

achieve the objectives. The structure of the Planning Commission, its composition, the way it works, all these need a careful examination. Otherwise, we will continue to remain at 128, may even go to 130 rank a further.

#### **Minimum Support Price For Paddy**

SHRI SU. THIRUNAVUK.KARASAR (Madhya Pradesh): Sir, the majority of the country's population depends on agriculture. But the agriculture sector contributes only about 18 per cent of the total gross domestic product, with more than 60 per cent population dependence, resulting in lower per capita income in the farm sector. Consequently, there is a large disparity between the per capita income in the farm sector and the non-farm sector and the cost of the essential inputs, such as seeds, fertilizer, electricity, manure, pesticides, labour and farm equipments such as tractors, pump sets, harvesting machines etc. increased tremendously which put the farmers into hardships and debt. In the past 6 years, nearly 2 lac farmers have committed suicides. Because of the heavy loss incurred in paddy production, most of the paddy producers are losing interest in farming. Out of the total Indian farmers, 70 per cent are paddy producers. The total production of paddy has been considerably reduced. Now, the Central Government is paying more price to the farmers abroad for importing wheat. The stage may come when the Government of India may be compelled to import rice also. The farmers are agitating in all the paddy-growing States every day. Most of the Chief Ministers from various States have requested the Central Government to increase the minimum support price of paddy. I request the Central Government to fix the minimum support price of paddy on par with wheat at Rs. 1000 per quintal immediately and orders should be passed as early as possible.

#### **GOVERNMENT BILLS The Payment of Bonus**

##### **(Amendment) Bill, 2007**

THE MINISTER OF OVERSEAS INDIAN AFFAIRS (SHRI VAYALAR RAVI): Sir, on behalf of Shri Oscar Fernandes, I beg to move:

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

*The question was proposed.*

**श्री अजय मारू** (झारखंड) : उपसभापति महोदय, मैं आभारी हूँ कि आप ने मुझे बोनस संदाय (संशोधन) विधेयक, 2007 पर अपने विचार रखने का अवसर दिया।

महोदय, इस विधेयक में जो प्रावधान अभी लागू किए गए हैं, उन को पहले ही ऑर्डिनेंस के माध्यम से 28 अक्टूबर, 2007 को महामहिम राष्ट्रपति जी के निर्देशानुसार लागू कर दिया गया है। महोदय, यह एक अति महत्वपूर्ण विधेयक है और इसमें हमारे श्रमिकों को जो बोनस भुगतान होता है, उस में बढ़ोतरी की गयी है। महोदय, सरकार इस विधेयक को पिछले सत्र में भी ला सकती थी। लेकिन ऑर्डिनेन्स के माध्यम से इसे लागू करने की जो एक प्रथा इस सरकार की है, इसका मैं विरोध करता हूँ।

महोदय, भारतीय श्रम सम्मेलन के 41वें सत्र में, जो अप्रैल, 2007 में हुआ था, उसमें इसकी सिफारिश की गई थी और इस सिफारिश पर सरकार ने ध्यान भी दिया। बोनस की यह जो सीमा है, इसको बढ़ाकर साढ़े सात हजार रुपए करने का प्रस्ताव श्रम आयोग ने दिया था, लेकिन सरकार को मैं धन्यवाद देना चाहता हूँ कि यह जो साढ़े सात हजार रुपए का सुझाव था, उसे बढ़ाकर उसने स्वयं इसे दस हजार रुपए कर दिया। यह एक स्वागत-योग्य कदम है और इसके लिए विशेष तौर पर मैं माननीय मंत्री श्री ऑस्कर फर्नांडिस को बधाई देता हूँ।

महोदय, यह बोनस विधेयक वर्ष 1965 में बना था और इसमें समय-समय पर संशोधन हुए, लेकिन सबसे बड़ा संशोधन साढ़े तीन हजार रुपए से दस हजार रुपए का इस वर्ष किया गया। वर्ष 1965 में यह सीमा 1600/-

रुपए की थी, 1985 में यह 2500/- रुपए की थी और 1993 में यह सीमा 3500/- रुपए की हुई और अब 14 वर्षों के बाद इसे बढ़ाकर 10,000/- रुपए किया गया है। हालांकि यह काम पहले हो जाना चाहिए था, लेकिन अब हुआ है और इसके लिए मैं पुनः मंत्री जी को धन्यवाद देता हूँ।

महोदय, जैसा कि इस विधेयक में कहा गया है कि मूल अधिनियम की धारा 2 के खंड 13 के अंदर 3,500/- रुपए के स्थान पर 10,000/- रुपए की सीमा रखी गई है और मूल अधिनियम की धारा 12 में 2,500/- रुपए के स्थान पर 3,500/- रुपए किए गए हैं। इसी के साथ ही इसमें एक और संशोधन हुआ है, जो धारा 32 के खंड 6 को बदला गया है। इसमें जो कंस्ट्रक्शन उद्योग में ठेकेदारों के अधीन जो श्रमिक आते हैं या कांटेक्टुअल लेबर्स जो रहते हैं, जो निर्माण-कार्य में लगे हुए हैं या अन्य प्रकार के कार्यों में श्रमिक लगते हैं, उनको भी सम्मिलित किया गया है, जो एक बहुत अच्छा निर्णय है। मैं माननीय मंत्री जी से जानना चाहूंगा कि जो ठेकेदारों के अधीन गांवों से श्रमिक निर्माण-कार्यों के लिए आते हैं और जो एक दिन काम पर आते हैं, दूसरे दिन चले जाते हैं, उनकी एकाउंटेबिलिटी कैसे होगी? फिर इन लेबर्स को प्रोविडेंट फंड के दायरे में लाया गया है, लेकिन अकसर यह देखा जाता है कि निर्माण-कार्यों में जितने भी मजदूर लगे हुए हैं, वे एक दिन आते हैं, दो दिन नहीं आते हैं, फिर आते हैं, फिर कभी नहीं आते हैं, इस सब के चलते उनको इन प्रावधानों का लाभ कैसे मिलेगा? इसके लिए क्या तरीका अपनाया जा सकता है? यह मंत्री जी जरूर बताएं।

महोदय, इस अवसर पर मैं एक और बात माननीय मंत्री जी से कहना चाहूंगा कि एक महत्वपूर्ण मुद्दा असंगठित मजदूरों को बोनस की परिधि में लाने का है और दूसरा मुद्दा बोनस सीलिंग को 8.33 प्रतिशत से बढ़ाकर 12 प्रतिशत करने का है, ये दोनों मुद्दे विचारणीय हैं। मैं सरकार को सुझाव दूंगा कि असंगठित मजदूरों को विधेयक की परिधि में लाने पर अवश्य विचार किया जाना चाहिए, क्योंकि देश में असंगठित मजदूरों की बहुत बड़ी संख्या है और उन्हें हमारी सहानुभूति और समर्थन की आवश्यकता है।

चूंकि यह विधेयक ऑर्डिनेन्स के स्थान पर लाया गया है, अतः मैं इसका समर्थन करता हूँ और अनुरोध करता हूँ कि समाज के जो वर्ग फिलहाल इस विधेयक की परिधि से बाहर हैं उनकी मांगों पर भी विचार होना चाहिए। बहुत-बहुत धन्यवाद।

**श्री जी० संजीव रेड्डी (आंध्र प्रदेश) :** उपसभापति महोदय, इस बोनस अमेडमेंट बिल का मैं समर्थन और स्वागत करता हूँ। पिछले कई सालों से मजदूर तहरीक और मजदूर आन्दोलन इस बारे में डिमांड कर रहे थे कि चूंकि बोनस कानून में पिछले 17 वर्षों से कोई अमेडमेंट होना चाहिए। बोनस में जो तब्दीली हुई है, और इसे इम्प्लीमेंट किया गया है, मैं उसका स्वागत करते हुए सरकार से यह एक बात कहना चाहता हूँ कि बोनस देना वर्कर्स पर कोई दया या मेहरबानी नहीं है, बल्कि बोनस वर्कर्स का अधिकार है, राइट है। बोनस, मुनाफे में वर्कर को एक भागीदार बनाने के बारे में उनका एक राइट है।

सर, हमारे देश में कई सालों से एक स्ट्रगल चल रही है कि प्रॉफिट में वर्कर को हिस्सेदार बनाया जाना चाहिए। इंडस्ट्री में या कारखाने में जब मुनाफा आता है तो उस मुनाफे में वर्कर को हिस्सेदार बनना चाहिए। इस बारे में बहुत दिनों से स्ट्रगल चल रही है, सरकार से बातचीत चल रही है, आज से नहीं बल्कि हमारे पूर्व प्रधान मंत्री पंडित जवाहर लाल नेहरू जी और श्रीमती इंदिरा गांधी जी ने भी इस बारे में बातचीत की थी। आखिर में जब यह सुप्रीम कोर्ट में गया कि बोनस मुनाफा है या नहीं है, उस पर सुप्रीम कोर्ट ने यह कहा कि बोनस जो मिलता है, वह **fallback wage** होना चाहिए। यानी बोनस मुनाफे के अंदर भागीदारी नहीं है, बल्कि हिन्दुस्तान में जो वर्कर को मिलना चाहिए, वर्कर को जीवन गुजरने के लिए जो पगार मिलनी चाहिए और जो मिल रही है, इसके बीच में जो डिफरेंस है, उसको भरने के लिए इस बोनस को लिया जाना चाहिए। इसलिए सुप्रीम कोर्ट ने उसको **fallback wage** कहा। जब बोनस की यह **definition** सुप्रीम कोर्ट ने दी उसकी पगार को क3,500 मानकर ही बोनस देने का कोई साइंटिफिकली मतलब नहीं है। फिर यह कहना कि 10,000 से ऊपर पगार पाने वालों को बोनस नहीं मिलेगा, सही नहीं है। सर, गवर्नमेंट को यह बेसिक प्रिंसिपल तय करना पड़ेगा कि अगर सुप्रीम कोर्ट ने यह कहा है कि **Bonus payment is a fallback wage and fallback wage** हम उसे बोलते हैं कि वर्कर्स का जो **wages** ड्यू है, वह **wages** उनको नहीं मिलता है, तो जो **wages** कम मिला है, उसकी भरपाई बोनस के जरिये की जाती है, यह समझा जाता है। जब यह भरपाई करने के लिए दिया जा

रहा है तो फिर सीलिंग किस बात की है? यह मेरा एक प्वाइंट है। **fallback wage** में यह कंडीशन भी बहुत क्लीअर लिखी है कि **fallback wage** के मायने हैं कि मुनाफा जब होगा तो यह **fallback wage**, जो पगार कम दिया गया है, उसकी भरपाई के लिए यह साल में एक बार दिया जाना चाहिए। यह सुप्रीम कोर्ट ने कहा है। जब इसे मुनाफे में से देने की बात कही गई है, इसलिए कई सालों से यह पैमेंट होती आ रही है। सर, बोनस की हिस्ट्री में अगर आप जाएं तो आप देखेंगे कि यह बोनस सरकार ने नहीं दिया है, पहली दफा 1947-48 में हम लोगों ने मुम्बई इंडस्ट्रियल कोर्ट ट्राइब्यूनल में, एक बोनस केस लड़ा और उस केस में इंडस्ट्रियल ट्राइब्यूनल और लेबर ऐपलेट ट्राइब्यूनल कोर्ट मुम्बई ने यह कहा कि वर्कर्स को मुनाफे में से, प्रॉफिट में से बोनस दिया जाना चाहिए। यह हक हमें कोर्ट से मिला, कानून से नहीं मिला, कानून तो बहुत बाद में जाकर बना। कानून से पहले वर्कर्स को बोनस कोर्ट ट्राइब्यूनल के फैसले के मुताबिक अपने अधिकार से मिलता रहा है। उस वक्त ट्राइब्यूनल ने यह कहा था कि जब भी मुनाफा आता है तो उसमें से पांच मर्दों पर **deductions** निकाल दीजिए — **depreciation, development labour, return in the capital, return in the working capital and rehabilitation**. इन पांच खर्चों को निकाल देने के बाद जो बचता है, उसमें से **Seventy per cent of the surplus fund should be distributed as bonus**. यह लेबर ऐपलेट ट्राइब्यूनल ने कहा है। लेबर ऐपलेट ट्राइब्यूनल ने यह बात तय की, उसके बाद 1948 से लेकर जब तक बोनस कानून नहीं आया, तब तक यह फार्मूला चलता रहा। श्रीमती इंदिरा गांधी जी ने सत्ता में आने के बाद एक बोनस कमीशन बैठाया। उस बोनस कमीशन ने यह कहा कि इस देश के अंदर गरीबी ज्यादा है, इसलिए 12 महीने के काम के लिए, एक साल में 12 महीने वर्कर काम करता है, उसको 13 महीने की पगार मिलना चाहिए। यह एक बेसिक प्रिंसिपल हमारे देश में शुरू कर दिया गया। सर, इसलिए आज लॉस मैकिंग कन्सर्न के अंदर एक साल काम करने पर 13 महीने की पगार मिलती है। मगर, यहां पर मेरा सरकार से यह निवेदन है कि लॉस मैकिंग कन्सर्न के लिए आप कोई भी सीलिंग रखें, समझ में आता है, मगर प्रॉफिट मैकिंग इंडस्ट्री के लिए सीलिंग रखना समझ में नहीं आता। आज करोड़ों रुपया, हजारों करोड़ रुपया इंडस्ट्री में प्रॉफिट आता है, जिसे सिर्फ मालिक और शेयर होल्डर्स खा जाते हैं, मगर जो श्रमिक मेहनत करके कमाता है, उस को सिर्फ 8 परसेंट से 8.20 परसेंट के बीच में मिलता है। यहां पर सरकार से मेरा एक निवेदन है कि **loss making concern** के लिए आप कोई भी **ceilling** रख लीजिए, वह बात समझ में आती है, लेकिन **profit making industry** के लिए **ceilling** रखना ठीक नहीं है। आज इंडस्ट्री के अंदर हजारों-करोड़ों रुपया का **profit** आता है, सिर्फ मालिक और शेयर होल्डर्स खा लेते हैं, जो मेहनत करके कमाता है, उस वर्कर को सिर्फ 8 परसेंट से 20 परसेंट के बीच मिलता है। मेरा यह निवेदन है कि आप 20 परसेंट वहीं रखिए, जहां पर **loss making concern** हैं या **profit** कम है, अगर **profit** ज्यादा है, तो वह **profit** यह **justify** करता है कि एक वर्कर 20 परसेंट से ज्यादा भी ले सकता है और उसको 20 परसेंट से ज्यादा मिलना चाहिए, यह 20 परसेंट की सीलिंग निकाल देनी चाहिए, यह मेरा निवेदन है।

उपसभापति जी, आज एक और सबसे बड़ा प्वाइंट यह है कि कई इंडस्ट्रीज़ के अंदर — चाहे **small scale industry** हो, चाहे **plantation industry** हो, चाहे **seasonal industry** हो, चाहे **agriculture industry** हो — इसके अंदर बहुत ज्यादा बोनस का पैमेंट नहीं होता है और वे सही ढंग से पैमेंट नहीं करते हैं। जो **constuction worker** है, जो **Delhi** आता है **construct** करने के लिए या हफ्ते में एक दफा आता है, उन लोगों पर **Bonus Act implement** नहीं होता है, इन **contract workers** के लिए इसका **implementaiton** ठीक ढंग से नहीं होता है। इसलिए मेरा यह कहना है कि जो **worker permanent** नहीं है **contract basis** पर है जो **construction industry** में काम करता है उसकी **weekly payment** में यानी पगार में यह बोनस मिलाकर देना चाहिए। अभी आप साल का जो दे रहे हैं, उस हिसाब से हर महीने का जितना बोनस होता है, उसके हिसाब से **weekly payment** के अंदर मिलाकर देने से, उसी वक्त उनका पैमेंट हो जाता है। इसी तरह जो **plantation industry** हैं, जो **tea garden industry** है, जो थोड़ी बीमार हो गई है, उनमें कार्यरत श्रमिकों को मिनिमम बोनस भी नहीं दिया गया है, उनको मिनिमम बोनस देना चाहिए। इसके लिए गवर्नमेन्ट कोई ऐसा प्लान बनाए कि जहां मालिक लोग मिनिमम बोनस भी नहीं देते हैं, इसका **implementation** नहीं करते हैं, वे इसका **implementation** कर सकें।

उपसभापति जी, मेरे दो प्वाइंट्स और हैं। मैं यह कहना चाहता हूँ कि आपने 10,000 रुपए की जो **maximum ceiling** रखी है, आज के ज़माने में **global economy** के समय में जब आप करोड़ों रुपए मुनाफा कमा रहे हैं, उस समय में यह 10,000 रुपए की **ceiling** निकाल देनी चाहिए और जितना **profit** है, उसके मुताबिक बोनस का परसेंटेंज बनना चाहिए, इसके ऊपर हमें गौर करने की जरूरत है। **INTC** ने गवर्नमेंट से यह मांग की है और यह मांग कई सालों से है कि यह **ceiling superfluous** है, इसकी वजह से देश के वर्कर्स के साथ न्याय नहीं हो रहा है, इसलिए इस **ceiling** को हटा देना चाहिए। आपने 2,500 से 3,500 जो किया है, इसका मैं स्वागत करता हूँ, यह इसका **reflection** है, लेकिन यह **reflection** ऐसा है कि आज मेरी पगार 10,000 रुपए की है, मेरी पगार को 3,500 में लिखकर बोनस का भुगतान करना, यह बात समझ में नहीं आती है कि यह कैसा **principle** है, यह कहाँ का **principle** है। आज कंप्यूटर ऑपरेटर की पगार 20,000 से 40,000 रुपए है, लेकिन बोनस देते समय उसकी पगार 3,500 पर लिखकर, कम करके बोनस देना यानी उसकी **salary 3,500** रुपए है, यह समझकर बोनस का पेमेंट करना, आज के ज़माने में **industrial growth** के लिए, **industrial peace** के लिए और **workers** के साथ **social justice** करने के लिए उचित नहीं है। सुप्रीम कोर्ट ने भी कहा है कि — “**Worker is a social partner in the industry**”. आज **Social partner** के साथ इंसाफ नहीं होता है, इसके विपरीत शेयरहोल्डर्स के साथ इंसाफ होता है। हजारों-करोड़ों रुपए का जो मुनाफा होता है, उसका भुगतान इन्हीं लोगों को होता है, यह ठीक नहीं है।

इसलिए मेरा यह कहना है कि जहाँ पर **loss** होता है, वहाँ पर 3,500 रुपए के हिसाब से बोनस का भुगतान कीजिए, लेकिन जहाँ मुनाफा होता है, वहाँ पर 3,500 और 10,000 की दोनों **ceilings** निकाल देनी चाहिए। तीसरी बात यह है कि जहाँ मुनाफा ज्यादा है, वहाँ 20 परसेंट का जो कानून है, उसमें तब्दीली करनी चाहिए कि 20 परसेंट के बजाय, **as profit justifies** का सिस्टम करना चाहिए। अगर मुनाफा ज्यादा है, तो ज्यादा बोनस मिले, अगर मुनाफा कम है, तो बोनस कम मिले। मैं यह नहीं कहता कि सभी को समान बोनस मिलना चाहिए। जो कारखाने नहीं कमाते हैं, जो इंडस्ट्री नहीं कमाती है, उसको कम देना चाहिए, लेकिन जब इंडस्ट्री ज्यादा कमाती है, तो बोनस 20 परसेंट से ज्यादा नहीं देना, यह **scientific approach** नहीं है। मैं यह कहना चाहता हूँ कि यह जो 2,500 से बढ़ाकर 3,500 किया गया है — रेलवे के अंदर, पोस्टल डिपार्टमेंट के अंदर, गवर्नमेंट कर्मचारियों को आप जो प्रोडक्शन बोनस देते हैं, उनके अंदर इसका **reflection** नहीं हो रहा है, वहाँ 3,500 के हिसाब से **calculate** करके उनको बोनस नहीं मिल रहा है। हम चाहते हैं कि सरकार इसके ऊपर गौर करे, वरना रेलवे वाले स्ट्राइक का नोटिस दें, पोस्टल डिपार्टमेंट वाले स्ट्राइक का नोटिस दें, सरकारी कर्मचारी स्ट्राइक का नोटिस दें और उसके बाद सरकार ध्यान दें, यह ठीक नहीं है इसको हमारा जो प्रोडक्शन बोनस का **calculation** है, वह 2,500 पर पिछली दफा था, इस दफा 3,500 आपने किया है। इसका रिफ्लेक्शन भी उस प्रोडक्शन के अंदर होना चाहिए, सिक इंडस्ट्री के अंदर जो बीमारी की वजह से उनको नहीं मिलता है, वहाँ ऐसा **arrangement** करना चाहिए ताकि वहाँ पर उसको मिले। इसी तरह, **construction worker**, **contract worker** के पगार में, **weekly payment** के अंदर बोनस पेमेंट कर देना चाहिए, यही बात मेरा निवेदन है। बोनस के इस तरह के कई सुझाव मेरे पास हैं, मैं तो यही कहता हूँ कि बोनस **fall back wage** है, जिस वर्कर को कम पगार मिल रहा है, उसको भर्ती करने के लिए दे रहे हैं, तो इसमें सीलिंग का मतलब नहीं रखता है। इन्हीं बातों के साथ, मैं आपको धन्यवाद करता हूँ।

**श्री उपसभापति : धन्यवाद।**

**SHRI TAPAN KUMAR SEN (West Bengal):** Sir, I support the views expressed by the hon. Member.

**MR. DEPUTY CHAIRMAN:** Why are you supporting him? Okay, Shri Chandran Pillai.

**SHRI K. CHANDRAN PILLAI (Kerala):** Mr. Deputy, Chairman, Sir, I thank you for having permitted me to participate in this important piece of legislation. First of all, I want to make an observation that the hon. Minister was not able to make any comment upon the Bill, which was initiated today. Maybe, it is an accident, but if it was there, then, it would be better to participate in.

MR. DEPUTY CHAIRMAN: In the reply, he will cover it.

SHRI K. CHANDRAN PILLAI: Sir, first of all, I support the views made by Shri Sanjeeva Reddy, the President of the INTUC, here. That speech, actually, reflected the right as well as the aspirations of the working class in this country in relation to the bonus issue. Two major amendments have been suggested. One is in sub-clause 2 of clause 13-and the other is in clause 12. I, actually, am inviting the attention of the hon. Minister on the issue of raising the limit from Rs.3,000/- to Rs.10,000/-. It is a welcome step and we appreciate it. But, at the same time, all the trade unions in the country for long have, actually, been demanding certain major amendments in the Bonus Act, 1965. Now it is limited to two points only. There again, certain major lapses %re there which do not consider the right of the workers in the question of bonus, according to me. At the outset, I want to say that really a comprehensive amendment to the Bonus Act is the need, and the brought-in amendments are welcome. The question is, whether the UPA Government, with a political determination, accepts the right of the bonus which is, actually, envisaged in the Bonus Act, or not. That is the question. While going through the deliberations of the Bonus Commission of 1961, I find that the perception or the consensus in that Bonus Commission's deliberations was that in every company, in every industrial enterprise, as a deferred wage, bonus should be extended to workers. Now, we are referring to it, it is not available. It is not treated as a deferred wage. Finally, it is coming as a charity from the Government or from the industry-runners. I do not accept this very perception. This is to be treated as a deferred wage. If that is the case, while raising it to Rs.10,000/- I ask the hon. Minister what is the sanctity of this Rs.10,000/-? How did you people arrive at this figure? One month's salary, whatsoever be the amount, has to be considered for the purpose of deciding the minimum. With what right, you have come to this limit of Rs.10,000/-. I am making a strong objection to deriving the figure of Rs.10,000/- on a *suo motu* basis. Number two, the limit of Rs.2,500/- has now been raised to Rs.3,500/-. It is good, but, at the same time, the point is, if the minimum is the eligibility in a case, that worker should get one month's salary, whatsoever it may be. According to my point, all the workers, or, employees covered under the ID Act ought to be given bonus, irrespective of their salaries. If we bring in such an amendment, that will do good for the entire working class in the country, under the Bonus Act's purview. Now, this is going to do some good for a section of the working class only, and that, again, the lower strata. So, I suggest here to extend it to the entire workers covered by the ID Act, irrespective of their salary base, or emoluments.. 'Secondly, Sir, regarding this enhancement from Rs. 2500 to Rs. 3500, I suggest that it should be to the extent of one's monthly salary.

Sir, I wish to bring another "point to the notice of the hon. Minister. The corporate houses are making huge profits; let It be so. Why are we depriving the workers alone? When a company makes profits, naturally, there is a lot of surplus and that must be shared with the workers. But there is no provision in the amendments proposed to be brought in by the Minister to see to' it that, that is done. It is against the spirit of this whole concept.

Then Sir, there is a cat) of 20 per cent; it is now applicable to production and productivity-linked schemes too. If there-is a cap, it would only act as a disincentive to the process of production and productivity. Why are we keeping that cap? Let us remove it. If a company, because of its-technological prowess and competence and because of its industrial set-up, is able to come out with an increased productivity beyond the installed capacity, let it be so. Therefore, I would request for removal of the 20 per cent ceiling in cases where productivity-linked bonus is provided. That has to be done.

Another point is that the workers in the Defence sector, the Central Government employees, and so on, are not going to get benefits according to this changed pattern. Actually, they are not governed by the Bonus Act; but, by convention, they have also been getting an equivalent amount. In that case, this change of Rs. 2500 to Rs. 3500 should also be applicable to them'. Proper measures should be initiated by the Ministry of Labour to see to it that it works in their favour. The same should be applicable to the railway workers also. This year also, the railway employees have been deprived of this benefit. Why? Is it a case of whims and fancies of the establishment? It should not be so. If a change is brought forward here, the common sense is that that should, naturally, be applicable to them also. That should be applicable to the Central Government employees, the Defence workers, the railway employees and even the port workers. It is in dispute now. As rightly mentioned by the President of the INTUC, Shri Sanjeeva Reddyji, closed tea-garden workers should also be taken care of in this regard. They are a weaker section. In a larger sense, I want the hon. Minister to consider as to how we can bring the unorganised workers into the ambit of this concept of bonus. They are supposed to be eligible for this. It is not a question of this amendment Bill; it is a limited one. But what I am trying to say is that they are contributing to the extent of 65 per cent towards the generation of GDP. We can also think of bringing them also under the jurisdiction of this Act to make them eligible for a one-time annual payment. This is not a recurring thing. This is a one-time payment. I know it is a very complex question because of its nature, the various sectors involved, and so on. But we have to evolve some suitable mechanism to see to it that they get an yearly payment in *lieu* of bonus, or as bonus itself.

Sir, finally, I do expect that the Government would finally come up with a comprehensive Bill on this issue and while bringing forward a Bill of this nature, we need to consider the views of the Central trade unions also and a consensus can be arrived at.

With these words, I welcome the Bill and appreciate the hon. Minister for having brought this Bill.

**श्री वीर पाल सिंह यादव** (उत्तर प्रदेश) : धन्यवाद उपसभापति महोदय, मैं बोनस संदाय (संशोधन) विधेयक, 2007 का समर्थन करता हूँ और मंत्री जी को बधाई देता हूँ कि उन्होंने बड़ी पैनी दृष्टि से उन लोगों की तरफ देखा, जिनकी तरफ बहुत जल्दी लोगों की नज़र नहीं जाती, जो दिल्ली में आ जाते हैं। महोदय, समर्थन करते हुए मैं इसमें यह जोड़ना चाहता हूँ कि कुछ असंगठित क्षेत्र अभी भी दृष्टि से बच गए हैं, उनको भी कहीं न कहीं किसी तरह शामिल करके लाभ मिलना चाहिए। और जो बहुत बड़ा तबका है वह इतना बड़ा तबका है कि हिन्दुस्तान में जो मजदूर हैं सबसे ज्यादा असंगठित क्षेत्र में, चाहे वह खेतीहर मजदूर के नाम से जाना जाता हो या रोजमर्रा की जो मजदूरी करते हैं जैसे आपने कंस्ट्रक्शन की बात कही, इसमें सैकड़ों और हजारों लोग गांवों से चलकर शहरों में आते हैं और जिस तरह से हिन्दुस्तान में जानवरों का बाजार लगता है उस तरह से उन मजदूरों का भी बाजार लगता है और वहां से लोग अपने यहां काम करवाने के लिए उनको ले जाते हैं। उनकी तरफ हमारा किस तरह से ध्यान जाएगा, यह हमको सोचना पड़ेगा। दूसरे, एक और क्षेत्र है जो अब शुरू हुआ है जल्दी के दिनों में, जो पहले नहीं था, यहां जो प्राइवेट स्कूल चल रहे हैं उनमें पांच सौ से हजार रुपये तक में मास्टर भी रखे जाते हैं और चपरासी रखे जाते हैं। जितने नर्सिंग होम हैं, सारे के सारे नर्सिंग होम में भी बहुत कम तनखाह पर मजदूरों को रखा जाता है, कर्मचारियों को रखा जाता है, उनकी कोई चर्चा इस विधेयक में नहीं आ पाई है। अगर इनकी तरफ भी ध्यान जाना चाहिए क्योंकि यह बहुत बड़ा क्षेत्र है। वे लोग जो खेतों में काम करते हैं तो जब उनको फुर्सत मिलती है एक दिन काम कर आते हैं उसके बाद एक दिन रुक जाते हैं, उनका हम किस तरह से सिस्टम बनाएं कि उनको भी हम लिस्टेड कर लें कि यह मजदूरों की श्रेणी में हैं और इनको हम किस तरह से लाभ पहुंचा पाएंगे और शहरों में जो लोग रोजमर्रा नौकरी करने के लिए आते हैं उनकी तरफ कोई देखने वाला नहीं है, कभी-कभी तो ऐसा होता है कि ये इस आशा से घर से चलते

हैं अपनी दो रोटी लेकर कि हम शाम को मजदूरी लेकर वापिस आएंगे तब हमारे घर का चूल्हा जलेगा। मगर शाम को कभी-कभी उनको खाली लौटना पड़ता है। अतः उनकी तरफ भी हम लोग ध्यान देंगे तो निश्चित रूप से इस विधेयक का स्वागत है। मगर और बृहत् रूप में इसको ले आएंगे। मैं आपका बहुत ही आभारी हूँ कि आप इस तरह का यह विधेयक लाए है। बहुत-बहुत धन्यवाद।

SHRI S. ANBALAGAN (Tamil Nadu): \* Hon'ble Deputy Chairman Sir, after many months I have got an opportunity to speak in Tamil in this August House and I would like to thank you for the opportunity so created by you.

"The industries are my worship place and the thousands of workers there are my worshipable deities" said our able and eminent leader, founder leader of our Dravidian Movement and a former Member of this House of the Elders and also the former Chief Minister of Tamil Nadu, Dr. C.N. Annadurai fondly called as 'Anna'.

The founder leader of our All India Anna Dravida Munnetra Kazhagam and the former Chief Minister of Tamil Nadu on beloved Dr. MGR came out with his philosophy once saying,

"One is mankind and justice to all shall be one all the working people are the children of one mother"

His principle was to uphold the right of the workers and he held the opinion that workers are prime movers of this world. Our revolutionary leader Amma is also one who considers the working class to be her own children and brotheren. That is why she had given importance to May Day and ensured several social security measures for the working class which continue even today. Not only in Tamil Nadu but in the whole of India our Puratchi Thalaivi Amma was the only one to ensure effective social security measures like insurance to all the workers in both the sectors.

Now this House is debating on the Budget Payments (Amendment) Bill and I would like to extend my support pointing out certain features, possible improvisations and suggestions.

Sixty years have elapsed ever since we have won our freedom. In all these years we have increased our agricultural production. I agree. We have made strides in our economic growth. I agree. We have increased our industrial units with industrial growth. I do agree. We have also increased the number of people in our work force. But have we given a fair deal to our work force. Have we helped our workers to have a better standard of living? Our answer can only be a big 'NO'. At this juncture this Bill has come before this House. I would welcome this move which has come a bit late. Very late but still less like a small feed for a big elephant. Had this Bill been moved earlier, our work force might have been greatly benefited all these years. We can only take it as better late than never and I still welcome this move.

I would like to point out three aspects. This Bill seeks to enhance the Bonus entitlement income limit. In 1965 the ceiling was Rs. 1000/-. In 1985 it was Rs.2500/- and in 1995 it was raised to Rs.3500/- and now it is sought to be increased to Rs. 10000/-. This eligibility limit has been increased and we must welcome it. How much we pay is not that important. We must make sure that the beneficiaries are more in number, that is more important. Only when the deprived and depressed sections of the society get increased buying power, it will augur well for our economic growth. Infact the percentage of Bonus must have been increased further. 8.33% must have been increased to more than 12% of annual income.

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\*English versions of Tamil Speech.

This Bill seeks to include in its ambit the construction workers engaged by the Building Contractors. At the same time this could have covered all the monthly wage earners. All the managerial staff, Supervisors, Clerks and other employees must get invariably these benefits.

I would like to point out that our leader Puratchi Thalaivi Amma established Construction Industry Workers' Welfare Board to benefit both the organized and unorganized labour. We had lit lamp in their dark lives. Transport workers were also covered by a Welfare Fund Scheme so that they also get social security cover. It was for the first time in India that the Government of Tamil Nadu headed by our revolutionary leader Amma provided for a welfare measure for the workers from the Transport Sector enabling them to get monthly benefit in the pattern of monthly pension.

the benefit of the legislation can be extended only to about 7% of our workers. The remaining 93% workers are left to fend for themselves. In 1994 our leader Amma introduced a social welfare measure styled as 'Womb to Tomb' extended to all the men and women labourers including agricultural workers in the rural areas. Pre-natal care, post-natal care, medicare for young mothers, creche for children, primary education, facilities for skills training, grant for marriages, rural job opportunities, midday meal for the aged and old age pension were all covered in the 'Womb to Tomb' social welfare measure that was aimed at the welfare of the rural workforce. Puratchi Thalaivi was the first one in the entire world to have introduced Agriculturists Security Scheme during her tenure in 2004.

When it comes to Government Employees the office staff whether they are office superintendent or a clerk there is equal treatment in giving away Bonus but when it comes to other employees and labourers there is segregation and discrimination. When it comes to gratuity there is uniformity. Bonus must also be paid with a streamlined uniform policy.

In order to attract investment, Industrial Houses and Corporate bodies project increased dividends that too after deducting taxes from the total projects. But the labourers who contribute to products and services are not compensated adequately. Labourers are deprived of their rightful Bonus and they do not get even right share from the profit earnings.

MR. DEPUTY CHAIRMAN : Please conclude.

SHRI S. ANBALAGAN: Sir, let me conclude mentioning just two more points and I am done.

Hon'ble Deputy Chairman Sir, there is a need for an inbuilt mechanism by way of inserting a clause in this Bill. This is necessary to work out the Bonus Payments in time with the price rise index and so on. Government Employees get annual increments accruing automatically. Instead of coming to Parliament every time, this Act could have been amended with a suitable clause to increase Bonus Payments periodically and automatically. Bonus payments will be increasing on its own every year. Why should we have a relook every ten years and twenty years like this. If we have a clause inserted, it would be better. An evolved method for automatic enhanced payment of Bonus must be in place. Lastly,.....

MR. DEPUTY CHAIRMAN : Please conclude. Your party's time is over. I have given more time.

SHRI S. ANBALAGAN: Sir, I am just concluding.

MR. DEPUTY CHAIRMAN : You are repeating.... that is the problem.

SHRI S. ANBALAGAN: Dialogue on interest rate paid on Employees Provident Fund goes on still. We need to know from the Hon'ble Labour Minister about this and also about the next Labour Commission to ensure a better deal for the labour class. When are you going to set up 7\* Labour Commission and when are you going to consider its recommendations?

Now I am speaking in Tamil in this House and you have made arrangements borrowing the services of interpretation from the other House. This situation must not be repeated. Please ensure that this House gets its own Interpreter. Rajya Sabha must have its own Interpreter by the ensuing Budget Session. Very recently you have given advertisement for the post of Interpreter. But you have also put a rider that you may terminate their services after 2 years. It is because of this condition that there is a delay in recruiting Punjabi, Gujarati, Telugu Interpreters. Right candidates are dissuaded by this termination threat.

MR. DEPUTY CHAIRMAN : No. No. that matter belongs.... refers to the Secretariat.

. SHRI S. ANBALAGAN: Requesting that you may recruit an Interpreter for Rajya Sabha by next session, let me conclude. Thank you.

SHRI D. RAJA (Tamil Nadu): Sir, I support the Bill.

SHRI SILVIUS CONDPAN (Assam): Sir, while congratulating the hon. Minister, I rise to support this Bill.

MR. DEPUTY CHAIRMAN: You have only two minutes. You asked for it. Like Shri Raja you also support the Bill.

SHRI SILVIUS CONDPAN: I rise to support this Bill because it has come to protect the interests of the workmen of the country. The workmen have been very much exploited throughout and with this Payment of Bonus (Amendment) Bill, to a large extent, relief will be given to the working class. I would like to pinpoint certain things, Sir. The minimum ceiling for the payment of bonus should be raised from 8.33 to at least 10 per cent. The bonus facility should be extended to the unorganised sector workers. I will request the Government, the Ministry of Labour to make out the details about how to reach the unorganised sector workers in order to make the payment of bonus. Sir, while determining the payment of bonus every year, the balancesheet prepared by the different industrial houses, the Government has to find out a machinery to see whether the balancesheet is really prepared showing the profit and loss while deciding to pay the bonus to the working class. The other point is this, Sir. I come from the tea industry area. The payment of bonus is even sometimes decided to the last ceiling, that is, 8.33 and for that too while paying they say they are badly put to loss and they try to split the payment of bonus. For example, this splitting of the 8.33 bonus is made in two, three, or four instalments. In order to avoid this instalment system of paying the bonus by the industry and exploitation of workers, the Act has to provide certain compulsions that there shall be no splitting of payment of bonus. Whatever percentage has been agreed — 10 per cent or whatever extent it is increased to the maximum — while paying the bonus, the bonus payment should not be split while giving it to the workers because it does not give any benefit. There should be very strict vigilance every year. A direction should go to all the State Governments that they have to oversee how the Balancesheet is seen and prepared. The Government must be vigilant, their Finance Department to what extent they are really making profit or they

have really made loss. Otherwise, in that case also, there is exploitation. (*Time-bell*) With this submission, Sir, I thank the hon. Labour Minister for bringing forward this Bill for payment of Bonus. Thank you.

SHRI TIRUCHI. SIVA (Tamil Nadu): Sir, I wholeheartedly support the Bill.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): Sir, I could not make my statement on this Bill at the time of moving the Bill. So, if you permit, first, I wish to make the statement necessitating promulgate the Ordinance and other points.

As the hon. Members are aware, the Payment of Bonus Act, 1965, provides for payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity and for matters connected therewith. The Act provides for payment of bonus to employees of factories' and other establishments employing 20 or more persons, excluding some categories of employees as contained in Section 32 like employees of the Life Insurance Corporation, Seamen, dock workers, university employees, employees employed through contractors on building operations, etc.

The eligibility limit and the calculation ceiling were last revised from Rs. 2,500 to Rs. 3,500 per month and from Rs. 1,600 to Rs. 2,500 per month respectively, in the year 1995 and made effective from 1<sup>st</sup> April, 1993, first through an Ordinance and then with the amendment to the principal Act. At present, the employees employed through contractors on building operations are not eligible for bonus as per Clause (vi) of Section 32 of the Payment of bonus Act, 1965.

The Second National Commission on Labour, in its Report, submitted to the Government in the year 2002, recommended that the eligibility limit and calculation ceiling should be enhanced to Rs. 7,500 and Rs. 3,500 per month, respectively. The workers' unions have been demanding the revision of the eligibility limit as well as the calculation ceiling since long. The issue was taken up for discussion in the 41<sup>st</sup> Session of the Indian Labour Conference held on the 27<sup>th</sup> - 28<sup>th</sup> April, 2007. I am thankful to employees, employers and other stakeholders in arriving at a consensus to enhance the eligibility limit from the present Rs. 3,500 to Rs. 10,000 per month and calculation ceiling from Rs. 2,500 to Rs. 3,500 per month. Further, it was also decided to bring employees employed through contractors on building operations within the ambit of the Payment of Bonus Act, 1965.

Accordingly, after taking the approval of the Cabinet, the Payment of bonus (Amendment) Ordinance, 2007 (8 of 2007) was promulgated on 27<sup>th</sup> October, 2007, as both the Houses of Parliament were not in session and the festival season was in progress. The Ordinance contained the following amendments:

Amendment to Clause (13) of Section 2 of the Payment of Bonus Act, 1965, to raise the eligibility limit for payment of bonus from the salary or wage of Rs. 3,500 per month to Rs. 10,000 per month;

Amendment to Section 12 of the Payment of bonus Act, 1965, to raise the ceiling for calculation purpose from the salary or wage from Rs. 2,500 per month to Rs. 3,500 per month;

Deletion of Clause (vi) of Section 32 of the Payment of Bonus Act, 1965, so as to cover employees employed through contractors on building operations.

In order to ensure that the employees receive the enhanced bonus during the current festival season, the amendment, through an Ordinance, was made effective from 1<sup>st</sup> April, 2006, as the bonus paid for the year is for 2006-07.

The Payment of Bonus (Amendment) Bill, 2007, was considered and passed by the Lok Sabha on 27<sup>th</sup> November, 2007.

Sir, hon. Members have spoken on this Bill. Our friend, Mr. Ajay from the BJP has raised the issue of promulgation of Ordinance. We do not wish to bring Ordinances. We would like to bring legislations in the Parliament. But, since there were requests from all sides, labourers and from everywhere, that bonus should be paid on the occasion of *Deepawali* or *puja*. We could have brought the Bill in this Session, but workers would have been deprived of their bonus during the festival season. So, we thought of bringing an Ordinance. I think, the Members will bear with us. We really appreciate the spirit that everything should be brought before the House. That's why we have brought the Bill before the House.

Sir, Members have also raised the issue of profitability and bringing in a comprehensive Bill. We have taken up the matter on a very limited scope. As we are aware, we, in the Ministry of Labour, work on a tripartite basis, where we take the workers, management and the Government together in arriving at a decision. Even on the issue of ceiling, the Labour Commission itself had recommended Rs. 7,500/-. Workers had demanded for a higher ceiling, and they demanded Rs. 10,000/-. We took the management into confidence; and, despite Labour Commission's recommendation of Rs. 7,500/-, with the cooperation of workers and management we were able to raise it to Rs. 10,000/- Hon. Member, Chandranji, was asking as to how we arrived at Rs. 10,000/- We were able to arrive at Rs. 10,000/- through an agreement between the workers and the management and the Government. That is how, taking into the cost of living also as one of the measures to decide the ceiling limit, we reached at this figure.

There have been various suggestions that bonus should be linked to profit. If loss is there, you carry on by the present law. If there is higher profit, gained by any of the institutions, we should be able to give a higher bonus. This is a larger issue. We can discuss it in the Labour Conference, and take the managements into confidence, then, arrive at some conclusion. And, I don't think, when it is a question of higher profits, the managements will back out. If there is logic, possibility is there. We will do our best, from the Government, to discuss the matter with both, labour and management.

Hon. Member, Reddyji, has raised the issue of paying bonus to construction workers on a weekly basis. He is justified in asking for this. At present, we are giving bonus to construction workers. We have put in thirty days of work under one contractor. We will see how it can be evolved. It is not an easy task. Workers work with different contractors for a limited number of days. So, it is a very difficult thing, yet we will go into this issue and see whether this particular suggestion, given by Reddyji, could also be implemented.

There are suggestions that a large section of workers, belonging to the unorganised section workers, is left out of the Bonus Act. That is why we have brought in the Unorganised Sector Workers' Bill, whereby we are giving social security to the workers. Of course, it is no substitute for bonus. We will definitely see how we can extend the benefit to them. We will study the matter.

Hon. Member, Yadavji, has made a suggestion about nursing homes and schools. We will go into that issue whether this could be extended to them. We want to extend it to as many institutions as possible, provided we can establish a relationship between the management and the workers. What he says is that we can establish a relationship between the school management and the teachers. We will go into that. And, we will be able to take up these matters.

Sir, we will go into each and every suggestion that the Members have made. They have said that we should bring in a comprehensive Bill on bonus. We will take that into consideration after discussing with both, management and the workers.

I thank each and every Member, who has participated in this debate. Thank you very much. I commend... *(Interruptions)*

SHRI TAPAN KUMAR SEN: What about calculation ceiling to extend to the Central Government's Railway and Defence employees

SHRI OSCAR FERNANDES: Sir, this does not come under the purview of the Bonus Act. We are covering only the workers in the unorganised sector. The Railways have taken up on a different basis. They have also, I think, considered grant of bonus in the Railways. They have also, I think, conceded grant of bonus in the Railways. Other sectors are covered, and, as per the Finance Minister, these are being looked into. I am sure, the concerned Ministry will take... *(Interruptions)*.

SHRI TAPAN KUMAR SEN: You should follow the same ceiling all along. ...*(Interruptions)*... The Payment of Bonus Act ceiling was always followed by the Railways, Ports and Defence employees. ...*(Interruptions)*... Then, why is there departure this time? This is the question.

SHRI OSCAR FERNANDES: Sir, now that the Members have raised the issue, I will take up the matter with the concerned Ministry. I am not saying, 'no', to it. I will, definitely, take up the matter with the concerned Ministry. Thought it does not fall under the purview of the Labour Ministry, I will do that. With these words, I commend that the Bill may be passed.

MR. DEPUTY CHAIRMAN: The question is:

That the Bill further to amend the Payment of Bonus Act, 1965, as passed by 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. Clause 1, the Enacting*

*Formula and the Title were added to the Bill.* SHRI OSCAR

FERNANDES: Sir, I move: 'That the Bill be passed.' 'The question was put and the motion was adopted.'