

The Schedule

3. That at page 2, for lines 20 and 21, the following be substituted, namely:—

"5. Mysore

6. Punjab

7. Rajasthan

8. Uttar Pradesh."

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 128 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House.

11.01-3/4 hrs.

**WAREHOUSING CORPORATIONS
(SUPPLEMENTARY BILL)**

AS AMENDED BY RAJYA SABHA

Secretary: Sir, I lay on the Table of the House the Warehousing Corporations (Supplementary) Bill, 1965 which has been returned by Rajya Sabha with amendments.

11.02 hrs.

PAYMENT OF BONUS BILL—contd.

Mr. Speaker: The House will now take up further clause-by-clause consideration of the Bill to provide for the payment of bonus to persons employed in certain establishments and for matters connected therewith.

Shri N. Dandekar was to continue his speech. But he is not present at the moment.

Shri Hem Barua (Gauhati): Is the hon. Defence Minister making any statement today?

Mr. Speaker: I shall find that out. So far, I have not known. If there is any information, I shall inform hon. Members.

Shri Hem Barua: Are you going to inform us wherever we may be?

Mr. Speaker: Wherever the hon. Member is, I shall see that the communication is conveyed to him.

The Minister of Labour and Employment (Shri D. Sanjivayya): My hon. friend Shri Kashi Ram Gupta wanted that some special concessions should be given to industries whose investment was less than one lakh of rupees. Several amendments had been tabled by him for some other clauses earlier in this respect and they have been rejected already. In fact, we have not made any distinction between company and company or between co-operation and corporation depending upon the amount of capital invested. Therefore, I am not in a position to accept the amendment of the hon. Member.

Then, I come to the amendments moved by Shri Indrajit Gupta. I would like to say that we are not in a position to accept his amendments. The hon. Member through his amendments wants to reduce the rate for equity capital and reserves. In fact, the majority recommendation was that the rate should be 7 per cent on equity capital and 4 per cent on reserves. Shri N. Dandekar in his minute of dissent suggested that the rates should be 8.5 per cent and 6 per cent respectively. We have accepted this suggestion not merely because it was recommended by Shri N. Dandekar, but because of two reasons, firstly, the prevalent rates of interest today and secondly the fact that the rate allowed now is taxable whereas earlier it was not taxable. In fact, under the Labour Appellate Tribunal formula, more or less 6 per cent and 2 to 4 per cent were allowed respectively, and at that time, they were not taxable. Today, 8.5 per cent and 6 per cent are taxable. If the rates allowed under the Labour Appellate Tribunal formula were subject to taxation, they will work out to the same thing as 8.5 per cent and 6 per cent

[Shri D. Sanjivayya]

respectively. Therefore, for these two reasons we have accepted these rates. So, I am not in a position to accept the amendments proposed by Shri Indrajit Gupta.

Then, I come to the amendments moved by my hon. friend Shri N. Dandeker. I would like to say, with regard to companies which have branches outside India that if bonus is to be paid on an individual basis, that is, for the employees of the branches separately, then they are expected to maintain separate accounts, according to clause 3 of the Bill which we have already adopted. Similarly, if a new industry starts branches elsewhere, then if they want to pay bonus to the employees of the various branches, they have necessarily to maintain profit and loss account, in which case the equity capital would be distributed by them; if that is disputed, probably that has to go before a tribunal which would come to a decision in what manner it should be divided.

Then, my hon. friend wanted that the rate of interest should be relatable to the Reserve Bank rate and things like that. That would be a sort of fluctuating thing. We do not want to keep this in a fluctuating condition, but we want to have it at a definite rate. Therefore, I am not in a position to accept his amendments also.

Mr. Speaker: If any hon. Members require any particular amendments of theirs to be put to vote separately they may indicate the numbers of those amendments.

Shri N. Dandeker (Gonda): Amendments Nos. 204 and 234 may be put together, then amendment No. 235 may be put.

separately, and then amendment No. 239 may be put separately. The other amendments of mine may be put together to vote.

Mr. Speaker: I shall now put amendments Nos. 204 and 234 to vote.

Amendments Nos. 204 and 234 were put and negatived.

Mr. Speaker: I shall now put amendment No. 235 to vote.

Amendment No. 235 was put and negatived.

Mr. Speaker: I shall now put amendment No. 239 to vote.

Amendment No. 239 was put and negatived.

Mr. Speaker: I shall now put the other amendments of Shri N. Dandeker to vote.

Amendments Nos. 201 to 207, 234 to 250 were put and negatived.

Shri Indrajit Gupta: My amendments Nos. 40 to 47 and 50 may be put to vote together.

Mr. Speaker: I shall now put amendments Nos. 40 to 47 and 50 to vote.

Amendments Nos. 40 to 47 and 50 were put and negatived.

Mr. Speaker: I shall now put amendments Nos. 79 and 80 to vote.

Amendments Nos. 79 and 80 were put and negatived.

Mr. Speaker: The question is:

"That the Third Schedule stand part of the Bill."

Lok Sabha divided:

Division No. 23]

Abdul Wahid, Shri T.
Alva, Shri Joachim
Aney, Dr. M.S.
Anand, Shri Bhagwat Jha
Bal Krishna Singh, Shri
Balniki, Shri
Barman, Shri P.C.

Basumatrri, Shri
Barwot, Shri
Beers, Shri
Bhagwati, Shri
Bist, Shri J.R.S.
Borooah, Shri P.C.
Brajeshwar Prasad, Shri

Brij Basi Lal, Shri
Chandrabhan Singh, Shri
Chaturvedi, Shri S.N.
Chaudhry, Shri Chandramani Lal
Chaudhri, Shri Mani Kamla
Datta, Shri
Daljit Singh, Shri

AYES

[11.11 hrs.]

AYES—contd.

Das, Shri B.K.
Das, Shri N.T.
Desai, Shri Morarji
Deshmukh, Shri B.D.
Deshmukh, Shri Shivaji Rao S.
Dey, Shri S.K.
Dhuleshwar Meena, Shri
Dinesh Singh, Shri
Ering, Shri D.
Ganapati Ram, Shri
Gandhi, Shri V.B.
Gowth, Shri
Gupta, Shri Shiv Charan
Jamir, Shri S.G.
Jena, Shri
Jyotishi, Shri J.P.
Kariolkar, Shri
Kedaria, Shri C.M.
Khanna, Shri P.K.
Kripa Shankar, Shri
Krishna, Shri M.R.
Krishnamachari, Shri T.T.
Lalit Sen, Shri
Mahtab, Shri
Mahishi, Dr. Serojini
Majithia, Shri
Malalchami, Shri
Malaviya, Shri K.D.
Malhotra, Shri Inder J.
Mansan, Shri
Maniyangadan, Shri
Marandi, Shri
Maruthiah, Shri
Masuriya Din, Shri
Methur, Shri Shiv Charan

Mehdi, Shri S.A.
Mehrotra, Shri Braj Bihari
Melkote, Dr.
Mengi, Shri Gopal Datt
Minimata, Shrimati
Mirza, Shri Bakar Ali
Mishra, Shri Bibhuti
Mohanty, Shri Gokulananda
Mukerjee, Shrimati Sharda
Muthiah, Shri
Naik, Shri D.J.
Nayar, Dr. Sushila
Nesamony, S
Niranjan Lal, Shri
Oza, Shri
Pandey, Shri Vihwa Nat
Panna Lal, Shri
Pant, Shri K.C.
Patil, Shri D.S.
Pattabhi Raman, Shri C.R.
Raghuramiah, Shri
Rai, Shrimati Sahodra Bai
Rajdeo Singh, Shri
Ram Sewak, Shri
Ram Subhag Singh, Dr.
Ram Swarup, Shri
Ramaswamy, Shri V.K.
Ramdhani Das, Shri
Rameshkar Prasad Singh, Shri
Rane, Shri
Rao, Shri Jagannath
Rao, Dr. K.L.
Rao, Shri Ramapathi
Rao, Shri Rameshwar
Reddiar, Shri

Reddy, Shri Linga
Reddy, R. Surender
Roy, Shri Biswanath
Sodhu Ram, Shri
Sahu, Shri Rameshwar
Sanji Rupji, Shri
Saraf, Shri Sham Lal
Shah, Shri Manabendra
Shah, Shrimati Jayabai
Sham Nath, Shri
Sharma, Shri A.P.
Sharma, Shri D.C.
Sharma, Shri K.C.
Shinde, Shri
Shree Narayan Das, Shri
Sinha, Shrimati Remdulari
Snatak, Shri Nardeo
Subbaraman, Shri
Suresh Pal Singh, Shri
Thever, Shri V.V.
Tiwary, Shri D.N.
Tiwary, Shri R.S.
Tripathi, Shri Krishna Deo
Tyagi, Shri
Ulkey, Shri
Upadhyaya, Shri Shiva Dutt
Valvi, Shri
Varma, Shri Ravindra
Vidyalankar, Shri A.N.
Virhadra Singh, Shri
Vyas, Shri Radhelal
Waznik, Shri Balkrishna
Yadav, Shri N.P.
Yadav, Shri Ram Harkh
Yadava, Shri B.P.

NOES

Alvares, Shri
Banerjee, Shri S. M.
Dwivedi, Shri Surendranath
Gupta, Shri Indrajit
Gupta, Shri Kashi Ram
Gupta, Shri Priya

Kamath, Shri Hari Vishwa
Limaye, Shri Madhu
Mukerjee, Shri H.N.
Murmu, Shri
Pandey, Shri Sarjoo
Ram, Shri T.

Rameshwaranand, Shri
Singh, Shri J.B.
Singhvi, Dr. L. M.
Vaishya, Shri M.B.
Warior, Shri
Yashpal Singh, Shri

Shri M. B. Vaishya (Sabarmati): I voted wrongly for 'Noes'. My vote should be regarded as having been for 'Ayes'.

Mr. Speaker: The result of the division is: Ayes 126, Noes 18. The 'Ayes' have it; the 'Ayes' have it.

The motion was adopted.

The Third Schedule was added to the Bill.

The Fourth Schedule was added to the Bill.

Clause 1—Short title, extent and application.

Shri Indrajit Gupta (Calcutta South West): I beg to move:

(i) Page 1, lines 12 and 13,—for "commencing on any day in the year 1964", substitute—"ending on any day in the year 1964". (7).

(ii) Page 2—

(i) line 1,—after "establishment" insert—"or factory"; and

(ii) line 4,—add at the end—"or below ten as the case may be". (8).

Shri Kashi Ram Gupta (Alwar): I beg to move:

Page 1, line 7.—

after "factory" insert—"wherein twenty or more persons are employed on any day during an accounting year". (51).

Mr. Speaker: The amendments and the clause are before the House.

Shri Kashi Ram Gupta: My amendment is very simple.

Mr. Speaker: As is usually the case.

Shri Kashi Ram Gupta: All the basic reasons which apply in respect of provident fund and the employees state insurance scheme in cases of factories employing twenty or more persons apply equally in this case also. So I fail to understand why this deviation has been made in this case. Most probably labour leaders might be thinking that the more control on small industry the better it will be for labour. But actually it will work otherwise.

After all what is the position of the small industries. Those people who start these industries, as employers they have no security. They have no insurance to provide something for the future. The first thing to be seen is that the relations between such small proprietors and their employees must be on a scientific basis. Uptil now the scientific basis is that all laws which relate to economic welfare of labour are to be made applicable to establishments and factories employing 20 or more persons, because it has been held that factories and establishments employing less than 20 have not much capacity to meet these obligations. Without going into the facts, without inquiring into all these aspects, now the Minister comes forward and says that those factories which employ less than 20 people should also be brought within the purview of this bonus scheme. The result of this will be that most of these people will either take malpractices or there will be strikes and the factories will have to close down.

I think the time has come when there should be a separate policy for small scale industries. A separate Commission should go into the whole thing. Unless and until you devise means for ensuring justice to small industry in respect of this matter by means of a detailed inquiry into the state of affairs there, I think there will be always trouble. Organised labour leaders do not pay as much attention to these small people as they ought to. Otherwise, they would not have insisted on this. The fact is that these labour leaders never care to see what is the return that these small people get and what is their financial condition. If they can get enough of return on their capital, on the capital invested by such small firms and individuals, so as to sustain themselves and meet this obligation, then of course, I could have understood the reason for it. But if we go into the formation of these industries, what we find will be quite otherwise. Therefore, the formula that has been applied to them will only go to benefit the big people.

Yesterday, I said very frankly that so far as registered firms are concerned, firms with a capital of Rs. 5 lakhs or over, they will pay nothing more than the minimum laid down in the formula. Still when I table an amendment, the hon. Minister could not visualise the difficulties that these people, the small people, have to face. Again I say, in this respect, the Minister should at least see that it is going to do good to labour. In these cases, labour is mostly mobile. So many other things will come in. The inspectors will only try to catch hold of the small people; they will not be able to catch the big people.

After all, the small people have got small capacity. They have got their own difficulties. As a matter of policy, we should see that they are enabled to function without detriment to their financial position.

Let me give an example. When the Personal Injuries Bill was passed in this House, I had raised the point that

when the labour in a small factory was going to be insured, the proprietor should also have the same facility. He works along with the employees. If a bomb falls on the factory and labour is injured, the proprietor would also be injured. So he must also insure himself against these contingencies. At that time when I made the suggestion, none cared for it. Now the time has come for that Act to be applied under present conditions to the proprietors also.

If you cannot apply the employees provident fund scheme and the employees state insurance scheme to factories employing less than 20 persons, you cannot equally apply this scheme to factories employing less than 20 people. So if you cannot have 6-1/4 per cent of the wage bill as Provident Fund to be put on factories with less than 20 persons, how could it be possible now to pay Bonus upto 20 per cent of the Wage-Bill.

Yesterday, I tried to clarify the matter in the House. I again say that if they saddle these small employers with this obligation they will not be able even to sustain themselves. If a man earning Rs. 5000 has to pay Rs. 1500 out of that, how is he to sustain himself. When the income tax law based on a scientific formula visualises that he has to pay only Rs. 35 as income tax, you reduce the quantum of his income to Rs. 3,500. This is callous.

The Minister may not visualise the situation today. He may not agree with me today. Members may not agree with me today. But a time will come when they will see that if they want small industries to flourish honestly, avoiding malpractices, the only way is to exclude these small factories employing less than 20 persons from the purview of this scheme. To go into the conditions of these small factories, a separate Commission must be constituted to look into the whole problem so that labour leaders might be satisfied and the small employers who are not organised, who have no

voice, will also have the satisfaction that no injustice has been done to them. If we go through the proceedings of the Bonus Commission, we see that the small industries have not been represented in a good way there. Otherwise, this ought not to have happened. Therefore, my request is that for the sake of small industries at least this amendment of mine should be accepted.

Shri Indrajit Gupta: My first amendment relates to lines 12 and 15 on the first page of the Bill, and in the place of the words "commencing on any day in the year 1964", it wants to substitute the words "ending on any day in the year 1964". This, I think, would be more consistent with the scope of applicability of this Bill that has been visualised and discussed in several other provisions. So, I do not wish to make a speech on that, but I think that would be more correct to put it like that. Secondly, on page 2 it is stated in the Bill:

"An establishment to which this Act applies . . . shall continue to be governed by this Act notwithstanding that the number of persons employed below twenty."

But in this particular sub-clause, no mention is made of one fact, although it is mentioned in the earlier paragraph. The earlier paragraph at the bottom of page 1 says:

" . . . this Act shall, in relation to a factory or other establishment . . ."

So, on page 2 also, I think for consistency and accuracy, it should be put this way:

"An establishment or factory to which this Act applies . . . shall continue to be governed by this Act notwithstanding that the number of persons employed therein falls below twenty or below ten as the case may be."

I do not think it requires much explanation.

Shri D. Sanjivayya: The amendment of Shri Kashi Ram Gupta purports to

[Shri D. Sanjivayya]

say that factories employing 20 or more persons only should be covered, whereas a factory has been defined as one in which 20 persons are employed without power and ten with power, in the Factories Act. Therefore, the amendment of Shri Gupta will go against the very definition of a factory in the Factories Act.

Shri Kashi Ram Gupta: What about its application to provident fund for employees.

Shri D. Sanjivayya: Coming to the first amendment tabled by Shri Indrajit Gupta, it would amount to giving effect to the provisions of this Bill with effect from the accounting year 1963-64, whereas at the moment we are giving effect to this Bill from 1964-65. If we say "on any day ending in 1964", it means that it relates to the accounting year 1963-64, whereas 1963-64 has already been covered in that we have said that the retrospective effect of the provisions of this Bill would be from any accounting year ending on any date in 1963—that means it will apply to 1961-62—and we have also said that it will apply to any subsequent year. Therefore, 1963-64 will become a subsequent year to 1961-62 which is already provided for. Then, prospectively we have said "on any day commencing in 1964". Therefore, I am not accepting that.

With regard to the second amendment, he wants that the provisions of this Act should apply even if the number is reduced, but a factory is defined. If the number is less, it cannot be considered a factory at all. Suppose in a factory there are 20 persons without power, and suppose the number is reduced to 19, then it is no longer a factory. Similarly, in a case where there are 10 persons employed with power, and the number is reduced to 9, it ceases to be a factory. Therefore, we have said that if it is a factory, it will apply.

Shri Indrajit Gupta: The Minister's attention has been drawn, I think, to several cases where small owners are

trying to evade this Bill. They put up a wall in a room, dividing it into two rooms, and say that on each side of the wall there is no factory. It is happening in Punjab and all over in small establishments.

Mr. Speaker: I now put amendments Nos. 7 and 8 to the House.

Amendments Nos. 7 and 8 were put and negatived.

Mr. Speaker: I now put amendment No. 51 to the House.

Amendment No. 51 was put and negatived.

Mr. Speaker: The question is:

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. Speaker: The question is:

"That the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

The Enacting Formula and the Title were added to the Bill.

Shri D. Sanjivayya: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri Ranga (Chittoor): We are generally in favour of this Bill being passed. We find that the leaders of organised labour, and especially leaders of trade unions, have for a long time asked for this institution or this method of remunerating workers through bonus, to be placed on a statutory basis. There were doubts as to the feasibility of this method because trying to evade this Bill. They put up the interests of workers if, instead of

asking for a bonus which would have to depend upon the satisfaction of so many conditions, we resort to the more straightforward method of helping them by stipulating that a particular percentage of the profits should be set aside to be distributed among the workers, or increasing their wages themselves, and in that way giving an incentive to the employers to work hard, to be more enterprising, to be more efficient, and thus be in a position to pay adequate wages to the workers.

At the same time, fortunately or unfortunately, most of the leaders of organised labour have got used to this idea of bonus, and they have fought for it also locally, industry-wise as well as factory-wise, and they have achieved over a length of time certain agreements with the employers, making it incumbent on the employers to pay bonus, and in that way the working classes in this country have got used to this system of bonus, and that is the reason why I think most of the leaders of industrial labour have been asking for this kind of legislation. But, unfortunately, by the time the Government has thought fit to prepare this legislation, and by the time it has emerged from the Select Committee

Shri Indrajit Gupta: It has not gone to the Select Committee.

Shri Ranga: I am sorry. It was before the Bonus Commission. It was there that several suggestions were made, and there was a majority report and a minority report, and eventually Government has come forward with this Bill. This Bill, I am told by those who are best qualified to advise us, bristles with too many legal complications, and one is made to wonder whether really it is going to benefit the workers at all, especially in view of the fact that the workers' bargaining capacity at the tribunals and in the courts is admittedly much less than that of the employers, whether they be mere individuals or joint stock companies or Government's own so-called public enterprises. So, it is

doubtful whether workers are going to be benefited entirely and fully by the Bill as it has emerged now before the House. When we are faced with this Bill and ask what are we to do with this Bill, that is where I am advised that it is in the interest of the workers and therefore it ought to be supported and that is why I stand here to support this Bill. At the same time I am obliged to say that there is much force in what Mr. Kashi Ram Gupta has said in regard to small entrepreneurs. This country is different from the industrially developed western countries and it is a special feature that a very large percentage of our industrial workers are employed in these small factories and enterprises. In view of paucity of capital, entrepreneurial skill and other equipment that are needed to keep pace with other countries in developing large-scale industries and enterprises, it is most essential that Government should keep in view the labour potential and the capacity of the smaller enterprises to give more and more employment to larger numbers of people; it would have been wiser for the Government to have exempted them from the operations or mischief of this Bill. But then they have not chosen to do so. Under these circumstances, the least that the Government can do and I can suggest to the Government to do is to appoint a special commission to enquire into this matter as to how far this Bill is going to affect or benefit, in actual practice, the workers in the smaller enterprises on the one side, and going to affect adversely the enterprises, and also thirdly, the workers themselves by way of reducing the total amount of employment made available per worker in these small enterprises. I would like the Government to consider that matter very seriously.

Having said that I would like to add only one word in conclusion, that it would be well for the Government to make a thorough study of the best way of helping the workers, whether it would be the best in this way or in any of the various alter-

[Shri Ranga]

natives suggested and tried in different parts of the industrial world so that while keeping the interest of the workers uppermost in their mind, they would be able to go forward with another scheme which would not do any harm to the workers and which would also minimise the harm possibly done to some of the employers and maximise the social good that would result from this Bill or any other Bill that the Government may come prepared to place before the House.

Shri Indrajit Gupta: The attitude of the trade union movement towards the whole question of the Bonus Commission and subsequent decisions taken by the Government thereon embodied in the Ordinance and then in the Bill has always been a question of fundamental principle. The entire working class in this country was looking forward with a great deal of eagerness and hope that something emerging out of the Bonus Commission would be of real and lasting benefit and also would bring about stability in the whole question of bonus disputes between the employers and the employees. It was with that attitude the AITUC co-operated fully with the work of this Commission and it is with that attitude that we have subsequently tried to bring forward amendments which were fairly well thought out in the hope that even at this late stage the Minister would give serious thought to that and try to see what best he could accept. It is not a matter of accident that a very large number of amendments were tabled and the time allotted for this Bill could not be adhered to. It is very seldom that a Bill results in such a large number of amendments being tabled. They are not frivolous amendments; they were well thought-out amendments. But I regret to say that the question of principle which we had raised last year, namely, that the Government had by its decision subverted the majority recommendations of the Bonus

Commission and thereby created a very dangerous precedent—that position continues and it has not been rectified. We cannot reconcile ourselves to this action. It will prejudice the work of the future commissions which are based on tripartite composition. It is my apprehension that in such cases in future where even wage boards are constituted on the same basis, if the Government is once encouraged to go on and flout majority recommendations and uphold minority recommendations, then a stage will come when industrial relations themselves may be very dangerously disturbed. We regret to find that the Bill in its final shape has retained the form which the Government chose to give it in all essential matters by holding the viewpoint of the big employers and the best organised and the most powerful organised capitalists in this country. None of our amendments have been accepted, not even the minor ones, not even certain amendments which were more or less technical.

Our main objection stems from three grounds which are contained in the provisions of the Bill. The first of them is in clauses 20 and 32, what I call exclusion clauses. That is to say, the net outcome of these clauses would be that several lakhs of workers and employees in the public and private sectors, whose number has not been assessed, whose number runs into several lakhs according to what the Minister said yesterday, have been arbitrarily excluded completely from the provisions of this Bill; they will work without a bonus. These two clauses will eventually amount to negating and nullifying the effect of bringing of 40 or 45 lakhs of workers who never got any bonus in the past in the context of the minimum bonus clause. Whatever positive effect might have been produced by that will be nullified by the fact that even a greater number of people have been arbitrarily excluded by clauses 20 and 32.

Then there is clause 34—I would call it the protection clause. Even after all this discussion, we feel that protection is certainly going to be given but to whom?—it is not protection to the workers, it is protection to that section of the employers who are in a position and who had the capacity and who in the past have even been willing to pay bonus according to a more favourable basis, more favourable formula than is visualised in this Bill; it is they who are going to be protected against payment of that bonus. The workers and employees who had succeeded through voluntary agreements in getting a higher quantum of bonus on a better, more favourable formula, those workers and employees are henceforth going to be deprived of it.

There was the third schedule on which we divided a little while ago. It is the reduction clause. One was exclusion, the other was production and the third is reduction. It reduces the allocable surplus which will be available for distribution as bonus. Actually, as I said yesterday, the third schedule amounts to asking us to vote for the minute of dissent which Mr. Dandekar has put in to the report. How can we do that? It is not possible because our representative was there as part of the majority which adopted the majority recommendation and the Government is committing, if I may use the word, a crime by subverting that majority recommendation, and it wants us to be accomplices in that crime by voting for the third schedule which should not as a matter of principle be done. The only net gain, one gain, a solitary gain in this whole Bill from the point of view of the workers, I admit it, is in clause 10: that is, the provision for a minimum bonus irrespective of the profit and loss. But I have my apprehensions and I think my apprehensions are shared on the other side of the House too, though they may not admit it just now, that there is every possibility of this section being struck down in the courts

as being bad in law. I hope not, but there is every possibility, and if that happens, we will be left with absolutely nothing, because this is a solitary gain in the whole Bill; anyway that gain is counterbalanced by the other disadvantages that are going on accrue.

I do not wish to add very much more, but with deep regret I have to say that after considering all these aspects, and being convinced that the Government is going to create a much more complicated situation than existed before, and it is going to lead to greater disputes and more unrest, and all sorts of worsening of industrial relations—it is for that reason that, with deep regret, we have decided that we cannot support the Bill.

Dr. M. S. Aney (Nagpur): Sir, I am entirely in favour of this Bill for this reason: not that it brings a remedy to all the ills today, but because this Bill is surely a step in the right direction in my opinion. It is a step taken by the Government towards the recognition of a particular, important, principle. Labour has been contending for all these years that it should be considered as partner in the industry itself, and there have been tussles going on between capital and labour. In this Bill, a definite step has been taken to recognise labour as part of the industry to the extent that it has got in the form of bonus a definite share in the profits which the industry makes. Not only that. Even in the case of loss, a minimum bonus has been prescribed for the workers. These two steps, in my opinion, are in the right direction and give a good footing for the labourers to work contentedly for some time and to ask for further measures for their progress if they think these are not enough.

Therefore, in taking this progressive step, I think the Government have made a very good atmosphere for the labourers to co-operate with the industry and with the Government

[Dr. M. S. Aney]

and to make the industry more prosperous and produce more goods. Because, the future of India depends not only upon our agricultural prosperity but also upon our industrial prosperity and for this, the labourers and the employers should be in a position to work in co-operation with each other, and in the industrial era that is coming up, India should be a country where, as Mahatma Gandhi said, labour and capital would not be two different entities working in conflict with each other but two bodies working up in co-operation with each other and profiting by that co-operation. If they have to reach up to that ideal, then this Bill can be looked upon as a step towards that ideal and in that spirit I heartily give my support to the Bill before the House.

Shri Alvarez (Panjim): Mr. Speaker, Sir, during the second reading of the Bill, we confined our efforts not to ask anything extra from the Government but just to seek to restore the recommendation of the Bonus Commission. There was not a single amendment placed by us on this side of the House to get anything extra. It is really regrettable that Government was so adamant that they themselves, even more than the minute of dissent, went on to amend certain provisions.

From the point of view of making the bonus a statutory affair, that is welcome. We did hope that putting this on statute will put an end to a lot of litigation and the emphasis from the courts would then shift to the laboratory of the chartered accountants. But what we see now is that litigation will continue. It has provided a procedure in the form of tribunals, and if tribunals are set up under Act, the litigation will not be less than it has been before.

Much has been made of another provision with regard to the minimum bonus to all the people working in factories where the employment is

more than 20. It is not something extraordinary. If Government thinks that they can get away with this and balance the other unfavourable portion of the Bonus Bill, I am sure the working classes will not agree to that, because this question of minimum bonus is not at issue; the Government have not discovered it as something in their act of generosity. In all bonuses, in the textile mills in Bombay for example, all of them have collective pool of the bonuses, and all the people get bonus in various degrees according to profitability or otherwise of the textile mills in Bombay. The bonus ranges from a week's pay, a fortnight's pay to three months' pay, and since all the tribunals have assessed that bonus is a form of deferred wage, the question of minimum bonus is not something extraordinary, but merely a concession to case law as it has evolved during the past 18 years. While I do accept that minimum bonus is a part of the statute in this Bill and is therefore a welcome thing, there is no extraordinary or revolutionary departure, and that is the point which I want to make out. It does not surely cancel out or balance other unhealthy provisions which Government have subsequently introduced.

The whole Bill has two structures: one is the organisational structure and the other is the financial structure. Government have reduced the liability for certain employers by keeping certain industries which are in the public sector out of this scheme. Seamen and stevedore labour were specifically recommended as being qualified for bonus, but for this form of organisation, Government have by reducing the liability of certain classes of employers, deprived their employees of bonus. In the second category, the Government themselves have denied the right of bonus, and therefore, the Bill has been so amended that a vast number of employees in this country will not now qualify for bonus.

Regarding the financial structure, there are two provisions which I would like to bring before the House in order to show how Government have been consistently favouring the industrial community. While speaking on the Finance Bill about 10 days ago, I made out the point that the Finance Minister, in the past two years, has been giving increasing relief to the corporate bodies and individuals who paid high taxes, and also to the industries and industrialists. To that extent, he has jeopardised the resources of the fourth Plan. After all, if he has to raise the resources to the extent of Rs. 3,000 crores in the fourth Plan through taxation, why is it necessary to give relief to the existing taxpayers in those high categories? Let the existing taxation remain and let this burden be borne by the corporate and the individual sector, and anything else that is necessary may be done by fresh taxation. But if the Finance Minister had a hope that any relief in taxation, according to the American pattern, would generate more income and therefore more investment, I have proved that he is wrong, because I have shown that retained profits are invested in lesser and lesser extent during the last three years. Therefore, this concession is not justified. The Labour Minister, in cooperation with the Finance Minister, has done the same thing. He has permitted a higher rate of dividend for equity shares and a higher rate of interest on reserves. So, as far as the financial interest is concerned, the Labour Minister has done nothing more than cooperate with the Finance Minister in giving more and more relief to the industrial community. Secondly, the Labour Minister has denied whatever favourable collective agreements have taken place. There is an infructuous sub-clause in clause 24 which says that if two parties can come together, they can have their own agreement. How can you hope that with the limitation of 20 per cent maximum bonus, any employer would come forward and in a

mood of generosity or out of ignorance, offer a higher bonus through collective agreements, when he is protected by law in not giving more bonus? So, that clause is either an-eye-wash or madeout of utter ignorance of the conditions existing now.

Therefore, I have to submit that in its overall aspects, there is no revolutionary departure. What has been put on the statute-book is good. But if he thinks of arguing that minimum bonus is there, it has always been there and accepted by the tribunals. Therefore, if we take the whole thing as a package deal, the Bonus Bill, as it has finally emerged, is a retrograde step. At least the Labour Minister should have come to the House accepting the minimum recommendations of the bonus commission.

Dr. Melkote (Hyderabad): Sir, the working class in India have been consistently fighting year after year to get this principle of bonus accepted by all managements in India for the past 20 years or more. So, I feel that this day when this Bill is being passed by this Parliament, is a red letter day in that we have once for all laid at rest the boggy that the workers should not claim any bonus whatsoever, which has been the contention of the managements all along. This struggle had become an annual feature and the maximum labour unrest in this country has been on this particular point. That is why I called it a red letter day when this principle has been approved and put on the statute.

There is the question of quantum of bonus. The commission went into it and came to certain conclusions. Though we have accepted the principle of bonus, the other questions are hanging. This Bill in very many ways is not quite satisfactory to many of us. We wanted to end this annual strife and by this Bill over 40 lakhs of workers who never got any bonus all these years would

[Dr. Melkote]

get it. As I said, the principle of bonus has been accepted, but the details are not at all satisfactory. Each union can take it up subsequently and create the proper atmosphere so that there can be some improvement.

Many organisations had made this bonus the bone of contention to create labour unrest. To that extent, this Bill will bring about peace and it is only to that extent that we have given our support from the INTUC, which I represent. There are many aspects of this which appear to be retrograde even. While that is so, we still welcome this Bill for the simple reason that the principle of bonus has been accepted and to some extent the industrial workers will be benefited.

बी बाल्मीकी (खर्जा) : अध्यक्ष महोदय, आज हमारे देश के औद्योगीकरण के इतिहास में एक नया पन्ना जोड़ा जा रहा है, यद्यपि मैं जानता हूँ कि उस पन्ने का रंग बनिस्बत और पन्नों के कुछ और दिखाई देता है। सामाजिक सुरक्षा और सामाजिक न्याय की दृष्टि से यह एक प्रगतिशील कदम है। बोनस की शकल में मजदूरों को जो थोड़ा सा सहारा मिला है, इसे मैं कोई दूर की बात नहीं समझता, लेकिन मैं इसे एक प्राशाजनक स्थिति समझता हूँ।

यह विधेयक ऐसे समय में पाम किया जा रहा है, जब देश के चारों ओर संकट और युद्ध की स्थिति है, युद्ध की विभीषिका और युद्ध की लपटों में देश घिरा हुआ है। ऐसे समय में मजदूरों की संतुष्टि करना हमारी राष्ट्रीय सरकार का एक उत्तरदायित्व है, फ़र्ज है, जिस को पूरा किया जा रहा है। हमारे मजदूर अब अपने श्रम के बल पर, अपनी प्रत्याशा से, देश का उत्पादन नहीं बढ़ाते हैं, बल्कि देश में सुख और समृद्धि पैदा करते हैं। जहाँ देश को उन से प्राशा बनती है, वहाँ देश से उन को भी प्राशा होनी चाहिए। इस लिए मैं इस बिल

को किसी भी प्रकार एक निराशाजनक कदम नहीं मानता हूँ।

आज देश के सामने एक लड़ाई की स्थिति पैदा हुई है। हम अठारह सालों से निराशा की स्थिति में थे। आज देश के सामने जो स्थिति इस प्रकार पैदा हुई है, उस से हमें घबराना नहीं है, बल्कि हमें हिम्मत और इरादे पैदा करने हैं। जो युद्ध की स्थिति आज देश के सामने किसी कारण से अथवा पाकिस्तान की हठधर्मी से आई है और मजदूरों के सामने इस बिल के रूप में जो स्थिति आई है और जो भवसर हमें प्राप्त हुआ है, उस को मैं कबीर के इस दोहे के द्वारा प्रकट करना चाहता हूँ :

डागर ऊपर दीड़ना, सुख निदड़ी मत सोय,
पुण्ये पाया दिवसड़ा, ओछी ठीर न खोय।

इस बिल के द्वारा मजदूरों को जो थोड़ा सा सहारा मिला है, वह हम सभी समझते हैं। जब इस बिल पर बहस चल रही थी, तो मैं ने भी इस तरफ़ ध्यान देने की कोशिश की। मैं जानता हूँ कि इस बिल के बहुत से अनुबन्ध संदिग्ध और अतारतम्यपूर्ण हैं और उन में किसी प्रकार का मेल नहीं बैठता है। वह भ्रमलग बात है, लेकिन इस बिल को पास कर देने से हमारे देश में चल रहे एक पुराने झगड़े का समाधान हो जायेगा। काफ़ी समय से हमारे मजदूर संघों और उन के नेताओं के द्वारा देश में एक बड़ा संघर्ष छिड़ा हुआ था, जिस से हमारे तमाम मजदूर वर्ग के दिमाग में एक अजीब स्थिति थी। मजदूर वर्ग की असंतुष्टि को देख कर जो अफ़्गानिस्तान लाया गया, मैं उस के औचित्य में पूर्ण विश्वास करता हूँ। मंत्री महोदय जिस प्रकार से उस अफ़्गानिस्तान को कानून का रूप दे रहे हैं, मैं उस का भी अनुमोदन करता हूँ। इस बिल में बोनस कमोशन की विकल्पियों का प्रतिष्ठा लाकर मंत्री महोदय ने बड़ा काम किया है।

कुछ इस तरह की बात मेरे दिमाग में घाती है कि इसके जरिये जो मुकदमे खत्म होने

चाहियें थे, जो झगड़े खत्म होने चाहियें थे, वे खत्म नहीं होंगे बल्कि वे बढ़ेंगे। संघर्ष न बढ़े, इसमें वैनी व्यवस्था दिखाई नहीं देती है। मैं समझता हूँ कि इसमें जो एक विवादास्पद स्थिति पैदा होगी, उसकी धोर से माननीय मंत्री जी को होशियार रहने की जरूरत है।

12 hrs.

मंत्री महोदय बनायें कि प्रागे वे किस प्रकार की सुविधा वह दूसरे मजदूर वर्गों को भी देना चाहते हैं। कुछ इस तरह के मजदूर भी हैं जिन को इससे लाभ नहीं होगा। भवन निर्माण कर्मचारी, परिवहन कर्मचारी, बीमा कर्मचारी इससे प्रभावित नहीं होंगे। मैं जरूर चाहता हूँ कि उनको भी इसका लाभ मिले। उनको भी यह सहूलियत मिलनी चाहिये।

प्रापकी भाषा से मैं इसके साथ साथ यह भी कहना चाहता हूँ कि जो म्यूनिसिपल कर्मचारी हैं, जो सफाई कर्मचारी हैं, वे भी इससे प्रभावित होंगे या नहीं यह मैं नहीं जानता हूँ। म्यूनिसिपलिटिज़ के अन्दर जो कम्पोस्ट खाद का काम होता है, जो लाभ के काम होने हैं जिन में मजदूर वर्ग काम करता है, उनको भी इसका लाभ मिलना चाहिये। जो देश का उत्पादन बढ़ाने में सहायक होते हैं, जो देश की समृद्धि और खुशहाली बढ़ाने के काम करते हैं, उन पर भी इसका असर हो ऐसा मैं चाहता हूँ। इस बिल के द्वारा मैं चाहता हूँ कि भवन निर्माण कर्मचारी, परिवहन कर्मचारी, बीमा कर्मचारी, गोर्दी कर्मचारी, म्यूनिसिपल-कर्मचारी, धोर वे मजदूर भी जो कम्पोस्ट खाद का लाभदायक काम करते हैं धोर जिन में एक निराशा सी दिखाई देती है, उनको भी इससे लाभ होना चाहिये। प्राज प्रापने ऐसा नहीं किया है।

प्रापने यह कहा है कि चालीस लाख के कर व नये मजदूरों को बोनस की सुविधा प्राप्त होगी। लेकिन मैं समझता हूँ कि बहुत भारी सख्या में ऐसे मजदूर भी हैं, जिन को

इसका कोई लाभ नहीं होगा। मैं प्राप से एक प्राश्वासन चाहता हूँ। मैं मौखिक प्राश्वासन ही नहीं बल्कि खुना प्राश्वासन प्राप से चाहता हूँ और मैं चाहता हूँ कि मशे इमका उत्तर दिया जाए। जो प्राज तक मिलता रहा है चीनी मिल मजदूरों को या दूसरों को उससे कम उनको प्राप्त नहीं होना चाहिये। जितना बोनस उनको मिलता था, उतना तो उनको प्राप्त होना ही चाहिये, उससे कम नहीं। बोनस कमिशन का यह ही काम नहीं था कि हमारे मजदूरों को बोनस का लाभान्श मिले या वह यह सिफारिश करे कि उनको सुविधाओं प्राप्त हों उसका काम यह भी था कि उसके कार्य से, उसकी प्रतिक्रिया से मजदूरों को प्रब तक बोनस की शकल में जो मिलता है, उससे ज्यादा ही मिले, कम न मिले। इस बात पर मैं चाहता हूँ कि मंत्री महोदय ध्यान दें।

एप्रेंटिसशिप में जो कर्मचारी होते हैं, जो हमारे इस प्रकार शिष्यार्थी होते हैं, वे जो उच्च शिक्षण प्राप्त करते हैं, उनको भी प्रापने इस सहूलियत से प्रलग कर दिया है। एक प्रकार से वे भी प्रभावित होते हैं। उनकी धोर भी ध्यान दिया जाना चाहिये।

यह जो कदम उठाया गया है, एक प्रगतिशील कदम है, समाजवाद की दिशा में ले जाने वाला एक सही कदम है और मैं इसका स्वागत करता हूँ। लेकिन मैं यह जरूर चाहता हूँ कि देश के अन्दर वह दिन जल्द प्राये जिस दिन बड़े से बड़े लाभ मेहनतकशों को प्राप्त हो। यही नहीं मैं यह भी चाहता हूँ कि देश की दृकूमत में भी मजदूरों का एक बड़ा भाग होना चाहिये। लेकिन प्राज तक हमने जो मेहनतकशों के लिए किया है, वह बहुत ही कम किया है। प्राज मेहनतकश प्रापना फर्ब प्रदा करना चाहते हैं। प्राज देश में युद्ध की स्थिति है और वे इस में प्रापना खुलकर पार्ट प्रदा करेंगे।

इन शब्दों के साथ मैं इस विषयक का स्वागत करता हूँ।

अध्यक्ष महोदय : यह घण्टी कोई मेरे खेलने के लिए रखी हुई है ?

श्री बाल्मीकी : मेरे दोनों कान खराब हैं । इसलिए मैंने यह लगा रखा है ।

अध्यक्ष महोदय : दोनों कान खराब हैं तो इससे भी कैसे सुनेगा । घण्टी मेरे पास खेलने के लिए नहीं है । घण्टी न सुनने के लिए ही आपने कानों को खराब कर लिया है ।

श्री मधु लिमये (मंगेर) : अध्यक्ष महोदय, मुझे बड़े ही खेद के साथ मजदूर मंत्री ने जो विधेयक पेश किया है, उसका तीव्र विरोध करना पड़ रहा है । इस विधेयक में एक चीज को छोड़ कर मुझे कोई अच्छाई नहीं दिखाई दे रही है और वह एक चीज यह है कि सभी मजदूरों को न्यूनतम बोनस देने का इंतजाम एक धारा के द्वारा इस में किया गया है । इसके अलावा इस विधेयक में मुझे कोई अच्छी चीज नहीं दिखाई पड़ रही है । खास कर मुझे खेद है कि जब हमारे देश पर एक बड़ा संकट आया है और मुल्क को आक्रमण का सामना करना पड़ रहा है, ऐसी हालत में सरकार ने वर्गीय दृष्टिकोण से प्रेरित हो कर इस विधेयक को इस सदन के सामने रखा है । मैं समझता हूँ कि वह वर्गीय दृष्टिकोण पूंजीपतियों और उद्योगपतियों का है और उनके ही दृष्टिकोण को इस विधेयक के जरिये इस सदन के सामने रखा गया है ।

कुछ रोज पहले यहां ट्रेड यूनियन सगठनों की एक बैठक राष्ट्रीय संग्राम समिति के छाया छत्र में हुई थी और उस में यह प्रस्ताव पारित किया गया था कि इस विधेयक का विरोध करने के लिए सारे देश में एक बड़ा आन्दोलन किया जाएगा । कई जगहों पर प्रदर्शन होने वाले थे और महाराष्ट्र में, केरल में और दूसरे राज्यों में 21 सितम्बर को हड़ताल करने का भी फैसला हुआ था लेकिन जब मजदूरों ने देखा कि देश के ऊपर आक्रमण

हो रहा है तो उन्होंने फैसला किया कि हम ऐसी हालत में आन्दोलन स्थगित रखेंगे और हड़तालों और प्रदर्शनों का जो निर्णय था उसको उन्होंने बदल दिया । जो आज राष्ट्रीय ब्राह्मण है, मजदूरों द्वारा उसका साथ दिया जा रहा है कोने कोने से आवाज धा रही है, हर कारखाने का मजदूर वर्ग यह आवाज उठा रहा है कि देश में पैदावार बढ़ाने के लिए और औद्योगिक शान्ति कायम करने के लिए हम प्रयत्न करेंगे ऐसी हालत में मजदूर मंत्री को इस बात पर सोचना चाहिए था और मैं समझता हूँ कि आज भी समय है जब कि इस विधेयक को वापिस ले सकते हैं । इस में जल्दबाजी करने की कोई जरूरत नहीं है । मजदूर सगठनों के साथ फिर से परामर्श करके इस विधेयक में आवश्यक तबदीलियाँ करके, हमें वे इस सदन के सामने ला सकते हैं ।

मैं किसी विरोधी दल के ऊपर नुकताचीनी करना पसन्द नहीं करता हूँ । खास कर इस सदन में तो मैं बिल्कुल भी पसन्द नहीं करता हूँ । लेकिन आज मैंने देखा है कि माननीय सदस्य डाडेकर जी में और जो सरकारी प्रवक्ता है उनमें एक भ्रजीब किस्म का गठबंधन इस बहस में हो गया है । यह साफ दिखाई दे रहा है डाडेकर जी द्वारा बोनस कमीशन के सामने जो मुद्दाव दिये गये थे वह एक वर्गीय दृष्टिकोण से प्रेरित होकर दिये गये थे । अगर वही दृष्टिकोण से प्रेरित हो कर मुद्दाव देते तो मैं उनसे मुतफिक होता । लेकिन मुझे कहना पड़ता है कि इस विधेयक के बारे में उनका दृष्टिकोण राष्ट्रीय नहीं बल्कि वर्गीय रहा है और खेद की बात यह है कि मजदूर मंत्री भी बुनियादी सबालों पर उन से सहमत हैं, और उनके कई मुद्दावों को उन्होंने कबूल किया है ।

एक बात ध्यान देख लीजिये । कुछ मजदूरों को बोनस न देने का इंतजाम इस में किया गया है । बोनस का सम्बन्ध अगर मजदूरी से और पैदावार से है तो जिन लोगों

ने पैदावार के काम में हिस्सा लिया है उन सब मजदूरों को बोनस देना चाहिये था। लेकिन एक धारा के अन्दर कुछ मजदूरों को बोनस न देने का फैसला किया गया है। साथ ही साथ अधिकतम बोनस के ऊपर सीमा बांध दी गई है। कई कारखाने ऐसे हैं जिन में काफी मुनाफा होता है और आजकी हालत में उनको बीस प्रतिशत से ज्यादा भी बोनस मिल रहा है। लेकिन यह कानून पारित होने के बाद ऐसी स्थिति हो जाएगी कि बावजूद खूब मुनाफे के इस अधिकतम सीमा से ज्यादा बोनस देने से वे इनकार करेंगे और उससे मजदूरों में काफी असन्तोष और असन्तोष पैदा होगा।

उसी तरह से सार्वजनिक क्षेत्र में जिन का काम व्यापारिक उमूलों के प्राधार पर होता है उन सभी सस्थाओं में और उद्योगों में मजदूरों को बोनस मिलना चाहिये था। लेकिन इस में इस तरह की सीमायें और बन्धन लगाये गये हैं जिन के फलस्वरूप सार्वजनिक क्षेत्र में काम करने वाले मजदूरों को, मेरे सवाल में अधिकतर मजदूरों को, बोनस नहीं मिल पायेगा। यह भी एक प्रतिक्रियावादी मुझाब है।

साथ साथ माननीय सवस्य श्री दांडेकर जी के द्वारा जो मुझाब पेश किये गये हैं तीसरी धनुसूची में, बोनस की रकम घटाने के हेतु, उनको भी सरकार ने मान लिया है।

उसे यह भी डर है कि धारा 22 के अन्दर औद्योगिक झगड़े कम होने के बजाय बढ़ने वाले हैं। इसलिए धारा 22 के ऊपर मंत्री महोदय को पुनर्विचार करना चाहिए। लेकिन खेद की बात है कि विरोधी दलों के द्वारा जितने भी मुझाब और संशोधन रखे गये हैं उन में से एक भी संशोधन मजदूर मंत्री ने स्वीकार नहीं किया है। इसलिए मैं फिर आप की मार्फत मजदूर मंत्री जी से प्रपील करता हूँ कि देश की संकटकालीन स्थिति को देखते हुए इस विधेयक पर वे पुनर्विचार करें और मजदूरों के प्रतिनिधियों को और दूसरे प्रति-

निधियों को वह बुलायें। जल्दबाजी की कोई जरूरत नहीं है। एक राष्ट्रीय दृष्टिकोण को ले कर यह बोनस की जो जटिल समस्या है, इतका हल सरकार को निकालना चाहिये। अगर ऐसा नहीं करेंगे तो हम इस विधेयक का तीव्र विरोध करने पर बाध्य हो जायेंगे।

श्री बाबू (प्रहमदाबाद) : अध्यक्ष महोदय, बड़े अफसोस की बात है कि कामदारों के कल्याण रूप में बोनस जैसे सवाल पर हुकुमत की तरफ से जो बिल प्राया है उस का मुझे विरोध करना पड़ता है। कई सालों से बोनस के बारे में झगड़ा चल रहा है। झगड़ा कर के हजारों लाखों कामदारों ने काफी बोनस लिया भी है और आज भी उस का फायदा लेने की ताकत रखते हैं। कई वर्षों से कामदारों के आन्दोलनों ने मांग पेश की है। मगर यह कवनसीबी की बात है कि कामदार संगठनों ने मांगा था थोड़ा लेकिन कामदारों को मिला टट्टू, और आज हमारे सामने जो बिल प्राया है उस में हमें यह गधा दिखलाई पड़ता है। टट्टू पर तो कभी सवारी कर भी सकते हैं मगर गधे पर सवारी नहीं कर सकते हैं। गधा सात भी मारता है, यह भी हम धक्की तरह समझते हैं।

कमिशन की जो सूचनायें थी वह कुछ ठीक थीं। उन में हुकुमत ने तथ्यहीनी की। उस के बाद प्रहमदाबाद में 14 और 15 अक्टूबर को कई मजदूर संगठनों के प्रतिनिधि, बैंक्स और एन० धार्ड० सी० बगैरू के, इकट्ठे हो गये। यह बोनस के सवाल पर राष्ट्रीय संग्राम समिति के रूप में संगठित हुए, लेकिन आज हुकुमत ने उस के महत्व को नहीं पहचाना है। मगर एक बात उसे बराबर समझ लेना चाहिये कि बोनस और उस के प्रलावा जो और सवाल हैं महंगाई बगैरू के, राजनीतिक कदियों की मुक्ति का सवाल, इन सब को ले कर राष्ट्रीय संग्राम समिति ने उन को हल करने के बारे में यह सोचा है कि अगर उन के पास कोई और इलाज नहीं रहा और इसी ढंग से बोनस बिल विचार करने के लिये इस सदन के

[श्री याज्ञिक]

सामने रख दिया गया तो उनको आखिर में भारत बन्द का नारा देना पड़ेगा। यह कम-नसीबी की बात है कि सब बातें हमारे मंत्री महाादय की जानकारी में हैं और हमारे कई भाइयों ने जरूरी मुझाव भी रखे हैं, लेकिन कई जगहों पर जो बोनस मिलता था उस के ऊपर मर्यादा लगाई गई 20 परसेन्ट की और कमिशन ने जो सूचना दी थी उस में मालिकों की तरफ से दिये गये कई मुझाव स्वीकृत हो गये। एक ही बात पर हमारे कई भाई जोर देते रहे कि 4 परसेन्ट मिनिमम से हम बहुत खुश हैं क्योंकि कई लाख कामदारों को शायद पहली दफा बोनस मिलने वाला है।

मगर यह बोनस मिलना स्वयम् सिद्ध तां नहीं है। किसी मिलमालिक या कारखानेदार पर ऐसा कर्ज नहीं रकबा गया है कि कानून होने पर वह एकदम कामदार को बुला कर उस को पैसा दे दें। इस के लिये उस को कोर्ट में जाना होगा। फिर दूसरी बात यह है कि कोई भी मिलमालिक, कोई भी धानेदार स्थानीय गवर्नमेंट के सामने यह बात रख सकता है कि मुझे तो बहुत नुकसान हुआ है। मुझे इस में माफी दी जाये। यह स्थानीय सरकार के ऊपर है कि वह उसे माफी दे या न दे। मैं तो सीधे सादे कामदार की हैसियत से देखता हूँ कि किसी भी कामदार को 4 परसेन्ट सीधे हाथ मिलने वाला नहीं है। उस को कोर्ट में जाना ही पड़ेगा। अब हर एक धादमी तो कोर्ट न जा नहीं सकता है। किसी रिक्मनाइज्ड यूनियन के जरिये उस को यह काम करना होगा। रिक्मनाइज्ड यूनियन कोई हो वह मजदूर महाअनों का प्रतिनिधित्व करती है, जैसे कि आई० एन० टी० यू० सी० वर्गैरह। रिक्मनाइज्ड यूनियन को ही सोदा करने की जगह है। इससे सीधे सादे प्लफाज में मत-सब यह है कि...

एक स्थानीय सबरथ : 4 परसेन्ट से भी कम मिलेगा।

श्री याज्ञिक : हो सकता है 4 परसेन्ट से भी कम मिले। लेकिन 4 परसेन्ट जो बनता है वह भी गवर्नमेंट कलेक्टर की मार्फत नहीं दिलवाती है। उस के लिये भी उस को कोर्ट में जाना पड़ता है, झगड़ा करना पड़ता है। नहीं तो झगड़ा कर। के बाद इकरार करना पड़ता है। जब आखिर में इकरार करना पड़ता है तो इस के माने यह होंगे कि कामदारों को अपनी ताकत से बोनस के बारे में सब कारखानेदारों से लड़ना पड़ेगा। मजदूरों को लड़ना पड़ेगा।

इसलिये मैं बड़े घदब से कहना चाहता हूँ कि इस बिल से किसी सवाल का फैगला नहीं हुआ। सिर्फ इस के ऊपर सीलिंग लग गई है। मगर सीलिंग लगाने के लिये जो बोनस का सारा कानून है उस से कोई फायदा कामदारों का होने वाला नहीं है। मैं हुकूमत को चेतावनी देना चाहता हूँ कि प्राज तो हमारे हाथ बंधे हुए हैं क्योंकि राष्ट्रीय क्राइसिस है। हम चुपचाप बैठ गये हैं। हम को जो संघर्ष करना चाहिये था इस सम्बन्ध में उसे हम इस वक्त नहीं चलायेंगे। लेकिन हुकूमत को समझ लेना होगा कि अगर यह कानून कायम रहेगा तो सारे भारत के लाखों कामदारों को जरूर फिर लड़ना पड़ेगा सारे देश के पूजोपतियों और कुबेरपतियों के विरोध में। यह चीज न हो इ। के लिये श्री मधु लिमये ने जो सूचना दी है उसे मैं पसन्द करता हूँ। मैं मंत्री महाादय से प्रार्थना करता हूँ कि अब भी वे इस झगड़ा बढ़ाने वाले और भ्रान्दोलन को उत्तेजित करने वाले बिल को वापस ले लें और सीधे समझ कर दूसरा बिल हमारे सामने लायें।

Shri D. C. Sharma (Gurdaspur): Sir, the history of the labour movement in every country is strewn with disputes of all kinds and I do not think that my country can be an exception to that rule. Therefore I believe that whatever kind of Bill we may pass there will be litigation,

disputes and trouble. But I would ask my learned friends who have preceded me not to drop fat in the fire, add to the complexities of our country which exist at present and to make the difficulties which we are already facing more formidable.

This Bill has got two sides. I am very glad that this Bill is going to benefit 45 lakhs of workers. How that figure has been arrived at I do not know; but I accept the word of the Labour Minister for that. If it is going to do that, I think, it is making an appreciable advance on the existing conditions and I hope that the calculation of this number will be made as judiciously and as distinterestedly as possible. I also think that the guarantee of the minimum bonus is something for which we should all feel grateful to the Labour Minister. I think that has been done in order to satisfy the legitimate demands of the working class.

But I want to know one thing and it is this. I think, this Bill to which so many amendments were proposed by the Labour Minister himself and by the hon. Members of this House is a Bill which makes me suspicious. I do not know why this Bill should not have been drafted with greater care so that the Labour Minister should not have had to propose so many amendments. Usually, what happens is that the amendments of the Ministers are like "for 1964, substitute 1965" or for the Seventeenth year, substitute the Eighteenth year". But I think the Labour Minister has proposed amendments to this Bill like any hon. Member of this House. This shows in what way this Bill has been conceived and in what way this Bill has been drafted. I am sure the Labour Minister will see to it that the desultory way in which this was conceived and drafted will not be applicable to the way in which this will be applied.

Sir, the whole thing has been linked up with profit. Profit is a

very very difficult thing to define. Profit is like love, is like an aggression or anything else and you find it so difficult to arrive at a judicious definition of profit. When I look at the Bill, I find that all kinds of clauses have been introduced to diminish the quantum of profit which can be distributed amongst the workers. I think this Bill will give rise to a greater number of vagaries of accountancy, to a larger number of anomalies of expenditure, to a considerable number of departures from normal practices than anything else. It is because the whole thing has been linked up with profit. It has been said by all economists that the man who has earned profit is very reluctant to part with it. He will like to have the biggest slice of the cake for himself and, therefore, he will try to do as much as possible to reduce the amount of profit which can be distributed to a minimum and to appropriate the biggest chunk to himself. So the Bill has to be watched from this angle.

This Bill sets up a very bad precedent. What is the good of appointing a Commission by the Government of India if their recommendations are not going to be accepted? I think the whole machinery of the Government of India for appointing the Commission has been put to ridicule by this Bill. It is because the majority report has been ignored and the dissentient voice of one hon. Member has been raised to the status of prophet-hood. He has become a prophet of the labour movement and it is he who have determined what should be done and what should not be done. I think it is a very very bad precedent. It was an ill-starred Commission that was appointed and, I think, nothing like this should happen in future in this country.

One point more and I have done.

An hon. Member: Are you opposing it or supporting it?

Shri D. C. Sharma: I am both opposing and supporting it. He does not understand anything that I say.

In clause 32, so many exceptions have been granted that I think the clause needs to be looked into. I want to submit this to the hon. Minister. Our Government—it is true not only of the Labour Ministry but of all the Ministries in this Government—the Central, the wisest Government that we have and the most knowledgeable Government that we have, always brings forward Bills and always tries to bring forward amendments to those Bills. If I were to compile the list of the amendments that we have been discussing on the floor of this House to the Bills that had been passed, you will see that the amendments are larger in number than the Bills themselves. It is because the Bills are prepared in a fit of absentmindedness and then we have a series of amendments. I request the Labour Minister who has the welfare of the labour at heart, who wants to do good to the labour community and who is not afraid of the challenges which have been given to him, that he will see to the working of this Bill in the next six months and then see what lacunae it has and also bring forward an amending Bill so that this Bonus Bill which is a kind of charter for the workers of India and which gives hope to our workers should really become like that.

Mr. Speaker: The hon. Minister.

Some hon. Members rose—

Mr. Speaker: I cannot give more time. We have spent 15 hours instead of 5 hours. The hon. Minister.

Shri A. P. Sharma (Buzar): I have only to make a suggestion.

Mr. Speaker: He had an opportunity; he has already spoken.

Shri A. P. Sharma: Only one suggestion I want to make. That is very important.

Mr. Speaker: Then, there are others also, Shri Priya Gupta, Shri Kashi Ram Gupta, Shri S. S. Deshmukh and others.

Shri A. P. Sharma: That will help Shri Priya Gupta also.

Mr. Speaker: He says, his suggestion will help Shri Sharma also.

Shri A. P. Sharma: All right. Then, let him make a suggestion.

Mr. Speaker: But I am not allowing both.

Shri A. P. Sharma: Shri Priya Gupta agrees.

Mr. Speaker: He agrees but my agreement is also necessary.

Shri D. Sanjivayya: Mr. Speaker, Sir, I am very grateful to the hon. Members for having taken part at this last stage of the discussion relating to this Bill.

It has been stated that small enterprises and entrepreneurs may suffer on account of this Bill. It has also been stated that certain classes of workers may also not be benefited to the extent they are expected to. The difficulties will arise whenever we embark upon a new scheme and as we implement it, as we gain experience, probably we will have to modify the scheme and then amend the scheme. In a similar way, I would like to give an assurance....

Shri A. P. Sharma: Include more number of workers.

Shri D. Sanjivayya: ...here that after this scheme works for a reasonably good length of time, if there are any difficulties, we will certainly try

to modify it or if there are difficulties which could be removed by utilising the powers under clause 37, we will certainly do it. Clause 37 says:

"If any difficulty or doubt arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision, not inconsistent with the purposes of this Act as appears to it to be necessary or expedient for the removal of the difficulty or doubt; and the order of the Central Government, in such cases, shall be final."

So, that way, we will try to help the workers or small entrepreneurs or small industries.

Another criticism against the Bill is that a dangerous precedent has been established by modifying the recommendations of this Commission. I would like to recall to the memories of the hon. Members the incident which occurred at the time of the appointment of this Commission. There was some dispute with regard to the composition of the Commission and, therefore, my predecessor, Shri Gulzarilal Nanda, made it very clear that Government will have the right to consider the situation if the recommendations of the Commission are not unanimous. In this case, the recommendations were not unanimous and, therefore, Government exercised that right . . . (*Interruption*).

Shri Indrajit Gupta: You exercised the right.

Shri D. Sanjivayya: We exercised the right when it was necessary and when it was reasonable. It was felt by some hon. Members that this would be a bad precedent and it may affect the functioning of the various tripartite wage boards. The wage board stands on a different footing. The

recommendations of the wage board will have to be implemented by the employers by a sort of goodwill between the employers and workers created there.

If the employers do not implement them, there is nothing by which Government can compel them except making it a dispute and referring it to a tribunal.

Government are accused of having favoured big employers and the amount of criticism levelled on behalf of the employers is well known to everybody. So, when Government is criticised both by the employers and the workers, I take it that the Government have taken an unbiased and impartial attitude.

Two clauses, namely, 20 and 32, are supposed to be very retrograde according to some hon. Members. Clause 20 refines what public sector is and this is nothing but a recommendation of the Bonus Commission just as it was made.

An hon. Member: Was it unanimous?

Shri D. Sanjivayya: Yes. The second is clause 32. This gives exemption to certain classes of employees. There again most of the categories mentioned are according to the recommendations of the Bonus Commission. No doubt Government have also included certain categories, namely, Finance Corporations, etc. Here certain hon. Members raised a point, as they did earlier also, that exclusion of seamen and dock workers was not desirable. I would, in this connection, like to quote the recommendation of the Bonus Commission itself. With regard to seamen, it is said:

"In the view we have taken, our recommendations would not apply to seamen. Even otherwise the question of bonus to them raises certain difficulties which must be borne in mind. If Indian

[Shri D. Sanjivayya]

shipping companies engaged in foreign trade were required to pay bonus to seamen, it would put them at a disadvantage in competition with foreign shipping companies, and it would be difficult to attempt to apply the bonus formula to foreign shipping companies."

On account of this recommendation, we had to exclude seamen. With regard to dock workers, the Bonus Commission had made the following recommendation:

"In view of the particular circumstances in which stevedore labour is employed under the de-casualisation scheme we are clear that our general formula would be inapplicable; so also any system of minimum and maximum bonus. We recommend further that the bonus pool system for stevedore labour in Bombay should also be applied at other ports, including Calcutta, subject to such modifications as local conditions may require."

That is why we have asked all the Chairmen of the various Dock Labour Boards to examine the question as to how far they could implement the system of bonus available to Dock workers in Bombay Port. They have already started the discussion between the employers and the employees.

With regard to Section 10, everybody feels happy about it, but some hon. Members have expressed their apprehension. I have already made it very clear that this could be upheld by courts in the light of the argument that this is being done in order to give social and economic justice to the poorer classes. As I said earlier, about 45 lakhs of workers, who never

got this benefit before, would be benefited. Even if they get the minimum of Rs. 40, it will be about Rs. 18 crores per year. According to the present formula contemplated under this Bill, the bonus is payable on dearness allowance and basic wages; previously it was only on basic wage.

With regard to Section 34, which gives protection of past benefit, I do not share doubts which the hon. Members have. I have made this point very clear earlier and I do not want to take any more time of this House. Two hon. Members said that this was a step in the right direction, that it was a progressive step and that it was an advance over the present position. I thank them all for those remarks.

In the end I would like once again to appeal through this House to the workers as well as employers to maintain industrial peace and if there is any difficulty, I assure them that it will be removed under Section 37 and if further steps are necessary, Government would certainly consider them sympathetically.

श्री मधु लिमये: अध्यक्ष महोदय, हम ने आपकी मार्गदर्शन मंत्री महोदय से यह दर्वास्त की थी कि वह इस बिल को वापस ले लें। क्या वह इस को वापस नहीं ले रहे हैं ?

अध्यक्ष महोदय : जो क्वैस्टियन मैं हाउस के सामने रख रहा हूँ, माननीय सदस्य उस को सुनें। क्या मैं इस बिल को वापस ले सकता हूँ ?

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

Division No. 24]

AYES

12.40 hrs

Abdul Rashid, Bakhsh
Abdul Wahid, Shri T.
Alagesan, Shri
Alva, Shri Joschim
Aney, Dr. M. S.
Bessa, Shri
Borooha, Shri P. C.
Chaturvedi, Shri S. N.
Chuni Lal, Shri
Dandeker, Shri N.
Das, Shri B. K.
Das, Shri N. T.
Deo, Shri P. K.
Deshmukh, Shri Shivaji Rao S.
Dighe, Shri
Dinesh, Singh Shri
Dixit, Shri G. N.
Dorai, Shri Kesinatha
Ganga Devi, Shrimati
Gowdh, Shri
Gupta, Shri Shiv Charan
Heda, Shri
Kedarai, Shri C. M.
Krishnamachari, Shri T. T.
Lalit Sen, Shri
Lakar, Shri N. R.
Mahadeva Prasad, Dr.
Majithia, Shri
Marandi, Shri

Maruthiah, Shri
Maurjya Djn, Shri
Mathur, Shri Shiv Charan
Mehdi, Shri S.A.
Mehrotra, Shri Braj Bihari
Melkote, Dr.
Menai, Shri Gopal Datt
Miraa, Shri Bakar Ali
Mishra, Shri Bibhuti
Mishra, Shri M. P.
Mohiuddin, Shri
More, Shri K. L.
Muthiah, Shri
Naik, Shri D. J.
Niranjan Lal, Shri
Paliwal, Shri
Pandey, Shri R. S.
Pant, Shri K. C.
Patil, Shri D. S.
Patnaik, Shri B. C.
Pattabhi Raman, Shri C. R.
Prabhakar, Shri Naval
Raj Bahadur, Shri
Raideo Singh, Shri
Raju, Dr. D. S.
Ram Sewak, Shri
Ramaswamy, Shri V. K.
Ramdhani, Das, Shri
Rampure, Shri M.

Rane, Shri
Ranga, Shri
Rao, Shri Krishnamoorthy
Rao, Shri Ramapathy
Reddier, Shri
Reddy, Shri Linga
Sadhu Ram, Shri
Saha, Dr. S. K.
Sahu, Shri Rameshwar
Samanta, Shri S. C.
Sharma, Shri A. P.
Sharma, Shri D.C.
Sheo Narain, Shri
Shinde, Shri
Shree Narayan Das, Shri
Sinha, Shri Satya Narayan
Snatak, Shri Naradeo
Subbaraman, Shri
Tiwary, Shri D.N.
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tula Ram, Shri
Tyagi, Shri
Upadhyaya, Shri Shiva Dutt
Vyas, Shri Radheyial
Wadiwa, Shri
Wanik, Shri Balkrishna
Yadava, Shri B. P.

NOES

Alvarez, Shri
Banerjee, Shri S. M.
Gupta, Shri Indrajit
Gupta, Shri Kashi Ram
Gupta, Shri Priya

Kamath, Shri H.V.
Kandappan, Shri
Kohar, Dr.
Misra, Shri U. M.
Mukerjee, Shri H. N.

Murmu, Shri
Pandey, Shri Surjo
Sen, Dr. Ranen
Warlor, Shri
Yainik, Shri
Yashpal Singh, Shri

Mr. Speaker: The result of the
Division is: Ayes 85; Noes 16.

The motion was adopted.

12.41 hrs.

UNION TERRITORIES (DIRECT
ELECTION TO THE HOUSE OF
THE PEOPLE) BILL

The Minister of State in the Minis-
try of Home Affairs (Shri Hathi): I
beg to move:

"That the Bill to provide for
direct election in certain Union
Territories for filling the seats al-
lotted to them in the House of the

People and for matters connected
therewith be taken into con-
sideration".

Shri Hari Vishnu Kamath (Hosh-
angabad): On a point of order, Sir.
I am loth, I do not wish, to obstruct
or delay the passage of this Bill. It
is a very welcome measure, but I
would have been happy if the Gov-
ernment had had more regard for the
rules of procedure.

Mr. Speaker: Shri Kamath would
remember that normally these points
are raised after the motion has been...

Shri Hari Vishnu Kamath: The hon.
Minister has moved the motion al-
ready.