

तीसरी बात मैं यह कहना चाहता हूँ कि बोनस की जो व्यवस्था रेल मजदूरों, डाक-तार के कर्मचारियों और रक्षा विभाग के कर्मचारियों के लिए उत्पादकता की शर्त लगा कर की गयी है, वह गलत है। उस शर्त को मानने के लिए न रेल मजदूर न डाक तार के मजदूर और न रक्षा विभाग के मजदूर तैयार हैं। उनमें बहुत भयंकर असंतोष है। इसलिए मेरा सरकार से निवेदन है कि वह इस उत्पादकता की शर्त को समाप्त कर 8.33 परसेंट बोनस उन्हें भी दें। अगर आप यह शर्त रखेंगे कि 1977-78 की उत्पादकता के बराबर वे काम करेंगे तो उनको 25 दिन का बोनस मिलेगा तो इससे उनका ग्रहित होगा। आज कोयला नहीं मिल रहा है, डीजल नहीं मिला रहा है जिसका असर मजदूरों की उत्पादकता पर भी पड़ता है। इन चीजों की कमी की जवाबदेही मजदूरों पर नहीं है लेकिन इनकी कमी की वजह से मुझे भय है उत्पादकता के नाम पर उनका बोनस कट जायेगा और उन्हें कुछ नहीं मिलेगा। वे बोनस के अधिकार से वंचित रह जाएंगे। इसलिए मैं चाहता हूँ कि इसमें संशोधन कर के इस शर्त को हटा दिया जाए और उन्हें भी दूसरे मजदूरों की तरह 8.33 प्रतिशत बोनस दिया जाए।

चौथी बात मैं कहना चाहता हूँ कि भारत सरकार के कर्मचारी, राज्य सरकारों के कर्मचारी, आल इंडिया रेडियो में, अस्पतालों में, विश्व-विद्यालयों में काम करने वाले कर्मचारी भी बोनस की मांग कर रहे हैं। सरकार को इनके प्रतिनिधियों, इनकी यूनियन के साथ विचार विमर्श करना चाहिए और उन्हें बोनस देने का सिद्धांत स्वीकार करना चाहिए। उनके लिए भी कोई रास्ता निकाल कर उनके असंतोष को समाप्त किया जा सकता है। आपको इस भ्रम में नहीं रहना चाहिए कि आपको इतना बड़ा बहुमत प्राप्त हुआ है। आपको राइटिंग आन दि वाल को समझना चाहिए। आप भूलिए मत कि जिन्होंने आपको गद्दी पर बिठाया है वही लोग आपको उटा कर फेंक भी सकते हैं। इसका नतीजा आपने 1977 में देख लिया है। इसलिए मेरा आपसे निवेदन है कि आप ऐसा इरादा ले कर काम कीजिये जिससे सभी मजदूर वर्गों को बोनस का अधिकार प्राप्त हो सके और मजदूर वर्ग का विश्वास प्राप्त कर सकेंगे। अगर

आप को बुद्धि आयी तो मुझे आशा है कि आप हमारी बात पर विचार करेंगे।

SHRI J. B. PATNAIK: Sir, had Shri Ramavatar Shastri heard me properly he would not have wasted his eloquence. I have already covered all the points raised by him in my previous answer, but he wanted to make a political speech and therefore he could not help himself making that speech. I could only tell him that this Government is more committed to the welfare of the workers belonging to the party which he represents or the workers of other parties of the Opposition. As I have already mentioned the points made by Shri Ramavatar Shastri and other hon. Members would be covered when the Government would go into a discussion with the labour leaders and others to bring forward a comprehensive bonus legislation.

MR. CHAIRMAN: The question is: "That the Bill be passed".

*The motion was adopted.*

17.50 hrs.

GOVERNMENT OF UNION TERRITORIES (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA):

Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Government of Union Territories Act, 1963 be taken into consideration."

Under the Government of Union Territories Act, 1963, the Union Territories of Pondichery, Goa, Daman & Diu, Mizoram and Arunachal Pradesh have Legislative Assemblies and Consolidated Funds of their own. Appropriation from the Consolidated Fund of the Union Territory is to be made through a law made by the Assembly. The Legislative Assembly

[Shri Yogendra Makwana]

of the Union Territory of Pondicherry was dissolved on 12-11-1978 and therefore a Vote on Account was got passed by Parliament upto 30-9-1979. Later on, the Legislative Assembly of Goa, Daman & Diu was also dissolved on 27-4-1979. At that time, the Legislative Assembly of that Union Territory had only passed a Vote on Account for a period of two months. A further Vote on Account upto 30-10-1979 was got passed by Parliament for Goa, Daman and Diu.

Sir, it was expected at that time that the full budgets of these territories could be passed by their Legislative Assemblies, if reconstituted before those dates or by Parliament. However, the Sixth Lok Sabha was dissolved on 22-8-1979 and it was decided that elections to the new Assemblies should also be held along with Lok Sabha elections. There is no enabling provision in the Government of Union Territories Act, 1963 similar to Article 357(1) (c) of the Constitution, hence it was not possible to draw any amount from the Consolidated Funds of these Union Territories beyond the dates for which Votes on Account had been given by Parliament. The President, therefore, promulgated the Union Territories (Amendment) Ordinance, 1979 on 25-9-1979. The Ordinance inserted in the said Act a new section 52 for empowering the President to authorise expenditure from the Consolidated Fund of a Union Territory.

Sir, this is a formal Bill to replace the Ordinance, to give the status of law to the Ordinance which was previously promulgated by the President. This Bill is for that purpose only. I commend this Bill to the House.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Government of Union Territories

Act, 1963, be taken into consideration."

SHRI EDUARDO FALEIRO (Mormugao): Mr. Chairman, Sir, I agree with the hon. Minister of State that this is a formal piece of legislation, but then it does provide the people of the Union Territories and their representatives in this House an opportunity to voice their grievances and to bring in sharp focus what the people of these areas have been saying and voicing for a long time.

As far as the Union Territories are concerned, while the rest of the country enjoys a real democracy as enshrined in the Constitution, these people in those remote areas and in those small areas are still from many points of view in a quasi-colonial—I would not say, colonial—situation. It so happens that this Bill and its provisions bring to our notice and I hope will bring to the conscience of the House also that these people still from many points of view remain second class citizens who do not enjoy all the rights and privileges which are available to the citizens elsewhere in this great country. This Bill refers to Section 51 of the Union Territories Act. And Section 51 in this Act deals with the imposition of President's Rule in the Union Territories. The President's rule is always an act of authority. It is an act which violates the democratic scheme, but then it is also an act which, under circumstances when the constitutional breakdown does occur, becomes indispensable. But you will see the difference between President's rule when it is applied in a State, and President's rule when it operates in the Union Territory. When it is applied in the States, Article 356 of the Constitution comes into play. When it applies in an Union Territory, Article 356 does not come into play, the Constitution does not come into play. A provision which gives wide, indiscriminate and totally arbitrary powers to the Government of India comes into operation, and that

is Section 51 of the Government of Union Territories Act.

President's rule stops the constitutional machinery. It stops the rights of the people in a democratic set-up, in many respects. But when it comes to the States, it is controlled, i.e. the imposition of this wide authoritarian power is controlled by what Article 356 says. When we see that Article, we do realize that it limits the scope for the Government of India to impose President's rule in a State. Government of India or, formally, the President—Article 356 says—can impose President's rule in a State only "on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State can not be carried on in accordance with the provisions of this Constitution." Therefore, the limitation imposed on the Executive and on the Government of India to impose President's rule in a State is this, viz. that it can only be imposed if and when—and in no other circumstances—the President feels that the government of a particular State cannot be carried on in accordance with the provisions of this Constitution.

What happens in the case of the Union Territories? In the case of an Union Territory, Article 356 does not apply. The Constitution does not operate. What applies is this very mischievous section 51 of the Government of Union Territories Act, which is quite different, and which gives far wider powers, and absolute, indiscriminate powers to the Government of India to impose President's rule in an Union Territory. And section 51 says:

"If the President, on receipt of a report from the Administrator of a Union territory or otherwise, is satisfied—

(a) that a situation has arisen in which the administration of

the Union Territory cannot be carried on in accordance with the provisions of this Act,..."

I have no objection to this provision, but there is (b) which says:

"or (b) that for the proper administration of the Union Territory it is necessary or expedient so to do,"

Therefore, if the Government of India feels that it is in their convenience that a particular Union Territory should be brought under President's rule, if a Prime Minister does feel that the legislature of a Union Territory must be suspended because he does not agree with the views which are prevailing in that legislature, then it is open to the Government of India to impose President's rule there. Here, there is mention of the situation which arose in the Union Territory of Goa.

Let me finish with this, to show the mischievous nature of the provision viz. of section 51. President's rule was imposed in Goa. In Goa, the Government which was there, viz. the Maharashtrawadi Gomantak Government, fell because it had no majority. Then we in the Opposition obtained majority, and we said, "Let us form the Government, and let us get the sanction from the Government of India." A delegation came here, met Prime Minister Morarji Desai. Mr. Morarji Desai told them: "Your representative in Parliament is all the time opposing me. Mr. Faleiro is all the time opposing me." This line of thought was there in the minds of people now sitting to my right, it may occur at some time in the minds of people sitting to my left also. Because Mr. Desai did not agree with the views of the representative of the Union Territory of Goa here, and because Mr. Desai felt that some Congress (I) elements would be there, in charge of the Government whether overtly or covertly, he did not allow a Congress Government to function there.

[Shri Eduardo Faleiro]

18 hrs

This is a mischievous type of provision which permits a person or a party with no responsibility to act arbitrarily.

MR. CHAIRMAN: Would you take more time?

SHRI EDUARDO FALEIRO: Yes.

MR. CHAIRMAN: You may continue tomorrow. The House stands adjourned to meet tomorrow at 11 a.m.

18.01 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, January, 25, 1980/ Magha 5, 1901 (Saka).*