

Act, in favour of its agreement with Bangladesh, for handing over the land of Tinbigha, an integral part of the Indian Union to Bangladesh.

In the name of solving the enclave problems, the said Indo Bangladesh agreement will create new problems which are detrimental to the interest of the Indian Union and Indian Citizens of Kuchlibari Gram Panchayat in Cooch Behar district of West Bengal in particular.

Tinbigha is a small piece of land area about 178 metres by 85 metres. According to the agreement, if Tinbigha is handed over to Bangladesh, then, it will make Kuchlibari Gram Panchayat area of 30 square miles, with a population of 25,000 to be a new enclave. One who has some little idea about the Indian enclaves knows what a horrible condition is prevailing there for the last 30 years. Dacoity, robbery, arson, looting, raping, and murder in broad day light are day-to-day affairs. Only a jungle rule is there. The total area of Indian enclave within Bangladesh is about 29 square miles. On the other hand, Bangladesh enclave within India is about 18 square miles only. According to the agreement, Dahagram and Angarpota enclaves, with an area of about 10 square miles, will be with Bangladesh and it will not be exchanged. So, by way of exchange of enclaves, according to the said agreement, India will have to forego 29 square miles as against only 8 square miles of Bangladesh. Moreover, according to the agreement, if the corridor (from Bangladesh mainland to Dahagram Angarpota enclave) is allowed *via* Tinbigha by perpetual lease, then, the Kuchlibari area will be cut off from the rest of the Indian territory and as such the people of this area will have to suffer untold miseries. They will be at the mercy of the Bangladesh Government. A new Indian enclave problem will arise. So, this type of gift of Tinbigha to Bangladesh must be stopped at all costs. Certainly, we want friendship with Bangladesh, but not at the cost of our motherland. No more appeasement. No more surrenders. No more cessation of our motherland.

(iv) REPORTED SHIFTING OF NAVAL AKADEMY FROM COCHIN.

DR. HENRY AUSTIN (Ernakulam) : I thank you, Mr. Deputy-Speaker, for permitting me to make my submission, drawing the attention of the Defence Minister to the reported statement of the Chief of Naval Staff. The reported statement of the Chief of Naval Staff,—as reported in Mathrubhumi (one of the leading dailies of Kerala), dated 16-12-1978,—has stated that the Cochin Naval Akademy (Officers' Train-

ing) may be shifted from Cochin and that alternative sites are being located in other State. This statement was made by him at Madras recently when he addressed a Press Conference. This statement from the Chief of Naval Staff has created a widespread concern and anxiety in Kerala, particularly in my constituency, Ernakulam, where this institution is located. As is well-known, Cochin Harbour is one of our major naval bases and this Naval Akademy was established as early as in 1969 and since then it has been developing as a major Akademy where Naval Officers are being trained. Cochin Naval Base has assumed major significance in view of the recent developments in the Indian ocean where fleets of major powers are not only constantly moving but also have secured bases.

Kerala has very few Defence establishments and the people have been clamouring for more Defence establishments. There is no obvious reason at all for a transfer of this Naval Akademy from Cochin, as the same is already functioning as a great educational centre. Moreover, the shifting of this fully-developed Akademy will also cost the exchequer heavily and lead to unemployment and other dislocations to the employees.

This is a matter of urgent public importance and I request the Central Government and particularly the Defence Minister, not to think about shifting of this major Naval Officers' Akademy and make a statement allaying anxieties lurking in the minds of the people of Kerala in this regard.

(v) INFORMATION GIVEN BY THE INDIAN COMMERCIAL PILOTS' ASSOCIATION ABOUT BOEING 737 AIRCRAFT WHICH CRASH-LANDED AT HYDERABAD.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Sir, under rule 377, I wish to raise the following :—

I have just now come to know that the Indian Commercial Pilots' Association informed the Director of Operations, New Delhi, Director of Training, Indian Airlines and the Manager, Air Safety, Indian Airlines that this particular aircraft, the American-made Boeing 737 aircraft VT-EAL which crashlanded at Hyderabad, was showing some surprising and abrupt behaviour which at times cannot be substantiated on ground. There are positive reports that on many occasions, immediately after take off, the aircraft gets into abrupt left bank at dangerously low altitude which may happen once, and is not expected to repeat again for few take offs and then suddenly occur again.

[Shri Jyotirmoy Bosu]

With the present trend of rectification of snags of this nature, which was invariably recorded as 'not confirmed on ground' the pilots may not have reported, but this snag and behaviour of this aircraft should have been viewed seriously.

On 15-11-1978 this aircraft while operating the flight No. 409 the pilot had reported some snag on 'trimming' the aircraft, as of taking substantial amount of rudder during take off roll and also after being airborne, a reasonable amount of aileron trip, to keep the aircraft straight and finally the aircraft flew with control column wheel, 10 units to left to keep the wings level. This was observed during four take-offs and still the aircraft was sent on a scheduled flight from Calcutta hardly taking any cognisance of the recorded defects which is totally against precautions that are taken for safety purposes. In spite of this warning, this aircraft was put on service, as a result at least three persons have died and scores of others have just narrowly escaped death. Since the Air Safety Manager is already in docks only a public judicial inquiry could reveal the truth.

14:40 hrs.

PAYMENT OF BONUS (AMENDMENT)
BILL—Contd.

MR. DEPUTY-SPEAKER : Now we take up further consideration of the following motion moved by Shri Ravindra Varma on the 19th December, 1978, namely :—

"That the Bill to amend the Payment of Bonus (Amendment) Act, 1977, be taken into consideration."

PROF. P. G. MAVALANKAR (Gandhinagar) : Mr. Deputy-Speaker, Sir, yesterday afternoon, before the resumed debate on the Privilege Committee's Third Report began, I just said that I welcomed the Janata Government's decision to continue giving bonus to the workers. But the problem needs to be looked into not from the point of view of giving bonus as such but from the point of view of going into in some depth. We all know that the concept of bonus is far from having any uniformity on the concept and there are different points of view and different degrees of emphasis in terms of definitions of what is bonus and so on. But all said and done, two things emerge from it very clearly. One is that the bonus has now come to stay in this country and secondly, the workers, whether they are in the public sector

or private sector, have come to believe that this is a part of their right. Now, if it is so, then there is no question of voluntary payments. It has already come to be a statutory obligation and when there is a statutory obligation, I want to suggest why should at least this Government now not take quick steps, serious steps and also considered steps to see to it that what has become an established fact also gets a proper regularised treatment in terms of law? I think that that will be done by the Government. Only then they will be able to get rid of this annual habit of having an ordinance and then replacing it by an Act, by the Parliament. Everytime Government says to the workers that there is a festival season and therefore we are going to give you bonus. First they bring an ordinance and then a Bill; and then again after one year they bring another ordinance to give bonus and again there is a Bill on this issue. How long will this kind of exercise go on? Therefore, my point is that bonus has come to be an established fact and let us view it from the larger angle. It is known to the House that the Supreme Court had taken a very different position in 1955. In 1955, the Supreme Court made the following significant observation: "The claim for bonus can be made by the employees only if, as a result of the joint contribution of capital and labour, the industrial concern has earned profits. If, in any particular year, the working of the industrial concern has resulted in a loss, there is no basis nor justification for a demand for bonus. Bonus is not a deferred wage, because if it were so, it would necessarily rank for precedence before dividends." That was the decision of the Supreme Court in 1955. But much water has flowed under the bridge since then. Now, as late as November 16, 1978, the Supreme Court had stated very clearly that the bonus is a deferred wage and so bonus is accepted and the Supreme Court has also said that the particular Section in the Act is completely in tune with the requirements of the Constitution and of the tenets of justice and fair play. I quote the Supreme Court's latest decision of 16th November 1978. They say :

"We are satisfied that the obligation imposed by the Bonus Act in compelling an employer to pay statutory minimum bonus even if it suffers a loss is reasonable or in the public interest within the meaning of Articles 19 and 302 of the Constitution."

So, the latest position of the Supreme Court is very clear, and it has strengthened the hands of the trade unions and others. Mr. Sathé is also, I believe, a labour and trade union leader. I do not know why he was not as sorry as some of us were, when his Government, during Emergency,