

With regard to the speech of Shri Ismail, there is nothing new in what he has stated. He mentioned whatever he wanted to say during the general discussion. Therefore, there is nothing more to say with regard to his speech.

I have no doubt in my mind that in course of time Shri Ismail and Shri Dinan Bhattacharyya would realise that the provisions of this Bill are meant for the welfare of the trade union workers and that these provisions have worked very well.

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

13.46 hrs.

STATUTORY RESOLUTION RE. DIS- APPROVAL OF PAYMENT OF BONUS (AMENDMENT) ORDINANCE

AND

PAYMENT OF BONUS (AMEND- MENT) BILL

MR. DEPUTY-SPEAKER: We now take up the Statutory Resolution by Shri Indrajit Gupta, seeking to disapprove the Payment of Bonus (Amendment) Ordinance, 1975, and also the motion by Shri Raghunatha Reddy to consider the Bill further to amend the Payment of Bonus Act.

SHRI S. M. BANERJEE (Kanpur): We are extremely happy that the father of the 8.33 per cent formula, Shri Khosla, is present here. I hope he will take part in the deliberations.

SHRI INDRAJIT GUPTA: I move;

"This House disapproves of the Payment of Bonus (Amendment) Ordinance, 1975 (Ordinance No. 11 of 1975) promulgated by the President on the 25th September, 1975."

Exactly three months almost to the day after the promulgation of the emergency, the gains which the working class of this country had achieved in the field of bonus not suddenly but over a period of 25 years are sought to be demolished. It took a long period, a quarter of a century, to evolve this concept of bonus. I do not propose to go into that history because I have neither the time, nor Members will be particularly interested in it. It took a quarter of a century of arguments, of discussion, of persuasion of awards by tribunals and High Courts, of struggle by the working class to arrive at a certain position. But, precisely three months after the imposition of emergency all these gains of a quarter of a century were sought to be demolished at one stroke of President Ahmed's pen.

I call this a *coup d'etat* against the working class. The emergency of the 26th June was promulgated perhaps in order to forestall a possible *coup d'etat* by certain rightists and reactionary forces, who were out to destabilise this country. But what happened on the 25th of September was a *coup d'etat* against the organised working class of this country. I am speaking with a sense of bitterness, and I hope you will pardon me, Sir. I think that no better help could have been given, although unwittingly it be, by the Government of this country to precisely those rightist and reactionary forces, who so far had failed completely to mobilise the support of the working class of this country behind their designs.

This is one of the outstanding facts of the political developments of the last two years, that when the movement led by Mr. Jaya Prakash Narain was at its height and desperate attempts were made by him and his allies to bring the working class out in support of that total revolution over the country as a whole the working class refused to respond. When the call for a three day Bihar *bandh* was given by Mr. Jaya Prakash Narain, and he ma

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special appeal to the workers on the railways, the working class of Jamshedpur, of Raigarh, of the collieries—not a single worker anywhere was willing to come out and support that move. This has to be remembered.

The international experience of the fight and struggle against Fascism, which I hope at least this Minister is well aware of because he is a well-read person I know, is precisely that it is the organised working class which is the staunchest fighter against Fascism, the staunchest defender of democracy, and it is precisely the organised working class which is the first victim of Fascism in those countries where Fascism triumphs. This has to be remembered.

But what happened here? Three months after the emergency was proclaimed, a sudden attack was made on this working class itself. A bonus for the workers was replaced by a bonus given to the right reactionary forces. This is something they had never expected, something which gives them a handle, an instrument, a weapon to go and spread disaffection and discontent among the workers and try to win over a section of them. If this is not a bonus, what is it? This is a bonus given to the enemies of the country.

This Government is very fond of talking always about the 1974 railway workers' strike. In any case, the railway workers are irrelevant to the question of bonus, they have never had anything to do with bonus, nor were they within the scope of bonus. But they do not recollect what the working class has done by way of hard work and by way of patriotic duty. Or do they? The Prime Minister I find here and there no doubt does it. The other day in some meeting of the INTUC she paid a tribute to the fact that the workers had stood solidly in the interests of the country whenever there was an hour of crisis. But sometimes it

seems to me that these tributes stink of hypocrisy. This is not the reward that the working class should get for the service it has rendered and is continuing to render.

Throughout the capitalist world you will find, if you study the developments going on now in the USA or Britain or any of the other countries like Japan, France and Italy, it is the common cry of all capitalists in these countries that for the sake of fighting inflation and high prices, the workers' wages must be in some way frozen or curbed or restricted, their benefits should be cut down, their bonus should be slashed. This is nothing new. This is the international slogan of monopoly capital.

And who are these monopoly capitalists? They all belong to the same tribe. It does not matter in which country they are. Some are stronger than others, some are weaker, that is a fact but basically they all belong to the same tribe, the same blood flows in their veins. These monopoly capitalists are the greatest robbers of national wealth, there is no doubt. There is plenty of evidence coming out every day in our own country to prove it.

Our Industries Minister, Shri T.A. Pai, of all people, has been compelled in recent weeks to make several public statements and speeches where he has openly accused monopoly capitalists of sabotaging production in this country. He has said point blank that it is these people who go on howling for concessions from Governments, but the more concessions they are given, the more miserable performance they put up because they are interested in profits, they are not interested in production.

In order to maintain a high rate of profit, they are deliberately keeping production down; they are keeping their installed capacity unutilized to the extent of 50 per cent, as Mr. Pai has said. These are people who wanted this bonus to be removed. Politically, they are the strongest supporters of

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right reaction also. They are all looking like doves after the emergency. But we know what role they have played just before the emergency—they and the newspapers owned by them.

We do not want that our working class should be sacrificed at the altar of the people who are fundamentally the enemies of this country. I must make a passing reference to the fact that a grave apprehension has arisen in my mind that these groups of big monopoly capitalists, big businessmen, who can hardly be defended today by anybody in this country, are now being permitted, perhaps even encouraged, to enter into negotiations which are continuing since yesterday here in Delhi with the representatives of their counter-parts in the United States. This Indo-US Business Council, as it is called, is meeting here since yesterday. These private monopoly capitalists led by Harish Mahindra are sitting across a table there with the big shots of the American industry, and the subject matter of discussion is how to strengthen their co-operation and collaboration. You must have noticed today the kind of remarks, I should say really arrogant and insolent remarks that were made at the opening session of this Council by the leader of the United States Delegation Mr. Orville Freeman. This travelling salesman of the multi-national corporations has the gumption to come here and sitting in the Capital of our country, he is ridiculing all sentiments of national sovereignty and national dignity. He said that the charges made against the multi-national corporations were wrapped in the emotionalism of national sovereignty. He said that the movement towards world economy triggered by multi-national corporations seems to be the best hope for the future, as though the Prime Minister herself does not know—she has mentioned it several times—that these multi-national corporations are one of the main conduit pipes through which the Central Intelligence Agency and other subversive

agencies are penetrating into so many countries. But here Mr. Freeman is talking about—I quote :—

“The restrictions at national boundaries on the movement of resources and capital must be eliminated. The only way to a safe and peaceful world is an open world, with free investment, free trade and free movement of people and ideas and resources.”

Of course, if a country like India removes all restrictions on national boundaries it will suit Mr. Freeman and his friends and these giant multi-national corporations. I am apprehensive that even these things are permitted to continue, apart from the fact that it shows the most deplorable lack of vigilance, I should say in this hour of emergency. But if these things are allowed to continue, then I can visualise many more attacks coming on the rights of the working class. This is the first thing that these people will demand as the price for their co-operation here, collaboration here that the working-class must be curbed. No multinational corporation functioning in this country wants to pay a minimum bonus, a guaranteed bonus, any more than Mr. Harish Mahindra or Mr. Tata or Mr. Birla wants to pay. But these are powerful forces controlling international capital now demanding “Give up your bogus emotional ideas of national sovereignty, open your national barriers, give us the free entry into your country.” This is the discussion going on here in Delhi under our very nose. Therefore, I want to give a slight warning that these things should not be seen as something which is totally irrelevant to what we are discussing here. Bonus may be one particular instance. But behind the taking away of the rights of the working class, there is this tremendous pressure of monopoly capital, both domestic and foreign. I want the Government that if they show the slightest weakness in this direction—Emergency

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will not last for ever; at least I do not think so—the working class will find its own way and its own norms, methods and forms to register its protest. Today, they may not be in a position to do it. But I can tell you how bitter the working class is.

Let the Labour Minister go down and talk to some ordinary workers in any part of the country. Let him find out what this Ordinance has done to them, how they are reacting, how they are feeling, how they speak about the Government and how they speak about Emergency. Is this an achievement that you wanted to bring about? If the country is threatened again and menaced by external forces, who is going to save you? Mr. Tata and Mr. Birla? Are you depending on them to save the country or do you depend on the working class of this country who have already stood up with you in the hour of crisis? And this is what you do to them. Unnecessarily, you are provoking them unnecessarily, you are making them hostile. Do you expect us to support a thing like this? We cannot support it. Apart from the issue of bonus, it is politically a completely wrong step being taken. They must understand that.

I forgot to mention one thing. These antics of Mr. Orville Freeman come in the background of a warning which you must have heard and which was given by Mr. Kissinger to all the countries of the third world saying, "If you want our help or aid, don't think it is going to be unconditional. It all depends on what kind of attitude you take to the United States, whether you are prepared to cooperate with us, play ball with us. If you do not do that, we cannot help you." In this background comes Mr. Orville Freeman suggesting, no national boundaries, no national sovereignty; give up all this emotional talk; open your doors wide open for the entry of multi-national corporations. What is this going on? It is an open, not con-

cealed, attack by imperialism, by the most powerful imperialist forces in the world today. I am not going to allow the working class to be sacrificed, first and foremost, at the altar of this monster.

Now, let me curb myself for a moment. This concept of bonus, firstly, as a profit sharing device; later on, as a deferred wage and, again, later on, as a guaranteed minimum irrespective of profit or loss, as I said, was evolved over a long period of 25 years. Are we trying to demolish it by one stroke of the pen? The way in which it is being demolished is also thoroughly repugnant and obnoxious. It is something unprecedented. On no major labour policy question ever in this country has a step like this been taken without having at least some round-table discussion, some consultation with the people who are affected. Here, the central trade union organisations were never consulted. No discussion was held with them. This national apex body which was set up after Emergency was never consulted, never told about it. Even the INTUC one of whose central leaders is sitting here, Mr. Stephen, and which is the trade union organisation of the ruling party was never told about it. Is this a manner of doing these things? Is this the way of persuading the working class to accept anything or to enlist any support? The whole thing is obnoxious and repugnant to the worst degree. That is why I called it a *coup d'état*. It is done behind the workers' backs, behind the backs of the trade union organisations in a conspiratorial way. It is not simply a question—as some people seem to think, judging from their comments—of reducing the minimum bonus from 8.33% to 4% this year. Even this 4% is applicable only to this year: from next year there will be no minimum bonus at all—neither 8.33% nor 4% nor even 4%; it is applicable only to this year and from next year this whole concept of minimum guaranteed bonus is wiped out and no bonus whatsoever will

be payable unless, in the worlds of the law some "allocable surplus" is there. Let me tell you, from bitter experience, that the allocable surplus will never be found. In 95% cases of companies, with the formula which has been devised for calculating the allocable surplus, that allocable surplus never emerges. From the balance-sheets of the companies we have found that, for the last so many years, no allocable surplus ever comes out. However large profits a company may get, your formula is such, the development rebate and this and that is calculated in such a way that no surplus emerges as the share of the workers. And this is precisely the reason. Everybody knows, though they may not admit it publicly that the balance-sheets of the companies are fraudulent, in spite of being audited. We all know what is auditing in this country. It is precisely because of that and it is precisely because the Government also knows that under this formula in a majority of cases no allocable surplus will be found that, in the Payment of Bonus Act they provided for a minimum guaranteed bonus irrespective of profit or loss. Secondly, they have provided in the Act that if the employers and employees, in any case, come to a mutual collective agreement voluntarily for a higher quantum of bonus than is payable under the formula, they have a right to make such an agreement. We did not draft this Bill; it was made by the Government. Why did they do it? Why did they provide these two things? Whether the minimum guaranteed bonus is 4% or 8.33% is not relevant now. The author of this 8.33% is sitting here and it was first called the Khadikar formula. I know many people are angry with him but, anyway, we respect him for that. And let me remind you that this 8.33% agreement or rather a sort of understanding that it would be 8.33% was signed by Shri Naval Tata, Shri Devarajulu, a big industrial magnate of South India, Shri G. Ramanujam of the INTUC and Shri Tidke, the Labour Minister of Maharashtra. Shri R. K. Khadikar's announ-

cement to the press regarding the enhancement of bonus from 4% to 8.33% was made as an announcement from the Prime Minister. Who is to blame? Why did they do it? It was done precisely because all of them, including Naval Tata and Devarajulu know in their heart of hearts that the audited balance-sheets of these companies do not represent the true position. There are concealed profits; there is concealed income; there is evasion of taxes; there is diversion of funds—and these things can never be caught from the audited balance-sheets. And because they knew that and because they knew that, the formula under the Act will not produce allocable surplus, to save their guilty conscience they agreed to this thing and said 'all right', let them have a minimum bonus every year, profit or no profit; and, secondly, in a particular concern which may have a higher profit and a larger capacity to pay, if the employer is willing to come to an agreement with the employees, let them have the right to come to such an agreement. This way they wanted to get over this difficulty. If anybody wants to argue with me that the balance-sheets cannot be questioned and all that please go into the Public Accounts Committee's latest report about the Grindlays Bank. It was presented to the Lok Sabha on 22nd January by its Chairman, Shri H. J. Mukerjee, the 192nd Report. Read that PAC Report and see how an eminent foreign bank like the Grindlays Bank cooks its accounts and cooks its accounts in such a way that its real extent of profits and its reserves are never disclosed. The PAC has some stringent things to say about this from this point of view that, as a result of this cooking, Government has lost a huge amount in taxes which it should have got. But foreign banks like Grindlays, under the new Ordinance, have been specifically excluded from the scope of paying bonus under this Act. All banks, the whole banking industry have been excluded. An industry which makes the highest profits is protected in the sense that

it does not have to disclose its secret reserves and secret profits. All the banks have been excluded. I am not talking in the air when I say that there was powerful pressure from certain forces, and the Government unfortunately, has given way.

May I just mention, in passing, that the net profits of the foreign banks operating in this country, which have now been excluded completely from the scope of this Payment of Bonus Act, in 1970, was Rs. 2.63 crores and in 1974 it was Rs. 6.30 crores. Their deposits, in the same period, went up from Rs. 491 crores to Rs. 768 crores. The source of these figures is a journal called *Socialist India* which I think many people in the ruling party are aware of. I hope, they read it also sometimes. But this class of establishments is completely exempted now from the Payment of Bonus Act.

Then, certain arguments are brought. When I ask them as to why did Government do this in the years past, one reply we are given sometimes is, 'Oh! It was a mistake; we made a mistake; now we realise that we made a mistake'. Even the Prime Minister told us, 'We made a mistake'. What is that mistake? Please spell it out for me. This is not a new thing. I was wrong in describing Mr. Khadilkar as the father of this. He was certainly not the father, because this concept of minimum bonus, irrespective of profit or loss was born long long ago, more than 20 years ago, and if any body was its father originally, let me say this that it was the Textile Labour Association of Ahmedabad. It is not a very revolutionary or red-coloured organisation, I think. The Textile Labour Association, also known in trade union circles as the Mazdoor Mahajan Sangh, founded by Mahatma Gandhi himself, has been flourishing under such leaders as Shri Gulzarilal Nanda, Shri Khandubhai Desai and so on. It is a Union which was born

on the basis of class collaboration, which taught the workers that class struggle was wrong, the family consisted of employers and employees, they constituted one happy family. No strike ever takes place there. It is a thoroughly respectable, peaceful, law-abiding and peace-abiding Union. It was this Textile Labour Association of Ahmedabad that, 20 years ago, entered into a five-year bonus pact with the millowners of Ahmedabad, and that went on for ten years eventually. This is a representation made by that organisation to the Government of India—I am not saying something out of my own mind :

"The quantum of bonus under this Pact varied from minimum 4.8 per cent to maximum 25 per cent of the wages earned by the employee. Even the employers of the concerns which might have made losses have to pay at least a minimum of 4.8 per cent bonus."

This was the agreement entered into by the Ahmedabad millowners with the Mazdoor Mahajan Sangh 20 years ago. The concept was there. I don't want to go through the whole history, how it went on developing until we came to the Bonus Commission appointed by this Government. That Bonus Commission was unanimous in its recommendation that a minimum bonus of four per cent should be paid irrespective of profit or loss. Did that Bonus Commission consist only of trade unionists? It had employers' representatives on it. They also signed that report. Employees were there. Independent members were there such as Dr. Ganguli, Director of the Delhi School of Economics and Shri M. Govinda Reddy. This Ahmedabad Textile Labour Association has this to say about it :

"In view of this unanimous recommendation, it cannot be said that well known economists like Dr. Ganguli had erred in giving assent to

this recommendation and especially is agreeing to the recommendation of minimum bonus in case of loss. Similarly, the employers representatives have also consented to the recommendation of minimum bonus even in case of loss. Therefore, the consideration of the economists together with the employers should not be easily discarded or disregarded."

What was the mistake made? Do not tell me that after all these years, the Government is wiser than the employers themselves were. After all, the money was coming out of the employers' pocket. They signed this report; they agreed to this concept. What is the mistake that has been made, I do not know.

This Bonus Review Committee was set up again. I want to ask the Labour Minister, where is the report of the Committee? Why has it not seen the light of the day and why has it not been placed before this Parliament? That Bonus Review Committee's report was submitted to Government long ago. May be that it is not a unanimous report; there are different views and the Parliament of India is not entitled to have it laid on the Table of the House. We want to know, what the Members of this Bonus Review Committee had to say about the concept of minimum bonus. I can say that they differed on many points, but on this idea of the concept of a minimum guaranteed bonus, irrespective of profit and loss, the Bonus Review Committee also upholds that concept and perhaps that is why, the Government has not produced it up to date, because this ordinance seeks to do away with the very foundation of that concept. Is that the way we are to be treated? Working class is not a herd of cattle, I can tell you, that you do whatever you like to them and then expect them to go on increasing production, while the employers will be satisfied with saving this money of bonus and go on sabotaging production. A wonderful way of saving the country, I must say.

Then the second argument given is that it is necessary as an anti-inflationary measure; this bonus money going into the pocket of the workers is playing havoc with prices and all the rest. What is the use of arguing these things; these are so obvious to anybody. The Finance Minister came forward with a statement at that time and said that 250 crores of rupees roughly is the amount which is disbursed as bonus payments every year. I do not accept this figure for a minute; that is a different matter. My own information is that the figure is somewhere near Rs. 80-90 crores, not more than that. However, Shri Subramaniam said that it was Rs. 250 crores. This year, half of that may be saved because four percent had to be paid this year. From next year, it would not be paid. That is a different matter. If half of Rs. 250 crores, accepting his figure as correct, which I do not accept, that is Rs. 125 crores will go to the workers, Rs. 125 crores will remain in the pocket of the employers and inflation will be countered. I have never heard a more bogus argument than this in my life. Thousands of crores of rupees are being lost by evasion of income-tax, by operation of black money, by all kinds of speculation, etc. and subsidising of the private sector is going on by making public sector units to work at a loss by pricing their products below cost of production order to help the private sector. All this is going on and the poor worker's bonus is to be cut so that inflation can be fought. Besides, they have now found, but I do not know, whether they will admit, that by reducing the purchasing power of the working class something else has also happened. In Bengal at least during the last Durga Puja—that is the time when the bonus is given—we saw what happened this year in all the shops, bazars and markets in those industrial areas. The shopkeepers were just sitting holding their heads. What about them? Are they not part of the community? There was not off-take at all; the workers had not the bonus money to buy cloth, or sweets for their

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children or anything. And the whole problem then arose and now stocks are lying unsold. Stocks have accumulated and if you go on like this, cutting your nose to spite your face, then the opposite result will also follow. If you simply rely on reducing the purchasing capacity of the working man without increasing production, then you land yourself in another crisis and that is now taking place. Production is stagnant, demand for goods falls, stocks pile up and then in the name of stocks piling up, again the poor workers are told, 'You must be laid off or retrenched or there must be closure' or something like that. So, I get it both ways, because my bonus is cut in the name of fighting inflation. Then when I have no money in my pocket to go to the market and buy goods, I am told that the stocks are piling up, therefore, production cannot be maintained and therefore, 'now you must be laid off or retrenched in the interests of the country'. Wonderful, wonderful! This is nothing new. It is happening in all the big capitalist countries. Why do you follow in their footsteps? It is happening in Britain. It is happening in America. The same arguments are being repeated and unemployment is going up in Britain where there are now over 1.5 million unemployed walking in the streets.

Then comes another argument. This one is a very favourite one, if I may be allowed to say so, with the Prime Minister. So many times she had admonished us, 'Show me any other country which pays bonus like this. Other countries do not pay bonus like this. Why should we pay bonus like this?' But are you prepared to make a deal with the working class that everything that happens in every other country, we should also do? I am prepared to enter into a deal. What are the countries you are talking about? Please do not talk about the socialist countries for the time being, because our system is

different and everything is different. We are not there as yet. Take the other capitalist countries based on the private sector. Is it not a fact that in other countries of the West every year there is a negotiated increase in wages, an annual wage increase? Do we have it in this country? Please introduce it here. I will give up my demand for bonus. Does any other country have a thing like Dearness Allowance which we have? Tell me. Since the Second World War, a second category called 'Dearness Allowance' has been added on to the basic wages and kept separate. It is not merged with the basic wage. It is kept as a separate entity so that it can be made to fluctuate. Sometimes, when the cost of living index figures go up, then the DA goes up and when the cost of living comes down, the DA will come down. It is kept as a separate fluctuating entity. In which other country is there such a concept as 'Dearness Allowance'? There, the wage is taken as a whole. It is one integrated amount and that amount is increased every year through collective bargaining. It is never done in this country. I do not think our country can afford to pay the kind of high wages which are paid in the capitalist countries. Naturally, therefore, there was a concept of deferred wage just because of these facts and that was the ground on which bonus was given by so many awards, so many agreements and so many High Court judgments.

These arguments really have no value whatsoever. Then I would like to know. I am concluding. Why do you deprive employers and employees in any particular concern from coming to a mutual agreement on a higher quantum? Will you please explain this? No employer gives more than what is necessary unless he had the money to pay. They are not fools. So many companies, big companies which have plenty of resources have collective agreements with their employees—some 3 year agreements, some 5 year agreements for 15% or 20% bonus. Why? Because they are

able to pay not for any other reason and this was permitted under the Act...*(Interruptions)* You do not want more money but you want it in the hands of employers?

SHRI VASANT SATHE (Akola): There is no inflation there.

SHRI INDRAJIT GUPTA : Nobody has explained to us yet that the money which will be saved from the pockets of the workers will not remain in the pockets of the employers. How will the Government ensure that that money will be spent for productive purposes? Is there any machinery, is there any mechanism, any procedure in this country? You cannot think of it! It is transfer of the money from the pocket of the workers to the pocket of the employers. I know and Mr. Raghunatha Reddy knows that many of the employers in this country who have the resources to pay are thoroughly unhappy over the deletion of this clause because they have this much commonsense to understand that if their workers are happy and kept contented, then their production and business will flourish. From a commonsense point of view they were perfectly willing to continue to enter into agreement. But now they told the workers what are we to do, you go and ask Indira Gandhi, she has tied our hands, we cannot do anything now.

I can tell you, even in the public sector, a concern like the Shipping Corporation of India which this year has shown a record profit in its balance sheet and which for the last three years by an agreement has been paying its employees 20%, that is the maximum allowed under this Ordinance is expected to pay 4% this year whereas its profit has gone upto nearly Rs. 4 crores. I know the Chairman of the Corporation. I hope, he will not get into trouble because I am saying this that he is unhappy about it. He says, "How can I face the employees? On the one hand I have shown record profits, on the other hand I am not allowed to pay them bonus. This has come down to 4%. This will spoil industrial relations in this con-

cern." But the Finance Ministry is there like the all powerful Shivam—"nothing doing". What kind of policy is this?

I have already spoken about the banks.

In the Hindustan Machines Tools Ltd., the same kind of thing is taking place. These are important public sector undertakings. Only those who are in a position to pay would pay, the others would not pay. Now it is said, do not worry, the bonus will be linked not with profits but with production. May I ask in an industry with which I am familiar, that is why I am quoting it, big industry—the Jute Industry in West Bengal, what will happen to the workers? They cannot get any bonus on the basis of profits because these employers never show any profits. It is wonderful. It is a magic with which they work. They never make profits if you look to the balance sheet. Where is the black money of the jute mill-owners going, nobody knows? The workers cannot get bonus on the basis of profits. They cannot also get bonus on the basis of production, because the whole industrial policy is to keep production down. They wanted to curtail production by 15%, the other day, which Government did not allow them to do. If I am a jute worker, I will not get bonus now either on profit or on production. A guaranteed minimum was assured to them under the previous Act, but now you are just throwing them to the wolves. All this will bring about unhappy consequence one day. I do not want to sound a warning. It is difficult for us to go to them. I am not trying to explain your action at all; so, do not worry about it. But it is difficult to answer this question which they ask us—you told us this emergency was in order to save the country from reactionary forces, but we find it is being used against us. What is the reply to it? I cannot give any reply. Strangely enough, on the other hand there is no restriction whatsoever on the issue of bonus shares by the companies! At least make a pretence of some kind of even handed justice—the same period

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when the workers' bonus was cut after the emergency, the Government went on giving one concession after another to these big concerns. In July, 1975 they issued an Order, whereby they said, "Total amount of bonus shares issued by a Company can be equal to the total amount of its paid-up capital." Whatever is its total paid-up capital, the amount equal to that can be issued as a bonus share. Again in November, 1975 another Directive was issued saying that between two successive issues of bonus shares by a company the time lag which was previously 40 months has now been reduced to 24 months. Within 24 months they can issue bonus shares twice and upto the value of their total paid up capital. Why should we be blamed when we accuse this Government of making one-sided concession to private business? As the Minister knows very well, these are the people who have defaulted on the workers provident fund to the tune of Rs. 28 crores. In very polite language, I have to say, defaulted, otherwise, they have actually stolen this money. Instead of putting it in the workers' provident fund according to the law they have actually stolen it and not a single one is put in prison for that. This is your wonderful emergency. And yet, Sir, the Reserve Bank Survey's latest figure shows that in regard to the total value added by manufacture as a whole the share of the workers has been going down proportionately. This is known to the Minister. The Reserve Bank has made this survey and said this. Regarding value added on manufacture, the proportionate share of workers' wages and earnings has been doing down in actual terms and deliberately false and misleading reports are being put out in the country in order to alienate public opinion against the workers. When it comes to production, please remember, it is the working class on whom production depends. The hon. Minister should be grateful to them for keeping the production and transport system going in the way they have done these things. He

should be grateful that they stood foursquare against JP Narayan's movement. But you forget everything! You are shielding these private sector tycoons whom even your Industries Minister castigated the other day openly. You are working the emergency up side down, on its head, in this way. That is why you are alienating the working class and you are prepared to hand them over to the Jan Sangh and all these gentlemen. Your Bonus Ordinance and the present Bill are clear expressions of class policy, naked class policy, in favour of the capitalists, the big monopolist. I will conclude by quoting what the General Secretary of the All India Trade Union Congress Comrade S.A. Dange has said. What is this Ordinance? It is, I quote :

"A blow against democracy, a gift to monopoly capital and a bonus to right reaction."

With these words I conclude and I commend my Resolution of Disapproval to the House for its acceptance.

MR. DEPUTY-SPEAKER :

Resolution moved :

"This House disapproves of the Payment of Bonus (Amendment) Ordinance, 1975 (Ordinance No. 11 of 1975) promulgated by the President on the 25th September, 1975."

The Hon. Minister.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY) : I beg to move :

"That the Bill further to amend the Payment of Bonus Act, 1965, as passed by Rajya Sabha, be taken into consideration."

While moving this Bill I wish to submit that I strongly oppose the Resolution moved by Mr. Indrajit Gupta. I have no doubt in my mind that if you listen to me you will come to the conclusion that this Bill has been moved with sincerity of purpose and

with the complete understanding of the economic causes and various developments in the country and the necessity to follow up the particular economic policy of which this bonus Bill is only a small part.

Sir, the Payment of Bonus (Amendment) Bill, 1976 which seeks to repeal and replace the Payment of Bonus (Amendment) Ordinance, 1975, and which is now before this House has been passed by the Rajya Sabha. In the Bill as introduced in the Rajya Sabha, there was a provision, as in the Ordinance issued on the 25th September, 1975, that where any employer had already paid to his employees in respect of the accounting year commencing on any day in the year 1974 a minimum bonus in excess of 4 per cent notwithstanding that such employer did not have the required allocable surplus, then such employer shall deduct the excess amount of bonus from the bonus payable in respect of the three immediately succeeding accounting years. In order to avoid hardships to workers an amendment moved in the Rajya Sabha for deletion of the above provisions was accepted by Government and it is no longer there in the Bill now before this honourable House. In other respects, the Bill closely follows the Ordinance with slight modification of clarificatory nature to clearly state the intention behind the provisions of the Bill so that there is no room for any wrong understanding.

The Payment of Bonus (Amendment) Ordinance, to which I have referred was promulgated on the 25th September 1975 and certain changes were made in the provisions of the principal Act. These changes are wellknown to the honourable Members. However, with your kind leave, I would like to take a few minutes to explain some of the changes so that the matters are placed in their proper context and perspective.

Workers' right to a share in the profits of the concern they serve in, is an unassail-

ble right. Production and productivity incentives are equally wellrecognised principles and are related directly to the effective participation of workers in the production processes and contribution made by them to production and productivity. Keeping in view these principles as guidelines, the bonus, in the Bonus Ordinance as well as in the proposed Bill before the House, is sought to be related to profit or alternatively to production and productivity.

It may be recalled that the Bonus Commission of 1964, discussed in its Report the concept of bonus in India. The Commission was of the view that :

"It is difficult to define concept of bonus in rigid terms, but it is possible to urge that once profit exceeded a certain base, labour should legitimately have a share in them. In other words, we think it proper to construe the concept of bonus as sharing by the workers in the prosperity of the concerns in which they are employed. This has also the advantage that in the case of low paid workers such sharing in prosperity augments their earnings and so helps to bridge the gap between the actual wage and the needbased wage".

This statement is sufficient to emphasise the profit-sharing character of bonus. The concept was not embodied in the Payment of Bonus Act, 1965; it was left to be gathered from its provisions. In the course of arguments in their case for fixation of car prices, the manufacturers urged that the minimum bonus should be reckoned as an element of cost since it was payable statutorily even in case of loss. The Supreme Court did not accept this contention as would be evident from the judgement in the case of Premier Automobiles Ltd. and another vs. the Union of India. According to the judgement :

"Section 10 of the Bonus Act at first sight may appear to be a provision

(Shri Raghunatha Reddy)

for granting additional wage to employees but that section is an integral part of a scheme for payment of bonus at rates which do not widely fluctuate from year to year. This Act has thus provided that bonus in a given year shall not exceed one-fifth and shall not be less than 1/25th of the total earning of an employee. It has been ensured that the excess share shall be carried forward to the next year and that the amount paid by way of minimum bonus not absorbed by the available profits shall be carried to the next year and shall be set off against the profits of the succeeding year. The object of the Bonus Act is to make an equitable distribution of the surplus profits of the establishment with a view to maintain peace and harmony between the three agencies (capital, management and labour which contribute to the earning of profits. The Commission came to the correct conclusion that the bonus is connected with profits and it cannot be included in the ex-works cost."

This principle laid down by the Supreme Court would clearly show that the Commission came to the correct conclusion that the bonus is connected with the profits.

The Supreme Court accepted this proposition that bonus is connected with profits and it has nothing to do with the loss that a concern makes. In other words, conversely unless a concern makes a profit, the theory of bonus does not arise at all. In other words, the foundation for the concept of bonus is the profit *sine qua non* and not otherwise. Unless this principle is properly appreciated, I am afraid we may lose our perspective and enter into a different realm of argument

and thinking in this respect. In spite of the decision of the Supreme Court, certain quarters continue to regard bonus as a kind of deferred wage. It has now been clarified that bonus is a payment linked either to profit of a concern or alternatively to the contribution by the workers to production productivity.

As hon. members are well aware, while schemes of profit-sharing of a varying nature are in vogue in various countries of the world, the basic postulate of such schemes is that there must be profit to be shared. We are not aware of any country, whether following the capitalist path or a socialist economic order where concerns not making profit are required by law to give a profit-sharing bonus to their workers.

SHRI INDERJIT GUPTA: Why did you do it? Why did you make that law?

SHRI RAGHUNATH REDDY: The basic foundation on which the doctrine of bonus rests is profit. Out of this, the principle of profit-sharing is derived. In the absence of a profit, the concept of profit-sharing loses its validity. Even in India, till the enactment of the Payment of Bonus Act of 1965, the bonus formula which had emerged as a result of decisions of industrial tribunals and the Supreme Court stipulated that if there was no surplus there was no question of paying bonus either. Thus the two basic socio-economic principles that govern the concept of bonus are, firstly, profit-sharing and, secondly, production and productivity.

The formula for computation of bonus based on profits is provided in the Act itself. According to the amendment proposed to sec. 10 of the principal Act even if a small allocable surplus is available, the amount being even as little as a paise, the employer shall be bound to pay to every employee a minimum bonus equal to 4 per cent of the salary or wage. This is a very salutary principle that has been

included in the present legislation so that on the basis of the roll-on-principle, even if a company has made one naya paisa as profit, in such an year the company is bound to pay 4 per cent minimum....

SHRI N. SREEKANTAN NAIR (Quilon)
 Is it profit or allocable surplus ?

SHRI RAGHUNATHA REDDY : I am coming to that. When we say 4 per cent minimum basis even in case one naya paisa is declared as surplus it is based on a very sound principle that in one year the company may make a profit and in another it may make a loss, but we take into account a four year period so that the profit and loss can be balanced and in such a balanced situation, even if a company makes even one naya paisa surplus, the workers are bound to get 4 per cent minimum bonus. This is a principle which cannot be assailed on any principle of economic theory.

SHRI DINEN BHATTACHARYA (Serampore) How will you divide one naya paisa ?

SHRI RAGHUNATH REDDY : The surplus for this purpose has to be calculated taking into account set-on or set-off, as the case may be, on a roll-on basis. This has been illustrated in the Third Schedule. The alternative to profit sharing is bonus linked to production and productivity. This principle also cannot be assailed on any ground.

In order to keep parity by way of maximum amount of bonus linked to profit-sharing or production or productivity, the ceiling of 20 per cent has been made applicable in both the cases. Beyond these two well-recognised socio-economic basic principles, there can hardly be any other rational basis in spite of all our intellectual exercises in regard to this matter.

Hence sec. 34 of the principal Act is proposed to be amended giving over-riding effect to the provisions of the Act.

One might ask, as Shri Indrajit Gupta did, why sec. 34(3) which was in the parent Act, had been taken away. I would like to submit that when a company makes a profit, it is a profit that belongs to the community as such, not merely to the shareholders, workers or management. The profit that a company makes is a social product and it belongs to the community and a part of it must be invested for purposes of development in industry and also in order to provide greater employment.

If this profit is made available only to those workers, there will be no surplus to be invested for the purpose of economic development and unemployment would continue unabated. Only certain sections of organised industrial workers will have the benefit and this is a negation of the principle of social transformation in this country.

I am glad to tell the House that keeping in view the interest of the weaker sections of the workers, the minimum amount of bonus is proposed to be raised to Rs. 60/- in the case of employees who have not completed 15 years of age and Rs. 100 in the case of others as against Rs. 25 and Rs. 40 under the principal Act. Furthermore as regards the minimum bonus for the accounting year commencing on any day in the year 1974, an amount equal to four per cent would be payable irrespective of the fact whether there is allocable surplus or not.

Coming to the coverage of the Act, it may be recalled that prior to the amendment the Act was applicable only to factories and other establishments in which 20 or more persons were employed on any day during an accounting year. There had been a persistent demand for a wider coverage to bring in the smaller establishments. The hon. Members would be glad to know that the Bill provides that the appropriate Government may by notification in the Gazette bring within the pro-

[Shri Raghunatha Reddy]

visions of the original Act establishments employing 10 to 19 persons also. This would enable a very large number of workers, till now excluded, to get the benefit of this law.

I do not want to reply to the debate that had been raised by my good friend Shri Indrajit Gupta who did it so ably; still I should like to refer to his arguments about the purchasing power of the people and the stagnation in relation to market conditions. Suppose that only certain classes of people or a group of people in this country have the benefits of profit-sharing their income would go up. Even then, because of the wrong distribution of income in this country, quite a large section of the people are deprived of the purchasing power. The necessary conditions, if you want to call it like that or the conditions of stagnation or market crisis would continue because of complete lack of purchasing power of vast masses of people. This aspect also will have to be kept in mind when we deal with this question.

Hon. Members are aware that section 32 has excluded employees of insurance companies carrying on general insurance business and employees of the Life Insurance Corporation of India and financial institutions like the Reserve Bank of India and certain other corporations were also excluded. The 14 major banks of the country were however nationalised after the principal Act was passed. There was hardly any rationale for treating banks in any way different from insurance and other financial institutions. With regard to banks however the Government have decided that ex-gratia payment in lieu of bonus can be made; this would be determined from time to time taking into account wage levels, financial circumstances, etc. in each case payment being subject to a maximum of 10 per cent. While I should not like to burden the hon. Member

with minute details, I would be failing in my duty if I do not explain important changes proposed to be made in the computation of gross profits to safeguard the workers' interests. In the past deductions of various kinds were made under the heading 'subsidy'. It has now been clarified by an amendment or item 6(g) in the first schedule corresponding to the second schedule in the principal Act that what is to be deducted is cash subsidy, if any given by the government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes. Unless the subsidy comes within the ambit I had mentioned no other subsidy will be allowed for the purpose of calculating the allocable surplus, as a deduction. This is a substantial benefit that would accrue to the working class. Previously some employers used to resort to the practice of deducting subsidy of a national type and thus bring down the quantum of allocable surplus available for distribution. It is sought to prevent such a practice.

Representations were received that some employers had debited huge amounts by way of notional liability of gratuity to the expenditure in a particular year thus wiping out the available surplus and depriving workers of their bonus. I vividly recollect what my friend Shri Ramesh Bhai Verma used to raise this point in the Consultative Committee meetings and in fact he had given me one balance sheet in which this aspect had been resorted to that the gratuity that has not been actually paid on a notional basis is likely to be paid in future and that used to be deducted on the notional basis from the deductible expenditure as far as allocable surplus is concerned and in this way the workers used to be deprived of substantial portion of benefit. It has now been made clear that any amount

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deducted in excess of that actually paid will be an add-back item in the computation of gross profits. If any gratuity is deducted on a notional basis then to the extent of deduction it would be added-back for the purpose of calculating the surplus that is available according to the scheme.

Both these changes are expected to guard against unfair devices used to reduce the amount of surplus and consequently the bonus payable to workers. Coming back to the basic principles behind the Bill may I invite the kind attention of the Hon. Members of this House to the overriding economic circumstances—both national and international which compelled the Government to evolve a rational basis for bonus. As the Hon'ble Members are well aware, over the years, ours has been a shortage-ridden high cost economy in which savings and investments have been declining. With little scope for plough back of funds or generation of new resources, there has been hardly any scope for accelerating the growth of the economy to provide jobs to the unemployed. Our high cost structure has been weakening our competitive strength in foreign markets. Unless measures are taken now to remedy this, the prospects of future cannot be bright. In fact the working class may itself be the first victim of high cost economy. Through control of money supply, drive against economic offences and emphasis on the essential sectors and utilisation of capacity, we have been successful in the battle against inflation. For the gains to be durable the war against inflation-potential, stagnation and unemployment has to be carried on relentlessly and won.

The basic questions that we have to face are : how to invest more and to produce more, how to reduce our costs and prices and how to expand economy and provide more employment. Uneconomic units would only add to problems of unemployment rather than solving them. The

changes made in the law have to be appreciated in this socio-economic context.

Now, these are the very basic propositions in the economic theory in the context of highly developed country. But we are not dealing with the situation of a developed country. There people may be suffering from affluence not knowing what to do with their profits. But here it is the question of not only resource mobilisation but, if I may use the expression, 'social investment'. I would use this expression in place of resource mobilisation because resource mobilisation cannot convey the same meaning and content as a phrase like social investment would convey and therefore I would like to use the phrase 'social investment' in place of resource mobilisation. Uneconomic units will only add to the problems of unemployment rather than solving them. The changes made in the law have to be appreciated in the socio-economic context.

I would humbly appeal, Sir, with great respect to the hon. Members to appreciate various provisions of this Bill in the context of socio-economic perspective and support this Bill. With these words, Sir, I beg leave to move this motion.

Mr. DEPUTY-SPEAKER: Motion moved:
"That the Bill further to amend the Payment of Bonus Act, 1965, as passed by Rajya Sabha, be taken into consideration."

SHRI C. K. CHANDRAPPA (Telli-cherry): I beg to move:

That the Bill further to amend the Payment of Bonus Act, 1965, be referred to a Select Committee consisting of 14 members, namely:—Shri S. M. Banerjee, Shri Dinen Bhattacharyya, Smt. Roza Vidyadhar Deshpande, Shri K. R. Ganesh, Shri Indrajit Gupta, Shri Krishnan Mancharam, Shri Saroj Mukherjee, Shri Vayalar Ravi, Shri K. V. Raghunatha Reddy, Shri Vasant Sathe, Shri Shriharilal, Shri Rama

[Shri C. K. Chandrappan]

vatar Shastri, Shri K. P. Unnikrishnan, and Shri C. K. Chandrappan, with instructions to report by the 1st April, 1976. (1)

SHRI DINEN BHATTACHARYYA (Serampore): I beg to move:

That the Bill further to amend the Payment of Bonus Act, 1965, be referred to a Select Committee consisting of 14 members namely:—Shri S. M. Banerjee, Shri Tridib Chaudhuri, Shri M. C. Daga, Shri Dinesh Joarde, Shri Hukam Chand Kachwai, Shri Madhu Limaye, Shri Prasannbhai Mehta, Shri Mohammad Ismail, Shri H. N. Mukherjee, Shri Noorul Huda, Shri Era Sezhiyan, Shri Digvijaya Narain Singh, Shri K. V. Raghunatha Reddy, and Shri Dinan Bhattacharyya, with instructions to report by the 5th April, 1976. (2)

I have heard Mr. Raghunatha Reddy who has enunciated rather a new philosophy so far as our economic development is concerned. Sir, I am rather amazed how the Labour Minister was trying to convince the House that by not paying bonus he will bring about social justice in the country.

14.55 hrs.

[SHRI VASANT SATHE *in the Chair.*]

He says by that method, he will help our economy to be developed, unemployment problem to be solved and what not! But I say that this Payment of Bonus (Amendment) Ordinance promulgated by the President was the first major act of this Government, after the proclamation of emergency, which convinced the workers of all affiliations regarding the real purpose behind the proclamation of the emergency. I am glad that our AITUC friends have at least now realised what hoax and stunt this government is playing day in and day out. They are now convinced that this government is really helping the monopolists and big capitalists by denying payment of bonus, which the workers earned by a long process of struggle

against the employers and the policies of the government. It is rather a good service done by the government. Otherwise, the workers would not be in a position to know the real motive behind the emergency and the real class character of this government. This is a government of big bourgeois and big landlords. They are also trying their best again to see that the big monopolists of the USA and other imperialist countries come here and loot this country. They have taken the first step to open the flood gates by assuring the foreign monopolists, "You come here. We have crushed the movement so long carried by the working class for their wage increase or realisation of their just demands." This is nothing but inviting the monopolists, both foreign and indigenous, to invest more money in the private sector. Prior to this ordinance, at least organisations like INTUC, AITUC and the pro-government wing of FMS were happy to join hands with the government in the peck bodies at central level. But the ordinance evoked strong resentment even among the ranks of those organisations and they came out on the streets protesting against the ordinance. All the trade unions, including the INTUC have opposed the ordinance. Irrespective of their political affiliations, all trade union organisations having connection with the workers are voicing their protest against this ordinance as well as this Bill. I do not know whether the INTUC members of Parliament due to the party pressure will be able to speak their views frankly in this House. If they are unable to speak their mind, I understand the difficulties. Because they expressed their opposition to the provisions of this Bill in various ways, though not as clearly as the opposition trade unions have done.

15 hrs.

Before issuing the ordinance, the Government have taken strong measures on the question of payment of bonus. All the public sector undertakings were given

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directive that they should not enter into negotiations with the unions on the question of bonus. All the press censoring authorities were given directive that no news relating to the bonus of workers or the campaign on the question of bonus should be given any publicity. All this was done to bring about this Ordinance. The Bill should have been called the payment of nil Bonus Bill because you have primarily rejected the basic concept of bonus advocated by all the trade unions and even the judicial authorities that bonus is the deferred wage to meet the gap between the existing low wages and the living wage. Thus, since the labour Appellate Tribunal formula in early 50s and the bonus commission Report, this principle was accepted. Now whatever gains the trade union movement achieved during the two and a half decade have been washed out by a stroke. of pen that signed the presidential Ordinance and the Government now wants to perpetuate this by introducing the Bill, and help the monopolists directly. Only this year, I can say that at least Rs. 250 crores have been saved by the employers. I do not know how Mr. Reddy has got the illusion that this 250 crores that has been saved by the monopolists, is being spent for the purpose that he has just now stated, i.e. for the good of our country. They won't do anything. All the money has been swallowed by big monopolists.

The Bonus Review Committee constituted by the Government came to the conclusion that the workers claim of higher bonus over and above 4 per cent was fully justified in view of the financial position of the companies. This conclusion was based on Reserve Bank study conducted by Dr. Sethi who pointed out after studying the balance sheets of joint stock companies for five years that the wage cost as a percentage of total cost of production has shown decline during the period of five years under study. The Bonus Review Committee in its interim Report made a clear-cut observation that even after paying

8-1/3 per cent minimum bonus the total wage cost would be still lower than five years ago in relation to the total cost of production.

Now the Bill goes back from the earlier commitment which was accepted by the Cabinet and which came to be known as famous Khadiolkar formula. After enunciating this formula, Mr. Khadiolkar had to leave his labour portfolio and was given health portfolio and from there he had to go because he had advocated the cause of working class so far as the payment of minimum bonus is concerned. So, there is nothing to be astonished at if Mr. Raghunatha Reddy now ventures to come forward and say that the Government wants to pursue the concept of minimum bonus that was there, I think he will have to vacate his post also. So, he is so much vociferous and placing and spreading a new definition of bonus. First of all, he must remember; he perhaps does not know the history of the bonus movement. Mr. Indrajit Gupta has stated that for the last 25 years—and more than that, I know—just after the Second World War when the textile magnates amassed huge wealth and made huge profits, the workers on their own raised their voice saying that they must be given bonus and a share in the profit. Thereafter, how did the judiciary treat the question of bonus. They treated it as if it was an *ex-gratia* payment. The workers boldly stated that they did not want anything *ex-gratia*. They said: "It is our right; you raise our level of wages and give a need-based minimum wage. Thereafter you can say that it is a profit-sharing bonus. Unless you raise the level of our wage which is below the subsistence level in many cases, you cannot say that the bonus is something which is to be tagged on to production." So the Bonus Commission had recommended a minimum bonus of 8-33% irrespective of profit or loss, because the Commission had come

[Shri Dinan Bhattacharyya]

to the conclusion that despite the non-availability of a declared surplus, the companies were in a position to pay the minimum quantum of bonus to the workers. But now this principle has been given up. This will lead to companies manufacturing fictitious balance-sheets, showing loss in the companies' accounts and doing away with the bonus of the workers. These who have shown profits will now show losses during 1975; and can easily manage to do so. Therefore, I characterize this bill as the "Payment of Nil Bonus Bill". Sir, this Bill gives a free gift of—I have already stated—a minimum of Rs. 250 crores, this year. Near about 2,50,000 workers are employed in the jute industry. Last year, i.e. during 1974, they got 8.33% as bonus. This year they got only 4%. Thus, 4.33% has been saved—saved for whom? Saved not even for the development of the industry, because it is now reported daily in the papers that the jute mill owners are facing a serious crisis and that they are not in a position to keep their factories running. That is the position, even after injecting a big amount. The employers have the capacity to swallow the whole amount and come forward to the Government for further concessions. The Government is so magnanimous in their case that only the other day they got the concession by the withdrawal of the export duty on carpet-packing and other jute products. Now these employers are raising pleas, so that more concessions and more help can be given to them from the financial institutions that are under the direct control of the Government of India as well as of the State Governments. Sir, the concept of allocable surplus is one of the biggest faults in company accounting methods. The employers, who have acquired know-how for fabricating the balance sheets with the purpose of cheating the Government by paying less tax and cheating the workers by paying less bonus, have been successfully defrauding the

public exchequer and the workers to the extent of crores of rupees. Instead of fighting against the unscrupulous employers for preparing fraudulent balance-sheets, you are giving them an opportunity to deprive the workers of their rightful claim by way of bonus.

The concept of linking bonus to production and productivity has no relation to the concept of bonus, as it has been evolved in this country, and about which Shri Indrajit Gupta has very ably put forward his points. At the present level of productivity, the working class have got every right to claim higher bonus and increase in the wages. But the Government is denying this right to the working class and allowing the employers to swell their profitability. For higher production there are incentive schemes. Productivity bonus has nothing to do with the payment of bonus based on profit or loss. This new concept is only another concession to the employers and an additional workload on the employees, which will add to their exploitation. We, therefore, will oppose every measure that will link bonus with productivity.

In this connection, I must refer to three or four cases which I am personally aware of as a trade unionist. As I have already mentioned, for the last ten years the workers of the Dunlop factory, a multinational company, were getting 20 per cent bonus in the month of January. This year, taking advantage of this Ordinance, the employers have taken a very peculiar stand. They say that they would not pay any bonus until their calculation is complete. Nobody knows when it will be completed. While every year they used to pay 20 per cent in the month of January, this year they are trying to avoid that payment. Shri Indrajit Gupta has referred to the Shipping Corporation. I will refer to the Scindia Steamship Company. Under the agreement, the employees engaged by this shipping company were entitled to get

a bonus of 76 per cent. This year the management said "nothing doing; we will pay only 20 per cent". When the workers demanded more, the Secretary of the Union in Bombay was suspended. Afterwards, the police came and took him to jail. He is still in detention under MISA.

I have already mentioned that in regard to provident fund accumulations no step has been taken so far. Many companies did not pay even the minimum of 8.33 per cent bonus. Yet, no penal measures were taken against the defaulting companies.

Why are you standing in the way of collective bargaining between employers and employees, whatever agreement they may come to on the payment of bonus? You have only accepted the amendment that for 1973-74 whatever might have been paid, nothing will be deducted, but for the future, if any union is successful in making a company pay some more bonus, which may not be on the basis of this formula, why do you stand in the way? Why don't you allow them to have a peaceful collective bargaining which will help production? Instead of that, you are bringing forward a measure which will unnecessarily create agitation among the workers and ultimately affect production.

So, my humble suggestion to you is: don't kindly sermonise, be truthful and straight forward and accept categorically that this is a retrograde step. This is a stunt that the Government is making under the leadership of Shrimati Indira Gandhi, a nice philosophy to create division between the rural people and the working class in the town areas. This is the tactics that you are very cleverly adopting. I would humbly request you to withdraw this Bill so that the workers may get justice as before.

श्री रामसिंह भाई (इंदौर) : श्रीमान् मैं इस बिल का हृदय से समर्थन करने के

लिए खड़ा हुआ हूँ, केवल एक पार्टी के सदस्य के नाते नहीं। जिस विद्यापीठ के अन्दर मैंने श्रम संगठन का पाठ पढ़ा है और मेरे गुरु महात्मा गांधी जी ने जो पढ़ाया है, मैं सब छोड़ सकता हूँ लेकिन उस नीति को नहीं छोड़ सकता। सदन के अन्दर जो बिल आया है उसका समर्थन मैं इसलिए कर रहा हूँ कि कहीं इन दिनों राजनीति में मैं भटक न जाऊँ। अभी हमारे साथी गुप्ता जी ने बात की। मैंने ग्रहमदावाद मजूर महाजन में मजदूर आन्दोलन का पाठ पढ़ा, सीखा, गांधीजी के साथ, नन्दा जी के साथ काम किया, खण्डूभाई, वसावड़ा जी के साथ काम किया, जब उनका आदेश हुआ, जहाँ उन्होंने भेजा वहाँ चला गया वोट्स का सवाल आज से नहीं 1917 से चला आ रहा है। जब से यह सवाल पैदा हुआ उसका मुझे ज्ञान है, उससे मैं अज्ञान नहीं हूँ। तबसे आज के दिन तक मैं देखता रहा कि यह वोट्स मजदूर इंडस्ट्री के लिए कितना लाभदायक और नुकसानदायक है—यह बात अलग है लेकिन एक बात जरूर है कि वोट्स का सवाल मजदूर नेताओं के लिए सिरदर्द रहा है। 1920 में भी यह सिरदर्द पब्लिक के सामने आया था जब मिल मालिक खूब मुनाफा कमाते थे दीवाली के दिनों में दो-दो रुपया मजदूरों को दे देते थे, और मजदूर उनकी जय घोष कर ले लेते थे। शंकरलाल भाई ने जो गांधी जी के साथी थे उन्होंने जो हालत है गांधी जी से कही। गांधी जी ने कहा कि यह बहुत गलत है, यह तो मजदूर मालिकों की भीख और दया पर जी रहे हैं, ऐसा नहीं होना चाहिए। होना यह चाहिए कि वर्ष के नफा नुकसान को देखकर उसके आधार पर वोट्स मिलना चाहिए। क्या प्रॉफिट ऐंड लास हुआ है उसके आधार पर वोट्स मांगना और देना चाहिए।

श्रीमान, यह सवाल 1920 के वोट्स के बारे में पैदा हुआ। उस वक़्त सेठ मंगलदास

[श्री रामसिंह भार्गव]

मिल मालिक भी तैयार नहीं हुए। गांधी जी जो मजदूरों के पंच वे ने अपना एक फैसला दिया और जो फैसला दिया वह मेरे पास है। गांधी जी जो मजदूरों का नेतृत्व भी करते थे और उन के पंच वे, उन्होंने जो अपना फैसला दिया उस में उन्होंने लिखा है

“जिस जिस समय मिले अच्छा मुनाफा करें ऐसे समय पर मुनाफे में से मजदूरों को बोनस के तौर पर एक अच्छा हिस्सा देना चाहिये। और जैसे समय जाता जाय उस में सुधार किया जाना चाहिये। किन्तु उद्योग को जग भी आच न आने देते हुए इस सिद्धान्त का पालन किया जाना चाहिये।”

गांधी जी ने कहा है कि जब मिल कारखाने मुनाफा करते हैं तो उस में से हिस्सा मजदूरों को मिलना चाहिये। और जैसे समय जाता है ऐसे उस में तरक्की होनी चाहिये। लेकिन एक सिद्धान्त ध्यान में रखना चाहिये कि ऐसा करने में उद्योग को जरा भी आच नहीं आनी चाहिये। हम नहीं चाहेंगे कि उद्योग की हालत गिरे और मजदूरों को खुश किया जाय। गांधी जी ने एक बात बनाई कि यह मिल मालिक जो अफगंतफरी करने हैं उन्हें यह ज्ञान होना चाहिये कि ऐसा वे नहीं कर पाये। लेकिन इस का मतलब यह नहीं है कि उन कारणों को लेकर तुम उद्योग को नुकसान पहुंचाओ। हिन्दू धर्म में जो गाय का स्थान है आज के समाज में वह उद्योगों का स्थान है। इसलिए मजदूरों को सावधान रहना चाहिये। इस सिद्धान्त को हम मानते हैं। और मिल मालिक गांधी जी के फैसले को मानने के लिये तैयार नहीं हुए। उस वक्त आबिट्रेशन का सवाल आया कि कोई सरपंच होना चाहिये उस के लिये भी मिल मालिक तैयार नहीं हुए। शकर लाल भार्गव सेठ मंगल

दास के घर गवे और मंगल दास सेठ को लेकर लाल भार्गव सज्जाते हैं कि पंच वेन कोहल मालवीय जी आयें हुए हैं उन्हें सरपंच बना दिया जावे। मंगल दास जी मिल बोर्डर्स असोसियेशन के प्रेसीडेंट थे, कहते हैं कि गांधी जी बनिया और मैं भी बनिया, हिसाब किताब के मामले में मालवीय जी क्या सम्झें। उस विवाद को ले कर गांधी जी का फैसला न मानने के कारण गांधी जी की सलाह से 1921 में अहमदाबाद के मजदूरों ने बोनस के सवाल को लेकर हड़ताल की कि जब मिलों को मुनाफा है तो उस में से प्रॉफिट शेयरिंग होना चाहिये। उम वक्त मदन मोहन मालवीय जी को सरपंच माना और गांधी जी ने जो फैसला दिया था वह और सेठ मंगल दास का फैसला, पंच वेन मोहन मालवीय जी के पास जाता है और उन्होंने दोनों को मुन कर 28-10-1921 को अपना फैसला दिया। मैं तो अंग्रेजी नहीं पढ़ा हूँ, लेकिन इन को सम्झाने के लिये मुझे थोड़ी मेहनत करनी होगी। उम में पंच वेन मालवीय जी ने लिखा है

“I am clearly of opinion that when a mill has made handsome profits the workmen who have by their faithful co-operation enabled the mill to earn such profits should as an ordinary rule be given at the end of each year a bonus equal to one month's salary.”

आज हम कोई यह समझाये कि गांधी जी की बात को छोड़ दो, मालवीय जी की बात को छोड़ दो और तुम हमारे साथ चलो तो हम आवां के अंधे नहीं हैं। हम रास्ता पता है और हम उस रास्ते पर जा रहे हैं। हम प्रधान मंत्री और पार्टी के आदेश से कुछ नहीं कर रहे हैं। जो हम ने सीखा है उस को लेकर मजदूर सगठन चला रहे हैं, और उसी आधार पर कह रहे हैं।

में निवेदन करना चाहता हूँ कि बोनस के बाद तो समय ऐसा आया कि हिन्दुस्तान में कहीं बोनस ही नहीं मिला, और बोनस के बजाय मजदूरों के बोनस से कटौतियाँ हुई। अहमदाबाद में हुए, बम्बई में हुए और सारे देश में हुए और उस को ले कर बम्बई के अन्दर 1928 में 6 महीने की हड़ताल चली और 1929 में भी वहाँ 6 महीने की हड़ताल चली और पूँजीपतियों ने 11 मजदूरों की बहुत बुरी दशा कर दी। द्वितीय युद्ध जब शुरू हुआ, तो 1941 में बोनस की माँग की गई और वह बोनस बराबर सारे हिन्दुस्तान में जहाँ जो ले सकते थे, उन्होंने लिया। बम्बई के मजदूरों ने लिया, अहमदाबाद के मजदूरों ने लिया लेकिन मार्क्सवादी वाले बंगाल में जूट के मजदूरों को नहीं मिला और कोल माइन में भी बोनस नहीं मिला। श्रीमन्, यह विवाद कब पैदा हुआ। 1949 के बोनस का यह सवाल पैदा हुआ। पहले बोनस जो दिया जाता था। बम्बई, अहमदाबाद और बड़े सेंट्रलों में एक केन्द्र की सारी टैक्सटाइल इंडस्ट्री का मुनाफा जोड़ कर और सभी मुनाफे में से केलकुलेशन कर के सभी मिलों, कारखानों के मजदूरों को बराबर बराबर बोनस दिया जाता था। 1949 का यह मामला इंडस्ट्रियल कोर्ट, बम्बई में गया और बम्बई इंडस्ट्रियल कोर्ट ने 1950 में यह फैसला किया कि जिन मिलों को नुकसान हुआ है उन मिलों के केस पर अलग से विचार किया जाएगा। इसलिए 1949 का बम्बई के 3 मिलों के मजदूरों को बोनस नहीं मिला। इसी तरह से अहमदाबाद के मामले में भी 1949 के बोनस का ऐसा ही फैसला दिया गया। इस का नतीजा यह हुआ कि बम्बई के तीन मिलों और अहमदाबाद के 10 मिलों की अपील के तौर पर यह मामला लेबर एपेलेट ट्रिब्यूनल में गया और लेबर एपेलेट ट्रिब्यूनल ने जो फैसला इंडस्ट्रियल कोर्ट ने दिया था, उस को बहाल रखा। लेबर एपेलेट ट्रिब्यूनल ने बोनस का एक फारमूला भी ईजाद किया कि बोनस कब

दिया जा सकता है। कोई भी मिल प्रोफिट करता है तो प्रोफिट करने के बाद उस में से कमीशन निकाल देने के बाद, डेप्रीसिये डेवलपमेंट रिबेट, टैक्सेशन और डिबीटेंस निकालने के बाद, ये चार, पाँच चीजें निकालने के बाद जो बाकी बचेगा, उस में से बोनस दिया जाएगा। उस मय यह एपेलेट ट्रिब्यूनल का फारमूला इतना प्रसिद्ध हो गया कि उस के विरुद्ध बम्बई में दो महीने की हड़ताल भी हुई और 1950 में जो यह हड़ताल हुई उसका नेतृत्व श्री जय प्रकाश नारायण जी ने किया। उस वक्त मुझे अच्छी तरह से याद है कि नासिक कांग्रेस के अन्दर पंडित जी के पास उन के दूत आए थे, मैं भी वहाँ पर बैठा हुआ था, और उन्होंने कहा था कि इस हड़ताल के मामले को निपटा लेना चाहिए पंडित जी ने साफ कहा था कि देखिये, बोनस देने का एक तरीका होता है और इस का यह मतलब नहीं है कि आप ने मुझे कह दिया और मैं वैसा ही कर दूँ, उन्हीं का कहना था कि उस का तरीका यह है कि एपेलेट ट्रिब्यूनल के फैसले के अनुसार बोनस दिया जाएगा। श्रीमन्, 1949 के बोनस के बाद से बोनस जैमी चीज गायब ही हो गई और यह मामला सुप्रीम कोर्ट में भी गया था।

मैं यहाँ एक निवेदन और करना चाहता हूँ कि मेरे सारे प्रान्त में एक बात थी कि हम बिना पढे लिखे मजदूर हैं और वॉलेस-शीट को कुछ नहीं समझते लेकिन हम यह जानते हैं कि सुबह से शाम तक कारखाने में 8 घण्टे काम किया है और 8 घण्टे में कितना काम किया है और हम जितना ज्यादा काम करेंगे, उस का मुआविजा हमें मिलना चाहिए। मैं यह बताना चाहता हूँ कि कोई साल मेरे प्रदेश में ऐसा नहीं गया जिस साल में मजदूरों को बोनस न मिला हो, प्रति साल 4.8 बोनस लेते रहे इतना ही नहीं, 1960 में मैं ने एक एप्रीमेंट किया था कि अभी तक जो 15 दिन का बोनस है वो लेकिन 1960 से बोनस एक महीने का दिया

[श्री रामसिंह भार्गव]

जाएगा और यह समझोता प्राइवेट सेक्टर में ही नहीं किया था बल्कि पब्लिक सेक्टर में भी किया था और नेशनल न्यूक्लियर सेक्टर मिल के अन्दर भी एक महीने का बोनस दिया जाता रहा, लेकिन एक बात हमारे सामने यह रही है कि हम मेहनत करे और हमने जो प्रोडक्शन किया, उस के अनुसार हमें बोनस मिला। मंत्री महोदय ने अभी बताया कि प्रोडक्शन और प्रोडक्टिविटी के साथ बोनस को लिंक करेंगे। मैं खुश हूँ। क्यों न ऐसा किया जाए? मेरी लिखी हुई यह पुस्तिका है और बेज बोर्ड के सामने रखे गये मेरे यहाँ के प्रोडक्शन के बारे में ये फिगर हैं। प्रोडक्शन से जो बोनस मिल सकता है, जितनी बेजिज मिल सकती है, वह मैं आपके सामने रखना चाहता हूँ। चार परसेंट, आठ परसेंट सोलह परसेंट, कितना मिल सकता है यह मैं आपके सामने रखना चाहता हूँ। आपने 10.3 मिले, कपड़ा मिले ली है, उनको हमने आपको सीप दिया है, अब उनका चलना मुश्किल हो रहा है। लोग जो मर गये हैं, उनकी प्रेजिडेंसी नहीं मिल रही है, उनका प्राइवेट मंड नहीं मिल रहा है (ईंटरप्राइज) युनाइटेड इंडिया मिल में क्या हो रहा है—

श्रीमती रोबा ईशवाडे (बम्बई मध्य)
नब्बे लाख रुपया खा गए हैं।

श्री राम सिंह भार्गव : आप नब्बे लाख की बात करती हैं, मैं तो सोलह करोड़ की बात कर रहा हूँ जिस का मिनना मुश्किल हो रहा है।

मैं बता रहा था कि मेरे यहाँ इंदौर में सभी मिलों को मिला कर 1948 में पर हैड 5591 गज कपड़ा पैदा होता था। जितने वहाँ कंपेंड कारखाने हैं के और उनमें जितने

मंजूर हैं, वे जितना कपड़ा तैयार करते हैं, उसकी अगर डिमांड किया जाए तो 1948 में 5593 गज कपड़ा उन्होंने तैयार किया, 1949 में 5600 गज, 1957 में 9404 गज और इसी तरह से यह बढ़ता गया। कहने का मतलब यह है कि मेरे यहाँ प्रति सप्ताह प्रोडक्शन दस मिलों के अन्दर सत्र परसेंट मजदूरों ने बढ़ाया। अब आप बोनस देने से कैसे मना कर सकते हैं। किन्तु मजदूर काम करने के लिए तैयार हैं लेकिन उनको नींदर काम करने दे तब ना। सब से बड़ी परेशानी तो यही है।

अहमदाबाद में जो पंचवर्षीय—समझोता 1955 के अन्दर हुआ वह किस आधार पर हुआ? इसी आधार पर हुआ। वहाँ पर राशनलाइजेशन किया, नई मशीनें आई, उनका प्रोडक्शन और प्रोडक्टिविटी बढ़ी। मिल मालिक वहाँ वे इतने भले नहीं है कि अपनी जेब में से निकाल कर दे दें। वे तभी देते हैं जब उनको चार पैसे मिलने प नब वे समझते हैं कि चार पैसे में से—दो जाते हैं लेकिन फिर भी दो तो बचते हैं, तब ही देते हैं। अहमदाबाद के मिल मालिक कोई इतने भले नहीं हैं। अहमदाबाद के माननीय सदस्य बैठे हुए हैं, वह यही उनकी तारीफ करने हैं। उनमें से एक केन्द्र का हिसाब मैं आपके सामने रखना चाहता हूँ —

सभापति महोदय आपने मन्त्र मिनट ले लिए हैं। आप और कितना बोलेंगे।

श्री राम सिंह भार्गव : पंद्रह बीस मिनट और।

सभापति महोदय यह कैम हो सकता है।

श्री राम सिंह भार्गव अगर मेरी बोर्ड ऐसी बात हो जो जल्दी न हो तब तो आप मुझे कहें।

मैं एक निवेदन करना चाहता हूँ। हम ट्रेड यूनियन वर्कर्स को वहाँ पर जिस बात पर जोर देने की जरूरत है वह यह है कि जो साहसी कदम सरकार ने उठाया है उस कदम का लाभ हम मजदूरों और देश को बराबर दिला सके कहीं ऐसा न हो कि पूँजीपति उसका लाभ उठा ले जाएँ। दरअसल मैं बोनस क्या था? खाडिलकर फार्मुला जो आया वह कहाँ से आया? कौन लाया? कौन से विदलीय सम्मेलन में इसकी चर्चा हुई? क्या बोनस कमिशन ने इसकी सिफारिश की? मजदूर नेताओं ने बैठ कर निर्णय किया? कैबिनेट ने निर्णय किया? जब अचानक खाडिलकर फार्मुला आया तो मुझे आश्चर्य हुआ कि न गाज न वाज, यह बिना मौसम की बरसात वहाँ से आ गई। मैं प्राइम मिनिस्टर से मिला और पूछा कि खाडिलकर फार्मुला क्या है? उस वक्त उन्होंने मेरे से कहा था कि यह बड़ी गलती हुई है, भूल हुई है। उसके बाद भी जब 8.33 परसेंट के अध्यादेश का मसाला आया तो भी मैं प्राइम मिनिस्टर से मिला और कहा कि कम-से-कम मजदूर नेताओं से तो इस सम्बन्ध में बात करनी चाहिये थी। उन्होंने कहा कि मजदूर नेताओं से बात की है, उसके बाद ही यह कदम उठाया है।

मैं नेशनल एपैक्स बाडी की एक बात बताना चाहता हूँ। जब वहाँ एक सवाल आया कि बेरन गवर्नमेंट के सेक्टर मिनिस्टर ने एम्प्लायर को ऐसा पत्र क्यों भेजा है कि पिछले माल जिस रेट से आपने बोनस बांटा है, उसी रेट में बांटो, उसमें नेशनल एपैक्स बाडी का क्या सम्बन्ध था? अगर एपैक्स बाडी उनका नोट न लेती और उस पर बर्बिस न लगती कि केरल के सेक्टर मिनिस्टर को अधिकार नहीं है तो मैं मानता हूँ कि गवर्नमेंट का भी ऐसा साहस नहीं होता। एपैक्स बाडी और गवर्नमेंट को रास्ता बताया। एक दूसरे में लिक जुड़ा हुआ है।

मैं यह अवश्य मानता हूँ कि प्रोडक्शन और प्रोडक्टिविटी के ऊपर बोनस देने से मजदूरों को ज्यादा फायदा होगा। मैं आपके सामने यह भी बताना चाहता हूँ कि मैं नेशनल न्यूजप्रिंट नेपा मिल की यूनियन का जब प्रेजीडेंट था, वहाँ पर रोजाना 100 टन प्रोडक्शन होता था, हमारा वहाँ पर समझौता हुआ जिसके कारण 156 टन पर-डे प्रोडक्शन आने लगा। वहाँ अब भी 32 परसेंट प्रोडक्शन बोनस मिल रहा है। अब देखिये आगे क्या मिलेगा?

दोशंगाबाद में एक मिश्रियॉरिटी पेपर मिल है, उसकी कंपेसिटी 7 टन की है। वहाँ पर 7 टन नोट बनाने का कागज बनना चाहिये था, लेकिन उसका प्रोडक्शन 4 टन आता था। 3 बरस पहले हमारा मिनिस्टर साहब ने समझौता हुआ कि 6 टन तो आना चाहिये। हमने कहा कि 6 टन प्रोडक्शन आयेगा। उन्होंने कहा कि 6 टन के ऊपर जितना ज्यादा आयेगा, हम आपको उत्पादन बोनस देंगे। आप लोग यहाँ बैठे हुए हैं, क्या कोई यह यकीन कर सकते हैं कि आज वहाँ पर 9 टन प्रोडक्शन हो रहा है। यह कैसे आ रहा है? क्योंकि वहाँ पर प्रोडक्शन बोनस 80 परसेंट तक मिल रहा है।

जहाँ तक प्राइवेट सेक्टर का सम्बन्ध है, नागदा के अन्वर प्रेसिंग मिल में भी हमने समझौता किया है और 35 परसेंट बोनस मिला है। वहाँ दूसरे यूनिट में 3 साल का समझौता किया और 25 परसेंट बोनस मिला है। मैं निवेदन करना चाहता हूँ कि जहाँ प्राफिट का सवाल है, आप प्राफिट को रखिये प्रोडक्शन, प्रोडक्टिविटी को रखिये लेकिन अगर प्रोडक्शन और प्रोडक्टिविटी पर आपने बर्बिस लगाई कि 20 परसेंट के अधिक बोनस

[श्री राम सिंह भाई]

नहीं मिलेगा तो आपका प्रोडक्शन अधिक बढ़ने वाला भी नहीं है। सरकार मजदूरों को कहती है कि वे मेहनत करें और कमायें, और जो वे कमायेंगे, उस में से उन को बोनस मिलेगा। जो प्राफ़िट होता है, उस में से डिप्रिमियेशन, डेवेलपमेंट रीबेट, टैक्सेशन और डिविडेंड आदि निकाल देने के बाद बचे हुये में से 60 परसेंट बोनस दिया जाता है। इस फार्मूले को रिवाइज करने की जरूरत है। डिविडेंड किस पर दिया जाता है? एक केन्द्र की मिलों का मूल शेयर कैपिटल क्या है और बोनस शेयर देकर उन्होंने अपना शेयर कैपिटल कितना कर लिया।

1927 में 51 मिलों का शेयर कैपिटल केवल 3,59 लाख रुपये था। 1939 में 64 मिलों का शेयर कैपिटल 4,41 लाख रुपये हो गया और 1949 में उन्हीं 63 मिलों का शेयर कैपिटल 12,72 लाख रुपये हो गया। क्या उन्होंने उसमें पैसा डाला? एक मिल का शेयर कैपिटल 30,91,000 रुपये था। उस ने एक पैसा भी अपनी जेब में से नहीं डाला। वह रिजर्व बनाती रही और जब रिजर्व हो गया, तो उस ने सारा बोनस शेयर में बदल दिया। उस का 30,91,000 रुपये का शेयर कैपिटल 8 करोड़ रुपये का हो गया है। लेकिन वह मिल 30,91,000 रुपये पर डिविडेंड नहीं देती है, बल्कि सिर्फ 8 करोड़ रुपये पर देती है। डिविडेंड मूल शेयर कैपिटल पर दिया जाना चाहिये।

हम चाहते हैं कि इस कानून द्वारा बोनस की जितनी भी बचत की रकम हो, वह राष्ट्रीय कोश में जानी चाहिए और उसे देश के बिकास कार्यों में लगानी चाहिए।

इन शब्दों के साथ मैं इस बिल का हृदय से समर्थन करता हूँ।

श्री एम० एम० बनर्जी (कानपुर) :

सभापति महोदय, मैं इस आर्डिनेंस और इस बिल का विरोध करने के लिए खड़ा हुआ हूँ।

SHRI RAGHUNATHA REDDY : Please speak in English.

SHRI S. M. BANERJEE: Sir, I have decided to oppose this Bill lock, stock and barrel. As a working class leader who has been trying to champion the cause of working class for the last thirty five years, this was a rude shock I got, when suddenly one fine morning I found that an ordinance had been brought not to ban retrenchment, not to ban lay-offs, not to ban closures, not to take over the closed units, but to reduce the bonus from 8.33 per cent to 4 per cent. There was jubilation in Kanpur in all the big business houses, whether Singhania, Jaipuria or Bagla, and the manifestation of anger in the entire working class areas. It was a bolt from the blue for the workers and a boon for the capitalists. As my friend, Shri Indrajit Gupta said, if the working class are convinced that this decision was in the larger interest of the country as a whole, they would not have raised their fingers, but they are convinced not because Shri Dange says or because Shri Indrajit Gupta says, but from their own experience they have realised that this has been done at the instance of Tatas and Birlas who were always against payment of 8.33 percent. Hon. the Prime Minister, for whom I have the greatest regard, asked how any unit which is sustaining a loss can pay the bonus. Do you think that all these industrial units are philanthropist societies? They run even after losses. I have yet to see any industrial unit which has sustained loss and paid 8.3 percent or

4 per cent bonus. May I ask hon. the Prime Minister and the Labour Minister, will any capitalist, will any owner of a private sector unit be prepared to show the number two account, as it is widely known? They maintain two accounts; they manipulate the balance-sheet. When we negotiate for bonus, the manoeuvred balance-sheet is shown to us. But the real balance-sheet remains with them. Had the balance-sheets been correct, then these raids would not have resulted in the unearthing of so much black money—to the tune of Rs. 1500—1600 crores. If the balance sheets are right, correct and honestly made, then where is the question of black money at all? Not even the Prime Minister is entitled to see their No. 2 account and naturally, as a result of that, the workers will be deprived not only of the 8.33% bonus but, in future, even the 4% will not be given to them I am really surprised. This action was taken at a time when the working class throughout the country rallied behind the government in fighting the right reactionary forces and defending the emergency and the 20-point programme. I do not know who inspired the Prime Minister to do so. She had been telling that when some of those representatives of other countries came to see her, she had a dialogue with them and that they were surprised at what was happening in India. They probably considered India to be a wonderland. What about the need-based minimum wage that is given in other countries? What about the amenities that are given in other countries? Is there any other country, any developed country, whether capitalist or socialist, where people starve? And 27 crores of people are living in starvation conditions and below poverty line. When you talk of other countries, please talk of the service conditions and the working conditions of the working class there. Not to talk of bonus—I am prepared to say that we do not want bonus at all but give us a need-based minimum wage. We are told, 'Why don't you consider

those people who are unemployed?' When you talk of removing unemployment, the talk, 'Where is the money?' Will the money saved on account of this non-payment of bonus go into the hands of government? No. I am surprised.. In Kanpur when payment was made in 2-3 of the textile mills, 8.33% bonus was decided in the balance-sheet and 50% of the workers were paid but immediately after this Ordinance, the management refused to pay that amount to the workers and also asked the workers to pay back the excess money paid. Kanpur has a glorious tradition of fighting. They refused to give back that amount. They staged a token strike. They staged a stay-in strike for 6 days and the management was compelled to pay 8.33%, emergency or no emergency.

Not only this, what about the public undertakings? I am surprised the HMT, Pinjore which had a profit of Rs. 78 lakhs only in 1973-74 paid bonus to workers at 20%. And in 1974-75 the profits have risen from Rs. 78 lakhs to Rs. 238 lakhs and the workers are offered 4%. If this was not linked up with production or productivity, where was the question of profit? How did they earn a profit of Rs. 238 lakhs? They have boycotted it and they have not accepted the bonus.

Take the case of LIC workers. In 1974 after two months of negotiations and with the help of the hon. Minister, Shri Raghunatha Reddy and the then Finance Minister, Shri Y. B. Chavan and the Chairman of the Life Insurance Corporation who is now the Governor of the Reserve Bank, all the recognised all India units of the Life Insurance Corporation employees entered into an agreement for four years in January, 1974 and it was a package deal 16% bonus was paid to the employee in 1974. Now, what happens?

[Shri S. M. Banerjee]

They have been told that this money is going to be recovered. Please tell me. When those public sector undertakings are not covered under the Bonus Act, how can they come within the mischief of this Ordinance? Ultimately you have to take recourse to move the court of law and we moved it. The Bombay High Court gave the LIC employees a stay. It is not being recovered. But I want an assurance from the hon. Minister that those public sector undertakings which are not governed by the Bonus Act should not come under the mischief of the Bonus Ordinance. There is four year agreement. Once that agreement is broken, only in the case of bonus then it effects a package deal. There are so many dos and don'ts. We had to agitate for each and every matter, on which an agreement was reached. Once the sanctity of the agreement is broken by the LIC Chairman or by the Government or by the Finance Ministry, then the employees should not be held responsible if they are working under GIC or the LIC. The bank employees have been deprived of this bonus. Now they said that the employees will be getting 6%, 7% and 8% only. 8% is only in the case of eight banks.

The hon. Minister, unfortunately, had read out the speech, perhaps, against his own conscience.

SHRI RAGHUNATHA REDDY: It is not so.

SHRI DINEN BHATTACHARYYA: He is a prisoner of circumstances.

SHRI S. M. BANERJEE: I do not bother whether he has a conscience or not. I have a conscience and I have definitely decided to oppose this Bill. My friend Shri Ram Singh Bhai also spoke in a peculiar manner. The poor fellow has been hammered enough not to speak

these things. I am yet to hear another speech supporting the Bill from Mr. Stephen. I have seen them opposing this Ordinance and championing the cause of the working class in the apex body meeting. I have seen Mr. Stephen stumbling in every limb. I have to see INTUC leaders like Mr. David Ramarujam. Along with them is a mighty voice and they said that Government has no business to do it and then Mr. Naval Tata was laughing at them and telling them, "My boys, you are too young for it. We have influenced the Prime Minister and the Prime Minister has done it."

INTUC leader—Mr. B. Bhagwati—was the first to issue the statement. I want that INTUC should come forward today. How can they? Let them defy the whip and oppose this Bill which is not in the interest of the working class.

Now there is the question of productivity and production. If productivity is not there, why do you talk of production? Where was this Ordinance when lakhs of people were laid off when 12 textile units were closed? That Bill is coming now, that too in a manner with three months notice business. There is no punishment for those and after three months they can close.

Take the instance of Defence Production, 28 Ordnance factories have worked on a piece rate. The rate is fixed by time and motion study. They earn 100% after their working for 8, 9 or 10 hours even. It is those workers who save the country by manufacturing sophisticated weapons in our country. We were proud of our Vijayantha tanks, all our guns, all our rifles, all our shells, etc. Today the Finance Ministry has come out saying that if there is more than 50% profit, it should be reduced, and there should not be more than 50% profit. Will it not affect production? I ask. Is this the way to increase production? If it is 60% you say it should

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be reduced to 50 per cent, not more than 50%. Do you think it will give incentive to the workers? In that case they will be losing production. This particular thing will act adversely on the morale of the workers. I plead with the hon. Prime Minister. Only the capitalists have been taking advantage out of it. I want two or three things by way of clarification. I want this assurance from the hon. Minister. I moved an amendment in page 7. I said this:

"Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act."

This is my amendment and I request him to accept this. When the Railway employees demanded bonus, when the Defence employees demanded bonus, when the P&T people demanded bonus, they said, departmental undertakings will not give bonus. When it comes to public sector, they said, public undertakings will not be covered under the Bonus Act. The Minister should give clarification for all these things. What is said in the Rajya Sabha? It is decided that whatever amount is paid in excess of 4% will not be recovered. We knew that it has been done purposely from 1974. It is just like this, when I go to somebody for begging.

किसी के घर में बीख माँवने जायें तो
 कुत्ता छोड़ देते हैं। तो हम कहते हैं कि कुत्ता
 हटाओ, बीख नहीं चाहिये।

It is just like that. When bonus is deducted, it is deducted this way, you are deducting retrospectively from 1974. Then some persons said, let the Prime Minister save us from this, let 1974 be protected. So, this has been done. So, that is not conspiracy

to the workers. I appeal to the Prime Minister in whom the working class had every confidence. They stood as one man at the time of external aggression, at the time of internal disturbance, at the time when reactionary forces were trying to subvert democracy in this country. The working class did not do any such thing. They stood solidly behind the Prime Minister.

16 hrs.

Is this the reward for the working class? Some people got Bharat Ratna; some got Padma Bhushan and Vibhushan and hundreds of people got Padma Shri. But the working class with the support of Shrimati Indira Gandhi got 4% bonus this year and they would get no bonus next year. What a reward she has given to the working class? Mr. Fakhruddin Ali Ahmed should have come here and announced the award to the working class. You are flourishing here because we are producing more. If we do not produce more, there would be retrenchment, lay-off, closure and no punishment to anybody else but they will be given three months' notice. Actually the workers are given slow poison, and by giving three months' notice, you will kill them. This is a greatest reward that the working class will get. We shall not take it lying down. Banerjee may be there or may not be there; Shri Dinen Bhattacharyya may not be there. Today the leftist parties may be disunited for various reasons. But when the question of uniting the working class arises again, we shall all unite and try to see that the bonus is restored. Mr. Khadilkar was laughed at. Mr. Khadilkar has done a lot. Shri Verma said

श्री इन्दिरा जी से मिला था और उन्होंने
 आवश्यक प्रकट किया और वह कहा कि हम
 से सजती हुई है। इन्दिरा जी को बीका
 मिला था एक ही आदमी से मिलने का और
 वह कहने का कि हमसे सजती हुई है और

[श्री एस० एम० बनर्जी]

उन्होंने इस को महसूस किया है। सामान्य मालूम होता है।

श्री राम सिंह भाई : आप भी कबूल कर के आए थे।

श्री एस० एम० बनर्जी : मैं इन्दिराजी से नहीं मिलता हूँ। मैं समझता हूँ कि थोड़े क पिछाड़ी और अछूत के अगाड़ी नहीं रहना चाहिए।

श्री राम सिंह भाई : आप के डांगे साहब ने भी कहा था और अब वारों में भी छपा है कि बोनस जो काटा है उससे दस गुना इमर्जेन्सी से लाभ हुआ है (व्यवधान)

श्री एस० एम० बनर्जी : डांगे साहब ने कहा है कि इमर्जेन्सी की इम्प्लोमेंट्स भी है और बोनस भी इम्प्लोमेंट्स है। आप डांगे साहब की ईमानदारी के बारे में बोलते हो (व्यवधान)। आप के बाल सफेद हैं।

श्री राम सिंह भाई : आप के भी सफेद हैं।

श्री एस० एम० बनर्जी : आप के बाल तो गायब हो गए हैं (व्यवधान)

श्री राम सिंह भाई : आप के भी गायब हो जाएंगे।

SHRI S. M. BANERJEE : So, Sir, what I say is this. We have moved certain amendments. I do not know whether they will be accepted by Government. The working class has been rewarded very badly. That is all what I want to say.

SHRI C. M. STEPHEN (Muyattapuzha) : Mr. Chairman, Sir, when the debate started, I was not very clear in my mind whether I should participate in the debate. But, after Mr. Banerjee's speech, I felt no doubt that it was my duty to participate in this debate. He made an appeal to the Members of Parliament on this side who are in the trade union work, that they should defy the Congress party whip and oppose the Bill. May I

very humbly tell him at the very start that, as far as I am concerned, I don't consider that this measure demands a step such as that.

Nevertheless, I am fully conscious that the Bill we are discussing today is one of far-reaching importance—not for what it contains but for the channels through which this Bill will guide the industrial relations in this country hereafter. I am thankful to Mr. Banerjee for bearing witness before this House that in the apex body and in the other forums myself and the other members of the INTUC fought for a position different from what is reflected in this Bill. Even after this Bill was introduced in the Rajya Sabha, I should say, that I and the members of INTUC Parliamentary wing continued to play our role and submitted a memorandum and asked for certain amendments. But, the Labour Minister was able to accept only one amendment, namely that the Bill should have no retrospective operation and that in respect of 1974, whatever bonus has been paid to the workers, should be treated as a closed chapter and that must not be collected back.

Now, this is a measure about which one should say, like Roger de Coverly, that much can be said on both sides. There are certain redeeming features. There are also one or two features about which persons working in the trade union field will certainly feel unhappy and sorry. The redeeming features are, as was spelt out by the Labour Minister, the extension of the coverage of the Act to a larger area, namely, to establishments where less than 20 persons are employed. It is left to the respective State Governments to issue a notification to that effect and bring it under the coverage of this particular Act.

Another thing is that where minimum bonus is paid, than the absolute minimum is raised from Rs. 40, which is the case today under the Act, to Rs. 100. This, as far as I could see, is not a small thing, because there are a large number of workers in this country who are paid accord-

ing to the Minimum Wages Act. Their wages will not come to anywhere that figure. In my own State, the coir workers, the cashew workers and the handloom workers and a large number of workers who came under the Minimum Wages Act, who are being paid in accordance with the terms under the Minimum Wages Act, for them if the minimum becomes payable, then the raising of the quantum from Rs. 40 to Rs. 100...

SHRI DINEN BHATTACHARYA :
How do you say in the case of handloom workers that is so ?

SHRI C. M. STEPHEN : In case it is payable, raising it from Rs. 40 to Rs. 100 is certainly a great gesture.

Then again, with respect to the calculation of the gross profit and the calculation of the available surplus; that also the Minister has spelt out. With respect to calculation of the gross profit, amounts which are paid or provided for as national gratuity payment otherwise than under schemes accepted under the Income-tax Act, that also used to be deducted and there was no adding back permitted. Now anything that is provided for in the balance sheet or profit and loss account in excess of what is payable under a gratuity scheme approved or is actually paid has got to be added back on the gross profit side. On the other side, it is now provided that only some types of subsidy have to be deducted and not all types. That makes some difference with respect to the possibility of an available surplus. Not that it is a great boon. But that some changes with respect to those calculations also have been effected.

Now, what are the other changes that have been brought about? There are three. First, availability of minimum bonus, irrespective of allocable surplus is taken away and it is imposed as a condition precedent that there must be some allocable surplus, if minimum bonus is to be paid. Not that the minimum bonus is to be paid only in accordance with the quantum of

allocable surplus, but, as was explained by the hon. Minister, if there is one rupee or one paise as allocable surplus, then the minimum bonus will have to be paid, whether or not they have got the money to pay. Now this principle has been brought in as a new thing.

Secondly, the freedom to enter into an agreement otherwise than under the formula provided for in this agreement is taken away. Let us be clear about one thing. Even in the present Act, what was provided for was not the freedom to enter into an agreement to pay any amount other than that provided for but the freedom to evolve formulae different from the formulae provided for in this agreement.

SHRI ERASMO DE SEQUEIRA
(Marmagoa) : Same thing.

SHRI C. M. STEPHEN : Certainly not the same thing. I could say that I have signed a large number of agreements just saying 'agreed that this amount will be paid as bonus', without reference to the formula here, without spelling out another formula at all.

Then bonus based on production and productivity is safeguarded, subject to the maximum of 20 per cent. If a production and productivity bonus is provided, if a formula can be evolved on that basis, there is no question of allocable surplus nor of available surplus.

If a formula can be evolved, then bonus can be guaranteed. I want to place before the House two or three main facts. There was a bonus review committee. Its report is not available to the House; I know that. Unfortunately that committee was not able to present a unanimous report to the Government. Even the labour members of that committee could not agree on any formula. Without seeking to provide anybody, I want to point out that there were three seats for labour members on this committee; one for AITUC, one for HMS and one for INTUC. When the

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late lamented comrade Satish Loomba who was a member of this committee died in a plane crash, in spite of repeated requests to AITUC to nominate a person to fill up this seat, for reasons best known to themselves, they did not do so. In a democratic institution and government, when a particular formula is sought to be reviewed in consultation with labour representatives there is a responsibility for central trade unions to play a role. The INTUC had its representative; HMS's Mahesh Desai was there and he assumed an adventurist role; he is now out of HMS. AITUC refused to go in and sit together with the other labour members to evolve a formula in their effort to present a report on which at least the labour members could be united. There they failed the working classes, as far as I can see. So before the government there was a report produced by an independent member and the chairman; another report presented by the private sector employers and another report presented by the public sector representatives and another report was presented by INTUC. After Mr. Banerjee's speech testifying to the forthright fight INTUC has been putting up. I do not want to elaborate on the fact that the INTUC recommendations were not against the working class. Mr. Mahesh Desai put up some adventurist proposals and AITUC remained silent by abstaining from the Committee. It is in this context that I say that as a central trade unionist, the AITUC have failed the working class in this country, to the extent that they failed to sit together and evolve a formula and advise the government unanimously for and on behalf of the working class.

Faced with this situation, the Government had to take its own decision; it took something from this and something from that and they came to this decision that the minimum bonus be retained subject to the condition that there must be some allocable surplus for the purpose of calculating allo-

cable surplus they made some alterations in favour of the workers.

Why exactly an agreement outside the Bonus Act formula could not be permitted, was the question that was raised. Let us look at the bonus history. At one time struggles were going on for Bonus. There was the labour appellate tribunal formula and then finally the Supreme Court decision; let somebody be appointed so that legislation could be enacted. Legislation was accordingly enacted. Legislation provided for agreements outside the formula. What was the result? Has an intelligible or intelligent productivity-bonus formula been evolved in the course of ten years. I am not talking of a few institutions here and there, where there are production and productivity bonus formulae. In a large number of institutions such a formula has not been evolved; no trade union has ever tried to evolve a formulae that way; a thing that should have been evolved, has not been evolved. Then again what was the result of this freedom for agreement? My friend Mr. Banerjee said that there were areas—public sector areas—where large amounts were being paid and there were private sector areas where large amounts were being paid. At whose cost? If there is enough surplus warranting the payment of only 10% and if agreement is evolved between the management and the labour for payment of 30%, at whose cost this is being done? I have absolutely no doubt in my mind that income-tax is being taken out and at that cost this is being done. The bonus review committee collected details and the details show that 80% of the cases are those in which this particular provision was taken advantage of and the bonus was being paid at a level far higher than warranted by this formula or by the Appellate Tribunal formula. This is at the cost of the whole society. Whether or not this should be permitted is a matter which the Government had to take into account. As a trade Union worker, myself and Shri Banerjee

are very keen to get freedom for workers to have an agreement at higher level but as parliamentarians and as representatives of the people we will have to look at the other side also. If the freedom of agreement is to be given, then why the statutory provision? If the freedom is given then the whole thing can be left at that stage. But why statutory provision? Statutory provision is for the purpose of evolving a methodology and the Supreme Court has gone to the extent of saying that whosoever is not covered by this Act will not be entitled to bonus at all.

Now, the trade union workers are pinned down to the position of evolving production and productivity bonus formula in order that bonus may be procured for their workers. There will then be no question of the bonus being cut down. Hereafter the course of industrial relations will take certain directions. What are the directions? Government says: no bonus if there is no profit. That is agreed. But who is to determine the profit. Here comes the question of labour participation. You have brought in a scheme where labour participation is allowed and we shall be driven to the extent of demanding that the participation be complete and thorough. Now that you say that profit is a condition precedent for the payment of bonus—involve us in full participation in the industry. This is the trend in the industrial relations, which is going to take place hereafter. That is why I submit that this Bonus Act is an Act which will have considerable repercussions and it will take a certain turn which you have never anticipated. That turn will take place. Now, about this 8½% I am absolutely clear in my mind that I can come to an arrangement with the management in this respect as part of a wage agreement. There was a provision in the old Act whereby any agreement whereunder the minimum is given up, would be taken as null and void. That provision is repeated in this Bill. I can take advantage of that. I can come to

an understanding with the management as part of the wage agreement and I can compel the management to enter into agreement and say reserve it as deferred wage under 8½% for me at the end of the year, giving up in return the statutory minimum Bonus. That will be covered by income-tax protection. It will certainly help to ensure the minimum bonus because it is a package deal with respect to the wages.

What I am submitting is, another production and productivity formula will be evolved and more and more thinking on these lines will certainly take place. So here is an incentive for the trade unionists to come and say that we must have a voice in deciding what should be the production. What I am submitting is that there will have to be more participation by workers. This is going to be an incentive for more of participation by workers in the management of the industries. This is going to be the incentive for harder wage bargaining in order that their take-home pay may not be cut. New devices will certainly be evolved. This is not the end of the matter. You have taken this position because the concept of deferred wage about bonus was taking a different development altogether. If it is deferred wage, it was asked by other sections, why limit it to industrial employees. INTUC passed a resolution in Goa saying that hereafter the pattern must be 12 months work and 13 months wage. We also said that this must apply not only to industrial employees but to all employees including government employees. So, the government had to take up the position saying, "Bonus is not deferred wage but it is either profit-sharing productivity sharing". These two principles have now been spelt out. I welcome this Bill in one respect, namely, the confusion about the concept of bonus has now been cleared up. The originality, initiative and mental application of the

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trade union leaders are now being challenged. Innovations will have to be built in and productivity formulae will have to be evolved. All I am submitting, is, this is not such a disastrous thing as is to be made out by Mr. Banerjee and others. All that has happened is for minimum bonus a condition has now been prescribed. There must be some allocable surplus. If all industries in this country are working without any allocable surplus, it is certain that this country is going to dogs. Therefore, those industries which will be hit by this Bill will be considerably limited. The workers and trade union leaders in those industries will have enough ingenuity and initiative to evolve productivity formulae so that their bonus could be safeguarded. Or, they will have the guts to bargain at the wage bargaining table to see that their take-home salary is fully protected.

This is a Bill about which much can be said on both sides. But I am very clear in my mind that this is a watershed. Let not the government, the public sector and private sector get away with the impression that this is the end of the journey. This is the beginning of another fight which will end up only in the full participation of the workers, not the type which you have proposed, but full participation in accounting, production, building up of inventory, deciding to whom to sell, what to sell and when to sell, deciding whether the accounts are correct or not. This will be the logical end of this fight. This is the incentive and challenge that this Bill has given us and I as a trade unionist, accept the challenge. We will go ahead and meet the challenge, and face the public sector, and the private sector in the proper manner.

With these words, I support the Bill.

SHRI ERASMO DE SEQUEIRA
(Marmagao): I support the resolution

of disapproval moved by Shri Indrajit Gupta because to me this ordinance and the Bill are an example of how without reluctance—I use this word because ‘shame’ is unparliamentary—this government tries to mislead this House and the people of this country. According to this Bill, the objective is to provide for payment of bonus to persons employed in certain establishments on the basis of profits, production or productivity. My submission is, all that this Bill has done is to abolish the minimum bonus. It has not at all linked bonus with either production, profit or productivity.

Let us look at the condition under which this ordinance was brought forward. I know that the Government keep saying in this House everyday that the prices are coming down. Side by side, the ladies of India—this being the International Women’s Year—who are far better judges of what is going on than any index that the Government can manipulate, keep on telling us almost every month that the essentials are getting more expensive; life is getting more difficult.

What has this ordinance done? It has gone against the basic principle of the Industrial Disputes Act—a facility once given cannot be taken away. This is not surprising because the Government before the Emergency was not existent. If this is the Government with full majority, when there is no problem of law and order at all, it should go against this principle, it does not surprise me at all. All of us know that already the share of workers in the value added by production is going down. It is according to their own Reserve Bank study. And to abolish the minimum wages in circumstances such as this, is not giving spart to production but it is only to enhance bitterness among the workers. I have no doubt that any responsible employer in this country is very unhappy about the cancellation of minimum bonus because it concludes nothing

Sir, the option that existed to come to an agreement with his working force that he can pay more bonus than is provided in the Act, has been taken away. How it has been taken away? Look at section 29 Provide: "Provided that the deduction in respect of bonus paid to an employee employed in factory or other establishment to which the provisions of the Payment of Bonus Act, 1965 apply shall not exceed the amount of bonus payable under the Act." No deductions shall be available under the Income-tax Act. Not only do you say to an employer that you shall not pay bonus than the prescribed limit but you also say that if you do so, you shall pay tax no what you have already paid. This is the extent to which this shameless Government is prepared to go.

16.27 hrs.

[SHRI C. M. STEPHEN in the chair :]
 Mr. Indrajit Gupta was saying and rightly so that the first victims of facing judging by international experience are always the working class. I am only sorry when he sees creeping fascism staring at him in the face in this Congress Government, Mr. Indrajit Gupta chooses to ignore it and looks for phantoms in the JP movement. Let me tell him that he is terribly wrong if he feels that the working class did not support the movement. If it had not one could never had a march of the magnitude of the people in Delhi.

Sir, the BLD can never accept that bonus is linked with the production or productivity when only the minimum is taken away and the maximum is retained. How can anybody say that I have linked the bonus with production when there is a limitation of 20 per cent? How can anybody say that this Bill is going to give spurt to productivity when you say that you shall not pay more than 20 per cent? I am sure, the Government must be feeling that every working man in this country is a fool if they expect anybody with any sense in his head to believe it.

If this Government is interested in linking bonus with production and with productivity then the removal of the minimum is all right; but the maximum must also be removed. And I have an amendment to this very bill, to suggest precisely that. If this Government wishes that production should have a spurt, that productivity should have a spurt then not only must it remove the maximum; it must link bonus not only to some kind of a formula, but also to the ratio which wages bear to the value of production. Then it will be realistic to expect, within that guaranteed minimum, to protect those who do not have a fair wage. Mr. Chairman, Sir, you yourself were speaking about some of the changes and some of the redeeming features of this Bill; but I submit, Sir, that they pale into insignificance if the maximum is retained. While I agree with you that it is a watershed, I hope that in the case of the hon. Member who was speaking so boldly from the Congress benches, it will be more than the mere shedding of—you know what. Sir, this bill as it comes forward to this House, is nothing more than the misuse of the Emergency. This Bill can only be characterized as the betrayal of the entire working class by the misruling Congress.

श्री जगन्नाथ मिश्र (मधुबनी) : सभापति महोदय, आज जिस विधेयक पर हम चर्चा कर रहे हैं वह निस्संदेह बड़ा विवादस्पद है। इस पर अभी तक, जैसा मैंने सुना, वक्ताओं ने अपना गुस्सा जाहिर किया है वर्कर्स के पक्ष में। मैं यह कहना चाहता हूँ कि मेरी संकाय और इस विभाग के हमारे मंत्री महोदय वर्कर्स के बड़े हिमायती हैं। जब कभी वह विधेयक लाते हैं, या वर्कर्स के सम्बन्ध में किसी तरह की बात हाँती है तो इन्होंने अपने गुड आफिस वा इस्तेमाल किया है और उस राहें किया है। हमें इस पृष्ठभूमि में इस विधेयक को देखना है और जानना है कि विधेयक वर्कर्स के लिये कहां तक सही है।

[श्री जयलाल मिश्र]

श्रीमान् उद्योग का लक्ष्य, कोई भी उद्योग जो स्थापित किया जाता है उस का लक्ष्य है कि उस में पूंजी की जो आवश्यकता होती है वह लगे, उस में उत्पादन बढ़े, मजदूरी बढ़े, मूल्य में कमी आये और आर्थिक स्थिति उस की मजबूत हो और उसमें ज्यादा से ज्यादा लोगों की रोजगार का अवसर मिले। यह उद्देश्य होता है और इन उद्देश्य के लिए यह तीनों ही बात आवश्यक हैं—पूँजी जिसे हम कैपिटल कहते हैं, श्रम, जिस हम लेबर कहते हैं और मैनेजमेंट जिम्मेवारी जिन्हीं में हम प्रबन्धन कहते हैं। यह तीनों ही आवश्यक है। तो इन तीनों की दृष्टि में रखते हुए हमें सोचना है। बाबाबेला में बहुत बोल जायें किसी के पक्ष में तो मैं समझता हूँ वह उस के विपक्ष में ही बाला गया माना जाता है और उस में उस का हित साधन नहीं होता है। हमारे देश के बर्कर्स बड़े ही ईमानदार हैं, कार्य-नल्पर हैं, राष्ट्रीयता उन में भरी है, और जब समय आया है तो उन्होंने अपने कर्तव्य और ईमानदारी की परिष्कृत किया है। इनविषे उन के प्रति हमारी महानुभूति होना आवश्यक है, इन में कोई दो मत नहीं हो सकते।

अभी हम बोवक के सम्बन्ध में बात कर रहे हैं तो हमें यह भी ध्यान में रखना होगा कि देश के बाहर कुछ मुल्कों में क्या रिवाज है। उदाहरण के लिये जापान वाले अपने बर्कर्स को बोनस के नाम पर 2 महीने का अतिरिक्त वेतन देते हैं। फ्रांस वाले अपने बर्कर्स को 1 महीने की ऐक्स्ट्रा मजदूरी देते हैं। अपने यहां थियर्स 25 वर्षों के अन्दर इस का एक रुप अभी तक खड़ा नहीं किया था इसका है और यहां पर बोनस का जो रुप है और वे आंकड़े बड़े हैं, वह हमेशा बढनता रहा है और इसलिए हमारी परभावों भी बढ़ती रही है।

श्रीमान् इससे पहले की विधेयक आया है, सरकार ने इन बर्कर्स का भी मर्यादणकी की है और बर्कर्स के हिस्सों को और लोगों के हिस्सों को अपने ध्यान में रखा है और इस बोनस को कुछ स्टिबिलिटी प्रदान की है और बड़ी गैरगैरना से सोचने के बाद यह यह विधेयक लाई है। इसलिए मेरा विश्वास है कि जब की बार जो निर्णय हुआ है, पूर्व में लिये गये निर्णयों से यह अवश्य ही उत्तम और सदाहनीय है। यह मैं इसलिए कहना हूँ कि जब द्वितीय मुद्दा हुआ था, उस वक्त बर्कर्स को इनमें टिप्पण दिवें जाते थे और तब से बोनस देना शुरू किया गया और उसका आधार यह था कि किसी इन्स्ट्रुमेंट में नफा हो या बाटा, 4 परसेन्ट या गिनना भी परसेन्ट बोनस था, वह इन्स्ट्रुमेंट को देना हो या और इन को पाने के लिए हमेशा झगडे, हल्ला मुल्ता, स्ट्राइक्स, बन्द और बर्राब आदि सभी होते रहते थे। इसलिए सरकार ने एक कमेटी नियुक्त की और उस की बोनस कमीशन का नाम दिया गया। यह 1964 की बात है। इस कमीशन का अनेक बैठकें हुई और इस में निर्णय लिये गये और बोनस एक्ट 1965 में पास हुआ और उस से भी अब काम नहीं चला और स्ट्राइक्स और बर्राब आदि सब चलते रहे, तब सरकार ने बड़ी मेहनत से और बड़ा परिश्रम कर के एक फारमूला दिया और वह 8.33 परसेन्ट बोनस देने का था लेकिन उस से भी बर्कर्स सन्तुष्ट नहीं हुए और कुछ लोगों ने उनको बहकाना शुरू किया और अगर मैं यहां उन का नाम लू तो वे हल्ला मचाना शुरू कर देंगे। लेकिन को सरकार में विश्वास है लेकिन कुछ लोगों ने उन को उकसाना शुरू किया और उसका नतीजा यह हुआ कि औद्योगिक क्षेत्र में अस्थिरता बनी रही और बर्राब, स्ट्राइक्स कैंसर हुआ जिससे औद्योगिक बन्द हो गया। औद्योगिक बन्द हो जाने से औद्योगिक स्थिति होती पाठिपू की बड़ी स्थिति पैदा हो गई और तब सरकार की धर्म 1972 में बोनस रिविजन कमेटी नियुक्त करनी पड़ी और

उसमें बर्कर्स के तीन प्रतिनिधि थे, प्राइवेट सेक्टर के 2 थे, प्रभिक सेक्टर का एक था, एक एकोनामिस्ट था और एक इन्डिपेंडेंट था। इस तरह से यह कमेटी बनी और उस कमेटी ने अपनी रिपोर्ट दी, जिस के बाद 25 दिसम्बर, 1975 का प्राइनेन्स निकाला गया और आज यह विधेयक कानून के रूप में पास होने जा रहा है और इसीलिए इस हाउस में इस को विचार के लिए लाया गया है और उस पर चर्चा चल रही है। श्रीमान्, इस में बोनस को प्रोडक्शन के साथ जोड़ दिया गया है और बर्कर्स को 4 परसेंट बोनस देने की बात है। इस में लोगों को खतरा है कि 4 परसेंट भी मिल सकेगा या नहीं। सरकार से इस को सुनिश्चित कराना है कि उन्हें 4 परसेंट मिलता रहे। इसलिए मेरा यह सुझाव है कि पब्लिक इन्डस्ट्रियल मिस्टम का संगठन हो और 4 परसेंट तब करने में सरकार ने कुछ विवेकता दिखाई है और कुछ अच्छा काम भी किया है जैसे कि किसी भी उद्योग में अगर 10 घाटी तक हो, तो वे भी उस के अधिकारी होंगे। इस तरह से बोनस मिलने वालों की संख्या बहुत ज्यादा हो जाती है और दूसरी विवेकता यह है कि पहले नियम यह था कि 40 रुपये से कम बोनस नहीं दिया जाएगा। इस नये नियम में इस को 100 रुपये कर दिया गया है और यह स्वागत योग्य बात है और बर्कर्स के हित में है। लेकिन इसमें एक खतरा है जिसकी चर्चा और लोगों ने भी की है कि इस का आधार बेसेंसीट होनी और यह बेसेंसीट कीन वैध करेगा और उस को जाब कीन करेगा। बेसेंसीट के आधार पर बोनस का बंटवारा होगा। इस से एक बहुत बड़ा खतरा पैदा होता है। मेरा सुझाव यह है कि एक ऐसी कमेटी होनी चाहिए, जिस में बर्कर्स का एक प्रतिनिधि भी रहे और वह इस बात को देखे कि कितना उत्पादन बढ़ा है और कितना नफा हुआ है। इस बात की जांच हो। इससे यह होना कि बर्कर्स के बीच से यह बात होनी कि हमारे साथ

अन्याय नहीं हुआ है। कोई भी उद्योग फलफूल नहीं सकता है, उसका विकास नहीं हो सकता है जब तक बर्कर्स यह न समझें कि यह उद्योग हमारा है और मैनेजमेंट का भी भला इसी में है कि वह समझे कि वे बर्कर्स हमारे हैं और हम हम में हैं ही हैं। इस तरह से आपस में सहयोग की भावना होगी तभी उद्योग बढ़ेगा, फलफूलेगा। इसलिए इन सब बातों पर ठीक से चिन्ता करना चाहिए। मेरा निवेदन है कि जो विधेयक लाया है वह ठीक है। आपने भी कुछ मामलों की चर्चा की है, और लोगों ने भी की है। मैं उन में से बहुत सी बातों में समझत भी हूँ लेकिन मैंने अपना जो सुझाव दिया है कि इंडस्ट्रियल एरिया में ग्रान्ति बनी रहे, झगड़ सगड़ा न हो, स्ट्राइक धाबे न हो, इसके लिए जरूरी है कि एक एक इंडस्ट्रियल रिलेशन कमेटी बना दी जाए जो जब कोई ऐसी बात हो उसका इसके जरिये से तस्फिया करा लिया जाए, उनका समाप्त करवा लिया जाए। बर्कर्स के साथ अन्याय न हो, इनके हकों पर कुठाराघात न हो, किसी तरह के भेद-विभेद की बात न हो ऐसी व्यवस्था भी कर ली जानी चाहिये। जिस तरह से जब किसी को बीज खराब होती है तो उसको कुछ होता है और वह उसको अधिकतर समझता है उसी प्रकार से बर्कर्स जिस इंडस्ट्री में काम करें व उस इंडस्ट्री को अपना माने और जब वे उसको अपनी मान लगे तब मैनेजमेंट भी खुश होगा, सरकार भी खुश होगी कि उसने जो नियम बनाए हैं वे ठीक हैं और बर्कर्स भी खुश होंगे। मैनेजमेंट इस बास्ते कि उसका प्रोडक्शन ठीक है और सरकार इस बास्ते कि पूर्ण ग्रान्ति है और उसके नियम ठीक हैं और उत्पादन बढ़ रहा है। तब बर्कर्स का भी फायदा होगा। पारस्परिक सहयोग की भावना जब तक उन में पैदा नहीं की जाती है तब तक कुछ नहीं हो सकता है, फिर चाहे बीकर्स आप कुछ दें। यह व्यवस्था की आवश्यकता अगर

[श्री जगन्नाथ मिश्र]

रहेगी तो हम कहीं के नहीं रहेगे और जहाँ हैं उससे भी पीछे चले जाएंगे। हम अगर आगे बढ़ना चाहते हैं और दुनिया को दिखाना चाहते हैं कि हम अपने वर्कर्स के प्रति कितने हमदर्द हैं तो हमें वास्तविक रूप में उनका हमदर्द बन कर दिखाना होगा। हमारे मंत्री महोदय बड़े ही उच्च विचारों के हैं वर्कर्स के प्रति उनके दिल में बड़ी सहानुभूति है और मुझे विश्वास है कि उन के हाथों कभी भी वर्कर्स का बुरा नहीं हो सकता है। उनके हाथों उनका बुरा न हो, यही मेरी कामना है।

यह जो विधेयक है इसको सुन्दर रूप से कार्यान्वित किया जाए, इसकी आशा हम उन से करते हैं और इन शब्दों के साथ मैं इस विधेयक का हार्दिक स्वागत और समर्थन करता हूँ।

SHRI N. SREEKANTAN NAIR (Quilon). I am really sorry that Mr. Raghunatha Reddy has been made a cat's paw of by the reactionary forces in the Ministry.

When the emergency was declared and the 20-point programme came, an eminent economist Dr. Raj declared in a conference that the bias of the programme was in favour of the employers. Some of us retorted that it was against the working class. We were forced to support it in the hope that ultimately some balance, some discipline, some effective growth would be achieved in the country and that the reactionary forces would not go downright against the interests of the country. But this Bill is the culmination of the machinations and the plots that have been hatched behind the doors by these reactionary forces.

This Bonus Ordinance came like a bolt from the blue. We did not know how to react to it, we could not foresee it. And now you have brought it as an enactment.

Thirtyfive years ago, on 9th August, 1942, when the news of Mahatma Gandhi's arrest shocked the entire world, I declared a strike in Harrison & Crossfield, Quilon, and after seven days of strike the first annual bonus in this country was granted. It was seven measures of rice. It was deferred payment of wages, and later on the principle was accepted through out the State of Travancore. In a tripartite conference in 1946, presided over by Sir, C. P. Ramaswamy Ayyar, four per cent was accepted as deferred wage bonus.

Again in 1948, when Mr. C. Kesavan was the first Labour Minister in the Congress Government a second tripartite conference was held in Travancore in Kerala where four per cent was again reiterated. To bring down the deferred wage bonus to the profit sharing bonus was the great achievement of the great leaders, whether it is of the INTUC or of the other Central Trade unions.

Anyhow, when the Bonus Act was challenged in the Supreme Court myself and the leader of the Central trade unions were there to defend it. Later on, Mr. Khadiolkar came forward with an enhancement from 4% to 8½% which I didn't think was approved by the highest authority in the country. So, it was with their concurrence that this enactment was passed. Since we were old friends, Mr. Khadiolkar wanted to deprive me and my organisation of our participation in the all India conferences and Mr. Reddy endorsed it. So, I am not in the central apex body; I am not in the central tripartite conference. I am not sorry because I would have felt it difficult to say O. K. to many of these things, which my great friend Mr. S. K. Dange is forced to do now.

Anyhow, I oppose this Bill in toto for several reasons. You have brought down the percentage of the bonus. You are taking it away completely for the next year. I asked you a definite question,

whether it was profit or allocable surplus. You said that it was profit. (Interruptions)

As an economist, you ought to know that I for one would be prepared, so far as the big companies are concerned, to accept the allocable surplus, if you take away the issues of bonus shares which have been declared from the time of the First World War. Has your Government got the guts to do it? They do not have guts, because they dare not touch the monopolists.

As has been pointed out by Mr. Indrajit Gupta, you are bringing down the time lag for the issue of Bonus Shares from 40 months to two years so that they may double their investment every two years. How many times, have they doubled their capital by the issue of Bonus Shares? Should the workers sweat and give profit to 50 to 60 times of the capital which has been manipulated during the last 40—50 years? If you take away all the bonus shares and calculate allocable surplus, I will show you that every firm of long standing will have terrible profits. And then you want use to accept allocable surplus of one pie or one rupee. How can it be so? You are not only cheating the workers but unduly aiding the monopolists. That is my complaint.

Coming to the banking companies, you say that Government will give some *ex-gratia* payment to their banking employees. Who else will give upto ten per cent? What about the workers of the 200 and odd banking firms who are being shunted out? Why do you want to favour the foreign banking companies? Why can you not compel them also to pay *ex-gratia*? You can not compel them to pay *ex-gratia* when there is no enactment. So, the Government is prepared to pay even then you want to favour the foreign companies. I do not understand this policy.

You said that there was no formula evolved under section 34(2). Nobody expected any formula. Even tomorrow, there could be another formula based on productivity.

You and I know that the strong trade unions will compel the employers to give 20 per cent more wages to compensate for the loss in bonus. When there is profit and that profit is hidden, the employers do not want the profit to go into their accounts. That is the secret of the higher bonus paid in every company including the public sector undertakings. I have negotiated settlements in the HMT for at least 3-4 years. If you start questioning some of the items, some of the entries, they will be in soup. I had also negotiated in the Hindustan Insecticide Limited. There was no question of formula. They have been giving bonus upto 20 per cent, because their capital investment is a bogus, artificial creation. A gift was converted into capital of several crores of rupees. Who gave the capital? Nobody. The workers continued to give them profit. None of the employers will give correct accounts. You say, don't give over 20 per cent. If the employer is willing, if there is a formula, the employees used to get it. Why do you want to give it to the employer? Is he going to give it to the nation or plough it back? No. He will not do that. You want to take it away from the poor employees and give it to the rich employers. The Government has become completely in favour of the employers and against the workers. This Bill is intended to benefit the employers and the monopoly capitalists and also foreign bank owners. This Bill is only to help the reactionary forces in the country. This Bill is going to antagonise the working class. I am sorry that this Government has brought forward this Bill.

SHRI VASANT SAIHE (Akola): Mr. Chairman, Sir, I begin by congratulating the hon. Minister for having brought a Bill where he has tried to clear the confusion that was prevailing up till now. Originally, when we in the field of trade union began to fight for bonus, we really fought for a share in the profit. That is how the battle began. But later on, as the gap between the real wage and the money wage kept on increasing and because the dearness allow-

[Shri Vasant Sathe]

since which was not properly linked to the cost of living index also could not make up this gap, the concept of bonus which was originally the profit-sharing concept became the deferred wage concept. That is how the concept of deferred wage came in. But the moment you bring in the concept of deferred wage, then the concept of minimum guaranteed, irrespective of profit, or loss, automatically follows as a logical corollary. That is why, up till now, in all our wisdom, the entire trade union movement of this country belonging to this side or that side and also the Supreme Court accepted the deferred wage concept irrespective of profit or loss. That was not struck down although challenged. Therefore it is too late in the day to say that we have suddenly woken up to realise that bonus has to be strictly related only to profit and that the concept of deferred wage has to be given a go-by.

While talking of profit-sharing, the hon. Minister explained that what he was having in mind was to restore it to the original status of profit-sharing. But then, I find, in this Bill, in clause 7, you talk of allocable surplus theory. This is the new concept that you are bringing in. The "profit", as Mr. Sreekantan Nair rightly pointed out, as understood in terms of balance-sheet economics—my hon. friend, Mr. Salve can explain this—is a different concept. The moment you talk of allocable surplus, what do you have in mind? Are you going to correlate the surplus in terms of the taxation law? Are you going to correlate the surplus after adhering to all other deductions under the bonus formula as was earlier. What is the concept of allocable surplus? We have not, either happily or unhappily defined it here. I don't see any definition of allocable surplus. You have said in the schedule such and such things will be included, and you have also included gross profit. But that is enumeration of

the allocable surplus concept if at all, as he has pointed out, it has any co-relationship to the initial capital.

SHRI RAGHUNATHA REDDY : Section 15 read with the Schedule will have to be taken into account for the purpose of calculating the allocable surplus. I don't think there is any ambiguity about it.

SHRI VASANT SATHE : Will it not be cheating the workers if you allow it day to day in the form of additional bonus shares from the profit or from the surplus to be given to the employers and then correlate the year's profit to this inflated share, what is the allocable surplus you are going to give them? Therefore, this is one aspect that has to be considered.

Then in clause 10 I would like to point out only a few salient features of this Bill. In clause 10 you are saying :

"For section 13 of the principal Act, the following section shall be substituted, namely :—

13. Where an employee has not worked for all the working days in any accounting year, the bonus payable to him under the section 10 shall be proportionately reduced." Now, you know that many times a worker is unable to work not due to his fault but due to the fault of the employer because he has no work or, sometimes, involuntarily when he is ill. Formerly, the idea was that whoever has completed 240 days of work should be entitled but now you are saying here that it should be reduced proportionately for every day that he does not work. You have not given any reasons so all that will be reduced. Why do you want to do this? This is one point I wanted to make.

Lastly, so far as this Bill is concerned, I will like to mention, apart from the general question I will be coming to about participation, Section 14. In clause 19 it is said :

153 *Res. and Payment of Bonus (Amdt.) Bill*, MAGHA 14, 1897 (SAKA) *Res. and Payment of Bonus (Amdt.) Bill* 154.

"After Section 31 of the principal Act, the following section shall be inserted, namely

"31A. Notwithstanding anything contained in this Act,—

- (i) Where an agreement or a settlement has been entered into by the employees with their employer before the commencement of the payment of Bonus (Amendment) Act, 1976, or
- (ii) Where the employees enter into any agreement or settlement with their employer after such commencement,

for payment of an annual bonus linked with production or productivity in lieu of bonus based on profits payable under this Act, then, such agreement or settlement as the case may be :

So, here, the concept of assuring profit, you are yourself giving up. You began by saying that our whole idea is to link the bonus to profit. Now, where has this concept gone ? The moment you say it will be linked to production 'or'—and not 'and'—productivity....

MR. CHAIRMAN : The Bill provides for both.

SHRI VASANT SATHE : It is 'or' here; you have said that in very clear terms and not 'and'.

AN HON. MEMBER : How does it make any difference ?

17.00 hrs.

SHRI VASANT SATHE : I will tell you how it makes a difference. Now, supposing last year a certain production was achieved, we enter into an agreement that so long as the target of production of so many tons or so many yards of cloth is maintained and it does not come down, we shall have so much bonus. I enter into an agreement of five years. As long as the production is above the production of the year 1976, I shall be entitled to so much bonus linked with production. Productivity will mean, as you know, individual productivity which is a scientific term which can be measured

in terms of time and motion study; per hour, a worker is producing so much; that is the test of his productivity. Suppose for any reason, he does not get the work. That does not affect his productivity. He may say, 'I have retained my productivity; I should get so much bonus'. Is that our concept ?

SHRI RAGHUNATHA REDDY : May I clarify this ? In the expression used 'production or productivity', there is a disjunction. If we use a conjunction there, it would mean greater hardship to the worker. A trade union can enter into an agreement on the basis of either productivity or production or both. The choice is entirely theirs. As far as their choice is concerned they can have either or both. But if a conjunction is used instead of a disjunct or, it would result in greater hardship to the worker.

SHRI VASANT SATHE : Actually I say 'or' is advantageous to the workers. You have helped the workers there. Hereafter without relevance to profitability, we can always have an agreement to secure a particular bonus, may be limited to 20 per cent, but at least a minimum bonus can be secured. Therefore, I congratulate the Minister for making this provision. This is the real saving grace in the entire Bill. I would have been happier if you had not used these words. But I congratulate you for this.

The last point I want to stress—and stress with all humility at my command—is this. You will make a nonsense of this concept if you do not allow participation of labour in the management to the fullest measure, from shop level to the management level. The entire allocable surplus theory can have meaning only if the workers know what the real allocable surplus is. The workers today are cheated of the real allocable surplus by manipulation of both production and accounts. You know very well how the entire black money has grown in this country. The financing institutions also are not paying enough attention, although 80 per

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cent of the funds go from the financing institutions to these managements—on which the profits go to them in terms of dividends. I would beg of you to consider this. Can you not have some measure or law by which you will be able to have more positive vigilance in accounts and in management to know what the real production is? There should be representatives both of employees and of the financing institutions. Only if you do this, linking it with productivity will be meaningful, linking it with production will be meaningful and also linking it with allocable surplus will be meaningful. Therefore, I would submit that this Bill, by itself, if left without the other measure, will have the danger of alienating the feelings of the working class. Therefore, kindly be forewarned, do not leave it here, follow it up with a measure which will give full participation to the labour in management so that they are not cheated of the real allocable surplus.

SHRI S. M. BANERJEE : I request that the Minister may speak tomorrow; there are many Members who want to speak.

MR. CHAIRMAN : Let us see how the discussion proceeds.

श्री दामोदर पांडे (हजारीबाग) : सभापति जी, जो विधेयक सामने लाया गया है उसमें बहुत सारे सुधार की गुंजायश है, और भी इस को अच्छे ढंग से यहां रखा जा सकता था। मैं चन्द शब्द कहना चाहता हूं, और वह यह कि जब जब भी आवश्यकता हुई हमारे देश के मजदूरों ने कभी कुरबानी देने से अपने को पीछे नहीं रखा। जब जब जरूरत हुई उन्होंने ऐसी व्यवस्था को स्वीकार किया जिस से देश का कल्याण हो। अभी हाल ही में आप ने देखा होगा कि स्टील बेज का जो ऐग्रीमेंट हुआ उसे मजदूरों की बहुत बड़ी कुरबानी समझनी चाहिये जो उन्होंने नें दी।

उस ऐग्रीमेंट को उन्होंने ने मन्जूर किया जो शायद साधारण स्थिति में वह मन्जूर नहीं करते। लेकिन फिर भी देश की आवश्यकता को देखते हुए उन्होंने ने मन्जूर किया। जब जब कंट्रीब्यूशन की बात आयी तो वह कभी पीछे नहीं रहते हैं। तो मेरा ख्याल था कि आज जो चीज बोनस फ़ौरमूले के रूप में हमारे सामने आयी है, या प्रोडक्शन, फ़ौरमूले के रूप में सामने आयी है या प्रोडक्टिविटी के रूप में आयी, अगर सलाह मशवरा करते तो उस से अच्छे ढंग से कोई अच्छा रास्ता सोच कर के उन को खुश कर सकते थे और अच्छा रास्ता निकाल सकते थे।

बहुत सारी बातें हुई, लेकिन एक पहलू पर विचार नहीं हुआ जो मैं रखना चाहता हूं। एक तरफ बात होती है कि प्रॉफिट हो तो बोनस मिलना चाहिये। बात सही है। लेकिन आप कल्पना कीजिये वैसी स्थिति की जहां आप यह कहते हैं कि तुम कभी प्रॉफिट कमा नहीं सकते। मैं कोयला उद्योग की बात कहता हूं। कोयले की जो प्राइस रिवीजन कमेटी बनी उस ने कहा इन को अपना खर्चा चलाने के लिये जो कोयले का उत्पादन होता है उस में खर्चा चलाने के लिये कम से कम 21 रु० कोयले की कीमत बढ़नी चाहिये। कैबिनेट ने तय किया कि 17 रु० से ज्यादा नहीं मिलेगी। तो आप ने 4 परसेंट प्रॉफिट शेयरिंग वहीं रख लिया। तो आप हम से क्या कल्पना करते हैं कि हम कभी प्रॉफिट कर सकते हैं। तो जहां डिब्रैस्ट प्राइस रखते हैं, कीमत घटा कर के रखते हैं इसलिये कि उस से समाज का कल्याण हो, समाज में कोई अव्यवस्था न फैल जाय। तो उस जगह पर आप यह रखेंगे कि उस उद्योग में प्रॉफिट होगा तब बोनस मिलेगा। तो वैसे उद्योग में काम करने वालों को बड़ी निराशा होगी। आज दो साल के अन्दर कोयले का उत्पादन 24 प्रतिशत बढ़ गया एक साल में 12 और दूसरे साल में भी

12 प्रतिशत बढ़ा। तो जब 12 प्रतिशत कम उत्पादन था तब तो आप ने पूरे 8 परसेंट बोनस दिया, और 12 परसेंट बढ़ा तो 4 परसेंट दिया, और जब 24 परसेंट बढ़ गया तो आप कहेंगे कि बोनस नहीं मिलेगा। तो यह मजदूरों को संतोष दिलाने वाली बात नहीं हो सकती है। आप कहते हैं कि प्रोडक्शन बढ़ाओ तो प्रोडक्शन बोनस करें, मंजूर है, हमें कोई एतराज नहीं है। हम काम कर के पैसा लेना चाहते हैं। और काम जब करते हैं तो पैसा जरूर लेंगे। हम ने आप का प्रोडक्शन बढ़ाया। लेकिन आज कोयले का उत्पादन 24 परसेंट दो साल में बढ़ा, तो जब उत्पादन बढ़ा और प्रोडक्टिविटी मान लीजिये आप कहते हैं कि प्रोडक्शन के हिसाब से लें बोनस, तो जब 24 परसेंट हम ने प्रोडक्शन बढ़ाया तो उसी हिसाब से बोनस भी मिलना चाहिये। लेकिन आप कहते हैं कि नीसल रह कर 20 परसेंट से ज्यादा नहीं मिलेगा। तो आप क्या करना चाहते हैं। प्रोडक्टिविटी की बात करते हैं तो आप कहते हैं कि इस से ज्यादा प्रोडक्शन नहीं बढ़ना चाहिये। क्या आप की यह कल्पना है कि 20 परसेंट से ज्यादा प्रोडक्शन नहीं बढ़ना चाहिये। तो यह ऐसी बातें हैं जिन पर विचार किया जा सकता था। और इस पर अगर गंभीरतापूर्वक विचार कर के यह बिल यहां रखा जाता, तो और अच्छा होता। इस में नियत की बात मैं नहीं करता, अच्छी नियत से यह बिल लाया गया है और कोशिश की गई है कि मजदूरों की मदद करें। जो एक एनारकी चल रही थी और पूरी अव्यवस्था की बात चल रही थी, उसे दूर करने के लिए एक व्यवस्थित ढंग से नियम बनाया जाए जिस से पूरे उद्योगों में समान ढंग से मजदूरों को बोनस मिल सके और उद्योगों में शान्ति स्थापित हो सके, इस बात की कोशिश की गई है। लेकिन इसमें कुछ बातें ऐसी रह गई हैं जिन पर विचार करना लाजमी है। आप ने यह कहा कि पिछली बार जो

बोनस का एग्रीमेंट हुआ था, उसमें कुछ ज्यादा भी दिया जाता था लेकिन बोनस को काटने वाली बात भी थी लेकिन अब बोनस काटने वाली बात नहीं होगी। यह बड़ी खुशी की बात है लेकिन जैसा कि मेरे से पूर्व वक्ताओं ने कहा है कि जितनी भी बैलेंसशीट बनती हैं, एक भी रिलायबिल नहीं है, किसी पर भी विश्वास नहीं किया जा सकता। पब्लिक सेक्टर में भी जो बैलेंसशीट बनती है, उन में भी कितना डीप हम जाते हैं। वर्क्स पार्टीसिपेशन की बात करते हैं, करनी भी चाहिए। बोर्ड में उन के इन्वाल्वमेंट की बात करते हैं और बोर्ड के स्तर तक मजदूरों का मेम्बर रहता है। आखिर वर्क्स का डाइरेक्टर जो बोर्ड में रहता है, उस की क्या कैपेबिलिटी है। वह क्या समझ सकता है कि एकाउन्ट्स में कहां कहां हेरा-फेरी हो रही है। यह इसलिए है कि उन को सारी सुविधाएं नहीं मिलती हैं, उन के पास वे सारे साधन उपलब्ध नहीं हैं जो दूसरे डाइरेक्टर्स के पास हैं। जो दूसरे डाइरेक्टर्स हैं उन के पास तो पूरा सेक्रेटिरियेट रहता है जो पीछे से उन की मदद करता है। वर्क्स के डाइरेक्टर के पास सिवाय भाषण करने के कुछ नहीं होता है। इसलिए मेरा सुझाव यह है कि अगर आप सही माइने में उस को डाइरेक्टर मानते हैं तो सेक्रेटिरियेट की सारी सुविधाएं जो पब्लिक सेक्टर के डाइरेक्टर्स को मिलती हैं उस को उपलब्ध होनी चाहिये जिस से वह एकाउन्ट्स पर नजर रख सके और यह देख सके कि कम से कम बैलेंसशीट तो ठीक बनी हुई है। अब प्राइवेट सेक्टर में कहा कि पार्टीसिपेशन करो, बड़ीं खूबों से पार्टीसिपेट करेंगे लेकिन वहां तो बोर्ड में बैठने नहीं देंगे और प्लान्ट में जा कर पार्टीसिपेट करेंगे तो वहां कहेंगे कि कोयला जरा कम खर्च करो क्योंकि ग्लास पैदा करना है। तो उस हालत में अगर हम प्रोडक्टिविटी की बात करने वहां जाएंगे, उन का प्रोफिट कैसे बढ़े, इस की बात करने जाएंगे, तो उस हद तक पार्टी-

[श्री रामोवर पांडे]

सिपेशन उन को मंजूर है लेकिन अगर उन को यह कहे कि तुम्हारे मैनेजिंग डाइरेक्टर ने कितना टी० डी० में खर्च किया, तो वे कहेंगे कि यह तो ट्रेड सिफ्ट है, तुम्हारे जनरल मैनेजर ने एन्टरटेनमेंट पर कितना खर्च किया तो वे कहेंगे कि यह ट्रेड सिफ्ट है, हम इस को नहीं बना सकते। अगर हम कहेंगे कि स्टोर में जो परचेस की गई उन के लिए टेंडर मांगा गया था या भार्गवतीजी से टेंडर तो नहीं मांगा ये, तो वे कहेंगे कि यह ट्रेड सिफ्ट है, इस को हम कैसे बता सकते हैं। तो वर्क्स का इस में क्या पार्टीसिपेशन हुआ ? अगर मीनिंगफुल पार्टीसिपेशन प्राप्त चाहते हैं, ऐसा पार्टीसिपेशन जो सही माइनों में कोई धर्म रखता है, तो हर स्तर पर जो मजदूरों के प्रतिनिधि हैं उन की ऐसी हैसियत होनी चाहिए कि हर स्तर पर वे अपनी उगली रख सकें, हर स्तर पर अपनी बात रख सकें और अगर हर स्तर पर अपनी बात न भी रख सकें, तो भी कम से कम उन को उसकी जानकारी तो मिले। ऐसी व्यवस्था होनी चाहिए। तो मेरा सुझाव यह है कि इस बोनस कानून को लागू करते समय ऐसी व्यवस्था होनी चाहिए कि मजदूरों के जो प्रतिनिधि हैं उन को साधन उपलब्ध होने चाहिए। जो कुछ भी हो, हर चीज में कोई अच्छाई रहती है और प्रोफिट शेयरिंग की जो बात प्राप्त कर रहे हैं, वह ठीक है लेकिन जहां डिस्ट्रिक्ट प्राइसिंग रखते हैं, उस के बारे में क्या व्यवस्था होनी। जहां साल ठोक कर कहते हैं कि तुम्हारी प्राइस नहीं बढ़ेगी और प्रोफिट नहीं कमाना है, जिस से समाज को बाधा होना, ऐसे उद्योग धर्मों में मजदूरों को क्या करना चाहिए, इस के बारे में भी व्यवस्था होनी चाहिए। वर्क्स पार्टीसिपेशन के और मजदूरी से कथन उठाए जाएं और इसकी मीनिंगफुल बनाया जाए, उसको सही धर्मों में पार्टिसिपेट करने का काम दिया जाए वह मेरा सुझाव है।

इन सभी कामों को करने के बावजूद, सकता है कि कुछ अच्छे नतीजे निकल जाएं। अच्छे नतीजे निकलें, यही मेरी कामना है।

MR. CHAIRMAN: Before I call the next Member to speak, I may state that the general discussion will have to be over before six O'Clock. The Minister will reply tomorrow morning. There are quite a number of speakers in the list before me. If everybody will make adjustment, all the members can be accommodated. Each member may take five minutes. You may kindly co-operate with me and I shall try to accommodate every one.

श्री चिरंजीव झा (सहरेसा) : सभापति महोदय, मैं हम बिल का समर्थन करने के लिए खड़ा हुआ हूँ। अभी पूर्व वक्ताओं ने कुछ संकाएं व्यक्त की हैं। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि इस विधेयक को बहुत दिनों से हम लोग और देश प्रतीक्षा कर रहा था और लोग इसके बारे में चर्चा कर रहे थे और इस चिर-प्रतीक्षित विधेयक को आज उन्होंने जो सदन के सामने पेश किया है, इसके लिए मैं मंत्री महोदय को धन्यवाद देता हूँ।

मैं कहूंगा कि दरभंगस में यह विधेयक समाजवाद की ओर बढ़ने का एक और कदम है। अगर हम इस बिल के प्राकृष को देखें और केवल संकाओं में न उत्पन्न रहें तो हम पाएंगे कि यह एक ठोस कदम है समाजवादी व्यवस्था की ओर बढ़ने का। आपने देखा है कि बीस सौ कार्यकर्म के अन्तर्गत हमने मजदूरों की न्यूनतम मजदूरी निर्धारित की है। कल हमने सहरी सम्पत्ति की सीमा निर्धारित करने वाला बिल पास किया था, समाज केतन दिए जाने सम्बन्धी बिल भी हम पास कर चुके हैं, संयुक्त मजदूरी बिल का अन्त की प्रस्तावना जा चुका है। राज्य-बोनस

अधिक विधेयक को लागू करना है वह भी इसी काम से एक कड़ी है। राज्य तथा में एक विधेयक कारित किया गया है जिसमें अवरन छंटनी और साक्षात्कारी के ऊपर रोक लगाई गई है। मजदूरों के प्रति सरकार का क्या रवैया है, क्या सब है यह सब सरकार की जो कार्यवाहियाँ हैं उन्हीं से प्रतिबलित हो जाती है।

हमारे मजदूर आर्थिक व्यवस्था की रीढ़ हैं, इस में कोई दो राय नहीं है। यह बात जो सच है कि उनका बहुत खोपन हुआ है। आज सरकार इस खोपन का अन्त करने के लिये दृढ़ प्रतिबद्ध है। उनके खोपन का निश्चित रूप से अन्त किया जाएगा और जो कुछ भी संकाएं व्यक्त की जा रही हैं मैं समझता हूँ कि मंत्री महोदय उन के ऊपर ध्यान देने ताकि हमारे मजदूर वर्ग के ऊपर किसी तरह की विपत्ति न आए, संकट न आए और उनके जो उचित अधिकार हैं वे उनको मिलें, उन से वे वंचित न रहें। मैं धारा करता हूँ कि इसकी व्यवस्था सरकार करेगी, मजदूरों की पसीने की कमाई का उचित लाभ उन्हें अवश्य मिलेगा।

समाप्ति महोदय, मैं समझता हूँ कि इस विधेयक से मजदूरों को प्रेरणा मिलेगी उत्पादन बढ़ाने और साक्षात् अधिकार करने की। अगर हम उत्पादन नहीं बढ़ाते हैं और साक्षात् अधिकार नहीं करते हैं तो फिर किसी को भी लाभ नहीं होगा। न देश ही स्वावलम्बी बन सकेगा और न कारखानेदारों को लाभ होगा और न ही मजदूरों को लाभ मिलेगा। इसलिए इस विधेयक से उनको प्रेरणा मिलेगी वे अधिक उत्पादन और साक्षात् अधिकार करेंगे। अगर हम सोच जो मजदूरों के बीच काम करते हैं मजदूरों को उचित रूप में समझाने की कोशिश करें तो इस कार्य से उनको निश्चित प्रेरणा मिलेगी और वे समझ से उत्पादन अधिक बढ़ावेंगे और

अधिक साक्षात् अधिकार करेंगे जिससे उनको भी लाभ होगा और देश को भी लाभ होगा। इस विधेयक को अगर हम इस रूप में देखें कि कारखाने में हमारे मजदूरों की आजीवारी और साक्षेदारी की यह प्रारम्भिक व्यवस्था है, यह प्रारम्भिक विधेयक है, तो यह अच्छी बात होगी।

मैं मंत्री महोदय से निवेदन करता हूँ कि चाहे वह इस तरह की व्यवस्था करे, एक इस तरह का विधेयक लाय, जिसमें मजदूरों की साक्षेदारी और उनके हित यहां बने रहें और मजदूर यह समझें कि दरमस्त में हम बाकीदार हैं और उस रूप में वे काम को जाने बढ़ावें और उससे लाभ अर्जित करें। मजदूर वेलायत हैं और वह किसी से पीछे नहीं हैं। सब मजदूरों ने अनेक बार अपनी बकायदारी देश के प्रति दिखा दी है। इसलिये मजदूरों का हक न मारा जाये, यह देखना मानवीय सदस्यों का कार्य है, सरकार का कार्य है।

मैं मंत्री महोदय से आग्रह करता हूँ कि वह मजदूरों के हितों की रक्षा के लिये सदा तैयार रहेंगे, और ऐसी नीति नहीं होने देंगे जिससे उनके हक पर किसी तरह की बाधा आवे। मैं इन मन्त्रों के साथ इस विधेयक का समर्थन करता हूँ।

SHRIMATI ROZA DESHPANDE
 (Bombay Central): I fully endorse the feelings expressed by Comrade Indrajit Gupta and Shri S. M. Banerjee. I oppose the Bill and support the Resolution of Disapproval moved by Mr. Indrajit Gupta. The idea behind bringing in of this bonus ordinance and the compulsory deposit scheme (and such other measures which are basically anti-working class and which have proved to be anti-working class) is this, that there should be more capital formation, more production and more development. With this idea these things were brought in. There was a huge cry made all round

[Shrimati Roza Deshpande]

the country saying that due to the rising DA and wages inflation has come about and to curb inflation, this Compulsory Deposit Scheme was brought in. That was the first blow to the working class. But what happened? With this Compulsory Deposit and with this Bonus Ordinance, what do we find today? Where is the money being hoarded? Was it in the pockets of the working class or monopoly houses where you found Rs. 15,000 crores? It is hoarded in the houses of capitalists and the monopoly sector. You thought that inflation could be curtailed in this manner. With this idea you brought this. But what happened after this Compulsory Deposit Scheme etc.? After these were clamped, those people who had some connection with the Government said that they would issue Bonus Shares.

With these bonus shares there are other shares too and they are changed into bonus shares because they could draw more dividends. Will you tell us what amounts of reserves are transferred to these bonus shares? Under the compulsory deposit scheme did the money they got go to your Treasury? What happened to it?—raised the dividend rate and you know how the bonus shares were transferred. The Finance Ministry all along spoke about the difficulty of the capitalist classes and they gave them the company's development rebate whose accumulation by the end of 1973-74 stood at more than Rs. 2,000 crores of which Rs. 67 crores represented as non-taxable transfer from year to year. Sir, I am giving all this because I want to show where the money has gone. The money is not in our pockets inflation does not come out of this. The money is somewhere else. I do not know whether you can get hold of this money. There is another part. In the balance sheet, in the running of an industry, there is inventory. Can you imagine how much of money is locked up in this inventory?

M R. CHAIRMAN : Madam, the time-limit applies to the lady member as well.

SHRIMATI ROZA DESHPANDE : I shall stick to only two points. I want one minute only. I want to quote the editorial of the *Economic Times*. It says on Inventory Savings :

"The recent reports of a slow-down in industrial output are less distressing than the indication that resources are locked up in inventory pile-up."

"Inventory component of capital formation rose by 27.6 per cent during 1974-75 as compared to 13.3 per cent in 1973-74. In absolute terms accretion to inventories in 1974-75 was at Rs. 1138 crores twice as high as in 1973-74—Rs. 540 crores—. This is a place where black money is locked up. Is there any way out? Has the Government found a way out to bring out this money and put it into circulation and into productive use and capital investment? Even Shri Pranab Kumar Mukherjee the other day in the Rajya Sabha had to say this that the monopoly group had created a havoc inside the country by increasing black money, by taking out the money out of the circulation by various ways. In addition to this, Government gives them subsidy to export. On that score also some time ago, the textile industry wanted more subsidies for imports. In this way, I am sure that you are not going to increase the production or increase the capital investment from the capitalists. At the same time, you are also not going to get any cooperation from the working class. It is the working class who stood by you during emergency and against the so called total revolution by J.P. Government is antagonising this working class. Somebody said that in the socialist country, those losing concerns do not pay any bonus. I ask them: in this socialist country, is there landlordism? in this socialist country are there blackmarketeers and tax-evaders. First establish socialism and then talk these things. I feel that this Bill is ab-

solutely inopportune: Sir, on the 6th of January, thousands of people sat on hunger strike. We are sure that the working class are not going to take this blow lying down. It is going to unite and it is going to fight you through the democratic methods. I assure you about this. I wish that at least at this stage, the Government should re-think and withdraw this Bill.

श्री नाथू राम मिर्धा (नागौर) : सभापति महोदय, मैं इस कानून का समर्थन करने के लिए खड़ा हुआ हूँ। जब से इस कानून पर चर्चा शुरू हुई तब से मैं इस सदन में जितने भी भाषण हुए उन को लगातार सुनता रहा हूँ और खास तौर से जो प्रस्ताव इस कानून के खिलाफ श्री इंद्रजीत गुप्ता ने पेश किया है उन के भाषण को तथा उन के साथियों के भाषण को मैं ने बहुत ध्यान से सुना। इधर से भी हमारे बहुत से ट्रेड यूनियन में काम करने वाले साथी जो थे उन्होंने अपने अपने विचार इस कानून के बारे में रखे।

मैं आप से निवेदन करना चाहता हूँ कि इस कानून को लाने की क्या भूमिका रही है उस के बारे में हम को कुछ सोचना पड़ेगा और देश के बदलते हुए हालात में सोचना पड़ेगा। मुझे दुख होता है इस बात को कहते हुए किट्रेड यूनियन में काम करने वाले नेता जो इस सदन में काफी बड़ी तादाद में हैं, इधर भी बैठे हैं, और उधर भी बैठे हैं, उन के दृष्टिकोण और नजरिए को इस देश की करोड़ों जनता के बारे में आबादी की दृष्टि से देखें और आज की जो सारी अर्थ-व्यवस्था है उसके हिसाब से देखें तो उन का नजरिया बड़ा संकीर्ण मालूम पड़ता है। इस देश में 58 करोड़ आज हमारी जनसंख्या है। लेबर के रूप में काम करने वालों की कुल संख्या का अगर हम हिसाब लगाए तो कारखानों और बड़े

बड़े क्षेत्रों से काम करने वालों की संख्या 1 करोड़ से ज्यादा नहीं है। सारे मजदूरों को लें जो छोटे मोटे सारे ही उद्योगों में काम करते हैं तो कुल मिला कर 2 करोड़ से ज्यादा नहीं है। 2 करोड़ लोग और उन के प्रतिनिधि जो इस सदन में काफी बड़ी तादाद में हैं जब कोई लेबर का प्रश्न आता है तो उस को एक बड़े ही संकीर्ण नजरिए से, संकीर्ण दृष्टि से इस देश के सारे वातावरण और भूमिका में देखते हैं। वह कहते हैं कि मजदूरों ने जयप्रकाश नारायण का आन्दोलन हुआ तो बड़ी मजबूती से साथ दिया। मैं सोचता हूँ कि देश के ग्राम लोगों ने जो एक बहुत गलत आन्दोलन था, गलत तरीका था उसका साथ नहीं दिया, उस को समर्थन बहुत कम लोगों ने दिया। ज्यादातर देश के ग्राम लोगों ने और मैं सोचता हूँ कि गांवों के करोड़ों किसानों ने सही माने में उस का विरोध किया। अब वह किया, कर्तव्य समझ कर दिया, अच्छा समझ कर किया। पर देश के अंदर जो हालात खड़े हुए, पिछले पांच छः वर्षों में स्ट्राइक वगैरह जो हुए, उस समय जो स्थिति चल रही थी उस में हमारे ट्रेड यूनियन के साथी किस तरह का रोल प्ले कर रहे थे एक होड़ सी लग रही थी कि हमारी तनख्वाह बढ़ाई जाय, हम कारखाने में जाएंगे मशीन पर खड़े रहेंगे काम नहीं करेंगे, पैदावार नहीं बढ़ेगी, मगर तनख्वाह मांगेंगे, दोनस लेंगे, इन बातों की एक होड़ सी लग रही थी, यूनियन पर यूनियन बढ़ते जा रहे थे....

श्री इंद्रजीत गुप्त : घेराव भूल गए?

श्री नाथूराम मिर्धा : घेराव भी करते थे। मुझे सब याद है। सब बोलने की जरूरत नहीं है, केवल इशारा ही कसंगा। सब बोलूंगा तो आप ज्यादा नाराज हो जाएंगे।

तो जो एक वातावरण पिछले पांच छः वर्षों में देश में चल रहा था, खास तौर

[जी वायू राम शिर्मा]

से जब से यह चुनाव हुआ एक तरह की होश सी लग रही थी मजदूरों के लिए, वैसे मजदूरों के लिए ही सारा देश है। मैं मजदूरों का कभी विरोधी नहीं हूँ मैं मजदूरों का समर्थक हूँ। आदमी जब हाथ में पाड़ा लेता है तो किसान बन जाता है और जब हथौड़ा हाथ में लेता है तो मजदूर बन जाता है। इसलिए मुझे कोई उन से विरोध नहीं है। पर हमारे मजदूरों और ट्रेड यूनियनों में काम करने वाले नेताओं का दृष्टिकोण जिस तरीके का रहा और जिस तरीके से उन्होंने बल बल पर अपना जोर डाल कर कई ऐसी बातें जो इस देश की अर्थ-व्यवस्था की मुकदमा देने वाली थीं, उन को मजबूत और सरकार ने भी माना उन की बातों को, वह स्थिति मैं सामने लाना चाहता था। अब जब एक एम्प्लोयी देश के अन्दर हालात ऐसे बनने से बोधित हुई और जब यह सोचा गया कि इस तरह के डिस्टॉर्बेन्स देश की अर्थ-व्यवस्था को बिगाड़ रहे हैं, उन को ठीक करने की आवश्यकता है, तो उन को ठीक करने के लिए कदम उठाया गया। हमारे देश की प्रधान मंत्री ने, इस सरकार ने और हमारे मंत्री भी रजुनाथ देही जी कोई इन्फ्लेक्शन गुप्त से कम मजदूरों के हितचिन्तक नहीं हैं, वह भी इसी सरकार में बैठे हुए हैं, सब ने मिल कर बल और सारे हालात का तकाबा लेकर एक फैसला किया। कारखाना बाड़े बाटा करे वा नफा करे 8 परसेंट तो देना ही पड़ेगा वह जैसा प्रधान मंत्री जी ने कहा और बिलेंडुल ठीक ही कहा, दुनिया में कहीं नहीं है। बाकी सारी बातें दुनिया की जो हैं उन के साथ कम्पेयर नहीं किया जा सकता। पर दुनिया में कहीं बाटा देने वाले कारखानों में कोनसा देने की व्यवस्था नहीं है। मैं समझता हूँ इस में सच्चाई तो है और अगर सच्चाई

के अन्दर इस कानून में जो कुछ नफ़्तियाँ थीं उन को एक एम्प्लोयी के बल में जब कि बहुत सी बलियों का कनेक्शन किया गया तो इनका भी कनेक्शन किया है तो मैं समझता हूँ यह देश के आम लोगों के हित में है। यह देश की अर्थ-व्यवस्था के हित में है। आपका एक मुक्ते मजूर है, आप यह मानकर चलते हैं कि मजदूर और मजदूरों में काम करने वाले लोग ही ईमानदार हैं, दूसरे ईमानदार नहीं हैं। आप सोचने हैं सभी मानिक बलत बिलेंसहीट बनाते हैं, सारे ऊपटे काम करते हैं, मजदूरों की कमर तोड़ने में लगे हुए हैं—आपका यह दृष्टिकोण गलत है। मैं मानता हूँ कुछ लोग गड़बड़ी करते हैं लेकिन सारे पूँजीपति ऐसा ही करते हैं, वह बात सही नहीं है। हमने इस देश में निक्स्ट एकोनामी को माना है। हमने पब्लिक सेक्टर, प्राइवेट सेक्टर, छोटे इंडिविजुअल सेक्टर को माना है। हमारी इस व्यवस्था के अन्तर्गत आप नाराज होते हैं कि अमरीका का एक व्यापारी यहाँ पर बात करने के लिए क्यों आ गया, हमारी साबरेन्टी बिलेंज हो रही है। इस देश के दरवाजे खुले हुए हैं। यहाँ पर सिर्फ एक ही तरह के लोग आये। कुछ एक देश के लोग ही आये, दूसरे लोग नहीं आये—यहाँ पर इस तरह की कोई पाबन्दी नहीं है इस देश के हित के लिए हमें कई देशों से कई तरह की बातें लेनी हैं, कई तरह का ज्ञान प्राप्त करना है, कई देशों से रिजोर्सेज लेने हैं। दूसरे देशों की कई तरह की अर्थ-व्यवस्थाओं से हमें सब की आवश्यकता है और उसमें अमरीका भी आता है। अगर हम उसको ठीक समझते हैं तो आपकी नाराज नहीं होना चाहिए। इस देश की सरकार और हमारे मंत्री जी मुँह नहीं हैं। आप कहते हैं मजदूरों का पैसा ले लेंगे तो फिर वह पूँजीपतियों के

वास ही रह जायेगा। मैं समझता हूँ आप को इतना तो सोचना चाहिए अगर कुछ सरप्लस रहता है, वह इन्वीन्विटली डिस्ट्रीब्यूट नहीं किया जाता है उसको इन्वेस्ट करके दूसरे तमाम लोग जो बेकार बैठे हैं, उनके लिए व्यवस्था की जाये तो कोई एतराज नहीं होना चाहिए। आपका यह कहना कि मजदूरों का पैसा लिया जा रहा है और पूँजीपतियों को दिया जा रहा है—मैं समझता हूँ इस तरह का मूर्खतापूर्ण रवैया यह सरकार नहीं अपना सकती है।

श्री इन्द्रजीत गुप्त : किसने कहा सरकार मूर्ख है, सरकार बहुत चालाक है।

श्री नाथू राम मिर्चा : मैं समझता हूँ सरकार चालाक नहीं है, वह तो रियलिस्ट बनकर काम चलाना चाहती है। वह रियलिस्ट बन चुकी है, आगे और ज्यादा बनेगी। आज हम देश के शहरो और देहातों में इतनी बेकारी है और इस सेक्टर में जो इन्वेस्टमेंट है वह बड़ा हेवी होता है, जब इंडस्ट्रियल सेक्टर में दस-पाच हजार का इन्वेस्टमेंट होता है तब कहीं एक आदमी को काम मिलता है। अगर सरप्लस जेनरेट करके, ठीक ढंग से मोबिलाइज करके सही जगह पर इन्वेस्टमेंट किया जाये तो दूसरे तमाम लोगों को एम्प्लायमेंट दिया जा सकता है। इसलिये सारे हालात, सारी परिस्थितियों को आपको देखना चाहिए। इस बिल में अच्छे प्वाइन्टम भी हैं जिनके बारे में मंत्री जी ने कहा है, दूसरे लोगों ने भी कहा है, मैं उनको रिपोर्ट नहीं करना चाहता। आपको भी एक रोजनेबिल दृष्टिकोण से सोचना चाहिए। मजदूरों का और सारे देश का क्या करके आपको बाइली सोचना चाहिए। केवल संकीर्ण दृष्टिकोण से ही नहीं देखना चाहिए। इस देश में 99 प्रतिशत और लोग हैं जोकि

आज गरीबी में मर रहे हैं। आज जिसतरह की उनकी हालत है उनके लिए भी आपको कुछ सोचना चाहिए। यह सही है उनसे आप बोट लेकर आते हैं, उनको आप राजी रखने की कोशिश भी करते हैं लेकिन उसकी भी कोई सीमा होनी चाहिए। मेरा निवेदन है इस कानून को उसी दृष्टिकोण से देखना चाहिये आज यहाँ पर कोई दूसरे देश का आ जाये तो आप समझे हमारी साबरेन्टी चर्लेंज हो रही है यह आपकी ज्यादाती होगी। आप जानी है, आपका और आपकी पार्टी का नजरिया ऐसा नहीं होना चाहिए कि आपकी मंशा के मुताबिक न हो तो सरकार बहुत खराब नहीं तो इन्दिरा जी की जय—यह बात ठीक नहीं है। मैं आप से निवेदन करना चाहता हूँ कि जरा गहराई से आप इस पर विचार करें। जो इस देश का नजरिया होना चाहिये वह मैंने कहा है, और मुझे आशा है कि मेरी बातों में जो भावना छिपी है उस पर आप विचार करेंगे।

श्री मूल चन्द्र झा (पाली) : सभापति जी, मैं एक बात कहना चाहता हूँ :

“The National Labour Commission headed by no less a person than a former Chief Justice of India, Shri Gajendragadkar had said that the wages are not sufficient. Though productivity has risen substantially yet wages have lagged far behind.” And he said further:

“The gap between the actual wages and the living wages is very wide.”

This is the fact given in an article in “The Indian Worker”.

हमारे मिर्चा साहब ने बहुत बड़ी बात कही है। आज भी भारत में हजारों कम्पनियाँ हैं। उन के जो मालिक हैं उन की हालत कैसी है, और जो उन में मजदूर काम करते

[श्री मूलचन्द डावा]

हैं उन की हालत कैसी है, यह आप देखें। एक ही जगह काम करने वाले लोग जो कम्पनी के मालिक हैं और जो वहाँ मजदूर हैं उन में कितनी विषमता बढ़ी है। यह बहुत बड़ा सबाल है। जहाँ विषमता होगी वहाँ असंतोष होगा। आप ने जो सिद्धान्त रखा है, भावसे रखा है उस के बारे में कुछ नहीं कहना है, लेकिन काम करने वाले जो लोग हैं, उन कम्पनियों में जो पड़े लिखे लोग हैं जैसे इकोनामिक एडवाइजर्स, एडवोकेट और बैरिस्टर, यह मजदूरों की हिमायत करने वाले नहीं हैं। जब तक हमारा पार्टिसिपेशन न हो जाय मैनेजमेंट में, कैपिटल पर हमारा अधिकार न हो जाय तब तक कुछ नहीं हो सकता है। पब्लिक सेक्टर में ज्यादा पैसा मनेज्मेन्ट पर खर्चा होता है। लेबर को तो लिविंग बेज मिलनी चाहिए। इसलिये मैं कहता हूँ कि जितनी कम्पनियाँ हैं और जो कारखाने हैं उन में हमारा पार्टिसिपेशन जरूर होना चाहिये। उन का खर्चा कम हो, विषमता दूर हो और अकाउन्टन्ट को जीवने का तरीका हो तब तो कुछ हो सकता है, अन्यथा इस की भाड़ में मजदूरों को और कम न मिल जाय और इस का लाभ मिल मालिक न उठा लें, इस बात का पूरा धक है। हम को सारे देश की बात सोच कर के काम करना चाहिये, और सिद्धान्त की लागू करने से पहले हमें पूरी मशीनरी तैयार करनी चाहिये और हमें अकाउन्टन्ट देखने चाहिये, पूँजी पर हमारा हाथ हो तब तो कुछ लाभ हो सकता है, अन्यथा इस का लाभ पैसे वाले ले जायेंगे, यह खतरा है।

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Chairman, Sir, if the Government's intentions about labour in general and labour legislation in particular were honest, I would have perhaps looked at this measure from a different angle. But my whole point at the outset

is that Government have not really looked at the problem either from the point of view of the health of the economy or from the point of view of the rights of labour. My friend, Mr. Indrajit Gupta, made a very able plea for sticking to the whole formula and the Minister in his written reply could not really rebutt the arguments so well advanced by Shri Indrajit Gupta. Sir, some of the Congress friends, whom I heard with the greatest respect and attention, are so concerned about the larger problems of the economy and Mr. Mirdha has rightly pointed out about the vast unorganised sectors in our country, then why did they support the provisions of the earlier enactment about the payment of Bonus? I did not bear any voice at that time from the Congress benches saying that the 8 33% formula was immoral, un-gandhian, improper etc. I can understand a consistent adherence to certain well-laid down principles but if you accept something because it suits you a particular point of time and later on when it does not suit you because the times have changed, you change the policy and then to advance arguments now by quoting Mahatma Gandhi. I cannot understand it. I have great respect not only for Shri Ramsingh Bhai and Shri Sathe but for other trade unionists friends also, because though I do not myself belong to a trade union, I come from Ahmedabad, which is predominantly a textile city where not only workers but others also live because of the industry. I am not looking at the problem, as Mirdhaji was saying, from the narrow point of view of a trade unionist who wants to grab more for his workers and to get popularity and catch votes. I only ask, if we have accepted the idea of bonus as something good over a period of many years, how is it that suddenly it is looked at from a different angle and it is being said that it should be linked with profit, production and productivity?

This is a peculiar and pernicious measure. Government has acted cleverly, and if I may be permitted to say so, cunningly.

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Can they honestly say that they are really doing it because in this very Act they see the larger interests of the nation and of the labour? Of course, if you say, it was expedient to give 8.33% some years ago and now it is expedient not to give it, I have nothing to say. But if you base your arguments on certain sound principles of doing justice to labour, to the economy and to the interest of the whole nation. I cannot believe my congress friends if they say that this new measure is pragmatic, good, etc. This is a Bill which is basically anti-labour. I do not say so because it does not give a certain amount of bonus. That is comparatively a small thing. But the attitude of the Governments both at the State and Centre, over the last 28 years has been by and large in favour of the employers rather than the employees. Although they talk loudly at the time of elections and say certain things at labour meetings to get their votes, when it comes to putting them into practice, labour is not getting a share in industrial democracy. As Mr. Sathe said, labour must be given a chance to participate in industry. Can the Minister of Labour say how many schemes are there in terms of profit sharing and participation in management and involvement in industrial democracy? I come from Ahmedabad, and I know that the reaction of the workers today is very bitter, strong and hostile. Shri Ramsingh Bhai spoke about the "Majur Mahajan". The "Majur Mahajan" has been saying, "Don't punish us for giving more production," "And don't deny us the rights which are there".

I would like to conclude by saying that please do not take a mere expedient view of the matter. The Minister and the Prime Minister say and ask: "Where in the world do you see bonus for the sake of bonus?" But, comparisons can be and are odious. Moreover, is it honest to compare when it suits, and ignore when it embarrasses?

The impact of this Bill is going to be very adverse. Already, in Ahmedabad, four mills out of 65 textile mills gave bonus of more than 4 per cent and the rest of the employees were paid only four per cent as minimum bonus. This was for the accounting year 1974, that the employees of 61 mills in Ahmedabad were paid minimum bonus. Now, although the mills had made almost the same profits or more or less in the accounting year 1975 as that of 1974, yet the workers of these mills will not get any bonus whatsoever. The Arvind and Calico Mills and others in Ahmedabad will not give any bonus because under the new formula, even if they had earned a profit of Rs. 50 lakhs, they don't have to give to bonus.

I want to make an appeal to the Minister, and ask him why do not you have atleast a general review of the impact of the Bonus Act on the economy? I suggest, let some experts have a considered and studied view and find out whether it has any adverse effect on the economy. And, if it does not, then do not slash the bonus.

MR. CHAIRMAN: There are two or three names in the list before me. If the House sits beyond 6 O'clock for 15 minutes, the list will be over. So, we will sit upto 6.15 p.m.

श्री शिवनाथ सिंह (मुंबई) : सभापति जी बोनस एमेंडमेंट बिल के द्वारा यह प्रस्तावना किया जा रहा है कि अधिक बर्ग को किस प्रकार से बोनस दिया जाए, उसका फार्मूला क्या हो। हमारे श्री इंद्रजीत गुप्त जी ने बड़े धमकी भरे और ताड़ना भरे शब्दों में अपनी बात कही है। उन्होंने कहा कि यदि इसको लागू कर दिया गया तो इसके काफी बुरे परिणाम होंगे। उन्होंने इस बात को भी सामने रखा कि इस एमरजेंसी के समय श्री जयप्रकाश जी के आन्दोलन के समय बकिंग क्लास ने सही दिशा अपनाई थी और सरकार के कदमों का समर्थन किया। मैं मानता हूँ कि बकिंग क्लास में भी काफी

[जी विवेचनाय सिद्ध]

बड़ा संशयान ऐसा है जो सही विद्या में चलता है और सही बात को करता है। उसने जयप्रकाश के आन्दोलन का विरोध किया था और सरकार की नीतियों का समर्थन किया था। लेकिन उसको यह भी नहीं भूलना चाहिये कि बकिंग क्लास में भी ऐसे लोग हैं जो देश के साथ गहरी करते हैं, उत्पादन को गिराते हैं। इसके उदाहरण भी हमारे सामने हैं और वे हैं रेलवे की स्ट्राइक, एस आई सी की स्ट्राइक, बैंकों की स्ट्राइक, इंडस्ट्रीज में स्ट्राइक। देश के उत्पादन में भी उन्होंने बाधा पहुँचाई है। एमरजेन्सी के समय में भी उन्होंने एक ऐसा संकशन बकिंग क्लास में है जो छिपे छिपे ही सही इसका विरोध कर रहा है। मैं यह मान कर नहीं चल सकता हूँ कि तमाम बकिंग क्लास अच्छी है लेकिन मैं समझता हूँ कि कुल मिला कर प्रविकास हिस्सा बकिंग क्लास का अच्छा है, वह सरकार की नीतियों का समर्थन करता है, देश के लिए सोचता है। लेकिन है कितना यह? अभी आपने कहा कि इन बातों में उसने सरकार का समर्थन किया है लेकिन उसकी विनती कितनी है? 40-50 लाख हो सकती है। क्या उसी संकशन ने समर्थन किया है और सरकार को टिकाए रखा है? मैं एक रेनिस्तानी इलाके से आता हूँ। हमारे यहाँ एक छोटी सी चिड़िया होती है जिस को क्या कहते हैं वह रात को उपर उड़ करके सोती है इस बास्ते कि कहीं आसमान न गिर पड़े। वह समझती है कि उसने आसमान को आपने पैरों पर रोका हुआ है। हमारे देश में भी जयप्रकाश जी के आन्दोलन को जिन्होंने बढ़ावा दिया और गड़बड़ पैदा करने की कोशिश की उन लोगों को भी यह मुनासिबता है कि देश उनके पीछे है और हम ही देश को आगे ले जा सकते हैं और हमारा कदम ही सही कदम है। लेकिन यह जो उनकी धारणा थी वह निर्मूल

सिद्ध हुई। यहाँ भी यह धारणा है कि बकिंग क्लास ही देश को आगे बढ़ा रही है, वही देश को टिकाए हुए है, इसको हमें दूर करना होगा। फिर आप यह भी देखें कि बकिंग क्लास में यह आर्गेनाइज्ड सैक्टर में है। हमारे वनजी साहब ने कहा कि डिफेंस प्रोडक्शन एम्प्लायीज को बोनस मिलना चाहिये जहाँ सेट परसेंट प्राफिट होता है। मैं कहना चाहता हूँ कि जो एयरक्राफ्ट कमरों में बैठ कर काम करते हैं उनको तो बोनस मिले लेकिन जो देश की सोमाया परब्रह्मरो खड़े हैं, सर्दी, वर्षा गर्मी में हमारे देश की रक्षा कर रहे हैं, उनको बोनस नहीं मिलना चाहिये?

हमारे किसान जो खेतों में रात-दिन काम कर रहे हैं, उनको बोनस नहीं मिल रहा है, इसलिये हम बोनस के तरीके के बारे में हमें सोचना पड़ेगा और इसे उत्पादन के साथ लाना पड़ेगा। जो फामूला तय किया गया है, उसके बारे में मैं यह कहना चाहता हूँ कि इस बोनस को उत्पादन से जोड़ना चाहिये। प्राफिट का किस तरह से मैन्युपुलेशन होता है, किस तरह से उसमें खर्च लाये जाते हैं, प्राइमिंग पालिसी क्या है, यह सब देखना चाहिये।

एक फीकटरी का यूनिट अपना उत्पादन अपने हिसाब से करता है, प्राइस उसके हिसाब से फिक्स करता है। जब तक हमारी प्राइसिंग पालिसी सही नहीं होगी, तब तक एक यूनिट तो 100 परसेंट दिखाता है और दूसरा यूनिट 5 परसेंट भी नहीं दिखायेगा, इसलिये प्राइसिंग पालिसी ठीक होनी चाहिये। जब प्राइसिंग पालिसी के आधार पर होगा, उसको हम सही मानेंगे। जब तक हम उत्पादन के साथ बोनस को लिंक नहीं करेंगे, प्राफिट के साथ लिंक करने की बात सही नहीं बैठती है।

इससे डिस्टर्बेन पैदा होंगे। इसलिये प्राइवेट पालिसी ठीक होनी चाहिये।

कुछ सेंटर ऐसे हैं, जिनकी मोनोपली है, वह चाहें जितनी प्राइस कर सकते हैं। उसी के आधार पर वहां का उत्पादक श्रमिक कहेगा कि मुनाफे के हिसाब से हमको बोनस मिले तो वह बात सही नहीं बैठेगी। इसलिये प्राइवेट पालिसी को हमें ठीक देखना पड़ेगा।

इस विस में एक बात बात की धोर धकित किया गया है कि जब तक देश का उत्पादन नहीं बढ़ेगा, बोनस नहीं मिलना चाहिये। लेकिन इसमें आपने कैपिटलिस्ट के प्राफिट पर रोक नहीं लगाई है। आपने कहा है कि प्रोडक्टिव परपज में वह पैसा दूसरी इंडस्ट्रीज में लगेगा लेकिन इसमें प्रावधान कहा है?

वहां तक डिविडेंड का सम्बन्ध है, वह धोरिजनल कैपिटल पर डिक्लेयर किया जाना चाहिए। प्राइवेट सेंटर में बोनस शेयर के द्वारा भी प्राफिट होता है। जितना भी प्राफिट प्राइवेट सेंटर कमाता है, उसका शेंट पर्सन्टेज है, जितना कि मजदूर को बेजब रिये जाते हैं, उसी रेजियो से उसको प्राफिट लेना चाहिए।

घरर बाकी का प्राफिट दोबारा इंडस्ट्री में इन्वेस्ट हो, तब तो बोनस के लिए यह व्यवस्था करने का परपज होगा, बरना इसका मतलब यह होगा कि सरकार बर्केस में बोनस को हटा कर इंडस्ट्रियलिस्ट्स को प्राफिट देना चाहती है, जो कि सही नहीं होगा।

इसलिए इस सीमित समय में मैं इतना निवेदन करना चाहता हूं कि यह सही दिशा में सही कदम है लेकिन जिस प्रकार का सही कदम होना चाहिए, उतना यह कि

सही नहीं है और जब तक प्राइवेट पालिसी नहीं होगी, खर्चा उसमें क्या जोड़ा जाये, क्या प्राफिट हो, किस तरह से इन्वेस्ट किया जायेगा, इस पर आपका कंट्रोल नहीं होगा, तब तक इस प्रॉब्लेमे मेजर से कोई बहुत बड़ी सफलता आपको मिलने वाली नहीं है।

SHRI D. D. DESAI (Kaira) : Sir, I have been both an employee and an employer, labourer and an employer of labour. In a country like India which is poor in capital, it is unfortunate that we should go in for a controversial discussion. Here the primary responsibility (*Insurrections*)..

MR. CHAIRMAN : Is it the pleasure of the House that we sit for a few more minutes?

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RA GHU RAMAIAH) : I have consulted the Opposition leaders. They have no objection.

SHRI D. D. DESAI : Our country is quite poor. Our emphasis should be on savings and investment; and the capital-hungry conditions have been continuing for the last 25 years. We have seen that a large number of countries like those which were defeated during the War have come to the top of the nations' list, whereas India continues to be at the bottom and something has been wrong. And it has to be examined. We had also suffered inflationary problems; with the result, the labour itself had difficulties in meeting its daily requirements. The galloping inflation had reached a figure of some where near 27% or so; and this problem was solved by the country in a very disciplined manner and we expect these things to be continued for some time.

28 hrs.

The unemployment position in the country is acute. My friends are aware that in spite of our best efforts, the registers of the employment exchanges all over the country are piling up. There is one-way traffic

[Shri D. D. Desai]

from the villages to the towns. In fact, the farmers are finding that their produce is not getting an economic price and, to that extent, the jobs in the cities are most attractive. The influx of people to the cities, if anything is an indication of the favourable climate in the cities.

While the labour is organised the farmers are not organised. The result is that the farmers are not getting a fair deal. Recently, we had the World Bank Report that Indian raw materials like cotton, jute and sugarcane are sold at a fraction of the international price whereas the finished goods are able to get a higher price. Though the machinery is the same, our productivity is one-fifth or one-sixth of that of eastern Asia. In fact, Taiwan, Hong Kong and Singapore have higher productivity than us.

The question of relating it to production is also not correct, because investment in equipment should have the maximum return. What we are doing today is increasing the equipment and having higher production. This does not really bring us to any worthwhile situation.

Coming to *per capita* income, if our friends from the labour side compute the *per capita* income in India, it will be about Rs. 800 and odd, which is composed of both the cities and rural areas. If you go into the break-down the *per capita* income, in the city will be about Rs. 2,000 and in the rural areas between Rs. 300 and 500. In other words we are now penalising the rural areas which really support us. I would say that even in our recent elections, all the cities have defeated us. While most of the members of the opposition have been from the cities, the Congress has won seats in the rural areas. This is in spite of the appeasement that we have made to the cities. Shri Mavalankar was speaking about the cities. The cities are nothing but labour centres. Take the case of J. P. All the backing that he got was from the cities, not from the

rural areas. In the rural areas he was defeated even in the Gujarat elections. Whereas we won in the rural areas, in the panchayat elections, we lost in the cities. This is our problem.

MR. CHAIRMAN : They will think you are punishing them.

SHRI D. D. DESAI : We are not punishing them. We are only saying that the rural areas are poor and they are being made further poorer. Today, in spite of our jute or cotton growers getting a small return, the mills are not competitive. The reason is the burden of the equipment. There is so much of idle capacity for the equipments that we are not competitive and the world over we are being priced out.

SHRI VASANT SATHE : Then, why don't you support the concept of minimum wage for agricultural labour? You should ensure that. You should move the Minister to get it done.

SHRI D. D. DESAI : Shri Sathe seems to think that we are not supporting the concept of minimum wage for agricultural labour. It is not a fact. Agricultural labour are supported by the farmers in the rural areas. Otherwise, how do they exist?

There has been talk about balance-sheets. If there is a fraudulent balance-sheet the penalty is jail. Therefore, it can be easily checked. And if any auditor certifies such a fraudulent balance-sheet, his certificate can be cancelled. Therefore, laws do exist for taking care of these things.

Regarding allocable surplus, I would say that it is calculated after providing for essentials of expenditure and nothing more.

SHRI VASANT SATHE : They are notional.

SHRI D. D. DESAI : They are not notional. There has been talk also about bonus shares being issued. Bonus shares represent nothing but the dividend that was denied. It is equivalent to the provident fund or

gratuity amount which people retain. The reason for such retention is obvious, because the income-tax on bonus shares is less than that on dividend. Therefore it is Government's intention that the money should remain with the industry for additional equipment to provide for jobs. It is a basic policy.

Shri Mavalankar made the point that the measures are in favour of the industrialists and industries. I would tell him that the incentives provided by other countries in the world, including communist countries, for the setting up and operation of industries are much more than here. The result is that there is already capital and technological flight.

I support the Bill.

डा० कैलास (बम्बई दक्षिण)

सभापति महोदय, मैं श्रम मंत्री द्वारा प्रस्तुत पेमेंट ऑफ बोनस ऐक्ट के संशोधन का समर्थन करने और श्री इन्द्रजीत गुप्ता के प्रस्ताव का विरोध करने के लिए खड़ा हुआ हूँ। श्री मावलंकर जी ने कहा कि कन्वीनिएंटली हम गांधी जी को कोट कर देते हैं या किसी व्यक्ति को कोट कर देते हैं। लेकिन उन्होंने भी कन्वीनिएंटली जो किया वह भूल गए कि 1972 में हमने 8.33 का फारमूला ऐक्सेप्ट किया था लेकिन उस के साथ मैं यह भी कहा था कि जो कम्पनी नुकसान में जाएगी उस को भी बोनस देता पड़ेगा। उस समय मावलंकर जी इस विषय पर चुपचाप रह गए, उस पर कोई टीका टिप्पणी नहीं की। क्या वे आज भी चाहते हैं कि नुकसान करने वाले कारखाने भी बोनस दें।

मैं इस बिल का समर्थन इसलिए भी कर रहा हूँ कि सन् 1947 में हमें स्वतंत्रता मिली लेकिन सन् 1971 से आर्थिक स्वतंत्रता, सामाजिक न्याय और कैसे एक व्यक्ति का स्वाभिमान बढ़े उस की ओर हमारा युद्ध शुरू हुआ है और उस नार्ते से जब लोक सभा

ने 1971 में इसलिये निर्णय लिया कि उस समय देश का वातावरण ऐसा था कि हमें मजदूरों की सहायता करके उनसे प्रोडक्शन बढ़ाने के लिए प्रोत्साहन दें। इसलिये हम ने यह कदम उठाया था। लेकिन आज हमें यह देखना है कि जब मजदूरों को ठीक ठाक मिल रहा है पर बेकारों की संख्या जो इतनी बढ़ती चली जा रही है, उन्हें भी हम कुछ दें। बहुत लोग ऐसे हैं जिन को हम कोई नौकरी नहीं दे पा रहे हैं, तो उन की सहायता करने के लिए यह आवश्यक हो जाता है कि जो आर्गेनाइज्ड लेबर है उस से थोड़ा त्याग और तपस्या की भावना से काम करने के लिए हम कहें। इस बिल में उन्हें भी कुछ मिले जिससे यह सहूलियत भी दी कि अब उन्हें 40 रुपये जो मिलते थे तो अब हम उन्हें 100 रुपये दिया करेंगे और इसका अलावा उस क्षेत्र को जो इस बोनस बिल में लिया गया है, जैसे बैंक, एल आइ सी नहीं आती थी, इत्यादि तो मैं ऐसा मानता हूँ कि आर्थिक उन्नति, सामाजिक न्याय और व्यक्ति के व्यक्तित्व को ऊँचा बढ़ाने के उद्देश्य से सरकार ने यह काम किया है और इस बोनस ऐक्ट के नाम से, इस के जरिए से इन दो तीन बातों को रखकर हम उन्हें भी काफी उन्नति के क्षेत्र की ओर ले जाना चाहते हैं। मैं बताना चाहता हूँ कि श्रम मंत्री जी को ध्यान रखना होगा जैसे जब आप भी, सभापति जी, बोल रहे थे तो आपने ठीक कहा था कि आज लेबर लीडर्स ऊपर बड़ी जिम्मेदारी का विषय आया है, उनको ठीक तरह से खड़े होने का समय आया है कि किस तरह से वे मालिकों के मुकाबले में खड़े हो सकते हैं। मालिकों ने कितनी इन्वेन्टरी रखी है, या फिजूलखर्ची तो नहीं कर रहे हैं—इन बातों पर श्रम नेता को पूरा ध्यान रखने के लिए बाध्य होना पड़ेगा तब ही मजदूरों का भला हो सकेगा। श्रमिक कारखानों के चलाने में पार्टीसिपेशन ऊपर से लेकर नीचे तक रहे तब ही इस बिल से लाभ होगा। वे देखें

[अ० श्रीमान]

कि कितना प्रोडक्शन होना चाहिए, कितनी इन्वेन्टरी रखनी चाहिए, क्या प्राइसिंग पालिसी हो और किस प्रकार निर्माण की वस्तुओं का वितरण किया जा रहा है। जब तक यह नहीं होगा तब तक मायब ओ फायबा इस बिल से सरकार सोच रही है, वह नहीं हो सकेगा। इस ३३ लिए एक ऐसा मॉड बनाया होना तथा जबतक कि मजदूर नेता इतने प्रबल न हो जायें कि एडिबिटीब के साथ साथ मजदूरों को पार्टीसोपेशन के योग्य बना सकें। अब नेता राजनीति में पड़कर सिर्फ मजदूरों को तनकावाह पर ध्यान न करें, हड़ताल न करवायें, बन्द को बातें न करने लग जायें। उसी प्रकार से मंत्रीजी ने कहा कि प्रोडक्शन बढ़े तो इस बोनस बिल के विश्लेषण में कहें यह भी लिखा जाये धर्मात यह भी कह देना चाहिये या राज्य सरकारों को केन्द्र हिदायत करे कि ११ से १९ तक मजदूरों को रखने वाले कारखानों को बोनस के लिए सतर्क रहें। उसके लिए उनको धाप कुछ माइडलाइन्स देवें ही उसमें यह भी जरूर कहें कि वह इस प्रकार की मशीनरी समय समय पर बदलें कि प्रोडक्शन बढ़े तथा ध्यान रखे कि जहां इन्फ्लिकेशन धाप बुरा होता हो, जिसके लिए मानवीय सहायद देसाई जी ने कहा कि प्राइसिंग हैं लेकिन उनको मिल मालिक करीब लेवें हैं, छोड़ा दे सकते हैं और छोड़ा दे भी रहे हैं, तो उसके लिए लेबर लीडर्स को तैयार होना पड़ेगा या राज्य सरकार की मशीनरी इन्फ्लिकेशन धाप बुरा को समाप्त करने के लिये कारगर कदम बढ़ाये।

इसी प्रकार मंत्री जी ने ठीक कहा कि बोनस बिल में ठीक कहा गया है कि कमाई का कुछ हिस्सा मिले, दूसरा मशीनों को ठीक करने के लिए रुपया रखें तथा कारखाने को बढ़ाने के लिए रुपया रखें जिससे ज्यादा मजदूरों को रख सकें—बेकारी के प्रश्न को हल

करने के लिए जो बात रखी गई है वह प्रोडक्शन को बढ़ाने के लिए जो रुपया रखा जायें उसके लिये केन्द्रीय सरकार क्या मशीनरी रखेंगे। इस प्रकार से जो रुपया रखा जा रहा है रखा जायेगा उसको खर्च करने के लिए हर वर्ष या दो तीन वर्ष की जो धर्मात रखी जायेगी उसके सम्बन्ध में राज्य सरकारों को कुछ सूचना प्रेषण देनी चाहिये जिससे वह रुपया उस ही कार्य में खर्च किया जा सके।

इसी प्रकार से मेरी समझ में नहीं आता इसमें बीस परसेंट की लिमिट क्यों रखी गई है। हमें छूट दे देनी चाहिए कि जब कारखाने वाले ज्यादा कमा रहे हैं वह ३० या ४० परसेंट भी देना चाहें और लेबर लीडर्स के साथ उनका समझौता हो जाता है तो वह दे। अगर इसको धाप बिल में नहीं रखते तो बोड़ी सी कमी इस बिल में नजर आ रही है, जिस पर टीका टिप्पणी की जा रही है वह भी नहीं होती।

मंत्री जी ने अपने भाषण में इस बात का भी जिक्र किया है कि हमें एक्सपोर्ट को भी बढ़ावा देना है। प्रोडक्शन बढ़े, धाम जनता को जरूरी चीजें मिलने लगे लेकिन एक्सपोर्ट भी हो। इसलिए एक्सपोर्ट हाउसेज पर भी ध्यान रखना होगा कि हर वर्ष वे एक्सपोर्ट बढ़ा रहे हैं या नहीं। अगर वे एक्सपोर्ट नहीं बढ़ाते हैं तो उनपर कठोर कार्यवाही करनी होगी और वे बोनस बिल जो एक्ट बन रहा है वे उससे जुदा कसे रह सकते हैं। मैं माबलंकर जी से प्रार्थना करूंगा कि वह समझें हमने इस पार्लियामेंट में समय समय पर प्रमेन्डमेंट्स किए जिसमें धाप भी साथ थे। ८.३३ के बजाये १० परसेंट का प्रमेन्डमेंट भी धा सकता है लेकिन तब जब इस ही देश की आर्थिक स्थिति इसकी अच्छी हो जाये। हमारी सरकार हमेशा ही प्रोडक्शन रही है। १० या २० परसेंट की स्थिति

185 Res. and Payment of MAGHA 14, 1897 (SAKA) Res. and Payment of 186 Bonus (Amdt.) Bill

जब भी भायेगी वह तुरन्त इस लिमिट को भी हटा देगी। उस समय जब 8.33 परसेंट की भाग की थी, दी गई वह किसी के हुक्म से वह माना गया था या एलेक्जान जीतने के लिये माना गया था, यह कहना मैं समझता हूँ भावलंकर जी जैसे प्राध्यापक के लिये शोभा नहीं देता।

क्या मैं उन से पूछूँ कि वह क्या पढ़ाते थे भाज से 3 साल पहले और भाज बे क्या पढ़ा रहे हैं। मैं इन से कहूँ 5 साल पहले जिस प्रकार पढ़ाते थे वही भाज भी पढ़ाये तो उसका उत्तर यह ही होगा कि परिस्थिति तथा समय पर यह निर्भर करता है। इसी-लिये हम ने उस समय जो निर्णय लिया था वह भाज गलत साबित हो रहा है। और उसे हमें ठीक करना चाहिये। हमें आर्थिक स्वतंत्रता गरीबों को देनी है, हमें उन बेकारों की तरफ भी देखना है और उस नाते हम ने अपने मजदूरों को किसी भी प्रकार का बिना नुकसान पहुंचाये तथा उन का पूरा हित देखते हुए एक बिल लाया गया है। सभापति जी मैं यह बताने का प्रयत्न कर रहा था कि जो कारखाना कुछ कमा रहा है वह बन्द न हो जाये और हमारा एक्सपोर्ट ज्यादा बढ़े इसलिये इस विधेयक को पेश किया गया है। मैं आशा करता हूँ कि वेन्द्र कुछ गाइडलाइन्स अवश्य स्टेट गवर्नमेंट्स को भेजेगे या इस

प्रकार की दी जायेगी जिस से की जो कुछ भी इस बिल की मंशा है वह पूरी हो सके क्योंकि इम्प्लीमेंटेशन स्टेट सरकार के द्वारा होने वाला है। उस में कहीं कमी न रह जाये इसलिये आवश्यक हो जाता है कि श्रम मंत्री जी इस पर ध्यान रखेंगे तथा आवश्यक निर्देश राज्य सरकारों को भिजवाने की कृपा करेंगे।

अन्त में मैं लेबर लीडर्स से, खास कर माननीय इन्द्रजीत गुप्त से प्रार्थना करता हूँ कि वे अपने प्रस्ताव को वापस ले, देश के हित में। मुझे आशा है कि वह अवश्य इस पर विचार करेंगे।

MR. CHAIRMAN : The hon. Minister.

The Minister of Labour (Shri Raghunatha Reddy) : Mr. Chairman Sir. I am extremely thankful to all the hon. Members who have taken part in the debate..

MR. CHAIRMAN : He may continue tomorrow.

The House stands adjourned till 11 A.M. tomorrow.

1.16h.

The Lok Sabha then adjourned till eleven of the Clock on Wednesday, February, 4, 1976/Magha 15, 1897(Saka)