sanatan Bisi.

**SHRI SANATAN BISI (Orissa):** Mr. Vice-Chairman, Sir, thank you very much

for giving me this opportunity to speak on this Bill.

I have gone through the statement relating to this Payment of Bonus (Amendment) Ordinance. would say that this statement is not well-intended. It does not say as to what they are going to do, so far as the working class is concerned. Actually, when all these things were there since 1993, what is the reason for the delay? Mr. Vice-Chairman, we are totally opposed to this ordinance-Raj. This could have been done earlier. This amendment could have been brought forward earlier when the House had been in Session. Therefore, i would say that the intention of the Government is dubious.

The second thing I would like to point out is this. Now, sub-section (13) of section 2 says: "employee" means any person (other than an apprentice) employed on a salary or wage not exceeding two thousand and five hundred rupees per mensem in any industry to do any skilled or unskilled manual, supervisory, managerial, administrative, technical or clerical work for hire or reward, whether the terms of employment be express or implied;'. Then if you see section 8, it says: 'Even employee shall be entitled to be paid by his employer in an accounting year bonus, in accordance with the provisions of this Act, provided he has worked in the establishment for not less than thirty working days in that year'. My submission here would be that, for the purpose of harmonious reading and implementation thereof, these two provisions-section 8 and sub-section -(13) of section 2—should be read together. Firstly, I would say that there should not be any ceiling in regard to the eligibility for getting bonus. The hon. Minister can very well say that since the implementation of the Act relating to sub-section (13) of section 2 and section 12 of the Act was never challenged earlier in any court, they are now bringing forward these two amendments. Through the first

amendment, the eligibility ceiling for getting bonus is being raised from 2,500/- to Rs. 3,500/-. Through the second amendment, the salary or wage for the purpose of calculation of bonus is being raised from Rs. 1,600/- to Rs. 2,500/-. I suggest that these ceilings should not be there.

Sir, as per article 43 of the Constitution, ours is a welfare State. Therefore, we have to look to the living conditions of the workign class, in terms of their wage and other things. particularly, when the Government is undertaking various poverty-alleviation programmes, it is all the more necessary that we do not have any such ceiling. As I said earlier, sub-section (13) of section 2 and section 8 should be read together. I would, therefore, request the hon. Minister that he should bring forward amendments accordingly. Thank you.

SHRI VAYALAR RAVI (Kerala):  
Mr. Vice-Chairman, Sir, first of all, I should congratulate the Minister for his resorting to issuing the Ordinance to speed up the matter. He accepted the demand of the working class to increase the ceiling for bonus. My hon. friends from the other side just now were critical about the Ordinance. I do agree that issuing an ordinance is not a good practice. At the same time, some occasion comes and some demand comes, and the Government is forced to issue an ordinance to expedite the matter. This Ordinance will help millions of workers. Even a person like me also demands an ordinance because the court employees are also clamouring for bonus. I also represent to the Minister, if Parliament is not in session, to issue an ordinance. So, I think, it is my duty to defend his action of issuing the Ordinance.

Sir, the Government has to look into the whole aspect. Many trade-union leaders are sitting on the other side. They are having discussions in different

forums. They are demanding, for the last many years, to increase the ceiling because this is one major amount which the workers can get at least once in a year. We admit that the ceiling has become a reality. Take away the ceiling completely. This is the demand of the workers. We all demand it. At the same time, in the changed situation, the Government of India has to take into account the views of the State Governments also because now the entire process of economic advancement and industrial development has to be done together. It is not a matter of the Government of India alone. It has to be done with the active participation of the State Governments and the Central Government together. So, in the labour-oriented area wherein industry is the main contributor to the economic development of this country, I believe that the hon. Minister would take into confidence the Labour Ministers of the States. He must seek the opinion of the States also because this matter concerns the States also. Labour strikes for many things, including bonus, are there. Whenever this kind of issues come up, including bonus, in future also, a dialogue is always necessary before action is taken by the Central Government. I know that they had a discussion. I know that they had an interaction with the State Labour Ministers, and they have come to this conclusion.

As far as the ceiling is concerned, I welcome the decision to increase the ceiling. Yet, many workers are out of the purview of bonus. I do attend negotiations where the representatives of the CITU and the INTUC and the enemy of Mr. Balanandan, Smt. K.R. Gauri Amma, are also present. It is a major event. I was also present there. We found that one-third of the workers were out of the purview even with this increase in the ceiling. So, we thought that we must find out a mechanism, that we should link

bonus with productivity and incentive systems. In many industries this can be done if the management also comes forward to link it with productivity and incentive systems. You are also a signatory to the agreement in the Indian Aluminium where productivity bonus is there.

**SHRI E. BALANANDAN:** (Kerala) To get over the ceiling trouble, people go into other methods, of which this is one. Therefore, the better way is to straightway get out of this ceiling. This is my opinion.

**SHRI VAYALAR RAVI:** Mr. Balanandan is a veteran trade-union leader. I believe that he must consult his friend, the Labour Minister of West Bengal, before making this suggestion. ...*(Interruptions)*

Sir, whatever it may be, trade unions and managements can do it. The only thing is that the Labour Department always stands in the way. This is also a better method. To circumvent the Bonus Act, unions and managements get into agreements. It helps the management and the company because the production increases. Bonus as an incentive to increase the productivity is a good practice to be adopted. In this connection I would like to draw the attention of the hon. Minister that in many negotiations we found a very big battle on the payment of variable D.A. I am saying this because bonus is calculated on that basis. The workers are drawing the least amount in comparison to what the Government servants get. Once upon a time there was a very heavy rush for employment in the factories. Today people prefer white collar jobs, because the Government gives a meagre increase in the salary in the three-year or the longterm agreement on the variable DA on the basis of which the increased amount is paid on each point. Now, a demand has come from many factories

for reverting to the Government DA system. The Government pays 125 per cent of the basic pay, which, it calculated is more than the total DA that the working class gets. I am glad that the Government has agreed to the demand of the Central Government public sector enterprises that the Government should increase the quantum of the per point payment. So, I would suggest the Minister should formulate a common variable DA for everybody, including the working class and the Government servants. Today the working class is getting less than what the Government servants are getting. If that is not done there will be tension. When we negotiate, employees on the Management side get more DA through some other method. This also is to be considered.

While this measure is good, yet he should review the Bonus Act at least once in two years, if not every year. He must review this ceiling. He should also discuss with the State Ministers, taking into account the whole economic development and growth of the industry and see that every long-term agreement period is three years. Maximum it should be four years and you should make it a policy that the Bonus ceiling is reviewed every two years if not every year.

With these words I support this amendment and congratulate the Minister for coming forward with the increased ceiling thus helping the working class.

**SHRI S. MUTHU MANI** (Tamil Nadu): At the outset, I appreciate the genuine concern of the hon. Minister to look after the welfare of the employees, but I feel that the hon. Minister should have removed both the calculation and eligibility ceiling as is being demanded by the employees for a long time.

Since bonus is given in recognition of the work done, there is no point in classifying the employees on the basis of the salary. This creates a class within a class. I wish to point out that the present

bonus system which is supposed to boost the morale of the employees, defeats the very purpose since a majority of the employees have been deprived of this bonus, because of the ceiling. Even those who are eligible for bonus are dissatisfied because of the calculation ceiling. The raising of the eligibility ceiling from Rs. 2,500/- to Rs. 3,500/- and the calculation ceiling from Rs. 1,600/- to Rs. 2,500/- is very marginal. While the salary has increased at least two fold with the increase of the Dearness Allowances as a result of the steep rise in the price index, the increase in the limit of bonus is just Rs. 1,000/- I would request the hon. Minister to let the House know the percentage of beneficiaries both when the Act came into being and what obtains now after the increase in the ceiling now.

Having said this, I would appeal to the Minister to amend this Act suitably to give bonus to all the employees without any ceiling on calculation as well.

I feel the new economic policy, which is capitalistic in nature, is adversely affecting the working class.

I feel it my duty to warn the Minister to see that the New Economic Policy is not detrimental to the working class. Taking cue from the New Economic Policy, several companies present shady balance sheets to befool workers. Unless there are workers participation in the managements, the profit and loss account cannot be monitored by the working class. Why I am saying this is because I know the plight of workers and I know their pulse. As the General Secretary of the State level Anna Workers Union, namely, Anna Tholirsanga Peravai which is affiliated to the AIADMK, I keep meeting workers every day. In spite of lofty promises by the Government, workers continue to suffer.

I would like to make an important point for the consideration of the hon. Minister. Workers sweat and toil day and

night. They do what is expected of them without bothering about their health. But at the end of the year, the management produces an annual loss account only to deny them benefits such as bonus, incentives, etc. It is very cruel that workers' fate is decided by a stroke of pen by the management.

**The Vice-Chairman (Miss Saroj Khaparde):** [In the Chair] So, through you, Madam, I request the Minister to see that workers are involved in every sphere of the management.

As I conclude, once again I appeal to the Minister to amend the Payment of Bonus Act to give bonus to all employees by removing both the calculation and eligibility ceilings. I support this Bill. Thank you.

**THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE):** Mr. John F. Fernandes.

**SHRI JOHN F. FERNANDES (GOA):** I am not speaking.

**THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE):** Mr. Sangma would reply.

**SHRI JAGDISH PRASAD MATHUR: (U.P.)** Madam, how can the Minister reply without the Mover of the Statutory Resolution speaking?

**उपसभाध्यक्ष (कुमारी सरोज खापर्डे) :** मैंने गलती से मिनिस्टर को कहा। आप बोलिए, आई एम सॉरी।

**श्री कृष्ण लाल शर्मा (हिमाचल प्रदेश) :** उपसभाध्यक्ष महोदय, जो चर्चा सदन में हुई है उससे दो बातें स्पष्ट हुई हैं। एक तो यह कि बोनस का यह जो संशोधन लाया गया है काफी विलम्ब से लाया गया है। 1965 से लेकर अब तक जो प्राइस इंडेक्स में और इन चीजों में अंतर आए हैं, उसका इसमें कोई रिलिक्स या इसका कोई ध्यान नहीं रखा गया है। यह दोनों बातें कहने के बाद भी सब लोगों की एक साथ मांग थी कि आज के समय में सीलिंग का कोई अर्थ नहीं है। सीलिंग का इसमें

चाहे वह सैक्शन-2 के क्लॉज-13 में रखा गया है, लेकिन मैंने जो अपना प्रस्ताव रखा था जिसमें मैंने मांग की थी कि यह जो अध्यादेश लाया गया है, और अध्यादेश लाना सरकार का रवैया बन गया है। यह एक अप्रैल, 93 से लागू होना है। 1965 से अब तक इसमें कोई संशोधन नहीं हुआ है और स्वयं मंत्री महोदय ने अपने वक्तव्य में माना है कि पिछले दो साल से इस पर ऐजिटेशन हो रहा है और लोग मांग कर रहे हैं। तो उसको इस अध्यादेश के द्वारा लागू करने के बजाय सदन में पूरी चर्चा करके उसके बाद ही इस बिल के पास होने के बाद सभी पक्ष और विपक्ष के सामने आने के बाद अगर उसको लाया जाता तो अच्छा होता।

मंत्री महोदय से मैं यह भी निवेदन करना चाहता हूँ कि आपके सामने ये सब चीजें आ गई हैं कि आज के समय में जब उदारीकरण की नीति आपने अपनाई है तो आप को अपना पुराना सिस्टम, अपनी वेज पालिसी, बोनस की पालिसी, इनमें जो आज संशोधन करने की आवश्यकता है और इसलिए मैंने अपने वेज पालिसी और बोनस पालिसी की और उसके बारे में नए सिरे से आज के संदर्भ में उदारीकरण को ध्यान में रखते हुए, प्राइस इंडेक्स को ध्यान में रखते हुए नए सिरे से इसके बारे में विचार करके चीजें लाई जाएं।

आज के समय में मैं यह चाहूंगा कि मंत्री महोदय अगर मुझे इस बात का आश्वासन देंगे तो यह जो अध्यादेश लाया गया है, इस अध्यादेश के बारे में आप कहें कि सिद्धांततः इसके पक्ष में नहीं है और जो मजदूरी है, वह भी कंविंसिंग है तो मंत्री महोदय अगर यह विश्वास दिलाएं कि.....

**THE VICE-CHAIRMAN (Miss Saroj Khaparde):** Hon. Members, silence, please.

**श्री कृष्णलाल शर्मा:** अध्यादेश के बारे में वे भी हमसे सहमत हैं कि इस तरह के अध्यादेश के द्वारा चीजें न थोपी जाएं, नंबर एक और दूसरा यह कि मंत्री महोदय इस बात का भी आश्वासन दें कि सीलिंग जो है, इसको वेव किया जाएगा और सीलिंग जो है, इसमें दोनों जो खंड हैं, दोनों जो धाराएं हैं, इसमें से हटाई जाएंगी। अगर मंत्री महोदय इसके ऊपर कोई आश्वासन देंगे तो मैंने जो अपना प्रस्ताव आपके सामने रखा है, उसके बारे में मैं उसके संदर्भ में अपनी बात कहूंगा।

THE VICE-CHAIRMAN (Miss Saroj Khaparde): Mr. Minister.

THE MINISTER OF LABOUR (Shri P.A. Sangma): Madam, I am grateful to the hon. Members who have participated in this Bill. A lot of good suggestions have come. As expected, all the hon. Members have expressed their concern about the welfare of the working class. Madam, I will be very brief.

The first point that came up for discussion here was why the Ordinance had to be issued. As far as the constitutionality of the Ordinance is concerned, it is perfectly..... (*Interruptions*).

THE VICE-CHAIRMAN (Miss Saroj Khaparde): Hon. Members, will you please listen to the reply of the Minister?

SHRI P.A. SANGMA: Madam, as far as the constitutionality of the Ordinance is concerned, I must say that it is perfectly is concerned, I must say that it is perfectly within the purview of Article 123 of the perfectly within the purview of Article 123 of the Constitution of India. Coming to the reason why it had to be done, I have already stated it in my initial observations. The minimum bonus that is to be paid is 8.33 per cent and the maximum bonus is up to 20 per cent. Now, every year, the negotiation of the trade unions with the managements is for an increase between 8.33 per cent and 20 per cent. But negotiation is a long process. In fact, we have cases where negotiations had gone on for four years and five years. The festival seasons were coming. The trade unions wanted to negotiate with the managements. And unless the upper ceiling limit was known to them, it would not have been possible for the unions to negotiate. Therefore, in order to facilitate the process of negotiations for the bonus for the last accounting year, I had to resort to Article 123 of the Constitution of India.

To be very frank, another reason why I had done that was, in fact, to get priority in the list of business in the House. I am very frank about it. I do not want to hide this fact. (*Interruptions*) Therefore, Madam, these were the considerations for doing it and in the interest of the workers, I had to resort to article 123 of the Constitution, which is constitutionally valid.

Now, I come to a very important question, the definition of bonus. The Bonus Act does not define as to what bonus is. it is a very, very valid point and in fact, I don't think there is any part of the world where there has been a real definition of bonus available. I tried to search for it. The first term of reference of the National Commission on Bonus, on the basis of whose recommendations the Bonus Act was enacted, was to define as to what bonus is and the National Commission on Bonus came out with the following observations, and I quote two lines.

"It is difficult to define in rigid terms the concept of bonus. But it is possible to urge that once profit exceeds a certain wage, labour should legitimately have a share in them. In other words, we think it proper to consider the concept of bonus as sharing by the workers in the prosperity of the concern in which they are employed." So, the National Commission on Bonus itself found it very difficult to define in rigid terms as to what the meaning of bonus was, and therefore, they preferred to explain the concept of bonus and then gave the formula for the purpose of calculating bonus. That answers a very important question raised by an hon. member. But the main point of discussion and I think the House was almost concentrating on this point—is about the ceiling of bonus, that is, raising the limit of ceiling of bonus from Rs. 2,500/- to Rs. 3,500/- is not adequate. I think it is a very, very genuine feeling on the part of the hon.

members of this House. If the hon. Members of the House would ask me whether I am satisfied with this ceiling having been raised from Rs. 2,500/- to Rs. 3,500/-, even I would say that I am not satisfied because we would certainly like to give more and more to the workers. It is everybody's desire—my desire and the desire of every hon. Member of this House—but the reasons why we are not able to do it in spite of the fact that we would have liked to do it, are many. But before I go to the particular point, I would like to dispel one apprehension or suspicion of the hon. members whether this figure of Rs. 3,500/- was decided by the Government arbitrarily or whether there were any consultations or whether there were any discussions with the trade union leaders of the country. The demand for raising the ceiling of bonus started immediately after the conclusion of the fourth Wage Agreement in 1989. So, it has been a constant demand. In fact, when I became the Labour Minister for the second time, all the ten Central trade union organisations, in a joint delegation, met me and they placed a charter of ten or eleven demands before me. one of the demands was that the bonus ceiling should be removed altogether. We had a number of meetings and I made it clear to the trade union leaders that removal of ceiling altogether is not possible. Right from the beginning, I made it very clear to them. *(Interruptions)*

SHRI JIBON ROY: In 1980, when this clause 10 was introduced, the price index point was 400 per cent. At least, you could have protected that price index.

SHRI P.A. SANGMA: May I inform the House that in reaching a figure of Rs. 3500 or staying at Rs. 3500—I most respectfully submit it—followed the reasons and the policy of the West Bengal Government. How? *...(Interruptions).....* Please, have patience. I also have a say in the House. I have listened to you very

carefully. You also please listen to me very carefully. It is easy to demand a thing, but when it comes to doing something, then you understand all this. I am giving a concrete example. It was a long-standing demand. No agreement could be reached. When Mr. Madhu Dandawade was the Minister of Finance of the country, he unilaterally announced that the rate would be increased from Rs. 1.65 to Rs. 1.90. It was rejected by the trade unions. When I became a Minister, a meeting of the Tripartite Committee on D.A. was convened and all the trade union leaders, more so, the Leftist trade union leaders said that it should be Rs. 2.50. With great difficulty, we settled at Rs. 2/-, from Rs. 1.65 to Rs. 2/- . Every Member from West Bengal was very vocal on that, but when it came to the engineering industry in West Bengal, in the revision of D.A. formula, the West Bengal Government settled at Rs. 1.75 just an increase of ten paise... *(Interruptions)....* You check it, yes, you check it.... *(Interruptions)....* Allow me to complete

it. When I say this, it hurts you. *...(interruptions)...* I know, it hurts you. I know; it hurts you.

Dr. BIPLAB DASGUPTA (West Bengal): Assuming that the West Bengal Government was wrong,—I do not know the facts—I can challenge you on this letter. I do not know the facts. Assuming that the West Bengal Government was wrong, that does not permit you to commit the same mistake.

SHRI P.A. SANGMA: That is what you always say.

DR. BIPLAB DASGUPTA: You should give some logic. *...(interruptions)...* What is this? *...(interruptions)...* That does not permit you to do the same thing. again *...(interruptions)...*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Dr. Biplab Dasgupta, I would just like to request you and also all the other Members: allow the Minister to complete his reply and whatever queries there are, you can ask them after the reply is over. Don't go on interrupting like this. ...*(interruptions)*... Mr. Jibon Roy, please sit down. I won't allow you. Let the Minister complete his reply.

SHRI JIBON ROY: Madam, I am on a point of order.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): No, I won't allow you. Please sit down.

SHRI P.A. SANGMA: Madam, when I informally enquired of the leaders of West Bengal why they had done this because when they came to me, they were demanding Rs. 2.25, and how they had settled at Rs. 1.75, ...*(interruptions)*... No, no; please listen to me. ...*(interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Jibon Roy, please sit down. Let him complete his reply. My request to all the Members of Parliament is please let him complete his reply.

SHRI JIBON ROY: He is simply misleading the House.

SHRI P.A. SANGMA: No; you can take me before the Privileges Committee.

SHRI JIBON ROY: Hon. Minister, labour dispute is a dispute between the labour and the employer. Government cannot squeeze it.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I have not given you permission to speak.

SHRI JIBON ROY: They negotiate and forget. So far as the dearness allowance is concerned, bargaining took place all over the country. Bargaining has taken place in the Central Government and also in the State Government levels.

Somewhere, some kind of an agreement has taken place. So far as annual bonus is concerned, you have not initiated any discussion. You have not discussed it with the trade unions. There has been no bargaining at all between the labour and the management. The labour dispute is essentially a bargaining between the labour and the management.

SHRI P.A. SANGMA: Madam, when I informally talked to them why they had to do that, they gave me a very genuine reasoning for that. This agreement is confined to the engineering industry in West Bengal. The leaders of West Bengal—I don't want to take their names—said, "The engineering industry in West Bengal is in a very bad shape. Many industries are not only sick but also chronically sick. If we increase it further, then the entire engineering industry will be finished in West Bengal. We have to see the health of the industry. We have to see the viability of the industry. Therefore, we have to reach an agreement at Re. 1.75 P." I think it is a very good reasoning, a very good logic. I think the West Bengal Government have done a reasonably good job because they have convinced the workers that they should accept Re. 1.75 P. keeping in view the general health of the engineering industry in West Bengal and keeping in view the state or condition of the public sector in West Bengal. I think it is a very reasonable thing. I think this is precisely what one, whether in the West Bengal Government or whether in the Central Government, as a responsible Government, has to look into. Today what is worrying us is the health of the industry. Today what is worrying us is the sickness in the public sector. Madam, every day I have got a meeting of the tripartite committee of this public sector unit or that public sector unit on how to revive them. It is a big thing. Please appreciate that. It is good to demand. But when you demand, you should also look into the health of the economy,



particularly you should look into the health of the industry, particularly in the public sector. If I accept what you are demanding, you know who the worst affected will be. The West Bengal Government itself will be the worst affected for the same reason. *...(interruptions)...* Yes, for the same reason.

**SHRI M.A. BABY (Kerala):** You are defending the West Bengal Government.

**SHRI P.A. SANGMA:** Yes, I am defending the West Bengal Government. Why not? *...(interruptions)...* After all, Madam, I have already stated that by these amendments, as far as the public sector enterprises are concerned, two lakh more workers are being added. Those who were not entitled to bonus, two lakhs of them, are going to get bonus when this Bill is passed here and also passed in the Lok Sabha.

When we come to the question of private sector, I have stated that 24 lakh more workers, who are not getting bonus today, will get bonus after this Bill is passed. Altogether 26 lakhs of additional workers are going to be entitled to bonus by these amendments to the Act. Will the Parliament stop it? The total money, which is going to the workers, is Rs. 800 crores per annum. An additional amount of Rs. 800 crores is going to the benefit of the workers. Let the Parliament decide whether 24 lakh more workers would be denied this benefit, whether Rs. 800 crores, which would go to the workers, should be stopped by this House. I leave it to the House to decide. *...(interruptions)...*

**SHRI GURUDAS DAS GUPTA:** Madam, this is a wrong way. Nobody is saying that. *...(interruptions)...* It is absolutely wrong. *...(interruptions)...* The hon. Minister is deliberately vilifying the trade union movement. Nobody says that. We are only saying that some more should be added to it. He is not ready. What he says will actually help the

private sector in the country. He is going to help the private sector of the country.

**SHRI P.A. SANGMA:** Madam, I am very happy that the hon. Member *...(interruptions)...*

**PROF VIJAY KUMAR MALHOTRA (Delhi)** Madam,...

**THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE):** Why are you interrupting like this? Let him complete his reply. *...(interruptions)...*

**श्री० विजय कुमार मलहोत्रा:** 26 लाख ही क्यों, 50 लाख क्यों नहीं। बाकी जो 24 लाख बच जाते हैं उनके क्यों नहीं देते?

Why should we confine it to only 26 lakh workers? Why not 50 lakh more workers? Why should it not be given to whosoever works in this field? Why are you denying it to them?

**SHRI P.A. SANGMA:** I have said very frankly that we have to look into the viability of the industry, particularly the public sector. You cannot do one thing and say,

okay. Today the main debate in this House, the main debate outside, is against the closure of the public sector undertakings. The public sector should not be closed. It should be revived. How do we revive them? *...(Interruptions)...* How do we revive them? *...(Interruptions)...*

**SHRI GURUDAS DAS GUPTA:** The public sector should be revived by denying the workers. *...(Interruptions)...*

**SHRI P.A. SANGMA:** No, not at all. *...(Interruptions)...*

**SHRI GURUDAS DAS GUPTA:** That is his philosophy. *...(Interruptions)...* That is his philosophy. *...(Interruptions)...*

**SHRI P.A. SANGMA:** I would like to say that this Bill is in the interest of the working class. Please pass this Bill. After all, the labour law is always subjected to

upgradation. Upgradation of the labour law and upgradation of the labour standards is a continuing process in this country. One of the hon. Members from this side said that the Minister should see to it that it is reviewed after every two years. I don't have to see to it. The way the workers come to me, the way the trade unions come to me, I will be compelled to review it and the Government will review it. It is a continuing process. Reviewing and upgrading the benefits are continuing processes. Once again I appeal to this House to pass this Bill. Thank you.

श्री चतुरानन मिश्र: मैं मंत्री महोदय से जानना चाहूंगा कि अभी जो रीसेट पीरियड में वेज रिविजन हुआ, बेसिक पे, वेज और डीएन रेज हुआ, उसको देखते हुए जिन लोगों को बोनस मिलता था उनमें से कितने लोग डिप्राइव हो जाएंगे? इस पर मिनिस्ट्री ने कोई पेपर तैयार किया हो तो हमें जरा बता दीजिए।  
Am I clear?

SHRI P.A. SANGMA: I don't have the figures now. I will give those figures.

SHRI CHATURANAN MISHRA: Then how to do it? How can we pass this Bill without those figures? हम लोगों का केस है लाखों मजदूर डिप्राइव हो जाएंगे और उनका केस है ज्यादा लोगों को मिलेगा, गवर्नमेंट ने सब कुछ वर्क आउट कर लिया है लेकिन डिप्राइव होने वालों का वर्क आउट नहीं किया तो हम कैसे वोट देंगे? तब तो हम उसके खिलाफ गिंएंगे। सिंपल बात है।

उपसभाध्यक्ष (कुमारी सरोज खापरडे): उनके पास रेडिली अवेलेबल नहीं है। आपको बाद में बता देंगे।

श्री चतुरानन मिश्र: फिगरों की बात नहीं है। जितने लोगों को हम फायदा पहुंचाना चाहते हैं और पहले से जिन कटेगरी आफ वर्कर्स को मिल रहा है, ओर वह डिप्राइव हो रहे हैं तो उनकी तादाद कितनी है, अगर हम नहीं जानेंगे तो किस के लिए कानून पास करेंगे। इतना तो आप वक्त दीजिये, इसको पोस्टपोन करवा दीजिये। तैयार हो कर दूसरे दिन मंत्री जी आएन तो हम लोग इसे पास कर देंगे।

श्री कृष्णलाल शर्मा: यह तो बहुत जरूरी है। मिनिस्टर साहब के पास पूरी फिगरों है कि लाभ कितने लोगों को है, उनके पास यह फिगरों भी होनी चाहिये कि कितने लोग डिप्राइव होंगे The Minister should come out with those figures. Unless we get those figures, how can we pass this Bill? यह अनफेयर है मंत्री जी के पार्ट पर कि वह यह कहें कि We don't want to pass this Bill. This is very unfair. किसी ने इसके बारे में ऐसा नहीं बोला।

SHRI PRABHAT KUMAR SAMANTARAY (Orissa): Madam, I want to seek one clarification from the hon. Minister. For the last four years the Government is saying that they are going to announce the bonus limit. Many public sector undertakings and private sector undertakings have calculated it on that basis because the calculation was going on for the last four years assuming that Rs. 2,500/- was the ceiling. Now, they made the payment on the basis of Rs. 3,500/- as the ceiling. What will happen to these cases? I would like to know from the hon. Minister whether the Government is going to withdraw that money or it is going to allow them to pay that money to the workers.

SHRI E. BALANANDAN: Madam, I would like to seek a small clarification. By taking away the ceiling on bonus, he was banking on the sick industries. The industry as a whole in the country is making profits. Madam, you read the newspapers. The increase in profit of every public sector industry is so high that the salary of its executive comes to Rs. 1 crore a year. This is the position today. Today, you talk of sick industries and try to deprive the workers of some money. Mr. Minister, you are making a wrong argument. Whenever workers get Rs. 2/-, people say that it will upset the economy. The a, b & c of economics tells us that if some money is distributed, it will strengthen the health of the economy. Mr. Minister, kindly see to it that the ceiling is removed.

**DR. BIPLAB DASGUPTA:** Let me assure the Minister that we have no intention to vote down the Bill. We are only asking for some amendments. You should not be scared. We are not mobilising any support to vote down this Bill. We hope that some amendments will be accepted. Now regarding the point that you have raised about West Bengal, I have two very quick comments to make. Supposing the West Bengal Government is wrong, should you justify the wrong action?

**SHRI P.A. SANGMA:** I said that it was right... *(Interruptions)*... I said that the West Bengal Government was right. I do not have to suppose that they are wrong... *(Interruptions)*...

**DR. BIPLAB DAS GUPTA:** I see a gunny trend amongst the Ministers. Whenever their policies are criticised, they cite what the West Bengal Government has done. If the West Bengal Government has done it, then it must be right. Implicitly, you are taking West Bengal as a model. So, whatever is done by West Bengal is justifiable. West Bengal has done it, so, we are doing it. In any case it shows the respect in which you hold West Bengal and take the policies of West Bengal as model. But the point that I am making is that this Bill, this decision, will not apply to the public sector alone. It also applies to the private sector. The way you have put the argument, it appears as if you want to save the sick public sector industries. That is not relevant. If the workers in a particular industry voluntarily decide not to accept a certain bonus amount, that is their business. The Government can approve it. It has happened in the case of the Engineering industry in West Bengal. But it does not have universal applicability. It does not apply throughout the length and breadth of this country. This kind of an argument, I do not think holds good for this Bill in

general. So, I would request the Minister to kindly look it. Since there is so much of feeling in the Opposition that the ceiling should be removed, he should try to look into it. If he does not have the figures, let him postpone it. But I would request him to look into the figures and to decide on this and the ceiling should be dispensed with, if possible.

**SHRI SATISH PRADHAN:** Madam, I would like to bring some things to the notice of the hon. Minister for his comments. Madam, I am insisting that the limit of Rs. 2,000/- to Rs. 3,500/- should be totally removed because of this. I will give an example for that. Consider a person who gets a salary of Rs. 3,500/- with all emoluments. His annual income would work out of Rs. 42,000/-. He is entitled to a bonus of Rs. 2,500/-. The total earnings for the year would be Rs. 44,500/-. If another gentleman gets a salary of Rs. 3,600, his annual income would be Rs. 43,200/-. He is not entitled to get bonus. So, his annual total earning would be Rs. 43,200/- which is less than the total earning of a person who gets a salary of Rs. 3,500/-. If the bonus is 8.33 per cent, then what happens? If a person draws a salary of Rs. 3,700/- then his annual income will be Rs. 44,400/-. He is not entitled to bonus and his annual income will remain Rs. 44,400.

**THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE):** Mr. Pradhan, are you going to make a speech on this?

**SHRI SATISH PRADHAN:** I am concluding. If the bonus is 20 per cent and if the monthly salary is Rs. 3,500/- the annual income will be Rs. 42,000/-. The bonus amount will be Rs. 8,400/-. The persons total annual income would be Rs. 52,600/-.

**THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE):** Please put your question. This cannot go on. You put your question.

**SHRI SATISH PRADHAN:** Therefore, I would like to know whether he is going salary is less at the end of the year. Is he going to consider this? I would like to know whether he is going to consider this aspect.

Thank you, Madam.

**SHRI GURUDAS DAS GUPTA:** Madam Vice-Chairman, we are not opposing the Bill at all. We are not opposing the Bill, but we want some relaxation. The relaxation would mean that a large number of workers who are still denied of the benefit of bonus—as you know, Madam, bonus is a deferred payment of wages—will be entitled to get the bonus. The hon. Minister may kindly let us know about this. He is not placing the facts before the House. Because of the rise in the limit of entitlement, all that the Minister says is that about two lakh workers will be entitled to get the bonus. But I have every doubt because in the meantime wages have increased. Therefore, a large number of workers who he feels will get the bonus will not get the same. We are pressing for this relaxation because this is a long-standing demand. All the trade unions have agreed on this. Therefore, let us not believe that it is only the Labour Ministry which is acting in a responsible way and all the trade unions are irresponsible and want all the public sector units to be closed. It is not as if the Minister of Labour has to see that the economy is functioning well. Let us not attribute to ourselves that wisdom. We are working in a democracy. We feel that everybody has a role to play. It is more dishonourable because after consulting the trade unions, their opinions are being rejected. This has almost become a ritualistic pattern. Therefore, we are saying that the limit on entitlement to bonus may kindly be increased. That does not mean that we will compel them to pay those wages. It would only be an increase in the limit of entitlement to bonus. The increase in the limit of enti-

tlement to bonus does not lead to an increase in the wages. It is for the workers to bargain. We only say: Let their case be reopened. The Minister does not even want to do that. Objectively, it is not helping the workers. On the other hand, it will help those who would like to deny the workers. By denying the workers of this benefit, they would like to bring about a recovery in the economy which is not possible.

**SHRI JAGESH DESAI:** Madam Vice-Chairman, first of all I would like to say that I am not anti-labour. At the same time, when we visited a public sector unit recently, as a Member of the Committee, we were sorry to see that many workers were sitting idle there because of lack of order. They were signing the register and going away and they were all getting their salaries. If it were a private employer, it could have been closed down. But the Government cannot afford to do that. Now a time has come, when we want that the public sector should survive, we should think that there should be some sacrifice to be made by the workers also. I appeal to all out trade union leaders that they should look at this on these lines. We went to the Indian Telephone Industry and came back just now. Seven hundred workers were sitting idle. When I enquired why they were sitting idle, they told me that they had no work to do. They come, sign and go away because there are no orders from the Telecom Department. The same thing is there everywhere. Wherever we go, there is the same thing. If it were a private employer like the Tatas, they would have closed down the unit. The Government cannot afford to close down a unit. As such, let us ponder. Let us think over this issue. The Minister has said that it will be reviewed. At the time of review, this aspect should be taken care of.

**SHRI GURUDAS DAS GUPTA:** Madam, it is very unfortunate that the hon. Member does not know that more

than one lakh of workers in West Bengal are not getting their wages. The hon. Minister of Labour, despite giving an assurance, has not been able to arrange for their wages...*(interruptions)*... The workers have already made several sacrifices. Now they need not forego any benefits due to them...*(interruptions)*...

SHRI JAGESH DESAI: I want the public sector to survive...*(interruption)*...

SHRI GURUDAS DAS GUPTA: They are making sacrifices. And the hon. Minister has not been able to pay their wages. So, Mr. Desai, don't speak like that. You may not know that more than one lakh of workers are not getting their wages in West Bengal.

SHRI JAGESH: no, no...*(interruptions)*...

SHRI GURUDAS DAS GUPTA: They have made several sacrifices. Now they need not forego any benefits due to them.

SHRI JAGESH DESAI: Madam, it is unfortunate that I am misunderstood...*(interruptions)*... It is unfortunate...*(interruptions)*...

SHRI GURUDAS DAS GUPTA: We will not listen to this any more.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Das Gupta, when you were speaking, Mr. Desai did not interrupt you. You kindly extend to him the same courtesy.

SHRI JAGESH DESAI: If you don't want to respond to my appeal, please ignore it. I am saying what I have seen. Now a time has come when we have to see that the public sector is able to survive. If the public sector has to survive, we will have to make certain sacrifices. I would like to know from the hon. Minister whether any worker will be deprived of the benefit of bonus because of this Bill since there is some confusion in the minds of many people that some workers are going to be deprived of the

benefit of bonus. I would like to know whether any worker would be deprived of the benefit of bonus because of this Bill.

Thank you.

SHRI DIPANKAR MUKHERJEE: (West Bengal): I have only one point to make. I have only one point to make. I have spent three hours today in BIFR in regard to Iyre Corporation one public sector undertaking. I know what the Government is doing to protect them! For eight months, they have not taken a decision to revive it. The BIFR has said that it can be revived. But from December onwards, this Government is sleeping on this proposal. This is how they want to treat the public sector! We have been telling the Finance Minister and the Industry Minister that from 1992 to 1995, 1,680 retired of M/s Jessop & Co. have not got their gratuity. They have to sacrifice. *(Interruptions)*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Please sit down. *(interruptions)*

SHRI DIPANKAR MUKHERJEE: Only workers have to sacrifice.

श्री चतुरानन मिश्र: मैडम, माननीय सदस्य जगेश देसाई जी ने हम लोगों से अपील की है तो इस अपील के जवाब में हम को यह कहना है कि पब्लिक सेक्टर के मजदूरों में, हम आप को उदाहरण देते हैं, आप ने ओ.डी.पी.एल. की जो लांग-स्टैंडिंग फेसिलिटीज थीं छोड़ दीं और तब भी आय.डी.पी.एल. को रन किया। अभी फर्टिलाइजर जर ने उस पब्लिक सेक्टर के अधिकार को छोड़ दिया। तो यह कहना कि वर्क्स सेक्रीफाइस नहीं कर रहा है, यह बात नहीं है। प्रश्न यह उठता है कि अगर आप एक ऐसा एक्ट बनाते हैं जिससे कि एक्जिस्टिंग जिन को मिल रहा था, वह उस से अन-रीजनेबली डिप्राइव हो जाते हैं, तब तो यह कानून जिन के लिए आप बना रहे हैं, उन को फायदा नहीं पहुंचता है। यह प्रश्न विचार करने योग्य है। आप चाहे जितने भी कानून बना दें, उस के बाद भी दोनों बैठकर तय करें तो ठीक होगा कि

कितना मिलना चाहिए कितना नहीं मिलना चाहिए। उस वक़्त वह देखेंगे कि स प्लांट या कंपनी की क्या प्रोजेक्शन है? इसलिए अगर अभी आप वह बाईंडिंग देते हैं तो वह फिर ला बन जाता है और उस के बाहर कोई नहीं जाएगा और अभी लोगों को तैयारबाह बड़ी है - पुब्लिक सेक्टर और प्राइवेट सेक्टर में भी बड़ी है, तो डिप्राइज हो रहे हैं, इस पर हम चाहेंगे कि मंत्री महोदय आप फ़ोरेस कीजिएगा और बात करवा लीजिएगा अन्यथा आप की ख़ाशी है। लेकिन

मैं आप को बताना चाहता हूँ कि उस से मामला हल नहीं हो सकता है।

**उपसभाध्यक्ष (कुमारी सरोज खापड़ें):** मित्र जी, आप जग सैंसेप में बोलिए।

**श्री चतुरानन मिश्र:** उन्होंने जो अपील की है, हम तो उस का जवाब दे रहे हैं कि the labour component of cost is the lowest in India as compared to any other developed country. (Interruptions) Developed or developed, I am only asking on the basis of what they are saying.

अब आप क्या चाहते हैं हम से? हम तो सेक्रीफाइस कर रहे हैं लेकिन हर्ब होगा अगर मंत्री महोदय एक रोल के लिए इस को डेफर कर के ट्रेड यूनियन वालों के साथ बातचीत करें क्योंकि संभव है कोई ऐसा एमार्चेंट निकल आए। सरोज कीजिए आप 3,500 करते हैं अगर उस से ज्यादा पर कोई रास्ता निकल आता है तो heavens will not fall. तो बनिस्वत आप यहाँ ऐसा करते हैं, तो कभी हम भी मेजरिटी का इस्तेमाल आप के खिलाफ़ कर सकते हैं, लेकिन अगर इस को नहीं करना है तो एक रोज़ के लिए इस को डेफर कर दीजिए, उन से बात कर के आइए और फिर हम लोग इसी-खुशी इसे पार कर देंगे।

**श्री संघ प्रिय गौतम:** मैडम, मित्र जी ने जो बात कही है, उस का समर्थन करते हुए मैं कहना चाहता हूँ कि जितने लोगों को लाभ होगा.....

**उपसभाध्यक्ष (कुमारी सरोज खापड़ें):** गौतम जी, आप से पहले मैं मल्होत्रा जी को कहा था।

**श्री संघ प्रिय गौतम:** मैडम, मैं इस विषय पर बोला हूँ तो मुझे राइट है पूछने का।

**उपसभाध्यक्ष (कुमारी सरोज खापड़ें):** आप आपस में समझौता कर लीजिए और पूछ लीजिए।

**श्री संघ प्रिय गौतम:** मैडम, उन का अमेंडमेंट है, वह अलग है। मैं एक मिनिट लूंगा। उन को फायदा पहुंचेगा, और लोगों को उस के ज्यादा नुक़सान भी पहुंचेगा। इसलिए या तो यह एश्वोरिस लें कि मैं इस सीलिंग को खत्म कर लूंगा वह जैसा मिश्र जी ने कहा एक-दो दिन का टाइम ले लें और बातचीत कर लें, विधेयक को डेफर कर दें। मैडम, हम कोई नहीं चाहते हैं कि कर्मचारियों को नुक़सान हो या उन को बोनस न मिले। जिन की लड़ाई हम रोज़ाना लड़ते हैं, उन के हक़ को मारने के पक्ष में हम क्यों आएंगे? हम चाहेंगे कि उन को बोनस मिले, लेकिन ये तो—

“सताते भी हैं मताखातिर और रने भी नहीं देते।

यही बस उन की मंशा है कि मैं घुट-घटकर मर जाऊँ।”

देना चाहते हैं और नहीं भी देना चाहते हैं। यह नीति ठीक नहीं है।

**श्री गया सिंह:** उपध्यक्ष महोदया, मेरा एक ही सवाल है मंत्री जी से कि सन् 1993 में आप यह बोनस का लागू करना चाहते हैं। यह इन्फ़ीज का 1-4-1993 से लागू करना चाहते हैं। मैं जानना चाहूंगा कि रान 1993-94 में कितने लोग का इन्फ़ीज होगा और 1994-95 में कितने लोग इससे वंचित होने वाले हैं? ... (व्यवधान) ... मैडम, मंत्री जी तो सुन नहीं रहे हैं तो जावब क्या देंगे। वह तो अभी उधर चले गए। ... (व्यवधान) ... मंत्री जी, मैं आपसे यह जानना चाहता हूँ कि आपने कहा कि दो लाख नए वर्कर्स को मिलेगा पब्लिक सेक्टर में, मुझे आप यह बता दीजिए कि यह दो लाख 1993 में होंगे?

**उपसभाध्यक्ष (कुमारी सरोज खापड़ें):** आप बोलिए मंत्री जी तो सुन ही रहे हैं।

**श्री गया सिंह:** जी, सुनेंगे। मंत्री जी होशियार हैं। मंत्री जी, आप मेरे को यह फ़िगर बताइए कि 1993 में दो लाख बढ़ गए, मैंने यह आपकी बात मान ली, मगर 1994-95 में दो लाख से कितने कम हो जाएंगे? यह फ़िगर से दीजिए कि 1993 में जो पुराने वर्कर हैं, उनमें कितनों को मिल रहा था और 1-1-92 के वेज रिवीजन में जो पुराने वर्कर हैं, उनमें कितनों को मिल रहा था और 1-1-92 के वेज रिवीजन के कारण कितने वर्कर को

बोनस नहीं मिलेगा? यह फिगर जब तक आप नहीं देते हैं तब तक हम लोग कन्वीन्स होने वाले नहीं हैं। इससे जहां लाभ हो रहा है वहीं बहुत सारे लोगों को नुकसान भी होने वाला है। ... (व्यवधान)...

श्री चतुरानन मिश्र: कुछ इलेक्शन बोनस भी लीजिए, मिस्टर मिनिस्टर... (व्यवधान)...

SHRI JIBON ROY: Madam, one minute..... (Interruptions)...

THE VICE-CHAIRMAN: Mr. Roy, I won't allow you now. This is not fair. I gave you a lot of time. You spoke again and again on the same point. Now, Mr. Minister..... (Interruptions)...

श्री दिग्विजय सिंह बिहार: मिनिस्टर साहब, आप उसका जवाब दे दीजिए। यह 1993-94 की फिगर दे दीजिए, उससे पता चल जाएगा।

SHRI P.A. SANGMA: Madam, Mr. Mishra, for whom I have so much respect, has given a suggestion that I should talk to the trade union leaders. We have already had many rounds of discussions from 1992 onwards.

SHRI CHATURANAN MISHRA: One more, What is the harm in it? We are having so many rounds of discussions.

SHRI P.A. SANGMA: I must inform the House that this Ordinance, which we are going to repeal today by an Act, has been welcomed by the workers and the trade union leaders. Everybody and even today I had almost 500 workers from different parts of the country coming to congratulate me. I should not have spoken that. Last week I was in West Bengal. On Saturday, I went to the Writers' Building. The office was open in spite of it being a 'holiday. I met all the trade union organisations in front of two very very senior hon. Ministers of the Government of West Bengal. I was unanimously congratulated on this point by the trade union leaders.... (Interruptions)...

DR. BIPLAB DASGUPTA: Not because of this.... (Interruptions)...

SHRI P.A. SANGMA: \*Madam, though they did mention to me, "Sir, if you could increase the ceiling we would have been very happy. But whatever you have done, we are very happy with that. We thank you very much." This is what the workers have said. This point has been discussed again and again. \*Spoke in Bengali.

SHRI E. BALANANDAN: Are we disputing all these points?

SHRI P.A. SANGMA: As far as the number is concerned for which the hon. members wanted me to postpone the consideration, I have got the figures. So, we don't have to postpone the consideration of this Bill now. In the Central Public Sector Enterprises we have a total of 22.50 lakh workers out of which nine lakh workers will be covered by the Bonus Act. That is the figure.

उपसभाध्यक्ष (कुं सरोज खापर्डे): शर्मा जी, क्या आप प्रेस करेंगे रजोलूशन के लिए? ... (व्यवधान)...

श्री कृष्ण लाल शर्मा: नहीं, मेडम चेयरपरसन, मैंने पहले भी यही निवेदन किया था कि जहां तक बोनस का सवाल है, वर्कर्स को बोनस देने का सवाल है, इसके बारे में सिद्धांत रूप में हम इसके विरोधी नहीं हैं। मैंने जो बात की थी पने स्टेटिस्टर रजोलूशन में वह अध्यादेश के इनप्रापरायटि के बारे में ... (व्यवधान)...

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): शर्मा जी, आप तो रेप्लाई दे चुके थे सब।

श्री कृष्ण लाल शर्मा: इसलिए जहां तक इसके बारे में सवाल है, मैं अपने इस स्टेट्यूटरी रजोल्यूशन को प्रेस नहीं करना चाहता।

*The Resolution was, by leave, withdrawn.*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I shall now put the motion moved by Shri P.A. Sangma to vote.

The question is:

"That the Bill further to amend the Payment of Bonus Act, 1965, be taken into consideration."

*The motion was adopted.*

**THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE):** We shall not take up clause-by-clause consideration of the Bill. There are three amendments by Shri Jibon Roy, Shri Dipankar Mukherjee, Shri Vijay Kumar Malhotra and Shri Gurudas Das Gupta.

*Clause 2—Amendment of Section 2.*

**SHRI DIPANKAR MUKHERJEE:** I move :

“That at page 1, for clause 2, the following clause be substituted, namely:

“2. IN section 2 of the payment of Bonus Act, 1965 (hereinafter referred to as the principal Act), in clause (13), the words “not exceeding two thousand and five hundred rupees per mensem” shall be omitted.”

**प्रो० विजय कुमार मल्होत्रा:** उपसभाध्यक्ष महोदया, मैं प्रस्ताव करता हूँ कि:—

3. पृष्ठ 1 पर, खण्ड 2 के स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किया जाए, अर्थात्:—

“2. बोनस संदाय अधिनियम, 1965 (जिसे इसमें इसके पश्चात् मूल अधिनियम कहा गया है) की धारा 2 के खंड (13) में, “दो हजार पांच सौ रुपए प्रतिमास से अनधिक” शब्दों का लोप किया जाएगा।

उपसभाध्यक्ष महोदया, मैं इस अमेंडमेंट में दो लफ्ज़ कहना चाहता हूँ। मुझे इसमें सिर्फ़ यह बात कहनी है कि जो मंत्री महोदय ने यह कहा है कि बहुत लोगों को इससे खुशी हुई है, बहुत बड़ी प्रसन्नता हुई है और 26 लाख लोग इसमें नए आ जाएंगे—2 लाख पब्लिक सैक्टर में और 24 लाख प्राइवेट सैक्टर में, मुझे इसमें यह बात कहनी थी कि लाखों लोग इसके बावजूद बच जाएंगे जिनको कि फायदा नहीं हो रहा और वे जो इसका इंतजार कर रहे थे, इसमें रह जाएंगे। अभी आप इस बात को देखें, जो बात कही गई कि जिसको 3,500 रुपए मिलती है तनखाह, उसकी तो तनखाह हो जाएगी 4,000 और जिसकी 3,600 मिलती है, उसकी तनखाह 3,600 ही

रह जाएगी। इफ इट इज़ ए डेफ़ड वेज, डेफ़ड वेज अगर है तो हरेक को मिलनी चाहिए, इसमें कोई लिमिट नहीं होनी चाहिए। स्कूल टीचर, कॉलेज टीचर, इनमें से कुछ इसमें आते हैं बाकी रह जाते हैं, ये सब मिडिल क्लास के लोग हैं और जब मल्टी नेशनल आ रहे हैं और मल्टी नेशनल जिस तरह की पेमेंट अपने यहां कर रहे हैं, उसमें अपने यहां लिमिट लगाकर रखना कि 3,500 से ऊपर हम किसी को बोनस नहीं देंगे, मैं समझता हूँ कि यह बहुत ही अनजस्टिस है, जस्टिस नहीं है।

इसलिए मैं अपने अमेंडमेंट को मूव करता हूँ, इसे प्रैस करता हूँ।

**SHRI JIBON ROY:** Madam, in 1995, when the Act was passed, the Consumer Price Index was 140 points. Now it is 1440. There is an increase of 928 per cent. Therefore, it is not an expansion of social security. It is a squeeze of the social security. I want that this point be guaranteed in 1995 and should be protected.

**SHRI GURUDAS DAS GUPTA:** I beg to move:

That at page 1, for clause 2, the following clause be substituted, namely:

“2. In section 2 of the Payment of Bonus act, 1965 (hereinafter referred to as the principal Act), in clause (13), the words “not exceeding two thousand and five hundred rupees per mensem” shall be omitted.

*The questions were proposed.*



THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I shall now put the amendments to vote. Those in favour may please say 'Aye'.

SOME HON. MEMBERS: Aye.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Those against may please say 'No'.

SOME HON. MEMBERS : No.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I think, the 'Noes' have it, the 'Noes' have it, the 'Noes' have it...

SOME HON. MEMBERS : The 'Ayes' have it, the 'Ayes' have it. (Interruptions).

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): The amendments are negated. (Interruptions)

I shall now put clause 2 to vote. Those in favour may please say 'Aye'.

SOME HON. MEMBERS : Aye.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Those against may please say 'No'.

SOME HON. MEMBERS : No.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I think, the 'Ayes' have it, the 'Ayes' have it, the 'Ayes' have it. Clause 2 is adopted.

SHRI GURUDAS DAS GUPTA: No. We want Division. (Interruptions)

DR. BIPLAB DASGUPTA (West Bengal): We want Division. (Interruptions)

SHRI JIBON ROY: We want Division. (Interruptions).

[The Deputy Chairman in the Chair]

THE DEPUTY CHAIRMAN: Let me find out...(Interruptions)...One minute, please...(Interruptions)

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश): मेरा दल मजदूरों के पक्ष में है और यहाँ सदन में यह स्थिति भी बन सकती है कि हम इस अमेन्डमेंट के आधार पर या

वैसे इस बिल को डिफिनेट करें। लेकिन हम समझते हैं कि अगर बिल डिफिनेट हो गया तो जो कुछ थोड़ा बहुत मजदूरों को मिलने वाला है वह भी नहीं मिलेगा। फिर यह लोक सभा में जाएगा और लोक सभा के नए चुनाव होने वाले हैं और फिर यह दो साल तक लटक जाएगा। इसलिए हम यह मांग करते हैं कि यह बढ़ना चाहिए। मैं चाहता हूँ कि मंत्री महोदय, कम से कम एक आश्वासन दे दें कि बहुत जल्दी एक साल में, डेढ़ सा, में दोबारा इसको रिवाइज कर देंगे।... (व्यवधान)

इसलिए मैं इस आग्रह को करते हुए भी 3500 रुपए की सीमा बहुत कम है। इसलिए इससे मैं अब्स्टेन करूँगा।... (व्यवधान)

सश्री चतुरानन मिश्र बिहार: जो सवाल माननीय सदस्य माथुर साहब ने उठाया है, वह सही नहीं है। अगर वह क्लॉज हट जाएगा तो बिल तो पूरा पास हो जाएगा, बाकी लागू रहेगा।... (व्यवधान)

THE DEPUTY CHAIRMAN: I have been told by the Secretariat that the amendments No.1 No.2 and No.5 to clause 2 have been disposed of.

SHRI GURUDAS DAS GUPTA: They have not been disposed of...(Interruptions)...

DR. BIPLAB DASGUPTA: Without a Division, they cannot be disposed of...(Interruptions)...

SHRI GURUDAS DAS GUPTA: My amendment has not been disposed of...(Interruptions)...

DR. BIPLAB DASGUPTA: What happened is that she said that...(Interruptions)... I said, "we want a Divisions."

THE DEPUTY CHAIRMAN: I am going to put clause 2 to vote. Let us not fight for such a small matter... I understand that you have your amendments, but you have a clause also. Whatever you want, you make it...(Interruptions)... But, do not create divisions.

MISS SAROJ KHAPARDE: Madam, the amendments given by Shri Dipankar Mukherjee and Shri Jibon roy have been disposed of.

DR. BIPLAB DASGUPTA: We want a Division...*(Interruptions)*

...

THE DEPUTY CHAIRMAN: I shall now put clause 2 to vote. *(Interruptions)*

DAS GURUDAS DAS GUPTA: We want a division. We ask for a division. *(Interruptions)*

DR. BIPLAB DASGUPTA: We want a division.

THE DEPUTY CHAIRMAN: We have to clear the lobbies.

SHRI P. UPENDRA: What are we putting to vote, kindly explain. Is it the amendment or the clause?

उपसभापति: अच्छा, अब आप लोग शोर मत मचाइए, डिक्लियर होने वाला है। ...*(व्यवधान)*

I am sayiny, what you said 'No' to that is what I am putting to vote.

SHRI JIBON ROY: Clause 2, Madam.

THE DEPUTY CHAIRMAN: I am now putting clause 2 to vote. *(interruptions)*

SHRI GURUDAS DAS GUPTA: My amendment was not called. I want voting on this. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: My amendment was not called. I want voting on this. *(Interruptions)*

THE DEPUTY CHAIRMAN: There is a procedure. When there are amendments, there is always a procedure. I am saying this for the benefit of those Members who have come new to the House. There are clauses and if there are amendments on a clause, first, we put the amendments to vote and when the amendments are disposed of, we take the clauses. As the presiding officer, the Vice-Chairman said that the clauses were disposed of...*(Interruptions)* Just a second. Please let me finish; otherwise confusion takes place again. I put it before the House, I am putting the amendment

to vote. You can oppose the amendment but I cannot go back.

SHRI H. HANUMANTHAPPA (KARNATAKA): Madam, I have a point of order. *(Interruptions)*

SHRI CHATURANAN MISHRA: There were several amendments. Only one she was saying. She has not said about all the amendments. She has said about only one amendment.

SHRI P. UPENDRA (ANDHRA PRADESH): Madam, you said the amendments were disposed of and you were putting the main clause to vote.

THE DEPUTY CHAIRMAN: Yes, the main clause. *(Interruptions)* The Clause part always creates confusion. If Members have to make any talking among themselves, any lobbying among themselves, there are lobbies open for them and they can go and discuss, discuss among themselves what they want to do; I have no objection. As I said before, it is just part of the record. I was informed by the previous person who was in the Chair, and I am saying that I am now putting clause 2 to vote. I had announced that I am putting clause 2 to vote. Shri Gurudas Das Gupta, don't shake your head; you shake your head up and down ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Madam, When Madam Chairperson had taken up the amendment, she had taken an opinion on the amendment of Shri Jibon Roy and Shri Dipankar Mukherjee. But there is also an amendment of mine. Please look into the record. My amendment was not mentioned at all. Please look into the record. It is not mentioned in the record. Therefore, I put my amendment to vote.

DR. BIPLAB DASGUPTA: Madam, it is also very unfortunate that when from the opposition we asked for a division it is ignored.

**THE DEPUTY CHAIRMAN:** *Nobody is ignoring. How can anybody ignore you?*

**THE GURUDAS DAS GUPTA:** *You look into the record and decide.*

**THE DEPUTY CHAIRMAN:** *Mr. Gurudas Das Gupta, you confuse me. You Marxists confuse everybody. Please sit down. She said it. I will look into the record.*

**SHRI GURUDAS DAS GUPTA:** *My amendment was not mentioned.*

**THE DEPUTY CHAIRMAN:** *Okay. Let me find out. (Interruptions) I will find out. I am putting the clause. If you like, you can vote against the clause. When the Vice-Chairman says, you accept it.*

**SHRI GURUDAS DAS GUPTA:** *You look into the record. My amendment was never mentioned at all. She only said that Jibon Roy's amendment is not acceptable. She only said this. You please ask the Secretary-General to look into the record. You find out.*

**THE DEPUTY CHAIRMAN:** *It will take some time. Mr. Gurudas Das Gupta, I will tell you one thing. You are in this House. The Vice-Chairman's words, whether from the opposition or the ruling party should be final. Once they are in the Chair, their word should be final. We should not challenge. Otherwise... (Interruptions)*

**SHRI GURUDAS DAS GUPTA:** *Madam, to err is human. You please look into the record. My amendment was never mentioned by the hon. Vice-Chairman. Please look into the record.*

**THE MINISTER OF INDUSTRY (SHRI K. KARUNAKARAN):** *Madam, when once the Chair gives any ruling, it is final. Whether 'X' or 'Y' is sitting in the Chair, it is the Chair. Whatever ruling is given, that is final. It cannot be challenged. There can be a difference of opinion among the Members. The ruling cannot be challenged. (Interruptions)*

**SHRI CHATURANAN MISHRA:** *Nobody is challenging her ruling. The simple question is: Please go through the record and find out. Otherwise, it will be a bad precedent. I am asking you to go through the record.*

श्री दिग्विजय सिंह (बिहार): मैडम रिकॉर्ड देख लीजिए, इससे क्या है?... (व्यवधान)  
उपसभापति: रिकॉर्ड अभी आ रहा है। ... (व्यवधान)

**DR. BIPLAB DASGUPTA:** *Itr is Madam. (Interruptions) It cannot be done. (Interruptions)*

**SHRIMATI JAYANTHI NATARANAJ:** *he said. what is this?*

**SYED SIBTEY RAZI:** *Against the Chair, such an expression should not be used. It is very sad.*

**SHRI SURESH KALMADI:** *How can he say that? (Interruptions)*

**THE DEPUTY CHAIRMAN:** *Mr. Biplob Dasgupta, just a minute. If I remember correctly, once a similar situation arose when Mr. Salim, who happens to be a Member of Your party, was in the Chair. Whatever ruling he gave, we all accepted. Nobody challenged. If ever anybody even disputed, it is protected by me and it is protected by the Chairman. (Interruptions) Just listen to me. They volunteer to sit in the Chair.*

*They sit for hours together. Please do not create new precedents in the House. I know you are sentimental about your amendment.*

**DR. BIPLAB DASGUPTA:** *Not sentimental... (Interruptions)*

**THE MINISTRY OF EXTERNAL AFFAIRS SHRI PRANAB MUKHERJEE:** *He has no amendment. (Interruptions)*

**THE DEPUTY CHAIRMAN:** *You do not even have an amendment, Dr. Biplob Dasgupta. The amendment is by Mr. Gurudas Das Gupta.*

DR. BIPLAB DASGUPTA: I am talking about the amendments moved by Mr. Jibon Roy.

THE DEPUTY CHAIRMAN: That was cleared. There is no dispute about that.

DR. BIPLAB DASGUPTA: There is a dispute about that, Madam.

THE DEPUTY CHAIRMAN: About that there is no dispute. (*Interruptions*) SHRI SURESH KALMADI (MAHARASHTRA) He should first withdraw his word, Madam, (*Interruptions*)

THE DEPUTY CHAIRMAN: He will withdraw. (*Interruptions*) I will ask him. He will withdraw. (*Interruptions*)

DR. BIPLAB DASGUPTA: We asked for a Division, Madam. (*Interruptions*)

THE DEPUTY CHAIRMAN: All of you, please sit down. He will withdraw. (*Interruptions*)

SHRI SURINDER KUMAR SINGLA (PUNJAB): It has become a permanent practice. (*Interruptions*)

SHRI MOHAMMED AFZAL alias MEEM AFZAL (UTTAR PRADESH): We are not challenging the ruling. (*Interruptions*)

THE DEPUTY CHAIRMAN: Let me complete my sentence. (*Interruptions*) Mr. Afzal, please sit down. Let me complete my sentence. Is it courteous on your part that you do not allow

They sit for hours together. Please do not create new precedents in the House. I know you are sentimental about your amendment.

DR. BIPLAB DASGUPTA: Not sentimental... (*Interruptions*)

THE MINISTER OF EXTERNAL AFFAIRS (SHRI PRANAB MUKHERJEE): He has not amendment. (*Interruptions*)

THE DEPUTY-CHAIRMAN: You do not even have an amendment, Dr. Biplab Dasgupta. The amendment is by Mr. Gurudas Das Gupta.

DR. BIPLAB DASGUPTA: I am talking about the amendments moved by Mr. Jibon Roy.

THE DEPUTY-CHAIRMAN: That was cleared. There is no dispute about that.

DR. BIPLAB DASGUPTA: There is a dispute about that, Madam.

THE DEPUTY-CHAIRMAN: About that there is no dispute. (*Interruptions*)

SHRI SURESH KALMADI (Maharashtra): He should first withdraw his word, Madam. (*Interruptions*)

THE DEPUTY-CHAIRMAN: He will withdraw. (*Interruptions*) I will ask him. He will withdraw. (*Interruptions*)

DR. BIPLAB DASGUPTA: We asked for a Division, Madam. (*Interruptions*)

THE DEPUTY-CHAIRMAN: All of you, please sit down. He will withdraw. (*Interruptions*)

SHRI SURINDER KUMAR SINGLA (Punjab): It has become a permanent practice. (*Interruptions*)

SHRI MOHAMMED AFZAL alias MEEM AFZAL (Uttar Pradesh): We are not challenging the ruling. (*Interruptions*)

THE DEPUTY-CHAIRMAN: Let me complete my sentence. (*Interruptions*) Mr. Afzal, please sit down. Let me complete my sentence. Is it courteous on your part that you do not allow me to complete my sentence? (*Interruptions*) Mr. Gujral, could you please control your Member? I will be very thankful to you. Let me complete my sentence.

SHRI MOHAMMED AFZAL *alias* MEEM AFZAL: There is no need for Mr. Gujral to control me. (*Interruptions*)

THE DEPUTY-CHAIRMAN: I must say this. If you do not listen to the Chair, if you do not listen to your leader, whom are you going to listen to? I do not know. (*Interruptions*) Dr. Biplab Dasgupta, please listen to me. Don't complain about the Chair. Whatever the Chair says, we have to accept. In regard to Mr. Gurudas Das Gupta's complaint, I would look into the record. But you should not accuse the Chair. You should withdraw your remark. When the Chair gives its decision— whoever is sitting at any point of time— it does so, in its wisdom. You cannot say that it is against you. Whoever is sitting in the Chair—sometimes, it may be Mr. Satish Agarwal; sometimes, it may be somebody from the Janata Dal; sometimes, it may be somebody from your party—you must accept the ruling of the Chair; everybody should accept it. Otherwise, if you are going to do like this, we would be throwing all our norms of Parliamentary practice into the gutter. This is the word I would use. (*Interruptions*)

DR. BIPLAB DASGUPTA: Madam, everyone in the House knows that we wanted a Division. Everyone in the House knows it. (*Interruptions*) We have been denied a Division. Everybody knows that we asked for a Division. (*Interruptions*) Look at the composition of the House. So many people have come. (*Interruptions*) We asked for a Division, but it was denied to us. (*Interruptions*)

SHRI S.S. AHLUWALIA (Bihar): First of all, he should withdraw his remark. (*Interruptions*)

SHRI MOHAMMED AFZAL *alias* MEEM AFZAL: Madam, I would like to make a submission. (*Interruptions*)

SHRI S.S. AHLUWALIA: No. (*Interruptions*) We do not want to have a debate. (*Interruptions*)

SHRI MOHAMMED AFZAL *alias* MEEZ AFZAL: You are not the authority in the House. How can you say that? (*Interruptions*) I am asking the Chair. She is permitting me. (*Interruptions*)

SHRI S.S. AHLUWALIA: We do not want to have a debate. We do not want to hear you. (*Interruptions*)

SHRI MOHAMMED AFZAL *alias* MEEM AFZAL: We are not challenging the ruling.

SHRI S.S. AHLUWALIA: We are not going to hear you.

SHRI MOHAMMED AFZAL *alias* MEEZ AFZAL: Who are you to say that? (*Interruptions*)

SHRI GURUDAS DAS GUPTA: Madam, what is your judgment? We shall accept your judgment. Please look into the record and give your judgment. (*Interruptions*)

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Madam, the prestige of the persons on the panel of Vice-Chairman is at stake. (*Interruptions*) The prestige of the House is at stake. (*Interruptions*) They cannot challenge the ruling of the Chair like this. They have lost their balance. (*Interruptions*) Sometime ago, when Mr. Md. Salim was in the Chair and he gave his ruling, the ruling party Members accepted it. (*Interruptions*)

DR. BIPLAB DASGUPTA: Madam, please permit me. (*Interruptions*)

SHRI SURESH KALMADI: He should first withdraw the word.

He cannot speak. Unless he withdraws the word, there is no question of his speaking. (*interruptions*)

SHRI S.S. AHLUWALIA: Let him first withdraw the word. Then we can proceed. (Interruptions) He used the word

He said that. (Interruptions)

SHRI SURESL KALMADI: We cannot go on unless he withdraws the word. How can he say (Interruptions)

MISS SAROJ KHAPARDE (Maharashtra): How can he says that, Madam? Let him withdraw it ... (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: No Vice-Chairman will sit on the panel of the House. ... (Interruptions)

How shall we run the House. ... (Interruptions)

कुमारी सरोज खापर्डे: महोदय, मुझे इस सत्र में बड़े खेद के साथ कहना पड़ रहा है और आपने बिल्कुल सही कहा है कि शेयर पर सभी उधर के लोग बैठते हैं हर पार्टी का कोई-कोई व्यक्ति वाइस चेयरमैन के रूप में शेयर पर बैठता है। अगर किसी वाइस-चेयरमैन के लिए इस तरीके के लांछनीय और अलांछनीय शब्दों का प्रयोग किया जाए तो मुझे लगता है मेरी जैसी महिला दुबारा उस सीट पर नहीं जाएगी। मैं सदन के सामने यह कहना चाहूंगी कि आज के बाद मैं कभी उस सीट पर नहीं बैठूंगी।

DR. BIPLAB DASGUPTA: We accept it, Madam. (Interruptions) SHRI PRANAB MUKHERJEE: Madam, why don't you expunge it?

THE DEPUTY CHAIRMAN: It is expunged.

SHRI S.S. AHLUWALIA: Expunging the remark is no solution. (Interruptions)

उपप्रधानपति: सिकन्दर बक्त जी कुछ कर रहे हैं, सुनिश्च।

विपक्ष के नेता (श्री सिकन्दर बक्त) सदर साहिबा, मैं काफी तकलीफ के आलम में यह संकर देख रहा हूँ। बात अगर यहाँ तक पहुँच गई है जिससे सरोज खापर्डे यह कहना पड़ा, मैं उस सीट पर कभी नहीं बैठूंगी

तो यह बहुत तकलीफदेह है। मैं उनसे अपील करूँगा कि वे इस किसम का इरादा खाल करें और विप्लव दास जी से दरखास्त करूँगा कि वे अपने शब्द वापस ले लें। वे शब्द तकलीफदेह थे, गलत थे, मेहरबानी करके उनको वापस ले लीजिए और सरोज जी ने जो ऐलान किया है, वह अपने उस ऐलान को वापस लें, यही मुझे कहना है।

† श्री सिकन्दर बक्त: صدر صاحبہ -  
میں کافی تکلیف کے عالم میں یہ منظر دیکھ رہا ہوں۔ بات اگر یہاں تک پہنچ گئی ہے جس سے سرج کھپا رہے ہیں تو یہ کہنا۔  
ہوا۔ میں اس سیٹ پر نہیں بیٹھوں گی۔  
تو یہ بہت تکلیف دہ ہے۔ میں اس سے اپیل کروں گا کہ وہ اس قسم کا لارڈ ختم کریں اور ویلوڈ اس جی سے درخواست کروں گا کہ وہ اپنے مشورہ ایس سے لیں۔  
وہ مشورہ تکلیف دہ تھے۔ غلط تھے۔ مہربانی کر کے انکو واپس لے لیجئے اور سرج جی نے جو اعلان کیا ہے وہ اپنے اس اعلان کو واپس لیں۔ یہی مجھے کہنا ہے۔

DR. BIPLAB DASGUPTA: Madam, I must be allowed to make my statement. If they don't listen to me. I am not going to say anything. My statement is very simple. You look at the composition of the House. So many Members have come. Why?.... (Interruptions)

That is enough..... (Interruptions)

They do not allow me to speak. What can I do?..... (Interruptions)

SHRI ASHOK MITRA (West Bngai)  
We asked for a division.  
.....(Interruptions)

श्री सिकन्दर बाख्त : आप अपने लफ्ज वापस ले लें, उससे क्या हो जाएगा।

SHRIMATI JAYANTHI NATARAJAN : Madam, by saying this, he is trying to impute motives to the Chair. ....(Interruptions)

SHRI S.S. AHLUWALIA: It is insulting to the Chair. ....(Interruptions)

SHRI SURINDER KUMAR SINGLA: This insult to the House cannot be tolerated. ...(Interruptions)

SHRI S.S. AHLI WALIA: We do not want to listen to your lecture. ....(Interruptions)

SHRI SIKANDER BAKHT: Let us hera him. ....(Interruptions)

SHRI BIPLAB DASGUPTA: Madam, will they allow me to speak?

† اشري سڪندر باخت : مسئلا صاحب -  
مهرباني سے سن ليو ورنہ کیا کہہ سکتے ہیں

SHRI SURINDER KUMAR SINGLA: No bhashan. (Interruptions)

SHRI S.S. AHLUWALIA: This is your attitude towards the MPs. (Interruptions)

SHRI SIKANDER BAKHT: Please listen to him for God's sake. (Interruptions)

SHRI S.S. AHLUWALIA: We want an unconditional apology. ...(Interruptions)

DR. BIPLAB DASGUPTA: Madam, I would take only one minute to say what I want to say. If there is any interruption I will stop and sit down and would not say anything. (Interruptions)

SHRI SURESH KALMADI: How can he order?

SHRIMATI JAYANTHI NATARAJAN: How can he say like that? (Interruptions)

SHRI GURUDAS DAS GUPTA: please sit down. Jayanthi, please sit down. you allow him to speak. (Interruptions)

DR. BIPLAB DAS GUPTA: Madam, I am repeating that I must be allowed to speak for one full minute. If there is any interruption, I will not say anything and sit down. (Interruptions)

THE DEPUTY CHAIRMAN: Please sit down. (Interruptions) If you do not listen to me I will adjourn the House. That is the only thing left to me. (Interruptions) What can I do? Otherwise I have to adjourn the House. (Interruptions) Mr. Ahluwalia, just one second. Mr. Biplob Dasgupta, I have never seen in my life that anybody becomes shorter or low in dignity by just saying 'I am sorry'. At least I never become shorter by two inches or ten inches or low in my dignity as well. You rise up in the eyes of everybody. This is your House. If you said so, which I know you did, you should apologise.

DR. BIPLAB DAS GUPTA: but I should be allowed to speak. I will say only for one minute. (Interruptions)

THE DEPUTY CHAIRMAN: Please do not interrupt me. I am very serious. don't interrupt me. You also do not interrupt me. You interrupt the Chair every time. We never get agitated. How do you fell today when once in your life you want to say soemthing in peace and you do not want anybody to interrupt you? Imagine the patience of the people who wit in the Chair.

SOME HON. MEMBERS: We are asking you to say sorry.

SOME HON. MEMBERS: He has said it. *(Interruptions)*

DR. BIPLAB DASGUPTA: Why I said so, I must say, Madam.

THE DEPUTY CHAIRMAN: Please say 'sorry' and sit down. If you want to say anything more, then, you take my permission. That is all. But please allow some procedure to be followed. If I give my permission for one thing, don't extend it to everything else. Finish it. Say 'sorry'. ...*(Interruptions)* Just say "sorry". That is all.

SHRI DIGVIJAY SINGH: He said, "sorry". अब तो उन्होने सा री बोल दिया है, अब उन्हें बोलने दिया जाए। .....*(व्यवधान)*

DR. BIPLAB DASGUPTA: but the point I am making is this, this is a very, very important Bill under discussion. Millions and millions of workers are going to be affected by it. Many of us from the Opposition side said that the ceiling should be removed. Rightly or wrongly. ....*(Interruptions)* ...We have been preparing ourselves for Division on this amendment. ....*(Interruptions)*..... What is this? We have been preparing ourselves for Division since a long time. ...*(Interruptions)*....

THE DEPUTY CHAIRMAN: I have associated myself with that "sorry".

DR. BIPLAB DASGUPTA: Madam, why have they come in such a large number? They were all expecting a division. We have asked for a division, but it was denied to us. If in this way the House functions. can we continue to function like this? Is it not that we wanted a division on this?

THE DEPUTY CHAIRMAN: Now, I would like to say one thing. Before you continue your speech, I have got another duty to do. Let me perform that. As you said "sorry", let me now request Saroj ji... *(Interruptions)*.... He said, "sorry". Now keep quit. Saroj Ji, on behalf of the House, we request you to withdraw what

you have said. You are on the panel of Vice-Chairmen, we respect you. ...*(Interruptions)*....

कुमारी सरोज खापड़ें: महोदया, आपने जो आदेश दिया है, उस आदेश के मुताबिक मैं कुछ कहना चाहूंगी। इस सदन की कुछ गरिमा है। आपके आदेश पर हमारे आपोजिशन के नेता श्री सिकंदर बख्त साहब के आदेश पर मैंने जो कहा, मैं उस चीज़ को विदग्ध करती हूँ और जैसे मैं हमेशा प्रीसाइड करती हूँ, वैसे ही प्रीसाइड रहूंगी।

DR. BIPLAB DASGUPTA: Now division.

THE DEPUTY CHAIRMAN: Now, we will go to clause 2. Earlier I have not announced to the Members that we have closed the Lobby doors. So, some members are stuck up outside. We will go for Division on clause 2.

SHRI JIBON ROY: Madam, I have demanded Division ..*(Interruptions)*..

THE DEPUTY CHAIRMAN: Now, that matter is over. Please sit down. ...*(Interruptions)*...That matter is over.

SHRI GURUDAS DAS GUPTA: Madam, you never disposed of my complaint to you that my amendment was not taken up at all. I seek your protection.

THE DEPUTY CHAIRMAN: My protection will be there.

SHRI GURUDAS DAS GUPTA: I seek you protection. You kindly look into the record.

SHRI DR. BIPLAB DASGUPTA: Madam, the amendment was never put....*(Interruptions)*.

THE DEPUTY CHAIRMAN: Mr. Biplab Dasgupta, Mr. Gurudas Das Gupta has been in this House for longer than you have been. He can protect himself very well. Please sit down now. Have some peace and rest for some time. Gurudas dasji, the Lobbies are closed. The Secretariat people are coming. Let



them come. Meanwhile, let me clear clause 2. When that amendment comes, we will see what it says. I do not know how long we will have to sit like this. (Interruptions).

SHRI GURUDAS DAS GUPTA: Madam, may I submit this? (Interruptions).

श्री सिकन्दर बख्त: क्लाज 2 पर ही अमेन्डमेंट है? (व्यवधान)

† [شہری سیکندر بخت: کلاز دو پر ہی امانڈمنٹ ہے۔۔۔ مداخلت۔۔۔]

THE DEPUTY CHAIRMAN: I have a suggestion. (Interruptions). At 4 o'clock, we had to discuss the Vohra Committee report. (Interruptions). We have to discuss the Vohra Committee report. There was so much of agitation in the morning; the tempers were so high. We do not want to repeat it again. With great difficulty, we have solved one problem. We can defer the voting for tomorrow and then go ahead with this. (Interruptions).

SHRI GURUDAS DAS GUPTA: Agreed. (Interruptions).

SHRI DIGVIJAY SINGH: Very good suggestion. (Interruptions).

SHRI PRANAB MUKHERJEE: Please have the voting today. (Interruptions). Please do not postpone it. ... (Interruptions).

SHRI GURUDAS DAS GUPTA: The Chair, cannot be challenged. (Interruptions).

SHRIMATI MARGARET ALVA: We want the voting today. (Interruptions).

SYED SIBTEY RAZI: It is a very important matter. (Interruptions). It should be finished today. (Interruptions).

SHRI SATYA PRAKASH MALAVIYA: Madam, you have already given a ruling. (Interruptions).

SYED SIBTEY RAZI: Madam, we can open the Lobbies and again start the process. ... (Interruptions).

THE DEPUTY CHAIRMAN: If everybody starts talking, I cannot hear. (Interruptions).

SHRI P. UPENDRA: Why should it be postponed? (Interruptions).

THE DEPUTY CHAIRMAN: Let me see the record. (Interruptions).

SHRI CHATURANAN MISHRA: Madam, the Chair cannot be questioned. (Interruptions).

THE DEPUTY CHAIRMAN: Now, ... (Interruptions).

SHRI GURUDAS DAS GUPTA: We will support whatever the Chair is going to do.

THE DEPUTY CHAIRMAN: I am not doing anything. I am only having the opinion of the House. I will get the Lobbies opened. I will see the record and go according to what the record says, only as far as Mr. Gurudas Das Gupta's amendment is concerned. We will proceed accordingly. Let my first check with it. Meanwhile, what shall we do? (Interruptions).

SOM HON. MEMBERS: Please adjourn the House. (Interruptions).

THE DEPUTY CHAIRMAN: I will adjourn the House for 15 minutes. (Interruptions).

SHRI SATISH AGARWAL (Rajasthan): Madam, I invite your attention to rule 104.

उपसभापति: मैं एड्जर्न कर देते हूँ। 15 मिनट के लिए। (व्यवधान)

I adjourn the House for 15 minutes.

The House then adjourned at twenty-eight minutes past four of the clock.

The House re-assembled at forty-eight minutes past four of the clock, THE DEPUTY CHAIRMAN in the Chair.

THE DEPUTY CHAIRMAN: I saw the record. I have gone through the record. In fact, the record says that clause 2 was passed. But as I gave a word to the House that I would go for clause 2, I will again put clause 2 to vote, though according to the record and according to some hon. Members who sat peacefully in my room, clause 2 was voted upon and passed too. But I will put clause 2 to vote again. So, I will request the Members to be seated in their respective seats and against your Division No.s (*Interruptions*) Anyway, I will put it to vote. (*Interruptions*)

DR. BIPLAB DASGUPTA: Madam, in that case, we are walking out of the House. We feel that an injustice has been done to us by denying us division in this House. (*Interruptions*)

THE DEPUTY CHAIRMAN: No, no I am not denying the division.

I will be allowing the division. (*Interruptions*)

SHRI S. MUTHU MANI: We are claiming division only on amendments. (*Interruptions*)

DR. BIPLAB DASGUPTA: No, no We support the Bill. (*Interruptions*) The only thing is, we did not like the way in which it has been done. (*Interruptions*)

THE DEPUTY CHAIRMAN: Just now, in my room you said... (*Interruptions*) I tell you one thing. Whatever happened, in future, if you want any division, please be very vigilant. (*Interruptions*). Just listen to me. This is the whole trouble. You do not let somebody to complete the sentence. (*Interruptions*).

The moment the Presiding Officer says

'those in favour, please say 'Ayes' and 'Noes', you say 'division' at that time, only then will you draw the attention of the Presiding Officer.

DR. BIPLAB DAS GUPTA: We did.

THE DEPUTY CHAIRMAN: NO, you didn't. The record does not say that.

SHRI M.A. BABY: Madam, I would like to make a submission.... (*Interruptions*)... Madam, may I make a submission?

THE DEPUTY CHAIRMAN: What is it?

SHRI M.A. BABY (Kerala): Madam, I will be very brief. There are two points. Number one. All of us have been here and we are slightly experienced Members. For the last eight or nine years we have been here. When the entire House was prepared for a division, when the amendments were moved, when Madam Vice-Chairman from the Chair said, 'Noes have it', because they were voting for the amendments, we said 'Ayes'. Then we repeated 'Ayes have it, Ayes have it and division'. ...(*Interruptions*)... We were discussing ...(*Interruptions*)... Let me complete my submission.

THE DEPUTY CHAIRMAN: Mr. Ahluwalia, you don't say anything. I have the record with me in my hands.

SHRI M. A. BABY: Madam, I am prepared to grant that the Presiding Officer could not hear what we had said. I am prepared to grant that. Madam, I am prepared to grant that and I believe that the Presiding Officer did not hear what we had said when we said 'division'. Madam, with regard to that, hon. Karunakaran made a submission that the ruling of the Chair stood, that would never be changed.

SHRI S. S. AHLUWALIA: What about the reporter?

SHRI M.A. BABY: Madam, I would like to recall the experience of this House. When the Chairman himself was presiding over the House, during the Question Hour, the Chairman ruled that even though the Member, in whose name the question was listed, was absent that question might be put.

THE DEPUTY CHAIRMAN: That is a different thing.

SHRI M.A. BABY: This was the ruling given by the Chair.  
...(Interruptions)...

THE DEPUTY CHAIRMAN: Please, let me dispose of it. I can do that. I have an answer to it.

SHRI M.A. BABY: When the dispute got exasperated, then the Chairman himself modified his ruling, and said, "I am not giving a final ruling on this now. The ruling which I have given is being withdrawn." Therefore, my humble submission is, let there not be dispute on this particular question. When we say that we wanted a division, we are prepared to grant that the Presiding Officer did not hear that, but still, since we insist on that, there is nothing being lost if that particular amendment moved by our side is put to vote; otherwise, there is also an amendment moved by Mr. Gurudas Das Gupta. We all heard that only the names of Mr. Dipankar Mukherjee and Mr. Jibon Roy were mentioned. If the earlier decision of the Chair cannot be revoked, we humbly submit before you, Madam, that the amendment moved by Mr. Gurudas Das Gupta may be put to vote. Then we can take up Clause 2. This is my only submission. In order to protect the dignity of the House, in order to protect the dignity of the Chair, let us take this very sensible decision. Thank you.

THE DEPUTY CHAIRMAN: Mr. Baby, I heard you. You cannot have similar examples, what the Chairman did in a Question Hour the question of a

division and the question of a Presiding Officer moving on to another clause. I have been presiding over this House and many a time it happened that I moved on to another clause and the Members said 'division'. Sometimes, the ruling party which is ruling today, was in the Opposition, and when they wanted a division, I said, "Once I have moved on, I am not going to change." Sometimes, where you are sitting today, you have been in the Opposition, the same yardstick.

Now, please let us not open new chapters again and again. Whatever is being decided in my chamber, the word the Members gave on the floor of the House, please stick to it. Everybody told me, whatever the records say, whatever the ruling we give, they are going to abide by it. In future, the Presiding Officers are also going to be careful, and Members also should be careful, and we should see to the best of our ability that we perform our duties for the benefit of the House and the people. Now, I shall put Clause 2 to vote. Those in favour please say 'Ayes'. ...(Interruptions)...

SHRI GURUDAS DAS GUPTA: Madam, I accept your judgment. I accept it because you have been here for a very long time. I accept your judgment. I wish that there is a division on Clause 2.

THE DEPUTY CHAIRMAN: Okay. That I accepted. I accepted division on Clause 2. I accepted it. He has also closed the lobbies, everything, cleared the lobbies.

I shall now put Clause 2 to vote.

The question is:

That clause 2 stand part of the Bill.

SHRI GURUDAS DAS GUPTA: Madam, we want Division.

THE DEPUTY CHAIRMAN: Okay, Division.

SHRI GURUDAS DAS GUPTA: Please give us some time, Madam.

SHRI S. JAIPAL REDDY: Madam, on behalf of myself and left party friends, we would like to state that we are not pressing for Division on clause 2.

SHRI GURUDAS DAS GUPTA: Madam, I want a division. But I am now suggesting let there be no Division. I must also put on record that I have suggested this because we wanted to have a voting on the extension of the ceiling through an amendment. Somehow it got lost. I don't blame anybody. Somehow it got lost. Since it has got lost, we all believe that an important demand of the working class is not being accepted by the Government, by the Minister of Labour. (*Interruptions*)... What is this? Madam, what is this? I am only saying that, it is our belief, what we are saying is the opinion of the trade unions including the Indian National Trade Union Congress. After all, all the trade unions of the country are responsible organisations. (*Interruptions*)...

THE DEPUTY CHAIRMAN: Let him speak. It is his viewpoint. He has a right to speak. Let him speak. He is speaking for himself. Why do you interrupt him?

SHRI GURUDAS DAS GUPTA: Madam, on further consideration I am withdrawing my proposal for having a voting. But we put on record that our demand for voting was somehow lost. We do not know how it was done.

5 p.m.

Anyway, we put on record that we are for extension of the ceiling and we are against the opinion of the Labour Minister. It is a disservice to the working class. (*Interruptions*).

श्री दिग्विजय सिंह: हो गया, बस हो गया।

THE DEPUTY CHAIRMAN: I have to announce it. I cannot do anything wrong. May I request the Members, however jubilant they might be, to please

let this Bill be passed so that you can enjoy your selves this evening? Let this Bill be passed.

I shall now put clause 2 to vote. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3 — (Amendment of section 12).*

THE DEPUTY CHAIRMAN: There are three amendments.

SHRI JIBON ROY: Madam, I be to move:

That at page 2, for clause 3, the following clause be *substituted*, namely:—

"3. Section 12 of the Principal Act shall be *omitted*."

PROF. VIJAY KUMAR MALHOTRA: Madam, I beg to move

That at page 2, for clause 3, the following clause be *substituted*, namely:—

"3. Section 12 of the Principal Act shall be *omitted*."

SHRI GURUDAS DAS GUPTA: Madam, I beg to move That at page 2, for clause 3, the following clause be *substituted*, namely:—

"3. Section 12 of the Principal Act shall be *omitted*."

**The questions were proposed.**

THE DEPUTY CHAIRMAN: re you pressing your amendments?

SHRI GURUDAS DAS GUPTA: Madam, we are not pressing.

We have made our position clear.

THE DEPUTY CHAIRMAN: Are you withdrawing it?

**SHRI GURUDAS DAS GUPTA:** I am not pressing it. That is all. (Interruptions).

**THE DEPUTY CHAIRMAN:** There is a difference. I will have to put it to vote if you do not withdraw it.

**श्री० विजय कुमार मल्होत्रा:** मैडम, मेरे अमेंडमेंट का जो परपज है, उसका मैं सपोर्ट करता हूँ कि कोई लिमिट नहीं होनी चाहिए, अब क्योंकि इस वक्त वोटिंग हो रही है, इसलिए मैं इसको प्रेस नहीं कर रहा हूँ।

**THE DEPUTY CHAIRMAN:** Since you have not withdraw your amendments, I have to put all the amendments to vote.

**Amendment Nos. 2, 4 and 6 were negatived.**

**THE DEPUTY CHAIRMAN:** I shall now put clause 3 to vote. The question is:

That clause 3 stand part of the Bill.

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

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

**SHRI P.A. SANGMA:** Madam, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

**THE DEPUTY CHAIRMAN:** Now, you can clap, you can laugh and you can do whatever you want to do. Thank you very much.

**SHRI S. JAIPAL REDDY:** Madam, what is your decision?

**THE DEPUTY CHAIRMAN:** My decision is, we will discuss the nexus between criminals and politicians in the context of the Vohra Committee Report.

**SHRI SATISH AGARWAL:** Madam, Mr. Chidambaram was to make a statement.

**THE DEPUTY CHAIRMAN:** He will make the statement before the house is adjourned.

**SHRI SIKANDER BAKHT:** Madam, is there any difficulty in adjourning the House?

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA):** Madam, we all agreed that the House will sit up to 7 o'clock from today onwards. The Home Minister is here. Madam, next week there are many holidays. If the House agrees, we can discuss the Vohra Committee Report.

**SHRI SIKANDER BAKHT:** Madam, today we are all mentally sick.

**SHRI GURUDAS DAS GUPTA:** Madam, we have no objection to taking up the vohra Committee Report. let us do it.

#### SHORT DURATION DISCUSSION ON THE NEXUS BETWEEN POLITICIANS AND CRIMINALS IN THE CONTEXT OF VOHRA COMMITTEE REPORT

**उपसभापति:** मल्होत्रा जी, आप ही शुरू करेंगे न? तो करिए।

**श्री संघ प्रिय गौतम (उत्तर प्रदेश):** मैडम, मुझे एक बात कहने की इजाजत दीजिए।

**उपसभापति:** जी, बोलिए।

**श्री संघ प्रिय गौतम:** मैडम, यह राजनीति का अपराधीकरण विषय पर लोकसभा में दो दिन निर्धारित किया गया है बहस के लिए और इतने महत्वपूर्ण विषय के लिए हमारे यहां दो घंटे का समय रखा गया है, जो मैं समझता हूँ कि यह न्यायसंगत नहीं है। राजनीति का अपराधीकरण, यह विषय ऐसा है, जिसने सारे मानव मूल्यों को नष्ट कर दिया है। मेरी आपसे एक प्रार्थना है कि इसको एक तो शार्ट ड्यूरेशन के बजाए एक रेजोल्यूशन के फार्म में बदला जाय। हम सर्वसम्मति से सि सदन से एक प्रस्ताव पारित करें। यह अपराधीकरण राजनीति में जिन कारणों से है, जिन तरीकों से है, हम लोग उसे अवायड करेंगे। इसलिए मेरी प्रार्थना है कि आप रूल्स एंड प्रोसीजर के मुताबिक एक तो इसको रेजोल्यूशन की शक्ति में बदल दीजिए और सि पर कम से कम दो दिन की चर्चा कराइए।