

ऐसा बताया गया कि पुलिस ने उन होस्टलों में भी घुसने की कोशिश की लेकिन उसे वहाँ घुसने की इजाजत नहीं दी गई। अगर पुलिस इन होस्टलों में भी घुस जाती तो किस तरह का व्यवहार वहाँ के लड़कों के साथ करती, यह आप जानते हैं।

उसके बाद में जेल चला गया। वहाँ पर मैंने एक स्टूडेंट के हाथ में प्लास्टर चढ़ा हुआ देखा। कुछ लड़कों के शरीर पर चोटों के निशान थे। वहाँ पर जो कुछ स्टूडेंट्स के साथ हुआ है, वह सब नहीं होना चाहिए था। कोई ऐसी स्थिति वहाँ उत्पन्न नहीं हुई थी जिसे बातचीत से हल नहीं किया जा सकता हो।

वहाँ के अधिकारियों ने जो वहाँ के स्टूडेंट्स के साथ बिहेवियर किया है इसकी पूरी इन्क्वायरी होनी चाहिए। आज जब कि सरकार डेमोक्रेटिक ढंग से चलने का दावा करती है उस समय भी स्टूडेंट्स के साथ वैसे ही जुल्म हों जैसे कि एमर्जेंसी में होते रहे थे यह अच्छा नहीं है। जो अधिकारी एमर्जेंसी के दौरान जुल्म करते रहे, वही अब फिर आगे होकर कुछ कर रहे हैं, वह स्टूडेंट्स के अधिकारों को छीन रहे हैं। इसलिए मेरी अपील सरकार से है कि स्टूडेंट्स के साथ डेमोक्रेटिक ढंग से पेश आए और अधिकारी लोग भी उनके साथ ठीक ढंग से व्यवहार करें।

12.44 hrs.

PAYMENT OF BONUS (AMENDMENT) BILL—contd.

MR. SPEAKER: We shall now take up further consideration of the Payment of Bonus (Amendment) Bill. There are a large number of persons who want to speak. So, Shri Saugata Roy may kindly be brief.

SHRI SAUGATA ROY (Barrack-pore): I am speaking from our party's time only. While speaking yesterday, I had occasion to congratulate the hon. Minister for bringing forward

the Ordinance. I shall not repeat what I said then but in order to preserve continuity. I shall recapitulate one or two points. I mentioned that along with other workers, Railways, Ordinance factories, P & T and CPWD should also be considered industrial workers and should be paid bonus. I also objected to the amendment under which section 34(3) had been deleted. And the employees' right for a negotiated settlement in excess of amounts calculated from the allocable surplus—that is gone. I also sought for the right of the employees and the workers to ask for the accounts of the Company in case they were not satisfied with the Balance Sheets that were provided by the Company. The point is that the Minister has done a very good thing by this restoration of bonus, which was a right earned by the workers after a long and tremendous struggle. But as I said, the Minister in spite of restoring bonus, has not been full hearted in his approach because the Janata Party manifesto had pointed out that bonus should be a deferred wage. But nowhere either in the Minister's speech or in the statement of Objects and reasons of the Bill, has it been mentioned that bonus is a deferred wage. I am saying this because if bonus is really to be a deferred wage, then bonus should become the first charge on the company along with salaries and wages which are not given after calculating the allocable surplus on the profit sharing basis. I want to press this further because when the original payment of Bonus Act came in 1965, at that time, the concept of deferred wage was not there. It was conceded that Bonus will be given to workers as part of the share of the profits of the undertakings and at that time it was also conceded that bonus was meant mainly for private sector industrial undertakings. So, the whole Bonus Act, which was originally promulgated in 1965 and to which subsequent modifications and amendments were made, is based on an entirely wrong presumption. After the Bonus Commission came out with

[Shri Saugata Roy]

a report that Bonus should be a deferred wage, it is necessary in this context to review the whole Bonus Act and to thoroughly overhaul it and give another term for Bonus. At present there is Section 32 in the original Act, which has not been excluded by the present amendment put forward by the Minister. That Section gives a large no. of organisations exemption from payment of bonus, like local bodies, corporations and municipalities and some corporations of the Central Government. You will be surprised to hear that even workers working under Building Contractors are excluded from the payment of bonus because of the existence of this Section. I would request the Minister not only not to end with this patch work which he has done in restoration of bonus but also to consider overhauling the Bonus Law so that the concept of deferred wage to worker is introduced and incorporated in the whole scheme of things and it becomes a basic right of the workers.

As I said yesterday, inspite of the restoration of bonus and inspite of the atmosphere of relief that has pervaded the working class, a lurking fear is there that this bonus restoration has been done only for this year in order to fulfill some of the election pledges of the Janata Party. As I said, now the Government has appointed a Commission with a former bureaucrat, Mr. Bhoothalingam as the Chairman of the Commission on National Wage Policy. Our fear and the fear of the working class is that under the guise of this Commission, an attempt is being made to take away the right of bonus from the workers, which was originally given to them after long struggle and after the recommendation of the Bonus Commission. It has not been made clear that what the national Wages Commission is actually meant to do. But, if I remember right, the Prime Minister had said recently that Railway Workers' bonus can only be considered after the report of the Commission National Wage Policy

is submitted. This means, the whole scheme of things is being postponed and the Commission on National Wage Policy is being given time so that ultimately the right of the workers is taken away. I want to ask the Minister why was it necessary to appoint a former bureaucrat, against whom a lot of allegations had been made on the floor of this Parliament as the head of the Commission on National Wage Policy. There are many leaders, respected trade union leaders in the Janata Party itself who can head that Commission and who can look after the National Wage Policy. But the present governments seems to be interested in appointing as heads of commissions only retired bureaucrats against whom a lot of allegations have been made. Apart from Mr. Bhoothalingam, the notorious former Governor of West Bengal, Shri Dharam Vira has been made the Chairman of the Police Commission. I do not understand the sweetness of the Janata Party towards former bureaucrats who have been thoroughly discredited. I am fully convinced about the Labour Minister's good intentions. But he is under great pressure. It was with great difficulty that he got the new amendment passed. Again the same pressure is being brought on him to postpone the decision on bonus and to take away the rights of the workers. I can only say that the workers in the country are very restive today. I have already brought it to the notice of the Labour Minister that there have been more strikes this year than in any year preceding the emergency. There is total industrial unrest in this country, which is often taking violent forms as in Ghaziabad, Kanpur and many other places. In West Bengal, we were the pioneers of violent activities on the trade union front, but it seems the people of Maharashtra and other States have overtaken us. These are the signs of danger which the Labour Minister must take note of. That is why a total review of the labour situation is called for. This situation has arisen because the Janata Party promised lot of things to

the industrial working class, but because of different pressures, pushes and pulls, they are not able to fulfil those promises. That is why labour in this country is restive. I heard the Labour Minister's speech restoring the right of the workers to bonus. After saying that section 83 has been included again, he said there is still clause 36 which applies and which gives exemption to certain companies under certain situations from payment of bonus. A few days later, all the big jute mill-owners met the West Bengal Chief Minister and sent representations to the Central Ministers saying, "We are all sick. We cannot pay bonus". There was a strike in the jute mills and today 6 jute mills are lying closed. One of them belongs to the Bird and Co. who declared a lock out just to deprive the workers, the bonus due to them.

Everybody appreciates the action of the Labour Minister in restoring bonus. But he should declare categorically that the government has no intention of going back on the policy. He should categorically state what the policy of the government is about paying bonus to the railways, Defence employees and P&T employees. He should also state whether the Bhoothalingam Committee has the power to take away the right of bonus from the workers. He should also make clear what forum he proposes to take recourse to discuss the industrial unrest in the country.

With these words, I support the Bill.

श्रीमती अहिल्या पी० रांगनेकर
(बम्बई-उत्तर मध्य) : अध्यक्ष महोदय, यह जो बोनस का बिल आया है चुनाव के बाद पूरे हिन्दुस्तान में मजदूर वर्ग यही अपेक्षा करता था। क्योंकि मंत्रिमंडल में बहुत से मजदूर लीडर हैं जिन्होंने बोनस के लिये पूरे हिन्दुस्तान के मजदूरों को बहुत दफा रास्ते पर लाये थे और बोनस की लड़ाई की थी। इसलिये सब मजदूर वर्ग की यह अपेक्षा

थी कि जब यह बोनस कानून आ जायगा तब सब मजदूरों को न्याय मिलेगा, चाहे वह पब्लिक सेक्टर में हों, चाहे प्राइवेट सेक्टर में हों, चाहे रेलवे के मजदूर हों और चाहे पी० एंड टी० के मजदूर हों।

हम इस बिल का स्वागत तो इसलिये करते हैं कि इमर्जेंसी में मजदूरों का जो हक छीन लिया गया था, वह उन्हें वापस मिल रहा है, लेकिन फिर भी इस बिल में बहुत खामियां हैं, और जब तक उन्हें दूर नहीं किया जाता है, तब तक हमारे देश में मजदूरों का आन्दोलन चलता रहेगा और इंडस्ट्रियल मोर्चे पर कभी शान्ति नहीं होगी।

लेबर मिनिस्टर ने अपने भाषण में जो बातें कही थीं, वे इस बिल में नहीं हैं। मैं उनकी इच्छा को समझ सकती हूँ। उन के सामने क्या हकावटें हैं, यह भी हम समझ सकते हैं। लेकिन लेबर मिनिस्टर के साथ और भी कई मिनिस्टर हैं, जो बाहर मजदूरों के पक्ष में ऐलान करते रहते हैं। उन्हें उन लोगों को अपने साथ लेकर लड़ाई जारी रखनी चाहिए।

जनता पार्टी ने अपनी इकानॉमिक पालिसी के स्टेटमेंट में जो कहा है, वह एक डेंजरस बात है। अगर उसे अमल में लाया जायेगा, तो उसका मजदूरों के बोनस पर बहुत बुरा प्रभाव पड़ेगा। उसके पेज 16 पर कहा गया है :

"These surpluses should not be thrown away by way of indiscriminate distribution of dividends and bonus and increasing the perks and amenities of the top people."

इसका मतलब यह है कि ऊंचे आदमियों को एमिनिटीज, आदि जो कुछ मिलता है, अगर मजदूरों के बोनस को भी उसी लेबल पर रखा जायेगा, तो यह मजदूरों के साथ अन्याय होगा। मैं उदाहरण दे सकती हूँ कि टाप लोगों की सब कुछ मिलता है, लेकिन

[श्रीमती ग्रहिल्ला पी० रांगनेकर]

मजदूरों को कुछ नहीं मिलता है। यह बिल 1965 के बिल से भी पीछे गया है। मिसाल के तौर पर क्लॉज 6 में जो नया एडीशन हुआ है, वह मजदूरों के साथ घोखा है और वह मजदूरों का बोनस छीन लेने वाला है। इसके अनुसार मालिक-वर्ग मजदूरों को बोनस देने से पहले डेवेलपमेंट रीबट को अपनी इनकम में से काट सकता है। शिपिंग कारपोरेशन में इस दफा 33 करोड़ रुपये का मुनाफा हुआ है। लेकिन उसने कहा है कि वह डेवेलपमेंट रीबट की हैसियत से 54 करोड़ रुपया वापस लेना चाहता है। इसका अर्थ यह है कि 33 करोड़ रुपये का मुनाफा होते हुए भी, अगर वह 54 करोड़ रुपया डेवेलपमेंट रीबट की हैसियत से वापस लेता है, तो 21 करोड़ रुपये का लाभ होता है और इसका परिणाम यह होगा कि मजदूरों को कुछ नहीं मिलेगा। मजदूरों के काम की वजह से इतना मुनाफा होते हुए भी उन्हें कुछ नहीं मिलेगा।

मजदूर वर्ग की मांग को देखते हुए लेबर मिनिस्टर को इस प्राविजन को डिलीट कर देना चाहिए। इस तरह मुनाफे में से पैसा काटना एक गलत तरीका है—मजदूरों को लूटना है। ऐसे और भी कई उदाहरण हैं कि मालिक लोग अपनी इनकम में से डेवेलपमेंट रीबट को काट लेते हैं और बोनस के लिए एक परसेंट भी नहीं बचता है।

अभी तक मजदूर वर्ग और मालिक वर्ग के बीच डाइरेक्ट नेगोशिएशन से करार होते रहते थे। इस बिल में यह एमेंडमेंट किया गया है कि अगर ऐसा एग्रीमेंट होगा, तो उसके लिए गवर्नमेंट की प्रायर परमिशन चाहिए।

यह तो गलत बात है। गवर्नमेंट की प्रायर परमिशन क्यों चाहिए? मजदूर वर्ग और मालिक वर्ग के बीच में नेगोशिएशन कर के किसी एक एग्रीमेंट में

आते हैं तो उसमें अगर हम यह कहेंगे कि नहीं, हमारी प्रायर परमिशन एग्रीमेंट का अमल में लाने के लिए चाहिए तो यह गलत है। अभी एल आई सी में आपको मालूम है

13. hrs.

MR. SPEAKER: You can continue after lunch, Mrs. Rangnekar.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): How much time has been allotted, Sir?

MR. SPEAKER: Only 2 hours have been allotted.

SHRI RAVINDRA VARMA: When will the clause-by-clause be taken up?

MR. SPEAKER: After that, 2 hours were allotted for consideration. Out of that, one hour was taken yesterday. To-day also same time has been taken. Another 40-45 minutes will be available.

AN HON. MEMBER: Can you extend it?

MR. SPEAKER: No, there are a number of other important Bills. We now adjourn for lunch.

13.01 hrs.

The Lok Sabha adjourned, for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at five minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

PAYMENT OF BONUS (AMENDMENT) BILL—*contd.*

श्रीमती ग्रहिल्ला पी० रांगनेकर : उपाध्यक्ष महोदय, मैंने अभी एल०आई०सी० के बारे में और जो ऐसे एग्रीमेंट्स हुए थे, उन के

बारे में कहा था। जनता पार्टी ने पिछला इलैक्शन लड़ने के समय उन को कहा था कि बोनस की तरफ हम "डिफेंड-वेज" की दृष्टि से देखेंगे, लेकिन यहां उस का कोई जिक्र नहीं किया गया है।

मैं इस बात को हाउस के सामने लाना चाहती हूँ कि रिजर्व बैंक ने अपने सर्वे में जो रिपोर्ट बोनस कमीशन को दी थी उस में रिजर्व बैंक ने जो लिखा था, उस में उन्होंने यह बताया था कि अभी जो प्रोडक्शन-कास्ट है, उस में मजदूरों की जो पगार जा रही है, उस पगार के खर्च में कमी हो रही है। पिछले चार-पांच सालों में प्रोडक्शन की कास्ट में मजदूरों के वेतन के ऊपर जो खर्च होता है, वह कम हो रहा है—इस लिए बोनस की आवश्यकता है। लेकिन इस का जिक्र बोनस के इस नए कानून में नहीं है। यदि आप बोनस की तरफ डिफेंड-वेज की दृष्टि से देखेंगे, तब ही पब्लिक सेक्टर में, शिपिंग कारपोरेशन में, रेलवे, पोस्ट-एण्ड-टेलीग्राफ में बोनस दिया जा सकेगा हम को इस बात को अमूलन भूल नहीं जाना चाहिए।

आज देश में जो सम्पत्ति का निर्माण हो रहा है—वह मजदूरों की मेहनत की वजह से हो रहा है लेकिन ऐसा कहा जा रहा है कि देश में जो कुछ हो रहा है उस का फायदा मजदूरों की तरफ जाता है, देहात के हमारे गरीब किसानों को कुछ नहीं मिलता है। मजदूरों और गरीब किसानों के बीच में झगड़ पैदा करने की प्रवृत्ति पैदा की जा रही है। आज मजदूरों को जो मिलता है वह सम्पत्ति-निर्माण के अनुसार मिलता है। किसान को मजदूर नहीं लूटता है, जमींदार लूटता है, जो उस को जमीन नहीं देता है। अगर किसान को समस्या को हल करना है तो किसान को जमीन देनी चाहिए। मजदूरों और किसानों के बीच में झगड़ा पैदा करने की जो कोशिश की जा रही है, वह गलत है। आज आप देखते हैं कि इस देश में काला-पैसा अभी भी बहुत

चल रहा है, इस सरकार ने उस को काबू में लाने की अभी तक कोई कोशिश नहीं की है। मजदूरों को जो पगार मिलती है, इस से किसानों को नुकसान होता है—यह विचारधारा गलत है, इस विचारधारा को दूर करना चाहिए।

आप ने यह कानून एक ही साल के लिए रखा है—यह गलत है। आप को इसे 1974 से लागू करना चाहिए था, क्योंकि आप को मालूम है कि आपातकाल के दौरान ऐसी बहुत की कन्सर्ज हैं, जिन्होंने करोड़ों रुपए का मुनाफा कमाया है, लेकिन उन्होंने मजदूरों को उन का हिस्सा नहीं दिया। चुनाव के दौरान हमारे मजदूर लीडरों ने उन को बड़े-बड़े आश्वासन दिये थे, लेकिन यह कानून तो 1965 से भी पीछे जाता है। हमारे मजदूरों ने उस समय यह मांग की थी कि हमारे मिल-मालिक जो एकाउन्ट्स देते हैं, हमें उन को देखने का अधिकार होना चाहिए। यह अधिकार छीन लिया गया है। हमारा कहना यह है कि एक एमेंडमेंट निकालना चाहिए कि मजदूरों को उन का हिस्सा देखने का अधिकार होना चाहिए। मैं आप को कई उदाहरण दे सकती हूँ। शिपिंग कारपोरेशन में जो अफसर लोग हैं उन्होंने 72 लाख रुपया टेलीफोन पर खर्च किया है और उन के पास 32 कारें हैं। उन का आने जाने पर ही बहुत ज्यादा खर्च हो जाता है और मजदूरों को इस सब खर्च का हिस्सा देखने का अधिकार नहीं है। इस से भ्रष्टाचार बढ़ता ही चला जाता है। कोई भी खर्च वे दिखा देते हैं और मजदूरों को ऐसे खर्च का हिस्सा देखने का अधिकार नहीं है। इसलिए मेरा कहना यह है कि यह जो उन का अधिकार छीन लिया गया है यह उन को मिलना चाहिए। आडीटेड एकाउन्ट्स पेश होते हैं लेकिन मजदूरों को उन को देखने का अधिकार नहीं है। यह गलत है।

आप कहते हैं कि मजदूरों को उत्पादन में हिस्सा लेना चाहिए। अगर उत्पादन कार्य

[श्रीमती अहिल्या पी० रांगनेकर]

में उन को हिस्सा लेने का अधिकार है, तो एकाउन्ट्स देखने का भी अधिकार रहना चाहिए। इस के अलावा बोनस के बारे में उन पर न्याय होना चाहिए और पूरा बोनस उन को मिलना चाहिए।

SHRI VINODBHAI B. SHETH (Jamnagar): Do you know that the officers of the Shipping Corporation were beaten in Calcutta port and they are in hospital?

श्रीमती अहिल्या पी० रांगनेकर : वह बात अलग है, आप उसे उठाइए। जो मारा जाता है, वह हमें मालूम है। आप देखते हैं कि जो फाइरिंग हुई वह क्यों हुई। मजदूरों को डेढ़ महीने का पगार नहीं मिला और अगर उन को डेढ़ महीने की तन्ख्वाह नहीं मिलती है, तो घेराव करने का उन का अधिकार है। उन्होंने मेहनत की है, काम किया है और उसकी उन को तन्ख्वाह मिलनी चाहिए। अगर नहीं मिलती है तो घेराव करने के अपने अधिकार को वे नहीं छोड़ेंगे। अपनी तन्ख्वाह का पैसा मांगने का अधिकार मजदूरों का है। हम बोनस मेहरबानी की हैसियत से नहीं मांगते हैं। हम इस को डेफंड बेजैज मानते हैं। हमारी मेहनत में जो पैदा हुआ है, उस में हमारा अधिकार है। यह अधिकार हम चाहते हैं, हम कोई भीख नहीं चाहते हैं, हम कोई खास नजराना नहीं चाहते हैं। इस तरीके से हम इस सवाल को देखते हैं। जो पब्लिक सैक्टर है, उस में भी यह लागू हो।

हमारे जो लेबर मिनिस्टर साहब हैं, उन के क्या ख्यालात है, वे हमें मालूम हैं। अगर उन को वे अमल में लाना चाहते हैं तो एक काम्प्रीहेंसिव बिल उन को लाना चाहिए।

इस में तो एक साल के लिए बोनस की बात कही गई है। एक काम्प्रीहेंसिव एक्ट बनाना चाहिए जिस में सभी दुटियों को दूर करना चाहिए। पब्लिक सैक्टर के लिए, रेलवे मजदूरों के लिए, रेलवे वर्कशाप में जो काम करते हैं, उन सब को उस में लाना चाहिए। क्या वे मजदूर नहीं हैं, इन्डस्ट्रियल वर्कर्स नहीं हैं। सुप्रीम कोर्ट के कई जजमेंट्स हैं जिनमें यह कहा गया है कि बैंकों के वर्कर्स और शिपिंग कारपोरेशन के कर्मचारियों को भी इन्डस्ट्रियल वर्कर्स की हैसियत से देखना चाहिए, लेकिन उन को बोनस का अधिकार नहीं है। यह गलत है। रेलवे वालों को और पोस्ट एण्ड टेलीग्राफ वालों को, सब को बोनस तो मिलना ही चाहिए, इस तरीके से इस में हमें बदल करनी चाहिए।

आखीर में मैं यह कहती हूँ कि वे कहते हैं कि भूतलिगम कमेटीज हम ने बनाई है जीकि वेजेज, कीमतों और दूसरी बातों को ध्यान में रख कर और कोरिलेट कर के अपनी सिफारिशें देगी, लेकिन भूतलिगम कमेटी में मजदूरों का कोई भी नुमायन्दा नहीं है। मैं अभी कह देना चाहती हूँ कि यह मजदूरों के सिर पर भूत बैठने वाला है और यह मजदूरों का नुकसान करने वाला है। इसलिए भूतलिगम कमेटी की जो रिपोर्ट आने वाली है, उस के कारण चार चार साल के वेजेज के बारे में जो डिस्प्यूट पड़े हुए हैं, उन को सैटिल नहीं किया जा रहा है। उस में आप कुछ नहीं करते हैं और भूतलिगम कमेटी की जब रिपीट आएगी, तब उन को करेंगे। मेरा कहना यह है कि चार चार साल से वे डिस्प्यूट्स पड़े हुए हैं, उन को जो वेज रिपोर्ट आप के सामने हैं, उन को देख कर तय करना चाहिए। इस से मजदूरों का बहुत नुकसान हो रहा है और

किर उसमें बोनस का भी सवाल आता है । भूतलिंगम कमेटी से जो मजदूरों के बारे में आने वाला है, वह हमें आज से मालूम है । इसलिए मैं यह चाहती हूँ कि इसका आप फिर से री-आर्गनाइजेशन करिये और मजदूरों का नुमायन्दा भी उस में आप लें, नहीं तो मजदूरों को उस पर कोई भरोशा नहीं रहने वाला है । इसके कारण जो बेज फीज हो गई है, उसको भी रोका जाए, यह मैं कहना चाहती हूँ ।

इन शब्दों के साथ मैं समाप्त करती हूँ ।

SHRI PRASANNBHAI MEHTA (Bhavnagar): Mr. Deputy-Speaker, Sir, I rise to support this Bill. At the outset, I congratulate the Labour Minister for taking appropriate measures to create pre-emergency conditions and return the right of the workers in respect of bonus.

The workers of this country had to struggle hard to achieve the right of the bonus as a deferred wage. But, as you know, in the year 1975, in the month of September, on one fine morning, when the workers got up they found that their hard earned bonus, the concept of bonus, had been snatched away from them by the previous Government by stroke of the pen by issuing an Ordinance on 25th September, 1975. Now that was a bolt from the blue to them and it was a boon to the capitalists. That Ordinance completely changed the basic concept of the bonus. The workers of this country who had achieved that, after a long struggle, lost their right of bonus overnight.

It will not be out of place if I may mention that no trade union, either the central organisation or the regional trade union, had asked for any enhancement in the rate of the bonus from 4 per cent to 8 per cent. But the Government had enhanced the rate from 4 per cent to 8 per cent for their party ends in order to fetch more

votes for their party. Actually, no trade union had demanded any increase in the rate of bonus; but it suited them to enhance it for their party ends.

When this Ordinance was promulgated, when this was before the House for disapproval from the Opposition and approval from the Treasury Benches, the Members sitting opposite today did not voice their concern. On the contrary, they tried to defend this draconian Bill which snatched away the right of the bonus, the concept of the bonus. Not only that, they supported it by saying that the industry would not be able bear the burden of 8.33 per cent of the bonus, they opposed it actually. I think they should thank the Labour Minister today for providing them a good opportunity to correct their misdoings and I hope they will support this Bill without finding faults with the present Government.

There is a controversy going on whether the losing units should pay the bonus. This is not a new thing. I may mention here that in the year 1955, the Textile Labour Association, on behalf of the textile workers of Ahmedabad, entered into a voluntary pact wherein it was agreed that the industry will pay a minimum bonus of four per cent to the workers irrespective of profit or loss, which means that the losing units will also pay a minimum bonus of four per cent on 'Set-off-set-on' principle to their workers. Can any one say that the industrialists of Ahmedabad are not competent for running their business? Can any one say that they are not competent to protect their business interest? Can any one say that the voluntary pact was entered into under any coercion? No, Sir. It was absolutely in the larger interest of industrial peace that the textile workers of Ahmedabad, the TIA and the industrialists entered into a voluntary pact for a minimum bonus of four per cent, and that was in res-

[Shri Prasannbhai Mehta]

pect of the losing units also. Thereafter, that was adopted by Bombay and other industrial cities of the country. Ultimately it resulted into an enactment in the year 1965 with some modifications....

AN HON. MEMBER: Even long before 1942 there was four per cent bonus in Kerala.

SHRI PRASANNBHAI MEHTA:
Not in respect of losing units.

AN HON. MEMBER: Yes, in respect of them also.

SHRI PRASANNBHAI MEHTA:
Therefore, it is no good to say that the losing units cannot pay bonus. Of course, this is a genuine controversy, but it has been proved beyond doubt that it does not affect the industry adversely if the losing units are asked to pay bonus.

Now, the Labour Minister has tried to restore the pre-Emergency position. But there remains one thing to be done. I would like to bring to the notice of the hon. Labour Minister that a great injustice has been done to the LIC workers. The previous Government brought a Bill in this House annulling the bilateral agreement under which the LIC workers had got bonus, and all my friends sitting on the Opposite now, supported this Draconian Bill annulling the bilateral agreement entered into by the LIC and its employees. Thus, they had snatched away the bonus of the LIC employees also. I would request the hon. Minister to give a new consideration to this problem also.

Now the Janata Government has fulfilled its promise and restored the pre-Emergency position. It is now for the workers of this country to respond to this. 8.33 per cent bonus will not go a long way, cannot be sustained, if the production does not

increase and if the industry is not renovated properly and modernised and if adequate reserves are not ploughed back. Therefore, I appeal to the workers also to respond to the Government by way of increasing production and productivity. I have given notice of a few amendments. Of course, it was at a late hour, but I would request the Hon. Minister to give due consideration to these amendments.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Mr. Deputy Speaker, Sir, at the outset I would like to congratulate the Minister on bringing forward this piece of legislation though I must say it is rather like the proverbial Curate's egg 'good in parts'. I cannot understand why he has been so timid. It is a very welcome gesture that 8.33 per cent now becomes statutorily the minimum bonus. Previously, year after year we had raised it again and again and Ordinance after Ordinance had to be brought, but the statutory bonus on the statute book continued to be 4 per cent. Now we have this guaranteed safeguards that the working class will get this minimum of 8.33 per cent. Every year the workers have to argue, struggle, to suffer, to compel the employers to pay higher wages and adequate bonus and this minimum bonus at least gives some safeguard: I do not say it does far enough. But I cannot understand the timidity of the Minister. He may be a small man but, surely, he is capable of standing up against the giant employers and removing the ceiling on bonus? That is what was expected—that the ceiling of 20 per cent would also be removed because this is what has agitated the working class for many years, and this removal of the ceiling would also be in keeping with his own election pledges to the workers in the country and in his own constituency where there is a large industrial complex—that bonus is a deferred wage. I would like to say that bonus should not have any pre-conditions except

that a worker claiming bonus should have worked in the factory during the year for which bonus has to be calculated.

I heard the Minister very carefully. He lived into the past—which is very important, because it is from the past then we learn lessons for the present and for the future. But when he talked about the Emergency and about how this inalienable right of workers to bonus was curtailed during the Emergency, he forgot to pay the tribute that is necessary to the workers of our country—because our workers have a revolutionary tradition. Of course, I do not blame Mr. Subramaniam Swamy for not being able to mention those instances because he was busy with his James Bond peregrinations abroad, and the Minister may not have seen them in the Press because it was a censored Press which did not give the news. But the fact is that thousands and lakhs of workers in Bombay went on strike for bonus on 15th October, 1976 at a call given by the Girni Kamgar Union. Similarly, workers of the National Textile Corporation and Mills in Bombay went on strike on the 20th October when Rs. 100 was announced and they got this Rs. 100 increased to Rs. 200/-. So, give a credit where it is due at least, Mr. Minister. I am not asking you to go further than that. Why do you damn the whole working class of this country by one word, saying they were frightened when they were not frightened? The working class fought back. They did whatever they could and succeeded in many cases. In Chheharta in Amritsar the workers managed to get even from small concerns as much as 14.5 per cent bonus and in Coimbatore, after the Ordinance came, even from the big monopoly mills which pointed out that they were earlier having a profit of Rs. 2 crores but suddenly went into losses, the workers were able to wrest bonus. Apart from that, in January 1976 there was a large-scale Dharna throughout the country and 20,000

workers went to jail for bonus and cases against these workers are still going on. Such cases as the Baroda Dynamite Case have been withdrawn, but the working class has not been given recognition for their putting up a fight against the misuse of Emergency.

Yesterday the Railway workers demonstrated for bonus. (Prof. Chakravarty also spoke from the other half today though he did not speak yesterday). Bonus was one of the issues of the May 1974 strike. And, I would like to remind you that I went to jail at that time and my case still continues in the court. It has not been withdrawn though the Baroda Dynamite case has been withdrawn. Will the hon. Minister pay me my conveyance every week when I go to Tis Hazari? Is this the way you have recognised the railway workers and their strike? You talk about the heroism. What about those poor Northern Railway workers who day after day have to go to courts and are not given leave with pay? Is this the way you champion the cause of the railway workers? Please delve deeper into the position what the working class is today, particularly the railway working class.

You can claim bouquets for yourself for the Ordinance, but let me remind you that just preceding your Ordinance, which has all its defects, there was the one-day strike throughout Kerala and also the step taken by the Kerala Government, who said: "We are giving bonus, whether your Ordinance, which has all its defects, by the working class." As the United Front Government of Kerala stood by the working class in 1975 and 1976. There is a history of bonus; you cannot forget it. That is why, we say: Give bonus as a deferred wage, recognise that principle, fulfil your promise and do not betray the working class or try to bamboozle them because the writing on the wall was

[Shrimati Parvathi Krishnan]

there for those who perpetrated the Emergency and the writing on the wall will be there for those who go against the interest of the working class of a country like ours.

There is another point and that is that you are giving another present to the employers in the form of investment allowance. You know, how year after year, the employers continue to cook their accounts to bamboozle the workers and that is why we demanded the right to investigate and question the accounts and that right has not been given to the workers. It is no good only having your statutory minimum bonus, unless you also have the pre-conditions to enable the working class to get what is their due right as bonus. Apart from the minimum by examining the accounts may be, they are able to get more. They should be in a position to get more, but you shut those doors and you leave the employers' profit sacrosanct. Then, you have people like Shri Subramaniam Swamy (who is conveniently absent), he talks in terms of how the workers' income is going down, sheds crocodile tears, but makes no reference to the fact that while profits go up, the share of the workers in cost of production has been steadily going down. That is not just what I say, the figures are those of the Reserve Bank of India; they have said that it has gone down to 14.7 per cent.

Mr. Deputy-Speaker, Sir, in this Bill, we have given certain amendments and since you insist on ringing your bell more than once, we will speak when the amendments come, but I hope, the Minister being the reasonable man as he is, having the interest of the working class at his heart, as he does, will accept our amendments, particularly the amendment to revalidate those agreements which were nullified during the Emergency period, as a result of which even today, the workers are having some deductions which they were paid

over and above what was there in the Bonus Ordinance during the Emergency.

श्री उपसेन (देवरिया) : उपाध्यक्ष महोदय, कब्ल इसके कि मैं इस बिल पर अपनी राय जाहिर करूं, मैं श्रम मंत्री को बधाई देना चाहता हूं, जिन्हें श्रमिकों के साथ काम करने का काफ़ी मौका मिला है। उन्होंने आपातकालीन स्थिति का कम से कम एक पाप तो काट दिया है। जब श्रीमती पार्वती कृष्णन् बोल रही थीं, तो मैं जो अपना भाषण लिख कर लाया था, मैं उसे भूल गया, और मुझे दूसरा भाषण याद आ गया। हम लोग जेलों में थे, तो पढ़ा करते थे।

उपाध्यक्ष महोदय : आप जरा वक्त का भी ख्याल रखें

श्री उपसेन : बोनस ऐक्ट 1965 का बना, वह भी बहुत पूरा नहीं था। मैं भी मजदूरों में काम करता हूं, रोडवेज की यूनियन चलाता हूं। हम बराबर मांग करते चले आए हैं कि बोनस कोई बख़्शीश नहीं है कि करोड़ीमल चाहेंगे तो देंगे, नहीं चाहेंगे तो नहीं देंगे। बोनस हमारा हक है। 12 महीने काम करते हैं, 13 महीने की मजदूरी देनी चाहिए, बिलकुल देनी चाहिए। उस में कोई शको सुबहा नहीं है। तो हम तो यह बराबर मांग करते आए हैं। बीच में जब बोनस ऐक्ट बन गया, पास हो गया और लागू हो गया उस समय भी हम ने कहा था कि यह बोनस ऐक्ट प्रतिष्ठानों पर लागू नहीं हुआ है। उन के मजदूरों ने एल आई सी ने और दूसरे लोगों ने समझौते से कुछ पा लिया तो पा लिया। मगर चूंकि बोनस ऐक्ट 1965 उन पर लागू हो गया इसलिए नहीं मिलेगा, ऐसी बात नहीं होनी चाहिए। मगर जब यह कट गया तो मैं पार्वती जी से पूछना चाहता हूं, मैं डांगें साहब से पूछना चाहता हूं, वह मेरे लायक दोस्त हैं, जब मैं एच एम पी में काम

करता था तो वह भी काम करते थे ए आई टी यू सी में और पार्वती जी भी करती थीं, अभी मैं एन ई रेलवे में पहले दिन भाषण कर के आया, दुसरे दिन पार्वती जी चली गई, बराबर जाती है, मैं उन से जानना चाहता हूं कि जब यह बोनस ऐक्ट कटा और एमर्जेंसी में नया बोनस 1976 संशोधन अधिनियम आ गया कि यह नहीं मिलेगा, चार फीसदी मिलेगा जहां मुनाफा होगा, पूरा पूरा सफाया कर दिया, लाखों मजदूरों का हक मार दिया तो उस समय ए आई टी यू सी ने हिन्दुस्तान के अंदर कौन सा जेहाद छोड़ा ? हमारे सुब्रह्मण्यम् स्वामी जी इस बात को नहीं जानते हैं तो उन को मत ललकारिए हम लोग जो मजदूरों में काम करते हैं हम को ललकारिए। उस समय आप ने क्या किया ? हम लोग तो जेलों में थे लेकिन हमारे साथी जो थे कोई ऐसी फैक्ट्री नहीं थी जहां उन्होंने इस सवाल को न उठाया हो। मैं रोडवेज मजदूर सभा में काम करता हूं। बोनस की बात पर हमारे लोगों ने हल्ला किया। मामूली कंडक्टर और ड्राइवर्स बेचारे चले गए। आप के ही मुकदमे नहीं चल रहे हैं। हम जनता पार्टी के हैं, हमारे भी मुकदमे चल रहे हैं। कुछ टेकनिकलिटिज हैं, कुछ गलतियां हैं, कुछ मजबूरियां हैं ला की जिससे वे चल रहे हैं, चलने नहीं चाहिए, उठ जाने चाहिए, इसमें कोई दो राय नहीं है। तो मैं माननीय मंत्री जी को इसके लिए बधाई देता हूं और जो जनता पार्टी के श्रमिक-संघ हैं, जो जनता पार्टी के श्रम-संगठनों को चलाते हैं उन लोगों ने इसका विरोध किया था। हम इसका स्वागत करते हैं।

एक अमेंडमेंट हम ने भी दिया है। पार्वती जी सुन लें, वह तो 8, 10 और तीन की ही बात करती हैं, मैंने उसमें एक और बढ़ाया है, मैं ने यह संशोधन दिया है कि दस प्रतिशत बोनस मिलना चाहिए और हम ने यह कहा है कि जितने प्रतिष्ठान हैं सब पर यह लागू होना चाहिए। अभी

रांगनेकर जी बोल रही थीं कि शिपिंग कारपोरेशन में 34 करोड़ का मुनाफा हुआ, उसमें 21 करोड़ का वे जहाज खरीदेंगे और कुछ करोड़ का घाटा दिखा कर मजदूरों को कुछ नहीं देंगे। उत्तर प्रदेश रोडवेज की बात मैं कर रहा हूं, उसमें 20 करोड़ 80 लाख का मुनाफा हुआ, मुनते हैं कि 3 करोड़ की बस खरीदने वाले हैं और कुछ रुपया और मजदूरों से मांग रहे हैं ताकि बस खरीद लें। बोनस कभी नहीं दिया। तो यह जो एम्प्लायर का हक है चाहे वह सरकारी हो या गैर-सरकारी हो कि रिबेट के नाम पर, डेवलपमेंट के नाम पर या और किसी नाम पर मालिक लोग लाभ आपस में बांट लेते हैं और कह देते हैं कि बड़ा घाटा है, हम मजदूरों को कुछ नहीं दे सकते, इस तरह मजदूरों का हक मारते हैं, यह चीज खत्म होनी चाहिए।

तीसरी बात मैं यह कहना चाहता हूं कि यह केवल एक साल के लिए नहीं होना चाहिए। अभी जो दिया गया उसमें यह कहा गया कि यह एक साल के लिए है। यह नहीं होना चाहिए। जो कानून माननीय मंत्री जी लाये हैं उसमें आवश्यक सुधार करके उसको हमेशा के लिए लागू करना चाहिए। बोनस जैसा मैंने कहा हमारा हक है, यह हम बचपन से नारा लगाते रहे मजदूर क्षेत्र में कि हम अपनी मांगें लड़ कर लेंगे उसके चलते चाहे जो कुछ हो और मैं आपको यह बता दू कि मैंने एक बिल का नोटिस दिया है, एक बिल सर्कुलेट किया है, अगर वह मंजूर हो जायगा तो प्राइवेट मेम्बर बिल के रूप में मैं उसे मूव करूंगा। उसमें मैं तीन बातों की मैं मांग करने वाला हूं। पहली बात तो यह है कि राइट टु एम्प्लायमेंट। हम को रोजगार का अधिकार मिलना चाहिए। अगर समझ हैं, बीमार नहीं हैं तो रोजगार हम को मिलना चाहिए, यह हमारा अधिकार है और यह फंडामेंटल राइट में 19वीं धारा में जोड़ा जाये। अगर सरकार रोजगार न दे तो बेकारी का भत्ता दे। दूसरा मैंने यह जोड़ा

[श्री उग्रसेन]

है, मैं इसकी हवा बना रहा हूँ और इसके लिए भाषण करता हूँ कि राइट टु रिक्वाल हो। पार्लियामेंट और असेम्बली के प्रतिनिधि अगर गड़बड़ करें तो जनता को हक होना चाहिए कि उन्हें वापस बुला ले।

SHRI C. K. CHANDRAPPAN (Cannanore): You are the Chairman of the Petitions Committee. A petition on these lines is coming to your committee.

श्री उग्रसेन : बहुत अच्छी बात है। मैंने उस प्राइवेट मेम्बर बिल में तीसरी मांग यह की है फंडामेंटल राइट्स में जोड़ने की और मैं सदन के सदस्यों से कहना चाहता हूँ तथा आपके द्वारा सारे हिन्दुस्तान से कहना चाहता हूँ कि जब मजदूर मालिक के साथ बात कर के थक जाये, हाथ जोड़ कर अनुनय विनय करके थक जाये तो उसे हड़ताल करने का हक होना चाहिए, राइट टु स्ट्राइक संविधान में जुड़ना चाहिए। तो मैं इसकी हवा बनाना चाहता हूँ।

अन्त में मैं मंत्री जी से अपील करता हूँ कि हमारे जो सेंटिमेन्ट्स हैं उनको अपना उत्तर देते समय अपने ध्यान में रखें। पूर्वी जिलों के गरीब मजदूर सबसे ज्यादा मारे गये हैं, वहाँ का खेतिहर मजदूर आज भी 80 पैसे पा रहा है। दूसरी तरफ 50-51 में बिड़ला 152 करोड़ से बढ़ते-बढ़ते आज 1075 करोड़ तक पहुँच गये। उग्रसेन के बाप ने उनको नहीं बढ़ाया। मोहतरमा इन्दिरा गांधी और उनके बाप ने उनको बढ़ाया है। जनता पार्टी ने उनको नहीं बढ़ाया है। एक शेर है, दुष्यंत कुमार ने निखा है उमको मैं आपकी खिदमत में पेश करना हूँ :

यहाँ तक आते आते सूख जाती हैं सभी नदियां मुझे मालूम है पानी कहां ठहरा हुआ होगा।

जनता पार्टी का राज आया तो सब नदियां सूख गयी थीं। इन शब्दों के साथ मैं निवेदन करना चाहता हूँ, सविनय और सादर, मंत्री जी से कि मेरे विचारों पर, जो मैंने सदन के समक्ष रखे हैं, उचित ध्यान देंगे और इस बिल के लिए तो मैं उनको बधाई देता हूँ।

SHRI C. M. STEPHEN (Idukki): Mr. Deputy-Speaker, here is a Bill in respect of which I would say that I support, and yet, I support not.

I am reminded of the adage of the mountain giving birth to a mouse. I cannot think of another example which would exemplify this adage.

Well, the question as to how far this Bill is a progressive measure would depend upon the answer you may give to one or two major questions—whether as has been claimed by some friends the Bill accepts the principle of bonus being a deferred wage or not?

2. Whether the Bill restores the *status-quo* prior to emergency?

3. Whether the Bill incorporates the promises that the Janata Party friends, some of them at least have been giving to the Government employees, to Departmental employees such as the Railways and P & T?

To all these questions the answer regretfully is a big 'no'.

It was claimed as if something momentous has happened as a result of this Bill. I recall the message given by the Prime Minister to the nation when it came out as an Ordinance, the Press Conference and the message given by the Labour Minister when this Ordinance came out in a tone which reminds one of the messages to the nation when China attacked India or Pakistan attacked India—something so momentous. The claim was made that the Janata Party gave the CDS and now they are giving bonus.

Well, I do not have the time to go into the veracity of these claims. The House knows what happened about the CDS. The attempt was made by the Government to get CDS funded in the Provident Fund. Resistance was put up from this side. Division was pressed for and the Bill was passed by the Janata Party Members. It was taken to the Rajya Sabha. There motion was given opposing the Ordinance. The result was they could not press that measure there. Being so, they were compelled to pay the CDS amount. But it pained me very much to head Shri Morarji Bhai of all people whom, whatever be my differences of opinion with him I should accept as an honest man, making a statement regarding CDS contrary to this fact. Certain tall claims were made about certain things. My hon. friend Shri Prasann bhai Mehta was telling us about the TLA. At that time it was an affiliate of the INTUC. Let me tell you this. The concept of deferred wage does not start with 1955 only. It started long back. It started in my State of Travancore, to which my friend Shri Ravindra Varma belonged or belongs. Both of us come from there. At that time Sir C. P. Ramaswamy Iyer was the Diwan. Then a tripartite conference was held. A tripartite agreement was entered into whereby it was agreed that whether there was profit or less, every industrial establishment, irrespective of the number of employees, irrespective of its character, should be given four per cent bonus as a deferred wage. That was the set up in 1942. Following that there were many, many judgements, which we were able to get. Bonus has got its own history. There are many cases of industrial disputes, commission's findings, ordinances, Acts, amendments, rulings and adjudications. It has got a long history behind it. We know the formula, the appellate tribunal formula arrived at between RMMS and the mill-owners of Bombay. As the House will recollect, the Bonus Commission was appointed at that time

when Shri Ravindra Varma and I were in the same benches. He was in the same party. In 1965 the Bonus Ordinance came which gave a minimum of 4 per cent. When my friend from the other side spoke of the dark days of the Congress rule, this is something of an oasis, whereby the workers could get 4 per cent of minimum bonus in 1965.

After that, what happened was, a certain section of the Act was struck down. Labour conferences were held, standing committees met. Again the Labour Ministers met in Delhi and the demand was raised by the Labour Ministers that the minimum bonus should be raised from 4 per cent to 8-1/3 per cent. It is not as if there were no demands from the labour unions. Let me remind you that it is not the position. There was a resolution of the INTUC which asked for an increase of the minimum bonus from 4 per cent to 8-1/3 per cent. I hope that Mrs. Parvathi Krishnan might be able to give a resolution from their side. The main point was this, namely, the workers are not getting a living wage; he does not have anything to fall back upon at the end of the year. So, there must be some amount of money with them, to meet the accumulated needs of the workers. Therefore, the idea was, a part of the wages must be deferred and it must be given at the end of the year. The principle of deferred wage has to be accepted, subject to a minimum of a certain percentage and beyond that, on the basis of the sharing of the profits. This has been the demand of the workers. In 1971, after this, in Bombay, there was a discussion and then emerged the Khadilkar Formula. A graded basis was arrived at having 5 per cent, 6 per cent, 8 per cent etc. Beyond that, this is to be on the basis of profit-sharing. That was the agreement which was evolved to which INTUC was the sole signatory and party and all the Central Trade Unions welcome that, that after all, 8-1/3 per cent bonus was accepted. But the employees repudiated that. We of

(Shri C. M. Stephen)

the INTUC therefore, went back on that. And then the Bonus Commission was appointed. That Bonus Commission gave an interim report and, on the basis of that interim report, in 1972, the first Ordinance was promulgated which gave for one year this 8-1/3 per cent bonus.

After that, year after year, this promulgation of ordinance was made.

MR. DEPUTY-SPEAKER: Mr. Stephen, you should conclude now.

SHRI C. M. STEPHEN: I want a little more time.

MR. DEPUTY-SPEAKER: The trouble is that we have only 20 more minutes for discussion and the Speaker has said that there should be no extension of time. So, we will have to adjust that.

SHRI RAVINDRA VARMA: I do not mind giving 8-1/3 per cent of my time to him!

SHRI C. M. STEPHEN: Thank you. Let me now carry on. What I was saying was this. This principle was accepted. But, still, the Bonus Commission had not decided; the Government had not decided as to whether it must be a permanent feature or not.

Therefore, year after year, Ordinances became necessary. This Ordinance applied only for one year. Every time when it came to this House, amendments were moved by us, including myself, demanding that it must become a permanent feature. But you understand one thing that in every party, every member need not follow the same party line and need not share it. This is one of the differences of opinion and I am very clear in my mind by looking at Mr. Ugrasen and other friends sitting over there that where there are large areas of agreement, there emotionally and intellectually, we will all travel together. Nevertheless, under party

discipline, you will be voting in a particular pattern and we will be voting in a particular pattern. But there should be no misunderstanding about the basic stand of the Trade Union Members, irrespective of the way we vote.

Nevertheless, we will judge you and we will value you by your reactions to the trade union workers who will be having certain proposals that are coming up. I am saying this only because when we were in the Treasury Benches, we put forward our point of view and demanded that this 8-1/3 per cent bonus business must become a permanent feature. But, year after year, ordinances came. And this went on upto 1974. 1975 Ordinance could not come because, by that time, the emergency came.

SHRI PRASANNBHAI MEHTA: I may remind him that we were pressing to bring forward a Bill to that effect. But, it never came.

SHRI C. M. STEPHEN: All that happened. Nobody opposed it. What I am saying that let us remember this. The emergency came; as a result of that, the customary ordinance of granting 8-1/3 per cent bonus on an annual basis did not emerge. As far as I am concerned, I remember, the Indian worker represented in the INTUC editorially commented upon it; the Working Committee demanded that; every trade union demanded it. This did not come. In September, 1976 what we got was the Ordinance that there would be no bonus unless there was a surplus profit. This came here. I do not want to say much about what happened here. But, we managed to get certain of the provisions amended; we managed to get it amended that this provision shall not apply to the industrial workers who are drawing a minimum wage. Formerly it did apply to all the minimum wage workers as well. I moved an amendment and I got the Government to accept that amendment so that the workers drawing the minimum wage, irrespective of the profit or loss, get the minimum bonus. That

provision we were able to preserve and that money was paid. Originally, the law was that it must be refunded. We were able to get back that money. So, with respect to whatever agreement there was, whatever money there was paid must be preserved and that must not be encroached upon. Beyond that, we were not able to get what we wanted. This struggle went on after that. I am now claiming one thing that it is not as if the matter was left at that. The trade unions raised their voice and went ahead with it. As we were part of Government, we moved the Prime Minister and we remained on deputation and the result was that we were able to get the notification of the Government brought out towards the end of 1976. That notification was brought by Mr. Raghunatha Reddy and he conceded certain fundamental things. The question: whether this Bill will go up to that extent at least or not. That notification said that if there is no surplus profit or if there is no available surplus in net profit, even if it is one paise, then Rs. 100 minimum will be given. But with respect to the other 4 per cent bonus business, this will continue. The workers will have the right to examine the accounts, even the audited accounts. This is what is stated. This is a major change. It is stated that the Tribunal will have the right to reopen the accounts, even the audited accounts. The Tribunals will have the right to challenge any expenditure made in the account. The tribunals will have the right to appoint a fresh auditor to go into the accounts which the worker is challenging. The Trade Unions appearing before the tribunal will have the right to get the accounts and to examine those accounts. These points were also conceded. Then, as far as productivity bonus is concerned, it was agreed that the ceiling would be given away. The productivity bonus will be in force and the ceiling will be given away. For this the Government has said that necessary legislative changes will follow to

implement the decision taken by the Cabinet on Monday. It was at this stage that we went to polls and the Government has now come. Now, I am putting the question to the hon. Minister are we prepared to go at least to this extent? Are we prepared to ensure that the examination of accounts be ensured to the workers rather than keeping the audited position completely and workers being shut out of it? What has happened today?

My friend, Shrimati Parvathi Krishnan, has said that 8-1/3 per cent has been restored. Let me correct it. It is not restored. 8-1/3 per cent has been restored for one year beginning from any day, from 1976-77. The restoration is for one year. Well, the worker was a casualty with respect to 1974-75, to 1975-76. The bonus was struck down. But have you restored the *status quo ante* as you claim? Then you must give the benefit of 8-1/3 per cent for the period 74-75, 75-76, 76-77 and for succeeding accounting years. Otherwise, you are not restoring the *status quo ante*. Therefore, it is only for one year. It is not a permanent legislation. The other period is left in vacuum. The forward area is put in vacuum. Nothing is done about it. There was nothing in the previous bill as such that an agreement must have the prior consent of the Government. You have now incorporated a new provision "any formula outside the Bonus Act formula will require the approval of the Government". You now stipulate for restoring the *status quo ante* that after I sign an agreement I must come to the Government for sanction if the workers has to get that amount. For an agreement there was no ceiling formula. You are now putting ceiling even in the case of agreement that you are arriving at. With respect to other things, you are not giving it at all

Now, you are keeping the Section 32. I have moved an amendment today that Section 32 which excludes

[Shri C. M. Stephen]

certain sections of our workers namely, the railway workers, Post and Telegraph workers, all those workers and departmental workers, with respect to them, with respect to the minimum bonus at least Section 32 shall not apply. The minimum bonus must have to be paid to these people. These are the amendments I have moved. Therefore, I would only say that this is a Bill which, I would say, I support and that I support not because this is a camouflage you just made a commitment. You want to make an appearance of satisfying the commitment. You have failed in making even that appearance and workers are not idiots who cannot understand the gravity of the situation. They will understand what has been done and what has not been done and I say this, Sir, that you stand charged at the bar of the working people for committing an act of deceit and with respect to that I condemn the Bill to that extent. It has gone half-heartedly and for half-hearted concession I do not thank you. Your own character does not permit you to go along. At least do what the notification permitted you to do; that is the request that I make in conclusion.

15.00 hrs.

SHRI K. MAYATHEVAR (Dindigul): Sir, I welcome this Bill on certain conditions and reservations. The objective of the Bill is stated to be to correct the mischief committed by the then Congress Government during the time of the Emergency. It does not deliver any new goods for the uplift of the working class. Therefore I want to say that this Bill amounts to putting old wine into old bottle... (Interruptions) It is not a new bottle; in fact it is rotten wine being put in a rotten bottle.

What are the promises that you have given to the people at the time of elections. You have stated that if you were voted to power you would

right the wrongs and irregularities and illegalities. This Bill is beating about the bush. What all was done by the Congress Government is repeated by the Janata government. What is the new thing? What is the fundamental change you have introduced in this Bill for the uplift and welfare of the workers? There is nothing new nothing beneficial to the working community That is why I say old wine, rotten wine in rotten bottle, in fact broken bottle I think retrospective effect should be given to this provision. Prior to Emergency the benefit of 8.33 per cent was there; in times of emergency it was scrapped in the interest of capitalists and monopolists. Therefore, there was heavy loss for the working class during the emergency. If they were really interested in the working class they should have given retrospective effect from the time of the declaration of the emergency. It has not been by this Bill. No compensation was given to the working class who had lost heavily because of the stoppage of bonus.

Now, you are introducing a ceiling of 20 per cent on payment of bonus. This ceiling is dangerous. My suggestion on behalf of the All India Anna DMK is that there should not be any ceiling for bonus, 20 or 25 per cent. This is because a ceiling on the bonus is a ceiling on the productivity itself. It is a ceiling on the productive capacity, competency and the ability of the working class. Therefore it is not a stimulus or encouragement to the working class My suggestion is, there should not be any limitation or ceiling or bar for bonus.

The working class is entitled to get more and more bonus in proportion to the enhancement and increase in production. As students of economics know fully well, if you produce more, the prices will come down, you can promote your international trade. You can reduce the price level within the country also. Another point is, you can get more and more foreign

exchange by that. There will not be a scarcity of foreign exchange. Therefore, to contain inflation inside the country, I suggest that this Government should scrap and take away the ceiling imposed for bonus i.e. maximum of 20 per cent and it should be made in proportion to the increase in production. You must make it as unlimited bonus to which the working class is entitled to. It will be a very good stimulus and encouragement to the working class in India.

As my sister, Shrimati Parvathi Krishnan pointed out correctly, when you were in opposition before 1977 Elections, Mr. Fernandes and so many other Ministers including Prof. Madhu Dandavate were making a hue and cry in this hon. House demanding higher and higher bonus payment to Railway Workers. What are you doing now? You are withholding all your talks and promises which you have made. You simply say now, we were talking when we were in Opposition and now we have dropped all those things because we have now shifted to the treasury bench. There should not be a dual policy. We must have only one policy throughout. Therefore, I would request you to drop the maximum ceiling of 20 per cent for bonus, in the interest of the working class. I support the bill otherwise, with the reservations I have mentioned. I congratulate the hon. Minister for bringing this Bill at least, because by this you have rectified certain mistakes committed by the illegal child 'Emergency'. With these words, I welcome this Bill.

SHRI CHITTA BASU (Barasat): Sir, I rise to support this Bill subject to certain comments of mine. Since you have not given me more time, I shall merely mention the points. The Bill, although is a welcome step, suffers from a host of infirmities and it is a measure which lacks teeth. I catalogue them. It is only for one year. Secondly its coverage has not been extended. It has not repealed the most preposterous Act of the

Parliament in the matter of LIC. It does not speak any thing of it. Sir, it also reveals unerringly the slide back of the Janata Government in the matter of electoral promises, particularly in relation to the concept that bonus is a deferred wage. Sir, it also the question of giving retrospective effect in the matter of bonus claim of the workers from the year 1974. It also clings to the time-worn concept that in India, inflation is the result of wage-push and not cost-push. It also tries to pigeon-hole the basic question of bonus by appointing the Bhoothalingam Committee which has been properly named as a ghost upon the working class. This committee is a subtle device to pigeon-hole and shelve the entire question of bonus as the rightful claim and inalienable right of the working class of the country. Sir, I have only catalogued the weaknesses of the Bill brought forward by the minister. Since you have rung the bell, it has prevented me from saying something good about the Bill and that is his ill luck!

श्री मनोहर लाल (कानपुर) : उपाध्यक्ष महोदय, मैं आपका आभारी हूँ कि आप ने मुझे दो मिनट का समय दिया है।

श्रम मंत्री महोदय ने बोनस के सम्बन्ध में जो बिल प्रस्तुत किया है, मैं उसका हृदय से समर्थन करने के लिए, और हिन्दुस्तान के मजदूरों की तरफ से उनका अभिनन्दन करने के लिए, खड़ा हुआ हूँ।

श्री अपोजीशन के माननीय सदस्यों ने कहा कि बोनस मजदूरों का हक है और उन्होंने इस बिल को अपनी कन्डीशनल सपोर्ट दी। मैं उनसे एक बात पूछना चाहता हूँ कि उन्नीस महीने की इमर्जेंसी में, जबकि पार्लियामेंट विद्यमान थी, कांग्रेस और सी० पी० आई० के भाइयों ने मजदूरों का बोनस छीन लिया था; तब उन्होंने इसके लिए— प्रयास क्यों नहीं किया था।

[श्री मनोहर लाल]

जनता पार्टी के चुनाव के मैनिफेस्टो में कहा गया था कि श्रीमती गांधी, कांग्रेस पार्टी और सी०पी०आई० ने मिल कर जिन कानूनों के द्वारा बोनस का अधिकार छीन लिया है और सी०डी०एस० को लागू कर दिया है, उन कानूनों को खत्म कर दिया जायेगा। यह जो बिल प्रस्तुत किया गया है, वह जनता पार्टी की मानता के अनुकूल है, जो चुनाव के समय व्यक्त की गई थी। मैं मानता हूँ कि इस बिल में बहुत सी खामियाँ हैं, जिनका समाधान किया जाना चाहिए, लेकिन समयाभाव के कारण मैं इस समय उनके बारे में कुछ नहीं कहूँगा।

बोनस को लेकर आज देश के श्रमिक वर्ग में बहुत अशान्ति है। अभी कल कानपुर में स्वदेशी काटन मिल के मजदूरों पर, जो बकाया तन्खाह की मांग कर रहे थे, पुलिस ने गोली चलाई, जिससे बारह आदमी मारे गये। मैं ने इसके सम्बन्ध में कालिग एटेंशन नोटिस दिया है, जो स्वीकार कर लिया गया है।

भारत हेवी इलेक्ट्रिकल्स के सब यूनिट्स में बोनस दिया जाता है, किन्तु झांसी यूनिट में मजदूरों को बोनस नहीं मिलता है। मंत्री महोदय इस पर विचार करें और इस सम्बन्ध में एकरूपता लाने का प्रयास करें। मैं यह भी आग्रह करना चाहता हूँ कि नेशनल वेज पालिसी के बारे में शीघ्र निर्णय किया जाये, ताकि श्रमिक वर्ग में जो अशान्ति है, उसे दूर किया जा सके।

इन शब्दोंके साथ मैं मंत्री महोदय द्वारा प्रस्तुत बिल का समर्थन करता हूँ।

SHRI VASANT SATHE (Akola): Is the minister aware that the Supreme Court has now laid down that in cases where the balance sheets are challenged, the tribunal can go into the question of the correctness of the balance sheets? Now by section 13

you are going back on the law which has been laid down. Is it a progressive step? Will you reconsider this? Secondly, I have myself, as President of a press union, entered into an agreement with one of the employers for bonus higher than 8.33 per cent. According to section 17, even for this we will have to take the permission of the government. Will you reconsider the position relating to these two things?

श्री हरिकेश बहादुर (गोरखपुर)

उपाध्यक्ष महोदय, सब से पहले तो मैं माननीय श्रम मंत्री जी को बधाई देना चाहता हूँ कि उन्होंने एमजॅसी से पहले की स्थिति बोनस के मामले में रेटोर कर दी है। मैं एक बात कहना चाहता हूँ कि रेलवे एम्प्लॉयज़ के बोनस के मामले में सहानुभूतिपूर्वक विचार करना चाहिये।

मैं निवेदन करना चाहता हूँ अभी कानपुर के अन्दर एक बड़ी दुर्घटना हो गई है जिसमें मजदूरों की मांग को लेकर झगड़ा हुआ। उसमें 12 मजदूर मारे गये और दो आदमी मिल-मालिकों की तरफ से मारे गये। अगर मजदूरों के झगड़ों को नहीं निपटाया गया तो इस तरह की घटनाएँ और आगे भी हो सकती हैं। इसलिए मेरा निवेदन है कि आप इस तरफ ध्यान दीजिये।

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND LABOUR
(SHRI RAVINDRA VARMA): Mr.
Deputy Speaker, Sir, first of all I
would like to thank the hon. Mem-
bers who have taken part in the de-
bate on this Bill. As the House has
noticed, there has been a general wel-
come for the main provisions in this
Bill. Every one who spoke on this
Bill welcomed the fact that the Gov-
ernment wants to restore the statu-
tory minimum bonus of 8.33 per cent.
The criticisms that were levelled
against this Bill were on the ground
that some other things which could
have been mentioned have not been
mentioned and the Bill would have

7,12.77
 been much better if it had incorporated provisions on certain other matters which are agitating the minds of the hon. Members as well as workers outside this House.

At the very outset I made it clear that the intention of the Government in promulgating the Ordinance which this Bill still seeks to validate was to deal with an emergent situation which did not brook any delay. The Government did not think that it should use the opportunity to put before the country or this House its firm and final thoughts on all matters which are relevant to the subject of bonus.

Sir, many hon. Members were kind enough to say good things of me personally—I am very thankful to them—although I am aware of the fact that there was some mixing of metaphors of which I was a victim. A very distinguished hon. Member accused me of timidity, of being a small man whereas another distinguished hon. Member said that the mountain was in labour and it produced a mouse. I do not claim to be a mountain, nor do I deny that I am perhaps a small man, but I must say that it is rather uncharitable on the part of a lady to accuse one of timidity because it can often be very difficult to answer a charge of timidity from a lady.

SHRI VASANT SATHE: You know that ladies are most afraid of mouse.

SHRI RAVINDRA VARMA: I am not surprised that the hon. Member. Mr. Sathe speaks for all kinds of constituencies including that of mice.

SHRI VASANT SATHE: You know ladies react to a mouse.

SHRI RAVINDRA VARMA: I do not want to cross words with you on your experience with ladies and mice.

Sir, the main criticisms against the Bill related to the coverage of the Bill, the concept of bonus, the period for which the 8.33 per cent bonus was being reinstated, the right of workers to negotiate agreements and formulae other than the minimum bonus formula of 8.33 per cent. There was also a demand for an increase in the quantum of the bonus, to which my hon. friend Shri Ugra Sen on this side referred apart from the right of the workers—or the desirability of the workers' right—to scrutinize the profit and loss accounts of companies, and the entries in regard to profit and loss accounts. There was also a reference to the question of investment allowance and the provision in this Bill regarding it. I shall try to deal with these major matters, as briefly as possible, within the time at my disposal today.

On the question of the concept—if I may be permitted to speak about it—I must say that an attempt was made from the other side, particularly to ask us what our concept of the bonus was. I do not want to begin by saying that perhaps it does not lie in the mouth of some people to pose this question. I do not want to begin by saying this. Nevertheless, I would like to point out to this House, and to remind some of my hon. friends—whose memory might have been affected by the many things that have happened and by passage from this side to that—that the then Government amended the very title of the Bonus Act. The title was changed from "An Act to provide for the payment of bonus to persons employed in certain establishments and for matters connected therewith," to "an Act to provide for the 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...." This is a clear and categorical throwing out of the concept of bonus as a deferred wage. It is clear that the Act dealt only with

(Shri Ravindra Varma)

bonus linked with productivity and profit. After having voted for that—of course one can certainly have second thoughts; and I don't grudge that right to anybody—if one asks the question: "What about, the concept of bonus as a deferred wage?" I do not know what to say.

I entirely agree with my friend—I have been a great admirer of his right from my childhood, I still remain one. I would have liked to hear more from him. He can make the impossible look possible, the illogical look logical, and he can sometimes sound unapologetic, about something for which his conscience is biting him all the time. That is the greatness of the art of oratory as practised by my distinguished friend, Mr. Stephen.

My friend Shri Stephen treated the House to one of these exhibitions of oratory when the Bill was before the House in 1976. I have studied what he had to say then; and I put much store by what he said. Perhaps he himself does not. At that time he very clearly raised this question. He said:

"The Government says that the bonus is not a deferred wage. But it is profit-sharing, or productivity sharing. These two principles have been spelt out. I welcome this Bill in one respect." *viz.*, with the concept of bonus as it was cleared up.

What has been cleared up? Bonus as a deferred wage, or bonus as linked to profit? He did not stop there; He went on to say. (*Interruptions*) He can be very emotional; and he can be very prolific with his language. I admire it—once again. He went on to say that this opened a new chapter in industrial relations in this country. He also said that this new formula, this new idea actually posed a challenge to the working classes, provided a great opportunity. A great opportunity for what? To demonstrate their ingenuity.

Because bonus was no longer a deferred wage; you will have to get bonus. Therefore, this idea of throwing out the concept of bonus as deferred wage provides an incentive to the workers to demonstrate their ingenuity in other ways by which they could secure the bonus by working harder.

SHRI C. M. STEPHEN: "Working harder" is not what I said.

SHRI RAVINDRA VARMA: Those are my words.

SHRI C. M. STEPHEN: Do not read what is not there.

SHRI RAVINDRA VARMA: I will not do it. This is about him. But that does not answer the question about our case, and I am quite conscious of it.

As Shri Stephen has said, and other hon. Members from this side of the House have said, the Janata Party's manifesto makes a clear reference to bonus as a deferred wage. It cannot be erased. But I would also like to refer to the fact that this is not the only sentence in the manifesto. Any sentence has to be understood in the context in which that sentence is put down. There are three ideas in the manifesto. One is about deferred wage bonus being a deferred wage. The second is the need to have an integrated wages-income-prices policy. The third is the need to see that a surplus is generated and, while generating a surplus, to ensure that the workers receive their legitimate share of the benefits of increased production and productivity. I am quoting from memory, not the exact words. Therefore, the concept of bonus has to be understood in the context of these three main points that I have mentioned.

The next question that came up was about the coverage of the Bill. I did not say at any stage, the Government did not say at any stage, that this Bill sought to extend the coverage of the Bonus Act as it existed.

No. What we have claimed is that we are restoring the coverage that existed, and I do not think any hon. Member has said that we have not done so, that we have not restored the coverage as it existed. Now, if you say that the coverage is inadequate, it is a different matter. My hon. friend, Shri Chitta Basu has always said so, and if I mistake not, if my memory does not fail me, it is actually his Bill in the other House that provoked the not so easily provokable Shri Khadilkar to say something which went to the benefit of the workers.

Therefore, as far as the question of coverage is concerned, there has always been a demand in this country, and in this House, that the coverage must be extended to cover the railways, the P&T, all Government employees; in fact, it is the same thing as saying that the restrictions and inhibitions put down in section 32 should be removed. One of the effects of removing section 32 from the Act would be to take away the list of undertakings to which the Act does not apply. The result is that you extend the coverage to all wage earners a concept that one of the amendments seeks to introduce.

On this question, I would like to say in all humility, as my hon. friends have pointed out, in spite of the fact that this demand has been there for many years, the Government in the past did not find it possible immediately to accept the demand. You do not deny this, I am sure. On the other hand, I might remind my hon. friend, Shri Stepen, that in 1975 if I am not mistaken, there was an amendment which empowered the appropriate governments to extend the coverage of the Act to establishments with less than 20 but not less than ten employees. What has been the result? Unfortunately for all of us, the fact is that the appropriate Governments have not, in most of

the States, used or invoked this amendment to extend the coverage to establishments below 20 but not below ten. Why? Because the extension of this coverage as something to do with the economic viability of undertakings of industries, and therefore the economic progress of the country.

I will take another 15 minutes. Can I continue?

MR. DEPUTY-SPEAKER: If you like to continue tomorrow, you may do so.

SHRI RAVINDRA VARMA: I am in the hands of the House and the Chair.

MR. DEPUTY-SPEAKER: He may continue next time.

15.31 hrs.

MOTION RE. STEPS FOR REMOVAL OF ECONOMIC BACKWARDNESS OF FOUR DISTRICTS OF EASTERN UTTAR PRADESH

SHRI YADVENDRA DUTT (Jaunpur): I beg to move:

"That this House regrets that the Government have not so far implemented the recommendations of the Joint Study Team set up in 1962 by the Planning Commission and the Government of Uttar Pradesh (Patel Commission) regarding the steps to be taken for the removal of the economic backwardness of four districts of Eastern Uttar Pradesh."

उपाध्यक्ष महोदय, 16 वर्ष के बाद इस सदन के अन्दर श्री विश्वनाथ सिंह गहमरी के बाद आज पूर्वी उत्तर प्रदेश की बात उठाने का सौभाग्य मुझे प्राप्त हो रहा है ।