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Title: Statutory resolution regarding disapproval of Payment of Bonus (Amendment) Ordinance, 2007 (No. 8 of 2007) and Payment of Bonus (Amendment) Bill, 2007 (Resolution Withdrawn and Bill passed)

MR. SPEAKER: The House will now take up item nos. 22 and 23 together for discussion. Prof. Rasa Singh Rawat.

प्रो. रासा सिंह रावत (अजमेर): अध्यक्ष महोदय, मैं निम्नलिखित संकल्प पेश करता हूँ :-

"कि यह सभा 27 अक्टूबर, 2007 को राष्ट्रपति द्वारा प्रख्यापित बोनस संदाय (संशोधन) अध्यादेश, 2007 (2007 का संख्यांक 8) का निरनुमोदन करती है।"

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): Mr. Speaker, Sir, I beg to move:*

"That the Bill further to amend the Payment of Bonus Act, 1965, be taken into consideration."

Sir, as the hon. Members are aware, the Payment of Bonus Act, 1965 provides for payment of bonus to persons employed in certain establishments on the basis of profit or on the basis of production or productivity and for matters connected therewith.

[R62][r63]The Act provides for payment of bonus to employees of 'factories' and other establishments employing 20 or more persons, excluding some categories of employees as contained in Section 32 of the Act (i.e. employees in Life Insurance Corporation, Seamen, Dock workers, University employees, employees employed through contractors on building operations etc.).

The eligibility limit and the calculation ceiling were last revised from Rs.2500/- to Rs.3500/- per month and from Rs.1600/- to Rs.2500/- per month respectively, in the year 1995 and made effective from 1st April, 1993, first

* Moved with the recommendation of the President.

through an Ordinance and then with the amendment to the principal Act. At present, the employees employed through contractors on building operations are not eligible for bonus as per clause (vi) of Section 32 of the Payment of Bonus Act, 1965.

The Second National Commission on Labour in its report submitted to the Government in the year 2002 recommended that the eligibility limit and calculation ceiling should be enhanced to Rs.7500/- and Rs.3500/- per month, respectively. The Workers' Union have been demanding the revision of the eligibility limit as well as the calculation ceiling since long. The issue was taken up for discussion in the 41st session of the Indian Labour Conference held on the 27th - 28th April, 2007. I am thankful to employees, employers and other stakeholders in arriving at a consensus to enhance the eligibility limit from the present Rs.3500/- to Rs. 10,000/-per month and calculation ceiling from Rs. 2,500/- to Rs.3500/- per month. Further, it was also decided to bring employees employed through contractors on building operations within the ambit of the Payment of Bonus Act, 1965.

Accordingly, after taking the approval of the Cabinet, the Payment of Bonus (Amendment) Ordinance, 2007 (8 of 2007) was promulgated on 27th October, 2007, as both the Houses of Parliament were not in session and the festival season was in progress. The Ordinance contained the following amendments:

(i) Amendment to clause (13) of Section 2 of the Payment of Bonus Act, 1965 to raise the eligibility limit for payment of bonus from the salary or wage of Rs.3500/- per month to Rs. 10,000/- per month;

(ii) Amendment to Section 12 of the Payment of Bonus Act, 1965 to raise the ceiling for calculation purpose from the salary or wage of Rs.2500/-per month to Rs.3500/-per month;

(iii) Deletion of clause (vi) of Section 32 of the Payment of Bonus Act, 1965 so as to cover employees employed through contractors on building operations.

In order to ensure that the employees receive the enhanced bonus during the current festival season the amendment through an Ordinance was made effective from 1st April, 2006, as the bonus paid for the year is for the year 2006-07.

I, therefore, request Prof. Rasa Singh Rawat, Shri Varkala Radhakrishnan, Shri Girdhari Lai Bhargava and Shri Mohan Singh, hon. Members to withdraw the resolution disapproving the Payment of Bonus (Amendment") Ordinance (No. 8 of 2007).

MR. SPEAKER: Motions moved:

"That this House disapproves of the Payment of Bonus (Amendment) Ordinance, 2007 (No.8 of 2007) promulgated by the President on 27th October, 2007."

"That the Bill further to amend the Payment of Bonus Act, 1965, be taken into consideration."

प्रो. रासा सिंह रावत (अजमेर): अध्यक्ष महोदय, जहां तक बोनस संदाय (संशोधन) विधेयक, 2007 का प्रश्न है, मैं इसका समर्थन करता हूँ परन्तु जिस रीति से पहले ऑर्डिनेंस लाया गया और बाद में सदन के अंदर बिल के रूप में प्रस्तुत करके पास कराने की यू.पी.ए. सरकार की इस प्रवृत्ति की मैं निन्दा करता हूँ और इसका निरनुमोदन करता हूँ।

अध्यक्ष महोदय, भारत दुनिया का सब से बड़ा लोकतंत्र है। लोकतंत्रीय देश के अंदर लोकतंत्रीय प्रवृत्ति सरकार की होनी चाहिए। यह सदन सर्वोच्च है और सदन के अंदर बिल लाकर विस्तार से विचार विमर्श होने के बाद सारा निर्णय लिया जाता है तो उसमें एक शान रहती है, लेकिन पहले सरकार ऑर्डिनेंस लाई, उसके लिए पहले सरकार के पास बहुत समय था। अगर सरकार की भलमनसाहत होती तो इसको पहले लाती। 1965 में बोनस संदाय विधेयक बना और उसके 42 वर्षों के बाद सरकार संशोधन लाई। जैसा कि मंत्री जी ने बताया 1995 में, 2002 में थोड़ा बहुत इधर उधर किया, लेकिन जो संशोधन वाली बात है उसको लाने में 42 वर्ष लग गए। इसमें भी अभी जैसा कहा गया, भारतीय श्रम सम्मेलन के 41वें सत्र की सिफारिश पर सरकार ने ध्यान दिया। वह सिफारिश भी 27 और 28 अप्रैल 2007 को हुई थी जब बजट सत्र चल रहा था। उसके बाद मानसून सत्र हुआ। वह सितम्बर में खत्म हुआ। उसके बाद 2 अक्टूबर को गांधी जी के जन्मदिवस पर कैबिनेट ने निर्णय लिया और 28 तारीख को ये अध्यादेश लाए। इससे सरकार की मनोवृत्ति का पता चलता है कि श्रमिकों और कर्मचारियों के नाम पर यह केवल मगर के ऑसू बहाती है। वास्तव में इनके दिल में कुछ नहीं है। यह तो हमारे मित्रों का शायद दबाव रहा और सारे मज़दूर संगठनों का भी दबाव रहा - चाहे सीटू हो, बीएमएस हो, एचएमएस हो, हिन्द मज़दूर पंचायत हो या जितने भी मज़दूर संगठन या इनडिविजुअल रिप्रजेंटेशन जो लगातार होते रहे, तो सरकार दबाव में आई। मान्यवर अध्यक्ष महोदय, मैं आपके माध्यम से कहना चाहूंगा कि सरकार जो कह रही है कि मज़दूरों के हित में बोनस वगैरह मिला, दीवाली का त्यौहार था। मान्यवर, दीवाली और दुर्गा पूजा के त्यौहार से पहले इतना समय मिला, दशहरा और ईद से पहले इतना समय मिला, लेकिन ये पहले नहीं लाए। ये जानते थे कि हर वर्ष बोनस दिया जाता है कर्मचारियों को और त्यौहारों से पहले दिया जाता है तो पहले से ही तैयारी कर ली जाती है। इसलिए हमारे भारतीय संविधान के ...(व्यवधान)

अध्यक्ष महोदय : आपके मित्र, वरकला राधाकृष्णन, भार्गव जी, मोहन सिंह जी कोई नहीं हैं। आप बोलिए।

वे।(व्यवधान)

प्रो. रासा सिंह रावत : अध्यक्ष महोदय, मैं आपका संरक्षण चाहूंगा। भारतीय संविधान के निर्माताओं ने कहा था कि अध्यादेश की शक्ति विधान में है लेकिन उसका प्रयोग तब किया जाए जब इमरजेंसी की स्थिति हो, आपातकाल हो, संकटकाल हो या अपरिहार्य परिस्थिति पैदा हो गई हो। उस समय यदि सत्र बहुत दूर हो और कोई बड़ा भारी संकट उपस्थित हो रहा हो, ऐसे समय में सरकार अध्यादेश ला सकती थी। लेकिन सरकार की आदत पड़ गई है। हर बार कहते हैं कि आगे ऐसा नहीं होगा, लेकिन जब से यूपीए सरकार आई है, लगातार अध्यादेश पर अध्यादेश लाते हैं। इसलिए मैं इस मनोवृत्ति की निन्दा करता हूँ।

अध्यक्ष महोदय : बिल का समर्थन करते हैं?

प्रो. रासा सिंह रावत : जी हाँ, बिल का तो समर्थन करता हूँ। क्योंकि बोनस तो कर्मचारियों और श्रमिकों के लिए बड़ा भारी आकर्षण है। वेतन तो पूर्णमासी का वॉट है जो एक दिन पूरा दिखाई देता है और कर्मशः जैसे-जैसे महीना बीतता है, चंद्रमा की कलाएँ घटती जाती हैं और अमावस्या के दिन जब ही खाली हो जाती है, लेकिन जब त्यौहार या ऐसे अवसर आते हैं और बोनस के रूप में बड़ी राशि मिल जाती है तो कर्मचारियों के लिए बहुत खुशी का मौका होता है और त्यौहार पर रौनक भी आ जाती है। बाज़ारों में भी रौनक, चेहरों पर भी रौनक, कर्मचारियों के परिवारों में भी रौनक आ जाती है। इसलिए बोनस का तो मैं समर्थन करता हूँ लेकिन कहना चाहता हूँ कि बोनस की जो सीमा है ...(व्यवधान)

अध्यक्ष महोदय : इसे और बढ़ाना चाहिए?

प्रो. रासा सिंह रावत : मान्यवर, जैसा अभी कहा गया, इसमें जो मूल अधिनियम था, धारा 2 के खंड 13 के अंदर 3500 रुपये के स्थान पर 10000 रुपये की सीमा इन्होंने कर दी है। धारा 12 के अंदर पहले 2500 से जो गिनती होती थी, उसको 3500 कर दिया है और धारा 32 के खंड 6 का लोप कर दिया है जिसके कारण कानट्रेक्टुअल सर्विस में ठेकेदारों के अंतर्गत जो कर्मचारी निर्माण कार्यों या भवन निर्माण कार्यों में लगे हैं, वे भी इससे लाभान्वित होंगे। मुझे खेद के साथ कहना पड़ रहा है कि हमारी कुल हिन्दुस्तान की जो वर्कफोर्स है, उसका 7.5% ही इससे लाभान्वित हो रहा है। अगर आप इतने उदार हैं तो थोड़ी और उदारता दिखाते। हालांकि मूल अधिनियम में इंप्लाइज़ शब्द के अंतर्गत जो परिभाषा दी गई है उसमें ऐसा लिखा है -[h64] कोई ऐसा व्यक्ति अभिप्रेत है जो भाड़े या इनाम के लिए किसी उद्योग में कुशल या अकुशल, शारीरिक, पर्यवेक्षीय, प्रबंधकीय, प्रशासकीय, तकनीकी या लिपीकीय कार्य करने के लिए 3500 रुपए प्रतिमाह से अधिक वेतन या मजदूरी पर नियोजित है। हालांकि यह परिभाषा कह रही है कि 3500 रुपए से बढ़ा करके संशोधित पात्रता सीमा और गणना की अधिकतम सीमा बढ़ा दी है और 3500 रुपए से दस हजार तक प्रतिमाह तथा गणना की अधिकतम सीमा 2500 रुपए से 3500 रुपए प्रतिमाह करनी तय की है। इसके साथ-साथ यह खुशी की बात है कि कांट्रेक्ट सर्विस में काम करने वाले या भवन निर्माण के क्षेत्र में काम करने वाले कंस्ट्रक्शन वर्कर्स को भी इसमें सम्मिलित कर लिया गया है। आप खेतिहर मजदूरों के लिए पहले कुछ सोच रहे थे कि इनके लिए भी बिल लाएं। उन्हें और अन्यान्य क्षेत्र में या असंगठित मजदूरों के कल्याण के लिए भी अगर

कोई बात होती तो मैं समझता हूँ कि अच्छा होता। इतने वर्षों के बाद यह संशोधन लाए हैं, 42 वर्षों के बाद पैसे की कीमत क्या रही? हम खुश हो रहे हैं कि दस हजार रुपए और 3500 रुपए कर दिया। मैं समझता हूँ कि इस सीमा को थोड़ा और अधिक बढ़ाया जाता, इससे अधिक लोगों को लाभ मिल सकता था और ज्यादा से ज्यादा लोग लाभान्वित हो सकते थे। अब आपने जो कुछ किया है, उसके लिए धन्यवाद, लेकिन आप भविष्य में ध्यान रखें।

महोदय, मैं आपके माध्यम से एक अन्य बात कहना चाहता हूँ कि बोनस के बारे में सबसे पहले 1964 में बोनस देने का निर्णय हुआ था और उस समय में बोनस कमीशन 1964 में बना था। उस समय एम.आर. मेहर साहब ने उसकी अध्यक्षता की थी और गोविंदा रेड्डी जी, गांगुली साहब, वसावदा जी, माननीय डांगे जी, जो पहले सांसद थे, डांडेकर जी एवं शांडियल साहब एम्प्लायर्स के प्रतिनिधि थे, एम्प्लायर्स के भी दो प्रतिनिधि और दो सरकार की तरफ से कमीशन के अध्यक्ष थे, उस समय उन्होंने सोचा था। सरप्लस ऑफ प्रोफिट की तरफ मैं आपका थोड़ा ध्यान आकर्षित करना चाहूंगा। उत्पादकता और जो बड़े-बड़े यूनिट्स एवं पब्लिक अंडरटैकिंग्स हैं या दूसरे कई संस्थान हैं, उसमें सरप्लस ऑफ प्रोफिट या प्रोफिट शेयरिंग जैसे होता है, उस प्रकार से बोनस का मामला और प्रेजेंट वेजेस, लिविंग वेजेस अगर बोनस देंगे तो टोटल गैप कम हो जाएगा, इस दृष्टि से उन्होंने सोचा था। कम्प्युटेशन ऑफ सच बोनस मेथड्स ऑफ पेमेंट्स, उसके बारे में उस जमाने में 1964 में उन्होंने सिफारिशें की थीं। 1965 में यह बिल सरकार लाई और उसके बाद 2007 में इसमें अमेंडमेंट हुआ है। मैं समझता हूँ कि अब समय आ गया है कि हमारे श्रमिकों एवं कर्मचारियों के कल्याण के लिए यह बहुत बड़ी शक्ति है। देश में किसानों के बाद यह दूसरी बड़ी शक्ति है। मैं समझता हूँ कि श्रमिकों के कल्याण के लिए चाहे लेजिस्लेट पॉलिसी हो, नेशनल वेज एक्ट में संशोधन की बात हो, लेजिस्लेट राइट्स ऑफ इम्प्लाइज के प्रोटेक्शन की बात हो या ऐसा फ्रेमवर्क या इन्सेक्टिव हो, जिससे उनकी एफिशिएंसी बढ़े। ऐसा कोई कार्य करने की बात हो, उनके ऐसे हित की बात सरकार सोचे और उन्हें आगे लाने का प्रयास करे तो हम उसका स्वागत करेंगे। लेकिन अब तो तयौहार भी निकल गया और बोनस भी मिल गया, अब बोनस के बारे में यह बिल लाए हैं, हम इसका स्वागत और समर्थन करते हैं।

महोदय, हम आपके माध्यम से सरकार से प्रार्थना करते हैं कि केवल दिखावे के नाम पर ऑर्डिनेंस की प्रवृत्ति को छोड़ें और समय पर कार्य किया जाए तो उसकी शान अलग होती है और समय चूकने के बाद जब काम होता है तो उसकी शान नहीं रहती है, इसका ध्यान रखा जाए।

SHRI S.K. KHARVENTHAN (PALANI): Mr. Speaker, Sir, I am thankful to you for giving me this opportunity to speak in support of the Payment of Bonus (Amendment) Bill, 2007.

The Payment of Bonus Act, 1965 provides for payment of bonus to employees under the provisions of the Act. Who is an employee? It is defined in Section 2(13). An employee means any person who is employed in an industry drawing a salary not exceeding Rs. 3,500 per mensem. According to Section 12 of the Bonus Act, if an employee draws a salary of more than Rs. 2,500, for the purpose of bonus, his salary will be considered as Rs. 2,500.

The Second National Commission on Labour in its Report submitted in June, 2002 had recommended that the eligibility should be increased from Rs. 3,500 to Rs. 7,500 per month and the calculation ceiling should be hiked from Rs. 2,500 to Rs. 3,500 per month.

During the Forty-first Session of the India Labour Conference held on 27th and 28th April, 2007, it was proposed to amend the Payment of Bonus Act, 1965 to enhance the eligibility limit from Rs. 3,500 to Rs. 10,000 per month and the calculation ceiling from Rs. 2,500 to Rs. 3,500 per month. Further, it was also proposed to delete Clause (vi) of Section 32 of the Act so as to bring the employees employed through contractors on building operations under the ambit of the Payment of Bonus Act, 1965.

MR. SPEAKER: The hon. Minister has already said all these things.

SHRI S.K. KHARVENTHAN : Sir, I have many more important points to make.

The eligibility limit and the calculation ceiling have been amended twice in the past.

When the Bonus Act was implemented in 1965, the eligibility limit was Rs. 1,600 per month and the calculation ceiling was Rs. 750 per month only. Then, in 1985, the eligibility limit was enhanced to Rs. 2,500 per month and the calculation ceiling was also enhanced to Rs. 1,600 per month. Second time, the eligibility was enhanced to Rs. 3,500 per month and the calculation ceiling was enhanced to Rs. 2,500 per month in 1993.

Through this Bill, it is proposed to increase the eligibility limit from Rs. 3,500 per month to Rs. 10,000 per month as also the calculation ceiling from Rs. 2,500 to Rs. 35,000 per month. The proposal to raise the eligibility limit from Rs. 3,500 to Rs. 10,000 after a gap of 13 years is a welcome step taken by our hon. Minister for Labour and Employment.

Then, it is another welcome step to remove Clause (vi) of Section 32 of the Act to make the employees employed through contractors on building operations eligible for bonus so as to make them on par with the other workers directly engaged by the construction companies and those employed through contractors in other industries.

Sir, bonus is paid once in a year only. The employees working in the private and corporate sectors are getting their bonus in percentage terms or a few months' basic salary amounting to several thousand rupees. On the similar lines, my request is that all the employees working in the Government departments irrespective of their grades, may be provided, at least, one month's basic salary as bonus.

Further, I want to bring to the kind notice of the hon. Minister about the pathetic conditions of the labourers working in cremation grounds throughout the country. Recently, our Government of Tamil Nadu particularly, our Minister for Local Administration, Shri M.K. Stalin identified 177 workers serving in the cremation grounds --they were working as temporary workers -- and appointed them as Government servants with the salary of Rs. 5,000 per month. Further orders were issued to provide them uniforms twice a year. Likewise, I would request the hon. Minister to direct all the State Governments to identify all the labours who are engaged in the cremation grounds and they have to be appointed as permanent Government servants. The bonus benefit also is to be extended to those persons working in the cremation grounds. These are my few suggestions.

MR. SPEAKER: You are doing good work.

SHRI S.K. KHARVENTHAN : Sir, the amendments contained in Clause 13 of Section 2 and Section 12, and removal of Clause (vi) of Section 32 are welcome steps and I wholeheartedly support this Bill.

MR. SPEAKER: Now, Shri Santasri Chatterjee. Please conclude your speech within five minutes.

SHRI SANTASRI CHATTERJEE (SERAMPORE): Mr. Speaker, Sir, at the outset, I would request you to give me some more time.

अध्यक्ष महोदय : आप स्टार्ट तो करिए, देखा जाएगा कि क्या बोल रहे हैं।

SHRI SANTASRI CHATTERJEE : Sir, though long overdue, this Bill with its limitations, no doubt, is a welcome step. I thank the hon. Minister for introducing this Bill in this Session.

I must be candid in my speech. It is not that there is a serious political will of the UPA Government to bring this legislation but it is the outcome of the long-drawn united struggles of the working-class. For the last three years we have been repeatedly pursuing the matter with the Government. The Left MPs on a number of occasions waited upon the hon. Prime Minister so also the hon. Labour Minister. In the last Session, due to disruption, this Bill could not be introduced. Naturally, the Ordinance had to be promulgated.

I remember when we read in the newspaper that the Cabinet had decided to amend the Payment of Bonus Act, I have repeatedly telephoned the office of the hon. Labour Minister. All the time, I was told it is getting ready. Durga *puja* is over. Diwali is over. Then, the Ordinance has been promulgated. However, I draw the attention of the hon. Minister to the discussion that took place in the Conference Committee, as he referred, of the Trade Union Leaders. They have suggested that in view of the fact that the gap between the actual wages and the living wages is widening, there is a necessity that the minimum bonus is fixed at the rate of 10 per cent and not at 8.33 per cent.

Secondly, it is proposed to include the contract workers by amending Section 2(13) of the Act. It is good that this time the distinguished feature of the Bill is that the construction workers have been brought into the ambit of this Act by amending Section 32(vi) of the Act. I repeat what they have suggested. All the Central Trade Unions have suggested this. The minimum bonus has been fixed at Rs.100. It cannot be accepted. It should be minimum Rs.1000. The State and the Central Governments may be given the authority to amend the Act through Notification if situation so warrants.

Moreover, I draw your kind attention and I hope the hon. Minister will consider in future that in the present market situation, the ceiling of Rs.3,500 is too meagre. Let the hon. Minister review it. He is a very labour-friendly Minister. He is a very good Minister. I appreciate him. I think Rs.3,500 at this stage is not acceptable. You should reconsider this. All the Central Trade Unions, cutting across Party affiliations, have suggested this to you

Further, regarding Rs.10,000 ceiling, if any employer who earns huge profit has got the capacity to pay more than 20 per cent as envisaged in the Act, why should there be Rs.10,000 ceiling? In Section 31 of the Payment of Bonus Act, hon. Minister, you know that there is a provision for productivity-linked bonus. There is no such bar. Then, you can consider the paying capacity of the employer. I do not say that the sick industry will pay 20 per cent. But in case of those employers, corporate managements who are amassing huge profits, why should not they pay more to the workers? Why it should be limited to only Rs.10,000?

MR. SPEAKER: Now, you will get less than five minutes' time.

17.48 hrs.

(Shri Varkala Radhakrishnan *in the Chair*)

SHRI SANTASRI CHATTERJEE : Sir, allow me to conclude. There are so many good points. So, I think the hon. Minister will review it. It is true that the Central Government and the State Government employees are not covered under this Act. But the practice is this that when the Bonus Act is amended through Notification or through a Bill in Parliament, the Central Government and the State Governments always consider the ceiling, consider the Act and make payment for the employees.

Just now I have received, through our leader, Shri Basu Deb Acharia, a letter from the Secretary-General, Confederation of Central Government Employees and Workers. They have told even though the Bonus Act is not applicable to the Central Government employees as such, the previous ceiling in the Act is the basis for calculation of productivity-linked and *ad hoc* bonus in the case of railway workers and Central Government employees. We have taken up the issue with the Government but the Finance Minister has not agreed to consider the demand in the past. As and when the ceiling limit has been raised, it has been made *ipso facto* applicable to the Central Government employees.

[m65] I hope the hon. Minister for Labour will take up the case so that some unjustified decision is not imposed upon the Central Government employees. Secondly, the striking feature nowadays is that the employers, even after the promulgation of the Ordinance have been refusing to pay bonus as per the provisions of the Act. I refer to the jute barons of West Bengal. Lakhs of jute workers were deprived of bonus for a pretty long time as the Act was not amended. Even after the Ordinance was promulgated, the Government of West Bengal have requested the jute barons, the Associations to please honour the Ordinance as promulgated, as the Act will be coming. â€¦ (Interruptions)

MR. CHAIRMAN : Please conclude now.

SHRI SANTASRI CHATTERJEE : Sir, the hon. Speaker has allowed me to speak. â€¦ (Interruptions)

MR. CHAIRMAN : There are about 12 speakers. I can allow only five minutes for every speaker and there is no question of extension. Everyday it is being done like this.

â€¦ (Interruptions)

SHRI SANTASRI CHATTERJEE : Sir, kindly show some kindness to me.

The jute barons are refusing to pay bonus. I seek the intervention of the hon. Minister. This cannot be allowed. Otherwise the jute workers will have to go on strike again for realization of their just and legitimate demand. As you know, the hard-earned right of the working class, which has been achieved through the enactment of the Payment of Bonus Act, 1965 will be affected. This has got a chequered history. You know that when the Congress was in absolute power in the Country during the dark days of emergency in 1975-76 the workders were deprived of bonus. You are now dependent upon the support of the Left and other secular parties. Then it was your Government, I am sorry to say, that you did it. I do not know whether you will have some introspection.

MR. CHAIRMAN : Please conclude.

SHRI SANTASRI CHATTERJEE : During the Emergency period of 1975-76, this hard-earned right of the working class had been virtually snatched away and the workers had been put behind bars and the workers had to fight again to realise their demand. The chequered history of this Bonus Act dates back to the year 1961 when by a notification of the Government of India on 6th December, 1961, the Bonus Commission was constituted which was headed by Shri U.R. Meher and its members were Shri Govinda Reddy, Shri B.N. Ganguly and the workers' representatives were Shri S.R. Vasavada and Shri S. A. Dange, M.P. and the employers' representatives were Shri N. Dandekar and Shri D. Sandilya. â€¦ (Interruptions)

Sir, out of the seven-point Terms of Reference, as enumerated in the constitution of the National Commission for Bonus, one was that the matters concerning bonus might be placed before the Commission and on an agreed basis by the employers and the employees to be included in the report of the Bonus Commission.

There were dissenting views given by the undivided AITUC. The All India Trade Union Congress was a major trade union at that time and its representatives had differed with some of the recommendations of the Bonus Commission as it went against the very interests of the working class. â€¦ (Interruptions)

MR. CHAIRMAN : Please conclude. There are two speakers from your Party. Please conclude.

SHRI SANTASRI CHATTERJEE : Yes, Sir. I am concluding.

Sir, I am proud to quote a very nice speech made by a very senior Member of this House, who is revered by all of us, late Shri Indrajit Gupta who was a very senior parliamentarian and a veteran trade union leader of our country. He made this speech in 1965 when this Bonus Act was being discussed in this august House. Late Shri Indrajit Gupta said and I quote :

"That the most serious departures have been made by the Government from the majority recommendations of the Bonus Commission in the name of modification and it is on this ground, that is to say, a deliberate and wilful attempt to reduce the quantum of the allocable surplus which can accrue to the workers as bonus, that organised labour all over the country is most indignant against the Bill in the form in which it has been put before the House and there is the apprehension which my friend Mr. Pandey on the other side, entertains that as a result of this Bill there may not be greater peace but greater unrest and the apprehensions are well founded precisely because of this factor." [k66]

He further said:-

"I think, in the end, it would be more fitting to change the long title of this Bill from 'Payment of Bonus' to 'Non-payment of Bonus' because that seems to be the real object. "

That is the point he has also mentioned. Then, he goes on to say:

"There are so many contradictions, so much of confusion in the drafting of the legislation and in its outlook too. Provided the company has completed at least six years, provided so many other things, once it starts functioning as a regular company - it does not matter even if it makes a loss - it will have to pay a minimum bonus. If the existing rights and privileges are going to be curtailed, then whatever else may happen, that Act cannot lead to industrial peace, but it will lead to more bitter discontent and unrest and more intensive strife, which I am sure, the hon. Minister does not want just as none of us wants it too."

I am quoting here the speech of late Indrajit Gupta only to draw the attention of the hon. Labour Minister to the fact that the problems still remain and further accentuated and the time has come to bring a comprehensive amendment in future in consultation with all the central trade unions and other stakeholders so that unorganised sector of the workers can also be included within the ambit of the Act and we can really uphold the interests, privileges and rights of the working class of our country.

The UPA Government is committed to give a fair deal to the workers. If you are true to your words, then kindly come forward in the next Session of Parliament or later on, with a comprehensive amendment to the Payment of Bonus Act.

MR. CHAIRMAN : Hon. Members, if you kindly co-operate, we can finish this Bill today. There are about 12 speakers and the issue is very simple 'the enhancement of bonus', but Bonus Act will have to be discussed at a separate forum. So, there is no need to take much time on this. The simple point here is that the amount of bonus is increased and it is paid during the festival season - that is the only issue - of the current year for the previous accounting year.

So, Shri Shalendra Kumar, you may speak for five minutes.

श्री शैलेन्द्र कुमार (चायल) : महोदय, आपने बोलने से पहले पाबंदी लगा दी है, इसलिए मैं कम शब्दों में अपनी बात रखूंगा। प्रोफेसर यसा सिंह रावत जी के संकल्प के साथ, माननीय मंत्री आरकर फर्नांडीज जी जो बोनस संदाय संशोधन विधेयक, 2007 इस सदन में लाए हैं, मैं उसके समर्थन में बोलने के लिए खड़ा हुआ हूँ।

महोदय, यह सत्य है कि पूरे हिंदुस्तान की ट्रेड यूनियंस ने इस संबंध में बहुत संघर्ष किया, बहुत से धरने-प्रदर्शन हुए। आज इस सदन में विधेयक लाकर बहुत पुनीत कार्य किया गया है। इसे बहुत पहले आना चाहिए था, चूंकि ब्यातीस वर्ष के बाद यह संशोधन वृहद् रूप में आया है, हालांकि छोट-छोटे संशोधन आए, लेकिन अपने आप में इसमें जो समग्रता होनी चाहिए, वह अभी भी प्रत्यक्ष रूप से नहीं है।

महोदय, यह स्वागतयोग्य है और मैं इसका समर्थन करते हुए आपके माध्यम से माननीय मंत्री जी से कहना चाहूंगा कि इस प्रकार के जब संशोधन विधेयक आये, तो उसे अध्यादेश के जरिए नहीं लाना चाहिए, बल्कि डायरेक्ट सरकार को विधेयक लाना चाहिए। खासकर जो हमारे मजदूर हैं, चाहे वे कहीं भी उद्योग धंधों में काम कर रहे हों, वे भारतवर्ष के विकास की रीढ़ हैं, इनके लिए तो आपको प्राथमिकता देनी ही पड़ेगी। इनके लिए आपको कोशिश करनी चाहिए कि जितने घंटे आदमी काम करता है, उसके बाद भी उससे ओवर टाइम लिया जाता है, तो समय-समय पर कम से कम कोई कमीशन / आयोग बनाकर इनके बारे में मूल्यांकन होना चाहिए और पुनर्निरीक्षण होना चाहिए। जिस प्रकार से महंगाई बढ़ रही है, उस हिसाब से कम से कम बोनस या वेतन हो और मैं छठवां वेतन आयोग लागू करने की सिफारिश कर रहा हूँ। यह जल्दी आने वाला है। उसके लिए हमें देखना चाहिए कि जो कामगार मजदूर हैं, उनको लाभ समय से मिल सके। जिस धनराशि का आपने प्रावधान किया, उसके बारे में मैं पढ़ रहा था, उसमें न्यूनतम बोनस की धनराशि इस महंगाई को देखते हुए कम से कम दो हजार रूपए करनी चाहिए, जो छठे वेतन आयोग की सिफारिश के अनुसार है। इस वर्ष के तमाम त्योंहार निकल गए, अब हम वर्ष के आखिरी पड़ाव में हैं। [p67]

यदि यह पहले आ गया होता तो मेरे ख्याल से कामगारों के लिए तोहफा होता और यूपीए सरकार की बहुत बड़ी देन होती। हम देर से आए, लेकिन हमने इसे सही और दुरुस्त तरीके से पेश किया है, यह स्वागत योग्य है।

रासा सिंह रावत जी और अन्य माननीय सदस्यों ने इससे पहले भी इस बारे में चर्चा की है। हमने इसमें खेतीहर कामगारों के लिए कोई प्रावधान नहीं किया। देश में आज भी 75 प्रतिशत लोग कृषि पर निर्भर हैं। देश के विकास की कड़ी कृषि है और हमारा देश कृषि प्रधान देश है। आज कामगारों के पास खेत नहीं रहे, छोटे-छोटे किसान खेती नहीं कर पा रहे हैं। उन्हें बिजली नहीं मिल पा रही है और न ही उन्हें सही मायने में सिंचाई उपलब्ध हो पा रही है। इसलिए वे गांवों को छोड़कर शहरों की तरफ पलायन कर रहे हैं। इस विधेयक में खेतीहर कामगारों के लिए भी प्रावधान करने की जरूरत थी। भविष्य में हमें इस बारे में विशेष तौर पर ध्यान देना होगा। सभापति जी, मैं आपके माध्यम से मंत्री जी से निवेदन करना चाहूंगा कि अगली बार कम से कम खेतीहर कामगारों के लिए अलग से विधेयक लाकर उन्हें बोनस इत्यादि देने की व्यवस्था की जाए...*(व्यवधान)*

MR. CHAIRMAN: Hon. Member, please sit down for a minute. Now, it is 6 o'clock. If the House agrees, then we will extend the time of the House till the passing of this Bill.

SHRI RAVI PRAKASH VERMA (KHERI): Can we not take 'Zero Hour' before that? ...*(Interruptions)*

SHRI KHARABELA SWAIN (BALASORE): Sir, how long will it take? ...*(Interruptions)* Will we sit here up to 9 o'clock if it continues till that time? ...*(Interruptions)*

SHRI RAVI PRAKASH VERMA : Sir, usually we take 'Zero Hour' at 6 o'clock, and then continue with the debate. ...*(Interruptions)*

MR. CHAIRMAN: If all the hon. Members cooperate by speaking only for five minutes each, then we can easily do it by 7 o'clock. But nobody is prepared to do it.

SHRI SHAILENDRA KUMAR : Sir, I am ready to conclude my speech within a couple of minutes. ...*(Interruptions)*

SHRI KHARABELA SWAIN : Sir, this Bill should be concluded within a maximum of one hour. It should not take more than that.

Sir, you can extend the time of the House by one hour for now. Thereafter, you can extend the time of the House further, if it is required. ...*(Interruptions)*

MR. CHAIRMAN: Now, we will sit up to 7 o'clock.

...*(Interruptions)*

SHRI OSCAR FERNANDES : Sir, this Bill is pending for the last couple of days. Therefore, it would be better if we conclude it today itself.

SHRI KHARABELA SWAIN : We also want that it should be concluded quickly.

SHRI RAVI PRAKASH VERMA : In the meantime you can take the 'Zero Hour'. ...*(Interruptions)*

MR. CHAIRMAN: If the hon. Members cooperate and speak within the time limit, then we can conclude it within the stipulated time itself.

SEVERAL HON. MEMBERS : All right, Sir.

MR. CHAIRMAN: Hon. Members, this is only a matter concerning enhancement of bonus, and there is no question of principle involved. It is only regarding enhancement of bonus, and that too being paid during the festival season. This is the purpose of the Bill. Therefore, no elaborate discussion is required on this issue. The issue of deferred wages or the question of bonus is not involved in this Bill. Therefore, I would request you to be brief in your speech, and allow me to conclude this business within the time limit. I seek the cooperation of all the hon. Members.

SHRI SUNIL KHAN (DURGAPUR): Let 'Zero Hour' be taken up first. Thereafter, this Bill can be concluded.

SHRI PRABODH PANDA (MIDNAPORE): Sir, 'Zero Hour' is the bonus for us.

MR. CHAIRMAN: The time of the House is extended till 7 o'clock for the time being.

...*(Interruptions)*

SHRI A. KRISHNASWAMY (SRIPERUMBUDUR): Sir, you sit late in the House. Therefore, you should also get bonus.

MR. CHAIRMAN : Shri Shailendra Kumar, have you concluded your speech?

SHRI SHAILENDRA KUMAR : No, Sir. I have not concluded my speech.

MR. CHAIRMAN: The time of the House is extended up to 7 o'clock.

Shri Shailendra Kumar, you can conclude your speech in a couple of minutes. Thereafter, I will ask the next speaker on the list to speak on this issue.

श्री शैलेन्द्र कुमार : बोनस के बारे में यह बहुत महत्वपूर्ण विधेयक है। आपने हाउस का समय बढ़ाया है, इसके लिए मैं आपका आभार व्यक्त करता हूँ। मैं एक वाक्य कहकर अपनी बात समाप्त करना चाहूँगा।

मैं खेतीहर कामगारों के बारे में बात कर रहा था। मैं कहना चाहता हूँ कि इसके बाद जो सत्र आएगा, उसमें माननीय मंत्री जी खेतीहर कामगारों के लिए बोनस की व्यवस्था अवश्य करें। बोनस संदाय (संशोधन) विधेयक, 2007 लाया गया है, जब दो-तीन महीने बाद होती का तयौहर आएगा, उसके लिए आपने बहुत अच्छा तोहफा दिया है। मैं इसके लिए आपका आभार व्यक्त करता हूँ और मंत्री जी को भी धन्यवाद देता हूँ।

[N68]

श्री गणेश प्रसाद सिंह (जहानाबाद) : माननीय सभापति महोदय, बोनस संदाय (संशोधन) विधेयक, 2007 जो प्रस्तुत किया गया है, उसके लिए मैं मंत्री जी और यूपीए सरकार को धन्यवाद देता हूँ। यह अमेंडमेंट बिल वर्षों से लंबित पड़ा हुआ था। इसे आज तक लोक सभा में पारित नहीं किया गया, लोक सभा के विचारार्थ प्रस्तुत नहीं किया गया। आप भली भाँति अवगत हैं कि मूल अधिनियम 1965 की मात्र दो धाराओं में संशोधन करने के लिए यह बिल लाया गया है। खासतौर से पहले जो बोनस संदाय बिल बने हुए थे, उसकी राशि को बढ़ाने से संबंधित यह बिल है। इस संबंध में कई बार श्रम आयोग और स्थायी समितियों की सिफारिशें पूर्व की सरकार को आई थीं लेकिन उन्होंने उसे लागू करना आवश्यक नहीं समझा।

अभी माननीय सदस्य रासा सिंह रावत जी यहां बोल रहे थे। मैं उनको कहना चाहता हूँ कि आपकी सरकार भी पांच साल 13 महीनों तक रही, लेकिन आपने इस बिल को पारित करना जरूरी नहीं समझा क्योंकि यह बिल विशुद्ध श्रमिकों, कामगारों, उद्योग धंधों में लगे हुए मजदूरों, ठेका मजदूरों से संबंधित था। आप कह रहे हैं कि घड़ियाली आंसू बहाने से कुछ नहीं होगा। लेकिन आप आज खुद घड़ियाली आंसू बहा रहे हैं। इससे पहले का जो अधिनियम था, उसका 1995 में संशोधन हुआ था। अब 1995 से कितना समय हो गया है? इन बारह वर्षों में यह बिल प्रतीक्षा करते-करते आज लाया गया है। इस बिल का जो मूल सैवशन 2 बी, उसकी उपधारा 13 में संशोधन किया गया है। इसमें पहले साढ़े तीन हजार रुपये का प्रावधान था लेकिन मजदूरों की आवश्यकता को देखते हुए, उनकी अन्य कठिनाइयों को देखते हुए इसे दस हजार रुपये किया गया। उसी प्रकार मूल धारा 32 के खंड 4 ए 16 को संशोधित किया गया है जिसमें गणना की ढाई हजार रुपये की राशि को साढ़े तीन हजार रुपये करने का प्रावधान है। निश्चित तौर पर यह बिल काफी प्रशंसनीय और सराहनीय है। मैं इस बिल का समर्थन करता हूँ। इन्होंने संकल्प के माध्यम से अध्यादेश का विरोध किया था, लेकिन जिस वक्त अध्यादेश लाया गया, आप गौर करेंगे, उस समय अध्यादेश की नितांत आवश्यकता थी क्योंकि पार्लियामेंट का सत्र नहीं चल रहा था। उस समय गरीबों और श्रमिकों की आवश्यकता को देखते हुए, पर्व और त्यौहारों को देखते हुए यह अध्यादेश जारी किया गया। इसके लिए ये बहुत-बहुत धन्यवाद के पात्र हैं। मैं इसका पूर्णरूपेण समर्थन करता हूँ। लेकिन इतना करने से ही काम नहीं चलेगा। इससे हमारे श्रमिकों की कठिनाइयां दूर नहीं होंगी। इससे उनको थोड़ी राहत जरूर मिली है। जो ठेके में, भवन निर्माण में काम करने वाले मजदूर हैं, वे इससे लाभान्वित होंगे। माननीय मंत्री जी जो बिल लाये हैं, उससे सार्वजनिक उपक्रम, उद्योग धंधों, ठेकों और भवन निर्माण में काम करने वाले मजदूर लाभान्वित होंगे चाहे वे कुशल हों या अकुशल हों।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI C. KUPPUSAMI (MADRAS NORTH): Mr. Chairman, I am thankful to you for giving me this opportunity to participate in the debate on Payment of Bonus (Amendment) Bill, 2007.

I congratulate the hon. Labour Minister for getting an ordinance promulgated on 27th October, 2007 when the workers were waiting for the revised rates of bonus during the Puja holidays and Deepawali season. I also thank the Government for bringing the construction employees under the ambit of Payment of Bonus Act. Workers in the building construction industry are involved in arduous work. Considering the nature of their work, the Chief Minister of Tamil Nadu Dr. Kalaignar Karunanidhi has brought many welfare schemes for them.

In that way, our State of Tamil Nadu is forward in extending the benefits - whether they are in regard to the workers in the organized sector or in the unorganized sector.

However, there is one point which I would like to bring to the notice of the

hon. Labour Minister that we have been demanding that the bonus eligibility limit

may be increased as in case of other employees like Railway employees, postal employees, and calculation limit for bonus may also be increased in their case. In this connection, I had raised this important matter under Rule 377 on 19th November 2007 on the floor of this House to increase the eligibility limit of workers for bonus from Rs.3500 to Rs.10,000,

and to increase the bonus calculation limit from Rs.2500 to Rs.3500 to the Central Government employees like Railway employees, Postal employees as they are not going to benefit by this amendment.

The productivity-linked bonus for Central Government employees is continued to be fixed at the maximum of Rs.2500 and no increase has been given despite demands from various unions. Like other workers, Central Government workers are also working in the competitive environment and are contributing a lot to the economy and progress of the country. I appreciate that in the Financial Memorandum appended to this Bill, the hon. Minister has made the provision:

"If calculation ceiling is adopted by the Government of India, the additional approximate expenditure for payment of *ad hoc* bonus to the Central Government employees and in respect of employees belonging to Railways, Posts etc., (Productivity-Linked Bonus) will be to the tune of Rs.125 crore and Rs.490 crore respectively."

I thank the hon. Minister for making provisions for those employees also, and I would request the Government and the Labour Minister to notify the scheme for increasing the bonus eligibility limit and calculation limit for the Central Government employees also immediately so that our brothers and sisters working in the various Departments like Railways, Postal will also get the benefit like other workers.

With these words, I support the Bill brought forward by the hon. Minister.

SHRI ANANDRAO VITHOBA ADSUL (BULDHANA): The hon. Minister has brought an amendment to the Payment of Bonus Act, 1965, which I support. The amendment have already been implemented by way of Ordinance with effect from 1st April, 2006. The intention of the Minister is very clear and in favour of employees so that they should get the bonus for Diwali, Dussehra and Onam festivals. I would like to extend my special thanks to the hon. Minister.

Clause 6 of Section 32 is omitted with fair intention so that labourers working in the construction industry are covered under the Bonus Act. The amendment to clause 13 of section 2 and Section 12 of the Bonus Act, 1965 is brought with the intention to revise the eligibility of limit from Rs.3,500 to Rs.10,000 per month and calculation ceiling from Rs.2,500 to Rs.3,500, which would benefit lakhs of employees of the country.

In the last three and a half years, I have not seen the Labour Minister. In the last six months, I had observed that the hon. Labour Minister, who had taken the charge, is doing something for the labour movement. Hence, I take the opportunity to request him that there are many things which require amendment, that is, the Multi-State Act, which is to be amended.

Secondly, a clear cut definition of 'employees' should be there in the Trade Union Act because there are various definitions for 'employees'. A clear cut definition of 'employees' would help labourers not to face cases and courts, etc. These are my requests. I think, he is a very capable Minister who is in favour of the employees.

SHRI BRAJA KISHORE TRIPATHY (PURI): Mr. Chairman, Sir, we are discussing the Payment of Bonus (Amendment) Bill, 2007. This has come here for amendment after more than 10 years.

I stand to support this Bill. This Bill seeks the approval of this House for the changes to the Bonus Act which would make workers, drawing up to Rs.10,000 per month as salary, eligible for getting bonus. It is expected to benefit only seven per cent of the total workforce of the country in the organised sector. The payout proposal is said to be broadly in line with the recommendation of the 41st Session of the Indian Labour Conference. But the fact remains that this unilateral decision of the Government without discussing with the Central Trade Unions has not been appreciated by the workers. They are not satisfied with the bonus announcement.

The Standing Committee on Labour of the Parliament in its fifth report has said this.

SHRI OSCAR FERNANDES : May I interrupt you for a moment? It is the result of the National Labour Conference in which all the representatives of the workers were present, and this was its recommendation.

SHRI BRAJA KISHORE TRIPATHY : Not exactly that was the recommendation. Anyway, this is with reference to that. I have also referred to that.

SHRI OSCAR FERNANDES: To further clarify that, the second Labour Commission has recommended only Rs.7,500. We

have gone beyond that on account of the Labour Conference and we enhanced it to Rs.10,000.

SHRI BRAJA KISHORE TRIPATHY : The ceiling of Rs.10,000 was not the recommendation of the Labour Conference. The demand of the Central Trade Union was much more than that. Now, the salary of the employees in some sector is much more than Rs.10,000, and that is why, they are not happy and satisfied, but we are happy that at least this is being done after 10 years. We are not blaming you, Mr. Minister, but you should have consulted the trade unions so that the ceiling could have been raised.

It was last revised 10 years back and now, several industrial workers are deprived of their legitimate right to bonus. This will also not be applicable to 370 million workers in the unorganized sector. We are approving whatever is being done, but it is now applicable to only seven per cent of the workforce.

You are amending Section 32 of the Act and you are giving facilities to the workers working in the construction sector; that is a good thing and we are appreciating that. But you should also include agricultural workers, those who are working in the unorganized sector and the forest workers, the *beedi* workers, the *tendu-patha* workers, out of which the Government and the other business people get a good revenue, and also steps to be taken to cover the Media employees for whom bonus is not applicable. Press and Media people are earning good amount of money, then why should the workers will not get something in the shape of bonus? This should be considered by the Government.

There is also a demand from the Government employees that Bonus Act should be extended to the Government employees. May I know whether the Government is considering to extend this to the Government employees also?

I was referring to the 5th Report of the Standing Committee on Labour, of the Parliament; it has criticised the Centre for showing utter negligence and callousness over labour issues including wage ceiling for payment of bonus. This was the recommendation of the Standing Committee on Labour. [\[MSOffice69\]](#)

[\[R70\]](#)

18. 20 hrs.

(Shri Devendra Prasad Yadav *in the Chair*)

The National Commission on Labour has recommended to fix a cut off limit of Rs.25,000 per month as remuneration of workers to be governed under the provisions of the Bonus Act. I would request the Government to consider all these things. Bonus should not be linked with profit. It has been interpreted by the Apex Court that it is a deferred wage and it is not to be linked with the profit of the company. So, it should be considered as the deferred wage. This is actually the entitlement of the workers which they had not been paid in the entire year. So, the bonus is given once to make up for the wages which they were entitled to get in the last year. This has been the interpretation of the Court. It should be considered as the deferred wage and should not be linked with the profit. I would request the Government to enhance the limit. I am really thankful to the Minister for whatever he has done. He has done a good things. A good number of workers will be benefited out of this. I support the Bill.

SHRI K. SUBBARAYAN (COIMBATORE): I thank you for this opportunity given to me. Payment of Bonus (Amendment) Bill 2007 is generally welcomed by all. This is simply not enough. I would suggest that ceiling for the eligibility and calculation should be lifted. There should not be any ceiling. Bonus is actually a deferred wage. In such a case fixing of ceiling for eligibility of bonus is meaningless. So, my strong opinion is that ceiling should be lifted.

About 13,000 contract workers working for more than two decades in the NLC Tamil Nadu have been denied bonus. These workers fall within the purview of the Bonus Act and are legally eligible to get the bonus. Through this amendment will the contract workers of NLC get the bonus? While replying, the Minister should explain this.

श्री हरिभाऊ गठौड़ (यवतमाल): सभापति जी, बोनस संदाय (संशोधन) विधेयक का स्वागत करते हुए, मैं दो सजेशन देना चाहता हूँ। साधारणतः 12 महीने में जो पेमेंट मिलती है, उसमें एक पेमेंट दिवाली या किसी और त्योहार के समय कामगारों को और मिले, इस उद्देश्य से यह बोनस एक्ट आया था। उसकी समय-सीमा तय कर दी गयी थी। जो पहले 3500 रुपये थी, जिसे आप 10,000 रुपये बढ़ा रहे हैं। हम केलकुलेशन करें तो इसमें 10 प्रतिशत एम्प्लाइज भी कवर नहीं होते हैं। एक्सेज 7.5 प्रतिशत है और यह सीमा भी कम से कम 15,000 रुपये करनी चाहिए थी। चौथे वेतन आयोग के बाद पांचवां वेतन आयोग भी आ गया और आगे छठा पे-कमीशन आने वाला है। मुझे नहीं लगता कि कोई गवर्नमेंट एम्प्लाइड इसका हकदार होगा। ऐसी स्थिति में अगर साढ़े सात प्रतिशत एम्प्लाइज और कामगारों को इसका फायदा हुआ है तो बोनस एक्ट तो होने के बावजूद न होने के बराबर है। मेरी माननीय मंत्री जी से गुजारिश है कि अभी इसमें जो सीमा तय कर दी गयी है, उसमें आपको बढ़ोतरी करनी चाहिए।

SHRI FRANCIS FANTHOME (NOMINATED): Sir, I rise to support the Payment of Bonus Bill, 2007 which proposes to amend the Payment of Bonus Act, 1965 to enable the payment of bonus to skilled and unskilled workers and to raise the amount

payable from Rs.2500 to Rs.3500. I also support the Ordinance No.8 of 2007 promulgated on 27th October, 2007.

This Bill will benefit the skilled and unskilled workers in the country. I welcome particularly the amendment to Section 32, Clause 6 that includes the workers of building operations into the ambit of payment of bonus.

I would also like to take this opportunity to mention two items very briefly -- may I have that privilege -- that this revision of the eligibility limit as well as the ceiling amount has come in after 14 years. I would like to bring to your attention that during much of this period of 14 years, inflation has been about 10 per cent and even during the last two-three years, inflation has been about five per cent and the value of the money that is going to be made available even if we take it as Rs.3500, the value of this money has eroded over these 14 years. Therefore, there needs to be some consideration about the plight of the working people in this nation and that while the bonus forms less than five per cent of the emoluments, inflation itself erodes the value of the money that they finally get in their hands.

I would also like to mention that the previous revision was done after about eight years. The present revision has been done after 14 years. There needs to be some rationale in the consideration of the Government as to when bonus needs to be put in the ambit of consideration.

I would conclude by just mentioning that the public sector undertaking workers need to be given new skills in order to meet the challenges of the public sector undertaking and other Central Government organisations. The Government needs to bring in elements with specialized training to meet the challenges of the new industries that are coming up in terms of the skills that our workers require.

PROF. M. RAMADASS (PONDICHERRY): Sir, I rise to support this Bill because it is consistent with the changes occurring in the economy as well as the changing aspirations of the workers of this country. Although bonus has been a bone of contention, this is sought to be solved by three important changes that are being incorporated in this amendment Bill. Therefore, I welcome these three changes brought by this Bill.

While commending this Bill, I would also like to draw the attention of the hon. Minister who has piloted this Bill to some of the relevant issues. Bonus is not an invariant concept. Bonus is ever changing and changing to the needs of the workers, changing to the needs of the rise in prices in the country and therefore, at least, once in two or three years, we have to decide about the quantum of bonus as well as the ceiling. If I am right, the last change that was brought, was in 1995. In the first change of 8.33 per cent was brought in 1972. Therefore, once in 10 years or once in 15 years, it would not be possible to change it and it would not provide justice to the workers.

So, we will have to alter the quantum as well as the ceiling once in two years. Every two years the hon. Minister cannot bring an Amendment Bill. Therefore, I would feel that this should be brought through a delegated legislation in which a notification can be given by the Government and as and when circumstances warrant that notification can be placed before the Parliament. This is my first suggestion.

The second one is that the time of payment of bonus should somehow be prescribed by the Government in clear terms because as the hon. Minister has said in his note that bonus is paid annually, once at a time when there is any festival. But in many of the establishments this time is not adhered to. Even yesterday, in my constituency at 11 p.m. a settlement was reached for payment of bonus, but bonus has not yet been paid even now. This kind of making the workers running from pillar to post should be avoided.

The third point that I would like to make is that the hon. Minister has brought the construction workers into the fold of bonus payment. But there are other workers in the analogous sectors who have been left out. They should also be brought within the ambit of the Bill. The best way is to bring all the establishments within the fold of bonus payment which have less than 20 employees. This is a point which had been raised by the State Ministers in 1970 when the Government of India constituted a Bonus Review Committee and that Bonus Review Committee also concurred with the view that the number of employees should not be a bar in the payment of bonus. Therefore, they should also be included.

MR. CHAIRMAN : You may please conclude now.

PROF. M. RAMADASS : You may permit me another two minutes. You are a man of social justice. You must also give Parliamentary justice to me. I have not even taken two minutes. This is the disadvantage of being the last speaker, or the last but one speaker.

Sir, the next suggestion that I would like to make is that the minimum bonus of 8.33 per cent needs to be revised immediately. It is because in the year 1965 the Government had fixed the minimum ceiling of bonus at 4 per cent. Then it

was revised to 8.33 per cent in 1972. Now, look at the changes that have come in the economy, in the polity and also in the aspirations of the workers in the last 35 to 40 years. To maintain the same 8.33 per cent, even in the present context of privatization, globalisation and liberalization where our industries are growing at the rate of 12 to 13 per cent and contributing to greater stimulus and dynamism to our economy. Keeping this rate of 8.33 per cent now becomes little outmoded. I would suggest that the Government of India should raise this limit to 12 per cent minimum and the maximum to 25 per cent. I would like to urge upon the Government to look into the working of various industries in terms of gross profit as percentage of sales; gross profit as percentage of total capital employed; profits after tax as percentage of net worth; dividend as percentage of net worth; ordinary dividend as percentage of ordinary paid up capital; total dividend as percentage of total paid up capital. If one looks at all these parameters it would be seen that in the last 30 years they are showing a rising trend. When all these are showing a rising trend and also there is a capitalist class which is growing by leaps and bounds, why should the labourers who are contributing to the prosperity of the industries suffer at the invariant rate of 8.33 per cent? Therefore, the Government should give a serious consideration to this aspect.

Sir, I would feel that this piecemeal legislation or amendment would not suffice and satisfy the aspirations of the workers. The Government should bring in comprehensive changes in the Payment of Bonus Act. I would urge upon the Government to constitute a Committee of experts including economists, sociologists, employees and employers and ask that Committee to revise the whole Act to bring in a comprehensive Act.

Sir, with these few words I fully support this Bill for one important reason. This is one of the indications of the UPA Government that it is pro-labour and it is with the employees and it does what it says so far as the labourers of the country is concerned. No hypocrisy is practised by the UPA Government in the case of the welfare of the labourers of the country.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): Sir, I would like to make a submission. We have agreed in the BAC and also in every other meeting that if necessary we shall sit late evening to accommodate Government business. Sir, I would like to make a submission. My submission is for all Members.

We had agreed in BAC that if necessary we shall sit late in the evening in order to accommodate the Government business. I talked to the BJP also. The Supplementary Demands for Grants (General) has to be passed not only by this House but also by the Rajya Sabha. Then, we have to take up Supplementary Demands for Grants (Railways). Now, the time is limited. Yesterday also it has been agreed before the hon. Speaker and the BAC that if necessary the House will sit late in the evening because tomorrow we cannot discuss any legislation because we will be discussing nuclear deal tomorrow. So, on 28th November, 2007 we cannot take up any legislation. On 29th November, 2007, the Minister will reply to the Supplementary Demands for Grants (General), and then we will start discussion on Supplementary Demands for Grants (Railways).

Then, I have to go to the other House. On 3rd the other House will discuss the nuclear deal. So, I am left with only three days to take all the legislations from this House to the other House.

I am grateful to the principal Opposition as it agreed not to disrupt the proceedings. Mr. Chairman, Sir, my appeal to you is that you please dispose of this Bill and then take up Supplementary Demands for Grants (General). Of course, the hon. Minister will not reply today. Let us start discussing the Supplementary Demands for Grants (General). Let as many Members speak. The reply will be on 29th November, 2007. That is my only submission to you.

DR. BABU RAO MEDIYAM (BHADRACHALAM): Mr. Chairman, Sir, thank you for giving me this opportunity. I rise to support the Payment of Bonus (Amendment) Bill, 2007, which replaces the Ordinance promulgated on 27th October of this year.

We all know bonus is given not at the mercy of the employer or the Government. It is the hard-won right of the working class of this country. While welcoming the three amendments that have been proposed in Sections 2, 12 and 32, I would like to bring to your notice the fact that this Act is not implemented at the State level. The State Labour Commissioners do not have any control over its implementation. It does not cover all workers. It covers only part of the working class. Hence, I would request the Minister to extend its coverage to other areas also, because today the working class is ramified into many areas. This should include building workers, the poor contract workers in the building operations. Now-a-days building operation is not a single activity. It is a very ramified activity. It includes so many faculties within that. These building operations can be specified and they should be included. Apart from them, it should cover bidi workers, *hamalis* and home-based workers. Auto workers are not covered in this. I would like to suggest

that they should be covered.

This Ordinance is not being implemented in my State, Andhra Pradesh. When we ask the Commissioners, he says that it is not at all in their website, we are not getting it, etc. But when we showed this Ordinance, then some of the Departments implemented it. Private owners do not care about this Ordinance at all.

Hence, I would request the Ministry to give some strength to the implementation part in this Bill. I support the Bill.

SHRI RAVICHANDRAN SIPPAPARAI : Sir, I would like to express in general my support to this Bonus payments (Amendment) Bill of course with some suggestions to improve it further. Two years back we met both the Prime Minister and the Hon. Minister for Labour along with our General-Secretary Vaiko impressing upon them to modify the ceiling limit on Bonus payments bringing about an amendment. I do not consider that our request has been conceded fully. You have raised the income limit to be eligible for Bonus to Rupees ten thousand and we welcome the same. Considering the changed economic scenario, this

* English translation of the Speech originally delivered in Tamil.

ceiling limit must be lifted. The calculation limit has been fixed to be Rs. 3500 but this needs to be modified and the entire wage and salary of the labour class must be taken in to consideration. It is a welcome move that construction workers have been brought under the ambit of this Bonus Act. I would like to impress upon you that other workers in the unorganized sector who are about 93% must also get this benefit. An amendment in this regard may be considered in the future. Now the minimum Bonus is 8.33 percent. It must be increased to 12 percent. Now there is no limit to the profits made by the industries in the liberalized scenario. There is no limit on the dividends that are being given away from the profits made by industrial and commercial establishments. There is no higher limit on salaries and perks paid to the executives of such establishments. This paining factor was pointed out recently by our Prime Minister also. When there is no limit for profit earnings in the new globalised and liberalized economy, there should not be any limit on Bonus payments. It is not justifiable to fix a ceiling and limit on Bonus the deferred wages paid to the labour class. I am confident that our able Minister would favourably consider and bring about suitable amendments in this regard in the near future. With this I conclude expressing my support to this Bill. Vanakkam.

SHRI P. RAJENDRAN (QUILON): Sir, thank you very much.

Sir, I support this Bill to amend the Payment of Bonus Act, 1965. It enshrines the long-cherished demand of the workers and employees all over India who are in Central Government service, in Postal, Railways and Central PSUs. This also covers the employees of various State Governments, local self-Governments, State PSUs. They all welcome this enhancement of ceiling of bonus, eligibility and entitlement. The workers all over India demand the removal of barriers of bonus eligibility.

Sir, bonus as far as labour is concerned, it is part and parcel of wage system. It is the deferred wages for meeting the special needs of festivals annually.

Sir, even before we got Independence, workers enjoyed the benefit of this bonus as deferred wages.

Sir, the Ordinance to amend the Payment of Bonus Act, 1965 was issued on 27th October, 2007. The amendment shall be deemed to have come into force on the 1st day of April, 2006 raising the bonus ceiling from Rs. 2,500 to Rs. 3,500 from the year 2006-07. The Central Government employees have been persistently demanding for enhancement of the ceiling of the quantum of bonus from the beginning, but this was denied to them on the plea that Bonus Act does not permit it. However, it has not been implemented in the case of Central, Postal and Railway employees. They were paid bonus in the pre-revised rate. This discriminatory attitude of the Government had generated resentment among the employees. I would request the Government of India to effect payment of bonus in the revised rate to the Central Government employees immediately.

Sir, I would agree with my learned colleagues requesting the hon. Minister to bring a comprehensive legislation to amend and rectify the Payment of Bonus Act.

Sir, with these few words, I support the Bill.

DR. K.S. MANOJ (ALLEPPEY): Sir, I rise to support the Payment of Bonus (Amendment) Bill, 2007. I do support all the

amendments, viz., the enhancement of the upper limit of the bonus level and the ceiling limit as well as clause 32 (4) (b), viz. employees employed through contractors on building operations.

Sir, there are a good number of unorganized workers in this country. Even the employees who are employed under contractors also belong to unorganized category. Here the hon. Minister has moved the amendment to include them. What about the other unorganized workers? I know that there is a Bill pending in the Parliament for the welfare of the unorganized workers. I think we will pass the Bill during the current Session. If we pass this Bill during the current Session of the Parliament, those workers who are in the unorganized sector will not be able to come under this category. So, I would suggest an amendment that while amending the employees employed through contractors on building operations, the hon. Minister should include all the unorganized workers under the ambit of the Payment of Bonus Act.

Sir, with these few words, I support the Payment of Bonus (Amendment) Bill.

SHRI OSCAR FERNANDES : Sir, I thank all the hon. Members. Like 15 Members have spoken on this Bill and almost everybody has supported the Bill except saying that there could have been some improvement on what we have done. We have come to the House with a very limited purpose of enhancing the bonus and raising the ceiling of the Bonus Act.

As you are aware, it is not an easy task to bring about certain changes. In our entire system, we have a tripartite mechanism through which we operate. I brought to the notice of the House that though the Second Labour Commission recommended Rs.7500 as the ceiling through negotiations, through the good offices of the employers and also the employees, yet we were able to raise it to Rs.10,000. We could have very well said the Labour Commission has recommended Rs.7500 while the workers would have raised their voice of demand. If the management have said: "We go by the Labour Commission's recommendations," maybe we would have arrived at only Rs.7500. But I should give credit to both the employees and the employers that we arrived at a figure of Rs.10,000. This is in keeping with the rise in prices. It is not that just we have arrived at it without any formula. It is based on the time we have lost from the date of recommendation to taking a decision.

I agree with the Members that we can have a very comprehensive discussion on this and take a view that considering the present scenario and environment what should be the bonus, how it should be paid and who should be covered. Most of the Members have said that the whole benefit has flown only to the organized sector workers. The question is: How do we extend it to the unorganized sector workers? We have extended it to the construction workers. But there is a problem. In the agricultural field, a worker goes and works with a farmer for about a month. The relationship between the farmer and the worker is for about a month. There is a gap. Similarly, in other industries, you cannot identify a worker with an employer because he is employed on a temporary basis. Definitely, if there is a means for us to find out the relationship between an employer and an employee for a certain period where a worker is eligible, we have no difficulty in making this applicable – the Bonus Act - to the workers. Otherwise, we pass this Act, the money does not go to the workers as Members have raised apprehensions. Though we pass it, even in the States, it is not implemented. It should not be that we pass an Act, make an enactment and the benefit does not flow to the people. Somebody should not pocket the money saying "yes bonus is given." Under his head of account, he will say that so much of money is liable to be paid to the workers, he would pocket it and the workers do not get it...(*Interruptions*) Let us discuss it.

MR. CHAIRMAN : After his reply, you can raise it.

â€¦ (*Interruptions*)

SHRI SANTASRI CHATTERJEE (SERAMPORE): The 31st Labour Conference has suggested to include the contract workers whose numbers are increasing day by day. Today, you can consider their case and bring them within the ambit of the Act.

SHRI OSCAR FERNANDES: We are having the Labour Conference. All the points that you have raised would definitely be discussed seriously. We will see how we can make it applicable. I am for it. But we should be able to work out a mechanism through which our people will get the benefit. This is the only difficult that we are having.[\[R71\]](#)

Sir, I thank all the Members who have participated in this debate. Prof. Rasa Singh Rawat and others have raised the objection that we should not have brought an Ordinance for this. I appreciate it. In the parliamentary spirit, rarely we should bring an ordinance. Somebody used the word pressure on the Government to bring it. Yes, workers from all over the country were expecting this for a long time. For the last five years we could not bring it. Maybe we should have brought it in the Monsoon Session, but it was not possible. There was a feeling that it should be brought during Durga Puja or Deepawali. Even we wanted to bring it during Durga Puja time, but we could not succeed and we could do it only at the time of Deepawali. It was the right of the workers to have it around Deepawali and we have been able to do it. I am sure Prof. Rasa Singh Rawat and other hon. Members will withdraw their Statutory Resolution opposing the Ordinance in the

interest of workers of our country.

प्रो. रासा सिंह रावत : हम बिल का विरोध नहीं कर रहे हैं।

SHRI OSCAR FERNANDES: I am not saying you have opposed the Bill. You have only questioned the Ordinance.

Sir, as the Members here have gone beyond the purview of the Bill and mentioned about the condition of workers in our country, I would like to add my sentiment about workers. It is due to the toil and sweat of the farmers of our country that we had the Green Revolution during Indiraji's time. Mahatma Gandhi led the freedom struggle and because of his sacrifice and the sacrifices of all other freedom fighters, through their sweat and blood, we could get Independence in 1947. Today, we are entering into a phase where we are building industry in the country. The country is progressing. Shri Lal Bahadur Shastri said: "Jai Jawan, Jai Kisan" and today is a day when all of us can join together and say not only "Jai Jawan, Jai Kisan" but also add "Jai Kaamgar" to this slogan to complete it to salute the people who build our nation.

18.53 hrs.

(Shri Varkala Radhakrishnan *in the Chair*)

Sir, I have taken note of all the points raised by hon. Members. I will go into each and every point that they have raised and we will try to find solutions to the problems being faced by workers in our country. With these words, I commend to the House that the Bill may be passed.

MR. CHAIRMAN : Prof. Rasa Singh Rawat, are you withdrawing the Statutory Resolution?

प्रो. रासा सिंह रावत : सभापति जी, मेरा इतना ही उद्देश्य था कि अच्छे उद्देश्य के लिए साधन भी अच्छे हों। सदन की भावनाओं का आदर करते हुए मैं अध्यादेश का निश्चुमोदन करने वाला सांविधिक संकल्प वापस लेने की अनुमति चाहता हूँ।

MR. CHAIRMAN: Is it the pleasure of the House that the Statutory Resolution moved by Prof. Rasa Singh Rawat be withdrawn?

The Statutory Resolution was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Payment of Bonus Act, 1965, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

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

SHRI OSCAR FERNANDES: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

18.55 hrs.