

श्री रणधीर सिंह : मास्टर देश को बनाता है, किसान देश का पेट पालता है । उसको आप बचाओ और उसके लिए भी कुछ करो ।

MR. DEPUTY-SPEAKER : Please resume your seat. (*Interruptions*)

श्री जी० भा० कृपलानी (गुना) : मेरा एक पर्सनल प्रीवेंस है ।

We cannot follow anything that goes on.

हमारा यह बड़ा कम्प्लेंट है । इसकी और भी ध्यान दीजिए ।

MR. DEPUTY-SPEAKER : Achar-yaji is right in voicing this complaint that no section takes any precaution to see that they will not create noise or disturbance here. Yesterday again and again I appealed. (*Interruptions*). I must say this very firmly. I will mention Mr. Vajpayee and others; they said that I was very stern and strict. I said that if they assured me order, then I would withdraw the order regarding non-recording, and only on the assurance of Mr. Banerji, Mr. Vajpayee and others, I withdrew it. But now I must say that if this continues, orders will be issued from here that the statements of those who indulge in disturbance will not be recorded; if this continues, I am going to do that; there is no other way.

SHRI NAMBIAR : On a point of Order.

श्री प्रेम चन्द्र वर्मा (हमीरपुर) : उत्तर प्रदेश के टीचर्स का मामला यहाँ उठाया गया है और उसके बारे में डा० राम सुभग सिंह जी ने कुछ कहा है । हिमाचल प्रदेश के जो टीचर्स हैं वे भी एजिटेशन कर रहे हैं उनको भी कांठारी कमीशन ग्रेडज नहीं दिए जा रहे हैं । मैं चाहता हूँ कि यू० पी० के टीचर्स के साथ साथ हिमाचल के जो टीचर्स हैं उनका मामला भी लिया जाए और दोनों को साथ साथ डिसकस किया जाए ।

12.25 hrs.

STATUTORY RESOLUTION RE :
 ESSENTIAL SERVICES MAINTEN-
 ANCE ORDINANCE AND ESSENTIAL
 SERVICES MAINTENANCE BILL
 —Contd.

MR. DEPUTY-SPEAKER : Now Mr. C. C. Desai....

SHRI C. C. DESAI : (Sabarkantha) :
 Mr. Deputy-Speaker, Sir.....

SHRI SRINIBAS MISRA (Cuttuck) :
 I request that you may please give your ruling on those two points.....

MR. DEPUTY-SPEAKER : I will give ruling a little later.

श्री मधु लियवे (मुंगेर) : वैकल्पिक जो सुझाव आपने दिया था, हमने एक तर-मीम के द्वारा वही बात रखी है । आप जरा देख लें । आपने जो बात कही थी वही बात मैंने संशोधन के द्वारा रखी है । उसके बारे में हम सरकार की राय जानना चाहते हैं । जब तक एडजुडिकेशन या आर्बिट्रेशन का कोई इंत-जाम नहीं होता है किसी के ऊपर भी हड़ताल की पाबन्दी नहीं लगाई जाएगी ।

SHRI SRINIBAS MISRA : How can discussion proceed without your ruling on the point of order?

SHRI SURENDRANATH DWI-
 VEDY (Kendrapara) : You must have to give your ruling before the discussion starts, Sir.

MR. DEPUTY-SPEAKER : I am giving it.

SHRI SEZHIYAN (Kumbakonam) :
 There are three points involved namely the financial memorandum, delegation of powers and alternative arrangements which you are going to make.

MR. DEPUTY-SPEAKER : Two questions were raised. I am aware of it.

SHRI SRINIBAS MISRA : In the statement by the Minister he has admitted that there will be some expenditure but that the expenditure will be borne by the State Government.

MR. DEPUTY-SPEAKER : I am going to give the ruling on the two points. The ruling was kept pending. Number one is regarding what he has raised, that is, regarding financial memorandum. *(Interruption)*. Regarding the financial memorandum, I don't think it is called for, because, there are two things. That is, after this is passed, after this Bill becomes an Act, and in a certain situation which might arise, this would be made applicable. This is the position. And the machinery is not extraordinary or some extraordinary machinery. The same machinery, law-and-order machinery, will operate, which operates in peace-time; and there is no extra expenditure involved. Therefore, there is no question of giving further financial memorandum on that.

SHRI SRINIBAS MISRA : He has admitted that there will be some expenditure which will be incurred.....

SHRI DATTATRAYA KUNTE (Kolaba) : I Would like to make a submission before you conclude. You said you will give us permission to make a submission. I will therefore make the submission. Clause 9 says that all the present prosecutions and all cases that are pending will be as if under this Act. Therefore, some expenditure will necessarily be involved under this Act. So many are charge-sheeted; so many are suspended; so expenditure has to be incurred. That is under this Act.....

MR. DEPUTY-SPEAKER : No expenditure. I have seen the scheme of that. Even if it is to continue with retrospective effect there is no such thing. I have seen his speech. Expense of feeding the prisoners is a normal thing. This will be one of the statutes under which certain actions, or prosecutions would be taking place, and so, I do not think. *(Interruption)*

श्री मधु लिमये : मान लो कल हड़ताल शुरू हो जाती है। तब तो यह लागू होगा, एग्जीक्यूटिव होगा।

SHRI SRINIBAS MISRA : Sir, I am quoting from the speech of the hon. Minister. He said :

“The money to be spent on the prisoners will be provided according to the provisions of the Prisons Act, Jail Manual, etc.”

MR. DEPUTY-SPEAKER : I have seen his speech.

SHRI SRINIBAS MISRA : There will be expenditure.....

MR. DEPUTY-SPEAKER : He need not have mentioned that there will be some expenditure, it will be met from the provisions of the Prisons Act, Jail Manual etc. It is not necessary at all. Even if he were to admit, I have overruled it. No Financial Memorandum is necessary.

SHRI NAMBIAR (Teruchirappalli) : The hon. Minister has said that there will be expenditure. But you have ruled that there will be no expenditure.

MR. DEPUTY-SPEAKER : Shri Madhu Limaye has raised another objection. I have examined that very carefully.

श्री मधु लिमये : आपको भी सन्देह था।

SHRI HEM BARUA (Mangaldai) : May I submit that it is a funny situation that you have created? Here is the Minister who says that there will be expenditure, but you have ruled that there will be no expenditure.

MR. DEPUTY-SPEAKER : The hon. Minister only gave some explanation in respect of the points raised. I do not think that he said anything beyond that.

श्री जार्ज फरनेन्डीज (बम्बई-दक्षिण) : मन्त्री महोदय ने बहुत ही स्पष्ट कहा है :

"The provisions for feeding these people who are arrested flow from the Prisons Act, the Jail Manual, etc...."

यह तो स्टेट लेजिसलेचर की बात कर रहे हैं। यूनियन टेरिटरीज का क्या होगा ?

What about Union Territories?

MR. DEPUTY-SPEAKER : Now, that is over, I am now on the question of delegation of powers.

SHRI THIRUMALA RAO (Kakinada) : You have already given your ruling. There should not be any further discussion on that.

Please do not reopen it. Please be firm.

MR. DEPUTY-SPEAKER] : Shri Madhu Limaye has raised a serious objection on the ground that the delegation contemplated by this Bill is not normal delegation. His contention is that it is not a normal delegation. I was also going through one or two clauses in particular and trying to find out whether proper enumeration is there in the case of a certain emergency arising in regard to what services will be essential services. I found that that was not there. Clause 2 (1) (a) (ix) looks to me to be a little too broad; no specific provision has been made in that respect. But as far as the delegation is concerned, there are specific rules, and we are following certain procedures. If we permit the executive authority to have rule-making powers or entrust the executive with such power which is not properly defined here and now while we enact, then though it will be their right to frame rules, yet, while framing the rules, they are to be guided here.

श्री मधु लिमये : जब तक वे लोग नियम नहीं बनायेंगे, क्या तब तक हमारा नियम 70 स्थगित रहेगा ? उपाध्यक्ष महोदय, यह साधारण है या असाधारण, क्या मन्त्री महोदय को नियमों के अनुसार इसके बारे में सही जानकारी देनी चाहिए या नहीं ? नियम 70 का मतलब यह है कि वह सही जानकारी दें। लेकिन वह तो बिलकुल गलत व असत्य

जानकारी दे रहे हैं। आप स्वयं भी इसके बारे में सेंटिसफाइड हैं कि यह असाधारण, एव-नार्मल है।

MR. DEPUTY-SPEAKER : The hon. Member has quoted rule 70. I have also gone through that rule. What does it say? Let me read it out. It reads thus :

"A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposal and drawing attention to their scope and stating also whether they are of normal or exceptional character".

In this Bill, there is a memorandum explaining such proposals and drawing attention to their scope and also stating whether they are of normal or exceptional character. So, the hon. Minister has given a memorandum along with the Bill. The hon. Member Shri Madhu Limaye says that it is exceptional.....

SHRI S. S. KOTHARI (Mandsaur) : There are no intelligible limits of delegated authority. That has been stated in court decisions. I am very clear about it. In fact, I have made the position clear already in my speech.

श्री मधु लिमये : उपाध्यक्ष महोदय, आप क्लॉज 2(1) (ए) (9) को देखिये। कोई स्पेसीफिकेशन नहीं, वर्गीकरण, क्लासीफिकेशन नहीं है, कोई इन्डिकेशन नहीं है, इसका क्या मतलब है ?

MR. DEPUTY-SPEAKER : All the rules made under this measure will be placed on the Table of the House, and the hon. Members will get an opportunity....

श्री मधु लिमये : क्या आपके असत्य बयान के आधार पर सारी बहस होगी और कानून पास होगा ?

MR. DEPUTY-SPEAKER : Not at all.....

श्री मधु लिमये : यही होगा। और क्या होगा? एबनामल डेलीगेशन है। वह कहते हैं कि नामल है। हद हो गई है!

MR. DEPUTY-SPEAKER : The hon. Minister has to give an explanation, as I have said, whether it is a question of its being abnormal or not.

श्री मधु लिमये : उनको असत्य बोलने की इजाजत नहीं है। सदन के माथ इस तरह का व्यवहार!

MR. DEPUTY-SPEAKER : He will give it, as I have said earlier; in the case of an emergency, it has got to be defined....

श्री मधु लिमये : असल में दिल आतका भी हमारे साथ है। लेकिन आप मंत्री महोदय को स्पष्ट क्यों नहीं कहते हैं?

MR. DEPUTY-SPEAKER : I must follow the procedure as it is, and I am doing so. The memorandum is there and the provisions are there that the rules made will be laid on the Table of the House. The House will get an opportunity first and then alone they will come into force....

श्री मधु लिमये : हम आपकी बात मानते हैं, लेकिन हमें संतोष नहीं है।

I am not satisfied.

MR. DEPUTY-SPEAKER : Hon. Members can take objection to the rules after they are laid before the House, and it is only when they have been approved by the House.....

श्री जार्ज फरनेग्डीअ : ऐसा नहीं है।

MR. DEPUTY-SPEAKER : The present position is that as soon as they are issued, they are enforceable. Afterwards the question of approval comes. We can amend the particular clause and provide that rules made thereunder will come into force after the approval of the House.

श्री मधु लिमये : आपका यह मुद्दा बहुत अच्छा है। लेकिन कानून मन्त्री या संसद-कार्य मन्त्री में से कोई यह आश्वासन दे।

श्री अटल बिहारी वाजपेयी (बलरामपुर) : हम आप से सहमत हैं। हम इसके लिए तैयार हैं। लेकिन आप यह बात मन्त्री महोदय से कहलवाइये।

MR. DEPUTY-SPEAKER : By the time that particular clause is taken up, the hon. Minister will have to make up his mind because certain powers are not properly defined. When that clause comes up, he will have to add a proviso.....

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : May I explain the position? I want to explain the position which I explained yesterday or tried to explain yesterday. I would again try to say what I tried to say yesterday but which because of the noise in the House could not be properly heard by the Members.

Clause 2 (1) (a) seeks to define essential services. Clause 2 (1) (a) (i) enumerates expressly certain essential services. As it is not possible to enumerate all the services. (Interruptions). Let me explain this without interruption. Clause 2 (1) (a) (ix) empowers the Central Government to declare by notification in the Official Gazette certain other services also essential services for the purpose of the proposed legislation. This sub-item clearly brings out the criteria on the basis of which any service may be declared thereunder to be an essential service.

SOME HON. MEMBERS : No.

SHRI VIDYA CHARAN SHUKLA : That is my opinion. My hon. friends may differ from it. Clause 2 (2) provides for a further safeguard by making it obligatory on the Central Government to place before each house of Parliament the notifications issued under sub-item (ix) of item (a) of clause 2 (1). As it is not possible to specify in advance all the essential services, and as the criteria on the basis of which essential services may be notified under this sub-item (ix) have been spelt out clearly and as the safeguards regarding

laying such notifications before Parliament have been provided for, the delegation of power cannot be regarded as excessive in nature.

In this connection, it may be mentioned that a number of provisions similar to those contained in sub-item (ix) of clause 2 (1) (a) were included in the previous Bills and ordinances on the subject of maintenance of essential services, and both the Lok Sabha and the courts had occasion to consider.....

SHRI DATTATRAY KUNTE : We are not their rubber stamps.

SHRI VIDYA CHARAN SHUKLA : They had the occasion to consider whether such provisions involved excessive delegation.....

SHRI N. SREEKANTAN NAIR (Quitore) : Why is he wasting the time of the House? The speech has already been circulated.

SHRI VIDYA CHARAN SHUKLA : I would like to quote the ruling of the Speaker, which was given earlier in this respect. Dealing with this provision with reference to a point of order, the Speaker observed:

"It is not possible to say what exactly are the essential services....."

SHRI S.M. BANERJEE : What was the context of the ruling?

SHRI VIDYA CHARAN SHUKLA : It was given in the context of the Essential Services Maintenance Bill, 1957, (Bill No. 54 of 1957). This particular ruling of the Speaker was given on that occasion in this House.

I am quoting that. It says :

"It is not possible to say what exactly are the essential services. It is contingent. Times may change and a service may become essential."

This is from Lok Sabha debates, Second Series, Vo. IV, col. 7018, 5-8-57. This is

the Speaker's ruling given on this particular matter.

As I said yesterday, this matter was also agitated before the Bombay High Court. That High Court also had a clear-cut ruling about the entire thing, whether it is excessive or non-excessive. I beg to submit for the consideration of the House that the delegation provided for in this Bill is not excessive, it is normal, and that is why I would request you humbly to give your well-considered ruling so that this matter can be put at rest.

SHRI MADHU LIMAYE : On a point of order.....

MR. DEPUTY-SPEAKER : What he has said now was not part of his speech.

SHRI VIDYA CHARAN SHUKLA : No.

MR. DEPUTY-SPEAKER : He quoted the ruling of the Bombay High Court. There are other rulings quoted in *Shakdher*. This is a serious question because Government are to be entrusted, if we pass the Bill as it is, with an authority which is not defined in any manner, a delegation of power where it is possible to define.

There are two courses open. One is that he must define it. Before I proceed further, I would request him to circulate his statement, because I find it was not part of his speech yesterday. Then on that I will see if at all further consideration is called for.

SHRI VIDYA CHARAN SHUKLA : You may hold over your ruling till tomorrow. Meanwhile, the debate can proceed.

MR. DEPUTY-SPEAKER : I will give a ruling on that later. But he will circulate this in the meanwhile.

SHRI VIDYA CHARAN SHUKLA : And we proceed with the consideration now.

श्री अटल बिहारी वाजपेयी : हम यह बात साफ कर देना चाहते हैं कि हमको प्रायका सुझाव मंजूर है कि जो नियम बनाए जाएंगे वह जब तक सदन के द्वारा स्वीकृत न हों तब तक काम में न लाया जाय । सरकार की क्या स्थिति है ?

SHRI VIDYA CHARAN SHUKLA :
The hon. Member knows that what he is suggesting has never been done so far and it is not a practical proposition.

SHRI ATAL BIHARI VAJPAYEE :
Why not ?

SHRI VIDYA CHARAN SHUKLA :
I will explain. When a Bill is passed by this hon. House authorising Government to make rules under the legislation which has been passed, a provision is made there that those rules are to be laid on the Table, and the House has the authority to consider and amend them, if necessary.

SHRI MADHU LIMAYE : On a point of order.....

SHRI VIDYA CHARAN SHUKLA :
I am only explaining the present practice, the practice we follow. As soon as the rules are laid before the House, and hon. Member can raise a discussion and suggest an amendment.

As you are aware, there is also a Committee on Subordinate Legislation which looks into whether these rules are properly framed or not. Apart from that, the House itself is competent to go into those rules and make its own amendment to them, if considered necessary. That is the present practice. I do not think we are called upon to change this practice which has been in existence so far.

MR. DEPUTY-SPEAKER : The best thing would be this. He has mentioned the Committee on Subordinate Legislation. Whatever he has to say on this may be put before that Committee. Let them examine this matter, because I feel that whatever be the practice we are following, a new

situation has arisen because the nature of this legislation is different. There is no emergency now. Tomorrow morning, the Government are not going to declare any emergency. In such a position my view is whatever he has to submit on this may be submitted to the Committee on Subordinate Legislation.

श्री मधु लिमये : हमको भी निवेदन करने की इजाजत दीजिए । यह आपने बहुत अच्छा किया । आज आपने इतिहास बना दिया ।

MR. DEPUTY-SPEAKER : We shall examine it later and decide.

SHRI R. D. BHANDARE (Bombay-Central) : This direction is not necessary.

**THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND COMMUNICA-
TION (DR. RAM SUBHAG SINGH) :**
Consideration of the Bill can go on mean-
while.

MR. DEPUTY-SPEAKER : This matter will be examined by the Committee. It will meet today on this issue. Mean-
while, I am not postponing the debate. Other members will have the freedom to make their submissions and then whatever is decided will be accepted.

श्री मधु लिमये : क्लाज 9 न लिया जाय ।

MR. DEPUTY-SPEAKER : That will be kept pending. But let the progress of the debate be not stalled. You must agree to that. We carry on with the Bill.

श्री मधु लिमये : अध्यक्ष महोदय, मैं केवल यह चाहता हूँ कि उम्ब्रिड 9 पर विचार न हो । सब क्लाज 9 न लिया जाय ।

SHRI R. D. BHANDARE : On a point of order. I hope you have read page 6 of the Bill which gives the memorandum on Delegated Legislation.

MR. DEPUTY-SPEAKER : What is the point of order? Under what rule? So far as delegation of power is concerned, I have referred the matter to the Committee on Subordinate Legislation. After I bring it here, you can make your point.

SHRI R. D. BHANDARE : You have made a reference to the Committee on Subordinate Legislation. Therefore, I shall try to draw your attention to the words you have missed or to which your attention has not been drawn.

Clause 2(2) says that every notification under sub-clause (ix) has to be laid before Parliament in the same way as rules made under any enactment.

MR. DEPUTY-SPEAKER : Your submission is against my ruling. I will not permit.

SHRI UMANATH (Pudukkottai) : You are on the Panel of Chairman. Submit to the Chair.

SHRI TENNETI VISWANATHAM : (Visakhapatnam) : On a point of order. Now we have cleared some points,.....

SHRI SHEO NARAIN : You are not prepared to hear the point of order of Mr. Bhandare. The next point of order you are hearing.

MR. DEPUTY-SPEAKER : On the question of ruling I will not hear. If it is outside the ruling, I will hear.

SHRI SHEO NARAIN : We will walk out. (*Interruptions*).

श्री मोलहू प्रसाद (वांसगांव) : उपाध्यक्ष महोदय, नियम की किताब दे दीजिए शिव नारायण को पढ़ने के लिए ।

श्री शिव नारायण : मैं तुम्हारे बाप को पढ़ा सकता हूँ ।

SHRI NAMBIAR : Sir, he is saying *tumhara baap*.

SHRI SURENDRANATH DWIVEDY : There is a limit. He has crossed all limits. It is impossible. He said : "तुम्हारे बाप को पढ़ाऊंगा" What is this ? There must be some limit.

MR. DEPUTY-SPEAKER : I will see the record and decide.

Mr. Sheo Narain, what exact word did you use here ?

श्री शिव नारायण : मैं उन्हें ही नहीं, उनके बाप को पढ़ा सकता हूँ, यह मैंने कहा ।

What is the harm in it ?

MR. DEPUTY-SPEAKER : I will see the record.

श्री रवि राय (पुरी) : वह खुद मान रहे हैं ।

SHRI N. SREEKANTAN NAIR : He has no respect for the father.

SHRI SURENDRANATH DWIVEDY : Now it is upto you in the Chair. You are responsible for the decorum and dignity of the House. Now he has repeated it. (*Interruptions*).

It is not for Dr. Ram Subhag Singh to apologise. It is for you to take action.

MR. DEPUTY-SPEAKER : You are a most senior Member of this House. May I appeal to you ?

श्री शिव नारायण : सवाल यह है कि हर एक मेम्बर को इस हाउस में ईन्चल राइट्स हैं जैसे नुझ पर यह जुमले कसते हैं, वह भी आप देखते होंगे । मैंने कोई बदनीयती से नहीं कहा था ।

MR. DEPUTY-SPEAKER : I have taken that he has withdrawn it. He is a good member.

SHRI SHEO NARAIN : Yes, Sir.

SHRI TENNETI VISWANATHAM : Now your ruling has cleared the ground very much.

AN HON. MEMBER : We are not hearing anything.

SHRI TENNETI VISWANATHAM : I was submitting that your ruling has cleared the ground very much. Now the point is very clear whether we are able to make progress with the Bill because it has been admitted in the ruling quoted by the hon. Minister also, also in the wording of the section, and also in the statement of objects and reasons that the criteria to determine as to what are the Essential Services, are not available. The legislation must show the criteria. Then only the delegation can be made.

MR. DEPUTY-SPEAKER : I have understood what you are saying.

SHRI TENNETI VISWANATHAM : That is the point which, you say, will go to the Subordinate Legislation Committee. That is, the very life of the Bill is now transferred from the floor of this House to the Subordinate Legislation Committee. Therefore, what does remain here ?

MR. DEPUTY-SPEAKER : That is not the correct interpretation of the position. The only question is that the Committee is supposed to look into two aspects : (1) whether this is of an exceptional nature or normal nature and (2) if they come to that conclusion, whether the rules under delegation should be placed before they come into operation or after. These are the two points referred to the Subordinate Legislation Committee.

SHRI K. NARAYANA RAO (Bobbili) : About the competence of the Subordinate Legislation Committee.....

MR. DEPUTY-SPEAKER : No, No.

SHRI C. C. DESAI (Sabarkantha) : With the grace of Almighty God, peace has descended both on the western front and on the eastern front. I belonging to the centre, would make this submission. Firstly the speech of the hon. Minister was circulated without the heading that this is a speech of the hon. Minister. I generally look into my papers very carefully, but when I saw this, I was thinking that it must have been one of the uncorrected copies in which I had said something, but when I went through the papers I did not find my name at all and so I threw it into the waste-paper basket. This is not the way that a speech which could not be heard because of the commotion in the House should have been circulated; it ought to have been circulated with a proper heading that it is the speech of the hon. Minister. Because, unless we know the speech we cannot make ourselves ready with our reply.

SHRI ATAL BIHARI VAJPAYEE : It was delivered, but it was not received.

SHRI C. C. DESAI : Let me say, at the outset, that we do not recognise the right to strike as a fundamental right. A right to strike on failure of collective bargaining is there, but to say that the right to strike is a fundamental right and therefore any invasion or any infraction of that right is a constitutional impropriety is a proposition with which we do not agree. Now, that does not mean that we also support this Bill. It is to the credit or the discredit of this Government that every session they must bring a lawless Act and believe that legislation will cure the society. They had at the beginning of the session, the Unlawful Activities (Prevention) Bill, which came four or five years after the so-called secessionist activities of certain parties in the south of India. By the time the Bill was brought into the House here, that cry had died, and not only that. That Government was regarded as one of the most efficient and loyal governments in the country. And yet, the Home Minister proceeded with the Bill precisely to deal with the secessionist activities. This is the practice or the rule with the Government, that they must close the stable-door after the horse has been stolen.

In this particular case also, there was no necessity apparently for any such ordinance or for any such legislation before the 13th September. Now, Government servants have been in this country at least since the British days and also for the last 20 years. Why should Government servants or Government employees indulge in strikes or in lawless activities ? They are the most law-abiding in the country. It is on their strength and their co-operation that the Government of this country depends, whether it is from that side or on this side. Even you will not be able to function effectively unless you have got adequate help from the people sitting down below and in front.

Now, unless the Government servants are forced by unreasonableness on the part of the Government, they will not think of taking resort to such a thing as a strike. We know that several attempts were made to bring about a settlement and ultimately the settlement was not reached and the Government said that these

workers were being misled by certain parties for political motives. They said that the Government servants' ranks were infiltrated into by the communists and the like. Who are these people to talk of infiltration into these ranks? Have they not got the communists infiltrated into their ranks? Even some of their Ministers were among the members of the communist party at one time. (*Interruption*).

AN HON. MEMBER : What about the Swatantra Party ?

SHRI C. C. DESAI : It is the Swatantra party that is free from this curse of communism, and it shall ever remain so.

SHRI NAMBIAR : We have sent two people to the Swatantra party; very able fellows are there.

SHRI C. C. DESAI : That is because of the electoral adjustment in Madras.

MR. DEPUTY-SPEAKER : Order, order. The hon. Member may resume his speech after lunch.

13 hrs.

The Lok Sabha adjourned for lunch till Fourteen of the Clock.

The Lok Sabha then reassembled after lunch at five minutes past fourteen of the clock.

[SHRI GADILINGANA GOWD in the Chair]

STATUTORY RESOLUTION *RE*.
ESSENTIAL SERVICES MAINTENANCE
ORDINANCE; AND ESSENTIAL SERVICES
MAINTENANCE BILL—*Contd.*

SHRI C. C. DESAI : Mr. Chairman, when we broke up for lunch, I was developing the point that repression is not the solution. They allow a situation to be created. They see that an emergency arises and then they suddenly wake up and say that something should be done quickly in the name of interest of the community to avoid paralysis of the

society and all those high-sounding and blood-curdling words. This is precisely what happened on the 13th September. Now, what are the Government servants to do? On the one hand, they have to face the rising spiral of prices created by unmitigated inflation as a result of the policies of the Government and on the other their incomes have been fixed and the purchasing power of the rupee consistently goes down. In these circumstances, what are they to do? What happened on the 19th September and the events which had preceded that were not, I assert, a law and order situation or a law and order problem as made out by the Home Minister; nor was it a labour problem. It was essentially an economic problem. Some of the people have said—with which I have great sympathy—that there should be a need-based wage. Then the argument was that if need-based wage is conceded, the Government's bill will go up and therefore the Government considered that it was beyond the capacity of the Government. That is quite true, but that is not the solution. The solution is in the economic sphere. If you take preventive action to reduce prices and increase savings, then the need-based wage need not throw quite an undue burden on the exchequer. But these actions are not taken. The economic policies are not properly oriented so as to encourage savings and to mitigate the effects of need-based wage.

I would only read out to you an extract from an important article by Prof. B. R. Shenoy, one of our noted economists in the country. This article was published in The Daily Telegraph of London. He says :

The recent pressures on family budgets are doubtless the prime driving force behind the recent lawlessness in Naxalbari in West Bengal, behind the gheraos (defined by the Calcutta High Court as a physical blockade of the employer by workers) or other agitations, behind the bundh and lawlessness and behind other manifestations of social tensions and instability.

(Shri C. C. Desai)

It is this factor which is really and primarily responsible for the present state of affairs and yet, as remarked by my colleague and friend, Mr. Dandekar the other day, the high-priest of prohibition, the Deputy Prime Minister and Finance Minister, goes on promising State Government subsidies to carry out his policy of prohibition. In spite of that, as I mentioned the other day, a large percentage of Congress Members of Parliament themselves do not believe in or practise prohibition. Still, this high-priest of prohibition goes on promising substantial aids and subsidies to the State Governments. What Government has to do is to avoid wastage of the resources and divert all those resources to the betterment of the conditions of the people. If that is done, then the prices will come down and then the need-based wage which is a desirable thing could be considered; whether it is practicable or not is a different proposition, but its desirability and its necessity in a State which calls itself a welfare State cannot be denied. In that situation, it should be possible for Government by proper orientation of its economic policy to bring about a state in which this could also be achieved. So, I do not agree with those people who say with more or less superficial arguments that a need-based minimum wage will mean a bill of Rs. 600 crores to the exchequer. But if the prices are reduced and the cost of living is brought down by proper orientation of economic policy, then that bill will be reduced and to that extent need-based minimum wage is a feasibility and can be brought about in a welfare State which we hope this country is going to be.

We are second to none in desiring a disciplined, orderly and progressive society. But at the same time, we cannot be blind to those aspects of the legislation which is brought before the House which are in the nature of oppression, suppression or repression. That is the policy of the present Government. We have been seeing it. I have been in this House for the last 18 months, and I have seen nothing but a system of legislation based on this theory

that you can control anything by legislation. That is what they think. It is precisely legislation which brings about, however, defiance of legislation and makes the position worse. If legislation could control agitation, then all these agitations in the universities and other places would not be there.

Professor Shenoy has said that these agitations are a manifestation of social tension and instability caused by bad or wrong economic policies. He goes on further to say :

“Tear-gas bombs and President's rule are not lasting solutions of this problem.”

I hope that Government will appreciate the reasonableness and wisdom of this particular observation on the part of Prof. Shenoy, who, as I said earlier, is one of our most distinguished economists in the country.

Now, coming to the situation which culminated in the token strike on September 19th, we all know what happened on that day. Together with my hon. friend Shri M. L. Sondhi I had a certain part in witnessing those disorders, the use of excessive police force etc., on that day. We went to the Prime Minister and appealed to her to appoint a judicial inquiry. It was obvious that police excesses had been committed, and the police excesses were of such a nature that even I, in spite of my life-long experience as a district magistrate had not seen the like of them earlier.

As the Home Minister stubbornly and obstinately and wrongly insisted that under no circumstances shall there be a judicial inquiry, we had no alternative but to approach two great leading jurists in the country, Shri Purshottamdas Tricamdas and Mr. Sarjoo Prasad, a retired Chief Justice, to undertake the inquiry, and out of sheer public spirit and out of sheer civic sense they undertook this work and they carried out their investigations and submitted a report, a copy of which has been placed on the Table of the House. I

would merely read out the last three paragraphs. The last three paragraphs leave no doubt that this is a matter in which it is necessary that not only should there be a judicial inquiry, but it is absolutely essential that a judicial inquiry should be held. But the position even today remains the same as it was before. This is what they have said in their report :

“There is reliable evidence to show that Arjun Singh, one of the persons who died.....”

I say ‘died’, because I do not want to pre-judge—

“was severely beaten by a number of policemen so as to be almost unable to move about. We are, however, unable to decide on the materials before us whether he died of beating or on account of the injuries sustained by a fall from the window of the fifth floor of the building. Even so, we are definitely of the opinion.....”

—This is the opinion expressed by a retired Chief Justice and by a leading counsel of the Supreme Court—

“...that the circumstances in which he is alleged to have fallen from the window of the fifth floor are very mysterious and require thorough judicial investigation.”

This report has been in the hands of the Prime Minister, Home Minister and many Members of the House. Yet, they held only some sort of inquiry by the Deputy Commissioner of Delhi. If they had an inquiry by the deputy commissioner who himself was one of the persons involved in the incident, how could they justify their not holding a judicial inquiry unless it be that they have a guilty conscience and they are not prepared to allow that guilty conscience to be exposed on the floor of the House. That must be the only reason ? Even at that time we offered that if Government held a judicial inquiry we would withdraw this inquiry and would not proceed with it. And we were as fair as we could possibly be. But as their

guilty conscience was behind them, they would not take notice and they would not yield and they would not do it. That was the very thing which they themselves had asked for on much smaller incidents before 1947. I would like to ask whether these people would have spared the then Government in their demand for a judicial inquiry. Surely, what was good at that time should be good now, also because this Government claims to be based on popular will, which, of course, is not true, anyway, it is quite true that this Government is not based on popular will; they may be larger in numbers on that side.....

AN HON. MEMBER : Manipulation.

SHRI C. C. DESAI : But if you go by the number of people who voted for them at the polls, they had not more than 42 or 43 per cent of the total electorate in 1962.....

SHRI LOBO PRABHU (Udipi) : 37 per cent.

SHRI C. C. DESAI : I accept the correction of my hon. friend who is much more accurate in statistics than I am, that it is 37 per cent; whether it is in favour or is not in favour of Government, I accept the correction. They got only 37 per cent of the total votes, and yet they think so; but by their actions they show that they are not based on popular will.

SHRI S. M. JOSHI (Poona) : They do not bother about public opinion.

SHRI C. C. DESAI : The point that I was making was that this Government did not see beyond their nose and they believe only in cure rather than in prevention. All these situations could have been avoided by proper policies and proper attitudes on the part of the Government both in the matter of economic relations and even in the matter of negotiations; it should have been possible for them to have averted this strike and the necessity for this measure. After all, Government have been these employees with them for so long. Why was it necessary on the 13th September, 1968 to come forward with an ordinance and further a Bill like

[Shri C. C. Desai]

this which they want to make permanent or at least to remain in force for a period of five years as is proposed in this Bill? Of course, they may say that there was an emergency. All right, they had ordinance for it; never mind about it. But that ordinance should have been allowed to lapse. Why is it necessary to replace the ordinance by a permanent legislation which for the present may be for five years but which we no doubt feel, if the present Government continues in office, will also have to be continued because they cannot rule by the consent of the people; they can only rule by the rod or by the bayonets.

AN HON. MEMBER : They will not continue.

SHRI C. C. DESAI : I hope so. Otherwise, this legislation will have to be continued, I have no doubt, because they just can not rule by popular will. They must have the assistance and support of this repressive and draconian legislation.

Then, supposing you pass this law, but you cannot enforce it. I myself have the experience of it. On the 19th of September I sent one of my officers to go to some of the offices where the people were working. He found that they were there, they were attending office but they were not working. When he approached a government servant with a case, the government servant replied : "look here, today is the 19th of September; there is a strike outside; we have come here because of fear; but we will not take up your case today; please come tomorrow." So, this is the type of situation which you will have on your hands. Are you going to legislate also that the man shall work? If so, how are you going to enforce discipline on the part of your staff? So, what you want is the right attitude, right mentality, willing consent of the people to work; not legislation of this kind "that you shall work". If you pass such a legislation, a government servant will go to office but he will not do any work. Are you going to be happy and satisfied with that? Is that going to help the country?

SHRI S. M. BANERJEE : Like Ministers, they go to office and do not work.

SHRI C. C. DESAI : Well, I do not know about Ministers, because I do not meet them. But I know of one Minister who is not doing any work.

So, our point is that while we do not agree or do not concede the principle that any section of the community has any right to paralyse society, or to endanger the defence of the country, particularly people involved in running railways, in the maintenance of posts and telegraphs, ordinance factories and defence establishments—in their case, I would agree with the government, and I am sure all reasonably minded people will agree, that no section of the people, whatever may be their grievances or whatever may be their difficulties, can be allowed to endanger the safety of this country or to paralyse the life of the nation; that is supreme; there is no doubt about that; and to the extent government wants our support in maintaining discipline, particularly in this field of vital and essential services, they will have our support. At the same time, let the government not come with these repressive legislations without corresponding measures for improving their lot which will do away with the necessity for such a legislation. As a temporary measure perhaps one can even think of it but, at the same time, we must have proof, we must have positive proof, that government is aware of the difficulties of its servants and will do everything possible to meet their legitimate grievances.

We should also appreciate the difficulties of the government servants. With the prices rising every day, how can you expect a person drawing a salary of Rs. 300 or 500 a month to meet all his obligations? How is it possible? Or do you want to encourage him to become corrupt? If you do not give them what they legitimately want in the proper way, they will resort to unfair and corrupt methods of earning money. Are you going to tolerate that? On the one hand, you say you want to

fight corruption. At the same time, you do not give them proper wages, thus encouraging them to resort to corruption. Unless you give them the proper wages, how can you expect them to be disciplined and do honest work? So, that aspect of the matter should receive utmost consideration. Why should you be harsh on that section of the community or people who have been loyal right throughout—up to 19th of September 1968 they have been loyal—on whose loyalty, support and co-operation the government of this country, the defence of this country, in fact the life of this country depends?

SHRI SRADHAKAR SUPAKAR : (Sambalpur) : Mr. Chairman, about ten years back when there was a big strike in the country, I read a bold headline in a newspaper "the great stike that is to paralyse the nation." Even today many people believe that things which paralyse the nation can be characterised as great.

Over the years an opinion has grown among certain sections of the people that the right to strike is not a fundamental right. It is high time that it should be so. I think it is high time we make a distinction between ordinary strikes and strikes which concern the vital services of the nation.

Will it be proper for us to argue that because all parts of the body take rest at some time or the other, it is also necessary for the heart to stop beating for an hour or so? When it was proposed that token strike for one day should take place on the 19th September, I thought whether we should also order the heart not to beat for one complete day in the course of 50 or 70 years of our life and then let it beat again.

SHRI S. KANDAPPAN (Mettur) : What an analogy!

SHRI SRADHAKAR SUPAKAR : That is the idea when it is said that there should be a right to strike in some vital installations, which have been enumerated in the Bill, namely, posts and telegraphs,

telephones, railway services and services connected with aerodromes and other operations.

We have seen that most of us have always encouraged non-reading to reading; that is why, after a long struggle, for about three to four weeks in the different universities of Uttar Pradesh the non-readers have had their day and today we have the Banaras Hindu University closed. So, we find that the non-workers, those who do not want to work and who want to paralyse the life of the country, are more popular than those people who want the country to prosper through work, effort etc.

SHRI INDRAJIT GUPTA (Alipore) : Why are they popular?

SHRI SRADHAKAR SUPAKAR : That is for you to say.

SHRI INDRAJIT GUPTA : You explain it.

SHRI S. M. BANERJEE : What is your definition?

SHRI SRADHAKAR SUPAKAR : They must be resisted.

We find that in most of the countries which have progressed, people are glad even to work over-time. But when we make a work-study of people in our factories and work-shops we find that we do not get adequate return in terms of labour and work produced. Then we come to Parliament and legislatures and ask why our public sector projects are not making adequate profits, why there is not adequate return from these.

SHRI S. M. JOSHI : Is it because the workers are not working or because there is some defect in their management?

SHRI SRADHAKAR SUPAKAR : I am coming to that.

If a work-study were made, I am quite sure that we would come to the conclusion that the average productive capacity of the workers—I do not mean the mere physical labourers—put right from top to bottom is not used as much as it should be. That is a stark fact of our life.

SHRI S. M. BANERJEE : What is the productive capacity of the Cabinet?

SHRI SRADHAKAR SUPAKAR : Assuming for the sake of argument that that argument is correct, should we conclude that in all spheres of life our productive capacity should go down...*(Interruption)* Is that the solution? I do not understand the argument put forward by Mr. Banerjee that, because in his judgment the Cabinet is not doing sufficient work, nobody should work and everybody should remain idle.

SHRI S. M. BANERJEE : I say, they have become the model in the country. That is the whole difficulty.

SHRI SRADHAKAR SUPAKAR : That may be your judgment.

I should say that it is time that we should seriously think in the best interests of the country that so far as the national and essential services are concerned which require undivided attention of the workers. I do not mean the workers in the lower grade only—all the persons, right from the lowest grade to the top grade should work as much as they can and not be satisfied with their average hours of duty, the work-to-rule and other devices that have been evolved these days.

SHRI INDRAJIT GUPTA : Can the Minister-in-charge discuss Haryana affairs with him when he is supposed to be piloting the Bill?

SHRI SHEO NARAIN : What is this? Any Minister can talk with a Member in the House. They should learn. They should not talk like this. When we hit back, then they began to shout. How does he know that he is talking about Haryana affairs with him? I want your ruling on that, Sir.

श्री प्रदत्त बिहारी बाजपेयी : मैं एक प्रोप्राइटी का सवाल उठाना चाहता हूँ। कल जब मैं मध्यप्रदेश पर इस सदन में चर्चा हुई तो गृह-मन्त्री सदन में नहीं थे। यह कहा गया था कि वह दूमरे सदन में व्यस्त हैं। क्या

भाज भी वह वहाँ व्यस्त हैं? अगर व्यस्त है तो फिर इस सदन में इस पर चर्चा रोक दी जानी चाहिये। यह इतना महत्वमामला है कि गृह-मन्त्री को यहाँ होना चाहिये।

MR. CHAIRMAN : The Minister of State is here.

श्री मधु लिमये : गृह-मन्त्री कहाँ है ?

SHRI C. C. DESAI : This is an important, controversial and contentious Bill. I think, the Home Minister ought to be here. It is a matter of courtesy to the House.

SHRI RANDHIR SINGH (Rohtak) : The Home Minister is here.

SHRI C. C. DESAI : Is he the Home-Minister? Ask him.

SHRI RANDHIR SINGH : He is very much the Home Minister.

The Minister means, the Minister of State.....*(Interruption)*

SHRI SHEO NARAIN : The Minister of State and the Cabinet Minister are of equal rank. There is no difference. They have equal responsibility. They should know it.

SHRI S. M. BANERJEE : Sir, I have a submission to make. My hon. friend, Mr. Atal Bihari Vajpayee, has raised a very fundamental point. Without showing any disrespect to Mr. Shukla who is the Minister of State, the Home Minister, Mr. Y. B. Chavan, ought to be here. This is an important Bill on which 10 hours have been spent on points of order. You can imagine the importance of it. The hon. Home-Minister who is in Delhi ought to be present in the House. I can understand if he had gone abroad, to Latin America or anywhere else. He has not gone anywhere, not even to Haryana. He is in Delhi. Why should he not come here? The second point is, When you expect Members to sit in their seats.....*(Interruption)*

SHRI VIDYA CHARAN SHUKLA : The hon. Member is absolutely uninformed. The hon. Home Minister is out of station. He is not in Delhi.

श्री अटल बिहारी वाजपेयी : क्यों गए हैं ?

SHRI VIDYA CHARAN SHUKLA : I am the Minister-in-charge of the Bill. There is no difficulty about it.

SHRI S. M. BANERJEE : What is the importance that he has gone out of station ? If he has gone to Haryana..... (Interruption) Some Members wanted him to make a statement on Haryana. This is most unfair.

Mr. CHAIRMAN : It appears that the Home Minister is not in the headquarters.

SHRI S. KANDAPPAN : Where has he gone ? We are interested in knowing his whereabouts ?

श्री अटल बिहारी वाजपेयी : क्यों गए हैं ? पार्लियामेंट की बैठक हो रही है। उन से सम्बन्धित विधेयक पर विचार हो रहा है और वह बाहर चले गये हैं। यह तरीका नहीं है पार्लियामेंट के साथ व्यवहार करने का।

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND COMMUNICA-
TIONS (DR. RAM SUBHAG SINGH) :
He has informed.

श्री मधु लिमये : कल जब कच्चातीव्र का मामला आया था तब पूछा गया था कि प्रधान मन्त्री क्यों नहीं हैं। तब उपाध्यक्ष महोदय ने बताया था कि उन्होंने कहा है कि वह नहीं आ सकेगा। इतना सौजन्य तो उन्होंने दिखाया था। आज होम मिनिस्टर ने वह भी नहीं दिखाया।

Dr. RAM SUBHAG SINGH : Yes he has informed. The Minister-in-charge is here.

श्री मधु लिमये : अभी या पहले।

श्री अटल बिहारी वाजपेयी : हम लोग अपना विरोध प्रकट करना चाहते हैं। गृह-मन्त्री की अनुपस्थिति इस समय पर सदन का अपमान है। यह अनुचित है।

SHRI SRADHAKAR SUPAKAR
Mr. Chairman, Sir, there has been a long controversy as to whether the essential service has been properly defined and whether there has not been any excessive delegation.

SHRI S. M. BANERJEE : On a point of order

Mr. CHAIRMAN : Please allow the hon. Member to speak.

SHRI S. M. BANERJEE : The point that he is referring to is before the Committee. How can he speak about it ?

श्री मधु लिमये : ठीक कह रहे हैं। कमेटी के सामने मामला है। अगर मामला कमेटी के सामने होता है तो हम को सबाल भी नहीं पूछने देते हैं।

SHRI RANDHIR SINGH : What is this ? They are screening his speech every moment.

SHRI S. M. BANERJEE : Kindly hear me, Sir. Let the hon. Member resume his seat.....

SHRI SHEO NARAIN : Who is he to say that ?

SHRI SRADHAKAR SUPAKAR :
He is not listening to me.....

SHRI S. M. BANERJEE : Without any hesitation I rise on a point of order.... (Interruptions) My hon. friend, Shri Supakar, while speaking just now, referred to the question of delegated legislation. This is exactly what is before the Committee on Subordinate Legislation. The Speaker has given a ruling; he has said that the Committee will meet first and then he will consult the House and give an opportunity to Mr. Limaye and others. But here the hon. Member is expressing his opinion on that. Let him continue his speech and continue indefinitely, but let him not express his opinion on this point.... (Interruptions)

SHRI SRADHAKAR SUPAKAR :

I was going to say that it was under the consideration of the Committee. I was going to say that I hope and believe that the Committee will define the exact connotation of essential service, and once that has been done, I hope the House will agree to see to it that essential services are not affected by this dangerous strike which tends to paralyse the nation.

SHRI S. KANDAPPAN (Mettur) :

Mr. Chairman, Sir, I am totally opposed to this Bill, and I am sure the Government knows that the whole country is opposed to this Bill. It is an irony that, when the whole world is celebrating the Human Rights Day, we, here in this august House of Parliament, are discussing an issue which seeks to ban totally the basic democratic right of the workers of this country. I do not take it that this is going to affect only those who are employed in Central Government offices; this is going to set the pace for a chain reaction; it might be taken up by the various State Governments which are reactionary today and it might also be taken up even by private entrepreneurs who might equally demand from the Government: 'once you concede this kind of a right to the employer, preventing the workers to go on a strike, why don't you do that in our case also?'

This is going to be a serious matter. And the image of this Government, or, rather, the image of the greatest democracy in the world is going to be tarnished because of the black bills of this type. I do not know by which name to call this bill. To be very modest, I would call, this is rather a fascist bill. I say, it is fascist, but, Sir, even the fascist people are very honest in saying that they are standing for certain things; they do proclaim that they are autocrats. They do say that; they do concede that point very candidly. Here is a Government which says that they are democrats, but they act in a way which is fascist and it is hypocrisy coupled with fascism to behave in that way. I take it, Sir, that Government do not have any respect for the basic human rights which they profess that they uphold in the world forum and all that. I would plead with

this Government, if they are going to pass this bill, before they do it, let them get out or get away from the I. L. O. because, Sir, they have no moral right to be a member of the I. L. O. if they are going to pass this kind of an enactment..

SHRI VIDYA CHARAN SHUKLA :
House will pass; Government is not going to pass.

SHRI S. KANDAPPAN : We know the subtle difference. Already Mr. C.C. Desai told you how much you represent and all that. It is an open secret. I think it is a sort of unholy matrimonial alliance between the obscurantism and the hunger for power of this Government that has produced a Bill of this type. Sir, the Government has tried to give various explanations to convince us that they are not acting in a way that the whole country thinks that they are acting. It is only yesterday that Shri V. C. Shukla pleaded with us saying that it is a sort of permissive provision that they are putting on the statute and that they may not use it at all. But, Sir, these kinds of assurances are not going to convince us on the basis of hard facts.

We find in this Bill on the various clauses mention made of the essential services. I fail to appreciate this. I take it; I presume, this Government, if it is a responsible Government, should take it, that all the services that are run under this Government are essential services. Perhaps, I do not know, whether some Members may claim that only the services of the Ministers are not essential. Perhaps, excepting the Ministers, all the other services must be very essential for this country. If they are going to say, if they are going to spell out what are the services that they consider as not essential, I would be most happy. And, I think, it would be a great benefit to the country if they tell that such and such services are not essential. After all; what are the clauses in this Bill? Everybody knows it. This whole Bill is a verbatim copy of the Ordinance. In this Bill, they say, essential service means, "any service in connection with the affairs of the Union not being a service specified in any of the foregoing sub-clauses." After specifying

these services that put a blanket provision that all other services can be termed as essential services. Then they say—"any other service connected with matters with respect to which Parliament has power to make laws." What else is left, Sir? I think in respect of all the services of the Central Government, the Parliament has got the power to make laws. So, that means, it is a total ban. The Government cannot deny it. That is a fact which we find from the various clauses in the Bill. It is a total ban and it is definitely a check on the basic rights of the central government employees and, as I have pointed out, it may lead to the claims by various States, as well as municipalities, even panchyats and even private industrialists, saying that this kind of facility should be given to them also. Where will this country be led to, Sir? After all, Sir, I don't agree with the arguments of this Government that only this Government—or, for that matter, all the politicians in this country—are very much responsible and very much worried about the community life being paralysed. I am sure, Sir, all the responsible citizens of this country, including the employees, who are employed in the various departments are equally worried, equally interested, in the interests of the community. I think, Sir, it would be unfair on our part to assume that all the employees in our country are not at all interested about the welfare of the community.

They are also equally interested in the welfare of the community. When they go to such a stage, it is because of a desperate feeling and frustration on their part that they are not able to make both ends meet and they must get something more. Though they are promised things, nothing tangible has emerged. Even the other day when some of the Opposition members saw the Prime Minister in this connection, she told us that they are going to find some kind of an alternative forum for the employees to have their grievances voiced and redressed. We do not know what kind of alternative forum is going to be created.

Even after the 1960 strike, there was an idea on the part of Government to bring such kind of a measure. Fortunately, better counsels prevailed. Afterwards,

they brought the Joint Consultative Machinery into being. This body is working fairly well. In regard to the strike of September 19, they have not properly utilised the JCM, though on many an occasion Government have said in Parliament and outside that they are doing their best. But the fact is that they did not do anything effective. Even the hon. Minister of State, Shri Shukla, claimed yesterday that till the last they were trying to come to a settlement. I am very sorry to say such a statement is difficult for me to accept a statement which—I do not want to call it a lie—is an untruth. We know the facts are quite different. The Ordinance was proclaimed on 13th. The token strike was to take place on the 19th. If the Government were serious and honest about it, they would not have promulgated an Ordinance on the 13th and asked the employees to come and negotiate under a threat and intimidation. Do you think any honourable trade unionist would succumb to that kind of threat or threatening attitude? Do you honestly want that our countrymen should not have self-respect? But in spite of such a threat, which even an Ayub would be reluctant to give, the trade unions did try their best to come to a settlement.

SHRI RANGA (Srikakulam) : NO.

SHRI S. KANDAPPAN : I know it for a fact. But Government was not willing. They said they were going to discuss about the arbitrability. Even in this House that was the insistent contention of the Home Minister. Why this exhibition of false prestige? When trade union leaders as well as the leaders on this side insisted that this matter be referred to JCM or to some other arbitration or conciliation body, why should he insist on the question of arbitrability only being acceptable to Government for discussion leaving the other things out on the ground that they are not prepared to discuss them? I feel that they rather felt that by showing the big stick and resorting to an Ordinance, they could for all time to come intimidate the government employees and also indirectly try to teach a lesson to the leftist parties who tried to agitate these issues.

Colour is now sought to be given to strike by saying that this is really not a

[Shri S. Kandappan]

strike but a very sinister move by the political parties who wanted to create some kind of trouble in this country. I do not accept that kind of view because these political parties in the country are behaving very responsibly; many of the State Governments are run by them including the communist Party. That is my view. We may differ on ideologies, but the fact that many Governments are being run by these various parties shows that they are also equally responsible.

As regards refusal to work overtime, a point to which Shri Supakar made a reference, in various other countries people are very happy to do so and they voluntarily come forward to work overtime. But in this country, we do not find such initiative or interest on the part of our employees in various departments.

Here is a provision which says :

"refusal to work overtime where such work is necessary for the maintenance of any essential service"

this is brought within the meaning of 'strike'. Instead of trying to do that, we should rather go into the causes why there is refusal.

Can we achieve any success by this kind of attitude ? Shri C. C. Desai has already pointed out that in our country or for that matter in any country it would be impossible to coerce an employee to work full time. He can pretend to work and do nothing. What are you going to do with him?

SHRI S. M. JOSHI : As they did in the British days.

SHRI S. KANDAPPAN : I would like to mention for the information of the House, probably many members know it, that rule 4 (a) of the Central Civil Service Conduct Rules says :

"No Government servant shall participate in any demonstration or resort to any form of strike in connection with

any matter pertaining to his conditions of service."

Many penalties are also prescribed in these rules if this is violated. These rules have been there for the past 20 years. Have these rules succeeded in preventing people from going on strike? Many strikes have taken place in spite of these rules. So, the Government should rather think of the seriousness of the matter, of the economic situation in the country as Mr. C. C. Desai has said, why this kind of chaotic situation prevails in the country not only with regard to Government employees, why agitations are taking place in so many places in which many sections of the people are involved, how day in and day out many things are cropping up disturbing the peaceful life of the community. These are all vital matters which need something else, not this kind of legislation.

Then I would like to point out the attitude that this Government have adopted on previous occasions when such an idea was mooted in the Congress party. I shall give a few quotations. After the 1960 strike Pandit Nehru said in the Lok Sabha :

"I am not suggesting that strikes should be banned or forbidden because the fact of the matter is that the strike is an inevitable concomitant of the capitalist system. If you have a capitalist employer-employee relationship, then you have to have something to protect the employees from the employers' pressures and other things."

I think this condition is still there. We have not changed it.

Then Nandaji when he was Labour Minister said :

"We are not going to ban strikes. We are going to make them superfluous."

What a glorifying idea ! If the Government had succeeded in making strikes superfluous, we would have been most happy, but they have not.

SHRI S. M. BANERJEE : Government itself is superfluous, that is the whole difficulty.

SHRI S. KANDAPPAN : Then he added :

“Even now we can ban strikes. There is the Industrial Disputes Act under which when we refer a case for adjudication a strike becomes illegal, so that illegality is not a new concept. The stress is not on banning strikes. The stress is on the machinery to be provided so that disputes may be resolved by mutual understanding.”

But have the Government heeded their own voice, the voice of their own leaders who set the pace for the labour relations in this country.

Then shri Jagjivan Ram who happened to be Labour Minister once also said :

“The right to strike of the working class has to be preserved and protected.”

So, after all this thinking I do not know how a sudden changes has come about in the mind of our hon. Home Minister Mr. Chavan, and I do not know why a person like him who is normally reasonable should be so adamant in wanting to pass an Act of this nature which is repugnant to the spirit of democracy.

SHRI DHIRESWAR KALITA (Gauhati) He has lost the sympathy of the people.

SHRI S. KANDAPPAN : Probably that is an index.

That is a point which I would like to insist very much upon. We should try to seek their co-operation. After all if we are going to make a judgment that the employees or the workers in this country are not interested in the welfare of the community, that will be most unfair. On the other hand, if we are going to say that we do have confidence in them, when your duty is to see that you heed to their demands and when they are in need or when they are in difficulties, try to resolve them by various machinery and not to have recourse to this kind of laws. Not only it will lead to further trouble but also the image of the country abroad, I am sure, will be tarnished by this kind of legislation.

I would say if the Government is going to insist on this, I would appeal to them to withdraw from the ILO and cease to be a member of the ILO.

SHRI R. D. BHANDARE (Bombay Central) : Much has been said and much agitation has been carried on, on this piece of legislation. Before we either appreciate or criticise, let us see the nature and scope of the Bill. It is a measure to meet any emergency.

SHRI S. M. JOSHI : Emergency to last 5 years?

SHRI R. D. BHANDARE : You can make a suggestion that the period of emergency should be reduced but not vote it out. It is a Bill to meet any situation that may arise. Therefore, the question is : has the Government the right to arm itself to meet any emergency.

SHRI C. C. DESAI : The Industrial Disputes Act is there.

SHRI R. D. BHANDARE : I am coming to that point. Therefore, that question must be answered and answered by every Member of this House who would like to apply his mind to this piece of legislation. It is not going to be a permanent measure or it is not likely to be a permanent statute on the statute book. It is for five years only.

AN HON. MEMBER : Are you sure of it ?

SHRI R. D. BHANDARE : But if the Opposition has any apprehension, I would appeal to them that the period may be reduced . You can certainly make a suggestion for the reduction of the period. On that ground you cannot oppose the measure *in toto*. When the Government is trying to arm itself to meet any emergency..... (*Interruptions*) I know our minds on both sides are closed because of the 19th September.

AN HON MEMBER : Then open it.

15 hrs.

SHRI R. D. BHANDARE : It has caused an injury. I do not say that it is corroding but it has not healed completely. Therefore, under the shadow we are trying to discuss the measure the importance of which we are likely to miss. Therefore, I was just appealing to you. The present measure is only a measure of enabling nature. While coming to the enabling nature, I will come to the question of delegated powers. To what extent this is a measure of enabling nature, that can be modified. I will link up these issues later on. Now it deals with the publication of the notification which must be published and has to be given wide publicity. Nobody is going to be taken by surprise. Then the notification has to be placed before both the Houses. These are the clauses which are safety clauses, so to say. Under clause 3, the power to strike could be prohibited, but prohibited either by special or general order. That general or special order has to be published, and that order is also not going to be on the Statute Book permanently. It is only for six months. Of course, the Government has power to extend it by another notification.

15.01 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Then the fourth point is of penalty. A penalty for illegal strike is prescribed. Therefore, this is a very simple Bill, a Bill which seeks to arm the Government.

Having described the scheme and the scope of the measure which is before the House, and having also dealt with the point that our minds are not open to appreciate it because of the 19th September strike, let me put a very straight question, as I have asked the hon. Members opposite. The first question is: has the Government power? The answer is, yes. The Government has the power to arm itself to meet an emergency. If the Government has power which power can be exercised through the instrumentality of Parliament

by bringing a legislation before Parliament I have no other alternative but to support the measure before the House.

Having studied it very carefully, the first question that arises and agitates my mind is whether this measure is comprehensive and wide enough to cover all the workers. Looking at the different clauses and the sub-clauses under clause 2 especially I think all the workers will be covered by this measure. Is it necessary to have such a measure to bring in all the workers under the arm which arm is sought to be used for emergency purposes? Who are the class of workers who will be excluded from the operation of this measure? The first point that agitates my mind is this. (*Interruption*) I am just saying what is passing on in my mind. I do not say I am so big that others have got to support me. I am not to be led by his support or misled by his support.

The point which agitates my mind is, is it expedient, is it wise that we should antagonise the whole working class by such a measure? The first question which arose in my mind is whether it covers all the workers. The clauses are so comprehensive that the measure is likely to cover all the workers.

The second question that arises in my mind is, is it expedient, wise or proper to antagonise all the workers. You are keeping the sword hanging over the head of the working class in the name that Government is simply trying to arm itself to meet an emergency. These are the questions which are biting my conscience. Unless we seek the cooperation of the employees or if it is not so, unless we create cordial conditions of affinity and nearness between the Government and the employees, I think the working of the machinery will be more difficult. We must have sympathy as a lubricant which will keep the machinery working. (*Interruptions*).

If a notification is to be issued, that will be placed before both Houses of Parliament. This is delegated legislation. Delegated legislation is a New Despotism which has been ruling almost all over the world now. The question has always

been agitating the minds of political philosophers and democrats how to reduce the rigours of the rule of this New Dispotism. It is Government by department and we do not want to reduce our country to the rule of the department. I need not deal with the constitutional aspect of delegated legislation. The British Parliament appointed various commissions and committees and they have suggested a committee called Subordinate Legislation Committee, which we have copied under our rules of procedure. Therefore, I would suggest that before the notification is placed before both Houses, it must be scrutinised by the subordinate legislation committee. This new despotism has been the bane of civilised society. We have therefore, to scrutinise every piece of notification before it is laid before both the Houses of Parliament.

In the Statement of Objects and Reasons, the hon. Home Minister has very wisely put in the following sentence :

"It has always been the endeavour of Government to provide comprehensive and positive arrangement for the consideration of the legitimate problems and grievances of the employees."

If we want to make arrangements, we should not forget the history. The workers not only in our country but all over the world have fought for certain rights and won those rights. Should we by a simple piece of legislation destroy all those rights? Of course, I know that the Government's answer would be, "No, we do not want to destroy those rights because we want to make comprehensive and positive arrangements."

SHRI ATAL BIHARI VAJPAYEE :
Where is the arrangement ?

SHRI R. D. BHANDARE : Government have certainly given expression to what is in their mind in the very aim and object of this legislation as mentioned in the Statement of Objects and Reasons. I would suggest that instead of keeping this comprehensive and positive arrangement to be made in future in a state of void or in a suspended animation we

should make it an important part and parcel of this measure itself. It may be said that what I am suggesting is something far-fetched. But I am making this suggestion because as soon as the notification is scrutinised by the Subordinate Legislation Committee, the alternative comprehensive and positive arrangement that is going to be made would also be scrutinised with a view to finding out whether it is adequate or it is inadequate and whether it is in conformity with the principles of trade unionism or the ILO declarations.

The majority of the workers who had taken part on the 19th September strike belong to class IV and class III. I do not say that class I and class II employees were not affected; they may also have been affected, but their number was very negligible. These are the people who in fact are bound to be misled by false slogans, because expectations are raised before them. They were nothing and they were nobody in the Indian social system but now they have found some place where they could stand on. After the coming into force of the Constitution and after the enshrining of the fundamental rights therein, their sphere of ambition has widened, and the expectations are so great that any slogan, and particularly any radical slogan is enough to mislead these people. I say this out of my experience.....

SHRI ATAL BIHARI VAJPAYEE :
They are attracted and not misled.

SHRI R. D. BHANDARE : I must say out of my experience that the leaders do not place all the facts before them, whether the country is in a position to make provision for a need-based minimum or not and whether it is possible for us to do it in the present circumstances. These leaders are not politicians only but they also want to be statesmen. As statesmen and as leaders of the working classes, they should place before the ordinary common man and the worker all the facts in respect of all the economic conditions in the country. In that sense I say that these people are misled. So, I am using the word 'misled' very carefully. These people have been misled because—I am saying this

[Shri R. D. Bhandare]

not for the purpose of condemning the Opposition or the leaders of the working classes—they have no other leaders. These are the leaders that they have and there is no other substitute. Therefore, they are misled.....

SHRI INDRAJIT GUPTA : They cannot find better substitutes.

SHRI R. D. BHANDARE : What can I say ? My hon. friend knows me well.

Coming to the point, my prayer is that Class IV and Class III workers who are under suspension or who are going through hardships—in their case, action should be withdrawn or their cases should be scrutinised or they should be dealt with very leniently.

MR. DEPUTY-PEAKER : I will have to enforce some time limit say 15 minutes.

SHRI ATAL BIHARI VAJPAYEE : We are discussing an important Bill. The Party must get its time.

MR. DEPUTY-SPEAKER : One or two minutes here or there will be allowed extra. Otherwise, please stick to 15 minutes.

SHRI M. L. SONDIHI (New Delhi) : Mr. Deputy Speaker, when we come to the question of considering this Bill, I am sure anyone who is in touch with social environments of our country, would, after deliberations, come to one conclusion that this Bill, if brought on the Statute Book, will be a disgrace to the democratic traditions of this country. Nevertheless I do recognise that there are obligations and special responsibilities of Government employees. I recognise that those who work in the Government service must work with sincerity of purpose and administrative improvement is one of key prerequisites of establishing a successful economic order in our country.

I would like to know why the Ministers were advised that this legislation was necessary. They claim some special information. What sort of information is that which led them to believe that India was on the verge of disaster, on the edge of a precipice, some sort of emergency was going to supervene and some kind of catastrophe was coming on the 19th. Is their machinery for getting this information one that works efficiently ? I am reminded of the story of a political prisoner in India during the freedom struggle who asked for some books to be sent to him where he was under detention. One of the books he asked for was a book by an author called Lancelot Hogben and the title of the book was "Mathematics for the Million." The Superintendent of Police consulted the Home Department and was told that this book included the word 'million' and therefore it was some form of mass struggle through mathematical methods that was suggested and hence this book should not be allowed.

Sir, I, therefore, do not understand what the basis is for the certainty with which Government advocates that this country is possessed of such civil servants or Government employees who do not wish to serve the better ends which our Constitution provides. I welcome the terms in which the preceding speaker Shri Bhandare pleaded for the return of conscience to the otherwise despotic strategy of this Government. Are Government employees exploited or are they a very favoured section of the population ? I know that this subject can be debated endlessly and I would urge that those Ministers, if they find time to remain in Delhi should go round the national capital and then see the housing and living conditions of Government employees. The P. and T. employees live in a place called G Point near Rashtrapati Bhavan. It is worse than the blackhole of Calcutta.

I have with me a letter received from one of my constituents. I quote him :

"You must be knowing that there are thousands of low-paid Government servants in New Delhi who have put

in 20-25 years of service, but still they have not been allotted Government quarters whereas senior Government officers and Members of Parliament get accommodation even before their arrival in Delhi. Is this the socialistic pattern of society for which our Government and our representatives in Parliament are raising so much of hue and cry? Whenever Government servants demand anything, paucity of funds is given as an excuse... Government spends more than Rs. 2 crores for building hostels for Members of Parliament and now it is learnt that Rs. 14 lakhs are being spent for making additions and alterations to flats meant for MPs, as they are not suitable for the elected representatives of the people, most of whom are without shelter. What a socialist society!"

I do not mean to suggest that we do not want to improve whatever facilities the legislators are given, but I do make this point that our country, our public, those who work in government offices, they want to know what the facts are. They do not want to be told, as this Bill seeks to tell them, that their rights will be taken away, because they have tried to call the attention of this government and the people at large to certain basic aspects of our economy and the way our country is functioning today. These government employees include the most patriotic elements. Whenever this country has been subjected to external aggression, these very government employees have worked overtime, have donated blood, have contributed the ornaments of their wives for helping this government. They lined up to give whatever as assistance was wanted.

Much has been said here by the Minister of State, that this strike was meant to paralyse the life of the whole community. Indeed, there is a source, a very dangerous source of virus infection for paralysis in this country, and that virus is located in this government itself. It is they who are paralysing the country which otherwise is bubbling with energy and enthusiasm which they cruelly seek to curtail. What were the objectives of this token strike? I do not know whether the hon. Minister

has been informed by private spies and detectives but, as far as I can understand it and people of goodwill in this country can understand it, the first and foremost objective of this token strike was to focus attention on the economic life of our people who are responsible for running government offices and their families with those support the nation-builders of tomorrow will emerge. Secondly, the attention of the country and the community was to be directed towards administrative reforms. Because, I take it that whenever they talk of merging dearness allowance with pay it is ultimately suggested that the government should wake up to overdue reforms. Now the government is suffering from out-dated habits and it is refusing to bring in new rules and regulations; it still believes in government through correction-slips. One after the other, the Minister comes and makes promises but things never get done, so far as basic reforms are concerned. There is, if I may say so, in the world today, a service revolution, a new technology, which makes its impact felt upon the government sector, but here we find that this government is seeking to insulate itself from those progressive trends in the world today, indeed in certain countries of Asia who are our neighbours, because they do not recognise that an awareness of rights on the part of government employees need not lead to any depreciation of the system. If the government employees feel that their rights are not restricted, then they will be better responsive to suggestions for reforms which this government may propose to them.

But this Bill aims to destroy bargaining and arbitration which are today regarded all over the world, in the civilised world, as basic aspects of employer-employee relationship in the government sector. There is a whole evolution which this Bill seeks to deny. Indeed, if I may go further and say, a clause of this Bill challenges the very utility of government employees' organisations. Because, they forget that in this country there is a history of trade unionism with which names like those of Lokmanya Tilak are associated. There is a great person, your namesake, Sir, who wrote a number of articles on trade union theory and I have been perusing those.

[Shri M. L. Sondhi]

I do not know if this government needs to be educated on the very national history of the national movement itself. Because Sir, in Bombay a strike took place in the postal service at the turn of the century. Even at that time nobody came forward with such a draconian measure.

If the suggestion is basic public order, I have no quarrel with it. I would say that even in the case of illegal strikes there should be public order. Why should we go on the rampage even if there is some situation which government regards as illegal, but why should they associate public order regulation with it? Why should it be made a manifestation of their supreme wisdom? The community has enough wisdom, if it is called upon to exercise it.

I have here a statement, not from a Communist country but from Canada where this issue was considered, which kindly permit me to quote because Canada is setting the pace in the western world for some progressive social measures. I quote :

“Consideration was given to the possibility of proposing that strike action be prohibited in the statute establishing the proposed system. Although convinced that in many parts of the Public Service, a strike would be quite indefensible and a lockout unthinkable, the Committee decided not to recommend a statutory prohibition.”

This is what, in their wisdom, the Canadians have done. But here spectres of disorder and anarchy are built up in order to justify a measure which will retard the evolution of trade unionism and, indeed, of establishing healthy employer-employee relationship.

I come to the more basic point, namely, the rejection of methods known in other countries—conciliation, arbitration, adjudication etc. I am led to suspect the motives of this ministry, the Home Ministry, because they seem to want to prevent the

coming together of representatives of employees and the respective employers in the various ministries. That spirit of give-and-take that should prevail is being deliberately foiled for some ulterior political purpose because I do not think, as Shri Bhandare will bear me out, that any man of goodwill in the Government or on the Congress side can welcome this sort of behaviour which is going to lead to a strange polarisation between those who believe in Draconian legislation and those who are supposed to be anarchical elements in the country.

Collective bargaining and arbitration must function in a certain social and economic climate, whether it is the rates of pay or conditions of employment or machinery of arbitration or the methods of implementing awards. The Government sector lives within the total social climate. You cannot separate the two. The impact of the one on the other is a part of the organic functioning of our country.

Again, I quote from Canada because I really think that they have done well to face these problems openly and squarely. My hon. friends in the Swatantra Party should not be dismayed because sometimes they tend to study things from a perspective which suggests that we do not trust our masses. This country has been through a revolution which is historic in the annals of world history. Therefore we should never fear our people. Our people are the people who will be the bearers of a new civilization. Let us not lose that hope and confidence. I quote—

“We recognized, however, that the Public Service cannot be insulated from the economic and social environment in which it operates, and that the aspirations and expectations of its employees, and of the organizations that serve their interests, are bound to be affected and, to some extent at least, moulded by the conditions and practices prevailing outside the Public Service. We concluded therefore that, as far as possible, the system of collective bargaining and arbitration in the Public

Service of Canada should be rooted in the principles and practices governing employer-employee relations”.

I would like to question whether this whole problem and this Bill which comes before us are not being processed by the wrong administrative authority. How does the Ministry of Home Affairs come in all this? During Stalin's rule they used to call some organisations as the Ministries of the Interior. They were formidable organisations meant to instil terror into the hearts of all. Those have been scrapped. We see Communism trying to take a humanitarian direction as the person I admire, Dubcek, is trying, but this autocratic Home Ministry seems to out-Stalin Stalin himself because they want to check the onward advance of the labour movement by terror. May I assure them that they are doomed to failure, abject failure?

Problems which concern various ministries should be tackled on the basis of democratic interchange. They seek to do it by becoming the super-ministry. They say bargaining and arbitration are to be banished. The result is destruction of mutual confidence. I can understand Shri Bhandare's plight because he evidently is in touch with the employees; he knows that confidence has been destroyed. You wear a Gandhi cap and try to go into any Government office today. You will have great difficulty.

SHRI RANDHIR SINGH : No. There is no difficulty. I went there with a turban and nobody said anything.

SHRI M. L. SONDHAI : Bad faith is evident in the manner in which Government suggests that they are going to give us something. This is Machiavellian. Why do they not give that positive suggestion if they are going to give anything? Let them announce some sort of a Staff Relations Board. Let the Home Ministry abdicate that part of its power and give it to a body like Staff Relations Board. Let them respond to the changing circumstances in some way, not through the lathi and the baton, not through repression, because the path of repression, persecution

and punishment shows that they are holding on to old ideas. The old ideas are dominating them and they resort to repression. That shows that there is a certain colonial survival in their minds and a lack of faith in modern ways.

The Government employees movement is a mass movement. There is bound to be an active participation in it. But we should not, in answer to that activity answer it by complete aloofness or terror. What is the significance of Indraprastha Bhavan that has been pointed out here? Permit me—because I also went to Indraprastha Bhavan—to appeal to the conscience of Mr. Bhandare and others and quote the famous words of Gurudev Rabindranath Tagore when he decided to renounce his knighthood. I quote :

“The disproportionate severity of the punishment inflicted upon the unfortunate people and the methods of carrying them out, we are convinced, are without parallel in the history of civilised governments, barring some conspicuous institutions, recent or remote. Considering that such treatment has been meted out to a population, disarmed and resourceless, by a power which has the most terribly efficient organisation for the destruction of human lives, we must strongly assert that it can claim no political expediency, far less moral justification.”

Further, I quote :

“The time has come when badges of honour make our shame glaring in their incongruous contact of humiliation and, I for my part, wish to stand, shorn of all special distinctions by the side of those of my countrymen, who for their so-called insignificance, are liable to suffer a degradation not fit for human beings.”

That was the spirit of the national movement and shared by the Congress at one time. I invite my hon. friend, Mr. Bhandare, to take his argument further and

[Shri M. L. Sondhi]

following Tagore's example offer his resignation.

I would appeal to Mr. Hanumanthaiya because they have functioned in a responsible manner at the State level. We have to understand that this Ordinance which was imposed and the Bill which now follows it has harmful effects and these harmful effects will be felt ultimately by the hon. Members on that side also because it comes in the way of your evolution of the system of Government. Although there is a feeling that we have not succeeded too well, to the rest of the world, we still stand as a beacon light of democracy. There is military rule in Pakistan; there is disturbance in other parts of Asia. But the light is still shining although it is clouded. Therefore, let us not take any step that leads to the precipice.

Why was the Ordinance challenged here? Let it be very clear. The Law Minister, that day, did not come here with an open heart and an open mind. He knew it because he had, actually, filed an affidavit earlier about this matter in the Delhi High Court. The point here was that the definition of "strike" as pleaded in the petition was that it is arbitrary and it is evocative of forced labour and *begar*—it is a word which still stinks in our nostrils. The hon. Chief Justice of High Court spent nearly 1½ hours—I was there—before he admitted the petition. He exercised his mind fully. But what was the gesture which the Law Minister made here? The way he misled the House and behaved, I for one, feel shocked even now.

I refer you to this Report which deals with the Indraprastha Bhavan incidents. It is not as if we turn to these retired judges and these distinguished members of the Bar for merely troubling them and giving them publicity. They are the people occupied in the serious business of life. We have a tradition in this country, when the Jallianwala Bagh Hunter Commission came out with misleading recommendations, it was Mahatma Gandhi, Motilal

Nehru, Madan Mohan Malaviya, Tyabji and others who set up a non-official committee. That was the spirit of India. That was the spirit on the basis of which Romain Roland and other great intellectuals looked to us for guidance.

Now, speaking on the subject of Government employees, I cannot forget that these Government employees, many of them, are people who have shared that emotional upsurge of India and, therefore, it is not proper to punish them and humiliate them in this manner. I once again agree with Mr. Bhandare that this Bill should be either thrown out or Government must come forward with proof of a change of heart to restore the confidence to the people of the capital and to the people of India that they are not anti-labour, anti-people and anti-democratic.

श्री प्रेम चन्द वर्मा (हमीरपुर) : उपाध्यक्ष महोदय, मुझ से पहले श्री बड़ा जोरदार भाषण सौधी जी का हुआ है। मैं उस तरह का जोरदार भाषण तो नहीं करूंगा लेकिन कुछ तथ्यों पर इस सदन का ध्यान अवश्य दिलाना चाहूंगा।

देश जिन परिस्थितियों में गूजर रहा है उन्हें देख कर यह अनुभव होता है कि भारत के राजनीतिज्ञ देश और भूमि से प्यार कम करते हैं और उन्हें राजनैतिक शक्ति प्राप्त करने कि इच्छा बहुत अधिक रहती है। यही कारण है कि दिन-प्रति-दिन देश की समस्याएं उलझती जा रही हैं और नई-नई समस्याएं खड़ी होती जा रही हैं। जनता के सामने जो आज काफी परेशानियां और समस्याएं हैं उसका कारण भी यही है कि जितने भी राजनीतिज्ञ हैं उनमें से काफी संख्या में ऐसे हैं जिन्हें कि सिर्फ अपने हित व स्वार्थ की सदैव चिन्ता बनी रहती है। यह लोग देश और कौम की ओर कम ध्यान देते हैं। अगर

यह कहा जाय कि देश में इस समय जो परेशानियां हैं, देश में जो समस्याएं खड़ी हैं उन का बड़ा कारण कुछ हमारे यह विरोधी दल हैं तो गलत नहीं होगा। दरअसल चीज यह है वह यह नहीं चाहते कि 2 और 2 को 4 कहा जाय। विरोधी पक्ष वाले तो यह देखते हैं कि चाहे 2 और 2, 4 क्यों न हो लेकिन अगर सरकार की ओर से यह कहा जाना है कि 2 और 2, 4 हुए तो वह 2 और 2 का 5 ही कहेंगे।

इसका उदाहरण यह है कि पिछले 8 घंटों से हम इस विधेयक को पेश करने के लिए जोर लगा रहे हैं लेकिन मृतवातिर 8 घंटे तक प्वाएंट ऑफ आर्डर पर प्वाएंट ऑफ आर्डर उठाये जाते रहे, कोई-न-कोई आपत्ति उठाई जाती रही है। मैंने कल भी कहा था और आज फिर आप को तबज्जह इस और दिलाना चाहता हूँ कि इस सदन के नार्मल बिजनेस को लगातार जो 8 घंटे नहीं चलने दिया गया और इस विधेयक को पेश करने के लिए 8 घंटे लग गये उससे देश की जनता का नुकसान हुआ, इस सदन का नुकसान हुआ है, हम सदन का नुकसान हुआ है। वह समय हमारा जिस काम में लगना चाहिए था वह नहीं लगा है। आपको याद होगा कि 1964-65 में एक प्रश्न के उत्तर में यह बताया गया था कि पार्लियामेंट के एक घंटे के सेशन के ऊपर 18,000 रुपया खर्चा आता है। उस हिसाब से 1 लाख 44 हजार रुपया इस विधेयक को पेश करने के लिए इन लोगों ने उसकी कीमत डाली है। यह पैसा उम जनता की खून की कमाई का पैसा है जिसको कि सरकार टैक्सों के द्वारा उनसे वसूल करती है और उस पैसे को इस तरह से बर्बाद किया गया। अब उस सरकार को तो यह कोसते हैं लेकिन अपने आपको नहीं कोसते हैं। जो कुछ यहां इस सदन में हुआ है क्या उसके लिए वह अपने आप को जिम्मेदार समझते हैं? लेकिन वह अपने

आप को उस बात के लिए जिम्मेदार नहीं समझते हैं। दरअसल वह इस तरह से यहां बोल कर के उन सरकारी कर्मचारियों को बताना चाहते हैं कि हमारी हमदर्दी तुम्हारे साथ है और हम तुम्हारे लिए सदन में यह करना चाहते हैं और वह करना चाहते हैं। लेकिन है वह उनकी महज झूठी व दिखावटी हमदर्दी। दिल से वह नहीं चाहते हैं। वह तो उन लोगों के जरिए पोलिटिकल कैपिटल बनाना चाहते हैं, राजनैतिक स्वार्थ सिद्ध करना चाहते हैं और इसके लिए उन लोगों को झूठा दिलासा देना चाहते हैं।

मैं अर्ज करना चाहता हूँ कि सरकारी कर्मचारियों के हमदर्द ये नहीं हैं, किसानों और मजदूरों के हमदर्द ये नहीं है, बल्कि उनके आसलौ हमदर्द इन बैंकों पर बैठने वाले कांग्रेसी लोग हैं, कांग्रेस पार्टी है। इस चीज को ये झूठला नहीं सकते हैं। मैं इनसे जानना चाहता हूँ कि 1935 और 1936 में ये कहाँ थे? मांशी साहब ने अभी कई कुछ कहा है, मैं पूछना चाहता हूँ कि उस वक़्त सोश्री साहब और इनकी पार्टी कहाँ थी। यं एक भी अपना लीडर बतायें जिसने जंगे आजादी में हिस्सा लिया हो.....

श्री प्रोब प्रकाश श्यामी (मुरादाबाद) :
मैं था। मैं आपका चैलेंज स्वीकार करता हूँ।

श्री प्रेम चन्द बर्मा : भूला भटका कोई आप में से रहा होगा। इन लोगों ने 1950 और 1951 के बाद पार्टी बनाई। अब ये मजदूरों के, किसानों के, सरकारी कर्मचारियों के बड़े भारी हमदर्द बन बैठे हैं। मजदूरों और किसानों के लिए गांधी जी ने काम किया है, कांग्रेस पार्टी ने काम किया है। इनको हमने उस अवस्था से निकाला है कि जहाँ ये बड़े-बड़े जागीरदारों के चंगुल में फसे हुए थे और जो इन से बेगार लेते थे।

[श्री प्रेमचन्द वर्मा]

ये जागीरदार यह समझा करते थे सरमाये-दार यह समझा करते थे, रजवाड़े यह समझा करते थे कि ये तो बेगार देने के लिए पैदा हुए हैं और इनसे बेगार ली जानी चाहिये, ऐसा करना हमारा हक है। इस अवस्था में से इन लोगों को कांग्रेस ने निकाला है। यह कांग्रेस पार्टी है। जिसने मजदूरों को, जिसने गरीब किसानों को, जिसने सरकारी कर्मचारियों को बांट का हक दिया है। इन लोगों ने नहीं दिया है, हम लोगों ने दिया है। इस बात को यह सोचते नहीं हैं। आज ये कहते हैं कि सरकार गंदी है, सरकार अपने ही कर्मचारियों के विरुद्ध है। मैं कहना चाहता हूँ इनसे और सरकारी कर्मचारियों से भी अर्ज करना चाहता हूँ इस सदन के द्वारा कि सरकारी कर्मचारी इन ढोंगियों से बचें। ये ढोंग हैं। ये ढोंग रचाते हैं, लोगों को धोखा देते हैं, उनको गुमराह करते हैं। सरकारी कर्मचारियों का भला इसी में है कि वे इनसे बचें।

श्री हरदयाल बेबगुण (पूर्व दिल्ली) :

जिस भाषा का माननीय सदस्य प्रयोग कर रहे हैं, क्या यह उचित है? क्या वह किसी चौराहे पर भाषण कर रहे हैं? बार-बार हम को ढोंगों कह रहे हैं। ये आपत्तिजनक शब्द हैं और इनको इन्हें वापिस लेना चाहिये।

MR. DEPUTY-SPEAKER: Mr. Verma in this House, nobody should challenge anybody's honesty. Avoid such a thing.

श्री प्रेम चन्द वर्मा : ढोंगों से मेरा मतलब यह है कि ये कहते कुछ हैं और करते कुछ और ही हैं।

जो झामा इन्होंने रचाया वह केवल सरकारी कर्मचारियों को खुश करने के लिए और हम लोगों को बुरा बनाने के लिए

रचाया। मैं अरील करता हूँ सरकारी कर्मचारियों से कि वे इनकी बातों में न आ जाया करें। उनको इनसे गुमराह नहीं होना चाहिये। जो गुमराह हुए हैं, उसका नतीजा उन्होंने भुगता है।

19 तारीख को जिसको ये लोग साँकेतिक हड़ताल कहते हैं, जो हड़ताल हुई, उसकी भी जिम्मेदारी इन्हीं लोगों पर है। जो लोग आज उनको यहां पर बात करते हैं, उन्हीं लोगों पर है। आपको सारी हिस्ट्री मालूम है और मैं उसको दाहराना नहीं चाहता हूँ। उस हड़ताल में जो नुबसान हुआ है, केवल वही एकमात्र कारण है इस कानून को लाये जाने का। अगर ये लोग उस कार्यवाही को न करते, अगर ये लोग हठधर्मी न दिखते, अगर ये लोग सरकारी कर्मचारियों को गुमराह नहीं करते तो आज यह विधेयक इस सदन में नहीं आ सकता था। इसको लाने की जरूरत नहीं थी। जो इन्होंने किया उसी का यह नतीजा है कि इस विधेयक को इस सदन में लाना पड़ा है।

आप उपाध्यक्ष महोदय देखें कि हमारे देश को आबादी 55 करोड़ है। उसमें गरीब अमीर सभी लोग हैं। जो हड़ताल करवाने वाले थे वे उनकी जिन्दगी, उनकी इज्जत, उनकी दौलत, उनके कारोबार, मतलब यह कि हर एक चीज के साथ खिलवाड़ करना चाहते थे। इस सब की रक्षा की जिम्मेदारी सरकार की है। सरकार उनकी हो या हमारी हो, इससे कोई अंतर नहीं पड़ता है। सरकार की यह जिम्मेदारी होती है कि लोगों के जानमाल की रक्षा करे। अब आप देखें कि उस हड़ताल में मुट्ठी भर लोगों ने हिस्सा लिया था, एक परसेन्ट सरकारी कर्मचारियों ने हिस्सा लिया था। जिस तरह से इन पिछले दो तीन दिनों में ये इन लोगों ने यहाँ इस विधेयक को आगे चलने नहीं दिया, इसी तरीके से ये लोग सरकार के

काम को भी आगे चलने नहीं देना चाहते थे। इनका इशेय यह था कि न तो डाक बंदे, न गाड़ियाँ चले, न हवाई जहाज चले और इसका इन लोगों ने भरसक प्रयत्न भी किया। मैं पूछना चाहता हूँ कि कौन देश-भक्त हो सकता है जो इस तरह की बात होने कि इजाजत दे सकता है कि चन्द लोग 55 करोड़ लोगों की जिन्दगी के साथ खिल-वाड़ करें, उनकी जिन्दगियों को खतरे में डाल दें, गाड़ियों को आने जाने से रोक दें, लोगों के लिए खाने पाने की चीजें आ जा न सकें, उनको फाका मस्ती करनी पड़े, सारे देश को लाइफ को पेरेलाइज कर दें

श्री सु० कु० तापड़िया (पाली) : दुर्गापुर में स्ट्राइक किस यूनियन ने करवाई थी ?

श्री हरबयाल देवगुण : ये देश का क्यों घन और समय जाया कर रहे हैं। एक घंटे का अठारह हजार रुपया खर्च होता है। आप क्यों वक्त जाया कर रहे हैं ऐसा भाषण करके। देश का रुपा बचाइये।

SHRI S.K. TAPURIAH : If INTUC strikes in Durgapur, it is all right.

MR. DEPUTY-SPEAKER : Let him conclude.

श्री प्रेमचन्द बर्मा : असल में बात यह है कि आपके वम में यह नहीं है। आप वोटर्स को बनाना चाहते हैं कि आपके दिन में उनके लिये बड़ी हमदर्दी है। जब कि हम उनके लिए काम करते हैं और काम करना चाहते हैं।

जहाँ तक सरकारी कर्मचारियों की जायज माँगों का सवाल है मैं उसका हामी हूँ। मैं समझता हूँ कि मजदूरों, किसानों, सरकारी कर्मचारियों, जो गरीब हैं उन सब को कम-से-कम जो आवश्यकतायें हैं, वे पूरी होनी चाहिये और अगर नहीं होती है तो

मैं समझता हूँ कि उनके साथ इंसाफ नहीं होता है, बेइंसाफी होती है। लेकिन उस तरह जो लोग बैठे हुए हैं, उनसे मैं पूछना चाहता हूँ कि उनकी फँक्ट्रियों में, उनकी तिजोरियों में जो रुपया भरा पड़ा है और जो गरीब मजदूरों और किसानों की कमाई का रुपया है, उनके खून पसीने की कमाई का रुपया है, चौबीस घंटे जो उन्होंने काम किया है, उसका रुपया है, क्या उसको वह उनमें बाँटने के लिए तैयार हैं और अगर नहीं है तो ये लोग सरकार के पास जो पैसा है, जो देश का पैसा है उस सब पैसे को सरकारी कर्मचारियों में बाँटने के लिए कैसे कहते हैं। कितना पैसा जाएगा, आपका जाएगा, हमारा जाएगा, सबका जाएगा। सरकार की जब से कुछ नहीं निकलने वाला है। सरकार तो ट्रस्टी है। जो ट्रस्ट का काम हमारे जिम्मे दिया गया है, हम उनको ईमानदारी से करना चाहते हैं कि जो शक्ति हमारे हाथ में है उसका सदुपयोग हो, देश की जो प्रापर्टी है, देश की जो दौलत है, वह हमारे हाथ में सुरक्षित रहे और हम लोगों को इंसाफ दें, हर एक को इंसाफ दें, जहाँ कुछ कर सर सकते हैं करें। सरकार तो चाहती है कि सरकारी कर्मचारियों को ज्यादा-से-ज्यादा वेतन और सुविधायें मिलें। लेकिन जितना वह कर सकती है कर रही है।

श्री सोधी ने अभी त्याग की बात कही है। उन्होंने कहा है कि संसद् सदस्यों को पहले से मकान मिल जाते हैं। इसको उन्होंने खाम तौर पर कहा है। मैं उनको बतलाना चाहता हूँ कि मुझे डेढ़ साल के बाद मकान मिला है। मैं आज भी उनको चैलेंज करता हूँ और उनकी पार्टी वालों को भी करता हूँ कि अगर वे सारी सहूलियतों का फ़ाड़ने के लिए तैयार हों तो मैं भी छोड़ने के लिए तैयार हूँ और उनकी पार्टी के जितने आदमी इनको छोड़ेंगे वेही पार्टी के भी उतने ही आदमी इनको छोड़ेंगे। है उनमें हिम्मत

[श्री प्रेम चन्द वर्मा]

इसको स्वीकार करने की? ये कहने के लिए हो है, करने के लिये कुछ नहीं है। मैं सारे हाउस में कहता हूँ कि हम यह करने के लिए तैयार हैं। अगर पहले वह करेंगे तो दूसरा नम्बर मेरा होगा। मैं चाहता हूँ कि वह जो कहते हैं करके दिखायें और मैं उनके पीछे हाँऊंगा।

मैं यह भी समझता हूँ कि इस विधेयक से सरकारी कर्मचारियों को फायदा होगा। इससे पता चल जायगा कि कौन अच्छे हैं, कौन बुरे हैं, कौन भले हैं और कौन बदमाश हैं, कौन काम करने वाले हैं और कौन काम नहीं करने वाले हैं, कौन शरारत पसन्द हैं और कौन नहीं है। इस विधेयक के अनुसार जो आदर्श शरारत नहीं करना चाहता, जो हड़ताल नहीं करना चाहता, जो जनता को नुकसान नहीं पहुंचाना चाहता, जो देश की प्रापर्टी को नुकसान नहीं पहुंचाना चाहता, उसके खिलाफ कोई भी एक्शन नहीं होगा, इसमें कहीं पर भी उनके बारे में कुछ नहीं है। इसमें तो यही लिखा है कि जो शरारत करेंगे, जो काम को आगे बढ़ने से रोकेंगे या काम को आगे बढ़ने नहीं देंगे, जो गाड़ियों को चलने नहीं देंगे, डाक के काम को चलने नहीं देंगे, उनके खिलाफ एक्शन होगा। यह तो आप भी मानेंगे कि जो कसूरवार हैं, उनको सजा मिलनी ही चाहिये। जो शरारत नहीं करेंगे, जो काम करेंगे, जो कोई बुरा काम नहीं करेंगे, मैंने इस सारे विधेयक को पढ़ा है, उनके खिलाफ कोई एक्शन नहीं होगा। इसलिए यह विधेयक सरकारी कर्मचारियों के हक में है, वफादार कर्मचारियों के हक में है, अच्छे लोगों के हक में है। इसमें उनको पहचान हो जायगी। दूसरे जो लोग हैं उनको तो सजा मिलनी ही चाहिये फिर चाहे मैं हाँऊं या कोई और हो।

एक अन्तिम बात कह कर मैं समाप्त करता हूँ। यह बात तीसरी और चौथी श्रेणी के कर्मचारियों के सम्बन्ध में है। उनके बारे में मैं अर्ज करना चाहता हूँ कि अगर उनके उपर मुकदमे बने हैं 19 तारीख की हड़ताल के सिलसिले में या पुलिस द्वारा उनके साथ जबर्दस्ती की गई है या जबर्दस्ती उनको फंसाया गया है या इस तरह की कोई भी चीज हुई है तो उनका खाम खयाल किया जाए।

अगर पुलिस ने जबर्दस्ती की है, तो मैं उसका मुजम्मत करता हूँ। मैंने शुरू से ही कहा है कि पुलिस ने ज्यादती की है। मैं चाहता हूँ कि उन सरकारी कर्मचारियों के केस पर हमदस्ती के साथ गौर किया जाये, उन्हें कम-से-कम परेशान किया जाये, कम-से-कम सजा दी जाये और उन्हें नौकरी से निकाला न जाये, उन्हें नौकरी में बहाल किया जाये।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ। उपाध्यक्ष महोदय, आपने मुझे जो मौका दिया है, उसके लिए मैं आप को धन्यवाद देना हूँ।

15.51 hrs.

Mr. DEPUTY SPEAKER : I am accommodating Shri Dange. Let him finish. The other motion which is due at 4 O'Clock will be taken up a few minutes later.

SHRI S. A. DANGE (Bombay Central South) : I am rising in order to make clear the position of the Trade Union Movement in general and in particular the position of the AITUC and the Communist Party of India.

This is not a simple Bill, as it looks on the face of it, to prevent the employees from going on a strike when the Government declares any of the services mentioned in the Bill to be an essential service. This is the beginning of the movement on the part

of the capitalists in this country to bring about a condition in which the right to strike as such would be abolished and this has been the consistent strain in the policy of the Congress party.

15.52 hrs.

[SHRI THIRUMALA RAO *in the Chair*]

You may know that the Congress party had once been in power in 1937 before we attained independence. Even when we had no independence, at that time, they came forward very openly and frankly as champions of the capitalists in this country and enunciated a legislation which virtually made any strike impossible. If a strike took place, it was bound to be an illegal strike. Even the most moderate students of the history of the trade union movement and the law in this country have noted that the Bombay Industrial Relations Act which represents in essence the policy of the congress party and also the policy of the employers in this country was enunciated on the basic principle that the right to strike must be taken away from the employee that conditions must be made so difficult as to make it almost impossible to go on a strike and that if any strike took place it must become illegal. This was what was done in 1937. Unfortunately, Mr. Nanda is not here otherwise he would have enlightened you better on this subject because he was one of the initiators of this policy. In those days it was initiated in order to fight the Communists. In these days, I do not know, against whom particularly it is being initiated but most probably against all those who champion the cause of trade unionism.

The law lapsed. Then in 1946 at the end of the world war they again came forward, with the same piece of legislation in which they tried to impose compulsory arbitration on the workers. In both cases these proposals were fought by the workers in the city of Bombay and in Maharashtra by means of a total one-day general strike in protest. The result has been that there have been more disputes and more strikes because of this legislation which was imposed on the workers then could be resolved under the enactment.

Later on, they passed the Industrial Disputes Act in which there are any number of provisions to declare a strike illegal, but there is at least the provision that the worker could claim the right to strike, could organise a strike, and in case Government wanted to, it could ban the strike. But now a position is coming slowly where certain services are going to be deprived of the right to strike altogether. My submission is simple. No section of the working class, whether in Government service or outside, whether in the State sector or in the private sector, can ever press their demands and realise even a part of them unless behind the demand there is a sanction to withhold labour. Withholding labour is a fundamental right of the working class. If you ban that under any conditions, it is not only anti-working class but anti-fundamental right and anti-social legislation.

Now, much is made about that 'you are an essential service and you agree not to strike in say, hospitals or municipal services or water supply, defence undertakings and so on and so forth'. Here the Defence factories are in the State sector. In America they are in the private sector. That is a different matter, you say 'now at least, would you agree that in these sectors which affect certain vital services of the community, will you give up the right to strike?' Our reply is 'No'. On no conditions are we going to give up the right to strike and agree to a ban on strike even if somebody says 'We will give you compulsory arbitration; then will you give it up?' No. I may be prepared to voluntarily go in for arbitration for any reasons that may be stated or for the conditions prevailing there. But the right to strike must be there because without the right to strike, arbitration never functions. Without the right to strike, arbitration is also ineffective. Without the right to strike, the arbitrator never gives you anything even if it is reasonable. You will say that this is a dogmatic statement. No, Sir. Australia was one country which had compulsory arbitration. They said that workers lose more by strikes than they gain. Therefore they would gain more by compulsory arbitration. Australia tried it and failed completely and the

[Shri S. A. Dange]

workers started a chain of illegal strikes until they compromised on the question. The same thing happened in Canadian trade unions. There was recently a strike in New York. Imagine American conditions. Everything is mechanised. In the city, buses were held up, municipal services were held up and everything stopped. Then the question came whether the Government should ban the strike and make it illegal or whether a new law should be brought in for that purpose. It was no less a person than the well-known journalist whose influence on politics is great, Mr. Walter Lippman, who wrote that these are the compulsions of the society we have built and you cannot argue that only for this particular service it is so essential that the worker shall not have the right to strike. If it is essential, then make his conditions of work and wages and functioning so nice that he will not be tempted to go on strike. If hospitals are a necessity, why are the nurses the worst paid? The nurses are the worst paid in the hospitals in this country. If the hospitals are a necessity and if you want the operation to be successful, and for purpose the nurses must be present, then why are they treated in the worst way possible in this country?

SHRI HANUMANTHAIYA (Bangalore): The school teachers are paid less.

SHRI S. A. DANGE: Worse compared to her own rights. You may put it this way. To measure misery whether it is worse or whether it is less is rather difficult. School teachers are also worst paid. If you believe that knowledge is imparted by the teacher and he is the maker of the future generation of this country, then why should he get less wages, particularly in Uttar Pradesh where the holy Ganges flows and from where all the philosophy of India has originated according to some people and where all the holy kings lived and still we have got the remnants of Indraprastha which is still flourishing. Why in such a condition should the teacher be paid less? I do not understand it.

Therefore, my submission is this—this is nothing new. The Government has been trying to impose compulsory arbitration in order to weaken the working class movement in this country, while allowing any amount of liberty to the monopolists to make any super-profits that they can earn. Even if you say that "I am going to limit the dividends and then will you agree to limit the right to strike," I would say, no; because it is a fundamental right.

I may here remind the House—and it may be familiar with it—that it was Pandit Jawaharlal Nehru who said that strike is an inevitable concomitant of the capitalist system; and then, if you come round and say this is not a capitalist system, then, I dispute that proposition. This is an out-and-out capitalist system, and therefore, an out-and-out guarantee on the right to strike must exist for the working class. So, we from the working class side are not prepared to barter the right to strike against assurances, or compulsory arbitration or reasonableness or anything of the kind. The working class is reasonable.

The bogey that is created is that the strike struggles are leading to disincentive in the accumulation of capital. It is a false bogey. If you study the statistics of accumulation of capital in the last 10 years, you will find that accumulation has doubled in spite of the existence of the right to strike. Then it is said that strikes vitiate productivity. If you study the statistics you will find that productivity has risen in this country by 42 per cent and not less. Therefore, if you say that strikes are hampering the growth of economy in this country, I am challenging that proposition with all the statistical material that is at our disposal and which is given to us both by the Government and other learned economists and so on.

16 hrs.

If you think that taking away the right to strike is going to give us a fast rate of growth, then you are mistaken. In the American system also, the rate of accumulation was not greater than ours in similar

conditions. their productivity rise was not greater than ours in similar conditions. We are in the first stage of industrialisation, and we are giving you productivity and a rate of accumulation as any other country in the west gave when they started their industrialisation. Therefore, I would not accept any accusation against the working class in India that by utilising the weapon of strike they are hampering the growth of the economy or are hampering the growth of productivity. On this question I do not want to dilate. I can give you any number of authorities on this subject. Therefore, by any argument, this imposition of a ban on strike or any limitation in any form of the right to strike goes fundamentally against the interests of the working class, goes against the interests of the economy, goes against the interests of the nation, and goes against the interests of what you have in your mind, namely, industrial peace.

You may impose any ban, and make any thing illegal in this country, but so far as the working class rights are concerned, that ban is not going to be observed. We are not going to be a party to it. Certainly you will carry out this ban far more vigorously against us, and the Home Ministry will exert all its energies against us rather than against the monopolists. We know that, and we are prepared for that. And for a time, the trade union movement will get a little dislocated. But it does not matter; it will gather its strength again, because, as I say, experience if history teaches us. Please learn from history. Every attempt to ban strike struggles has failed both in the days of the British and in the days of the Congress rule. In the days of the British, it was your own party-I am very sorry to note-which mooted this proposition of compulsory arbitration and tried to suppress the other trade unions. They never succeeded and they are not going to succeed.

Therefore, my submission would be, in order to get real good service from the people, in order to get real productivity from the people, the first necessity is to accept the need-based minimum wage and

not to victimise the trade union organisers. Allow the right to strike. You argue with them that "this is not good in these services, and for God's sake, please do not go on strike, let us sit across the table and resolve the problems". If that is the method, we are quite ready for a compromise on that level, but no ban. By mutual agreement where found necessary, we are prepared to send things to voluntary arbitration. But the voluntariness must remain. If compulsion comes through any legislation of this kind, I can speak on behalf of the trade unions for which I am responsible, they are not going to observe it. Neither will Government services be benefited by it. Just calling them essential services is not going to help; it does not *ipso facto* attract the philosophy of compulsions and bans on the right to strike. I would plead with the Government, if they are amenable to any pleading on this matter, that they should withdraw the Bill and provide for other mechanisms to resolve the problems of disputes between Government and the employees.

SHRI HANUMANTHAIYA : What are the other mechanisms ?

SHRI S.A. DANGE : Complete recognition of trade unions, complete ban on victimisation, assessing the necessities of the employees, comparing the possibilities of conceding demands in the given economy at a given stage, without reference to the fantastic propositions of the Finance Ministry, which are always bogus, and sitting across the table and arriving at a solution by collective bargaining. We are ready for it. That is the only policy which an industrial society can follow. The greater the number of industries the greater is the working class and the greater the monetisation of economy. The greater the concentration, the greater will be the drive to make super-profits and the greater will be the drive towards strike struggles. They are the reflex of that system. You cut that system and this automatically gets reduced. But what you say is that because we start the strike, therefore you have to legislate. May I say, you start a system of capitalistic accumulation, whose inevitable result is misery at the other end of the pole. Capitalism

[Shri S. A. Dange]

is one end of the pole and working class is the other. The greater the concentration of wealth on that side the greater is the concentration of poverty on this side. If you reduce that, this automatically gets reduced. If you take that fundamental proposition, a lot of other difficulties will vanish. Rivalries and other things are small things. I am talking of fundamentals.

If the Government of India and the Congress Party are in a mood really to rationalise the problems of working class and strike struggles and really evolve an industrial relations policy, which is democratic, beneficial to the working class and also serves the interests of the national economy, I can say without fear of contradiction on behalf of not only the AITUC but all the other trade union organisations and leadership represented in this House, that we are prepared to consider how to evolve that system. But we are not going to bargain the right to strike against the offer of compulsory arbitration or any kind of ban.

16.09 hrs.

MOTION RE : TENSION ON
INDIAN BORDERS

Mr. CHAIRMAN : We shall now take up the motion of Shri Prakash Vir Shastri. 2 hours have been allotted.

SHRI RANGA (Srikakulam) : It should be increased by another hour.

Mr. CHAIRMAN : We shall see as the debate progresses. Now, Mr. Shastri.

श्री प्रकाशवीर शास्त्री (हापुड़) : मैं प्रस्ताव करता हूँ :

“कि पाकिस्तान और चीन की गतिविधियों के कारण भारतीय सीमाओं पर बढ़ते हुए तनाव से उत्पन्न स्थिति पर विचार किया जाय।”

सभापति महोदय, प्रकृति ने भारत को एक अजेय दुर्ग का तरह बनाया था। तीन ओर समुद्र को इस की रक्षा के लिए खड़ा किया था और एक ओर हिमालय को उस का पहरेदार बना कर खड़ा किया था। हमारी सबसे पहली भूल यह हुई कि हम ने भारत की प्राकृतिक सीमा को छिन्न-भिन्न कर दिया अप्राकृतिक सीमा आज देश के लिए एक समस्या बनी हुई है। दूसरी भूल उस समय हुई कि जब तिब्बत का चीनी राक्षस अपने मुँह में दर्बोच रहा था उस समय हम मौन धारण किए बैठे रहे और शत्रु जो सैकड़ों मील दूर हम से था वह हमारे सिर पर आकर खड़ा हो गया। उसने 1962 में आक्रमण कर देश के सामरिक दृष्टि से महत्वपूर्ण बहुत से भागों का अपने अधिकार में कर लिया। उधर पाकिस्तान का जन्म ही भारत-विरोध के आधार पर हुआ है। वह प्रारम्भ से ही जब उस के यहाँ कोई संकट उत्पन्न होता है तो भारत विरोध का अपना नारा बुलन्द कर देता है। इसलिए उस से शोष सद्भावना की कोई आशा बेकार मालूम पड़ती है। जब जब पाकिस्तान के शासकों का अपना गद्दी हिलती दिखाई देती है तब कोई न कोई नारा वह भारत के विरोध में अपने देश में बुलन्द करते हैं। पिछले 20-21 वर्षों में लगभग तीन आक्रमण पाकिस्तान ने भारत पर किये। सब से पहला आक्रमण 1947 में काश्मीर पर हुआ, दूसरा कच्छ के रत में और तीसरा 1965 में राजस्थान और पंजाब के अन्दर हुआ। इन तीनों ही आक्रमणों में भारत की स्थिति लगभग वैसे ही रही जैसी मोहम्मद गौरी के साथ पृथ्वीराज की थी। इन तीनों ही आक्रमणों में भारतवर्ष के साथ पाकिस्तान का जो कहने और निर्णय लेने का ढंग रहा, वह उस पुराने इतिहास की स्मृति को ताजा कराता है। 1947 में जब भारतीय तापों की आवाज रावल पिण्डो तक पहुँचने लगी तो उस समय के पाकिस्तान के प्रधान मन्त्री श्री लियाकतअली खान ने भारत के प्रधान मन्त्री से बातचीत की और पहली जनवरी, 1948