

enough moisture to the vast land that is lying arid, where a drop of water means a grain of corn. I hope the hon. Minister will consider the proposal. To process this I demand that one Centre for Environmental Studies and Research in Rajasthan and one each in the eastern coast in Orissa and the western coast of Karnataka, should be established. I hope this will be considered.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Hon Minister, have you anything to say to the point raised?

RAO BIRENDRA SINGH: The suggestion of the hon. Member has been noted. But the limited scope of the Bill does not permit these things to be included in this measure.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The question is:

"That the Bill be passed."

The motion was adopted.

STATEMENT BY MINISTER

Lathi-charge on Lawyers in Varanasi on the 20th December, 1980

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Next, there is a statement by the hon. Minister of State in the Ministry of Home Affairs on the lathi-charge on the lawyers at Varanasi on the 20th December, 1980. Mr. Makwana. Because of the shortage of time, may I request him to lay it on the Table of the House?

SOME HON. MEMBERS: Yes.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): Sir, I beg to lay a statement regarding the lathi-charge on the lawyers in Varanasi on the 20th December, 1980, on the Table of the House. [Placed in the Library. See No. LT 1768/80.]

(I) STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE PAYMENT OF BONUS (AMENDMENT) ORDINANCE, 1980

(II) THE PAYMENT OF BONUS (SECOND AMENDMENT) BILL, 1980

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now we take up the Statutory Resolution seeking disapproval of the Payment of Bonus (Amendment) Ordinance, 1980 and also the Payment of Bonus (Second Amendment) Bill, 1980. We are taking up both of them together.

SHRI SHIVA CHANDRA JHA (Bihar): Point of order.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): On this?

SHRI SHIVA CHANDRA JHA: Yes, Sir. मेरा प्वाइंट ऑफ ऑर्डर है। मान्यवर इस विधेयक को पायलट करने वाले जो मंत्री हैं उन्होंने जब हम लोगों ने क्लैरिफिकेशन मांगा था पालेकर एवार्ड के बारे में तो कहा था कि आखिरी दिन उस के बारे में क्लरिफिकेशन देगे। चूँकि उन का ही यह विधेयक है इस लिये मैं आप से जानना चाहता हूँ कि या तो आप इस विधेयक के पहले या बाद में, कब उस के बारे में क्लैरिफिकेशन देना चाहते हैं।

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Mr. Vice-Chairman, Sir, yesterday I gave a letter to the Chairman asking me to permit me to seek certain clarifications from the Minister. The Minister is dealing with the subject. I request that we may be allowed to ask for certain clarifications before the Bill starts and she may give explanations.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): This is no point of order. I find that even now we have got totally six Bills to be passed and the Resolution of Mr. Era Sezhiyan. So I do not think

[Shri Dinesh Goswami]
there will be time for it. It is up to the Members...

SHRI SHRIDHAR WASUDEO DHABE: Only two Members have asked.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): During the course of your speech, you may refer to any point that you want to raise and it will be up to the hon. Minister to choose to reply or not to reply. I do not think we can separately go through with it. During the course of your speech, you will be entitled to make those points if you so choose. Now we go to the Statutory Resolution.

श्री लाखन सिंह (उत्तर प्रदेश) :
उपसभाध्यक्ष महोदय, आपकी अनुमति से मैं निम्नलिखित संकल्प प्रस्तुत करता हूँ—

“यह सभा राष्ट्रपति द्वारा 21 अगस्त, 1980 का प्रख्यापित बोनस संदाय (संशोधन) अध्यादेश, 1980 (1980 का सं० 10) का निरनुमोदन करती है।”

उपसभाध्यक्ष महोदय, अध्यादेशों के द्वारा इस प्रकार से राज चलाया जाना लोकतंत्र के विरुद्ध ही नहीं यह सारे देश और समाज के लिए भी अच्छी बात नहीं है। मजदूरों के सम्बन्ध में जो व्यापक रूप से बिल आना चाहिए था वह नहीं आया। जो बिल इस समय लाया गया है वह मजदूरों के हितों पर चोट पहुँचाने वाला, कुठाराघात करने वाला है और मिल मालिकों तथा उद्योगपतियों के हितों को बढ़ाने वाला सिद्ध होगा। सारा मजदूर वर्ग जो सारे देश के लिए, समाज के लिए सुख-सुविधायें जुटाता है, मुहैया करता है, वही हमारा मजदूर वर्ग सुख-सुविधाओं से वंचित रखा जाता है। यहां तक मैं कहना चाहता हूँ कि उसके जीवन यापन के लिए भी साधन मुहैया नहीं हो पाते।

श्रीमन्, 1948 में पहली बार जो मजदूरों सम्बन्धी समिति की बैठक हुई थी उसमें तीन प्रकार के वेजेज की बात कही गई। पहला लिविंग वेज, दूसरा मीनिमम वेज और तीसरा नीड बेज्ड मीनिमम वेज। लेकिन जो उसकी सिफारिशें थीं वह भी नहीं मानी गई। उसके बाद 1957 में 15वें इंडियन लेबर कांफ्रेंस में भी उचित मजदूरी दिये जाने की बात की ताकि इस देश के मजदूरों का हित-साधन हो सके, उनका जीवन स्तर बढ़ाया जा सके ताकि हमारे मजदूर वर्ग की जो ऐफिशियेंसी है वह बढ़ाई जा सके लेकिन उसकी सिफारिशें भी जहां की तहां पड़ी रही।

मजदूरों को प्रबन्ध में, लाभ में साझीदार होने की बात बहुत ही अच्छी है लेकिन सिद्धान्ततः यह बात तो स्वीकार कर ली जाती है किन्तु वास्तव में यह बात देखी जाए तो कोसों दूर मिलती है। श्रीमन्, बोनस एक प्रकार से मजदूरी है जिसे डेफाई वेज या स्थगित मजदूरी कहा जाता है। आज इन मजदूरों को प्रायोरिटी की बेसिस पर, अनिवार्यता के रूप में जो मजदूरी मिलनी चाहिए वह 1972 में तय करने के बाद 1975 में 8.33 परसेंट से 4 परसेंट कर दी गई। 1977 में जनता पार्टी के आने के बाद फिर 8.33 प्रतिशत की गई। तो महोदय, इस प्रकार से हमारे देश के मजदूरों के साथ अन्याय हो रहा है और इस बिल के माध्यम से जो मजदूरों का हित-साधन होना चाहिए था वह नहीं हो पा रहा है।

श्रीमन्, बोनस का हिसाब लगाने के लिए आधा जो महंगाई भत्ता है वह शामिल होना चाहिए, वह शामिल नहीं किया जाता। आज देश में करोड़ों करोड़ खेतिहर मजदूर हैं जिनके बारे में यह विधेयक बिलकुल खामोश है। इसी प्रकार खेतिहर मजदूरों के बारे में कोई बात नहीं कही गई है। इसी प्रकार से हमारे देश में जो ठेकेदारी प्रथा है उसमें बंधुवा मजदूर बनाये रखे जाते हैं, उन मजदूरों की मुक्ति के लिए, उनके डेवलपमेंट

[Shrimati Ram Dulari Sinha]

determined according to a formula prescribed in the Act subject to a maximum of 20 per cent. In 1972 the rate of minimum bonus was raised to 8.33 per cent or Rs. 80/- whichever was higher. In 1975, the minimum bonus was reduced to 4 per cent or Rs. 100/- whichever was higher provided there was an allocable surplus in the accounting year. In 1977, the minimum bonus was raised again to 8.33 per cent or Rs. 100/- whichever was higher and it was made payable whether there was an allocable surplus or not. This amendment being of a temporary nature there was a strong demand that it should be a permanent feature of the Act.

Originally the Act was applicable to every factory and every establishment employing 20 or more persons during the accounting year subject to certain exceptions. In 1975, it was provided that the appropriate Government might apply the provisions of the Act to any establishment or class of establishments employing not less than 10 per cent. There was a demand that the Act should be extended to cover all the workers.

Under the Act employees drawing wages/salary exceeding Rs. 1600/- per month are not entitled to receive bonus and those drawing wages/salary exceeding Rs. 750/- are paid bonus as though their wages/salary were Rs. 750/- only. There were demands that the ceiling on the maximum bonus as well as the salary limits prescribed in the Act should be removed or raised.

During discussion with the representatives of the employers and the employees the only consensus that could be reached was that the payment of bonus at 8.33 per cent had come to stay and it would not be possible to go back on it. There was no agreement on the other suggestions for amendment of the Act.

The Bill, therefore, seeks to make payment of minimum bonus at 8.33 per cent a permanent feature of the Act.

In 1977, Banking Companies and the Industrial Reconstruction Corporation of India which were previously kept outside the purview of the Act were brought within it. Provision was made that the investment allowance which was introduced in the Finance Act, 1976, may be deducted before arriving at the available surplus out of which bonus is to be paid. The Bill seeks to make these also permanent features of the Act.

In the case of public sector establishments there is some ambiguity as to whether non-competitive units are covered by the Act. The Bill seeks to clarify the position.

The Act provides that no Court shall take cognizance of any offence punishable under the Act save on a complaint by or under the authority of the appropriate Government. Suggestion has been received that the State Government should have the power to delegate the authority to launch prosecutions under the Act to subordinate authorities so that there may be no delay in taking action. A provision has been made in the Bill in this regard.

The other amendments proposed are consequential to the foregoing. Although it has not been possible to incorporate all the demands of the workers in the Bill it may be seen that it makes for substantial improvement over the existing position. I, therefore, commend that the payment of Bonus (Second Amendment) Bill be taken into consideration and passed.

The questions were proposed.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I might inform you that the time allotted for this Bill is 2 hours. I would request you to be brief. Even as it is, to dispose of the entire work

we may have to sit till 10.30 or 11 P.M. Mr. Dhabe is the first speaker. I would request you to complete in ten minutes.

SHRI SHRIDHAR WASUDEO DHABE: Mr. Vice-Chairman, wrong impression has been created by the Minister's speech that she is going to have the amendments as per the consensus arrived at with the labour representatives. At the outset, before making my submission I would like to know from her whether the question of entitlement to bonus by employees of the non-competitive units of public sector was put to the labour representatives and if so, whether they had agreed to it. I am certain that this question was not put to the representatives of the Unions. It is the Government's decision.

Sir, you will find, as happened in the case of the National Security Bill when the Ordinance was issued on 21-8-80, clause 11 amending section 20 of the Act excluding the public sector was not there. Section 20 never came into the picture at all when this Ordinance was issued. I know, the predecessor of the hon. Minister was in favour of continuing the system of giving bonus to non-competitive public sector. Coming from the trade union movement, his views are well-known. But, Sir, the managements of public sector brought pressure on the Government, and in the Bill which was introduced here in the House, in the Lok Sabha, first time Clause 11 was introduced. The same old story is being repeated by this Government. The hon. Minister knows that Act was amended for the year 1974, thus depriving the workers of 8.33 per cent bonus. Bonus was reduced from 8.33 per cent to 4 per cent. Much earlier, the well-known Labour Minister, Late Mr. R. K. Khadilkar, was instrumental in giving 8.33 per cent bonus by amending legislation in 1973 and 1974 for the years 1972 and 1973 in the year 1975 the workers were totally deprived of minimum bonus. No bonus was paid. At least when this Government came into power, it should have taken

steps to rectify the mistake and should have included it in the scheme of permanent bonus. In the years 1974 and 1975 bonus was not paid, the workers were deprived. It should have been included in the amending Bill. But this has not been done. At that time the workers were deprived of minimum bonus made permanent from the year 1979, still Rs. 100 crores were denied to workers for those two years they were deprived even for the whole of the year 1975, nothing has been done to restore it, on the other hand a new onslaught has been made on the working class and the public sector employee shall not be entitled to bonus. Sir, this has been stated in the Aims and Objects of the Bill. I am surprised to find the Government policy in respect of the public sector. Does it mean that Coal-Indian workers, which is the most vital industry will not be entitled to bonus? In the Aims and Objects of the Bill as introduced in the Lok Sabha it has been stated:

"A new clause has been added to the Bill to amend section 20 of the Payment of Bonus Act for the purpose of excluding non-productive public sector from the purview of the Act".

Instead of taking ahead the policy, or increasing the bonus from 8 to 10 per cent or extending it to other employees, the Government has chosen to exclude non-competitive public sector undertakings. Most probably the Air-India strike is responsible for this. Air-India, Indian Airlines and so many other public sectors are there. The major public sector undertaking is Coal-India. All these workers are deprived of bonus. What is the basis? When it was in the private sector, they were all getting bonus. Now they have been deprived. I say, Sir, with dismay that it is the greatest blow to the working class because of this new labour policy.

SHRI KALYAN ROY (West Bengal):
Along with other blows.

SHRI SHRIDHAR WASUDEO DHABE: Yes, along with other blows I would like to give some 5 P.M. historical facts about it. What is the coverage? The Government has passed an amendment in 1976 when the same Government was in power and the emergency period was there. When the workers were deprived of bonus, one more amendment was added to say that the workers in the establishments having less than 20 and more than 10 will be entitled to bonus although they were previously not entitled for bonus and section 1(3) was added by a proviso saying that the Government by appropriate notification can extend the bonus claim to workers employed in establishments having less than 20 but more than 10 workers. Uptill now, the Central Government in its own sphere and the State Governments have not issued notification to extend the coverage of bonus to small scale industries. We have got 60 lakh workers in small scale industries who are entitled to bonus. But bonus is not given to them. I would like to give a little history of bonus. The bonus is of two types. Firstly, it is a share in the trading profits of the industry because it contributes to the same and its prosperity. Secondly, the labour is entitled to claim the gap between his actual wage and the living wage which could within reasonable limits be filled up. I do not want to go into the entire history. It is well known. From an ex-gratia right to bonus, it became a statutory right. In pursuance of the Supreme Court decision and observations in the ACC, case in 1959. Bonus Commission was appointed. Recommendations of Bonus Commission are the basis of this Act of 1965. No attempt has been made thereafter to extend the coverage. There was a demand from Railway workers that they should be given bonus and it is to the credit of Chaudhari Charan Singh's Government that in November, 1979 bonus was granted to Railwaymen. Thereafter, this bonus

scheme—it was called productivity-linked bonus scheme—has been extended to the Posts and Telegraphs Employees, Defence Employees and the AIR and Television Employees. Out of 30 lakhs 22 lakhs i.e. 75 per cent of Government employees are getting bonus. Why should the Government not give bonus to others? The administrative staff of the industrial establishments gets bonus and there is no reason for any discrimination to be made in regard to the Central Government Employees. Even the staff working in the Lok Sabha and the Rajya Sabha is entitled to bonus. The principle accepted is that for 12 months work 13 months wages should be paid. Therefore, I would request the Minister to consider it in broader perspective. This is a half hearted measure and it will create unrest amongst the workers of public sector employees. It will lead to strikes and some other labour problems. They will resort to agitation and after agitation you will have to give them bonus. Therefore, this discrimination between private and public sector or between non-competitive and competitive establishments is meaningless and therefore, I appeal to you to bring a comprehensive Bill covering all aspects of bonus. If a person is employed in any industry, he should be entitled to bonus. This Bill is half-hearted. Yesterday also, a statement was made about the Palekar Tribunals recommendations. It was also a half-hearted decision. I would ask why these half-hearted decisions are taken. Their tentative proposals were that the workers in the higher scale news agencies will get from Rs. 11 to Rs. 22 as dearness allowance and the lower class employees will get from Rs. 5 to 11. Now, the Rs. 11 to Rs. 22 class has been deprived of this recommendation but the D. A. range is extended to others. The employers are not required to pay more money by these recommendations. Although it is made out that it is in favour of the employees it

is actually taking away from one section and a wide section of the news agency staff and paying to others at their cost. Secondly, Sir, two more important recommendations were made. One was about the city compensatory allowance. In cities like Delhi, Hyderabad, Madras and Bombay, and other cities, the workers get city compensatory allowance since the life is very costly. And they also recommended night duty allowance for working in the night. If the Government was going to issue directions to persons concerned and managements under section 12 on the DA formula, there is no reason why such an important and basic amenity as the CCA which the other employees are getting—it is a well known fact that the Central Government employees get this CCA—is not considered for these employees. The CCA and the night shift allowance should be considered for them also.

Lastly, Sir, I would like to say that a provision has been made here that a provision will be submitted to the Tribunal on Bonus disputes. But no provision has been made in this Bill to challenge the accounts of the banking companies or any companies. Sir, many bonus disputes arise because of the provision that their accounts are final. If the trade unions are given a right to challenge, I am certain that 90 per cent of the bonus disputes will be settled out of the court and they will not go before the tribunal. Therefore, Sir, I appeal to the Minister to withdraw the clause about the non-competitive public sector and also assure the House that, a comprehensive Bill will be brought forward. And you should not give the impression that, the working class and the trade unions have agreed that the public sector should be excluded from the purview of this Bill. Therefore, Sir, though I welcome some provisions of the Bill, such as the permanent feature that has been made about the minimum bonus, I cannot

1483 RS—7.

welcome other provisions of the Bill. With these words, Sir, I take my seat.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Shri Nand Kishore Bhatt. You shall have to limit your speech to 10 minutes.

SHRI NAND KISHORE BHATT (Madhya Pradesh): I hope, I will stick to the time limit

Mr. Vice-Chairman, Sir, I would like to congratulate the hon. Minister for bringing forward this piece of legislation. Sir, this piece of legislation makes it clear that the concept of deferred wage is accepted by the Government by accepting 8 and 1/3rd per cent as the minimum bonus. I think, this is one of the major demands which the working class have been making all along, and in this respect, the Government decision is most welcome.

Sir, a number of points have been raised by my friend Mr. Dhabe, on the subject. But I would like to remind him how he was a party to most of the decisions that were taken on the question of bonus. Sir, the straight-forwardness with which the Government have come forward with their acceptance of the Palekar Award and the way it has been modified, I think, it goes a long way in meeting the demands of the working journalists. One of the most important demands of theirs was with regard to the house rent allowance. On the top of that, whatever recommendations the working journalists associations have made, they have been accepted, and the Government has kept its doors open for any negotiations which the journalists associations would like to have. From that angle, I do not know what is causing dissatisfaction in the mind of my friend, Mr. Dhabe.

Mr. Vice-Chairman Sir, much has been said about the industrial unrest. I would like to request the Government to give us information with regard to the working days in different industries. Sir, there are inst-

[Shri Nand Kishore Bhatt]

ances where the workers are not responsible for the industrial unrest. The cause of industrial unrest is mostly in the case of undertakings which remained closed for want of power. In a number of cases, Sir, the big industrial undertakings adopt small undertakings which we call ancillary industries. And once they adopt them, these ancillary industries, they are given 80 per cent power. While in the case of such ancillary industries, which are really ancillary, which are really small, which do not get protection from the bigger establishments, they do not get that facility with the result that this causes a great injustice to the smaller undertakings, which remain closed, not because of the workers, but because of the fact that they do not get power. This is the case with respect to a large number of small undertakings. It is high time that these facts are brought to the notice of the authorities and these small units are given protection and once the protection is given there will be no industrial unrest and that will go away.

Sir, in the small sector, in the small units, there is a lot of discontent among the workers. The discontent is there either in respect of disparities in the wages or in respect of pay scales. In the existing system there is no rationale. In some cases workers are getting more wages and in other cases wages are less, for the same type of work. It is high time that, after 32 years of working and experience that we have got, in order to further the economic growth, and remove the difficulties that we have been experiencing, the Government should come forward with a rational formula which should establish a link between wages and the dearness allowance. Sir, I would like to go one step further in this connection and say that the ratio between the actual workers' wages and their dearness allowance is so huge that it has become a misnomer not to call them wages. It is high time that the entire

wages, the basic pay and the dearness allowance should be consolidated, so that the workers are able to get the benefits which are given to them from time to time, particularly in respect of bonus, because bonus is always calculated in a number of cases on the basic wages. The present basic wages have become a misnomer when the prices have gone up so high. The dearness allowance is calculated on the basis of the cost of living index. That should be changed and the new system of giving wages to the workers should be established so that this discrimination obtaining from industry to industry is abolished to a large extent and workers will be able to derive the benefits when they are given consolidated wages, I mean by merging the dearness allowance with pay and the calculation of new wage structure.

Mr. Vice-Chairman, Sir, some points were raised with regard to the public sector undertakings. Sir, my own experience is that public sector undertakings are getting bonus. If some undertakings are not giving bonus, I do not know what is the obstacle. In all fairness this principle of 12 months work and 13 months wages should be accepted by the Government. If I may say so, I want to submit that it can be a good basis on which a dialogue can be started between the workers and the management which will help them to contribute their mite in increasing production and also in increasing productivity.

Mr. Vice-Chairman, Sir, my friend on the other side has made a mention about the recommendations of the Fifteenth Labour Conference. I know that it is high time that in our country the people should get the need-based minimum wage and it requires a dialogue at the Government level.

Sir, everybody is so much sympathetic towards the problems and conditions of the agricultural labour or landless labour I may call them. But,

Sir, I do not think that there is any restriction on the part of the Government to help them. What is required is that there should be the will to help them.

There is also a section among the organised workers who only think about themselves. I think our Government will be failing in its duty and the working class movement will be incomplete if it does not come forward to help those who are unorganised those who have the minimum facilities, and help them in getting their demands conceded.

On the question of the contract labour, there is already the Contract Labour Abolition Act. Wherever the workers have come forward to take advantage of this Act, I have found no difficulty in the area where I have been working. Wherever necessary, it has been possible for us to get the contract abolished and wherever it has not been possible for one reason or the other—I am not going into the details—it has been possible for us to get under the contract minimum wages which are available to the workers in the organised sector, especially in some of the mining areas, like coal, zinc and copper. So to throw the blame on the Government, I do not think, will be proper. If there is any shortcomings it is on the part of the organised labour. It should come forward to protect the interests of those who are unorganised or ill-organised.

Sir, the question of closed units here or there is a matter which is causing concern. It is not only causing concern to the workers but it is also a matter of concern for the Government because if production is not coming up, it is not the workers to blame. Fault lies with the electricity organisations with the vested interests in different spheres which somehow manipulate to create a conspiracy to see that the undertakings do not get sufficient power and the industry is closed.

I congratulate the Government for the forthrightness with which it has come forward with this Bill. The principle of deferred wage which was being talked of has been accepted and I hope the benefits which will accrue from this will also get enlarged and the Government will soon find it possible to come forward with a comprehensive Bill which will meet the various grievances and demands of the workers.

I thank you Sir, for giving me this opportunity. I congratulate the Minister for bringing this Bill and for giving the background which is very necessary to understand the implications of this Bill. Thank you.

DR. SHANTI G. PATEL (Maharashtra): Mr. Vice-Chairman Sir, I welcome the part of the Bill, that is, to the extent it proposes to give a minimum bonus on a permanent basis.

Sir, I have been listening very carefully to the words that the lady Minister uttered when she moved the Bill. She said that there has been a consensus on certain proposals. I have been one of those who have been associated with the discussions with Government in my capacity as General Secretary of the Hind Mazdoor Sabha and at no stage have I found that a consensus was reached at 8.33 per cent. The whole trade union movement—I would like to invite my friend, Mr. Bhatt, who happens to be heading the INTUC to contradict me—unitedly said that the minimum bonus should be 10 per cent. There should be no maximum limit or what he said—to quote Mr. Bhatt's words—there must be 13 months pay at the end of a year. I do not know what this consensus is. It seems to be an alliance between the employers and the Government. They seem to have come to an understanding that the workmen should be deprived of 10 per cent bonus and should be given only 8.33 per cent. On all other points, it seems that things are probably misinterpreted, if I may say so.

[Dr. Shanti G. Patel]

because out of the three parties, the employers, the employees and the Government, between the employers and the Government, a consensus, the so-called consensus, has been reached. So it is absolutely incorrect to say that there was a consensus reached.

Sir, we have reached a stage when the bonus has to be paid as a part of the wage, as part of the normal wage. There has been a history of bonus payment to which a reference has been made by my learned friend, Mr. Dhabe. He has given the whole history.

[Mr. Deputy Chairman in the Chair]

Sir, I was submitting that history has been retraced and it has been pointed out that the whole thing started somewhere in 1917 when the workers in Bombay city were paid what was called war bonus and that is how the whole thing started. As a matter of fact, it goes back to the year 1889 when there was international conference on profit sharing when this particular principle was accepted and it is since then that this principle of sharing profits has been implemented in a number of countries.

Sir, having introduced an Act, so many years back, somewhere in 1965, now it is high time that we take a decision to make this part of the normal wage. It should be paid as such. Workers have come to understand this way that this bonus must be available. The main provision of the Act, makes it compulsory, obligatory, that this minimum bonus should be paid. What the workers are, what their psychology is all of us know very well. It is very necessary that it is paid as part of the wage. Ordinarily, people are paid daily wages or monthly wages. Now, the workers have to be paid on the basis of an year and an annual payment in the form of bonus or whatever name you would like to use, should be made. The Government, particularly

the public sector undertakings prefer to call it an ex-gratia payment. I do not know what sort of *meher-bani* is being shown to the workers. I think, bonus is something which is earned by right. The Supreme Court has upheld this point of view. The Bonus Commission has also upheld this point of view. Hence, it does not lie, if I may say so in the mouth of the public sector undertakings or the Government to say that this is an ex-gratia payment.. This is a payment which is earned as a matter of right and this should be paid as such. Now, a retrograde step has been taken. Even those who were entitled to in the public sector undertakings, particularly, competitive are being deprived of the right which they enjoyed so far. This is a very retrograde step and this is an anti-working class and an anti-labour act of this Government. Sir, I have no expectations from this Government. Their performance during the Emergency is a proof to show that once they get power, they want to utilise, it against the working class. They did so during the Emergency, depriving the workers of their right to bonus of 8.33 per cent, which was available under the law and they also brought it down to 4 per cent. As my friend has given the figures, it amounts to more than Rs. 100 crores. Today, they have come with an amendment which will become a permanent part of this Act. Sir, if they are really repentant, if they really want to repent for their sins, it is not necessary that they have go to the Ganges and take a bath. They can do it by paying Rs 100 crores to these people with interest, who have been deprived of it merely because they changed the law with their majority, with their brute majority which they had at that time and probably, which they enjoy just now in the other House. If they approach this issue from this point of view. I think, the working class has no alternative but to fight against this onslaught on them and it is high time they get themselves orga-

nised and I am sure they will do it. Now, the National Security Bill has been passed. They will have more powers and these powers will be utilised to throttle the working class movement, the free and democratic trade union movement in the country, to deny them their rightful demands and to deny them an increase in their wages, to compensate against the increase in the cost of living.

There is another aspect which I would like to mention and this is in regard to coverage. I would like to know from the hon. Minister, if she or her colleague can enlighten me. I see no reason why a person employed in an establishment, where less than ten persons are employed, should be denied this. What is the basis? What is the principle? Actually, he is the person who needs to be given more protection under the law. He is the worst exploited person and that is why, the law should run to his rescue. The basis of all the laws is that we should provide the minimum conditions and here are the worst-affected sections who have been deprived of this benefit.

Another aspect is, we are not asking for any maximum. We do not want any maximum because most of the private sector undertakings are having two accounts. It is the number two account which is not known, to which nobody has an access, neither the union nor the workers. Calculations are made on the basis of the formula which is made part of this Act, which is given in the Fourth Schedule and other Schedules. On that basis, the calculations are to be made. But it is the account number one and to that also, access is denied. Workers' unions or their representatives should have the right to challenge the correctness of this account. Then and then only we can find out, discover, as to what extent this particular account is true. While concluding, I would only like to submit this. I was very carefully listening to the speech of my good friend, Mr. Bhatt, the President of INTUC.

I was trying to find out whether he was championing the cause of the workers or the party to which he belongs. I am very sorry to say, Sir, that he was supporting the Government approach which is obviously an anti-working-class approach. I was expecting him to say something, to be critical of it. He may not have the courage to oppose the Bill. I can understand that because it has very far and wide implications. But certainly a new President will give a new look to the INTUC. That is what I was expecting of him. But he is taking the INTUC backwards. These are the demands of the INTUC, as I said. This is not something that a single trade union has been asking for. This is something which all of us unitedly have been asking for.

Sir, I would like to make a reference to the statement made in connection with the Palekar Award or recommendations, as they are called. I would like to register my protest. Mr. Palekar had made certain recommendations some time back and these were recommendations which I believe were in favour of the journalists—working and non-working. These recommendations, instead of being improved upon in favour of the journalists, have been diluted, again under the influence of the employers and, Sir, they have been diluted to the extent that what was given in the previous set of recommendations in the form of the city compensatory allowance and other allowances and benefits has been taken away. The Government also has unfortunately sided with the employers and come to the decision that these basic things which were recommended in the first set of recommendations should not be restored. I would still appeal that particularly that abnoxious anti-working class clause taking away the right so far enjoyed by the public sector undertaking employees be removed. Let them withdrawn it. We have moved an amendment. I would expect, if nobody else at least my dear friend, Mr. Bhatt, to support us in this case so that he and I—both of us—can go and say: "Look, at

[Shri Shanti G. Patel]

least there are some persons in this House who will stand for the working class." Thank you very much.

श्री सदाशिव बागाईतकर (महाराष्ट्र) :

उपसभापति जी, जो आर्डिनेंस यहां पर विधेयक बनाने के लिये लाया गया है उस के संबंध में कुछ कहने के पहले मैं एक चीज साफ तौर पर कहना चाहता हूं कि श्रम नीति का विचार आर्थिक नीति को दूर रख कर करना नामुमकिन होता है, इसको शायद माननीय मंत्री जी और सरकार भी भूल गयी है। आखिरकार बोनस की सारी बात जो उठी है उसका संबंध है कि मजदूर की जो कमाई है उससे वह बाजार में कितनी चीजें खरीद कर सकता है। जब रुपये की असली कीमत 19 पैसे, 20 पैसे तक नीचे आ जाय तब मजदूर को बोनस के बारे में कोई पाठ पढ़ाना बेमतलब होगा और जहां एक तरफ सरकार ने डिफेंड वेज का सिद्धांत स्वीकार किया है, जैसा कि अभी भट्ट जी ने फरमाया, यह बड़ी खुशी की बात है, तो क्या ब्रह्म है कि पब्लिक सेक्टर में वह प्रिंसिपल लागू नहीं होता। सरकार के मन की दुविधा आज की नहीं है। पुराना इतिहास इसका अगर आप देखेंगे श्रम नीति के संबंध में तो वह शुरू से चली आयी है। 1947 में जब फेयरवेज कमेटी बनायी गयी थी तब से लेकर, 57 में जब सरकार ने नीड बेस्ड मिनिमम वेज की बात मंजूर की थी और जो थर्ड पे कमीशन बनाया गया था तो नैनीताल की 15वीं लेबर कांफ्रेंस में जो सरकार ने कबूल किया वही सरकार पे कमीशन के सामने जा कर नीड बेस्ड मिनिमम वेज का विरोध करती है। यह सरकार ने किया है और यह इतिहास की चीज है। तो असल में सरकार को अपनी श्रम नीति के बारे में कोई निष्ठा, कोई वफादारी है ही नहीं। वह सिर्फ इतना समझती है कि कांसेन्शस की जो बात अभी वह बता रहे हैं वह अधूरी

है, वह मेरे भाई शान्ति पटेल ने बताया। कांसेन्शस की बात को लेकर सिर्फ ट्रेड यूनियनिस्ट को बुलाना चाहती है लेकिन आखिर में उद्योगपतियों की बात मानी जाती है। कांसेन्शस का यह मतलब है कि दोनों का हित साधन हो। लेकिन इनके लिए क्या मतलब है इसके सैकड़ों उदाहरण हैं। इसलिए मैं चाहता हूं कि बोनस का विचार करते वक्त डेफेंड वेज की व्याख्या अगर सरकार ने ईमानदारी के साथ मंजूर की है तो क्या वजह है कि पब्लिक सेक्टर में डेफेंड वेज नहीं लगेगी? इसका क्या खुलासा सरकार के पास है? सरकार ईमानदार नहीं है और अपनी जो नीति बनाना चाहती है वह स्पष्ट नहीं है। यही इसका एकमात्र कारण है। आज 8.33 का सवाल ही नहीं है। 1972 में यह फारमूला आया था, उस वक्त वेज की लेवल क्या थी, इंडेक्स नम्बर क्या था?

1960 का जो बेसिस माना जाता है उस वक्त 139 इंडेक्स नंबर था आज इंडेक्स हो गया है कम से कम 408 और 410 और जब खाडिलकर साहब ने 8.33 फरमाया था 1972 में तो उस वक्त से भी दुगुना आज हो गया है। 8.33 में भी कौन सी सेक्टिटी है कि उसी को पकड़ कर आप बैठे रहें। जिस वेतन से वह ज़िन्दा नहीं रह सकता है उसमें थोड़ा सुधार कर उसको मदद करना ही अगर वेतन बोनस की व्याख्या है, वही मतलब होता है डेफेंड वेज का तो जो इंडेक्स 1960 में 139 था वह 20 साल के अन्दर चार गुना हो गया है, 408-410 हो जाए और हम 8.33 ही पकड़ कर बैठे रहें तो यह क्या नीति है? यह मेरी समझ में नहीं आता। इसलिए सरकार का इरादा ईमानदारी का है, यह कहने में मुझे हिचक है। कानून आप बना रहे हैं जिसको लेकर मजदूरों के हितों की पूरी हिफाजत करने की स्थिति में आप नहीं हैं, इसलिए जो कानून मजदूर नीति के बारे में आप बनायेंगे उसका और आर्थिक

नीति का कोई सम्बन्ध होता है यह बुनियादी चीज सरकार को समझनी चाहिए।

अभी-अभी जिन चीजों का उल्लेख किया गया, 1975-76 में क्या हुआ? 8.33 का 4 परसेंट आपने किया। सौ करोड़ रुपये मजदूरों से छीन कर उन्हें बोनस नहीं दिया। इसका निष्कर्ष क्या है? निष्कर्ष यह है कि सरकार के मन में चोर छिपा हुआ है। वह समझती है कि बोनस का मतलब किसी किस्म की भीख है। बोनस की असली व्याख्या इस जमाने में जो जमींदार अपने मजदूरों को दीवाली के वक्त में 10-5 रुपये ईनाम के या बख्शीस देती है यही अगर व्याख्या आपके मन में बैठी हुई है तो यही रखा रहेगा। जिस पब्लिक सैक्टर को आपने नजरअंदाज कर दिया तो इसका यही मतलब है कि जो बोनस है उसको वेज का सही सही हिस्सा आप मानने को तैयार नहीं हैं। अगर आपके इरादे सही हैं तो आज जिस बिल को आप लाये हैं, जो चीज आर्डिनेंस में नहीं थी, इस बिल में उसको नहीं लाना चाहिए था, इसको वापस लेना चाहिए था।

श्रीमती राम दुलारी सिन्हा : क्या लाना चाहिए था।

श्री सदाशिव बागईकर : पब्लिक सैक्टर को भी आपको देना चाहिए था। इतनी बात भी आप सरकार की तरफ से नहीं कर सकते तो आर्डिनेंस में जो नहीं था वह बिल में नहीं आना चाहिए था। वह आप कैसे लाये इसका जवाब दे दीजिए। इसलिए मैं चाहूंगा कि सरकार 8.33 परसेंट एक तरफ ला रही है और दूसरी तरफ दूसरों को इससे दूर रखने की कोशिश कर रही है। सरकार के इरादे साफ कहने चाहिए।

श्रीमन्, एल०आई०सी० के बारे में सुप्रीम कोर्ट का जो बोनस का फैसला हुआ

उसमें भी आप रिवीजन में गये हैं। आपकी जो बोनाफाइडीज है वह अगर सही होतीं तो सुप्रीम कोर्ट का जो फैसला हुआ, मजदूरों के हक में, जो कांटेक्ट आपने मजदूरों के साथ किया था उसे तोड़ने का आपको अधिकार नहीं। उसको बरकरार रखिये और बोनस का जो कांटेक्ट था वह आप निभाइये। यह सुप्रीम कोर्ट ने आपको कहा और आप लोग हैं कि उसके रिवीजन में गये हैं कि इस पर फिर से विचार सुप्रीम कोर्ट करे। इसलिये मैं यह सवाल आपके सामने उपस्थित करना चाहता हूं कि आखिर मजदूर नीति मुकम्मलतौर पर आप कब बनाने जा रहे हैं। बनाते-बनाते आपकी छः योजनाएं निकल गईं लेकिन मुकम्मल नीति मजदूरों की आप नहीं बना पाये हैं। इसका परिणाम यह हो रहा है कि हर प्रकार का रेपेटिज्म इसमें चल रहा है जो हम मंजूर नहीं कर सकते। इसलिये हम इसका विरोध करते हैं। आपने जो 8.33 का रखा है इससे हम ही नहीं मजदूर भी खुश नहीं हैं। 8.33 का फार्मुला बिल्कुल अनार्किष्ट हो चुका है आर्थिक स्थिति इतनी बिगड़ चुकी है कि हम इससे खुश नहीं हो सकते और न कोई मजदूर खुश हो सकता है। दूसरी बात मैं यह कहना चाहता हूं कि किसी होटल में दो चार लड़के काम करते हैं, ट्रक अपरेटर के यहां दो-चार लड़के काम करते हैं उन लोगों को आपने इससे वंचित किया है। जिनकी तनख्वाह नाकाफी होती है और जिनको कानून का कोई प्रोटेक्शन नहीं है उनको भी बोनस नहीं मिलेगा। ऐसा न करके कौन सा न्याय आप उनके साथ कर रहे हैं। यह मैं आपसे पूछना चाहता हूं। मेरा कहना यह है कि जो कानून आप सदन के सामने लाये हैं उस कानून से मजदूरों के बारे में जो आपकी नीति है उसका एक मान में पर्दाफाश हो रहा है। इसमें

[श्री सदाशिव बागाईतकर]

कोई नई चीज नजर नहीं आ रही है परिभाषा में जो है उसके प्रतिकूल आपका खयाल है इसलिये मेरे जैसा आदमी इस बिल का तहेदिल से स्वागत नहीं कर सकता। एक परम्परा खाली निभाने के लिये यह बिल लाया गया है इसलिये मैं इसका विरोध करता हूँ।

SHRI HARKISHAN SINGH SUR-JEET (Punjab): Mr. Deputy Chairman, Sir, those who represent the interests of the working class cannot support this Bill without serious reservations and without sharp criticism. Sir, everybody knows that the payment of bonus has a history and it cannot be divorced from the general question of wages. It was in 1947 that the Committee on Fair Wages was appointed and it gave its report in 1948 which mentioned about three categories of wages: living wage, fair wage and minimum wage. Whereas the lower limit was laid down, he had to fight and aspire for the higher level, the living wage. But, Sir, even after so many years 32 years not to say of the higher limit even the lower limit we are depriving the workers of. After 13 years, when the tripartite conference, the 15th Labour Conference, met in 1957, it unanimously came to some decision to tell the working class: Yes we do accept that you should be provided with the need-based minimum wage. How is it calculated? It was supposed that a worker who puts in labour for eight hours has to be supplied with the necessities of life so that he acquires the physical strength for re-production; and it was calculated that he should have money to purchase food worth 2700 calories, he should be provided with clothes, with housing and 20 per cent for miscellaneous expenses. This was unanimously agreed upon by the representatives of labour, capital and the Government. This was called a need-based minimum wage. But today we find that although twenty-three years have passed the

Government has not been able to ensure the working class even the need-based minimum wage. It is in this context that the question of bonus is being discussed today and it is in this context that we note that the concept of bonus has been accepted by the Supreme Court as a deferred wage till the workers reach the fair wage stage. Fair wage is higher than the need-based minimum wage. You are not able to ensure even the need-based minimum wage. Then, why should any category of workers be deprived of bonus, Sir? Here it is not one category. First, a large number of the contract labour, the work-charged labour, are deprived of. They do not get anything. Here it is stated that the Government does not want the contract labour.

It is in this House that the question about the FCI rose, and the Agriculture Minister told, "We cannot dispense with the contract labour." Is it the policy of the Government? One Minister says, "We are against it." Another Minister says, "We cannot dispense with the contract labour." If the Government is not prepared to dispense with the contract labour, they should not talk about their being against the contract labour.

Then, Sir, the departmental personnel come. There are the departmental undertakings, many of them employing a large number of labour, like the railways and the P.&T. They do not fall within the purview of this Bill. Are they not workers? Workers are workers wherever they are working. You are not able to provide them the living wage. You deprive them of deferred wage. Why should the railway workers be deprived of it? Why should the P.&T. workers be deprived of it? Workers are workers. They are working. They are putting in their labour. But they do not come under this category. Their number goes to millions.

Then, Sir, here it is abnoxious. A retrograde step has been taken even

as compared with the Ordinance. You see, the workers under the public sector undertakings which are not competitive in nature, are out of the purview of this Bill, which means, Sir that the steel workers, the BHEL workers will get it, but the workers in the Indian Telephone Industries and the workers in the coal-mines will not get it. Who does not know the coal industry is very important, and the importance of this industry cannot be underestimated because all other industries, most of them, depend on the supply of coal. The coal workers are working under worse conditions. Since it is not a competitive industry, the coal workers who have to face a lot of hardships, are deprived of bonus. Then, Sir, the gold-mine workers are deprived of it because the industry is not competitive. The Kolar Gold Mines workers go down 10,000 ft.—it is the deepest mine in the world—where they have to face accidents every day, five to six accidents every day. In such a difficulty they are working. They are deprived of it. Only the last month, the Prime Minister visited the Kolar Gold Mines when they were celebrating their Hundredth Anniversary. She patted the labour for their hard works and for their difficult conditions. But now when they come to know, when they read this Bill, ...

SHRI KALYAN ROY: You do not know. Already strike notice has been served after her visit.

SHRI HARKISHAN SINGH SURJEET: If they read this Bill what will they find? Her promises and certificate that they were doing good for the country are there. But they do not fall under the purview of it. They are deprived of it. They will not get it. Similarly, the copper-mines workers are getting nothing out of it. It was not in the ordinance. It means that a big chunk of workers will not be getting bonus even after this legislation is adopted. Perhaps, this is the socialism which they talk of, to deprive the workers of their

deferred wage. This is a retrograde step, as I stated. They are more concerned and they think of profit: they do not think of taking away the profit of the monopolies who are everyday going up and up. But when it comes to workers, they ignore them. They remove certain categories. They deprive certain categories, and they tell them that they are not going to benefit out of this.

Then, Sir, this Bill gives another protection to the employers. That is, you have to accept the audited balance-sheet of the company. Who does not know how the audited balance-sheets are made? The workers have gone to the Supreme Court and they have challenged the balance-sheets. The Supreme Court had to intervene, and then the workers got enhanced bonus. The Government now wants to protect by this Bill those who were shielding their profits by saying that the workers are not entitled to challenge the balance-sheet, and whatever balance-sheet is produced by the employers has to be accepted. That is how they want to take care of the workers' interests. This is what they do when they talk about the welfare of the working class. Today you are depriving a large number of workers of their right of challenging the balance-sheet also.

Then, Sir, who does not know that the cost of living index is underestimated and basing it on that, you want to help the big business and others, not the working class?

Then about the minimum bonus, every Member has spoken. Why do you stick to 8.33 per cent when the profits are going up, when inflation is rising every day? Sir, when this quantum of 8.33 per cent was incorporated, it was not the demand of the working class, as my colleague has stated here. The working class always demanded 10 per cent as minimum bonus. But now also if you are not giving 10 per cent, what does it mean? And about the higher ceiling,

[Shri Harkishan Singh Surjeet]

why are you sticking to 20 per cent? When the workers are in a position to bargain for more, you are depriving them of a higher amount which they can get as deferred wage. And not only that, the ceiling of Rs. 750 was fixed 20 years ago. The prices have gone up very much now. But you are still sticking to Rs. 750 even now.

So if you analyse the whole Bill, it is very clear that it is not as if they have taken into consideration the interests of the working class. The workers have fought for bonus and have got it. The Supreme Court also called it deferred wage. After all these achievements of the working class, the Government wants to deprive a big chunk of the workers of even this minimum bonus. And now they want to encourage child labour because they will pay a child only a maximum of Rs. 60. That is how child labour will be encouraged. Whereas every day they are talking about the future generation, the children, when they come to these things, they want to encourage child labour because for them they can pay very low wages.

Similarly, as my other colleagues have said, the attitude of the Government is known. Even after the Supreme Court verdict on the LIC case, they have gone in for revision. They do not want to accept that. This is the position. So I would appeal to the Government that if they genuinely want to do something for the working class, then they should accept at least some of the amendments. Large sections of the working class should not be deprived of this minimum bonus. Otherwise they should not talk about socialism; they should not discredit socialism. That is what I want to submit.

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Deputy Chairman, Sir, I am thankful to you for giving me this opportunity to speak on this rather important subject, concerning crores

of working class people and toiling masses of this country. It is indeed a very good step that we propose to take by enacting this Bill. It means that for all times to come we are going to have 8.33 per cent minimum bonus payable at least to industrial workers. It is a very good step because in the past we saw it was reduced to 4 per cent, although it is the Congress Government only that for the first time had this concept of bonus which we have today. Only not very long ago, bonus was linked with profit. Today it is not so. I am very much against the whole concept of linking it with profit or productivity. I want to make it very clear. In other words, productivity means some profit. That idea of bonus is now completely outdated and outmoded. It is now a well-accepted concept that bonus is nothing but a device to bridge the gap between the living wage and the existing wage or the real wage. Today despite all that has been enshrined in our Constitution including Article 43, the Directive Principles of the Constitution, whereby we decided that the State shall endeavour to secure by suitable legislation or economic re-organisation or in any other way, to all workers including agricultural, industrial and others, a living wage and conditions of work ensuring a normal or a decent standard of life—this is what is provided there in Article 43—work and living wage—during all these thirty odd years of our independence we have failed, miserably failed, in providing this living wage to all our workers, the wage-earners in the Indian society, be it Uttar Pradesh, be it Kerala or Madras. And as I said it was the Congress Government which for the first time changed the concept of bonus and took it almost as a device to bridge this gap in the original Act; 4% minimum bonus was provided, or Rs. 40/-, whichever was higher irrespective of profit. This minimum bonus has to be paid irrespective of profit. Today profit is not there. So we have that concept. And today through this Bill we propose to have

it enacted that for all times to come bonus will be paid to workers at least at the rate of 8.33 per cent, the maximum being perhaps 20 per cent or whatever. It is a very good step. But this much alone is not sufficient when our Constitution directs the State to provide a living wage to its wage earners, be it mine workers or factory workers or shopwallahs or even our Government employees, Class III employees and other wage earners—in them I include MPs also; we have to work a lot, we have to work a lot sitting till 12 o'clock in the night or sometimes there is no limit and we get no bonus; daily allowance is no bonus. What I propose is that our Government should be considerate enough, large-hearted enough—pro-labour it is, there is no doubt about it. I have travelled through the length and breadth of the country since becoming an MP, and today I find in all the States, including Calcutta, that our general public, not political workers, they have absolute faith in the leadership, in the statesmanship, of Mrs. Indira Gandhi and they expect their lot to be improved only by Mrs. Indira Gandhi and none else; they have faith only in the leadership of Mrs. Indira Gandhi; they have no faith in the leadership of anybody else. That is a bare fact. And it was her party alone which for the first time gave 4% minimum bonus. It means employers will have to pay, whether or not they earn profit, because employers are clever guys, they are sly, they can manoeuvre their account books in such a way that even if there is profit, they will show no profit in the books. But today bonus has nothing to do with profit it has nothing to do with productivity. Productivity has to be taken for granted. It has to be ensured at all costs. I do not say that the workers should not work. They are supposed to work and fulfil their responsibility and discharge their duty. We want productivity. But this minimum bonus has to be paid, if you fail to pay living wage to our workers. Even today we are not in a position to pay living wage to our workers, whether they

are in the private sector or in the public sector. Once living wage becomes necessary for all wage-earners, once the State for all practical purposes has accepted this thesis that bonus has to be paid irrespective of profit, then the State must pay this minimum bonus to even its while collar workers, class III and class IV employees and even to agricultural workers, to the teaching and non-teaching employees of our educational institutions. They are all wage-earners who are not getting living wage. In terms of article 43 of the Directive Principles of our Constitution, they must all get minimum bonus. By this Bill you have partly bridged the gap. Why not bridge the full gap? Why not construct the whole bridge? Why only one or two pillars? I should say that our Government and the Labour Minister should give bonus to all the workers and wage-earners of this great country, India. We or the people do not expect this from the Janata Party. In August 1974 a Bonus for All Convention was held. It was convened by Mr. George Fernandes. I too participated in that convention convened by him as Chairman of the National Federation of Indian Railwaymen. I also spoke there and was arrested under the MISA by the Bahuguna Government of my State. There all the Parties and Central trade unions and bank and LIC employees decided that they would agitate if bonus for all was not accepted by the Government. But when Mr. Fernandes became the Industries Minister, during all those 30 months, he never spoke about bonus for all. He never spoke about bonus for public servants. Had election not been in the offing, Mr. Charan Singh, that feudal lord, that founder of treachery in Indian politics bonus would not have been given to Railway employees. P&T employees got it later. So, my suggestion to the Labour Minister is that bonus should be paid, minimum bonus should be paid to all employees. I must congratulate the West Bengal Government for sanctioning Rs. 100/- to all their employees not by way of bonus,

[Shri P. N. Sukul]

but as gratuity. For bonus they referred the matter to the Central Government, but paid Rs. 100/- by way of gratuity. Gratuity is not bonus. They acted rather cowardly. For one year or so they did not pay D.A. at the Central rate. That way they must have accumulated crores of rupees and from that accumulated amount they paid Rs. 100/- to their employees. If we are a socialist country and if we are dedicated to socialism, as we are, and if living wage is still a mirage, we should pay at least the minimum bonus to all the workers of our country.

SHRI U. R. KRISHNAN (Tamil Nadu): Mr. Deputy Chairman, I am sure that this Bill will be supported by all sections of the House. The entire labour classes of India are thankful to the Janata Government because it was they who brought the measure for giving 8.33 per cent bonus. We have to be thankful to the present Government which has made the minimum bonus a permanent feature. My only regret is that no comprehensive review has yet been undertaken regarding all aspects of bonus and that the Government have had to resort to piecemeal legislation which smacks of adhocism and does not show the desire and ability of Government to come to grips with the problem in its entirety. I would request the present Government to bring a comprehensive law regarding bonus. The sooner all connected issues are discussed and firm decisions are taken, the better will it be for the promotion of a sound industrial climate free from the periodic disturbances which disrupt normal production and cause national loss.

I would like to state, at the outset, that the term 'Bonus' itself is open to diverse interpretations and in order that any unnecessary controversy does not develop, there should be a concise and precise definition of bonus leaving no room for ambiguity.

As regards the minimum of 8.33 per cent, this amount is hardly commensurate with the rising cost of living and I am sure a purposeful examination of the issue would reveal the necessity of a high minimum. I would strongly advocate a minimum of 10 per cent. In this connection I would strongly urge against imposition of any ceiling for the payment of bonus. Even if there is any ceiling, I do not find any objections as to why employers who are willing to pay more should not be allowed to do so without seeking permission from the concerned Government for such payment. It should not be forgotten that the aim of any payment is the recognition of the services rendered by an employee and the incentive given by the employer enabling the employee to identify himself heart and soul with the objectives of the organisation and put up his best so that more profits result and more advantages to employees accrue. So that the removal of the maximum limit for bonus will help better all round performance by employees and will result in better economic health and wealth of nation.

It is also a matter for consideration that for the same kind of industry whether in the private or public sector, the rates of bonus should be same. Government should ensure that the public sector projects sail with the private sector in this regard. This type of uniformity will help to stop many burgeoning conflicts due to differing rates in the same area. In cases where industry pays in excess of ceiling, the excess over the ceiling should be distributed in instalments. A part of it can be paid in kind also.

I would also urge that the payment of bonus should not be restrictive in respect of certain classes of employees. Each and every employee should be entitled to the bonus, irrespective whether he is casual labourer or a permanent labourer. Further, in calculating bonus, 60 per cent of allocable surplus of the available surplus is allowed. This should be raised to 75 per cent.

An important suggestion which I would like the hon. Minister to consider specifically is that Government should make provision enabling trade unions to scrutinize the provisions made for purchase of machinery, allowance for depreciation etc., so that the employees' bodies are satisfied that the amount allocated for bonus is not reduced without proper justification, since some of the employers have no compunction in inflating the provisions for depreciation, etc. And in showing that they have only a niggardly sum left for bonus purposes.

Sir, I have to point out that the issue of bonus is something vital for the health of the industry. A sound and far-sighted decision taken in this regard will help to revitalise the economy and give added enthusiasm to workers to participate with zest in the various processes of production, distribution, etc. Co-operation is the need of the hour and the whole-hearted association of the workers with the future of every industry is the *sine qua non* for economic prosperity. It is a fallacy to say that bonus payments will give rise to inflation. It is black money that causes inflation. Willing co-operation of all workers is the surest way to combat inflation by increased production. I would, therefore, strongly urge that a comprehensive law regarding bonus should be brought in consultation with each and every trade union so that the workers, who are already contributing their best, shall be galvanised to participate more fully in the country's interest.

Sir, the bonus today spells ruffled tempers on the part of employees and ragged nerves on the part of the management. The annual business of bonus settlement has become a tense and a traumatic experience. Bonus had become a structural element of remuneration. Regarding bonus, as I have already stated, a comprehensive definition should be brought about. Adjudication under law provided provide little relief as it is a

time-consuming process and left a feeling of defeat in either party's mind. Material incentives for hard work and profit for the factories and good industrial relations between the employees and the employers are some of the considerations for bonus. Bonus whether regarded a deferred payment or increased wages can be regarded as property. Now it is very clear that only the organised workers are being paid bonus and millions of people who are working in the unorganised sector are not at all considered.

It is an admitted fact that both labour and capitalist contribute to earnings of the industrial concern and it is fair that labour should derive some benefit if there is a surplus and the surplus should be available for distribution as bonus. The Bonus Commission has said, "It would be proper to constitute the concept of bonus as sharing by the workers in the property of the concern in which they are employed." The Bonus Commission has recommended bonus for workers even if a particular year the concern has not earned profit.

It is my bounden duty to make a reference to the arrest of Shri C. N. Naidu who is a self-proclaimed leader of the farmers because Shri Gopalswami made a false accusation against our Government. Mrs. Gandhi herself knows the clear and corruption-free Government provided by our leader Puratchi Thalavir M.G.R. Mr. Naidu having lost the battle wants to create a law and order situation to show our Government in a bad light to create trouble for us. We are confident that truth and justice will ultimately prevail and the irrelevant comments of Mr. Gopalswami will be ignored. I will like you to note one fact that while Mrs. Gandhi, the present Prime Minister wanted to meet him when she was out of power, Mr. Naidu who proclaims himself to be the farmers' leader refused to meet her. I say so because I hail from his place. With these words, I conclude.

SHRI KALYAN ROY: First of all, I want to say that our hon. Labour

[Shri Kalyan Roy]

Minister has suffered a great personal loss and I want to share her loss. At the same time, we have got a duty towards the working class and that is why she would forgive us if we are forced to use certain harsh words.

MR. DEPUTY CHAIRMAN: Don't be personal.

SHRI KALYAN ROY: It will not be personal. It will be about the policies pursued since March. What is the position? Concession after concession has been given to the monopolists and the capitalists and this is another instance of another concession. It seems that this Bonus Bill is out of an agreement between the Federation of Indian Chambers of Commerce and Industry, Chambers of Commerce and Industry and the Government of India. Why do I say so? I am not having a dogmatic view at all. I would be earnest to you. If the profits would have gone down and if dividends would have gone down and if the losses would have increased, then definitely the Government would have taken a stand, "Now, look here. We are in a great recession. Industries are losing. Industries are becoming sick. Naturally the workers cannot get their bonus?" I can understand that logic. But what is the position today? Sir, according to the Economic Times Research Bureau Study of 868 companies, December 2nd, 1980 "the overall dividend payment in the private sector in 1979-80 showed a distinct all-round improvement". It further states that the number of companies not paying dividend declined from 252 during 1978-79 to 220 in 1979-80. It further shows that the number of companies which were giving 10 to 15 per cent dividend has gone up from 243 to 250 in 1979-80. Companies which were paying 15.1 to 20 per cent dividend have gone up from 138 to 148. Companies which were paying 20 to 25 per cent dividend have gone up from 40 to 60 and the companies which were giving more than 25 per cent dividend have gone up from 21 to 23. If this is the back-

ground, the companies asking more dividend, even 25 per cent or 30 per cent, then do you think that this Bill will lead to less conflicts, less bitterness, less irritation and less strikes or this Bill will be an additional fuel to the fire which is burning in mines, in ports, in banks, in the LIC and in factories? This is the background, Sir.

Secondly, Sir, Mrs. Sinha should know that this ceiling of 20 per cent is a result of package deal which was introduced in both the Houses by the then Finance Minister. In the package deal, there were guidelines on the basis of which Mrs. Indira Gandhi wanted the working class to accept the ceiling on bonus on the ground, that the employers would not be allowed to issue bonus shares. And the guidelines were given. But all the guidelines have been withdrawn. The result is, Sir, more and more companies are issuing bonus shares. But the restriction, the ceiling on the bonus payment to the working class has not been changed.

Sir, on the 16th December, 1980, Mr. Venkataraman stated in this House that in 1978 234 companies paid bonus shares of Rs. 999.09 lakhs; in 1979, 263 companies paid bonus shares of Rs. 8764.62 lakhs; and between January and November, 1980 232 companies have paid bonus shares to the extent of Rs. 12396.09 lakhs. Rs. 12 crores of bonus shares have already been paid between January to November in this year. And you will expect the working class to be satisfied with 8.33 per cent. Will you call it a fair deal? The restriction on the bonus share is given up. More companies have been tempted to issue bonus shares while the bonus of the working class is frozen.

Secondly, Sir, a question was asked Is the Minister aware that those companies which are issuing bonus shares have issued bonus shares twice a year? And, Mr. Venkataraman stated that 13 companies have issued bonus shares more than twice in the last three years. I am just giving you two figures. The ITC Limited,

Sir, have issued bonus shares in 1978 to the amount of Rs. 379 lakhs. In 1980, between January and November, they issued bonus shares to the amount of Rs. 454.80 lakhs. The Mafatlal Spinning and Weaving issued bonus shares in 1978 to the amount of Rs. 81 lakhs, and in 1980, to the amount of Rs. 162 lakhs. I can give you any number of figures on the basis of the information supplied by the Minister. This is an unfair deal and an alliance, as has been pointed out by Mr. Shanti Patel, between you and the industrialists.

Thirdly, Sir, I would like to plead with him. If you really want them to accept 8.33 per cent, and if you are really serious about it, freeze the issue of bonus shares and put a ceiling on that. If you do not do that, naturally the accusation will be that you are partial, you are not fair to the working class.

Sir, the crux of the whole Bill, as has been pointed out, is the allocable surplus. If there is allocable surplus, only then I can get a little more than 8.33 per cent. And they have issued guidelines on how the allocable surplus will be distributed. But it is not me alone, Sir, even the INTUC—not the INTUC which Mr. Bhatt seems to represent, even men like Mr. Ananda Gopal Mukherjee, M.P., who is the President of the West Bengal INTUC, stated in the other House that on the question of calculating the allocable surplus for bonus in the case of companies which have made profits, it is a well-known fact that in many cases the balance-sheets are fabricated. This is an area where the working class are helpless. Something should be done to save the working class from this difficulty. Sir, this is what Mr. Ananda Gopal Mukherjee has stated in the other House. What have you done about it? I will give you one instance which we have discussed earlier. We did not want to discuss this. But we ultimately agreed to co-operate with the Government to finish the Bill. That is why, Sir, the first two Bills were fin-

ished within one hour. So, you should give some more time for this Bill.

MR. DEPUTY CHAIRMAN: We are almost at the far end of the discussion.

SHRI KALYAN ROY: Sir, we have discussed today the Sen-Raleigh take-over and the nationalisation of the Bird and Company. In both the cases, the Company Affairs Ministry, through its investigation found that the management has systematically fabricated the balance-sheets, showing false figures, and guilty of fraud and embezzlement. There is one factory, the Hindustan Pillington about which we have discussed the other day. There the Company Affairs Ministry made a detailed report which was placed before the House. It is found there that the management is guilty of a systematic fabrication of the balance-sheet from 1968 to 1978, a systematic fabrication of the balance-sheets. And you want to accept the balance-sheets as gospel truth. Even if assuming that 8.33 per cent is all right, 8.33 per cent of what? 8.33 per cent of what or 10 per cent of which figures, which account books, which balance sheets, balance-sheets which you say are fabricated, are manipulated? Is it a protection or is it a stab in the back?

Now, I come to the banking companies. The banking companies we have already been discussing. A large amount of credit which has been given is not very innocent one. Then, how is the bad debt being written off? Why the banking unions will not be able to challenge the balance sheets of the banking companies, because you, by your this Bill, you have totally prohibited banking unions to challenge the balance-sheets. Why? Why this discrimination? Do you think it is proper? Do you think it is fair?

A point has already been raised but I want to repeat it because I am the

[Shri Kalyan Roy]

General Secretary of the Indian Mine Workers' Federation. Coal mines as a whole are nationalised. Copper is nationalised and zinc is nationalised. Eighty per cent of the iron ore is also nationalised. What is going to happen to these people? These are the core industries. Nobody would challenge my statement that coal is the most hazardous, difficult and arduous industry. Now we have been asked to sign an agreement for the *ex-gratia* payment. Is it fair to the coalminers, whose number of deaths per year by accident is 286, unless a disaster like Chasnala takes place, or whose number, who are maimed or put out of action by serious accident, per year is 2700. What is the treatment that you are giving to these people? You say, he is not entitled to bonus. Copper mine workers are not entitled to bonus. Then who is entitled to bonus? Is it fair? Is it justified? Is it proper? Then, who is creating the tension. I know, tomorrow if the coal production comes down, or the zinc production comes down, Mrs. Sinha will come and say, here is the time to apply the National Security Act and pick up the leaders because they are creating troubles. Are you not creating the trouble by denying them the bonus? Who is creating labour unrest today? It is the Government's policy, it is the employers' policy, towards the trade union leaders which is responsible for all these things. We do not want any advantage from you. We do not want any concession from you. But the only thing that we want is that don't discriminate. I am not B. N. Birla or Jain or Mafatlal or Bangur. Our working class does not want one piece more bread than that which we earn by manual labour or intellectual labour. I want a fair share in the industry. The financial policies are now used to protect the monopolists, the big business houses and you jointly, as has been stated by Dr. Shanti Patel, deprive the working class of its legitimate dues. I would again repeat very calmly and

quietly, is it going to contribute to peace in the industrial belt or unrest in the industrial belt?

Sir, my last point is, as has been pointed out, my last two points . . .

MR. DEPUTY CHAIRMAN: Only one point please.

SHRI KALYAN ROY: Sir, please co-operate with us. We have been cooperating with you.

Sir, the Minister knows that during the last two years there has been a wage revision in the mines, in ports, and docks, in jute, and now 70 per cent of the workers in coal mines are piece-rated so that the production goes up. A labourer or a miner works more and he earns more. His earning will go up to Rs. 2000 or Rs. 3000 and he would have to be paid. How is it fair to put a ceiling at Rs. 750/-? Is it fair? Should you not increase it to Rs. 2000 now?

SHRIMATI RAM DULARI SINHA: I am sorry. You should have come to us before. Now, let this Bill be passed. You can discuss the matter with me and we will do something.

SHRI KALYAN ROY: We can meet you; it is a very good suggestion.

MR. DEPUTY CHAIRMAN: You should welcome it; a good suggestion and a good gesture.

SHRI KALYAN ROY: My trouble is, I have been meeting with Mr. Patnaik; he has gone. I have been meeting Mr. Anjiah; he has gone. I do not know how long you are going to remain.

MR. DEPUTY CHAIRMAN: You meet her as long as she is here.

SHRI KALYAN ROY: My last point is, it is very often said that bonus should be linked to productivity. People who are not with the working class, will be easily convinc-

ed and will say: "What objection do we have? Link it with productivity. But may I ask, do the working classes control the working conditions? Does the working class control the inputs? Is it responsible for the non-utilisation of the installed capacity? Is it responsible for the obsolete machinery and equipment? If jute production is not going up, is it because of the fault of the jute workers or is it because for the last 100 years, there has been no modernisation? You have given them Rs. 200 crores as soft loan and they have not utilised this money. Thousands of crores have been given to textile mills but the output has gone down. The worker is not in a position to change the working conditions. Is he in a position to get explosives? Is he in a position to lay the lines through which the coal tubs will pass? The working class is not in a position to control the working conditions or other things. But you want to link his productivity. Is it not in the interest of the employer not to utilise his installed capacity so that he can earn more profits? This talk of productivity-linked bonus sounds very fine but it is absolutely an argument given by J. R. D. Tata which you have swallowed. So, I would request the Minister to kindly have a considered approach. If you want to crush us, that is all right. But do not try to crush us at the same time saying that you are protecting us. This Bill will lead to massive unrest which your ordinance will not be able to control.

SHRIMATI RAM DULARI SINHA:

This Government is to protect the interests of the working class.

SHRI KALYAN ROY: I was told that in 1976 when this 8 per cent bonus was reduced to 4 per cent. At that time I was told the same thing. I must thank Janata Party Government that at least it restored 8.33 per cent. I was the worst critic of them; I was the worst critic of Mr. George Fernandes, Mr. Ravindra Varma.

Please go through the proceedings. But at least, they have restored. But you are not doing anything more. That is my criticism. How are you different from Mr. George Fernandes? Have you extended the coverage? Have you increased the ceiling? Have you increased it to 10 per cent? You have done nothing. So, between Janata and your Government there is no difference at all; both are basically representing the interests of the big business houses, of capitalists. The working class have no other alternative but to fight it out on the streets, whatever the consequences.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): Mr. Deputy Chairman, Sir, the concept of bonus was accepted almost by all the sections. Even Members on this side as well as that side, after series of labour conferences, labour meetings, came to some sort of an understanding that bonus is must and the concept of bonus arose to bridge the gap between the cost of living indices and the wages paid. That is how the concept of bonus arose and that is how the concept of deferred wage came. Though the people on this side have already said, and also as my friend Mr. Sukul was saying, that this concept had been accepted, even the Judiciary and most of the High Courts and the Supreme Court accepted it. The then Chief Justice, Mr. Gajendra gadkar in several judgements accepted this argument keeping in view the fact that ours is a social welfare State and keeping an eye on the fact that the worker should have the minimum need-based wage, because in a conference which was held, the Fair Wages Committee submitted its report saying that living wages, minimum wages, minimum need-based wages should be paid. That is why, Sir, the concept of bonus has been upheld by the judiciary also. This is very important Sir, you know and all of us in the trade union movement also know. The Supreme Court has upheld the payment of customary bonus to the workers. If

[Shri Amarprosad Chakraborty]

the workers have been getting some benefit over the years,—may be *ex gratia*, which, of course, is an illegal term used to deprive the workers their due,—this should continue to be given to them. If the workers have been getting some benefit continuously for the last ten or fifteen or twenty years, it has been held that such payment should continue to be made to the workers. Then, the concept of Puja bonus came into vogue; at the time of festivals and so on, specially in West Bengal. As you know, Sir, during the Durga Puja, some sort of benefits are given. This benefit was termed as Puja bonus. Then, the concept of production bonus was introduced. The whole object is that the workers who are giving some services, who are working day and night should be paid something to enable them to bridge the gap between the need-based minimum and the increase in the cost of living index. Sir, taking 1960 as the base, today, the cost of living index is 390. Now, you have brought forward this Bill. A percentage has been fixed. We know that during the Emergency, workers were denied even this benefit. Let us forget it for the moment. I should have congratulated the hon. Minister if she had brought forward a comprehensive Bill giving full benefits to the workers. What is our experience? For the last ten years, the workers and the poorer sections of the society as well as Government employees, have been getting less and less because the cost of living index is going higher and higher. Their pay is fixed. There has been no alteration. We, in the trade union movement, have been pressing our demand that bonus should be given to all, to the Government employees, the employees in the public sector undertakings, the employees of Posts and Telegraphs, workers in coal mines, steel plants and so on. Bonus should be given to everybody. Sir, is it an unreasonable demand? But instead of doing that, today, the Government has brought forward a Bill

giving 8.33 per cent bonus. Sir, in a big firm, what is the production figure they are showing? You cannot challenge the account. The Bill says that you cannot challenge the account. The books maintained by them will be taken as correct. But Sir, it is within our knowledge, as persons working in the trade union field and as professional persons, these big firms prepare two kinds of balance-sheets and these cannot be challenged. The ceiling has been fixed at 20 per cent. I would have been happy if the minimum percentage had been raised and the maximum had been kept open. But this has not been done. The journalists and other people have been fighting for years and years. But still, we are at the place where we were. Though we talk of a social welfare State, though we talk of socialism, the fact remains, one section of the society is getting richer and richer and the other section is getting poorer and poorer. The gap between the two has not been bridged. Even the present level of difference is not being maintained and this is being snatched away by the statute. Anyway, Sir, it is a silver-lining. At least, the Government have come forward to give this minimum. But I would request the hon. Minister to consider this question. Bonus should be given to all. This should be done. It should be given to everybody.

MR. DEPUTY CHAIRMAN: Please conclude now. You have covered all the points.

SHRI AMARPROSAD CHAKRABORTY: Sir, Rs. 100 is given. This is nothing in these days of high prices. Hence, I would request the hon. Minister to take into account the Directive Principles of the Constitution as well as the present state of affairs in the country and bring forward a comprehensive Bill giving more benefits to the workers. With these words, I conclude.

श्री लाखन सिंह : उपसभापति महोदय, माननीय मंत्री महोदय ने एक बात कही है...

श्री उपसभापति : आप कृपया एक दो वाक्यों में ही अपनी बात समाप्त कर दें।

श्री लाखन सिंह : श्रीमन्, माननीय मंत्री महोदय ने एक बात यह कही कि इस बिल के संबंध में सब कुछ आम राय से हुआ है और इसके संबंध में मजदूरों के संगठनों, सरकार के प्रतिनिधियों और उद्योगपतियों ने एक आम राय जाहिर की है। मैं समझता हूँ कि उनका यह वक्तव्य हास्यास्पद ही नहीं, संसद् को और इस सदन को गुमराह करने वाला भी है। इस बिल में मजदूरों के हितों को चोट पहुंचाने के लिए सीलिंग लगाई गई है, लेकिन पूंजीपतियों, उद्योगपतियों और इजारेदारों के लिए कही पर भी कोई सीमा नहीं लगाई गई है। मजदूरों के हितों के लिए आज आजादी के 30 वर्षों के बाद भी कोई समुचित, समन्वित और व्यापक नीति नहीं बनाई गई है। मैं समझता हूँ कि यह अधूरा बिल है, व्यापक नहीं है। बीस पर सेन्ट से ज्यादा कुछ उद्योगपति अपने कर्मचारियों को जो बोनस दिया करते थे, इस बिल के आने के बाद उस पर सीलिंग लगा दी गई है। मुझे आशंका है कि इस बिल के पास हो जाने के बाद जो पूंजीपति नम्बर एक और नम्बर दो के नाम से जो खाते रखते थे उसमें उनके नम्बर दो के खाते की आमदनी बढ़ेगी और देश में नम्बर दो का व्यापार बढ़ेगा, मुद्रास्फीति बढ़ेगी और महंगाई और ज्यादा बढ़ जाएगी। इस बिल में पूंजीपतियों को ज्यादा सुविधाएं दी गई हैं। इस बिल में कैलकुलेशन के लिए जो सूची पेश की गई है, उसका हिसाब लगाने से पूंजीपतियों को ज्यादा लाभ

होगा। इसलिए यह बिल सर्विधान के अनुच्छेद 43 की भावना के विपरीत है। इसमें आम मजदूरों को लाभ नहीं मिलेगा और पूंजीपतियों को लाभ होगा। जेनरल मैनेजर गेस्टर और प्राइवेट सेक्टर को अलग अलग रखा गया है। इसलिए मैं आपके माध्यम से सभी माननीय सदस्यों से यह प्रार्थना करूंगा कि वे मेरे इस निरनमोदन के प्रस्ताव का समर्थन करें।

SHRIMATI BAI DULARI SINHA: Sir, I thank the hon. Members, Shri Lakhan Singh, Shri Dhabe, Shri N. K. Bhatt, Dr. Shanti G. Patel, Bagaikar Ji, Suneet Ji, Shri P. N. Sakul, Shri U. R. Krishnan, Shri Kalyan ji and Shri Chakraborty for their inputs and they have taken in the subject of the Bill under consideration, and the various suggestions they have made. But I am sorry I am not in a position to accept the suggestion for further amendment of the Act.

At the outset, I would like to make a general point that the demands from the workers and the employers with respect to bonus are somewhat conflicting. We have held discussions with the representatives of employers as well as workers but it has not been possible to reach consensus on many points. The Government has therefore, had to hold a balanced view in the matter. The Bill is the result of that effort.

Coming to the specific point, a suggestion has been made that bonus should be declared as a deferred wage. As the House is aware, there has been no unanimity as to the true nature and purpose of bonus. One of the terms of reference the Bonus Commission was to define the concept of bonus. Commission found it difficult to do so. The practices which have developed regarding payment of bonus do not conform to any specific theory. Therefore, a legalistic view may raise more controversy than solve the problem.

[Shrimati Ram Dulari Sinha]

Another suggestion has been made that the Bonus Act should be extended to all workers in general and to all Government employees in particular. I find that an amendment has been moved to the effect that an establishment which employs just one worker should also be required to pay bonus. I am afraid this is not a practical proposition at this stage of the development of our country. If bonus is to be paid without regard to profits or productivity, it will only add to the cost and unless the establishment is able to afford the cost, it will affect its viability. As the Government does not work for profit if bonus is to be paid to the Government servants, it will be in the nature of an addition to the wages or salaries and should await an overall review of the salary structure in the Government. The Government does not also consider it timely to raise the ceiling limit for payment of bonus as it may add to the inflationary pressure. Several suggestions have been made for raising the percentage or quantum of minimum bonus. Minimum bonus is payable irrespective of whether there is an allocable surplus or not and, therefore, raising the percentage of the quantum of minimum bonus may have serious repercussions on the economy. Therefore, Sir, I am not able to accept any of these suggestions.

A suggestion has been made that the distinction between the competitive and non-competitive units in the public sector enterprises should be removed. This distinction has been maintained since the inception of the Act for good and valid reasons. It is difficult to do away with it at this stage. It may be mentioned that the public sector enterprises have been set up for various purposes. Profit motive is not the sole criterion. In the case of non-competitive enterprises, their profitability depends largely on Government Acts. Profits or the surplus achieved cannot be the basis of payment of bonus to the employees of

such undertakings. It would, therefore, be necessary to evolve separate formulas or schemes for the payment of bonus to them. The practice so far has been to pay them bonus on *ex-gratia* basis. Government feels that this arrangement should continue.

Sir, the Bill before the House is a simple one containing provisions which are mostly non-controversial. I would, therefore, request the House to take it up for consideration and pass it as it is without bringing in any controversial issue.

(Interruptions)

SHRI SHRIDHAR WASUDEO DHABE: Sir, we are entitled to ask questions about the Palekar Award. Yesterday we did.

MR. DEPUTY CHAIRMAN: Yes, have you anything to say?

SHRIMATI RAM DULARI SINHA: Palekar business was finished yesterday, Sir. (Interruptions) I think I have covered all the points.

SHRI SHRIDHAR WASUDEO DHABE: We have made suggestions about payment of night shift allowance.

SHRI SADASHIV BAGAIKAR: Point of order. My point of order is, the hon. Minister has read her speech. How is it that she has already answered the amendments which were supposed to be moved later? I fail to understand.

MR. DEPUTY CHAIRMAN: They were already circulated.

SHRIMATI RAM DULARI SINHA: I said, "Suggestions made by hon. Members."

MR. DEPUTY CHAIRMAN: I will now put the Resolution of Shri Lakhan Singh to vote. The question is:

"That this House disapproves the Payment of Bonus (Amend-

ment) Ordinance, 1980 (No. 10 of 1980) promulgated by the President on the 21st August, 1980."

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now put the motion of Shrimati Ram Dulari Sinha to vote. The question is:

"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.

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

Clauses 2 to 5 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now we shall take up clause 6 of the Bill. There are 17 amendmtns.

Clause 6 (Substitution of new sections for section 10)

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

1. "That a page 2, line 25, for the figure and words '8.83 per cent.' the figure and words '10 per cent.' be substituted."

(The amendment also stood in the names of Shri P. Ramamurti, Dr. Shanti G. Patel and Shri M. Kalyanasundaram)

SHRI SADASHIV BAGAITKAR: Sir, I move:

2. "That at page 2, line 25, for the figure and words '8.83 per cent.' the figure and words '15 per cent.' be substituted."

..(The amendment also stood in the name of Shri Shiva Chandra Jha)

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

3. "That at page 2, line 26, for the words 'one hundred rupees' the words 'one hundred and fifty rupees' be substituted."

8. "That at page 2, line 32, for the words 'one hundred rupees' the words 'one hundred and fifty rupees' be substituted."

13. "That at page 2, after line 33, the following be inserted namely:—

'Provided further that notwithstanding anything contained in the Act or any provision to the contrary, every employee whether employed in an establishment private, public, State sector, or even an establishment employing only one person shall be entitled to a minimum bonus of 10 per cent. of the salary or wage earned by the employee and on the similar basis as mentioned in para 1.'

(The amendment Nos. 3, 8 and 13 also stood in the name of Shri P. Ramamurti)

SHRI M. KALYANASUNDARAM (Tamil Nadu): Sir, I move:

4. "That at page 2, line 26, for the words 'one hundred rupees' the words 'one hundred and eighty rupees' be substituted."

10. "That at page 2, line 32, for the words 'sixty rupees' the words 'ninety rupees' be substituted."

16. "That at page 2, line 40-41, for the words 'twenty per cent.' the words 'fifty per cent.' be substituted."

SHRI SADASHIV BAGAITKAR: Sir, I move:

5. "That at page 2, line 26, for the words 'one hundred rupees' the words 'two hundred and fifty rupees' be substituted."

9. "That at page 2, line 32, for the words 'one hundred rupees' the words 'two hundred and fifty rupees' be substituted."

12. "That at page 2, line 32, for the words 'sixty rupees' the words 'one hundred and fifty rupees' be substituted."

SHRI SHIVA CHANDRA JHA: Sir, I move:

6. "That at page 2, line 26, for the words 'one hundred rupees' the words 'two hundred rupees' be substituted."

(The amendment also stood in the name of Shri Amarprosad Chakraborty)

REDDY (Andhra Pradesh): Sir, I move:

7. "That at page 2, lines 29 to 33 be deleted."

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

11. "That at page 2, line 32, for the words 'sixty rupees' the words 'one hundred rupees' be substituted."

15. "That at page 2, lines 40-41, for the words 'twenty per cent.' the word 'twenty five per cent.' be substituted."

(The amendment Nos. 11 and 15 also stood in the names of Shri P. Ramamurti and Shri Shiva Chandra Jha.)

DR. SHANTI G. PATEL: Sir, I move:

14. "That at page 2, after line 33, the following be inserted, namely:—

'Provided further that notwithstanding anything contained in the Act or any provision to the contrary, every employee whether employed in an establishment private, public, government sector, or even an establishment employing only one person shall be entitled to a minimum bonus of 10 per cent of the salary or wage earned by the employee and on the similar basis as mentioned in para 1.'

17. "That at page 2, lines 40-41, the words 'subject to a maximum of twenty per cent. of such salary or wage' be deleted."

The questions were proposed.

MR. DEPUTY CHAIRMAN: Would anybody like to say anything or shall we go straight to voting? That would be better.

SHRI SHRIDHAR WASUDEO DHABE: Briefly, Sir, I would like to say that we have asked for the amendment to raise the bonus from 8.33 per cent to 10 per cent because now the value of the rupee is less than 16 paise.

MR. DEPUTY CHAIRMAN: Already arguments have been made at length.

SHRI SHRIDHAR WASUDEO DHABE: Another amendment which I would like the hon. Minister to accept is about exclusion of the public sector. It was not there in the Ordinance. I said that clause 11 now added should be deleted because in the Ordinance there is no provision. In the Bill which is now amended it has been brought in, after the Cabinet decision. I would like to know from the Minister when this was decided. The Ordinance does not say anything on the matter and when the Bill is brought here it is said that the public sector will be excluded. Therefore, the position which now stands is that the workers had a statutory right of bonus. They are deprived of their actual right hereafter. What they will be getting is at the mercy of the Government in future. Though we talk of the public sector and its commanding heights and high production and role and responsibilities of workers, two-thirds of the employees in entire industry, will not be getting it. Therefore, I would plead with the Minister even at this stage to agree to my amendment to clause 11 being accepted. Clause 11 should be deleted from the Bill.

SHRI B. SATYANARAYAN REDDY: ... (Interruptions).

MR. DEPUTY CHAIRMAN: Arguments have been advanced for increasing the bonus from 8.33 per cent to 10 per cent and from Rs. 100 to Rs. 150. Would you like to say something?

SHRI B. SATYANARAYAN REDDY: Sir, the amendment which I have moved is as follows: "Provided that where an employee has not completed fifteen years of age at the beginning of the accounting year, the provisions of this section shall have effect in relation to such employee as if for the words 'one hundred rupees', the words 'sixty rupees' were sub-

stituted." This provision should be deleted, so that persons who have not completed the age of 15 years also get Rs. 100. That is my amendment.

SHRI M. KALYANASUNDARAM: Sir, . . .

MR. DEPUTY CHAIRMAN: All the arguments have been advanced. Many hon. Members have spoken on the same point invariably. Have you got anything more to say?

SHRI M. KALYANASUNDARAM: Sir, my friends seek to raise the minimum rate of bonus to 10 per cent and not to restrict the maximum bonus at 20 per cent but at least to make it 50 per cent. Some hon. Members have suggested that it may be 25 per cent. The Title itself is misleading. The payment of minimum bonus is all right, but when you say the payment of maximum bonus it should be called like that. There is no sense in fixing a ceiling with regard to bonus. Workers have earned that right. It has never been given as a gift. How many lives were lost and how much blood was shed by the workers to earn the right to get bonus? It is only in 1965 that the Act came into force. During the Emergency it was reduced to 4 per cent. Now it is restored to 8.33 per cent. It was restored even during the Janata Government period.

About the coverage, the hon. Minister said that it was impossible to help in that regard. I know she as the Minister has to speak like that because the officers have briefed her properly and therefore she is pleading like that. But I would request her: As a mother, you must show some sympathy to the working class. The lesser the number of workers, the more intense is the exploitation. They deserve a special consideration. For example, the beedi workers, the handloom weavers. So the coverage is important. And another thing The 833 per cent bonus or Rs. 100 even for an agricultural labourer should be there. The minimum wage as fixed by various State Governments ranges

from Rs. 5 to Rs. 7 a day. Now you are suggesting a bonus of Rs. 100. How liberal it is! I have suggested Rs. 130.

MR. DEPUTY CHAIRMAN: Some have said Rs. 250.

SHRI M. KALYANASUNDARAM: I have said Rs. 180.

MR. DEPUTY CHAIRMAN: That will cover the whole thing. (*Interruptions*).

SHRI M. KALYANASUNDARAM: I appreciate the gesture shown by her inviting the trade union leaders. (*Interruptions*).

MR. DEPUTY CHAIRMAN: Madam, you answer at the end.

SHRI M. KALYANASUNDARAM: NTUC is there. All trade unions are there. Let her converse another meeting on bonus, discuss it and bring about a proper liberalisation of bonus.

श्री शिव चन्द्र झा : उपमहापति जी, मेरा संशोधन है कि जहां 8.33 परसेंट की बात है इसमें केवल या 10 परसेंट बढ़ाया जाये, मेरा संशोधन है कि 15 परसेंट बढ़ाया जाये . . .

श्री उपमहापति : सौ का किनना किया ।

श्री शिव चन्द्र झा : 15, सौ का नहीं दो सौ का और जहां मिनिमम वई 60 रुपये है वहां 100 रुपये किया जाये और जहां है कि मैक्सिमम 20 परसेंट वहां 25 परसेंट किया जाये । यह कनाज उपमहापति महोदय, जिसको कहते है कक्स, इस विधेयक का है इसलिए दिया गया है और कहते हैं कि देर आयेद दुस्त आयेद, जो कुछ हुआ है अच्छी बात है लेकिन जो मजदूरों का कम्प्रीवूशन है जो उनकी मांग है देश के इतिहास के संदर्भ में, समाज में, वह थोड़ी

[श्री शिव चन्द्र झा]

है इसलिए जो थोड़ा है वह और ज्यादा हो यही मेरी मांग है ।

श्री उपसभापति : आप तो बोल चुके हैं ।

SHRI SADASHIV BAGAITKAR:
Sir, I am not making a speech.

सिर्फ दो मुद्दों के ऊपर मैं कहना चाहता हूँ कि 8.33 की जगह मैंने 15 सुझाया है और उसका संबंध सिर्फ ज्यादा क्वांटम से नहीं है बल्कि परचेसिंग पावर रुपये की से है ।

दूसरी बात मैं यह कहना चाहता हूँ कि अगर सरकार इस तरह के संशोधनों को स्वीकार नहीं करेगी तो हर साल अगस्त-सेप्टेम्बर में बोनस के मामले को लेकर जो अशांति शुरू हो जाती है, जो एक किस्म की अशांति फैलती है उसको रोकना संभव नहीं होगा । इसलिए सरकार को क्वांटम की इस दृष्टि से सोचना चाहिए ।

एक बात और कहना चाहता हूँ कि इस सदन में नेशनल सिक्योरिटी ऑर्डिनेन्स पर जब बहस चली तो कहा गया कि इसका उपयोग ट्रेडयूनियनिस्ट और मजदूरों के खिलाफ नहीं किया जायेगा । कल अखबार में बिहार के एक मंत्री का वक्तव्य आया है बिजली मजदूरों के खिलाफ, उनको चेतावनी ... (Interruptions) दी गयी है कि अगर उन्होंने नहीं किया तो उनके खिलाफ नेशनल सिक्योरिटी ऑर्डिनेन्स का इस्तेमाल किया जायेगा तो वे आश्वासन दे दें । उसको अगर इस तरह से ठुकरायेगे तो ठीक नहीं होगा । इस तरह से मैं चाहता हूँ कि अशांति और दमन का जो सिलसिला चलता है उसको रोकने में इन दो संशोधनों को स्वीकार किया जाये ।

श्रीमती रामदुलारी सिन्हा : मैंने जो कुछ कहा है मैं उसी पर रिस्ट्रिक्ट करती हूँ और मैं आनरेबल मेम्बरान से निवेदन करना चाहती हूँ कि सदन की समाप्ति के बाद वे लोग मुझ से मिले, मुझे बड़ी प्रसन्नता होगी । हम लोग इन तमाम पहलुओं पर विचार करेंगे ।

MR. DEPUTY CHAIRMAN: The question is :

1. "That at page 2, line 25, for the figure and words '8.33 per cent.' the figure and words '10 per cent' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is :

2. "That at page 2, line 25, for the figure and words '8.33 per cent.' the figure and words '15 per cent.' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is :

3. "That at page 2, line 26, for the words 'one hundred rupees' the words 'one hundred and fifty rupees' be substituted"

8. "That at page 2, line 32, for the words 'one hundred rupees' the words 'one hundred and fifty rupees' be substituted."

13. "That at page 2, after line 33, the following be inserted, namely:—

'provided further that notwithstanding anything contained in the Act or any provision to the contrary, every employee whether employed in an establishment private, public, State sector, or even an establishment employing only one person shall be entitled to a minimum bonus of 10 per cent. of the salary or wage earned by the employee and on the similar basis as mention in para 1.'

The motions were negatived.

MR. DEPUTY CHAIRMAN: The question is:

4. "That at page 2, line 26, for the words 'one hundred rupees' the words 'one hundred and eighty rupees' be substituted."

10. "That at page 2, line 32, for the words 'sixty rupees' the words 'ninety rupees' be substituted."

16. "That at page 2, lines 40-41, for the words 'twenty per cent.' the words 'fifty per cent.' be substituted."

The motions were negatived.

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 2, line 26, for the words 'one hundred rupees' the words 'two hundred and fifty rupees' be substituted."

9. "That at page 2, line 32, for the words 'one hundred rupees' the words 'two hundred and fifty rupees' be substituted."

12. "That at page 2, line 32, for the words 'sixty rupees' the words 'one hundred and fifty rupees' be substituted."

The motions were negatived.

MR. DEPUTY CHAIRMAN: The question is:

6. "That at page 2, line 26, for the words 'one hundred rupees' the words 'two hundred rupees' be substituted"

The motions were negatived.

MR. DEPUTY CHAIRMAN: The question is:

7. "That at page 2, lines 29 to 33 be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

11. "That at page 2, line 32, for the words 'sixty rupees' the words 'one hundred rupees' be substituted."

15. "That at page 2, lines 40-41, for the words 'twenty per cent.' the words 'twenty five per cent.' be substituted."

The motion were negatived.

MR. DEPUTY CHAIRMAN: The question is:

14. "That at page 2, after line 33, the following be inserted, namely:—

'Provided further that notwithstanding anything contained in the Act or any provision to the contrary, every employee whether employed in an establishment private, public, government sector, or even an establishment employing only one person shall be entitled to a minimum bonus of 10 per cent. of the salary or wage earned by the employee and on the similar basis as mentioned in para 1'

17. "That at page 2, lines 40-41, the words 'subject to a maximum of twenty per cent. of such salary or wage' be deleted."

The motion were negatived.

MR. DEPUTY CHAIRMAN: Now I put clause 6. The question is:

"That Clause 6 stands part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now we take up clause 8. There are nine amendments, Nos. 18 and 24—Shri Dhabe.

Clause 8 (Substitution of new section for section 13)

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

18. "That at page 3, lines 7-8, for the words 'one hundred rupees' the words 'one hundred and fifty rupees' be substituted."

24. "That at page 3, line 9, for the figure and words '3.33 per cent.' the figure and words '10 per cent.' be substituted."

The amendment Nos. 18 and 24 also stood in the name of Shri P. Ramamurti)

MR. DEPUTY CHAIRMAN. Amendment No. 19—Shri Amarprosad Chakraborty. He is not present. The amendment is not moved.

Amendments No. 20, 22 and 25—Shri Bagaitkar.

SHRI SADASHIV BAGAITKAR: Sir I move:

20. "That at page 3, lines 7-8, for the words 'one hundred rupees' the words 'two hundred and fifty rupees' be substituted."

22. "That at page 3, line 8, for the words 'sixty rupees' the words 'one hundred and fifty rupees' be substituted."

25. "That at page 3, line 9, for the figure and words '3.33 per cent.' the figure and words '15 per cent.' be substituted."

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

21. "That at page 3, line 8, for the words 'sixty rupees' the words 'one hundred rupees' be substituted."

(The amendment also stood in the names of Shri P. Ramamurti and Shri Amarprosad Chakraborty)

SHRI B. SATYANARAYAN REDDY: Sir, I move:

23. "That at page 3, line 8, the words 'or, as the case may be' be deleted."

SHRI SHIVA CHANDRA JHA: Sir, I move:

26. "That at page 3, line 10, after the word 'shall' the word 'not' be inserted."

The questions were proposed.

MR. DEPUTY CHAIRMAN: Has anybody to say anything? I think everyone has spoken on this

SHRI B. SATYANARAYAN REDDY: Sir, since my main amendment has been rejected, this amendment of mine becomes infructuous.

MR. DEPUTY CHAIRMAN: Now I put Amendments No. 18 and 24 of Shri Dhabe. The question is:

18. "That at page 3, line 7-8, for the words 'one hundred rupees' the words 'one hundred and fifty rupees' be substituted."

24. "That at page 3, line 9, for the figure and words '3.33 per cent.' the figure and words '10 per cent.' be substituted."

The motions were negatived.

MR. DEPUTY CHAIRMAN: Now I put Amendments No. 20, 22 and 25 of Shri Bagaitkar. The question is:

20. "That at page 3, lines 7-8, for the words 'one hundred rupees' the words 'two hundred and fifty rupees' be substituted."

22. "That at page 3, line 8, for the words 'sixty rupees' the words 'one hundred and fifty rupees' be substituted."

25. "That at page 3, line 9, for the figure and words '3.33 per cent.' the figure and words '15 per cent.' be substituted."

The motion were negatived.

MR. DEPUTY CHAIRMAN: Now I put Amendment No. 21 of Shri Dhabe.

The question is:

21. "That at page 3, line 8, for the words 'sixty rupees' the words 'one hundred rupees' be substituted."

The motion were negatived.

MR. DEPUTY CHAIRMAN: Now I put Amendment No. 23 of Shri Satyanarayan Reddy. The question is:

23. "That at page 3, line 8, the words 'or, as the case may be' be deleted."

The motions were negatived.

MR. DEPUTY CHAIRMAN: Now I put Amendment No. 26 of Shri Jha. The question is:

26. "That at page 3, line 10, after the word 'shall' the word 'not' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Now I put clause 8. The question is:

"That Clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now we take up clause 9. There are four amendments.

Clause 9 (Substitution of new section for section 15)

SHRI SHIVA CHANDRA JHA: Sir, I move:

27. "That at page 3, line 17 for the words 'twenty per cent.' the words 'twenty five per cent.' be substituted."

29. "That at page 3, line 20, for the word 'fourth' the word 'fifth' be substituted"

30. "That at page 3, line 31, for the word 'fourth' the word 'second' be substituted."

DR. SHANTI G. PATEL: Sir, I move:

28. "That at page 3, lines 16, 17 and 18 the words 'subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year' be deleted."

The questions were proposed.

MR. DEPUTY CHAIRMAN: Mr. Jha, have you anything to say?

श्री शिव चन्द्र झा : से आप बोलने दीजिए, तो...

(Interruptions)

श्री उपसभापति : आप कहिए, कुछ कहना हो तो ।

श्री शिव चन्द्र झा : यह विषय जो है वह तो आप जानते हैं । उसकी तफसील में मैं नहीं जानना चाहता हूँ । जहाँ तक फिगरज की बात है, उसमें परिवर्तन करना चाहता हूँ जिससे कि आपका मतलब निकल जाएगा ।

नवी क्लॉज में "लिमिट आफ 20 परसेंट" है, वहज मेरा है कि 25 परसेंट" हो जाए ।

फिर वहाँ "फोर्थ" एकाउंटिंग ईयर की बात है. यदि एक्सस होगा, तो मेरा है कि "फिफ्थ" ईयर । साल जब घाटा लगेगा, तब फोर्थ ईयर तक ही रहेगा, मेरा है कि फोर्थ नहीं, "सैकण्ड" ईयर तक हो । बस यह मेरे संशोधन हैं ।

श्री उपसभापति : हाँ, ठीक है ।

श्री शिव चन्द्र झा : अब मंत्री महोदया ने कहा कि आकर के बात करें । क्या बात करने में संशोधन मंजूर हो जाएंगे ?

श्री उपसभापति : बात करने में आगे के लिए कोई फ़ैसला हो जाएगा ।

श्री शिव चन्द्र झा : चलिए, आप जवाब दीजिए ।

MR. DEPUTY CHAIRMAN: No reply. Now I put Amendment Nos. 27, 29 and 30 by Shri Jha. The question is:

27. "That at page 3, line 17, for the words 'twenty per cent.' the words 'twenty five per cent.' be substituted."

29. "That at page 3, line 20, for the word 'fourth' the word 'fifth' be substituted."

30. "That at page 3, line 31, for the word 'fourth' the word 'second' be substituted."

The motions were negatived.

MR. DEPUTY CHAIRMAN: Now I put Amendment No. 28 by Shanti G. Patel.

The question is:

28. "That at page 3, lines 16, 17 and 18, the words 'subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Now, I put clause 9. The question is:

"That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill

Clause 10 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now we take up clause 11. There is one amendment by Shri Dhabe, amendment No. 31.

Clause 11 (Amendment of section 20)

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

31. "That at page 4, clause 11 be deleted."

(The amendment also stood in the names of Shri P. Ramamurti, Shri Sadashiv Bagaitkar and Dr. Shanti G. Patel)

Sir, I only want to say that workers in the public sector will now be deprived of the bonus which they were getting up till now. Therefore, I walk-out in protest against this provision.

(At this stage, the hon. Member left the Chamber.)

MR. DEPUTY CHAIRMAN: The amendment is a negative amendment. I will now put clause 11. The question is:

"That Clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clauses 12 and 13 were added to the Bill.

Clause 14: Insertion of new section 24.

SHRI SHIVA CHANDRA JHA: Sir, I move:

32. "That at page 4 line 22, the word 'not' be deleted."

34. "That at page 4, line 24, for the words 'but the trade union of the employees may' the words 'and the trade union or the employees shall' be substituted."

DR. SHANTI G. PATEL: Sir, I move:

33. "That at page 4, line 24, after the word 'such accounts' the following be inserted, namely:—

'Provided the said authority shall have power to allow to challenge the correctness if the accounts are found not genuine or is having irregularities'."

35. "That at page 4, line 24, after the word 'may' the word 'also' be inserted."

(The amendment Nos. 33 and 35 also stood in the names of Shri Shri-dhar Wasudeo Dhabe and Shri P. Ramamurti.)

The questions were proposed.

श्री शिव चन्द्र झा : उपसभापति जी, यह बलाज 14 बहुत ग्रहम है लेकिन विधेयक में जो कुछ है वह कुछ साफ नहीं है और ऐसा नहीं होना चाहिए जब कि उदारता के रूप में यह विधेयक लाया गया है, बोनस बढ़ाने के लिए। यहां पर कजूसी नहीं होनी चाहिए, मजदूरों के प्रति उदारता बरतनी चाहिए। जब बैंकिंग कम्पनी में इम्प्लायर्स और इम्प्लायी में डिस्प्यूट होगा तो फिर वह किसी अथारिटी को रेफर कर दिया जाएगा, तो उस प्रोसीडिंग में जो "ट्रेड अथारिटी है, जिसको रेफर किया जाएगा—

"...the said authority shall not permit any trade union or employees to question the correctness of such accounts...."

इसमें मेरा निवेदन है कि 'नाट' शब्द को उड़ा दीजिए। बैंकिंग कम्पनी के जो एकाउंट्स हैं उन को यदि ट्रेड यूनियन के नेता देखना चाहते हैं तो उसको क्वेश्चन नहीं करेंगे, यह कहां की बात है? उस में आप को डर क्या है? क्या अकाउंट्स हैं, कितने अकाउंट्स हैं, इसके मुतालिक डिस्प्यूट है, उस को ट्रेड यूनियन के नेताओं को देखने में क्या ऐतराज है? इसलिए "नाट" को उड़ा दिया जाए।

दूसरा एक्सप्रेशन है—

"...but the trade union or the employees may be permitted to obtain from the banking company such information as is necessary for verifying the amount of bonus...."

इन्फार्मेशन के लिए वह माग सकते हैं वह इजाजत हो सकती है। उस में मेरा कहना है—एण्ड ट्रेड यूनियन इम्प्लायी, शैल बी परमिटेड। इस में और उदारता लाने के लिए ताकि आपके अकाउंट्स को कोई क्वेश्चन नहीं कर सकता है—सही है तो सही है—लेकिन मजदूर नेता उसको देखना चाहते हैं। आप बोनस के बारे में इन्फार्मेशन की इजाजत देते हैं लेकिन सारे अकाउंट्स के बारे में नहीं। इस लिए मेरा सशोधन है।

श्री उपसभापति : मंत्री महोदय कुछ कहेंगी क्या ?

SHRIMATI RAM DULARI SINHA: I have already replied to that aspect in my earlier reply.

MR. DEPUTY CHAIRMAN: The question is—

32. "That at page 4 line 22, the word 'not' be deleted."

34. "That at page 4, line 24, for the words 'but the trade union or the employees may' the words 'and the trade union or the employees shall' be substituted."

33. "That at page 4, line 24, after the words 'such accounts' the following be inserted, namely:—

'Provided the said authority shall have power to allow to challenge the correctness if the accounts are found not genuine or is having irregularities.'

35. "That at page 4, line 24, after the word 'may' the word 'also' be inserted."

The motions were negatived.

MR. DEPUTY CHAIRMAN: The question is—

"That Clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill."

Clauses 15 to 20 were added to the Bill.

Clause 21 (substitution of new Schedule for the Third Schedule.)

MR. DEPUTY CHAIRMAN: There is one amendment, No. 36, in the name of Dr. Shanti Patel. But this is a negative amendment. Now I shall put the Clause to vote. The question is—

“That Clause 21 stand part of the Bill.”

The motion was negatived.

Clause 21 was added to the Bill.

7 P.M.

Clause 22 was added to the Bill.

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

SHRIMATI RAM DULARI SINHA: Sir, I beg to move:

“That the Bill be passed.”

The question was proposed.

DR. SHANTI G. PATEL: Mr. Deputy Chairman, in this context I would only invite the attention of the Government to the policy which was being pursued in formulating this Bill, particularly to the approach for payment of bonus. I have already pointed out that it has a certain history. I would not like to go into it again. During the period of emergency this 8:33 per cent was reduced to 4 per cent. After that in 1977 when the Janata Party Government came into power, there were discussions with the leaders of the trade unions which included INTUC, AITUC, CITU, HMS and some others, and it was decided that we should have a comprehensive Bill and we should go into the various sections of that Bill and liberalise it in a manner so that it gives real benefit to the workers. That was the approach. I wish the Government which followed the Janata Party Government had adopted this approach and brought about a comprehensive Bill so that all these benefits are made available to workers. By ‘comprehensive’ what I

mean is that apart from this minimum there should be no limit for the maximum as far as payment of bonus is concerned. It should be made part of the collective bargaining process. The upper limit should be decided depending on the circumstances in a particular establishment. Here the importance lies in finding out what is the surplus or profit available for distribution of bonus. The present formula is not a scientific formula. It is heavily weighted in favour of employers. The only way to get over this problem is not to have any upper limit as far as payment of bonus is concerned. This is the demand of the trade unions as a whole.

Another aspect I would like to deal with is that the principle of payment of bonus should be made applicable... (Interruptions).

MR. DEPUTY CHAIRMAN: Order, order. Order, please.

DR. SHANTI G. PATEL: The sub-committee is still going on there. I was saying that the principle of payment of bonus should be made applicable to every wage-earner, irrespective of the nature of employment, irrespective of the number of people employed and irrespective of the nature of the employer. I am particularly referring to railwaymen and all Government servants including those persons who are sitting in the centre and taking downnotes. The reason is obvious. The reason is that even under the Bonus Act bonus is payable by an employer whose company is running into losses continuously for four years. Bonus has to be accepted as part of the normal payment. That is why I see no reason why some categories are discriminated against. I would, therefore, still like to appeal to the hon. lady Minister to reconsider the case of public sector undertakings. We can meet her thousand times in her chamber. Who will not like to meet a lady? We will certainly meet her and pay our respects to her. Here we are talking in a House for amending the Act for which her consent is necessary.

श्री शिव चन्द्र झा : प्रश्न :

(Interruptions)

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

(Interruptions)

श्री शिव चन्द्र झा : उपसभापति महोदय, चूँकि आप मुझे बोलने नहीं दे रहे हैं इस लिये मैं वाक आउट करता हूँ।

(At this stage, the hon. Member left the Chamber)

(I) STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE TEA (AMENDMENT) ORDINANCE, 1980.

(II). THE TEA (AMENDMENT) BILL 1980

SHRI HARI SHANKAR BHABHRA (Rajasthan): Sir, I beg to move:

"That this House disapproves the Tea (Amendment) Ordinance, 1980 (No. 15 of 1980) promulgated by the President on the 13th October, 1980."

Sir, my basic aim in moving this Resolution is to highlight that the extraordinary legislative powers conferred upon the President under Article 123, sub-clause (1), are being misused by the Government. By promulgating such Ordinance for petty matters which are of routine nature, there was no such urgency for the promulgation of the Ordinance or amendment of the Act. The decision of the Calcutta High Court against the Government is no valid reason to justify the act of issuing such Ordinance, particularly when the appeal is already pending against the decision of the High Court in the Supreme Court, preferred by the Central Government. This tendency to issue Ordinances as a routine should be discouraged, because this is an unnecessary encroachment

on the authority of Parliament to legislate. I, therefore, oppose the promulgation of the Ordinance in question.

Sir, the tea industry today is going through a crisis. There are many important matters concerning the industry which require very serious and immediate consideration by the Government. The Tea Act itself has become so complicated that it requires complete overhauling, and instead of bringing amendments, piecemeal amendments, the Government should have brought a comprehensive Bill to the Tea Act itself. The Tea Board today cannot function as an effective body and it has to depend so much, rather entirely, on the bureaucrats and the Central Government. The Tea Board has to transact business of a routine nature and it cannot take decisions on important policy matters and will always depend on the Government. There are many important problems which the Government should have taken up on a priority basis and I would, therefore, enumerate some of them. I think, Sir, that since our tea industry is earning a substantial portion of our foreign exchange, the hon. Minister will certainly consider these important points:

(1) To consider the present arrangement of marketing of tea in India by way of direct sales, consignment sales, auction sales, etc., and to decide what would be the best arrangement for marketing of tea with a view to ensuring a fair unit value realisation in the domestic market as well as the highest possible realisation in the export market.

(2) To consider arrangements which would eliminate the chances of collusive sales in domestic markets as well as under-invoicing in exports.

(3) To consider the role of the London auctions in the marketing of Indian tea and to examine as to whether the best solution would lie in allowing auctions of tea only in India.