

MR. DEPUTY CHAIRMAN: I know that.

SHRI D. RAJA: It is good that the Leader of the House clarified, this shall ...*(Interruptions)*... come into force retrospectively. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay; you are supporting. ...*(Interruptions)*.. Yes, all are supporting.

SHRI D. RAJA: Sir, as suggested by ...*(Interruptions)*..

MR. DEPUTY CHAIRMAN: That is enough. ...*(Interruptions)*.. You are supporting. You take your seat. Why to waste time?

SHRI D. RAJA: Sir, please listen to me. As suggested by Comrade Sitaram Yechury, Government should have an open mind and revisit some of the considerations after consultation.

MR. DEPUTY CHAIRMAN: Okay. ...*(Interruptions)*... It is already 2.50 p.m. I would have adjourned the House. But this is a Bill for workers and for the benefit of workers. So, let us pass it without discussion if all of you agree. Now, the Minister to move.

---

**GOVERNMENT BILLS — *Contd.***

**The Payment of Bonus (Amendment) Bill, 2015**

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): Sir, I move:

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

*The question was put and the motion was adopted*

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause-by-Clause consideration of the Bill. In Clause 2, there is one amendment by Dr. T. Subbarami Reddy. ...*(Interruptions)*... He is not here. So, amendment is not moved. ...*(Interruptions)*...

*Clause 2 was added to the Bill.*

...*(Interruptions)*...

श्री हुसैन दलवाई (महाराष्ट्र): सर, एक मिनट, मेरी बात सुन लीजिए। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: In Clause 3, there is one amendment by Dr. T. Subbarami Reddy. ...*(Interruptions)*.. Please sit down. ...*(Interruptions)*... At the last

reading, I will allow you. ...*(Interruptions)*... Dr. Subbarami Reddy is not here. ...*(Interruptions)*... So, amendment is not moved. ...*(Interruptions)*...

*Clause 3 was added to the Bill.*

*Clause 4 was added to the Bill.*

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

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

SHRI BANDARU DATTATREYA: Sir, I move:

‘That the Bill be passed.’

*The question was proposed.*

SHRI SITARAM YECHURY (West Bengal): I am sorry, Sir. I was speaking to him in Telugu. I said that the Parliamentary Affairs Minister, the Finance Minister and all agree that let the Minister make this assurance that there will be an open mind to discuss it with the representatives of the workers before asking the Bill to be moved. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You have an open mind. ...*(Interruptions)*... Only say whether you agree to that or not. ...*(Interruptions)*...

SHRI BANDARU DATTATREYA: Sir, I must inform the House that in the interests of workers, we have done it with retrospective effect. ...*(Interruptions)*... I have consulted all the trade unions and I had meetings with them. I have come here after consultations.

MR. DEPUTY CHAIRMAN: Okay. ...*(Interruptions)*...

SHRI P. BHATTACHARYA (West Bengal): Sir, I have a point. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, bonus should not be treated like that. ...*(Interruptions)*... Bonus has always been a deferred payment. ...*(Interruptions)*... In this Bill, have you brought it up? We have not seen the Bill.

MR. DEPUTY CHAIRMAN: No, no. That is the definition. ...*(Interruptions)*... Yechuryji, that is the definition of bonus. Don't worry. ...*(Interruptions)*...

THE MINISTER OF URBAN DEVELOPMENT, THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): I can assure you that we will have an open mind. ...*(Interruptions)*... We will welcome it with an open heart.

MR. DEPUTY CHAIRMAN: Now, the Minister may move that the Bill be passed. ...(Interruptions)...

**विपक्ष के नेता (श्री गुलाम नबी आज़ाद):** डिप्टी चेयरमैन सर, बिल पास करेंगे, लेकिन इनकी बात तो सुन लीजिए। ...**(व्यवधान)**... ये ट्रेड यूनियन लीडर हैं, एक मिनट इनकी बात तो सुन लें। बात सुनने में क्या जाता है? ...**(व्यवधान)**...

† قائد حزب اختلاف (جناب غلام نبی آزاد): ڈپٹی چیئرمین سر، بل پاس کریں گے، لیکن ان کی بات سن لیجئے۔۔۔**(مداخلت)**۔۔۔ یہ ٹریڈ یونین لیڈر ہیں، ایک منٹ ان کی بات تو سن لیں۔ بات سننے میں کیا جاتا ہے؟۔۔۔**(مداخلت)**۔۔۔

What is the problem in just hearing him? Just give him one minute.

SHRI P. BHATTACHARYA: Bonus is a deferred wage. Now, they are trying to delay. That will be dangerous to the workmen. Now, if any factory is a profit-making factory, it can get more bonus. Now, they will cut it according to the ceiling limit. Why are they trying to do this? So, it will be delinked with the wages. It would be dangerous for the workers.

MR. DEPUTY CHAIRMAN: Okay. Now Mr. Husain Dalwai. ...(Interruptions)... Now Mr. Husain Dalwai. ...(Interruptions)... Okay, Mr. Bhattacharya, now you take your seat. You have made your point. ...(Interruptions)... You have made your point. ...(Interruptions)... No, no. Husain Dalwai.

**श्री हुसैन दलवाई (महाराष्ट्र):** सर, मेरा यह कहना है कि ...**(व्यवधान)**... येचुरी जी ने जो मुद्दे उठाये हैं, उन्हें बिल्कुल मान्य करना चाहिए। यह गवर्नमेंट कभी भी युनियन के लीडर्स के साथ ठीक ढंग से बात ही नहीं करती और इस तरह से डिसीजन ले लेते हैं, यह बिल्कुल गलत बात है। मेरा कहना है कि लोगों की सैलरी अभी इतनी बढ़ गयी है और इन्फ्लेशन भी बढ़ गया है, तो जो डिमांड किया गया है और इन्होंने जो ऑफर किया है, इसमें बहुत बड़ा फर्क है। मेरा कहना है कि यह लिमिट जो है, कम से कम 30 हजार तक लेकर जाना चाहिए।

**श्री उपसभापति:** लिमिट इंक्रीज करने की बात है।

SHRI SITARAM YECHURY: Sir, what Shri P. Bhattacharya is saying...

MR. DEPUTY CHAIRMAN: No, no. You have already made your point.

SHRI SITARAM YECHURY: Please. One minute. Sir, what Mr. Pradeep Bhattacharya raised is a very important point. That is why I had requested the Government to assure that they would go on to this with an open mind. Do not fix a ceiling limit?

† Transliteration in Urdu script..

THE MINISTER OF FINANCE, THE MINISTER OF CORPORATE AFFAIRS AND THE MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY): Sir, may I just set the record...

SHRI P. BHATTACHARYA: Sir...

MR. DEPUTY CHAIRMAN: Mr. Bhattacharya, you have already spoken.

SHRI P. BHATTACHARYA: Let the hon. Finance Minister say that...

MR. DEPUTY CHAIRMAN: What you have spoken is already on record.

SHRI P. BHATTACHARYA: It is not about the record. Let the Minister say what he wants to do. He is avoiding it. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: They want an increase in the limit.

SHRI ARUN JAITLEY: Sir, may I just clarify ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please sit down. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY (West Bengal): Please allow the lady Member to say just one line. ...*(Interruptions)*...

MS. DOLA SEN (West Bengal): Hon. Deputy Chairman, Sir, I have a submission to make.

MR. DEPUTY CHAIRMAN: Hon. Lady Member, please make your point.

MS. DOLA SEN: Hon. Deputy Chairman, Sir, I have to make a submission. इससे पहले जो निर्मला सीतारमण जी ने डब्ल्यूटीओ के बारे में लाया था, आपने बताया था कि वह डिस्कशन करके, इसको भी निश्चित हो या नहीं हो, इसको खत्म कर देंगे, लेकिन फिर third Supplementary List of Business आ गया। ...*(व्यवधान)*...

श्री उपसभापति: वह हो गया।

सुश्री दोला सेन: सर, हम भी ट्रेड यूनियन से जुड़े हैं। क्योंकि यह वकर्स के बारे में है, तो इतनी जल्दीबाजी में यह करना ...*(व्यवधान)*... हम यह शक नहीं करते, लेकिन यह हो सकता है कि कोई प्वाइंट छूट जाए। Bonus is a very serious issue. तो इसको लेकर इतनी जल्दीबाजी न करें, तो वह अच्छा होगा। ...*(व्यवधान)*... यह एकदम ठीक नहीं है।

MR. DEPUTY CHAIRMAN: Are you opposing it or supporting it?

MS. DOLA SEN: Sir, I don't know what is to be done. So, I want to discuss it. I want a discussion.

MR. DEPUTY CHAIRMAN: Okay. ...*(Interruptions)*... How many times do you want to speak? ...*(Interruptions)*... No, no. Yes, the Finance Minister, please.

**3.00 P.M.**

SHRI ARUN JAITLEY: Sir, I want to put the whole controversy to rest.

There are only two significant changes. The first is that it is a 2015 Act because we are passing it in the month of December, 2015. But by a deeming provision, it will come into effect from the first of April, 2014 so that the expanded definition of bonus is retrospectively applicable for the year 2014-15. Then, wherever numericals have existed, earlier the ceiling was ₹ 10,000 in Section 2 of the principal Act. That ceiling of ₹ 10,000 has become ₹ 20,100 and...

ONE HON. MEMBER: ₹ 30,000, please.

SHRI ARUN JAITLEY: Please oppose this Bill! Let us not be hypocritical. You did not increase the limit in ten years. We are increasing it from ₹ 10,000 to ₹ 21,000. ...(Interruptions)... This is the amendment in the Bill. You have a look at it. There is no change in the definition of bonus at all.

MR. DEPUTY CHAIRMAN: There is no change in definition. ...(Interruptions)... Yechury ji, there is no change in definition. ...(Interruptions)... Now, Motion already moved that the Bill be passed. ...(Interruptions)... Already moved, Isn't it? ...(Interruptions)... Motion moved that the Bill be passed. Yes, the question is:

‘That the Bill be passed’.

The motion was adopted.

#### **SPECIAL MENTIONS\* – Contd.**

MR. DEPUTY CHAIRMAN: Now, Special Mentions to be laid on the Table. Shri C.P. Narayanan. No. Shri Abdul Wahab. No. Shri P.L. Punia. Lay it on the Table, please.

#### **Demand for bringing legislation for reservation in promotions to employees belonging to ‘SCs/STs category’**

**श्री पी. एल. पुनिया** (उत्तर प्रदेश) : महोदय, सर्वोच्च न्यायालय ने 28 अप्रैल, 2012 को उत्तर प्रदेश सरकार द्वारा पदोन्नति में आरक्षण और परिणामी ज्येष्ठता की व्यवस्था को असंवैधानिक घोषित कर दिया था। साथ ही 15 नवम्बर, 1997 के बाद प्रमोशन में आरक्षण और परिमाणी ज्येष्ठता के आधार पर पदोन्नति पाने वाले कर्मियों को रिवर्ट करने को कहा था। सुप्रीम कोर्ट के फैसले को निष्प्रभावी बनाने के लिए 2012 में केंद्र सरकार 117वें संविधान संशोधन का प्रस्ताव लाई। इसमें संविधान के अनुच्छेद 16 (4) (a) जोड़ने का प्रस्ताव किया गया है। अनुच्छेद 335 राज्य सरकारों

\* Laid on the Table.