

मंत्रालय कार्य पत्राचार में राज्य मंत्री
(श्री सोनाराम केसरी) उपस्थिति :

महोदया मेरा अनुरोध है कि इनको बोलने दें।

उपस्थिति : यह नियम के खिलाफ है, तब भी मंत्री जी कह रहे हैं। आप बोस लीजिए आप स्पेशल कंसिडरेशन में बोल रहे हैं।

श्री पञ्चवर्ति नाथ मुकुल : महोदया, आपने मुझे बुलाया था।

उपस्थिति : इनको बोलने दीजिये।

I withdraw my ruling. They walk out and walk in.

I. Statutory Resolution disapproving Payment of Bonus (Amendment) Ordinance, 1985, (No. 6 of 1985).

II. Statutory Resolution disapproving Payment of Bonus (Second Amendment) Ordinance 1985, (No. 8 of 1985); and

III. The Payment of Bonus (Second Amendment) Bill, 1985—Contd.

THE DEPUTY CHAIRMAN: Now, we will take up Statutory Resolutions and the Payment of Bonus (Second Amendment) Bill, 1985.

श्री चारुसाल खंडेलवाल (मध्य प्रदेश): राष्ट्रपति द्वारा 27 सितम्बर, 1985 को जो आर्डिनंस जारी किया है मैं उसका निरनुमोदन करता हूँ। सरकार बार-बार अध्यादेश लाती है। जब मई में पहली बार सरकार संशोधन लाई थी और 1600 रुपये प्रतिमास तक पाने वाले लोगों को बोनस देने का कानून जिस समय बनाया था उस समय भी यह बात कही गई थी कि आज की वर्तमान परिस्थिति में यह जो कानून बनाया गया है इस पर इस बात का विचार किया जाना चाहिए कि 1600 रुपये तक बोनस पाने वालों की जो सीमा सरकार ने रखी

है यह कम है। आज की महंगाई को देखते हुए, घटते हुए रुपये के मूल्य को देखते हुए और जो तकनीकी देश के अन्दर बढ़ती जा रही है उसको ध्यान में रखते हुए वेतन की सीमा जो 16 सौ रुपये रखी गई है यह कम है और इसको बढ़ाया जाना चाहिए। लेकिन सरकार ने उस समय इस बात को नहीं माना और कुछ महानों के बाद ही सरकार आर्डिनंस के माध्यम से दूसरा संशोधन लाने जा रही है और अब उसमें 25 सौ रुपये प्रतिमास तक वेतन पाने वालों को बोनस देने की बात कही गई है। अर्थात् 25 सौ रुपये वेतन पाने वालों को बोनस देने का सवाल है इसका विरोध नहीं है। विरोध इस बात का है कि सरकार उसी सत्र में इस बात को क्यों नहीं लाई? मैं यह कहना चाहता हूँ कि इससे सदन का समय और पैसा दोनों की बर्बादी हुई है। अगर मई में ही यह प्रस्ताव लाया जाता तो शायद आज समय और पैसा दोनों की बर्बादी से बचा जा सकता था।

बोनस के मामले में एक बात और कहना चाहता हूँ कि सरकार बोनस के मामले में कर्मचारियों में भेद पैदा कर रही है। उसने जो सीमा निर्धारित की है 25 सौ रुपये की, सरकार को इस बात पर भी विचार करना चाहिए। प्रबन्धक स्टाफ के जितने लोग हैं उनको छोड़ कर बाकी सब वेतन भोगियों को बोनस देने का सरकार को कानून बनाना चाहिए सरकार अभी भी इस बात पर ध्यान नहीं दे रही है। मैं फिर कहना चाहता हूँ कि आप इस पर फिर भी विचार कीजिए और समूची परिस्थिति को ध्यान में रखते हुए आप नया प्रस्ताव बनाकर लाइये। प्रबन्धकीय स्टाफ को छोड़ कर और वेतन सीमा न बाधते हुए बाकी सब लोगों को आप बोनस देने की बात स्वीकार कीजिए।

दूसरी बात यह कहना चाहता हूँ कि साढ़े सात सौ रुपये वेतन पाने वालों को 8.33 % बोनस दिया जाता है और वास्तव में आय की परिस्थिति में यह भी कम है। मैं यह कहना चाहता हूँ सरकार इस बात पर विचार करे और

संशोधन साए कि कम से कम साढ़े सात सौ रुपये बोनस पाने वालों को 10 परसेंट बोनस दिया जाना चाहिए। इस पर सरकार विचार करें। मैं इस बात को सामने रखते हुए अपने इस प्रस्ताव को प्रस्तुत करता हूँ और आग्रह करता हूँ कि सरकार इस बात को स्वीकार करे।

उपसभापति : बाबेला साहब आप भी बोल दें। इतनी छोटी सी बात होती है और झगड़ा ज्यादा होता है।

श्री धारेलाल खंडेलवाल : यह अधिकार की बात है।

उपसभापति : अधिकार की बात नहीं है, डैट आई एग्जोर यू।

श्री शंकर सिंह बाघेला : (गुजरात) : आपकी मेहरबानी है कि आपने हमारी बात मानी।

सरकार ने जो बोनस एक्ट का संशोधन पेश किया है, मैं यह कहना चाहता हूँ कि हमारी संसद, पार्लियामेंट फिर 15 दिन के बाद मिलने वाली थी। ऐसी कौन सी चीज आई कि 15 दिन पहले इनको अध्यादेश जारी करना पड़ा 15 दिन पहले 7 नवम्बर को और उसके पहले 27 सितम्बर को दो अध्यादेश जारी करके आपने जो बोनस में 25 सौ रुपये की बात कही है वह अच्छी बात है लेकिन सरकार की यह अध्यादेश मन्टेलिटी ऐसी खराब है कि क्या करें। जब कोई चीज करनी है तो अध्यादेश से क्यों करते हैं। आप अध्यादेश को इतना सस्ता मत बनाइये कि जब कोई चीज करनी है, जबकि एक महीने या 15 दिन में पार्लियामेंट बैठने वाली हो, तो अध्यादेश के जरिये कर लो। आपका संसद में बहुमत है आप संसद में उसको पास करा सकते हैं। 1965 में बोनस एक्ट आया था और उसके 20 साल बाद 1985 में फिर यह मजदूरों के बारे में कर्मचारियों के बारे में सोचना शुरू किया। आप 20 साल तक सोचते रहे। 20 साल तक आपको यह बात अनुभव नहीं की। इतने सालों तक 750 रु० की सीमा रही। अब आपने इसमें 16

रु० की सीमा रखी है और फिर उसको 2500 रु० किया है। इसलिए मैं पूछना चाहता हूँ कि इसमें आपने कौन-सा लौजिक अपनाया है? यह जो आपने 2500 रु० की फीगर रखी है, इसमें आपने कौन-सा लौजिक अपनाया है? अगर किसी कर्मचारी का वेतन 5 रु०, 10 रु० या 15 रु० ज्यादा है तो उसका क्या होगा? ऐसा प्रतीत होता है कि आपने इसमें कोई लौजिक नहीं देखा है। आपको पता होना चाहिए कि सन् 1965 में चीजों के भाव क्या थे और आज क्या हैं। सन् 1965 में रुपये की वैल्यू कितनी थी और आज रुपये की वैल्यू कितनी है। सन् 1961 में अगर रुपये की वैल्यू 100 थी तो आज वह 15 रह गई है। इस प्रकार से आपने कर्मचारियों के भाग करके गिरण्य किया है, इससे आपको क्या प्राप्त होगा? आपको एक कम्प्रेहेसिव बिल लाना चाहिए। सारी चीजों पर एक साथ सोचकर काम करना चाहिए। जो यूनियन लीडर्स हैं, जो अपोजीशन के लीडर्स हैं, जो इन बातों को जानते हैं, उनसे पूछकर आपको एक कम्प्रेहेसिव बिल लाना चाहिए। आप बार-बार इस प्रकार से बिल हमारे सामने लाते हैं, इससे हमारा भी समय खराब होता है और कोई विशेष फायदा भी नहीं होता है।

बोनस क्या है? कर्मचारी हड़ताल पर जाते हैं, और कहते हैं कि हमको बोनस मिलना चाहिए। बोनस इज ए एक्सप्रेसिया पेमेंट सम शार्ट आफ जेनरोसिटी, एन एक्ट आफ जेनरोसिटी। कर्मचारियों के काम का इनाम।

SHRI KAPIL VERMA (Uttar Pradesh): No, no, it is a deferred wage.

SHRI SHANKER SINH VAGHELA: It is well defined concept in the ministerial law that Bonus is recognised as deferred wages.

SHRI P. N. SUKUL (Uttar Pradesh): Yes, Bonus is a deferred wage.

श्री शंकर सिंह वाघेला : बोनस का मतलब क्या है, यह मैं बता रहा था। आप वर्कमैन को भी बोनस देते हैं। कर्मचारियों की डेफिनिशन और वर्कमैनशिप की डेफिनिशन में फर्क है। आप सन् 1947 का इण्डस्ट्रियल एक्ट देख लीजिये। उसमें जो डेफिनिशन हैं और सन् 1965 की जो डेफिनिशन है उसमें फर्क है। वर्कमैनशिप और इम्प्लाइज की डेफिनिशन को भी आप देख लीजिये। आपको मालूम हो जाएगा कि इनकी डेफिनिशन में फर्क है। आपने कर्मचारियों में दो साइड्स बना दिये हैं। एक तरफ तो कर्मचारी हैं और दूसरी तरफ आफिसर्स हैं। कुछ को आप बोनस देते हैं और कुछ को नहीं देते हैं। चपरासी, नौकर, मजदूर तो एक तरफ हैं और दूसरी साइड में बाबू जी हैं, साहब लोग हैं। चपरासी के संबंध में देश में यह हालत है कि अगर खद बाबू जी को पानी लाना होता है तो उनको उठकर जाने में तकलीफ होती है। फाइल दूसरी जगह ले जानी हो तो उसके लिए भी चपरासी चाहिए। मेडम यह भगवान् गांधी का देश है। गांधी जी सोशलिस्टिक मोसॉयटी की बात कहते थे, समाजवाद की बात करते थे। आप लोग नाम तो उनका लेते हैं, लेकिन काम वैसा नहीं करते हैं। आप लोग समाजवाद की बात तो करते हैं, लेकिन समाजवाद के रास्ते पर नहीं चलते हैं। आज जरूरत इस बात की है कि बड़े और छोटे का भेद नहीं होना चाहिए। अगर कर्मचारी बोनस मांगता है तो आप उसको काम के साथ जोड़िये। कर्मचारी क्या काम करता है, उसको देखिये। आपने फाइव डे वीक कर दिया। अब हालत यह हो गई है कि एक साल में केवल पांच महीने कर्मचारी काम करते हैं। 1 वजे लंच होता है और वह भी आधे घंटे के लिए होता है, लेकिन कर्मचारी हाई-लीन वजे तक बाहर बैठे रहते हैं। इसलिए आप बोनस को काम में जोड़िये प्रोडक्टिविटी में जोड़िये। अगर कोई ज्यादा काम करेगा तो उसको ज्यादा बोनस मिलेगा। बोनस के लिए कर्मचारी हडताल पर जाते हैं। आज हालत यह है कि हिंसा पर जोर दिया जाता है। कई जगहों पर जो मालिक होता है या जो वहां आफिसर होते

हैं उनका घेराव होता है, उनके साथ मारामारी होती है, किसी के मरने से खून निकलता है और कई मारे गये हैं, वे लोग मालिक और आफिसरों की पिटाई करते हैं। इसलिये ऐसी हिंसा पर उतारू यूनियनों जितनी भी हैं उन यूनियनों को चेतावनी देनी चाहिए कि जो यूनियनों हिंसा पर उतारू होगी, उनको मान्यता नहीं दी जायेगी, ऐसा मेरा सुझाव है। ये यूनियन लीडर कोई काम नहीं करते हैं। मजदूरों के नेता बन गये और मामला पूरा है, कुछ भी करो। वे कभी काम नहीं करते हैं और मजदूरों को उकसाते हैं। ऐसे लीडरों को, जिनका काम खराब है उनको पकड़ कर जेल में बन्द करना चाहिए। जो यूनियनों हिंसा के आधार पर ज़िन्दा रहती हैं ...

उपसभापति : आपको रिप्लाय के समय भी कुछ बोलना है, बाकी उस समय के लिये छोड़ दीजिये।

श्री शंकर सिंह वाघेला : मैं आपके दो भिन्न लूंगा, बम।

आप दूसरे देशों को भी देख सकते हैं कि वहां लेबर ला किस तरह के हैं और वे मजदूरों के बारे में क्या सोचते हैं। अभी हमारे पी०एम० जापान गये। क्या कभी आपने जापान के बारे में सोचा है। वह इतनी टेक्नालाजी, इतनी इण्डस्ट्री में आगे आ गया है, इसका कारण उसका लेबर है। जापान का आम लेबर श्रम प्रधान है और आम आदमी देश के बारे में सोचता है। वहां जो नेशनल करेक्टर हैं वह श्रम का हैं, काम करने का है। लेकिन हमारे भारत के नागरिक शर्म प्रधान हैं, वे श्रम को शर्म समझते हैं। वे श्रम को नेशनल करेक्टर नहीं समझते इसलिये श्रम को नेशनल करेक्टर बनाकर और उसको व्यक्तिवादी नहीं उसको समिष्टवाद के साथ जोड़कर हमारी लेबर नीति होनी चाहिए और श्रम शक्ति को डबल डाइवर्ट करना चाहिए। आज हमारे जो भी मजदूर एग्रीकल्चर पर लगे हुए हैं, जहां कहीं भी लेबर है उसको कोई पुछता नहीं है। एग्रीकल्चर जो

[श्री शंकर सिंह बाधेला]

देश की अर्थव्यवस्था का आधार है, उसमें जो काम करते हैं और जो मजदूर दूसरी छोटी-छोटी फैक्टरियों में काम करते हैं, जो युनाइटेड नहीं हैं, संगठित नहीं हैं, उनके बारे में कोई बोलने वाला नहीं है। उनको 5 रुपये, 10 रुपये, 15 रुपये मिलते हैं। इसलिये एग्रीकल्चर साइड और अपने जो दूसरे लेबर हैं जो अन-युनाइटेड हैं उनको भी बोनस और बाकी वेजेज देने के बारे में सरकार को चिंतित रहकर उनके बारे में सोचना चाहिए। हमारी सरकार जो व्यापारी हैं उन व्यापारियों के खिलाफ है और व्यापारी श्रमिकों के खिलाफ है और दोनों के खिलाफ सरकार है। इसलिये सरकार की व्यापारियों के साथ ताल मेल करके और व्यापारी श्रमिकों के साथ तालमेल रखने वाली एक ऐसी नीति तय की जाय जिसे श्रमिक को काम करने में ज्यादा आनन्द आए और काम करने में व्यापारियों का श्रमिकों के साथ ज्यादा जुड़ाव हो और वे मजे में काम करें और ज्यादा प्रोडक्शन में उनकी श्रमशक्ति परिवर्तित हो, ऐसा मेरा एक सुझाव है।

महोदय, बाखिरमें मैं यह कहकर पूरा करूंगा कि महात्मा गांधी ने 6 अक्टूबर 1921 को नवजीवन यंग इंडिया में लिखा है कि :

“हिन्द में एक भी सशक्त व्यक्ति को काम और खाने के लिये रोटी न मिलती हो तब तक आराम से बैठने, भरपेट खाने से हमको शर्म आनी चाहिए”

कितने ही आज ऐसे लोग हैं जो भूखे रहते हैं और ऐसे कई व्यक्ति हैं जिनको देखकर हमें शर्म आनी है और दर्द होता है और ऐसा हमारी नीति के कारण है। इसलिये उनके बारे में भी मोचकर और आम श्रमिक के लिये इन टोटल कम्प्रेहेंसिव बिल लाकर भले काम को बात होनी चाहिए। इन शब्दों के साथ मैं इस संकल्प का अनुमोदन करता हूँ। धन्यवाद।

SHRI SUKUMAL SEN (West Bengal): Madam Deputy Chairman, the Bonus Act was enacted as far back as 1965. Since then several amendments

have come to the House and now again the hon. Minister has come out with another amendment. Only during the last monsoon session we discussed the issue in the House and we made several suggestions but the Government refused to pay heed to them. Now it appears that our suggestions were quite correct, and the correctness is proved by the very amendment that has been brought by the hon. Minister in this House.

Now bonus is no more a payment that depends upon the mercy and pleasure of the owners. Through the struggle of the workers and employees of the country, it has been established, and now it has been even recognised by the highest court of law of the country, that bonus is not a matter of mercy but it is deferred wage. It means that when the Government grants an employee 8.33 per cent bonus, if he works for 12 months, he will get pay for 13 months. Now that has become the concept of bonus. That has been recognised by everybody and by the highest court of law also. But the point is why the workers demand bonus. The concept of a need-based minimum wage was evolved in our country as far as back as 1957 at a tripartite level. But ultimately the Government went back and they refused to implement that concept with the result even after 38 years of independence, the workers of our country are not getting a need-based minimum wage. The wage structure falls below the need-based minimum wage. In fact, in different industries in different sectors, the wage is fixed not on the basis of any scientific norms but on the bargaining power of the particular trade union. If the trade union fights unitedly and if it can go on a prolonged strike, it can snatch away a bigger minimum emolument and where the movement is weak the workers get a lesser amount of pay. Thus in our wage system there is a total anarchy prevailing. That is why, when trade unions demand bonus, they demand bonus in such a way that this additional pay-

ment can to a certain extent bridge the gap between the actual wage they draw and that they ought to be drawing if the need-based minimum wage is enforced. It is a way to compensate the worker for not giving him the need-based minimum wage.

And then, I don't think this minimum of 8.33 per cent fixed by the Act should be continued at the same level. This minimum was fixed a long time ago. Even in this amendment Bill the same minimum has been maintained. I do not understand why after so many years you are still insisting on that minimum. Today prices have risen and are constantly rising. Government is giving dearness allowance to the Government employees, Factory owners are giving dearness allowance to the factory workers. But that amount of dearness allowance is not sufficient to compensate the rise in prices that we are witnessing in the country. It falls short of the price rise. That is why I suggest instead of bringing a Bill of this piecemeal nature the Government should come forward with a Comprehensive Bill taking into account all consultations with trade unions and take their opinion, and then come before Parliament for final enactment. Therefore, I suggest that this minimum of 8.33 per cent should be raised in the present conditions at least to 10 per cent, if not higher.

Then as regards the maximum limit up to which bonus can be granted. I do not understand why at all there should be a limit on the maximum bonus that can be granted. There is a ceiling of 20 per cent at the maximum. But if the company makes higher profits, why should bonus be limited to 20 per cent? Is there a limit on profits that a company can earn? No. When there is no limit on profits that a company can earn, why should bonus be restricted to 20 per cent. So, I demand that this maximum limit of 20 per cent should be withdrawn and let it be left to the owners and the workers. After a collective bargaining

they will decide whether bonus should be paid at 20 per cent or 30 per cent or more it will be decided depending on the profit that the management or the owner make. So, this ceiling on the maximum should immediately be withdrawn and there should henceforth be no ceiling on the maximum bonus payable. Let the maximum be left to be decided by the owners and the workers. Let the workers have their say according to their collective bargaining.

Then I come to the limit of Rs. 2500 of salary and also the quantum of Rs. 1600. Now, what is the basis for choosing the figure to Rs. 2500? Many workers in the steel industry and other industries, many skilled workers, are today getting Rs. 2500 and more. Therefore, restricting eligibility to those drawing a maximum of 2500 is an unreal limit. It is totally inadequate. I demand therefore, there should be no limit on the emoluments of a worker to entitle him to bonus. He may be earning Rs. 2500 or Rs. 2600 or Rs. 2700 more. Whatever may be his pay he should be entitled to get bonus. That should be the law. Otherwise, it will be fixed at Rs. 2,500. I think, Madam, that during the next session of Parliament, our Minister will have to come here with another amendment for raising the upper limit. So, I feel that this upper limit of Rs. 2,500 should be immediately withdrawn and this should be for any workman who is entitled to get bonus. Now, it is 8.33 per cent or so. I would say that, instead of that, it should be ten per cent of the total emoluments. Now they have fixed it at Rs. 1,600 and extended it up to Rs. 2,500. Whatever may be the pay of a person whether it is Rs. 2,500 or Rs. 3,000 or Rs. 3,500 he should get ten per cent of his total emoluments he draws in a year and that should be the limit and not this limit of Rs. 1,600 as has been mentioned in this amendment. So, this figure of Rs. 1,600 should be revised and it should be mentioned that it is ten per cent of the 12 months' total pay and

[Shri Sukomal Sen] this figure of Rs. 2,500 should also be withdrawn.

Now, Madam, there is a contradiction between section 13 of the original Payment of Bonus Act, 1965, and the provisions in the Industrial Disputes Act. Now, Madam, section 13 of the original Payment of Bonus Act says that an employee means "any person other than an apprentice employed on salary or wage not exceeding Rs. 1,600 per mensem to do any skilled or unskilled or administrative or clerical or managerial work for hire or for reward, etc. etc." Here, Madam, according to this provision in the Payment of Bonus Act, managerial staff are also entitled to get bonus. But the relevant provision in the Industrial Disputes Act says that a worker means "any person employed by any industry to do manual, skilled, unskilled, clerical, administrative or supervisory work for hire or for reward, etc., etc.". This does not include the managerial staff. So, there is a contradiction between the provisions of these two Acts, the Payment of Bonus Act and the Industrial Disputes Act. I would like to suggest that this contradiction should be removed and every workman should get bonus and the managerial staff and the supervisory staff should also get bonus up to a certain limit. I say this because the principle is that the seniors should get more than the juniors. Now, if the workmen get the bonus, but the supervisory and the managerial staff do not get the bonus and, then the total emoluments which they get may be less than that of their juniors. So, this is an injustice to the administrative staff. So, there should be some provision for bonus to the administrative and the managerial staff also and they should also get bonus upto a certain limit.

Now, Madam, I would like to mention about the Central Government employees. When this Government is making this enactment, I do not know why the Central Government, the biggest employer, should not give bonus to all the Central

Government employees. Of course, some categories of these employees got bonus of 18 days pay or 20 days pay. But it is linked to productivity. I do not understand why bonus should be linked to productivity. I do not understand this because for factory workers and others who get bonus, it is treated as a deferred wage. Why should bonus be linked to productivity in the case of the employees of the Central Government which is the biggest employer? Why should it be productivity-linked bonus for them only? So, this also should be withdrawn and they also should get bonus as par with the other workers. If the workers get 8.33 per cent as bonus, the Central Government employees also should get 8.33 per cent as bonus and if the workers get a bonus of 10 per cent, the Government employees also should get ten per cent. There should be parity between the Government employees and the workers working elsewhere.

Now, Madam, I come to the question of the State Government employees. What will happen to them? If the Central Government employees get bonus, automatically the State Government employees also should get bonus. Whenever the State Government employees ask for bonus, the State Government take the plea that they have no funds and they always plead shortage of funds. In fact, in three or four States like U.P., only 15 or 18 day's pay is given as bonus to the State Government employees. If the Central Government employees get bonus, the State Government employees, who are spread throughout the country, should also get bonus as per the Bonus Act. If it is 8.33 per cent, they should also get 8.33 per cent as bonus and if it is 10 per cent, they should also get 10 per cent as bonus, 8.33 per cent or 10 per cent of the total of twelve months' emoluments. The Central Government should ensure that the State Governments also give bonus to their employees and for this purpose, I demand that the Central Government should give more funds

to the State Government so that the latter can give bonus to their employees. Otherwise, the State Governments will come with the plea that they have no funds. So my plea is that more funds are necessary.

So with these words, I conclude, and request the hon. Minister to consider all these points and come forward with a comprehensive Bill, accommodating all these suggestions so that this may be enacted and this can satisfy the workers, the Government employees and all other workmen in the Country.

THE DEPUTY CHAIRMAN: Shri P. N. Sukul.

SHRI P. N. SUKUL: Madam, I must thank you once again that you have given me another opportunity to speak on the same subject. Madam, ...

THE DEPUTY CHAIRMAN: It never happens. (*Interruptions*) within the same hour.

SHRI P. N. SUKUL: I rise to support, Madam, the Payment of Bonus (Second Amendment) Bill, 1985, as brought by the hon. Minister for our consideration. It is indeed a matter of great satisfaction, Madam, for all of us and it is a matter of pride for the Congressmen, that our Congress Government has always been trying its best to improve the lot of the people of India, specially the working people of India. Through the 20-point programme our Government has been trying to bring people above the poverty line and also to solve the problem of unemployment through so many schemes. Millions of people have been brought above the poverty line even during the last five years as a result of governmental endeavour in this regard. Similarly, Madam, the Government has also been trying to amend the various laws pertaining to the working classes just for improving the lot of the working people of the country. The present Bill which seeks to amend the original Payment of Bonus Act, as passed by the other House, has been brought for our consideration only to give greater benefits by way of bonus to the workers, to the work-

ing people, of the country. As a result of this amendment proposed in this Bill, on the one hand, more workers will be covered under the Act and will be entitled to get bonus, and, on the other, the quantum of bonus will also be increased. So there is a double benefit to the workers as contained in this Bill. And that is why, Madam, I welcome this Bill and I support this Bill.

Madam here it may not be out of place to mention that it was only the Government of Mrs. Indira Gandhi that gave bonus to all its Class III and and Class IV employees. Before that no Government, neither any progressive Government nor any other Government in this country, had given any bonus or conceded bonus or granted bonus. And it was Mrs. Gandhi's Government only which gave bonus to all the Class III and Class IV employees of the Union Government. Since then so many State Governments have also granted bonus to their employees on par with the Central Government employees. And, now, the maximum limit of bonus as contained in the Bonus Act is going to be increased. Earlier the limit was Rs. 750, and nobody could get more than Rs. 750. Now it is being increased to Rs. 1600, and the eligibility for getting bonus is not being increased from Rs. 1600 to Rs. 2500. So all those who get a salary up to Rs. 2500 will now be entitled to get bonus up to a maximum of Rs. 1600.

Madam, I am really very thankful to the Government, because in the earlier sessions I had myself suggested a limit of Rs. 2500, to begin with. I had suggested that it should be revised to Rs. 2500. And the Government has actually revised it to Rs. 2500, although it is the limit for the eligibility to get bonus; the net bonus will still be confined to Rs. 1600. Now, I would suggest that once you have agreed to grant bonus to those who are getting a salary or wage up to Rs. 2500, which means that more than 98 per cent of the

[Shri P. N. Sukul]

workers of the country will be covered which means more than 99 per cent of the Government employees will now be covered within these limits—only 1 per cent or 2 per cent of the people will be left out? Why? Only because they are getting a little more? So my suggestion is that the Government should remove this limit at all. They should withdraw this limit. There should be no limit. If you are giving to 99 per cent of the people, why should you not give to 100 per cent of our people. Why should 1 per cent people not feel happy about it? Your Exchequer is not going to be taxed much on this account. My suggestion is that in principle bonus should be paid to all wage earners. In this connection, I would suggest that even the managerial employees who are not covered under the term employee as per the definition in the Act, should also be made entitled to get bonus. What is wrong in that? In this way, the heart-burning starts. Please don't deny to one per cent of the employees or wage earners this facility of bonus which you are now giving to 99 per cent of the employees. Let this bonus be given to 100 per cent of the employees or wage earners.

SHRI JAGESH DESAI (Maharashtra): Fifty per cent will go back to the Government by way of tax.

SHRI P. N. SUKUL: If you are giving this bonus to them, it does not mean that you are amending the income-tax laws. You will be having your share of the income-tax from them. I was very much surprised when Mr. Vaghela said that bonus was *ex-gratia* payment.

SHRI SHANKER SINH VAGHELA: It was my understanding.

SHRI P. N. SUKUL: If that was his understanding, then it is still a very serious matter. As explained by the people on the other side, bonus is no more an *ex-gratia* payment. It

has to be given to the workers as a matter of right because it has to be taken as deferred wage. What is deferred wage? A deferred wage is a wage that is given to a worker so long as you are not in a position to give to the worker a living wage. That is why it is said that bonus is a device to bridge the gap between the actual wage and the living wage. So long as the Government or the employers of this country are not in a position to pay a living wage to their workers, they have to pay bonus. Once you pay a living wage, then it is possible that you are in a position to withdraw bonus. If it is a deferred wage, then bonus has to be paid. If you are in a position to pay a living wage to the workers, then bonus can be stopped. (*Time bell rings*). But so long as you are not in a position to give the living wage to the workers, it has to be paid. I am not talking of a fair wage. I am talking only of a living wage. Since bonus is a deferred wage you have to give it to the workers. If it is a deferred wage then it is a deferred wage for all workers at all levels and it should be applicable to all the categories of wage earners.

I would suggest another thing also. The Central Government and the State Governments who are paying bonus to their employees are giving bonus only for 18 days and not for one month. Once you agree that the Central Government employees and the State Government employees are eligible for bonus, then bonus should be paid to them at the rate of 8.33 per cent. This bonus must be paid to all the Class III and Class IV employees of the Central Government and the State Governments. There is no difference in having this difference in the quantum of bonus.

Madam, the child labour and work-charged employees do not get any bonus. I would suggest that even the child labour and the work-charged employees who have worked for 8 months or more as per the Act

must be entitled to get bonus. If you don't give bonus to the child labour and work-charged employees, you will be doing gross injustice to them. The bonus must be paid to them on the completion of 8 months of service. Madam, once this is accepted that bonus is a deferred wage, then our Government pensioners also become entitled to bonus by way of pension. Pension calculated on their actual wage means there is something like deferred pension. Those people whose pension has not been calculated actually on the basis of a living wage, by way of pension they also become entitled to get deferred payment. That means, their pension has not been fixed properly. So, once you accepted the idea of a deferred wage you have also to accept the idea of a deferred pension. And all Government pensioners must also be given this bonus by way of deferred pension.

In the end, before I conclude, though some of our friends might find it amusing I want to say something, and I am talking in terms of principle only. Once you agree that all wage-earners should get bonus, and once you agree that those who get a fixed wage are entitled to bonus, what is wrong with your MPs and MLAs getting bonus? What is wrong? We are getting pay. We are getting pension. Now our class is also a class of wage-earners. If we are getting pay, if we are getting pension, then where is the deferred wage?

AN HON. MEMBER: You are a bonded labour. (*Interruptions*)

SRHI P. N. SUKUL: You are talking of *ex gratia* payment. If you feel that an MP should get a salary, if you decide that an MP should also get a pension, then in principle I must plead that the MPs must also get the bonus.

THE DEPUTY CHAIRMAN: We are going to discuss the MPs Salaries and Allowances Bill. So, you might discuss that at that time.

DR. SHANTI G. PATEL (Maharashtra): Madam Deputy Chairperson within a course of one year of discussing an amendment to the very

Act, rather within four to five months, the House is required today again to seek an amendment to the existing Act.

Madam, this Act, as it has been pointed out, was enacted some time in the year 1965. Now, 20 years have lapsed since the passing of this Act. What was stated in that Act at that particular time has lost its importance and relevance in particular. I was, therefore, expecting the Government to come out with a number of amendments to this particular Act or a complete overhaul of this Act. That is how the matter should have been looked into. This amendment also has come after a lot of agitation from various sections of the labour. All the Central trade union organisations and the working class as a whole demanded and pressurised the Government. It is only thereafter that this amendment is sought to be made. The pressure was so heavy, and probably the elections in some places were coming so near, that they came out with two Ordinances one after another so as to enable a section of the working class who are otherwise going to be ineligible, to get this particular bonus and also to extend to another section of the people who were going to be the victims of what is called the ineligibility under the law.

All this only reflects the bankruptcy in the labour policy of the present Government, the goallessness and the direction in which they are required to march. They have not formulated any ideas as to what is going to be the bonus or the labour policy at large and how they are going to implement. What we find is confusion and chaos as far as their approach to the labour policy is concerned. This is another instance of the same callous attitude or the actions that the Government has been following.

...[THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU) in the chair].

Sir, this Act, I would like to submit needs complete overhauling, as I said

[Dr. Shanti G. Patel]

earlier, whether it is in respect of definition, that is the definition of an employee or a worker; whether it is the coverage; or ceiling on the quantum of bonus; whether it is the eligibility in spite of the fact of the present amendment; or the formula on which the quantum of bonus is sought to be calculated; or the minimum bonus, or even the upper limit and a number of other related matters. All these need to be reconsidered, rethought and re-evaluated in the light of the 20 years' experience, and particularly, the rising prices.

Why talk of the eligibility at all? I would like to know from the hon. Minister as to why he is sticking to this principle of eligibility. What is the sanctity of Rs. 1600 or 2500? Why have it at all? Will he kindly explain to this House as to how has he come to this particular figure? Surely not because my friend, Mr. Sukul, had asked for it Rs. 2500, and he wanted to concede his demand in toto, i.e., 100 per cent. Let him come out with the reasons. I am sure he cannot give any cogent reasoning, any logic for choosing this particular figure because eligibility has no sanctity.

If we are to go by the Act, what was said in the 1965 Act or what was Rs. 1600 in the year 1965? May I say for the knowledge of the Minister, which, I am sure, he must be having, that the consumer price index then was 137 and in July 1985 it is about 610, i.e., nearly four and a half times. Even if this figure of Rs. 1600 was to be adhered to the real figure should have been Rs. 7200, and not Rs. 2500, which is nowhere near this figure. According to the logic, according to the reality of the situation, the inflationary pressure that has been there and the scale to which the prices have gone up, it has been to such an extent. This is the only logical thing. But I am one of those who would like to plead with the Minister, let us not stick to this, there is no particular dogma, there is no particular principle which can make you stick to this 1600 or 2500 or 7200 or any figure.

Let us remove this limit. Let all those who are employed, all those who earn wages, be entitled, be eligible for this particular bonus. The reason is obvious. May I take a little time and go into the history of what this bonus is? What is the concept of bonus? Has it remained the same with which we started many decades back? Once it was considered a *bakshish*, a gift which an employer gave of its own accord, because he was pleased with the services of the employees, the workers. Now that concept is given a go-by. It has been buried fathoms deep in the earth. And this is because the workers said, that we must have a right of sharing the profits that the company has made and so the principle of profit-sharing was evolved. Wherever the companies made profits they shared the profits with the workers. But the workers' view has been, they have been saying that, it is a matter of right, we are being denied not only a living wage but even a fair wage, and when the company makes a profit, it is natural, it is logical, it is a matter of right that we should get a share in those profits. So fill up this gap between what we are getting at present and what we should have got in the form of a living wage and that is how the principle of deferred wage came to be accepted not only by the employers but also by the industrial courts and other courts and even the Supreme Court accepted this particular principle. But the things did not stop with that. The things have gone further. The very Government came forward with a statute, a law, in the form of the Bonus Act in the year 1965 and it became a legal right, irrespective of the profit and even if a company was running in a loss, those who are eligible or who were covered by this particular piece of legislation could claim and were entitled to bonus, according to the formula that was mentioned in this particular Act. So, it has become a right.

But the things have gone beyond. There are public sector undertakings which are not covered by this law.

I have been connected directly with the Port and Dock industry. We had to agitate, give a call for a strike, actually we went on a strike, and it was then that the Government accepted the principle of payment of bonus. I certainly thank the Government that ultimately they did agree and gave us bonus in spite of the fact that we were not entitled to it under the Act. This principle has been extended to a number of public sector undertakings. It is a nice thing to do for which the Government deserves congratulations.

1 P.M. Though they might have done it hesitatingly or half-heartedly, but they have done it; that is a good thing.

Not only that. Then the matter went ahead and now even the Government employees who are not supposed to be engaged in any productivity activity, like the Railways or the P&T, the Government of India Presses and all that, have been given the bonus. But they have been given the bonus on the basis of what is called "productivity-linked bonus". I do not know what it means. But whatever it is, they have given some bonus. Now the remaining five lakhs of the Government employees also are being given bonus, not any productivity-linked or anything like that, but what they call in public sector and in other places, the "ex-gratia".

My friend Mr. Vaghela referred to it very correctly. You must ban this term 'ex-gratia'. It was there many decades back in the form of 'bakshish'. Now it has become a matter of right; it has become what I would call 13 months' pay. We pay either hourly or weekly or monthly, and this is something which has to be paid at the end of a year. This principle has been recognised and is being implemented. Let us do it wholeheartedly and in the fullest possible manner so that we are able to do justice.

So, thus, the concept of bonus has changed. Let us not now try to limit or put shackles on it by a number of ways by denying certain workers be-

cause they are not covered by the definition of 'worker'. Whereas in the Industrial Disputes Act, the limitation is Rs. 1600, here the limitation will be Rs 2500. There will be conflicts and these conflicts need to be resolved. The best thing to do is that this bonus must be paid to all the employees, whether an employer has 20 employees or just one employee; the employees must be paid this bonus. The word 'bonus' has lost its earlier connotation. The word 'bonus' is not a correct word; it has become a wage, a part of pay, that means 13 months' pay in a year which has got to be paid.

In this context, I would like to submit and invite the attention of the hon. Minister to thousands of piece-rated workers, as in the ports, who earn their wage because they give a certain amount of production. Now when you put a limitation of eligibility, you are going to deny them the bonus by having this eligibility formula of Rs. 2500 and if they are getting Rs. 2500 and are able to give more production, they will just become ineligible. Is it fair. Is it proper? Is it just to deny these people for whom the Government has been saying in day in and day out that wages should be paid according to productivity? Here you are not paying them more; you are denying them what is duly earned.

There are a number of persons who fall in this wage group and merely putting the limitation of Rs. 2500 you are denying a number of Government employees, both at the Centre and at the State level who will be drawing or who might have been drawing less and who were eligible in the past but now become ineligible because of this particular pay limit which is sought to be introduced or made permanent through this legislation. I would, therefore, plead that let us remove these cobwebs formed around bonus.

I would also like to refer in this context to minimum and maximum bonus. They have lost their meaning. Having given the minimum bonus, it

[Dr. Shanti G. Patel]
needs to be increased. Now the workers are made bonded as they cannot get more than 20 per cent in spite of huge profits that the employer may earn or the company may accumulate, or the dividends that might be given to the shareholders. The worker cannot get just more than 20 per cent. Is it equitable? May I ask the hon. Minister who also worked in the trade union movement whether it is proper. This inequity needs to be removed and that is why, this 20 per cent limit has to be given a go-by and buried, as I said, deep, so that we are not able to talk of it. Wherever it is given that this 20 per cent as the maximum, it has to go. It has to be 20 per cent or more which will be available where the profit or surplus justifies.

I would plead with him to do away with this eligibility formula and the various forms of restrictions which are sought to be placed on bonus; liberate it and give it to all those who earn their wages through labour, who are employed and not to put any limit so that there is real satisfaction and the people are able to give their best for the good of the country.

SHRI M. S. RAMACHANDRAN (Tamil Nadu). Mr. Vice-Chairman, Sir, I rise to oppose the Statutory Resolutions disapproving the Ordinances and support the Payment of Bonus (Second Amendment) Bill. I am surprised to see that even in regard to this hon. Members have thought it fit to move Statutory Resolutions disapproving the two Ordinances. Actually, this was demanded by every trade union in the country and these Ordinances have only enabled the working class to receive higher bonus before Deepavali this year. But for these Ordinances, the employers would not have applied these amendments to the previous year nor would they have paid bonus before Deepavali. For example, the first Ordinance was brought in only to remove the anomaly and to enable the workers to get higher bonus for last year. These Ordinances, as I said, have

helped labour and I cannot understand why there should be any opposition at all. This Bill....

DR. SHANTI G. PATEL: There is no opposition.

SHRI M. S. RAMACHANDRAN: I am referring to the Statutory Resolutions moved disapproving the two Ordinances. Perhaps, since they are sitting in the Opposition, they want to oppose everything.

DR. SHANTI G. PATEL: We want more liberalisation.

SHRI M. S. RAMACHANDRAN: Sir, this Bill seeks to insert a new section, section 12, through clause 3 and to repeal the Payment of Bonus (Amendment) Ordinance, 1985, and the Payment of Bonus (Second Amendment) Ordinance, 1985. Before this, the Payment of Bonus Act stipulated a notional ceiling of Rs. 750 on the monthly earnings of a worker for the purpose of bonus. All sections of labour and all trade unions in the country have been demanding that the notional ceiling of Rs. 750 should be removed. My party Government, headed by our beloved Prime Minister, Shri Rajiv Gandhi, conceded the demand of the working class and removed the ceiling of Rs. 750. By this removal of the ceiling of Rs. 750, hundreds of thousands of industrial workers throughout the country received bonus on the basis of their actual earnings even if it was above Rs. 750, but up to Rs. 1600. Even the lowest paid worker in any organised industry received, on an average, Rs. 300 more as bonus than in the previous year for the same minimum bonus of 8.33 per cent. During the festival season this year, when bonus : to be paid, it was found that certain employers were taking time, thinking that this amendment will have effect only prospectively and not retrospectively. When this anomaly was pointed out to the Government, Government conceded this demand also and then brought this Ordinance to make it applicable for any day commencing in the year 1984. By this amendment, workers got

higher bonus for the year 1984 and for the year 1984-85, whichever was applicable to them. This Ordinance enabled a large number of industrial workers to receive higher bonus for the year 1984. The amendment contained in sub-clause (3) of clause 1 of the Bill seeks to validate the provision contained in the earlier Ordinance in this respect. Sir, while the Government removed the national ceiling of Rs. 750, they did not touch the other ceiling of Rs. 1600 for the purpose of eligibility. INTUC and all other trade unions repeatedly demanded that the ceiling of Rs. 1600 for the purpose of coverage should be removed so that all salaried employees in the country could be covered by the Payment of Bonus Act. However, the Government have now come forward only to increase it to Rs. 2500 from Rs. 1600. Sir, both the ceilings of Rs. 750 as also Rs. 1600 were fixed in the year 1965 and 20 years have passed. During these two decades due to several economic factors value of rupee has considerably gone down. Thanks to the sympathetic approach and helpful attitude of my party Government towards labour, wages and salaries of workers have been appreciably increased. Now the lowest paid unskilled worker in any average industry is getting a minimum wage of Rs. 1000. Similarly, lakhs of skilled workers are drawing over Rs. 1600 per month. All these skilled workers drawing above Rs. 1600 were not eligible to receive bonus under the Act, as it stood before the amendment. This anomaly has also been removed by Ordinance No. 3 of 1985 by increasing the limit on Rs. 1600 to Rs. 2500. This Bill also seeks to validate the second Ordinance in this regard. On behalf of the entire working class of this country, I convey my grateful thanks to the hon. Prime Minister for conceding these amendments and more particularly for amending the Bonus Act by promulgating two separate Ordinances so that the workers would get the benefit of the amendment for the last accounting year also. This

amendment is a progressive step and has been welcomed whole-heartedly by the entire working class of the country, with the expectation that there will be no ceiling on wages for coverage under the Bonus Act in due course.

The new section 12 places a revised ceiling of Rs. 1600 as monthly earning for the purpose of bonus, even when the salary is above Rs. 1600 up to Rs. 2500. Barring a few exceptions, this amendment is not likely to affect any employee as defined under the Act. At the present rate of development of our economy, working class will get their due share and their salaries will be increased. In that event I am sure the Government will not hesitate to amend these provisions of the Bonus Act suitably, keeping in mind the need of all the salaried employees in the country to get bonus to discharge their social obligations during festival seasons.

With these words, I oppose the Statutory Resolution and support the Bill.

SHRI M. KALYANASUNDARAM (Tamil Nadu): Mr. Vice-Chairman, Sir, I stand to oppose the Resolution even though it is moved from a member of the opposition. While supporting the Bill I have to make some critical remarks about the bankruptcy of the Government regarding the policy and principle towards the question of bonus. True, the Government wanted to implement this through an Ordinance. If they had clear cut policies with regard to bonus, appropriate decision would have been taken and these Ordinances might have been avoided. All the trade union centres, including INTUC, AITUC, CITU, HMS, have been demanding that the ceiling with regard to the quantum of bonus and the ceiling with regard to the eligibility should be removed and all sections of wage earners should be brought within the purview of the Bonus Act. This has been delayed

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so long. If this has not been implemented through these Ordinances, the industrial peace during the Diwali season would not have been what it was. So it was a delayed wisdom on the part of the Government to issue the Ordinance.

On the question of eligibility, I am glad that even Members sitting on the treasury Benches have supported the removal of ceiling in regard to eligibility and the quantum of bonus. I was pained to hear a voice from this side that it should be related to productivity. That is a different principle. What is the principle underlying the demand for bonus? Several Members on both sides have already explained the lacuna in the 1965 Act. The 1965 Act on bonus itself is a product of the agitation by the trade unions which existed then in the country. What the Bonus Act of 1965 conferred on the working class is what they had already achieved through their agitation. It registers only the gains of the working class through their struggles and agitation not only after Independence but even prior to Independence. What was the state of affairs with regard to bonus and wages in that period? Even now after amending the Preamble to the Constitution to include Socialism as one of the aims, the policy towards wages and bonus continues to be the same as it was earlier. The Government has not taken effective steps to arrest rise in prices and the erosion of the real wages of the workers. If Government is seriously interested in increasing production and increasing productivity, improvement of productivity is one thing, increase in production is another thing. All sections of workers are involved in national production in one way or the other, whether they work in office or they work in the factory, whether they work with their pens or they work with their spanners and hammers. All of them contribute to national production in one way or the other, even including the staff working in our Parliament

Office. Nobody can be isolated from the cause of national production. That is why we demand that all categories must be brought within the purview of the Bonus Act and there should be no discrimination.

Sir, this question has been evaded for a long time. It required the defeat of the Congress to bring in the concept of bonus for the Central Government employees in a limited way during the Janata regime. Not that the Janata regime was more progressive than the Congress, but it was due to power politics; they wanted to take advantages of the lapses of the ruling party. So they came forward in a hurried way. It is not that the Janata regime had accepted the principle of bonus as we, the working class of this country, had demanded. But to that extent it made a beginning. Now the Railway workers, the P&T workers, the Defence workers and all employees are thought of for some bonus. But there should be some clear-cut policy for this so that the workers will know what they are really eligible to and what they are going to get at the end of the year. The principle of 12 months work and 13 months' pay came into the working class movement on what basis? In the olden days the industries never had monthly wages, including the Railway workshops. The wages were daily-rated and the payment was weekly and fortnightly. When the monthly wages were introduced, 52 weeks became 48 weeks. Because the workers get wages for 12 months, that is 48 weeks, and not for 52 weeks, the workers lost four-week wages in that process. That is why the demand; it not as ex-gratia payment or as charity. For 12 months the work is for 52 weeks, and so 52 weeks' wages must be paid. That means one month more. This is the principle underlying the demand for 13 months' pay for 12 months' work.

Even when this is conceded, workers will not be getting a share in the profit. This is the minimum they should get. If they should get a

share in the profit whether in the public sector or the private sector, the principle of the present Bonus Act is far from being inadequate. That is why we demand that the ceiling should be removed. The ceiling of 20 per cent or the present ceiling of Rs. 1,600 should be removed, and the eligibility ceiling should also be removed so that all the categories may enjoy this rightful benefit of bonus.

Another point is, even where some categories were excluded from the Bonus Act, they were considered specially for the payment of bonus on the principle of ex-gratia payment. One such sector is the ports and docks. My friend, Dr. Shanti Patel, referred to it already. But does the Government know that this Ordinance has not been given effect to in the ten major ports and docks, even though it is more than 2 months from the time the Ordinance was issued? Do they require another strike in all the major ports to get this Ordinance implemented? The principle from 1965 has been to make ex-gratia payment every year in lieu of bonus because the Bonus Act is not applicable to the port and dock workers. It had been accepted that it would be paid before the Diwali. The Diwali is over. Nobody knows where bonus is. When I made enquiries into offices, I found that the papers were moving from desk to desk, and the proposal must go to the Cabinet. There is no need. It has been in force for more than 20 years. Why should it again be referred to the Cabinet? Why do you over burden the Prime Minister? He is already over-worked. The Shipping and Transport Ministry, now called the Surface Transport Ministry, can take a decision. There is a Cabinet Minister supervising the whole thing. In the name of getting approval from the Cabinet, the question is being delayed unnecessarily. So, I would appeal to the Labour Ministry to take up the matter and see that the payment is made as early

as possible so that the unrest can be avoided in major ports which are very vital for our national economy. Further, they should examine why the port and dock workers should be excluded from the Bonus Act.

Then, they should be eligible for a higher rate of bonus because if the bonus is related to productivity, certainly large sections of the workers will be entitled for a higher rate of bonus. So, when this is the point, then it is a different matter.

My demand is that the ceiling should be removed. If that is accepted, then, the Act may be applicable to all sections of the workers.

The raising of the ceiling through the Ordinance has really benefited a large number of workers. It has made a large number of workers eligible for the bonus. In the earlier situation, if a worker earned even during a month one rupee more than Rs. 1,600, he was not eligible for bonus for that year. That is how it has been worked out. Now, by raising it to Rs. 2,500 more number of workers will get the benefit. But what is the sanctity of Rs. 2,500? On what basis did you fix this Rs. 2,500? I can at least understand Rs. 1,600.

The Government does not have a clear concept about bonus policy. They want to give something and fixed at Rs. 2,500. On what basis you have fixed at Rs. 2,500? If an employee earns more than Rs. 2,500, that is, even by Rs. 2,501 he will not be eligible. Is it not arbitrary? Is it not discriminatory? You are fixing the quantum of bonus in an arbitrary manner. You are fixing the ceiling of bonus in an arbitrary manner. It is not in accordance with the accepted principle of trade union movement.

Therefore, I would appeal to the Government to accept our suggestion and implement it immediately. I do know that the Minister cannot announce it in this House immediately accepting our suggestion. Since this

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suggestion has been approved unanimously by all sections of the House including the ruling party, I would request the Minister, at least before the next bonus season is due, these amendments may be made or if necessary he may appoint an expert committee to enquire into all the aspects of the bonus and take a decision as early as possible so that all sections of the working people in the country can contribute their mite.

Thank you.

SHRI NIRMAL CHATTERJEE: (West Bengal) Are we not adjourning for lunch? Only five minutes are left. Why don't you adjourn it now?

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Yes, we will adjourn at 1.30 p.m.

SHRI V. NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir, I thank you very much for giving me an opportunity to speak on this Bill.

Sir, I rise to support the Bill moved by the Honourable Minister and I oppose the Statutory Resolutions moved by hon. Members—Shri Pyarelal Khandelwal and Shri Shanker Singh Vaghela.

Sir, under the original Bonus Act, 1965, the ceiling limit for the purpose of getting bonus was fixed at Rs. 1600/- and the eligibility of bonus was Rs. 750. Sir, 20 years have passed since this Act was enacted and we find from all circles that the wages have gone up. The prices of essential commodities have also gone up. Therefore, the Government thought it fit to increase the bonus limit and also the limit for the purpose of eligibility of getting bonus. Hence the present amendment was brought forward under section 2, sub-clause 13 of the payment of Bonus Act and by adding section 12 to this Act for the purpose of eligibility.

Sir, under the present amendment, we can find that a number of people have derived benefit. The people

who are working in the administrative side and managerial side have derived this benefit.

Sir, I would like to quote one instance of Government servants also who are getting bonus under the present amendment announced recently.

Sir, I had put an Unstarred Question for the purpose of giving 30 days bonus to the Central Government employees as was given in the case of employees working in the Telephones and Telegraphs Department of this country. I received a reply from the Honourable Finance Minister stating that *ad hoc* bonus was sanctioned originally for 18 days and later on it was increased to 23 days that is 5 days more for the accounting year 1983-84. It was not covered by the productivity linked bonus and orders have been issued on that aspect. And the Government is considering a further proposal also. Therefore, I thank the Hon'ble Minister of Finance for granting 23 days bonus for the Central Government employees. Sir, while welcoming this amendment I would like to submit to the Hon'ble Minister the lapses on the part of the management in implementing the provisions of the Act., Sir while submitting the allowable surplus and the allocable surplus, the management of the industries are giving false accounts. Most of the industries we have seen are giving only their limited account which is below the allowable surplus and they are not strictly following the guidelines given in the Bonus Act. I know of a case in our State of Pondicherry, that while fixing the bonus limit, the particular expenditure, which was covered by the allowable surplus and allocable surplus was deleted and the workers were not given the benefits. Sir, we have provisions that the employees, who have been involved in mal-practice and theft, are not eligible for bonus. But we have also a penal provision for punishing an industrialist who is fully concealing the particular expenditure meant for the purpose of eligibility to bonus for the workers.

But they are not being punished Why? Why are they not taking penal action against such industrialists who are wilfully suppressing the account denying eligibility for bonus to workers? I would like to say that we have seen for several years that before the bonus is announced, there is a strike. Why is it so? It is only because the true figures have not been given by the industrialists. The workers are also willing to get more bonus for which they are not eligible. Therefore, just for the purpose enforcing the Bonus Act, the Government should be vigilant and the Conciliation Officer and the Labour Officer have to be very careful in implementing the Act. Sir, while supporting the Bill introduced by the Hon'ble Minister, I would like to say that it is welcome measure. It gives the benefit to the large sections of the workers, who are getting the Bonus upto the salary limit of Rs. 2500. With these words, I support the Bill and also oppose the Statutory Resolutions moved by the Hon'ble Members. Hhank you.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): The House now stands adjourned for lunch till 2.30 P.M.

The House then adjourned for lunch at thirty three minutes past one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock, **The Vice-Chairman (Shri Santosh Kumar Sahu)** in the Chair.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश)
माननीय उपन्यासक जी, यह जो विवेक प्रस्तुत किया गया है इसको भावनाओं का मैं प्रदर्श कर रहा हूँ और वह इसलिए कि 1965 में यह विवेक पारित किया गया था और कानून बना था और उसके इस बात का प्रावधान था कि केवल साढ़े सात सौ मजदूर जिनकी आयदनी

होती है उनको बोनस मिलेगा। लेकिन बाद में इस सीमा को थोड़ा सा बढ़ा दिया गया और उसके बाद इस वर्ष कम से कम दो महीने के अन्दर दो संशोधन अध्यादेश के माध्यम से सरकार को लाने पड़े। पहले संशोधन में इस बात की व्याख्या की गई थी कि जो लोग 16 सौ रुपये तक वेतन पाते हैं उनको बोनस दिया जाएगा लेकिन बाद में फिर संशोधन कर के इस 1600 की सीमा को बढ़ा कर 2500 कर दिया गया। बार-बार यह संशोधन करना पड़ता है या अध्यादेश के माध्यम से संशोधन करना पड़ता है। यह किसी भी लोकतांत्रिक सरकार के लिए कोई स्वस्थ व्यवस्था नहीं है। मेरा एक सुझाव है कि यह जो आय की सीमा है इसको न रखा जाए। सीमा को बिल्कुल हटा दिया जाए। क्योंकि बार-बार सरकार को अक्षरण ही संशोधन करना पड़ता है, केवल इसलिए कि आय की सीमा बढ़ानी पड़ती है। मेरा सुझाव है कि इस सीमा को समाप्त किया जाए। इस बात की व्यवस्था कर दी जाए कि इस एक्ट के अन्तर्गत जो कर्मचारी आते हैं जिनकी व्याख्या की गई है एम्प्लॉईज के अन्तर्गत उनको बोनस पूरा दिया जाए और पूरा बोनस उनकी आय के हिसाब से भिन्नना चाहिए। तीसरा मेरा सुझाव यह है कि जब जनता पार्टी की सरकार थी तो उसके पहले कांग्रेस (आई) की सरकार थी। उस समय जब आपातकाल था तो बोनस की निम्न सीमा जो पहले 8.33 परसेन्ट थी उसकी घटाकर तत्कालीन प्रधान मंत्री श्रीमती इन्दिरा गांधी ने 4 प्रतिशत कर दिया था। लेकिन सन् 1977 से 1980 के बीच में जनता पार्टी की सरकार ने इस सीमा को पूर्ववत 8.33 परसेन्ट कर दिया और उम्मी के अनुसार बोनस दिया जाने लगा। कर्मचारियों को बोनस देने के लिए वेतन की सीमा पहले 750/-रु० थी, लेकिन बाद में 1600/-रु० कर दी गई और अब इसको 2500/-रु० कर दिया गया है। इससे सोचे क्या बात विषयक मिथ्या है, यह मेरी समझ में नहीं आया है कि आप किन बातों से बाध्य होकर इसको ढाई हजार करने जा रहे हैं

[श्री सत्य प्रकाश मालवीय]

जब 11 मई, 1985 को श्रम मंत्रियों का सम्मेलन हुआ था तो उस सम्मेलन में हमारे श्रम मंत्री जी ने इस बात का घोषणा की थी कि बोनस देने के लिए सरकार तीन हजार तक की सीमा पर विचार करेगी। लेकिन अब जो अध्यादेश के माध्यम से संशोधन किया गया है और यह जो विधेयक लाया गया है इसमें सिर्फ ढाई हजार का प्रावधान किया गया है। इसलिए मेरा पुनः सरकार से आग्रह है कि इस सीमा को हटा देना चाहिए।

चौथा, मैं मंत्री महोदय का ध्यान संविधान के अनुच्छेद 43 की ओर आकर्षित करना चाहता हूँ जिसमें इस बात की व्यवस्था की गई है कि जो मजदूर हैं या जो कर्मचारी हैं उनकी लिविंग वेज यानी जीने के लिए कम से कम इतना वेतन दिया जाएगा कि वे सम्मानपूर्वक अपना जीवन व्यतीत कर सकें। अभी स्थिति यह है कि ममान काम के लिए भी मजदूरों समान नहीं मिलती है। इस प्रकार की जो असमानता हमारे देश में है उसको दूर करने की आवश्यकता है। इसलिए मैं सरकार का ध्यान संविधान के अनुच्छेद 43 की व्यवस्थाओं की ओर आकर्षित करता हूँ और यह कहना चाहता हूँ कि संविधान की व्यवस्थाओं के अनुरूप हम आज तक अपने मजदूरों को मजदूरों नहीं दिला पाये हैं। मैं चाहता हूँ कि इस संबंध में भी सरकार को सोचना चाहिए।

अंत में पुनः इस विधेयक का स्वागत तो जरूर करता हूँ लेकिन मुझे उम्मीद है कि इस पक्ष के माननीय सदस्यों ने और उस पक्ष के माननीय सदस्यों ने जो मुझाव दिये हैं उस मिलजुल में एक व्यापक विधेयक यानी कम्प्रेहेंसिव विधेयक सरकार को लाना चाहिए। जो मजदूरों के नेता हैं, ट्रेड यूनियन लीडर्स हैं, जो विपक्षी दलों के सदस्य हैं या जो सत्तापक्ष दल के सदस्य हैं, उनसे विचार-विमर्श करके एक व्यापक विधेयक यहाँ पर प्रस्तुत करना चाहिए। मैं समझता हूँ कि वास्तव में तभी संविधान निमाताओं की मंशा पूरी होगी जब संविधान के अनुच्छेद 43 में जिन बातों की व्याख्या

की गई है उनके अनुरूप श्रमिकों को सम्मानपूर्ण वेतन मिले, सम्मानपूर्ण उनकी आय हो।

SHRI KAPIL VERMA: Mr. Vice-Chairman, I am indeed grateful to you for giving me this opportunity to participate in this important discussion. I rise to support the Bill and strongly oppose. The motion of disapproval of the Ordinances moved by our Opposition friends. I am amazed and shocked that such Ordinances which have brought real benefits to the working class are sought to be disapproved by the Opposition. Suppose for arguments sake, though it is not going to happen, the motion for disapproval is carried, what will be the result? Will the new bonus bill be scrapped. Technically speaking it will have to be. What does the Opposition want? Does it want that bonus amount already given to the workers be returned? Therefore, they should reconsider their position. I am sure the Opposition which says it wants the benefits to be increased, which wants the facilities to be further extended which wants the limits to be waived will withdraw its resolution of disapproval so that it will not be recorded in history that it disapproved or Ordinances which have brought real benefit to the workers. In fact, I congratulate the Government wholeheartedly for having brought forward these two Ordinances. The first Ordinance was promulgated just on the eve of Diwali to give some relief to the workers.

SHRI SATYA PRAKASH MALAVIYA: You could not do it earlier.

SHRI KAPIL VERMA: Yes, there was not much time. If you do not want it to be given to the workers. Then you should say that plainly. This betrays the real character of the Opposition.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): No cross-talks please. You go ahead, Mr Verma.

SHRI KAPIL VERMA: You should withdraw your Resolution for the disapproval of these Ordinances.

Sir, the original Bill was passed in 1965, and the world has changed a lot since then. The wages have increased. But, at the same time, the price index has risen since 1965 by at least five times. So, the purchasing power of the people has gone down. Therefore, I welcome the suggestion and I support it that there should be no limit or ceiling on the amount of salary qualifying for bonus. There should not be any ceiling. I know that it cannot be done immediately and it will take some time because about Rs. 250 crores more would be required for this purpose. The ceiling of Rs. 1,600, the basis for computation of Bonus as given in this Bill should also go because it is a little unfair. Certain of my friends made the point that it is a little arbitrary. Any figure that is fixed is arbitrary if fixed without any principle. Apart from technological improvements and with expansion and modernisation of industries, labour will get more and more, as their wages will increase. We have to give correspondingly to them and that is what is really needed now.

Sir, I want to draw the attention of the honourable Labour Minister to certain facts about the minimum bonus fixed at 8.33 per cent. But, for certain companies which are giving bonus, this minimum has become almost the maximum. In fact, a large number of companies are there which do not pay even this 8.33 per cent. A lot of pressure has to be mounted before they grant it. We have to look into this aspect also because these companies never show their balance sheets and when you ask them, they will only say, "It is not ready" and they do it after two or three years. This is particularly true of the newspaper industry to which I belong. I am very sorry to say that the honourable Minister has forgotten to include 180 categories of employees in the newspaper industry in this Bill. A great injustice has, therefore, been done to

these employees. In fact, if you ask those who are acquainted with the working of the newspaper industry, you will find that most of the newspapers are not paying bonus at all. In fact, this is one of the dirtiest types of business in the country. Some friends who worked have there tell us the real position. After they leave, their managerial jobs in the newspaper industry they tell us how they manipulate their accounts. Unfortunately, our unions are not strong enough to force a bargain as they do in some other organised industries. When our unions become really strong and well organised, then I am sure we will be able to do something better about it. But just now the managements manipulate their accounts. In fact, they will never show their accounts, with the result that most of the newspaper employees are deprived of their dues, particularly in the medium papers brought out from State capitals. They do not pay bonus to their staff to the required minimum; even if they pay, it is very small and measly. Fortunately for us, Mr. Chandrakar who is sitting here, piloting the Bill, has been a journalist, an eminent journalist, and has been one of us, and I am sure he will bring this to the notice of the Cabinet and the Prime Minister that the workers in the newspaper industry are deeply hurt and adversely affected by the implementation of the labour laws. In fact, these labour laws, if you will excuse me for saying so, are hardly being implemented at all. He may give the reply that this is the responsibility of the State Governments. But the reality is that the Labour Inspectors and Labour Departments go by what the newspaper proprietors tell them. They hardly look into the accounts. Even if cases are filed they will take a long time to be decided.

Shall I give you one example, Sir? It will illustrate the fact. In the case of a very well known newspaper of Delhi, one industrial tribunal gave a verdict in favour of the union that 15 days' additional wages should be paid as bonus. That was 23 years ago.

[Shri Kapil Verma]

Mind you, 23 years ago, 1962; (*Time bell rings*). The paper challenged it, and the case is still pending in the High Court for 23 years, 23 long years, and no decision has been taken by the High Court on it; How do you expect the labour to get justice? The proprietors have all the money to do anything they like with the workers; they can starve them out to a settlement or do anything they like. So what will the industrial workers do? The labour laws passed by us in this House in fact have only remained on paper, as far as pressmen are concerned. They are hardly implemented, whether it is the Wage Board award, whether it is the Tribunal's award or Provident Fund rules or whatever it may be. Even if the Tribunal gives awards, a High Court gives awards or Supreme Court decides, whatever it is, they are never implemented. Even decrees issued by the High Courts are not implemented by the administration. So in these conditions it is very, very difficult for the workers to get justice. I am sure Mr. Chandrakar, who is piloting the Bill will convey our sentiments to the Government to do justice to the employees in the newspaper industry.

With these words, I support the Bill. Thank you, Sir.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Sir, the present Bill, the payment of Bonus (Second Amendment) Bill, 1985, which was passed by the Lok Sabha is now before us for our consideration. The first amendment to the payment of Bonus Act was enacted in 1965. That Act provided for payment of bonus to persons employed in any industry and drawing a salary or wages not exceeding Rs. 1600 per mensem. According to Section 12 of the Act as originally enacted, where the salary or wage of an employee exceeds Rs. 750 per mensem, the bonus payable to him shall be calculated as if his salary or wage were Rs. 750 per mensem. This was amended in 1965 by the First Amendment Act. Now, this Second Amendment Act has been

brought. By this amendment, they want to raise the limit from Rs. 1600 to Rs. 2500. To a great extent, this will benefit a large section of the employees and to that extent we welcome this piece of legislation. Of course the Lok Sabha has passed it and I have no doubt that it will be passed in this House also. But I would like to draw the attention of the Government to the fact that this will not fulfil the demands of the workers. As a matter of fact, after long struggle, the working class, especially the factory workers and the industrial workers were able to convince the Government about this change in the Act. Now, as a result of their struggle and efforts, the Government has thought it fit to bring this amendment. Previously, they had the ordinance. I want to ask whether it will give real benefit to all the sections of the working classes. That is the point which we have to consider.

You know that the prices are rising day by day and after six months or a year you may again think of bringing the Third Amendment Bill as you have thought now to bring the Second Amendment. Why should the Government not have a comprehensive legislation to cover all the workers, whether they are industrial workers or factory workers or any bringing a piece meal legislation, it would have been better to have a comprehensive legislation. The idea of bringing a comprehensive legislation is that we have to cover more sections of the people. More workers should be benefited. Of course by bringing this legislation, you are giving benefit to a larger section of the employees. But still a larger section of the employees will be out of the purview of this Act. They will not get the benefit.

The second point to which I would like to draw the attention of the hon. Minister is this. Section 2 states:

"In Section 2 of the principal Act, in clause (13), for the words 'one thousand and six hundred rupees' the words 'two thousand and five hundred rupees' shall be substituted.

Section 3 says:

3. "In the principal Act, after section 11, the following section shall be inserted, namely:—

12. Where the salary or wage of an employee exceeds one thousand and six hundred rupees per mensem, the bonus payable to such employee under section 10 or, as the case may be, under section 11, shall be calculated as if his salary or wage were one thousand and six hundred rupees per mensem".

This is the ceiling which you have now provided. I fail to understand why this ceiling should be there, what happens if he gets Rs. 10 more? If he gets Rs. 2,550, then he may not get the benefit that we are providing through this legislation. So, in order to give the benefit to larger sections of the workers, it is better to give up this ceiling. There should not be any ceiling. That is what we recommend. Our Constitution provides to all workers whether agricultural or industrial or others a living wage, ensuring a decent standard of life and full employment. Even after 38 years of independence, we could not give a decent life, a living wage to the working class. That is really a very pitiable position in which we have put our real force that is engaged in the reconstruction of the society and the country. And we have forgotten completely this real force that is helping us in this reconstruction of the society.

Sir, as a matter of fact, the trade union leaders waged a number of agitation and struggles. Their struggles are still continuing for a better life and better wages to the working class. And even after passing this piece of legislation, I don't think the working class will be satisfied. The struggle will continue as long as the real benefit which they need is not given to them. We are not giving the bonus as a charity or as an ex-gratia payment. It is their right. Whatever work they do, whatever energy and efforts they put in, they want the benefit as right. We are giving that right. We are giving the bonus as a right. And we are not giving them any gift or any such thing. So, when

we consider any legislation, we have to take into consideration all these points.

In the end, I would like to make some suggestions and I would like the hon. Minister to take them into consideration while passing this piece of legislation. My first suggestion would be that the ceiling should be removed in the case of workers, employees and the supervisory staff. Secondly, the managerial staff should be excluded while removing ceiling because if you remove the ceiling, then the managerial staff earning more than Rs. 10,000 or Rs. 15,000 may also come under this category. So, either you must bring a comprehensive legislation taking into consideration all these factors or you may bring these amendments in the present legislation. My third suggestion would be that the minimum bonus should be raised from 8.33 per cent to 10 per cent. They should get a minimum of at least 10 per cent bonus. I suggest that it would be better if you remove the ceiling altogether, excluding the managerial staff. Thank you Sir.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Now, Shri Jagdish Jani.

*SHRI JAGADISH JANI (Orissa): Mr Vice-Chairman, Sir, the payment of Bonus (Second Amendment) Bill has been presented in the House. I rise to speak a few words in support of this Bill. I thank you Sir, for having given me the opportunity to speak.

Sir, lakhs of workers have been engaged in the industries in our country. Our country have had remarkable achievements in Industrial Production due to the sincere efforts made by those workers. The Bonus Act was first made in 1965. The objective was to encourage the workers. According to the original Act an employee drawing salary upto Rs. 750/- was entitled to get Bonus. Lakhs of employees got the Bonus when the Act was enforced.

The Payment of Bonus encouraged the workers to devote more time to their work. They became more sincere in their duty. Their joint efforts led to Industrial revolution in our country.

*English translation of original speech in Oriya.

[Shri Jagadish Jain]

Sir, the Government of India subsequently decided to pay bonus to the Central Government employees also. Our late Prime Minister Smt. Indira Gandhi deserves all credit for providing this benefit to the Central Government Employees. Due to her, we found smile on the faces of lakhs of Central Government employees. Again this limit was enhanced to Rs. 1600/-. All the employees drawing salary up to Rs. 1600/- got bonus.

Sir, in the present Bill an amendment has been brought to raise the limit from Rs. 1600/- to Rs. 2500/-. This will provide benefit to some more employees. It is very necessary to take such revolutionary steps in order to increase industrial production and also to increase efficiency in administration. It is the aim of our Government and also the main endeavour of National Congress to take necessary steps for the upliftment of all sections of people in our country. I take this opportunity to thank our Prime Minister Shri Rajiv Gandhi who have been taking all possible steps to provide benefit to all sections of the people including the Central Govt. employees.

Sir, our Labour Minister Shri T. Anjaiah is a popular labour leader. He is very much aware of the problem of the workers as well as the Central Government employees. I also thank the Minister who has been piloting the Bill on his behalf. I congratulate him on this occasion. I would like to give one suggestion to the Government. Sir, we are giving bonus to the Central Government employees to encourage them to work more efficiently. Why cannot we extend such facilities to the State Government employees also? I request the honourable Minister to take note of my suggestion and do something to extend the payment of bonus to the State Government employees.

Sir, this is a progressive Bill. So I support this Bill whole-heartedly and thank you once again for having given me the opportunity to speak.

With these words I conclude my speech.

3.00 P.M.

SHRI GHULAM RASOOL MATTO
(Jammu and Kashmir) : Mr. Vice-Chairman, Sir, while I rise to support the Pay-

ment of Bonus (Second Amendment) Bill, which I will request the hon. Minister to take into consideration. The present amendment stipulates that the payment of bonus should be raised from Rs. 1600 to Rs. 2500 subject to the condition that the bonus payable to an employee drawing salary or wages exceeding Rs. 1600 per mensem shall be calculated as if his salary or wages were Rs. 1600 per mensem. This goes exactly contrary to Payment of Bonus (Amendment) Act 1985. In that Act, it has been stated : "With a view to securing the computation of bonus payable under the Act in the case of employees drawing salary and wages exceeding Rs. 750 per month on the basis of the salary of wage actually drawn by them..." Now, although the ceiling has been fixed at Rs. 2500, the principle has been accepted as early as 1985 that whatever is actually drawn by the present at that particular point of time should be taken into consideration. This principle has been violated in the second Amendment Bill. In the Second Amendment Bill, while the ceiling has been fixed at Rs. 2500, eligibility has been curtailed at Rs. 1600. I would suggest to the hon. Minister that in consonance with the original amendment Act of 1985, he should do away with this ceiling. If the ceiling of Rs. 2500 has been fixed, any person drawing any salary upto Rs. 2500 at that particular time, must be eligible to this bonus. This is one suggestion I have to put before the hon. Minister.

The second point that I want to put before the House is that the Government should consider that now the salary of Rs. 2500 comes to about Rs. 80 a day and in many factories and establishments, workers are employed on this salary. Now that the rupee value has gone down considerably, they should consider very earnestly whether this ceiling should be done away with completely. My request to the Government is that the ceiling of Rs. 2500 should be completely removed.

My third and final point is that the minimum bonus has been set at 8.33 per cent. I suggest that this should be immediately raised to 10 per cent minimum. There are certain companies which earn crores of rupees as profit but by the de-

ductions that they get by way of income-tax allowance and other allowances, their balance-sheet would show a considerably reduced figure so that the workers are paid at the minimum rate of 8.33 per cent. I feel some formula should be evolved under which the benefit of certain expenses which are statutorily allowed to be deducted, should also go to the workers, and that formula should be so computed that the benefit is passed on the workers. In this connection, the limit of 20 per cent. also seems to be not fair because when dividend of 20 and 30 per cent is paid to the shareholders, why should the bonus be limited to 20 per cent in the case of workers? My request to the hon. Minister is that this aspect should also be considered by him.

With these words I support the Bill and request Mr. Vaghela to withdraw the resolution.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): I now request Shri Khandelwal to reply.

श्री धारेलाल खंडेलवाल : उपसभाध्यक्ष महोदय, मैंने अपने प्रस्ताव में दो तीन बातें उस समय कहीं थीं। एक तो यह थी कि 8.33 के बजाय सरकार को 10 प्रतिशत बोनस देने की घोषणा करनी चाहिए और उसके लिए कानून बनाना चाहिए। इसके साथ ही जो 2500 रु० की सीमा निर्धारित की है, इस सीमा को समाप्त करके जो प्रबंधकीय स्टाफ है, उसको छोड़कर बाकी सभी लोगों को किसी भी सीमा के अंतर्गत आने वाले वेतन भोगियों को बोनस दिया जाना चाहिए। मैं यह भी कहना चाहता हूँ कि देश में बहुत बड़ी संख्या में कृषि मजदूर, ग्रामीण मजदूर फैले हुए हैं। अतः उनके बोनस के सम्बन्ध में भी सरकार को फैसला करना चाहिए। मैं यह मांग करता हूँ कि सरकार अपने इस कानून में ग्रामीण क्षेत्रों में, कृषि में काम करने वाले मजदूर जो हैं उनके लिए भी बोनस का प्रावधान करे। क्योंकि उनकी भी आज की सारी परिस्थिति में बोनस की आवश्यकता है।

एक और बीमारी देश में बढ़ती जा रही है कि धीरे-धीरे उद्योगपति अपने

उद्योगों को बीमार करते जा रहे हैं जिसका प्रभाव मजदूर और मजदूरी पर पड़ता है, उसकी आमदनी पर पड़ता है। मैं कहना चाहता हूँ कि उद्योगों में मजदूरों की भागीदारी प्रबन्ध में मजदूरों की भागीदारी होनी चाहिए। बहुत साल से इस बात की मांग देश में चल रही है। अगर कानून के द्वारा इस बात को सरकार लाए तो शायद बीमार उद्योगों की संख्या घटने की संभावना हो सकती है और मजदूरों पर भी जो भार पड़ता है उसको रोका जा सकता है। इन शब्दों के साथ मैं आग्रह करूंगा कि सरकार इन सब बातों पर ध्यान करके अपने बिल में इन बातों का समावेश करे।

श्री शंकर सिंह वाघेला : वाइस चेयरमैन महोदय, बोनस के बारे में बहुत चर्चा हो गई है। पिछले थोड़े दिनों में दो-दो अध्यादेश निकाले गये। मैं यह कहना चाहता हूँ कि कम्परीहेंसिव बिल के बारे में सोच कर एक साथ सब बातों को लाना चाहिए। दूसरे यह कहना चाहता हूँ कि बोनस कमीशन आप बैठायें। क्योंकि बहुत से राज्य छूट जाते हैं इसलिये यह बोनस कमीशन उन सब के लिए विचार करेगा। आप कहेंगे कि यह स्टेट सब्जेक्ट है। मैं यह कहूंगा कि स्टेट सब्जेक्ट न मान कर बोनस कमीशन के नीचे पूरे लेबरर्स वर्क्स, कर्मचारी जो हैं उनका उसमें समावेश किया जाए। सैटआफ की जो बात आती है तो मैं कहना चाहता हूँ कि एक कम्पनी अगर नुकसान में हो तो अभी तो आप 8.33 बोनस देते हैं, नेक्स्ट ईयर वह कम्पनी मुनाफा करती है तो सैटआफ के हिसाब से वाट लिया जाता है तो मेरा कहना है कि इस सैटआफ सिस्टम को दूर किया जाए। बोनस को प्रोजेक्टिविटी, आउटपुट के साथ जोड़ा जाए। गवर्नमेंट ग्रैंडरेटिक्यूस जितनी हैं, करोड़ों रुपये का मुनाफा कमाती हैं, कोआपरेटिव कम्पनियां हैं, जैसे अमूल है, करोड़ों रुपये मुनाफा कमाते हैं, सागर मिल्क मिल है वह भी करोड़ों रुपये मुनाफा कमा रहे हैं। हमारे पब्लिक ग्रैंडरेटिक्यूस जो गवर्नमेंट के नीचे हैं, कोआपरेटिव्स हैं इनमें जो काम करते हैं उनकी भी इसमें

[श्री शंकर सिंह वघेला]

हिस्सेदारी होनी चाहिए। इन शब्दों के साथ मैं अनुरोध करूंगा कि इन सब बातों को सोच कर बोनस के बारे में जिससे सब को बोनस मिले, ऐसा बिल लाना चाहिए।

ग्रामीण विकास विभाग में राज्य मंत्री (श्री चन्नुलाल चन्दाकर) : उपसभाध्यक्ष महोदय, यह जो विधेयक लाया गया है वह अत्यन्त ही सीधा-सादा केवल लाभ ही पहुंचाने वाला विधेयक है। किसी को भी इससे नुकसान नहीं हुआ है। इसको मैं तो समझता हूँ कि पास करने में देरी नहीं करनी चाहिए। भले ही कुछ लोगों ने साथ-साथ इस बात पर भी जोर दिया है, 2500 रुपये की सीमा को हटा कर सभी लोगों पर, जितने भी कर्मचारी काम करते हैं, उनको मिलना चाहिए। हमारे एक भाई ने तो जो मैनेजरियल स्टाफ है उनको भी जोड़ने की बात कही है। इस तरह से इस को सभी कर्मचारियों पर लागू करने की बात कही है। लेकिन वह अच्छी तरह से जानते हैं कि इसमें क्या दिक्कतें हैं।

माननीय सदस्य : इसको मान लीजिए आप ?

श्री चन्नुलाल चन्दाकर : आप सभी जानते हैं कि इसमें क्या दिक्कतें हैं। दो आर्डिनेंस क्यों लाये गये यह सभी लोग जानते हैं। यह भी जानते हैं कि इस आर्डिनेंस को लाने की क्या आवश्यकता थी। देर आयद दुस्त आयद। देर में सही यह आर्डिनेंस आया। इसमें कोई शक नहीं है कि जितने भी मजदूर वर्ग हैं, समूचे देश के मजदूर वर्ग में बहुत प्रसन्नता है। यह मांग बहुत पहले से थी इसलिए इससे भी सभी को प्रसन्नता है।

श्री बी० सत्यनारायण रेड्डी : तीसरा बिल भी आयेगा, देर से सही।

श्री चन्नुलाल चन्दाकर : आप जानते हैं कि हमारी सरकार बहुत डेमोक्रेटिक है। समय पर जैसी मांग होती है, जैसे आवश्यकता होती है, जैसा धन होता है, उसके अनुसार हम हमेशा समय समय पर देश की आवश्यकताओं को देखते हुए,

आर्थिक स्थिति को देखकर काम करते हैं। यहीं एक ऐसी पार्टी है जो इन सारी चीजों पर ध्यान रखकर हमेशा मजदूरों का हित ध्यान में रखती है। आप यह अच्छी तरह से जानते हैं कि यही पार्टी हमारी पार्टी, यह बोनस एकट लाई है..

(अवधान) : उसमें कोई शक नहीं कि वर्कर्स की स्ट्रगल का अपने अपने भाषणों में जिक्र किया है। मैंने इसको सुना है। आप इसको एक बार नहीं, तीन बार, चार बार कहिये। मेरे कहने का मतलब यह है कि यह सही है कि वर्किंग क्लास की स्ट्रगल हुई है, लेकिन इसमें सभी यूनियन्स न भाग लिया है। हमारी सेन्ट्रल यूनियन्स भी उसमें भी थीं। सभी ने स्ट्रगल किया है। लेकिन इसके साथ-साथ बुनियादी तौर पर इस बात में कोई शक नहीं है कि जो मांगें थीं उनको कांग्रेस पार्टी ने स्वीकार किया है। इसीलिए मैंने कहा कि यह जो विधेयक लाया गया है, यह बहुत सोच विचार करके लाया गया है और जितनी भी मांगें थीं उनको ध्यान में रखकर लाया गया है। वैसे केवल दो सदस्यों ने इस आर्डिनेंस का विरोध किया है। मैं समझता हूँ कि भले ही उन्होंने यह बात कही हो, लेकिन दिल से वे इसका विरोध नहीं करेंगे। मेरा पक्का विश्वास है कि सदन में एक भी सदस्य ऐसा नहीं है जो इस बिल का विरोध करना चाहता हो।

बहुत सी बातें कही गई हैं। बोनस की सीमा 8.33 परसेन्ट की जगह 10 परसेन्ट करने की मांग की गई है। यह भी कहा गया है कि 2500 रु० की सीमा को बिल्कुल हटा दिया जाये। ऐसी बहुत-सी बातें हैं जिन पर सोच-विचार करने की जरूरत पड़ेगी। लेकिन आज ऐसा समय नहीं है कि इसमें ज्यादा समय लगाया जाये क्योंकि अगर हम इस सीमा को हटा देते हैं तो फिर से इन सारी चीजों पर विचार करना पड़ेगा। टिपार्टीइंट कंसलटेशन करना पड़ेगा। और भी चीजें ऐसी हैं जिन पर सोचना पड़ेगा। जो मजदूर इस क्षेत्र में काम करते हैं, उनसे विचार-विमर्श करना पड़ेगा। माननीय सदस्यों ने बहुत से सुझाव दिये हैं। श्री सुकुल

जी ने बहुत से सुझाव दिये हैं। इसमें कोई शक नहीं कि उन्होंने मजदूरों के क्षेत्र में काम किया है। उनको इस क्षेत्र का काफी अनुभव है। उनके बहुत से सुझाव व्यावहारिक भी हैं। हमारे विरोधी दल के माननीय सदस्यों ने भी सुझाव दिये हैं। श्री कल्याणमुन्दरम् जी ने पूछा कि डाक वर्क्स को इसमें अलग क्यों किया गया है। संवर्ष 32 में कुछ कैटेगरीज को शामिल नहीं किया गया है। उसमें डाक वर्क्स भी हैं। और भी कैटेगरीज हैं जिनको शामिल नहीं किया गया है, जैसे वर्क चार्ज लेबर्स हैं। आज की परिस्थिति में इस बिल को पास करने में देर करने की जरूरत नहीं है। आप इस चीज को अच्छी तरह से जानते हैं कि सन् 1965 में बोनस एक्ट लाया गया था। अब सन् 1985 में एक बार नहीं, दो बार यह बिल लाया गया है। आप यह देखेंगे कि हम समय के अनुसार विधान में परिवर्तन करते रहते हैं। पच्चीस साल तक किसी चीज को रोके नहीं रखते हैं। हमें जैसी आवश्यकता होती है, जैसा सरकार की आर्थिक स्थिति होती है, उसको अनुसार चलते हैं।

श्री सत्य प्रकाश मासवीय : आप इस सीमा को हटा दीजिये।

श्री चन्दूलाल चन्द्राकर : मैं इतना ही कह सकता हूँ कि आज हमारी जो स्थिति है उसमें हम इस सीमा को नहीं हटा सकते हैं। इसी प्रकार से जो आपने 8.33 परसेन्ट से बढ़ाकर सीमा 10 परसेन्ट करने की बात कही है, इसको भी हम स्वीकार नहीं कर सकते हैं। मैं समझता हूँ कि जितने भी लोग मजदूरों के क्षेत्र में काम करते हैं वे इस बिल के महत्व को समझते हैं जिन बहुत-सी चीजों की मांग की जा रही है उनको शामिल करना बहुत मुश्किल है। इन शब्दों के साथ इस बिल पर बहुत अधिक कहने की आवश्यकता नहीं है। इस बिल का उद्देश्य सब लोगों को मालूम है। इसमें जो रिस्ट्रिक्शन लगाई गई है उसको भी सब लोग जानते हैं। ऐसी स्थिति में मैं यही अनुरोध करूँगा कि ये जो रिजोल्यूशंस आए हैं उन को मेरा

विश्वास है कि सदन सर्व-सम्मति से अस्वीकार करेगा और मेरा पक्का विश्वास है कि पूरी सद्भावना के साथ इस बिल को पास करेगा।

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Now, I shall first take up the Resolution of Shri Pyarelal Khandelwal.

SHRI GHULAM RASOOL MATTO: Sir, I would request Mr. Khandelwal to withdraw his Resolution. I do not want this to be put to vote.

श्री प्यारेलाल खंडेलवाल : महोदय, इस आशा के साथ कि मंत्री महोदय हमारे बातों को मान लेंगे, मैं अपने संकल्प को वापिस लेता हूँ।

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Has the hon. Member leave of the House to withdraw the Resolution?

(No. hon. Member dissented)

The Resolution was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Now, I shall take up the other Resolution by Shri Vaghela. Do you also want to withdraw?

श्री शंकर सिंह बाघेला : जहाँ तक हमारी बात से असहमति का सवाल है, ऐसा कोई प्राबलम नहीं है और मैं मानता हूँ कि मंत्री महोदय ने जो बातें कही हैं, उन भावनाओं का इसमें समावेश करेंगे इसलिये ऐसी कोई प्राबलम नहीं है। इसलिये मैं इसको विद-डा करता हूँ।

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Has the hon. Member leave of the House to withdraw the Resolution?

(No. hon. Member dissented)

The Resolution was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): I shall now put the motion moved by Shri Chandulal Chandrakar. The question is:

[Shri Santosh Kumar Sahu]

"That the Bill further to amend the Payment of Bonus Act, 1965, as passed by the Lok Sabha, be taken into consideration"

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): We shall now take up clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Now, we shall take up clause 3 of the Bill. There is one amendment by Mr. Joseph. He is not present. So amendment is not pressed. 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 CHANDULAL CHANDRAKAR:
Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Before we take up the Appropriation Bill, there is one Special Mention by Mr. Vaghela. You please finish in two minutes.

REFERENCE TO THE RAIDS ON KIRLOSKAR FIRMS

श्री शंहर सिंह वाघेला : (गुजरात)
मान्यवर, आज प्रेस में और कल टी.वी.
और रेडियो में जो न्यूज है—

"Raids on Kirloskar units reveal big tax evasion"

आज देश में कुछ ऐसे बड़े घराने हैं जिनके ऊपर हमारे वित्त मंत्री जी की नजर लगी है और उनके आफिसर रेड लगाकर कालाधन और टैक्स इवेंशन को पकड़कर अपनी जो बजट का घाटा है उसको पूरा करने में मदद कर रहे हैं। इसके लिये मैं उनको धन्यवाद देता हूँ। लेकिन वाइस चैयरमैन साहब, ये एक-दो घराने नहीं है। पिछले 7-8 महीनों में हमारी सरकार ने कई जगह छापे मारकर कई बड़े बड़े लोगों को अरेस्ट किया है। इसमें—

Mrugesh Jaikrishna of Ahmedabad was arrested about US dollars worth Rs. 46.63 lakhs seized from his couriers.

Second is, Kumari Narain of SIM Maneklal & Co. Then Om Prakash Navani, leading builders of Bombay, was subjected to the biggest ever income-tax raid which shook all the construction companies of Bombay.

Navani's case was followed by investigation on Kalpak Builders, 'Rizvi Builders, Bacham Builders, Pragati Builders and Bharat Builders of Bombay.

Diamond dealer S. J. Jhaveri was raided and diamonds worth Rs. 20 lakhs were seized. Six other diamond dealers were investigated following the raids on Jhaveri.

Overseas businessman, Rajinder Sethia was jailed for defrauding banks.

A show cause notice was issued on Manu Chhabria, the Dubai-based businessman, on his acquisition of shares in the Shaw Wallace group.

Investigation on the dealings of the liquor tycoon, Vijay Maliya, especially his foreign exchange dealings.

Nusli Wadia's Bombay Dyeing came under scrutiny on charges of undervaluation of its DMT plant at Patalganga.

Orkay Silk Mills' dealings with the Japanese firm, C.I. top and Co., were scrutinised by sending a team to Tokyo, which led to the arrest of Kapil Mehra.