

in to Pakistan from Heerke barrage. The Indira Gandhi Canal of the Rajasthan State or the Bhakra System Canals have no water in them. The paddy crop in the Ghagra river area is withering. Even in such a period the officers are releasing less water. The Indira Gandhi Canal is drawing about 7,000 cusecs of water at present whereas its capacity is 18,000 cusecs. If more water is released from Punjab in the canal then the project area and the crops of the Ghagra river area can be saved from being destroyed. Similarly, if Punjab gets more water from the canals of Bhakra then the crops of this area can be saved from destruction.

I, therefore, request the Government of India and the hon. Minister for Irrigation that the water which is flowing into Pakistan should be released in the canals of Rajasthan.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : Sir, I will put all the points raised by the hon. Members before the Business Advisory Committee for their consideration.

12.40 hrs

TERRORIST AFFECTED AREAS (SPECIAL COURTS) AMENDMENT BILL

[English]

MR. DEPUTY SPEAKER : The house will now take up item No. 11 of the agenda.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND COMPANY AFFAIRS AND IN THE MINISTRY OF HOME AFFAIRS (SHRI ARIF MOHAMMAD KHAN) : Sir, on behalf of Shri S.B. Chavan I beg to move for leave to introduce a Bill to amend the Terrorist Affected Areas (Special Courts) Act, 1984.

MR. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill to amend the Terrorist Affected Areas (Special Courts) Act, 1984.”

The motion was adopted.

SHRI ARIF MOHAMMAD KHAN : Sir, I introduce the Bill.

12.41hrs

ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND COMPANY AFFAIRS AND IN THE MINISTRY OF HOME AFFAIRS (SHRI ARIF MOHAMMAD KHAN) : Sir, I beg to move :

“That the Bill to amend the Essential Services Maintenance Act, 1981, be taken into consideration.”

As the House is aware, the Essential Services Maintenance Act, 1981 was brought on the Statue Book as part of a major effort to keep the wheels of production moving and with the object of ensuring uninterrupted maintenance of essential services so essential for national security and defence as well as for the economy. I would like to recall the circumstances which necessitated the enactment of this law. In 1980-81 there were certain disquieting trends on the Labour front affecting the maintenance of essential services in some vital sectors of the economy. The locomen agitation and the prolonged agitation by public sector workers in Bangalore were illustrative of such trends. The labour situation which was marked by increasing violence brought matters to a head. It was considered necessary that if disruption of the normal life of the community was to be avoided and if production essential for national security and

[Shri Arif Mohammad Khan]

defence as well as for the economy was to continue, discipline and operational efficiency had to be maintained in all essential services. The Essential Services Maintenance Ordinance, 1981 was accordingly promulgated on the 26th July, 1981 to secure these objectives. The Ordinance was replaced by the Essential Services Maintenance Act, 1981, which has a wider compass than the Ordinance, in as much as it empowers the Central Government to prohibit not only strikes, but also lock-outs and lay-offs in essential services.

When the legislation was being discussed in Parliament, Government had made it clear that the objective was to create a healthy climate in which production would increase at a faster rate and essential services would be maintained without any disruption. It was also reiterated in Parliament that the powers available to the Central Government would be used with great care and caution and only after Government is convinced that, if the great powers are not exercised, the situation would deteriorate and grave hardship would be inflicted on the people. In the course of the last four years of the working of the Ordinance/Act, Central Government have invoked the powers under the Act only on 30 (Thirty) occasions to issue orders prohibiting strikes in essential services or to extend the period of operation of such orders prohibiting strikes. These orders were issued to meet grave situations such as those arising out of call for Assam Bandh, strike by Maharashtra State Electricity Board Engineers and threat of strike by employees of Food Corporation of India, Central Warehousing Corporation, Coal India Limited, Mathura Oil Refinery, AIR and Doirdarshan, CPWD (connected with public conservancy, sanitation, water & power supply in Delhi), Security Paper Mill, Hoshangabad, International Airports Authority of India, etc. One very such occasion when an order under the Act was issued, there was full consultation with the Ministry of Labour. As the Hon'ble Members would appreciate, the powers under the Act have been used very sparingly and only to meet situations in which non-exercise of the powers under the Act would have resulted in serious consequences and hardships to the community.

The Act is to expire on the 22nd September, 1985. We have examined the question of extending the life of the Act beyond that date in great details in consultation with the various Ministries and Departments of the Government of India and the State Governments and U.T. Administrations. There is a general consensus to extend the Act beyond 22nd September, 1985. Ministries and Departments which employ a large number of industrial workers and other staff such as Railways, Posts and Telegraphs, Defence, Finance (Banking Division) Shipping & Transport, Chemicals and Fertilisers, Petroleum, Steel, Food, etc., have strongly recommended the extension of the Act.

A number of State Governments have also favoured the extension of the Act. Government is also convinced that although the industrial relations climate at present is relatively better than what it was four years ago, there should be no let-up in the effort to keep the wheels of production moving faster in the interest of national security and defence and for the growth of the economy. The Bill, therefore, seeks to extend the life of the Act by five years.

I hope that in the light of what I have stated, the House will give support to the Bill.

MR. DEPUTY SPEAKER : Motion moved :

“That the Bill to amend the Essential Services Maintenance Act, 1981, be taken into consideration.”

SHRI BASUDEB ACHARIA
(Bankura) : I beg to move :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th September, 1985”.

“That the Bill further to amend Essential Services Maintenance Act, 1981, be referred to a Joint Committee of the Houses consisting of 15 members, 10 from this House, namely :—

(1) Shri Ajoy Biswas

(2) Shri S.B. Chavan

- (3) Shri Saifuddin Chowdhary
- (4) Prof. Madhu Dandavate
- (5) Shri Indrajit Gupta
- (6) Smt. Geeta Mukherjee
- (7) Shri C. Madhav Reddy
- (8) Shri Ajit Kumar Saha
- (9) Shri K.P. Unnikrishnan; and
- (10) Shri Basudeb Acharia

and 5 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 15th September, 1985;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

That this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee."

SHRI SATYAGOPAL MISRA
(Tamluk) : I beg to move :

"That the Bill to amend the Essential Services Maintenance Act, 1981, be referred to a Select Committee consisting of 12 members, namely : —

- (1) Shri Basudeb Acharia
- (2) Shri Ajoy Biswas
- (3) Shri S. B. Chavan
- (4) Shri R.P. Das
- (5) Shri Amal Datta
- (6) Shri Indrajit Gupta
- (7) Shri Matilal Hansda
- (8) Shri Sanat Kumar Mandal
- (9) Shri Amar Roypradhan
- (10) Shri Ajit Kumar Saha

(11) Shri Zainal Abadin; and

(12) Shri Satyagopal Mishra

with instructions to report by the 15th September, 1985."

DR. G. VIJAYA RAMA RAO (Siddipet) : Mr. Deputy-Speaker, Sir, before 1980, the Essential Services Maintenance Act was not in vogue, but for about 30 years of our independence, in 1950, we took over all these organisations like the Railways, Postal Services, Communications and other organisations. In early independence days, labour conditions had not deteriorated, the standard of living was not much. But after 25 years of independence, the standard of living has improved a lot and the general price level has improved a lot. But the wages and other facilities which we are providing to the employees have not improved accordingly. So, the labourers working in different organisations, where their working conditions were good for 25 years, have become worse and that is the reason why there have been agitations throughout the country. From 1980 onwards, the employees in the public undertakings like ECIL, HMT, HAL, etc. have been going on strike sometimes for 77 days for non-acceptance of their just demands. But the Govt never thought of solving the problems of the industrial labour. On the other hand, in 1980 the Essential Services Maintenance Act was passed which intended to curb the rights of the industrial labour. This legislation gives massive powers in the hands of the Government. The Minister has informed us that during the last four years of the working of the Act, the Government had invoked the powers under this Act on thirty occasions. During these four years, how much improvement have you got on the management side? What were the improvements that were brought about during this period by prohibiting the labour from resorting to strikes etc. in organisations like Hindustan Machine Tools, Hindustan Aeronautics Ltd., Electronics Corporation of India and so on? Although the employees have been restrained from resorting to agitation, the management are not paying proper attention to their grievances and they are doing all sorts of things. They have never tried to put an end to their irregularities

[Dr. G. Vijaya Rama Rao]

or plug their loopholes. If you have a look at the working of certain organisations, you will see that though the employees are not going on strike, the organisations are running into losses. Why is that so? For example, the Lamp Division of the Hindustan Machine Tools at Hyderabad and other units of the Hindustan Machine Tools are running at losses. When the employees are not going on strike, why is it happening?

I feel this measure is purely an anti-labour, anti-democratic measure and it is against the Fundamental Rights of the individual. This Act is intended to cover the Government's own incompetence, inefficiency and utter failure of the Government to manage the economy of the country. This is to curb the Fundamental Rights of the working class. How much industrial peace and growth of production in the country have you been able to achieve in the last four years?

As I said, this is an example of authoritarian rule of Shri Rajiv Gandhi, it is a pure and simple attack on the rights of the working class. I plead with the Government to withdraw this Bill.

[*Translation*]

SHRI K.N. PRADHAN (Bhopal) : Mr. Deputy Speaker, Sir, any patriot and a sensible person will definitely support the Essential Services (Amendment) Bill because the security of the country and the production in the country are very important today. In addition, I would suggest to Government to make an in depth study of our past history of industrial relations, because so far as the private sector is concerned, the history of the last 38 years of the country bears testimony to the fact that profit has been their chief motive. The private sector has never thought of the interest of the country or of the production. All their steps were motivated by profit only. So far as the Public Sector is concerned, the hon. Minister has given a number of instances. I have heard all these and it seems that he is much concerned about the public sector.

Sir, the biggest drawback in the public sector is that it lacks a committed cadre.

In the public sector, officers, who have committed a number of irregularities, occupy important position. It results in the spread of discontentment among other persons,

For example, in BHEL, Bhopal persons, who had committed a number of irregularities, are occupying important positions and are running the management at their whims. This results in resentment in the lower staff. They have their grievances. There are rules framed for the whole of BHEL but in practice these rules are flouted. There is a rule that artisans grade III would be promoted within five years but the management is not prepared to give them promotion even after five years. The management has conceded that there are anomalies in pay but they are not prepared to rectify them. Such things create resentment and Government should redress it.

We have taken a good step by amending the law regarding Bonus in the last Session. Earlier, the ceiling for bonus was Rs. 750 which was raised to Rs. 1600. Now employees drawing salary upto Rs. 1600 will get bonus. At that time the labour Minister had agreed that the limit of Rs. 1600 in the Bonus Act would be increased. But no amending Bill has been brought forward till now. You should at least look to these things. You must also intervene in labour disputes.

You will find that in all the labour disputes, the verdict was always in favour of the labour. If the management concedes the justified demands of the labour, then such disputes would never arise. Such situations arise only when the management becomes recalcitrant.

When we have brought forward this Bill, we will have to look to our working and the old labour relations. Our Labour department helps in bringing about reconciliation but it is not empowered by law to force the management to implement the agreement. We will have to see this point also.

I would like to submit that we will have to build up a committed cadre so that such a situation does not arise. The labour is in favour of raising the output in the country as well as making the country

strong. But we should not allow such a situation to arise where the labour are not permitted to ventilate their grievances.

SHRI RAM NAGINA MISHRA (Salempur) : Sir, I thank the hon. Minister for introducing the Essential Services (Amendment) Bill, because this step is essential in the present circumstances.

I am speaking on this Bill because I came to know from the press reports that the leaders of the opposition parties had opposed the Bill tooth and nail at the introduction stage.

It is a matter of surprise how it was opposed by the Members for whom the word 'strike' is anathema. When they are not in power, they organise strikes and when they are in power, they put a ban on it. Is it not a fact? If this is not true then I would like to know from my friends how many strikes are taking place in China and Russia? In those countries there is dictatorship only.

I know that my arguments are hurting you; that is why you are feeling agitated I have risen to reply especially to such persons.

[English]

MR. DEPUTY SPEAKER : You can continue afterwards. We will adjourn for lunch to re-assemble at 2.00 P.M.

13.00 hrs

The Lok Sabha then adjourned for lunch till Fourteen of the clock.

The Lok Sabha re-assembled after lunch at six minutes past Fourteen of the Clock.

14.06 hrs.

[**MR. DEPUTY SPEAKER** *in the chair*]

SHRI RAM NAGINA MISHRA : Mr. Deputy Speaker, Sir, I was expressing my views on the amending Bill which seeks to amend the Essential Services Maintenance Act and when I was speaking, my arguments were hurting one of my communist friends from amongst the opposition

parties. I could not understand why it had happened, but he was feeling very much agitated. I agree that Opposition Members are there to oppose our stand, but I was very much surprised to see my young friend opposing our stand in a very peculiar manner I fail to understand which History he has read. His age must be less than 50 years and he said that the worker of the country was better off under the British rule. I do not know which University he had attended. I am referring to the young member from the opposition who was the first to speak on the Bill. I am very much surprised at the competence of the opposition which opposes everything said on behalf of the ruling party? If any member of the ruling Party says that sun rises in the East, the Members of the Opposition parties would say that sun rises in the West. Who would not be surprised to listen to such arguments?

At the outset I had expressed my thanks to the hon. Minister for bringing forward this Bill and at that time, our colleagues had laughed. But it is a fact that such a rule is the need of the hour for the country. No strike should be permitted in all the Essential services of the country I would like to ask my communist friends if they support strikes in any communist country....

SHRI SAIFUDDIN CHAUDHARY : In there starvation in any country?

SHRI RAM NAGINA MISHRA : With a cool mind you consider this issue and find out if any person in India is dying of starvation. We are proud of our country. Our country is a very vast country. When there was famine in Bengal during the British rule, almost three million people had died there and you did not utter a word at that time. The country is same even today and I challenge all the leaders of the opposition parties to tell if anybody is dying of starvation. Not even a single person has died of starvation in such a vast country.

Therefore, it is essential to have such a law in our country these days. You may take the case of Electricity Department. When

[Shri Ram Nagina Mishra]

the employees or Engineers of the Electricity Department go on strike, who is affected by the strike it is the farmer who is affected. Whenever there is strike in the Railways and the Post and Telegraph Department, who is affected, it is the farmer again, who is affected. Whenever there is the time for irrigation, the farmer does not get the facilities, because there is strike in the concerned Department. I would like to submit to my colleagues of the opposition parties that they should look towards farmers also, and they should keep the interest of workers and the villagers also in mind. Lengthy speeches are made by you in the name of farmers and workers, but have you ever thought about the plight of the workers living in the villages. He hardly gets work for three months in a year, but you never raised your voice in this regard. Where do you raise your voice? You raise your voice at a mill gate and hurl abuses at the managers and the Government, you also incite workers and the workers think that their leader is very good who is adept in hurling abuses. We have seen many labour leaders who on the one hand give a call for strike in the Private Sector and on the other hand, break the strike in collusion with the mill owners. I know many such leaders and I have seen them myself. If you like, I can tell you the names of the leaders as well as that of the factory in which strike was resorted to for 10 days. They used to inform the manager that the workers are not working properly and on the other hand they would tell the workers that the manager is working against their interests. This is their character. They always play a double game. I would like to submit to you Sir, that for the sake of the country, they should not at least play workers against the management and vice versa.

Sir, these people used to say that workers would usher in a revolution. We have seen that neither have workers brought about revolution, nor can they bring about it. Jai Prakashji had given the slogan that the youth would bring about revolution. Sir, that slogan also failed and even the youth could not bring about revolution. Sir, I would like to submit that neither the workers, nor the youth

can bring about revolution. The revolution can be brought about by the middle class and the farmers. But what is his condition today? You should pay your attention to ameliorate their condition. What is the condition of the people living in the countryside. You should pay your attention towards them.

Sir, I would like to submit to the hon. Minister that there should never be any strike. It would be better for the country, because strikes destroy the economy of our country. But we have also to consider ways and means to safeguard the interests of the workers properly. There are courts for this purpose and judges have been appointed to attend to this work. It is also good that right of appeal to higher courts has been given against the judgments of lower courts.

Sir, this has also been provided in the Bill that no mill-owners in the private sector-can close the mill at will. Sir, our colleagues in the Opposition should at least appreciate this measure. Our colleagues from the opposition should, at least, appreciate the good measures of our Government, but they do not appreciate even good measures. Sir, I would, therefore, support this measure that the energy of the country should not be wasted unnecessarily by resorting to strikes.

Sir, this law remained in force for three or four years in our country, which has yielded good results. You are already aware who is ruling in Andhra Pradesh and Karnataka ...*(Interruptions)*...Sir, these people give a call for strike even when they are in power. You know what type of people these persons are. We are aware of their activities during the second world war. Sir, if these people had their way, they would reverse the entire order and turn the East into West. When the second world war was going on and Russia was with the allies, they had said that war was unjustified, but when it parted ways, these people had said that war was justified. Sir, these people are unpredictable. Sir, that is why I was requesting the hon. Minister that the rights of the workers should also be protected. Our colleagues from the Opposition had expressed apprehensions that the industrialists in the

private sector might take advantage of this restriction. This should not be allowed to happen. Otherwise also, our friends of the Opposition want that everything should be handed over to the private sector. But I would like to submit that such a situation has not developed so far. We have not reached such a stage. There is no such a feeling among us even now. The feeling of patriotism has not been inculcated among us properly. Now the feeling of patriotism is being inculcated among us. So far it has been our motto that one should work less and get more. But now gradually this feeling is also being instilled among us that we should work more and get less. This feeling of patriotism is being instilled gradually among us.

Due to lack of this feeling the public sector has been incurring a huge loss so far. All our undertakings in the Public Sector are running at a loss. The units under the Public Sector are incurring loss to the tune of billions of rupees, because this feeling has not been instilled properly among us that we should take care of public property as our own property. I would, therefore, like to put forward this suggestion that workers should also be made shareholders of the company. Secondly, I would also like to suggest that a rule should be framed for all the Public Sector Units that in case of any loss in the Public Sector Undertakings, it should be made good from the salaries of the workers and if the unit is making profit, the workers should be paid bonus.

Mr. Deputy Speaker, Sir, I am very happy with the hon Minister for bringing forward this Bill. It was high time for bringing forward such a Bill and he has introduced it at an appropriate time. I would, therefore, request all of you as also my colleagues from the Opposition that they should support this Bill unanimously and get it passed.

[English]

SHRI BASUDEB ACHARIA (Bankura):

I rise to oppose this draconian piece of legislation. At the introduction stage also we vehemently opposed the amending Bill which seeks to extend the period of

Essential Services Maintenance Act for a further period of five years. We opposed it on the ground that this will take away the Fundamental Rights of the workers. We created a history in this House in the year 1981 when the original Bill was being considered and passed. We opposed that Bill clause by clause. Now the Government is claiming that in order to maintain essential services it is necessary to extend the period for 5 years more though in the original Act it was for four years. Did the Act succeed in achieving the objective? I would like to give you some figures which will show that during these four years this objective could not be achieved and the Government could not stop workers from going on strike.

In the year 1983 the loss due to strikes and lock-outs was of the order of Rs. 247.72 crores and Rs. 164.68 crores respectively. In 1984 it was Rs. 140.18 crores and Rs. 78.38 crores. The loss of mandays in the year 1981 when this black and draconian Bill was passed by Parliament, was 36.58 million in 1982 33.21 million 1983, 25.05 million and in 1984 40.47 million. So even after getting that Bill passed by parliament the Government could not stop workers from going on strike.

SHRI HAROOBHAI MEHTA : Do these figures relate to strikes in essential services only or total?

SHRI BASUDEB ACHARIA : Total.

Government has also claimed that the industrial situation has much improved. If that is so, then what is the necessity of extending the period of this Act which takes away the fundamental rights of the workers? This Bill virtually supersedes the Industrial Disputes Act of 1947. Section 12 of the Act says that the provision of the Act and any order issued thereunder shall have the effect notwithstanding anything in consistent with the Industrial Disputes Act, 1947 or any other law being enforced. But the Home Minister has stated that this Bill would not affect Industrial Disputes Act, 1947. At the time of introducing the Bill, the Home Minister had said that the Maintenance of essential Services Act, the National security Act and the Terrorist and Disruptive Activities (Prevention)

[Shri Basudeb Acharia]

Act were not meant for trade union activities. This is what was said by the hon. Minister at that time. The National Security Act was passed in the year 1980 and in the year 1981 the locomen went on strike. Why did they go on strike? There was an agreement arrived at between the Government and the locomen, and that agreement was announced in this very house by the then Railway Minister. The agreement was to reduce their duty hours to ten. This agreement was reached between the Loco Running Staff Association and the Government of India in the year 1973 but had not been implemented till 1981. So, they were forced to go on strike. Though it was said a number of times that the National Security Act would not be used against the workers and against the trade unionists, but this Act was actually used against the railwaymen. Thousands of railwaymen were arrested and put behind the bars without trials. Thousands of workers were discharged and dismissed, and still they are languishing. What are the powers that the Government wants to seek now, and which is not there in the Industrial Disputes Act? This Bill gives the Government power to declare any industry as 'essential' and to ban strike in any unit of that industry. Now, what does the Industrial Disputes Act say? Section 22 of the Industrial Disputes Act says on page 24 :

"No person employed in a public utility service shall go on strike in breach of contract—

- (a) without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking ; or
- (b) within fourteen days of giving such notice ; or
....."

So, that power is there in the Industrial Disputes Act. The Government can use the Essential Services Maintenance Act for the Industrial Disputes Act of 1947. They can declare any industry as a 'public utility service' and can ban a strike in that industry. What is the use of bringing this

Draconian Bill which takes away the fundamental rights of the workers ?

What is there in the Act? When a worker goes on strike in an essential service, what will be the punishment? The punishment can range from one month to six months. And for instigation to strike, the punishment will be from six months to one year. For giving financial assistance also it will vary from six months to one year. Apart from imprisonment the person also faces dismissal. So, you are depriving a worker of his right and also depriving him and his family of its bread. That is a double punishment which is there in the Essential Services Maintenance Act.

The Government of India is a party to several conventions and recommendations of the International Labour Organisation. May I ask has the Government any right with its brute majority in Parliament to bring in a law which goes against the conventions and recommendations of the ILO to which it is a party ?

The collective bargaining means to settle disputes and avert strike. And if it fails, then workers go on strike. Strike is not a fun. When a worker goes on strike, he will have to starve. We have seen in the Railwaymen's historic strike for 22 days in 1974 thousands of workers were thrown out of employment. They were dismissed, discharged and put behind bars. So, strike is not a fun. The workers are forced to go on strike when other avenues fail. When the collective bargaining fails, they go on strike.

You imposed Essential Services Maintenance Act on Coal India Limited in 1983. What happened there? There was an agreement with all the trade unions, including the INTUC, with the Coal India Limited. The agreement was signed by both the trade unions and the Coal India Limited Management. But after signing of the Agreement, the management of the Coal India Limited refused to implement the Agreement before the ink of the Agreement had dried. When this Agreement which was signed was not honoured and that it was not implemented, the workers of the Coal India Limited were forced

to go on strike for three days in spite of the opposition from the INTUC. Ninety-five per cent of the workers of the Coal India Limited went on strike.

SHRI DAMODAR PANDEY : I think it is wrong to say that the strike was convened after the signing of the Agreement. Secondly I would like to know from him which convention of the ILO has been violated.

SHRI BASUDEB ACHARIA : I am not yielding. You will say the management was forced to implement the Agreement.
(Interruptions)

MR. DEPUTY-SPEAKER : I would request the Member to sit down.

SHRI BASUDEB ACHARIA : Why is this measure being extended? Why does the Government now want to extend this black and draconian Bill in spite of its claim of improvement in the industrial situation and labour relations?

You have imposed a blanket ban on recruitment for 15 months. Three crores of unemployed youth are in the live registers of employment exchanges. They are just roaming in the streets in search of employment. You have announced a new textile policy, a new electronic policy, a new export policy. What is the use? The more you announce your new policies, the more grows unemployment. What is the new import policy which you announced? In the name of import liberalisation you have opened the doors of our country to foreigners. You are importing coins from foreign countries. You can't cope with the requirements of our own country. Therefore you import coins from foreign country. What is your new textile policy? It will only lead to more unemployment. More modernisation means more unemployment. You want to bring in computers; you want to bring in sophisticated machines and automation. The machines and computers will reduce the job potentialities. We are not opposed to these, because in a country like ours where 3 crores of unemployed youth are there waiting to get employment, where there are 13 crores of agricultural labourers who get only 100

days employment in a year, you want to instal computers rendering thousands of workers jobless. This is the situation.

In coal India Limited, within 3 or 4 years, 50,000 workers were thrown out of employment. Most of them were women. The workers are agitating. The workers are resisting. The employees of Hong Kong Bank of Calcutta are agitating. They are resisting the installation of computers in their offices. In the LIC the employees resisted the installation of computers in their offices. That is why you are afraid and you want to extend this black and draconian law in order to stifle the voice of the workers. In this respect you have never succeeded; and I am sure you will never succeed. The textile workers of Bombay went on a strike which lasted for 1-1/2 years and they showed their determination. So, I request the Home Minister kindly to withdraw the Bill.

With these words I oppose this black Bill, Draconian Bill, Anti-democratic Bill.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer) : Mr. Deputy Speaker, Sir, I rise to support the Essential Service (Amendment) Bill, 1985 introduced in the House. In 1981 also, this Essential Services Bill was introduced and the House had passed it with a majority vote. That Bill took the form of an Act. Now again, the same Bill with the same sections has been introduced to extend its period for another five years, and I support it.

The view expressed by the members particularly those belonging to the Opposition, stress. The point that it is an assault on the fundamental rights of the workers. It is a fact that this Bill strikes at the fundamental rights of the workers, but if any force is an impediment in the nation's progress, country's security, national production and our economy, such forces cannot be tolerated in a democracy (Interruptions)

This question is also linked with the mill owners. This law is also applicable to

[Shri Virdhi Chander Jain]

those who declare lock-outs in their factories and close them down. It is not that this law is only for the workers (*Interruptions*). Therefore, this Bill has been introduced with the objective of achieving progress in the country. To achieve national progress, our economy needs to be strengthened. The way strike continued for a long time in the Textile Industry in Bombay—I think it ran for 18 months—it hinders production in the country. Hinderance in production in the country severely affects our economy (*Interruptions*).

SHRI NARAYAN CHOUBEY (Midnapore) : When Government is elected through ballot, why the same cannot be done in the case of a Union (*Interruptions*)

SHRI VIRDHI CHANDER JAIN : It is essential to have strict provisions for the maintenance of essential services. It is very essential to enact a legislation which could deal with the forces which particularly strike at our economy, our Defence, our security. When the departments like drinking water, electricity and R.E.C. stop working, it causes a huge loss. (*Interruptions*). What I mean to say is that government have to enact such legislations to deal with such circumstances. If the drinking water department stops working, action becomes necessary. As things stand now, at present the situation is that even the Bank officers, who get highest pay, have started resorting to strike. You support their activities. I want to repeat that if anybody gets the highest salary today. It is the Bank employees and officers.

AN HON. MEMBER : Tata and Birla.

SHRI VIRDHI CHANDER JAIN : We are not in favour of the capitalists, we are not in favour of this type of capitalism, we are in favour of socialism (*Interruptions*). We want to phase out capitalism gradually and we are heading towards socialism for which we are striving. We have take steps for nationalisation of a number of industries and similar steps will be taken wherever necessary in future also. We have

nationalised in the past: the industries connected with the people's life and would continue to do so in the future as well. What I mean to say is that this legislation is a must for the maintenance of the essential services and I support the views expressed by government in this regard. If necessary, such a step should be taken for the country's progress, for the progress of the society and for the economy of the nation even if it hurts somebody's ideology or rights.

With these words, I support this Bill.

PROF. NIRMALA KUMARI SHAKTAWAT (Chittorgarh) : Mr. Deputy Speaker, Sir, I rise to support the essential Services Amendment Bill, 1985. The conditions in 1981, when this legislation was enacted for the first time, were such that our economy had become weak due to strikes and mismanagement and compelled by the circumstances at that time, we had provided that this law would remain in-force for four years. Even now, there has been no substantial change in the situation and it has become necessary to extend the period of this Bill for another five years.

I would also like to say that just now our colleague Shri Basudeb Acharia has termed this as a draconian piece of legislation. I want to submit to him that on the one hand he talks of rising prices and inflation in the country's and on the other hand he is opposing this Bill. In fact, inflation and country's production are deeply inter-connected. If there are strikes, if disorder spreads in the industries, then the production will certainly go down and if the production is less than the demand, the prices are bound to go up and inflation in the country will increase. Therefore, with a view to asserting the inflation and to check the disruption of our economy due to strikes, it had become essential to amend this Act. The people have started misusing the path of civil disobedience shown by Mahatma Gandhi. If people remove the word civil and take to disobedience only it would lead to chaos. Today, there is no field which is free from strikes. This infection has spread among Doctors, Railway employees and all other fields. I

would like to give here a brief account of the loss suffered during the Janata Party rule, when your government was in power. In 1978-79, when your party was in power, the country suffered a loss of Rs. 285.32 crores and Rs 445.02. Under such circumstances, amendment to this law was not only necessary but it had become imperative also. Therefore, I heartily thank the hon. Minister and Government for their wisdom.

Sir, politics should not be dragged into labour and management. As a result of political interference, extremists enter into it. Your just imagine what would have been our position, had these strikes continued in our essential services. You have before you an example of strike in the Railways. You are also aware of what happened in the textile industry. When employees engaged in essential services, electricity, water, medical, airways—all go on strike, it directly affects the people in the country.

Therefore, it is a wise step. There are some elements which went to force strike on the workers. There is no dearth of such 'Goondas' and 'Dadas' who forcibly enter the labour movement. The workers, who do not want to go on strike are forced to do so through threats and coercion. Therefore, I would submit that keeping in view the economic constraints and inflation in the country, this legislation is a must and the opposition parties should also think over it.

Shri Basudeb Acharia has also spoken about assault on the fundamental rights and has said that this is an anti labour law. To this I want to say that our Government has always stood for the workers and it has never ignored them. I want to substantiate it by giving an example. May I know who had first thought in terms of workers' participation in management? It was our Government. And which Government first thought of solving disputes through arbitration? It was this Government which did it. The idea of fixing minimum wages for the labour was also mooted by this Government. I would also say that the Employees Health Insurance and Medical Scheme

have also been initiated by this Government. Therefore, to say that our Government do not think of the workers is wrong. I would say that you should correct this statement of yours.

I would also like to say that if your labour organisations and trade union organisations have the good of the country, the development of the country, the inflation in their mind, then certainly they should have changed their attitude, but they did not do so nor do they intend to and it was because of this that Government had no option but to extend the period. I would like to inform the hon. Minister that we welcome this Bill from the core of our heart. At the same time I would like to give certain suggestions. Firstly, you will have to pay special attention to protect the interests of the private sector labour. A labour cell should be set up in your Ministry where their grievances can be heard and redressed without delay.

Secondly, the Central and State Governments should constitute Labour Advisory Boards and reconstitute the existing ones which should look to their difficulties and ensure better wages to them.

Thirdly, the labour courts and tribunals are there but their procedure is so lengthy and time consuming that the labourers get fed up with it after a long wait. Therefore, my third suggestion is that these tribunals and labour courts need to be reorganised so that the workers may get cheap and speedy justice.

I appreciate the vision exhibited by the hon. Minister and with these words I conclude.

[English]

SHRI INDRAJIT GUPTA (Basirhat) :
Sir, we had opposed this Bill at the introduction stage also. And in response to our contention, at that time, the Home Minister had also been pleased to make some observations. Our real opposition to the extension of this Act is that it is a completely one sided Bill. The bill is loaded completely against the workers and I do not propose to enter into a theoretical argument with some of my friends on the

[Shri Indrajit Gupta]

other side of the House, on the philosophy of strikes, whether strikes are good or bad and so on.

Then frequent references are made to the question as to why strikes are not allowed in China or Russia. It is a question of what sort of socio-economic society we have and in which we are functioning.

I have spoken to some Members of the Congress Party who have recently been in various delegations to visit China. Many delegations are going nowadays in which so many Congress Members have also been there and all of them have admitted—I do not know if they will admit it publicly but certainly in private talks they admit very much here—that while they have found in China many things which they do not like, but they have to admit some things which they have seen there. They have seen there that a provision exists there for equality of opportunity for all working people. They have also seen there that prices are being very strictly controlled. The fact is that there is no great gap between the rich and the poor as we have in our country. There are no big capitalists and monopolists like Tatas and Birlas and so on on the one side and millions of people below the poverty line on the other side. These things do not exist there. You have to admit this. But the same conditions exist in other socialist countries also.

The other day somebody on the other side of the House was saying that in the Soviet Union which has been visited by many Members of the ruling party, including Members of the Government, they found that prices of essential commodities, foodstuffs and all that there have been held practically at the same level at which they were some 25 years ago. There is no rise. There is no runaway inflation there. There is no black marketing there. There is no unemployment in those countries. Factories in those countries are not lying closed simply because some employer decided to close them down. These things just do not exist there.

Therefore, these questions are quite irrelevant as to why strikes are not taking place in those countries. Somebody is alleging that strikes are suppressed there. In those countries, there is no need to strike. But, workers have grievances even there. Why not? Workers can have many grievances. But the point is nothing there can be done without the approval of the trade unions which function in that society. The trade unions occupy a strategic place there. Nobody can be dismissed in factory without the approval of the trade union.

Can you imagine such a thing in this capitalistic society either here or in any other capitalist country?

The conditions in the two types of countries are completely different. There is no use comparing like that.

What kind of industrial relations do you want to create through this Bill? You are now entering upon the Seventh Five Year Plan and talking so much about a new industrial set up, modernisation, technology, the need for workers to acquire higher skills and the need for them to learn how to master new types of machines which are going to boost production in the country. It remains to be seen whether that happens or not.

In conformity with that kind of set up, what kind of industrial relations structure do you want to have in this country? Is it to be based on proper recognition of the trade unions and proper collective bargaining rights for them or is it to be an industrial relations system which is to be based essentially on threats against the workers? If they stop work or if they go on strike for any demand or grievance, then a draconian repressive law will be used against them.

The other day I think the Home Minister also made a reference to the National Security Act which had been passed in 1980. An assurance was given in the house that it will not be used against trade unions and that it was meant only for such people or such forces who seriously threaten the security of the State.

But I may remind the Members what we have said many times in this House that in spite of those assurances, this National Security Act has been used, not once, but several times, to lock up trade unionists and to put them behind the bars, without any evidence or any proof or any charge which has remotely got anything to do with the security of the State.

I may remind the hon. Member again and the hon. Minister, of Mr. A.K. Roy who used to sit over there in the previous House and who was elected from Dhanbad After the National Security Act was passed, the first victim was Mr. A. K. Roy, Member of the Lok Sabha, who was detained under NSA and locked up and after some period of time, the Government was forced to release him because there was no possible charge on which he could be kept under detention. And when he returned from detention, Mr. A.K. Roy stood up in this House and made the counter charge against the Government that he was locked up because some people there in Dhanbad wanted him to be out of the way while certain municipal elections were being held and his presence there and participation in the elections was uncomfortable for them. So, they got him locked up under the National Security Act What has that got to do with security, may I know ?

I can give the example of the trade union leader here in Ghaziabad near Delhi, not far away from here, by name Mr. Sukhbir Tyagi...(*Interruptions*)

SHRI DAMODAR PANDEY (Hazari-bagh) : He was defeated in the elections... (*Interruptions*)

MR. DEPUTY-SPEAKER : Mr. Pandey, please sit down. I will give you an opportunity to speak. Mr. Indrajit Gupta, please carry on.

SHRI INDRAJIT GUPTA : I can give another example of the trade union leader by name Mr. Sukhbir Tyagi here in Ghaziabad and that was because in that particular factory there was discontent among the workers and agitation was going on ; there was a dispute with the private sector

employer. There are so much hand-in-glove dealings between employers and the local administration, the local police, the local officials. They just go and complain to them and get the trade union leader removed by getting him locked up under the national Security Act. A few weeks ago I had written a letter to Mr. Chavan, to which unfortunately I never got a reply. Generally he replies, But I never got a reply about the case of Mr. Micheal D'Souza in Bombay, General Secretary of the Tara oil Mills and Allied Workers' Union. It was also a factory belonging to the Tatas. There was a prolonged dispute going on with the workers. Negotiations had failed and the company did not want this union leader to be there to take a strong attitude on behalf of the workers, and one fine morning Mr. Michael D'Souza, who is himself an employee of the factory and the General Secretary of the Union, was arrested under the National Security Act, detained and taken off to the Nasik Jail and locked up there with the whole lot of ordinary criminals ; after two or three months, he was quietly released without any explanation, any charge-sheet. So, please do not say that this type of legislations are not used to suppress trade union activities or democratic movements, for that matter. They are. And we do not believe this type of assurances which are given in the House because, after all, these Acts are implemented by local officials, by the police, by the local magistrates and such other people. Here in this Bill itself, in the ESMA, power is given to any police officer. The words used are "any police officer". Section 10 of this Act says that any police officer can arrest without warrant anybody whom he considers—whom the police officer considers—to be guilty of an offence under this Act. These are monstrous powers given to these people.

There is a definition in section 2 (b) which says that 'strike', for the purposes of this Act, includes also refusal to work overtime. I have never heard of this anywhere in the country. There may be justified reasons why workers in particular cases do not want to work overtime. If they work overtime, they get double the wages. So, in their own interest, the workers want to work overtime so that

[Shri Indrajit Gupta]

they can get double the wages. But if there is a particular instance where, for some reason, the workers do not want to work overtime—sometimes very unjustifiably a long overtime is imposed on them—that also will come under the mischief of 'strike' under this ESMA. Then he is liable to dismissal from his job, he is liable to imprisonment, he is liable to fine. This is the thing. This is a kind of Act which is meant to terrorise and intimidate the workers into submitting to the wishes of the employers...

MR. DEPUTY-SPEAKER : Please try to conclude.

SHRI INDRAJIT GUPTA : If you ring the bell like this, what can I do ?

This will be extended for five years, and within five years we will not be able to do anything. Of course, we will go on strike, no doubt, because this intimidation of, or threat to, the workers is never going to cow them down. If there is a justified reason for going on strike, then you cannot prevent it; you cannot prevent strikes by showing them the *danda*. There are dozens of cases during the last four years which have proved this.

15.00 hrs.

Constant references are being made to the Bombay strike. A Member here referred to the Bombay Textile Strike. I was not leading that strike, some other Member was leading it. But it went on for one and a half years. Why could not you suppress it by using this Act against them. You cannot do it. So many strikes are taking place by State Government employees. They are going on for months together. It happened in U.P., it happened in Bihar, Gujarat and in so many other places. Gujarat is a different matter, it is a political issue which I am not in support of. But these State Government employees certainly come in the purview of this Act. It does not prevent them.

Sir, I am not wanting to prolong my remark. My original question is : what is

your outlook in the 7th Plan towards the organised workers ? Are you seeking their cooperation by some new industrial relations system in which they feel that they are also partners ? You are talking about their participation in management. You want them to feel—at least in the public sector—that they are partners. But this Bill is meant to apply mainly to the public sector. Railway, Transport, Aerodroms, Ports, Defence, Foodgrains, Sanitation, Water Supply, Hospital, Banking, Coal, Power, Steel, Fertilizers, Oil, Petroleum, Mint and Security Press are some of the undertakings or establishments which are defined in this Act. Most of them are in the public sector. You don't have this much confidence on yourselves that you can enlist the cooperation of these workers in the public sector even without resorting to this act of Draconian measures against them. I am afraid, the outlook for the 7th Plan as far as the industrial relations are concerned, is very bleak indeed. If you are going to allow the inflation and prices of essential commodities to go up, and people are going to be displaced from their jobs due to this rationalisation measures, computerisation, new technology and all that being brought in adding to a whole volume of unemployment which already exists in the country then people are not going to take these things lying down. They have to fight for their rights, their right to jobs, their right to wages and if the Government tries to suppress them by this kind of legislation I am afraid it is not going to work. What will happen will be that you will alienate the working class completely, make them hostile. If you make them hostile, you won't get their cooperation which they are prepared to give in the public sector. As far as the private sector is concerned that is a different kettle of fish. This Act protects the private employers who have resorted to so many lock outs and closures. The Minister will probably say and quote certain clauses to show that this is meant against lock outs also. I would like to know how many times this has been applied to. 80000 factories are lying closed.

MR. DEPUTY SPEAKER : We will now take up the next item.

SHRI INDRAJIT GUPTA ; Then I can continue my speech on the next day. I will take two minutes to conclude my speech on Monday. Thank you.

15.04 hrs.

MOTION RE : FOURTH REPORT OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

[English]

SHRI DAL CHANDER JAIN (Damoh):
Sir, I beg to move :

“That this House do agree with the Fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 14th August, 1985.”

MR. DEPUTY SPEAKER : The question is :

“That this House do agree with the Fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 14th August, 1985”.

The motion was adopted.

15.05 hrs.

RESOLUTION RE : DEVELOPMENT OF HILL AREAS *Contd.*

[English]

MR. DEPUTY SPEAKER : The House will now take up further discussion on the resolution moved by Shri Harish Rawat on the 2nd August, 1985. Shri Harish Rawat to continue.

SHRI HARISH RAWAT (Almora) :
The Minister for Planning is not here Sir.

MR. DEPUTY-SPEAKER : Don't worry, you carry on. The Minister for Parliamentary Affairs is here, he will look after.

[Translation]

SHRI HARISH RAWAT (Almora) :
Mr. Deputy Speaker, Sir, in this age of science and technology, the importance of Himalayas as a sentinel might have diminished to some extent, but so far as the question of its effect on the climate of the entire North India and fertility of Ganga-Yamuna plains is concerned, the importance of the Himalayas cannot be underestimated. Today, the Himalayan ranges are becoming sick. We are not paying requisite attention to them. A multi-purpose project needs to be formulated to keep the Himalayas healthy in the interest of not only hills but of the entire North India and the country's economy. I would not like to say that the planners in the country did not do anything or did not think about the development of hills after independence. Such a comment would amount to negating the efforts made by the planners. They thought about it and allocated funds for it also, but the required benefit is not reaching them. What are the reasons for it? In my opinion following are the reasons :

[English]

1. Shortage of resources for the States.
2. Inadequate linkage among various programmes.
3. Lack of perspective planning by the States.
4. Absence of physical monitoring at the field level.

15.06 hrs.

[SHRI VAKKOM PURUSHOTHAMAN *in the chair*]

[Translation]

Sir, I would like to portray two situations before the House. The first is about a common woman of hill areas who represents the life of 95 per cent women. This woman gets up at 4 O'clock in the morning. She arranges fodder for the