

[Shri K. R. Ganesh]

information. The hon Member had raised it last time also. What happens is, in some of the States like Manipur, and including the Andamans and various other places, there is shortage of accommodation, of course, the administrative apparatus grows very fast and it is not possible to provide housing immediately. So, with the shortage of accommodation, sometimes these problems arise. I will get also the exact factual information and supply it to the hon Members.

The other point connected with this, which the hon. Member has raised, is the question of more Manipur is being given higher posts. It is a genuine feeling of the people of Manipur as also the areas similar to Manipur. It should be the endeavour, the policy of the Government to see, depending on various other things, that they are given as much facilities as possible to rise to the helm of affairs.

MR DEPUTY-SPEAKER: I am sorry, Mr. Limaye made these points in the debate on the resolution to continue President's rule, not on this. That is how I got confused. But at the same time these points really are not relevant to supplementary demands. However, they have been raised and replied to, I just would like this to go on record.

श्री अशु सिन्घे : प्रेसीडेंट कस जब रहता है तो राज्यों के मामले को उठाने का नहीं मौका है। अगर केंद्र की सप्लीमेंटरी डिमाण्ड्स होती तो बात दूसरी थी।

MR. DEPUTY-SPEAKER: If you look at the supplementary demands, it is only a sum of Rs. 43 lakhs...

श्री अशु सिन्घे : ठीक है, लेकिन राज्यों में असेम्बली नहीं है यह बेरा सतलज है।

MR. DEPUTY-SPEAKER: Order, please... relating to crash programme for the educated unemployed. The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Manipur for the services of the financial year 1973-74 be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: The question is:

"That clause 2 and 3, the Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill"

The motion was adopted.

Clauses 2 and 3, the Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI K R. GANESH: I beg to move:

"That the Bill be passed:"

MR DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

14.18 hrs.

INDIAN RAILWAYS (AMENDMENT) BILL

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): I beg to move:

"That the debate on the motion 'that the Bill further to amend the Indian Railways Act, 1890, be taken into consideration,' which was adjourned on the 7th August, 1973, be resumed now."

MR. DEPUTY-SPEAKER: The question is:

"That the debate on the motion 'that the Bill further to amend the Indian Railways Act, 1890, be taken into consideration,' which was adjourned on the 7th August, 1973, be resumed now."

The motion was adopted

MR. DEPUTY SPEAKER: On the last occasion we had sought some clarification on legal points raised by Members and the Law Minister had promised that he would come with the clarifications before the House.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): I shall refer briefly to the two points which were raised in the debate on the last occasion. They pertain to interpretation of sections 132 and 133 of the Indian Railways Act. Both these sections are not subject to any amendment in this Bill now under consideration. These two sections have been on the statute book from 1890, for well over eighty years. They have been interpreted and understood by courts in a particular way. When I considered the objections raised, particularly to section 133, I found that there was no difficulty as pointed out by some hon. Members.

What was feared was that in the manner in which the language was employed in that section it would appear that magistrates of the second class or presidency magistrates can try offences under the Act irrespective of the severity of the sentences. This, I submit, is not correct. This section does not confer jurisdiction; it only creates a bar and the bar which it creates is that no offence under the Act can be tried by a magistrate who is below the second class magistrate or a presidency magistrate, meaning thereby that a third class magistrate cannot try any offence under this Act.

It is important to remember that if this bar had not been there, there were many offences under the Act which could have been tried under the Criminal Procedure Code by a third class magistrate. That is the bar that is created by section 133 of the Indian Railways Act. That is the way in which it has been interpreted all along for the last 80 years or more. There are innumerable cases in which when the sentence exceeds the sentence which a second class or first class magistrate can give, the cases have been committed to the sessions court for trial. This is further borne out by the fact that in the Cr. P. C. itself, in Schedule II there is a provision for the trial of offences under other Acts, i.e. Acts other than the IPC. The trial of offences under the Indian Railways Act is subject to the provisions of the Cr. P. C. What was said was that the Cr. P. C. would not apply because of the language employed in section 133. In my respectful submission, the language does not warrant the conclusion that first or second class magistrate can try an offence even if the sentence intended to be imposed is beyond the competence of the magistrate under the Cr. P. C. In Schedule II, to give an illustration, if the offence is punishable with death, imprisonment for life or imprisonment for 7 years or upwards, it can be tried only by a court of sessions. The same applies even now. The argument further advanced was that for the first time in the Bill now before the House the sentence of death is proposed for an offence committed under section 128 of the Indian Railways Act. It is no doubt true that death sentence is being introduced for the first time, but the impression that serious offences which were punishable with more than 7 years imprisonment were not in existence prior to the proposed Bill is not correct. I have checked from the Act as it existed in 1890 when it was passed for the first time. Even then under section 128 as it was then, the offences committed under that section were punishable—with transportation for

[Shri H. R. Gokhale]

life, as it was called at that time. Now it has become imprisonment for life. Punishments have been provided for under other sections for sentences of 10 years and more also. Even then section 133 was as it is today in the Act. Therefore, I respectfully submit that there is no warrant for the apprehension that because of the language of the section as it is, offences punishable with sentence of death or transportation for life—now imprisonment for life—will be tried by a first or second class magistrate, although under the Cr. P. C. they are triable only by the sessions court

This derives further support from sub-section (2) of section 131 of the same Act where it is said that a person so arrested shall with the least possible delay be produced before a magistrate "having authority to try or commit him to try" meaning thereby if he does not have the authority to try, he is expected to commit him to the court which has competence under the Cr. P. C. to try and punish him. That is with regard to the first point.

With regard to the second point, it was said that section 132(4) provides for the application of chapters 39 and 42 of the Cr. P. C. in so far as they apply to bails given and bonds executed under this section. The apprehension expressed was that the Cr. P. C. is applicable only in respect of those matters i.e. in respect of giving of bail and execution of bond. This again is because of a misapprehension which does not take into account the fact that this special provision had to be made because for the first time under the Indian Railways Act, taking of bails and taking of bonds has been allowed to be done by a non-police officers, for example by a railway servant or a person who is called in aid of a railway Government servant, who can take bail or insist on a bond being taken and on failure to give it, produce him before a magistrate.

Under the Criminal Procedure Code the power to arrest is with the police officers and none also. The Criminal Procedure Code not having contemplated the taking of bails by non-police officers, a special provision has been made in this case also, namely, the taking of bail by a railway servant can be done subject to the fact that it is governed by the same provisions of the Criminal Procedure Code. Therefore, the fear that the Criminal Procedure Code is otherwise not applicable, and is applicable only for this limited purpose, is not correct in my humble submission.

There is no fear that it will be misunderstood. It has been understood correctly for 80 years and that is the way the courts have implemented it. More over, it is not the subject matter of an amendment, so far as the present Bill is concerned. I submit that the section stands all scrutiny.

THE DEPUTY MINISTER IN THE
MINISTRY OF RAILWAYS (SHRI
MOHD SHAFI QURESHI): Mr.
Deputy Speaker, to resume my reply to the debate, I would like to touch upon the point of compensation paid to a person who may suffer injury or the dependants of a person who may die, in an accident. As was stated by the hon. Minister in the other House, this compensation is now being raised to Rs. 50,000. But it would take some time before we can fix up the norms for awarding the compensation. For the time being what we are seeking by this Bill is that the compensation which is normally paid by the Claims Commissioner will now be, not entirely taken over by the railway administration but part of the compensation will be paid by the railways immediately, considering each individual case on merit, which can subsequently be adjusted against their claim when it is finally passed by the Claims Commissioner.

Then, certain penal provisions in the Act were found to be not deterrent

enough for the type of offences we are meeting on the Indian railways these days. To quote an example, take ticketless travel. In 1968-69, when the minimum fine for ticketless travel was Rs. 10, the number of people who travelled without tickets was 84,66,870. After the minimum fine was increased, in 1972-73 the number of ticketless travel came down to 17,39,546 which is a decrease of about 80 per cent. It is true that in the mean time the number of people travelling in the trains has also increased. In order to prevent such occurrence again we have come with this Bill before the House.

One of the reasons for the deterioration of punctuality in trains on both the trunk routes and branch lines is the frequent chain pulling by passengers. During the period April 1972 to March 1973 there were 2,38,233 incidents of chain-pulling. Besides the delay which it causes to the running of trains, it causes considerable inconvenience to the passengers who are travelling in trains. The average chain pulling, per month is 25,777. We are making the punishment for chain-pulling are deterrent in this Bill and it is hoped that with the enforcement of the new Act the incidence of chain-pulling will come down and the punctuality of the Indian railways would improve.

Some hon. Members said that there is a lot of over-crowding in trains. I do not deny that. We need more coaches and trains. Every year the number of passengers is increasing at the rate of 3 to 4 per cent. We are trying our best to provide more coaches and rolling stock. One step, though a minor one, which we have taken in this direction is the abolition of second class and converting these coaches into third-class. Some hon. Members were saying that the second-class used to provide some relief to those people who cannot afford to travel in first class and who find it difficult to travel in third-class. But considering the

overall facility which we intend to give to the travelling people in this country, we have decided that by 1-4-74, there will be no Second Class and all the coaches will be converted into Third Class. There will be no Third Class. There will be only Air-Conditioned Class, First Class and Second Class. Third Class will be renamed as Second Class. But the fares charged will be what we are charging now for Third Class passengers. This might give us a little more space. As I have said, we will have to add more coaches and rolling-stock to our Railways to carry the passengers...

SHRI DINEN BHATTACHARYYA (Srirampore): Is there a provision like that in this Bill?

SHRI MOHD SHAM QURESHI: This was a point raised by one of the Members saying that the people travel on foot-boards and roof-tops, the reason being that we are not providing more accommodation to the travelling people. I quite agree that in some places, the people have to travel on foot-boards. That is the reason why we are trying to introduce more trains in certain areas. It was in that context that I was mentioning about the abolition of Second Class.

The most important clause in this whole Bill is that we have enhanced the penalty so far as destruction of railway property is concerned. For anybody who destroys railway property with the intention of causing death, the punishment has now been enhanced to death. As hon. Members know, the railways have been the easiest target for any type of agitation. Whether it is students who want a concession for going to a theatre or it is an agitation in some other form by some other people, the Railways have been the easiest target for any type of agitation and the losses that we suffer are really tremendous. Besides the physical losses which we suffer, there is dislocation of trains

[Shri Mohd. Shafi Qureshi]
and this causes considerable inconvenience to the travelling people. We hope, with this new provision, we will be able to meet the situation which is created every now and then on the Indian Railways.

These were the points which were raised by the hon. Members. I hope, if some points have remained uncovered, I would be forgiven for that.

MR. DEPUTY-SPEAKER: There is an amendment moved by Dr. Laxminarayan Pandeya. I will first put that to the House ---

श्री लक्ष्मण चन्द्र कच्छबाय (पुरेना)
'उपाध्यक्ष महोदय, मतदान से पहले गणपूर्ति करा लीजिए। सदन में कोरम नहीं है।

MR. DEPUTY-SPEAKER Let the Quorum Bell be rung. . Now there is quorum.

Now, I put the amendment moved by Dr. Laxminarayan Pandeya

श्री लक्ष्मण चन्द्र कच्छबाय : उपाध्यक्ष महोदय, पढकर बता लीजिए कि वह संशोधन क्या है।

MR. DEPUTY-SPEAKER: Order please. If Members only care to listen to the Chair to the end of the sentence, it would not be necessary to interrupt like this.

I put the amendment No. 1 moved by Dr. Laxminarayan Pandeya to refer the Bill to a Select Committee.

The question is:

"That the Bill further to amend the Indian Railways Act, 1890 be referred to a Select Committee consisting of 10 members, namely:—

Shri Bhagirath Bhanwar,
Shri M. C. Dega,
Shri Praeannbhai Mehta,
Shri L. N. Mishra,

Shri Dhan Shah Pradhan,
Shri M. S. Purty,
Shri Ramkanwar,
Shri Rana Bahadur Singh,
Shri G. P. Yadav; and,
Dr. Laxminarayan Pandeya,

with instructions to report by the last day of the third week of the next session." (1)

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration."

The motion was negatived.

MR. DEPUTY-SPEAKER: Now we take up clause-by-clause consideration We have some amendments given notice of to some clauses

There are no amendments given notice of the Clauses 2 to 11, I will put these Clauses to the House

The question is:

"That Clauses 2 to 11 do stand part of the Bill."

The motion was adopted

Clauses 2 to 11 were added to the Bill.

Clause 12—Insertion of new section 126(A).

MR. DEPUTY-SPEAKER: Clause 12 There is one amendment given notice of by Shri B. R. Shukla and Shri M. C. Dega. Is Mr. Shukla moving his amendment?

SHRI B. R. SHUKLA (Bahariach): Yes, Sir. I beg to move:

'page 4, lines 26 and 27,—

for "imprisonment for a term which may extend to ten years"

substitute—

"life imprisonment or imprisonment for a term which may extend to ten years and shall also be liable to a fine not exceeding five thousand rupees;

Provided that in no case, the punishment shall be less than three years of imprisonment and a fine of less than one thousand rupees." (2).

I would like to say a few words in support of my amendment.

Section 126 as it stands in the Act, provides that, if a person unlawfully puts or throws upon or across any railway any wood, stone or other matter—there are so many other things mentioned—with intent or with knowledge that he is likely to endanger the safety of any person travelling or being upon the railway, he shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to ten years. Then there is a proviso:

"provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, where a person is punished with rigorous imprisonment, such rigorous imprisonment shall,—

- (a) in the case of a first conviction, be not less than three years, or
- (b) in the case of a subsequent conviction, be not less than seven years."

Even for offences which are not in any way more serious than offences covered under the newly proposed section...

SHRI BHAGWAT JHA AZAD (Bhagalpur): The Minister is not listening. How will he reply?

SHRI B. R. SHUKLA: Even if the Minister is not inclined to accept the amendment which is very reasonable,

he should at least have the courtesy of listening to the arguments which are being advanced in support of the amendment.

My submission is this. Under section 436 of the Indian Penal Code, it is laid down that, if an act of mischief by fire is committed, the punishment for such an offence extends to life imprisonment or imprisonment for ten years. The word 'mischief' is defined in the Indian Penal Code as "any destruction, change in the situation, of any movable or immovable property which injuriously affects that property" Now when any destruction, by an act of fire, is done to a building or tent which is used for human habitation or for storage of any goods or for keeping any cattle, then such person who does that act would be liable to a punishment extending to imprisonment for ten years or life imprisonment.

Under the proposed section 126A it is provided that whenever causes any damage or destruction to any of the properties of railway referred to in sub-section (2) by fire or explosive substance, he shall be liable to imprisonment to the extent of only ten years.

If we analyse the substance of this newly proposed section and compare it with the wordings and substance contained in section 436 of I.P.C. The anomaly or rather the untenability of the law which is now being sought to be enacted will be crystal-clear. If a person causes fire to a room where two goats are tied, he can be punished upto life imprisonment whereas if a railway station building is set on fire where some valuable property is stored, he can be punished only upto 10 years. So, it means that there is a clear discrimination which violates the principle of equality before law as laid down in Article 14 of the Indian Constitution, and for the same act there should not be two types of discriminatory punishments.

[Shri Bhagwat Jha Azadi]

I anticipate the reply from the hon. Minister for Railways to these arguments and probably, it may be on this line that it is not an act of mischief. Mischief is nothing but destruction nor damaging of a property by a person with a knowledge or intention that such a damage is likely to occur or that such a damage or destruction is intended. So, it is a distinction without a difference. So, my submission is that when the Indian Penal Code which is a more comprehensive Act and which provides for a larger quantum of punishment which is mere severe than this, then the very object behind the proposed legislation is defeated because Section 126A is sought to be enacted with the avowed object that because a grave situation has arisen in the country because on a mass-scale buildings belonging to the Railways or stores belonging to Railways are being subjected to arson, a more deterrent punishment has become necessary. Therefore, my submission is that the object of the framer of the Bill would be more effectively served if my amendment is accepted that for an offence under Sec. 126A the punishment should not only be to the extent of 10 years but it may extend to life imprisonment. That is No. 1.

As regards the second amendment Sec. 126, as it exists has provided that in the case of the first conviction the minimum punishment would be three years and on second conviction the minimum punishment would be not less than seven years. So, if for offences under Section 126 which are as serious as offences contemplated in Section 126A, the minimum penalty is three years or seven years in the case of first and second conviction, respectively, my submission is that for parity of reason, there should be a minimum punishment for offences under Section 126A. Therefore, I propose an amendment that in no case the punishment shall be less than three years of imprisonment and a fine of less than Rs 1000. Why

I am insisting that fine should be included--the reasons are obvious. When the public and the Government are suffering colossal loss by the want an act of hooligans by destruction of railway property, they should not only be sent to jail but they should also be liable to fines. Hence my amendment and I hope the Minister will see the reason and sanity in my amendment and which would also strengthen his hands in meeting the situation which is the basis for this Bill.

Thank you, Sir.

SHRI MOHD SHAFI QURESHI: The hon. Member has raised the point regarding sections 435 and 436 of the IPC and he has stated that his amendment should be accepted. But, Sir, we have considered all the aspects and we are convinced that the punishment provided under Section 126 will meet the purpose for which this Bill is being enacted and as such I am unable to accept his amendment.

MR DEPUTY-SPEAKER: The put amendment No 2 to Clause 12 to the vote of the House.

Amendment No. 2 was put and neglected.

MR DEPUTY-SPEAKER: The question is:

"That Clause 12 stand part of the Bill."

The motion was adopted.

~~Clause 12, Clause 1, the Enacting~~
Clause 13, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI MOHD. SHAFI QURESHI: I beg to move:

"That the Bill be passed.

MR DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

I would like to draw the attention of Mr. Dinan Bhattacharyya who has given notice that he wants to speak in the Third Reading that the scope of the discussion on the Third Reading is limited to submission of arguments either in support or in rejection of the Bill. Any other matter would be extraneous.

श्री हुकम चरर कछु रात्रि . उपाध्यक्ष महोदय,
बहु कुछ बोलें इससे पहले गणपति करवा
दीजिए ।

MR. DEPUTY-SPEAKER: The Bill is being rung—

Yes, now there is quorum Shri Bhattacharyya.

SHRI DINEN BHATTACHARYYA: (Serampore). I stand here and as per your kind advice, I am here for rejection of the Bill. Just now the Minister has stated that they are going to convert the Second Class into Third Class and thereby more accommodation will be created. I say it will not serve the purpose if they say second class will be third class and vice-versa (An hon. Member; No vice versa). Third class will be there; only some second classes which are there in one or two long distance trains will be converted. That will not serve the purpose. That will not in any way help people who travel on the roof of the trains. More trains are necessary. Unless you can do it you can't penalise the man simply because he is travelling on the roof. Too stringent provisions have been provided for here. At the present moment when thousands and thousands of our countrymen are unemployed, there must be provision for some hawkers in the train. By hawking they earn their livelihood. A provision is made here that if any unauthorised hawker is found in the train he will be prosecuted and punished.

So, I do not know why, the Government, which cannot provide food or
1763 LS—11.

which cannot provide employment, should debar these poor hawkers, who, by dint of their own labour, are earning their livelihood, from entering the train? Almost all the hawkers, I think, are unauthorised.

Another very simple thing is this. I hope the other hon. Members will agree with me on this. There are thousands of unmanned gates. There is no man standing at the gate. When the train comes, if nobody is there, sometimes accidents do take place because of this unmanning of these railway gates. So, I want to know from the hon. Minister, why even after 26 years of the existence of this rule, you are not providing gates so that the people may know when the train is coming and such accidents are avoided. You have not been able to make this simple arrangement of providing men at the unmanned level crossings. But, you are providing a death sentence or you prosecute a man with ten years' imprisonment when found guilty. If you travel throughout the country you will find that in hundreds of places there is no fencing arrangement to guard the people or even the cattle from entering the railway tracks. Even these minimum arrangements you are not making. But, you are bringing in here a provision for the death sentence even. So, I say that this Bill cannot be supported. It must be rejected.

SHRI VASANT SATHE (Akola): In that case they will have to provide fencing on all the Indian Railways.

SHRI DINEN BHATTACHARYYA: I am not living in the air. You will find that in so many congested places, fencing is necessary. But, no fencing is there. I do not say that throughout the Indian Railways, you should provide fencing. But, in most of the localities where the people often go, you have to protect them by making some arrangements. This minimum arrangement of providing fencing must be made. That is why I say that this Bill cannot be supported. It must

[Shri Dinan Bhattacharyya]

be rejected and a fresh Bill must be brought in. Before that, at least, the hawkers should be exempted from the penal provision. What will they do? Either you provide them with jobs or you make some arrangements by which they are allowed to sell their things in the trains. Unless you do all these things, you cannot bring forward this measure. I emphatically protest against this measure.

SHRI MOHD. SHAFI QURESHI: With regard to the presence of hawkers on the premises of the Indian Railways and in the trains, I would like to reply to the points raised by the hon. Member. There are certain hawkers who have been permitted by the Railway authorities. They are given proper licences to sell their goods on the railway premises and in the trains also. But, we cannot allow the hawking to go on without a licence as it becomes a health hazard. There have been beggars in the garb of hawkers who enter the trains and start pestering the passengers. I have got complaints that even the lepers whose proper place is leprosy asylum and others suffering from other diseases take up small packets and pretend to be hawkers and start selling these articles which can really become a health hazard. Since it is the responsibility of the railways to see that the passengers are not inconvenienced in any way, it is also our job to see that they are not given any eatables which may prove to be a health hazard.

SHRI DINAN BHATTACHARYYA: So many young boys are hawking at the Sealdah station. Does my hon. friend mean to say that they are all thieves and criminals?

SHRI A. K. M. ISHAQUE (Basirhat): Let them be authorised?

SHRI DINAN BHATTACHARYYA: How can they be authorised? Let Government make some provisions for such hawkers. What is the provision under which they can approach the railways and get the licence to hawk

in the trains.

SHRI VASANT SATHE (Akola): We do not want hawkers in the running trains.

SHRI A. K. M. ISHAQUE: The hon. Member is making an impossible suggestion. After all, how many people can we accommodate in this manner? We cannot accommodate all the people who are hawking now.

MR. DEPUTY-SPEAKER: Order. Now, let the hon. Minister reply.

SHRI MOHD. SHAFI QURESHI: I have correctly understood the hon. Member, does he mean that we should continue these beggars as beggars or we should try to improve the standard of living? I may tell him that there are licensed hawkers on the railways who are being properly examined, and the articles sold by them are also examined by the Health Department so that they do not become a health hazard for travelling public. But I may point out that here we are not dealing with authorised hawkers. This provision is in regard to the large number of beggars who under the garb of hawkers enter the trains and also the railway premises and start pestering the railway passengers.

The other point that the hon. Member had raised was that we must start manning all the unmanned level crossings in the country. A rough estimate is that it would cost nearly Rs. 60 crores to convert all unmanned level crossings into manned level crossings. But I would like to inform the House that the railways have a Safety Fund, which is at the disposal of the States. This money has been collected by the railways and kept at the disposal of the State Government to be utilised for converting any unmanned crossing into a manned level crossing. Part of the expenditure will be borne by the railways. Part of the expenditure which has to be incurred has to be borne by the State Government. But actually, it is given by the railways to the State Governments. An amount of Rs. 12 crores is

lying with the State Governments, but unfortunately this amount has not been utilised so far. So, if the State Governments take this matter up and write to the railways that they want to convert the unmanned level crossings into manned ones, we shall absolutely have no objection; the States are not going to spend any money on this, but it is our money lying with the States for this very purpose. So, I would beseech the hon Member that if he could persuade the State Government to let us know how many unmanned level crossings they would like to convert into manned ones, we shall certainly consider it.

MR DEPUTY-SPEAKER: The question is:

"That the Bill be passed".

The motion was adopted.

14.58 hrs.

PAYMENTS OF BONUS (AMENDMENT) BILL

MR. DEPUTY-SPEAKER. We shall now take up the payment of Bonus (Amendment) Bill.

THE MINISTER OF LABOUR AND REHABILITATION (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"

As hon. Members are aware, this is a very simple Bill, and, therefore, I shall not take much time of the House. The House is aware of the amendment made in the Payment of Bonus Act, 1965, last year to provide for the Payment of a minimum bonus in respect of the accounting year commencing on any day in the year 1971 at the rate of 8 1/3 per cent of the salary or wage of the employees and deposit of part of the bonus in certain cases in the provident fund accounts of the employees. It was thought that the final report of the Bonus Review Committee

would be received and that the comprehensive amendment of the Act would be undertaken soon. Unfortunately, the work of the Bonus review Committee has received a setback owing to the sad demise of one of the respected members of the committee, namely Shri Satish Loomba in the recent aircrash, and it may now take a few months more for the committee to submit its final report. Meanwhile, bonus for the accounting year commencing on any day in 1972 has become due. It is, therefore, considered necessary that we should make the same percentage of bonus payable as was done on the last occasion. The amending Bill has been brought before Parliament for the purpose. I move.

15.00 hrs.

I would only add that this is the most non-controversial Bill for which members have been waiting. Members would even like to pass it without a discussion to help the employer to see that the workers get their bonus as early as possible.

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".

Would you respond to that, Mr. Bhattacharyya?

SHRI DINEN BHATTACHARYYA: I would have responded if the Minister had accepted my proposal to raise the percentage from 8.33 to 10 minimum. Why do I say this? What I have stated is 100 per cent justified. Shri Stephen who represents the INTUC will also corroborate it.

Last year the minimum bonus was raised from 4 per cent to 8.33 per cent. What was the consensus when this idea of a minimum bonus came? It was not money that the employers were paying gratis. First of all, it had nothing to do with profit, loss or production.