

one thing. Sh. Shahabuddin has charged that Commission for Minorities has not been given adequate funds but I would like to say that it is our responsibility and we have considerably improved its financial position. Now without going into other points I would request that this bill be taken into consideration.

[English]

MR. SPEAKER : The question is :

"That the Bill to amend the National Commission for Minorities Act, 1992, be taken into consideration."

*The motion was adopted.*

MR. SPEAKER : The House will now take up Clause-by-Clause consideration of the Bill.

The question is :

"That Clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

MR. SPEAKER : The question is : "That clause 1, the Enacting formula and the Long Title of the Bill stand part of the Bill."

*The Motion was adopted.*

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

[Translation]

SHRI SITA RAM KESRI : Sir, I beg to move:

"That the Bill be passed."

[English]

MR. SPEAKER : The question is :

"That the Bill be passed".

*The motion was adopted.*

**20.42 hrs.**

STATUTORY RESOLUTION RE : DISAPPROVAL OF  
THE PAYMENT OF BONUS (AMENDMENT)  
ORDINANCE:  
AND  
PAYMENT OF BONUS (AMENDMENT) BILL  
As passed by Rajya Sabha

[English]

MR. SPEAKER : The House will now take up item Nos. 24 and 25 together.

SHRI SANTOSH KUMAR GANGWAR (Bareilly) : I beg to move :

"That this House disapproves of the Payment of Bonus (Amendment) Ordinance, 1995 (No. 8 of 1995) promulgated by the President on July 9, 1995."

[Translation]

Mr. Speaker, Sir, I oppose the government's policy of promulgation of Ordinances, more so, because the House had been summoned on 5th July while this Ordinance was signed by the hon. President on 9th July and the Lok Sabha Session was to start after 15 days and still this Ordinance was brought.

I will not say much about this. In 1993, the limit was prescribed as 1600-2500 and this could have been considered at that time but it appears that this ordinance has been proposed having an eye on the coming elections. Now this limit has been raised from 2500 to 3500. This has been passed in Rajya Sabha and many things were brought to the notice of the hon. Minister which mainly include waiving of ceiling. My information is that the matter was discussed with the trade unions but their viewpoint was not accepted. It is true that talks were held with the trade unions but their suggestions were not taken into consideration. I oppose this Ordinance but support the spirit of this Bill.

I would like that the Government should not remain a government of Ordinances. You know Sir, how many Ordinances have been brought during this four years tenure of this House. The government has infact, made a mockery of this House. This sort of thing should not happen during the next few months left with the present Lok Sabha and proposals be considered in the House first and then action taken thereon.

[English]

THE MINISTER OF LABOUR (SHRI P.A. SANGMA): I beg to move\*:

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

Sir, with your permission, I lay my initial statement on the Table of the House.

Bonus is treated as deferred wage. For the past two years workers in the country have been agitating that the existing eligibility limit as well as calculation ceiling for payment of bonus are much too restrictive, considering the wage revisions on the one hand and progressive increase in the cost of living indices on the other. The Central Trade Union Organisations have on several occasions in the recent past given notices of strike on this issue, among others. However, through intervention at the level of the Labour Minister, the Trade Union

\*Moved with the recommendation of the President.

Organisations were persuaded to withhold agitation on the issue of bonus on the promise that the Government would take an early decision on the matter.

The urgency in promulgating an Ordinance was that in the context of national festivals like Ganesh Chaturthi, Onam and Dussehra which are celebrated in the months of August, September and early October, it was anticipated that industrial workers in the various parts of the country might place demands for payment of bonus at enhanced rates than envisaged in the Act. Protracted negotiations normally take place between managements and workers in industrial enterprises on demand for bonus placed in advance of the festivals. Advance payments are also demanded by the workers with reference to bonus claims. Non-settlement of the issue of amending the legal provisions so as to enhance the eligibility and calculation ceilings on time had the potential for seriously vitiating industrial peace, resulting in avoidable loss of production days.

The Ordinance was, accordingly, promulgated on 9.7.95 enhancing the eligibility limit for bonus from Rs. 2500/- per mensem to Rs. 3500/- per mensem and calculation ceiling from Rs. 1600/- per mensem to Rs. 2500/- per mensem effective from 1.4.93. The Ordinance is to be replaced now by passing the Bill to amend the Payment of Bonus Act, 1965.

MR. SPEAKER : Motions moved :

"That this House disapproves of the Payment of Bonus (Amendment) Ordinance, 1995 (No. 8 of 1995) promulgated by the President on July 9, 1995."

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

SHRI. MOHAN RAWALE (Bombay-South Central) : Mr. Speaker, Sir, I support the proposal of Sangama ji. But the ceiling limit should be increased which was earlier 1600 and later raised to 2500. Today, the prices have risen considerably and this upper limit should be increased to Rs. 4500.

[English]

SHRI BASUDEB ACHARIA (Bankura) : I support this Bill but not wholeheartedly because almost all the central trade unions have been demanding since long that there should not be any ceiling in regard to the payment of bonus to the workers and employees. Here, the ceiling has been increased from Rs. 2,500 to Rs. 3,500.

When this ceiling was imposed long before, at that time what was the price index and after what time has this ceiling been enhanced? What is the price index now? What is the difference between the time when it was fixed and now when it is being enhanced?

In my view, there should not be any ceiling because all the workers are entitled to the bonus. What we find is that there are some industries, even public sector units which are sick which have been referred to the Board of Industrial and Financial Reconstruction. The workers of those sick industries are denied the payment of bonus. What we find sometimes is that the workers and their unions have to go to the courts for getting their bonus. As per the provisions of the Payment of Bonus Act where there are more than 20 workers employed in a unit or industry, the workers and employees of that unit or industry are entitled to get bonus.

There are a large number of workers who are engaged in shops and establishments. They are denied this bonus. So, the purview of this Payment of Bonus Act should be extended to cover all those categories of workers and employees. The employees engaged in the shops and establishments, construction workers and even the agricultural workers should also be included. But as per the Act, these categories of workers are outside the purview of the Payment of Bonus Act.

Also, the workers of the public sector undertakings which have been declared sick and are incurring losses should not be denied payment of bonus. Similarly, recently the Ministry have issued a circular dated July 19, 1995 laying down detailed guidelines regarding wage revision. Recently, the wages of the workers of public sector undertakings have been revised. ... (Interruptions)

The wages of the workers who are working in the public sector undertakings have been revised. But as per the memoranda issued by the public sector undertakings...

MR. SPEAKER : No, no. This is out of the context.

SHRI BASUDEB ACHARIA : This is a very valid point.

MR. SPEAKER : Please make this valid point at some other time.

SHRI BASUDEB ACHARIA : I will be very brief. I will finish my speech within one or two minutes. (Interruptions) This is quite relevant. If the workers of the public sector undertakings which have been referred to the BIFR are denied of this wage revision like Hindustan Paper Corporation ...

MR. SPEAKER : I am not allowing these things.

(Interruptions)\* ...

MR. SPEAKER : These things are not going on record.

SHRI BASUDEB ACHARIA : I have proposed an amendment that the ceiling be increased from Rs. 3,500 to Rs. 5,500.

I thank you very much for giving me an opportunity to speak.

\* Not recorded.

[Translation]

DR. RAMESH CHANDRA TOMAR (Hapur) : Mr. Speaker, Sir, government has brought forward payment of bonus (Amendment) Bill, 1995 with a view to amending Clauses 12 and 13 of Section 2 of the payment of Bonus, Act 1965. It is proposed to enhance the eligibility limit to Rs. 2500-3500. Sir, this amendment is inadequate and is not likely to provide any relief to working and salaried classe.

The prices are rising continuously and this government is unable to control the price rise. During 1991 elections the government had promised that price would be arrested within 100 days ....(Interruptions)\*

[English]

MR. SPEAKER : It is not going on record.

[Translation]

DR. RAMESH CHANDRA TOMAR : Sir, the Central Trade Unions, individuals and various Federations had been making demands from time to time for increase in pay and there was also a demand for increasing and abolishing the eligibility limit of payment of bonus. The amendment brought by the Minister in the payment of Bonus act is inadequate and I want that the eligibility limit should be done away with and the calculation limit should be raised from 2500 to 4000. This should also be ensured that the working and salaried class people get the bonus amount on time.

I would also request that the 8.33 percent minimum limit of bonus provided in Section-10 of the payment of Bonus Act, 1965 should be raised to 15 percent and the maximum limit of 20 percent should be enhanced to 25 percent.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj) : Mr. Speaker, Sir, I rise to support the Bill despite its inadequacies that it does not fully met the legitimate aspects of the working class in the trade union movement. But it does benefit seven lakh public sector employees and 24 lakh private sector employees and the total annual benefit would of the order of about Rs. 800 crore. And, therefore, although the Bill is inadequate in many respects, I welcome it.

I would like to make one humble suggestion. Any monetary ceiling or limit that you put in a Bill becomes out of date when the economy is subject to inflation. Therefore, a provision should be there that such limits should be automatically index to inflation every year when the bonus is paid. So, that is a suggestion which I hope the

hon. Minister will consider as he need not come back to us every few years with a new ceiling and a new monetary limit and it will be done automatically. Sir, this has been done in a number of countries that I know of.

I would also welcome the provision here that this will apply retrospectively from 1.4.1993. Therefore, there will be some additional benefit.

I would link to support the suggestion made by Shri Basudeb Acharia and submit it for the hon. Minister's consideration that organised labour alone should not be our concern. Our major concern should be unorganised labour who are not really being looked after either by political parties or by trade Unions. I hope that the hon. Minister in his wisdom shall look after their interests also.

[Translation]

SH. RAMASHRAYA PRASAD SINGH (Jahanabad) : Sir, I had given notice of an amendment and there is nothing to be explained about it. This Bill has been brought forward with a view to improving the living standard of working class. I had proposed an amendment that the bonus limit should be enhanced to Rs. 5000 and suggested that on page 1, line 10 the amount of Rs. 2500 should be substituted by Rs 5000 because the price index today has considerably gone up since this limit was laid down. This is why I have given notice of the amendment with these words I conclude.

[English]

SHRI P.A. SANGMA : Mr. Speaker, Sir, I am grateful to the hon. Members for having supported this Bill. To be very frank I am with you, Shri Shahabuddin, that I am not myself satisfied with this. I wish that the ceiling could have been removed or it could have been raised further. But then the question is we have to look at the whole economy of the country. We have to look at the health of the industry. We also have to look at the paying capacity of the industry. This matter was discussed in several rounds with all the Central trade union organisations and though we could not come to any agreement, we did reach an understanding and on the basis of that understanding, this has been brought now.

Some hon. Members have spoken about the price rise. In fact, this has nothing to do with price rise. For neutralising the inflation or price rise or the consumer price index, we have a formula system which takes care of the inflation. And, therefore, this Bonus Act has nothing to do with price rise because we have another formula of neutralising it which is the D.A. formula.

As has been rightly pointed out by Shri Shahabuddin, we could have done something more. The total number of beneficiaries is 26 lakhs and an amount of Rs. 800 crore additionally is going to the workers. It is quite a big

\* Not recorded.

amount. Therefore, I would solicit the support of the whole House and request them to pass this Bill. ...*(Interruptions)*

SHRI BASUDEB ACHARIA (Bankura) : What about unorganised workers?

MR. SPEAKER : It does not come under this.

[Translation]

SHRI SANTOSH KUMAR GANGWAR : Mr. Speaker, Sir, for withdrawal of the resolution I have to say only that the liberalisation policy is being implemented and the government is fully seized of this matter and therefore, there is need for enhancing wages and amending bonus policy. This Bill has been brought after two years and I think another Bill will have to be considered and amendment made next year. There must be a comprehensive policy in this regard although your intentions are *boafide*.

Sir, I beg to move for the leave of the House to withdraw my resolution.

[English]

MR. SPEAKER : Is the pleasure of the House that the Resolution moved by Shri Santosh Kumar Gangwar be withdrawn?

*The Resolution was, by leave, withdrawn.*

MR. SPEAKER : I shall now put the motion moved by Shri P.A. Sangma to the vote of the House.

The question is :

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

*The Motion was adopted.*

MR. SPEAKER : The House will now take up Clause-by-Clause consideration of the Bill. Shri Ramashray Prasad Singh, are you moving your amendments to Clauses 2 and 3?

[Translation]

SHRI RAMASHRAYA PRASAD SINGH : Sir I am not moving.

[English]

MR. SPEAKER : Now, there are no amendments moved. I shall now put Clauses 2 to 4 to the vote of the House.

The question is :

"That Clauses 2 to 4 stand part of the Bill."

*The motion was adopted.*

Clauses 2 to 4 were added to the Bill.

MR. SPEAKER : The question is : "That clause 1 the Enacting Formula and the Long Title Stand part of the Bill."

*The motion was adopted.*

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

SHRI P.A. SANGMA : I beg to move :

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

21.02 hrs.

MOTION RE: SUSPENSION OF  
PROVISO TO RULE 66

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.V. CHANDRASHEKHARA MURTHY) : Sir, I beg to move :

"That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for taking into consideration and passing of the Technology Development Board Bill, 1995 and the Research and Development Cess (Amendment) Bill, 1995 in as much as these are dependent on each other."

MR. SPEAKER : The question is :

"That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for taking into consideration and passing of the Technology Development Board Bill, 1995 and the Research and Development Cess (Amendment) Bill, 1995 in as much as these are dependent on each other."

*The motion was adopted.*

21.03 hrs.

TECHNOLOGY DEVELOPMENT BOARD BILL  
AND  
RESEARCH AND DEVELOPMENT CESS  
(AMENDMENT) BILL

[English]

MR. SPEAKER : Now, the House will take up item nos. 27 and 28 together for discussion.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.V. CHANDRASHEKHARA MURTHY) : Sir, I beg to move\* :

"That the Bill to provide for the constitution of a Board for payment of equity capital or any other financial assistance to industrial concerns attempting commercial application of indigenous technology or adopting imported technology to wider domestic applications and for matters connected therewith or

\* Moved with the recommendation of the President.