

[Shri P. A. Sangama]

*Sl. No. Name of Hospital*

|  |                                 |
|--|---------------------------------|
| 1. Jai Prakash Narain Hospital             | 70 examined/12 admitted         |
| 2. Ram Manohar Lohia Hospital              | 31 examined/23 admitted         |
| 3. All India Institute of Medical Sciences | 43 examined/ admitted 6 Serious |
| 4. Safdarjang Hospital                     | 25 admitted                     |
| 5. Hindu Rao Hospital                      | 31 admitted/3 serious           |
| 6. Ashok Vihar Hospital                    | 3 admitted                      |
| 7. Javodhya Hospital                       | 3 admitted                      |
| 8. Balak Ram Hospital                      | 2 examined/2 admitted           |

None of the persons working in the Sulphuric Acid oleum plant has been affected. The Sulphuric acid/oleum plant is closed. The work on neutralisation of oleum is continuing. One General Manager, Plant Manager and Plant Engineer of the Company have been arrested. The Lt. Governor, Delhi, has taken a decision to order an enquiry into the accident.

If the persons who are not related to this field oppose it, I can understand their point.

You are aware that for the last 20 years, the workers have been demanding that because of increase in wages, the ceiling for entitlement of bonus should be raised so that those workers whose salary is above Rs. 1600 may also get bonus. This has been a matter of discussion particularly for the last two years in the entire country. When this demand was conceded, many labour unions in the country demand that more people, that is the people getting higher pay, should be covered under the Bonus Act. They had demanded that at least those people who were getting Rs. 2500 should get bonus. Keeping in view this thing, second Ordinance was issued. Besides, the date of enforcement of the payment of bonus had also to be prescribed so that no dispute arose later on. The reason was that after the closure of the accounting year, the workers would not have benefited from it. Therefore, date of enforcement had been prescribed in the Ordinance.

STATUTORY RESOLUTIONS RE :  
DISAPPROVAL OF PAYMENT OF  
BONUS (AMENDMENT) ORDINANCE,  
1985 AND PAYMENT OF BONUS  
(SECOND AMENDMENT) ORDINANCE,  
1985  
AND  
PAYMENT OF BONUS (SECOND  
AMENDMENT) BILL—*Contd.*

[*Translation*]

THE MINISTER OF STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT (SHRI CHANDULAL CHANDRAKAR) : Mr. Deputy Speaker, Sir, 23 Members have taken part in the discussion on the Payment of Bonus (Second Amendment) Bill presented to the House for consideration. Their way of presenting their points of view might have been different but no one has said that the Bill, which raises the ceiling for entitlement of bonus to Rs. 2500 is wrong or not proper. The Ordinance, of course, has been opposed. I want to say that the people who work in the labour sector are fully aware as to why two Ordinances were issued.

Several Hon. Members, both from the treasury benches and the Opposition, have demanded that the ceiling should be raised from Rs. 2500 to 3000, Several Hon. Members have stated that there should be no ceiling at all and, excluding management side, all workers irrespective of their salary—whether they get Rs. 3000 or 4000—should be covered under this Bonus Act. At present although the ceiling is Rs. 2500, yet the bonus has been restricted to Rs. 1600. This increase in the limit will cost the Public Sector at least Rs. 100 crores more. Keeping

all these things in view, we have to think whether the ceiling should be increased upto Rs. 3000 or should be removed altogether.

You are all aware that there is drought in many parts of the country and the concerned States demand funds for those areas. Government have after all to pay from what is available in their kitty, whether we raise the ceiling to Rs. 2500 or Rs. 3000 or whether bonus should be paid to those labourers also who get the minimum wage of Rs. 10. Somewhere a cut has to be made. All these things have to be considered keeping in view the financial condition. I have also been working among the labourers for the last many years. I know that every worker wants salary or bonus but we, the elected representatives of the people, know that our responsibility is not confined to the organised sector only, we have to look after the interests of the unorganised sector also, which is in the rural areas. You can say that where have you stopped us from helping them but you know that we have certain financial constraints because of which some thing has been done so far only for the organised sector. I am of the view that the unorganised sector should be organised on a large scale. Unions should be formed but that should not mean conflict between the workers and the farmers. You will observe that in the industrial sector where relations between the management and the workers are good, the production too has increased there and they get heavy bonus packet also. Where production increases, bonus is also given but where they go on fighting with each other and strikes are resorted to or for some reasons go-slow tactics are adopted, production comes down and they harm themselves. It is then natural that in such a condition it becomes difficult to get bonus or other facilities. Therefore, this thing should always be kept in mind. Our constituencies consist of lakhs of voters and there is not even a single constituency where the number of unorganised workers is small. Their number is quite large in very constituency but as they are not organised so far, their demands are not accepted. It is therefore, our duty to take care of their interests. I do not compare the workers of the two sectors, i.e. the organised and the unorganised sectors, but even then we see that the unorganised labourers sweat in the scorching sun and go on working in

rain, winter and snow. But what are we paying to them for all this? We should keep all these things in mind.

I am happy that most of the Members, rather all the Members have welcomed the Payment of Bonus (Amendment) Bill. Dr. Datta Samant and two or three other Members have demanded that the Bill be referred to the Joint Select Committee. In this way they want that a comprehensive Bill should be brought forth. They can separately ask for a comprehensive Bill but if we refer this Bill to the Joint Select Committee, it may take six months, a year or even a year and half. Consequently, the bonus proposed to be paid to the workers through this Bill would be held up and why should we harm them? So far as the question of bringing a comprehensive Bill is concerned, it could be brought forward separately.

It is correct that there are a large number of laws under the Ministry of Labour and other Ministries which should be condified and such a necessity has also been felt. Therefore, we can consider about bringing a comprehensive Bill and there is also the need to bring forward such a Bill.

At present we have to concentrate our attention on one or two things. Many private companies are being closed down and many public sector units are running at a loss. A situation has developed which may necessitate their closure. Managerial skill has a great role to play in this matter. With the help of managerial skill, production can be increased. The second factor is the maintenance of accounts. Accounts can be maintained properly by a trained accountant only. Sometimes there are irregularities in the accounts and as a result, the workers do not get their due payments.

In addition, Mills are being closed down and there are lockouts in factories. As a result, there is great unrest among the low-paid workers of our country. All of us have to look to one more aspect that at some places workers are getting more and at some places they are paid very low wages.

Panikaji and Rawatji have asked about those companies which are not implementing

[Shri Chandulal Chandrakar]

the Bonus Act. I do not have the figures in this regard. But as I have been associated with trade union activities, I know that their number is very large. The implementation of the laws in this sector is the responsibility of the State Governments and the Ministry of Labour asks them to pay attention towards this aspect and to examine it.

Datta Samantji has just now said that Bonus Act should be applied to all the workers or other persons. It has been provided in this Bill that it is applicable to those establishments where there are at least 20 workers. Under the Bonus Act, the State Governments are empowered to apply it even to those establishments where there are ten workers by issuing a notification to this effect. Some of the State Governments have issued such notifications and any State Government can apply it by issuing a notification.

Similarly, it has also been said that in many factories labour is employed on contract system. There is no doubt that this system is prevalent at many places. INTUC and several other Unions have demanded the abolition of this contract system and this demand has been made for quite a long time, but no success has been achieved in this respect due to certain reasons. The management in several concerns, whether in the Private Sector or the Public Sector, have advanced the plea that under the contract labour system, the work is done in time and there are many other advantages of this system. Even today, you would see that when workers come out of the factories, about 100 workers would be regular employees of the factories, whereas 1500 workers would be contract labourers. We all are responsible persons and some of us have also been working in the trade unions. It is our duty whether we are from this House or the State legislatures, to make efforts in our own way for the abolition of this contract system. We also want that this contract labour system should be abolished. In addition, our colleagues should also strive for the abolition of such systems. The workers these days are educated and, therefore they are also aware of their rights. Besides, it is the duty of the Labour Leaders and other elected repre-

sentatives of the people, whether they are M.Ps. or other persons, to ensure that the workers get their rights. Duties and responsibilities go together and we have seen that at places where the workers understand their duties and responsibilities well, good results have been achieved. But where only rights are demanded, a lot of difficulties arise and there many unions are formed and the workers are also misled.

It is a fact that 20 years back, the workers were not much educated, but you will now see that, especially in the organised sector, if there are 4000 workers, at least 1000 of them are matriculates and some of them might be even B.A., LL.B. or B.Sc. These people are fully aware of their responsibilities and at many places, the unions make arrangements for the training of the workers. In some factories workers are provided good training and they are also aware of job evaluation. They are given such training and they are aware that they have put in so much of work for so much of wages. The persons who are engaged in trade union activities should make such an arrangement of training wherever it is possible.

Just now Shri Datta Samant has said that this Bill should be referred to the Joint Select Committee. Two or three other Members have also supported his view. I would like to request all of them that such a demand should not be made. They should not press this demand, because it is the need of the hour that this is implemented immediately and we should not delay it any further. Wages have been revised and pay scales have been increased over the years and that is why an Ordinance was promulgated and it was decided to pay bonus to the people. By delaying the payment of bonus, we do not want to create a feeling among the workers that the elected representatives of the people, who are sitting in Parliament, did not protect the interest of the workers. I would request all those Members who have moved the amendment for referring it to the Joint Select Committee to withdraw their amendment.

18.00 hrs.

I would like to express my thanks to all the 23 Members who participated in this discussion. They spent their valuable time to

study the Bill and have given very good suggestions which would, of course, be considered by the Ministry of Labour. But all the Members who are present in the House should go with this feeling that they have to protect the interests of the workers. In addition, we have also to see that the workers are made aware of their rights and responsibilities also. Our elected representatives have also to protect the interests of the trade union workers who are not organised, workers in the rural areas, construction workers in the urban areas and the workers working in small companies, even if they have not raised their voice. When we take our next step in future, we would keep their interests in our mind. I would also like to express my thanks to all of you for giving very good suggestions.

[English]

**MR. DEPUTY-SPEAKER :** Shri Indrajit Gupta has intimated that he will not be available to reply. Therefore, I request Mr. Janga Reddy to give his reply in respect of the Resolution moved by Shri Indrajit Gupta.

[Translation]

**SHRI C. JANGA REDDY :** Mr. Deputy Speaker, Sir, we have listened to the reply of the Hon. Minister. We want that...*(Interruptions)*

**SHRI GIRDHARI LAL VYAS (Bhilwara) :** It would have satisfied you also ..*(Interruptions)*

**SHRI C. JANGA REDDY :** I have been satisfied, but you have also to be satisfied. You have raised the ceiling from Rs. 1600 to Rs. 2500. We had suggested earlier also that the ceiling should be removed altogether. Shri Datta Samant has given details about the laws enacted by you for labour welfare and how efforts have been made by you to pass on the benefit to the workers. Only political interests have been kept in mind. But still this step is good for the workers. Our Hon. Minister had organised a conference of the labour leaders on 25th or 26th November. Legislation should be brought forward to implement the recommendation

made in that conference. The conference had proposed the participation of the workers in the management of the industries.

*(Interruptions)*

**SHRI CHANDULAL CHANDRAKAR :** This has been included in the Seventh Five Year Plan.

**SHRI C. JANGA REDDY :** All the Congress Members have urged that the ceiling be raised to Rs. 3000 or Rs. 3500. In my view, the ceiling should be removed altogether. I have to say only this much.

[English]

**MR. DEPUTY-SPEAKER :** I shall now put the Statutory Resolution moved by Shri Indrajit Gupta to the vote of the House. The question is :

“This House disapproves of the Payment of Bonus (Amendment) Ordinance, 1985 (Ordinance No. 6 of 1985) promulgated by the President on the 27th September, 1985.”

*The motion was negatived.*

**MR. DEPUTY-SPEAKER :** Mr. Janga Reddy, are you withdrawing your Resolution ?

**SHRI C. JANGA REDDY :** Yes; I am not pressing.

**MR. DEPUTY-SPEAKER :** Is it the pleasure of the House that the Statutory Resolution moved by Shri C. Janga Reddy be withdrawn ?

**SEVERAL HON. MEMBERS :** Yes.

**The Statutory Resolution was, by leave, withdrawn.**

**MR. DEPUTY-SPEAKER :** Dr. Datta Samant, are you withdrawing your Amendment ?

**DR. DATTA SAMANT :** I am not withdrawing. I want to say...

MR. DEPUTY-SPEAKER : You have already spoken. You have been given sufficient time. I am sorry.

I shall now put the Amendment moved by Dr. Datta Samant to the vote of the House.

Amendment No. 1 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

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

*The motion was adopted.*

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

Clause 2—(Amendment of Section 2)

DR. DATTA SAMANT : I beg to move :

Page 2, lines 2 and 3,—

for "two thousand and five hundred rupees" substitute "three thousand and five hundred rupees"(3)

Page 2, line 3,—

add at the end—

'and after the word "industry", the words "or working even as an individual in any establishment" shall be inserted'.(4)

Sir, the Hon. Minister has given a very good political speech regarding agricultural labour and contract labour. Who prevented this Government from doing it Sir? You are having a lot of powers. It is the grievance that even minimum wage is not implemented. Therefore, with such reply it is difficult for us to satisfy ourselves.

Regarding the particular amendment, Rs. 1600 is the level for getting the bonus. It was done in 1965 which you are now raising upto 2500 rupees. As per the index it has gone five times high. I put it in the

House and you are just raising after 20 years by only Rs. 900 just for qualifying.

Another point is that you are going to pay bonus of Rs. 1600. Maximum 20 per cent itself is Rs. 3840. Now somebody is drawing Rs. 3000, Rs. 2600, Rs. 3500, you are going to pay him only that much bonus. I am not asking you to give more bonus. That is the principle of the Act. Even Mr. Gupta who has moved this has said that there should not be any limit. I know that Government is not going to accept our version. It is just to put something morally. Another point is that in Bombay all our workers are drawing more than Rs. 2000 in big factories, so if you put such type of a level, it is going to create ambiguity. Therefore, I place this amendment and I request the Members to pass it.

THE MINISTER OF STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT (SHRI CHANDULAL CHANDRAKAR) : I think I have given enough. I have replied to all the points and we don't agree to this.

MR. DEPUTY-SPEAKER : I now put the amendments moved by Dr. Datta Samant to the vote of the House.

Amendments Nos. 3 and 4 were put and negatived

The Question is :

"That clause 2, stand part of the Bill"

*The Motion was adopted.*

Clause 2 was added to the Bill.

Clause 3—(Insertion of new Section 12)

DR. DATTA SAMANT : I beg to move :

Page 2,—

after line 10, insert—

"12A. Where the salary or wage of an employee is less than one thousand rupees per mensem, the bonus payable to such employee under Section 10 or,

as the case may be, under section 11, shall be calculated as if his salary or wage were one thousand rupees per mensem.”(5)

Sir, the Hon. Minister has given me a categorical assurance that he is going to see and rectify all the bonus act and change it within one month or two months. I have heard that. It is all becoming sweet assurances and I must put my side of the workmen, you give me some time Sir. As per Bonus Act, 20 workers are required to get bonus. If somebody is having 19 or 18, he is not giving the bonus.

**SHRI CHANDULAL CHANDRAKAR :**  
State Governments can do that.

**DR. DATTA SAMANT :** I am coming to it. Maharashtra Government has done it upto ten workers. Why don't you do in the Central Act. If you are talking so much of farm labour, unorganised labour they are three times more than the organised labour. Somebody is drawing Rs. 10 and Rs. 300 is his monthly salary. If he works for the whole year, I am asking you to give him Rs. 300 as bonus. Otherwise many people are giving bakshish. So, there is no difficulty in principle. If he has worked for six months, you give him half, if he has worked for one month, you give him Rs. 30. Because only 30 days work is required. Therefore, by making such a small amendment, there will be so much importance for this.

For the minimum wages, nobody is bothering, that is a different aspect. It is becoming the duty even if a single worker is working and is drawing Rs. 300 or Rs. 200, he should get at least one month salary proportionately. It will make a lot "well" to more people. With this Act you are not doing that. Workers coming under the unorganised and small sectors are three times. Though it looks a very small amendment,

it is going to satisfy. All of you talk about unorganised men, small men, one man; but this will cover more people. That is why I request the House at least to consider this amendment at this stage.

**SHRI CHANDULAL CHANDRAKAR :**  
I have already said the State Governments are entitled to do it. If they want to do it, they can do it.

**MR. DEPUTY-SPEAKER :** I now put the amendment moved by Dr. Datta Samant to the vote of the House.

**Amendment No. 5 was put and negatived.**

The question is :

“That clause 3, stand part of the Bill”.

*The motion was adopted.*

**Clause 3 was added to the Bill.**

**Clause 4 was added to the Bill.**

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

**SHRI CHANDULAL CHANDRAKAR :**  
I beg to move :

“That the Bill be passed.”

**MR. DEPUTY-SPEAKER :** The question is :

“That the Bill be passed.”

*The motion was adopted.*

18.11 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, December 5, 1985/Agrahayana 14, 1907 (Saka)*