[Shri Nawal Kishore Sharma]

Companies Act, 1956, the Securities Contracts (Regulation) Act, 1956, and the Monopolies and Restrictive Trade Practices Act, 1969 in the vacancy caused by the death of Shri C. C. Desai."

MR. SPEAKER: The question is:

"That this House do appoint Shri Muhammod Sheriff to the Joint Committee on the Bill further to amend the Companies Act, 1956, the Securities Contracts (Regulation) Act, 1956, and the Monopolies and Restrictive Trade Practices Act, 1969 in the vacancy caused by the death of Shri C. C. Desai."

The motion was adopted.

13.07 hrs.

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

MR. SPEAKER: The House will now take up further consideration of the following motion moved yesterday, namely:—

"That the Bill further to amend the Payment of Bonus Act, 1965, be passed."

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR): Only, vote is to be taken. The time has expired.

SHRI INDRAJIT GUPTA (Alipore): We have to speak on the third reading.

MR. SPEAKER: I see that the time allotted was four hours. The time taken is 3 hours and 35 minutes. Hardly enough time is left. How much time would you like to take?

SHRI R. K. KHADILKAR: I have replied fully. I have nothing to add.

MR. SPEAKER: Well, I shall call one or two Members and after that, you will reply.

13.08 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock

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

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

MR. DEPUTY-SPEAKER: Mr. Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, yesterday I had mentioned that 70 houses belonging to minorities were burnt. You were good enough to direct the Government.

MR. DEPUTY-SPEAKER: In the first place, I did not direct the Government. I said, Government may take notice of it. Moreover, you raised it yesterday; you raised it this morning and again you are raising it now.

SHRI JYOTIRMOY BOSU: I am not getting a reply. Mr. Raj Bahadur promised that he would get in touch with the UP Government. Through STD it takes one minute to get in touch with the Chief Minister at Lucknow. Why is it that the Government is shielding them? Do they want to give protection to the minorities or not? Sir, you kindly observe....

MR. DEPUTY-SPEAKER: It does not call for further observation from me.

SHRI JYOTIRMOY BOSU: Let the Minister make a statement on it.

MR. DEPUTY-SPEAKER: Please continue with your speech.

14.07 hrs.

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

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, speaking on the Bonus Bill, I want to ask why the thousands of the Reserve Bank of India employees

have been given a step-motherly treatment and have been ignored from the benefit of this Bill. The 1965 Act should be scrapped because it is pro-employer and anti-working class. This ordinance of which they are boasting has not been passed because of any sympathy for the working class, but under the continuous struggle by the working class and under severe pressure, this Government has been compelled to bring it. What is the outcome? They have only raised the quantum to 8 33 per cent, which is far from adequate because the value of the Indian rupee has gone down at a much greater speed

Sir, the Reserve Bank of India survey reveals increase in the assets of monpolists and turnover of profits and decline in taxes and wages. It reads thus:

> "Another impression which is not corroborated by the present company finances data, relates to rising manufacturing and wage costs in recent years As may be observed from Table 2 while manufacturing expenses as percentage of value of production (at current prices) of the large public limited companies have, by and large, remained the same at around 55 per cent during the six years 1965 66 to 1970 71, the wage costs including employees' welfare expenses have declined albeit marginally from 14 per cent in 1965-66 to 13 2 per cent in 1970-71.
>
> There is no doubt that this was a period of rising manufacturing and wage costs in absolute terms as well as in relation to increase recorded during the past, but it seems that the manufacturing firms have been in a position to pass on the rising costs to the final consumers."

So, this is the class character of your Government. Don't try to hoodwink us with other stories.

An eminent economist, Dr. D. K. Rangnekar—you must have heard about him—

MR. DEPUTY-SPEAKER: What are you driving at?

SHRI JYOTIRMOY BOSU: Bonus at 8.33 per cent is much too inadequate.

MR. DEPUTY-SPEAKER: And therefore, the Bill should be rejected?

SHRI JYOTIRMOY BOSU: The quantum should be enhanced

MR. DEPUTY-SPEAKER: I will draw your attention to the scope of the debate here. It shall be confined to the submission of arguments, either in support of the Bill or for the rejection of the Bill. You can speak either in support of it or for the rejection of it.

SHRI JYOTIRMOY BOSU. I am saying that the quantum is too inadequate So, my conclusion is that the government has a pro-monopolist class character and they are trying not to help the workers.

MR. DEPUTY-SPEAKER: That is your opinion.

SHRI JYOTIRMOY BOSU: There is some loose talk about experimenting with wage freeze. They are thinking in terms of wage-freeze to check-inflationary pressures. This article says:

> "There is some loose talk about experimenting with a wage freeze in a bid to check inflationary pressures. Such talk is characteristically in keeping with India's infamous tradition of non-empiricism. This is yet another crude attempt to transplant, blindly, ideas and concepts fashionable in the West-without, of course, examining their relevance, or analysing the facts.....
>
> Salaries and wages constitute a mere 6 per cent of the net domestic product and over the years their share is down, even if slightly."

Therefore, I would only try to tell the government that the quantum of increase is next to nothing when you take into consideration the reduction in the purchasing power of the Indian rupee. So,

[Shri Jyotirmoy Bosu]

by bringing in another Ordinance immediately, they should enhance it from 8.33 per cent to an amount which is commensurate with the requirements of the workers.

SHRI INDRAJIT GUPTA (Alipore): Sir, although this Bill is going to be passed anyway and a minimum bonus of 8.33 per cent is assured, I have to oppose the main principles underlining this piece of legislation, which I consider to be extremely vicious. For whom is this minimum bonus? Since this intended bonus is irrespective of profit or less, it means that it is designed for those people who either did not enjoy any bonus or who for the last eight years have been kept pegged down to the previous minimum, namely, four per cent. They are the only gainers from it; nobody else. The Minister knows very well that the bulk of the workers in the organised sector of industry, engineering, textiles, pharamaceuticals etc., whether by agreement or by other means, have been enjoying well above 8-1/3 per cent, 10, 15 or 18 per cent. They are not going to gain anything out of this; we do not want it also, because they can look after themselves. The whole object was to bring a larger number of people within the ambit of the benefit of a minimum bonus, which they will get irrespective of profit and loss. As far as workers of unorganised industries, small-scale industries or sweated industries are concerned, certainly it is a gain for them.

But a point which has been repeatedly made is that there are lakhs and lakhs of government employees who have never got any bonus, because they have been outside the ambit of the provisions for even a minimum bonus. It is for that reason that we were so much agitated at that time. This time also, after the passage of this Bill, the minimum bonus is sought to be withheld even from those Central Government employees who are industrial employees in the ordnance factories who are making automatic rifles. They are not to get it because they happen to be departmental employees. Similarly, railway employees who make coaches and engines are kept out of it. Is this the way in which Shri Khadilkar proposes to ensure industrial peace in the country? Will it not aggravate the discontent? So, my first point is that this principle is vicious. This is not a thing which applies to anybody except to those in the bottommost rung of the ladder, who were not getting any bonus. So far as the Central Government and State Government employees are concerned, it will not apply to them. Therefore, we oppose it. We want its coverage to be extended to government employees also.

Secondly, though it is not laid down in the Bill, it is implied, that any amount of bonus for which a worker may be eligible over and above 8-1/3 per cent will not be paid in cash but it will be credited to the provident fund account. What is the theory behind this provision? It is all right. What is the theory behind it? The theory behind it is—he has not spelt it out in so many words—but it is stated in so many statements by Ministers and other so-called eminent economists in various seminars and meetings, that the working class has got so much money in its hands, so much liquid money in its hands, that that is the primary cause for the rise in prices and inflation in this country and, therefore, if we want to fight price rise and inflation, you must prevent the workers from getting so much cash. So, when it comes to a new bonus law, this provision is made that, if instead of 8.33 per cent, you are entitled to, say, 10 per cent bonus, according to the formula, you will not get 10 per cent in cash but you will get 8.33 per cent and the balance of 1-2/3 per cent will go into the Provident Fund Account and you will not be able to enjoy it.

This is a vicious theory, a capitalist theory out and out, a hundred per cent capitalist theory, that workers today are responsible for inflation in this country. This is a theory which is meant to whitewash the sins of all those people who in collusion with certain people in the Government are carrying out profiteering,

speculation, hoarding of commodities, racketeering in the market and putting up prices. Instead of attacking them and taking firm measures against them, here, in the name of so-called savings, the workers' bonus to be taken away from him and put in the freeze, in the Provident Fund Account, in the name of fighting inflation. We will never accept it. You may pass it. But the working class will continue to fight against it.

Thirdly, I would like Mr. Khadilkar to ponder over this that as far as those workers are concerned who are eligible to get more than 8.33 per cent bonus, according to the formula, but who now will know that extra amount will not be given to them in cash, what will it means? It will only mean that you are indirectly-you may not have that intention but the effect will be that—encouraging those workers who have got the organisation and the srength in their unions to compel the employers, when they make an agreement every year, to write 8.33 per cent as bonus and the remaining 8 per cent or 10 per cent as *ex-gratia* payment, and they will get it in cash and nothing will go into the Provident Fund Account That is what we are doing. We have already begun doing it, for your information, where we have strength and the employer also rather than risking a big disturbance is forced to come to terms

What is the use of this provision then? So many agreements we have signed this year for 15 per cent, for 16 per cent and even for 20 per cent, where it is written in the agreement that 8.33 per cent is bonus and the rest of it is, *ex-gratia* payment, and the whole of it he gets in cash. So, he is happy. Where have your provisions of law gone to? This is neither an honesty nor it amounts to promoting industrial peace. It is only a means whereby you are penalising the workers for the sins of other people who have created inflation and put up prices in the market.

So, on these principles, we are totally opposed to it and, I hope, the Government will re-consider the whole matter when it comes forward with a more comprehensive Bill and correct these loopholes

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR): Yesterday, I had covered almost all the points Unfortunately, the hon. Member, Shri Indrajit Gupta, was not present in the House when I gave the reply He has tried to make out a point regarding putting some symbolic amount in the Provident Fund Account. If he were to read my speech, he will get a convincing reply for it. Beyond that, I do not want to add anything.

DR RANEN SEN (Barasat): In relation to the speech made by Shri Jyotirmoy Bosu just now, may I know whether the hon Minister, Mr Khadilkar, is aware of the fact that C.I.T.U organisation to which Shri Dinen Bhattacharyya belongs has welcomed this minimum 8 33 per cent bonus and, if that is what is the reaction of the hon. Minister to that?

SHRI R K. KHADILKAR. They are welcome About the CITU organisation, just as C P.I. and C.P.M., they are suffering from internal contradictions. So, these lapses are very common.

SHRI DINEN BHATTACHARYYA (Serampore): Our main speaker on this Bill, Shri Mohammed Ismail, has categorically stated that while welcoming this Bill, we would urge upon the Minister, to at least see that the government employees are covered and the plea about Provident Fund is not raised here Dr Ranen Sen has expressed doubt .

MR. DEPUTY-SPEAKER: Mr. Dinen Bhattacharyya, I do not understand you today

SHRI DINEN BHATTACHARYYA: Why not, Sir?

MR. DEPUTY-SPEAKER: Please sit down.

SHRI DINEN BHATTACHARYYA: I am sitting down. You must hear me.

MR. DEPUTY-SPEAKER: Order, please. Even though it was irregular, I allowed you to make a statement, but you want to make a speech.

SHRI DINEN BHATTACHARYYA: No, Sir.

MR. DEPUTY-SPEAKER: Nothing more. Whatever he has said has gone on record Nothing more will go on record. He is speaking without my permission

SHRI DINEN BHATTACHARYYA:**

MR DEPUTY SPEAKER: The question is.

"That the Bill be passed."

The motion was adopted

14.21 hrs.

ALL-INDIA SERVICES REGULATIONS (INDEMNITY) BILL

MR. DEPUTY-SPEAKER: Now we take up the All-India Services Regulations (Indemnity) Bill.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): On behalf of Shri Ram Niwas Mirdha, I beg to move:

> "That the Bill to grant indemnity in respect of the failure to lay before Parliament certain regulations made under the All-India Services Act, 1951, and for certain other matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

Under sub-section (1) of section 3 of the All-India Services Act, 1951, powers have been delegated to the Central Government to make rules in consultation with the State Governments concerned for the regulation of recruitment and conditions of service of persons appointed to an All India Service. Some of the rules so framed empower the Central Government to make regulations in respect of certain matters. Accordingly, some regulations have been made from 1955 onwards and they have also been amended from time to time.

Sub-section (2) of section 3 of the Act provides for the laying of all rules before Parliament for a period of not less than fourteen days soon after they are made and the rules are subject to such modifications whether by way of repeal or amendment as Parliament may make in this behalf. As the sub-section provides only for the laying of rules before Parliament, the Central Government interpreted this provision to mean that it was not necessary to lay the regulations before Parliament. Accordingly, most of the regulations framed and the amendments made thereto prior to the 1st July, 1967, were not laid before Parliament. Subsequently, in the light of certain observations of the Supreme Court in a judgment, the Central Government were advised that the regulations made under powers available in certain rules should be taken to form an integral part of the rules made under sub section (1) of section 3 of the Act and hence were required to be laid before Parliament in the same manner as the rules are laid. This is now being done in regard to all regulations and amendments thereto made from the 1st July, 1967 onwards.

In order to validate the regulations which were not laid before Parliament, it was decided to undertake suitable legislation and accordingly the All India Services (Laying of Regulations before Parliament) Bill 1968 was introduced in Rajya Sabha. The Bill provided for the validating of the regulations in spite of the failure of the Central Government to lay them before Parliament and also for certain other matters. The Bill, as passed by Rajya Sabha, was pending in the Fourth Lok Sabha at the time of its dissolution on the 27th December, 1970, and, therefore, lapsed in terms of Article 107 of the Constitution.

It, therfore, became necessary to undertake fresh legislation for the purpose. The present Bill which has already been passed by Rajya Sabha provides for indemnifying the Central Government

**Not recorded.