

Yadav, Shri Ram Singh

Yusuf, Shri Mohamed

Zail Singh, Shri

MR. DEPUTY-SPEAKER: Subject to correction the result\* of the division is: Ayes 70; Noes 140. The Amendment is negatived.

*The motion was negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That this House do agree with the Twentieth Report of the Business Advisory Committee presented to the House on the 9th September, 1981."

*The motion was adopted.*

15.36 hrs.

### ESSENTIAL SERVICES MAINTENANCE BILL\*\*

MR. DEPUTY-SPEAKER: Now we take up the legislative business.

Bill to be introduced. Mr. Zail Singh...

*(Interruptions)*

MR. DEPUTY-SPEAKER: After introduction of the Bill, we take up the notices under Rule 377.

Mr. Fernandes, you are raising a point of order.

SHRI GEORGE FERNANDES (Muzaffarpur): Sir, I am on a point of order under 19A of the Speaker's Directions.

The Direction 19A says:

"A Minister desiring to move for leave to introduce a Bill shall give notice in writing of his intention to do so.

(2) The period of notice of a motion for leave to introduce a Bill under this direction shall be seven days unless the Speaker allows the motion to be made at shorter notice."

Under 19A the Speaker does have the power to waive this seven days' notice. I am aware of that.

MR. DEPUTY-SPEAKER: Still, what is your point of order?...

The Speaker has got powers.

SHRI GEORGE FERNANDES: We are not discussing that. We are aware of that. But what I am concerned with is that the statement of the Home Minister has now been circulated in justification of his move under 19B to get the waiver of this Rule that requires him to give us 7 days' notice.

Sir, everybody is agreed that this is a most important Bill that the Government is bringing forward in this session. I am not going into the merits of the Bill. When the motion is moved, those of us who have objection to this Bill will have our say. The point is: you look at the memorandum...

MR. DEPUTY-SPEAKER: What is your point of order? Which provision of the Rules has been infringed?

SHRI GEORGE FERNANDES: 19A.

MR. DEPUTY-SPEAKER: But you are making a speech now. ...

SHRI GEORGE FERNANDES: I have to make a speech. ...

*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF ENERGY (SHRI VIKRAM MAHAJAN): Sir, there should be a time limit. How long does he want to waste the time of the House? You see 19B. The second proviso is very clear.

MR. DEPUTY-SPEAKER: Direction 19A (2) says:

\*The following Members also recorded their votes:

AYES: Carvshri L. S. Tur and Ajit Bag.

NOES: Sarvshri Nagina Rai, Ghufuran Azam and Amarinder Singh.

\*Published in Gazette of India Extraordinary, Part II, section 2, dated 10-9-81.

"The period of notice of a motion for leave to introduce a Bill under this direction shall be seven days unless the Speaker allows the motion to be made at shorter notice."

What is that you are raising? The Speaker has got powers and has already allowed it. ... The Speaker has already allowed it. I rule your point of order out of order. ... No, no, you are wasting the time of the House. I am not allowing you. I have given my ruling. I rule your point of order out of order. I am not allowing. ...

Now, Mr. Zail Singh,

THE MINISTER OF HOME AFFAIRS (SHRI ZAIL SINGH): Sir, I beg to move for leave to introduce a Bill to provide for the maintenance of certain essential services and the normal life of the community."

(Interruptions)

MR. DEPUTY-SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to provide for the maintenance of certain essential services and the normal life of the community."

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): Sir, this is against the constitution. (Interruptions)

MR. DEPUTY-SPEAKER: Hon. Members, Shri Ramavatar Shastri and Shri Chitta Basu have already given notice of their opposing the introduction of this Bill. (Interruptions) Why can't you wait? I want the guidance of the House. Can I not ask for the guidance of the House? These two hon. Members. ...

SHRI SATYASADHAN CHAKRABORTY: I have given notice. Allow me.

MR. DEPUTY-SPEAKER: This lung power will not help you. I want

brain power. I said the first two hon. Members, Shri Ramavatar Shastri and Shri Chitta Basu have given notice of opposing the introduction of this Bill in time. Further... (Interruptions) Please listen to me. Their names were balloted. Shri Ramavatar Shastri and Shri Chitta Basu and 44 others from various political parties have also given notices. I want the guidance of the House whether we can restrict this to limited political parties.

SEVERAL HON. MEMBERS: No, no.

MR. DEPUTY-SPEAKER: If the House agrees, then only... (Interruptions)

PROF. MADHU DANAVATE (Rajapur): On a point of order. As far as opposing the introduction of the Bill is concerned, nobody exercises the right on behalf of the party. The right is exercised by the individual Member of every party. Therefore, you have to give chance to all of them.

MR. DEPUTY-SPEAKER: I want your guidance. You want the chance to be given to all the fortyfour. Now, Shri Ramavatar Shastri is Number 1.

श्री रामावतार शास्त्री (पटना) :  
उपाध्यक्ष महोदय, ।

SHRI K. LAKKAPPA (Tumkur): Sir, I rise on a point of order.

MR. DEPUTY-SPEAKER: What is your point of order? Under what rule?

SHRI K. LAKKAPPA: Under Rule-174. They are obstructing the House.

MR. DEPUTY-SPEAKER: Your point of order is out of order. Nobody obstructs the House. Please sit down. Now, Shri Shastri.

SHRI JANARDHANA POOJARY (Mangalore): Sir, I am on a point of order.

MR. DEPUTY-SPEAKER: What is it?

SHRI JANARDHANA POOJARY: Rule 72 says:

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon."

Here, as pointed out by you, 44 Members want to speak. The scope of the discussion is rather limited. Nobody can discuss the merit of the Bill at this stage. Only the competence can be discussed now.

SHRI SATYASADHAN CHAKRABORTY: You have already given your ruling

SHRI JANARDHANA POOJARY: I have been permitted.

MR. DEPUTY-SPEAKER: I shall give my ruling.

SHRI JANARDHANA POOJARY: So far as legislative competence is concerned this Ordinance has been discussed by the Supreme Court and the Supreme Court has held that the Ordinance is valid.

MR. DEPUTY-SPEAKER: We are not concerned about that.

SHRI JANARDHANA POOJARY: So far as Article 14, 19, 21 and 143 are concerned the Supreme Court has discussed it and all the challenges have been met by the Supreme Court. Sir, when the discussion is going to take place the Members must keep this in mind and they should not repeat these things. They should not discuss the merits of the Bill. They should not go to the competence. The scope of their speech is very limited.

MR. DEPUTY-SPEAKER: Hon. Members the rule is very clear and you can oppose the introduction of the Bill but I draw your attention to Rule 72:

"If a motion for leave to introduce a Bill opposed, the Speaker, after permitting, if he thinks fit, brief statements from the member who opposes the motion....."

Therefore, I would very much like all these 45 members will make only brief statements not exceeding three minutes. I will not permit long speeches.

SHRI SONTOSH MOHAN DEV (Silchar): Sir, the House may even sit upto 12 O'clock to finish it today.

(Interruptions)

MR. DEPUTY-SPEAKER: Shri Ramavatar Shastri.....

श्री रामावतार शास्त्री : उपाध्यक्ष जी, आज 10 सितम्बर का दिन है और हिन्दुस्तान के इतिहास में यह काला दिन साबित होगा इसलिए कि सरकार ने इस काले विधेयक को इस सदन में आज 10 सितम्बर को पेश किया है। इस अवसर में इस काला दिन के अलावा और कोई दिन नहीं कहा जा सकता।

दूसरी बात में यह कहना चाहता हूँ कि 26 अगस्त को ... (अवधान)...

SHRI SOMNATH CHATTERJEE: They are creating disturbance; such disturbance should not be there.

MR. DEPUTY-SPEAKER: No disturbance shall be there. Order please. The Chairman of the House is making that request, Mr. Somnath Chatterjee.

श्री रामावतार शास्त्री : 26 अगस्त को राष्ट्रपति जी ने इस काले विधेयक को अध्यादेश के रूप में हिन्दुस्तान के सामने पेश किया और यह साबित कर दिया कि जो सरकार अभी हुकूमत में है, उसे जनतंत्र से कोई भी श्रेय नहीं है। वह तानाशाही हुकूमत के रूप में काम करना चाहती है। (अवधान) इसीलिए

लोक सभा का सत्र जब 17 अगस्त से प्रारम्भ होने वाला था तो इस बात को जानते हुए भी राष्ट्रपति जी ने अध्यादेश जारी किया। अध्यादेश न जारी करने के लिए इन्होंने कई बार सलाह दी जा चुकी थी लेकिन उस के बावजूद इन की बुद्धि में वह बात नहीं आयी। इन्होंने फिर भी अध्यादेश का सहारा से कर जनता के ऊपर चोट करने की बात की है।

उपाध्यक्ष जी, इस विधेयक के जरिये हिन्दुस्तान के अमजीवी वर्ग पर सब से बड़ी चोट की गयी है। इस बिल को पेश करके सरकार ने संविधान की धारा 19 का हनन किया है। संविधान की धारा 19 यह बता रही है कि यहां के नागरिकों को एसोसिएशन और भाषण की स्वतन्त्रता है। (व्यवधान) इस धारा के तहत संगठन बनाने की आजादी है। इस धारा के तहत एसोसिएशन और यूनियन बनाने की आजादी है। यूनियन क्यों बनायी जाती है? उपाध्यक्ष जी, अपने हकों की हिफाजत के लिए बनायी जाती है।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBRAH): Sir, on a point of order. When you made your observations I expected the hon. Member to confine to the rules and procedure of the House. But now he is going into the merits of the case. I would only make a request to you to tell him that he should confine himself to the rule. Sir, we never like to interrupt the hon. Member when he speaks. But if he transgresses the rules and procedure, you have to give a definite ruling and you have to stop the Member.

SHRI RAMAVATAR SHASTRI: I am quoting the Constitution. Therefore, it is within the rules.

इस में अमजीवी वर्ग को अधिकार दिया गया है, आप उस अधिकार को छीन रहे हैं।

श्री रामावतार शास्त्री (अजमेर): ट्रेड यूनियन बनायें, यह कहा है?

श्री रामावतार शास्त्री: आप की बुद्धि में यह बात नहीं आयेगी।

श्री रामावतार शास्त्री: आप की बुद्धि तो कच्ची होती गयी है तभी सिर पर काला लगाया हुआ है?

श्री रामावतार शास्त्री: आप की बुद्धि को बदलना होगा।

मैं यह कह रहा था कि आप ने हिन्दुस्तान की वर्किंग क्लास पर चोट की है। यूनियन और एसोसिएशन बनाने की आजादी उन को मिली हुई है और यूनियन और एसोसिएशन कुछ मॉर्गों के आघार पर बनायी जाती है ताकि उन के जीवन के स्तर में सुधार हो सके। यूनियन जब कोई बनाता है तो उस में समय समय पर हड़ताल करने की जरूरत होती है और यह अधिकार हिन्दुस्तान के मजदूर वर्ग ने अपने कर्बानियों के बाद हासिल किया है और जिसे आप की सरकार ने मना। यदि कोई उपाय नहीं रहेगा तो मजदूर वर्ग को हड़ताल करने का अधिकार होगा।

MR. DEPUTY-SPEAKER: Please be brief. Let your speech be brief.

श्री रामावतार शास्त्री: लेकिन अगर आप हड़ताल के इस हक को छीनना चाहते हैं तो यूनियन बनाने का क्या मतलब रह जाता है? यूनियन इसीलिये बनती है कि तमाम कर्मियों के बावजूद अगर उनकी मॉर्गें न मानी जायें तो उन्हें हड़ताल करने का अधिकार हो, ताकि हड़ताल कर के वह मालिकों पर दबाव डाल सकें, सरकार पर दबाव डाल सकें और आम जनता की बता सकें कि उन के साथ अन्याय हो रहा है।

### [श्री रामाबलार मास्त्री]

दूसरी बात यह है कि इस को लाकर संविधान पर करारी चोट की जा रही है। इस संविधान में वकिंग क्लास को जो अधिकार दिए गए हैं, अमजीवी जनता को जो अधिकार दिए गए हैं, उन पर चोट की जा रही है।

इस बिल को लाने का वैसे भी कोई औचित्य नहीं है, क्योंकि आपने खुद कहा है कि आप का उत्पादन बढ़ा है, हड़तालें कम हुई हैं, मैन-वेज का नुकसान कम हुआ है, जब आप खुद इस तरह की बातें कहते हैं तो फिर इस तरह का काला-कानून इस संबंध में पेश करने की क्या जरूरत है, क्या औचित्य है? अगर हम देखते कि देश में अव्यवस्था फैल रही है, उत्पादन नहीं हो रहा है, कामों में रुकावटें आ रही हैं तो आप की दलील को हम सुन सकते थे, लेकिन अभी तो आपके सामने कोई दलील नहीं है और न ही संविधान के अनुसार आप का तर्क सही है और न ही इस का कोई औचित्य है। इन्हीं दो बातों को लेकर हम इस का विरोध कर रहे हैं और कह रहे हैं कि इसे पेश नहीं किया जाना चाहिए।

आखिर में उपाध्यक्ष महोदय, सरकार कुछ भी कर ले, लेकिन हम समझते हैं, पूरा हिन्दुस्तान समझता है, हिन्दुस्तान का मजदूर वर्ग समझता है, हिन्दुस्तान का मेहनतकांश भवाम समझता है कि यह संविधान को तोड़ने वाला है और यह सरकार रक्षक नहीं भक्षक बन रही है। जनता को और वकिंग-क्लास को पूरा अधिकार है कि... (अवधान)...

इन भक्षकों का मुकाबला करें। जो भक्षक बन गए हैं, जनतंत्र को मिटा रहे हैं, दिशाहीन कर रहे हैं, इन का मुकाबला करने के लिए तैयार रहना है। जाने दीजिए अगला सत्र, आप को मालूम हो जाएगा। लाखों मजदूर पार्लियामेंट का घेराव करेंगे। अभी भी वित्त मंत्री जी के घर पर हजारों केन्द्रीय सरकार के कर्मचारी इस बिल के खिलाफ अपनी मांगों को ले कर और मंहवाई-भत्तों की किस्तों को देने के लिए शानदार धरना चला रहे हैं।

हवा का रुख पट्टानिए शानी जी वकिंग-क्लास आप के इस काले कानून को नहीं मानेगी और आपकी तानाशाही का विरोध करेगी।

मैं आपके सामने इस बिल को फाड़ता हूँ और इसी तरह से हिन्दुस्तान की जनता इस पूरे बिल को फाड़ कर के जला देगी।

इन शब्दों के साथ मैं इस काले-कानून का फिर से जोरदार तरीके से विरोध करता हूँ और उम्मीद करता हूँ कि आखिर में भी आप की अक्ल दुरुस्त हो और आप इस बिल को वापिस ले लीजिए।

SHRI CHITTA BASU (Barasat):  
Sir, I rise to oppose the introduction of this Bill primarily on the ground of legislative competence of this House. Sir, I would urge upon the Members sitting on the Treasury Benches that they should have exercised their conscience, if they have got any. They should also understand the spirit of the Constitution of our country, the traditions we have built up during these years and in the direction of preservation and expansion of democracy.

16 hrs.

Sir, as you know, many of the leaders sitting there were leaders of earlier days who were very much determined to oppose the encroachment of the democratic rights of the people by the British imperialists. You can remember, Sir, even during the British days when the Rowlett Act was placed, many of the Congress leaders sitting opposite opposed that because it was the intention of the British regime to take away the democratic right of the people of our country. I would only urge upon you to remember those old days and follow the footsteps of your leaders who were very much in the frontline to fight against the British imperialism for

the preservation of the democratic rights and also for the expansion of the democratic rights. Therefore, I urge upon you to ponder over what you are going to do and how the democracy of our country is going to be in peril.

Sir, Article 19 of our Constitution gives us the Fundamental Right to form Associations or unions. I think as a trade union worker, you would agree with me—I am happy you would agree with me from the Chair—that the right to collective bargaining is integrally connected with the right to form associations or unions. The right to collective bargaining is of crucial importance, is of vital importance, because the right to collective bargaining gives certain derivative right—the right to strike also. The right to collective bargaining, Sir you will agree with me and the House will agree with me, is again integrally and indivisibly linked with the right to strike. It does not require much argument to explain to the House that if the Associations or unions have no right to strike, their right to collective bargaining is reduced to nil, is reduced to zero, is nullified, is negated in all its contents and meaning. The right to strike is a derivative right of the right to form associations and form unions, which is guaranteed under Article 19 of our Constitution. Therefore, Sir, if the right to strike is denied, it means the right to collective bargaining is also being denied. And if the right to collective bargaining is denied, then the right to form associations and unions is also denied. Therefore, Sir, this Bill which seeks to take away the right to strike, which means right to strike for enforcing a collective bargaining, is a denial of the right under Article 19(c) as guaranteed in the Constitution of the country. Therefore, Sir, this House has got no legislative competence to legislate on this subject which seeks to ban the strikes. And therefore, this introduction is to be opposed. This is my first argument.

MR. DEPUTY-SPEAKER: You have touched on legislative competence. Now about the constitutional point.

SHRI CHITTA BASU: This Bill is violently inconsistent with certain laws existing in our country, passed by this Parliament. Certain provisions of this Bill are violently inconsistent with those very specific provisions of the existing law, viz Industrial Disputes Act, 147 which this House has passed. Industrial Disputes Act, 149 1947 defines strike in Section 2(q). I am reading it:

“strike” means a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment;”.

This is the definition of strike in the Industrial Disputes Act. May I show you the inconsistency with this, in the Bill which is being proposed? In the new Bill strike has been defined thus:

“strike” means the cessation of work by a body of persons while employed in any essential service....”

MR. DEPUTY-SPEAKER: I think you are going into the details of the Bill. You should not go into them.

SHRI CHITTA BASU: This comes under the head legislative competence. It does come. You listen and then give your ruling. It says in the new Bill:

“strike” means the cessation of work by a body of persons while employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to

[Shri Chitta Basu]

work or to accept work assigned, and includes—

- (i) refusal to work overtime where such work is necessary for the maintenance of any essential service;
- (ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service; "

have you applied your mind?

MR. DEPUTY-SPEAKER: I have already applied my mind to your speech.

SHRI CHITTA BASU: Have you taken into account the violent inconsistency? It is not only inconsistency. Contradictory provisions are there. This Bill provide a definition of strike which is completely different from, and completely contradictory to the definition of strike as embodied in the Industrial Disputes Act, 1947 which is an Act of Parliament. I think this House has got no legislative competence to consider this Bill. (Interruption) I am not going into the merits of the Bill. You look at Section 22 of the Industrial Disputes Act, 1947. This also provides for the prohibition of strike. The main object of the Bill is to prohibit or ban the strike. There is another provision in the Act of Parliament for prohibiting the strike. You should go through it; you should take it into account. The Home Minister should pay some attention to this. Section 22 of the Industrial Disputes Act, 1947 says as follows:

"No person employed in a public utility service shall go on strike.."

SHRI SOMNATH CHATTERJEE: Was this Bill vetoed by the Law Ministry? Otherwise, how so many constitutional provisions are there?

SHRI CHITTA BASU: When a strike can be declared illegal? It says as follows:

- "(a) Without giving to the employer notice of strike, as hereinafter provided, within six weeks before strike; or
- (b) within fourteen days of giving such notice or
- (c) before the expiry of the date of strike specified in any such notice as aforesaid; or
- (d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings."

There are specific provisions for prohibiting a strike or declaring a strike illegal. If you permit me, I can quote what are the penal measures if somebody takes part in a strike which is declared illegal under the Industrial Disputes Act. But here the process or the procedure or modality of declaring a strike illegal is very much extraordinary. It is a blanket right to ban any strike. Not only that, the Government also proposes to include the widest variety of working class engaged in different industries.

The definition of the essential services and public utility services by and large is the same in content and meaning. Would you kindly take note of it? You kindly see the definition of the public utility service under section 2(n) of the Industrial Disputes Act.

It is there in Section 2(n). The definition of "essential services" far exceeded the scope and coverage of the public utility services as defined in the Industrial Disputes Act. The Government proposes, by this Bill, to have sweeping powers to cover all industries, not only essential services it includes the industries covered by (d) and (e) of Section 3 of the Industries (Development and Regulation) Act. They want to have a far wider scope.

MR. DEPUTY-SPEAKER: Please conclude.

**SHRI CHITTA BASU:** It also encroaches upon the rights of the State Legislature of Assam. It is an infringement upon the State's rights mentioned in List II of the Seventh Schedule of the Constitution. How can you say, in these conditions, that this House has got the legislative power? That is number one. Secondly, it takes away one of the Fundamental Rights guaranteed under Article 19(c). It wants to have a blanket power to have any strike including in the industries which are mentioned in the Industries (Development and Regulation) Act. Thirdly, it infringes upon the rights of the States, as mentioned in List II of the Seventh Schedule. Therefore, this House has no legislative competence to make a law to consider a Bill of this kind. Before I conclude, therefore, I want to say that this Bill is ill-conceived, it is draconian, it is anti-working class and anti-democratic. This Bill reminds us of British days. (*Interruptions*)

**PROF. K. K. TEWARY (Buxar):** I am on a point of order. It is specifically mentioned in the rules that when a Member opposes a Bill he has to make a brief statement and not a long harangue. This should be followed in the case of the Opposition also. (*Interruptions*)

**AN HON. MEMBER:** You cannot say.

**PROF. K. K. TEWARY:** I am submitting that this rule should be applicable to every Member and he should not be allowed to make a long speech. He should confine himself to make a brief statement. (*Interruptions*)

**MR. DEPUTY-SPEAKER:** You see Rule 72 and the proviso there, which says—

“Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon.”

But I will appeal to them not to take more time.

(*Interruptions*)

**MR. DEPUTY-SPEAKER:** I will also appeal to them to respect Rule 72. I will appeal to them not to take more time. Mr. Chitta Basu, please conclude. He is concluding.

**SHRI CHITTA BASU:** I am going to conclude, Sir. I think the House would agree that this Bill is ill-conceived, is Draconian in nature, is anti-working class, is anti-democratic; it takes away the fundamental rights of the working class of this country. It is an assault on the democratic rights and civil liberties of the entire people. It is a precursor of emergency days. It is aimed at stifling the voice of the working class. It is an attempt to have a dictatorial regime in our country. It is an attempt to destroy and annihilate and emasculate the working class movement of our country. The working class of this country shall not accept these things lying low. They will fight for the democratic rights. They will fight for the preservation of their civil liberties by shedding the last drop of their blood. Therefore, I request the Government that they should not play with fire. It will be unwise to play with fire. The organised strength of the working class of our country has to be taken note of. We know that they can get this Bill passed here in this House because they have got a brute majority. But this majority in the House is not equal to the majority outside. The majority of the people outside are for democracy. They are for the preservation of their civil liberties which they have won after years of struggle. Therefore, they are not going to give up their democratic rights and civil liberties. Therefore, even at this late stage, I hope good sense would dawn on them and they will decide to withdraw this Bill.

**SHRI SOMNATH CHATTERJEE (Jadavpur):** Sir, I would expect from my hon. friends on the other side

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that when we are discussing an issue of a momentous nature like this, at least we should get a hearing. On a matter like this, we would expect that there should not be command performances on that side. Why are we objecting to this at this stage? We feel that this is one of the package measures being introduced in this country, following the ordinance, to sell out this country, it is part of the selling out of this country to obtain some munificence from the International Monetary Fund. That is one part. The other part is that this Government has become synonymous with repression and Draconian measures and our experience is such that we cannot but believe that this is part of a measure which is intended to denude the people of their minimal rights in this country. No other section of the people is the Prime Minister so much afraid of as the working class of this country. That is why we have seen how the railway strike was crushed and the methods that were adopted. We have seen how MISA was used against the working people of this country. We have seen how leaders of trade unions were arrested and put behind the bars without any trial or chargesheet. We have seen how the locomen's agitation was dealt with. We have seen how the public sector employees in Bangalore were dealt with. Recently we have seen how the LIC employees were dealt with and how the Supreme Court orders were violated with impunity. And, the Ministers here had the hardihood to say, "Well we do not agree with the Supreme Court!" Therefore, we say that this is not only a part of sell out of this country to the IMF, the World Bank but also this is a part of calculated attempt which is being made by the present Government, as we had seen prior to 1977, to crush the working people in this country because she is afraid of the working people and the organised sector.

I know I cannot question the decision of the hon. Speaker. But have

you seen the memorandum which has been issued justifying a shorter period for circulation of the Bill. It says:

"Consultation with the various Ministries and Departments was also found necessary so as to ensure that services considered essential for the life of the community are adequately covered."

Was the ordinance issued without any discussion, without any consideration, without any consultation amongst the Ministries? We find in the papers that the Labour Ministry was not aware of it. We find that the Home Ministry does not take responsibility except the Minister who had to sponsor it. We find from the papers that before going to royal wedding, our Rashtrapatiji was made to sign on the dotted line in the midnight because the mid-night manoeuvres—what we have seen in the country, are the order of the day.

**SHRI RAM SINGH YADAV (Awar):** The hon. Member has just said in his speech that the country is being sold. This is defamatory not only to the Members of this House but to the whole country. Therefore, under Rule 380, such words which are defamatory to the whole country should be expunged.

**MR. DEPUTY-SPEAKER:** I will go through the records. If there is anything defamatory I shall expunge that.

**SHRI RAM SINGH YADAV:** Rule 380 says:

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House."

This is defamatory not only to the Members of the House but to the whole country. (Interruption)

**MR. DEPUTY-SPEAKER:** I will go through the records. (Interruptions)

**PROF. K. K. TEWARY:** The intention is that when an hon. Member speaks, he should not make sarcastic remarks on the Head of the State. While Mr. Chatterjee was speaking, he was referring sarcastically to the Head of the State, the President of India. That must be expunged.

**MR. DEPUTY-SPEAKER:** I will go through the records.

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR):** I never wanted to raise a point of order when Mr. Basu was speaking. But my friend, who claims himself to be an eminent lawyer—I also agree partially not fully—will agree with me that the scope of the discussion at this stage will only be to put forth whether the Bill is outside the legislative competence of Parliament.

**SHRI SOMNATH CHATTERJEE:** I am coming to that.

**SHRI P. SHIV SHANKAR:** So far as this Bill is concerned, it is governing mainly by entry 70 of the Union List. The Supreme Court has also said that it is within the legislative competence. What is it then that has to be argued at this stage? Let them say that. They cannot go on lecturing generally. They cannot go on talking on diverse matters which are foreign to the scope of rule 72 at this stage. They can say that when the Bill is under consideration. If it is within the legislative competence, then rule 72 is not attracted at all and the matter ends there. Why should they go on giving detailed lectures? He is behaving like a platform speaker... (Interruptions). The point is whether it is outside the legislative competence... (Interruptions) That is why I say under entry 70 and other entries of the Union List, Parliament has power to make this law. Parliament is framing the law under entry 70 and other entries of the Union List. Once that be so, there is no question of legislative incompetence at all. So, what is the argument that is being advanced now?

**MR. DEPUTY-SPEAKER:** Legislative competence and constitutional propriety. Please stick to them. When the consideration of the Bill comes, you can speak on the other aspects. Now speeches are being made as though the Bill has already been introduced.

**SHRI SOMNATH CHATTERJEE:** After hearing the lecture of the Law Minister...

**SHRI P. SHIV SHANKAR:** No lecture.

**SHRI SOMNATH CHATTERJEE:** After hearing the lecture of the hon. Minister of Law, representing Secunderabad, may I continue, a little more enlightened by you?

**MR. DEPUTY-SPEAKER:** You should be brief.

**SHRI SOMNATH CHATTERJEE:** The position is this. I was drawing your kind attention to a very important part of this Bill, which is sought to be introduced, the Memorandum which has been circulated, to which I have drawn your attention. This is an admission that there has been no consultation prior to this, according to them. The Memorandum further says:

"Further, a statement of policy setting out the views of the Government on the question of redressal of the genuine grievances of the workers was also to be finalized."

This is the application of the mind given by the Government to a Bill of this important nature. This Government speak volumes about the primary of the Directive Principles in this country. They say that the Fundamental Rights must subservise to the Directive Principles of State Policy in this country, that Part IV must predominate over Part III of the Constitution.

What does part IV say? It says:

"The State shall strive to promote the welfare of the people by

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securing and protecting as effectively as it may a social order in which justice, social economic and political, shall inform all the institutions of the national life."

You are taking away the worker's right of agitation and demonstration and strike which the workers have earned after years and years of struggle, after giving their blood, sweat and toil. Is this the way of securing and protecting a social order, in which justice, social, economic and political shall be enshrined? Article 38(2) says:

"The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations."

What is happening is that they want to perpetuate the inequalities in income, the inequalities in status. When inflation is raging in the country, when the purchasing power of the rupee is going down and the people's misery is maximising every day, when the consumer price index is going higher and higher, when the rich people are making more money, they are going to perpetuate this inequality in income and the inequality in status .... (Interruptions).

Kindly read article 43-A of the Constitution, which was introduced during the Emergency by the Forty-second Amendment. It reads:

"The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry."

When the Directive Principles of State Policy demand that Bills be introduced to give the workers right of participation in the management,

by this Bill you are making them slaves of the rich people, making them bonded labour of the big sharks, the monopolists and black marketeers in this country. This is an open violation of the Directive Principles of State Policy. I know the hon. Minister will say that the courts cannot enforce it. That seems to be your safeguard, your safety valve. But article 14 of the Constitution is enforceable by courts and that is the equality clause in this country.

Kindly read clause 3 of this Bill. It leaves to the Central Government the power to decide in public interest to issue orders banning a strike. What is the object of this Bill?

MR. DEPUTY-SPEAKER: You are going into the details.

SHRI SOMNATH CHATTERJEE: Kindly see the Preamble. This is a very important matter.

MR. DEPUTY-SPEAKER: But you are going into the details of the Bill.  
(Interruptions)

SHRI SOMNATH CHATTERJEE: I am reading the Preamble. Kindly see the Preamble of the Bill which says:

"to provide for the maintenance of certain essential services and the normal life of the community."

Where are the guidelines? What is the object of this statute? What would be the nexus? How the courts will decide public interest in this? No reasons are to be recorded and no reasons are to be disclosed. Therefore, it violates openly Article 14 of the Constitution.

Kindly see the definition of "strike". You have been, and I hope you still are, in the trade union movement in this country. Don't you feel unhappy that today the minimum rights of the workers are taken away and how the definition of "strike" has been enlarg-

ed to cover any type of activity? Kindly see the definition of "strike". It includes "refusal to work overtime where such work is necessary for the maintenance of any essential service." Who will decide what is necessary? Who will decide by whom this work has to be done? It is not stated. There are no guidelines and there is no indication. Nothing has been indicated. I have to work overtime, but who will decide? I do not know. Is there any indication, any time limit or any other limit has been provided? Nothing is indicated.

Kindly see clause 2(b) (ii) which says: —

"any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service."

What is this 'substantial retardation of work'? On these matters nothing is said in this Bill.

We are not going into the merits of the Bill, we have got many things to say on the merits, which we will say at the appropriate time if this Bill is introduced ultimately.

SHRI P. SHIV SHANKAR: There is nothing new about them.

(Interruptions)

SHRI SOMNATH CHATTERJEE: At least, I think the hon. Minister for Parliamentary Affairs has got no voice in this House so far as voting is concerned. We cannot recognise him otherwise.

MR. DEPUTY-SPEAKER: Therefore, you are assured, the Bill is going to be discussed in this House.

SHRI SOMNATH CHATTERJEE: That is why I said, 'if this is ultimately introduced'. To that, our venerable Minister laughs.

I am submitting that these are nothing but arbitrary provision included in

the Bill without any guidelines, without any indication, without any statutory provision which can be looked into for the purpose of finding out the basis for its application. I submit that this is not only a draconian and black Bill, but this is a direct attack on the working class of this country which has suffered under the weight of problems and hindcaps. And I submit that this is nothing but an affront to the Constitution and rape on the Constitution and this House should not be a party to this Bill and so I object to the introduction of this Bill.

श्री राम बिलास पासवान : (हार्जपुर)

उपाध्यक्ष महोदय, सरकार ने अभी जो विधेयक प्रस्तुत किया है उस के बारे में मैं सरकार के जो झांकड़े हैं वे आपको सुनाना चाहूंगा। इन झांकड़ों से बताया गया है कि टोटल मैन डेज का लौस, हडताल और लोक-प्राक्टिस में कितना-कितना किस-किस साल में हुआ :—

1977 में	25.32	मीलियन
1978 में	28.34	मीलियन
1979 में	43.85	मीलियन
1980 में	12.91	मीलियन और
1981 में	जनवरी-मार्च में	3.45
		मीलियन ।

इसका मतलब यह है कि सरकार ने यह दिखलाया है कि इंडस्ट्रियल और प्रौद्योगिक क्षेत्र में उसने प्रगति की है। जब आप प्रौद्योगिक क्षेत्र में एक तरफ प्रगति की बात कहते हैं और यह कहते हैं कि सम्बन्ध अच्छे हों रहे हैं, उत्पादन भी बढ़ रहा है तो दूसरी तरफ आप इस बिल की लाने और भाडिनेस जारी करने की बात करते हैं। उसके पहले ही भाडिनेस के द्वारा राष्ट्र-पति के माध्यम से कार्यवाही की गई, ये दोनों चीजें हिन्दुस्तान की जनता की समझ में नहीं आ रही हैं। एक तरफ तो आपके संबंध सुधर रहे हैं, मजदूर

[श्री राम बिलास पासवान]

और मालिक के बीच में संबंध सुधर रहे हैं, आप कहते हैं कि आपका प्रोब्लम भी बढ़ रहा है और दूसरी तरफ आप यह कदम भी उठा रहे हैं जो कदम मजदूर के विरोध में है। यह कदम प्री-इमरजेंसी के रूप में है, जैसा कि 1975 के पहले 1974 में उठाया गया था उसी तरह से 1982 से पहले यह 1981 में उसकी रिहर्सल चल रही है।

इस तरह से ये दोनों बातें एक दूसरे के प्रति विरोधाभास प्रकट करती हैं। या तो सरकार के आंकाड़े गलत हैं या सरकार की नीयत साफ नहीं है जो कि यह बिल रखने जा रही है।

दूसरा मैं यह कहना चाहूंगा कि मजदूर हड़ताल पर क्यों और कब जाता है। कोई मजदूर हड़ताल से खुश नहीं होता। कोई मजदूर अपने बच्चों को भूखों मारना नहीं चाहता। जब मजदूर सब तरफ से बेबस हो जाता है, जब उसके सामने कोई चारा नहीं रह जाता तभी मजदूर हड़ताल पर जाता है और इस कानून के द्वारा मजदूरों को बंधुआ मजदूर बनाने की कोशिश की जा रही है। यह सरकार की साजिश है।

उपाध्यक्ष महोदय आज सरकार प्रत्येक क्षेत्र में फेल हो चुकी है। कानून-व्यवस्था की बात तो आप छोड़ दीजिए, बाकी जितने भी क्षेत्र हैं, सभी क्षेत्रों में सरकार फेल हो चुकी है। आज इसका नतीजा यह है कि इस तरह के कानून शानी जी आपके माध्यम से लाए जा रहे हैं। प्रकाश के प्रति हमारे मन में सम्मान है। हम जानते हैं कि धंवर से आप भी इसे लाना नहीं चाहते, लेकिन आप इसको लाएंगे, क्योंकि ऐसा आपको आदेश दिया गया है, इसलिए आप इसे सभा पटल पर रखेंगे। लेकिन आप इस बिल को लौटा दें, आप धमर हो जाएंगे।

हालांकि ऐसा करने से आपको मंत्रीमण्डल छोड़ना पड़ेगा, लेकिन आप देश में सबसे अधिक जनप्रिय हो जाएंगे। इसलिए मैं आप से कहना चाहूंगा कि यह कानून ना सिर्फ मजदूर विरोधी है, बल्कि यह इमरजेंसी के पहले की रिहर्सल करने वाला तानाशाही कदम है।

इसलिए मैं सरकार से कहना चाहूंगा कि सरकार प्रत्येक क्षेत्र में फेल हो चुकी है। मूल्यवृद्धि आज आसमान छू रही है और इसकी वजह से जब कर्मचारी अपने अधिकारों के लिए लड़ना चाहेगा तो आप इस तरह का कानून बना रहे हैं।

आप कहते हैं कि यह जनतांत्रिक कानून है। लेकिन जब कोई भी आपके विरोध में भाषण करेगा या जिस पर आपको शक-शुबहा होगा कि यह कर्मचारियों को भड़काएगा तो आप उसको बिना वारंट जारी किए जेल में बन्द कर सकते हैं। आपकी सीधी-सीधी नीयत है कि आप हम लोगों को जेलों में बंद करना चाहते हैं। मैं शानी जैल सिंह जी से कहूंगा कि वे जैल सिंह न बनें। हम लोगों को फिर से जेलों में न डालें।

इस कानून के सम्बन्ध में जो सदस्य कानून के ज्ञाता हैं वे तो ज्यादा प्रकाश डालेंगे, मैं जो मोटे तौर पर समझा हूँ और जो कुछ समझा हूँ उसके आधार पर कह रहा हूँ कि ऐसे कानूनों का प्रयोग सिर्फ प्रपोजीशन के खिलाफ ही नहीं होता, बल्कि पक्ष के लोगों के खिलाफ भी इसका इस्तेमाल किया जाता है। इसलिए यह जो संविधान विरोधी, मजदूर विरोधी, मौलिक अधिकारों को छीनने वाला और इमरजेंसी लाने वाला काला विधेयक शानीजी आप ला रहे हैं, इसको आप वापिस कर लीजिए और

अमर हो जाए। इसको घायप रही की टोकरी में फँस दीजिए।

**SHRI N. K. SHEJWALKAR** (Gwalior): I oppose the introduction. It is true that scope is very limited and only on the basis of legislative competency I can do so. At the same time I must also express my views regarding the draconian measures which are being adopted. Basically the rights have been granted under the Constitution to a labourer and to the labour organisations giving them a right to have strike. As was read out, they are prepared to have a share in the management. How is it that one fine night they came to a different conclusion—if labourers are given further right, it will affect production of the whole country and for getting more production they must take away the rights of strike and all other activities?

Basically, I must say, it is a perverse approach. It was tried earlier also and it brought no fruit. By suppressing or by taking all these sweeping powers and compelling the workers to work, I am afraid, the Government does not want to understand the psychology of workers. Whether the mill-owners or those who are on the other side are going to be benefited or not is a different point. How can this measure bring in more production? That is the point. I feel, honestly, this is just going the reverse way. Therefore, I oppose the introduction of the Bill.

**PROF. MADHU DANAVATE** (Rajapur): Mr. Deputy-Speaker, Sir, I do not want to take much time. I only wish to draw your attention to the fact that in Part II of the Constitution on Fundamental Rights, article 13(2) says:

“The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of contravention, be void.”

I feel, article 13(2) controls article 19 in which 19(1) clearly says that one of the fundamental rights is “to form associations or unions”. This right is not an abstract right. One forms “associations or unions”, not some sort of social clubs, for bargaining purposes. These unions are bargaining agents and they are supposed to carry on struggles of the working class. If they are robbed of their right to carry on struggles of the working class, in that case, the right to form unions becomes a meaningful right. Therefore, it is a corollary of the fundamental right. Once a fundamental right is guaranteed by the Constitution, the right to carry on legitimate activities of unions, it also becomes a fundamental right as a natural corollary. Therefore, even when that right is taken away, the fundamental right is encroached upon and article 13(2) is attracted and, to that extent, I feel that this particular Bill will be completely outside the legislative competence and, therefore, I challenge the Bill on that ground.

**श्री जयपाल सिंह करयप (भाबला) :**  
उपाध्यक्ष महोदय, इस प्रावश्यक मेवा बिल को ला कर मैं तो यह कहूँगा कि नए रूप में इस देश के मेहनत करने वाले घोर काम करने वाले लोगों पर इमरजेंसी घोषी जा रही है। इस तरह के तानाशाही कानूनों का सहारा ले कर यहाँ के लोगों के उचित घोर न्यायसंगत अधिकारों का दमन करने की यह एक कोशिश है। मैं इसका घोर विरोध करने के लिए खड़ा हुआ हूँ।

भारतीय संविधान का जो प्रीएम्बल है उस में बड़े साफ घोर खुले शब्दों में यह कहा गया है :

भारत के लोग भारत की एक सम्पूर्ण प्रभुत्व सम्पन्न लोकतन्त्रात्मक गणराज्य बनाने के लिए तथा उसके समस्त नागरिकों की सामाजिक, धार्मिक घोर राजनीतिक

[श्री जयपाल सिंह कश्यप]

न्याय, विचार अभिव्यक्ति, विश्वास, धर्म और उपासना की स्वतंत्रता, प्रतिष्ठा और भ्रष्टाचार की समता प्राप्त कराने के लिए तथा उन सब में व्यक्ति की गरिमा और राष्ट्र की एकता सुनिश्चित करने वाली बंधुता बढ़ाने के लिए...

जिस भारतीय संविधान के आधार पर हम आज अपने देश की व्यवस्था को चला रहे हैं उस में जहां एक ओर डेमोक्रेसी की बात कही गई है वहीं दूसरी ओर सोशलिस्टिक पैटर्न की बात भी कही गई है। उस सब के विरोध में जा कर इस बिल को लाया गया है। जानाशाही की तरफ ले जाने वाला यह बिल है। डेमोक्रेसी को खत्म करने वाला यह बिल है। इसके अलावा समाजवाद की जो गरिमा है उसको नष्ट करके मूंजीपतियों के हाथ में सारी शक्तियां देने वाला यह बिल है। मेहनत करने वाले श्रमिकों, सेवा करने वाले लोगों का सारा का सारा जीवन इस बिल में आपने उनके हाथ में दे दिया है।

संविधान के निर्देश सिद्धांतों को आप देखें। दुर्भाग्य से हमारी संसद की लाइब्रेरी में अब तक का संशोधित संविधान हिन्दी में हमें नहीं मिला इसलिए मैं अंग्रेजी में ही उसको पढ़ूंगा। आर्टिकल 43 और 43(ए) इस प्रकार है

"43. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas."

"43a. The State shall take steps, by suitable legislation or in any other

way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry."

अगर श्रमिकों को मालूम होता, वह पढ़े होते कि तुम्हें मैनेजमेंट में अधिकार दे रहे हैं, प्रोफिट में हिस्सा दे रहे हैं तो हम निर्देश सिद्धांतों की तरफ बढ़े होते। लेकिन उधर न बढ़ कर हम उसको वायलेट कर रहे हैं।

इसी तरह से संविधान के अनुच्छेद 120 में यह विया हुआ है कि जो भी बिल 15 साल के बाद पेश किया जाएगा वह हिन्दी में होगा, और हमें सदन में भी विश्वास दिलाया गया। लेकिन अब तक अंग्रेजी का अनुवाद कर के ही बिल हमारे सामने रखे जाते हैं। इसलिए आर्टिकल 120 का सीधा उल्लंघन है और उसके अनुसार इस बिल को पेश नहीं किया जा सकता। जिस तरह से प्रस्तुत किया गया है इसको देख लें लिखा गया है आवश्यक सेवा विधेयक यह इमरजेंसी सविसेज मैनटेनेंस बिल, 1981 का हिन्दी अनुवाद कर के हमको दे रहे हैं। इससे बड़ी संविधान की क्या अवहेलना होगी, इस से बड़ा क्या अपमान होगा? और ऐसा बिल हमको ट्रांसलेट कर के समय में दे भी नहीं पायेंगे। इस लिए संविधान के सारे अनुच्छेदों के विरोध में यह बिल है। भारत में प्रजातंत्र है और आज बोट क्लब पर दसियों हजार मजदूर माननीय राजनारायण के नेतृत्व में इस बिल का विरोध करने के लिए आये हुए हैं। अगर आपने इस मजदूर विरोधी बिल को वापस नहीं लिया तो सारे देश के काम करने वाले मजदूर आप से टक्कर लेने के लिए मजबूर होंगे। अगर आप उनके अधिकारों को कुचलने की कोशिश करेंगे तो उसे देश बर्बाद नहीं करेगा। और जिस तरह

से प्राप बिल लाये हैं उसको प्राप वापस लें करना देना बड़े अधिकारों की रक्षा के लिए संघर्ष होगा बड़ी मुश्किल से हमने अधिकार लिए हैं। प्रापकी देन नहीं है, बल्कि संघर्ष कर के मजदूरों ने अधिकार लिए हैं। और अगर उन अधिकारों को छीनने की कोशिश की गई तो मजदूर लड़ेंगे और उन अधिकारों को ले कर रहेंगे भले ही उसके लिए काम करने वाले मजदूर को खून बहाना पड़े। यह बात कह कर मैं इस बिल का घोर विरोध करता हूँ।

SHRI TRIDIB CHAUDHURY (Bengaluru): Sir, it is not necessary for me to make a long speech. The working class of this country and the organized sections of the trade union movement all over India have expressed their opposition to this measure, this black measure, the ESMO which is now being replaced by the Bill which the hon. Minister has sought to introduce. There is little doubt about the fact that this is an atrociously arbitrary measure which gives power to the Government to intervene in labour relations particularly with regard to their right to strike whenever they choose. What has been most disturbing is that, since this Government came back to power, since the last 21 months, it has completely failed to evolve a meaningful and purposeful industrial labour relations policy. They have been numerous Conferences called by the Union Labour Minister and attended by various State Labour Ministers in which platitudes about amending the Industrial Relations Act, about giving right to workers to participate in the management, about amending and updating minimum wages under the Minimum Wages Act, etc., were repeated, but uptill now nothing has been done. In the last one year or more, the soaring price level, the inflationary conditions, have rapidly eroded the real income of the people, and clearly in the background of this failure of the

Government to give them any relief and being afraid of the natural reactions of the working people against the sharp deterioration in their standard of living, they now feel that the working class is bound to rise in protest. That is why they are bringing this Bill as a pre-emptive measure. So, there can be no doubt about the fact that this measure takes away one of the cherished rights of the working class and in that sense, it is thoroughly an anti-democratic measure, a black measure. Therefore, Sir, I oppose the introduction of the Bill.

MR. DEPUTY-SPEAKER: Mr. Unnikrishnan. He is absent. Mr. A. K. Roy.

SHRI A. K. ROY (Dhanbad): Sir, while framing the rules, particularly when rule 72 was put, nobody anticipated that the future Government would come out with such a monstrous Bill. That is why, legislative competence, and such polite and precise terms were there. Actually, this Bill is a plain war on the workers.

Regarding Constitutional propriety and justiciability, I would like to add that this House is not simply a court. Here we have to deal not only with justiciability and legality but also with justifiability. Also we have to create some good precedents.

17 hrs.

This Bill derives its main strength from a Supreme Court judgement in 1962 on some Bank Employees' Association case; there it was decided and the Supreme Court has observed that the right to make association, the right to form a union, which is covered by 19(1)(c) of the Constitution, is a Fundamental Right. But that does not automatically extend to the right to bargain and right to strike. So, the Supreme Court, in its wisdom, is very correct in propounding the theory that the right to strike is not a fundamental right, but it is definitely an important

[(Shri A. K. Roy)]

right. In this way, you can, argue and the government can argue that right to vote is also not a fundamental right and tomorrow they may come out with a Bill to defranchise the people on the argument that this parliament has got the legislative competence to defranchise you because the right to vote does not come under the Fundamental Rights. In this way, if we argue, it is a legislative way of thinking. But actually what is the fact? What is the picture? What is the morality? What is the moral stake of this Government to come out with this Bill? In one breath they are saying that there is no question of industrial insecurity and corruption is increasing and not only that, the manday lost is on the decrease and with the same voice they are coming out not only with a Bill but with an ordinance. This is nothing but an abuse of the high office of President. They are very touchy when our esteemed comrade, Mr. Somnath Chatterjee said that the President was made to sign on the dotted line. I would like to know what was the urgency of promulgating this ordinance in the midnight of 26th July? Can anybody argue and justify the suddenness and urgency which led to the President signing the ordinance?

SHRI JANARDHANA POOJARY:

On a point of order, Sir. Rule 352 says that a member while speaking, shall not use his right of speech for the purpose of obstructing the business of the House. It also says that the Member shall not use the President's name for the purpose of influencing the debate. The rule is very clear. He cannot make any reference to the President.

MR. DEPUTY-SPEAKER: I have already said that I will go through the records. When it was raised by another hon. Member, I have already said that I will go through the records.

SHRI A. K. ROY: I say that every action of the executive is open to the scrutiny of this sovereign House.

I would like to tell, not only that, we are creating a bad precedent. It is such a bad law and the Bill has been so badly drafted and you will see here the jurisdiction is blurred between this Act and the Industrial Disputes Act. It does not negate the Industrial Disputes Act. That is one thing. But it is not colluding but it is colliding somewhere and it is blurring in another place. You might have been the penal provisions. I may point out the penal provisions. They are clauses 4, 5, 6, 7, 8 and 9. One is that if somebody is found indulging in or instigating any illegal strike or lock-out, he would be punished with such and such imprisonment and fine. The same provision is also there in the Industrial Disputes Act. The Industrial Disputes Act in Articles 26 and 27 say that if somebody is found and proved to have participated in or instigated any illegal strike or lock-out or something like that they would also be punished. In some cases, who is the deciding authority? The jurisdiction of the Industrial Disputes Act in deciding whether the strike is legal or illegal is colliding with the jurisdiction of the central Act and there is no clear demarcation between the two. You know the Article 20 (1) and (2) say that no person can be charged at the same time or the same thing by two independent authorities. Here they are just creating two independent authorities. I would like to know how the Government in practice is going to demarcate the operation. Either you could have done one thing. You could have amended the Industrial Disputes Act. After all what have you done? You have only enlarged and you have only given the definition of the Essential Services... a long list. They could have easily included that within the public utility service and you could have amended the provisions of Articles 26 and 27 by increasing the quantum of punishment also from one month to one year or from six months to two years or even to ten years.

After all the working class are not living in your mercy. The know how to

fight or their right to strike or even the right to live. They do not want your mercy. You could negate the Industrial Disputes Act and hell with it. We are in a new dynamic era and we are seeing the Essential Services Maintenance Bill 1981. The days of 1947—Industrial Disputes are gone. This not only infringes or cripples the working-class but this has crippled the fundamental rights and, in a round-about way, it has also crippled the Labour Department.

SHRI JANARDHANA POOJARY: On a point of order.

MR. DEPUTY-SPEAKER: Mr. Roy, please sit down. He is on a point of order. I must hear him.

SHRI JANARDHANA POOJARY: I am on a point of order under Rule 356. It says.

"The Speaker, after having called the attention of the House to the conduct of a Member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech."

Here we have been hearing the repetition of the fundamental rights. These have been discussed by so many Members. I request that you can curb that. What is wrong in avoiding the repetition?

MR. DEPUTY-SPEAKER: Why can't you request him? I say that the ruling party has no time to speak on this. They cannot oppose it.

SHRI A. K. ROY: I am sorry. I shall not take time. I feel unhappy here. I would like to remind you as also the hon. Member who spoke just now that there is something wrong with his seat. I say that this is not only curtailing the rights of the working-class but it also cripples the rights of the Labour Ministry to come out with a labour legislation. This Bill takes away the rights of the working-class.

Also it takes away the right of the Labour Ministry.

MR. DEPUTY-SPEAKER: If the Labour Minister introduces the Bill, you won't oppose.

SHRI A. K. ROY: No, Sir. This is an atrocity committed on the working class as also on the Labour Department and the Labour Minister. My friend, Shrimati Ram Dulari Sinha, will join me in this to fight for the right of the working-class.

MR. DEPUTY-SPEAKER: So, you oppose the introduction of the Bill.

SHRI A. K. ROY: That is the difficulty. Why I oppose this is because of this.

MR. DEPUTY-SPEAKER: Yours will be the last sentence.

SHRI A. K. ROY: Sir, we are approaching the day when the Labour Ministry would be a wing or a part of the Home Ministry. It would be a horrible thing. Everywhere the policemen would be in charge of conciliation; there will be no conciliation at all. The policeman who has been entrusted with the job will be saying that some one is instigating.

MR. DEPUTY-SPEAKER: Now, you are going into the details of the Bill.

SHRI A. K. ROY: Therefore, I oppose the introduction of this Bill because this takes away some of the precious rights of the working-class people. Not only that. The aim is to make the Labour Ministry and the Minister as a part of the Home Ministry. This has come as a threat and the Bill aims at terrorising the working-class and, in this context, I say they are out to fight this Government which is pursuing the policy of anti-people and anti-working-class.

MR. DEPUTY-SPEAKER: Hon. Members you already know that there

[Mr. Deputy Speaker]

are 43 Members to speak. I had consultations with leaders of some Opposition parties. You may have a long speech when the Bill is introduced. Already we have taken one and a half hours to two hours. I have already called the leaders of all parties whose names had been given. Therefore, I want your guidance. I do not want to take up the point of majority or minority. So, I will call each Member and you will get up and say: You oppose the introduction of the Bill.

SOME HON. MEMBERS: No. You give three minutes each Member.

MR. DEPUTY-SPEAKER: You must help me. It is a very important Bill and, as such, I want to take your opinion.

SHRI INDRAJIT GUPTA (Basirhat): How many are left?

MR. DEPUTY-SPEAKER: Thirty. I hope you will agree to second member from the same party.

(Interruptions)

MR. DEPUTY-SPEAKER: You must also help. Shri Niren Ghosh second from the CPI(M).

SHRI NIREN GHOSH (Dum Dum): Sir, this Bill seeks to usher in Emergency without declaration of Emergency. This Bill, as has already been said, is placed at foreign dictation especially IMF and World Bank. This Bill is not only anti-working class and anti-democratic in nature but also it is directed against the entire people of India. This Bill is anti-India. By such measures they are only losing the support of the masses. They are caught in the maelstrom of a deep crisis in which they have nothing to offer to the people of the country except bullets, black laws, shootings and killings. While they have nothing to offer to the people, they offer everything to the monopolistic class. How is it that within 8 years the assets of Tata and Birla have gone up by more than Rs. 500 crores each?

MR. DEPUTY-SPEAKER. Rs. 1200 crores.

SHRI NIREN GHOSH: I said, Rs. 500 crores in each case. Will the Government take away this money? Never. The monopolists have been given a hike by means of increase in petroleum prices in fertilizer prices and so on so that they can make any amount of money in every possible way. You cannot stop them. You will never do that because you are their servants. The Government is only trying to crush the working class because it is the only organised force whom you are afraid of. It is the patriotic duty of the workers and the people of India to rise in revolt against this state of affairs. I want to warn this Government that there have been general strikes and hartals already and tomorrow there will be a strike and a hartal in Bengal. Later on, it will be there in Maharashtra; then other States will follow. There will be an All India General Strike also. This measure is against the working class. The time has come when it is the duty of the working class to rise in revolt, to carry on the struggle to the better end and never rest till the goal is reached. They will never rest till the goal is achieved, till this state of affairs is completely erased from India and this Government is pushed aside and thrown out.

SHRI GEORGE FERNANDES (Muzaffarpur): I shall not deal with the Constitutional points raised by some other hon. Members. I will deal with three points only. One is the motive of the Government in bringing forward this Bill. It is 6 weeks since the ordinance was promulgated. I would like to hear from the Home Minister whether he has had any occasion to use this ordinance, to use any of the powers made available to Government under this ordinance, in the last 6 weeks. Sir, during the last 6 weeks there was no emergent need for them to use the powers made available to them under this ordinance. That being so, this ordinance was not

really justified. (Interruption) You have a different law in Assam. I hope hon Members educate themselves before they interrupt me. You get an ordinance on the 26th of July. Ordinance making powers are available in very extraordinary circumstances and extraordinary situations. Parliament was due to meet on the 17th of August, even though you may not have made a formal announcement about it. When you went to the President asking for these extraordinary powers, one would have thought that there might have been really urgent compelling reasons why you were doing it. If you had no occasion to use this law, it means, this law was not related to a situation that was prevailing and that 'is' prevailing in the country. Sir, I will not now go into statistics. I will deal with these points when we come to the merits of the Bill and when we take up the Bill for discussion. But at this Introduction stage, I wish to point out first of all that your motives are suspect; you never had any need to use it so far. In other words, there has been no situation in the country which warranted such a law at the present moment. This is my first submission:

The second point I want to make is the very cavalier manner in which this Ordinance was promulgated and now this Bill has been brought forward. Sir, I raised a point of order. You ruled that out without hearing my point of order. Now, under Rule 19 (a), (b), the hon. Speaker could have given permission. But please go through this Statement which the Home Minister has given to the Speaker. Should this House be treated in such a cavalier fashion? Are we expected to swallow the statement of the Home Minister mentioned in this sheet of paper? And it all started from the day the Ordinance was promulgated and there was a demonstration outside the Prime Minister's house to welcome this

ordinance. This is what I was told. What did the Prime Minister say? Now, because somebody apparently made a grievance, besides there are grievances made by trade unions and others who commented on this Bill that this is an attack on the working people and the employers could go scot-free, what about lock-outs and lay offs? These points were made. And then in the next morning newspapers we saw those bold headlines of the Prime Minister telling us that the lock out are covered and the lay offs are covered. I went through the whole ordinance all over again.

SHRI INDRAJIT GUPTA: With the magnifying glass?

SHRI GEORGE FERNANDES: The Speaker did not send me a magnifying glass. Certainly I would have gone through this ordinance with the magnifying glass, but he did not. So, I have gone through the ordinance all over again. May be somewhere we have slipped. After all the Prime Minister the all-knowing, the all-wise the all-powerful the whole Government of India's paraphernalias are at her disposal, should know better. So I accepted her statement and went through to find that there was no such provision at all and the Prime Minister of India was making a statement which was broadcast by the entire media in this country, bold headlines in the newspapers in this country that the lock-outs and lay-offs are covered. This again shows the lackadaisical manner, the cavalier fashion in which the law was in the first place brought forward in the form of an Ordinance and subsequently being treated by the Home Minister through this statement. What does the statement contain? What do you say in the statement? Sir, it is one of the most absurd statements which could have been made by seeking exemption under rule 19(b). Further, I would like to quote the Home Minister:

[Shri George Fernandes]

"Further, a statement of policy setting out the views of the Government on the question of redressal of the genuine grievances of the workers was also to be finalised.

Read this statement which is a very very loaded statement.

"A statement of policy setting out the views of the Government on the question of redressal of the genuine grievances of the workers was to be finalised".

Have they been finalised? In other words, are you trying to tell us that after being in power for 20 years, you don't have a machinery to deal with the genuine grievances of the workers? Is that what you are trying to tell us through this statement which you sought exemption under Rule 19 (a).

You did not give us the lay-offs in time. And then you give this excuse. Did he tell us, Mr. Deputy-Speaker? Certain important changes relating to prohibition of lock-outs and lay-offs in Essential services had been incorporated. What are those great changes? Those silly clauses, Section 8 and Section 9, power to prohibit lock-outs, power to prohibit lay-offs have been included. May be a junior clerk in the Home Ministry is capable of writing this in 10 minutes.

SHRI INDRAJIT GUPTA: Not in the Home Ministry.

SHRI GEORGE FERNANDES: All right. A senior clerk in the Home Ministry and junior clerk in the Labour Ministry are capable of writing these sentences in 5 or 10 minutes. And you are trying to tell us through this piece of paper that you are something very profound and if you are all that profound, before you came out this draconian piece of legislation, why did you not go through the ramifications about the lock-outs since your Prime Minister herself came out by saying that "we have already in-

cluded lock-outs and lay-offs". Why did you not at least from that day onwards, for any other reasons, try to save her face? Why did you try to take Parliament for a ride? To what extent Mr. Deputy-Speaker Sir, again what lackadaisical and cavalier manner are you treating the law?

The third and the last point is the most important one. You are today bringing forward the legislation, Mr. Home Minister. I am sorry, Sir, the Home Minister is not here. His Deputy is not here. Then what is the use of the rest of you being here? There must be somebody representing the Home Ministry here.

MR. DEPUTY-SPEAKER: He is coming.

SHRI GEORGE FERNANDES : What is the use of bringing forward a law that you are not in a position to implement? Do you really believe that you will be able to implement this law? Sir, the former Chief Minister of Maharashtra, my friend, Hon. Mr. Vasant Dada Patil is here. He will remember this. In Maharashtra some years ago, they brought forward a law of this nature. They enacted a legislation of this nature and said anybody going on strike will be arrested; anybody supporting the strike will be jailed. It was something similar to this, not so draconian perhaps, not such a summary trial perhaps, but they brought forward some such a legislation to deal with the State Government employees, who were going on strike. The State Government employees went on the strike. They could not arrest one man. We organised in the whole of Maharashtra, Hundreds of thousands of workers who contributed one rupee each pinned a badge on their shirt front saying 'I have contributed one rupee in support of the State Government employees strike'. They could not touch a man, Sir. And I assure the Home Minister, you may transfer industrial relations from the Labour Ministry to the police constable. This is what

you are trying to do. But I can assure you not merely because the policemen have their own problem, the policemen themselves are fighting not merely because of that, your presence will be inadequate, I can assure you all your police force will be inadequate, if at all you think in terms of implementing this law. Therefore, Sir, a law that cannot be implemented should not be introduced, because it will not only bring the law itself into disrepute. It will also bring those who are trying to introduce this law, those who on the strength of their brute majority are going to pass this brutish law, into disrepute, assuming there is something more left to bring them to disrepute.

\*SHRI R. K. MHALGI (Thane): Mr. Deputy Speaker, Sir, I rise to strongly oppose the introduction of the Essential Services Maintenance Bill. There are 1.5 lakh industrial workers in my constituency and I and my constituents oppose this measure tooth and nail on the following grounds:

The workers earned their rights after fighting many a struggle. Acts like Industrial Dispute Act gave some privileges to the workers which are taken away by Section 12 of this Bill. No worker would be prepared to lose his legitimate rights. I oppose the introduction of this Bill as it is an anti-labour bill.

The definitions of 'Essential Service' and 'Overtime' given in the Bill are far-fetched. They are extra constitutional. The Parliament is entitled to declare any service which is within its legislative competence as essential and ban strike therein. Out of 210 subjects included in the 7th Schedule of the Constitution, Union, Concurrent and State List, Parliament can legislate on 144 subjects. The Government can declare many services as essential ones and ban strikes. This amounts to excessive delegation and not formal or 'normal' as pointed out in the memorandum of delegation.

According to the provision of the Bill if a worker refuses to do overtime work owing to his domestic difficulty or ill-health, it would be presumed that the worker is on strike. Thus, the excessive scope of definition of these terms will certainly crush the entire labour movement in our country depriving them of their basic rights.

Sir, the Home Minister cannot claim that the ordinance had to be promulgated as there was industrial unrest which urgently demanded such a step. A statement released by the Home Ministry gives the following figures of strikes and stoppage of work during the last three years which prove that the number of strikes has come down and industrial relations are improving.

Year	Strikers	Stoppage of work
1978	2117	1980—January to March 840
1979	1336	1981 — do— 340
1980	899	

\*The original speech was delivered in Marathi.

[Shri R. K. Mhalgi]

In the recent interview on T. V. the hon. Home Minister confirmed that the state of industrial relations was improving. It is a paradox that on the one hand you announce industrial relations to have improved and on the other, you come out with such a draconian measure. By passing this legislation the Government wants to arm itself for taking steps regarding wage-freeze and bonus. Therefore, I oppose the introduction of this Bill, with all the force at my command.

SHRI INDRAJIT GUPTA: (Bashirhat): Out of consideration for your, Sir, I will be brief, and I will not repeat the points which have been covered already.

My first point is that if this Bill, or in fact any Bill brought in this House in consequence of an Ordinance, it should not be different from the Ordinance. It should not basically be in conflict with the Ordinance. Here, we have an Ordinance promulgated on July 27; and now we have a Bill. The two are different in two basic respects. Such a thing I have not seen before in this House. The point has already been made by Mr. George Fernandes that when an Ordinance is promulgated, we presume that such an important matter as an Ordinance is promulgated after due consideration, and that Government must have given its mind to it seriously. That Ordinance, as you all know, had no mention of anything in it except the strikes. It was only a plain and simple 100 per cent anti-strike measure. And then the Prime Minister was either ignorant about it or did not read it or did not know its contents or was misled by one or more of her colleagues. She spilt the beans, Sir. Let the cat out of the bag by making that public statement that no, no, it covered everything it covered not only strikes but lock-outs and lay-off also. There was not a single

word about the lock-out and lay-off or anything in the Ordinance. It is an extraordinary state of affairs.

Now you have brought forward a Bill which is an after-thought.

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): I am on a point of order. Suppose in any factory strike is declared and that strike continues for 30 days or 40 days or 60 days. What is the consequence out of this strike? It is the lock-out?

(Interruptions.)

MR. DEPUTY-SPEAKER: He has put some life in this discussion. Mr. Mallikarjun has helped you. He will reply to it.

SHRI INDRAJIT GUPTA: The concern which they had expressed was for maintenance, uninterrupted maintenance of supply of essential services and goods, which is apparently what they were worried about. But at the time of promulgating the Ordinance, the only aspect of interruption of production or supply that was there in their head was the strike by the workers; nothing else. Everybody else who is responsible for dislocating and sabotaging production in this country, who are their friends, they forget about it; and later on it was an embarrassing position. The whole country was saying, what is this one sided attack on the workers?

Now we have been presented with this Bill in which another clause has been added about the lock-out and lay-off. They did not have the time to define in this Bill what is lock-out and what is lay-off? Of course, they will say that the same definition which is there in the Industrial Disputes Act will also apply here. But, in the case of strike, they have taken the trouble to define it: it means everything including refusal to work, over-time and all that. But then in

such a hurry, they had no time to define in any clause what is the meaning of lock-out, what is the meaning of lay-off; and apart from the definition, there is not even a mention of another thing which is known as closure. I do not know what is the use of saying these things, addressing these remarks to Shri Zail Singh. This is not his field. But since they have decided that this should not be basically a labour Bill but a police Bill, therefore, he is unfortunately here supposed to pilot this Bill. There is such a thing as closure. I would like to ask my young friend, Mr. Mallikarjun, when a closure goes on for 30 days, 60 days, 365 days and 720 days, what is the conclusion of that? Is that not any dislocation of supply of goods and services?

The other days, last week, you had passed a Bill here taking over the Dalmia Cement Factory in Dadri in Haryana belonging to Dalmia. They cannot be kicked around the way the workers can be kicked around. So, Dalmia closed down that cement factory in March 1980. It was not a lock-out; it was a closure. A notice was put up "closure"—this mill will not run any more. I think cement is an essential commodity in this country. We are talking about it every day here. From March 1980 to now, August 1981 the mighty Dalmias kept that cement factory closed, the workers and their families starving on the streets but, nobody here bothered about it for so long. Then, because cement is in short supply, and there is a black market, I am glad at last they decided to take over the mill. But what happen to the Dalmias? Do they suffer? Have they been punished in any way?

In this Bill, any Policeman,—any Policeman, it does not even say that it should be a Policeman not below a certain rank, any Policeman a constable—without any proof, without any evidence, merely on suspicion, he can arrest. A Police constable, on suspicion can arrest. We all know the level

of intelligence and intellectual ability of many constable in this country, I do not want to mean any affront to them but we are seeing how they are behaving all over the place. The moment, he suspects or thinks that I am doing something against the law, he can arrest me. And then a summary court will be set up immediately to sentence me, to send me to jail whatever it is. Of course, this is a Police legislation. It is not a labour legislation at all. It is a Police legislation. I want to say that this Statement of Objects and Reasons which should have some conformity, it begins by saying, I am quoting—

"There have been certain disquieting trends likely to affect the maintenance of essential services."

Therefore, "it was considered necessary..." Certain 'disquieting trends': 'trends'; 'likely to affect'!

What are those? What were those trends which were so disquieting which upset them so much that in the middle of the night made them promulgate this Ordinance. They could not wait for Parliament to assemble. And, as Mr. Fernandes has pointed out, after promulgating this Ordinance they have not had occasion to use it even once! What were those disquieting trends which were so urgent, so emergent, so pressing? This is all nothing but presenting the country with a *fait accompli*. It is not a properly considered piece of legislation at all and further I would make only two points.

This is a piece of domestic legislation. Domestic in the sense that it is something that we are sitting in this House, the Parliament of India called upon to legislate here. But I want to ask you, through you, Sir, whether it is befitting the dignity of Parliament that a legislation should be brought here which everybody knows today is part of the *quid pro quo*, as part of the *quid pro quo*—for that loan of Rs. 5,000 crores which is being sought from, they are trying to tender their

[Shri Indrajit Gupta]

*bona fides* to their creditors, to their future creditors, to tell them that their money will be safe, that we will see to it there is no labour trouble, we will see to it that the workers are kept suppressed and look, for that reason we do not trust even the Labour Ministry any more, we have given the Police Ministry the charge of this thing.

AN HON. MEMBER: Shame.

SHRI INDRAJIT GUPTA: I say that this is a bill and patently there is no case for it; there is no case at all. No case at all. Later on we will see during the debate about the strikes, lock-outs and mandays lost and all. There is no reason for this Bill excepting that they are anxious to show somebody that they are here sitting with a *lathi* which they are willing to use against the workers. All this after though about lock-outs and lay-off is not going to convince anybody. There have been so many lock-outs in this country, so many closures, not a single employer or owner has ever been proceeded against. Never! Because, they are all big people. They are Birlas, and Tatas, Goenkas, Dalmias and Singhanias and they could not touch one hair of their heads. They are their dearest and closest friends on whom they are depending so much. Therefore, whatever is written here, is against the workers. We know that very well.

Another point I would like to mention here is, that this Government goes every year to the International Labour Organisation.

शानी जी, आपको मान्य है कि आई० एल० ओ० एक चीज है जिसकी कॉन्फेंस हर साल जिनेवा में होती है, हर साल गवर्नमेंट का डेलीगेशन वहाँ जाता है ?

The delegation is composed of Government representatives, employers' representatives and labour representatives. As far as the delegation from India is concerned, the labour representative, have been chosen only

from INTUC; it has become the monopoly only of the INTUC. Nobody else is allowed to go. You know, Sir, there are a number of countries who are members of the ILO where there are multiplicity of unions and those countries see to it that the various trade union bodies are given representation in that delegation, so that they can speak with a representative voice. But not in India. Anyway, I am leaving it at that. In the ILO, our Government has signed and ratified a number of ILO's recommendation and conventions. I want to ask whether a Government which goes to Geneva and signs and ratifies certain basic conventions and recommendations has got the right, after coming back here, to use its majority in Parliament to pass laws which go absolutely against ILO's recommendations and conventions. Is there any morality in it? It is absolute hypocrisy. These ILO recommendations and conventions are very firm and clear on the question of the right of association and right of collective bargaining. And, right of collective bargaining means that collective bargaining should be used in order to settle disputes and avoid strikes. If that collective bargaining fails, it is understood that the workers have a right to go on strike. They have signed those things sitting in Geneva, but coming back here, they want to impose a blanket ban. You can consider a particular strike in a particular set of circumstances, whether it should be permitted or not. That I can understand. But you are bring a general law and you want to impose a blanket ban on all strikes. This is a challenge which I think even at the time of emergency the working class did not have to face. Therefore, all I can say is, you can go ahead with this; but that is inside this chamber and not outside. Outside don't think that this law is going to cow down people. People do not go on strike for fun. Please don't try to make fun of it. I do not know how many strikes you have led, but in my time, I have led a good

few strikes. If you see the condition of the workers who have sometimes to remain on strike for three, four or five months, if you see the condition of their families and their children in those days, they have to sell their household goods, their wives' ornaments and utensils and borrow money to eat and live somehow. Do you think people do it for fun? (*Interruptions*). I do not think anybody will trust you with leading a strike. Therefore, this is an unproductive Bill.

श्राचार्य नगवान देव : हड़ताल करा हो क्या फिर ?

SHRI INDRAJIT GUPTA: This is a counter-productive Bill. It is not going to fulfil the purpose which you have in mind, i.e. that all strikes will be banned. The working class will meet this challenge, if necessary they will go on strike, if there is no other way left. And, if that means facing repression, they will face repression. We are prepared to face repression also.

My last appeal is this. I had said it the other day to the Prime Minister also, when I happened to meet her. Every day we are being reminded of this threat on our borders and everybody is worried. My friend, the Defence Minister, is sitting there. External enemies are arming themselves and preparing. We do not want and we do not say that war will come tomorrow. But nobody can also say that it will not come. There is a threat and that threat is against our country. At that time, when some enemies are trying to have a confrontation with us, is this the time you select to have a confrontation with the working class in your own country? You want to declare a war on the working class of your own country, instead of getting their co-operation? My friend, the lady sitting here, goes on saying every week, "We are coming, we are coming with a new law which will amend the Industrial Disputes Act and everything and put industrial relations on a new footing". That bill is not coming.

What comes instead is the Lathi Bill, Police Bill? May I know where is that statement of policy to which a reference has been made in the papers circulated by the Home Minister that upto 7th September they were busy finalising the Bill and finalising the Statement of Policy? It has not been put before us. Is that also being prepared by the Home Ministry? If the statement of policy is how to quickly settle the grievances and disputes of the workers, that should be the province of the Labour Ministry. I do not know whether that has been taken over now by the Ministry of Home Affairs. But in any case, it has not seen the light of the day; we have not seen it. And it is only a statement of policy and not legislation or anything.

I think, the whole adventure on which they are embarking is fraught with grave consequences for the country, for the Government itself and for industrial peace in the country. I hope that they would consider it again and not rush like the bull in a China shop and try to pass it because they have got the majority. They can pass it but the consequences of it will be incalculable. I am warning them. Therefore, we oppose the introduction of this Bill.

SHRI HARIKESH BAHADUR (Gorakhpur). I oppose the introduction of this Bill because this Bill is draconian in nature, undemocratic and unconstitutional.

This Government is in the habit of deceiving and torturing the workers. We have been seeing it for a long time. They had once given bonus. But during the Emergency, they snatched it away.

श्राचार्य नगवान देव : आप यह बताइए आप ने पार्टी को घोषा दिया या नहीं ? हमारी पार्टी को घोषा दिया । और जनता को भी घोषा दिया ।

**SHRI HARIKESH BAHADUR:** Kindly ask Acharya Bhagwan Dev not to interrupt. He is Acharya, he is Bhagwan and he is Dev. So he is three in one. He is not an ordinary person.

**MR. DEPUTY-SPEAKER:** Tri-murti.

**MR. HARIKESH BAHADUR:** Article 19(c) says:

"All citizens shall have the right to form associations or unions."

If unions are formed, these unions will have certain duties to perform. But if this Bill is passed, there will be a ban on the activities of the unions. It means that nobody will like to form union. And this Bill, if it is enacted, will violate Article 13(2) of the Constitution which says:

"The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

If this Bill is passed, nobody will like to form a union because union activities will be stopped. Therefore, ultimately it violates this Article 19 (c) of the Constitution which is a Fundamental Right.

**SHRI M. RAM GOPAL REDDY** (Nazimabad): What is the union activity?

**SHRI HARIKESH BAHADUR:** If through collective bargaining their grievances are not removed, then they will have to agitate, which you are going to stop. It means, you are going against the Fundamental Rights of the citizens. Is this House having this power? In fact, if this Bill is passed, it means, we are going to act against the Fundamental Rights. That means, it is beyond the legislative competence of this House. When a matter is beyond the legislative competence of this House, how can the Government bring such a type of Bill before the House to enact it into law? That is why I say it is completely an unconstitutional Bill.

Therefore, it should be rejected lock, stock and barrel. So, I oppose the introduction of this Bill.

**SHRI K. P. UNNIKRISHNAN** (Badagara): Mr. Deputy-Speaker, Sir, I do not know why my good friend, Sardar Saheb, has been handed over this baby, because I find the real architects of this measure, the evil geniuses which worked behind this legislation are absent from the House today. The people who have been advising the Prime Minister and this Government on the so-called new approach to labour have conveniently decided to absent themselves and hand over this baby to Sardar Saheb.

While he is a very good man and I have great affection for him, so far as this Bill is concerned, this is another evidence of an approach and perspective of this Government towards the working class. As my good friend, Shri Indrajit Gupta, said a little while ago, this is a police legislation, not a labour legislation.

I oppose the introduction of this Bill, not only because it is an assault on the Fundamental Rights guaranteed by the Constitution—it goes beyond that—but also because it is an assault on certain values, on certain principles on which the entire freedom struggle has been based. During the freedom struggle—we have the good fortune of having with us here today Pandit Kamalapati Tripathi, who is a great leader of our struggle—during the national struggle we were fighting for *Devidra Narayan*, we were fighting for the rights of the *Kisans*, for the right of the *mazdoors*. So, when Pandit Jawaharlal Nehru was inaugurating the All Indian Trade Union Congress in Nagpur, he said: the freedom of this country does not mean the freedom of Birlas and Tatas to operate; freedom of this country shall mean the meaningful realisation of your rights and your right to struggle for these rights. That was the concept of freedom. But where are we today?

When this Government came to power with, what is called, a massive mandate, they criticised their predecessors, and in some cases rightly so, that they were anti-labour and that they stood for an assault on the basic and fundamental rights of the working class. But now, having got into power, where are they going? They are going in a direction, which is the direction given by the International Monetary Fund and the World Bank, the direction of the multi-nationals and the international finance cartels, the direction of our own monopolies, the people who suck the blood of the working class of this country.

It is amusing to find the background of this legislation. There used to be what is known as the Tripartite Conference. Even that Conference was called off this year and they have gifted this enactment to the working class. It shows complete bankruptcy of ideas and total inability to comprehend the factors operating in our economy.

So, I would say it has rightly been handed over to Sardar Saheb, because he does not understand beyond the requirements of his Ministry.

It has been argued by spokesmen of this Government that if industrial production is to go up, the loss of man-days should be prevented. While I am certainly, like anyone else, opposed to irresponsible trade unionism, I want to pose a question before you today. According to the latest study of man-days lost, wages and prices, it has been proved, firstly, that in the period 1968-75 industrial production and profitability increased irrespective of man-days lost.

18.00 hrs.

Secondly, the real income of the organised working class declined by 28 per cent during the period covered from 1968 to 1975. While corporate profits have increased, the real wages of working class declined. Is this the

disquieting trend referred to in the aims and objects of this Bill? Even in this year, giving an answer in the other House the distinguished Minister for Labour had stated that the number of man-days lost in 1979 was 43.85 million while in 1980 it came down to 21.93 million. Is this the disquieting trend that came to the notice of the Government that has called for this kind of draconian legislation? That is, after a fall of 49.9 per cent in the man-days lost, they have resorted to this legislation. But as my good friend, Mr. Indrajit Gupta said a little while ago, there are certain other disquieting trends in the country. You know them. There is also the trend which a little while ago I referred to, the trend towards a sharp reversal of the policies which they followed till 1975. That is in the direction of International Monetary Fund and the World Bank, that is in the direction of multinationals and monopolists at home.

I do not want to dwell at length on these things, but back-room exercises have been going on. Unfortunately the Finance Minister is not here, but he should enlighten us on these exercises. They came from the roof-tops saying that there is no conditionality while we know from A to Z what is conditionality in every case for the last 30 years as far as these institutions are concerned. There is another step, that is, massive private foreign investment, for which the Government is being prepared in the Ministry of Industry.

AN HON. MEMBER: Sir, it is already Six O'clock. We will continue tomorrow.

MR. DEPUTY-SPEAKER: I think you were not present in the morning. It has been already decided to continue after Six O'clock. The House has agreed.

(Interruptions)

MR. DEPUTY-SPEAKER: You allow him to speak.

**SHRI SATYASADHAN CHAKRABORTY:** It is up to the House to decide whether the time is to be extended or not. The House has not taken any decision regarding extension of time.

**MR. DEPUTY-SPEAKER:** That is what I am saying. On a request made by the Minister of State in the Ministry of Home Affairs and Department of Parliamentary Affairs, Mr. Venkatasubbaiah, it was announced in the House that because this Bill is coming up, it will take more time and therefore, the House will continue beyond Six O'clock till this motion is disposed of.

**AN HON. MEMBER:** When was it?  
(Interruptions)

**MR. DEPUTY-SPEAKER:** It was decided. .... (व्यवधान)

**श्री साधु भगवान देव :** इससे यह साबित होता है कि ये लोग सोरियस नहीं हैं और प्रश्नकारों के जरिए सस्ती पब्लिसिटी चाहते हैं। इन सबको बँडना पड़ेगा।

(व्यवधान)

**MR. DEPUTY-SPEAKER:** It was decided before lunch. Now, Mr. Unnikrishnan, you can continue.

(Interruptions)

**MR. DEPUTY-SPEAKER:** You can go through the proceedings. It was decided before Lunch that the House would sit beyond Six O'clock. It was agreed by the House. Yes, Mr. Unnikrishnan, you may continue.

(Interruptions)

**MR. DEPUTY-SPEAKER:** On the one hand every one of the Members wants to speak and on the other hand, you are raising so many technical issues.

**AN HON. MEMBER:** We will discuss tomorrow.

(Interruptions)

**MR. DEPUTY-SPEAKER:** Please sit down. We have already decided, the House will continue.

(Interruptions)

**MR. DEPUTY-SPEAKER:** Not possible.

**SHRI P. K. KODIYAN (Adoor):** Who has decided?

**MR. DEPUTY-SPEAKER:** I say this has been decided and the House shall continue beyond 6 O'clock.

(Interruptions)

**MR. DEPUTY-SPEAKER:** It was decided. I cannot give you wrong things. I cannot make wrong statements. The House will continue after six O'Clock.

(Interruptions)

**MR. DEPUTY-SPEAKER:** Only one person should speak. There is no coordination among the Opposition. One person should speak.

**श्री साधु भगवान देव :** उपाध्यक्ष महोदय, आप इस चर्चा को प्रागे चलवाइए, इन को हाउस में बँडना पड़ेगा। ये मजदूरों के हितंशी बनते हैं, लेकिन यहाँ बँडना नहीं चाहते हैं।

**SHRI SATYASADHAN CHAKRABORTY:** When I spoke you observed that I was raising some technical points. You should exercise some sort of self-restraint. I am quite within the rules to take up technical matters if these technical matters are important and effect the business of the House. Do you, as a Presiding Officer, try to debar me from raising this technical thing, may I ask?

The question is, it is not only technical but it is substantial that you are going to extend the time of the House.

(Interruptions)

**MR. DEPUTY-SPEAKER:** No, it has already been decided.

(Interruptions)

MR. DEPUTY-SPEAKER: I am saying, it has been decided. The House shall continue.

*(Interruptions)*

MR. DEPUTY-SPEAKER: I would like to know the sense of the House—whether the House shall continue after 6 O'clock?

*(Interruptions)*

MR. DEPUTY-SPEAKER: The House shall continue. It will continue. *(Interruptions)*

SHRI SATYASADHAN CHAKRABORTY: I am on a point of order.

MR. DEPUTY-SPEAKER: There is no point of order.

SHRI GEORGE FERNANDES: When you asked the sense of the House, the sense of the House should have been taken. *(Interruptions)*

MR. DEPUTY-SPEAKER: The House shall continue. The sense of the House has been taken.

*(Interruptions)*

SHRI GEORGE FERNANDES: It is the ruling party which wants the House to continue. It does not mean that it has the sense of the House.

MR. DEPUTY-SPEAKER: Mr George, before we dispersed for lunch, I asked the House and the House agreed.

SHRI GEORGE FERNANDES: I am sorry, Sir.

MR. DEPUTY-SPEAKER: The discussion will take more time. The House has to sit.

*(Interruptions)*

MR. DEPUTY-SPEAKER: The House shall continue. Shri Unnikrishnan.

*(Interruptions)*

MR. DEPUTY-SPEAKER: I want the co-operation of all the Members. Every one of you—13 of the Members want to speak from the Opposition. But you are prepared to sit after 6 O'Clock. What is this? It is one way traffic. Shri Unnikrishnan may please continue his speech.

SHRI SATYASADHAN CHAKRABORTY: I am on a point of order.

MR. DEPUTY-SPEAKER: There is no point of order. Please do not waste the time of the House. I have called Shri Unnikrishnan.

SHRI SATYASADHAN CHAKRABORTY: It is the usual practice of the House when you have taken the sense of the House that it will be sitting beyond 6 O'Clock, you have not said for how long it will continue. You have not decided the time. It cannot be for indefinite period. *(Interruptions)*

MR. DEPUTY-SPEAKER: The House is extended; the House is continuing. Mr. Unnikrishnan, you continue your speech. The House shall continue. *(Interruptions)* Don't record anything.

*(Interruptions)\*\**

MR. DEPUTY-SPEAKER: I want to give you more time. I am calling all the members who want to speak. If you do not cooperate, what can I do? *(Interruptions)* All of you go to your seats first. No point of order. We have already taken a decision before Lunch, You were not in the House. It is recorded in the proceedings. You ask your colleagues.

Mr. Unnikrishnan to continue.

SHRI SATYASADHAN CHAKRABORTY: I have made it amply clear that we cannot cooperate in this respect because they are going to attack the rights of the whole working class. We refuse to cooperate. *(Interruptions)*

MR. DEPUTY-SPEAKER: It is left to you. I request you to kindly cooperate. We are discussing a very important Bill. We are not school children, including me. We are discussing a very important Bill affecting the working class of India. We are discussing a Bill which will affect the future of Indian working class. You do not want to extend the time. I can understand your seriousness about it. Mr. Unnikrishnan to continue his speech.

SHRI N. K. SHEJWALKER: Upto what time we are going to sit?

MR. DEPUTY-SPEAKER: The decision has already been taken before Lunch, in the morning itself, and now the sense of the House is that the House continues.

SHRI GEORGE FERNANDES. That is the sense of the ruling party, not of the House (*Interruptions*)

MR. DEPUTY-SPEAKER: You go through the proceedings. It was decided before Lunch. You were not in the House at that time (*Interruptions*). One at a time. There is no coordination amongst the Opposition.

SHRI SATYASADHAN CHAKRABORTY: You have not mentioned the time, upto what time it is extended. What is the time extended?

MR. DEPUTY-SPEAKER: The House will continue.

SHRI N. K. SHEJWALKER: Will it continue indefinitely? Is that your ruling? Just for clarification, I want to know.

MR. DEPUTY-SPEAKER: You can raise it after some time.

SHRI N. K. SHEJWALKER: Is it going to continue indefinitely?

MR. DEPUTY-SPEAKER: You raise it at appropriate time.

SHRI N. K. SHEJWALKER: I just want to know what is the decision that the House has taken. We are going to sit beyond 6 O' Clock no doubt. But upto what time we are going to sit? You kindly make it clear. Is it 12 O'Clock or 4 A.M. in the morning? I don't mind. Whatever the decision, you make it clear.

MR. DEPUTY-SPEAKER: You have raised a very pertinent point. In the morning, before Lunch—it is in the Minutes also and in the proceedings—it was decided that we will complete the introduction of the Bill; then we will take up 377 and complete the Supplementary Demands for Grants (General) today. That was the decision taken in the morning, before Lunch. Now Mr. Unnikrishnan,

SHRI SATYASADHAN CHAKRABORTY: You say, it is before lunch. Then you say it is in the morning. We don't take lunch in the morning.

MR. DEPUTY-SPEAKER: Morning means forenoon. I cannot argue with you. You are a Professor.

(*Interruptions*)

We will have 377 and Hon. Members are waiting. I have told you that we are discussing a very important Bill. It will carry on. Many Hon. Members are waiting until Supplementary Demands are taken up. You are wasting the time of the House. I am not permitting anybody. Mr. Unnikrishnan.

SHRI K. P. UNNIKRIISHNAN: I would like to say in conclusion that instead of prompting the airms of in-

creasing production and productivity and, what they call, the over-all national good and public welfare, is it not taking the working class to a point of confrontation a fresh time? And that is undoubtedly going to create a situation in this country which shall work to the detriment of production and national good and public welfare but I wish to warn the Government today that you cannot escape the consequences of this legislation. You shall certainly be responsible for it and you shall also go down under avalanche.

I oppose the introduction of this Bill.

श्री रमोद मसूब (सहारनपुर): मोतरिम मोतरिम डिप्टी स्पीकर साहब, मैं इस बिल की मुखालफत में खड़ा हुआ हूँ और इसलिए इसकी मुखालफत कर रहा हूँ कि यह कांस्टीच्यूशन के आर्टिकल 13, 14, 19 और 43 इन की खिलाफवर्जी में है। अगर आप कांस्टीच्यूशन का फ्रिम्बल पढ़ें तो इस में लिखा है—

"WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, Social, economic and political;

यह हमारी डेमोक्रेसी, हमारी सोशलिस्ट डेमोक्रेसी का मकसद है कि हमें यहाँ इकोनॉमिक और सोशल जस्टिस लाना है। उसकी वजह से वर्कर्स अगर स्ट्राइक करते हैं तो आप लोग उस पर पाबन्दी लगा रहे हैं। इसका मतलब यह है कि आप इस फ्रिम्बल के खिलाफ काम कर रहे हैं। एक तो मैं इस प्वाइंट पर इस को अपोज करता हूँ।

दूसरे जो प्रशंसक सर्विसिज आपने बताया है, उनकी आर्टिकल 14 के मुताबिक कोई क्लेरिफिकेशन नहीं दी है। आपने प्रशंसक और नान-प्रशंसक को किस आउण्डस पर अलग अलग किया है, यह नहीं बताया।

(Interruptions).

SHRI SATYASADHAN CHAKRABORTY: You are only analysing. But he is the man who is participating.

SHRI P. VENKATASUBBAIAH: I am already here.

(Interruptions)

श्री रमोद मसूब: आपने प्रशंसक और नान-प्रशंसक सर्विसिज में डिस्ट्रिक्शनेशन इन्क्लूड किया है। मेरे कहने का मतलब यह है कि गवर्नमेंट ने जिन सर्विसिज को प्रशंसक बताया है उनकी कोई क्लेरिफिकेशन नहीं दी है। आपने जिन सर्विसिज को प्रशंसक में इन्क्लूड किया है, इसका मतलब यह है कि आप उनका हक छीनना चाहते हैं। उन सर्विसिज में जो लोग काम कर रहे हैं आप उनका हक छीनना चाहते हैं कि उनके इम्प्लायर चाहे वह गवर्नमेंट हो या प्राइवेट हो अगर उनके साथ ज्यादती करने लगे तो उनके पास कोई रास्ता नहीं रहे। आप यह हक छीन रहे हैं, इस बिल के तहत। इस बिल को हमारे साथियों ने काला बिल कहा है, यह बिम्बुल सही है, बल्कि यह तो ऐसा बिल है जो सारे हिन्दुस्तान को काला कर देगा।

उपाध्यक्ष महोदय, इस बिल के क्लॉज 2(1)-(ए) और क्लॉज 2(ए) (1) में देखिए। इस में कहा गया है कि शासन को अधिकार होगा कि वह जिस सर्विस को भी आवश्यक समझे उसे एसेसिबल डिक्लैयर कर दे। मैं समझता हूँ कि इस प्रकार से बहुत ज्यादा



شری وشند مسعود: آپ نے  
ایسٹبلشمنٹ اور نان ایسٹبلشمنٹ سروسز  
میں فیکٹری مکین ان والوڈ کہا  
ہے۔ مہرے کہنے کا مطلب یہ ہے کہ  
گورنمنٹ نے جن سروسز کو ایسٹبلشمنٹ  
بذریعہ انکی کوئی کلیئرٹی فیکشن  
نہیں دی ہے۔ آپ نے جن سروسز کو  
ایسٹبلشمنٹ میں انوالوڈ کیا ہے اسکا  
مطلب یہ ہے کہ آپ انکا حق چھیننا  
چاہتے ہیں کہ انکے ایملیٹز چاہے وہ  
گورنمنٹ ہو یا پرائیویٹ ہو اگر انکے  
ساتھ زیادتی کرنے لگیں تو انکے پاس  
کوئی راستہ نہیں رہے۔

آپ یہ حق چھین رہے ہیں۔  
اس بل کے تحت۔ اس بل کو  
ہمارے ساتھیوں نے کالا بل کہا ہے۔ یہ  
بالکل صحیح ہے بلکہ یہ تو ایسا بل  
ہے جو سارے ہندوستان کو کالا کر  
دے۔

اس بل کے کلاس ۶ (۱) (اے)  
اور کلاس ۶ (اے) (۱) میں دیکھئے۔  
اس میں کہا گیا ہے کہ شامن کو  
ادھکار ہوگا کہ وہ جس سروس کو  
بھی آؤشک سمجھے۔ اسے ایسٹبلشمنٹ  
ڈیکلئیر کو دے۔ میں سمجھتا ہوں  
کہ اس پرکار سے بہت زیادہ ادھکار  
دے دئے گئے ہیں۔ اتنے یاد  
لہجے سے کہتے ہیں کہ ہاتھ میں نہیں دہلے

چاہوں کہ وہ جس سروس کو  
چاہیں ایسٹبلشمنٹ سروسز ڈیکلئیر کر  
سکیں۔ بغیر پارلیمینٹ کی سوں  
کوئی کے۔ مہرے خیال سے یہ  
ادھکار صرف پارلیمینٹ کو ہی  
ہونا چاہئے۔ اس پرکار یہ بل  
پارلیمینٹ کے پاس کو بھی ایکسپنڈ  
کرنا ہے۔

تیسری بات جو ابھی کہی گئی  
ہے کہ جو ہمیں انگریزیشنل سونڈری  
فلڈ سے لون مل رہا ہے اسکا پریشر  
ہمارے اوپر ہے۔ جسکو گورنمنٹ  
بتانا نہیں چاہتی ہے۔ ۲۶ جولائی  
کو اس آرڈیننس کو لانے کی کہا  
سرورس تھی۔ جبکہ ۱۷ اگست کو  
پارلیمینٹ شروع ہونے والی تھی۔  
لیکن کہونکہ پریشر زیادہ آ رہا تھا  
اور ہم دیکھنا چاہتے تھے کہ باہر  
سے کوئی پریشر نہیں ہے اسلئے  
یہ آرڈیننس جاری کر دیا گیا۔  
تاکہ لوگوں پر ظاہر کہا جائے  
کہ ہمارے یہاں کوئی اسٹرانگ  
نہیں ہوتی۔ پروڈکشن بڑھ کر اس  
لئے آپ ہمیں شرن دے دیں۔  
نہ سب باتوں کو دیکھتے ہوئے  
میں اسکا وردہہ کرتا ہوں۔]

**श्री पीयूष टिंकी (भलीपुरखार) :**  
उपाध्यक्ष महोदय, मैं इस बिल का विरोध करने के लिए खड़ा हुआ हूँ। मैं यह बताना चाहता हूँ कि यह बिल गृह-युद्ध लाने वाला बिल है। आज हमारे घर में हर तरफ से गड़बड़ी है और शासन का दिवाला निकलने वाला है, इसलिए यह बिल लाया जा रहा है।

जो आदमी काम करने वाले हैं, जिनके हाथों से देश की संपत्ति बनती है, देश का निर्माण होता है, उन लोगों को सजा देने के लिए उन्हें जेलों में डालने के लिए यह बिल लाया जा रहा है। इस बिल के लागू होने के बाद समूचे हिन्दुस्तान में गृह-युद्ध की संभावना को हम पैदा कर रहे हैं, इसलिए मैं इस बिल का घोर विरोध करता हूँ और मुझे विश्वास है कि इसका विरोध करने के लिए हमारे साथ, हमारे दल के साथ पूरे देश के लोग हमारे साथ हैं।

**MR. DEPUTY-SPEAKER:** Shrimati Geeta Mukherjee. You are the only lady Member who is opposing. That is why I have allowed you, not from Party angle.

**SHRIMATI GEETA MUKHERJEE (Pansukura):** Mr. Deputy-Speaker, Sir, Mr. Tirkey concluded by saying that the whole country would be opposing the Bill. Naturally, since I belong to my country, heart and soul, I am here to oppose the introduction of this Bill. The

fact that the Home Minister is running away every now and then keeping one substitute and not being able to sit here, the very bringing of the Bill and the subsequent events, all have shown that the Government itself is not at all sure of the Bill. Otherwise, they could have introduced it long back. It took them such a long time to think over and introduce, and even after that, they are not sure that they can do anything. That is the reason for running away. I think, even at this last moment, they should see the writing on the wall and see the reason, what prompted them to introduce a cosmetic clause

about lock-out etc. And see what is happening throughout the country. All the forces are uniting—those who went to keep democracy alive. And women also will be a big force among them, I am sure.

With all this, I feel that they should show the grace, should not kill the time of the House and withdraw their own motion of introduction gracefully. Otherwise, we have to fight and they will have the ignominy of passing this Bill. But the Treasury Benches will no longer remain Treasury Benches with this black cobra Bill being passed and put on to the Head of our Nation.

**श्री सत्य नारायण जटिया (उज्जैन) :**  
मजदूरों के हिमायती जो बनते थे वे अब बेतकाब हो गए हैं जिस हाथ को

उनकी बात पर मजबूत बनाया था उसी हाथ ने मेहनतकशों को बेवस बनाया है। इस बिल को लाकर हमारे गृह मंत्री क्या करना चाहते हैं? एक तरफ तो यह कहा जाता कि बंधुआ मजदूरी की प्रथा को हम खत्म करना चाहते हैं, उनको मुक्त करना चाहते हैं और दूसरी ओर इस बिल को लाकर क्या हमारे गृह मंत्री या श्रम मंत्री कह सकते हैं कि वे इस प्रथा को खत्म कर देंगे? मैं तो समझता हूँ कि आम कर्मचारी, आम मेहनतकश को बंधुआ मजदूर बनाने की यह साजिश की गई है और घाने वाले समय में इस के परिणाम देश के लिए अच्छे नहीं होंगे।

इस बिल की धाराओं को, इसके उपबन्धों को आप देखें, उनको आप पढ़ें। धारा 2 में यह कहा गया है कि—प्रतिकालिक यानी ओवरटाइम करने वाले जो लोग हैं उनको आप बाध्य कर सकेंगे कि वे ओवर टाइम काम करें। अगर वे नहीं भी चाहेंगे तो भी उनको आप बाध्य कर सकेंगे ऐसा करने के लिए क्या यह उनको स्वतंत्रता दी जा रही है? क्या यह प्रजातंत्र की सिंहायित करने की बात हो सकती है?

धारा 9 को आप देखें। इस में बदली या प्राकस्मिक कर्मचारी का जिक्र किया गया है। हड़ताल का या तानाबन्दी का किसी को भी हक नहीं दिया जाएगा। लेकिन इन लोगों की छंटनी करने की सुविधा दे दी गई है बदली या प्राकस्मिक कर्मचारियों की छंटनी की जा सकती है, इसकी छूट दी गई है। जहाँ अन्य कर्मचारियों के लिए सुरक्षा देने की व्यवस्था की गई है वहाँ यह सुरक्षा प्राकस्मिक बदली कर्मचारी को नहीं दी गई है।

धारा 10 को आप देखें। इस में बिना वारंट किसी को भी गिरफ्तार करने के अधिकार दिए गए हैं। मैं पूछना चाहता हूँ कि क्यों आप हिन्दुस्तान में जंगल का कानून लागू कर रहे हैं? बिना वारंट के कोई भी किसी को भी गिरफ्तार कर सकेगा। यह जंगल का कानून नहीं तो और क्या है?

इसके बाद औद्योगिक अधिनियम 1947 धारा 12 के अन्तर्गत प्रभावहीन हो जाएगा, उसको खत्म कर दिया जाएगा। क्या मजदूरों के हितों की रक्षा करने के लिए आप ऐसा कर रहे हैं? आपको चाहिए था कि इंडस्ट्रियल रिलेशंस को अच्छा बनाने की खातिर आप कोई और अच्छी व्यवस्था करते। लेकिन ऐसा आपने नहीं किया है। आपने श्रम मंत्रालय को इसके अन्तर्गत छोटा दर्जा दिया है, नीचे का दर्जा दिया है। उसको आप दबा रहे हैं। मैं नहीं समझता हूँ कि श्रम मंत्री जी ने वास्तव में मन से इस बिल के लिए अपनी सहमति दी होगी। वह नहीं चाहते होंगे मन से कि इस तरह का कानून लाया जाए और मजदूरों के विरुद्ध काम किया जाए।

जुम जव जव बढ़ता है  
लहरों का दरिया में तूफान आता है,  
लहरें मचल उठती हैं,  
किनारे टूट जाते हैं।

इस बिल को लाकर आपने बहुत ही गलत काम किया है, अपने आप को आपने बेनकाब कर दिया है, आप बदनाम हो जाएंगे। मजदूरों को गुलाम बनाने वाला जो बिल आपने पेश किया है उसका मैं घोर विरोध करता हूँ।

SHRI KRISHNA CHANDRA HALDER (Durgapur): We know that lakhs of workers and employees who work in different concerns do not generally

[Shri Krishna Chandra Halder]

take part only to participate in the strike. But when they have brought this ordinance and after that, to-day, this Bill, it seems that the Government have no confidence on the working class of our country. They have no confidence because as other speakers have said, in all fronts in the economic front and other fronts, this Government has totally failed. They have been unable to check the prices and inflation is going on and the working class, the kisans and all sections of the people are restive and they are on the move. For that reason they have brought this undemocratic, anti-labour, anti-people black Bill and these repressive measures remind us the British period. At that time, they provided for in many acts the arrest without warrant and summary trial, etc., etc. So, they have here also provided for in this Bill in Clause 2 by including essential industries. If you look at Clause 2, sub-clause (viii) you will find in the Explanation that:

"for the purpose of sub-clauses, the expressions 'industrial undertaking and scheduled industry' shall have the meanings respectively assigned to them in clauses (d) and (i) of Section 3 of the Industries (Development And Regulation) Act 1951."

So, in clause (2) they have mentioned different industries and concerns. But, here they have mentioned section 3 of the Industries (Development and Regulation) Act, 1951. I have a list here. Shall I read that?

MR. DEPUTY-SPEAKER: No. It can be taken as read.

SHRI KRISHNA CHANDRA HALDER: Here every industry has been included. So, practically they want to ban strikes by the working classes. I want to say that the working-classes of our country will not tolerate this type of black bill. So, Sir, since already many Members have spoken. I only say that this is a repressive measure of the British imperialism and working-class will not have freedom.

This is an anti-people Bill and anti-working class people will not tolerate this.

This Bill is undemocratic and anti-labour and this is a black Bill and a draconian Bill. This reminds us of the British days. It is nothing but undeclared emergency and paves the way for a dynastic rule; the political conscious working-class of our country will not tolerate this and they will not bow down to this draconian Bill. People will start a powerful movement one day and the people, the working class, will throw this government into the Indian Ocean. So, I oppose the introduction of this Bill lock, stock and barrel and I appeal to the hon. Home Minister to withdraw this Bill forthwith.

MR. DEPUTY-SPEAKER: Shri Chakraborty.

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): Mr. Deputy-Speaker, Sir, I vehemently oppose the introduction of this Bill.

MR. DEPUTY-SPEAKER: That is why I wanted you not to go away.

SHRI SATYASADHAN CHAKRABORTY: Sir, I oppose the introduction of this Bill with anguish and with disdain against the Government which has been brought forward by this Bill. The Government goes outside the House and hoodwinks the people by saying that they want their active and willing cooperation. Here, in this House, they have introduced this Bill and they try to enact this measure which will enslave the working millions of our country, toiling people of our country. Sir, I oppose this Bill tooth and nail. I join with the millions of our people—the man behind the plough, the man behind the machine and the man behind the desk—who are opposing this Bill everywhere in India because they know that this Government is going to bring slavery for the toiling masses of India. Mr. Deputy-Speaker: Yes.

MR. DEPUTY-SPEAKER: Yes.

**SHRI SATYASADHAN CHAKRABORTY:** I am glad that you are co-operating. Sir, they say that they have a good majority in the House; they have a massive majority in the House. They will drown our voice of reason with the voice of unreason. I agree you can drown our voice. I agree you can see that the Bill gets through. But I say you have not received the massive mandate of the people. You are a minority. You got only 44 per cent of the votes. You did not get the majority support but then, you are trying to change the basic nature of the Constitution. The Constitution enshrines the Fundamental Right of any human being and any working man of collective bargaining or, if I may say so, even to going on strike. You are taking away the freedom of the working-class. May I ask this Government of "सत्यमेव जयते" as to why you are not touching the exploiters like Tatas and Birlas who can keep millions of people starving by closing their mills. (Interruptions)

**MR. DEPUTY-SPEAKER:** Tatas and Birlas are not Members of the House. So, you may better avoid mentioning their names.

**SHRI SATYASADHAN CHAKRABORTY:** When you are to receive the massive verdict of the people later on don't think history will forgive you. I can declare—I do not want to enter into the Constitutional niceties—when you are trying to wreck the Constitution that even if you pass this anti-working class and draconian Bill you will not be able to enforce this law in spite of the mighty machine of police which you have because you are going to take away bread and freedom from us for which we fought before Independence and for which we have been fighting even after Independence. Can you say why you cannot run this country without Preventive Detention and other draconian laws? You say in the Preamble of the Constitution that you will guarantee to the people liberty of thought, their freedom, their right to association and then you are trampling

ing down the same under your foot when you come to power.

**Mr. Deputy-Speaker, Sir,** through you I address the Home Minister to read the election pledges which you made to the people. The Prime Minister, Shrimati Indira Gandhi said, "For Emergency I am sorry."

"मैं कान पकड़ती हूँ"

Now, what has happened. So, you do it only to get the votes. Now, after coming to power you betray the people who voted you to power. You did not have the courage to say to the people during elections that you will take away their freedom. Now, you are taking it. I am sure, Mr. Deputy-Speaker..

**श्री सत्य देव सिंह (उपरा) :**

उपाध्यक्ष महोदय, मेरा प्वाइन्ट ऑफ ऑर्डर है माननीय सदस्य ने यह कहा है। कि "प्रधान मंत्री ने कहा कि मैं कान पकड़ती हूँ", यह गलत बात है, इसको प्रोसीडिंग्स से हटाया जाये चूकि यह असत्य, आपत्तिजनक और असंसदीय भाषा है।

**MR. DEPUTY-SPEAKER:** I will go through the records.

**SHRI SATYASADHAN CHAKRABORTY:** Mr. Deputy Speaker, Sir, now, this Bill they have brought because they know that if they do not appease their masters, viz., the Imperialists, World Bank and the IMF they would not be able to get loan.

**SHRI M. RAM GOPAL REDDY:** He should be ashamed of saying like that; we are the sovereign people of this country; we are not afraid of any foreigner; we are masters of our country.

**SHRI SATYASADHAN CHAKRABORTY:** Sir, I say, the IMF, the World Bank, the Reagan Administration and the World Bank have already told you, we will give assistance to the underdeveloped and developing countries provided they conform to our dictates and fall in line.

**MR. DEPUTY-SPEAKER:** Order please. You cannot make a big political speech at this stage; you have to confine yourself to the introduction of the Bill.

**SHRI P. VENKATASUBBAIAH:** I don't want to interrupt the hon. Member. I am afraid he has been overwhelmed by his own eloquence. This is not the occasion to say all those things. Let him speak only about the admissibility, about the introduction of the Bill. There will be so many occasions for him to give vent to his feelings.

**SHRI SATYASADHAN CHAKRABORTY:** Mr. Deputy-Speaker, Sir, I know these words of mine are not convenient to them; that is why he is opposing what I say. May I ask them one simple question? Why are you not bringing in such a draconian law to curb blackmarketing, profiteering and so on? Because, you don't want to touch the blackmarketeers. You are always soft towards them. Mr. Indrajit Gupta said that you have not got the courage and the guts to touch even a single hair of Tata and Birla. But you are bringing in such types of draconian laws in the House only to appease the multi-nationals to exploit our poor people, to plunder our country. So, Sir, with all the vehemence at my command, I oppose the introduction of the Bill. We shall be opposing it not only here but the working people will be opposing it in every firm and factory, in every office, in every industry, and everywhere in the country. You have thrown the challenge; the people have accepted the challenge. There will be a big hartal tomorrow in West Bengal. Day after tomorrow there will be hartals all over India. (Interruption)

**श्री अशोक प्रसाद :** अगर सत्ताकण्ड पार्टी हड़ताल करती है तो उसको सत्ता में रखने का कोई अधिकार नहीं है। वेस्ट बंगाल सरकार को बर्खास्त कर देना चाहिए।

**SHRI SATYASADHAN CHAKRABORTY:** I oppose the introduction of this draconian Bill. It is an Anti-labour Bill. It is against the people of this country. This Bill only seeks to enslave the toiling millions of our people for ever. With these words I oppose the introduction of the Bill. Thank you.

**श्री कमला मिश्र मधुकर (मोतीहार):** उपाध्यक्ष महोदय, मैं इस बिल के इन्ट्रोडक्शन का जोरदार विरोध करता हूँ। महाभारत की एक कहानी है कि जिस समय द्रौपदी का चीर-हरण हो रहा था, तब वहाँ पर दुर्योधन के पक्ष का बहुमत था, और जो बड़े बड़े पंडित वहाँ बैठे हुए थे, उन में से किसी ने उसका विरोध नहीं किया। द्रौपदी के चीर-हरण का नतीजा यह हुआ कि दुर्योधन का सर्वनाश हुआ और पांडवों की जीत हुई।

सरकार यह जो कानून बनाने जा रही है, वह पूरे मजदूर वर्ग और हिन्दुस्तान की जनता के लिए एक भयंकर कानून है। आज एक काला दिन है, जो हिन्दुस्तान के इतिहास में मजदूर वर्ग के आन्दोलन के इतिहास में घणा से याद किया जाएगा। सरकार अपनी ब्रट मैजॉरिटी के कारण यह भूल गई है कि विवेक से काम लेना चाहिए। मजदूर वर्ग ने सारी दुनिया में संघर्ष कर के जो अधिकार पाया है, सरकार ने इस कानून के जरिए उस अधिकार को छीनने का काम किया है। इसलिए यह कानून न केवल मजदूर और किसान विरोधी है बल्कि यह कानून देशव्रोही है क्योंकि देश का मतलब यह नहीं होता है कि इस हाउस में आप का बहुमत होता हो, देश का मतलब होता है कि मजदूरों और किसानों को उन का हक दिया जाये। आप किसानों को उन का हक नहीं दे रहे हैं, उन को रेग्युलरिटी प्रॉब्लम नहीं दे रहे हैं, मजदूरों का हड़ताल

का हक छीन ले रहे हैं। उन के घंटर आप एक वृणा की भावना पैदा कर रहे हैं। आप ने देख लिया कि यही पर मजदूरों ने प्रदर्शन किया था, केरल में किया था और कल वेस्ट बंगाल में कर रहे जा रहे हैं। यह लड़ाई खेतों और खलिहानों में होगी, तमाम देश में होगी। मजदूर और किसान दोनों मिल कर इस का मुद्दाबिना करेंगे। इस कानून को वह लोग फेंक देंगे और उस के साथ ही आप को भी। इसीलिए मैं इस कानून का विरोध करता हूँ और आप से यह कहना चाहता हूँ कि इस कानून को आप खत्म कीजिए, इसे लाइए मत, बिल को वापस ले लीजिए और विवेक से काम लीजिए। देश के लिए, समाज के लिए और आप के लिए यह लाभकारी नहीं है। सोचिए फिर से और संच कर इस कानून को वापस लीजिए। इस का मैं जोरदार विरोध करता हूँ और एलान करता हूँ कि सारा मजदूर वर्ग इस का विरोध करने के लिए तैयार है, करेगा और कर के कामयाबी हासिल करेगा।

SHRI K. A. RAJAN (Trichur): Sir, I stand to oppose the very introduction of this Bill which is antipeople, anti-national and anti-working class. I think it is my bounden duty to oppose the introduction of this Bill. Sir, in the very first sentence of the Statement of Objects and Reasons mentioned in this Bill, it has been stated that there are certain disquieting trends. I do not know what are the disquieting trends in the minds of the Government. As far as we know, there are no disquieting trends in the industrial relations front. But there are disquieting trends in the economy of the country in which they are driving the whole economy to the disadvantage of the working people of this country wherein the working people have to face so many difficult situations including price rise and inflation. In such circumstances, the logical consequences will be that the workers and the working peo-

ple have to rise against the onslaught perpetrated on them. So, under the circumstances, they are preparing themselves or arming themselves against the draconian laws to suppress this movement. Whatever may be the draconian laws which you want to bring forward, the working class of this country will stand shoulder to shoulder and oppose this law with all their might at their command. I once again re-emphasise my strong objection to the very introduction of this Bill.

SHRI AMAR ROY PRADHAN (Cooch Behar): Sir, I would like to oppose the introduction of this Bill with all my might. This Bill is a draconian Bill, this Bill is a black Bill, anti-labour Bill, anti-democratic Bill, anti-people Bill. When the strike and the man-days loss are decreasing. I do not find any justification why this Bill has been brought forward. Mr. Deputy-Speaker, Sir, as a trade union leader, you may find some justification if the Bill had been called "Indira Congress Services Maintenance Bill" in place of the "Essential Services Maintenance Bill". Since the days of Haymarket May 1888, the entire world admitted that the workers had got the right to organise, the right to unite, the right to collective bargaining and the right to strike and you are scuttling these rights through this Bill. I may tell the Home Minister that this is a Bill which may be compared to the Rowlett Act of the British rule in India. And you know those days. Don't forget the consequences of that Act.

And, Sir, you have included in this Bill lock-outs and lay-offs, but we know that it was an after-thought inclusion. Sir, the hon. Minister would like to shed some crocodile tears as a sympathy for the working class people, but the working class people now know all that. The entire country will not tolerate all this. The working class people cannot tolerate this for long. I have already said this with all vehemence and with all the

[Shri Amar Roy Pradhan]

strength of my voice. The working class people may tolerate your brutality, but not your hypocrisy in the name of lock-outs and lay-offs in this Bill.

Again Sir, I would like to oppose this draconian and anti-people Bill. I would request the Home Minister to withdraw this Bill.

MR. DEPUTY-SPEAKER: If all the Members from the CPM take one minute each, I will call each of them. Oppose it vehemently.

SHRI SUNIL MAITRA (Calcutta North-East): Mr. Deputy-Speaker, Sir, during the last 34 years in this country, this particular Party which is ruling this country, has been trying to rule by dividing the society. The society is now based on classes—the exploiting class and the exploited class. And you have built the society on the basis of the recognition of the fact that the capitalist has got the right to exploit the workers. That is why you have divided the society.

The only weapon the working class has got is the weapon of organisation in order to defend their own interests. In the process of furthering and defending its own interests, the working class has got only one weapon—the right to strike. The capitalist State has got all the weapons. You have got the army, the police, the laws, the courts, jails, everything. The working class has got only one weapon—the weapon of strike to defend themselves. And through this Bill today you are trying to denude the working class, to disarm the working class of that only weapon. Therefore, I oppose the introduction of this Bill, because this Bill seeks to deprive the working class of its only weapon.

Lastly, I would only like to caution you. Have you seen a cat in a room where all doors and windows are closed? First the cat will try to find out an escape route; and when it does

not find any escape route, don't forget, that cat in those circumstances becomes a tiger. Don't ride on a tiger. It is very dangerous. Times are coming. On the one hand you're raising the prices in the Indian economy and through this Essential Services Maintenance Bill you are trying to shift the burden of rising prices on to the working class. Three instalments of DA have become due to the Central Government employees. You are unwilling to pay them. And the Central Government employees will go on strike; and then you will use this draconian measure against them. Don't turn the cat into a tiger. Every action has a reaction. Remember what happened in 1977. In 1981, your sun is shining and you are making hay. Days similar to 1977 will come again.

With these words, I oppose the introduction of the Bill.

MR. DEPUTY-SPEAKER: I am requesting Shri Samar Mukherjee on behalf of CPI(M) members.

SEVERAL HON. MEMBERS: No, no. We all want to speak. (*Interruptions*)

MR. DEPUTY-SPEAKER: He will cover all the points.

(*Interruptions*)

SHRI SAMAR MUKHERJEE (Howrah): You can ask all of them to speak. I will be the last speaker. (*Interruptions*).

MR. DEPUTY-SPEAKER: It is not possible. There is no time. I call Mr. Samar Mukherjee, on behalf of all of you. If it is not possible, I am asking... (*Interruptions*)

That is all. It is not possible. No; I am sorry. (*Interruptions*) How many people can I allow?

Hon. Members, I have allowed 1 or 2 from each party. (*Interruptions*) Mr. Samar Mukherjee can speak now. (*Interruptions*) I have allowed all

party representatives. (*Interruptions*) If 1 or 2 want to speak, I can allow. This is not the way. This is a wrong procedure.

SHRI JANARDHANA POOJARY: I am on a point of order. (*Interruptions*) It is my right.

MR. DEPUTY-SPEAKER: What is your point of order? (*Interruptions*) Please listen. Not all the 20 people. I know that.

SHRI JANARDHANA POOJARY: Sir, the Chair is not helpless. The Chair has got powers, even under rule 72. It is very clear. You kindly read the rule. It says:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, brief statements from the member who opposes the motion and the member who moved the motion, may, without further debate, put the question."

So, with your permission only can any Member speak. Without your permission, nobody can speak.

MR. DEPUTY-SPEAKER: I am not using the rule. (*Interruptions*) This is not the way. You are all decent party men. I am requesting you: the leader of your party who is also a leader of the workers, may speak. (*Interruptions*)

Because they are giving their names, I cannot call them.

SHRI SAMAR MUKHERJEE: Sir, you also admitted that this was a very serious Bill.

MR. DEPUTY-SPEAKER: From CPI(M), 18 Members have given their names. I have called six. (*Interruptions*).

No. I am not permitting you. Mr. Samar Mukherjee can speak. (*Interruptions*).

Everyone wants to speak. They don't speak on the subject. They use it as a political platform. (*Interruptions*) The time element is also there. The Minister has got to reply. (*Interruptions*)

Now, Mr. Samar Mukherjee, are you speaking? I am calling you to speak. It is not possible to call all the people.

SHRI SAMAR MUKHERJEE: Just now I talked to Mr. Bhisma Narain Singh. We represent certain people who are very much agitated, outside. They are struggling. That is why everybody feels that he should express the sentiments which have been expressed by the people outside. So, they should not be debarred from speaking and expressing these sentiments. They have given their name. They are not demanding any undue favour. They have given notices. (*Interruptions*)

19.00 hrs.

SHRI P. VENKATASUBBAIAH: Please to do not try to browbeat us. (*Interruptions*)

SHRI P. VENKATASUBBAIAH: Please do not try to create this situation. (*Interruptions*)

MR. DEPUTY-SPEAKER: This is not correct. There are 10 people standing up. The Minister has to reply. Mr. Minister, you can start replying. (*Interruptions*)

MR. DEPUTY-SPEAKER: You can reply. (*Interruptions*)

MR. DEPUTY-SPEAKER: I am not permitting them. I have called the Minister. (*Interruptions*)

MR. DEPUTY-SPEAKER: Yes, you can reply. You read your reply. (*Interruptions*)

MR. DEPUTY-SPEAKER: That is all right. I am not giving you the time. This is not the way. All of you please go back to your seats. (*Interruptions*)

MR. DEPUTY-SPEAKER: No, no, I am not permitting you.

(Interruptions)

MR. DEPUTY-SPEAKER: I had asked Mr. Samar Mukherjee to wind up the discussion. Please go back to your seats.

(Interruptions)

SHRI P. VENKATASUBBAIAH: This is not the way in which the hon. members are creating this scene. They want to create this scene.

PROF. MADHU DANDAVATE: There are very strong feedings on the subject. If they are allowed to make their submissions for two or three minutes, it is all right.

(Interruptions)

MR. DEPUTY-SPEAKER: I will not allow.

(Interruptions)

MR. DEPUTY-SPEAKER: I had requested the leader to wind up the discussion, and then the Minister will reply.

(Interruptions)

MR. DEPUTY-SPEAKER: I am not precipitating it.

(Interruptions)

MR. DEPUTY-SPEAKER: I had requested the leader to wind up the discussion. That is all right. You please go back to your seats.

(Interruptions)

MR. DEPUTY-SPEAKER: I will not allow anybody. Yes, Mr. Minister, you can reply.

(Interruptions)

MR. DEPUTY-SPEAKER: Do not record anything.

(Interruptions)\*\*

MR. DEPUTY-SPEAKER: Mr. Minister, you can reply.

(Interruptions)\*\*

गृह मंत्री (श्री जंस सिंह): डिप्टी स्पीकर साहब, मैंने प्रपोजीशन के मेम्बरान के तमाम प्वाइन्ट्स नोट किए थे और चाहता था कि जवाब दे कर उनकी तसल्ली करता... (अपबधान) ... लेकिन अब ये उन का जवाब सुनना नहीं चाहते... (अपबधान) ... बहुत से मेम्बरों ने अपनी बातें कही और अब और बहुत से मेम्बर इस पर बोलना चाहते हैं। ... (अपबधान) ... इनका दूसरे पर ऐतबार नहीं है कि एक घादमी इनको रेप्रेजेंट करे और सभी अपनी अपनी बातें कहते हैं और एक ही बात को रिपीट कर रहे हैं। ऐसी सूरत में पार्लियामेंट में कोई कार्यवाही चल नहीं सकती। आप की कृपा से सब को मौका मिला और उन्होंने अपने अपने विचार रखे। मैं तो यह चाहता था कि सब अपनी बातें कहें लेकिन जो बातें एक मेम्बर ने कह दी हैं, उन का रेपीटेशन न हो लेकिन यहां पर वहां बातें कही जा रही हैं, सिर्फ लफ्जों की बदला-बदला की हैं। इस से कोई कन्स्टी-यूशन नहीं होता है। .. (अपबधान) ..

जहां तक लेजिसलेटिव काउन्सिल की बात है, कांस्टीट्यूशन बेलॉडिटी की बात है, उस की ज्यादा बहस में न पड़ कर, मेरे पास दो फैसले सुप्रीम कोर्ट के हैं और प्राइमरी फैसला 4 अगस्त 1981 का है, जिस में साफ तौर पर यह बताया गया है:

'We have heard Learned Council for the parties for more than an hour and a half. Challenge was made by Mr. Ramamurthy, Lened Counsel for the petitioners, to the validity of the Essential Services Maintenance Ordinance, 1981, on the basis of Article 14, 19(1)(g) read with 19 (6), 21 and 123 of the Constitution as also on the ground of excessive delegation. We have given our

serious consideration to all the contentions raised on behalf of the petitioners and find no merit in them. Both the petitions are dismissed.'

(Interruptions)

At this stage some hon. Members left the House.

ये लोग बहुत ज्यादा इस बात पर जोर देते हैं कि जुडीशियरी को सम्मान दिया जाए। जुडीशियरी का यह फैसला है और सुप्रीम कोर्ट के तीन जजों ने इस पर अपने विचार व्यक्त किए। उन्होंने बहुत विचारने के बाद यह फैसला दिया। उन्होंने कहा है कि हम ने बहुत सीरियसली दोनों को सुना और उस के बाद उन्होंने दोनों पेटीशन्स पर अपना फैसला दिया है। और उनको डिस्मिस कर दिया। इसलिए कोई जबरन नहीं रह जाती है कि कांस्टीट्यूशनल बैलाइटी के सम्बन्ध में मैं कुछ यहां कहूँ जब कि सुप्रीम कोर्ट ने इस के बारे में कह दिया है।

डिप्टी: स्पीकर साहब, अभी कुछ दोस्तों ने मेरी बहुत मदद की, जिस की मुझे धारा नहीं थी जैसे जार्ज फर्नाण्डिस साहब ने कहा कि जुलाई में प्राइनिंग जारी हुआ और अभी तक इसका इस्तेमाल नहीं हुआ है। एक तरफ तो ये कहते हैं कि सरकार का एडीट्यूड जातिकाना है और दूसरी तरफ कहते हैं कि इस का इस्तेमाल नहीं हुआ। यह तो हमारे पक्ष की धारणा थी कि सरकार की नीयत कितनी साफ है। जबरन न पड़े, तो हम उस का इस्तेमाल नहीं करेंगे। हम स्ट्राइक बन्द नहीं कर रहे हैं, सरकार स्ट्राइक बन्द कर रही है। अगर हालात बिगड़ते हैं, बदनामी पैदा होती है और कोई नुकस पैदा हो जाए तो उस से निपटने के लिए हम अक्तयारा हासिल करना चाहते हैं। वह पावर लेने की बात

है क्योंकि अगर हालात बिगड़ जाए और पावर न हो, तो कोई बात नहीं हो सकती।

डिप्टी: स्पीकर साहब, मैंने उस वक्त भी इनको कहा था—

जैसे घर लागे भाग जहां कुआं खोदे जाये कारज सिद्ध न होए तो पछताये।

घर को भाग लगी हो, फिर आप कहें कि कुआं खोदेंगे, पानी निकालेंगे फिर पानी से छिड़काव करेंगे और फिर भाग बुझाएंगे। यह कैसे हो सकता है।

अब किसी भावमी को किसी हथियार का लाइसेंस दिया और चार महाने के बाद उस से हम कहें कि आपने किसी को जल्मी तो किया नहीं, आपके यहां कोई डकैती भी डालने नहीं आया तो फिर आप क्यों लाइसेंस रखते हों, इसे सरेण्डर क्यों नहीं कर देते। अब एक मण्डी में बैठ कर कोई कमेटी में कह दे कि फायर ब्रिगेड जो है यह क्या काम कर रही है, इसे दो साल हो गए, इसने कोई काम नहीं किया, कहीं भाग नहीं लगी तो फिर इसकी क्या जरूरत है। जब भाग लगेगी तो फिर इसको ले जायेंगे। डिप्टी: स्पीकर साहब कहीं ऐसी बातों से काम चलने वाला हैं। यह है उनकी दलील।

मैंने जार्ज फर्नाण्डिस, हमारे सी० पी० एम० और सी० पी० आई० के जितने भाई यहां बोले हैं उनका एक-एक का नाम लिखा है और इसलिए लिखा है कि मैं एक-एक को प्यार से समझाऊंगा और बात करूंगा लेकिन वे यहां नहीं हैं।

दूसरी बात, डिप्टी: स्पीकर साहब मैं यह कहना चाहता हूँ कि आइन का प्वाइंट तो खत्म हुआ। अब मैं इच्छा रखी बात पर आता हूँ। आप जरा सोचिए कि हिन्दुस्तान में ये लोग किस की हिमायत करते हैं? जो मजदूरों को

[श्री जैल सिंह]

एक्सप्लॉट करते हैं। यह एन्टी मजदूर बिल नहीं है, यह एन्टी एक्सप्लॉटर बिल है। कुछ लोगों का धंधा होता है कि मजदूरों की कमाई से हर महीने पैसा इकट्ठा करो और चौधरो बनो, मजदूरों में जाकर तसरीर करो और मनेजमेंट का खाना खाओ। आज यह यहाँ बात करते हैं।

मैं इन से पूछना चाहता हूँ कि हिन्दुस्तान में बेरोजगार कितने हैं? क्या कभी आप ने उन की आवाज उठायी? हिन्दुस्तान में जिन को रोखाता पेट भर कर खाना नहीं मिलता, क्या उन की आवाज उठायी? क्या इन्होंने देखा है कि पावर्टी लाइन के नीचे रहने वाले लोगों की क्या हालत है? मैं मानता हूँ कि महंगाई है। हम इस पर भी जोर देते हैं। जैसे प्राइस इन्डेक्स बढ़ता है, उस के मुताबिक तनखाहों बढ़ायी जाती हैं, उन में महंगाई जोड़ी जाती है। लेकिन आप जरा गौर फरमाइये, मैं मजदूरों का विरोधी नहीं हूँ, उन का साथी हूँ, लेकिन उन को नौकरी तो मिली है, उनके बच्चों की पढ़ाई का इन्तजाम तो है, महान उन के पास है, मेडिकल एंड उन को मिलती है लेकिन करोड़ों आदमी ऐसे हैं जिन की आवाज इन्होंने कभी नहीं सुनी, क्योंकि इन के फान नहीं हैं जो सुन सकें। मैं जानता हूँ उन की आंशु आवाज को। करोड़ों आदमी ऐसे हैं जो दिन रात मेहनत करते हैं लेकिन फिर भी भूखे हैं। उन को कोई नौकरी नहीं मिलती। उन से मालिक जितना चाहे काम करवा लेता है, और जो चाहे उन्हें खाने को दे देता है। ये आरगेनाइज्ड सेक्टर के नुमाइन्दे बनते हैं, जो अनआरगेनाइज्ड सेक्टर के लोग हैं उनकी बात नहीं करते हैं।

मैं इन से पूछना चाहता हूँ कि अगर आप मजदूरों की बात करते हैं तो आपने मजदूरों के बीच में अपनी अपनी पार्टियों के सेल

क्यों बना रखे हैं? आप एक सेल बना कर मजदूरों की कमाई करो। आप अपनी अपनी पार्टी का प्रचार कर मजदूरों में बदभावनी पैदा करना चाहते हैं। यह मुल्क के लिए काम करने का तरीका नहीं है, यह मुल्क के साथ दुश्मनी है। मैं कहता हूँ कि इस तरह से मुल्क को बेचा नहीं जा सकता। क्या आप ऐसे मुल्क को बेचना चाहते हैं?

इन्टरनेशनल मोनेटरी फण्ड की बात की गयी। मैं उन से पूछना चाहता था, बदकिस्मती से वे चले गए, कि इन्टरनेशनल मोनेटरी फण्ड के आदमी तुम्हारे साथ मिले हुए हैं हम को तो नहीं मालूम कि उन के साथ किस तरह का एग््रीमेंट हुआ, तुम जानते होगे।

यह कहा गया कि यह लेबर डिपार्टमेंट क्यों नहीं लाया? हमारी ज्वाइंट रिस्पॉन्सिबिलिटी है। दिन में कोई आदमी कमाता है, उस को जिस कीमती चीज को, बरतन की, अकुरत हो तो वह अपने घर में रखता है। जो भी चीज हो वह गृह मंत्रालय के पास आ ही जाती है। घर में जो चीज पड़ी रहती है उस का नुकसान नहीं होता है।

डिप्टी स्पीकर गार्हब, करीब 30 करोड़ लोग पावर्टी लाइन के नीचे रह रहे हैं, उन की बात मैं दोबारा दोहराना नहीं चाहता, अगर वे बैठे होते तो ब्रता देता। एक-एक आदमी उठता है और टाटा-बिड़ला की बात करता है। पता नहीं उन से कब से इनकी वास्ती हो गई। रेलवे कहां टाटा की है, हवाई अड्डा कहां टाटा या बिड़ला के हैं, बिजली कहां बिड़ला की है, क्या डाक-तार बिड़ला का है, क्या टेलीफोन बिड़ला का है। लेकिन हम टाटा या बिड़ला की बात नहीं करते, हम तो दरमियाने लोगों की बात करते हैं, जिन की तनखाहों से पैसा ले कर ये उन की चमालत करते हैं और गरीब आदमी की जान नहीं करते हैं।

डिप्टी स्पीकर साहब, मैं इस हाउस को बताना चाहता हूँ कि आज का दिन कैसा है। इन्होंने कहा कि आज का दिन हिन्दुस्तान के अन्दर काला दिन समझा जाएगा, ये बात जो रामावतार शास्त्री जी ने कही, यह गलत है, बल्कि आज का दिन सुनहरी है और हिन्दुस्तान के अन्दर एक इन्कलाबी दिन समझा जाएगा। जब गरीब की बात हम ने की है। आप को मालूम ही है कि इनके समय में एक साल के अन्दर जितने मैन-डेज का नुकसान हुआ उस से करीब 400 करोड़ का घाटा हिन्दुस्तान को उठाना पड़ा। कहां से बेरोजगारी दूर होगी अगर हम इसी तरीके से बरबादी करते जाएंगे और पैदावार नहीं होने देंगे। हम तो डिसेम्प्लोय को कायम रखना चाहते हैं और मजदूरों की बात सहज-सुआस से मानना चाहते हैं और मैनजमेंट को इस तरह से तम्बीह कर दी है कि वे लाक-आउट न कर सकें क्योंकि मजदूर के लिए हमारे दिल में हमदर्दी है।

डिप्टी स्पीकर साहब हमने मजदूर की कोई रैली बंद नहीं की है उनका अलसा बन्द नहीं किया है अगर मजदूर चाहता है तो सब कर सकता है। हम तो सिर्फ यह चाहते हैं कि वे काम न छोड़ें और जो चाहते हैं करें। अपनी छाती पर बिल्ला भी लगा सकते हैं पब्लिक को अपनी बात बताने के लिए अण्डे के दिन जलूस भी निकाल सकते हैं परन्तु पैदावार बंद नहीं कर सकते। पैदावार बन्द करने की इजाजत मैनजमेंट को भी नहीं दी गई है। हम चाहते हैं कि ऐसिंधियल सविसेज के अन्तर्गत जितनी चीज आती है उनकी पैदावार न रोकी जाए।

आप को मालूम है कि इस लिस्ट के तहत जो चीजें आती हैं अगर उन का उत्पादन बंद हो जाए तो तकलीफ किसको होती है? शासन को कोई तकलीफ नहीं होती। तकलीफ जनता को होती है पानी नहीं मिलता बिजली नहीं मिलती आने-जाने के साधन

नहीं मिलते। इनका इरादा क्या है? इनका इरादा है कि आज की के नाभ पर ये रेलें बन्द करवा सकें, हवाई-जहाज बंद करवा सकें, बिजली बंद करवा सकें पानी बंद करवा सकें, आने-जाने के साधन बंद करवा सकें, और डाक-तार बगैर सब बंद हो जाए और हिन्दुस्तान तबाह और बरबाद हो जाए।

बाहर के लोगों के साथ पता नहीं इन के संबंध कैसे रहते हैं। इनको कैसे पता चला कि इंटरनेशनल मानेटरी फण्ड के सिलसिले में हमारा क्या एग्जिमेंट हुआ है। आपको यह बात पता है, हमको तो पता नहीं है, इसलिए आपका संबंध होगा, इसीलिए आप कहते हैं। हम को भी बता दीजिए, ताकि पता चल जाए।

डिप्टी स्पीकर साहब, एक मेंबर ने कहा कि हम चाहे कितना जोर लगा लें, यह कोई अदालत नहीं है, बल्कि पालियामेंट है, इसलिए हम इसको रोक नहीं सकते। जब रोक नहीं सकते तो इतनी तकलीफ क्यों उठाते हैं, इतनी तंगी क्यों उठाते हैं। पहले ही वोटिंग करवा लेते। उनकी दलीलों में कोई वजन नहीं है। वे चाहते थे कि किसी तरह से काम रोका जाए।

कई साधियों ने अपने भाषण में मेरे साथ मिलता भी दिखलाई, कईयों ने कहा कि हम ये कर देंगे—हम वह कर देंगे। लेकिन हम को उन की बात पर गुस्सा नहीं आता, जो कहना हो कह लीजिए। हम जानते हैं कि ये बाजू आजमाए हुए हैं, एक बार नहीं बार-बार आजमाए हुए हैं। ये क्या कहते हैं? कहते हैं कांग्रेस पार्टी को 44 परसेंट, 45 परसेंट वोट मिले है। लेकिन इन को कितने मिले हैं? किसी को 40 परसेंट, किसी को 30 परसेंट और किसी को 20 परसेंट फिर आलम यह है कि हर रोज हम को पार्लियामेंटरी एफेयर्स के मिनिस्टर साहब से पूछना पड़ता है कि अफेजिशन में कितनी

[श्री जल सिंह]

AYES

19.27 hrs.

पाटिया बैठो हुई है और उनका कौन कौन सीडर है। अजीब तमाशा दिखाई देता है। आपने बड़ी कृपा की जो सब को बोलने का मौका दे दिया। किसी भी एक पार्टी ने नहीं माना कि उस का नेता उस पार्टी के इयालात को हाउस के सामने रख दे। सभी हमारे इन मेम्बरों ने कहा कि हम अपने इयालात प्रलग से रखेंगे। परमात्मा बख्शे इन को और इन को इकट्ठा कर दे तो अच्छा है ताकि जो बात कहनी हो कह लिया करें। अब तो ये बीबिलिटर-नैस में घूम रहे हैं, फिर रहे हैं, बोल रहे हैं। बाई इलैक्शन ये जीतते नहीं हैं। मजदूर भी इन को समझ गए हैं। उन को पता चल गया है कि हमारे हमदर्द कौन हैं। वे जान गए हैं कि उनकी बगैर किसी एजेंटेशन के बात सुनी जाएगी, उस का फैसला ही जाया करेगा, उन का पूरा पूरा ध्यान रखा जाएगा। मजदूर खुशहाल होंगे, उन की दिक्कतें खत्म हो जाएंगी। उन को दंगा करना नहीं पड़ेगा, खड़ना नहीं पड़ेगा। मैनजमेंट और मजदूरों के ताल्लुकत ठीक रहेंगे और पैदावार बढ़ती रहेगी। मजदूरों का हक नहीं मारा जाएगा। कारखानेदार या मैनजमेंट मजदूरों को हैरान और परेशान नहीं कर सकेंगे, हम इस का गारंटी देते हैं। मजदूर हमारे साथ हैं।

ज्यादा कुछ वहाँ कां तो हैं नहीं। मोटी मोटी बातों का जवाब उन को मिल गया है। मैं प्रार्थना करता हूँ कि मुझे बिल इंट्रोड्यूस करने की इजाजत दी जाए।

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the maintenance of certain essential services and the normal life of the community."

The Lok Sabha divided.

Division No. 5)

Abbasi, Shri Kazi Jalil  
 Ahmed, Begum Abida  
 Ahmad, Shri Mohammad Asrar  
 Ahmed, Shri Kamaluddin  
 Anuragi, Shri Godil Prasad  
 Appalanaidu, Shri S. R. A. S.  
 Arakal, Shri Godil Prasad  
 Azad, Shri Bhagwat Jha  
 Baleshwar Ram, Shri  
 Bansi Lal, Shri  
 Barot, Shri Maganbhai  
 Bhaest, Shri H. K. L.  
 Bhagwan Dev, Acharya  
 Bhakta, Shri Manoranjan  
 Bhardwaj, Shri Parasram  
 Bhol, Dr. Krupasindhu  
 Bhoje, Shri Reshma Motiram  
 Bhurla, Shri Dileep Singh  
 Birbal, Shri  
 Chakradhari Singh, Shri  
 Chandra Shekhar Singh, Shri  
 Chandrakar, Shri Chandu Lal  
 Chaturvedi, Shrimati Vidyawati  
 Chennupati, Shrimati Vidya  
 Chingwang Konyak, Shri  
 Choudhari, Shri K. B.  
 Das, Shri A. C.  
 Dennis, Shri N.  
 Dev, Shri Sontosh Mohan  
 Dogra, Shri G. L.  
 Dubey, Shri Bindeshwari  
 Era Mohan, Shri  
 Fernandes, Shri Oscar  
 Gandhi, Shri Rajiv  
 Ghufan Azam, Shri  
 Gireraj Singh, Shri  
 Gouzagin, Shri N.  
 Jadeja, Shri Daulatsinhji  
 Jai Narsain Roat, Shri  
 Jain, Shri Bhiku Ram  
 Jain, Shri Nihal Singh

- Jamilur Rahman, Shri  
 Jena, Shri Chintamani  
 Jha, Shri Kamal Nath  
 Khan, Shri Malik M.M.A.  
 Krishna, Shri S. M.  
 Krishna Pratap Singh, Shri  
 Kshirsagar, Shrimati Kesharbai  
 Kuchan, Shri Gangadhar S.  
 Kunwar Ram, Shri  
 Lakkappa, Shri K.  
 Mahabir Prasad, Shri  
 Makwana, Shri Narsinh  
 Mallik, Shri Lakshman  
 Mallikarjun, Shri  
 Mishra, Shri Ram Nagina  
 Misra, Shri Nityananda  
 Mohanty, Shri Brajamohan  
 Motilal Singh, Shri  
 Murthy, Shri M. V. Chandrashekhara  
 Muzaffar Hussain, Shri Syed  
 Nagina Rai, Shri  
 Narayana, Shri K. S.  
 Nehru, Shri Arun Kumar  
 Netam, Shri Arvind  
 Panday, Shri Kedar  
 Pandey, Shri Krishna Chandra  
 Panigrahi, Shri Chintamani  
 Panika, Shri Ram Pyare  
 Parashar, Prof. Narain Chand  
 Pardhi, Shri Keshaorao  
 Patel, Shri Ahmed Mohammed  
 Patel, Shri C. D.  
 Patil, Shri A. T.  
 Patil, Shri Balasaheb Vikhe  
 Patil, Shri Chandrabhan Athare  
 Patil, Shri Shankarrao  
 Patil Shri Uttamrao  
 Patil, Shri Veerendra  
 Patnaik, Shrimati Jayanti  
 Pattabhi Rama Rao, Shri S. B. P.  
 Pilot, Shri Rajesh  
 Poojary, Shri Janardhana  
 Pullalabhi, Shri Darur  
 Quadri, Shri S. T.  
 Rahim, Shri A. A.  
 Raju, Shri P. V. G.  
 Ram, Shri Ramswaroop  
 Ran Vir Singh, Shri  
 Rane, Shrimati Sanyogita  
 Ranjit Singh, Shri  
 Rao, Shrimati B. Radhabai Ananda  
 Rao, Shri Jalagam Kondala  
 Rao, Shri M. S. Sanjeevi  
 Rathod, Shri Uttam  
 Ravani, Shri Navin  
 Reddy, Shri G. Narsimha  
 Reddy, Shri M. Ram Gopal  
 Reddy, Shri P. Venkata  
 Satish Prasad Singh, Shri  
 Satya Deo Singh, Prof.  
 Sawant, Shri T. M.  
 Shailani, Shri Chandra Pal  
 Shankaranand, Shri B.  
 Shanmugam, Shri P.  
 Sharma, Shri Kali Charan  
 Sharma, Shri Nawal Kishore  
 Shastri, Shri Dharam Dass  
 Shastri, Shri Hari Krishna  
 Shiv Shankar, Shri P.  
 Sidnal, Shri S. B.  
 Singh, Dr. B. N.  
 Singh Deo, Shri K. P.  
 Solanki, Shri Babu Lal  
 Soren, Shri Hari Har  
 Sparrow, Shri R. S.  
 Stephen, Shri C. M.  
 Sultanpuri, Shri Krishan Dutt  
 Tayyab Hussain, Shri  
 Tripathi, Shri Kamalapati  
 Varma, Shri Jai Ram  
 Venkataraman, Shri R.  
 Venkatasubbaiah, Shri P.  
 Verma, Shrimati Usha  
 Vyas, Shri Girdhari Lal  
 Wagh, Dr. Pratap  
 Wasnik, Shri Balkrishna  
 Ramchandra

Yadav, Shri Ram Singh  
Yusuf, Shri Mohmed  
Zainul Basher, Shri

## NOES

Jain, Shri Virdhi Chander  
\*Namgyal, Shri P.  
Roy, Shri A. K.  
Unnikrishnan, Shri K. P.

MR. DEPUTY-SPEAKER: Subject to correction, the result of the Division is: Ayes 130; Noes 4.

*The motion was adopted.*

*At this stage, Shri A. K. Roy left the House.*

SHRI ZAIL SINGH: Sir, I introduce the Bill.

STATEMENT RE. ESSENTIAL SERVICES MAINTENANCE ORDINANCE

THE MINISTER OF HOME AFFAIRS (SHRI ZAIL SINGH): Sir, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Essential Services Maintenance Ordinance, 1981.

19.29 hrs.

MATTERS UNDER RULE 377

(i) DEMAND FOR TAKING OVER OF THE KANPUR INSTITUTE OF PAPER TECHNOLOGY.

श्री रशीव मसूदा (सहारनपुर) : श्री सरकार का ध्यान कृपया 377 के तहत मन्वरज्ज-जेल मामले की तरफ दिलाना चाहता हूँ।

[SHRI GULSHER AHMED in the Chair]

हिन्दुस्तान में पेपर टैक्नालाजी के दो तीन इंस्टीट्यूट हैं जहाँ पर कागज बनाने की टैक्नालाजी पढ़ायी जाती है और साथ ही साथ उस पर रिसर्च भी की जाती है। 1977 में हुकूमत ने एक प्रोग्राम बनाया था जिस के तहत हुकूमत हिन्द ने पेपर टैक्नालाजी का एक सेंट्रल इंस्टीट्यूट बनाने का फैसला किया था। इस सिलसिले में एक कमेटी बनायी गई थी; जिस के तहत मामलात पर गौर करने के बाद यह फैसला किया था कि सहारनपुर के पेपर टैक्नालाजी इंस्टीट्यूट को सेंट्रल पेपर टैक्नालाजी इंस्टीट्यूट करार दे दिया जाय। जिस को हुकूमत हिन्द ने भी तस्वीम कर लिया था। जिस के बाद सहारनपुर के लोगों और पेपर टैक्नालाजी इंस्टीट्यूट सहारनपुर के मुलाजमीन और स्टुडेंट्स को भी खुशा हुई थी। मगर आज तक इस इंस्टीट्यूट को मुकामल तौर पर सेंट्रल सरकार ने अपने इंतजाम में नहीं लिया जिसकी वजह से हिन्दुस्तान में कायम ऐसे दो इंस्टीट्यूट भी हैं—एक इंस्टीट्यूट सहारनपुर पेपर टैक्नालाजी इंस्टीट्यूट, वह खिदमत नहीं कर पा रहा है जो उसको करनी चाहिये। मेरी सरकार से दरखास्त है कि सहारनपुर पेपर इंस्टीट्यूट को फौरन सरकार के इंतजाम में लिया जाय ताकि मुक्त और पेपर इंडस्ट्री को खिदमत हो सके और हम लोग कागज की कमी से छुटकारा पा सकें।

\*Wrongly voted for NOES

†The following Members also recorded their votes for AYES: Sarvshri Zail Singh, S. B. Chavan, Gulsher Ahmed, Harinatha Misra, Vasant Rao Patil, Umakant Mishra,

Subhash Chandra, Yadav, Prof. K.K. Tewary, Shrimati Ram Dulari Sinha, Shrimati Mohsina Kidwai and Shri P. Namgyal.