

and that amount also is not being spent for the refugees. If that is the practical experience of the minister himself, may I know whether steps are being taken immediately to issue a statement on behalf of Government and also circulate certain pamphlets to different camps stating what amount we have got from foreign sources and what amount is provided by the Indian people as their share of the burden ?

SHRI R. K. KHADILKAR : My colleague and five members of Parliament recently visited certain camps to find out the conditions there. I am told they were very much satisfied with arrangements. But we have also heard about such propaganda openly or in a subtle manner being carried on in some centres. Mere publicity will not do. We have taken steps through our commandants to counteract this propaganda. The burden borne by the Government of India has been made clear to them.

SHRIMATI SHEILA KAUL : There was a news item that 4300 children died of malnutrition in the refugee camps. Is this correct ?

SHRI R. K. KHADILKAR : All these figures given in news items are imaginary. When we detected that there was certain malnutrition and their health is not as it should be, immediately steps were taken and certain international agencies who are helping us in this regard were activated. I cannot say that not a single child has died. My colleague would like to supplement it.

श्री बालगोविन्द वर्मा : अभी पांच डिफरेंट पार्टीज के पांच पार्लियामेंट के मेम्बर मेरे साथ वहां गये हुए थे। मेघालय से शिकायत आई थी कि वहाँ तकलीफ ज्यादा है। हम सब ने मेघालय और आराम के कुछ कंपों को देखा। उन कंपों को देख कर वे लोग भी संतुष्ट हुए कि जो न्यूट्रीशनल फीडिंग का प्रोग्राम चल रहा है, उस में लाभ हुआ है। उन्होंने भी यह महसूस किया कि देहात में हमारे जो बच्चे रहते हैं, वे कंपों में रहने वाले बच्चों की अपेक्षा कमजोर हैं। इससे स्पष्ट है कि न्यूट्रीशनल फीडिंग का प्रोग्राम अच्छा है। बच्चों के मरने की खबर बहुत ज्यादा

बढ़ाकर दिखाई गई है। हम इस पासिबिल्टी को रूल आउट नहीं करते हैं कि कुछ बच्चे मरे हैं। मेरे जरूर हैं। लेकिन यह जो फिगर बताई गई है, वह हमारे पास नहीं है (अवधान) भूल से नहीं मरे हैं।

SHRI PRABODH CHANDRA : The Minister has said that not a single child has died because of malnutrition. But now his deputy says that some of them have died, although the number has been exaggerated. May I know which statement is correct ?

SHRI R. K. KHADILKAR : As soon as malnutrition was detected, we conducted an enquiry. I have not said that not a single death has occurred.

SHRI PRABODH CHANDRA : But it was the Deputy Minister who visited the camp. The Minister has not visited the camp.

MR. SPEAKER : We need not go into so much details here.

Expert Committee on bonus formula

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*92. **SHRI P. VENKATASUBBAIAH :**
SHRI RAJA KULKARNI :
DR. RANEN SEN :

Will the Minister of LABOUR AND REHABILITATION be pleased to state :

(a) whether Government are contemplating to amend the Bonus Act ;

(b) if so, in what manner ;

(c) the time by which the Expert Committee to revise the bonus formula, is going to be appointed and its terms of reference ; and

(d) the number of industries/employers who have accepted the proposal of graded minimum bonus to the range of 5 to 8-1/3 per cent, as suggested by the Union Labour Minister ?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) : (a) to (c). The matter was discussed by the Indian Labour Conference recently and it was felt that the bonus scheme embodied in the Act should be reviewed by a

Committee which could be bipartite or tripartite. Details are yet to be worked out.

(d) Information is not available.

SHRI P. VENKATASUBBAIAH : As a matter of fact, the hon. Labour Minister is being paid encomiums for taking a very bold decision on this matter. Which are the recalcitrant employers or business concerns that do not want to fall in line with this graded minimum bonus formula suggested by the Labour Minister? What steps are being taken as an interim measure to make these people agree to this formula?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) : This is a formula on an *ad hoc* basis to bring about a settlement for the time being till the entire scheme is reviewed. It has no statutory sanction; it is only recommendatory. Even then, I have written to the State Labour Ministers to see that this formula is accepted in their negotiations. My information is that some States like Tamilnadu have taken the initiative. In some cases almost all the employers have accepted it. But from some other States I have received complaints that employers are taking a very stiff attitude. That is the present position.

SHRI P. VENKATASUBBAIAH : May I know whether it is a fact that some of the public sector undertakings which are getting subsidy from the government are reluctant to accept this formula? If that is so, what is the remedy?

SHRI R. K. KHADILKAR : The government decision is that they should accept this formula, at least so far as the minimum one per cent is concerned, for all public sector undertakings. We have advised the States also in the matter. So far as my information goes, almost all of them have complied with it.

SHRI P. VENKATASUBBAIAH : What about this public sector undertakings which are receiving subsidy from the government?

SHRI R. K. KHADILKAR : Even they have been asked to comply with the provision.

SHRI INDRAJIT GUPTA : I would like to know whether it is not a fact that in the Indian Labour Conference all the Central trade union organisations, including the INTUC, were in favour of an immediate Ordinance, pending the final replacement by an Act, which would raise the quantum of minimum bonus to 8-1/3 per cent. If that is so, may I know whether this proposal to set up an expert committee has got the support of the trade union organisations? Who are the experts who are going to be on it and what are going to be its terms of reference? Is it going to cover employees of departmentally run undertakings also?

SHRI R. K. KHADILKAR : It is a fact that all central trade union organisations were demanding that the minimum should be raised to 8.33 per cent. They were also insisting that Government should promulgate an Ordinance but it was made abundantly clear that in such matters Government would not come forward to legislate through an Ordinance.

SOME HON. MEMBERS : Why?

SHRI R. K. KHADILKAR : Because we have thought at this juncture that some sort of an *ad hoc* settlement could be made and the entire scheme could be reviewed and needs a review.

So far as the review part is concerned all the trade unions have agreed,—the agreed conclusions are for a bipartite or tripartite Committee,— for a review. We would be setting up a committee with an independent chairman. Its terms of reference will be finalised.

So far as whether departmentally run undertakings should be covered in the terms of reference or not is concerned, that will have to be decided.

श्री हुकम चन्द कछवाय : अभी हाल में सरकार ने श्रम सम्मेलन बुलाया था, उसमें भारतीय मजदूर संघ को नहीं बुलाया और जान-बूझ कर नहीं बुलाया क्या यह बात सही है? आपने जो बोनस कानून बनाया हुआ था उसमें ऐसा नियम था कि घाटे के उद्योगों को, चाहे वे मुनाफे में हों या घाटे में हों उनको भी साढ़े चार या 5 परसेंट बोनस देना होगा। यह

नियम पहले से लागू था, लेकिन सरकारी उद्योगों पर आप ने इसको लागू नहीं किया था मैं जानना चाहता हूँ कि आप अब जो नियम बनाने जा रहे हैं, क्या उसमें यह नियम सरकारी उद्योगों पर भी लागू किया जायगा ? आज यह दलील दी जाती है कि प्रारम्भिक उद्योगों को भी इसे देना होगा, उसको दृष्टि में रखते हुए क्या आप इसको सरकारी उद्योगों पर भी लागू करने का आश्वासन देंगे ?

SHRI R. K. KHADILKAR : Representatives of organisations, which are recognised as central organisations were invited for this conference. The only exception made was regarding CITU because of certain considerations and a representative of CITU, was invited as an observer. Central organisations will have to go through the process of verification of membership and then alone a final decision will be taken whether the organisation, to which he has referred, could be called a central organisation eligible for participation in such conferences.

So far as the other question is concerned, I have made it clear that Departmental undertakings at the present juncture are not covered by the Bonus Act. Whether they should be covered will have to be decided by the new committee and whether that should form a term of reference will also have to be decided.

श्री हुकम चन्द कछवाय : अध्यक्ष महोदय, मेरे प्रश्न का उत्तर नहीं आया। मैंने पूछा था...

MR. SPEAKER : He has fully replied to it.

श्री जगन्नाथ राव जोशी : संजीविया जी जिन समय मन्त्री थे, उस समय भी भारतीय मजदूर संघ के बारे में पूछा गया था और उन्होंने कहा था—

If it fulfils the requirement, recognition will be given.

लेकिन आज जो उत्तर दिया गया है, उसमें फिर वही पुरानी बातों को कहा गया है—

अध्यक्ष महोदय : आप पहले मुझ से इजाजत लीजिये, उसके बाद बोलिये...

श्री हुकम चन्द कछवाय : ये जानबूझ कर इस तरह का जवाब दे रहे हैं। एक मिनिस्टर कुछ कहता है और दूसरा कुछ कहता है...

अध्यक्ष महोदय : यह क्या तरीका पकड़ लिया है। एक-आधा दफा तो ठीक है, लेकिन रोज-रोज ऐसा नहीं चल सकता।

श्री हुकम चन्द कछवाय : लेकिन अध्यक्ष महोदय, पहले मन्त्री ने जवाब दिया था कि जब सब पात्रता पूरी हो जायेगी, तब मान्यता देंगे। सब पात्रता पूरी हो गई है फिर भी मान्यता नहीं देते हैं।

श्री जगन्नाथ राव जोशी : संजीविया जी ने कहा था कि जब सारी बातें फुल-फिल हो जायेगी, तब मान्यता देंगे, सारी बातें पूरी हो गई हैं, फिर मान्यता क्यों नहीं देते हैं ?

श्री हुकम चन्द कछवाय : जिनको मान्यता नहीं थी, उनको भी उसमें बुलाया गया।

अध्यक्ष महोदय : If you go on persisting like this, nothing will go on record. हाऊस के लाउड-स्पीकर से भी ऊपर बोलते हैं, स्पीकर से भी ऊपर बोलते हैं, मैं क्या करूँ।

SHRI DAMODAR PANDE : The hon. Minister just now stated that public sector undertakings and State Governments have accepted his formula and that they are implementing it, Is he aware of the fact that public sector undertakings like N. C. D. C., H. E. C., Hindustan Steel, Bokaro Steel, etc. have not accepted the formula even in principle and have made payment to their workmen at the rate of 4 per cent only ?

SHRI R. K. KHADILKAR : I have no specific information as to whether a particular undertaking has complied with it or not. As I said, we have recommended it and that 1 per cent is a sort of additional thing. They are to be persuaded and they

need not claim it immediately keeping in view the Emergency. That rider also has been added. I think, they must have kept calculations ready. They may not have paid them.

SHRI DINEN BHATTACHARYYA : While fixing up the terms of reference of the Committee that he has now suggested, may I know whether the whole method of calculation of available surplus for the payment of bonus, will be reviewed or simply it will be done in a haphazard way ?

SHRI R. K. KHADII KAR : When we are setting up a Committee to review the entire scheme of bonus, while determining the terms of reference, all these things will be taken into consideration.

MR SPFAKER : In half an hour, we have finished only two Questions. I am not going to allow more than two or three Members now. Other Members who are at the other end of the Questions List are deprived of their chance.

राज्यों के श्रम मंत्रियों का सम्मेलन

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*93. श्री कमल मिश्र मधुकर :

श्री ज्योतिर्मय बसु :

*1 पी० एम० मेहता :

क्या श्रम और पुनर्वासि मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या अगस्त, 1971 म विभिन्न राज्यों के श्रम मंत्रियों का सम्मेलन हुआ था ;

(ख) यदि हां, तो क्या देश में मिल-मालिकों को तालाबन्दी करने से रोकने और इन तालाबन्दियों के परिणाम-स्वरूप होने वाली श्रमिकों की बेरोजगारी को रोकने के लिए ठोस उपायों पर विचार किया था ; यदि हां, तो उनका व्योरा क्या है ;

(ग) देश में बदली हुई राजनीतिक स्थिति को ध्यान में रखते हुए श्रमिकों के हित में नये उपाय करने के लिए क्या निर्णय किये गये ; और

(घ) क्या सभी राज्यों के प्रतिनिधि उन

उपायों पर सहमत थे और यदि नहीं, तो उन राज्यों के नाम क्या हैं जो सहमत नहीं थे ?

श्रम और पुनर्वासि मन्त्रालय में उप-मन्त्री (श्री बालगोविन्द वर्मा) : (क) जी हां ।

(ख) सम्मेलन ने कामबंदियों, न कि तालाबंदियों, से उत्पन्न बेरोजगारी की समस्याओं पर विचार-विमर्श किया । राज्यों के प्रतिनिधियों के बहुमत ने कामबंदियों के संबंध में केन्द्रीय कानून का समर्थन किया ।

(ग) और (घ). सम्मेलन ने राष्ट्रीय श्रम आयोग की कुछ सिफारिशों और उपदान के सम्बन्ध में केन्द्रीय विधान जैसे कुछ अन्य उपायों पर विचार किया । परन्तु परिवर्तित राजनीतिक स्थिति की पूर्ति के लिए किन्हीं विशिष्ट उपायों पर विचार-विमर्श नहीं किया गया ।

श्री कमल मिश्र मधुकर : अध्यक्ष जी, यह बात ठीक है कि आपने श्रम मंत्रियों के सम्मेलन के बाद मिल-मालिकों का तालाबन्दी का जो षडयन्त्र होता था, उसको रोकने का थोड़ा सा प्रयत्न किया है और उसके लिए आर्डिनेंस जारी किया है । लेकिन क्या यह बात सही है कि सरकार पर बड़े मिल-मालिकों का दबाव पड़ रहा है कि आर्डिनेंस भले ही पास हो जाय, लेकिन उसको अगल में न लाने दिया जाय, जैसा कि बहुत सारे कानूनों में होता है ? क्या श्रम मंत्री सम्मेलन में ग्रेज्युटी के विषय में किसी ऐसे कानून पर, जो सारे देश पर लागू हो और पुराने कानून का संशोधन हो, विचार किया था ? क्या आप इस तरह का कोई आर्डिनेंस या कानून लाने जा रहे हैं, अगल ला रहे हैं तो वह कानून कब तक आ रहा है ?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADII KAR) : Keeping in view the general consensus that was reached in this Conference, in fact, we are going to introduce a legislation for gratuity covering the whole of India as well as another legislation for