

"He said the speedy delivery of American arms, including the F-16 fighter-bombers, would be the test of the United States' reliability and its ability to aid its 'friends'."

मान्यवर, अभी तक तो हम इस बात को कहते थे कि जो अमरीका की तरफ से मोफिस्टी-केटेड बोम्ब और एक्विपमेंट और एफ-16 के सिलसिले में जो फौजला किया गया है उसने हमारे इस उपमहाद्वीप में एक ग्राम्स-रेस बढ़ेगी, लेकिन इस फौजले और इस नजरिये से कि पाकिस्तान के राष्ट्रपति ने यहाँ तक कहा है कि हम पाकिस्तान में अमरीका को फौजी अड्डे बनाने तक की अनुमति देंगे— इस से एक नया खतरा खड़ा हो गया है।

मान्यवर, मैं सदन की ओर सरकार की तबज्जेह इस तरफ दिलाना चाहूंगा कि पाकिस्तान और अमरीका की क्या नीयत है। इस सम्बन्ध में वह सचेत हों क्योंकि एक ओर तो पाकिस्तान ने नो-एग्जेशन पैक्ट की बात की है और दूसरी ओर एक विश्व की बड़ी शक्ति से इस तरह से हाथ मिला कर वह जिस तरह से बढ़ रहा है उस से हमारे ही सब कांटीनेंट में नहीं, हिन्दुस्तान के लिए ही नहीं बल्कि पाकिस्तान के नेबरिंग कण्ट्रीज के लिए भी खतरा पैदा हो गये हैं।

आखिरी बात मैं कहना चाहूंगा कि उन्होंने फौजला किया है कि वह अपनी फौजों को बहुत जल्दी एलेक्ट्रानिक वार-फेयर से लैस करेंगे और 5, 6 ब्रिगेड्स और बटालियन्स इस सिलसिले में वह तैयार करेंगे। यह खतरा की तरफ निशानदेही कर रहा है और हमें अपने देश की सावरैनिटी के लिए और अपनी सुरक्षा के लिए, अपनी आत्मनिर्भरता के लिए और अपने बढ़ते हुए प्रगति के कदमों को बचाने के लिए इन ओर ध्यान देना होगा। मैं सरकार का ध्यान इस ओर आकर्षित करना चाहता हूँ।

## I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE ESSENTIAL SERVICES MAINTENANCE ORDINANCE, 1981

### II. THE ESSENTIAL SERVICES MAINTENANCE BILL, 1981.

MR. DEPUTY CHAIRMAN: Now, we shall take up the Statutory Resolution and the Essential Services Bill together. Shri Mathur.

श्री जगदश प्रसाद माथुर (उत्तर प्रदेश) : मैं श्रीमान्, प्रस्ताव करता हूँ कि :

"यह सभा राष्ट्रपति द्वारा 26 जुलाई, 1981 को प्रस्तापित आवश्यक सेवा अध्यादेश, 1981 (1981 का सं० 10) का निरनुमोदन करती है।"

श्रीमान्, गृह मंत्री जी उठ कर चले गये।

THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJI): Sir, he is coming just now. (Interruptions) What I am submitting is that he is coming any moment.

SHRI SUNDER SINGH BHANDARI (Uttar Pradesh): Whatever may be the reason, normally when both the Resolution and the Motion are to be taken up simultaneously, the Resolution is moved and then the Motion is moved.

SHRI PRANAB KUMAR MUKHERJI): Sir, first the Statutory Resolution will be moved and then the Minister will move the Bill separately.

MR. DEPUTY CHAIRMAN: The Motion will be moved separately and the discussion will take place together.

SHRI DINESH GOSWAMI (Assam): I am on a point of order, Sir.

MR. DEPUTY CHAIRMAN: If you have a point of order on the Resolution, you can speak now. Otherwise, you can speak later.

SHRI DINESH GOSWAMI: I will raise it later.

श्री जगदीश प्रसाद माथुर : गृह मंत्री जी, आप की उम्र बहुत लम्बी है। आप सौ साल तक चलेंगे।

श्रीमन्, अभी मेरे भाषण के बाद गृह मंत्री जी अपनी शोबदा दिखायेंगे। ताश के पत्ते का खिलाड़ी जिस तरह से ताश के पत्ते फेंकता है और दिखा देता है कि आप के मन में क्या है उसी तरह अभी माननीय गृह मंत्री जी भी अपने बिल को रखेंगे और हम को आश्वासन देंगे कि यह बिल मजदूरों के खिलाफ नहीं है, यह गरीब आदमी के खिलाफ नहीं है और हम तो उसके जरिए केवल देश की सेवा करना चाहते हैं। क्योंकि इस में एसेंशियल सर्विसेज का मामला है इस लिए हम यह बिल लाये हैं। खैर, मैं इस बात को पूछना चाहता हूँ कि मैं जो जो सवाल कहूँगा, उस का जवाब मंत्री जी देंगे या नहीं देंगे ?

एक माननीय सदस्य : देंगे।

श्री जगदीश प्रसाद माथुर : मैं साथ में यह भी पूछना चाहता हूँ कि आप यह बिल क्यों लाए हैं। अगर वास्तव में आप का इरादा मजदूरों की भलाई करना था तो आप इस को न लाते। लेबर मिनिस्ट्री की तरफ से यह बिल आता तो मैं समझता कि यह मजदूरों की भलाई के लिए कोई बिल है। लेकिन गृह मंत्री जी किस चीज के प्रतीक हैं। वह हमारी पुलिस के प्रतीक हैं, वह डंडे के प्रतीक हैं। वह डंडा ले कर आ गये हैं। इसलिए साफ मालूम होता है कि सरदार जी लेबर मिनिस्ट्री की तरफ से कोई संदेश लेकर नहीं आये हैं। वह गरीब

मजदूर की भलाई के नाम पर डंडा ले कर आये हैं।

दूसरे एक बात और साफ है। पहले एक आर्डिनेंस जारी किया गया। उस आर्डिनेंस में कहीं पर भी ले आफ और ले आउट का जिक्र नहीं था। जब ले आउट और ले आफ के विषय में बात उठी कि यह विधेयक मजदूरों के खिलाफ है और आप ने मिल मालिकों को और बड़े बड़े कारखानेदारों को कुछ नहीं कहा तो प्रधान मंत्री जी ने भी अपनी चिन्ता प्रकट की। तब पिछले दरवाजे से इसे ठीक करने के लिए एमेण्डमेंट रख कर आप इस को लाये। इस से आप का इरादा साफ जाहिर हो जाता है कि आप का उद्देश्य मजदूरों और गरीबों की भलाई करने का नहीं था, बल्कि उन को दबाने का था और इस के साथ ही आप यह एसेंशियल सर्विसेज देने के लिए लाये हैं यह भी नहीं है। अगर इण्डस्ट्रीज में गड़बड़ हो रही होती, हड़तालें होतीं, मैन-डेज काम के गये होते तो मैं मान सकता था।

श्रीमन्, आपको स्मरण होगा कि 1968 में भी इसी प्रकार का बिल कांग्रेस सरकार लाई थी जो 1971 में समाप्त हो गया था। उस समय की स्थिति और आज की स्थिति में जमीन आसमान का अन्तर है। आपको यह भी याद होगा कि उस समय एक सवाल ऐसा खड़ा हो गया था, जितने कर्मचारी थे उन्होंने अपनी यूनियन बना ली थीं। इसलिए आप वह बिल लाये और जनता ने उसको स्वीकार किया था। लेकिन आज ऐसी कोई चीज नहीं है। आपके आंकड़ों के अनुसार ही हड़तालों और उसके साथ ही काम करने के दिनों में कमी नहीं हो रही है। मैं आपके ही आंकड़े कोट करना चाहता हूँ। 1978 में कुल स्ट्राइक्स हुए 3187 और मैनडेज लास हुए कुल 28340। 1979 में स्ट्राइक्स हुई 3068 और काम के दिन कुल गये 45166। इसी तरह 1980 में हड़तालों

हुई 2192 और जो दिन खराब हुए हैं वह हैं कुल 12911। यह दिखाता है कि आज कोई ऐसी स्थिति नहीं है जिससे कि हड़तालें बढ़ रही हों, काम की कमी हो रही हो। लेकिन इसके विपरीत स्थिति यह है कि आप खुद कहते हैं, अभी मंत्री महोदय भी कहेंगे कि देश में बड़ी शक्ति है। आप खुद ही कंट्रैडिक्शन करते हैं। इसीलिए आपका इरादा कुछ और है और जैसा मैंने कहा कि आप अपना करतब दिखायेंगे और दिखा देंगे कि यह धोखाघड़ी आप जनता के साथ करने जा रहे हैं।

श्रीमन्, आपने इसमें बहुत से अधिकार लिए। मैं पूछना चाहता हूँ कि आपने नये अधिकार कौन से लिए हैं जो अधिकार आप के पास पहले नहीं थे? मैं इंडस्ट्रियल डिस्प्यूट्स ऐक्ट का एक-एक सेक्शन आपके सामने रखना चाहता हूँ यह बताने के लिए कि आपने कौन से अधिकार लिये हैं।

सब से पहले आपने स्ट्राइक्स को इल्लिगल करार दे दिया। ठीक है। लेकिन आपके इंडस्ट्रियल डिस्प्यूट्स ऐक्ट में यह पहले से मौजूद है। उसके बाद आपने अधिकार लिया है कि आप ऐसेंशल सर्विसेज की घोषणा करेंगे। ऐसेंशल सर्विसेज की घोषणा करने के लिए आपको कोई अधिकार लेने की आवश्यकता नहीं है। इंडस्ट्रियल डिस्प्यूट्स ऐक्ट के पहले शैड्यूल और उसके साथ सेक्शन 40 में आपको यह अधिकार है। पहला शैड्यूल है ऐसेंशल सर्विसेज का, इसमें दिया गया है :

“The power to amend the Schedule:

1. The appropriate Government may, if it is of the opinion that it is inexpedient or necessary in the public interest to do so, by notification in the official Gazette and to the First Schedule... the First Schedule shall be deemed to be amended accordingly.”

यानी जो ऐसेंशल सर्विसेज हैं, आप किसी भी चीज को ऐसेंशल सर्विस घोषित कर सकते थे सेक्शन 40 के अन्दर शैड्यूल को बदलने के बाद। आपने क्या किया? आपने इस कानून के अन्दर एक नई चाल की है। आपने उसका सूच. का संशोधन कर दिया। सूच. को लम्बा करने के पश्चात् आपने केवल उसमें एक अधिकार लिया है कि जिसको चाहें आप ऐसेंशल सर्विस घोषणा कर दें परन्तु आपको उसके लिए नोटिस देने की आवश्यकता नहीं है।

दूसरा अधिकार आपने लिया है स्ट्राइक को गैर-कानूनी घोषित करने का। यह भी अधिकार इंडस्ट्रियल डिस्प्यूट्स ऐक्ट के अन्दर आलरेडी मौजूद है। लाक-आउट्स या स्ट्राइक्स सेक्शन 22 और 23 के अन्दर बराबर कर सकते हैं लेकिन एक शर्त यह है कि जब कोई स्ट्राइक पर जाएगा तो आपको 6 वीक का नोटिस देना और 14 दिन के पहले स्ट्राइक पर नहीं जाएगा। मगर आपने उनका नोटिस देने का अधिकार भी छीन लिया। आप की उसको ऐसेंशल सर्विस घोषित करने के बाद वह स्ट्राइक पर नहीं जा सकते क्योंकि ऐसेंशल सर्विस में आप उनको जब चाहें बन्द कर देंगे। परन्तु उसके अन्दर एक कंडीशन है कि यदि कोई स्ट्राइक पर जाए या जाने वाला हो और आप स्ट्राइक को इल्लिगल डिक्लेयर कर दें तो इंडस्ट्रियल डिस्प्यूट्स ऐक्ट के अन्दर आपको अनिवार्य रूप से रिक्सिलियेशन के लिए लेबर कमिश्नर को सामने जाना होगा।

Section 10 states:

“Provided further that where the dispute relates to a public utility service and a notice under section 22 has been given the appropriate Government shall, unless it considers that the notice etc. is not frivolous, notwithstanding any other proceeding under this Act, refer the matter to the labour tribunal.”

[श्री जगदीश प्रसाद माथुर]

यह मजदूरी आपके साथ है। आपने क्या किया? आपने सिर्फ यह किया कि मजदूर का जो अधिकार है स्ट्राइक करने का उस स्ट्राइक को इल्लोगल डिक्लेयर कर दिया है। उसको जेल में बन्द करने से पहले, मुकाबला करने से पहले रिकंसाइल के लिए उसको भेजना रोक दिया। यह जो उनका अधिकार था वह छोन लिया। यह छोनना खुद यह दिखाता है कि वास्तव में आप मजदूरों के खिलाफ हैं। रिकंसाइलेशन का मजदूरों का अधिकार है। इंडस्ट्रीयल डिसप्यूट ऐक्ट के अन्दर जो उनका अधिकार है, रिकंसाइलेशन का, हर झगड़े को देखने का वह आपने छोन लिया है। आपने मजदूरों के सब रास्ते बन्द कर दिये। इन सबसे हम समझते हैं कि आप मजदूरों के संरक्षक हो कर नहीं आए, आप पुलिस का डंडा ले कर आए हैं। इसके साथ ही साथ मैं यह भी समझता हूँ कि इसका उपयोग आप पालिटिकल परपज से करना चाहते हैं। बंगाल, केरल और मद्रास के अन्दर, विरोधी सरकारें हैं। इसके जेरिए आप जहाँ चाहें दखल दे सकते हैं। इसे पहले आपके पास दखल देने का अधिकार नहीं था। दूसरे...

It can now be used as a political weapon against the opposition Governments. मेरा कहना यह है कि आप जब चाहें जिस कारखाने में चाहें इल्लोगल स्ट्राइक डिक्लेयर करके मजदूरों को उनके विरोध में खड़ा कर सकते हैं। It is also a measure of economic exploitation. मुझे याद है श्री अटल बिहारी वाजपेयी जो ने और दूसरे लोगों ने यह घोषणा की थी कि विदेशों से जो गेहूँ मंगाया जा रहा है वह गेहूँ देश में उतारने नहीं दिया जाएगा। अगर विदेशो गेहूँ उतरा और विदेशो गेहूँ को कोफा देश के किसानों के गेहूँ की कीमत

से अधिक हुई, जैसी घोषणा की गई है तो मजदूर उसका विरोध करेंगे। यदि, यहाँ के किसान अपनी कीमत मांगेंगे और किसान को आपने विदेशो गेहूँ की कीमत नहीं दी तो वे आन्दोलन करेंगे। जब वे आन्दोलन करेंगे तो आप उनकी स्ट्राइक को बन्द कर के उन्हें जेल में बन्द कर देंगे। इस तरह से आप मजदूरों का इकॉनॉमिक एक्सप्लोएटेशन करेंगे। मैं इस संदर्भ में असम आन्दोलन की बात कहना चाहता हूँ। असम में आन्दोलन चले हुए साल भर से ऊपर हो गया। वहाँ भी हड़ताल हुई, रास्ते बन्द किये गये तेल के। आप इन सब को रोकना चाहते हैं। इसके माध्यम से। जितने भी जेतुइन पालिटिकल मूवमेंट होंगे आप उनको दबाना चाहते हैं। क्या आप यहाँ आश्वासन देंगे कि आप उनको नहीं दबायेंगे और कर्मचारियों की सेवाएं, उनके आन्दोलन चलने देंगे।

अन्त में एक-दो बात कह कर मैं समाप्त करूँगा। ज्यादा लम्बी बात नहीं कहना चाहता। जब दूसरे दौर में जवाब दूँगा तब एक-एक का जवाब दूँगा। स्ट्राइक करना, हड़ताल करना मजदूरों का जन्मसिद्ध अधिकार है। यह अधिकार मजदूरों ने आप से मांगा नहीं। दुनिया भर में संघर्ष के बाद यह अधिकार उन्होंने लिया है और यह उनका जन्म सिद्ध अधिकार है। आप लोकतंत्र की बात करते हैं यदि आपके और मजदूर के बीच, मजदूर और कल कारखानों के बीच समझौते का गुजाइश न रहे तो लोकतंत्र चलना मुश्किल हो जाता है। मैं यह भी बताना चाहता हूँ कि मिल-मालिकों के साथ आपने किस तरह से पक्षपात किया है। इण्डस्ट्रीयल डिसप्यूट ऐक्ट के अन्दर आपके पास जो अधिकार थे उनको आपने बढ़ा लिया है। इंडस्ट्रीयल डिसप्यूट ऐक्ट के अन्दर यह है कि यदि कोई इल्लोगल स्ट्राइक पर जाए तो एक महीने की सजा दी जाए लेकिन आपने उस को

बढ़ा कर 6 महीने कर दिया। इसी तरह से अगर कोई इंस्टीगेट करेगा तो उसके लिए 6 महीने की सजा का प्रोविजन है लेकिन आपने उसको बढ़ा कर साल भर कर दिया। इसी तरह से अगर कोई पैसा दे तो उसके लिए भी 6 महीने की सजा का प्रोविजन है लेकिन इसे भी आपने बढ़ा कर एक साल कर दिया। इसके साथ ही आपका सेक्शन 5 कहता है कि यदि कोई मजदूर हड़ताल पर जाय तो उसे छः महीने की सजा और एक हजार रुपये जुर्माना होगा। लेकिन यदि कोई इंस्टीगेट करे तो उसको एक साल की सजा और दो हजार रुपये जुर्माना होगा। आपने मिल-मालिकों और कारखाने वालों को भी मजदूर के बराबर कर दिया है। उसको भी सजा उतने ही दिनों की होगी जितनी मजदूर को होगी। अगर उसका ले-आउट इल्लिगल है तो [उसको भी एक साल की सजा या एक दो हजार रुपये जुर्माना होगा। मैं गृह मंत्री महोदय से पूछना चाहता हूँ कि क्या उनको इस बात की जानकारी नहीं है कि हमारे देश में मिल-मालिकों और मजदूरों में बहुत बड़ी आर्थिक खाई है? इंडिविजुअल प्रोपर्टी के मालिक या कारखानेदार को भी एक हजार रुपये जुर्माना और मजदूर को भी एक हजार रुपये जुर्माना करता, क्या न्यायसंगत है? किसी भी कारखाने में पार्टनरशिप में 10 साझेदार हो सकते हैं। 10 आदमी मिल कर एक हजार रुपये देंगे और उनको 100 रु प्रति व्यक्ति देने पड़ेंगे, लेकिन एक मजदूर को अकेले एक हजार रुपये देने पड़ेंगे! क्या यह आपका पक्षगत नहीं है। इंस्टीगेट करने पर मजदूरों के लिए जुर्माना दो हजार रुपये रखा गया है। ले-आउट के लिए भी यही प्रावधान है। जौयण्ट स्टाक कम्पनी भी होती हैं। उनमें कई लोग मालिक होते हैं। उसमें स्ट्राइक की जो परिभाषा

आपने की है और जो और की परिभाषा की है उसकी तरफ सरदार जी ध्यान दें। और की परिभाषा में जौयण्ट स्टाक कम्पनियां भी आती हैं? उसमें कितने लोग हैं और वे कौन-कौन लोग हैं, वे सब मिल कर एक हजार रुपये देंगे। अगर 50 लोग हैं या 40 लोग हैं तो यह जुर्माना उनमें बंट जाएगा। लेकिन मजदूर को अकेले एक हजार या दो हजार रुपये देने पड़ेंगे। मैं समझना हूँ कि यह न्याय नहीं है। असल में आपका इरादा मजदूरों को दबाना था। जब आपने देखा कि इसके खिलाफ जनता की आवाज उठ रही है तो आपने लोगों की आंखों में धूल डालने के लिए यह संशोधन कर दिया। आपने मिल-मालिकों के साथ समझौता कर लिया। सच बात तो यह है कि अगर वे चाहें तो लोक-आउट भी कर सकते हैं। वे कोई भी बहाना लेकर लोक-आउट कर सकते हैं। वे कह सकते हैं कि पावर फैल्योर है पावर का संकट बनावटी भी हो सकता है। अगर कोई इस तरह से लोक-आउट डिक्लेयर करते हैं तो उनको कोई सजा नहीं होगी। लेकिन अगर मजदूर हड़ताल का एक इशारा भी कर दे तो उसको सजा हो सकती है। इंडस्ट्रियल डिस्पूट एक्ट के अन्दर स्ट्राइक की परिभाषा मात्र इतनी है कि अगर कोई अकेला स्ट्राइक करे या जौयण्ट स्ट्राइक करे तो उसको सजा हो सकती है। लेकिन आपने इस परिभाषा को बदल दिया है इसको इतना व्यापक कर दिया है कि न तो वह इम्प्लायमेण्ट के लिए मना कर सकता है और न ही ओवर-टाइम काम करने के लिए मना कर सकता है। देखने में तो यह शब्दावली सामान्य लगती है, लेकिन यह बड़ी महत्वपूर्ण है। इंडस्ट्रियल डिस्पूट एक्ट में तो 'इम्प्लायमेण्ट' शब्द है। उसमें लिखा है इफ ही रिफ्यूजेज एनी इम्प्लायमेण्ट। लेकिन आपने उसको 'इवन इफ ही रिफ्यूजेज एनी वर्क एसाइण्ड' कर दिया है। आप जानते हैं कि एसाइण्ड और इम्प्लायमेण्ट में बहुत बड़ा फर्क है।

[ श्री जगदीश प्रसाद माथुर ]

अगर बदली के मजदूर भी काम करने में मना कर दें तो वे भी इसमें आ जायेंगे, उनको भी आप सजा देंगे। इंडस्ट्रियल डिस्प्यूट एक्ट में आज तक बदली के मजदूरों को सजा देने की कोई गुंजायश नहीं थी। टेम्परेरी मजदूरों को इस प्रकार सजा नहीं दी जाती थी। आपने इस शब्दावली को बदल दिया है। बदली के मजदूरों और टेम्परेरी मजदूरों को भी इसमें शामिल कर दिया है। लेकिन जनाब, मैं बैठने से पहले सरदार जी को यह चेतावनी देना चाहता हूँ कि हिन्दुस्तान का मजदूर आज गरीब जरूर है, लेकिन वह अब सन् 1940 का या 1947 का या 1968 का मजदूर नहीं है। आज वह सन् 1981 के अन्दर खड़ा है। वह अपने अधिकारों के लिए लड़ेगा, संसद् लड़ेगी, पोलिटिकल पार्टियां लड़ेंगी। यदि आपने उम पर हाथ उठाया तो आपको हानि उठानी पड़ेगी, देश को हानि उठानी पड़ेगी। मैं यह भी कहना चाहता हूँ कि अगर आपने इस हथियार से कुछ नहीं किया तो आपके हथियार पर जक लग जाएगा।

जंक खाया हुआ हथियार कभी अच्छा नहीं होता। आपने मजदूर के दिल में खौफ पैदा करने की कोशिश की है, इट विल डिफीट यूवर पर्पज, उनके दिल में खौफ पैदा नहीं होगा। अगर आप इसका इस्तेमाल करेंगे तो आप हानि उठावेंगे, नुकसान उठावेंगे। इसलिए मैं सचेत करना चाहूँगा कि आप अपने इस बिल को परिवर्तित करें, बदलें, इरादे बदलें। अभी समय है। अगर लोक सभा ने इस बिल को पास कर दिया तो भी अभी खड़े हो कर आप कहें कि मैं बिल को वापस लेता हूँ। अगर आप यह हिम्मत करेंगे तो हम सब आपको धाई देंगे क्योंकि इसमें जनतंत्र का हनन है, लोकतंत्र का हनन है, मजदूरों का हनन है

और खुलमखुल्ला ऐसे धालों, मिल-मालिकों की तरफदारी आपका इरादा है। इन बातों को ध्यान में रख कर आप अपने इरादे बदल लें। तो मैं समझता हूँ कि आप एक अच्छा काम करेंगे। मैं चाहूँगा कि मने जो सवाल किये हैं आप उनके जवाब दें और जो सवाल आप करेंगे उनका जवाब मैं आपको बाद में अर्ज करूँगा।

**SHRI DINESH GOSWAMI:** Sir, on a point of order. My point of order relates to rule 68, rule 123, rule 124 and rule 95 of the Rules of Procedure and Conduct of Business in Rajya Sabha. So far as rule 68 is concerned, it says that before a Bill can be considered, it has to be published in the Official Gazette. I would like to know from the hon. Minister whether this requirement had been complied with, whether the Bill has been published in the Official Gazette.

So far as rules 123 and 124 are concerned, a Bill cannot be discussed unless there is a gap of two days from the time the Bill is circulated. Sir, this is an important Bill which has created tremendous public resentment.

When this is the position, in regard to such an important Bill, we should have been given sufficient time to study this Bill. This Bill has only been circulated yesterday and my respectful submission is that this violates rule 123. Rule 95 says that notices of amendments must be given one day before the day on which the Bill is considered. Now, this morning, after we have come to the House, we have been given a bunch of amendments. (Interruptions) Some of the Members have yet to give their amendments. At least, one day is required by the Members for the purpose of consideration of the amendments and Members can take objection. Now, this morning, after we have come to the House, amendments have been given, I think, during the course of the day, some more amendments will be given to us. The question is,

whether rule 95 has not been violated in this case and, if so, my respectful submission to the hon. Chair would be, in regard to such an important Bill, where we have got amendments running into hundreds—190 is the number I have got; this number may increase during the course of the day—how can we waive this rule of one day? When you have got 200 amendments, how do you expect us to give due consideration to them, when we are not given sufficient time? Or, do you want that this House should sit and pass something without applying its mind? How do you expect me, at the same time, to listen to the debate, to take note of the points, to consider the 200 amendments and decide whether one should support a particular amendment or oppose a particular amendment? My respectful submission is, there is gross violation of rule 123, rule 124 and rule 95. Even if these amendments had been given to us in the morning, we, probably would have had some two hours in the morning to go through these amendments. After all, a Member cannot be expected to put his seal of approval or disapproval without going through the amendments. With respect, I would submit that if we are to give our views on these amendments, then, it will be a mockery because we shall have to give either our approval or our disapproval without knowing as to what we are voting for. Some of us would not like to take this position.

Therefore, my submission will be, that, firstly, this Bill should not be taken into consideration. Or, secondly, even if this Bill is taken into consideration at the first stage the second stage, namely, the second reading, must not, under any circumstances, take place unless we are given sufficient time to consider the 200 odd amendments. My respectful submission will be that the discussion on this Bill should be postponed, or, at any event, if we have decided to waive the two-day rule, the second

reading should be postponed because we must be given at least 24 hours to study the 200 odd amendments which the Members have given and to which we cannot give due consideration because the Bill has been circulated only yesterday.

SHRI NARASINGHA PRASAD NANDA (Orissa): Sir, do you want to be a party to the executive converting Parliament into a rubber stamp, or, do you want that the procedure should be followed in this House? The point raised by Mr. Goswami goes to the very fundamental of functioning of our parliamentary system.

SHRI M. KALYANASUNDARAM (Tamil Nadu): Sir, I am on a point of order.

SHRI NARASINGHA PRASAD NANDA: I am not repeating what he has said, but I would like to know whether you want to be a party to the Parliament being converted into a rubber stamp by the executive.

SHRI M. KALYANASUNDARAM: In the first instance, I support the point of order raised by hon. friend Dinesh Goswami about the want of notice for moving the Bill in this House. In addition to that, there seems to be no such hurry, it can wait. It is now moved by the Home Ministry. In the other House also it was moved by the Home Ministry and here also it is sought to be moved by the Home Ministry. This is a matter concerning industrial relations, which is the responsibility of the Labour Ministry. To the embarrassment of the Home Ministry, it is said in the Statement of Objects and Reasons of the Bill that there have been certain disquieting trends like affecting the maintenance of essential services in some vital sectors of the economy; that is what is claimed by the Home Ministry. And here is a statement by the Labour Ministry. The Labour Ministry says, I quote: it is

[Shri Kalyanasundaram]

from their own communique which has appeared today:

"The number of mandays lost in the country has decreased to 21.93 million in 1980 from 43.85 million in 1979."

MR. DEPUTY CHAIRMAN: That is a question of merit.

SHRI M. KALYANASUNDARAM: What does it show? It shows that the number of mandays lost has come down. That means, there is no serious threat of strike etc. The working class is giving its performance all right and the disturbing causes may be elsewhere. (Interruptions). So, the other point is, why is the Home Ministry piloting this Bill?

श्री सुन्दर सिंह भंडारी : जो श्री, गोस्वामी जी ने प्वाइंट उठाये थे उनको होम मिनिस्टर साहब को जवाब .. (व्यवधान) वे प्रोसीजर को चैलेंज है .. (व्यवधान) उसमें तो आपकी रुलिंग चाहिए ।

MR. DEPUTY CHAIRMAN: Let me hear him, then I will say. Let us hear the Minister

... (व्यवधान) मैं हलिया दूँगा ।

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Sir, I have another point of order.

SHRI S. KUMARAN (Kerala): The Minister may reply afterwards. We want a ruling from the Chair.

MR. DEPUTY CHAIRMAN: I will give the ruling, he will not give the ruling.

PROF. SOURENDRA BHATTACHARJEE: I have another point of order. After I have spoken let the Home Minister reply. My point of order relates to the memorandum which was presented by the Home Minister in the Lok Sabha explaining the reasons why advance copy of the Bill could not be circulated to the

Members. But in the Rajya Sabha the Home Minister has not felt it necessary to place any explanation as to why the entire process as stated by Mr. Dinesh Goswami is being bypassed. This constitutes a contempt of this House. It is the utter contempt in which the entire process is being turned to a mockery and no explanation is forthcoming. This cavalier manner of preparation and presentation of the Bill, not giving an opportunity to give amendments, and the whole process of circulating the amendments is not explained. There is no reason why during the entire session.... (Interruptions).

SHRI AMARPROSAD CHAKRABORTY (West Bengal): Give a ruling.

MR. DEPUTY CHAIRMAN: So far as the Bill, as introduced in Lok Sabha, is concerned, immediately after it was introduced in the House it was circulated to the hon. Members. Now, the Bill, as passed by the Lok Sabha, was also circulated. So, what Mr. Sourendra Bhattacharjee has said, that point is answered. Now rule 68 .... (Interruptions). Please let me have my say. So far as rule 68 is concerned, when the Bill was introduced, it was published by the Lok Sabha Secretariat. You can see the gazette in the Library. I don't have the date. If the hon. Member wants, he can go to the Library and see it. I can also communicate to him during the day.

The next point is about rule 123. I agree with Mr. Dinesh Goswami that that rule is there; that should have been done. But in the circumstances in which the Bill was passed yesterday.... (Interruptions). Let me tell you... morning at 4 A.M. we have circulated the revised Agenda and the Home Minister sought the direction of the Chairman under rule 123 to set down this thing and to allow him to move this Motion today. The hon. Chairman was pleased to order this. I would like to read this



order of 16th September, Rule 123 itself says:

"On the day on which the motion for consideration is set down in the list of business which shall, unless the Chairman otherwise directs, be not less than two days from the receipt of the notice..."

So the Chairman has this authority to direct otherwise and on the request of the hon. Home Minister, in the special circumstances in which the Bill was delayed in the Lok Sabha, the Chairman was pleased to direct accordingly. I am reading this, please. This is dated 16th September, 1981.

"On the request of the Home Minister, in pursuance of rule 123 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I direct that the motion for consideration of the Essential Services Maintenance Bill, 1981, as passed by the Lok Sabha, be set down in the List of Business for 17th September, 1981."

Therefore, this point does not arise.

The last point made by Mr. Dinesh Goswami was regarding the amendments. In this House, we have followed the procedure and convention—everyone knows it—that amendments are accepted even at the time when the clause is being considered. So, there is no problem and you can move your amendment at that stage. We shall accept it.

PROF. SOURENDRA BHATTACHARJEE: We have not got the amendments.

MR. DEPUTY CHAIRMAN: All these have been circulated now.

SHRI SADASHIV BAGAITKAR (Maharashtra): Circulated just now.

श्री शिव चन्द झा (बिहार) : मेरा प्वाइंट आफ आर्डर है । . . .

MR. DEPUTY CHAIRMAN: Amendments are being circulated now. As and when they are received

in the office, they will be circulated and considered at the proper stage.

I have disposed of all the points.

SHRI ARVIND GANESH KULKARNI (Maharashtra): May I bring to the notice of...

SHRI DINESH GOSWAMI: My point is, I am taking objection under rule 95 for taking into consideration all these amendments. Has the Chairman given permission?

श्री शिव चन्द झा : मेरा प्वाइंट आफ आर्डर सुन लीजिए . . .

MR. DEPUTY CHAIRMAN: I have said that has been allowed. I have replied to that point. These amendments have been accepted and they will be accepted till the clauses are moved. You can move your amendments. There is no point in that. (*Interruptions*)

SHRI DINESH GOSWAMI: But how can we reply? (*Interruptions*)

SHRI ARVIND GANESH KULKARNI: Sir, I bring to the notice of my friends on this side of the House that on many occasions amendments are accepted and moved at the nick of time also. There is no such convention in this House that the amendment is rejected or requires any permission. Bhupesh Gupta himself moved many amendments and we discussed them. Why unnecessarily create a problem when it is not a problem at all? On substantive issues, let us fight with the Government.

श्री शिव चन्द झा : मेरा प्वाइंट आफ आर्डर सुन लीजिए . . .

SHRI PRANAB KUMAR MUKHERJEE: There were occasions when amendments were being accepted even at the last moment. Even ten minutes before, we have accepted them.

MR. DEPUTY CHAIRMAN: Please see rule 95 itself. At the end, it says: "unless the Chairman allows the

[Mr. Deputy Chairman]

amendment to be moved". So it can be moved, as rightly observed by Mr. Kulkarni, at the last moment.

श्री शिव चन्द झा : मेरा पॉइण्ट ऑफ ऑर्डर सुनिए । अध्यक्ष जो का जो आपने पढ़ कर सुनाया ...

MR. DEPUTY CHAIRMAN: I would like to inform Shri Dinesh Goswami that the Bill was introduced in the Lok Sabha on 10th September and it was published in the Gazette the same day.

श्री शिव चन्द झा : मेरा पॉइण्ट ऑफ ऑर्डर तो जरा आप ठीक से सुनिए ।

संसदीय कार्य विभाग में राज्य मंत्री (श्री सोताराम केसर) : भोजन का टाइम हो गया ।

श्री शिव चन्द झा : आप ने पढ़ कर सुना दिया । हम लोग मान लेते हैं , मानते ही नहीं हैं एवाइड बाई करते हैं । उन्होंने कहा कि लिस्ट ऑफ बिजनेस शूड बी इन्क्लूडेड । लेकिन आप जानते हैं, लिस्ट ऑफ बिजनेस में जैसा हाफ एण्ड आवर डिस्कशन दो दिन पहले भी था लेकिन उसे बाद में ले लिया, जिस दिन प्रस्तुत हुआ सदन में उस के दो दिन बाद ले लिया । यह बात ठीक है, अमेंडमेंट आखिरी वक्त भी दिए जाते हैं, मैं भी आखिरी वक्त देता हूँ । सर्कुलैट होते हैं, वह बात नहीं है । लेकिन यह गंभीरता का विषय है इस बिल में जो बातें हैं, ठीक हैं, मैं स्वागत करता हूँ लेकिन उसको स्टडो करने के लिए आप इस को पोस्टपोन करें और दो दिन का समय और दें ...

श्री उपसभापति : यह नहीं हो सकता है ।

श्री शिव चन्द झा : क्यों नहीं हो सकता है ?

श्री उप सभापति : जो हो नहीं सकता उसको बिला वजह कह रहे हैं । होम मिनिस्टर ।

श्री शिव चन्द झा : हाफ एण्ड आवर को किया है कि नहीं ? और दूसरे विषयों को पोस्टपोन किया है या नहीं ? सोमवार को लीजिए इसको । अच्छी तरह से इसको पढ़ने दिया जाए ।

MR. DEPUTY CHAIRMAN: Mr. Minister, please move the Bill.

THE MINISTER OF HOME AFFAIRS (GANI ZAIL SINGH): Mr. Deputy Chairman, Sir, I beg to move:

"That the Bill to provide for the maintenance of certain essential services and the normal life of the community, as passed by the Lok Sabha, be taken into consideration."

Sir, the Essential Services Maintenance Ordinance, 1981, was promulgated by the Government as there have recently been some disquieting trends in some of the vital sectors of the national economy in spite of Government's best efforts to maintain healthy industrial relations. In the prevailing situation, effective measures had to be taken to check inflation and to keep the wheels of production running. Services which intimately affect the life of the common man have also to be maintained without any hindrance. At the same time, Government are fully conscious that legitimate grievances of workers in these essential services should receive adequate and prompt attention. Government, therefore, desire to reiterate their determination that in essential services where strikes, lock-outs and lay-offs would be prohibited, it will be ensured that the existing industrial relations machinery for conciliation and adjudication is fully activated so that disputes, when referred to that machinery, are resolved, as far as possible, within 90 days.

Such essential services which may be notified under the provisions of the Ordinance would involve three types of employees—Government employees, in the public sector and employees in the private sector. Even though the conciliation and adjudication procedures under the Industrial Disputes Act, 1947, are uniformly applicable to all categories of industrial employees, non-statutory arrangements have been set up to deal with disputes even before they are referred, if at all, for conciliation and adjudication. There are the Joint Consultative Machinery for dealing with disputes in Government services, permanent negotiating machinery in the Railways and in the Posts and Telegraphs Department and the centralised agency of the Bureau of Public Enterprises in the Ministry of Finance to examine and obtain Government orders expeditiously regarding matters pertaining to the public sector employees. All these arrangements will be used more effectively by strengthening them, wherever found necessary, so that the genuine grievances of the employees covered by them are settled in a time-bound frame. A similar approach would also be adopted regarding disputes in essential services falling in the private sector by taking timely step towards preventive and informal mediation.

Government are confident that all these steps would lead to a prompt and satisfactory solution to all the legitimate demands of the employees in the essential services which will help recreating a healthy industrial relation climate.

Sir, some of the points raised by the Mover of the Statutory Resolution have been covered in my statement.

AN HON. MEMBER: Not a single point has been covered.

GIANI ZAIL SINGH: The remaining points I shall take up at the time of my final reply.

*The questions were proposed.*

SHRI SHIVA CHANDRA JHA :  
Sir, I move:

“That the Bill to provide for the maintenance of certain essential services and the normal life of the community, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri R. R. Morarka
2. Shri Shridhar Wasudeo Dhabe
3. Shri Harekrushna Mallick
4. Shri Biswa Goswami
5. Shri Hari Shankar Bhabhra
6. Shri Kalraj Mishra
7. Shri Hukmdeo Narayan Yadav
8. Shri R. Ramakrishnan
9. Shri V. Gopalsamy
10. Shri Pattiam Rajan
11. Shri Shiva Chandra Jha

with instructions to report by the first week of the next Session of the Rajya Sabha.”

PROF. SOURENDRA BHATTA-CHARJEE: Sir, I move:

“That the Bill to provide for the maintenance of certain essential services and the normal life of the community, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri Narasingha Prasad Nanda
2. Shri Era Sezhiyan
3. Shri Shiva Chandra Jha
4. Shri Jagdish Prasad Mathur
5. Shri P. Ramamurti
6. Shri M. Kalyanasundaram
7. Shri Dinesh Goswami
8. Shri Ajit Kumar Sharma

[Prof. Sourendra Bhattacharjee]

9. Shri Amarprosa Chakraborty

10. Prof. Sourendra Bhattacharjee

with instructions to report by the first week of the next Session of the Rajya Sabha."

*The questions were proposed.*

MR. DEPUTY CHAIRMAN: The Statutory Resolution motion, the motion for the consideration of the Bill and the amendments moved are now open for discussion. Shri Dhabe.

SHRIMATI PURABI MUKHOPADHYAY (West Bengal): Sir, will the Minister tell us... (*Interruptions*) I want this clarification. Under which section lock-outs and other things are being brought?

MR. DEPUTY CHAIRMAN: He will do it.

SHRIMATI PURABI MUKHOPADHYAY: It is not there, closure is not included.

MR. DEPUTY CHAIRMAN: Let him start.

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): The Hon. Minister has just now moved the Bill which has been described the workers and the working class as the blackist Bill in the history of our industrial relations.

श्री उपसभापति : श्री धाबे जी जारी रखेंगे ।

सदन की कार्यवाही दो बजे तक के लिए स्थगित की जाती है ।

The House then adjourned for lunch at eleven minutes one of the clock.

The House re-assembled after lunch at three minutes past two of the clock, The Vice-Chairman (Dr. Rafiq Zakaria) in the Chair.

SHRI SHRIDHAR WASUDEO DHABE: Mr. Vice-Chairman, Sir, this Bill is the result and cumulative effect of the anti-labour policies of the Government carried on for the last few years. Sir, you may remember that during the Emergency, workers were deprived of bonus in loss-making units and bonus was also reduced to four per cent which was resented by all the workers. And not only that, as soon as this Government came to power, the first amendment to the Payment of Bonus Act was that the public-sector workers would not be entitled to bonus as of right. Their right was taken away. And what were the last two things that we have seen? The strike by the workers in the public sector units at Bangalore where the workers were demanding implementation of the agreement with the BHEL. The Government did not accede to it, which resulted in a continuous strike.

Similar is the story with Life Insurance. An agreement which was called a historical agreement of 1974, was tried to be annulled by an ordinance reducing bonus and dearness allowance. Lastly, in the name of containing inflation, when the Government servants were entitled to increased dearness allowance and three instalments are due. They are not paid at all. And Government wants to resort to wage freeze and does not want to make consultation with its own employees. Not only that—this is very serious—the Planning Minister said that State Governments have been advised not to pay increased dearness allowance to their employees. Employees in the public sector, in the Government sector, are also put to harassment. This Bill which has been moved by the Home Minister, is a culmination of all that, now strike shall be

banned. It never succeeded and it is not going to succeed in our country this time also. This a draconian Bill. But the interesting part of it is about lay-offs and lock-outs. By introducing lay-offs and lockouts the Home Minister has himself laid off the Labour Ministry. The Labour Ministry is nowhere in the picture. Up till now it has never happened that a labour relations Bill is moved by a Minister other than Labour Minister, and Labour Ministry is not consulted. It is not clear whether Labour Ministry was consulted in this important matter.

In this connection, on 26-7-1981 when the Ordinance was issued, the reasons given were: On the labour front some vital sectors of national economy are showing disquieting trends. That is the first reason given. The second reason is that the serious development on the labour front might affect the maintenance and supply of essential services, services essential for life. And the third reason is the general reason, to check inflation and keep the wheels of production running and that essential services have to be maintained at all costs. And then, another most curious reason given is that no powers were available to the Central Government to prohibit strikes in essential services.

I will deal with the last cause. Is it not a fact that there is a provision under the Industrial Disputes Act of 1947 governing industrial relations which provides specifically in Section 22 for prohibition of strikes? As soon as a notice of strike is given in essential services, which is called the public utility services there under the First Schedule, the Government is bound to hold conciliation proceedings and during conciliation and arbitration no strike can take place. Not only that. There is a clause providing for prosecution and conviction in the case of illegal strikes and lockouts. Rupees fifty and one month's imprisonment is the punish-

ment provided. Penalty for instigation is six months and Rs. 1000. These are the provisions under the Industrial Disputes Act of 1947. Section 90 of Chapter V of the Industrial Relations Bill of 1978 brought by the last Government also provided for a similar thing. It was a comprehensive Industrial Relations Bill. It said that no employee shall go on strike in allowing any breach of contract in essential services. Thus in the essential services strike was banned. Alternatively they provided that compulsory adjudication should be there. That Bill also provided certain provisions for penalties and the penalties also for illegal lockout, three months and Rs. 500 fine; for instigation six months and a fine of Rs. 2000. Spending money, or financing etc., six months and Rs. 2000. Now, Sir, this provision of the Industrial Disputes Act has been set at naught by the provision contained in clause 12 of this Bill. This clause says: that the provisions of this Bill shall prevail in spite of provisions contained in the Industrial Disputes Act, 1947. What does it mean? The Industrial Relations Bill was introduced at that time in the House by the Janata Government and Bill took away the rights of workers. Then labour leaders of all shades were unanimous in opposing the move. The workers took out a huge rally to Parliament on the 20th November, 1979. All parties including the INTUC called it a black Bill. I would like to refer to the debate that took place on 20-11-1978 in this House, demanding that the Industrial Relations Bill should be discussed. On page 155 of that day's debate this is how an hon. Member's speech has been reported:

"The Industrial Relations Bill should be discussed. It is a black Bill. Outside the House lakhs of workers have assembled to protest against this black Bill. I would like to know what time you are fixing for the Industrial Relations Bill. We emphasize that it should be rejected and withdrawn."

[Shri Shridhar Wasudeo Dhabe]

This demand was made by no less a person than the President of the INTUC at that time, Shri Anant Prasad Sharma, who is today a Cabinet Minister. In fact the punishment you are providing for in this Bill is much more than what the Industrial Relations Bill contained. For illegal strike, clause 5 prescribes six months or a fine of Rs. 1,000. For instigation clause 6 prescribes one year and a fine of Rs. 2,000. For giving financial aid clause 7 prescribes one year or a fine of Rs. 2,000. The punishments are double than what were prescribed in the Industrial Relations Bill of 1978. The punishments are much more than what were prescribed under the Industrial Disputes Act of 1947. Therefore, the statement that no remedy was available under the existing law to deal with such situations.... (Time bell rings) I have just begun....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I am very sorry. You may have begun just now, but you have got only 15 minutes.

SHRI SHRIDHAR WASUDEO DHABE: If you do not want any debate, then...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): But the debate has to be according to the time schedule.

SHRI SHRIDHAR WASUDEO DHABE: I am aware of the time I have taken.

SHRI NARASINGHA PRASAD NANDA: This debate will go on for a long time. In the other House it went on for three days...

SHRI B. D. KHOBRADE (Maharashtra): More time should be given.

SHRI NARASINGHA PRASAD NANDA: Kindly realise how sensitive is this subject.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): It may be sensitive, but...

SHRI P. RAMAMURTI (Tamil Nadu): We are prepared to sit late.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Nanda, you are a member of the Business Advisory Committee.... (Interruptions)

SHRI NARASINGHA PRASAD NANDA: In the Lok Sabha the Government thought that they could finish it in two hours. How much time was taken there? Probably your assessment is the same in this House. There can be no steam-rolling for this Bill.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): All right, all right. Your point is noted, Mr. Nanda.

SHRI SHRIDHAR WASUDEO DHABE: Sir, the provision is for a fine of one thousand rupees and imprisonment for six months. But here, under clause 6, it is two thousand rupees and one year for the trade union leaders and if anybody finances that strike, he has to undergo imprisonment for one year. Sir, these provisions have been made against the provisions of the Industrial Disputes Act which also provides for such punishments. My friend and presently a Cabinet Minister, Shri A. P. Sharma, and also the INTUC members, when they were sitting here, and also the ruling party members, have all described the Bill of 1978 as a black Bill. Therefore, it will not be an exaggeration to say that this is the blackest Bill that has been brought forward by the ruling party and it is really surprising that the Government has brought forward this Bill. What is still worse is this: When the Ordinance was promulgated, it was pointed out that lay-offs and lock-outs were not included in it. A statement was then made by the

Prime Minister that they were covered in the Bill. But now they have been included, but that also in a haphazard way. In the case of instigation of a lock-out or lay-off, there was a provision in the Industrial Disputes Act which still exists today and there are provisions in the Industrial Disputes Act under which anybody who instigates a lock-out, anybody who finances a lock-out, is punishable and these provisions are contained in sections 27 and 28 of the Act which make these things an offence. These offences by the management have been wiped out completely by the provisions of the Present Bill. Now, what does it say? Here, if the workers and the trade union leaders instigate a strike, they are punished with a fine of two thousand rupees and imprisoned for one year. But, if the employer or the employers' association instigates a lock-out or lay-off, then there is nothing for them and the clauses in the Bill, 8 and 9, do not speak of any punishment for them and, therefore, this is nothing but discrimination and *per se* illegal and this shows that the Government is on the side of the vested interests only.

Secondly, there is no provision here in this Bill for any adjudication or conciliation. Keeping in mind the whole gamut of the industrial relations law, Sir, with your permission, I would like to quote a small paragraph from the Sixth Five Year Plan which has been accepted by the Government as a policy of the Government with regard to industrial relations during this Plan period. I am quoting from page 404, para 24.22 of the Plan:

"It may also be stressed that if the huge investments during the Five Year Plan are to yield the desired results, certain important measures cannot be delayed for long; for example, the core sector including power, energy, coal, steel and transport needs to be insulat-

ed against uncertainties of the industrial relations situation to the maximum extent possible. If adequate consultative machinery and grievance procedures are evolved and made effective, strikes and lock-outs can become redundant in these industries. In other areas also, strikes and lock-outs should be resorted to only in the last stage. Effective arrangements should also be made for the settlement of inter-union disputes and to discourage unfair practices and irresponsible conduct."

This has completely been by-passed. The policy of the Government with regard to industrial relations for the settlement of disputes through collective bargaining or through grievance procedures has been annihilated in this Bill. Under this Bill, Sir, the Government has taken the power only to declare a strike as illegal and there is nothing else. The Industrial Disputes Act has been put in the cold storage. I can understand if the Minister says that they are making efforts for creating such a machinery or that a collective bargaining machinery is going to be created. But I would like to point out one thing here. Sir, you know all the labour laws of Bombay, the labour laws in Maharashtra, and you may be aware that the National Labour Commission, constituted in 1969, had itself provided for an industrial relations commission and recommended that such a commission should be constituted. It had also been recommended that a bi-partite negotiating machinery should be constituted so that the problems could be solved and settled. But this Government, Sir, has chosen not to take any steps to create any statutory industrial relations machinery and has not cared to take any step to find out what should be the collective bargaining agency and so on. Since this machinery has not been created, the whole law has become meaningless. This

[Shri Shridhar Wasudeo Dhabe]

is because, firstly, instead of the industrial conciliation machinery, the Bill only speaks of ban on strike in essential services. Therefore, this Bill cannot be accepted by the working class. Therefore, Sir, we have to consider this shift of policy from industrial relations to the law and order situation. The very fact that the Home Minister is moving this Bill shows that they have no faith in the working class. They do not want the problems to be solved by sitting across the table, but they want to bring a wage freeze by the back door methods. And I will say, Sir, that the field which the hon. Minister is entering is very, highly sensitive, so far as industrial relations are concerned. The workers have always considered that strike is their fundamental right and it is an inalienable right all over the world. That right has given the workers a number of benefits. It has to be respected by the Government. If you think that by banning strikes all the industrial problems will be solved, the history is otherwise. They should not tinker with their rights, specially when this Government has failed to solve any economic and social problems. There are so many inequities and rampant corruption. Why should not the Government solve these questions? It is unfortunate that there is price rise and workers' dues like the dearness allowance, etc. are not paid, strike is banned. Therefore, the real thing is that it is not with the intention of improving industrial relations or in order to—solve the problems or promote production this Bill has been brought, but this Bill has been brought with ulterior motives, purely political and... (*Time Bell Rings.*)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You have taken sufficient time now. Mr. Nanda, I need your cooperation now. (*Interruptions*)

SHRI NARASINGHA PRASAD NANDA: I have always cooperated with you. (*Interruptions*) This is a sensitive matter. Allow him to...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): But how long? (*Interruptions*)

SHRI P. RAMAMURTI: Till 4 o'clock the other House sat. We shall create a record by sitting till 4.30 A. M.

AN HON. MEMBER: Till 5 A.M. (*Interruptions*).

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I won't disturb you. (*Interruptions*)

SHRI SHRIDHAR WASUDEO DHABE: Sir, the reason, therefore, as the country and the working class feel, for bringing this legislation is not as given in the Ordinance but something else. It is purely a political strategy and the fear that since the Government is seeking a loan from the International Monetary Fund under the conditions which they have mentioned, they must first discipline the workers and take some steps to see that they get the aid from the World Bank or the American Government, Sir, there was no reason for issuing this Ordinance on 26-7-81. The facts or otherwise. It is said that certain disquieting trends are likely to affect the maintenance of essential services. Possibly it is there. If you see the picture of all the man-days lost during the last four days, you will see that in 1978 the number was 28.44 millions in 1979 it was 43.85 millions, in 1980 it was 21.93 millions and in 1981, 5.5 millions for the last six months. Therefore, the man-days lost are less. Then what is the reason? What has provoked the Government to bring this Ordinance? Therefore, the conclusion is that it was for ulterior motives. During the last ten years



whereas the production has gone up, in terms of actual money the workers' wages have fallen down by 28 per cent. Therefore, to make a scapegoat of the working classes and to say that they are responsible for less production is not correct. It is for some other reason for which the workers are being made scapegoats. The Bill involves a number of issues. It involves number of issues, political and moral also. You are asking the labour to cooperate with you without solving their problems. You are asking the workers that there will be no machinery for redressing their grievances and they will have to accept whatever the Government gives them. You want that the working class should be helping the Government in whatever proposals they make. In this connection, was it not possible for the Government to call the Industrial Labour Conference? The Ministry of Labour has not been given any status by the Government. A Minister of State was in charge of labour. The Labour Minister was ignored in the public sector strike. The Labour Minister who is also in charge of Industry has said that the Labour Conference will not be held. The Indian Labour Conference was a proper machinery which has been used for a long time to discuss the national labour issues. This Bill should have been brought forward or other actions should have been taken after taking them into confidence. The things which have been agreed to have not been implemented. I would like to know whether the Government have consulted at least the INTUC in this Essential Services Bill. The Selection of INTUC is very close to the Government. I would like to know from the Government whether even one trade union has been consulted before bringing forward the Essential Services Bill.

**THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA):** The President of INTUC, Mr. Bhatt, is going to speak after you.

**SHRI SHRIDHAR WASUDEO DHABE:** Was there any conference of

the labour union leaders or the management before bringing forward this legislation? We are a party to the ILO Convention which guarantees freedom of association and organisation. We are a founder member of the ILO. It is the fundamental right of the workers to go on strike and the ILO has recognised it. Under these circumstances is the Government going to have a policy of confrontation and of creating trouble with the working classes. As I said, there should be a consultation and grievance machinery to solve the problem across the table. The entire working class has a feeling against this Bill and they held demonstrations against it. A demonstration was held on the 17th August by all the Trade Union Centres all over India. Another demonstration is going to be held in November against the Government policies. I fail to understand as to why the Government is not inviting the trade union leaders and centres for discussion in order to solve this question. The obvious inference is that the Government policy is against the labour and for pleasing the management and big business. The Government policy is not to check the price rise. The Government policy is to support the black-marketeers and to give them the benefits they want. Under these circumstances, the workers feel that this Bill has been brought forward not only to snatch their rights, but also as an onslaught on the working classes. I, therefore, oppose this Bill and support the Resolution.

**SHRI NAND KISHORE BHATT (Madhya Pradesh):** Mr. Vice-Chairman, Sir, I would like to begin where my friend, Mr. Dhabe, has ended.

**SHRI K. K. MADHAVAN (Kerala):** May I know whether he is the President of the so-called INTUC?

**SHRI NAND KISHORE BHATT:** I think you need to know a lot. You just cannot go on like that.

**SHRI K. K. MADHAVAN:** I want to know whether he is the same gentleman.

**SHRI NAND KISHORE BHATT:** Mr. Dhabe has just now said that there should be a dialogue with the representatives of the workers. Probably, he is not correctly or well informed. Already a dialogue has started with the Government and with all the Central Trade Union Organisations.

**SHRI SHRIDHAR WASUDEO DHABE:** I had asked whether it had been done before the Ordinance was issued.

**SHRI NAND KISHORE BHATT:** It is easy to talk. But when it comes to **brasstacks**, one has to take a serious note of the developments in the country. Sir, all the recognised trade unions, whenever we go on an agitation or put up a charter of demand, the normal practice is that we give due regard to the fact that the essential services, in particular electric supply, sanitary services and water supply, are all kept in tact. And the trade unions take care that the staff working in these essential services are not involved in the strike. So, whatever principle we normally use in our day-to-day dealings, I can say, that the Government has come forward to apply the same principle for the country as a whole. What we used to think, what precautions we take in carrying on an agitation or even a strike in an undertaking that the essential services should be maintained, the same precaution the Government has taken by bringing this Bill with regard to essential services.

**SHRI K. K. MADHAVAN:** Now you have gone to the Government policy.

**SHRI NAND KISHORE BHATT:** When you will speak, I will not interrupt. You can hear me. After that, you are quite fit to make any observation that you like.

Mr. Vice-Chairman, Sir, electricity, coal and transport constitute our basic requirements in a factory or in an undertaking where the workers are employed. If the electricity is not

available, if the transport services are paralysed or for that matter if the coal is not available, what will happen to the lot of workers working all over the country? They basically depend on the supply of power because the factories would not run if the supply of coal is not there and the transport services are paralysed. These are the essential services. And if any positive measure is taken to ensure that these essential services are there uninterrupted, then if anybody is the beneficiary, the beneficiary is the working class working in hundreds and thousands of factories and undertakings all over the country. Sir, the argument is that the Bill is unwarranted in view of the shortfall in the incidents of strikes and the mandays lost. Sir, it makes all the more necessary that the essential services should be maintained because this shows that the Government policy is completely pro-labour. Agreements are taking place, wages are going up. And if these things are to be there, and to ensure that there is an uninterrupted work, and the workers are employed everywhere a curb is to be there on the essential services. So, only the strike has been banned. Otherwise, all the normal trade union functions have been permitted. So, to come out with the argument that because the strike is being banned in the essential services and, therefore, it is anti-labour, would not be correct. In the context of the present postures of the opposition parties to exploit the trade unions to fight their political battle, it is all the more necessary, Sir, one of the arguments is that the trade unions should not be politicalised. And here in Bangalore we find a glaring example. In the strike of all the five public sector undertakings in Bangalore which lasted for 77 days, the workers lost Rs. 2 crores of wages and the production loss of the Government was Rs. 160 crores. Who has suffered because of this? Who has lost because of this, may I ask this humble question to all those protagonists of the public sector, to all those central trade unions who stand for socialism, who stand for the public sector enjoying the commanding heights of the

economy of the country. These are the very organisations, these are the very people who want to weaken the public sector as is evident from what has happened in Bangalore. What has happened in Bangalore? It was not a trade union action. It was a political action. When it is a political action, that political action has to be fought politically. It should be unfair to say that it was a trade union action because, according to the normal trade union activities, arbitration was offered, adjudication was offered, negotiations were there. But still they were instigating and this strike went off for 77 days. Who lost? It is not the political leaders who lost. It is the workers who lost. I do not think that the loss suffered by them they will be able to make up even after many more years of service. So, the question is that trade unions should have a responsible attitude. No country in the world without discipline or hard work has been able to advance. In our country today it has become a sort of a fashion to go on strikes. So, Sir, this irresponsible attitude has to be curbed, especially in the matter of essential services.

Now, in Bangalore the demand was for parity in wages. It is very easy to give the slogan of parity. But if this demand is there from all the workers all over the country, that all of them must be paid the same thing in the near future is it possible to be fulfilled? So, we are struggling. Workers everywhere in all plants in all undertakings, in all factories workers whether they are organised or not they have been putting forward their charter of demands and they have been struggling and they have succeeded in a large number of cases in the betterment of their conditions of work and they are receiving higher and better wages today. You can see the life that an average worker enjoys today. If that is our goal that goal can be achieved by our working together and seeing to it that when we are struggling for ourselves, there are some who are not getting even the minimum

wages. Everybody is demanding minimum wages and that minimum wages should be paid. The Government has all along been raising the level of minimum wages. But how many trade unions are there which will say that they want to espouse the cause of those who are getting less than what they are getting, or who are getting less than what they are entitled to under the Minimum Wages Act? These minimum obligations are not being fulfilled. By these measures the working class should come forward to extend a helping hand to their needy brothers, who are less privileged, so that they can get their minimum requirements.

Sir, ours is a planned economy and every section which has to contribute to the economic progress of the country must also function in a planned and responsible manner. Frequent strikes and go-slow hamper planned progress. The Sixth Five Year Plan has envisaged vast development and the public sector has been assigned a commanding role for the economic development of the country with a colossal amount of Rs. 97,500 crores. Considering the fact that about 60 per cent of our population is below the poverty line and the number of unemployed runs to several crores it is the Government's bounden duty to ensure that the plan succeeds. Equally it is the bounden duty of the organised sections of our working class to come forward and co-operate with the Government to ensure the successful implementation of the plan.

**SHRI SADASHIV BAGAITKAR:**  
For that you are blessing this Bill.

(Interruptions)

**SHRI NAND KISHORE BHATT:** You can hear me all right.

When this is the obligation, when this is the responsibility on us, Rs. 97,500 crores are going to be invested. For whom they are going to be invested? It is for the working class, jobs to hundreds and thousands of people. Now, if basic things are not done properly this plan cannot succeed.

Sir, essential services are largely covering the infrastructure. As I said,

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they cover the infrastructural industries like coal, power, water supply, transport and the like.

Sir, the right to strike is no doubt an inalienable right of the workers which they have secured after years of struggle. But, at the same time it not a fundamental right. It cannot be compared with other fundamental rights. It is a means to an end. We go on strike to achieve an objective that we have before us. It is not the strike that is an end in itself. Therefore, it cannot be denied that strike by itself is not an objective of the working class movement, but only a means. Government naturally wants that the workers should not resort to means, the strike but to the end so as to keep the wheels of production moving. Without production and productivity, whatever we may talk the wealth cannot be produced.

Sir, let me not ignore that during the Janata rule the very same people, who call this Bill a draconian measure... (Interruptions) had themselves banned strikes in essential services.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Order please.

SHRI SADASHIV BHAGAITKAR: And you opposed that Bill. (Interruptions).

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Bagaikar, you are becoming irrepressible. You get up at every provocation.

SHRI NAND KISHORE BHATT: Let me explain my point.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You carry on your speech. Mr. Bagaikar, you are not here to correct others.

SHRI SADASHIV BHAGAITKAR: I am not correcting him; I am only giving him information.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You must please co-operate with me by not interrupting the proceedings.

SHRI SADASHIV BHAGAITKAR: I never interrupt, Sir.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I know you are very good when you want to be.

SHRI NAND KISHORE BHATT: Mr. Vice-Chairman, it is correct that we did oppose that Bill. We opposed it because it had so many clauses which went against the interests of the labour class. They had also agreed that essential services should be properly controlled and they also banned a strike there. So, Sir, it is only the limited purpose for which this Bill has been brought about. It is only for the maintenance of essential services. I want to draw the attention of my friends here that maintenance of essential services is one thing and the provision of anti-labour clauses which were incorporated in that Bill, is another thing. I am only referring to the limited purpose of this Bill.

DR. SHANTI G. PATEL (Maharashtra): There was provision for alternative settlement in that Bill. It was not just a ban.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Patel, please.

DR. SHANTI G. PATEL: I am trying to be helpful to him.

श्री लाडली मोहन निगम (मध्य प्रदेश):  
जहाँ नुझ से गलती हो जाय वह मुझे ठीक  
कर दे। वह ज्यादा अच्छा रहेगा।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): This corrective business must stop. After all, there are going to be speakers from the other side who while speaking can do the correction, if necessary.

SHRI NAND KISHORE BHATT: Right to strike is in no way curtailed...

श्री लाडलो मोहन निगम : ज्यादा मुहबत भी खतरनाक होती है।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): It is becoming too much. Anything in excess is not good.

SHRI NAND KISHORE BHATT: We cannot overlook the fact that those who have chosen to condemn this Bill, have remained mum on the happenings in countries like Poland and Czechoslovakia. I would like to remind them that there is not a single word which has been uttered by all those who are trying to condemn all progressive measures in this country, but they are supporting—you know whom I am referring to.

Sir, the Ordinance is being replaced. We took the first opportunity and whatever shortcomings were there, they were brought to the notice of the Government and I am very happy to say that when the INTUC pointed it out to the Prime Minister that this Ordinance was incomplete unless measures were brought for those who indulged in lockouts and layoffs, necessary provision has been made in this Bill to say that strikes and lockouts will be equally treated. But what I feel is that punishment for those who indulge in illegal lockouts or layoffs, is too mild. I think the hon. Home Minister will take due note of the fact that there should be equally a deterrent punishment for such employers indulging in illegal lockouts and layoffs.

Sir, this Bill gives powers to the Government only to use those powers when it is necessary to do so. Sir, the Ordinance was issued on 28th of July and during this period only once this Government has taken use of its provisions and that was in the case of Assam. As the Prime Minister herself has said and the hon. Home Minister has also said that this Bill is for a limited purpose and it will be used only when it is necessary, just like we saw in the case of Assam; otherwise, nor-

mal trade activities will go on uninterrupted.

Then, Sir, there is a mischievous propaganda going on that this Bill is being brought under pressure from the IMF for the huge loan. Nothing can be farther from truth, as rightly said by the Finance Minister himself. Sir, India is in economic difficulty; nobody questions or disputes it. That being the position, is it not necessary that to overcome the difficulties, Government should take certain measures? To say that it is a curb on the trade activities, to say that it is to curb the rights of the workers is the most unfortunate thing.

The correct thing is that the trade union movement is going on undisturbed and unhampere~~d~~ and the workers are carrying on with their struggle whenever they feel a struggle is necessary. I am sure, Sir, as and when these powers are used by the Government, they will take the workers into confidence. Workers are not less patriotic than anyone present in this august House. As the President of INTUC wedded to the Gandhian tenets, I have to point out that this Bill is negative in approach. After all, strike is only a means to get the disputes resolved and it is not an end in itself. There is a superior method of resolving disputes without endangering production, namely, voluntary arbitration. This has been the system in this country from ages and this practice of referring disputes to voluntary arbitration can be further tried and if a dispute is resolved within a given time, there will be no need for any strike. What is required is a proper approach to industrial relations. This needs a reorientation. A new industrial relations system with an inbuilt provision for voluntary arbitration should be evolved. This will go a long way in the expeditious settlement of disputes and in ensuring industrial harmony. Workers will also be saved from the time-consuming legal battles. I may also stress the need to

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take proper steps against the misuse of the provisions in this Bill in relation to genuine trade union activities. For the speedy settlement of disputes, Government has to take measures expeditiously. Settlement of individual disputes is being inordinately delayed with the result workers are forced to lose faith in legal remedies. The recent case of a Supreme Court decision invalidating the dismissal of a worker in Mathura Electricity Board in 1956 is a classic example in this regard. The Supreme Court had given its judgement in 1981, this year namely, after a quarter century.

Then, there is need for evolving an efficient and effective grievances redressal machinery. I would like to submit to the hon. Minister that individual grievances should be taken care of by a statutory grievances machinery with a built-in provision for arbitration. This will ensure a quick and just remedy. Disputes affecting workmen in general may be dealt with by a higher level mediation machinery, which should be set up. Conciliation has been found to be ineffective and wherever collective bargaining fails, the higher level mediation machinery may take over and if this also fails, the dispute should be referred to voluntary arbitration. Voluntary arbitration should be made an extension of collective bargaining.

Mr. Vice-Chairman, Sir, while on the subject of arbitration, it must be remembered that the Supreme Court has said that an arbitrator's award is no better than an industrial tribunal's award and, therefore, it is subject to the writ and appellate jurisdiction of the Supreme Court. If this is so, arbitration has no chance of being resorted to and there will be endless litigation. Hence, the law should be suitably amended to make it clear that the award of the arbitrator will be final and binding and except in cases of impropriety or perverse decision, no court shall interfere.

Again, on the positive side, we must create a forum, a permanent forum, for a dialogue between employers and trade unions. For this, the national apex body should be revived and this time, it should be tripartite in character. For the private sector, a separate apex body should be set up. Only those trade unions which believe in co-operation and in improving productivity should be represented on this body. Unless one accepts the rules of the game, nobody should be allowed to enter the game. Simultaneously, industry-wise tripartite committees should also be set up for each of the major industries. After these committees are set up for each of the major industries, they should be allowed to work for some time and then their working may be reviewed. Thereafter, the Indian Labour Conference may be called. I entirely agree that the Indian Labour Conference is the proper forum. Through this forum, over the years, we have evolved some conventions and traditions. These conventions and traditions should be accepted and wherever necessary, these should be suitably modified so that a forum is available to the trade union organisations and trade union leaders, to ventilate their grievances. It is always in the absence of such forums that misunderstanding and differences of opinion crop up. Hence, I would suggest that this forum should be revived at the earliest.

Lastly, I would like to submit that trends of violence are increasing. Only the other day, a hand grenade was thrown on a worker with the result he was wounded. We should control this kind of violent trends which are spreading here and there. I would request the hon. Minister to take due note of these trends and ensure a positive law and order system in the country so that the workers who are subjected to these terrorist and violent trends can feel free, can feel secure and can go to their jobs.

Sir, so far as the role of INTUC is concerned, it is there always to cooperate in legitimate and constructive manner. We have inherited certain principles from Mahatma Gandhi and we are trying to pursue those principles. I hope all other trade union organisations will see light of the day, see the dangers ahead and come forward and accommodate in patriotic sense to help all of us in getting over economic crisis with which we are faced today.

Thank you

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Yes, Dr. Shanti Patel. You have got 15 minutes. This is just giving you the time limit so that you can complete within the time-limit. (*Interruptions*). While I accept Mr. Nanda's advise that I should not steamroll, at the same time we have to regulate the discussion, and therefore, I am telling that you have 15 minutes. You can exceed a little more, but....

DR. SHANTI G. PATEL (Maharashtra): You are a very reasonable 'Speaker'.

SHRI NARASINGHA PRASAD NANDA: But he is in the Chair now.

DR. SHANTI G. PATEL: Mr. Vice-Chairman, Sir, there is a belief in many religions that after the people are dead their souls survive, and watch what is happening on this earth. I am sure, the trade union leaders like Shri Khandubhai Desai and Vasavraj must be watching today the performance of my friend Mr. Bhatt, as the president of INTUC which they had formed. (*Interruptions*).

AN HON. MEMBER: Mr. A. P. Sharma is very well there. He is the present president of the INTUC.

DR. SHANTI G. PATEL: Just now I am referring to the past persons, who are not existing.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Sharma, you are mentioned.

DR. SHANTI G. PATEL: Sir, I am referring to the founding fathers of the INTUC who had founded this Trade Union Centre with a certain amount of hope and confidence. The way in which today my friend Mr. Bhatt has come out in support of the strike must have been a matter of great concern to them.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): He has not come out in support of the strike. (*Interruptions*).

SHRI M. S. RAMACHANDRAN (Tamil Nadu): Is he committed to make speech on the previous speaker?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): He is entitled to comment on the speech of the previous speaker. (*Interruptions*).

SHRI NAND KISHORE BHATT: He should not be allowed to misquote.

DR. SHANTI G. PATEL: Anyway, Sir, thank you for correction. It is the Bill and not the strike which he has supported.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Bhatt's plea is, do not misquote him.

DR. SHANTI G. PATEL: That is why I say, I am open to correction. Not strike, but for support to the Bill banning a strike by Shri Bhatt they must be shedding the tears. Even Gandhiji justified a strike, if voluntary arbitration was not agreed. He has referred to the Bangalore strike which is by now known as the Bangalore-based public sector employees strike. There, the issue was whether the agreement entered into between the Government or the Government public sector undertakings and the unions of the employees would be implemented or not. Sir, I

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say with all sense of responsibility that the managements, who had made calculations, were prepared to pay according to the agreement, but then somebody moved from the seat of power, that is, from Delhi, and these managements were dissuaded from making any payments and the whole episode started. The negotiations had gone on for nine months. The notice of strike was also given. But because the recalcitrant as the Government was at that time, the public sector undertakings there ultimately wanted a show-down, wanted to finish the strike, if I may say so, wanted to teach a lesson to the workers. There are the persons who can suppress the strike, who can suppress the legitimate aspirations of the workers in this country. Sir, there was no question of parity of wages. As far as I understand, the issue was that according to the agreement, certain wage rise should have been given.

Sir, a reference has been made also to the Industrial Relations Bill which was introduced in the other House when the Janata Party Government was in power. I must say that when his Bill was moved, I was one of those Janata people who opposed that Bill because I believe that there has to be no restriction as far as a strike is concerned. Certain restrictions were sought to be placed and that is why some of us got together. I can recall that I was the man who convened a meeting of central trade union organisations—which was also attended by INTUC—in my office headquarters at Bombay. Sir, I am referring to this particular aspect because the Janata Government Bill only tried to put certain restrictions on a strike in essential services but provided settlement machinery, while this Bill is the worst. One cannot think of a bill worse than the Bill which is being piloted in this house today. This Bill does not want to create any

machinery for settlement of disputes, settlement of differences. For settling these differences, short of banning a strike there is no machinery suggested! That is why I was expecting Mr. Bhatt and persons of his tribe to come forward and say "this is what we honestly feel, this is why we are opposing it," and not take a political approach. Because they happen to be in the Congress (I), they need not necessarily support this obnoxious Bill.

I do not want to go into all the points that he has raised. But he has talked of minimum wages not being honoured by the employers. Who are the persons who are at fault? They are the employers. This is the worst crime that is being committed in this country. A number of small industrial units have come up all over the country. They refuse to honour the wages fixed under the Minimum Wages Act. It is for the Government to come forward and see that these persons are prosecuted, penalised and put behind the bars. May I know from Mr. Bhatt—of course, he has no opportunity to reply, but his mentor the Government can—as to what steps have they taken to imprison, penalise these persons who are committing breaches day in and day out? This is what is happening in regard to the minimum wages.

Reference was also made to Poland. Sir, there are others to answer that, but I would only say that if they do not see the reason and do not withdraw this Bill in time, the same things which have happened in Poland will be repeated in this country. The people will strike, this bill or no bill, whatever the position may be, and they will fight for their legitimate rights. There is no power on earth which can suppress the trade union movement and their legitimate aspirations. That is why let us not refer to those things which are happening outside; let us just now fix our attention on what is happening in this very country.



The Home Minister while moving the Bill, has made reference to the "disquieting trends", and what not in regard to industrial relations and many other things. Sir, I am sure, the Home Minister, the Labour Minister and all these persons at this level are functioning as one Cabinet and members of one team. Because what the labour Minister has to say is different. In the Annual Report of the Ministry of Labour for 1980-81, this is what the Department has to say on the industrial relations' situation. I quote:

3 P.M.

"The industrial relations situation in the country showed marked improvement"—mark the word 'marked' — "during the year 1980 as compared to that of 1979. Viewed in terms of time loss due to strikes and lock-outs, the total time loss due to strikes and lock-outs was 43.87 million man-days during 1979 and it came down to 12.91 million man-days during the year 1980. Strikes accounted for 54 per cent of the total time loss in 1980 as against 80 per cent of the total time loss during the year 1979. On the other hand, lock-outs accounted for a time loss of about 46 per cent of the total time loss as against 20 per cent of the time loss during 1979".

If this document is to be believed—and must be believed because it is a report which is presented as required under the provisions of the constitution before this House—the real culprit, the real villain of the piece, is the employer. As pointed out by these very figures, it is very clear that the employers are the persons who are misbehaving and they are the persons who have been declaring lock-outs making the workers suffer and even the production suffer and the mills sick. This is the labour scene with which we are faced.

Just to give you some other relevant figures, even production loss as compared to 1979, has gone down from Rs. 443 crores to Rs. 118 crores.

Sir, if we are to refer even to the time loss, what is this loss? If you take percentage terms, this loss has gone down from 2.8 per cent to 1.4 per cent. Out of 100 man-days which are scheduled to be worked if 1.4 is lost, is it much? Is it something which should not be allowed to happen, if for no other reason, for allowing the workers to assert themselves, to fight for their rights, to prevent the employers from exploiting this section of the society? It is very necessary that the weapon of strike is allowed to remain in the armoury of the working class if for no other reason, for protecting themselves against the exploitation by employers.

This Bill has been only welcomed by the industrialists, and very rightly so. Sometimes I feel this Bill was prepared at the instance, at the behest, of the employers' lobby which is very powerful and which wields a lot of power in the Government corridors. That is why they have been able to make the Government march their way.

Sir, let us look at the whole problem objectively and dispassionately. We are living in an industrial society. In an industrial society there are conflicts of interests. I am referring particularly to the employer and the employee. It is inherent in the situation. There is a conflict of interests. The employer wants to make more and more surpluses and profits. Even if it is the public sector, they also would like to have more surpluses for their own reasons. I am not arguing whether it is right or wrong. But the worker would also like to improve his standard of living. When he tries to improve his standard of living his interest conflicts with that of the employer. (*Interruptions*). This conflict has to be sought to be resolved, not by wielding the big stick of prohibiting strikes, not by declaring lock-outs and lay-offs, not by putting the workers behind the bars, but by finding

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and providing a suitable machinery to resolve these differences, bring them to a table and make them settle all this. Sir, this is what the great Prime Minister of this country, Shri Nehru did. He called the parties together, made them sit together and evolved, what is called famously, the Industrial Truce Resolution. If the Government is so concerned about the economy of this country, they would have gone the Nehru way. But this is not to happen. This reminds me of what Mr. Nehru had at that time visualised. Perhaps, the vision that he had is now being shattered and is being completely torn to pieces. He wanted the labour to play certain role in this society. One may not be in agreement with all his views. But he wanted to see that the labour had a role to play. Now the only role that he has to play is that of a prisoner. That is the only role that this Government would like him to play.

Sir, when we are talking of conflict of interests, let us not lose sight of the workers as the weaker section—as far as resolution of the conflict is concerned. That is why all the policies, all the laws have to be geared to see that these weaker sections would help in resolving of this conflict. But here it is completely the reverse. It serves the employers on the plea that a strike will not deliver the goods. It is to the contrary. If I may make a reference to the "Emergency", particularly the latter period of the "Emergency,"—(1970 you will find that the number of mandays lost due to lock-outs had increased to 78 per cent, and the inflation also had gone up by nearly 10 per cent in the last nine months of the Emergency. So it is not that this particular type of measure will help in remedying the situation. On the contrary, the remedy would be worse than the disease. It would lead to a position where the situation

is bound to become more and more difficult.

Sir, strike has been considered as a legitimate weapon in the armoury of the working class. Before I refer to this, I would in brief also like to refer to this particular piece of legislation which, I submit, is a penal criminal legislation; it is not an industrial relations legislation. Sir, they think that the worker is a criminal and for any offence, even for saying that he supports a strike, he will be booked. Even before he is produced before the court, any police officer merely on suspicion or merely on the so-called information given by an employer that a particular worker is not giving him sufficient production or is retarding production can land him into a jail. Sir, any police officer can just arrest him without a warrant just on suspicion. A summary trial takes place and the man is imprisoned, may be for two years and/or may be with a fine upto Rs. 2,000 or both. The punishment would be severe. Considering the way in which the Government has been harassing the Judiciary, I do not expect that the Judiciary is going to be found lagging behind in fulfilling the intentions of the present Government.

Sir, this is how the whole complex industrial relations system is sought to be evolved. Sir, you are a very learned person, you have been educated in England, you became a barrister there and you know and you have read about famous Webbs. Webbs were the persons who coined this historical phrase "collective bargaining". They had a vision before them. This is how the industrial conflicts can be resolved. This has become the foundation of resolving conflicts. In collective bargaining strike is very important. Without strike, there cannot be any collective bargaining. But now this is sought to be completely finished.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): But this is confined only to essential services. (Interrup-

tions) That is what Mr. Bhatt said. What is being misunderstood is the as if it covers the entire gamut of labour. What the Bill seeks to do is to restrict is only to essential services.

DR. SHANTI B. PATEL: Sir, I am very thankful to you. (*Interruptions*)

SHRI SADASHIV BAGAITKAR : Even the nylon industry is declared essential surreptitiously.

SHRI M. KALYANASUNDARAM: Even the staff in the Lobby can be declared essential.

SHRIMATI PURABI MUKHOPADHYAY: Sir, Dr. Patel is making very good points. There are no people on the other side. This is the policy they have adopted. Nobody is here from the Treasury Benches even to hear the points that will be made by the Opposition. But we are here to hear them.

THE MINISTER OF TOURISM AND CIVIL AVIATION (SHRI A. P. SHARMA): We are here.

DR. SHANTI G. PATEL: Mr. Vice-Chairman, may I have your attention? Sir, you have referred to essential services, and I am really very thankful to you for that. But what is an essential service? Under this piece of legislation can you point out one undertaking which cannot be declared as an essential service? You are an eminent lawyer. I would be very grateful to you if you could point out one undertaking. I know the Home Minister is very well dressed. He wears neat and clean clothes, and the real reason for that is soap. I am sure one day he must have fallen short of soap. Therefore, the soap industry is sought to be declared as an essential service. Sir, cosmetics can be declared as an essential service. Please tell me what industry has been left out of this list and which needs to be included, to be named or to be christened

as an essential service. Sir, there is nothing left. It covers anything under the Sun. Only two words are necessary, "public interest". If the Government is satisfied that this is to be done in public interest, that shall be done. There is no power which can prevent it from doing this. Sir, this is the vision the descendants of Nehru have before them. Even the tea shops can be declared as essential services or even soaps, cosmetics, toilets and what not?

I do not want to go into the whole list. I have got with me here, the First Schedule of the Industries (Development and Regulation) Act. There are a very large number of industries. I was trying to total them, but I had no time. I think 170 industries are there or may be more because they have said that anything for which Parliament has powers to make laws, could be declared as an essential service. So, there is nothing left out of it, which you and I can think of and which cannot be declared as an essential industry.

Sir, I would like to say in this context that the whole basis of the industrial relations approach should be that there is what is called investigation and settlement. (*Time bell rings*). Sir, you will permit me. I am not repeating anything. I am accepting your corrections also.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I am reminding you.

DR. SHANTI G. PATEL: There should be what is called an approach of investigation and settlement. That should become the basis. Here the basis is not investigation and settlement: the basis is punishment and imprisonment. These are the guiding stars, the guiding principles, behind the industrial relations approach, and that is why it is bound to fail.

[ Dr. Shanti G. Patel ]

Sir, participation or whatever it is "incitation" and "instigation" and even "contribution of finances" are considered to be offences under this particular Bill. For these, the punishments are much more higher than those in the Industrial Disputes Act which was a creation of the British. Essentially it was originally a creation of the British. Our Indian Government has gone one step forward or probably so many steps forward. They say, "No, they will be penalised more, they will be kept for a longer time in the jail and what not"? And this is the way in which they approach to it.

Sir, even the protection of the provisions of the Code of Criminal Procedure is not available to these people, the poor workers. They are worse than the criminals. I said a little earlier that they are threatened. I do not know what it will do after taking them as prisoners because they will be under its surveillance and under its eyes.

Sir, we have the legislation called the Industrial Disputes Act. A number of steps can be taken under the law, only. One thing is necessary. You notify as an essential industry. Here it is called the "public utility service". Here there is a certain procedure. If I repeat, with all respect, there is a certain machinery provided for to settle the differences, to iron out the differences, may be through a third party or may be through direct talks if the strike is prohibited. Sir, the workers dismissal is also a punishment which is sought to be prescribed. I do not know whether the Government is functioning as a third party, as an independent impartial party, which would like to regulate industrial relationship in this country, or they are acting in a partisan manner and they want to adopt a pro-employer approach. The worker will also be dismissed. They want to

lay down everything so that nothing needs to be done thereafter. This is something which our Industrial Disputes Act has not provided.

I do not want to go into all the provisions of this Bill or the provisions of the Industrial Disputes Act, because references have been made by previous speakers.

Sir, when I am talking of strike, I would like to submit with all respect, that it is a basic trade union right. No trade union movement can function without this particular right. In a democracy, this is a very important fundamental right. This is not something that I have been saying. Sir, this has been debated not only nationally but also internationally. There is an international forum called the International Labour Organisation, the famous ILO, of which the Government of this country also is a member, a founder-member, as Mr. Dhabe says. It is a tripartite body comprising the representatives of the Government, the employer and the workers. They have gone into this problem at great length. They have adopted what are called in their terminology "conventions". Conventions No. 87 and No. 98 give to the workers the freedom of association and the right to organise and bargain collectively. To these conventions this Government is a party. What I am saying is that, internationally, they go and make big speeches as to how they are serving the interests of the workers. Only in the last ILO session, there was a resolution on this particular subject, to which the present Government is a party. But as soon as they leave Switzerland, they forget what has happened in Geneva and they think of doing something bad, sinister, they see that the movement in this country does not come up, that it does not prosper but that it is suppressed. They commit treachis of conventions. I would like to refer, in this context....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Now, you have taken half-an-hour, Mr. Patel.

DR. SHANTI G. PATEL: I would not take much time, I can assure you. At least I will not talk irrelevantly.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): No, no, that does not matter.

DR. SHANTI G. PATEL: This is what the Freedom of Association Committee as the I.L.O. has to say in this context, Strike and freedom of association are interlinked. I quote: "293. The right to strike is one of the essential means through which workers and their organisations may promote and defend their occupational interests.

'296. The prohibition against calling of strikes by federations and confederations is not compatible article 6 of the convention, which applies article 3 of the convention with respect to the functioning of federations and confederations. According to article 3, trade union organisations shall have the right "to organise their administration and activities and to formulate their programmes", while the public authorities shall refrain "from any interference which would restrict this right to curb the lawful exercise thereof. The Committee has expressed the hope that Governments, desiring to see that labour relation develop in an atmosphere of mutual confidence, will have recourse, when dealing with situations resulting from strikes and lock-outs, to measures provided for under common law rather than to emergency measures which involve a danger....—I hope the Government will take due note of this warning—" ...by reason of their very nature, of certain restrictions being imposed on fundamental rights. The Committee has emphasised the importance which it attaches, where strikes are prohibited or are subject to restrictions, to ensuring adequate guarantees to safeguard to the full the interests of the workers who are deprived of an essential means of defending their occupational interests, and has pointed out that the restrictions should be accompanied by adequate, impartial and speedy conciliation and

arbitration proceedings in which the parties concerned can take part at every stage. While the Committee has always regarded the right to strike as constituting a fundamental right of workers and of their organisations, it has regarded it as such only insofar as it is utilised as a means of defending their economic interest.

It is in this context that I would like to refer to what the National Commission on Labour also has to say. In this country we have been evolving an industrial relations system. There was a time in 1920 and earlier when probably nothing of this sort could be thought of or imagined. Then the Trades disputes Act (1920) and the Industrial Disputes Act that came being which gave a certain direction to the industrial relations. The Government of India appointed in Mr. Nehru's time a National Commission on Labour headed by no less a person P. B. Gajendragadkar, ex-Chief Justice of India. They have dealt with this problem very extensively, he has dealt with the essential services also. It is so relevant that it should have been the guiding star, it should have been the basis, for the industrial relations approach, of the Congress Government because this was the purpose for which this particular Commission was constituted. I quote, "The democratic ideals of the State prevent it from abridging individual freedom, but its socialistic objectives justify Government's regulation of such freedom to harmonise it in a reasonable measure with the interests of the society. What seems called for, therefore, is a conciliation of these two points of view. While we are not in favour of a ban on the right to strike or lockout, we are also not in favour of "unrestricted right to direct action. In our view, the right to strike is a democratic right which cannot be taken away from the working class in a constitutional set up like ours.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I think I have given you enough indulgence. I am sorry to say, you must also cooperate with the Chair. According to the time schedule,

[Dr. Rafiq Zakaria]

each Member is given fifteen minutes. You have taken half an hour, and still if you go on like this, what about other Members? There are so many others. You must cooperate with me. After all, indulgence also has its limits. Doesn't it?

DR. SHANTI G. PATEL: I would certainly like to cooperate with you. I would certainly subscribe to your view. But please appreciate our sentiments also. This is a matter of existence of genuine trade union movement.

SHRI SITA RAM KESRI: 'The whole day' does not mean that only one Member will take all the time. There must be some limit. I don't say you should not speak. We are ready to sit and listen for as long as you want to speak, but there has to be a limit. My request is that there must be some limit for each honourable Member to speak.

SHRI P. RAMAMURTI: I want to make one submission, that we are not filibustering. I want to give you that assurance that we are not filibustering. We know that this Bill is going to be passed; whether today or tomorrow, the Bill is going to be passed. They have got the majority. We know that they are determined to pass it. We are only trying to make some points so that they may at least see some sense, so that they may at least concede our point. If you are not prepared even to listen to that, then there is no need of a discussion. Therefore, I am only saying that we are trying to make pointed arguments and it may take some time. Therefore, please listen to us.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Ramamurti, in the beginning itself when Mr. Nanda made a suggestion, "Please don't steamroller, this is an important Bill". I responded positively and said, "I understand that". But at the same time, honourable Members participating in the discussion should also realise the limita-

tions of time. I think half an hour is a sufficient time to make the points that we want to make. Other Members also need time. It has got to be a cooperative effort. It is in that sense that I am appealing. One can understand if it is a question of only five minutes or seven minutes. But you will agree that half an hour is a sufficiently long time to put forth your point of view.

SHRIMATI PURABI MUKHOPADHYAY: From our attitude you might have noticed, when Mr. Bhatt was speaking, we kept mum; we did not even try to disturb him ....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): He took only twenty minutes.

SHRIMATI PURABI MUKHOPADHYAY: I am not saying that you are partial. Without hearing me completely, please don't prejudge. So, that shows our attitude. We have not put any irrelevant questions. We have not tried to kill the time of the House. When a member who is in the trade union movement:

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): ...I respect him for that.

SHRIMATI PURABI MUKHOPADHYAY: ... speaks without any repetition, please allow him at least to make his points. Otherwise, what will happen, if you try to suppress all the speakers..

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Madam, I interrupted him after half an hour. please appreciate that also.... (Interruptions). He is an important trade union leader. He comes from my city and nobody knows that better than myself....

DR. SHANTI G. PATEL: I do not want any favour. You are an impartial person....

**THE VICE-CHAIRMAN (DR.-RAFIQ ZAKARIA):** What I was trying to do was just to remind you of the time. Sometimes in the flow of one's speech, a Member may not be aware of the time.

**DR. SHANTI G. PATEL:** Thank you very much. I will try to be as brief as possible. I wish to assure you on that. I was making points in the very sincere hope that I may be able to convince the Government and persuade the Treasury Benches to withdraw this particular Bill. You may call me an optimist. Well, I am an optimist. In a democracy one has to make best efforts to convince the other side of one's point of view. I have always believed in this.

Sir, I was referring to the National Commission on Labour. What they have said is very pertinent. They have given us guidance on this particular point. They have said that in case you have to restrict stoppage of work in essential services, a machinery, a suitable alternative machinery, must be provided. They had suggested the machinery of Industrial Relations Commission which was to be an independent commission. If a strike was to take place, then the employer—even the Government—was expected to go before this Commission and request them to please refer that particular dispute to the Industrial Relations Commission. The Commission will then take a decision on merits. That is why I was referring to this particular aspect. This matter of obligation of the Government to society has been gone into at the highest level of representatives of labour, employers and even the Government headed by an impartial and judicial man like Justice Gajendra-gadkar. That is why I have made a reference to this particular authority. Similarly an Encyclopaedia of social sciences has also opined on these lines.

My objection is to the complete

ban which is sought to be placed on strike. This is something which has to be opposed by us, and it shall be opposed.

I am one of those who believe that labour has a special role to play in a developing country particularly in our country. It must give fullest possible cooperation to the Government and all the employers and see that our country progresses economically. That does not mean that the labour should dance to the tune of the Government or the employers. That does not mean that they should surrender their rights to agitate. That does not mean that they should surrender their economic interests. There could be genuine differences between an employer and the union, there could be a conflict and there may be the need for a strike. It may be that only through this particular type of method the differences could be resolved.

If the Government is prepared to withdraw this Bill and if they are prepared to call a conference of all concerned interests, I can promise full support in resolving this issue. This Bill is not the remedy. Only through discussions we can find solutions to problems.

Much is sought to be made of inflation. The Home Minister referred to what is called cost push inflation. May I say in all humility that this principle does not hold good in this country. It is not the wages that are responsible for increase in prices. There are some other reasons for it. If you examine the figures only for the last nine years you will see that the share of wages in the price of products, total factor payments in the manufacturing sector, was 58 per cent in 1970. It has gone down to 54 per cent in 1978-79 as shown in the recent study by the Indian Institute of Public Administration, Delhi. So, it is not the wage which is responsible, but it is some other doings of the employers and the traders, and, if I may say so, with all respect, of even some of the

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big farmers which have led to the present situation.

Sir, look at the non-wage income. The non-wage income of the employers has gone up during this period from 20 to 25 per cent. May I ask the Government as to what steps they have taken or what they have been doing to curb the incomes of these people, the non-wage incomes or profits or dividends or interest which these people have been earning so far?

Sir, I may, in passing, make a reference also to the question of production and productivity. It is thought that this stoppage or banning of strikes will help in increasing production. Sir, this is only an illusion and let us not go in for this illusion. (*Time bell rings*). Sir, I will refer to only one or two points more and I will conclude. Sir, experience has shown that productivity goes down when such curbs are sought to be put and the experience of the totalitarian countries is not different. That is why we find the level of productivity or production to be very low in these countries.

Sir, while concluding, I may refer to and answer the question as to why this piece of legislation. What is the motive behind this move. Sir, when I try to analyse this, I find no other reasons than this that the motive is to freeze the wages of these people, of the workers, in this country. They know that the situation is becoming very difficult. Sir, the Finance Minister is saying that the economic situation is improving while the figures that are being published by the Government show that inflation is going up and up. In this situation, Sir, they feel that the trade union movement may come forward and may challenge the Government as far as their economic policies are concerned and force them to take certain measures. That is why they do not want the trade union movement to survive and there is no other reason that I can see.

This is the thing end of the wedge. Once you try to restrict the trade union rights, once you try to curtail the democratic rights of the people, then the day is not far off when there will be no democracy in this country.

Sir, let me warn from this platform that the Government is moving slowly and gradually in that direction only and it wants to curb the rights of the workers and then the Democratic rights of the people. If they want to prove their *bonafides*, let them withdraw this Bill and invite the labour representatives and the employers' representatives to a round-table conference.

Sir, if this is the way in which we can finish this particular thing and if this way, this particular way, is adopted, and is allowed to go on, then this Government will only be behaving, if I may say so, in an uncivilized manner and in an undemocratic manner. What is necessary is a civilized and democratic behaviour to tackle the problems of this country. However difficult they may be, if there is a certain goodwill, if there is a certain amount of confidence, if there is a certain amount of understanding and if there is a certain amount of faith, these problems can be solved.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Dr. Patel, you have taken now forty-five minutes.

DR. SHANTI G. PATEL: With these words, Sir, may I appeal, even at this late stage, to the treasury benches not to make this matter a matter of prestige, but to be realistic and to be objective and see the writing on the wall? I say this because if they do not withdraw this Bill, the day is not far off when the working class... (*Time bell rings*) of this Country will accept this challenge, will accept this invitation for confrontation and fight at every step to see that democracy survives in this country and their economic and occupational interests are



properly safeguarded. Thank you, Sir.

**SHRI RAJENDRA SINGH ISHWAR SINGH** (Madhya Pradesh): Mr. Vice-Chairman, Sir, there are two types of philosophy. There is one type of philosophy in the world in which the right of the individual is considered necessary for the good of the community and the other one, the socialistic line of thinking, is that it is the good of the community, the good of the nation, that permits the rights of the individual.

Now, Sir, the question that is being debated today is in relation to certain restrictions placed on the rights of the workers as well as employers—You kindly note that—who hamper the working of the essential services. Now, the way the debate has gone on so far, one gathers the impression that strikes in all the undertakings and enterprises are being sought to be suppressed. The impression that is being given so far the by hon. speakers from the Opposition is that it is a general assault on the rights of the workers to strike in all occupations and all industries. That is not so. This particular Bill refers only and only to essential services.

**SHRIMATI PURABI MUKHOPADHYAY**: How much your rates of fees have gone up in the courts?

**SHRI RAJENDRA SINGH ISHWAR SINGH**: That becomes a totally different matter. I would not be able to debate this within the 15 minutes at my disposal, and I shall contain myself within this time to the relevant issue at the moment. But I am quite certain that I would be able to answer the hon. Member on the question that was asked.

Coming back to the matter which is with us at the moment, as I said, the restriction on strikes is only with reference to essential services. What are the essential services? You kindly note that all these services are those that pertain to the services what we

call the public sector or employ of the Government. And it is only such subsidiary things that are absolutely necessary to keep essential that are run by the Government for the purpose of defence, for the purpose of communication, for the purpose of health, for the purpose of the welfare of the community, that are sought to be included within the definitions.

**SHRI SADASHIV BAGAITKAR**: Sir, I would like to refer to clause (xvii) of the Act. It is not what you are talking about.

**THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA)**: Never mind, Mr. Bagaitkar.

**SHRI SADASHIV BAGAITKAR**: I want to correct the information. (*Interruptions*)

**THE VICE CHAIRMAN (DR. RAFIQ ZAKARIA)**: Why can't you just contain yourself? You are going to speak. I see from the List that you are participating. Reserve all these things when you speak. (*Interruptions*).

**SHRI RAJENDRA SINGH ISHWAR SINGH**: Sir, Mr. Bagaitkar has asked me a question, and I will be very unfair if I do not answer it. I said that this Bill is aimed at controlling essential services that are necessary for getting the lifeline of the nation moving, whether it be of defence, whether it be of communication, or it be the maintenance of law and order. Mr. Bagaitkar has invited my attention... (*Interruptions*). Please let me... (*Interruptions*) One at a time, not all of you at the same time. I would like to invite Mr. Bagaitkar's attention to the clause he has referred to. It says:

“(xvii) any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service....”

Please note: Public utility service. Then:

[Shri Rajendra Singh Ishwar Singh]

"... the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act."

I do not understand why there is confusion about this little matter.

The point I was mentioning was that the Act does not aim at all kinds of industrial activities. The Act is only for some selected types of activities in the country which are necessary to maintain the lifeline of the nation. The Act does not repeal the Industrial Disputes Act so far as referring of disputes to various courts and tribunals is concerned. (Interruptions) Please hold your breath for a moment. Let me explain. Kindly see section 3 of the Bill. It says:

"If the Central Government is satisfied that in the public interest it is necessary or expedient so to do..."

It is not just that it declares all strikes as illegal. The declaration of strikes, or law offs, etc. shall be, and it will be declared illegal, only if it becomes necessary in the public interest to do so.

Now, Sir, public interest is a very definite legal concept. To begin with, any strike or any action under section 33 straightaway becomes justiciable. The moment you say it is in public interest, it is not the arbitrary action of the Government. It is not that one fine morning somebody will get up and say, "I ban strikes". Before that can be done, it has got to be ensured that it is in public interest and that there is an expediency for banning strikes. That public interest and expediency would arise presumably when all other avenues and means of settlement have failed. With the Industrial Disputes Act of 1947 being in force, we had a nationwide railway strike in spite of the best efforts of the Government that was in power at that time. We had

the Posts and Telegraphs strike. We know that the Indian Airlines pilots went on strike in 1968 paralysing the total air service of the nation. I could multiply it. Therefore, it is not that we did not have this spectacle of strikes taking place in a manner which paralysed the life of the nation. Therefore, the question is: Has any one section of the community, may it be labour, may it be anybody else, the right to hold the nation to ransom? The right to strike, as my friends in the trade union movement have said, is something that developed in the wake of the Industrial Revolution in Britain towards the end of the 19th century and the concept came because the employers who were powerful capitalists and barons had so much power and they dealt with the worker at an individual level so that the worker had no chance at all. It led to the worst type of economic exploitation. One has only to read Dickens to see what the state of affairs in the industrial society of Britain was. Now, in process of time, the right to strike came because the workers presented themselves as a united unit against the employer who was either an individual or a group of individual capitalists. But when we are dealing with the essential services, who is the employer in all these essential services? You would kindly note that in every case, the nation is the employer. In fact, the worker who is working is himself one of the employers in the sense that all these activities are controlled by the nation. Therefore, the concept of strike to which we are alluding and which grew in the wake of the Industrial Revolution, is totally foreign to the type of industries with which we are dealing.

The Vice-Chairman (Shri Arvind Ganesh Kulkarni in the Chair).

Sir, the hon. Member preceding the just now, said or he read out some sort of a document saying that no trade union movement can survive without the right to strike. May be, but has the

right to strike not also a corresponding duty balancing it with liability and responsibility to the nation? Is the right to strike so unilateral that the people would insist on going on strike, no matter what the effect is so far as the national activities are concerned, national safety is concerned, national health is concerned, national means of provisioning, of giving food, of carrying things to the people in the interior and the countryside are concerned? Isn't there a similar responsibility or liability on persons who are engaged in this kind of works and trades? Therefore, it is quite obvious that the Bill is not meant for those who are honestly or in a *bona fide* manner agitating for a right which can be submitted for adjudication to the industrial tribunals. The Bill appears to be meant for those who would not take recourse to these types of media for settlement of the disputes and who would put it forward more as a matter of blackmailing, more as a matter of disturbing the nation and the smooth flow of life in the nation.

Now, Sir, a mention was made to what happened in Poland. I was just reading the news that is coming from that part of the world yesterday to the effect that Solidarity which really is the national movement of Poland is now against the trade unions that are wanting some sort of a strike or some sort of a disturbance. There is a warning from the Solidarity to the trade unions that it would not tolerate this kind of strikes. The newspaper is there in the Library and if my friend wants he can look into it. Sir, you would kindly notice that this question of wanting to tone down the enthusiasm for a strike is not a new thing, is not a new concept that our Government is putting forward. The same thing is happening in Britain today. And Mrs. Thatcher has sacked three of her Ministers who did not share this idea with her.

SHRI LADLI MOHAN NIGAM: Is Mrs. Gandhi becoming Mrs. Thatcher? (Interruptions).

1033 RS—11

SHRI RAJINDRA SINGH ISHWAR SINGH: Why do you always live in some sort of fear of Mrs. Indira Gandhi? I am just mentioning to you what is happening all over the world. Somebody has mentioned about the Solidarity. I have just stated what the Solidarity has done. It has warned the trade unions against the strikes. And I am telling you that in Britain from where the trade unionism began or whether the concept of strike was evolved, Mrs. Thatcher only three days before, on the 14th, has sacked three Ministers who were not agreeing with her.

श्री लाडली मोहन निगम : बू, वहाँ गिरा था, आवाज वहीं से उठी थी ।

श्री राजेन्द्र सिंह इश्वर सिंह : मेरी समझ में नहीं आता कि आपको आपत्ति क्या है । मैं जो फैक्ट्स हैं वह आपके सामने पेश कर रहा हूँ कि आज विभिन्न देशों में इस समस्या के ऊपर क्या हो रहा है । पर इसको आप सुनने के लिए तैयार नहीं हैं और खड़े हो कर इण्टरेप्ट कर रहे हैं । मैं यह कह रहा था कि यह कंसैप्ट विलायत से शुरू हुआ है । उस देश में उन्होंने इस बात के ऊपर कहा कि स्ट्राइक के साथ यह मुश्किल है, हम नहीं चल सकते, प्राइस लाईन होल्ड नहीं कर सकते, एकानामी नहीं चला सकते ।

Similarly, Sir, you take up the American economy. When the concept of New Deal was given by Roosevelt, the first thing on the agenda was the freezing of wages and the question of containing the strikes because he said that it totally demolishes the economic structure of a country. Therefore, there is nothing new. I am trying to explain to you and I hope I am succeeding in putting across to you at least in a feeble manner, that it is not something that is being done for the first time by our Government as such in bringing the Bill. This is an idea which is now taking shape even in highly advanced

[Shri Rajendra Singh Ishwar Singh]

industrialised countries. We are not so highly advanced. As a matter of fact...

SHRI K. K. MADHAVAN: You are not getting inspiration from the experience of Roosevelt.

SHRI RAJINDRA SINGH ISHWAR SINGH: Sir, I do not know why my friend is getting agitated. Either they do not know what the facts are or they do not wish to listen to the facts. Otherwise, where is the question of getting excited on a matter like this?

Now, Sir, again it is being said that it is a penal legislation. Well, I invite again your attention to the Industrial Disputes Act. In Chapter VI, it is already there. Certain penalties are already there. It is not that something new is brought in. There also, if somebody acts in violation of certain things, and one of them is the illegal strike, penalties are there. It is merely this that in the present Bill...*(Time bell rings)* Sir, do I have three more minutes I do not now what your bell mean. I have no intentions of flouting your bell. I would like to obey and I would like to be disciplined. I will finish in three minutes ....

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I would only plead with you that today the time constraint is there. Otherwise, we are liberal. Unfortunately, you are coming from the Treasury Benches. Your Minister has written down the time against each Member. It is my duty to ring the bell after one and half of that time is consumed.

SHRI RAJINDRA SINGH ISHWAR SINGH: Thank you very much, Sir. I would like to shorten it up and I will quickly run through it. Sir, it is said that it is a penal measure. I pointed out that in the Industrial Disputes Act, in Chapter VI, all these penalties have been laid down. All that is happening now is that we are merely increasing some of the penal-

ties because it has been found by experience that those penalties had no deterrent effect at all. The penalties are meant for two purposes. Number one, it is to make a person who has made a fault to learn a lesson so that he does not repeat it and also to teach others by example that it does not pay to do a particular type of offence. It has been found by the experience of all these years that those penalties did not have the deterrent effect. Consequently penalties have been enhanced. This is a very common sort of a thing that you take into account when one is legislating.

It has been said that the police man has been given the power to arrest because it has become a cognisable offence. The police man can only arrest if there is a reasonable suspicion for which the police man is accountable. It is not for every suspicion that he will arrest. 'Reasonable' again has a very definite place in legal thinking.

A slur has been cast on the judiciary. Now, Sir, I consider that very unfortunate indeed for an hon. Member and for a very responsible hon. Member of this House to say that the judiciary today just does the line of the Government and therefore, they will do all kinds of things. This kind of a thing, to say the least, was a very uncharitable sort of a thing. We have, perhaps, one of the finest judiciaries anywhere in the world. I, as one who is practising in the law courts, can tell you that. Please compare the judiciary of our country with judiciaries in other countries including that of Britain, I say. And yet to cast a slur on judiciary only for the purpose of a debate in Parliament is perhaps not a correct thing to do. The judges, the magistrates, are not in a position to get on the platform and speak for themselves. And, therefore, it becomes our due ....

SHRI LADLI MOHAN NIGAM: Now they are also becoming members of Trusts. *(Interruptions)*

**SHRI RAJENDRA SINGH ISHWAR SINGH:** Sir, these two judges are not the first ones that became. I can give to my learned friend the names of at least 50 others, name of other sitting judges, who were members of the trust, who were members of school committees, running organisations. I can give 50 names. Now, therefore, again as I said that will take me off the subject. (*Time bell rings*).

The summary trial proceeding, again, is nothing unusual for offences of this type punishable with this length of imprisonment. Summary trials are provided under the Code of Criminal Procedure. Therefore, what is wrong if summary trials are brought in here. On the one side, you make a grievance that our trials in courts take a long time to conclude and, therefore, by the time the trials are concluded the memories have rusted and nobody even knows what the persons are being punished for. On the other side, when an attempt is being made to expedite some type of trials, then we are told that trials are being expedited and that is an improper thing. (*Time bell rings*).

Well, Sir, I would like to finish. There is quite a good bit more that I could have spoken. But since you have rung the Bell thrice, I would like to obey you.

**श्री सदाशिव बाभाईतकर :** श्रीमन्, जो विधेयक सदन के सामने है उसका विरोध करने के लिए मैं खड़ा हूँ। श्रीमन्, मेरा दिमाग अब यह सोच रहा है और मैं देख रहा हूँ कि वह दिन जल्दी आयेगा जब इंस्पेक्टर जनरल आफ पुलिस, चीफ कमिश्नर आफ लेबर का भी काम करना शुरू करेगा। ज्ञानी जैल सिंह जी ने इस बिल को सदन में रखा तो उसका यह अधिकार होना लाजिमी है और यह सरकार उसी दिशा में बढ़ रही है। वरना यह मेरी समझ में नहीं आता कि जो मामला इंडस्ट्रियल रिलेशन का है उस इंडस्ट्रियल रिलेशन को क्यों आपने परिवर्तित

कर दिया है। ला एण्ड आर्डर के प्रॉब्लम में और ज्ञानी जैल सिंह द्वारा इस बहस का सरकार के द्वारा जवाब दिया जायेगा। उन्हीं को उन्हींने उस सदन और इस सदन में रखा है। तो इसी लिए मुझे लग रहा है कि आज जो दिशा आप लोगों ने ले ली है उस दिशा का अंत भी इसी में है। जैसे कि एक ट्राफिक इन्वेस्टिगेशन के या इसी तरह के आई० जी० पी० होते हैं वैसे ही एक आई० जी० पी० को ये बहाल करेंगे, चीफ लेबर कमिश्नर और हम लोगों को उन दिन का मुकाबला करना ही पड़ेगा। मैं यह इसलिए कह रहा हूँ कि इस तरह के बिल लाने के पहले इस सरकार के जो नीति के मसौदे हैं उन को भी देखने का काम सरकार ने नहीं किया। आप पंचवर्षीय योजना ले लीजिए। पंचवर्षीय योजना के 402 नम्बर के पन्ने पर आप लोगों ने लेबर के बारे में क्या लिखा है। आप बहस कर के आये, अमेंडमेंट करते हैं संविधान की डाइरेक्टिव प्रिंसिपल्स और दूसरे मूलभूत अधिकार के प्रिंसिपल्स में क्या झगड़ा है तथा आप क्या चाहते हैं, उस में क्या प्राविधान रखे गये हैं? इन सारी चीजों को आपने तक पर रख दिया है। और यह सब किस लिए किया जा रहा है मैं पूछना चाहता हूँ। 26 जुलाई को इस आर्डिनेंस को आपने घोषित किया, प्रेजिडेंट आफ इंडिया अमल में लाये, आज हम 26 जुलाई से 15 सितम्बर में हैं, 15 सितम्बर तक इस आर्डिनेंस के तहत क्या काम आप लोगों ने किया। मैं यह सदन के सामने रखना चाहता हूँ कि यह आर्डिनेंस निहायत गैर जरूरी था, इसका यही एक एवोडेंस है, यह साबित करता है कि 25 जुलाई से ले कर आज तक इस आर्डिनेंस के अन्तर्गत कोई कदम उठाने की मजबूरी या जरूरत सरकार को महसूस नहीं हुई है।

आपने जो यह आर्डिनेंस निवाला है, लेकिन औद्योगिक विवाद के सारे जो स्टेटिक्स श्री माथुर जी ने दिये हैं—अभी-अभी शिमला का जो आपका लेबर ब्यूरो है स्टेटिक्स का,

[श्री सदाशिव बागाईतकर]

उसके आंकड़े देता हूँ, यह बताया गया है कि शिमला के लेबर ब्यूरो के जो आंकड़े हैं, उस में यह पाया गया है कि मैनडेज लास्ट जो है अक्राउटेड फार बाई स्ट्राइक्स 82 परसेंट था 1979 में, उस के आंकड़े घट गये हैं। अब स्थिति यह बनी है कि लाक-आउट का जो परसेंटेज था 1979 में, उस से बढ़ कर 46 परसेंट है 1979 में - इसमें था 1980 में 54 परसेंट बाई इंडस्ट्रियल एक्शन और मैनडेज लास्ट ड्यू टु लाक-आउट्स उसका परसेंटेज 1980 में बढ़ गया है। 46 परसेंट तक बढ़ गया है, यह स्थिति है।

तो लेबर की वजह से इंडस्ट्री में कुछ गतिरोध पैदा हो गया है, कुछ आइसेस का वातावरण बना है, यह बात सही नहीं है। उन की मांगें हैं, और मांगें बढ़ती रहेंगी। इसका कारण यह है कि रुपये का असली मूल्य बाईस पैसे तक आ गया है। यह आप ही के वित्त विभाग का आंकड़ा है। तो जब रुपये का मूल्य इतना गिरता रहेगा, तो वेतन की मांग, मंहगाई भत्ते की मांगें बढ़ती जाएंगी। क्या इस का जवाब आप इस विधेयक को समझते हैं? और असली समस्या क्या है, यहीं अगर आपको ठीक पता न हो, तो आप उपाय कैसे करेंगे? असली समस्या रुपये का गिरता हुआ मूल्य है, जिस को ले कर आदमी बाजार में जाए, तो दिन भर के श्रम के बाद पेट भर खाना हासिल करना भी उसके लिए मुश्किल हो गया है।

आप का जो मिनिमम वेजेज है, महाराष्ट्र में, बिहार में और मध्य प्रदेश में इस को आप देखिए कि आज जेल में बंद कैदियों के लिए जो राशन देते हैं - मेरे पास महाराष्ट्र की जेल की मैन्युअल है। बोलिये क्या देते हैं? इस के आंकड़े मैंने निकाले हैं, हर कैदी के पीछे जेल में खर्च होता है पांच रुपये, जो जेल का राशन देते हैं। उस को जितना जेल मैन्युअल में देते हैं, उतना भी जो मजदूर को

नहीं मिलेगा, तो मजदूर क्या करेगा? यह है असली समस्या। तो असली समस्या बढ़ते हुए विवाद नहीं है, असली समस्या है कि सरकार जो अपने वायदों और वचनों की निभाने में असमर्थ हुई है, उसी से आज स्थिति बिगड़ती जा रही है। वह असली समस्या है और इसलिये मैं चाहूंगा कि सरकार जो उपाय करने जा रही है, उन उपायों से अगर आप समझते हैं कि इंडस्ट्रियल पीस आप लोग हासिल कर सकेंगे, वह नहीं है।

आप अनाप-शनाप अधिकार ले रहे हैं और मेरे लरनेड मित्र ने जो भी फरमाया हो, लेकिन टक्कीकली आज आप को हक है कि आप चाय की दुकान को भी असैन्शल घोषित कर सकते हैं। जिस किसी चीज के लिए पार्लियामेंट कानून कर सकती है, वह सब चीजें आप असैन्शल कर सकते हैं और जो यह अधिकार आप ने लिया है, तो उस का प्रयोग कैसे होगा, मैं अपना अनुभव आप को बता रहा हूँ। आज शर्मा साहब भी यहां हैं - गरवारे नायलन, पूना की एक बड़ी फैक्टरी है, श्रीमान्, मैं उस की यूनियन का प्रेजिडेंट था। दस साल पहले की स्थिति है। नोटिस दे कर हड़ताल पर गये, न हमको मालूम, न लेबर कमिश्नर को मालूम, न वीफ लेबर कमिश्नर महाराष्ट्र को मालूम कि गरवारे नायलन इंडस्ट्री असैन्शल सर्विसेज में गजेट हो गई है। हम हड़ताल पर गये। हड़ताल हो जाने के बाद जब हम को पता चला कि अब यह असैन्शल सर्विस मानी गई है, नोटिफिकेशन हो गया है आप के मित्र तिडके साहब उस वक्त लेबर मिनिस्टर थे। हम उनके यहाँ पहुँचे कि नायलन जैसी इंडस्ट्री को आप ने कब से असैन्शल माना है, जनाब, हम को मालूम ही नहीं है, कैसे गजेट हुआ?

तिडके साहब को आश्चर्य लगा और उन्होंने ने कहा कि मुझे मालूम ही नहीं है कि कैसे असैन्शल सर्विस घोषित हो जाती है। नायलन तो असैन्शल सर्विसेज में -

गरवारे नायलन का तो आता ही नहीं है। हमने चूँकि असैशल सर्विस थी, प्रक्रिया अलग थी, हमने हड़ताल को वापिस किया। तिडके साहब ने उस इंडस्ट्री को डिनोटिफाई किया, असैशल सर्विस की लिस्ट से निकाल दिया, डिनोटिफाई हुआ।

फिर हम दुबारा हड़ताल पर गए। यह स्थिति है कि इंडस्ट्रियल डिस्प्यूट्स एक्ट में जो प्रावधान है, उसके साथ इस तरह से खिलवाड़ किया जाता है। मेरे मन में रत्ती भर भी शंका नहीं है कि यह जो अधिकार आप ले रहे हैं, उस से फायदा पहुंचेगा, गरवारे, बिरला और टाटा जैः जैः मानोपोलिस्ट हैं, उन को फायदा पहुंचाने के लिये आप इस को कायम करेंगे। ये लोग आपके जाने-अनजाने में

सारी सरकारी मशीनरी खरीद कर सकते हैं, एक नहीं सौ प्रमाण आपके सामने आ गए हैं। इसी सदन में मैंने सवाल उठाया था माऊर की बिड़ला की फैक्ट्री जो वेस्कोज फाइबर बनाती है, बिना इंडस्ट्रियल लाइसेंस के 1973 से वह फैक्ट्री चला रहे हैं, आप उसके खिलाफ कुछ कार्यवाही नहीं करते हो। यहां सदन में जवाब दिया गया कि हम कुछ कार्यवाही नहीं कर सकते हैं। यह जब स्थिति है तो इंडस्ट्रियल सर्विसेज की आड़ में आप समझते हैं कि मजदूरों की कुछ भलाई आप कर सकेंगे ?

मैं दूसरी तरफ आप का ध्यान खींचना चाहता हूँ। एक तरफ इस तरह का प्रावधान बना रहे है और दूसरी तरफ जो औद्योगिक विवाद होते हैं उन को तुरन्त निपटाने का क्या जरिया है ? 1969 की नेशनल लेबर कमीशन की रिपोर्ट जिस का उल्लेख डाक्टर शांति पटेल ने किया, इंडस्ट्रियल रिलेशन कौंसिल की सिफारिश है और मैं हर कंसल्टेटिव कमेटी में इस मामले को उठा रहा हूँ कि 1969 की नेशनल कमीशन की जो लेबर कमीशन की रिपोर्ट है उस को भी अभी तक आप अमल में नहीं ला रहे हैं और इंडस्ट्रियल

डिस्प्यूट्स और ट्राइब्युनल की जो मशीनरी है - पांच, छः, सात साल केसेज करते हैं - कोई मदद नहीं मिलती है। क्या यह सच नहीं है कि जो मैमोरेण्डम दूसरे सदन में बिल के साथ आपने दिया उस में वायदा था कि इस बिल के साथ साथ वह प्रावधान जो सरकार करना चाहती है, वह उपाय जो सरकार करना चाहती है जिस से औद्योगिक विवाद तुरन्त समाप्त होंगे, वह करने का मैमोरेण्डम में वचन है लेकिन वह न कोई प्रावधान सदन के सामने रखा न जानी जैल सिंह ने हम लोगों के सामने रखा जब उन्होंने बिल को प्रस्तुत किया।

अगर सरकार समझती है कि पुलिस उपाय से, पुलिस एडमिनिस्ट्रेशन के द्वारा डराने धमकाने से इंडस्ट्रियल पीस को आप खरीद सकते हैं, तो मैं कहना चाहूंगा यह आप की सरासर गलती है और इस से औद्योगिक विवाद समाप्त होने की बजाए ज्यादा बढ़ जाएंगे। इसलिए मैं कहना चाहता हूँ कि इस बारे में जो नीति आप लोगों की रही वह नीति आप के वचन, वायदे और आप की लिखित नीति के विरोध में है। इस की तरफ सरकार ध्यान दे।

श्री नन्दाकिशोर भट्ट यहां पर नहीं है... (व्यवधान)... हां, आई एम सौरी यू आर वेरी मच हियर, तो इंडस्ट्रियल रिलेशंस के बारे में आप में और हम में यह फर्क है कि जिस समय जनता पार्टी के शासक दल में हम थे उस समय चूँकि इंडस्ट्रियल बिल का प्रावधान मजदूरों के अधिकारों को छीनता था इसलिए शासक दल में रहते हुए हमने विरोध किया था और उस वक्त सारे ट्रेड यूनियंस इकट्ठा हो कर यहीं दिल्ली की संसद् के सामने हम ने प्रदर्शन किया, हम लोगों ने अपनी शक्ति का प्रदर्शन करके उस बिल का समर्थन नहीं किया था क्योंकि हमने कहा कि सरकार से ज्यादा मजदूरों के अधिकारों को हम मानते हैं। सरकारें आती रहती है और जाती रहती हैं। तो हममें और आप में यह फर्क है।

[श्री सदाशिव बागाईतकर]

जब मोरारजी देसाई प्राइम मिनिस्टर थे और रिजर्व बैंक, वालों ने एजीटेशन किया, हड़ताल की, तब आप लोगों ने क्या रुख अपनाया था ? आप लोगों ने क्या समर्थन नहीं किया था ? इस तरह के ट्रेड यूनियन मूवमेंट में अगर आप अवसरवादिता से पेश आएं तो मजदूरों के अधिकारों का संरक्षण नहीं हो सकेगा ।

मैं उन तमाम विचारों को इस वक्त छोड़ रहा हूँ, सालिडरिटी का मतलब क्या हो रहा है - वह इरिलेवेंट चीज है क्योंकि जहाँ मजदूरों को उनका वेज नहीं मिल रहा है वहाँ एक रुपये की कीमत 22 पैसा हो गई है, आज यह कहा जा रहा है कि मजदूर is holding the society to ransom, मैं उन तमाम मित्रों से पूछना चाहता हूँ : आप मजदूरों को यह कह रहे हैं, जब इसेशियल सर्विसेज को व्यापारी अपने हाथ में रख कर एक अभाव पैदा करता है, जब मैडिकल प्रक्टिशनर आपरेशन थियेटर में भी पेशेन्ट के साथ भी सौदेबाजी करता है कि इतना पैसा नहीं हो तो तुम्हारी सेवा हो नहीं सकती है । यह बताता है, उस वक्त क्या गुजरती है ? यह डबल स्टैंडर्ड की नीति चलने वाली नहीं है और आज समय आ गया है कि मैं सरकारी दल के मित्रों को चेतावनी देना चाहता हूँ कि यह जो डबल स्टैंडर्ड आप चला रहे हैं उस से आप अपनी सारी विश्वसनीयता खो रहे हैं, क्रेडिबिलिटी आप का जा रही है । आप मजदूरों को शिकंजे में जकड़ना चाहते हैं । दूसरी तरफ इंडस्ट्रियल रिलेशन्स कौंसिल जिस की रिकमेंडेशन, 69 से आप के पास पड़ी हुई है उन पर आप रत्ती भर भी अमल करने के लिये तैयार नहीं है । 6-6 वर्ष तक ट्रिब्यूनल और इंडस्ट्रियल कोर्ट के जजमेंट के इन्तजार में मजदूर बैठे और मालिक सुप्रीम कोर्ट तक जाय और मजदूर के हाथ में कुछ न रहे । यह जो अराजकता इंडस्ट्रियल रिलेशन्स में है उस को दूर करने के बजाय आप ऐसा कदम उठा रहे हैं जिस से देश में औद्योगिक विवाद

समाप्त नहीं होंगे, बढ़ेंगे । अगर आप समझते हैं कि मजदूरों को डरा-धमका कर इंडस्ट्रियल पीस खरीद लेंगे तो मैं आज आप को चेतावनी देता हूँ कि ऐसा होने वाला नहीं है । राजनैतिक दृष्टि से आप दस बार रेलवे मजदूरों की 1974 की हड़ताल का उल्लेख करें, लेकिन मैं आप से पूछना चाहूँगा कि जब बातचीत का दौर जारी था, जार्ज फर्नांडीज, रेलवेमैन्स फ़ैडरेशन के अध्यक्ष, लखनऊ जेल में थे, उनको लेने के लिए आप जहाज भेजते हैं और उन को बातचीत की टेबल पर लाने के बजाय जेल में बन्द कर देते हैं इस पर भी क्या आप मजदूरों से उम्मीद करते हैं कि इस विश्वासघात के बाद भी मजदूर आपसे हाथ मिलायेंगे ? जो हकीकत है उस को नजरअन्दाज कर के किस चीज पर बहस करेंगे । उस से कोई निष्कर्ष नहीं निकलेगा ।

श्री कल्पनाथ राय (उत्तर प्रदेश) : श्रीमान्, व्यवस्था का प्रश्न है । आदरणीय बागाईतकर जी विद्वान व्यक्ति हैं ।

उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : व्यवस्था किस पर है वह बोलें । मैं आप को बुलाऊंगा ।

श्री कल्पनाथ राय : क्या 1974 की रेलवे हड़ताल को आप जस्टिफाई करते हैं ?

उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : यह कुछ नहीं है, बागाईतकर जी बोलिए ।

श्री सदाशिव बागाईतकर : वह तो इतिहास की चीज बन गयी । जिन्होंने उसका उल्लेख किया था गलत उल्लेख किया था, यह मैं बताता चाहता था । इसलिए मैं कह रहा हूँ कि जब आप देश के औद्योगिक विवाद को निबटाने की बात सोचते हैं और वह पुलिस बख़म उठा कर करेंगे तो इसमें कोई लाभ नहीं होने वाला है । अगर आप समझते हैं कि हम डर के मारे घर में बैठ जायेंगे तो यह होने वाला नहीं है ।



आप कानून बनाइये, उस कानून को तोड़कर और ज़रूरत पड़ने पर हड़ताल करने का सारा काम मेरे जैसे आदमी करेंगे। आज आप मूल अधिकारों को समाप्त करने की बात कर रहे हैं। इस के दो कारण हैं। आप खुद डरे हुए हैं। जो आर्थिक स्थिति देश में बनते जा रही है उस पर काबू पाने का कोई उपाय नहीं है। इसी सदन में आप ने डालमिया दादरी सीमेंट प्लांट को लेने का बिल मंजूर करवाया है। तीन साल डालमिया दादरी प्लांट बन्द रहा। आप ने क्या किया? डेढ़ साल तक दो हजार मजदूर अनाज के एक दाने के लिए मंहताज रहे। क्या सरकार ने उस के लिए किया? दो साल के बाद आप कानून लाये और उस को भी आधे मन से करने की कोशिश की। कलकत्ते में जाइए तो वहाँ की मोहिनी टेक्सटाइल मिल कई साल से बन्द है। मैं तो सैकड़ों उदाहरण दे दूंगा। आज आप के नेशनल टेक्सटाइल कारपोरेशन ने जितनी सिक मिलें लीं वे कैसे सिक हो गईं। मिस्टर डाबर का स्टेटमेंट है। रिजर्व बैंक आफ इंडिया ने स्टडी किया है कि सिकनेस इन इंडस्ट्री कैसे आती है। रिजर्व बैंक आफ इंडिया का निष्कर्ष है कि सिकनेस का 54 परसेंट कारण होता है वह आर्थिक घोटाला जो मैनेजिंग डायरेक्टर और मालिक करते हैं। और सिर्फ 2 परसेंट कारण है कि सिकनेस इंडस्ट्रियल रिलेशन्स खराब होने के कारण आती है। आप अपने बैंक की जो रिपोर्ट है उस को नहीं देखेंगे, उस की स्टडी को नहीं देखेंगे और देश के सामने इस तरह का विधेयक लायेंगे जो गुलामी मजदूरों पर लादेगा और आप उम्मीद करते हैं कि हम इस को स्वीकार करेंगे, यह होने वाला नहीं है। चाहे जो परिणाम हो, हम सदन में और बाहर बराबर विरोध करते रहेंगे। आखिर उत्पादन किस लिए बढ़ाना है? हम उत्पादन बढ़ाते हैं और लाभ बिड़ला-टाटा के पास पहुंचता है। '47 से अब तक हम बराबर आंकड़े देते आये हैं। '47 से बिड़ला-टाटा का परिवार

कितना बढ़ा और एक मजदूर कितना बढ़ा, यह आप कुछ सोचेंगे या नहीं? इतना भ्रष्टाचार अन्याय आप कर रहे हैं। इस घोर अन्याय के सामने झुक कर आधा-पेट और तंगा रहने वाला मजदूर अपना पसीना बहाये और आप का खजाना भर दे, यह उम्मीद है सरकार की है तो यह होने वाला नहीं है आने वाले दिनों में, मैं साफ शब्दों में कहना चाहता हूँ। इसलिए मेरी सदन से प्रार्थना है कि यह सरकार ऐसी है कि जिस ने अपनी सामान्य मानव बुद्धि को खो दिया है। इस सरकार के पास न तो सामान्य बुद्धि है और न अपना वचन निभाने की बुद्धि है और न यह सरकार ईमानदार ही है। निकालिये अपना मैनीफेस्टो शर्मा साहब और देखिए कि आप ने उस में क्या लिखा है। कांग्रेस आई के मैनीफेस्टो में क्या लिखा गया है जिस के आधार पर आपने जनता से वोट लिये है। मैं अपने उन मित्रों से पूछना चाहता हूँ कि क्या जो वचन आप ने दिये है उन को पूरा करने के लिए ही आप यह बिल ला रहे हैं? जो वचन आप ने दिये, जो वायदे आप ने किये उन को पूरा करने के बजाय आप विश्वासघात कर रहे हैं गरीबों के साथ जिन्होंने नाराज हो कर जनता पार्टी को ठुकराया और आप पर भरोसा कर के, आप पर विश्वास किया। क्या उस विश्वास को निभाने का यह तरीका है यह मैं इस सरकार से पूछना चाहता हूँ।

इसलिए अन्त में मैं कहना चाहता हूँ कि अगर सरकार समझती है कि एसेशियल सर्विसेज कौन सी हैं और कौन सी नहीं है तो जो प्राविजन उन के लिए उस ने किये हैं वह गलत हैं। आप ने अपने हाथ में सारे अधिकार ले लिये हैं। आप जिस को चाहेंगे उस को एसेशियल सर्विस करार दे देंगे और इस तरीके से मजदूरों के अधिकार छिनने की यह साजिश है। इसलिए मैं इस विधेयक का विरोध करता हूँ और मैं

[श्री सद शिव बागाईतकर]

इस सदन से प्रार्थना करता हूँ कि वह इस विधेयक को नामंजूर कर दे। यही कह कर मैं समाप्त करता हूँ।

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Mr. Dinesh Goswami.

SHRI DINESH GOSWAMI: Mr. Vice-Chairman, Sir...

श्री कल्पनाथ राय : लोक दल के अध्यक्ष ने भी इस ऑर्डिनेन्स का विरोध नहीं किया था।

श्री सदाशिव बागाईतकर : लोक-आउट और ले-आफ को प्राधिजन इस में नहीं है यह बात भी आप के प्राइम मिनिस्टर को मालूम नहीं थी।

SHRI DINESH GOSWAMI: Sir, let this dialogue be over. Then I will start.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Now Mr. Kalpnath Rai, please allow him to speak.

SHRI DINESH GOSWAMI: I hope, Sir, the dialogue is over.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Yes, the dialogue is over. You go on.

SHRI DINESH GOSWAMI: Mr. Vice-Chairman, Sir, I am not a trade-unionist. In fact, the field of trade-unionism is something beyond me. But if I have taken a stand here to oppose this Bill, it is because I find the provisions of the Bill totally obnoxious and because I have strong objection to the way this legislation has been introduced and is sought to be passed in this House.

Sir, my hon. friend who preceded me from the Congress (I) is a very eminent lawyer. May I ask him, is

it not a fact that this legislation was brought through an Ordinance on the 26th of July, 1981 where it has been stated that disquieting trends on the labour front in some vital sectors of the national economy are appearing? May I ask the hon. Home Minister what happened just before the 26th July, 1981, what disquieting trends appeared in the economy on that day that you had to bring this Ordinance? Have you applied this Ordinance, till 17th September, in any one field? I could have understood if this Ordinance was applied in some particular fields which might have justified that there was urgent necessity which necessitated the executive to pass the legislature to bring an Ordinance. The fact that the executive has not applied this legislation up till now, in spite of acquiring the power, shows that this Ordinance was brought because the Government has now acquired a tendency that in all controversial measures, in all measures which are unpalatable to the community at large, to first issue an Ordinance and then bring it before this House as a *fait accompli*.

There are two reasons why it has been brought. Firstly if this legislation were sought to be introduced in the normal course, I know a large number of Members of even the ruling party would have protested and would not have permitted it to be brought. Secondly, may be because your negotiations with the International Monetary Fund were going on the Government had to satisfy some outside agency and, therefore, such type of an Ordinance had to be brought.

My second objection is about the way the Government are trying to steam-roll the Bill. May I ask a question? It is a controversial Bill on which a large section of the community is agitated. You knew that the House is going to be over on the 18th September; you knew that the House is not going to be extended; you brought this Ordinance on the 26th of July; why could not you have brought

this Bill replacing the Ordinance sufficiently in advance so that the house could get sufficient time to discuss it. One hundred and ninety five amendments are before me. May I ask the hon. Home Minister: Have you gone through these amendments? The fact that you want to steam-roll this Bill today shows that even if there are amendments—reasonable or otherwise—you are not prepared to listen to them. The founding stone of democracy is not rule by the majority. In that case, Hitler may be called the greatest democrat in the world because at one point of time he had virtually the entire German race behind him. The founding stone of democracy is that the majority must at all times be prepared with an open mind to listen to the views of the minority and be influenced by it. The moment you close that option you are no longer a democrat; you are a totalitarian, you are a dictator. And that is why, the way you have steam-rolled the Bill in the other House and the way you have sought to steam-roll the Bill today shows that at heart you are no longer a democrat—and that is my fundamental objection.

My learned friend there asked, "Can a particular section of the community hold the country to ransom?" For the first time I have heard it and I hope the hon. Home Minister will clarify this; Is it the position of the Government that the working class in this country is holding the entire country to ransom? Will you kindly make a public statement that it is the working class today which is holding the country to ransom?—and I would like to see the reaction.

May I ask: Where from do you get the power? And have you got the executive power to hold the country to ransom because you have got majority in both the Houses of Parliament? Exactly by these laws you are trying to hold the entire country to ransom. Now let me go to the different provisions.

You have said that the Bill has a life-time of four years. What is the rationale of four years? Or, are you thinking that when the next election takes place in 1985—if at all it takes place; it appears doubtful—you may be out of power and therefore you do not want to give this power to the Government that will be coming? What is the rationality of four years? Do you want that the situation will continue for four years in which you will have confrontation with the working class? Do you think that if you will have confrontation with the working class for four years the country can progress? You want this power to be in your hands, but you have kept a safeguard that supposing you have to go to the polls after four years and if you are not in power—because this is a *malafide* Bill—you do not want to give the power to the party in power. The fact that the power of this Bill is for four years fully shows your *mala fide* intentions.

Then my learned friend there has said, it is only in the case of essential services that the Bill will come into operation. True, but in that case why do you require this omnibus power under sub-clause (xvii)? You have detailed all the industries under sub-clause (xvi). And what is this sub-clause (xvii)? It says:—

"any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion"—I don't know whether it is subjective or objective opinion—"that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community...."

Sir, I think the day is not far off when in the summer you will hear that because in a company which manufactures a particular brand of soft

[Shri Dinesh Goswami]

drink there is a strike—I don't want to name—and therefore it is creating hardship to the community. They will issue a notification. The fact that you have taken an omnibus power under sub-clause (xvii) which permits you to declare any industry under the law as essential service, proves that your entire intention is to acquire power because you are not sure of your own position.

Then you have said that if somebody goes on strike you want to punish. That even one can understand. But then, your wording is so very elastic: "Any body who incites or instigates", even he is to be punished. "Anybody who gives money." Supposing I give 37 paise for the trade union movement, I can be hauled up under this law. Supposing I address a public meeting in support of the working class, I can be hauled up under this Act. In fact, anybody who is opposed to the particular philosophy of this Government or even one whose face this Government does not like, can be brought under the purview of this Act. And that is why we don't want to give this power to the Government.

My learned friend there has said, "Look, here the employer also is affected." But look at the essential distinction and discrimination which this Bill has made between a worker and an employer. If an employer incites for a lock-out or pays money for a lock-out, he is not to be punished. Where is the provision which punishes that man? If I support the working class, then I am to be punished but if a businessman supports or gives money for a lock-out, he is not to be punished. Does this not also prove that your *bona fides* are suspect? The Government today is waging a war against the working class. I would also like to know what the difficulty is that you have suddenly done away with the safeguard of the Criminal Procedure Code. You can arrest without arrest and also summary trial.

We know what summary trial is. What was the difficulty? When you are punishing the working class, the lowest of the low, you do not want to give adequate safeguards under the law which you always provide to all other persons. My feeling is that this Government has come to know that it cannot solve the economic problems of this country. It has come to realise that in spite of all the statements of Mr. Venkataraman in this House, inflation is rising neck high. The working class will not be given enough, to sustain itself now the Government wants to deny them the right to protest. I shall have to die because of starvation and I cannot protest because the law says I cannot. You have come to realise that you are not in a position to tackle the problems of this country. You are feeling absolutely insecure. You have come to realise that because inflation is rising, because this conflict is rising, because the rich is getting richer, because the poor is getting poorer, discontentment is undoubtedly going to grow in the minds of the poor sections and you are afraid of those sections. And, therefore, this acquisition of more and more power under the National Security Act, under such an Act. You want to muzzle the entire working class.

May I point out to my learned friend that in democracy a country can grow only in a spirit of conciliation, only in a spirit of consensus, not in a spirit of confrontation? My learned friend has talked about the Judiciary. Is it not a fact that there is total confrontation with the Judiciary—and almost total confrontation between the Executive and the Judiciary? Look at the case of transfer of Judges and the observations from the Judges. There is total confrontation with the judiciary. There is total confrontation with Legislature itself, because you do not treat the Opposition with respect. When we object and say that we want to study this Bill and give our view-points on this Bill, when we request the ruling

party to study our amendments, they say: No, let us sit till 12 O'clock or 1 O'clock in the night and pass this legislation. That is the way you treat the House. There is conflict with the Legislature, where the Opposition is sought to be streamrolled by the Executive or by the ruling party because they have got a majority. But, Sir, if history has taught us anything, it is this that by psychosis of fear, or by creating this type of atmosphere that you can solve the problems. History has repeated it and we have seen enough examples where these types of efforts were made in the past. It has succeeded in a limited way, but countries have had to pay very dearly. Even in Germany efforts were made to this effect my learned friend is today talking of Margaret Thatcher. The fact that you are to give the example of Margaret Thatcher to support your case....

An HON. MEMBER: Because she is equal to Thatcher.

SHRI DINESH GOSWAMI: You are talking of Poland. Have you been able to guarantee to the working class the security of health, the security of service, as has been done in the socialist society? Have you forgotten that during the last thirty years so far as essential commodities are concerned in the socialist societies prices have not risen? Have you forgotten that exploitation has been done away with in the socialist society? And you talk of Poland. You want no democracy. A better kind of democracy is there in a socialist society because I do not think even in a socialist country such type of a Bill would have been passed without a very serious discussion in the party for hours and hours. Even in socialist countries it is not done in the manner it has been done here. I have studied the working of some socialist countries. In Russia, on a consensual legislation, the Soviet Communist party spends days and days. May I ask my learned friend, before this Ordinance was passed was your party ever taken into confiden-

ce? Was there a single party meeting where you discussed this? Forget about the Opposition. Did you for once discuss this? The fact is that there is streamlining by the Executive not of the Opposition alone but of the entire ruling party also. And that is what I object.

Sir, may I point out that in this atmosphere of confrontation this country cannot make any progress? The Government often talks about an atmosphere of war, to which a reference has been made before. Consider whether the country can make progress in a situation of confrontation with the working class, with the intelligentsia, with the Opposition, or by creation of a consensus and reconciliation with the different sections community.

The fact that you have gone for an atmosphere of confrontation shows that danger for democracy lies ahead. May I point that this is the only step because at heart the ruling party has given up its ideals of democracy. My learned friends were talking about the leaders of the trade union movement who must be looking from the above. The nature outside is weeping today. After a lot of sunshine, there is sudden rain today. Probably Jawaharlal Nehru and Gandhi are turning in their graves. If you read the debates on the Rowlat Bill and other such legislations that we had during the freedom struggle when the Legislative Assembly was sitting, you will find that we opposed all the draconian step. Unfortunately, the ruling party which talks of being the torch-bearer of those great leaders of the past, is bringing in legislations which the great leaders would have opposed tooth and nail, and the Opposition which does not even claim to be a true torch bearer of that great heritage is speaking in the voice of Jawaharlal Nehru, Gandhi and others. Thank you, Sir.

श्री संयुक्त सिन्धे रजौ (उत्तर प्रदेश):  
माननीय वाइस-चेयरमैन साहब, मैं इस

[श्री संयुक्त मिश्र रजी]

सदन में जिस बिल पर बहस चल रही है उसका समर्थन करने के लिए खड़ा हुआ हूँ। बहुत देर से और काफी दिनों से इस सदन में मुद्रा-स्फूर्ति की बात कही गई, आर्थिक संकट की बात कही गई और सरकार से बार-बार यह कहा गया कि आपने यह वायदा किया था कि आपकी सरकार एक काम करती हुई सरकार होगी, लेकिन आपके नेतृत्व में काम नहीं हो रहा है। हमने इन बातों को हमेशा देश के परिपेक्ष में और देश की समस्याओं के परिपेक्ष में देखा है। यह बिल जो यहाँ पर लाया गया है, यह पहले आर्डिनेंस की सूरत में आया था। मैं यह गुजराना चाहूँगा कि उन तनाम परिस्थितियों को देखते हुए और उनका अवलोकन करते हुए आप इस पर विचार करें तो मैं समझता हूँ कि आप के जेहन में जो काले बादल छाये हुए हैं, जो काले बादलों की घटा छाई हुई है वह छट जाएगी और एक नया सवेरा आपको दिखाई देगा। इस बिल को लाने के निमित्तले में यह कहा गया कि यह बड़ा जुल्मी बिल है, बड़ा काला कानून है और हम जिस कानून को पास करने जा रहे हैं वह श्रमिकों और मेहनतकशों के अधिकारों का हनन करेगा। मैं समझता हूँ कि यह बिलकुल सही बात नहीं है। सरकार का कोई ऐसा इरादा नहीं है कि श्रमिकों की उचित और लेजिटिमेट ट्रेड यूनियन एक्टिविटीज पर पाबन्दी लगाई जाय या उनको रोका जाय या वर्किंग क्लास और मेहनतकशों के अधिकारों पर किसी प्रकार की रोक लगाई जाय। श्री बागईतकर साहब ने कहा कि इस आर्डिनेंस को लगाए हुए कई महीने हो गये हैं और उन्होंने पूछा कि सरकार यह बताए कि उसने इसका इस्तेमाल किस तरह से किया है? उनको स्वयं इसका कोई इंस्टेंस नहीं मिला। यह बात खुद इस बात का सबूत है कि हमने किसी राजनैतिक बदले की भावना से या किसी के खिलाफ कोई कंफर्मेंटेशन की भावना

पैदा करने की दृष्टि से इसका इस्तेमाल नहीं किया है। यह भी पूछा गया कि इसका इस्तेमाल क्यों नहीं किया गया? मैं यह कहना चाहूँगा कि हमने इसमें यह प्रावधान किया है कि जो लोग ट्रेड यूनियन में वाकई मलबस हैं उनको ट्रेड यूनियन एक्टिविटीज में पूरा हिस्सा लेने दिया जाएगा। लेकिन जो लोग राजनैतिक स्वार्थों के लिए ट्रेड यूनियनों का गलत इस्तेमाल करना चाहते हैं और हमारी जो आर्थिक समस्याएँ हैं उन आर्थिक समस्याओं को राजनैतिक रूप देकर ट्रेड यूनियनों, श्रमिकों और मेहनतकश लोगों को गलत रास्ते पर ले जा कर तोड़-फोड़ की प्रवृत्ति पैदा करते हैं उनके खिलाफ हम अवश्य कार्यवाही करेंगे। आज इस बिल को देखा जो लोग तोड़-फोड़ की कार्यवाही करते हैं ट्रेड यूनियनों का गलत इस्तेमाल करते हैं, वे इस को देख कर डर गये हैं, उनकी हिम्मत पस्त हो गई है। हमारी सरकार की तरफ से इन बिल के सम्बन्ध में सभी प्रकार के प्रिकौशनरी स्टेप्स उठाये गये हैं। मैं कुछ उदाहरण आपके सामने रखना चाहता हूँ। हमारे गृह मंत्रालय ने इन आर्डिनेंस के लागू होने के बाद सभी स्टेट्स गवर्नमेंट्स को जो प्रिकौशनरी भेजे हैं उनमें यह साफ कहा गया है कि —

"The conciliation and adjudication machinery of the Labour Department should be activated so that prompt action is taken on all labour demands, grievances and disputes to prevent them from becoming the cause for agitation.

It should be impressed upon the management that they should be more responsive to the legitimate demands of workers. The law and order authorities should avoid getting involved in bona fide labour-management disputes unless an offence is committed or there is an apprehension of breach of peace. The district authorities should not

appear to be taking any side in the disputes."

श्रीमान्, हमारे देश की बदकिस्मती यह रही कि ट्रेड यूनियन के नाम के ऊपर, मेहनतकशों के अधिकारों के नाम के ऊपर, श्रमिक के हककों के नाम के ऊपर निहित और राजनैतिक पार्टियों ने, जैसा मैंने अर्ज किया, आर्थिक मुद्दों को राजनैतिक मुद्दों में परिवर्तित करने का प्रयास किया और हमारे इंडस्ट्रियल एटमोस्फियर के अन्दर जो मुहब्बत, नैस और शांति की भावना थी, उसको राजनैतिक मुद्दों को मद्दे नजर रखते हुए बिगाड़ने का प्रयास किया। कौन नहीं जानता कि इस देश में आजादी के बाद मैं आज तक न जाने कितनी बसें फूँकी गई होंगी, न जाने कितनी सार्वजनिक सम्पत्ति को बरबाद किया गया होगा, इसके साथ साथ देश में हिंसा का वातावरण पैदा किया गया और जो देश को आगे ले जाने में अवरोध बनते रहे, यह किस तरह से पैदा किया गया। यह आप जानते हैं कि कुछ दिन पहले बंगलौर के अन्दर किस तरह से हड़ताल का नारा दिया गया था और उसके मुतवातिर 77 दिनों तक कारोबार जो कि एसशयल सर्विस के अन्दर आता था—वह बन्द रहा और उसके कारण मुल्क को डढ़ करोड़ रुपये का नुकसान उठाना पड़ा। (समय की घण्टी)।

मान्यवर, मुझे कितना समय मिला है ?

उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : 10 मि.ट.हो गये और 5 मिनट बाकी हैं।

श्री संय्यद सिबते रजो : अभी मैंने शुरू किया है। 5 मिनट से ज्यादा नहीं होगा मान्यवर।

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI) : I am sorry. The mistake is mine.

श्री संय्यद सिबते रजो : मान्यवर, विरोधी पक्ष ने बहुत ऐतराज किया और कहा कि यह जो बिल आया है यह काला बिल है। ऐसा कहने से यह फायदा होगा कि देश की आवाज जो है वह इस वक्त जो पार्टी सरकार में है उससे नाराज हो जायेगी और हमें मौका मिलेगा इकट्ठा होने का। इसलिए यह बात संसद् के अन्दर और संसद् के बाहर कही गई है। परन्तु मैं कहना चाहता हूँ कि यह एक बचकाना नारा है। वही लोग जुट सकते हैं जिनकी विचारधारा मिलती हो, जिनकी देश की सेवा करने की कोई भावना हो, उनको सिर्फ यह भावना न हो कि एक सत्ता चली जाय और दूसरी सत्ता आ जाय, एक सरकार चली जाय और दूसरी सरकार आ जाय इस तरह से वह जुट नहीं सकेंगे। आप पिछला इतिहास उठाकर सब लीजिए। वे कौन सी ताकतें हैं जिनको 5 साल के लिए आवाज ने चुनकर भेजा परन्तु केवल ढाई-तीन वर्ष के बाद फिर उन्हें दुबारा आवाज के सामने जाना पड़ा। ये क्या सोचते हैं कि हम टूट जायेंगे? आवाज हम से नाराज हो जायेगी? हमारा पूरा इतिहास उनके सामने है। यहाँ पर ट्रेड यूनियनों की बात कही गई है। हिन्दुस्तान में आजादी के बाद यदि ट्रेड यूनियनों का इतिहास देखा जाय तो उसमें बहुत तब्दीली आई हैं :

पत्ता पत्ता बूटा बूटा हाल हमारा जाने, जाने न जाने गुल ही न जाने बाकी सारे जानें।

मान्यवर, मैं इन लब्जों के साथ आपसे अर्ज करना चाहता हूँ कि हमें यह नहीं देखना चाहिए कि आज कौन हम से नाराज होता है और कौन खुश होता है। हमें यह देखना है कि हमारे मुल्क की परिस्थिति क्या है? देश की आवाज क्या चाहती है, जनता क्या चाहती है? जनता क्या चाहती है कि दिल्ली के अस्पतालों के

[श्री: संयुक्त रजि. रज.]

अन्दर हड़ताल होती रहे, इमजैसी वाड के अन्दर हड़ताल चलती रहे? क्या जनता चाहता है कोयला खानों के अन्दर हड़ताल इसी तरह से होती रहे जिसके अन्दर सि.हि. स्वार्थ हो और जिसके अन्दर मजदूरों के हितों की बात न हो, बल्कि राजनैतिक दृष्टिकोण से कभी पार्टियों में हड़ताल करने का प्रयास किया जाय और कभी चलते हुए ट्रकों का चक्का जाम किया जाय और कभी पास्ट एण्ड टेल्ग्राफ डिपार्टमेंट और देश के अन्दर कम्युनिकेशन वावस्था को बन्द करने की चेतावनी देने और देश को झकझोर देने की कोशिश की जाय। जनता यह नहीं चाहती। हमारी सरकार, नई सरकार के आने के बाद देश की आवाज ने हम से सवाल किया थे कि महंगाई बढ़ रही है, हड़तालें हो रही हैं देश के अन्दर और भरपूर हो रही हैं ट्रेड यूनियनों के नाम पर साम्प्रदायिकता की आवाज बढ़ रही है। आप बाय करते हैं मजदूरों के हकूकों की लेकिन क्या आपको उनके हकूकों की इतनी चिन्ता है? जनता के इन सवालों के उत्तर में कांग्रेस ने अपने मैनोफेस्टो में कहा कि हम एक चलती हुई सरकार देंगे, हम एक काम करती हुई सरकार देंगे, हम महंगाई से लड़ेंगे, हम इसके लिए आवाज उठावेंगे और इसलिए आज हम यहां पर इन तरह का कानून पास करने का प्रयास कर रहे हैं। यह कोई नई बात नहीं है।

मैं आपके सामने एक बात पेश करना चाहूंगा। हमारे पास यहां पर माक्सिस्ट पार्टी के लोग बैठे हुए हैं। मैं कहना चाहूंगा कि आपके ही माक्सिस्ट लेफ्ट डेमोक्रेटिक एण्ड गोवर्लिस्ट फ्रण्ट केरल ने कहा है कि घेराव एक अपराध है।

हिन्दू. मद्रास का है 9-8-81 का। यह घेराव श्रमिकों के बारे में कहा गया है, जनसाधारण के घेराव की बात नहीं है।

"The Marxist Left Democratic Front Kerala Government today announced in the State Assembly a new policy which, among other things, describes gherao as an offence punishable as an unlawful act."

"According to the new policy, the police will not interfere in labour disputes but will take action if there is violence in the name of strike."

मैं अर्ज करना चाहूंगा आपके माध्यम से कि हम आह भी करते हैं तो हो जाते हैं बदनाम, वो कत्ल भी करते हैं तो चर्चा नहीं होता।

श्री संयुक्त रजि. रजि. (पश्चिमी बंगाल): खुदा से मांगने वाले बुलों के मुल्तोजी क्यों हों,

जो खुद मोहताज हैं अग्यार के वो तुमको क्या देंगे।

श्री संयुक्त रजि. रजि. : मान्यवर, मैं आपसे अर्ज करना चाहूंगा कि यह बिल जो एक कानून की सूरी में परिवर्तित होने जा रही है, एक सही नीति है, सही दिशा में है लेकिन इसी के साथ साथ मैं यह जरूर अर्ज करना चाहूंगा माननीय मंत्री जी से जैसे कि आक्षेप किया गया कि यह श्रम मंत्रालय से सम्बन्धित था और गृह मंत्रालय के कार्यक्षेत्र में कैसे आ गया मैं कहना चाहता हूँ कि आप इस बात पर एतराज न करें। आज हमारे देश ने पिछले कुछ ही महीनों का इतिहास देखा कि किस तरह से ट्रेड यूनियन मूवमेंट का एक ला एण्ड आर्डर प्रॉब्लम में परिवर्तित कर दिया गया। हमें याद आता है, बहर की बात नहीं, हमारे उत्तर प्रदेश के अन्दर ही गाजियाबाद और मेरठ के अन्दर किस तरह से ट्रेड यूनियनों को आपस में लड़ा लड़ा कर एक दूसरे श्रमिकों का एक दूसरे श्रमिकों पर वार करके—भारने का, पीटने का, हाथ तोड़ने



का, पैर तोड़ने का, सरिखा चलाने का और ज्यादा से ज्यादा जो ऐसे हथियार हो सकते हैं—जिससे चोट पहुंचाई जा सकती है, उनका इस्तेमाल किया गया। उधर वे लोग जो मिल चलाते हैं जो अधिकारी गण हैं वे खामोश रहते हैं और हमारे श्रमिक पिटते रहते हैं। इसलिए इसको मद्देनजर रखते हुए कानून के दृष्टिकोण से देखते हुए यह जरूरी हो जाता था कि लेबर की समस्या का और उन समस्याओं का शोषण न हो सके, जिनका हम निदान करना चाहते हैं।

इन अल्फाज के साथ मैं माननीय गृह मंत्री जी से कहना चाहूंगा कि सबसे पहली बात जो एक इंडस्ट्रियल पीस के लिए जरूरी है उस पर आप जरूर तवज्जह करें एक खुले दिमाग की प्रबन्ध सनिति जिससे श्रमिकों, मेहनतकशों का हमदर्द होते हुए उनकी समस्याओं को समझने की योग्यता हो और ट्रेड यूनियन जो अपने को उन मांगों से दूर रखती हो, सेकटेरियन हो, देश की समस्याओं और देश के मानचित्र को सामने रखते हुए और नामुमकिन मांगों को ले कर श्रमिकों को आन्दोलनों पर नहीं उकसाती हो, इस तरह का माहौल बनाना चाहिए। हमें यकीन है और इस भरोसे के साथ बगैर किसी अपनी जाती नीयत के सरकार इस तरह का बिल ला रही है, इस तरह का कानून पेश करने जा रही है और मुझे भरोसा है और मैं कहना चाहूंगा आपके माध्यम से जिन्होंने आक्षेप किया था यहां कि

‘नशा पिला कर गिराना तो सब को आता है मजा तो तब है, गिरते को थाम ले सकी’

हमारी यही नीति है इसी नीति को आगे बढ़ाते जा रहे हैं। एक सवेरा, नया सवेरा, कामयाब सवेरा, हमारे दरवाजे पर दस्तक दे रहा है। सवेरे की नई किरणों के

आने से हमें कोई रोक नहीं सकता, टोक नहीं सकता।

**SHRI P. RAMAMURTI:** Mr. Vice-Chairman, I stand here to support the Resolution disapproving the ordinance and to oppose the Bill that is now being brought here to replace that ordinance. According to me it is an attack not only on the working class of this country but on the entire common people of this country. It is an attack on their rights. I will explain to you how I have come to this conclusion. If they have patience to listen, they will know it. If they are impatient to arguments, I cannot help.

Grandiloquent speeches were made by the members on the other side. Just a few minutes ago, a speech was made by an Advocate saying that society cannot be allowed to be held in ransom by a few people by organising themselves. I would only ask him to turn the torch other way. Who is holding the society to ransom in this country? If today prices are rising, is the working class responsible for it? If today blackmarketing is increasing, who is responsible for it? Is the working class responsible for it? Are the common people responsible for it? Who is holding the country to ransom? What is the action they have taken against all these people? This is the simple question and let him answer it if he has the courage.

They talk of community interests. Community interests are distorted. What is community interest in this country? According to them community in this country consists of Tatas, Birlas, blackmarketeters and corrupt people. It is for them they have brought forward this Bill. It is not for others. The Home Minister, while speaking here, talked of so many measures that they are contemplating in order to see that the strikes and lock-outs became absolutely unnecessary. If he is so confident that he is going to take all those measures and if he is so confident that all these measures which he is contemplating

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will succeed, then why this Bill at all? We all know that he is not going to do anything. They have been promising these measures for the last 32 years. They have done absolutely nothing in this respect. We know that in this country not a naya paisa has been got by the working class without a struggle either against the Government or against the employers. During the British regime that was the position and after the British regime the position is the same. The Government did not bother about the working class. They never bothered about increasing wages or providing amenities to the working class. It is by shedding their blood and by toiling and by facing lathi charges and by going to jail the working class of this country has now been organised.

[The vice-Chairman (Shri Dinesh Goswami) in the Chair.]

The reasons they advance do not wash. The first reason is that production has to increase. Production has become very important and production cannot be allowed to decrease. Now, figures have been given. I do not want to repeat those figures. Figures have been given by others and we see that in the last two years the number of mandays lost has come down to 20 per cent. In 1980 it was 20 per cent of what it was in 1978. They say that they have introduced some wonderful measures, grievance redressal procedures, etc. Production has become very important to them. I will just read out some figures in this connection. "The steel plants were able to utilise only 69.2 per cent of their capacity in 1979-80. Aluminium industry used only 58.2 per cent of their capacity. Fertiliser industry used only 75.6 per cent of their capacity and news print factories used only 68.2 per cent of their capacity. It is evident from the table that the recent trends on capacity utilisation in several industries are discouraging. This is also true of agriculture. Irrigation potential which has been cre-

ated is not fully utilised and yield per acre is far below that can be obtained with known technology." Who has said these? It is the Sixth Plan document which says this. Under-utilisation of capacity has been growing in this country. Who is responsible for this under-utilisation of capacity? Again, Sir, I will read out:

"Talking of electricity generation, it is found that the capacity utilised fell from 53.3 per cent in 1976-77 to 45.4 per cent in 1979-80. That is a fall by 20 per cent."

Then it says:

"Management shortcomings are reflected in inadequate preventive maintenance and frequent failure to follow the schedule of maintenance of all major issues of equipment such as boilers, turbines and generators eventually resulting in unplanned outages. Inadequate training of labour skills aggravated these conditions."

Mark and underline the words "inadequate training of labour skills." Then, it goes on to say:

"There are also complaints relating to the quality of equipment supplied, especially the ancillary equipment and instrumentation."

We know that most of the ancillary industries are owned by the engineers of these public sector companies—we know them—under different names. They are supplying bogus ancillaries and they are being fitted and you are passing the workers. It says further:

"Then there are also complaints relating to quality, the matter being particularly important for manning plant operation. The ancillary equipment supplies are absolutely necessary for manning plant operation. Inadequate availability of spares adds to the period of time taken for repairs and maintenance. Finally, complaints about the quality of coal had significantly risen

in recent years. The ash content was increasing and the coal supplied also contained abrasives. Since the thermal plant equipment is designed for better or different specifications, the steady deterioration or variation in coal quality has contributed quite significantly to the lowering of their performance."

Who has said? Not I, Sir, I warned about this in 1967-68 in my speech. I warned about these things in my address, as early as in 1971, to the General Council of the CITU. Who has accepted it now? Not I; not the trade unions. This has been stated by the Economic Survey prepared by the Finance Ministry and placed on the Table of this House last year. So, in the biggest infrastructure in this country, which is very vital for the economy of the country, production is falling and underutilisation is going on and it is not due to the working class. It is not the working class which is responsible for this. That gentleman has \*— He has got greater interest in the courts and court cases and in earning money—who talked of the people, the working class people, holding the country and the community to ransom. Where has that gentleman gone? I do not know. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The word used by the honourable Member after "gentleman" is expunged.

That will not go on record.

SHRI B. IBRAHIM (Karnataka) : Sir, can he use that word? (*Interruptions*).

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I have already expunged that word and if you go on referring to it, it will appear there. Yes, Mr. Ramamurti, you may continue.

\*Expunged as ordered by the Chair.

SHRI P. RAMAMURTI: All right, all right. He is not here to listen to my speech and he is not here to listen to the answer to his speech. That is all that I can say, Sir. You can expunge that word. I will say, unfortunately he is not here to listen to my speech. (*Interruptions*). He is not here to listen to my answer to his speech. Now, who is responsible? It is this Government and it is the bureaucrats and all those people who refuse to take action against these people who have been running the electricity industry in this manner. Yesterday, Sir, the All-India Manufacturers' Association has issued a statement that hundreds of crores of rupees are due from the Electricity Boards and, therefore, they are unable to have cash, they are unable to produce and they say, particularly with regard to the transformers, with regard to the distribution system, and with regard to the other things of the power generation industry, that orders are not coming from the Electricity Boards because they have no finance and, therefore, even the Sixth Plan targets can never be reached! This is not my statement. This is their statement. Are we responsible for this? And yet you want to say that the working class in this country is holding this country to ransom. This is all that I want to ask.

I would also, Sir, like to point out one thing more. Today, Sir, it is again and again stated very eloquently—just now the previous gentleman was talking so eloquently—that the Government is having a wonderful solicitude for the working class in this country. We have seen that wonderful solicitude. After all the proof of the pudding is in the eating. For the last 32 years, since this Government came, except for a short period of 2-1/2 years, who has benefited by the developmental activities of this country? It is not I. Pt. Jawaharlal Nehru himself admitted: "I do not know where the wealth of the country that has been created in this

[Shri P. Ramamurti]

country has gone". It appointed Mahalanobis Commission, and that Commission came to the conclusion that it is the monopolists that have cornered the wealth that has been created. This is wonderful solicitude. They have exploited the poorer sections of this country and the poor sections have gone poorer and poorer. Unemployment has grown. Poverty has grown. The number of those below the poverty line has been increasing. You are shedding crocodile tears for the working class. The experience shows that they are more interested in those people than in the working class.

Then, you talk of laws. Somebody has pointed that there are already provisions. I do not want to quote those sections. Under the existing industrial laws, after giving 14 days' notice, within six weeks you can send for conciliation, and after conciliation you can send it for arbitration or adjudication. Then the strike becomes illegal. Automatically the punishment also is provided. Therefore, if you have that intention, why are you now coming up with a new Bill. With regard to the public utility services, the Act says that when such conciliation has failed the Government has got the mandatory obligation and the duty to refer that to arbitration. It is a responsibility that is cast there. Even that today you are giving up. This Act overrides all other Acts, including the Industrial Disputes Act and also the Criminal Procedure Code as well as the penal laws for the working class and a new kind of legislation is to be drafted. This is your quality. And yet you people say that you have a great solicitude for the interests of the working class. This is a wonderful solicitude that you have got.

Then, Sir, I am just giving something. In this country, an analysis has shown—it is not my analysis, but this is the analysis conducted recently by

the Institute of Public Administration, to which the Government of India gives lakhs and lakhs of rupees annually as contribution for their activities—That analysis on the basis of the data available for the last ten years between 1970 and 1979, just before the Congress(I) Government came into power, says that in this country production and utilisation of capacity have no relation whatsoever to the number of strikes and mandays lost. They have come to that conclusion. They have also come to the conclusion that the productivity in this country has got a great bearing on so many other factors like the investments, inputs, product-mix, technology, technological skill, maintenance, etc. These are the main factors which are responsible for the loss of production in this country. They have also pointed out that during the years when there have been a larger number of strikes.....(Interruptions) I will just give an example. In 1975, the number of strikes came down and the number of man-days lost came down to 20 to 25 per cent to what it was before. Even then the production came down. The total industrial output came down by 4.6 per cent. Industrial loss of mandays came down to 20 per cent, i.e. by 80 per cent. But still the industrial production came down by 4.6 per cent. The next year when the number of mandays lost rose, the industrial production also rose. Therefore, it has come to the conclusion that it has no relation whatsoever with the mandays lost, but it has something to do with the management and with all the other things. There is a study or a report of your own Ministry of Law and Company Affairs. Unfortunately, Mr. Venkataraman has refused to place it on the Table of the House. If you dare, put it on the Table of the House. I have seen that report. That report points out that big business houses in this country have been deliberately under-utilising capacity with a view to create scarcity and earning profits in the black-market. This has been the culture in this country ever since

**Independence or even before Independence**, ever since the second world war started. They are deliberately under-utilising capacity, denying the workers the chance to work, denying employment to the workers. For them what is important is profits and nothing but profits. Against those people you take no action. No law is made against them. Even if laws are made, nobody takes any action. Therefore, Sir, to say that they are very much interested in labour is a fraud. There must be some other reason for this legislation. What is that reason? Why do the Government of India want that the working class in this country must be attacked and must be denuded of all rights? It is not only those industries which are listed as public utility services. The Government, under clause 17, has armed itself with immense powers. It is an omnibus clause that has armed the Government with over-riding powers to go on declaring any industry to be a public utility service and to go on declaring strike as illegal. Today it covers all industries. Transport by road is covered. Even a rickshaw wala cannot go on strike. After all, it is road transport. You can declare it illegal. Everything is covered. There is nothing that is not covered. Now, what is the reason for the Government to do so? After all, the Government cannot do foolish things. I do not think that the Government is absolutely foolish. There is some reason for it. What is that reason? That reason is absolutely clear. Somebody talked of the I.M.F. I will come to that later on. Today whatever they may say, this country has been in crisis since 1962 onwards. After the completion of the Second Five Year Plan or from the Third Five Year Plan onwards, this country has been in crisis after crisis. You have never been able to get out of the crisis. In 1962, before the General Elections, Mr. T. T. Krishnamachari who was the Finance Minister at that

time—and who was an old friend of mine—wrote to the World Bank saying that he had the courage to heavy taxes on the common people in the year of the elections and asked them to please give money. This is what Mr. T. T. Krishnamachari wrote in 1962 begging them to give us money and saying that otherwise we would be finished. It was in 1962 on the eve of the General Elections. Even then he had at least the courage to defy the American Government.

**SHRI BIPINPAL DAS (Assam):** Have you seen that letter?

**SHRI P. RAMAMURTI:** Oh! Yes. It was published.

**SHRI BIPINPAL DAS:** Can you produce it before the House?

**SHRI P. RAMAMURTI:** I can put it here because it is open letter. It is not a secret letter. It has been published in all the papers. If you want I can get it from his personal file. People will give it to me. I can give you a photostat copy, 5 P.M. if you are interested. Sir apart from that, at least he had the guts to defy the American Government, when they were sending their Under Secretaries to him, that devaluation of the Rupee must not take place. But we know what happened later, we know that in 1966, under Smt. Indira Gandhi's leadership, when the Americans wanted the Government to devalue the rupee, she did devalue the rupee. And the reason was given by the then Finance Minister, Mr. Sachin Choudhury in a letter to the Members of the Congress Party at that time that we cannot but devalue because the Americans say that they will not give us money unless we devalue. This is there in writing. Therefore, Sir, we know that since you have not been able to get out of the crisis from 1962, you have been going to these countries from year after year with a begging bowl and borrowing and burdening this country with more and more of these debts.

**SHRI KALPNATH RAI:** Self-reliance.

**SHRI P. RAMAMURTI:** That is self-reliance. In the Fourth Five Year Plan it was stated very eloquently that at the end of the Plan, we will be self-reliant in the sense that there will be net zero borrowing. It is there. This is not my word. And today we know the net zero borrowing is receiving further and further on and we do not know where that would end up. Therefore, today, you are dependent upon foreign loans, you are dependent upon the IMF. You are dependent upon the World Bank. You are dependent upon the United States. And they dictate to you the terms. And today also we know that when Mr. Venkataraman gave concession after concession to the multinationals and to the big monopolies in this country in the name of giving them incentives for investments, we know what happened. Mr. Venkataraman admitted it. Addressing a meeting of the Madras Chamber of Commerce the other day, Mr. Venkataraman said, "In Parliament I was subjected to bitter criticism by the Opposition that in the two Budgets I had given too many concessions to the monopolies and the multinationals." And what is his answer to this? "But then, I am carrying out as Finance Minister the policy of my party and not that of the opposition party, not of the Communist party". I am glad, Sir, and I am grateful to him that he has admitted that the policy of the Indira Congress Government is to give concessions to the monopolies and the multinationals. This is on the record. What is the use of making a note of it? This is there. Then, Sir, addressing the Federation of Indian Chambers of Commerce and Industry the other day, Mr. Venkataraman said, "I have given you so many concessions. But yet you are not investing. Why are you not investigating?" This is how Mr. Venkataraman wept the other day. He can only growl before them but he

cannot dictate to them. They just laughed in their sleeves. I had also an occasion to talk to some of them. In some of the seminars I also met them. When I asked them why are you not investing they just laughed and said, Mr. Ramamurti, tell us what is the industry in which we can invest. People's purchasing power has gone down. Nobody purchases. Even the little that we have got, we are not able to sell. We have got to find the world market." This is the answer that they give. Therefore, your entire policy has resulted in a position where due to the lack of the purchasing power, due to the defrauding of the purchasing power of the people day by day, the mass consumption goods that are produced in this country cannot be sold in this country, cannot be consumed in this country and you have to find the external markets. And we know how we are being looted by them. We know how we get less price for them. We go on shouting in the UNCTAD, we go on shouting in various places but nonetheless those western powers will not yield to you. We know that. What is the use of speaking homilies to them when you are not able to tame your own exploiters in this country, when you are not able to make your own monopolies gorge out the ill-gotten money that they got? Therefore, Sir, this is the plight to which you have reduced the country today. And you know that the people are rising. The people are rising in revolt. Everywhere struggles are going on, not only by the working class but by the peasantry, by the agricultural labourers, by the doctors, by the nurses, by the teachers and by everybody. When these struggles are going on, you know that you cannot solve their problems. Shrimati Indira Gandhi at the time of elections said, gold given for thalis, for mangalsutras, you are not able to get. The moment I get back, you will be able to get gold.

श्री कल्पनाथ राय : सब ब्रेच दिया न ।

SHRI P. RAMAMURTI: Did you come to know of it only in 1980. You came to know about it long ago. But, then what happened? I do not know. Sir, the moment she came back was the gold being sold in Delhi by these people at Rs. 2 a kilo, like brinjals, I do not know.

AN HON. MEMBER: Even brinjals are Rs. 5 a kilo.

SHRI P. RAMAMURTI: Was gold being sold at Rs. 2 a kilo?

SHRI KALPNATH RAI: You had been a friend of Mr. Morarji Desai.

SHRI P. RAMAMURTI: Therefore, Sir, this is a law which is aimed at stemming the tide of the reasonable struggles of the common people of this country against the exploiting system and the working class today stands at the head of the struggle. It is not without significance that just in the month of June, on the 4th of June, you are talking of disunity among the working class. I would come to that. Who started this disunity. It was you who started this disunity. Till 1947 the trade union movement in this country was a united movement, one movement, irrespective of political differences,....

SHRI A. P. SHARMA: And was not against the interests of this country.

SHRI P. RAMAMURTI: I am not today going into that.

SHRI A. P. SHARMA: You have raised the question of 1947. You should tell the history of the trade union movement before that, and what role they played in the independence movement of this country.

SHRI P. RAMAMURTI: We have played a good role. Immediately after the war days the working class and the Communist Party rallied the people in this country. We had the Naval revolt, revolt in the Army, in the Police and it is on record by the British Government, and it is on record by no less a person than the British

Prime Minister in Parliament..... (Interruptions). Please listen to me, I am not yielding. (Interruptions). It is on record. Where were you?

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Mr. Ramamurti, I have got your note that I should not disturb you. I hope you will keep the time factor in mind.

SHRI P. RAMAMURTI: Why they are disturbing me?

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): You have already taken 23 minutes. I hope you will be able to complete within ten more minutes.

SHRI P. RAMAMURTI: I want to tell you, it is on record, Mr. Attlee at that time said: "Today we have the Indian army, when it is in revolt..." (Interruptions). Therefore, Sir, we know that it is said because....

श्री कल्पनाथ राय : उपासभाध्यक्ष महोदय कम्युनिस्ट पार्टी ने अग्रेजों का साथ दिया था ।

SHRI P. RAMAMURTI: ..... "we have not got the Army to hold this vast country." When the entire Army which is Indian has revolted, we have to give this answer.... (Interruptions)

AN HON. MEMBER: That was not expected of you.

SOME HON. MEMBERS: No, no.

SHRI P. RAMAMURTI: Where were you? Because you condemned that Army revolt, you condemned the national rising, we did not condemn, that is all right. And now, Sir.... (Interruptions). I am not going into that. Therefore, Sir, today for them to come and talk of these things is meaningless. Today they talk of the poorer sections of the people, the agricultural labourers and others and say that they are getting poorer. I want to ask them, Sir,.... (Interruptions).

**THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI):** Kindly do not interrupt. Let us get on with the business.

**SHRI BIPINPAL DAS:** History is distorted, Sir. (*Interruptions*).

**SHRIMATI USHA MALHOTRA (Himachal Pradesh):** Yes, it is a fact.

**THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI):** I think whatever is the history, it is known to the people. Let us forget that and come to the point because we have got.....

**SHRI N. K. P. SALVE (Maharashtra)** Sir, a man like me expects of him to hear a certain viewpoint, what he has to say on this very controversial Bill. Coming to points which are wholly irrelevant and unrelated to the Bill is only creating the difficulty. Sir he is a speaker who is heard with respect and he must adhere to certain standards and come to the Bill and give his views on the Bill. Coming to matters which are irrelevant, unrelated and controversial and untrue is going to create difficulty.

**THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI):** I may only say that I have got a list of Members before me. There are 11 speakers in the first reading itself. I hope Members will keep it in mind.

**SHRI P. RAMAMURTI:** Let them not disturb me. Since they disturb me I have to answer (*Interruptions*). I was in the movement long before many of you people were born.

Sir, I was talking about the economic policies. It is stated that organised working class today get more..

**SHRI NARASINGHA PRASAD NANDA:** Sir, after this, Mr. Ramamurti may not be able to speak. Kindly allow him... (*Interruptions*).

**SHRI P. RAMAMURTI:** It is stated that today there is disparity in wages of the working classes. People in the

rural areas are getting less wages; whereas workers in the organised sector get more, Rs. 500, or Rs. 600 or Rs. 700 in the public sector undertakings, and all these things are being bandied about. I want to ask them, who organised the kisans in this country? Who organised agricultural labourers in this country? And when we organised labourers, the agricultural labourers in this country, we were facing bullets. Was it any Congressman who faced bullets in the agricultural labourers' struggle? In 1946-47 who organised the Te Bhaga struggle in West Bengal? Is it we or those people that organised it? Is it we or somebody else who organised agricultural labourers and peasants in Kerala? Is it we or somebody else? I would like to know it. And we have been doing all that everywhere, in Telengana. All these things we have been doing... (*Interruptions*). Therefore, when they talk of this, I say that this is not a reality today. Who prevented them from implementing the Minimum Wages Act for the agricultural workers? Today there is an Act; you can use the provisions of that Act. But your Fifth Five Year Plan or the Sixth Five Year Plan openly admits that even if, Sir, they fix Rs. 50 or Rs. 100 under the Minimum Wages Act, they do not have the machinery to implement it, because that machinery is linked up, the officials are linked up with the landlords; the police is linked up with the landlords. This is the statement made by your own Planning Commission. What am I to do? And this is the reality. A Government which cannot implement its own laws and which has not got the political will to implement its own laws, for it to come and shed tears over the conditions of agricultural labourers and the workers in the unorganised sector, is the height of hypocrisy. And on the other hand, those workers of the organised sector when they go to the villages, give a picture of their struggles and inspired by their example, the agricultural labourers have had the courage to organise themselves for a fight. Therefore, all this talk of disparity in wages does not wash away



the fact. Now, the Janata Government also brought that Industrial Relations Bill....

SHRI KALPNATH RAI: Your friends.

SHRI P. RAMAMURTI: Yes, they may be my friends at that time; but at the same time I tell you that as far as the trade union movement is concerned, we never had any compunction whatsoever to oppose that Government on any issue. We never had any compunction and on the issue of corruption, we joined with you. Don't forget that on the issue of many of these economic policies, we opposed them. We opposed Janata Party Government when they brought that Bill. But that did not contain such drastic provisions as the present Bill, like six months imprisonment or one year's imprisonment, that any police officer on suspicion can arrest and put people in jail and there would be summary trial. All these provisions that Bill did not contain. None the less, because it contained so many other bad provisions, we opposed it, and for that I am glad to say that the trade unions which were run by the different contingents of a section of the Janata Party, also co-operated. We invited the INTUC to co-operate and the INTUC came and I would only remind my friend, Shri A. P. Sharma what happened to him in that rally. It is not.....

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): He is speaking next.

SHRI P. RAMAMURTI: I would like to remind him, what happened in that rally. He came to that rally. We had decided not to politicalise it. This was a trade union struggle. He tried to politicalise it and said that unless the Government (at that time) was changed and Shrimati Indira Gandhi came back to power we will not be able to achieve anything. Then, he was hooted down and people were about to beat him. I had to save him from the fury

of the masses. This is what had happened. *(Interruptions)*

SHRI A. P. SHARMA: Hooted by your own people. *(Interruption)*.

SHRI P. RAMAMURTI: I had to save him and bring him out. Let him not forget that story. You opposed that Bill, which was milder. Today, where is your conscience? You have become bonded slaves today. Today, there is no conscience left in you. You who opposed that Bill, today, are coming forward with a more drastic Bill making the working class in this country bonded slaves. Today, you have got the conscience to come and teach us something. You have sold your conscience for a mess of pottage and for this reason, you have become bonded slaves to support anything and to do anything. Today, when you talk of the community, the community to you is the Birlas, the Tatas, the Yusuf Patels, the Antulays, the Haji Mastans, the big landlords; these are the people you mean when you say community. What has become of your land reforms? Who implemented them and who did not implement them? The report of the Backward Classes Commission, which you are not placing on the Table of the House, will reveal the true position. Who prevented you from implementing these things? How many people are there in your party today who have today circumvented the land reform laws and who are today keeping thousands of acres of land in their hands? Are they in our party? Is there anybody like that in our party? We do not have anybody like that in our party. Sir, this Bill is not without its significance....

SHRI SYED SIBTE RAZI: Sir, on a point of order. My seasoned and learned friend was referring to so many names. May I ask him, who were the persons and which was the Government responsible to release them from the jails?

SHRI MANUBHAI PATEL (Gujarat): What is this point of order?

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Please conclude, Mr. Ramamurti.

SHRI P. RAMAMURTI: Sir, I am not answering him (*Interruptions*) I am finishing. Therefore, Sir, this is the actual position. Today, it is not without significance that this Ordinance has been brought forward within a month after the Bombay convention of all the trade unions. You know that the strength of the trade union movement is growing. We invited the INTUC also to join us. We invited them. They refused. At that time, you joined us. But today since you have come to power and since you have been asked not to join any such movement, you did not attend it. We are not responsible for it. In Bombay, we held a convention on the 4th June and for the first time, the working class has come out with a resolution to organise itself and to mobilise itself, not only to mobilise itself, but to organise the entire working people in this country, including the peasantry, the agricultural labourers and other sections and to fight for their demands. They have not raised any demand for dearness allowance. They have demanded the lowering of the prices and control of inflation. This is their main demand. They have also demanded a basic change in the economic policies of the Government, because they feel this has been mainly responsible for the present situation in the country today. On the basis of this resolution, conventions after conventions are being held at State levels, at district levels and so on and thousands and thousands of the working class and common people are being rallied. You know that. You know that a big rally is being held in the month of November and, thereafter, they are going on strike. You know all that. You know that your policies are going to be opposed by the people and that the people have risen. In order to stem this rising tide, you want to attack first the working class. History of all the countries in the world has been that the attack on the masses, attack on the democratic rights of the people begins with an

attack on the rights of the working class. In Europe, this has happened. In every country, where fascism had raised its head, this had happened. And this is happening here. This has already started here. That is why, I say, Sir, this is an attack only not on the working class, but this is an attack on the entire people. Today, you are selling inch by inch, you are mortgaging, inch by inch, this country to the multi-nationals, to the I.M.F. and to other foreign countries. Last year, the number of licences given to multi-nationals had doubled. This is what you are doing. Therefore, Sir, against these policies when people are being mobilised today, you have the temerity to come and say that this is in the interest of the people. We know it is against the interest of the people. We want to say that today the banner of independence, the banner of unity, the banner of integrity of the country has got to be taken by the working class because that is the only class that can lead, not the Tatas or the Birlas, who are your friends. I know your past. I am reminded of the Gita, when Krishna was there doing Sarathy for Arjuna in the battle field of Kurukshetra....

SHRI A. P. SHARMA: Do you believe in the Gita?

SHRI P. RAMAMURTI: Because you believe in that, I quote to you. This is the scene when Arjuna was saying how can I kill these people. they are all my *bandhwas*, my brothers.

दृष्टेयं स्वजनं I seeing my bandhwas, my brothers. I am seeing my people.

सीदन्ति मम गात्राणि When I see them my body quakes. रोमहर्षश्च जायते The My hairs stand on end. गाण्डोर्वस्त्रं तटे The

gandiva, the bow also slips from my hand. Therefore, they are your brothers. How many people have you put in jails? How many workers are being defrauded by the Government, by the employers on account of their provident fund? You have got the

law, you have made the rules. What am I to do? You have got the law in your hands.

दृष्टेयं स्वजनं . . . .

सीदन्ति मम गात्राणि . . .

रोमहर्षश्च जायते . . .

गांडीवं संसते . . .

What am I do? They are my people, my brothers. Then all your talk of lock outs is meaningless because I know today a lock out which is there has been declared illegal by the Uttar Pradesh Government. What action have you taken against the J.K. Rayon? In Assam when that lock out has been declared illegal in that paper mill by the Assam Government, what have you done about it? We know you will never use it. This is only an eye-wash. Therefore, the real intention is to attack the working class and the entire people. This is the beginning of that attack on these people.

I oppose this Bill tooth and nail. Ultimately, I would like to say that it is they who are going to triumph. History is not going to be made by Shrimati Indira Gandhi. History is not to be made by the leader of my party. I am saying, history is not going to be made by the leader of my party or any party. History of this country is going to be made by the common people of this country, by the workers, by the peasantry and other people. And when they come to know which way they have got to go, there is no power which can stand in their way. And they will triumph and not this Government. And we will mobilise the people. Thank you.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Mr. A. P. Sharma.

SHRI JAGDISH PRASAD MATHUR: Is he intervening as a Minister or is he speaking as a Member?

श्री कल्पनाथ राय : भाषण सुनने के बाद तय कर लीजिएगा ।

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Both.

SHRI A. P. SHARMA: Mr Mathur, I am going to speak both as a Member and as a Minister.

श्री जगदीश प्रसाद माथुर : अगर आप इण्टरवीन कर रहे हैं मिनिस्टर के नाते तो मुझे हक होगा मैं आपसे सवाल पूछूंगा, यह मेरा कहना है । लेकिन आपसे मेम्बर के नाते नहीं पूछूंगा ।

If he is speaking as a Member, I will not ask him a question But if he is speaking as a Minister, I have the right to ask him a question.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): No, no, please Mr. Mathur, sit down.

श्री जगदीश प्रसाद माथुर : आप बताइये, मुझे इनकी स्पीच में सवाल पूछने का अधिकार है या नहीं है ?

उपसभाध्यक्ष (श्री दिनेश गोस्वामी) : नहीं है . . . (व्यवधान )

श्री जगदीश प्रसाद माथुर : आपको हक है उससे ज्यादा मुझे है . . .

श्री कल्पनाथ राय : क्यों ।

श्री जगदीश प्रसाद माथुर : क्योंकि आप रूलिंग पार्टी के हैं, आप उधर हैं, आप नहीं पूछ सकते हैं, मैं पूछ सका हूँ ।

SHRI A. P. SHARMA: Mr. Vice-Chairman, Sir, while listening to this debate and the interesting speeches, more of a political nature than that of trade union . . . (Interruptions).

श्री अब्दुल रहमान शेख (उत्तर प्रदेश) : शर्मा जी, हिन्दी में बोलते तो अच्छा होता ।

श्री कलराज मिश्र (उत्तर प्रदेश) : शर्मा जी हिन्दी में बोलिए ।

श्री अनन्त प्रसाद शर्मा : आपके लिए बाद में बोल दूँगे ।

Most of my friends have not only deviated from the essentials of the Bill that is before this House, but they have out and out indulged in political jugglery. Why I am saying this, Sir, is, if they had cared to study the bill and if they had cared to understand the speech made by the hon. Home Minister while moving the Bill for consideration, they would have realised that he has made it absolutely clear before this House and to the hon. Members that the Government is empowering itself with certain powers to enable the Government to prohibit a strike in certain essential services. Sir, nowhere in this Bill it is mentioned that a strike has been banned. It is only an enabling power that the Government has taken so that the essential services should not be disrupted and should continue smoothly.

Many of my friends have said that this Government is not living up to the pledges that it made before the people during the last general elections. What is the pledge that this Government made, that the ruling party made to the people of the country? It is to serve the interests of the people, not to serve the interests of a section of the people but of the people at large. And while looking to the interests of the people at large, this Government is duty bound to see that a section of the people, instigated by such politicians who have been thrown out by the people of this country in the last general elections, should not be allowed to exploit the trade union movement, not to serve the interests of the workers but to serve their own political interests. Sir, from the speeches that have been made in this House, it is clear that all the people who are diametrically opposed to each other, who have nothing common among themselves—my friend, Dr. Shanti Patel totally differs with Mr. Bagaitkar, Mr. Ramamurti has got nothing in common with these two friends—if they have anything in com-

mon they can definitely say so—have decided to be one only to oppose this Bill, and to act against this Government they have joined hands.

श्री सदाशिव बागाईकर : इंडस्ट्रियल रिलेशंस बिल में आप भी हमारे साथ आए थे । भूलते क्यों हैं ?

SHRI A. P. SHARMA: This is nothing new. History cannot be forgotten. When the Congress Party was defeated in the 1977 elections, all these people joined together—for what? Not to serve the people of the country but only to dislodge the Congress Party from power. (Interruptions) I am talking about you all. And having achieved that objective—the limited objective they wanted to achieve—what happened? They should have served the people of this country, once they got the power. But they did not do that. Because, their only common objective was to dislodge the Congress Party and their objective was not to serve the people of the country. That is evident from the infights in the then ruling party and their supporters.

Mr. Ramamurti has propounded a new theory of community interest. He said that according to him—of course, that must be according to him only—the community interest that the Government wants to serve is the interest of the capitalists, of the Tatas and Birlas. He has forgotten that it is his Party and his Government in the State which has made an agreement which the Birlas—which is never known in the industrial world of this country or anywhere else. They made a 20-year pact for wages with their paper and pulp mill in Kerala. Please dig out your history. There they have made this agreement and here when we make agreements for four or five years....

(Interruptions)

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I think hard-hitting speeches have been made from the Opposition, and it is expected that

Mr. Sharma, who is an important Member of the ruling party and a trade unionist, should be heard without interruptions. He should be heard without interruptions. Your views may differ, but permit him. I don't want any interruptions.

SHRI P. RAMAMURTI: I don't want to interrupt him at all. The only thing I would say is, let him attack my party; I have no objection. Let him attack the Opposition parties; I have no objection. I will listen to him. But when he attacks the State Government which is not here, I must be permitted to answer that. Let him attack the former Janata Government. But I must be allowed to answer.

SHRI KALPNATH RAI: What? (*Interruptions*)

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): When you have accused the ruling party, the ruling party has the right to point out that some other Opposition party is pursuing a different policy. He has the right. I don't think any objection could be taken to that.

SHRI A. P. SHARMA: I was not pointing out anything which is not known to Mr. Ramamurti. It is known to him. But just now he has said that he was friend of the Janata Party when it was in Government. Now it is not their friend. I argue with him that they are never standing-friends with anybody. They keep on changing, according to interests. That I know.

SHRIMATI PURABI MUKHOPADHYAY: Sir, I rise on a point of order. I have with me a volume of Rajya Sabha Debates from 20th to 29th November, 1978. I quote only two sentences of Mr. Anant Prasad Sharma.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): What is the point of order?

SHRIMATI PURABI MUKHOPADHYAY: I am coming to that.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): That is not a point of order.

SHRIMATI PURABI MUKHOPADHYAY: Please bear with me.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I will not permit.

SHRIMATI PURABI MUKHOPADHYAY: You hear me, why I raise this point of order. You first hear me.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): That is not a point of order. You can give that book to someone else who is going to speak.

SHRIMATI PURABI MUKHOPADHYAY: No, Mr. Vice-Chairman.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Then don't put it on record. Only if I am satisfied that it is a point of order, it will come on record.

SHRIMATI PURABI MUKHOPADHYAY: All right. I accept your condition.\*

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The point of order relates to the Rules of Procedure. There is nothing in the Rules of Procedure. Therefore, it will not go on record. You can give the book to somebody else and then let it be said.

SHRI NARASINGHA PRASAD NANDA: The Member has a right of objection.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I am not making any comment on that. I am only saying... (*Interruptions*). You also know, Mrs. Mukhopadhyay. My ruling is that there is no procedural violation and, therefore, there is no point of order. This is not going on record. Mr. Sharma, please continue.

\*Not recorded.

SHRIMATI PURABI MUKHOPADHYAY: Sir, I accept your ruling because I am a disciplined Member. (Interruptions)

SHRI A. P. SHARMA: Sir, I was just trying to point out. (Interruptions)

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Please do not disturb.

SHRI A. P. SHARMA: Sir, I was just trying to point out what my friend Mr. Ramamurti has said about the position of agreements signed by this Government and not implementing them and other things. Sir, I was also trying to tell him and the hon. House that people can evolve different practices, they can give different definitions to different things, as it suits them at different times. Therefore, a new definition has been given by him to the community interests and thereby he has said that this Government is serving the interests of the haves, the capitalists, the Birlas and the Tatas. This is absolutely wrong because this Government is always out to serve the interests of the poor people, the working people more than my friends who talked today, because Sir, in this Bill you will find that essential services have been defined. Anybody going through the clauses of the Bill—I do not like to go into details—could see as to how many things have been defined which come under the Essential Services Maintenance Bill. But just to justify their point they are trying to say several other things which are not relevant to this Bill at all. I know that what I am just going to say may not have a concern with this Bill at all, but it has got a concern with the trade union movement in this country; and this Bill is related to the trade union movement. Therefore, to put the record straight, I would like to say that accusation has been made against the ruling party for dividing the trade union movement. I will just in one

minute say that it is not the ruling party, the Congress Party—which has been responsible for the independence of this country—which has been responsible for dividing the trade union movement. Sir, these friends who were talking about the trade union movement, who were talking about the interests of the workers, what did they do during the time of the independence movement of this country? When the last battle of independence was being fought under the leadership of Gandhiji, these very so-called leaders of the trade union movement who are championing the cause of the workers today I should say, supported the foreign Government in this country. And that was the reason that when the country became independent....

SHRI INDRADEEP SINHA (Bihar): It is an absolute lie, a blatant lie. You have to prove it.

SHRI A. P. SHARMA: Therefore there was a question before us...

SHRI HARKISHAN SINGH SURJEET (Punjab): At the time of struggle for independence, where were you? We were there. You were not even born at that time. What are you talking? (Interruptions). You do not know anything. (Interruptions)

SHRI A. P. SHARMA: Sir, I have not said anything against any hon. Member or any party. I have said that some of these parties which are trying to champion the cause of the workers today opposed the movement of independence and sided with the foreigners. This is what I have said. This is the history. Nobody can write off the history. Nobody can change the history of the country. (Interruptions) Sir, my particular reference was to the movement of independence in the year 1942. (Interruptions) When the country became independent

it was a question mark before the country, before the people of the country, and more so before the party which won the independence for the country, whether the trade union movement should be allowed to continue in the hands of those who had opposed the freedom movement of the country. That was the question, I have mentioned this. (*Interruptions*).

SHRI P. RAMAMURTI: Gandhi and Vallabh Bhai Patel disowned the movement. Do not forget that.

SHRI A. P. SHARMA: That is why the Indian National Congress was formed under the leadership of our great leaders, Jawaharlal Nehru and Sardar Vallabh Bhai Patel. I do not think that these people are greater champions of the cause of the people than those leaders. Sir, National Trade Union Congress and the Indian National Congress was formed.

SHRI HARKISHAN SINGH SURJEET: A point of order. We were there. He was a Ticket Collector then. Ask him, Where was he? What was he doing? (*Interruptions*) Who are you?

SHRI A. P. SHARMA: Listen. This is your socialism. The people knew it. You are not only a supporter of the capitalists, but I should say that you serve their interests in different ways. I want to tell you that that was why the National Trade Union Congress was formed by the people against those who fought against the independence of the country.

SHRI HARKISHAN SINGH SURJEET: Were you fighting?

SHRI A. P. SHARMA: Yes, yes. You should see this history. (*Interruptions*)

Sir, the question before the country is what the trade union movement should be. Should there be a trade union movement to serve sectional interests at the cost of the larger interests of the people and the country or should there be a trade Union movement which would subordinate sec-

tional interests to the interests of the people and the country? Sir, this is the background of this Bill. There are people who have been completely dislodged, thrown away, by the people of this country. Now they want to utilise the trade union movement for their political gains. They have been rejected by the people of this country. That is why, Sir, the Opposition is dissenting. I want to say this. Let them show any clause of the Bill which goes against the interests of the workers. It is not at all against the interests of the workers. (*Interruptions*) I can read out every clause and I am prepared to enter into a debate with them. Not even a single clause of the Bill goes against the interests of the workers. It simply says:

"It empowers the Government to have power to declare certain strike illegal, prohibit strike in essential services."

What do you want? Do you want this Government which has been voted by the people of the country to power, should be a silent spectator and allow anybody to do anything he likes, and that the cause of the people should suffer? This is what you want, Sir, I want to make it clear that if that is the intention of my friends, that intention is not going to be fulfilled. This Government is pledged to serve the interests of the people. It will continue to serve the interests of the people. Whatever may come, we have to serve the interests of the people. Sir, in this Bill it is specifically mentioned and the Home Minister has said in his speech that whereas a strike will be declared illegal in essential services, the workers have been provided a machinery for the settlement of their disputes. . . (*Interruptions*)

SHRI P. RAMAMURTI: Where? (*Interruptions*)

SHRI A. P. SHARMA: He said that within 90 days the dispute will be settled by mutual negotiations between the workers and the management.

SHRI P. RAMAMURTI: Where is the Law? Where is that? (*Interruptions*)

SHRI A. P. SWARMA: My friends have not listened to the speech of the Home Minister. He said:

"It will be ensured that the existing industrial relations machinery for conciliation and adjudication is fully activated . . ."

(*Interruptions*) Have patience to listen.

" . . . so that the disputes referred to that machinery are resolved, as far as possible, within 90 days."

SHRI JAGDISH PRASAD MATHUR: Which clause are you quoting? (*Interruptions*)

SHRI A. P. SHARMA: I am quoting the speech of the Home Minister.

श्री जगदीश प्रसाद माथुर : कौन सा क्लॉज है ? . . . (इन्टरवैप्शन) जिस दिन यह बिल लागू हो जाएगा उस दिन इंडस्ट्रियल डिस्प्यूट्स ऐक्ट समाप्त हो जाएगा ।

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Sharmaji, please continue.

SHRI JAGDISH PRASAD MATHUR: You are talking of . . . (*Interruptions*)

SHRI N. K. P. SALVE: This is very unfair. Sharmaji is giving his viewpoint. It is not essential. (*Interruptions*)

SHRI JAGDISH PRASAD MATHUR: Let him quote any clause of the Bill.

SHRI N. K. P. SALVE: He is not referring to any clause. (*Interruptions*)

SHRI JAGDISH PRASAD MATHUR: He has said it is in the body of the Bill. Where is it? (*Interruptions*) I have got every right to seek a clarification. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Mr. Mathur, you know the procedure that simply because a Minister is . . . (*Interruptions*) Mr. Mathur, will you kindly listen to me? You know the procedure. Simply because the Minister is participating in the debate, he is not going to answer your queries. The queries will be answered by the Minister who pilots the Bill. Therefore, if you have got any query, kindly do not interrupt him. If you feel that his viewpoint is wrong, the other Members can point it out. You cannot point it out across the table in the form of a dialogue. (*Interruptions*)

SHRI N. K. P. SALVE: We do not expect him to agree.

DR. BHAI MAHAVIR (Madhya Pradesh): The point only was that when he said he was quoting from the body of the Bill, the Member wanted to know which clause he was referring to.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): It is upto him to say or not to say. It is upto him to respond. If he does not respond, you cannot compel him to respond.

SHRI ABDUL REHMAN SHEIKH: He should respond.

SHRI A. P. SHARMA: Sir, some of my friend are so allergic . . .

SHRI N. K. P. SALVE: Intolerant.

SHRI A. P. SHARMA: Intolerant, yes. They are not even prepared to give me a patient hearing. I was just going to say that a person who does not do his duty has no right. If you have no patience to hear me, how do you expect that you should be heard? Please listen to what I say and I will answer all your queries, if possible. I was referring to the speech of the Home Minister. I was not referring to the Bill. I was not referring to the speech of the Home Minister in which he said—I would like to quote again:

"It will be ensured that the existing industrial relations machinery . . ."



SHRI INDRADEEP SINHA: On a point of order. My point of order is this. The hon. Member as a Member or as a Minister is perfectly entitled to express his own views. But is he entitled to read out the speech of the Home Minister? (*Interruptions*)

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): In the debate, undoubtedly yes.

SHRI INDRADEEP SINHA: He has not done his home-work well (*Interruptions*)

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): How can you debate this Bill without reference to the Home Minister's speech? He is entitled to do it.

SHRI A. P. SHARMA: My friend, Mr. Indradeep Sinha, is a very old friend of mine. But perhaps he does not know that some of these things do not require any...

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Your friendship with all of them is creating complications for me.

SHRI A. P. SHARMA: I was trying to make out that the Home Minister has already said that the existing industrial relations machinery will be activated...

SHRI AMARPROSAD CHAKRABORTY: What is the Act?

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Please don't interrupt, Mr. Chakraborty.

I don't mind these interruptions, but I only beg of the Members, the difficulty is that there are still nine Members who would like to speak. If these interruptions continue, then, may be, some of the Members who are so much interested in making their submissions, will not be able to make their submissions.

SHRI NARASINGHA PRASAD NANDA: On a point of order...

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now, please sit down. After all, the debate must close at some point of time.

SHRI NARASINGHA PRASAD NANDA: I am on a point of order...

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): But your face shows that you are really not on a genuine point of order; you seem to have a mischievous point of order. Therefore, kindly leave it.

SHRI NARASINGHA PRASAD NANDA: I am on a point of order. This is a simple point of order. Can a Minister make a speech for half an hour without making a point?

SHRI A. P. SHARMA: That is my difficulty. I have already said in the beginning that there are people who do not want to understand certain things. How can they understand? If my friend, Mr. Nanda, is not prepared to understand, however much I may try to make him understand, he will just not understand. Therefore, please listen to me. What I was trying to say was that this Bill is an improvement upon the existing industrial relations machinery. For the first time a time-limit is being given of ninety days for expeditious decision on the problems of the workers. Many of my friends have said that since the promulgation of the Ordinance there has not been a single occasion to use this measure against the workers. This is what has been said just now by several Members. Then why should they be worried? If the rule is going to be on the Statute Book and it is going to be sparingly used, why should they be worried? Certainly it will be used against those who are delinquent, against those who indulge in illegal activities. Therefore, why should they be worried, those of the good trade unionists, the people like my friend, Mr. Harkishan Singh Surset. . .

SHRI INDRADEEP SINHA: He is not a tradeunionist.

SHRI A. P. SHARMA: Maybe; I take that most of them are trade unionists. Why should they be worried if the law is used against those who violate, who break the law? Therefore, I don't think that this could be any argument against the proposed measure.

Then, I will say one or two things and conclude.

We talk about the right of the workers. Any responsible trade union will not only sponsor the demand of the workers, but they will also suggest an effective solution. Here what happens is that some of my friends talk about the demand of the workers but they do not suggest any solution and they feel that the workers have got only the right to make a demand, they have got no right to perform their duty. Gandhiji has been quoted here. I wish those of the people who have quoted Gandhiji, should tomorrow morning go to Rajghat and read what Gandhiji said.

Gandhiji has said that anybody who does not perform his duty has got no right. Right accrues from duty. And now you are going to support those people who do not want to perform their duties. You are going to support their demand... (Interruptions) I was telling you to go to Rajghat tomorrow morning and see what he has said about workers. It is written there.

I can understand the opposition of the leftist friends. But I cannot understand the opposition of those who have never been leftists.

I want to say that much care has been taken in drafting this Bill. The matter was discussed threadbare before it has taken shape of this Bill. It will be found that no unnecessary restrictions have been placed on the right of workers. As a matter of fact the method of settling a dispute should be through conciliation and then adjudication or arbitration. The method should not be to strike work first and then go in for settlement. The prime idea behind this Bill is to serve the interests of

the people by keeping the essential services running. Government cannot be a silent spectator if essential services are disrupted by a few people. I want to make an appeal to my friends. Let them carry their opposition to this Bill as trade unionists. If they carry their opposition as political parties, then it will be no longer a trade union movement. It will be a political movement. I think any political movement has to be met politically and not at the trade union level.

I am telling you that in every strike, ultimately the workers do not gain. You leaders gain, no doubt. I can give dozens of examples where at the end of the strike the trade union leaders have had to surrender ultimately. Take the strike in Air India of which I am in charge. I know how the workers were wrongly advised and how they went on strike. I also know how ultimately the poor workers lost their wages due to illegal strike. Only their leaders who organised the strike could gain. Therefore, my request to my friends, particularly my trade union friends, would be this. If you find anything objectionable in any of the clauses, you can point out so that it could be discussed. But do not raise a political discussion on this Bill which is essentially to keep the essential services running without interruption and to serve the people of this country.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Mr. Vice-Chairman, I know I may be striking a discordant note though I sit in the opposition. On behalf of the All India Anna D.M.K. Party, which runs a non-Congress (I) Government in Tamil Nadu, it is my duty to support this Bill. However difficult it may be because we know how difficult it is to run a Government and how difficult it is to run the country, it is not for getting any appreciation from my Congress (I) friends or to get criticisms from my other friends here that I say this. Tamil Nadu Government has passed a similar Ordinance as early as 7th January 1981

whereas the Central Ordinance was promulgated only in July 1981. Why I am saying this is because sometimes necessity arises for such a measure. People who run a Government may feel the necessity for it. It is not my case that my friends on this side have not run the Government. Necessity arises, for whatever reasons, to bring in such legislation, however severe it may appear to be.

6.00 P.M.

Sir, thirty-four years after independence, what do we find in India today? Fifty per cent of the people still live below the poverty line. We find illiteracy all around and we find ignorance and we find ourselves in a morass of poverty. And today, Sir, as we did 34 years back, we have to go with a begging bowl to the IMF, to the World Bank and to so many other people for aid. But beggars cannot be choosers. Therefore, even if the IMF had said that these are the conditions for giving the loan and if we are negotiating for a loan of five million or five hundred million and if they had asked for certain conditions to be fulfilled in the interest of the country, in the interest of repayment, is it wrong? It is not wrong provided it does not go against the canons of justice. I do appreciate some of the fears expressed by my friends here. For example, clauses 10 and 11 of the Bill are rather blanket in nature when they say that any police officer can arrest a person without warrant and also when they say that the trials could be of a summary nature. These are the matters in which any sensible Government will definitely ask its people and ask its officers to be careful—and they will see that it percolates down the line—and will ask them to see that these provisions not misused. But if the provisions are misused, then they will have to pay for it in whatever terms they may have to.

Sir, the massive Sixth Plan document, which has been discussed here sometime back, says this in Chapter III, page 32. It begins with the following words, and I quote:

“Removal of poverty is the foremost objective of the Sixth Plan.”

It is not that it is not known to anyone. But how do we remove poverty? I would like to know that. If the people are not going to increase production, if the living standards are not going to improve, if the rate of growth in our country is not going to improve, if the Gross National Product is not going to improve as per the standards set, how can poverty be removed in this country? This is what I want to ask.

Sir, the same Plan document goes on to say that it is recognised that the Sixth Plan is being launched under difficult conditions. It says:

“It is being launched under acute inflationary pressures and a setback in the functioning of the crucial sectors as power, coal, railways, steel, etc.”

Sir, I do not want to trouble you all with heavy quotations from the Plan document which most of you would have read. But, Sir, I would like to point out that this country is not only getting threats from external forces, from the foreign countries—The threat that is being posed by Pakistan is rather severe—but is also getting internal pressures. If in the crucial sectors, in the essential services, there are people—the managements are already exploiting the working class—who are ready to exploit the situation, I would like to say with due respect to the people in the trade union movement that there are people also in the trade union movement who, by their short-sighted and misleading policies and for personal reasons which are not in the interest of the workmen, want to draw the workmen into some strikes which are neither for their benefit nor for anyone's benefit. This irresponsible attitude of the trade union leaders, who

[Shri R. Ramakrishnan]

have scant regard for the people and who place their own selfish interest above the national interest, should be avoided and it is only on such occasions that the need for using this Bill will arise.

Sir, I would like to say one more thing. This Bill is not exhaustive and to some of the clauses we have suggested certain amendments and I would place them for the consideration of the honourable Home Minister, Giani Zail Singh, who has come at the right moment, and I would request that our amendments should be accepted. We have said that even institutions which are in the field of education and research should be included and also everything connected with government servants including the NGOs, the secretariat staff and also the people relating to the courts, both the Supreme Court and the other Courts, should be made as essential services because even a strike there can paralyse the whole country.

Now, Sir, I would come to some of the other points which have been made both for and against the Bill and I would like to give my viewpoint on those things. Everybody knows the statistics relating to the number of man-days lost in the country since 1975. But there is something which, if any one sees carefully these figures, will bring out the bitter truth which prevails in this country today.

In 1976, Sir, there were 12.75 million man-days lost. These are the figures given by the honourable Labour Minister himself and I have taken them from the record. In 1977, we lost 25.32 million man-days; in 1978, 28.34 million man-days; in 1979, 43.85 million man-days; and, in 1980, 21.93 million man-days. Sir, it is not a comparison between 1979 and 1980. What has been the progressive scale from 1976? From 12 millions it has gone up to 43 millions. Sir, everybody remembers, 1975 and 1976 were the years of emergency. What dose that

show? It shows that unless the people are shown the big stick there will never be a rise in production. I am not justifying the emergency. But this is the bitter truth. Therefore, at least the Government should be fore-armed with this sort of measure, however bitter it may be, in the larger interests of the country.

DR. BHAI MAHAVIR: Then why not to impose emergency again? (*Interruptions*)

SHRI R. RAMAKRISHNAN: I will reply to Dr. Bhai Mahavir. Even in connection with the Prevention of Black-marketing in Essential Commodities Act you saw how many people were taken into custody. There were many Members even from the Opposition who pleaded for a greater use of the Act. But, to my knowledge, I do not think that anybody has been arrested under that Act. They were just armed with this power. Even under the National Security Act, I do not know how many of them were arrested in other places. In Tamil Nadu we used the Act to the absolute minimum. We used it perhaps only on one or two occasions. Above all, it is all the more necessary for any Government to function effectively. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I am lucky that Mr. Gopalsamy is not here. (*Interruptions*)

SHRI R. RAMAKRISHNAN: In a matter so serious, I am not taking advantage of his absence at all. Sir, for your information, the Tamil Nadu Government issued a similar Ordinance which has been referred to the Select Committee, and the CPI and the CPM are supporting it. They opposed it and walked out in the Tamil Nadu Assembly but I do not know what the attitude of the D.M.K. is going to be on this.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I am sorry, I provoked you.

SHRI M. KALYANASUNDARAM: I would like to put the record straight. It is not correct that the CPI and the CPM are supporting the Bill. We will never support that Bill... (Interruptions)

SHRI KALP NATH RAI: Now the CPI-CPM Anna DMK relations will break. (Interruptions)

SHRI R. RAMAKRISHNAN: Sir, there are one or two things which I would like to point out. I should not give the impression that the Tamil Nadu Government is anti-workers or anti-people. In this connection I would like to say that there was a reference here by some of my friends to the workers in the unorganised sector. Sir, the Tamil Nadu Government is the only Government in the country, and the first Government, which has passed the Handloom Workers Bill which assures employer-employee relationship between the weavers and the master weaver and assures payment of wages, continuity of service and health and other welfare amenities to the weavers. Tamil Nadu is the first State in the whole of India which promulgated such an Act for the benefit of a large number of workers in the unorganised sector.

Further, Sir, our Government has also passed an Act, conferring permanent status on all workmen who had put in a continuous service of 480 days in a period of two years. The most important aspect of this Bill is that a worker is entitled to count as continuous service any break in service for which he is not responsible. Therefore, no management can dispense with the services of the worker and deprive him of the benefit of continuous service.

Then, Sir, the Tamil Nadu Government have also introduced an Act to force management of all sectors, namely, factories, shops and establishments, beedi establishments, transport undertakings etc. to give service cards to their employees. This will

give every worker evidence to prove his service and also payment of emoluments to him, as otherwise the worker has to depend upon the management to produce records to prove the period of service, the fact of employment, etc.

I am glad to say that the Tamil Nadu Government is second to none in seeing that the rights and the welfare of the workers are safeguarded (Interruptions)

SHRI KALPNATH RAI: Very good.

SHRI R. RAMAKRISHNAN: Now, Sir, I will come to one small point. I do not know the relationship between the parties here and the other parties. When Mr. Morarji Desai, the former Prime Minister, came recently to Madras, some people interviewed him and asked him about this Ordinance. Mr. Morarji Desai said: "The way the strikes are going about in the country, it is not good for the nation's economy and, I think, that this sort of measure is to be welcomed." This is what Mr. Morarji Desai said. (Interruptions) As there are so many people who are yet to speak after me, I will conclude after giving one or two humble suggestions to the hon. Minister for his consideration. I would like to know whether this Bill has been promulgated on account of any external pressure or influence which Mr. Venkataraman said would not be in public interest to disclose at that time because of its timing. As some other Members pointed out, why should it have been brought as an ordinance? It could have been brought as a Bill straightaway. Also, I want an assurance from the hon. Minister—I hope it won't be like the assurance that was given when MISA was brought forward—that this Bill will be used only as a last resort. Will he consider a small suggestion? We have introduced a legislation in Tamil Nadu to the effect that for any labour union to launch a strike, that has been referred to a committee of employers and employees. There should be a secret ballot

[Shri R. Kamakrishnan]

in which 50 per cent of the unions represented must vote in favour of a strike. Then only the strike can take place. He can think whether this can be considered also at the central level.

**श्री कल्पनाथ राय :** आदरणीय उपसभाध्यक्ष जी, जो यह असेंशियल सर्विसेज मेन्टेनेंस एक्ट का जो बिल आया है, मैं इस का समर्थन करने के लिए खड़ा हुआ हूँ।

मुझे बड़ी खुशी है कि देश की जनता ने सन् 1980 के चुनाव में श्रीमती गांधी को देश की सत्ता का भार सौंपा और विरोधी दल को हैसियत से चौधरी चरण सिंह, लोक दल के लोग विरोधी दल के रूप में आए।

मुझे बागाईतकर साहब की स्पीच सुन कर बड़ा आश्चर्य हुआ कि चौधरी चरण सिंह जो लोक दल के अध्यक्ष हैं, वे किसी भी हड़ताल के विरोधी हैं। असेंशियल सर्विसेज के लिए हड़ताल नहीं होनी चाहिए क्योंकि हिन्दुस्तान की इकानोमी को ठीक करना है। मैं लोक दल को पहले चुनौती और चैलेंज करना चाहता हूँ कि जिस दल के यह मेम्बर आफ पार्लियामेंट हैं, उस के अध्यक्ष असेंशियल सर्विसेज की बात तो छोड़िये, किसी भी प्रकार की हड़ताल के खिलाफ हैं और हिन्दुस्तान जैसे गरीब देश में चौधरी साहब समझते हैं कि हड़ताल जन-घात और राष्ट्र घात है... (व्यवधान) बहुत पहले की नहीं, लगातार ही और असेंशियल आर्डिनेंस एक्ट आने के बाद... (व्यवधान) आज तक चौधरी चरण सिंह ने इस के विरोध में कोई बयान नहीं दिया है... (व्यवधान) आप किस खत की मूली हैं भाई।

श्रीमन्, भारतीय जनता पार्टी के नेताओं को मैं जानता हूँ कि वे दिल से हड़ताल के पक्ष धर नहीं हैं, बिल्कुल नहीं हैं, वे रचनात्मक कार्यों में विश्वास करते हैं... (व्यवधान)

**श्री अब्दुल रहमान शेष :** आप भी क्या उन के साथ रहे हैं ?

**श्री कल्पनाथ राय :** मेरी बात सुनिये। वे हड़ताल को पसंद नहीं करते, यह उन की नीति है। एक मान में वे देशभक्त लोग हैं। उन की नीति है कि वे हड़ताल के पक्ष में नहीं हैं। हमारे कांग्रेस (यू) में साथी, यह तो हमारे घर के हैं। लेकिन रहीं बात... (व्यवधान) कम्युनिस्ट पार्टी की...

**श्री योगेन्द्र शर्मा (बिहार) :** इन के दरवाजे पर डंड-बैठक क्यों करवा रहे हैं ?

**श्री कल्पनाथ राय :** कभी कांग्रेस के साथी ऐसा नहीं कर सकते।

कम्युनिस्ट पार्टी के साथियों ने इसका विरोध किया। कम्युनिस्ट पार्टी के साथियों से मेरा निवेदन है कि भारत जैसी डेवलपिंग कंट्री में आप को गंभीरता के साथ इस प्रश्न को लेना चाहिए। आपके रूस में स्ट्राइक नहीं हो सकती, चीन में स्ट्राइक नहीं हो सकती, चेकोस्लोवाकिया में स्ट्राइक नहीं हो सकती लेकिन हिन्दुस्तान में रोज स्ट्राइक हो, इस के आप समर्थक हैं। और उपसभाध्यक्ष महोदय, मजदूर एकता की बात वह क्यों करते हैं ?

**श्री योगेन्द्र शर्मा :** आप टाटा-बिड़ला को खत्म कर दीजिए, हम स्ट्राइक को भी खत्म कर देंगे। आपका और हमारा एग्रीमेंट हो जाए।

**श्री कल्पनाथ राय :** आप बैठिए। पहले तो मैं कम्युनिस्ट पार्टी के लोगों से अपील करूंगा कि पहले अपनी एकता कर लें—कम्युनिस्ट पार्टी (माक्सिस्ट), कम्युनिस्ट पार्टी (सी०पी०आई०) आल इंडिया कम्युनिस्ट पार्टी, सी० पी० एम० एल०, सी०पी०एम० (चारू)। आप हिन्दुस्तान के साबल पर खुद एकमत नहीं है। आप हैं कहीं नहीं और आप का कोई महत्व नहीं है।

उपसभाध्यक्ष महोदय, एसोशियल सर्विलेज मे स्ट्राइक को बैन करना आज के दौर में अति आवश्यक है। जब हम सत्ता में आए तब समने अपनी पार्टी का यह चुनाव घोषणा पत्र देश की जनता के सामने दिया। यह जनता की अदालत में दिया गया एक हलफनामा है। इसी के आधार पर भारत की जनता ने हमें प्रबल बहुमत देकर सत्ता में लायी। हमने इलेक्शन मेनिफेस्टो में कहा :

"When the Congress demitted office, it had left behind a strong industrial base, modern agriculture, a sound infrastructure for further development, a buffer stock of 20 million tonnes of food and sizeable foreign exchange reserves. Prices had been stabilised by 1975-76 and the tempo of industrial production was maintained at a high level. The public sector had also started yielding profits.

Despite all these valuable assets, the incoherent policies of the Janata Party Government have ruined the economy. Industrial production has slumped and the Public Sector is running at a loss. There is a steep fall in the production of steel, coal, cement, paper, power—in fact in all essential commodities. For a country with a 2,000 miles sea coast, even salt has gone into short supply, perhaps for the first time in history. Hardly any sector of industry is free from widespread unrest. The main pillar of our accepted industrial policy, i.e. keeping the Public Sector at commanding heights, was practically abandoned. Self-reliance has become the biggest casualty. The concept of planning was diluted with fanciful notions like the rolling plan."

उपसभाध्यक्ष महोदय, सबसे बड़ा अगर धक्का कोई लगा तीन वर्ष के जनता राज के दौर में, तो उस सेक्टर को जिसके लिए हम यह आर्डिनेंस ला रहे हैं,

एसोशियल सर्विलेज के संबंध में, जिन मुल्क की इकानामी के लिए हम ला रहे हैं। वही सबसे बड़ी कैजुएल्टि जनता सरकार के दौर में थी। हमने देश की जनता को यह वचन दिया है :

"Congress reiterates its faith in, and determination to achieve, the objective of a socialist society adopted under Jawaharlal Nehru's leadership and enshrined in the Constitution of India under Smt. Indira Gandhi's leadership. Congress will rectify the distortion introduced by the Janata Party Government in the concept of planning and once again utilise the planning process to reorganise the national economy so as to establish a harmonious balance between various sectors and to ensure full utilisation of human and material resources so as to enable involvement of the largest number of our people in economic activity free from exploitation.

Congress will resuscitate the economy and put it back on the road to recovery and self-sustained growth. The emphasis on technological development which suffered a set-back during the Janata Party regime will receive renewed attentions and support.

Congress will make a two-pronged attack in respect of demand supply, in order to contain the two digit inflation unleashed by the Janata Party Government. Conspicuous consumption will be controlled by appropriate fiscal measures and monetary management. A co-ordinated and effective programme will be drawn to boost the sagging levels of production by improving the investment climate and providing timely and adequate supplies of essential inputs. Full utilisation of licenced capacity in all sectors will be ensured by insistence on drastic efficiency measures."

उपसभाध्यक्ष महोदय, इसी लक्ष्य को पूरा करने के लिए हम ने छठी पंच-वर्षीय योजना में यह मसविदा तैयार

[श्री कल्पनाथ राय]

किया जिस का उद्देश्य है गरीबी का उन्मूलन और बेकारी की समस्या का हल। इन कार्यों को पूरा करने के लिए... (व्यवधान) तीन वर्ष तक हिन्दुस्तान में कोई प्लानिंग नहीं थी, आप ने प्लान के रास्ते को छोड़ दिया। यह तो बड़ी लिमिटेड बहस है। इस में कहा गया है :

This Act may be called the Essential Services Maintenance Act, 1981, In this Act, unless the context otherwise requires, 'essential service' means—

Any postal, telegraph or telephone service, including any service connected therewith; any railway service or any transport service for the carriage of passengers or goods by air or any other transport service for the carriage of passengers or goods by land or water with respect to which Parliament has power to make laws; any service connected with the operation or maintenance of aerodromes, or with the operation repair or maintenance of aircraft, or any service in the International Airports Authority of India constituted under section 3 of the International Airports Authority Act, 1971; any service in connection with the working of any major port, including any service connected with the loading, unloading, movement or storage of goods in any such port; any service connected with the clearance of goods; any service in any establishment connected with the Armed Forces of the Union;

उपसभाध्यक्ष महोदय, यह हमारे राष्ट्रीय जीवन का चित्र है। इस के लिए हम ने असेंशियल सर्विसेज का कानून बनाया है। मैं आप से कहना चाहता हूँ कि भारत की जनता का समर्थन इस असेंशियल सर्विसेज एक्ट को है। दिल से हमारे विरोधी दल के नेता भी इस का समर्थन करते हैं, लेकिन जो नकारात्मक

राजनीति है, जनघात और राष्ट्रघात की राजनीति है, एक-दूसरे को नीचा दिखाने की राजनीति है उस के कारण दुर्भाग्य है इस डेवलपिंग कंट्री का, इस विकासशील देश का कि वे इस का स्वागत करने को तैयार नहीं हैं।

हम रूस और चीन की बात करते हैं। अमरीका पूंजीवादी अर्थव्यवस्था सारी दुनिया के शोषण के बाद बनी है। रूसी-चीनी अर्थव्यवस्था लौह तानाशाही नियंत्रण के बाद बनी है। हमने हिन्दुस्तान में डेमोक्रेटिक सोशलिज्म, एक नये जीवन दर्शन को स्वीकार किया है। हम इस मुल्क में प्रजातंत्र को रखेंगे और समाजवाद को भी लायेंगे। समाजवाद और प्रजातंत्र में कोई फर्क नहीं है। समाजवाद ही प्रजातंत्र है और प्रजातंत्र ही समाजवाद है। जवाहरलाल नेहरू ने कहा था :

"We have achieved the political freedom; but no political freedom without economic freedom."

उपसभाध्यक्ष महोदय, मैं एक उदाहरण देना चाहता हूँ। 1974 की रेलवे की स्ट्राइक जार्ज फर्नान्डीज और कम्युनिस्टों ने करायी। 1974 में जब देश के 14 प्रान्तों में अकाल पड़ा हुआ था, इनफ्लेशन 33 परसेंट था, देश की अर्थव्यवस्था को बंगला देश के कारण काफी नुकसान हो गया था, जब हाहाकार मचा हुआ था उस दौर में फर्नान्डीज और मार्क्सवादी कम्युनिस्टों ने हिन्दुस्तान में रेलवे की हड़ताल कारायी और 1200 करोड़ रुपये की मांग की कि आप इस मांग को पूरा करें, वरना हम इस देश की सरकार को परेलाइज कर देंगे। उपाध्यक्ष महोदय, तीन वर्ष के बाद '77 में इन की सरकार पावर में आयी। '77 में हिन्दुस्तान की अर्थव्यवस्था सब से मजबूत थी, हम विदेश से अनाज नहीं मंगा रहे थे, हम खाद्यान के मामले में आत्म-निर्भर हो गये थे। जार्ज फर्नान्डीज और मार्क्सवादी कम्युनिस्ट जब कैबिनेट



में आये तो जिन मांगों के लिए '74 में उन्होंने ने पूरे हिन्दुस्तान की लाइफ-लाइन को पेरेलाइज कर दिया था उन्हीं को, अपनी खुद की मांगों को उन्हीं ने पूरा नहीं किया। क्या इस से भी बड़ी कोई जनघाती, राष्ट्रघाती बात हो सकती है? इस से भी बड़ा कोई गैर-जिम्मेदाराना काम हो सकता है? 1974 में जब देश तीन हजार करोड़ रुपये का अनाज खरीद रहा था, जब बंगला देश के युद्ध के कारण अर्थ-व्यवस्था टूट चुकी थी, जब 14 प्रान्तों में अकाल पड़ा हुआ था, 33 परसेंट इनफ्लेशन था तब इन लोगों ने कहा कि 1200 करोड़ दो नहीं तो रेलवे को नहीं चलने देंगे। '77 में तीन वर्ष के बाद तुम्हारी हुकूमत बनती है जब देश को विदेश से अनाज नहीं मंगाना पड़ रहा था, खाद्यान्न में आत्म-निर्भर थे, जब हिन्दुस्तान की अर्थव्यवस्था मजबूत थी, 500 करोड़ का सोना था, 500 करोड़ की विदेशी मुद्रा थी और जब तुम कैबिनेट में आते हो तो '74 में तुम ने जो मांग की थी उस को पूरा नहीं करते हो। इस तरह के व्यक्ति, इस तरह की राष्ट्र-द्रोही ताकतें बात करती हैं हिन्दुस्तान की एसोशियल सर्विसेज को पैरालाइज करने की। उपाध्यक्ष महोदय, इस दौर में जब हिन्दुस्तान एक डेवलपिंग कंट्री है, देश की नेता श्रीमती इन्दिरा गांधी ने कहा है—वह कोई पार्टी की नेता नहीं हैं, वह नेशनल लीडर हैं—उन्होंने ने कहा है:

**"Dynamise the economy of the country or get yourself dynamited. Produce or perish."**

हिन्दुस्तान इस दौर में आ गया है कि उसको उत्पादन को बढ़ाना होगा या नष्ट हो जाना होगा। या तो हिन्दुस्तान की अर्थव्यवस्था को हम डायनामाइज करेंगे या डायनामाइट हो जायेंगे। यह देश का सवाल है। हमारी बढ़ती हुई जनसंख्या है। हमारी डेवलपिंग कंट्री है।

हमारी मार्क्सवादी कम्युनिस्ट पार्टी के नेता ने कहा है कि क्या किया है आपने। मैं चुनौती के साथ कहना चाहता हूँ कि एशिया अफ्रीका के अंदर जितने भी मुल्क 1947 के बाद आजाद हुए, सैकड़ों मुल्क आजाद हुए उन सब में हिन्दुस्तान ने डेमोक्रेटिक सोशलिज्म के माध्यम से अपनी तरक्की की है उतनी एशिया अफ्रीका के किसी और मुल्क ने नहीं की। आज हिन्दुस्तान दुनिया के देशों में छठी एटामिक पावर है। आज हिन्दुस्तान दुनिया के देशों में छठा स्पेस पावर है। आज हिन्दुस्तान दुनिया के सारे देशों में तीसरा टैक्निकल पावर है। आज हिन्दुस्तान सारी दुनिया के देशों में चौथे नम्बर की मिलिटरी पावर है। आज हिन्दुस्तान दुनिया के देशों में छठा एग्रीकल्चरल पावर है और आठवां इंडस्ट्रियल पावर है। आज हिन्दुस्तान दुनिया के देशों में एक महान वर्ल्ड पावर है लेकिन बढ़ती हुई जनसंख्या के राक्षस ने हमारी तरक्की के शिशु को दबोच लिया है। अगर हम जनसंख्या के सवाल पर कोई नीति अपनाते हैं तो आप उस का विरोध करते हैं। याद रखिये हमारी अपोजीशन पार्टीज अगर स्ट्रॉंग अपोजीशन पार्टीज होती तो ऐसा गैर-जिम्मेदाराना व्यवहार नहीं करती। जैसे एक कमजोर आदमी की साइकोलाजी होती है वैसे ही आप कर रहे हैं।

**Weak mind is responsible. Similarly, weak opposition party is responsible. Had there been a strong opposition party, it would have thought that if tomorrow they come to power, how should they behave? But they know that they will not come to power, they are behaving irresponsibly.**

हिन्दुस्तान में विरोधी दल नहीं है यह देश का दुर्भाग्य है। यह जनता का दुर्भाग्य है कि इस देश में कोई विरोधी दल नहीं है और अगर इस देश में विरोधी दल ताकतवर होता तो उस का जिम्मेदाराना व्यवहार होता। वह सोचता कि कल हम को भी सरकार में

[श्री कल्प नाथ राय]

आना है। कल हमें अपनी सरकार बनानी है तो हमें कैसे व्यवहार करना चाहिए। अगर आप ऐसा सोचते तो आप इस देश में अच्छा व्यवहार करते। आप इरि-स्पॉसिबिल व्यवहार इसलिये करते हैं कि आप कभी भी सरकार बनाने वाले नहीं हैं। यह देश की खुशकिस्मती होती कि इस मुल्क में विरोधी दल स्ट्रांग होता। राममूर्ति जी ने कहा कि हम एक होंगे। 'बी आर गेटिंग यूनाइटेड'। यह देश के लिये सौभाग्य की बात होगी कि आप एक हो जायें। लेकिन आप एक होंगे नहीं क्योंकि पहले आप कम्युनिस्ट पार्टी को एक कर लीजिए उस के बाद दुनिया भर को एक करने की बात सोचिये। पहले कम्युनिस्ट पार्टी को ही एक कर लीजिए। जो अपनी एकसव टैरिटोरियल लायलिटी रखने वाले हों वे मिल कर एक नहीं हो सकते। जब दुनिया का कम्युनिस्ट मूवमेंट तीन टुकड़ों में बंट गया है तो आप कभी एक नहीं हो सकते क्योंकि आप के माता-पिता तो रूस और चीन में रहते हैं। हिन्दुस्तान से आप का रिश्ता नहीं है। इसलिये आप एक नहीं हो सकते हैं। लोको की हड़ताल की बात करता हूँ। जनता पार्टी पावर में आयी तो लोको की हड़ताल मार्क्सवादी कम्युनिस्टों ने कराया। मैं पूछना चाहता हूँ कि हिन्दुस्तान में वेतन क्या है। सब से ज्यादा बिल पेड रेलवे के कर्मचारी हैं। हाइएस्ट पेड हैं रेलवे के कर्मचारी। उस के बाद एयर पोर्ट के कर्मचारी हैं, ऐंसेंशियल सर्विसेज के कर्मचारी हैं लेकिन कहते हैं कि उन का तनख्वाह बढ़ना चाहिए नहीं तो रेल का चक्का जाम कर देंगे। इस देश में करोड़ों खेतिहर मजदूर हैं। सात लाख गांवों में रहने वाले, गरीबी की रेखा के नीचे रहने वाले करोड़ों लोग हैं। मगर दुर्भाग्य है कि विरोधी पार्टियां उन गरीबों

के लिये, पावर्टी लाइन के नीचे रहने वालों के लिये नहीं सोचना चाहती कि उन की जिन्दगी कैसे सुधरे। कैसे उन की जिन्दगी अच्छी हो। उन की बेहतरी कैसे हो। उन की मांगें कैसे पूरी हों। उन को हम कैसे आगे बढ़ायें। इस सवाल पर उन की सोचना चाहिए लेकिन वे आर्गनाइज्ड सेक्टर में आ जाते हैं। कम्युनिस्ट पार्टी के लोग बैंकों में हड़ताल कराते हैं क्योंकि बैंकों में रिचेस्ट एंप्लॉई हैं और उन से हाइएस्ट चंदा मिलता है। इसलिये उन को जहां से हाइएस्ट चंदा मिलेगा उस की वकालत करेंगे। रेलवे में हाईएस्ट पेड एंप्लॉइज हैं इसलिये वहां यूनियन आर्गनाइज्ड करेंगे क्योंकि वहां से चंदा मिलता है। आर्गनाइज्ड सेक्टर के अंदर तो हिन्दुस्तान में हड़ताल कराते हैं। लेकिन इस मुल्क में एक करोड़ लोग ऐसे हैं जो हल जोतते हैं, जो हिन्दुस्तान के सात लाख गांवों में रहते हैं, उनकी वकालत आप नहीं करते हैं। उनको गरीबी की रेखा से ऊपर उठाने का काम सभी राजनीतिक पार्टियों का है, सभी दलों का है।

इसलिए मैं आपसे कहना चाहता हूँ कि ऐंसेंशियल सर्विसेज एक्ट का हमें स्वागत करना चाहिए। . . . (व्यवधान) विरोधी पक्ष से भी हम चाहते हैं कि वह इसका स्वागत करे। आपकी कोई बात अच्छी होगी तो हम उसको स्वीकार करेंगे। हिन्दुस्तान के विरोधी दलों द्वारा लोको कर्मचारियों की हड़ताल कराई गई, रेलवे की हड़ताल कराई गई जिससे देश की लाइफ-लाइन को तोड़ दिया। यह काम किस ने किया? यह काम पी० राममूर्ति की पार्टी ने किया। मैं साफ कहना चाहता हूँ कि 'डिसिप्लिन इज नाट नेगोशिएबुल'। यदि सरकार इस मुल्क के उत्पादन को बढ़ाने का काम नहीं करती है तो वह सरकार नहीं है। हिन्दुस्तान एक एग्रिकल्चरल कंट्री है। इस मुल्क में 70 लाख, 80 लाख या एक

करोड़ कर्मचारी हैं। इन में से भी एसेशियल सर्विसेज के अन्दर मुश्किल से 50 लाख आते हैं। आप जानते हैं कि बिजली के बिना खेती नहीं हो सकती। रेलवे के गमनागमन के बिना काम नहीं चल सकता। जितने भी ससद सदस्य हैं, अभी बनारस में क्या हुआ जानते होंगे। कलराज जी जानते होंगे कि बनारस हिन्दू मैडिकल कालेज में डाक्टरों ने हड़ताल कर दी। हड़ताल का कारण यह था कि जब आपरेशन हो रहे थे तो बिजली गायब हो गई। कितने ही लोग जिनका आपरेशन हो रहा था वह मर गये। जहाँ मरीज का आपरेशन हो रहा हो, उसी दौरान हड़ताल हो गई और बिजली न होने के कारण मरीज जिनका आपरेशन हो रहा था वह मर गये। पूर्वी उत्तर प्रदेश के जो मम्बर पार्लियामेंट हैं, वह यह जानते होंगे। तो आज उन सर्विसेज में जिनके रास्ते देश आगे जाएगा, जिन के द्वारा राष्ट्रीय उत्पादन होगा, स्टील हो, सीमेंट हो, कोयला हो, ये हिन्दुस्तान की अर्थ-व्यवस्था के लिए जरूरी हैं। रेलवे का मूवमेंट हिन्दुस्तान की अर्थ-व्यवस्था के लिए जरूरी है। बिजली का उत्पादन हिन्दुस्तान की अर्थ-व्यवस्था के लिए जरूरी है।

श्रीमन्, आखिरी बात कह कर मैं खत्म करूंगा। सी०पी०एम०, कम्युनिस्ट पार्टी के लोगों ने इस बात की पूरी प्लानिंग की है, इनके पोलिट ब्यूरो में इस तरह की बातें हुई हैं कि हिन्दुस्तान की एसेशियल सर्विसेज—कोयला, सीमेंट, हैवी विहिकल्स, पावर, इंडस्ट्री, इन सारी यूनिटों पर कब्जा कर लो और हिन्दुस्तान की अर्थ-व्यवस्था को पैरेलाइज करने के लिए एक बार देश के अन्दर हड़ताल करा दो। जब देश के अन्दर एसेशियल सेक्टर में हड़ताल होगा तो सारे देश की अर्थ-व्यवस्था नष्ट हो जाएगी। देश के अन्दर अनरिस्ट हो जाएगा। जहाँ तहाँ हाहाकार मच जाएगा और तब हम इस मुल्क के अन्दर इंदिरा जी की हुकूमत को हटा सकेंगे। मैं आपसे कहना चाहता हूँ कि हम सब राजनीतिक

दल के लोग हैं उनको सोचना चाहिए कि हमारे हित से राष्ट्रीय हित बड़ा है। इसके बाद अपना हित है। आज जब देश की सीमाओं पर युद्ध के बादल मंडरा रहे हैं, पूरा एशिया तनाव का क्षेत्र बन गया है, अफगानिस्तान में 40 डिवीजन पाकिस्तान की सेनायें हैं, जिय.ऊल हक और अमरीका के समझौते होने वाले हैं, हिमालय की सरहदों पर जब चीनी सेना के 50 डिवीजन खड़े हैं, हिन्द महासागर में सबमैरिन्स और न्यूक्लियर बैपन्स के लदे हुए जहाज अंगड़ाइयाँ ले रहे हैं, कोलम्बो से 15 सौ किलोमीटर दूर डियोगो-गाशिया में अमरीका अपना हवाई अड्डा बना रहा है, एशिया तृतीय विश्व-युद्ध का अखाड़ा बनने जा रहा है, देश की सीमायें आक्रान्त हैं, उस समय मुल्क के अन्दर उत्पादन बढ़ाना हमारा धर्म है। आज की लड़ाई केवल मिलिटरी लड़ाई नहीं रहेगी, इस लड़ाई में हम सब कामयाब होंगे, जब हिन्दुस्तान का बच्चा-बच्चा उस लड़ाई में लड़ेगा। खेतों में, खलिहानों में, इंडस्ट्री में उत्पादन बढ़ेगा। स्कूलों में पढ़ाई-लिखाई होगी तो एकताबद्ध भारत की जनता दुश्मनों का मुकाबला करेगी और अपने शहीदों के खून से अजित आजादी की रक्षा कर सकेगी।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और आप सब से अनुरोध करता हूँ कि आप सब इसका समर्थन कीजिए।

SHRI M. KALYANASUNDARAM: Mr. Vice-Chairman, Sir, I rise to support the Resolution disapproving the Ordinance and also to oppose the Bill to replace the Ordinance with all the emphasis at my command. The right to strike is sought to be taken away from the working class in the name of maintenance of essential services.

[Mr. DEPUTY CHAIRMAN in the chair.]

No responsible trade union or any political party will wish for the ruining of the essential services. But the question is, is it the working class

[Mr. M. Kalyanasundaram]

which is responsible if the essential services are getting ruined or the system is responsible? That is the question which I will pose to the hon. Members who are determined to support this Bill whatever happens. What is the position of the essential services, namely, railway, electricity, shipping and transport, road transport and other infrastructure which are essential to the national economy? I do not want to go into details because already several times we have spoken about it. Now for settling the disputes or for maintenance of essential services, it is essential to get the co-operation of the working class. Is this the method of getting the co-operation of the working class or by settling their demands? What are the causes of the strikes? Examine the causes of the strikes either under the Janata rule or under the Congress rule or ever since we achieved independence. It is not a pleasure for the working class to go on strike every week or every month or every year. I am sure the hon. Members are aware how difficult it is to go on strike for the working class even without the Act. Already there is this summary dismissal provision in all the disciplinary rules, whether it is the public sector or the Government department, or the private sector. There is police with lathis, with bullets, with their guns. Show me a single instance where the police have stood by the striking workers. Show me a single instance where the strike was considered legal by the ruling party, at any occasion. I want to take a lesson from them. Which are the strikes which you will call 'legal'? Come on, tell me, which is the strike which you will say does not come under essential services. Do not dabble with such fundamental issues in this haphazard way. By snatching away the right to strike you cannot mend the employers or bring about necessary changes in the structure of the economy, in the structure of the Government. The right to strike is

fundamental. Even my friends like Shri Kalpnath Rai referred to the right to strike in the socialist countries. My friend Dinesh Goswami very effectively answered that point. In a system where the right to work is not guaranteed, the right to live is not guaranteed, the right to health is not guaranteed, the right to bring about children in a healthy atmosphere is not guaranteed, do you think in such a system it is proper to demand of the working class to give up the right to strike? Do not compare the Soviet Union and other socialist countries. Look at their constitution. There is the only constitution in the world which guarantees at every stage, right from the child taking shape in the womb of mother to its last day. At every stage the right is guaranteed in their constitution. If you have such a Constitution, then you have a right to demand of the workers to give up their right to strike. In this system, it is impossible, especially in the present state of the capitalist system in the world. I would appeal to our young friends to study the motive behind this Bill. Don't bring party politics into this. It is a national question. The motive behind this Bill is a national question.

Earlier in this year, an Act was passed for preventive detention—the National Security Act. What is the security that you have achieved so far? Were you able to do anything against price rise? Were you able to do anything against garnering black money? How was that Act used? What was the promise made at the time of passing that Act? That it will be used against smugglers, that it will be used against black-marketeers, that it will be used against corruption. For two weeks, this House thundered with corruption charges against not an outsider but a Chief Minister. Is this the discipline Mr. Kalpnath Rai, you want the working class to learn?

SHRI KALPNATH RAI: That is for the poor.

**SHRI M. KALYANASUNDARAM:**

No, no, what about misuse of cement distribution in Maharashtra? If you want details, I can give you several instances.

So the National Security Act has not helped you to bring down the prices, to prevent black-marketing. The Monopolies and Restrictive Trade Practices Act is there. Has it helped to prevent concentration of wealth, either in the Janata rule, or the previous Congress rule or the present Congress (I) rule. I do not make a distinction on the basis of party. I judge each party on the basis of the policy which they pursue, not what they proclaim. We will judge them on the basis of how they act. Passing bills or acts is just propaganda. What about the Foreign Exchange Regulation Act? How far have you improved the foreign exchange position or the balance of payments position? These are questions which every nationalist must examine carefully.

So, I would appeal to my Congress (I) friends to turn the torch against themselves. Don't attack the working class, don't attack the farmers, don't attack the agricultural labourers, don't attack the parties which are leading the working classes and farmers in this country. How many of our party cadres have lost lives—not before Independence, but after Independence—for organising the Harijans, for organising the agricultural labourers for defending the working classes against atrocities and attacks of the monopolists, both in the private sector and in the public sector?

What is the reason for bringing forward such a comprehensive Bill only to ban strikes? It is only to give a talking point for our INTUC friends that prohibition of lock-outs and lay-offs has been included. Even there, they have cautiously omitted about closure. What is the provision, for prohibiting lock-outs and lay-offs? The Government will notify. What is the relief that the workers will get? There is no provision for giving relief. Will they be treated as in service?

There must be all those facilities. But no such provision is there. Whereas for joining a strike which has been declared illegal, right from the lowest worker to the trade union leaders, punishment is prescribed at all levels. So, this Bill is against the workers and in favour of unscrupulous employers. This is brought out at this stage because their industrial relations machinery has failed—deliberately failed. Is it a good augury that industrial relations has been taken over by the Home Ministry? It is the job of the Labour Ministry. The Labour Ministry should fight, in a partisan way, even though they cannot change the system. They must defend the labour.

The Industrial Disputes Act and the industrial relations machinery are intended to give protection to the workers. They have all been immobilised, they have been made impotent. I can quote hundreds of instances. Now, for the Central Government employees—who are not covered under the Industrial Disputes Act—a new scheme was introduced in the name of joint consultative machinery? What is the fate of the joint consultative machinery? For the past nine months it has not met even once. Now they are thinking of scuttling it. The industrial relations machinery that exists under the Industrial Disputes Act has become impotent and immobilised. In the case of the private sector and for Government employees, the joint consultative machinery is not functioning. For the public sector there is a joint negotiating machinery but that is also closed. And how are they going to protect them?

Whom are they deceiving? Are we to believe that they are going to implement everything and protect them? No, it is not for the purpose of protection. They have a different purpose.

What is their policy regarding inflation? What does the Finance Minister say? What is their policy with regard to arresting the rise in prices? What is their policy towards employment? Their policies are not

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only negative but also anti-national, they are against the working class and also against the people. Sir, what are the prices of essential articles? They are shooting up. The cost of living index is rising. Dearness allowance has to be paid to the Central Government employees, but they are not able to take a decision because it involves Rs. 62 crores for every instalment. Yes, even if it costs Rs. 62 crores, who has to pay it? Government policy is responsible for the rise in prices. They have failed to arrest the rise in prices and they must meet it. It is their economic policy. The Government should examine their economic policy, the Government should examine their industrial policy, the Government must examine their attitude towards the monopolists, blackmarketeers and other black-money hoarders.

What is this democracy, Sir? The price of a cement bag, according to Government rate, should be Rs. 30 but it is being sold at Rs. 70. This is democracy. Edible oil which, some six months ago, was only Rs. 9 a kilo, now costs Rs. 18 or Rs. 20. This is democracy.

We want a democracy where the toiling people, the working people, the wage earners—those who work—must become supreme. Even Gandhiji's statement is misquoted and misinterpreted. What he said is, "He who shall not work, shall not eat." Therefore, those who do not work means the exploiting classes, those who are money-lenders, hoarders, blackmarketeers and capitalists. It refers to those people but they are misquoting him. Everything is distorted to justify this anti-working class and anti-national step. There is a reason for it. (*Time bell rings.*)

Sir, please allow me a few minutes more to reply to those previous speakers who attacked my party. I am speaking for the first time and no one else from my party is going to speak. Therefore I must be allowed some more time. I am only speaking as a trade unionist interested in the welfare

of the country.

The National Security Act does not satisfy the imperialists, the Act to freeze wages does not satisfy. There should be some Act to maintain discipline, to restore efficiency and discipline to the 1976 level. During the debate on the Supplementary Budget, I read out eighteen conditions imposed by the world Bank for the Railways for releasing a loan of 70 million dollars. One of the conditions, the last one and the most important, is that the level of efficiency and discipline achieved by the Railways will be restored to that of 1976-77. What does it mean? Is it not giving a direction to the Railways as to how they should behave? Why are they doing it? Now the Government believes—and that is the unfortunate thing—and some of the Congressmen also believe that the IMF and the world bank are charitable institutions interested in the development of the economy of our country and they are doling out loans. Those who know the history of these two institutions, how they were brought into existence, will get disillusioned. They are not money-lending institutions, they are not banking institutions. They are instruments of the former imperialists to loot countries like India even after Independence. They came into existence only a few months before the Second World war came to an end. They knew that after the Second World war all these former colonial countries cannot be kept as colonies for drawing their raw materials and as markets for their finished goods. Especially America, Britain, Japan, West Germany, Canada and France are the countries which are dominating these two institutions. Now you want to get loans worth Rs. 5000 crores from them; negotiations are going on. These negotiations and the terms and conditions are against the interests of our national economy.

I will ask some questions. They say, the balance of payment difficulties. Who created the difficulties of the balance of payment. Is it our worker or is it our farmer? For every Kg. of tea

that we export to the United Kingdom or any other country, other than the Socialist countries, we lose RS. 12. Who pays for it? Everyone who takes a cup of tea pays for it. He gets inferior quality of tea and at a higher price. Another thing, minerals. How are they being used? Minerals are exported. Japan does not produce an ounce of minerals. Our minerals are exported. Iron-ore is exported. And the condition is that we should export and use their ships and not our ships. True, we do not have such a powerful fleet. What is our shipping and transport system? Who is responsible for it? So long as you depend on these imperialist countries, so long as you go to them with begging bowls for loans, they won't allow our Railways to improve, they won't allow our transport system to improve, they won't allow our shipping and transport to improve, they won't allow our electricity generation to improve. If all these infrastructures are in a chaos, it's because of the dependence on them. Now the dependence is growing. Mr. Narasimha Rao, our External Affairs Minister, attends the UNCTAD conferences and sits with the other developing countries, fights for a new economic order, for a new economic relationship. And our finance Minister goes to these countries for loans. I do not know whether there is any co-ordination between the Finance Ministry and the External Affairs Ministry. Is this the new economic order that the External Affairs Minister is fighting for in these conferences? The Finance Minister forgets all these things and goes and surrenders the interests of the country for these loans.

Sir, our balance of payment difficulties are mainly due to two reasons. We do not get proper price for the goods that we export to those countries and we have to purchase their machinery and goods at a very high rate which is also fixed by them.

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI M. KALYANASUNDARAM: This is the main reason. Even Mr.

Kalpnaath Rai was boasting about our growth. Yes, the growth is there. Why is the poverty also growing? Why is the unemployment also growing? Why high prices? These are the questions which young men like Mr. Kalpnaath Rai should study more carefully in the interest of the nation and not in the interest of his party. He must study it in the interest of the nation.

Now coming to a few points in the Bill, the motive is that the Government of India, some of the bureaucrats and politicians have come to the conclusion that somehow or other they must keep the imperialist countries on good side. They want to declare to them that nothing will be done to harm the capitalist system in this country and that nothing will be done to harm the multinational corporations functioning in this country. They want to declare openly that every thing will be done to protect their interests and that for that they will go to any extent, even to attack the workers and the opposition parties who stand by the workers. They want to declare that our Government is wedded to continuing the present capitalist system with all its evils. You cannot protect this country or the people so long as this policy stands.

SHRI KALPNATH RAI: Why do you not co-operate with us?

SHRI M. KALYANASUNDARAM: Are we to co-operate with you so that you kill me more quickly? That is what you are doing.

MR. DEPUTY CHAIRMAN: Mr. Kalyanasundaram, come to an end please...

SHRI M. KALYANASUNDARAM: All section of the people...

श्री कल्पनाथ राय : मेरा प्वाइंट आफ ऑर्डर है। वन क्वेश्चन...

श्री उपसभपति : आप कहिए कि क्या है।

SHRI KALPNATH RAI: One question. The CPI which is a progressive

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party and which stands for the down-trodden, had been supporting the progressive measures of the Indira Government. Why are they supporting now?

**SHRI M. KALYANASUNDARAM:** I am explaining. Are you prepared to fight with the IMF?

**SHRI KALPNATH RAI:** I will fight.

**SHRI YOGENDRA SHARMA:** This is not a progressive measure. We support your progressive policies, not an anti-working class policy. We shall fight it tooth and nail.

**SHRI KALPNATH RAI:** Mr. Kalyanasundaram asked if I would fight against the IMF? Definitely, I will fight against IMF.

**SHRI M. KALYANASUNDARAM:** Where is the policy? Mr. Venkataraman should fight with the black money. Where were you when the bearer bonds failed? Will you fight against the multinationals, the imperialists, the monopoly houses?

**SHRI KALPNATH RAI:** I will fight with monopoly houses, the multinationals. I will fight for all the progressive ideals.

**SHRI M. KALYANASUNDARAM:** I have figures to show. Due to your so-called progressive policy the multinationals, the Tatas and the Birlas flourished. During the Janata regime also the assets of the Tatas and the Birlas grew. Their profits increased. They are flourishing. Even now, during these two years, I have enough evidence to show that it is the multinationals and those people who are improving. Yesterday, while speaking on fishing, I have given a lot of facts. If you are interested, you come, and I am prepared to discuss it with you.

**MR. DEPUTY CHAIRMAN:** Please conclude now.

**SHRI M. KALYANASUNDARAM:** About the merit of this Bill, my party's

position has been misrepresented here by my friends from the All-India Anna DMK. So, I have to clear that. They have done just as Mr. A. P. Sharma did. When he was sitting in the Opposition, he opposed it. Now it is clear that he is prepared to adopt Mr. Morarji Desai as his leader, and that at that time his position was that the Bill was not so strong and so anti-working class. Like that, the Anna DMK brought a Bill which we opposed. Both the Communist Party of India to which I belong and the Communist Party of India (Marxist) which Mr. Ramamurti belongs, opposed it. What did we do is that we suggested them to have a select committee. It was a trap to enable the ordinance to lapse. That ordinance lapsed, but the select committee remains. We will fight that Bill. It is a question of tactics, how you fight. We are not giving any support to that Bill. We will fight that Bill or any anti-working class measure. Whichever may be the party and whatever our electoral relationship, we will not allow such measures to come.

**MR. DEPUTY CHAIRMAN:** Shrimati Amarjit Kaur. You will have ten minutes, Madam. (*Interruptions*) Mr. Kalyanasundaram, please allow others to speak.

**SHRIMATI AMARJIT KAUR (Punjab):** Mr. Deputy Chairman, Sir, this Essential Services Maintenance Bill, 1981, has been introduced mainly for the purpose of eliminating the negative aspect within our national character and to imbibe in its place the long-lost norms of proper values, proportion and priorities and duties to our nation and ourselves. It is the experience of this House that strikes and stoppage of work in all essential services, public or private enterprises and educational institutions, will at all times cause pain, hardship and suffering to society in general. Any negative action that causes inaction and degenerates our society into economic stagnation and causes suffering, is wrong and, therefore, illegal. This Bill is only putting on paper those



rules that should have been followed naturally and automatically from the time of our country's independence. It is on paper today because we the educated law-makers of our society have neglected in the past to interpret the national good in the spirit of sacrifice and the proper placement of priorities. It is on paper because we have been selfish and self-centred in our outlook towards the good of the society. It is tragic but it has had to be put on paper today because of the flagrant abuse and the selfish concept of freedom as practised by vested interests and dogma obsessionists in our country. It has in essence taken away from the purview of the anti-social politicians the element of negative action and its inevitable destructive consequences.

That strikes and lock-outs are in essence anti-work and, therefore, anti-people is a fact and not an illusion as many hon. Members of the Opposition would like us to believe. This being the case, the question arises as to whether the essential service worker, or any other worker for that matter, has any other alternative mode to substantiate his grievances with the official or the management. Yes, Sir, there is an alternative which has a practical concept of positive action, which will not only satisfy the worker and the employer, but will also carry forward the economy of the country to the benefit of our society. This concept of positive action has to be taken from the book of the Japanese working class, and we should not be afraid of learning from them. They put on their strike badges or bands, and proceed to work, without pay, for two hours or more, over and above the prescribed time-limit set by their Government. The idea is to overproduce goods and glut the market, thereby compelling the management to look into their grievances. This mode of strike, Sir, is positive action, and our country can not only afford but also urgently requires this Japanese style of protest. I therefore, would like to suggest to the honourable Home Minister to include a clause in this Bill

exempting the Japanese style of strike from all punitive measures incorporated within this Bill. Let the working class in our country air their grievances by resorting to this positive action. I am sure, Members against this Bill will appreciate this step, for it will return to them their strike but in a positive manner.

Sir, sub-clauses (vi) and (vii) of Clause 2 of this Bill refer only to services in Defence. I would strongly suggest to the honourable Home Minister to include within this sphere all para-military forces, especially the police and all intelligence services connected with Defence, and law and order. I find that the punitive measures in Clause 5 of this Bill are not sufficiently appropriate to cover strikes within these forces, for strikes within these forces would tantamount to mutiny, and mutiny, Sir, is a very serious crime against the nation. We do not have to look very far back to take note of the police strike and the havoc it caused to the morale of our country. It is also important to note that all punitive measures now existing in this Bill and any further amendments in the future pertaining to negative acts within these forces, cannot be covered by Clause 1, sub-clause (4) of this Bill. This Bill may end in four years, but severe and condign punishment for mutinous behaviour must remain for all times to come.

In Clause 6 of the Bill it is said, "Any person who instigates or incites..." This, Sir, would automatically include Members of Parliament, Members of State Legislative Assemblies and Councils. Will the honourable Home Minister, therefore, please explain the depth of the illegality in breaking the laws contained in this Bill and the implications involved in the subsequent punishment if an MP, MLA or MLC gets himself involved? I ask this question because when we take into consideration the accepted principle of "all things being equal", will the MP, MLA or MLC being punished under Clause 4 of this Bill,

[Shrimati Amarjit Kaur]

come under the purview of the wording—"including dismissal"? If so, would it imply expulsion of the Member from the House? Would punishment under the laws of this Bill debar a person from standing for elective bodies? Is the breaking of laws in this Bill criminal in nature? If not, what is the nature?

**SHRIMATI KANAK MUKHERJEE** (West Bengal): On a point of order. Do you allow a long written essay to be read in the form of a speech?

**SHRIMATI AMARJIT KAUR:** Won't you do it yourself?

**SOME HON. MEMBERS:** Yes, she also does it very often.

**SHRI R. RAMAKRISHNAN:** She is consulting her notes more frequently than others.

**MR. DEPUTY CHAIRMAN:** Mrs. Kaur, you please proceed.

**SHRIMATI AMARJIT KAUR:** Sir, I seek a final clarification from the Home Minister: Do sub-clauses (xvi) and (xvii) of Clause 2 of the Bill include educational, medical and judicial fields? These are extremely essential services. Disruption of these services makes our society lifeless. I am a constant witness, as are many honourable Members of this House, to the unjustified strikes by students, medical or otherwise, and by teachers of schools and colleges in the Punjab. Such strikes by medical personnel, students and teachers are generally instigated by political parties and leaders with vested interests and disruptive dogmas. Under the circumstances, I request the Home Minister to be more specific and include within the scope of the Bill the essential services in the fields of education, medicine and judiciary. It is pertinent to note that clauses 8 and 9 in this Bill has very wisely safeguarded the interests of the labour class by including within their purview the employers. These

clauses have bound down the employers to non-exploitation, non-harassment and to good behaviour towards the labour.

And finally, I would like again to suggest that strikes are a negative action, anti-work and, therefore, anti-people, anti-national and anti-progress. It is the main factor that is systematically eating into the vitals of our national character. And it is the one single factor that has cruelly hindered our rapid progress towards economic prosperity.

I support this Bill without any reservations and, at the same time, I do expect a few clarifications from the hon. Home Minister on my earlier queries.

**MR. DEPUTY-CHAIRMAN:** Mr. Amarprosad Chakraborty. You will get ten minutes.

**SHRI AMARPROSAD CHAKRABORTY:** Mr. Deputy Chairman, though there is similarity in our names—Amarjit and Amarprosad—our view are completely different.

**SHRI KRISHNA CHANDRA PANT** (Uttar Pradesh): Amar conquered is Amarjit.

**MR. DEPUTY CHAIRMAN:** You will have ten minutes.

**SHRI AMARPROSAD CHAKRABORTY:** Already one minute is wasted. Sir, I rise to oppose the Bill tooth and nail and I support the disapproval motion moved by Mr. Mathur. Sir, this Bill is an out and out penal legislation. Why is it a penal legislation? Because all the principles so far followed in the labour movement and in the Labour Ministry have been given a go-by and therefore it is an out and out penal legislation. The lesson of history tells us that in every country where capitalism fails such a law as this, which is draconian, which is authoritarian, which is anti-people, which is anti-working class and

which is anti-labour, comes. In our country also we are facing such a situation. This Government which is born in the womb of imperialism after transfer of power and after partition, has under the influence of imperialist forces, feudal forces and monopolist forces, come out with such a draconian legislation in order to exploit the working class, in order to curb the rights of workers and to coerce them.

You will recall that the Industrial Disputes Act was passed in 1947. This Act is based on the principles of conciliation, persuasion and arbitration so that even in a system where capitalism and labour go together, the labour gets some benefits. This was in the interest of production in the country. But this Administration has miserably failed in curbing inflation and in stopping price rise and in solving our economic problems including the problem of unemployment. They utterly failed. Now through this draconian legislation leading to dictatorship and coercion of the poor people and the peasantry, they want to achieve their goal of establishing a capitalist system in our country.

Sir, one thing surprises me. How is it that the Home Ministry is connected with this? The Labour Ministry has always brought forward legislations dealing with these matters and Legislation, as is popularly said; of a welfare nature. Now, by this kind of a legislation you are giving a go-by to welfare legislation. Even assuming that there is welfare legislation, I would say that it is based on the ILO Convention and it is because of the successful movement of the trade unions and the labour movement in this country. So, now you are afraid of these forces which are responsible for the success of the trade union movement and the people are now awakened. You are afraid that the people are now organised and they want to give a go-by to capitalism and that is why you have come out with such a pernicious and obnoxious legislation.

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Sir, you will notice that the essential services have been mentioned in the Industrial Disputes Act. Under section 2(a) of the ID Act, most of the industries have been mentioned like railways and other industrial establishments and industries or undertakings connected with the supply of power, water, etc. Now, what are the reasons for bringing forward this legislation? Why do you bring forward such a legislation when it is already there in the Statute Book, in the Industrial Disputes Act, under section 2(r)? Secondly, Sir, Chapter V clearly lays down the provisions relating to strikes and lock-outs. The law is there. Then what is the need for this law? Even assuming for a moment, but not conceding, that there are some labour movements, there are strikes, which hamper production—though the facts are to the contrary—what is the necessity for this legislation? I would like to point out that in 1979-80—you kindly take note of this and I think the Home Minister will take note of this—lock-outs and lay-offs were more than the strikes and the man-days lost have been decreasing. What are the reasons for this: During this period, man-days have been lost and strikes have been less there. But lock-outs and lay-offs have been more. But they are not taking any step to stop this because this Bill has been brought forward in the interest of the big business houses. According to the report of the Monopolies Inquiry Commission, 75 business families are controlling the entire assets of this country and this Bill is meant to protect those families and it is meant for their protection only.

Now, Sir, if you see the scope of the Bill, you will see—I think you have seen—that any service connected with the affairs of the Union can be declared as an essential service. Then there are their provisions regarding strikes. As soon as a particular service is declared as an essential

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service, no strike can be called. Is it not a violation of law, is it not a violation of the provisions of the Industrial Disputes Act? I ask this question because the Industrial Disputes Act clearly lays down some provisions under which a strike can be called after giving some notice, after the failure of negotiations. So, why then this law? Why is this required now? Even with regard to lay-offs, Chapter V of the Act lays down that there should not be any lock-out, any lay-off, which is not justified and there are certain conditions laid down. But, Sir, here they are bringing forward a legislative measure which will not give any scope for strike by the trade unions. But that right has been secured by a continuous labour movement, after a long time, after a long fight. Therefore, why is that right snatched away from the working class through this Bill?

So, Sir, that is why it is a disquieting feature. It is not to protect the labourers, the workers, the peasantry, the middle class, but only to protect the capitalist economy, only to protect the monopolists, only to protect the blackmarketeers, only to protect the hoarders in this country, because the character of this Government is such that they are for the capitalists, they are for the monopolists, they are for the hoards they are for the blackmarketeers. It is amply exposed; it is amply demonstrated by this. They are taking the valuable rights of the workmen which they acquired by their struggle for the last more than thirty years. Sir, that is why we strongly object to this legislation. We strongly object to this law and we strongly record our protest, of all the leftist parties, and on behalf of my party. We do not accept this Bill.

MR. DEPUTY CHAIRMAN: Thank you very much.

SHRI AMARPROSAD CHAKRABORTY: Sir, there are some peculiar features. Sir, you have gone through the Bill. Do you find any whisper in any of the clauses regarding the closure? There is no whisper in the Bill, Well. (*Interruptions.*)

MR. DEPUTY CHAIRMAN: The Minister will reply. Do not ask them.

SHRI AMARPROSAD CHAKRABORTY: He says there is. (*Interruptions*) There is no such thing. The act is of the capitalists or industrialists or the multi-national people.

Another point which has been made is that there is no contradiction between the Industrial Disputes Act and this Bill. Sharmaji has had a long experience in trade unionism. He was in Government service. He lost his service. And then he came into trade unionism. His mental make-up is such. He cannot see the distinction between the Industrial Disputes Act and this Act. Sir, please see Clause 12. It says:

"The provisions of this Act and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force."

So, on the face of this clause, we are at a loss to understand what the Minister, Mr. Sharma, tried to convince us about, that the same procedure for conciliation, strike, etc. will be continued under this Act. But here they say: No, this is just contrary to the provisions of the I.D. Act.

MR. DEPUTY CHAIRMAN: You have taken more time. Please conclude.

SHRI AMARPROSAD CHAKRABORTY: Regarding strike, as soon as some service is declared as essential service there cannot be a

strike. So this is a contradiction. It is hold-winking. That is why, Sir, we strongly record our protest and say that the country is heading to a position where the people of this country will not be sitting idle and they will come to fighting. The time has come. (*Time bell rings*)

We oppose this Bill.

MR. DEPUTY CHAIRMAN: Mr. Madhavan, You have ten minutes.

SHRI K. K. MADHAVAN: Sir, on a casual examination of this Bill, one will very easily be convinced that this is a Bill which seeks to lead the country not only on anti-socialist lines but also on anti-democratic lines. Sir, let us examine the Bill.

At the very outset, the Bill precludes the Industrial Disputes Act in its operation or any other legislation for the time being in force. Clause 12 of the Bill prevents the operation of all other laws. Then it gives a very wide amplitude to the categories of essential services enumerated in the relevant clause. I wish to point out sub-clauses (xvi) and (xvii) to Clause 2. Clause 6 relates to instigation to strike and there is a punishment. Clause 7 relates to financing strike. Suppose there is another trade union or trade unionist or other workers belonging to other trade unions and they make cash contribution for the success of a strike. All of them are liable to be punished according to this Bill. Therefore, the Bill is extraordinarily dangerous for the working classes. Clause 10 says that 'any police officer may on suspicion arrest anybody without warrant. It gives arbitrary powers even to petty police officers to violate the fundamental rights of the citizens. Clause 11 relates to the method of trial. It is only summary trial. A person can be arrested and detained and produced before a court for trial in a summary manner. Is it not cruel? Is it not anti-democratic? Is it not anti-hu-

man? You treat a human being like that.

Clause 3 says "If the Central Government is satisfied". Is it objective satisfaction? No. It is only satisfaction and satisfaction in this case will be subjective satisfaction of the Government without any explanation. It does not require the Government to make any statement that the Government has come to the conclusion that under such and such circumstances and for such and such reasons, the Government feels or thinks like this. If the Government is satisfied that it is in public interest, it is so.

Who will decide whether it is in public interest? The Central Government can decide that in an arbitrary manner. Then, it says "It may be general or special Order". It is more dangerous. One can understand if it is a special Order. It is general Order. It says, "It may by general or special Order, prohibit strikes in any essential service specified in the Order." This is clause 3. There is clause 8 about lock-outs. It may appear that they are identical. But they are not identical. Let us go to the punishment part of it. A worker who participates in the strike, anybody who instigates the strike, anybody who finances a strike is liable to punishment by imprisonment, which may extend to one year or with fine which may extend to Rs. 2000. These are clauses 6 and 7. Now, clause 8 is the corresponding clause in cases of lock-outs. There the punishment is only for six months and the fine is only Rs. 1000 for both lock-out and lay-off.

The punishment is imprisonment of only six months and the fine is only Rs. 1000. This is a very strange contradiction. A worker can be imprisoned to a period of one year whereas an employer can be imprisoned only to a maximum of six months. A worker can be fined to the maximum of Rs. 2,000 and an

[Shri K. K. Madhavan]

employer can be fined only to a maximum of Rs. 1,000. This is the democratic and socialistic type of politics that we are resorting to. Sir, we learnt about socialism at the fact of no less a person than the great Pandit Nehru whose commitment to socialism was well-known. In the field of industrial policy, in the field of industrial relations, this Government is going back on every policy and every programme that was set before this country, that was set before this Parliament by the late lamented Pandit Jawaharlal Nehru.

Sir, what is the position today? I may be permitted to say that this is the result of the wrong economic policy pursued by this Government. This Bill, this draconian Bill, this cruel Bill, this anti-working class Bill, this anti-democratic Bill is the result of their own wrong economic policy pursued by them. Sir, it was only a few weeks back that the Finance Minister of this Government was saying at some place—I think, it was in Madras and he was addressing the industrialists or the conference of the Chambers of Commerce—that if the Government find it necessary, the Government will not hesitate to revise the declared Industrial Policy of this Government what is that Industrial Policy?

It is the policy which was declared in this House, in this Parliament by Pandit Nehru. And as against that declared policy, here is Finance Minister who says that the Government will not hesitate to go back on that policy, if it becomes necessary. What is that economic policy, Sir? Is their economic policy pro-capitalist or pro-labour? This Bill shows that the attitude of the Government is anti-labour; this Bill shows that the attitude of this Government is pro-employer, pro-capitalist. And what is politics, after all, Sir? Politics is nothing but the hand-maid of economics. Politics of every country is like the economics of that country.

And what is our economic policy, what is the economic policy of this Government, Sir? The economic policy is 100 per cent capitalist. Naturally, this Government is walking into the parlour of international capitalism led by the United States. And that is why, Sir, the United States is bold enough to give arms to Pakistan at our cost and to our peril with impunity and without any fear. The other day, I was asking a supplementary question: Is it not that the arms supply programme of the United States in favour of Pakistan is necessitated by our economic policy? There was no answer to it, Sir. The inescapable inference, the inescapable answer is that our capitalist policy, our pro-US economic policy, our pro-international capitalist economic policy leads us to pro-American, pro-imperialist political policy also. So, the politics of this country is being led by the economics of this country which is only just a camp-follower of the international capitalism. Naturally, no wonder that this Government pursues an internal politics which is anti-working class and anti-democratic. Not only that, Sir. What is our foreign policy? You are saying that the foreign policy is very good. In due course, nobody will be surprised to find that we deviated—already, the foreign policy is deviating—from the Non-alignment policy of Jawaharlal Nehru. Sir, in essence this is the deviation point from the declared policy and programme of this country declared by Pandit Nehru. It has far much earlier deviated and once deviated it goes on *ad infinitum* to the logical conclusion, to the parlour, of international capitalism, which may degenerate in our circumstances after 30 years or 40 years, after the world war into fascism. It is only the threshold of fascism, at the threshold of fascism, that our country is being led. Thank you.

MR. DEPUTY CHAIRMAN: You have made a very good point. Yes,

Mr. Ramachandran, you will have ten minutes.

SHRI M. S. RAMACHANDRAN: Mr. Deputy Chairman, Sir, I rise to support this Bill. I am supporting this Bill not because I am a member of the ruling party but more because I am a trade union worker for the past over 34 years. As a trade union worker I know the interests of the workers. I care for the interests of the worker and, therefore, I support this move at this stage. As my hon. colleague, Shri N. K. Bhatt, who is also the President of my organisation, the INTUC, has already explained, it is very unfortunate that the Government should come with such a move at this stage. It is unpalatable to the workmen, I know. But I do not blame the Government or any body else. I do blame all the trade unionists whether they are sitting on this side of the House or that side of the House, who have failed to provide a strong, united, and responsible trade union movement to lead the working class of this country. The trade union movement which we are having today in this country is most disunited, multi-political, multi-faced without any ideology or without any aim. In the face of such a divided, irresponsible trade union movement in the country, the Government have no other option but to come with such a measure.

Sir, my hon. colleague, Dr. Shanti Patel was telling that if our great trade union leaders of the INTUC movement like Shri Khandubhai Desai and Shri Vasavada were alive today, they would be very unhappy to see that such a move has come. I am really glad that Dr. Shanti Patel still remembers such veterans in the trade union movement like Shri Khandubhai Desai, etc. But I would like to remind him that the trade union movement formed by those leaders and the national leaders of this country have very clearly and specifically mentioned that the working class of this country under the

INTUC banner will seek to have redressal of all their grievances through constitutional and peaceful means. We have accepted constitutional and peaceful means. We have accepted legal means. We have also accepted strike as the last resort.

Sir, I for one am under no circumstances prepared to believe that the Indian working class will give up their right to strike. I believe that right to strike is the most precious right in the hands of the working class. The right to strike was earned by the international trade union movement by a series of long struggles. The Indian trade union movement has inherited that right and we will not give up that right. But that right should be exercised not in the way in which some unions and some people are exercising it today but in a genuine and unavoidable circumstances for genuine reasons and not for political and adventurist or opportunist reasons. Sir, the Industrial Disputes Act provides for settlement of disputes and also for resorting to strike and also for banning the strike. But in spite of that and similar other provisions under the Industrial Disputes Act, why have these things become necessary? I would like to ask some of my hon. colleagues in the opposition particularly those who are associated with the international communist movement to tell me in how many communist countries of the world the workers are having the right to strike. Can you name any communist country in the world where gherao is a form of protest of the workers? (*Interruptions*).

SHRI S. KUMARAN: There are no Tatas and the Birlas there... (*Interruptions*).

SHRI M. S. RAMACHANDRAN. I will come to that; you cannot speak for five minutes without the names of the Tatas and the Birlas. I have been listening to you for the last 35 years. You cannot speak on any subject continuously for five minutes

[Shri M. S. Ramachandran]  
without using the name of the Tatas, the Birlas, the multinationals, the imperialists... (Interruptions). Only these five words you have learnt and nothing else... (Interruptions). That is a reality. I tell you what the reality is. In the year 1940, till the last day you were talking of the imperialist war; overnight it became people's war! What is the reality? For you, the multinationals, the imperialists, the Tatas, the Birlas are all your stock slogan to cheat the people of this country who could not be cheated by you till this day.

Sir, the question is, before the year 1977, according to the recognition given by the Central Government, there were only four national central federations of the trade unions. After the Janata Party came to power, the number was increased to ten, overnight. I do not know; only God knows how many federations are there today. I can tell you with all the seriousness at my command, that several of these federations do not have more membership than certain individuals functioning in certain major industrial centres of our country. Those criminal minded individuals are not affiliated with any central organisation because they do not want to submit themselves to any discipline. They want to have their own way. In a period of two years, in one centre alone, there have been more than 17 murders. And, Sir, a new weapon has been found during the last few years in the armoury of the trade unions. Not only, Sir, there are gheraos, there are go-slows, but in addition to it, cycle chain is also one of the normal legitimate trade union activity. As I said earlier, they are not having more strength than some of these individuals' unions who are not under the discipline of any other organisation. Sir, may I ask my hon. colleagues who are sitting on that side of the House, is it not a fact that almost all of them made a complaint to the Maharashtra State Government

against the activities of a particular trade union leader, complaining that such activities should not be allowed to continue in the interest of the economy, in the interest of the country and in the interest of the industry? Now, what the Government is trying to do is the same we people, we, in the national movement, have been trying to do. As I said earlier, we are not against strikes. I am in the trade union movement for the last 34 years. I have conducted more successful strikes than many other trade union leaders, taken individually, who have spoken today.

AN HON. MEMBER: Compromise.

SHRI M. S. RAMACHANDRAN:  
Yes. Sometimes, compromise and, sometimes, otherwise. Sometimes compromise also. I am not against compromise. I am interested in getting things done for my workers. If compromise pays, I will compromise. If fight pays, I will fight.

Sir, myself and my organisation, INTUC, are not against strikes. We are for strikes and we will strike when strike is a must, when strike is necessary and when strike will serve the purpose. But we are against such strikes which are politically motivated. We are against strikes which can be avoided. We are against strikes which are intended to jeopardise the national economy or the national interest. Hence, Sir, what the Government is trying to do is to curb anti-national activities, deliberate strikes and avoidable strikes. Such strikes they want to ban. They are only arming themselves with the necessary power to ban such strikes as and when and, if at all, found necessary.

Secondly, Sir, some of my friends were saying the moment this Bill, this legislation, becomes an Act, it will be used against them and so on. I would like to tell them one thing. This ordinance has been in force for more than one month. In Bombay, there is a strike going on.



The gas workers of Bombay were on strike, for a long time. Nothing was done against them. This Ordinance was not invoked. If it had been against the interest of the workers, if the powers under this Ordinance were to be used against each and every strike, against each and every trade union and against each and every worker, it would have been invoked there. The mere fact it was not invoked there, and in many other places, shows that the Government have no intention to invoke this Ordinance, this Bill, arbitrarily, or, without any justification, or, without any reason. When the interest of the country, when the interest of the national economy demands that a certain strike should be prohibited, it must be done in the interest of the national economy.

Before concluding, Sir, I would like to mention one point. Some of the speakers were saying that the whole Indian working class is opposing this move.

AN HON. MEMBER: How many are supporting?

SHRI M. S. RAMACHANDRAN: I am coming to that. I would like to tell them, it is not the whole. At least, it will be minus one, myself.

AN HON. MEMBER: Whole minus one?

SHRI M. S. RAMACHANDRAN: If not anything else. I am coming to that point. They conducted a protest rally in Delhi. As a trade union leader, I know how to conduct strikes, how to conduct demonstrations and I know how to stage a show with a few and many workers. Can anybody say, can anybody in this House say what is the total labour population in the capital and what was the number of working class who attended that rally? Because I attended that rally and I have actually counted one by one, I have counted all the heads. And next,

Sir, I think my friends will also agree with me .... (Interruptions) Mr. Deputy Chairman, Sir, if it is a question of voice test, I want to tell them, I will be second to none. So, Sir, my friends will agree with me that the Indian working class is living throughout the country, right from Kanyakumari to Kashmir and from Bombay to Calcutta.

AN HON. MEMBER: Why are you afraid of them?

SHRI M. S. RAMACHANDRAN: I am not afraid of them. I am coming to the point. Please have the patience to hear me. Sir, the protest rally or the protest day has not been so far held in any other State except West Bengal, Kerala and Tripura. (Interruptions). The protest day in Delhi was very very nominal. I have already said that Delhi was a failure. If at all you want to take Delhi into account, it will go to your discredit rather than going to your credit. (Interruptions). If you want to take credit for Delhi, take it. (Interruptions). Please have the patience to listen to me or else you are only killing the time. So, Sir, only in these three States...

SHRI S. KUMARAN: It was there in Maharashtra also.

SHRI M. S. RAMACHANDRAN: In all the three States there are CPI(M)—led governments. In no other State there was any protest.

AN HON. MEMBER: Who says? It was in Maharashtra also.

SHRI M. S. RAMACHANDRAN: I say.

AN HON. MEMBER: It is going to be organised very soon in other States.

SHRI M. S. RAMACHANDRAN: Very soon they are going to organise. Yes. (Interruptions). Very soon, you are going to organise. Just like two days back you lost this Bill

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in the Lok Sabha and today you are giving 'No Confidence Motion', you are going to lose here also. So, you are going to organise very soon. You do it. (*Interruptions*). My dear friends, if the working class of this country were with you, we would not be in power.

AN HON. MEMBER: You cannot be.

SHRI M. S. RAMACHANDRAN: We are in power with the vote of not Tatas, Dalmas and Birlas alone, but of the working class of this country also. You may speak anything you like, but you have been defeated and thrown away by them. (*Interruptions*).

SHRI MANUBHAI PATEL: Not Tata, Birla alone, he says.

SHRI M. S. RAMACHANDRAN: Sir, in conclusion, I would like to say that they are not able to digest or relish the truth. They do not have the capacity to relish. (*Interruptions*). In conclusion, my submission is, in all the three States where there was some protest it was CPI(M) government engineered, government organised, government financed, politically motivated. Though this move is unpalatable to the working class, they have learnt the necessity of it. They have also realised that the Government was forced to come with this move because of these strikes galore brought about by these multi-faced, divided, irresponsible trade union leaders who are claiming to lead them. The working class of this country is reconciled to this fact may be that these three States are not with us, but the whole country is with us. According to them, the protest of West Bengal is the voice of workmen, no protest in other States should be taken as the voice and support of the working people

With these words, I support the Bill.

SHRI MAKHAN PAUL (West Bengal): Mr. Deputy Chairman, Sir, I have stood here today to protest against the Bill tabled in this House for consideration. According to me, to put it softly,

it is a controversial Bill. In my opinion, this is a draconian Bill and the most pernicious one. I am supporting the Motion moved by two hon. Members on this side for referring it to a Select Committee. But I oppose this Bill tooth and nail.

Some hon. Member said that they have defined what are the essential services. If we go through the Bill itself, we will find on page 2 of the Bill, under clause 2 (xvi) everything is essential when they feel that it is essential. It says:

"(xvi) any service in connection with the affairs of the Union, not being a service specified in any of the foregoing sub-clauses".

Under sub-clause (xvii), you will find—

"any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community...."

From this you will understand that everything is essential—not only the essential services but all the services, private or public, can be brought within the jurisdiction of this Bill. So when they describe it as the Essential Services Maintenance Bill, it is self-contradictory, illusory and meant to hoodwink the people.

About "public utility" and "public safety", let me tell you that it reminds us of those days of British rule. At that time when the Britishers wanted to repress the people, put our people under detention, or hang our bright young men on the gallows, they always used these two words—"public safety" and "peace and tranquillity". Somebody was talking about the national movement. I find very few persons on the other side who were in the national movement. So, let me remind them

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of those days when people suffered under the British heels when the Britishers always took this plea of public safety, peace and tranquillity. I am afraid this law will also affect the entire working class and the tolling people in the name of public safety and public utility, and whenever they want that a strike or a movement should be curbed, they will bring them under this Act.

Sir, another important thing in the Bill is the penal clause. Clauses 10 and 11 are an absolute wonder. Let me read out clause 10:—

“...any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.”

‘Any police officer.’ That means they have been given ample power to arrest anybody without any warrant. “Any suspect”—whether he is on strike or is instigating a strike, there is no difference. If the Government suspects that he has instigated a strike, then any police officer—even an ordinary constable, an ordinary chowkidar—may arrest that suspect without any warrant. Is it democratic? Is it not draconian? Is it not pernicious? If it is not so, then what is draconian and what is pernicious?

Clause 11 is about trial. You will see, Sir, that “...all offences under this Act shall be tried in a summary way...” by a Magistrate. What is this? Is this the law of a democratic Government? Our Constitution says that our State is a sovereign, socialist, secular, democratic republic. Is it socialist? They are going against the entire working class. Socialism means rule of the working class. But they are going against the entire working class; they are going to repress the working class. And our State is a Sovereign, socialist, secular, democratic republic. Is it socialist? Is it democratic? So, I would simply request

the Members on the other side to think of all these things in a clear manner.

Somebody on the other side said in his speech that they have included not only strikes but also lay-offs and lock-outs. But where is the provision for closures? How many man-days are lost due to closure of factories and industries? They have forgotten to include closures when the Ordinance was promulgated.

SHRI AMARPROSAD CHAKRABORTY: It is international, I have told you.

SHRI MAKHAN PAUL: They have forgotten it. During the promulgation of the Ordinance, those lay-offs and lock-outs were absent. Then why were they included? It is surprising. When our Prime Minister was gheraoed by workers, she told them “Yes, the question of lock-outs and lay-offs is there.” Actually, there is nothing. The fun of the entire affair is this. Was it not presented to the Cabinet and was it not discussed in the Cabinet before the promulgation of the Ordinance to see what is there and what is not there? That was not discussed. At least, our Prime Minister must have known it. Otherwise, she could not have told such an untruth before the working class. After that, in order to satisfy their workers and her colleagues on that side also, most probably they are interpollating. And, during that interpollation—I don’t know whether it is intentional or unintentional—they have forgotten to include the question of closure of factories and other establishments.

So this is the position about the Bill. Now the question arises why such a Bill has been brought. We are agreeable—Members from both the sides—to the idea: produced more and earn more. But actually what is happening? Is production decreasing? In the Budget speech, our Labour Minister said that the Railway workers have shown a better performance, the public sector industries, quite a number of them, are

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showing a better performance. Then, what is the fault of the working class? They are showing a better performance, even according to the Government Ministers. But what is happening about "earning more"? "Producing more" is all right, but what about the question of "earning more"? Are the workers getting more? Are the workers who are responsible for the better performance earning more? No. Their DA is not paid regularly and they are to suffer under the dizzy heights of price levels. That is what is happening. So if their legitimate demands are not met, and if their struggle is stopped, will they not revolt? So the purpose which has been enumerated in the Bill is not in line with what the speakers have said.

Sir, the question, according to me, is that a Bill should have been brought for the curbing of those industries which are getting fatter day by day at the expense of the working class. But such a Bill is not coming up. Only this Bill is coming up, the Bill to suppress the working classes.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI MAKHAN PAUL: Sir, let me tell you, and through you the Members of the other side, the Treasury Benches, that the ruling party very well knows, it is very much conscious of the crisis that is challenging it. And that crisis is not due to the fault of the workers or the employees. It is due to their own economic policy. What is the economic policy? The pillars of the economic policy are: import of foreign capital, indirect taxation and inflation. These are the three pillars of the economic policy of India today. So what has happened? We are importing foreign capital like anything. We are unable to pay off the debt which we have already incurred. But in spite of that, Now when we are in the midst of this crisis, when

we want to cover our deficit, we are approaching the IMF, we are approaching the World Bank, we are approaching the Western Powers to come to our help. Under these circumstances, they have put some conditions. If they have to give us loans, they say. "You are to obey certain conditions". What are those conditions? One of the conditions is that you shall have to stop strikes. I think this is one of the reasons responsible for the bringing of this Bill in the House.

So far as the import of capital is concerned, I have already told you. So far as indirect taxation is concerned, what is happening? Practically there is no place on the poor man's body to fix more tax. About the indirect taxation, everybody knows what is happening. So far as the inflation is concerned, just by ordering printing of paper money and putting it into circulation, practically the value of the rupee has come down to eleven paise only. That is the position due to the indirect taxation. Due to this economic policy, this entire thing has been brought to this position. But the ruling party is very much conscious about their own economic policy. They know that they shall have to face the challenge of the impending crisis and that the people, particularly the working class, will not tolerate such things. So, they are trying to bring this Bill and pass it hurriedly in order to curb the rights of the working class. Actually, due to all these things, the ruling party has nothing to offer to the people, who have been dragged to the brink of ruination. The staggering unemployment and the dizzy height of the price level continue to improve the common man. That is the order of the day today.

Due to this, once in 1975 this ruling party took to the measure of the Emergency. This time they will not do it because of their past experience; due to the declaration of the Emergency, they had lost power in 1977.

This time they will not make the same mistake. Even our Prime Minister, Mrs. Gandhi told the journalists in Calcutta that the same medicine could not be applied twice. But she knew, and she knows, that she has got no alternative but to take some sort of autocratic measures in order to remain in power. Otherwise, there is no way out for her. So, without declaring Emergency, the Government has taken recourse to such measures by this name, in piecemeal and by instalments.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI MAKHAN PAUL: I am finishing. In conclusion I request the hon. Members, particularly the hon. Members on the other side, the Treasury Benches, to think of it in a clear manner. For this bill will not solve the impending crisis. Simply by passing this Bill they cannot solve the crisis which they shall have to face. They shall, rather, by this Act, you know, Sir,.... (Time bell rings) Give me one minute.

I was in the Congress from 1929 to 1946. These people are accusing somebody else for not participating in the national movement. I request them to think about it and go into the history of the national movement, as to what they themselves have done, how the country was particularly partitioned, how the undivided country was divided into the, Pakistan and Hindustan, by compromising with the British imperialism. Because of this compromise with the imperialist, the country has come to such a pass. Only after that, in 1946, in disgust I left the Congress. That is our position. So, if anybody takes pride in the national movement, I shall tell them - please pardon me if I say some bad words - that actually between this Congress and that Congress there is a big difference. That was the Congress of the struggle for freedom, but now the

Congress is full of post-independence patriots. Those who were in the national movement are now in the opposition. So I will request them to refrain from supporting this Bill and let them support the motion for referring it to a Select Committee so that the entire thing may be discussed there and it may come to some conclusions.

MR. DEPUTY CHAIRMAN: Mr. Ibrahim. Five minutes only, please.

SHRI B. IBRAHIM: Mr. Deputy Chairman, Sir, I rise to oppose the Resolution moved by Mr. Mathur and to support the Bill moved by our hon. Minister. My hon. friend, Mr. Chakraborty, while delivering his speech, referred to certain sections in the Industrial Disputes Act. I would like to say, Sir, that we are also aware of the provisions already there in that Act. But to have more effective measures, we have come up with this Bill.

Sir, since you have granted me only five minutes' time, I would like to submit only a few points which I feel are necessary. Sir, so many friends on the other side have called this Bill a draconian measure. I would like to reply to them one by one, justifying my point that it is not at all a draconian measure and it is the need of the hour. Firstly, this Bill does not by itself prohibit strikes but only empowers the Government to do so on the merits of each case. Secondly, this Bill applies only to the specified essential services and not to other industries and services which form the vast bulk of the economy. (Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Chakraborty, please do not interrupt.

SHRI AMARPROSAD CHAKRABORTY: I am only drawing his attention.

SHRI B. IBRAHIM: I have heard you fully. Thirdly, the measure is, avoidly limited to a short period of six months and is obviously intended

[Shri B. Ibrahim]

to tide the country over the present economic difficulties. The basic objective is to ensure unhampered production so as to control inflationary tendencies. Fourthly, the Constitution has wisely provided that the Government can restrict the fundamental rights in the larger interests of the country. The philosophy behind the measure is that the interests of the community and the country are supreme and that they cannot be sacrificed at the altar of the sectional interests. The justification for the Ordinance and for the Bill is that no section of the society can be allowed to hold the nation to ransom by resorting to narrow, selfish activities. Next, patriotic trade unions in the country have come out in support of the measure realising that in the context of the current national difficulties, the workers in essential services must temporarily surrender their rights. Next, the working class is, after all, not an alien body. It is an integral part of the nation and its interests are inextricably tied up with those of the nation. Though the working class may gain some temporary benefits by going on unjustified strikes, in the long run they are bound to suffer along with the nation. So, this Bill has come as a boon to the country and, in fact, it ought to have been introduced a long time ago. It is ardently to be hoped that with the help of this Bill, a situation will develop in the socio-economic structure of the country which will render this Bill superfluous and unnecessary. Let the working class co-operate with the Government in protecting the national interests. However, when strikes and lock-outs are banned in a specified service, the Government should at the same time make effective arrangements for the settlement of industrial disputes.

I would suggest that a machinery for compulsory arbitration of dispute in essential services will go a long way in redressing the workers' grievances

and rendering the destructive weapon of strike superfluous. While compulsory arbitration is introduced in all the essential services, the method of voluntary arbitration must be promoted in the remaining parts of the economy, both in the public and the private sectors. I am sure the Government is wedded to democracy and freedom of association. But this does not mean that it should be a helpless spectator when the whole society is made to suffer and the interests of the nation are threatened. The economic condition of the country at present is such that we must take all possible measure to ensure maximum production consistent with social justice. The method of compulsory voluntary arbitration in the essential and non-essential services respectively embodies in itself the principle of economic growth with social justice.

I would ask my friends, mostly belonging to the Communist Party, friends sitting on the Communist benches, whether they would support a strike in the national sector and other essential services in the socialist countries of East Europe? Whether their sympathies are with the Solidarity Union workers in Poland? If so, how can they shout in the same breath to nationalise industries and they tell the workers to join the strike and then join with the right parties who have all along been against the nationalisation of industries and who engineer strikes only in the nationalised sectors . . . (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI B. IBRAHIM: . . . and who engineer strikes only in the nationalised sectors? Pandit Nehru saw in the public sector a powerful tool, a strong lever, in the hands of the working people to defeat the onslaughts of the vested interests and push our country on to the road to socialism. If the essential services and the public sector run well, who profits from them? We benefit from them? Is it the vested interests or

the toiling people of this country? Besides, it is a well known fact that the workers in these services are better paid than in many other sectors. The other day Mr. Indrasen of the IIT, Madras, complained that bank clerks are better paid than engineers and professors. So, if you see the Bill from the socialistic point of view, this, in fact, is long overdue.

**In conclusion, I would like to say** that the Prime Minister has made it very clear that the Ordinance is not to crush the workers. Let us, therefore, take steps to improve the machinery to settle the grievances and problems of the workers in these services. The Ordinance, therefore, deserves all support.

**MR. DEPUTY CHAIRMAN:** There are two or three names for the third reading. But I am going to call them just now, because in the third reading it may not be possible. Now I call Mr. Mohanta.

**SHRI SADASHIV BAGAITKAR:** But how can you shut us out from the third reading?

**SHRI JAGDISH PRASAD MATHUR:** How can you do away with the third reading? There has got to be third reading. You may not allow anybody to speak, but you have to have third reading.

**MR. DEPUTY CHAIRMAN:** Those who have given their names for the third reading, I am giving them the chance now itself....

**SHRI JAGDISH PRASAD MATHUR:** But we must have third reading...

**SHRI SADASHIV BAGAITKAR:** Yes, you should not shut us out from the third reading....

**MR. DEPUTY CHAIRMAN:** All right, I will call them in the third reading, if you are so insistent. Then, Mr. Mathur, you start.

**SHRI SUSHIL CHAND MOHANTA** (Haryana): But, Sir, you have called my name. Let me speak. . .

**MR. DEPUTY CHAIRMAN:** I thought it would be better if the Members who had given their names for the third reading, could speak now itself. So I called him. But now that you insist there must be third reading and you must be given a chance. I am calling Mr. Mathur to start.

**SHRI SADASHIV BAGAITKAR:** But you have already called Mr. Mohanta. You allow him to make his speech. I am the only person who has spoken from our party.

**MR. DEPUTY CHAIRMAN:** Mr. Bagaitkar, you cannot have it both ways.

**SHRI SUSHIL CHAND MOHANTA:** Are you revising your decision, having called me to speak?

**MR. DEPUTY CHAIRMAN:** I am revising it. I will explain. Please take your seat. Nothing will happen if you take your seat. I said that there are three persons who wanted to speak in the third reading stage. You were one among them. I thought of calling them now. Then Mr. Bagaitkar said that they would speak in the third reading stage. You cannot have both ways. Mr. Mathur.

**SHRI SADASHIV BAGAITKAR:** In the third reading they will not make a general speech. Only those points not referred to earlier will be touched upon at the third reading stage. I said, you cannot dispense with third reading speeches. Now, please allow him to have his say.

**MR. DEPUTY CHAIRMAN:** Mr. Mathur.

**SHRI SUSHIL CHAND MOHANTA:** Am I being by-passed?

**MR. DEPUTY CHAIRMAN:** I will call you at the third reading stage. Yes, Mr. Mathur.

**श्री जगदीश प्रसाद माथुर :** श्रीमन्, मैं जवाब देने में ज्यादा समय नहीं लूंगा, कारण यह है कि सरकारी पक्ष की ओर से कोई ढंग की बात कही ही नहीं गई है। अगर कोई सही बात कही जाती, तो मैं उसका जवाब भी देता।

सब से पहले तो मैं बता देना चाहता हूँ— होम मिनिस्टर साहब चले गये, उनके छोटे सहयोगी बैठे हैं। गृह मंत्री जी ने खड़े होकर मेरे भाषण के बाद कहा कि मैंने सारे सवालियों के जवाब दे दिये हैं। असलियत यह है कि उन्होंने एक भी बात को न समझा, न समझने की कोशिश की और न उन्होंने कोई जवाब दिया। गालिब के शेर का मिसरा कहता हूँ—

या रब न वह समझे हैं, न समझेंगे मेरी बात।

मैं बात ठीक कह रहा हूँ। लेकिन मुश्किल यह है कि जो दूसरा शेर मजाकाना मुझे याद आ रहा है—श्री अनन्त प्रसाद शर्मा तशरीफ ले आए। मैं नहीं समझा कि उनकी क्या जरूरत थी। मुझे शायर का नाम तो याद नहीं आ रहा है—

जौक, कुए पार में जब भीड़-भाड़ हो,

तू भी घुसड़-फुसड़ के घुसड़म-घुसाड़ हो।

**एक माननीय सदस्य :** यह किसका शेर है ?

**श्री जगदीश प्रसाद माथुर :** बिल्कुल अच्छे शायर का शेर है—

जौक, कुए पार में जब भीड़-भाड़ हो

तू भी घुसड़-फुसड़ के घुसड़म-घुसाड़ हो।

वही शर्मा जी की हालत थी। इतने बोलने वाले मौजूद थे, बड़े बड़े दिग्गज खड़े हुए थे, वे भी घुसड़म-घुसाड़ करके घुसड़ गये।

**श्री उपसभापति :** वे लेकर से संबंधित थे, इसलिए...

SHRI JAGDISH PRASAD MATHUR: I understand he was under

labour. But he delivered a very un-meaningful speech. His conception might have been good. But his delivery was bad.

चार दिग्गज उधर खड़े हुए। भट्ट साहब खड़े हुए, आई.एन.टी.सी. के प्रेजिडेंट हैं, रामचन्द्रन साहब खड़े हुए, मजदूर नेता नहीं, मजदूरों के नेता बहुत बड़े हैं, राजेन्द्र सिंह साहब खड़े हुए, मैं उनकी बड़ी इज्जत करता हूँ, बहुत बड़े नामी वकील हैं और उसके बाद दल के महामंत्री महामना कल्पनाथ राय जो खड़े हुए।

**एक माननीय सदस्य :** वे हैं नहीं।

**श्री जगदीश प्रसाद माथुर :** इसीलिए महामना कह रहा हूँ। लेकिन मुझे लगा कि दो-तीन मुद्दों के अलावा कुछ कहने को किसी के पास नहीं था। केवल कहने को यह था कि हमारी प्रधान मंत्री श्रीमती इंदिरा गांधी ने यह किया, वह किया। सारे उनकी तारीफ के पुल बांधने में लगे हैं। मुझे कोई एतराज नहीं है। मकतब में जब लड़के आते हैं तो उस्तादानी की तारीफ करते ही हैं। महोदय, मद्रसे में आने के बाद उन्होंने तारीफ की और रोज का अपना मिसरा है वह पढ़ते चले गये।

दूसरी बात सीना ठोक कर उन्होंने कही कि हम जीते हैं। 1980 के चुनाव में, अब हम जो चाहे कर सकते हैं।

**एक माननीय सदस्य :** यह आपने मेनि-फैस्टेशन में कहा था...

**श्री जगदीश प्रसाद माथुर :** नहीं, यह उन्होंने कहा है कि हम जो चाहें कर लें। 1980 में हम जीत गये। अब हम चाहे गरीब का गला घोटें या अब गरीब का घर लूटें, कुछ भी करें।

दूसरी दलील यह थी, कि हम जीते हैं, इसलिए भी यह बिल अच्छा है। एक तीसरी दलील और भी थी कि जनता पार्टी ने सब



गड़बड़ी की है, इसलिए हम अच्छे हैं। क्या बात है। जो बात की खुद के किस्म की लाजवाब की। अह भी कहा गया कि जितने साम्यवादी बैठे हैं, वेईमान—ठीक है, मुझे क्या एतराज है, कहिए। आपकी सच्चाई लभती है, तो आप बहिष्कृत, और झूठ लगता है तो वे लोग एतराज करें। मैं इनके बीच में नहीं पड़ता। इनके बीच में मुझे आने का क्या अरुत ? भाई, मुझे क्या करना है। अब मिथा-बीबी राजी, तो क्या करेगा काजि—अब इनकी रजामन्दी हो गई, तो मैं क्या करूं।

उधर से एक बात का किसी ने जवाब नहीं दिया कि आप यह बिल लाए क्यों ? मैंने बारहा अपनी स्पीच के अन्दर कहा कि बताइये आपको कौनसी तकलीफ थी कि आप यह बिल लाए। 1968 में जब आप इस प्रकार का बिल लाए थे जो 1971 में समाप्त हो गया था। विशेष हालात थे। सरकारी कर्मचारियों ने नई फेडरेशन बनाई थी। और भी ऐसे कुछ हालात थे। उसके बाद 1974 का आपने जिक्र किया—कई लोगों ने किया—रेलवे की हड़ताल हुई। ठीक बात है। आप लाए 1968 में ऐसा बिल इसलिए लाये कि 1972 में चुनाव आने वाले थे। आपको अंदाज था, पहले चुनाव करा लेंगे। 1971 में आपका बिल लैप्स कर गया ; आप दोबारा नहीं लाए—केवल चुनाव की वजह से 1968 के अन्दर लाए। 1974 में रेलवे स्ट्राइक हुई, उससे मैं मानता हूँ बहुत कुछ नुकसान हुआ होगा। उस समय 1974 में क्या आपको सांप सूघ गया था ? उस समय ऐसा बिल लाने की हिम्मत क्यों नहीं की ? सिर्फ इसलिए कि आपका मोटिवेशन सिर्फ राजनैतिक है—कोई भी भला करने का इरादा नहीं है। मैं चैलेंज करता हूँ—मैं चार्ज करता हूँ—इसमें राजनैतिक इरादे के अलावा और कोई इरादा नहीं है। मैंने पहले भी कहा, फिर कहता हूँ—मेरे एक और साथी ने भी कहा है—इसकी चार साल की मिथाद है। 4 साल की मिथाद क्यों है ? 1985 में चुनाव होने की उम्मीद है। हो सकता है पहले ही गवर्नमेंट

गिर जाए। हो सकता है मेरे शब्द सच साबित हो जाएं। आपकी सरकार गिर जाएगी लेकिन आप समझते हैं कि यदि न गिरी, तो हम इस डंडे के बल पर मजदूर को दबा कर रखेंगे और दबा कर रखने के बाद उसके जबदेस्ती वोट डलवाएंगे वह नहीं होगा। श्रीमन्, मैं जानता हूँ नहीं होगा ; हम नहीं होने देंगे . . . (व्यवधान) जनाबवाला, वह दिन खत्म हो गए अब खलील खां फाख्ते उड़ाया करते थे। अब खलीलखां से फाख्ता नहीं उड़ेंगे—दोज डेज आर गौन—मैं कहता हूँ सरदारजी आप एक मानी में मजदूरों का भला नहीं करेंगे लेकिन दूसरी मानी में करेंगे—रंग लाती है हिना पत्थर में घिस जाने के बाद। आप मजदूर को दबायेंगे, पीसेंगे, मैं जानता हूँ। लेकिन जब भेहदी पत्थर पर पिसती है, तो पत्थर पर रंग लाती है . . .

एक माननीय सदस्य : रंग लाती है माथुर को।

श्री जगदीश प्रसाद माथुर : रंग लाती है हकीकत ठोकरें खाने के बाद। लेकिन आप बोलते हैं, न समझने के बाद, मुश्किल यह है।

श्री संय्यद शहाबुद्दीन (बिहार) : सीधी होती है पूंठ कुत्ते की कट जाने के बाद।

श्री जगदीश प्रसाद माथुर : वाह-वाह, सुबहान अल्लाह लिहाजा आपने इरादे किए हैं हिन्दुस्तान के मजदूर का, गरीब का गला घोटने का। अगला कदम होगा आपका, अचाम का गला घोटने का—जो आपने 1975-1976 में किया था। लेकिन हिन्दुस्तान ने 1975-76 की लड़ाई लड़ी, इमरजेंसी की लड़ाई लड़ी और आपको धराशायी किया, आप को एक बार होश आ गए। मैं जानता हूँ, आप कहेंगे हार गए, हार गए। अरे, "गिरते हैं शह सवार ही मैदान जंग में, वह क्या गिरेगे जो घुटने के बल चलेंगे" फिर जीतेंगे। हाँ हमारी गलतिया . . . . .

श्री तीरथ राम अमला (जम्मू और काश्मीर) : फिर गिरेंगे

श्री जगदीश प्रसाद माथुर : गिर गए, फिर जीतेंगे, हमारी गलतियाँ रही होंगी। फिर गिरेंगे, फिर उठेंगे... (व्यवधान)... गिर पड़े, गिरकर उठे, उठ कर चले—इस तरह त की है हमने मंजिलें। आपकी मंजिल केवल गद्दी तक है, हमारी मंजिल गद्दी तक नहीं है। हमारी मंजिल उस गरीब की झोंपड़ी है जिसके घर में आज आग नहीं जल रही है, हमारी मंजिल वह गरीब है जिसको आज रोटी नहीं मिल रही है। आपने मंजिल प्राप्त कर ली। मेरी मंजिल उस दिन हासिल होगी जिस दिन मैं गरीब के घर में रोटी पहुंचा दूंगा, जिस दिन मैं गरीब के घरों में चिराग जला दूंगा।

लेकिन अब मैं मकसद पर आता हूँ, राजनैतिक भाषण नहीं करना चाहता। आपने यह नहीं बताया सरदारजी—आपने पढ़ दीं मुक्तसर की स्पीच लिखी हुई थी लेकिन आपने फिर यह नहीं बताया कि आपने बिल लाया क्यों? और किसी ने नहीं बताया। श्री राजेन्द्र सिंह बहुत काबिल वकील हैं। वे वकील हैं तो केवल एक शरीफ आदमी हूँ... (व्यवधान)... मैंने कहा, केवल शरीफ आदमी हूँ। आप शरीफ आदमी हैं और वकील भी हैं। अब शेर कहूँगा, नहीं तो वकील नाराज हो जाएंगे :

“पैदा हुए वकील तो शैतान ने कहा,

अब तो हम भी आज साहिबे औलाद हो गए।”

मैं समझ रहा था कि राजेन्द्र सिंह जी कुछ कायदे-कानून की बात करेंगे। उन्होंने कुछ कोशिश भी की। मैं उनकी काबिलियत में सन्देह नहीं करता, वकील वह चोटी के हैं, लेकिन जब मुकदमा खराब है तो वकील क्या करेगा। और यहाँ तो मुफ्त की वकालत है। अगर वकील को वकालत का पैसा मिलता है नाब भी कोई बात है। 51

रूपये तो उनको वैसे भी मिलने। उनका मुकदमा ही खराब था। आपने कहा कि इस बिल में हमने कोई बड़ी बात नहीं की है; हमने इसमें वह चीजें की हैं जो केवल सरकारी कल-कारखानों से संबंधित हैं। मैं समझता हूँ कि उन्होंने लाबी में आते-आते परचे ऐसे ही उलटे-पुलटे होंगे, नहीं तो उनका जैसा वकील नहीं समझता, यह मैं नहीं मान सकता। उन्होंने पढ़ा क्यों नहीं? वह समझते हैं कि मुकदमा खराब है, क्यों पढ़ें, जो उसकी फाइल है उस पर क्या झक मारूँ। तो श्रीमन्, इसमें केवल सरकारी कारखाने मौजूद नहीं हैं, सब हैं। इसके अन्दर वह है जिस पर पालियामेंट बिल बना सकती है। आज टेक्सटाइल के ऊपर, स्टील के ऊपर सरकार बिल बना लाती है। स्टील के ऊपर सरकार कानून बना सकती है। अगर कल टाटानगर में हड़ताल हो तो क्या इस बिल का सरकार उपयोग कर सकेगी? मना कर दीजिये कि नहीं कर सकती। मेरे दोस्त श्री बापाइतकर ने पूना का दस माल पहले का उदाहरण दिया। यह कहता कि इसमें केवल सरकारी कल-कारखाने प्रभावित होंगे गलत है। मैं काबिल वकील राजेन्द्र सिंह जी से पूछूँगा कि आपने यह झूठ किस इरादे से बोल दिया? मुझे गुमराह करने के लिए? जी नहीं। सरदार जी को गुमराह करने के लिए? जी नहीं। जो बाहर बैठा मजदूर है, अखबार में पढ़ेगा उसको गुमराह करने के लिए। आप उसको गुमराह मत कीजिए। आप ईमानदार और शरीफ आदमी हैं—कम से कम हम सब लोग ऐसा समझते हैं।

श्री उपसभापति : आपने उनका बहुत जवाब दे दिया।

श्री जगदीश प्रसाद माथुर : और बातों का भी जवाब देना है। फिर आप ने फरमाया कि हम ने पहले के मुकामले कुछ ताकतें बढ़ायी हैं। ठीक है। मेरा एतराज यही था। मैंने सुबह भाषण में कहा था कि जो इंडस्ट्रियल डिस्प्यूट्स एक्ट के अन्दर ताकतें है उनके

अलावा कुछ नहीं लिया है। सिर्फ ताकतों को बढ़ाया है, 6 महीने की जगह 1 साल की सजा और 1 हजार की जगह 2 हजार जुर्माना कर दिया है। लेकिन क्या कहा है आप ने? आपने कहा कि हम इस एक्ट के लागू होने के बाद कांसिलियेशन को समाप्त कर देंगे। शर्मा जी नहीं हैं, चले गए, वे लेबर लीडर कहलाते हैं, मैं उन से पूछता...

**एक माननीय सदस्य :** भट्ट साहब से पूछ लीजिए।

**श्री जगदीश प्रसाद भाथुर :** भट्ट साहब तो खुद ही चौपट थे पहले। (ब्यवधान) मैं आप के सिर की तारीफ नहीं कर रहा हूँ, सिर्फ बाल की, वैसे नहीं। शर्मा जी कह गए कि हम ने पहले कानून को इम्प्रूव किया है। क्या इम्प्रूव किया है? सजाएं बढ़ायी हैं मजदूरों के सम्बन्ध में और घटा दी हैं कारखानेदार के लिए। मैंने कहा था कि अगर कारखानेदार ले-आफ करेगा या लाक-आउट करेगा तो उस को सजा साल भर की होगी, एक हजार रुपया जुर्माना होगा, वकील साहब यहां बैठे हैं। अगर वह एक आदमी का कारखाना है तो वह जरूर 1 हजार देगा। लेकिन कानून क्या कहता है? अगर पार्टनरशिप है और उस में दस पार्टनर हैं तो एक हजार रुपये दस मिल कर देंगे या हर एक देगा? जोइन्ट स्टाक कम्पनी है तो कौन देगा? कहीं है? फिर आपने क्या किया? सरदार जी थे नहीं, शर्मा जी पहले बोले कि हमने ये वादे किए हैं। पहले तो कहने लगे कि यह बिल में दिया है। हमने कहा बिल में बताइये कौन सा है। फिर कहने लगे कि सरदार जी का भाषण है। पता नहीं सरदार जी

का दिया हुआ भाषण यहां का कानून होगा या जो कानून पास किया जायेगा वह कानून होगा। कानून वह लागू होगा जो यहां पास किया जायेगा। शर्मा जी ने कहा कि रिकंसिलियेशन की जितनी मशीनरी है वह एक्टवाइज की जायेगी। यह उन्होंने स्वयं नहीं कहा, सरदार जी के कहे को दोहराया। क्या मतलब है रिकंसिलियेशन मशीनरी एक्टवाइज की जायेगी जब कि मशीनरी एग्जिस्ट ही नहीं करती। मशीनरी एग्जिस्ट कर रही है इंडस्ट्रियल डिस्प्यूट्स एक्ट के अन्तर्गत। जब आपने यह एक्ट लागू कर दिया, कह दिया कि फलां हड़ताल नाजायज है और गैर-कानूनी है इंडस्ट्रियल डिस्प्यूट्स एक्ट में, जैसा मैंने कहा था, सेक्शन 22 में आप को भजबूर हो कर—कानून में वर्ड है 'शैल'—रिकंसिलिएशन के लिए देना पड़ेगा। इस एक्ट में क्या है? कोई नहीं है। मैं पूछना चाहता हूँ कि जब एक्ट बन जाएगा उस समय यह लागू होगा या आप का भाषण लागू होगा? यह धोखा-धड़ी है। आप इस एक्ट में रिकंसिलिएशन प्रोवाइड कर दीजिए मैं मंजूर कर लूंगा। लेकिन आप तैयार नहीं हैं, क्यों? उधर से मेरे साथी ने कहा—पटेल साहब ने जवाब दिया—कि जनता सरकार यह बिल लायी थी। लेकिन बिलों के शीर्षक बता देता है। जनता सरकार का बिल था इंडस्ट्रियल रिलेशन्स बिल और आप का है एसेंशियल सर्विसेज बिल। वह लाये थे उस वक्त के लेबर मिनिस्टर श्री रवीन्द्र वर्मा और इस बिल को लाये हैं सरदार जी, सिपाहियों के नुमाइन्दे, होम मिनिस्टर। यह मैंने पहले भी कहा था। आप तो पुलिस का डंडा ले कर इस बिल को लाये है, जनता पार्टी की सरकार बिल लाई थी मजदूर की भलाई को ले कर। उस के अन्दर रिकंसिलियेशन की गुंजायश थी। मुझे मालूम होता कि आप इस को चैलेंज

[श्री जगदीश प्रसाद माथुर]

करेंगे तो उस बिल को यहां ला कर रख दिया होता। लेकिन उसके बाद भी जनता पार्टी में दम था, लोकतंत्र था। उस का अन्दर से विरोध हुआ। वह बिल ज्वायंट सेलेक्ट कमेटी को रेफर हो गया और उसके बाद वापस हो गया। लेकिन आपके यहां क्या हुआ। आप ने आर्डिनेंस निकाल दिया—फोट एकप्ली—ताकि दल के भीतर भी उसके खिलाफ आवाज न उठ सके। आप को डरने की क्या जरूरत थी। आप के यहां तो लोकतंत्र नहीं है। आप के यहां तो एक उस्तानी का मदरसा है। कौन विरोध में बोलेगा। आप दिखावे के लिए भी बिल ले आते अपनी पार्टी में तो वह स्वीकार कर लिया जाता। लेकिन मुझे ताज्जुब जब हुआ जब कि मेरे काबिल दोस्त मजदूर नेता तो नहीं, मजदूरों के नेता ने भाषण दिया। मैं उन को चैलेंज करता हूँ कि उन का जो छोटा मोटा आर्गनाइजेशन इंटक है, जिस के मजदूरों को वह कुछ दे दिवा कर के शान्त रखते हैं उन की मीटिंग कर लें। बिल की हिमायत लेकर दस मिनट बोल लें तो मैं अपना नाम बदल दूंगा।

श्री रामचन्द्रन ने कहा कि :  
It is not palatable to the labour. Exactly. Then to whom is it palatable? It is palatable to you and if is palatable to the industrialists only and to none else. (समय की घंटी) मेरा अधिकार है बोलने का और मैंने शुरू में कहा था कि मैं बाद में ही जवाब दूंगा। उस समय मैंने अधिक समय इसीलिये नहीं लिया था। मैं कोई नया प्रश्न नहीं उठा रहा हूँ।

श्री उपसमापति : संक्षेप में कहिए।

श्री जगदीश प्रसाद माथुर : मैंने सुबह 25, 30 मिनट लिये थे, ज्यादा समय नहीं लिया था।

SHRI HARISINH BHAGUBAYA MAHIDA (Gujarat): Please reply to the points raised by other Members also.

SHRI JAGDISH PRASAD MATHUR: I will reply to them. I am coming to that.

SHRI MANUBHAI PATEL: That depends on his intelligence and not on your intelligence.

श्री जगदीश प्रसाद माथुर : इंटेली-जेंसी तो देख लीं, जब आप के मित्र बोल रहे थे। आप के मंत्री महोदय जी ने जो भाषण किया वह अल्लाह ही जाने, या परमात्मा समझता होगा या वह समझते होंगे कि उस भाषण में क्या था। आप जो कह रहे हैं उस का जवाब दे रहा हूँ। हर बात का जवाब नहीं दूंगा। राजेन्द्र सिंह जी ने कानून की बात कही, उन का जवाब दे रहा हूँ। आप कोई बात कहिए, आप का भी जवाब दूंगा। ट्रेड यूनियन लीडर एक तरफ तो कहते हैं कि it is unpalatable to the labour और दूसरी तरफ काहते हैं कि यह देश के हित में है। तो दोनों बातें कैसे सही हो सकती हैं ?

SHRI M. S. RAMACHANDRAN: I said, "Though it is unpalatable to the working classes, they have reconciled to it and they have accepted it". He has not quoted the whole thing.

MR. DEPUTY CHAIRMAN: Please quote the whole sentence.

SHRI JAGDISH PRASAD MATHUR: It is unpalatable to the working class आप का वाक्य मैं स्वीकार करता हूँ।

श्री सीता राम बेसरी : माथुर जी समझते हैं क्या ?

**SHRI NAND KISHORE BATT:** They have accepted in larger national interest.

**श्री जगदीश प्रसाद माथुर :** राइट, राइट। भट्ट जी; आप उन के मुंह में शब्द न रखिये। उन्होंने अभी कहा है कि... 'It is unpalatable to the working class, but they have accepted it'.

मजदूरों के हित में बिल लाये थे, और लाना चाहते थे, डंडे के जोर से नहीं लाना चाहते थे, आप ने कहा कि तीन जगह डिमांड स्ट्रेशन हुए हैं। केसरी जी, मैं तो कोई ट्रेड यूनियन लीडर नहीं हूँ। उन में छोटा मोटा काम किया है।

**श्री सीता राम केसरी :** यह बात आप ने ठीक कही है कि आप ट्रेड यूनियन लीडर नहीं हैं।

**श्री जगदीश प्रसाद माथुर :** मैं नहीं हूँ तो आप भी नहीं हैं। आप भी लालाओं के नेता हैं। ... (व्यवधान)

**श्री सीता राम केसरी :** दोनों नहीं हैं ... (व्यवधान)

**श्री जगदीश प्रसाद माथुर :** लेकिन मैं मजदूरों में दिलचस्पी रखता हूँ, सम्बन्ध भी रखता हूँ, आना जाना भी रखता हूँ। ... (व्यवधान)

**एक माननीय सदस्य :** आप नेता नहीं हैं। ... (व्यवधान)

**श्री जगदीश प्रसाद माथुर :** मैं तो नेता नहीं हूँ, हम तो जनता के सेवक हैं। नेता तो उधर ही बैठते हैं। ... (व्यवधान)

**श्री उपसभापति :** संक्षेप में कहिए, बहुत समय हो गया।

**श्री जगदीश प्रसाद माथुर :** श्रीमन्, भट्ट साहब ने और रामाचन्द्रन साहब ने भी चलते फिरते और कल्पनाथ राय साहब ने भी कह दिया कि मजदूर आज इरिस्पॉसिबुल है। हूट डज इट मीन ? ... (व्यवधान)

**एक माननीय सदस्य :** मजदूर नेता इरिस्पॉसिबुल हैं। ... (व्यवधान)

**श्री जगदीश प्रसाद माथुर :** बड़ा अच्छा किया आपने अपना जुर्म स्वीकार कर लिया। आप मजदूर नेता हैं। आप नेता हैं। मैंने पहले कहा कि मैं नेता नहीं हूँ। चलिए, जुर्म तो मंजूर किया। इसलिए आगे और मुजरिम मत बनिये। इतने जुर्म की सजा नहीं देता ? ... (व्यवधान)

**श्री सैय्यद शाहबुद्दीन :** सजा मिलेगी, आप कौन हैं माफ करने वाले ? ... (व्यवधान)

**श्री जगदीश प्रसाद माथुर :** इन्होंने कहा कि मजदूर आन्दोलन गैर-जिम्मेदार है। मैं मानता हूँ कि कुछ इसमें सच्चाई है। इंटक के साथियों ने अपनी जिम्मेदारी मान ली कि उन्होंने धोखा दिया। दूसरे कुछ ऐसे लोग हो सकते हैं जिनको गलत समझते हैं। उनकी भी गैर जिम्मेदारी मान ली। लेकिन हर एक मजदूर को आप गैर-जिम्मेदार बताना चाहते हैं ? हूट डज इट मीन ? कल्पनाथ राय जी ने बड़ा लम्बा चौड़ा भाषण दिया कि देश की सीमाओं पर युद्ध के बादल मंडरा रहे हैं। इसका क्या मतलब है ? क्या उन्होंने ही देश-भक्ति का ठेका लिया है। जिस दिन युद्ध होगा या होने के आसार होंगे, यहां का एक एक मजदूर, एक-एक गरीब और एक एक हिन्दू-मुसलमान खड़े हो जायेंगे। इसलिए आज यह कहना कि क्योंकि युद्ध के बादल मंडरा रहे हैं हम

[श्री जगदीश प्रसाद माथुर]

हड़ताल नहीं करने देंगे; आम मजदूर की देशभक्ति को चुनौती दे रहे हैं? आप यह कह रहे हैं कि, मजदूर देशभक्त नहीं हैं। यू आर रांग। अगर कोई देशभक्ति की कर्मा कहीं हो सकती है तो राज नेताओं में हो सकती है जो गद्दी के लिए कुछ भी कर सकते हैं। मजदूर समझौता नहीं करेगा। मैं आपको उदाहरण देता हूँ कि ऐसे भी मजदूर संगठन हैं जिन्होंने आफर किया पिछले साल आपके पोस्ट एण्ड टेलीग्राफ डिपार्टमेंट में कि हम ओवर-टाइम करेंगे, फ्री काम करेंगे, पैसा नहीं लगे, हमारा जो पिटीशन है उसे मान लो, हम गो-स्लो नहीं करेंगे, हम को ओवर-टाइम नहीं मांगना है। लेकिन सरकार ने कहा कि इनकी धाक जम जायेगी, इनकी ईमानदारी और शराफत की धाक जम जाएगी। ये वे लोग हैं जो देश के लाभ में काम करने को तैयार हैं। सरकार ने आदेश निकाला कि जो ओवर टाइम करने के लिए आफिस में आयेगा, उसका प्रवेश इल्लिगल माना जाएगा। उन्होंने आधा घण्टे रोज काम किया और पसा नहीं लिया। लेकिन आपने उनको बन्द कर दिया। ऐसे कर्मचारियों के लिए आप यह कहते हैं कि युद्ध के बादल मंडरा रहे हैं, इसलिए हड़ताल नहीं करने देंगे। यह इंसल्टिंग है। नाथिंग मोर इंसल्टिंग दैन दिस। . . . (व्यवधान) . . .

एक साथी ने बंगलौर की हड़ताल का उदाहरण दिया। बंगलौर में हड़ताल क्यों हुई? आपने वायदा-खिलाफी की। जो वहाँ के इंटर के मजदूर थे जो सरकार का पुछल्ला है, वे एलोन हैड नेशंस इंटररेस्ट, आप नेशन के इंटररेस्ट के ठेकेदार नहीं हैं। यू आर नाट। . . . (व्यवधान)

एक बात कह कर मैं खत्म करूँगा। आपने यह क्यों किया है। मैंने कहा था कि यह राजनीतिक उद्देश्य के लिए

किया गया है। इसका एक सबूत मैं आपको देता हूँ। रिबीजन आफ वेज एग्रीमेंट 1982 में खत्म हो रहा है। यह एग्रीमेंट सरकार ने किया था। आज आप महंगाई भत्ता देने के लिए नहीं मान रहे हैं। आप सरकारी कर्मचारी को महंगाई भत्ता देना नहीं चाहते और रिबीजन आफ वेज एग्रीमेंट पर 1982 के पश्चात् पुनर्विचार नहीं करना चाहते, इसीलिए आप यह कानून लाये हैं। क्योंकि चेयरमैन साहब, आप घण्टी बजाने का अभ्यास शुरू कर देंगे इसलिए मैं अभी खत्म कर रहा हूँ।

श्री उपसभापति : क्या करें, करना पड़ता है।

श्री जगदीश प्रसाद माथुर : अभ्यास जारी रखें मुझे कोई एतराज नहीं।

श्री उपसभापति : समय का ध्यान रखना पड़ता है। आपका टाइम हो जाएगा।

श्री जगदीश प्रसाद माथुर : आप इसीलिए यह बिल लाए हैं कि न तो मजदूरों का वेज का समझौता 82 के बाद बढ़ाना चाहते हैं और न आप बड़ा कर महंगाई भत्ता देना चाहते हैं। यह बिल केवल मजदूरों के खिलाफ नहीं है, यह सारी जनता के खिलाफ भी है। मैं चाहूँगा कि इन सारी बातों का जवाब जो मैंने सुबह अपने भाषण में कही थीं, दे दें। मैंने सुबह तीन बातें कही थीं। एक तो यह है कि यह जो कानून है, यह जो विरोधी दल की सरकारें हैं उनको दबाने के काम में लाया जा सकता है। दूसरे जो इकोनोमिक एक्सप्लानेटेशन है, उसके लिए किया जा सकता है और तीसरे जो जेनुइन नेशनल मूवमेंट है जैसे असम का, मकावाणा जी हंस रहे हैं और सरदार साहब से बात कर रहे हैं जब कि असम का आन्दोलन हमारे सामने है;

इसलिए आप असेन्शियल सर्विसेज बिल लाये ताकि वह बन्द हो। बिहार के अन्दर पूर्णिया जिले में हजारों, लाखों लोग बंगला देश से घुस-पैठिए आ रहे हैं। आप वहाँ पर फिर कानून लागू करेंगे। मेरा सीधा-सीधा आरोप है कि आपका इरादा अच्छा नहीं है। आप अपनी गद्दी को हिलते हुए देख रहे हैं। आपके राजनीतिक इरादे हैं। आप मजदूरों को दबाना चाहते हैं, आम आदमी को दबाना चाहते हैं। इस बिल को विरोधी लोगों के खिलाफ इस्तेमाल करना चाहते हैं, मैं चाहता हूँ कि इन सारी बातों का सरदार जी जवाब दें। सुबह की तरह बगैर जवाब दिये यह न कह दें कि मैंने सब का जवाब दे दिया।

**श्री शिव चन्द्र झा :** मेरा प्वाइंट ऑफ ऑर्डर है। (व्यवधान)

**श्री लाल कृष्ण आडवाणी :** गृह मंत्री जी अपना भाषण शुरू करें इसके पहले मैं एक निवेदन करना चाहता हूँ। मजदूरों और कर्मचारियों के ऊपर अब बात हो रही है इसलिए मैं इतना ही निवेदन करूँगा कि अगर सरकार कुछ व्यवस्था कर रही है संसद् सदस्यों के भोजन की तो सदस्यों के भोजन की इतनी चिंता न करें जितने कर्मचारी यहाँ काम करते हैं उनकी चिंता करें। मैं निवेदन करना चाहता हूँ कि पिछले दिनों जब लोक सभा सुबह चार बजे तक बैठी तब कुछ असुविधा हुई थी यहाँ पर काम कर रहे कर्मचारियों को। इसलिए मेरा निवेदन है कि इस दिशा में अगर सोचना है तो संसद् सदस्यों के बारे में सोचे बगैर कर्मचारियों के बारे में सोचना चाहिए। (व्यवधान)

**श्री शिव चन्द्र झा :** मेरा प्वाइंट ऑफ ऑर्डर है कि जिसका सेलेक्ट कमेटी को भेजने का अमेंडमेंट हो उसको मंत्री महोदय के जवाब देने से पहले बोलने के लिए बुलाया जाए।

**श्री उपसभापति :** अलग से बहस नहीं होती। (व्यवधान)

**श्री शिव चन्द्र झा :** यह गलत बात है। (व्यवधान) ऐसी प्रक्रिया नहीं है। प्रक्रिया यह है कि जो सेलेक्ट कमेटी को भेजने के लिए कहता है उसको बुलाया जाता है। आपने यह प्रक्रिया खत्म की है। (व्यवधान)

**श्री उपसभापति :** पार्टीवाइज जिसका नाम आता है वह चर्चा में भाग लेता है। अलग से किसी को नहीं बुलाया जाता। (व्यवधान)

**श्री शिव चन्द्र झा :** आपने प्रक्रिया खत्म की है। (व्यवधान)

**ज्ञानी जैल सिंह :** विरोधी दल के नेता का जो विचार था उससे मैं सहमत हूँ। यहाँ केवल पार्लियामेंट के मेम्बरों के ही खाने का इंतजाम नहीं है, कर्मचारियों के खाने का भी इंतजाम है। वे भी यहाँ खाना खाएँगे। लेकिन मेम्बर साहेबान से मैं प्रार्थना करूँगा कि एक बार पहले जब हमने खाना दिया तो खाने का वक्त जब आता तो वे तो चले गये, कर्मचारी रह गये थे। इसलिए मेहरबानी करके खाना खा कर जायें। (व्यवधान)

**श्री शिव चन्द्र झा :** आप प्रक्रिया ठीक तरह से चलाइये। मैं यह कहना हूँ कि आप मुझे बोलने का मौका दीजिये। (व्यवधान)

**ज्ञानी जैल सिंह :** अगर आप कंट्रोल नहीं कर सकते तो मैं नहीं बोलूँगा। अगर बोलूँगा तो सुनेगा कौन, मेरी बात समझेगा कौन और कैसे समझा पाऊँगा। आप अगर बैठा नहीं सकते तो मैं नहीं बोलूँगा।

श्री शिव चन्द्र झा : श्रीमन्, नियम यह है कि आप हमको बोलने का मौका दीजिये ।

श्री उपसभापति : श्री झा जी, मैं आपको बता दूँ कि जब इस तरह के प्रस्ताव आते हैं और आर्डिनेन्स पर डिसअप्रूवल के प्रस्ताव आते हैं या इसी तरह के जो दूसरे प्रस्ताव आते हैं उन पर एक साथ चर्चा होती है । चूँकि उन पर एक साथ चर्चा हो गई है, इसलिए आप बैठ जाइये । सब प्रस्तावों पर अलग अलग चर्चा नहीं होती है ।

श्री शिव चन्द्र झा : \* . . . .

MR. DEPUTY CHAIRMAN: This will not be recorded.

श्री शिव चन्द्र झा : मैं आपके इस निणय के खिलाफ सदन छोड़ रहा हूँ ।

श्री हुसमदेव नारायण यादव (बिहार): मैं भी आपके निर्णय के खिलाफ सदन छोड़ रहा हूँ ।

(At this stage, the hon. Members left the Chamber).

ज्ञानी जैल सिंह : उपसभापति जी, श्री जगदीश प्रसाद माथुर जी, जिन्होंने यह प्रस्ताव पेश किया है, मैंने उनकी तकरीर पहले भी सुनी और अभी भी सुनी । वे एक बहुत अच्छे सुलक्ष हुए बलारे हैं, औरेटर हैं और उन्होंने एक-दो शेर भी सुनाये । इसलिए मैं समझता हूँ कि वे शायर भी हैं और मैं उनकी बहुत कद्र करता हूँ । मैंने पहले भी कई बार उनको सुना है । वे अच्छे विचार प्रकट करने वाले हैं । आज भी उन्होंने इस सम्बन्ध में बहुत अच्छी कंट्रीब्यूशन की है । कुछ बातें जो हमको

ध्यान में रखनी चाहिए वह हम ध्यान में रखेंगे और कुछ बातें जो असंगत हैं या व्यर्थ हैं उनको हम नहीं मानेंगे । लेकिन जब वे शुरू में शायरी पढ़ रहे थे तो उन्होंने एक बात कही कि इंसान को अक्ल आ जाती है ठोकरें खाने के बाद, हिना रंग लाती है पत्थर पर घिस जाने के बाद । जब उन्होंने यह बात कही तो मैंने उनकी गौर से सुना । चूँकि जो महापुरुष होते हैं, विद्वान होते हैं उनकी बातों में वास्तव में कुछ तथ्य होता है, ऐसी हमारे यहां प्रथा है । वे कह रहे थे कि सरदार जी यह गलती करते हैं, वह गलती करते हैं ।

[उपसभाध्यक्ष (श्री दिनेश गोस्वामी) पीठासीन हुए ।]

उन्होंने यह भी कहा कि जिस तरह से आपका राज आया है उसी तरह से चला जाएगा । मैं तो यह समझता हूँ कि तप करने से राज मिलता है और राज करने के बाद नरक में जाते हैं, ऐसा हमारे पुराने शास्त्रों में कहा गया है । माथुर साहब ने कहा कि अब हम नरक में जाएंगे । लेकिन मैं उनसे कहना चाहता हूँ कि हमने तो नरक भोग लिया है, लेकिन आपका हमें पता नहीं है । मकवाना जी ने बताया है कि आप एक पक्के सेवक हैं । आपने शादी भी नहीं करवाई है ।

श्री जगदीश प्रसाद माथुर : अगर आप इंतजाम कर दें तो मैं अपनी पसन्द बता दूँ . . . (व्यवधान) आपका कोई इरादा हो तो मैं अपनी पसन्द बता दूंगा ।

9. P.M.

ज्ञानी जैल सिंह : वाइस चेयरमैन साहब, मैंने माथुर जी की तारीफ की . . .

डा० भाई महाबीर : इस बिल से यही शुभ काम होने दीजिए ।



**श्रीमती जल सिंह :** मैंने बहुत तारीफ की माथुर साहब की। माथुर साहब की जब शादी का नाम लिया वे उस वक्त खड़े हो गये। अब कोई वक्त नहीं रहा आपकी शादी का। हमारी हमदर्दी है आपके साथ।

उन्होंने अपने विचारों से काफी शिक्षा दी कि सरदार जी यह गलत है, वह गलत है। मैं उनको भी ध्यान में रखूंगा। लेकिन एक बात मैं कहता हूँ। हमने तो बहुत नर्क भोग लिया है। मैं 22 साल की उम्र में जेल में गया था और 27 साल की उम्र के बाद आया था लगातार, और कंडेम्ड कोठरी, जो फांसी वालों को दिया जाता है, उसमें रहा था। जहाँ तक मजदूरों का सवाल है आप भले आदमी हैं और आपने सच बताया कि मैं न मजदूर नेता हूँ, न मजदूरों का नेता हूँ। लेकिन मैं भी इस तरह की कुछ नहीं कहता, कोई दावा नहीं करता। लेकिन मैं खुद मजदूर रहा हूँ। मैंने यह जो सड़के हैं, आज रोलर से उनको बनाया जाता है, वह हाथ से बनाई हैं, मैंने अपने हाथों से खेतों में हल चलाया है, मैंने अपने हाथ से टूटे हुए जूते गांठे हैं, मैंने जेलखाने में गरीबों के लिए खाना बनवाया है। मैंने अपनी जिन्दगी में डंगर चराये हैं, गर्मी, धूप और सर्दी में जा कर देखा है। मैं जानता हूँ कि मजदूर की हालत क्या है। मजदूर कौन है? मैं आपसे एक प्रार्थना करूंगा कि आपने और आपके साथ ताल्लुक रखने वाले दोस्तों ने, नौ ऐसे मेम्बर्स हैं जिन्होंने इसका विरोध किया और 8 ऐसे मेम्बर्स हैं जिन्होंने हमारे बिल की हिमायत की। मैं एक एक का नाम ले कर आपके सामने उसका जवाब दूँ तो बहुत मुहत लग जायेगी। मैं नहीं चाहता कि हाऊस का वक्त ज्यादा खर्च हो। लेकिन मैं उन महानुभावों का नाम जरूर ले लूँ। हमारे जो विरोध में बोले हैं वे श्री जगदीश प्रसाद माथुर के विचारों की व्याख्या ही करते रहे हैं और

वहीं घूमते रहे। वे हैं श्री एस० डब्लू० धावे, डा० शांति पटेल, श्री सदाशिव बागाईतकर, श्री दिनेश गोस्वामी, श्री पी० राममूर्ति, श्री कल्याण सुन्दरम्, श्री सौरीन्द्र भट्टाचार्य और दो नाम मेरे से रह गये हैं, मैं उनको नोट नहीं कर पाया। हक में बोलने वाले हैं श्री नन्दकिशोर भट्ट, श्री राजेन्द्र सिंह, श्री ईश्वर सिंह, श्री सिन्धे रजी, श्री ए० पी० शर्मा, श्री रामकृष्णन्, श्री कल्पनाथ राय, श्रीमती अमरजीत कौर और श्री रामचन्द्रन। मैं इन सब मेम्बर्स का बहुत मशकूर हूँ कि उन्होंने बिल लगा कर इस बिल को पढ़ा और बिल की अहमियत को समझा और समझने के बाद अपनी कीमती राय उस पर दी। यह बात और है कि कोई पक्ष में है और कोई विपक्ष में है, मगर उन्होंने कष्टोप्यशन किया है। उन्होंने कहा है कि इस बिल में कुछ न कुछ मुझे बताना चाहिए।

माथुर साहब इस बात को अनुभव करते हैं वह इस प्वाइंट पर बहुत चिन्तित हैं कि बताया नहीं कि बनाया क्यों। मैंने बताया था। तसल्ली नहीं हुई तो दुबारा कह देंगे। मोटी मोटी बातें जो हुई हैं वे हैं कि हड़तालों पर पाबन्दी लगाने के सम्बन्ध में सरकार को शक्ति देने वाले आर्डिनेन्स की कोई जरूरत नहीं थी जब कि औद्योगिक लेबर फ्रण्ट पर स्थिति अच्छी थी। तो फिर क्यों इसको लाये हैं। यह लेबर्स के अधिकारों पर एक चूक है सरकार तानाशाही की तरफ जा रही है, सरकार अपनी खामियों को छिपाने के लिए और लोगों की आंखों में धूल डालने के लिए यह बिल ला रही है। यह बिल विरला और टाटा के कहने पर लाया गया है। इसका प्रयोग मैंने जमेन्ट के ऊपर नहीं किया जायेगा सिर्फ वरकर्स के अधिकारों को कुचलने के लिये किया जायेगा। यह हम देखेंगे और इस बिल को ले कर सरकार को परेशान कर देंगे। यह बिल लेबर मिनिस्ट्री को लाना चाहिए था। ऐसी ऐसी बातें हैं,

[ ज्ञानी जल सिंह ]

शायद इपमें कोई प्वाइन्ट रह गया हो । मैंने एक बार इसलिए इनके नाम ले लिए, इन सब मेम्बरों के नाम, क्योंकि, सब मेम्बरों के डायल का जवाब देने में इतना शक्त मैं शायद नहीं लगा सकूँ । मुझे यह माथुर साहब से और हाऊस के सामने बताना है कि ट्रेड यूनियनों के क्षेत्र के कुछ वर्गों ने न केवल उग्रवादी आन्दोलनों और छोटे मुद्दों को ले कर हड़तालों को प्रोत्साहन दिया बल्कि तनाव और अविश्वास का वातावरण भी पैदा किया । इसका देश के कुछ और प्रमुख उद्योगों पर तथा अनिवार्य सेवाओं को बनाये रखने पर भी प्रतिकूल प्रभाव पड़ा । जनवरी, फरवरी, 1981 के दौरान लोको कर्मचारियों का आन्दोलन हुआ जिससे रेल ट्रांसपोर्ट डिस्टर्ब हो गया और इसके परिणामस्वरूप 1.9 करोड़ का नुकसान हुआ । बंगलौर तथा अन्य औद्योगिक केन्द्रों में, सार्वजनिक क्षेत्र के कर्मचारियों को 77 डेज की हड़ताल से कुछ एक और कम्पनियां भी प्रभावित हुईं । और लगभग 70 लाख मैन डेज बरबाद हुए । औद्योगिक अनुशासनहीनता की प्रवृत्ति बढ़ रही थी । कुछ आंदोलनों के मुकाबले में हिंसात्मक वृत्तियों का प्रतिक्रम भी हुआ और जो 1977 में 11.6 था वह 1981 के पहले पांच महीनों में बढ़ कर 18.3 परसेंट हो गया । इसी तरह मरने वालों की संख्या भी बढ़ कर 22 से 32 हो गई । इस प्रकार लेबर फ्रंट पर हिंसा की बढ़ती हुई प्रवृत्ति का सार्वजनिक क्षेत्र के कुछ महत्वपूर्ण इन्डियल सर्विस वाले उद्योगों पर बहुत बुरा असर हुआ । इंडस्ट्रियल डिस्प्यूट एक्ट, 1947 के अधीन उपलब्ध शक्तियां इस स्थिति से निपटने के लिए पर्याप्त नहीं थी, इसलिए यह आर्डिनेंस जारी करना पड़ा ।

इसके अलावा मैं यह भी कहना चाहता हूँ कि सरकार वही अच्छी सरकार होती है

जो इस बात का ध्यान रखे कि जो आने वाले हालात हैं वह उसके मुकाबले के लिए तैयार रहे । अब मैं यह नहीं कह सकता, आप मंत्रि-मंडल में होते तो आपको पता चलता कि इसकी जरूरत क्या है ।

मुझे याद आता है कि अंग्रेज के जमाने में एक डिप्टी कमिश्नर था होशियारपुर का, उसको दरखास्त दी किसी ने, मुझे खतरा है । मुझे लोग मार देंगे इसलिए मुझे एक राइफल का लाइसेंस दिया जाय । डिप्टी कमिश्नर ने कहा कि जब मार दगे तुमको तब लाइसेंस दे देंगे । अब हम क्या लाइसेंस दे दें ? कोई गोली नहीं चली, किसी ने मारा नहीं, क्यों दे दें । तो उसने कहा कि मरने के बाद क्या लाइसेंस करना है, मुझे पहले मिलना चाहिए प्रिवेंटिव मेजर के लिए, जरा सोचिए तो अंग्रेज डिप्टी कमिश्नर कहता है ले जाओ, मैं तुमको देखूंगा, दो दो महीने में, अच्छा चलो साल में देखूंगा । साल के बाद उसको बुला लिया, कहता है तुम पर गोली नहीं चली, यह लाइसेंस रख दो, यह राइफल तुम नहीं रख सकते, तुमने इधको चलाया नहीं, इसका इस्तेमाल नहीं किया, काहे को लाइसेंस का खर्च देते हो, रख दो । ऐसी बात मुझे माथुर जी कहते हैं । जब हड़ताल ही नहीं, जब झगड़ा ही नहीं तब अमन शांति से अपनी तैयारी क्यों करते हैं । अब किसी म्यूनिसिपल कमेटी में झगड़ा हो जाय, फायर ब्रिगेड को दो साल हो गये उसका इस्तेमाल नहीं हुआ है फिजूल खर्ची क्यों करते हो जब आग लगेगी तो ले आयेगे । ऐसी बात यह सरकार नहीं करती । इसलिए मैं आपको कहना चाहता हूँ कि हमारे पास ऐसी रिपोर्टें थीं, अगर हम यह आर्डिनेंस नहीं करते तो हालात बहुत बिगड़ जाते और आपको भी इस से चिंता होती । आपको मुझे आशा है कि वतन के साथ प्यार है, मुहब्बत है । मैं इस बात में सेंट परसेंट यकीन करता हूँ कि जब कभी अगर हमारे

मुल्क में मुसीबत आयेगी तो आप सब से आगे मरने वालों में होंगे। लेकिन भगवान करे आप न मरें। लेकिन आपकी तरफ से कोई कसर बाकी नहीं रहेगी। नहीं, यह कुर्बानी का जज्बा है आप में.... (ग्यत्रयान) उपसभाध्यक्ष जी, मैं आपकी मार्फत माथुर जी से अपील करूंगा कि जैसे हमने कोआपरेट किया है उन के साथ, उसी तरह से वे करें। सत्र और संतोष से बात सुननी चाहिए। दुनिया में आदमी का इम्तिहान दो वक्त होता है, जब जीत जाए या हार जाए। जीतने के बाद अहंकार आ जाए तो भी बेवकूफ और हारने के बाद घबरा जाए, तो भी निकम्मा।

अब आप इतना हमला कर चुके हैं, हमने बड़े संतोष से सुना। हम तो हमला नहीं कर रहे हैं। डिफेंसिव में हैं हम। आपने तो आफेंस किया। मैंने तो नहीं किया था। मैंने जब बिल पेश किया था, तब भी मैंने आपका लिहाज किया। आप आफेंसिव हो कर अब हमें डिफेंसिव भी नहीं होने देना चाहते। लेकिन डिफेंस के बदले हम तैयारी कर लें आफेंस की, तो और बात है।

तो मैं एक बात जो बहुत जोर से कही गई, दोस्तों ने की कि आप कर्मचारी वर्ग को, वर्किंग क्लास को दबाना चाहते हैं। वर्किंग क्लास के आप खिलाफ हैं, मैं इस सैंटिमेंट की कद्र करता हूँ कि भगवान करें कि आप सब के मन में वर्किंग क्लास के लिए हमदर्दी रहे और उनकी बकालत आप करते रहें। लेकिन साथ ही मेरी यह भी प्रार्थना है कि यह हिन्दुस्तान के चित्र को देखें और उस चित्र में देखें कि हिन्दुस्तान की हालत क्या है। हिन्दुस्तान में 48 परसेंट वे लोग हैं जो गरीबी की रेखा के नीचे हैं और उसमें पुवर से पुअरेस्ट जो हैं, वे 30 परसेंट हैं और उससे भी ज्यादा अति गरीब जो हैं, उनकी गिनती 20 परसेंट से कम नहीं है।

हमें अब देखना है कि इस वतन के लोगों को किस तरीके से इन्साफ दिया जा सकता है। सोशल न्याय और आर्थिक न्याय, दोनों दिये बगैर यह मुल्क एक नहीं रह सकता और यह मजबूत नहीं हो सकता। हिन्दुस्तान एक इंडिपेंडेंट मुल्क है। दूसरे मुल्क की नकल करके प्रभावित नहीं होता। इसमें अक्ल है, दिमाग है, सौजी है और सब कुछ कर सकता है। इसके पास साइंसदान हैं, इसके पास आर्थिक पंडित भी हैं, इसके पास प्लैनर्ज भी हैं। यह सब कुछ सोच कर, समझ कर, करता है। आज आप देखें कि वर्किंग क्लास और खाली बगैर काम के खाना खाने वाले कितने लोग हैं? तो भारत में 95 परसेंट वर्किंग क्लास है, 95 परसेंट के ऊपर पांच परसेंट वह काम नहीं करते, ऐश लेते हैं और मुनाफा-खोरी करते हैं और जो चाहते हैं, कर लेते हैं। पालिटिंशंस को भी खरीद लेते हैं इलैक्शन में, दोनों को, तीनों को, चारों को चन्दा देते हैं—लड़ो भाई, तुम लड़ो, तुम भी लड़ो—जो जीत जाता है, उसको और दे देते हैं। तो ऐसे लोग 5 परसेंट हैं।

अब आप गौर करेंगे कि 95 परसेंट में कितने दर्जे हैं? उसमें कई दर्जे आ जाएंगे। आपने गवर्नमेंट एम्पलाई और प्राइवेट एम्पलाई, पब्लिक सैक्टर, जायंट सैक्टर, प्राइवेट सैक्टर, सब के लिए आपने कहा कि उनके साथ आप इन्साफ नहीं करते।

एक मेम्बर साहेबान ने तो इस हद तक कह दिया कि यह एंटी-लेबर है, एंटी-पीपल, एंटी-नेशनल बिल लाया गया है। मैं सोच रहा था—आदमी बुजुर्ग था—अब वह सीट पर नहीं है, कभी मिलेगा तो उससे पूछूंगा कि भाई हमने कभी विरोधियों को यह तो कहा होगा कि आप किसी श्रेणी के एंटी काम कर रहे हैं। आप एंटी-लेबर कह देते, एंटी-पीपल कह देते, आप एंटी-नेशनल भी कहते हैं। नेशन के एंटी

[शानी जैल सिंह]

तो यहाँ कोई बैठा नहीं। अगर मुझे मालूम हो जाए कि मुल्क में एंटी भी कोई बैठा है, तो फिर मैं उस पर होम मिनिस्ट्री का कानून चालू कर सकता हूँ क्योंकि यह मेरा कर्तव्य है।

हिन्दुस्तान के लोगों ने प्रधान मंत्री को अपना नेता माना है, प्रधान मंत्री ने मेरे जिम्मे .

**श्री सतपाल मिस्तल (पंजाब):** अभी जमशेदपुर फायरिंग के बाद पता नहीं चला कि कौन एंटी-नेशनल है।

**शानी जैल सिंह :** यह हम जानते हैं। जिस जगह उनको रखना चाहिए, हम रखेंगे। आप चिंता न करें।

प्रधान मंत्री ने मुझे गृह मंत्रालय का कार्य-भार संभालने को दिया है तो मेरा फर्ज है मैं अपने कर्तव्य को संभालूँ . . .

[श्री उपसभापति पीठासीन हुए।]

तो मेरी प्रार्थना है, उनको यह बात मिटा देनी चाहिए कि यह एंटी-नेशनल है। एंटी-नेशनल काम करने वाला हुकूमत में हिन्दुस्तान के नहीं रह सकता। यह हिन्दुस्तान जाग्रत है, इसकी प्रजा जाग्रत है, उनके लोग जाग्रत हैं, वे कभी इस को बर्दाश्त नहीं कर सकते। अब मैं नहीं समझ सका यह एंटी-लेबर और एंटी-पीपुल कैसे हुआ? आप किस को लेबर समझते हैं? इस बिल के अन्दर जो इंसेशियल सर्विसेज आते हैं उसकी तन-ख्वाह काम से काम 500 और ज्यादा से ज्यादा 5000 रु० है। 500 रु० लेने वाला और 5000 रु० लेने वाला जो है उस के लिए आप इतना दर्द पैदा कर रहे हैं लेकिन कभी आप ने यह नहीं सोचा कि जो गरीबी की रेखा के नीचे हैं, उस को एक महीने में 65 रु० मिलता है—सिक्स्टी फाइव

रूपीज़—और उस के नीचे और भी है। कभी उन का ख्याल नहीं किया गया पटरियों पर सोने वाले, जिनका कोई घर नहीं, जिनको कोई कपड़ा नहीं मिलता, खाने के लिए पूरी खुराक नहीं मिलती और वह जिंदगी इंसानियत की नहीं, बल्कि हैवानियत की गुजारते हैं। वे हिन्दुस्तान में बसते हैं, बेरोजगार हैं, उन के लिए क्या किया जाए, यह आवाज आपके मुँह से नहीं निकली। आप वकालत करते हैं 5000 से लेकर 500 रु० लेने वालों की। डिप्टी चेयरमैन साहब, मैं बड़े अदब से कहना चाहता हूँ, हमारे ये जो सैलरीड पर्सन जो हैं, कितना उन को मिले प्राइसेज बढ़ने के बाद। सब से पहले वह शिकार होते हैं। मुझे हमदर्दी है उन लोगों के साथ, मजदूरों के साथ, सरकारी कर्मचारियों के साथ। उन की समस्याओं को सुलझाने के लिए हम हर वक्त तैयार हैं और उन के पास जितना काम है वह पूरा करने के लिए तैयार हैं, लेकिन उन से मैं अपील करूँगा कि आप भी भारत के बजट को देखिए। भारत के उन गरीब लोगों को, कंगालों को देखिए, जिनके बच्चों की शिक्षा की व्यवस्था है ही नहीं, लेकिन अपने जीवन के निर्वाह की भी व्यवस्था नहीं है। अब ये रेलवे के कर्मचारी, हमारे पी एण्ड टी के कर्मचारी, हमारे गवर्नमेंट के कर्मचारी, उनकी जरूरत और भी हो सकती है। यह तो इन्सान की भूख मिटती भी नहीं और जरूरत हो सकती है। हम चाहते हैं उनकी जरूरतों को पूरा भी किया जाए। लेकिन उन को भी मैं वाहूँगा कि वे ज़रा सोच लें—इन सब के बच्चों को एजुकेशन के लिए गारण्टी दी जाती है, मेडिकल एड उन के लिए प्रोवाइड की जाती है, छुट्टियाँ उनको मिलती हैं। जो आदमी अन्फ़्लाइड है उस को कोई चोट लगा दे तो चोट लगाने वाले पर एक मुकदमा बनता है लेकिन सरकारी कर्मचारी को कोई चोट लगाए तो उस पर दो मुकदमे

बनते हैं, एक यह कि उसने सरकारी अधिकारी को क्यों मारा है, क्यों पीटा है, दूसरे यह कि उस ने चोट लगाई है। वह इतना प्रिवलेज हासिल करने के बाद उन के लिए आप के दिल में इतना दर्द उठा है, जिनका हमने कुछ नहीं बिगाड़ा। हम ने किस का बिगाड़ा है? यह बिल किस का एण्टी है? यह उन लोगों का एण्टी है जो इंस्टीगेट करते हैं और जो लेबर खुद नहीं हैं और लेबर की रैली में जाते हैं। गांव में नहीं जाते हैं; क्योंकि गांवों में डस्ट पड़ती है, रास्ता साफ नहीं होता, लोगों को इकट्ठा करने के लिए वर्कर्स को मेजना पड़ता है। फिर हम खेत-मजदूर के हालात को देख सकते हैं, क्या उन के साथ बीतती है? सुबह उठ कर बाजार में जाइए, उन के हाथ में कुछ हथियार होंगे काम करने वाले और वे मांगते हैं—फिरते हैं—कोई आमदमी हम से अपने घर की मरम्मत करवा ले, कोई हम से बूट पालिश करवा ले, कोई हमें काम मिल जाए। कई बार वे सारा दिन फिरने के बाद वापस खाली घर लौट जाते हैं, अपने बच्चों को खाना नहीं खिला सकते। उनकी देखभाल करने के लिए कभी आप के आंख में आंसू नहीं आए। मैं चाहता हूँ आप इस बात पर गौर करें। हिन्दुस्तान को अपनी नीतियों को बनाते वक्त यह देखना होगा कि ये इन्सान हैं, उन का भी कोई जम्हूरी हक है—रोटी, कपड़ा, मकान का। बीमारी में औषधि और उनकी शिक्षा का प्रबंध होना चाहिए। ये सारी 5 चीजें उसको देनी चाहिए। कैसे देंगे? पहले आमदनी बढ़े; प्रोडक्शन बढ़ेगा तो आमदनी बढ़ेगी। मजदूर का क्या इससे नुकसान होगा? मजदूर को हड़ताल करने से कुछ फायदा नहीं होता है।

हम ने मजदूर की हड़ताल को टोटली बन्द भी नहीं किया, अख्तियार लिया है, लाइसेंस लिया है, नाजायज शस्त्र नहीं लिया कि जब

चाहें चला दें। लाइसेंस लिया है, आप से लिया है। आप को इस बात का भी ध्यान रखना चाहिए कि हड़ताल का बन्द करना, स्ट्राइक का बन्द करना, यह है कि काम नहीं छोड़ सकते, पेन-डाउन स्ट्राइक नहीं कर सकते, टूल-डाउन स्ट्राइक नहीं कर सकते, वर्क-टू रूल नहीं कर सकते ताकि प्रोडक्शन कम न हो। आठ घंटे से ज्यादा किसी की ड्यूटी ग्राम तौर पर नहीं हो सकती। बाकी सोलह घंटे बच जाते हैं। डाकटरी उंसूल के मुताबिक छः घंटे सोना काफी है, दो घंटे में खाना-पीना कर सकते हैं, आठ घंटे एजीटेशन के लिए काफी हैं, चाहे जो कर लें। हम ने जुलूस निकालना बन्द नहीं किया, हमने उनके आपस में मिलने पर पाबन्दी नहीं लगायी, हमने ईशित-हार छापने पर बन्दिश नहीं लगायी। अगर कोई अपनी बाजू पर या छाती पर डिमांड का बिल्ला लगाता है तो उस को बन्द नहीं किया। बहुत से रास्ते हो सकते हैं प्रोटेस्ट करने के। मैं एक मिसाल देता हूँ। ऐसा भी होता है कि जो लोग हड़ताल करते हैं उनकी वजह से मरीज मरते हैं और वे लोगों की सिम्पथी खो देते हैं। जलसा-जुलूस करने का मतलब यह नहीं होता कि उन लोगों की नीयत खराब होती है, वह चाहते हैं कि जनता समझ जाये हमारे साथ सरकार बेइंसाफी करती है, उस को इंसाफ करना चाहिए, लोगों की राय को बदलने के लिए करते हैं। अगर डाक्टर हड़ताल कर देते हैं तो लोगों की राय उन के पक्ष में नहीं हो सकती। अगर बिजली वाले हड़ताल करते हैं बिजली बन्द हो जाये, पानी बन्द हो जाये, रेलवे बन्द हो जाये, हवाई जहाज बन्द हो जाये, डाक और तार का काम रुक जाये—इस काम के रुकने के बाद आप समझते हैं कि इन नेताओं को लोग हमदर्दी से देखेंगे। आप समझते हैं कि हम ने बन्ध करवा दिया। दुनिया में काम करने वाले अच्छे हैं, तामीर करने वाले अच्छे हैं। गिराने वाले अच्छे नहीं हैं। अपनी नीयत को, एटीट्यूड को बदलिये और बदलने के बाद आप की हमदर्दी गरीब के साथ होगी।

[ज्ञानी जल सिंह]

फिर कहते हैं कि कंसलियेशन, एडजू-डिकेशन बेकार हैं। माथुर ने तो शायद पता नहीं किया। इस में हम 90 दिन के अन्दर उनकी बात को सुनेंगे। जो एम्पलाईज और लेबर हैं हड़ताल के बगैर उन की बात को हम मानेंगे और तीन महीने के अन्दर मानेंगे। जो बात करेंगे बैठ कर उन से करेंगे, सलाह-मशविरा करेंगे। अगर आरबीट्रेशन करने जाते हैं तो भी हम नहीं रोकते। कोई काम हम नें रोका नहीं है।

इस बिल को जो काला कहते हैं उन को मैं कहना हूँ कि काला कहना छोड़ दीजिये इस को काला कहने वाले का अपना चेहरा साफ नहीं रह सकेगा। यह बिल काला नहीं है, यह सुनहरी बिल है, इस से इनकिलाब आयेगा, इस से मजदूर की बात को बाअदब सुना जायेगा इज्जत और सत्कार से सुना जायेगा।

फिर आप कहते हैं कि यह बिल टाटा-बिड़ला ने करवाया होगा। बिल मैं लाया हूँ मैं टाटा को जिन्दगी भर नहीं मिला। बिड़ला ने एक बार मुलाकात मांगी थी। वह मिला केवल। मुझे नहीं याद कि वह जी० डी० बिड़ला था या के० के० बिड़ला था मुझे अब तक याद नहीं। माथुर साहब शायद जानते हैं, वे उन की काबलियत को भी समझते हैं। कहते हैं टाटा-बिड़ला के कहने पर बिल आया। क्या रेलवे टाटा-बिड़ला का है, पी० एंड टी० टाटा-बिड़ला की है ?

फिर कहते हैं कि जवायंट कन्सलटेटिव मशीनरी जो बनी है वह तो बेकार है। माथुर साहब आप बेकार कहते हैं, आप न उस में आते हो, न उस के डेगरी में आप का कोई काम है, न आप का वास्ता पड़ता है, न आप के पास यह लोग जाते हैं, अगर जाते होंगे तो कामरेडों के पास जाते हैं। क्योंकि कामरेड ज्यादा शोर मचाते हैं, मजदूर मजदूर कर के

और उन की निशानी भी और है। यह हिन्दुस्तान में देख चुके हैं कि वे सेंटोमेंट हिन्दुस्तान में अपने लिये पैदा नहीं कर सकते हैं। सब से ज्यादा डिस्प्लिन वाली पार्टी है। बड़े देश भक्त आदमी इस में शामिल हैं लेकिन इस के बावजूद बेचारों की हालत यह रहती है कि पांच या छः परसेंट से ज्यादा वोट ले नहीं पाते हैं। तो मैं उन से प्रार्थना करूंगा कि वे कोई आनेस्ट रास्ता अपनायें। कम्युनिज्म का रास्ता उन का नहीं है। कम्युनिस्टों का इंकलाब तो वोट से नहीं आता है। वह तो बुलेट से आता है। उस को छोड़ दो। फिर नकल हमारी करते हो और बात उन की करते हो। यह कैसे चलेगा। मेरी प्रार्थना है कि आप तो सुलझें हुए आदमी ही इस लिये पहले तो गरीब का ध्यान करो। आप गरीब का ध्यान इस लिये नहीं करते कि वह आप को वोट नहीं देता। वह महात्मा गांधी की बात सोचता है और इस लिये कांग्रेस के साथ चला जाता है। दूसरे आप गरीब की बात नहीं करते। आप तो यह कहते हैं कि जिस को हर महीने तन्ख्वाह मिलती है वह चन्दा देकर दफ्तर बनाये और दफ्तर उन का, टेलीफोन उन का, लाउड-स्पीकर उन का, पैसा उन का, दरियां उन की, टेबिल उन का, सब कुछ उन का लेकिन तकरीर आप की। वैसे आप की तकरीर बड़ी लच्छेदार होती। उस में मजदूरों के लिये बड़े आसू बहाये जाते हैं, गरीब के गीत गाये जाते हैं, जैसे हमारे पंडित और मुल्ला भाई बैठे हों। जो नाम गुह का लेंगे और मूर्ति की पूजा पंडित से करवायेंगे लेकिन जो पैसा आयेगा उस को खुद ले जायेंगे। मैं एक बार मंदिर में चला गया। एक पंडित मेरे साथ था। जब पूजा करके हम लोग वापिस आये तो वह पंडित देवी की बालियां उतार लाया और बाहर आ कर कहने लगा कि आज मैं आप लोगों को खाना खिलाऊंगा।

वह हम लोगों के साथ खाना खाता था। मैंने पूछा कि दस दिन से तुम मेरे साथ हो। मेरे साथ खाना खा रहे हो। आज तुम हम लोगों को कैसे खाना खिलाओगे। तो वह कहने लगा कि माता देवी ने कृपा की है वता बूंगा। जब हम लोग वह डिस्ट्रिक्ट क्रॉस कर आये तो मैंने फिर पूछा तो उस ने पहले माता को नमस्कार किया और बताया कि उस ने देखा कि लोग सोने की बालियां ला कर माता को चढ़ा रहे हैं। तो उस ने सोचा कि माता को तो परवाह नहीं, बेटा ही इन को ले ले तो क्या हर्ज है और वह उन बालियों को ले आया। इसी तरह की बात माथुर जी लाये। माथुर जी से मुझे कोई विरोध नहीं है लेकिन मैं एक बात कहता हूँ कि यह जो मजदूर हैं वह भारतीय जनता पार्टी पर बिल्कुल एतबार नहीं करता। यह एतबार कर सकता है कामरेड सुरजीत पर और हमारे भाई जो बैठे हैं उन पर कर सकता है; क्योंकि यह दिल से गरीब के हिमायती है। मगर क्या करें, थोड़ी देर हिमायत कर देने से बनना कुछ नहीं। अब उन्होंने दूसरा रास्ता प्रपनाया है। मुझे गृह मंत्री के नाते बताना चाहिए और मैं हाउस को बता देता हूँ। हाउस से क्या छिगाना। वह प्रोग्राम क्या है। वह प्रोग्राम यह है कि एवाम की भलाई के लिये इंकलाब की जरूरत है। गरीबों का जो खून है वह वफादारी नहीं दे सकता। वे उन को वोट नहीं डालने के। और परिवर्तन मजदूरों में ही आ सकता है, किसानों में ही आ सकता है, दूसरों में आ नहीं सकता। बातें ठीक कहते हैं मुनाफा-खोरी बुरी है, यह भी ठीक है। उन्होंने सोचा कि इन बातों से तो लोग वोट नहीं देंगे लेकिन कमी गवर्नमेंट को ओवरथ्रो करना हो तो उसके लिये सब से बेहतर रास्ता यह है कि हर डिप्टी क्लैक्टर के दफ्तर में हमारा कार्ड होल्डर हो। वह हमारा अहलकार हो। हर एस०पी० के दफ्तर में हो, हर कारखाने में हो। और फिर मुझे एक बात और परेशानी की लगी। मजदूर के हिमायती कहाँ है ?

कौन हैं। पोलिटिकल पार्टियां मजदूर की हिमायती हैं तो कहीं न कहीं उन की ट्रेड यूनियन होनी चाहिए और वह मजदूरों की तरफदार होनी चाहिए। उन के लीडर कह रहे हैं कि वे मजदूरों में काम करते हैं और उन की हिमायत में आप बोल दें तो यह बात मैं मान सकता हूँ। लेकिन क्या बात है कि भारतीय जनता पार्टी का मजदूर संघ चलता है, कांग्रेस की इंटक चलती है, कम्युनिस्टों का ऐटक चलता है, पता नहीं डांगे जी की और चल जाए। मुझे सब का नाम याद नहीं। लेकिन मैं इस नतीजे पर पहुंचा हूँ कि ये सब रफड़े इसलिये बनाये जाते हैं कि एक प्रपनी विचारधारा उनको दी जाती है ताकि वोट पड़े तो वे वोट दे दिया करें। मैं ने ऐसे मजदूर नेता भी देखे जिन्होंने जिन्दगी में किसी मजदूर का काम नहीं किया। न वह लेबर ला पढ़ते हैं, न उन का कोई काम करते हैं। तकारीर करते हैं मजदूरों से कि हम आप के लिए मर मिटेंगे, आप हड़ताल कर दो। ऐसे ही एक नेता हमारे कम्युनिस्ट बैंचों पर बैठे थे कल्याण सुन्दरम। उन्होंने कहा कि यह बिल हमारे लोगों को दवाने के लिए बनाया गया है। हम हड़ताल के बगैर मालिक को दबा नहीं सकते। बिल्ली थैले से बाहर आ गई। दबा नहीं सकते क्योंकि हड़ताल मजदूर करेंगे तो कारखानेदारों को हम दबायेंगे। लैक्चर करेंगे मजदूरों में, खाना खायेंगे मैंनेजमेंट के साथ, यह बात हम को रोकनी है। यह क्या हो रहा है। इतनी बेचैनी क्यों पैदा हुई है। क्या आप के खिलाफ यह बिल है जिन की हम-दर्दी 500 रुपये से 5 हजार रुपये लेने वालों के साथ है ?

आप को मालूम है कि आजकल हिन्दुस्तान में धार्मिक लोग बहुत हैं, पहले भी थे, आज भी हैं। ब्याह-शादियों में सभी लोग रस्में करते हैं, चाहे कामरेड सुरजीत न करते हों, सभी करते हैं। मर जाए तो रस्म करते हैं, पैदा हो तो करते हैं, शादी हो तो करते हैं। मैं एक शादी में चला गया। वहां आनन्द कार्य पढ़ाने वाला

[ज्ञानी जैल सिंह]

कोई नहीं था। मुझे कहने लगे कि ज्ञानी जी आप पढ़ा दो। मैं ने कहा, इस में क्या है मैं पढ़ा दूंगा। इन को यहो कहना है कि तुम्हारी शादी हो गई। मैं ने वह आनन्वकार्य करवा दिया। तो एक रागी जी आ गये कहने लगे यह काम तो हमारे पास रहने दो। यह भी आपने संभाल लिया। तो इन को चिन्ता यह है कि गारण्टी तो इन्होंने ले ली, हमारे पास क्या रहा मजदूरों के लिए? हड़ताल करने का मौका तो हम नहीं देंगे और हर तरह के आप लेक्चर दे सकते हैं, सब कुछ कर सकते हैं। धरना भी हो सकता है। ये एक बात के इवेंटर बड़े हैं। भूख हड़ताल करो और भूखे भी न मरो। इसलिए इन्होंने एक "चैन-फास्ट" या रिले-फास्ट बना लिया है। तो एक दिन में एक भूख हड़ताली के पास पहुंच गया। मैंने समझाया कि आप भूख हड़ताल छोड़ दीजिये, कोई बीमारी हो जाएगी, रोग हो जाएगा। मैं 5 साल जेल में रहा, मैं ने कभी भूख हड़ताल नहीं की। मैं ने कहा कि मैं भूख हड़ताल नहीं करूंगा; क्योंकि मैं समझता हूँ कि यह बिल्कुल पाखंड है। भक्त कबीर ने कहा - छोड़े भ्रम, करे पाखंड, नाचो आंगन नाओ रन (?) इन्होंने सोचा कि भ्रम भी न छोड़ो, भूखे भी न रहो, भूख हड़ताल भी करो। हम लोग जानते हैं कि ऐसा कोई नहीं होगा जो दो दो, तीन तीन दिन भूखा न रहा हो, कम से कम इलैक्शन में जरूर रहा होगा।

SHRI HARKISHAN SINGH SURJEET: I just want to remind Gianiji that he should not say condemnable words about hunger-strike because our great patriots like Achinath Nath and Bhagat Singh resorted to hunger strike. He should not condemn them. (Interruptions) All right, let him do it. (Interruptions)

ज्ञानी जैल सिंह : डिप्टी चेयरमैन साहब, कामरेड एच० एस० सुरजीत का मैं बड़ा मशकूर हूँ, उन्होंने मुझे गाइडेंस दी है . . . .

(व्यवधान) . . . . आनरेबुल लेडी मੈम्बर आप क्यों बोलती हैं? आपको यह पता नहीं हम सलाह कर लेते हैं दोनों। आप को क्यों चिन्ता हो रही है? हम तो सलाह मान लेते हैं।

श्री रामेश्वर सिंह (उत्तर प्रदेश) : आप तो ज्ञानी हैं, महात्मा गांधी ने इस रास्ते को दिखाया था। . . . . (व्यवधान)

ज्ञानी जैल सिंह : मैं ज्ञानी हूँ, इसीलिए मुझे कबीर याद है। आप तशरीफ रखिये। मैं ने महात्मा गांधी जी की भूख हड़ताल को सुना। दो बार जिन्दगी में महात्मा गांधी जी से मिला हूँ। महात्मा गांधी जी ने कहा था कि मैं अपनी आत्मिक पवित्रता के लिए व्रत रखता हूँ, आत्म-शुद्धि के लिए व्रत करता हूँ। लोग व्रत रखते हैं और मैं ने व्रत रखने वालों को नमस्कार भी किया है। अभी-अभी 72 दिन की भूख हड़ताल रखकर सरदार दर्शन सिंह फेरमान शहीद हुए। उनका जुलूस निकाला गया। उनके बदले जेल में गये। मैं उनका सत्कार करता हूँ। एक तो मैं भक्त कबीर के शब्द बदल नहीं सकता और दूसरे अपने विचार नहीं बदल सकता; क्योंकि मेरी आदत है।

श्री रामेश्वर सिंह : इसीलिए देश डूब रहा है।

ज्ञानी जैल सिंह : मैं अपने खयालों को बदल नहीं सकता। दुनिया के खयालों को बदल दूंगा। (व्यवधान) मैं आप को मुबारकबाद देता हूँ कि आप भी महात्मा गांधी के रास्ते पर चल रहे हैं इसलिए हड़ताल का रास्ता अख्तियार करेंगे। इससे आपको शुद्धि भी हो जाएगी और सेहत भी ठीक हो जाएगी। (व्यवधान)

डा० रफीक जकरीया (महाराष्ट्र) : कल ही से शुरू कीजिए। (व्यवधान)

श्री रामेश्वर सिंह : आप गांधी जी के रास्ते पर चलेंगे तो देश बच जाएगा। (व्यवधान)



**ज्ञानी जैल सिंह :** मेरा इरादा था कि हर प्वाइंट का जवाब दू लेकिन कभी कभी कई महापुरुष याद आ जाते हैं। मैं क्या करूँ। कामरेड सुरजीत सिंह ने बड़ा अच्छा मशवरा दिया। नहीं देते तो इतना झगड़ा न होता। कुछ बात न थी। वह हड़ताल करते रहे मैं तो नहीं करूँगा। मुझे मालूम है आप ने कभी की नहीं। हम इकट्ठे रहे हैं। कहीं गये हैं तो इकट्ठे गये हैं। हम एक ही प्रान्त के हैं, एक ही जगह रहे हैं। एक साथ जेल काटा है, मरते रहे, पिटते रहे लोगों ने हमें मारा पीटा है। आप भूख हड़ताल करें तो मैं रोकता नहीं हूँ लेकिन मैं नहीं करता। (व्यवधान) यह कहा है कि यह लेबरर के अधिकार पर छपा नहीं है यह लेबरर की सहूलियत के लिये है। तानाशाही कहते हैं उस को अंग्रेजी में बोल रहे थे अथोरिटेरियन। मैं ने जहाँ तक डिक्शनरी में देखा है यह लफ्ज अथोरिटी से बना है। सरकार को यह कहना कि अथोरिटेरियन है, बड़ी हैरानी की बात है। सरकार के पास अथोरिटी है नहीं तो सरकार क्या ? (व्यवधान)

**श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश):** अथोरिटेरियन गवर्नमेंट है यह।

**श्री सुन्दर सिंह भण्डारी :** यह तो सेल्फ कंडमेनेशन हो गया।

**ज्ञानी जैल सिंह :** मंत्री जी ने हमारी बड़ी सहायता की। अभी माननीय सदस्य ने बताया था कि यह लेबर ला आपको नहीं लाना चाहिये था। यह पता नहीं आप को कैसे लाया। शुरू से होम मिनिस्टर लाता रहा है मैं भी ले आया और फिर होम मिनिस्टर को कहते हैं कि अथोरिटी का इस्तेमाल न करो। यह बहुत गलत बात है। मैं मिस्रत कर सकता हूँ प्रार्थना कर सकता हूँ, प्रेरणा कर सकता हूँ, और अगर फिर भी न मानें तो मुझे दूसरे रास्ते से मनाना पड़ेगा। (व्यवधान)

**श्री रामेश्वर सिंह :** दूसरा रास्ता कौन सा है ? (व्यवधान)

**श्री ज्ञानी जैल सिंह :** यह जो मेरे दोस्त हैं इन से मुझे बड़ी मुहब्बत है। मैं इनकी बड़ी इज्जत करता हूँ लेकिन इन की आदत पड़ गई है बैठे बैठे जरूर बोलते हैं। (व्यवधान)

**SHRI SUSHIL CHAND MOHANTA:** The honourable Minister is mistaking word 'authoritarian' for 'authority'. Authority is something different from authoritarian.

**ज्ञानी जैल सिंह :** उप चेयरमैन साहब, यह जो अथोरिटी है इंगलिश लैंग्वेज की, यह उन से पूछ लें। पालिटिशन तो अपनी अपनी बात करते हैं। पालिटिशन मीडिएकर होता है। (व्यवधान) उपचेयरमैन साहब, मैंने आप को नहीं कहा। आप पंडित हो सकते हैं। यह कहते हैं कि सरकार अपनी खामियों को छिपाने के लिये करती है और दूसरे सांस में कहते हैं कि लोग बरखिलाफ हो जायेंगे सरकार के। वे आप को गद्दी से उतार देंगे इस बिल की वजह से। फिर तो खामियां छिपाने के लिये यह अच्छा खासा पर्दा है तो यह कैसे उतार देंगे। अपनी दलील में वजन देखो। या तो यह कहो कि तुम ने गलती की है इससे लोग खिलाफ हो जायेंगे और अगर आप यही कहते हैं तो यह तो पवित्र काम है इस से हमारी खामियां छिप जायेंगी। इस हिसाब से यह अच्छा बिल है। और यह कहा कि आप लोगों की आंखों में धूल डाल रहे हैं। इस से लोगों की आंखों में धूल कैसे डाली है, यह मेरी समझ में नहीं आता है। हम को यह भी चेलेज किया गया कि अबाम हमारे खिलाफ हो जाएगी। ऐसी बातें तो हम पहले भी देख चुके हैं और अब भी देखेंगे। आप के लिहाज से हम यहां पर नहीं बैठे हैं और न ही आप की कृपा से बैठे हैं। न तो आप हम को यहां से उतार सकते हैं और न ही हम आप को उनके पास भेज सकते हैं जो आप को यहां पर लाये हैं। हमारे और आप के संबंध रल-मिल कर रहने के हैं। हम गलती करें तो आप हम से कहें और आप गलती करें तो हम आप से कहें। एक

[ज्ञानी जल सिंह]

दूसरे की बातों को समझ कर और मान कर ही काम चलेगा। सरकार के जो अख्तियार हैं वे तो सरकार इस्तेमाल करेगी ही। उपसभापति जी, मुझे लोक सभा में वोटिंग के लिए जाना है और हमारे लीडर भी कह रहे हैं कि अब हो गया। लेकिन उधर के लोग भी यही बात कहें तो तभी होगा।

श्री नागेश्वर प्रसाद शाही : ज्ञानी जी, आपने सदन को हंसाया है, इस के लिए धन्यवाद।

ज्ञानी जल सिंह : मेरे दोस्त, मैं ने हंसाया नहीं है, मैं ने अपनी बातें पूरी की हैं और वे मीठी जवान से और आपका अदब करके की हैं। अगर मैं आप की बेइज्जती करता तो आप भी मेरी इज्जत न करते, आप भी बेइज्जती करते। इंसान का अदब और सत्कार करना चाहिए। ख्यालों की लड़ाई से दुश्मनी नहीं बनती है। यह जो लड़ाई है यह तलवारों की धार की लड़ाई नहीं है। यह विचारधारा की लड़ाई है। इस विचारधारा की लड़ाई में जितनी चोट कोई किसी को लगा सकता है, लगाये, लेकिन जितनी नहीं लगा सकता है, नहीं लगाये। मैं अपने को दुखी करूँ तो मेरे जैसा पागल कोई नहीं होगा। मुझे पता है, मेरा बिल पास हो जाएगा और मुझे यह भी मालूम है कि आपकी सारी एमेंडमेंट्स गिर जाएंगी। आप की तकरारें काल को अखबारों में छप जाएंगी और परसों लोग उन में पकोड़े खाएंगे, उसकी कोई कीमत नहीं है।

उपसभापति जी, एक बात और रह गई है। यहाँ पर हमें चैलेंज किया गया है। पोलिटिकल पार्टियों को जरूर चैलेंज करना चाहिए। उनको मैं एक ही शब्द कहता हूँ। वे जितना जोर लगाना चाहें, लगाएं और इसमें कोई शुबहा भी नहीं है कि वे अपना जोर लगाएंगे। मैं सिर्फ उन से यह कहना चाहता

हूँ कि यह हथियार हम को काट जाय तो काट दीजिये, लेकिन अगर तुम को इस शस्त्र ने काट दिया तो बुरा मत मनाइएगा। अगर आप लड़ना चाहते हैं तो लड़िये, ये बाजू हमारे आजमाये हुए हैं।

MR. DEPUTY CHAIRMAN: The question is:

"That the House disapproves the Essential Services Maintenance Ordinance, 1981 (No. 10 of 1981) promulgated by the President on the 26th July, 1981."

*The House divided*

MR. DEPUTY CHAIRMAN:  
Ayes—57; Noes—115

**AYES 57**

Advani, Shri Lal K,  
Ashwani Kumar, Shri  
Bagaitkar, Shri Sadashiv  
Baleshwar Dayal, Shri  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhagat, Shri Ganapat Hiralal  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakrabortry, Shri Amarprasad  
Dhabe, Shri Shridhar Wasudeo  
Ghose, Shri Sankar  
Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Lakhan Prasad  
Haridas, Shri C.  
Jaswant Singh, Shri  
Joshi, Shri Jagannathrao

Kakali, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Morarka, Shri R. R.  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Negeshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

NOES—115

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.

1033 RS—16.

Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri P. asanjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandra-  
 kant.  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Bhim Raj, Shri  
 Chanana, Shri Charanjit  
 Chandrashekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilal Dajisaheb  
 Chowdhari, Shri A. S.  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.

[Mr. Deputy Chairman]

Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Pande, Shrimati Manorama  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla Shri Mohammad

Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh Shri, Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sujan Singh, Shri  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put the motion of Mr. Shiv Chandra Jha for reference of the Bill to a Select Committee to vote. The question is:

"That the Bill to provide for the maintenance of certain essential services and thw nodmal like of the rommunity, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri R. R. Moraka
2. Shri Shridhar Wasudeo Dhabe

3. Shri Harekrushna Mallick
4. Shri Biswa Goswami
5. Shri Hari Shankar Bhabhra
6. Shri Kalraj Mishra
7. Shri Hukmdeo Narayan Yadav
8. Shri R. Ramakrishnan
9. Shri V. Gopalsamy
10. Shri Pattiam Rajan
11. Shri Shiva Chandra Jha

with instructions to report by the first week of the next Session of the Rajya Sabha.”

*The motion was negatived*

MR. DEPUTY CHAIRMAN: I shall now put the motion of Prof. Sourendra Bhattacharjee for reference of the Bill to a Select Committee to vote. The question is:

“That the Bill to provide for the maintenance of certain essential services and the normal life of the community, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri Narasingha Prasad Nanda
  2. Shri Era Sezhiyan
  3. Shri Shiva Chandra Jha
  4. Shri Jagdish Prasad Mathur
  5. Shri P. Ramamurti
  6. Shri M. Kalyanasundaram
  7. Shri Dinesh Goswami
  8. Shri Ajit Kumar Sharma
  9. Shri Amarprosad Chakraborty
  10. Prof. Sourendra Bhattacharjee
- with instructions to report by the first week of the next Session of the Rajya Sabha.”

*The motion was negatived*

MR. DEPUTY CHAIRMAN: Now, I am putting the motion for the consideration of the Bill to vote. The question is:

“That the Bill to provide for the maintenance of certain essential

services and the normal life of the community, as passed by the Lok Sabha, be taken into consideration.”

*The House divided*

MR. DEPUTY CHAIRMAN:  
Ayes—116; Noes—59.

**AYES—116**

Ali, Shri Syed Rahmat  
Amarjit Kaur, Shrimati  
Amla, Shri Tirath Ram  
Apparow, Shri M. R.  
Arif, Shri Mohammed Usman  
Balmiki, Shri Shiv Lal  
Balram Das, Shri  
Banarjee, Shri B. N.  
Barman, Shri Prasenjit  
Basavaraju, Shri M.  
Bhagwan Din, Shri  
Bhandare, Shri Murlidhar Chandrakant  
Bharadwaj, Shri Ramchandra  
Bhatt, Shri Nand Kishore  
Bhim Raj, Shri  
Chanana, Shri Charanjit  
Chandrasekhar, Shrimati Maragatham  
Chavan, Shrimati Premilabai Dajisaheb  
Chowdhari, Shri A. S.  
Das, Shri Bipinpal  
Das, Shrimati Monika  
Deshmukh, Shri Bapuraoji Marotraoji  
Dharmavir, Shri  
Dinesh Chandra, Shri Swami  
Dinesh Singh, Shri  
D'Souza, Dr. Joseph Leon  
Gopalsamy, Shri V.  
Gowda, Shri K. S. Malle  
Gupta, Shri Gurudev  
Habibullah, Shrimati Hamida  
Handique, Shri Bijoy Krishna  
Haq, Shri (Molana) Asrarul  
Hansda, Shri Phanindra Nath

[Mr. Deputy Chairman]

Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh

Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Pande, Shrimati Manorama  
 Paswan, Shri Ram Ehagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sujan Singh, Shri  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

**NOES—59**

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhagat, Shri Ganapat Hiralal  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholu Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
**Ghosh, Shri Arabinda**  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Gishwami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Morarka, Shri R. R.  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad

Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bholu Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

*The motion was adopted*

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause considerations of the Bill.

*Clause 2 (Definitions)*

DR. SHANTI G. PATEL: Sir, I beg to move:

5. "That at page 1, 2 and 3, for lines 21 to 24, 1 to 50 and 1 to 9 respectively, the following be substituted, namely:

any service connected with the armed forces of the Union or connected with defence, if there has been a proclamation of emergency under article 352 of the Constitution on the ground of war or external aggression."

SHRI SHRIDHAR WASUDEO DHABE: Sir, I beg to move:

6. "That at page 1, 2 and 3, for lines 21 to 24, 1 to 50 and 1 to 9 res-

pectively, the following be substituted, namely:

'any service connected with the armed forces of Union or connected with defence, if there has been a proclamation of emergency under article 352 of the Constitution of India due to security of India or any part of the territory thereof is threatened either by war or external aggression or other grounds mentioned therein.'

SHRI DINESH GOSWAMI: Sir, I beg to move:

7. "That at page 2, lines 49 and 50 be deleted."

SHRI S. KUMARAN: Sir, I beg to move:

8. "That at page 3, lines 1 to 9 inserted."

10. "That at page 3, line 10, after the words 'Cessation of work' the words 'without resorting to any other means of collective bargaining' be inserted."

(The Amendments Nos. 8 and 10 also stood in the name of Shri M. Kalyansundaram.)

SHRI JASWANT SINGH (Rajasthan): Sir, I beg to move:

84. "That at pages 1, 2 and 3, lines 20 to 24, 1 to 50 and 1 to 9 respectively, be deleted."

SHRI BISWA GOSWAMI (Assam): Sir, I beg to move:

85. "That at pages 1, 2 and 3, for lines 20 to 24, 1 to 50 and 1 to 9 respectively, the following be substituted namely: "

'(a) "Essential Service" means the Services listed under section 2(n) and the first Schedule of the Industrial Disputes Act, 1947."

86. "That at pages 1, 2 and 3 for lines 21 to 24, 1 to 50 and 1 to 9 respectively, the following be substituted namely:

'any service connected with the armed forces of the Union or connected with defence, if there has been a proclamation of Emergency under Article 352 of the Constitution on the ground of war or external aggression.'

(The Amendment also stood in the names of Shri P. Rama Murti, Shri Harkishan Singh Surjeet, Shri Patiam Rajan, Shri Dipendra Bhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Ladd Mohan Ni-gam.)

SHRI R. RAMAKRISHNAN: Sir, I beg to move:

87. "That at page 2, after line 23, the following be inserted, namely:—

'(viiia) any service which pertains to education and research;

(viiib) any public service and posts in connection with the affairs of the Union;

(viiic) any service in connection with the Secretarial staff of Parliament and the officers and servants of the Supreme Court and other Courts'."

(The Amendment also stood in the names of Shri R. Mohanarangan and Shri U. R. Krishnan.)

SHRI SUSHIL CHAND MOHUNTA: Sir, I beg to move:

88. "That it page 3, lines 1 to 9 be deleted."



SHRI JASWANT SINGH: Sir, I move:

89. "That at page 3, line 11, after the words 'essential service' the words 'as to be defined by both Houses of Parliament' be inserted."

SHRI P. RAMAMURTI: Sir, I move:

90. "That at page 3, for lines 10 to 19, the following be substituted, namely:—

'(b) "Strike" means cessation of work by a body of persons employed in an Industry acting in combination, or a concerted refusal or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment.'

*(The amendment also stood in the names of Shri Harikishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendra Bhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaikar, Shri Ladli Mohan Nigam and Shri Biswa Goswami.)*

DR. SHANTI G. PATEL: Sir, I move:

11. "That at page 3, line 14, after the word 'assigned' the words 'unless it is justified by the fact and circumstances of the case be inserted'."

SHRI S. KUMARAN: Sir, I move:

12. "That at page 3, line 14, the words 'and includes' be deleted."

*(The amendment also stood in the name of Shri M. Kalyanasundaram.)*

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

13. "That at page 3, line 14, for the words 'and includes' the following be substituted, namely:—

"If such cessation or refusal is not the consequence of the unfair labour practice committed by employer or his representative, non-implementation of agreement, settlement or award or minimum wages notification or is otherwise not justified in the circumstances and situation of the case."

SHRI P. RAMAMURTI: Sir, I move:

91. "That at page 3, line 14, after the word 'assigned' the words 'if such cessation or refusal is otherwise not justified in the facts and circumstances of the case be inserted'."

SHRI AMARPROSAD CHAKRABORTY: Sir, I move:

92. "That at page 3, line 14, the words 'or to accept work assigned and includes be deleted'."

SHRI P. RAMAMURTI: Sir, I move:

93. "That at page 3, line 14, the words 'and includes' be deleted."

*(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaikar and Shri Ladli Mohan Nigam.)*

SHRI P. RAMAMURTI: Sir, I also move:

94. "That at page 3, lines 15 to 19 be deleted".

(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar, Shri Ladli Mohan Nigam, Shri Amarprosad Chakraborty, Shri Biswa Goswami and Shri Sushil Chand Mohunta.)

DR. SHANTI G. PATEL: Sir, I move:

14. "That at page 3, lines 15 to 19 be deleted."

(The amendment also stood in the names of Shri S. Kumaran, Shri M. Kalyanasundaram and Shri Shridhar Wasudeo Dhabe.)

SHRI AMARPROSAD CHAKRABORTY: Sir I move:

95. "That at page 3, after line 19 the following proviso be inserted, namely:

'Provided that where industrial dispute exists and on failure of conciliation if the strike called lawfully under the provision of the Industrial Disputes Act, no action shall be taken though the dispute arises in any essential services or institution as stated in clause 2(a) (i) to (xvii).'

SHRI P. RAMAMURTI: Sir, I move:

96. "That at page 3, after line 22, the following be inserted, namely:—

'(d) "Retrenchment" means words and expressions used in section 2(00) and Chapter V-A and V-B of the Industrial Disputes Act, 1947;

(e) "closure" means words and expressions used in Chapter V-A and V-B of the Industrial Disputes Act, 1947."

(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri O. J. Joseph, Shri Pattiam Rajan, Shrimati Kanak Mukherjee, Shri K. Chathunni Master, Shri Dipendrabhusan Ghosh.)

SHRI S. KUMARAN: Sir, I move:

15. "That at page 3, lines 23 to 33 be deleted."

(The amendment also stood in the name of Shri M. Kalyanasundaram.)

SHRI JASWANT SINGH: Sir, I move:

97. "That at page 3, line 25, after the word 'Session' the words 'or the two Houses of Parliament' shall be convened urgently but not later than one week from the issuance of the notification be inserted."

SHRI SUSHIL CHAND MOHUNTA: Sir, I move:

98. "That at page 3, lines 23 to 33 be deleted."

DR. SHANTI G. PATEL: Sir, I move:

16. "That at page 3, for lines 27 to 30, the following be substituted, namely:

"and shall become operative only if the same is approved by each House of Parliament by three-fourth majority of the members of each House'."

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

17. "That at page 3, for lines 27 to 30, the following be substituted, namely:

'And shall become operative only if the same is approved by each House of Parliament by two-third majority of the members of each House.'

SHRI BISWA GOSWAMI: Sir, I move:

99. "That at page 3. for lines 27 to 30, the following be substituted, namely:—

'and shall become operative only if the same is approved by each House of Parliament by three-fourth majority of the members of each House.'

SHRI JASWANT SINGH: Sir, I move:

100. "That at page 3, lines 34 to 37 be deleted."

*The Questions were proposed.*

MR. DEPUTY CHAIRMAN: Dr. Patel. Please speak on all the amendments that you have moved on Clause 2.

DR. SHANTI G. PATEL: My amendment is that at page 1, 2 and 3, for lines 21 to 24, 1 to 50 and 1 to 9 respectively, the following be substituted namely:

MR. DEPUTY CHAIRMAN: You need not read the amendments. Please give only the arguments on your amendments.

SHRI P. RAMAMURTI: In a court ...

MR. DEPUTY CHAIRMAN: You have already spoken for 45 minutes.

SHRI P. RAMAMURTI: When the Members give amendments, they try

to mitigate the rigour of the clause. For that, we have to explain what the amendment is, unless you take us for granted. Of course, the ruling party is impervious to arguments. So you can say, "Don't argue."

MR. DEPUTY CHAIRMAN: You can speak on the principles. The amendments have been circulated to the Members. Just put forth your arguments.

DR. SHANTI G. PATEL: Sir, it is a question of expressing our views on the subject which is mentioned in this Bill. Whether I have spoken for 5 minutes or 45 minutes is a different matter. Now, I have given my amendment suggesting that these lines be substituted by the following:

"any service connected with the armed forces of Union or connected with defence, if there has been a proclamation of emergency under article 352 of the Constitution of India due to security of India or of any part of the territory thereof is threatened either by war or external aggression or other grounds mentioned therein."

The definition of "essential services" tries to include a number of industries and these industries, in my opinion, should not be covered by it at all. What is an "essential service"? In my opinion, only the services which are necessary particularly at the time of war or when an emergency is declared, should be taken into account. That is the only situation under which the various essential services should be brought within the scope of this particular norm. And in other situations, the normal Industrial Disputes Act should be allowed to have its say and should be allowed to operate. That is why I suggested here that it is only this exception. That is how the laws are made in a number of other countries. It is in an emergent situation we are required to take emergent steps. That is why I would submit that this

[Dr. Shanti G. Patel]

is the only situation where this particular curb may be placed as far as this is concerned.

SHRI SHRIDHAR WASUDEO DABE: Sir, I support what Dr. Shanti Patel said on this. Sir, this clause is very wide-ranging. Clause 2, sub-clauses (xvi) and (xvii) say, "any service in connection with the affairs of the Union, not being a service specified in any of the foregoing sub-clauses; any other service connected with matters with respect to which Parliament has power to make laws.." All these matters are already covered by the Industrial Disputes Act and there is no need for a special law. Special law is only for emergency purposes.

Then, Sir, as regards my Amendment No. 13 it is about sub-clause (b)—strike. Suppose a strike takes place if an employer has committed an unfair labour practice or the award is not implemented or the minimum wages, as pointed out by the Home Minister, are not paid, then under these circumstances, it will be a justifiable strike for the reason that the employer is at fault. And, therefore, I suggested my amendment.

As regards my amendment No. 17 I have suggested that if the voting is to take place in both the Houses, it should be passed by two-thirds majority in both the Houses. Otherwise, this law can be misused and it can be extended anywhere. There is the delegated power also and for which there is no provision here. Therefore, I have suggested that two-thirds majority should be provided for that. That is my submission, Sir.

SHRI JASWANT SINGH: Mr. Deputy Chairman, Sir, I have four amendments to this clause which I shall take up one by one because

the Clause relates to the question of definition of 'essential services'. A number of hon. Members have expressed different view-points on what constitutes essential. As I have a substantive difference of opinion with the hon. Home Minister, I have submitted as amendments what is to my perception and to my light is essential for a nation out of the list that is given here. Those are relating to the defence of the country. Those relating to the requirements of the defence of the country, namely 6, 7, 9, 10 and 15 be retained under the definition of 'essential services' and the rest be deleted. This is an important aspect because a very blanket power of what constitutes essential purely in a bureaucratic manner and giving as wide a scope as possible for the Government to cover every possible kind of industry under the Act has been included. Therefore, it is necessary to limit it.

Sir, my next amendment relates to the question of strike. I take serious objection here. The word 'strike' is defined firstly in the dictionary. Then it is defined under the Industrial Disputes Act. Possibly, there is an obligation to define it here. But I take serious objection to (b) (ii) where it says, "any other conduct which is likely to result in..." Now, here you are giving a very wide blanket power to the executive and to the bureaucracy because of the interpretations of the words "likely to result in". You are talking about a possibility and the judgment of the possibility occurring or not occurring is left to the arbitrariness of the executive. I would submit, Sir, that such arbitrary power vested in any authority, whatever be the authority, however, stage and wise such authority may be, such arbitrariness is bound to result in misuse. (*Time bells rings*) Sir, this is only my second amendment. There are two more. I shall co-operate with you and try to be as brief as possible.

The third relates to the provision whereby whatever notification is issued, has to be laid before the House. I have made a submission there, Sir, that if for some reasons the Parliament is not in session when the notification is issued, then Parliament must be convened and the notification placed before both the Houses of Parliament.

Sir, the fourth amendment deals with a particularly complex and difficult aspect of this law which I would submit through you for the consideration of the Minister. I am sad to point out that neither you nor the Minister are paying any attention. However, I shall wait until I get either your ear or the Minister's ear.

AN HON. MEMBER: You get neither.

SHRI JASWANT SINGH: I get neither.

श्री जसवंतसिंह : आप की बात का जवाब मिनिस्टर देगा, मैं तो दूंगा नहीं ।

I am always attentive but there are some other things also to be done.

SHRI JASWANT SINGH: Any reference in this Act to any law which is not in force, it is presuming, it is an enabling thing, to say that if there is a law which is not in force, and any reference has been made in this Act, and if there is no law then it will be presumed that there is a law, is not right. This too is a very blanket provision and it needs to be dropped.

SHRI BISWA GOSWAMI: Sir, regarding definition I have stated that the definition of "essential services" should be revised to read as "means the services listed under Section 2(n) and the first Schedule of the Industrial Disputes Act, 1947", and also that at pages 1, 2 and 3 for lines 21 to 24, the following be substituted, namely, "any service connected with the armed forces of the union or connected with defence, if there has been

of proclamation of emergency under article 352 of the Constitution on the ground of war or external aggression". Sir, the definition which is given in this Bill is a very wide one and it has covered practically all the industries and there is nothing under this Bill which is exempted. Moreover, I would like to say that the definition of 'essential services' as given in the Industrial Disputes Act of 1947, that definition should be accepted. Moreover, if this Bill is intended only for the interests of the country, this Bill should be extended only to such organisations which are connected with Armed Forces and with the Defence during emergency.

SHRI R. RAMAKRISHNAN: Mr. Deputy Chairman, Sir, I have explained during my speech that this amendment will enable the hon. Home Minister to take action on two very important sectors, namely students, about whom even most colleagues from this side have spoken and in view of the fact that we are the only non-Cong.(I). Govt. who have wholeheartedly supported this Bill, I hope that he will take note of this fact and give an assurance and I will not press for this amendment.

SHRI DINESH GOSWAMI: Sir, my amendment is very simple. Here under clause 2, various services are listed as essential services. If you look at sub-clause (xvi) it makes virtually a mockery of the entire clause because it says: "any service in connection with the affairs of the Union, not being a service specified in any of the foregoing sub-clauses." So anything can be covered under it. Therefore, I have asked for deletion of sub-clause (xvi) because any service under the sun can be brought under this sub-clause. Therefore, my submission will be that minor modification be accepted and sub-clause (xvi) be deleted.

SHRI S. KUMARAN: Sir, on clause 2, I have given four amendments. Clause 2 gives definition of essential services. Here sub-clause (xvi) is given; then there is clause (xvii). I

[Shri S. Kumaran]

do not understand why such wide powers are being taken. It is not essential. Therefore, I have suggested deletion of sub-clause (xvii) because sub-clause (xvi) is sufficient. Over and above that, provision of sub-clause (xvii) can be used indiscriminately. So this sub-clause be deleted.

Then another amendment No. 10 is for adding the words "without resorting to any other means of collective bargaining".

SHRI SUSHIL CHAND MOHUNTA: Mr. Deputy Chairman, I have moved amendment No. 88 to sub-clause (xvii) (i) of clause 2 and sub-clause (b). I also want amendment to sub-clause (ii) of clause 2 with its explanation. And in all these three cases, I have moved that these clauses be deleted. And the reasons are that in (xvii) (i) not having been satisfied with the definition of essential services given in the main para of the clause, yet a provision is kept here so that any service under the sun can be brought under it because it would be in one way or the other related to law made by Parliament, or within the Concurrent List or in List 1 in which Parliament can legislate. The words are: "public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community..." These are such wide meaning words that anything can come under it and in all these matters where Parliament frames laws, has delegated legislation, whatever is to be delegated to the Central Government servants or to the Government which is outside the purview of Parliament, this mere distinction is kept at the minimum level and such blanket power is never given. Sub-clause (1) (xvii) of clause 2 should be deleted. There is another reason for it. The words 'public utility service' has been defined in the Industrial Disputes Act. This having been defined in the Industrial Disputes Act, there was no neces-

sity to have this general clause over here giving blanket powers. Sub-clause (1)(b) defines 'strike'. It says 'strike means the cessation of work by a body of persons'. I cannot understand what this term 'body of persons' means. The term 'body of persons' may mean two persons or three persons. If it means two or three persons, then, a very difficult and funny situation a likely to result. For instance, let us say, an establishment closes for lunch and people go half a mile to some dhaba or some restaurant for lunch. In such a situation, the authority concerned may come to the conclusion that this comes under.

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

Now, Sir... (Time-bell rings) Sir, I have covered only these two. The third thing still remains. After all, these things are going to take time. The question arises, in view of the fact that I have moved that sub-clause (1) (xvii) should be deleted, whether sub-clause (2) remains. This does not remain at all because there is nothing which remains to be placed before Parliament. Sub-clause (2) becomes redundant. That is why, I say, all these three must go. If they do not go, then, when this Bill becomes an Act, when this comes into operation, there would be absolute ambiguity and such vast discretionary and arbitrary powers bestowed upon the Government that they can bring out a notification involving anybody, whosoever he may be, any service and in relation to whatever commodity or material. That is why, I have suggested that these should be deleted.

SHRI P. RAMAMURTI: Sir, I have moved a number of amendments on the definition clause, namely, clause 2. The very first amendment which I have moved is that this Act need not be in force for four years. Instead of that, it is enough if this Act remains in force for four months. Our Gianiji in his wisdom and wit—at that time, he was not witty, he was serious

and if he is serious, he will understand what I say—said that he is going to bring in some measure within 90 days and he said that this is going to happen, that is going to happen and so on and that as a result of these things, strikes and lock-outs will become absolutely unnecessary, that industrial strikes will become unnecessary. May I ask him, can he not do it within four months if he is so serious to do it in a period of 90 days? If within 90 days, industrial strikes can be put an end to, as he hopes, if within 90 days industrial strikes will become absolutely unnecessary and redundant, where is the need for keeping this Act in force for four years? If you are sure that you are going to bring in such measures, as said by Mr. Zail Singh, within 90 days, there is no need for this Act to be there for four years.

The second amendment which I have moved in this clause refers to what 'essential service' means. 'Essential service' has already been defined in the Industrial Disputes Act. Industrial Disputes Act has already defined it, what it means. Why change it? You have the power there already. Under the Schedule of that Act, the executive has got the power to add some other industries also for this purpose. This is an all-embracing clause. That is why, I have suggested that as far as the term 'essential service' is concerned, it should have the same meaning as in the Industrial Disputes Act of 1947, which you yourself have brought. Hence, this is a very reasonable amendment and if they are reasonable, they should have no objection to accept it.

Then, Sir, the other thing I have said is what is meant by a strike. I would like to point out to him that the Supreme Court has held a number of times that even if there is an illegal strike, if the strike is justified, then, the workers cannot be dismissed and the pay of the workers for the period of the strike should also be given to them. That is the decision of the Supreme Court. There

may be an illegal strike, but technically justification might be there and it might be a legitimate strike. Therefore, there is a distinction between legitimate strike and illegal strike. Supreme Court in many cases has said, it is all right, workers cannot be punished, they have got to be paid full wages for inflicting legitimate strike on workers and employers have to be blamed, not the workers. Therefore, I say that that question has also to be decided.

Then with regard to what the strike means, you have the same definition as is there in the Industrial Disputes Act. Do not go beyond that. For example, refusal to do work, refusal to do overtime is considered to be strike. Now who is to decide whether it is necessary to do overtime or not? Can the Court decide it? The employer can decide it and I have got to do that job. Supposing, I am ill and I am asked to do overtime, and the employer punishes me for that. What am I to do for that? Therefore, it is an arbitrary power given to the employers to force the workers to do overtime. For example, in the coal-mines hundreds and thousands of people are suffering from industrial and occupational diseases, like silicose and all sorts of other diseases. It is cruel to ask them to do some overtime, but here under this Act even if you are ill and if you are asked to do overtime, that becomes strike and he has got to be punished for six months. Apart from inflicting occupational disease you want to send him to jail also. What more cruelty can be there? Therefore, we have said that strike should have no other meaning except that. Then, what is your rule? The rules are framed by the management. You have framed rules and in those rules you say that you have to do so much work. If I do more work than what has been prescribed, it is out of charity, out of our goodwill out of our goodwill to the nation that we are doing that. When as a protest to the arbitrary actions, to

[Shri P. Ramamurti]

the vindictive actions, to the victimising actions of the management, we resort to doing the work which we have agreed to do under the rules, which we have accepted and which you have accepted, then that cannot be called a strike. What is the fun of calling that 'strike'? Therefore, all these things are nothing but *zulum*, making the workers as bonded slaves. You have got to accept whatever work is given. But who is to decide that the work given to you is necessary to be done on overtime? Can a court decide? My friend Ishwar Singh Rajendra Singh was talking so eloquently about law. I also know law. I have also argued in Industrial Courts. I am not lawyer, but have also argued *habeas corpus* applications, I have also argued *mandamus* petitions, writ petitions. And most of the cases I have won. Therefore, I also understand law and the interpretation of law. Therefore, who is to decide whether it is necessary to do overtime or not? Now the employer says, you do this kind of thing. If I say I cannot do this, he will say this is essential, you have refused to do it, and on the basis of that I can be sent to jail. That is the very easy method of getting rid of his services. Therefore, the definition of 'strike' that has been given in this Bill is totally unwarranted and it will make the worker a bonded slave, enabling the employer to inflict any amount of work, under pain of prosecuting him for strike and prosecuting him for jail. Therefore, I have suggested a definition which is accepted all over the world, that 'Strike' means cessation of work by a body of persons in an industry. The first time this was defined was under the British Government through Modi's amendment in 1934 which the Congress Party, Swarajya Party at that time, opposed. That is the revision. You have repeated in 1947. Why do you want to enlarge the scope of that word? Therefore, don't try to make the worker a bonded slave and accepted my amendments.

SHRI AMARFOSAD CHAKRABORTY: Some of the amendments are given in the same way as Mr Ramamurti has just now mentioned. because with the same idea, I had also given these amendments and incidentally they become the same.

You will appreciate that definition of strike was accepted in 1947. Since then there have been many judgments of the Supreme Court and the High Courts which cover this definition. Now it is sought to include "refusal to work overtime where such work is necessary for the maintenance of any essential service; (ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service". So all that becomes redundant and therefore my submission is that this should be deleted.

I also reiterate all the arguments advanced by Mr. Ramamurti on the basis of the Industrial Disputes Act.

Lastly, I have given a proviso which is categorical in my amendment No. 95:

"Provided that where industrial dispute exists and on failure of conciliation if the strike called lawfully under the provision of the Industrial Disputes Act, no action shall be taken though the dispute arises in any essential services or institutions as stated in clause 2(a) (i) to (xvii)".

I submit that this amendment should otherwise there will be so much arbitrary power and the workers will have no respite and they will be treated just as in the medieval age. I submit that this amendment should be accepted.

ज्ञानो जैल सिंह : डिप्टी चेयरमैन साहब, इन बातों पर पहले भी बहुत चर्चा हुई। श्री राममूर्ति जी का एमेंडमेंट अच्छा है, रीजनेबल मगर एक्सेप्टेबल नहीं है। यह जो उनकी चिन्ता है उस के लिए हम इंतजाम करेंगे कि किसी को बीमारी की हालत में ओवर टाइम



में तो क्या उस को बीमारी की हालत में ड्यूटी भी नहीं करनी चाहिए। इसके लिए सरकार ध्यान देगी। पूरा इसका इंतजाम किया जाएगा। उन को इस बारे में कोई चिन्ता नहीं करनी चाहिए। अन्ना डी० एम० के० के श्री रामकृष्णन ने भी एक संशोधन दिया है।

**श्री पी० राममूर्ति :** उन्होंने ने अपना संशोधन वापस ले लिया है।

**जानो जैल सिंह :** उन्होंने ने वापस ले लिया है तो अच्छा किया है। चूंकि उन को समझ है, पूरा दूरन्देशो है, इसलिए उन्होंने ऐसा किया है। उन को सरकार ने सन् 1980 में ऐसा ही बिल बनाया था। उन्होंने अच्छा किया, अपना संशोधन वापस ले लिया। श्री चक्रवर्ती जी और दूसरे दोस्तों के जितने भी संशोधन हैं, उन से मैं यह प्रार्थना करूंगा कि हम ने उन को पढ़ा है, देखा है, सुना है, हम उन को मेहनत की दाद देते हैं। उन्होंने इस बिल पर अच्छा ध्यान दिया है। उन्होंने इस बिल में सुधार करने के लिए दिलचस्पी ली है। परन्तु मैं उन के संशोधनों को परवान नहीं कर सकता हूँ।

**MR. DEPUTY CHAIRMAN:** Mr. Ramakrishnan has not passed his amendment; so it is treated as withdrawn. Now I shall put all the amendments to vote.

**SHRI P. RAMAMURTI:** No, Sir, you cannot put them all to vote. Some people may accept one; some may not accept one. So, one by one you have to put.

**MR. DEPUTY CHAIRMAN:** May I request, that there are 200 amendments...

**SHRI P. RAMAMURTI:** That does not matter. Each amendment has got to be voted upon. One may accept one or reject one.

**MR. DEPUTY CHAIRMAN:** It was done in the other House also. We

can take them together; otherwise it will be very prolonged.

**SHRI P. RAMAMURTI:** No, Sir.

**MR. DEPUTY CHAIRMAN:** All right, I put amendment No. 5 to vote. The question is:

5. "That at page 1, 2 and 3, for lines 21 to 24, 1 to 50 and 1 to 9 respectively, the following be substituted namely:

'any service connected with the armed forces of the Union or connected with defence, if there has been a proclamation of emergency under article 352 of the Constitution on the ground of war or external aggression.'

*The House divided.*

**MR. DEPUTY CHAIRMAN:** Ayes—58; Noes—109.

**AYES—58**

Advani, Shri Lal K.  
Ashwani Kumar, Shri  
Bagaitkar, Shri Sadashiv  
Baleshwar Dayal, Shri  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakraborty, Shri Amarprosad  
Dhabe, Shri Shridhar Wasudeo  
Ghose, Shri Sankar  
Ghosh, Shri Arabinda  
Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Laxhan Prasad

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NOES—109

Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhahvan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ranchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Desmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish

Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahidaub, Shri Harisinh Bhagava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R. fi  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar

Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

6. "That at pages 1, 2 and 3, for lines 21 to 24, 1 to 50 and 1 to 9 respectively, the following be substituted, namely:—

'any service connected with the armed forces of Union or connected with defence, if there has been a proclamation of emergency under article 352 of the Constitution of India due to security of India or of any part of the territory thereof is threatened either by war or external

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aggression or other grounds mentioned therein.'"

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

84. "That at pages 1, 2 and 3, lines 20 to 24, 1 to 50 and 1 to 9 respectively, be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

85. "That at pages 1, 2 and 3, for lines 20 to 24, 1 to 50 and 1 to 9 respectively, the following be substituted, namely:—

(a) 'Essential Service' means the Services listed under section 2(n) and the first Schedule of the Industrial Disputes Act, 1947.'"

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

86. "That at page 1, 2 and 3 for lines 21 to 24, 1 to 50 and 1 to 9 respectively, the following be substituted, namely:—

'any service connected with the armed forces of the union or connected with defence, if there has been a proclamation of Emergency under Article 352 of the Constitution on the ground of war or external aggression.'"

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Amendment No. 87 is treated as withdrawn.\*

The question is:

7. "That at page 2, lines 49 and 50 be deleted."

*The motion was negatived.*

\*For text of the amendment vide col. 492 Supra.

MR. DEPUTY CHAIRMAN: Amendments No. 8 and 88 are the same.

The question is:

8 and 88. "That at page 3, lines 1 to 9 be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

10. "That at page 3, line 10, after the words 'Cessation of work' the words 'without resorting to any other means of collective bargaining' be inserted."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes

56;

Noes—109.

AYES: 56

Advani, Shri Lal K.

Ashwani Kumar, Shri

Bagaitkar, Shri Sadashiv

Baleshwar Dayal, Shri

Bhabhra, Shri Hari Shankar

Bhandari, Shri Sunder Singh

Bhattacharjee, Prof. Sourendra

Bhattacharya, Shrimati Ila

Bhola Prasad, Shri

Dhabe, Shri Shridhar Wasudeo

Ghose, Shri Sankar

Ghosh, Shri Arabinda

Ghosh, Shri Dipendrabhusan

Goswami, Shri Biswa

Goswami, Shri Dinesh

Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.

Jaswant Singh, Shri

Joseph, Shri O. J.

Joshi, Shri Jagannathrao

Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shah, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

**NOES—109**

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman

Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben  
 Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram

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Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.

Ramakrishnan, Shri R.  
 Ram Sewak, Chauchary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sultan, Shrimati Maimoona  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

89 "That at page 3, line 11, after the words 'essential service' the words as to be defined by both Houses of Parliament' be inserted."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes—59; Noes—109;

**AYES—59**

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar

Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Morarka, Shri R. R.  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban

Rajan, Shri Paittam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanaryan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

#### NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basayaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bajuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.

[Mr. Deputy Chairman.]

Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben  
 Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lal Urf Piare Lal  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.

Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri.  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Nafain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujari  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K.L.N.  
 Rahamathulla Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K.V.R.S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N.K.P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J.K.P.N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq



The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

90. That at page 3, for lines 10 to 19 the following be substituted, namely:—

'(b) "Strike" means cessation of work by a body of persons employed in an Industry acting in combination, or a concerted refusal or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment".'

• The House divided.

MR. DEPUTY CHAIRMAN:  
Ayes—58; Notes—109.

AYES 58

Advani, Shri Lal K.  
Ashwani Kumar, Shri  
Bagaitkar, Shri Sadashiv  
Baleshwar Dayal, Shri  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakraborty, Shri Amarprosad  
Dhabe, Shri Shridhar Wasudeo  
Ghose, Shri Sankar  
Ghosh, Shri Arabinda  
Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Lakhan Prasad  
Haridas, Shri C.  
Jaswant Singh, Shri  
Joseph, Shri O. J.  
Joshi, Shri Jagannathrao

Kakati, Shri Robin  
Kalyanasundaram, Shri M.  
Khandelwal, Shri Pyarelal  
Kurnaran, Shri S.  
Lakhan Singh, Shri  
Lepcha, Shri Sangdopal  
Madhavan, Shri K. K.  
Mahavir, Dr. Bhai  
Malik, Shri Satya Pal  
Master, Shri K. Chathunni  
Mathur, Shri Jagdish Prasad  
Mishra, Shri Kalraj  
Mitra, Shri Santosh  
Mohunta, Shri Sushij Chand  
Mukherjee, Shrimati Kanak  
Mukhopadhyay, Shrimati Purabi  
Nanda, Shri Narasingha Prasad  
Nigam, Shri Ladli Mohan  
Patel, Shri Manubhai  
Patel, Dr. Shanti G.  
Paul, Shri Makhan  
Pradhan, Shri Patitpaban  
Rajan, Shri Pattiam  
Ramamurti, Shri P.  
Rameshwar Singh, Shri  
Reddy, Shri B. Satyanarayan  
Sarup Singh, Dr.  
Sezhiyan, Shri Era  
Shahedullah, Shri Syed  
Shahi, Shri Nageshwar Prasad  
Sharma, Shri Yogendra  
Shastri, Shri Bhola Paswan  
Sheikh, Shri Abdul Rehman  
Sinha, Shri Indardeep  
Surjeet, Shri Harkishan Singh  
Yadav, Shri Hukmdeo Narayan

NOES 109

Akarte, Shri Jagannath Sitaram  
Ali, Shri Syed Rahmat  
Amarjit Kaur, Shrimati

[Mr. Deputy Chairman.]

Amra, Shri Tirath Ram  
 Apperow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Mar-  
 gatham  
 Chavan, Shrimati Premilabai Daji-  
 sahab  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marot-  
 raoji  
 Dharnavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurdev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.

Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manish-  
 ankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lal Urf Piare  
 Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat

Patel, Shri Ram Pujari  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary.  
 Rao, Shri K. V. R. S. Bala Subha  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I put amendment No. 11 to vote. The question is:

11. "That at page 3, line 14, after the word 'assigned' the words 'unless it is justified by the fact and circumstances of the case' be inserted."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes—58; Noes—109

AYES 58

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholra Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan

[Mr. Deputy Chairman]

Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bholu Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb

Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Eapuroaji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Pharindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel Shri Piare Lal Urf. Piare  
 Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor

Mehta, Shri Om  
 Mhasekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha

Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now, I put amendments No. 12 and 93 to vote.

They are similar. The question is:

12 and 93. "That at page 3, line 14, the words "and includes" be deleted".

*The House divided*

MR. DEPUTY CHAIRMAN  
Ayes—57: Noes—109

**AYES 57**

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa

[Mr. Deputy Chairman]

Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Jhosi, Shri Jagannatharo  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patit Paban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri, Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Desmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagdish

Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim,  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagwat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N

Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I put amendment No. 13 to vote.

The question is:

13. "That at page 3, line 14, for the words 'and includes' the following be substituted, namely:—

"if such cessation or refusal is not consequence or the unfair labour practice committed by employer or his representative, non-implementation of agreement, settlement or award or minimum wages notification or is otherwise not justified in the circumstances and situation of the case."

*The House divided*

MR. DEPUTY CHAIRMAN: Ayes  
—58; Noes—109.

[Mr. Deputy Chairman.]

**AYES 58**

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaikar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprasad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundara, Shri M.  
 Khandelwal, Shri Pyare Lal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai

Patel, Dr. Shanti G.  
 Paul, Shri Makhar  
 Pradhan, Shri Patitpabhan  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Setyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shaheddullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Adbul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harikishan Singh  
 Yadav, Shri Hukmdeo Narayan

**NOES 109**

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kour, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasennjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri, Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Margatham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika



Desmukh, Shri Bapuraoji Marotraoji  
 Dharamavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagdish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumedben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim.  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kuseel, Shri Piare Lall Urf Piare Lall  
 Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.

Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopanan, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagwat  
 Patel Shri, Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh

[Mr. Deputy Chairman.]

Sukul, Shri P. N.  
 Sultan Singh, Shri .....  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is—

91. "That at page 3, line 14, after the word 'assigned' the words 'if such cessation or refusal is otherwise not justified in the facts and circumstances of the case' be inserted."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes—58; Noes—109

**AYES 58**

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitka, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholu Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri

Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushij Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manuohai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bholu Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukrndeo Narayan

**NOES 109**

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat

Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar  
 Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai  
 Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji  
 Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq. Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.

Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben  
 Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lal Urf. Piare lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, SHRI Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan

[Mr. Deputy Chairman]

Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan, Shrimati Maimoona  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq.

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I will put amendment No. 92 to vote.

The question is:

92. "That at page 3, line 14, the words 'or to accept work assigned and includes be *deleted*.'"

*The House divided.*

MR. DEPUTY CHAIRMAN:  
 Ayes—57; Noes—109

AYES 57

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholu Prasad, Shri  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhnan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhnan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan

Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B.N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Channana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami

Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. K.  
 Kureel, Shri Priara Lall Urf Pjare Lall  
 Talib Unnivi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Marhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra

[Mr. Deputy Chairman]

Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawai Singh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Amendments Nos. 14 and 94 are similar. So, I am putting both the amendments together to vote. The question is:

14 and 94. "That at page 3, lines 15 to 19 be deleted."

*The House divided.*

MR. DEPUTY CHAIRMAN:  
 Ayes—58; Noes—109

AYES 58

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Anarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Laxhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Laxhan Singh, Shri  
 Lepcha, Shri Sangdopal

Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit

Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Desmukh, Shri Bapuraoji Marotraoji  
 Dharamavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvender Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dheramchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali

[Mr. Deputy Chairman]

Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalapnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K.V.R.S: Bala Subba

Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I will put amendment No. 95 to vote. The question is:

95.. "That at page 3, after line 19 the following proviso be inserted, namely:—

"Provided that where industrial dispute exists and on failure of conciliation if the strike called lawfully under the provision of the Industrial Disputes Act, no action shall be taken though the dispute arises in any essential services or institutions as stated in clause 2(a) (i) to (xvii)."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes — 58;

Noes — 109;



## AYES 58

Advani, Shri Lal K.  
 Ashwanj Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarpoasad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhaj

Patel, Dr. Shanti G.  
 Paul, Shri Makhnan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramachandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisahab

[Mr. Deputy Chairman]

Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Desmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalamiya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor

Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap

Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

11 P.M.

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: the question is:

96 "That at Page 3, after line 22, the following be inserted, namely:-

'(d) 'Retrenchment' means words and expressions used in section 2(00) Chapter V-A and V-B of the Industrial Disputes Act, 1947;

(e) 'closure' means words and expressions used in Chapter V-A and V-B of the Industrial Disputes Act, 1947.' "

*The House divided.*

MR. DEPUTY CHAIRMAN:	
Ayes	58
Noes	109

AYES 58

Advani, Shri Lal K.  
 Ashwanj Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholā Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa

Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhān Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhān Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhaj  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bholā Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

[Mr. Deputy Chairman]

NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram, Das Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maraga-  
 tham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.

Jani, Shri Jagdish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishore  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar

Prasad, Shri K. L. N.  
 Rahamathulla Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived*

MR. DEPUTY CHAIRMAN: Amend-  
 ments No. 15 and 98 are the same.  
 The question is:

15 and 98 "That at page 3, lines  
 23 to 33 be deleted."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes ..... 58

Noes ..... 109

AYES 58

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Shankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhushan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chatunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.

[Mr. Deputy Chairman]

Paul, Shri Makhan  
Pradhan, Shri Patitpaban  
Rajan, Shri Pattaim  
Ramamurti, Shri P.  
Rameshwar Singh, Shri  
Reddy, Shri B. Satyanarayan  
Sarup Singh, Dr.  
Sezhiyan, Shri Era  
Shahedullah, Shri Syed  
Shahi, Shri Nageshwar Prasad  
Sharma, Shri Yogendra  
Shastri, Shri Bhola Paswan  
Sheikh, Shri Abdul Rehman  
Sinha, Shri Indradeep  
Surjeet, Shri Harkishan Singh  
Yadav, Shri Hukmdeo Narayan

NOES 109

Akarte, Shri Jagannath Sitaram  
Ali, Shri Syed Rahmat  
Amarjit Kaur, Shrimati  
Amla, Shri Tirath Ram  
Apparow, Shri M. R.  
Arif, Shri Mohammed Usman  
Bilmiki, Shri Shiv Lal  
Balram Das, Shri  
Banerjee, Shri B. N.  
Barman, Shri Prasenjit  
Basavaraju, Shri M.  
Bhagwan Din, Shri  
Bhamidipati, Shri Krishna Mohan  
Bhandre, Shri Murlidhar Chandrakant  
Bharadwaj, Shri Ramchandra  
Bhatt, Shri Nand Kishore  
Chanana, Shri Charanjit  
Chandrasekhar, Shrimati Maragatham  
Chavan, Shrimati Premilabai Dajisaheb  
Das, Shri Bipinpal  
Das, Shrimati Monika  
Deshmukh, Shri Bapuraoji Marotraoji

Dharmavir, Shri  
Dinesh Chandra, Shri Swami  
Dinesh Singh, Shri  
D'Souza, Dr. Joseph Leon  
Gopalsamy, Shri V.  
Gupta, Shri Gurdev  
Habibullah, Shrimati Hamida  
Handique, Shri Bijoy Krishna  
Haq, Shri (Molana) Asrarul  
Hansda, Shri Phanindra Nath  
Hanspal, Shri Harvendra Singh  
Heptulla, Dr. (Shrimati) Najma  
Husain, Shri Golandaz M.  
Ibrahim, Shri B.  
Jadhav, Shri Pandurang Dharmaji  
Jain, Shri Dharam Chand  
Jain, Shri J. K.  
Jani, Shri Jagdish.  
Joshi, Shri Krishna Nand  
Joshi, Shrimati Kumudben Manishankar  
Kalaniya, Shri Ibrahim  
Kamble, Prof. N M.  
Kesri, Shri Sitaram  
Khan, Shri F. M.  
Khan, Shri Khurshed Alam  
Khan, Shri Maqsood Ali  
Khaparde, Shrimati Saroj  
Krishna, Shri M. R.  
Krishnan, Shri U. R.  
Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi  
Lokesh Chandra, Dr.  
Mahida, Shri Harisinh Bhagubava  
Makwana, Shri Yogendra  
Malhotra, Shrimati Usha  
Manhar, Shri Bhagatram  
Meena, Shri Dhuleshwar  
Mehta, Shri Kishor  
Mehta, Shri Om  
Mhaisekar, Shri G. R.  
Mirdha, Shri Ram Niwas  
Mishra, Shri Mahendra Mohan

Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pandey, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Parvin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri

Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

97. "That at page 3, line 25, after the word 'Session' the words or the two Houses of Parliament shall be convened urgently but not later than one week from the issuance of the notification' be inserted."

*The House divided*

MR. DEPUTY CHAIRMAN:

Ayes : 58

Noes : 109

AYES 58

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholra Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhnan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao

Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Pāswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat

Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maraga-  
 tham  
 Chavan, Shrimati Premilabai Dajisa-  
 heb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Maro-  
 traoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagdish



Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Metha, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri

Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Rām Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant

Yadav, Shri Ramanand  
Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Amendment Nos. 16 and 99 are the same. I put them to vote together.

The question is:

16 and 19: "That at page 3, for lines 27 to 30, the following be substituted, namely:—

'and shall become operative only if the same is approved by each House of Parliament by ~~there-~~fourth majority of the members of each House."

*The House divided.*

MR. DEPUTY CHAIRMAN:

AYES : 58

NOES : 109

AYES 58

Advani, Shri Lal K.  
Ashwani Kumar, Shri  
Bagaitkar, Shri Sadashiv  
Baleshwar Dayal, Shri  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakraborty, Shri Amarprosad  
Dhabe, Shri Shridhar Wasudeo  
Ghose, Shri Sankar  
Ghosh, Shri Arabinda  
Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.

Jaswant Singh, Shri  
Joseph, Shri O. J.  
Joshi, Shri Jagannathrao  
Kakati, Shri Robin  
Kalyanasundaram, Shri M.  
Khandelwal, Shri Pyarelal  
Kumaran, Shri S.  
Lakhan Singh, Shri  
Lepcha, Shri Sangdopal  
Madhavan, Shri K. K.  
Mahavir, Dr. Bhaj  
Malik, Shri Satya Pal  
Master, Shri K. Chathunni  
Mathur, Shri Jagdish Prasad  
Mishra, Shri Kalraj  
Mitra, Shri Santosh  
Mohunta, Shri Susril Chand  
Mukherjee, Shrimati Kanak  
Mukhopadhyay, Shrimati Purabi  
Nanda, Shri Narasingha Prasad  
Nigam, Shri Ladli Mohan  
Patel, Shri Manubhai  
Patel, Dr. Shanti G.  
Paul, Shri Makhan  
Pradhan, Shri Patipaban  
Rajan, Shri Pattiam  
Ramamurti, Shri P.  
Rameshwar Singh, Shri  
Reddy, Shri B. Satyanarayan  
Sarup Singh, Dr.  
Sezhiyan, Shri Era  
Shahedullah, Shri Syed  
Shahi, Shri Nageshwar Prasad  
Sharma, Shri Yogendra  
Shastri, Shri Bhola Paswan  
Sheikh, Shri Abdul Rehman  
Sinha, Shri Indradeep  
Surjeet, Shri Harkishan Singh  
Yadav, Shri Hukmdeo Narayan

## NOES 109

Akarte, Shri Jagannath Sitaram

Ali, Shri Syed Rahmat

Amarjit Kaur, Shrimati

Amla, Shri Tirath Ram

Apparow, Shri M. R.

Arif, Shri Mohammed Usman

Balmiki, Shri Shiv Lal

Balram Das, Shri

Banerjee, Shri B. N.

Barman, Shri Prasenjit

Basavaraju, Shri M.

Bhagwan Din, Shri

Bhamidipati, Shri Krishna Mohan

Bhandare, Shri Murlidhar Chandrakant

Bharadwaj, Shri Ramchandra

Bhatt, Shri Nand Kishore

Chanana, Shri Charanjit

Chandrsekhar, Shrimati Maragatham

Chavan, Shrimati Premilabai Dajisaheb

Das, Shri Bipinpal

Das, Shrimati Monika

Deshmukh, Shri Bapuraoji Marotraoji

Dharmavir, Shri

Dinesh Chandra, Shri Swami

Dinesh Singh, Shri

D'Souza, Dr. Joseph Leon

1033 RS—19.

Gopalsamy, Shri V.

Gupta, Shri Gurudev

Habibullah, Shrimati Hamida

Handique, Shri Bijoy Krishna

Haq, Shri (Molana) Asrarul

Hansda, Shri Phanindra Nath

Hanspal, Shri Harvendar Singh

Heptulla, Dr. (Shrimati) Najma

Husain, Shri Golandaz M.

Ibrahim, Shri B.

Jadhav, Shri Pandurang Dharmaji

Jain, Shri Dharamchand

Jain, Shri J. K.

Jani, Shri Jagadish

Joshi, Shri Krishna Nand

Joshi, Shrimati Kumudben Manishankar

Kalaniya, Shri Ibrahim

Kamble, Prof. N. M.

Kesri, Shri Sitaram

Khan, Shri F. M.

Khan, Shri Khurshed Alam

Khan, Shri Maqsood Ali

Khaparde, Shrimati Saroj

Krishna, Shri M. R.

Krishnan, Shri U. R.

Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi

Lokesh Chandra, Dr.

Mahida, Shri Harisinh Bhagubawa

Makwana, Shri Yogendra

Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishore  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Lshwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subha  
 Rao, Shri V. C. Kesava  
 Rajan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Koshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.

Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. F. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramarand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I put amendment No. 17 to vote. The question is:

17. "That at page 3, for lines 27 to 30, the following be substituted, namely:—

'and shall become operative only if the same is approved by each House of Parliament by 2/3rd majority of the Members of each House.'

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes : 58

Noes : 109

AYES 58

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh

Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprasad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan

Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath

Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall *Urf* Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama

Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujari  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now  
 I put amendment No. 100 to vote.  
 The question is:

100. "That at page 3, lines 34 to  
 37 be deleted".

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes : 58

Noes : 109

## AYES—58

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprasad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.

Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES—109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chand-  
 rakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Margatham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika

Deshmukh, Shri Bapuraoji Marotraoji  
 Dharamavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon

Gopalsamy, Shri V.  
 Gupta, Shri Gurudev

Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendra Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.

Jadhav, Shri Pandurang Dharmaji

Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnavi

Lokesh Chandra, Dr.

Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om

Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Prajapati, Shri Pravan Kumar  
 Pattanayak, Shri B. C.  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrinati  
 Razi, Shri Syed Sibte  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K.P.  
 Sharma, Shri A. P  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh



Sukul, Shri P. N.  
 Sulṭan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now, the question is:

“That clause 2 stand part of the Bill”.

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes : 109

Noes : 58

AYES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhamidipati, Shri Krishna Mohan  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami

Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gopalsamy, Shri V.  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Krishnan, Shri U. R.  
 Kureel, Shri Piare Lal Urf Piare Lal  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra

Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato

Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

NOES 58

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Anarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak

Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sarup Singh, Dr.  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3 (Power to prohibit strikes in certain employments).*

MR. DEPUTY CHAIRMAN: There are about 29 amendments to this Clause.

SHRI HARKISHAN SINGH SURJEET: Sir, I move:

101. "That at page 3, line 38, after the word 'satisfied' the words 'for reasons to be recorded in writing and published in the Official Gazette' be inserted".

(The amendment also stood in the names of Shri P. Ramamurti, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila

Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debedra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Ladli Mohan Nigam.)

SHRI SUSHIL CHAND MOHUNTA: Sir, I move:

102. "That at page 3, line 38, after the word 'satisfied' the words 'after giving an opportunity of being heard to all concerned' be inserted".

SHRI AMARPROSAD CHAKRABORTY: Sir, I move:

104. "That at page 3, line 41, after the word 'Order' the words 'subject to the provisions of the Industrial Disputes Act' be inserted."

SHRI JASWANT SINGH: I move:

105. "That at page 3, after line 41, the following be inserted, namely:—

'Provided that no such order shall be issued until it has been discussed and passed by both Houses of Parliament'".

SHRI BISWA GOSWAMI: Sir, I move:

106. "That at page 3, after line 41, the following proviso be inserted, namely:—

'Provided that before issuing such a general or special order, the government shall refer any industrial dispute that may have arisen or is apprehended to arise in any essential service to a Board, Court or Tribunal as provided for in the second proviso of section 10(1) of the Industrial Disputes Act, 1947, with appropriate instructions to complete conciliation or arbitration of the dispute within a period of time specified in the order referring such dispute to the Board, Court or Tribunal'".

SHRI JASWANT SINGH: Sir, I move:

107. "That at page 3, lines 45-46, for the words 'six months' the words 'one month' be substituted".

109. "That at page 3, lines 45 to 48, the words beginning with 'but the Central Government and ending with 'so to do' be deleted."

(The amendment No. 109 also stood in the name of Shri Sushil Chand Mohunta.)

SHRI HARKISHAN SINGH SURJEET: Sir, I move:

110. "That at page 3, line 45, after the word 'shall' the words 'come into operation after a week of its publication in the official Gazette and' be inserted".

111. "That at page 3 and 4, for lines 38 to 48 and 1 to 6 respectively, the following be substituted, namely:—

"3. Power to prohibit strikes in certain employment will be as described in section 22 of the Industrial Disputes Act, 1947".

(The amendment Nos. 110 and 111 also stood in the names of Shri P. Ramamurti, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar, and Shri Ladli Mohan Nigam.)

PROF. SOURENDRA BHATTACHARJEE: Sir, I move:

112. "That at page 3, line 47, for the words 'six months' the words 'one day' be substitute".

(The amendment also stood in the name of Shri Shiv Chandra Jha.)

SHRI BISWA GOSWAMI: Sir, I move:

113. "That at page 3, lines 45-47, for the words 'six months' wherever they occur, the words 'fifteen days' be substituted".

SHRI HARKISHAN SINGH SURJEET: Sir, I move:

114. "That at page 4, line 1, after the words, brackets and figure 'subsection (1)' the words 'and after the same comes into operation' be inserted".

(The amendment also stood in the names of Shri P. Ramamurti, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Ladli Mohan Nigam.)

SHRI AMARPROSAD CHAKRABORTY: Sir, I move:

115. "That at page 4, line 3, after the word 'strike' the words 'subject to the provisions of the Industrial Disputes Act, 1947, be inserted".

SHRI SUSHIL CHAND MOHUNTA: Sir, I move:

116. "That at page 4, line 3, after the word 'strike' the words 'without just cause' be inserted".

SHRI HARKISHAN SINGH SURJEET: Sir, I move:

117. "That at page 4, lines 4 to 6 be deleted".

(The amendment also stood in the names of Shri P. Ramamurti, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Ladli Mohan Nigam.)

SHRI SUSHIL CHAND MOHUNTA: Sir, I move:

118. "That at page 4, line 6, after the word 'illegal' the words 'if it is without just cause' be inserted".

SHRI S. KUMARAN: Sir, I move:

118. "That at page 3, line 39, after the words 'it may' the words 'with the prior sanction of both the Houses of Parliament: by not less than two-third majority of each House' be inserted".

19. "That at page 3, line 41, after the 'order' the words 'if it has been resorted to without using any other means of collective bargaining' be inserted".

21. "That at page 3, lines 42-43, for the words 'such manner as the Central Government considers best calculated' the words 'at least one newspaper of all the regional languages of the 'area of its operation' be substituted".

(The amendment Nos. 18, 19 and 21 also stood in the name of Shri M. Kalyanasundaram).

DR. SHANTI G. PATEL: Sir, I move:

22. "That at page 3, lines 4-46, for the words 'six months' the words 'fifteen days' be substituted".

27. "That at page 4, line 1, after the words, brackets and figures 'subsection (1)', the words 'and after the same comes into operation' be inserted".

SHRI S. KUMARAN: Sir, I move:

23. "That at page 3, lines 45-46, for the words 'six months' the words 'twenty five days' be substituted".

26. "That at page 3, line 47, for the words 'six months' the words 'twenty five days' be substituted".

(The Amendment Nos. 23 and 26 also stood in the name of Shri M. Kalyanasundaram.)

SHRI DINESH GOSWAMI: Sir, I move:

24. "That at page 3, lines 45-46, for the words 'six months' the words 'one month' be substituted".

25. "That at page 3, lines 46 to 48, the words beginning with 'but the Central Government' and ending with 'expedient so to do' be deleted".

SHRI MAKHAN PAUL: Sir, I move:

103. "That at page 3, line 40, for the words 'Order prohibit' the words 'appeal not to resort to' be substituted".

SHRI S. KUMARAN: Sir, I move:

28. "That at page 4, line 4, for the words 'whether before or' the words 'without using any other means of collective bargaining' be substituted".

(The amendment also stood in the name of Shri M. Kalyanasundaram).

The questions were proposed.

SHRI N. K. P. SALVE: Sir on a point of order. In terms of rules 130, 131 and 252 it is entirely open to any Member to have an amendment brought before this House for proper consideration. But under any of these rules or also under the precedents in this House, I am unable to find any rule which compels you to put each separate amendment to vote.

[Shri N. K. P. Salve]

The motion can be that all the amendments be taken together. They can be accepted or rejected by one motion... (*Interruptions*) You know me the rules. There are precedents in the House when all the amendments have been put together... (*Interruptions*). I submit there is no compulsion on you to ask for division on every amendment.

SHRI B. N. BANERJEE (Nominated): The whole thing is this. It is not a question of rules. There have been occasions earlier when that was done. You can say that you want every amendment to be put to division. You are having discussion on all the amendments together. At the end of that you can say: I am putting all the clauses to division. That is done by arrangement, not on the basis of rules.

SHRI N. K. P. SALVE: Under the rules in your wisdom you are entitled to put all the amendments together... (*Interruptions*).

SHRI LAL K. ADVANI (Gujarat): If I want my amendment to be put separately, it has to be put separately.

SHRI PILOO MODY (Gujarat): I would like to have a vote on his point of order. I would like to have a division on this point of order... (*Interruptions*).

MR. DEPUTY CHAIRMAN: One at a time. All of you may take your seats. Mr. Dinesh Goswami.

SHRI DINESH GOSWAMI: I am on the point raised by Mr. Salve. I may vote 'yes' in a particular amendment and 'no' on another amendment.

SHRI N. K. P. SALVE: The motion is whether or not any amendment is acceptable to the House.

SHRI DINESH GOSWAMI: How can that be?

SHRI N. K. P. SALVE: Is there any rule which prevents you from putting this motion to the House, whether any amendment is acceptable to you or not?

SHRI PILOO MODY: Mr. Deputy Chairman, my contention on this...

MR. DEPUTY CHAIRMAN: Please do not waste the time of the House.

SHRI PILOO MODY: He is wasting the time of the House. If you rule his point out of order, I have nothing to say.

SHRI LAL K. ADVANI: If the House gets an opportunity of discussing the procedures, I will show him the rules.

MR. RAFIQ ZAKARIA: You may apply your mind to this aspect and do the needful.

SHRI B. N. BANERJEE: As you are having discussion on all the amendments together, at the end of that discussion, all the amendments can be put to division together... (*Interruptions*).

SOME HON. MEMBERS: How can you do that?

SHRI N. K. P. SALVE: That has been done all these years.

SHRI PRANAB KUMAR MUKHERJEE: I would like to make a submission. I remember that on the Special Courts Bill, I myself had demanded division on each amendment. Therefore, you are entitled to demand it. But what I wanted to suggest to you is this, I would like to repeat that. Certain amendments you may like to decide by voice vote. Whenever you want your vote to be recorded, there you may demand division. Where you feel that you

can dispose of certain amendments by voice vote, you can do that and thus you can give some rest to the machine.

SHRI ERA SEZHIYAN (Tamil Nadu): That is all right. That is acceptable to us and not what Mr. Salve has said.

SHRI PILOO MODY: We accept the leader and reject the deputy leader.

SHRIMATI PURABI MUKHOPADHYAY: Sir, I would like to make one submission, and I want to explain to the House and to the ruling party mainly as to why we are asking for a division on each amendment. (*Interruptions*).

MR. DEPUTY CHAIRMAN: Madam, that does not require any explanation.

SHRIMATI PURABI MUKHOPADHYAY: It has to be explained.

MR. DEPUTY CHAIRMAN: No need. It only takes the time of the House.

SHRIMATI PURABI MUKHOPADHYAY: Let it take time.

MR. DEPUTY CHAIRMAN: There is no need for any explanation.

SHRIMATI PURABI MUKHOPADHYAY: When Mr. Salve explained his point, you allowed him to do that. Now, I want to vindicate our stand and I will have to explain. We wanted the House to be extended by one day. (*Interruptions*).

MR. DEPUTY CHAIRMAN: Mr. Surjeet, you start speaking. (*Interruptions*).

SHRIMATI PURABI MUKHOPADHYAY: We wanted the extension of the House because we wanted time so that we could go through the

amendments and examine them. But extension was not allowed.

MR. DEPUTY CHAIRMAN: So, you are now punishing? But you are not only punishing him, but you are punishing yourself also.

SHRIMATI PURABI MUKHOPADHYAY: Punishing whom and for what? (*Interruptions*). Have I no right to explain to the House our stand? Without hearing me how do you disallow me?

MR. DEPUTY CHAIRMAN: I have heard you. You wanted to explain to the House as to why you wanted extension of the House and because it was not done you are raising it now.

SHRIMATI PURABI MUKHOPADHYAY: It is because we could not go through or study the amendments properly. Even today some amendments have been proposed. (*Interruptions*).

MR. DEPUTY CHAIRMAN: There is no point in what you say.

SHRIMATI PURABI MUKHOPADHYAY: That is why we want no voice vote and we want to record our vote on each amendment.

MR. DEPUTY CHAIRMAN: That is all right. You can do that. I am not in a hurry. Yes, Mr. Surjeet.

SHRI PRANAB KUMAR MUKHERJEE: Sir, at the beginning of the Session, Mr. Advani wanted to know whether we had any intention to extend the House. I told him, "No." Subsequently, when I sounded him and sounded other Members, Mr. Advani himself said, "Since you had told me earlier, it is not possible for me to change the programmes", and he himself opposed the extension. It is not possible for me to forecast at the very beginning of the Session of the House as to what the progress would be. Therefore, it is not fair to pass on the buck to me

saying that I have refused to extend the House beyond Friday.

SHRI ERA SEZHIYAN: You are exonerated.

SHRI HARKISHAN SINGH SURJEET: Sir, Gianigi gave a long explanation and tried to tell us about democracy and all sort of things. I would like to know one thing because these amendments to clause 2 are very harmless. We would see whether he has got some consideration to accommodate the views of the Opposition, if not on vital questions, at least on certain other things. (*Interruptions*).

SHRI NARASINGHA PRASAD NANDA: Sir, is the extension of the House a matter between Mr. Pranab Mukherjee and Mr. Advani only? (*Interruptions*).

SHRI LAL K. ADVANI: Sir, on a point of personal explanation.

MR. DEPUTY CHAIRMAN: No need for all those things. Now the discussion is going on.

SHRI LAL K. ADVANI: No, Sir, Since my name has been brought in by the Leader of the House, I would like to tell that I entirely endorse what he has said. But I also added that my colleagues in the Opposition would not agree to this kind of a thing. It was said that they could have the discussion on Friday evening. Therefore, I said that if any decision was to be taken about that discussion, he has to discuss with them and Mr. Mukherjee, you also agreed and said, "All right. I will discuss with them." So, my saying something to you has no meaning. I also pointed out that many of my other colleagues would not agree to this proposal.

SHRI PRANAB KUMAR MUKHERJEE: Friday has nothing to do with this Bill. (*Interruptions*). Fri-

day was meant for Jamshedpur. Why are you bringing in this now?

SHRI LAL K. ADVANI: It was, therefore, suggested that you should take to Monday this particular Bill. That is what was suggested.

SHRI PRANAB KUMAR MUKHERJEE: That was never suggested. (*Interruptions*). At no point of time it was suggested to me.

SHRI LAL K. ADVANI: The final schedule of the Session has been decided by the ruling party and the Opposition has no role in that. That is all that I can say.

SHRI PRANAB KUMAR MUKHERJEE: Let us not go into it. We know the approach of the Opposition parties. In the Lok Sabha this problem was not there. (*Interruptions*). We know that, I have accepted the position now and let us not bring in other issues.

[THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) in the Chair]

SHRI MANUBHAI PATEL: Sir, I want to point out one thing. Please hear me.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Why do you want to speak now?

SHRI MANUBHAI PATEL: Sir, Friday is meant for Private Members' business and tomorrow it is the non-official Resolution which started two Friday's back and it is possible that I will not be getting an opportunity to have the reply tomorrow. So, it is doing injustice to me. (*Interruptions*).

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): That is all right. (*Interruptions*). Shri Surjeet.

SHRI HARKISHAN SINGH SURJEET: Mr. Vice-Chairman, Sir, as I was saying, these amendments are



most harmless. In Amendment No. 101, what is demanded is only this much, that after the word "satisfied" the words "for reasons to be recorded in writing and published in the Official Gazette" be inserted. This is the only amendment. If he is not prepared to give any reasons in the Official Gazette, it is very clear what is meant by it. In the second amendment also, in Amendment No. 110, what is stated is that after the words "shall" the words "come into operation after a week of its publication in the Official Gazette and" be inserted. I do not think there should be any objection to accepting it.

Amendment No. 111 specifically says only this much that at page 3...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): It has been circulated.

SHRI HARKISHAN SINGH SURJEET: It is very harmless. It is already provided there. If he has something else in mind, he should come out with it. While speaking, he said that he knew certain things were happening. What is the meaning of that? I think he should give some consideration to the Opposition.

SHRI SUSHIL CHAND MOHUNTA: My amendments are 102, 109, 116 and 118. In Amendment No. 102 I have asked for the addition of some words. I would like to say that before the Government is 'satisfied', the other viewpoint, of the affected party, must be known to the Government, before the Government can finally decide to act under this provision of law. (Time bell rings) Then, in 109, the deletion is important, because the Government, while moving the Bill, have placed a life for it for a particular period. However, this is intended to be temporary. 'Temporary' would mean for six months only, because if it is extended from six months, automatically then the Act is likely to be..... (Time bell rings) Then, my amend-

ments 116 and 118 are very important, because you declare the strike as illegal, and without going into the question whether the strike was for a just cause or without a just cause. So, these words 'without just cause' are important in (a) and (d). There may be instances where this strike may be absolutely genuine. You will appreciate that sometimes a person is arrested and later on it is found by the Court that there is no offence committed. He is then acquitted. Why don't you put the words suggested by me at this stage for a just cause.

SHRI S. KUMARAN: This amendment is to give some powers to the Parliament. I think the Home Minister would accept it.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): That is enough, I think. Next Amendment No. 103 is by Shri Makhan Paul. Please don't read your amendment. That has been circulated. If you don't have to say anything, it is all right. The next Amendment No. 104 is by Shri Chakraborty. He is not present here. The next Amendment No. 20 is by Shri Patel. I think you have said enough and covered your points.

DR. SHANTI G. PATEL: They are self-explanatory.

THE VICE-CHAIRMAN: Amendment No. 105 is by Mr. Jaswant Singh. It has already been moved.

श्री जसवंत सिंह : क्या कर्मिया आप ने ?  
इस से पहले आप कुछ बोल रहे थे ...

उपसभाध्यक्ष (डा० रफीक जकरिया) :  
मैंने कहा, अगर आप न बोलें क्योंकि ...

श्री जसवंत सिंह : आप चाहते हैं न बोलूँ ?

**उपसभाध्यक्ष (डा० रफ़ीक़ ज़क़रिया) :**  
नहीं, नहीं मैं कह रहा हूँ वक्त की वजह से . . .

**श्री जसवंत सिंह :** आप चुप रहें तो बोलूँ।  
माफ़ कीजिए, यह सब इसलिए कहना पड़  
रहा है, जो ख़ैया आप अपनाए थे बुलवाने  
का उस से हमें यह आपत्ति करती पड़ी।

मान्यवर, आप की माफ़त आदरपूर्वक  
ज्ञानी जी से अर्ज करना चाहूंगा कि इस क्लॉज  
में 3 तरमीमें हैं, उन का जिक्र हो चुका है।  
आप अपनी आर्मरी में हथियार इकट्ठे किए  
जा रहे हैं और उन हथियारों का आप नेक  
इस्तेमाल करें। अभी हाल चर्चा हो रही थी  
इस को जरा बयान कर दें कि इतने सारे  
हथियार आप की आर्मरी में होते हुए भी  
आपकी एक रियासत में आज एक प्रोक्लेम्ड  
आफ़ेण्डर बैठा है, वह ऐलान कर रहा है,  
मैं जब चाहूंगा, जिस जगह चाहूंगा तब अपने  
आप को गिरफ़्तार होने दूंगा। यह मैं इसलिए  
कह रहा हूँ कि हथियार अपने पास रखना  
बहुत आसान है उस को इस्तेमाल करना  
आप के लिए किसी केस में मुश्किल हो रहा है।

**THE VICE-CHAIRMAN (DR. RA-  
FIQ ZAKARIA):** Mr. Biswa Goswa-  
mi. Please don't read the amendment.

**SHRI BISWA GOSWAMI:** My am-  
endment No. is 106. I am not reading  
it. When the Central Government  
passes an order prohibiting strikes,  
before passing this order, I have ask-  
ed that it should be referred to a  
court or a tribunal with proper in-  
structions to complete the concilia-  
tion within a specified time-limit.  
That is my first amendment. And  
secondly, the order made under sub-  
clause (1) shall be enforced. . . .

**THE VICE-CHAIRMAN (DR. RA-  
FIQ ZAKARIA):** You need not read  
your amendment.

**SHRI BISWA GOSWAMI:** Sir,  
instead of 6 months, I have given an  
amendment that it should be 15 days.

**SHRI DINESH GOSWAMI:** Sir, my  
amendment is self-explanatory.

**THE VICE-CHAIRMAN (DR. RA-  
FIQ ZAKARIA):** Mr. Shiva Chandra  
Jha is not here.

**PROF. SOURENDRA BHATTA-  
CHARJEE:** Sir, my amendment is  
just an amendment to make the best  
of a bad bargain so to say. We do  
not accept the spirit. But still, it can  
minimise the hardship. And I am  
sure, our Home Minister, whose heart  
over-flows for the downtrodden will  
accept the proposed mitigation of the  
hardship.

**SHRI P. RAMAMURTI:** Sir, under  
this, declaration of a strike as illegal  
is subject to the satisfaction of the  
Government. Satisfaction may be sub-  
jective and objective. There is  
no criteria for deciding what  
that satisfaction is. Therefore,  
what we say is that the Gov-  
ernment must publish the reasons. It  
can declare a strike illegal only after  
publishing the reasons. If the Gov-  
ernment are sure to declare a strike  
illegal, why can't they give the rea-  
sons to be published. And when the  
reasons are public, then it is subject  
to judicial decision also. I can go to  
the court saying that this is not so.  
Give us and don't think that you will  
take that. Similarly, the other thing  
is those people have gone on a  
strike earlier. And if you take your  
15 days and suddenly decide that it  
should be declared illegal, then those  
people cannot be punished. They have  
legitimately gone on strike. You  
thought it legitimate at that time.  
And suddenly, later on, when you do  
that, you cannot say that they have  
gone on an illegal strike. Therefore,  
you remove that. You have the power  
to declare that. But after declaring the  
strike illegal, it should come into  
operation only after publishing in a  
Gazette and also declaring the rea-  
sons which impelled the Government  
to make it illegal so that I can go  
and test your sincerity and the objec-  
tivity in a court of law, if it becomes  
necessary. If I know that the objecti-  
vity is there, I would not go. There-  
fore, why are you afraid of the courts?

[Mr. Deputy Chairman in the Chair]

**SHRI AMARPROSAD CHAKRABORTY:** Sir, I only suggest one thing. It should be subject to the provisions of the Industrial Disputes Act. I think, he cannot have any objection to it.

**ज्ञानी जैल सिंह :** उपसभापति जी, जो अमेंडमेंट्स अभी-अभी आप के सामने रखे गये हैं उनको मैंने बहुत गौर से देखा है और हरकिशन सिंह सुरजीत जो ने कहा कि उनका अमेंडमेंट हार्मलैस है। मैं मानता हूँ कि वह हार्मलैस है लेकिन यूजलेस नहीं है और ऐंसेशियल नहीं है। इस लिये उसको परवान नहीं कर सकता।

राम मूर्ति जी बहुत सुलझे हुए आदमी हैं। मैं उनका आदर करता हूँ। उन्होंने कहा कि वे हमारी ईमानदारी परखना चाहते हैं। एक अमेंडमेंट आपका मान लूँ तो मेरी ईमानदारी तो परखी नहीं जाएगी। तो यह सर्टिफिकेट आप जमा रखें और इसको किसी और जगह पर इस्तेमाल करें। और आप ने फरमाया कि मैं अदालत में जा सकता हूँ तो 4 अग्रस्त का सुप्रीम कोर्ट का फैसला है इसी आर्डिनेंस के संबंध में। वह सारा तो मैं नहीं पढ़ता, लेकिन इतना बताता हूँ कि :

"We have given our serious consideration to all the contentions raised on behalf of the Petitioners and find no merit in them. Both the petitions are dismissed."

यह जो कांस्टीट्यूशनल प्वाइंट था वह सुप्रीम कोर्ट ने फैसला कर दिया है। इसलिए इस बातका कोई खौफ नहीं है कि अदालत में कोई जा सके कि नहीं।

**श्री सदाशिव बागाईतकर:** आज मैं हड़ताल पर गया और आपने 10 दिन बाद ऐंसेशियल सर्विस डिक्लैयर किया तो कब से आपका कानून अमल में आयेगा? 15

दिन के बाद ऐंसेशियल सर्विस इसको डिक्लैयर किया तो क्या रिट्रोस्पेक्टिवली इसको लागू करेंगे या जिस दिन ऐंसेशियल सर्विस का डिक्लैयरेशन होगा तब इसको लागू करेंगे, इसका खुलासा करें।

**ज्ञानी जैल सिंह :** जिस दिन प्रेजिडेंट ने मंजूर कर दिया, उसी दिन लागू हो जाएगा। आनरेबुल मॅम्बर साहबान का, मैं चाहता हूँ कि हर एक का जवाब दूँ लेकिन आप जानते हैं कि समय की जरूरत होती है। इन्सान को सोचना पड़ता है कि क्या करना है, कब करना है, कैसे करना है। तो मैं प्रार्थना करूँगा कि बहुत से अमेंडमेंट्स जो हैं उनके लिए मेरे मन में आदर है, सत्कार है, मगर ये मुझे मंजूर नहीं है। दृष्टा करके अपोजिशन के मॅम्बर साहबान मान जायें। ये हो तो सकेंगे नहीं, रिजेक्ट तो हो ही जायेंगे। एक बार में ही सबसे पूछ लीजिए, सारे अमेंडमेंट्स ले लें। रात के 12 बजने वाले हैं, 5-10 मिनट रहते हैं। सभी के लिए कायदे की बात है। सबकी सेहत अच्छी रहेगी नहीं तो कल को खराबी हो सकती है। अगर मेरी बात मान जायें तो बड़ी मेहरबानी होगी। सबको मालूम है कि इनकी क्या गति होगी।

**एक माननीय सदस्य :** चार बजे लोक-सभा में हुआ। . . . (ब्यवधान)

**ज्ञानी जैल सिंह :** उनको कोई फायदा नहीं हुआ, अगले दिन उवासियां लेते थे सभी।

**श्री पी० राममूर्ति :** फायदा है, वह हम समझेंगे। . . . (ब्यवधान)

**ज्ञानी जैल सिंह :** उपसभापति जी, मैं इनका बहुत आदर करता हूँ। इनकी दयानत में बड़ी श्रद्धा है मुझे। इनकी दूरदोषी पर भी ऐतवार है। मगर मैं

[शानी जल सिंह]

आपको फिर कहता हूँ कि जिस रास्ते पर जाकर आपको खयाल है, आपने एक एक अमेंडमेंट पर, इंच-इंच पर लड़ाई की मजदूरों के लिए। वह समझता है कि आप मजदूरों के लिए जो कर रहे है वह उसके सामने आ जाएगा।

श्री पीलू मोदी : मजदूरों की बात करो।  
(व्यवधान)

श्री सीताराम केसरी : मजदूरों की तरफ से मोदी जी भी आये हैं।

MR. DEPUTY CHAIRMAN: I shall now put the amendments to vote. The question is:

101. "That at page 3, line 38, after the word 'satisfied' the words 'for reasons to be recorded in writing and published in the official Gazette' be inserted".

*The House divided.*

12 MIDNIGHT

SHRI NAGESHWAR PRASAD SHAHI: Sir, the machine is not working properly, because the machine-man told me that the machine cannot function, does not function. And, Sir, on the Board the figure of Noes is given as 137 which is not correct.

SHRI PILOO MODY: Sir, one board contains 125 votes, and there are some blanks also that side. Even granting another 3 votes from the other board,—the rest of them are all green—the total comes to 128. How does the board register 137? It cannot be. It is mathematical impossibility.

SOME HON. MEMBERS: Even the total shown on the board is wrong.

MR. DEPUTY CHAIRMAN: Then I will request those in favour of amendment No. 101, please rise in their place.

SHRI LAL K. ADVANI: Then you write the names or the Division number; otherwise how will you show the names?

MR. DEPUTY CHAIRMAN: Then I will request the hon. Members to go to the Lobby; those in favour will go Ayes side and against will go to Noes side.

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes : 58

Noes : 106

AYES 58

Advani, Shri Lal K.  
Ashwani Kumar, Shri  
Bagaikar, Shri Sadashiv  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakraborty, Shri Amarprosad  
Dhabe, Shri Shridhar Wasudeo  
Ghose, Shri Sankar  
Ghosh, Shri Arabinda  
Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Laxhan Prasad  
Haridas, Shri C.  
Jaswant Singh, Shri  
Joseph, Shri O. J.  
Joshi, Shri Jagannathrao  
Kakati, Shri Robin  
Kalyanasundaram, Shri M.  
Khandelwal, Shri Pyarelal  
Kumaran, Shri S.  
Lakhan Singh, Shri  
Lepcha, Shri Sangdopal  
Madhavan, Shri K. K.  
Mahavir, Dr. Bhaj  
Malik, Shri Satya Pal

Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pилоo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladi Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan  
 NOES 106  
 Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore

Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharamavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jain, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall urf Piare Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra

Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.

Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

**SHRI DINESH GOSWAMI:** Mr. Deputy Chairman, we have now crossed 12 of the clock. You will please see Rule 24 under which Friday is allotted for Private Members' Business. Now Thursday is over and we are on Friday. Every Friday shall be reserved for Private Members' Business. If I remember correct, up till now the right of private Member has not been taken away by the Government business. That can be done only under the direction of the Chairman. Since there is no such direction, I would request that from now on we may take up the Resolution of Shri Manubhai Patel and Government business should stop at this particular moment. Since every Friday is allotted for transaction of private members' business, we may now take up Shri Manubhai Patel's Resolution. This can be changed only if there is any agreement with the Private Member concerned.

**MR. DEPUTY CHAIRMAN:** In that case we will have to start with Question Hour.

**SHRI DINESH GOSWAMI:** Yes.

**SHRI LAL K. ADVANI:** I endorse what Mr. Goswami has said subject to a slight modification. I do not

agree that we should immediately take up the unfinished Resolution of Shri Manubhai Patel. That has been scheduled for 11 A.M. At this particular point of time, because of the fact that today is Friday and Friday, according to the Rules, is reserved for non-official business, there is no option but to adjourn the House till 11 A.M. today when Question Hour will start and thereafter non-official business will start.

MR. DEPUTY CHAIRMAN: This matter has arisen earlier... (*Interruptions*)

SHRI MANUBHAI PATEL: You should hear me... (*Interruptions*).

MR. DEPUTY CHAIRMAN: No. In December 1980 the matter was raised and there was a long discussion... (*Interruptions*).

SHRI MANUBHAI PATEL: Kindly hear me... (*Interruptions*).

MR. DEPUTY CHAIRMAN: The House then decided on this... (*Interruptions*). Since the sitting was not adjourned it was decided that the business should continue. Let us take up amendment No. 102.

The question is:

102. "That at page 3, line 38, after the word 'satisfied' the words 'after giving an opportunity of being heard to all concerned, be inserted'".

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

18. "That at page 3, line 39, after the words 'it may' the words with the prior sanction of both the Houses of Parliament by not less than two-third majority of each House, be inserted."

*The House divided*

MR. DEPUTY CHAIRMAN:

Ayes	..	57
Noes	..	106

AYES 57

Advani, Shri Lal K.  
 Ashwanj Kumar, Shri  
 Bagaikar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak

Mukhopadhyay, Shrimati Purabi  
Nanda, Shri Narasingha Prasad  
Nigam, Shri Ladli Mohan

Patel, Shri Manubhai  
Patel, Dr. Shanti G.

Paul, Shri Makhan

Pradhan, Shri Patitpaban

Rajan, Shri Pattiam

Ramamurti, Shri P.

Rameshwar Singh, Shri

Reddy, Shri B. Satyanarayan

Sezhiyan, Shri Era

Shahabuddin, Shri Syed

Shahedullah, Shri Syed

Shahi, Shri Nageshwar Prasad

Sharma, Shri Yogendra

Shastri, Shri Bhola Paswan

Sheikh, Shri Abdul Rehan

Sinha, Shri Indradeep

Surjeet, Shri Harkishan Singh

Yadav, Shri Hukmdeo Narayan

#### NOES 106

Akarte, Shri Jagannath Sitaram

Ali, Shri Syed Rahmat

Amarjit Kaur, Shrimati

Amla, Shri Tirath Ram

Apparow, Shri M. R.

Arif, Shri Mohammed Usman

Balmiki, Shri Shiv Lal

Balram Das, Shri

Banerjee, Shri B. N.

Barman, Shri Prasenjit

Basavaraju, Shri M.

Bhagwan Din, Shri

Bhandare, Shri Murlidhar Chandra-  
kant

Bharadwaj, Shri Ramchandra

Bhatt, Shri Nand Kishore

Chanana, Shri Charanjit

Chandrasekhar, Shrimati Maragatham

Chavan, Shrimati Premilabai Daji-  
saheb

Das, Shri Bipinpal

Das, Shrimati Monika

Deshmukh, Shri Bapuraoji Marotraoji

Dharmavir, Shri

Dinesh Chandra, Shri Swami

Dinesh Singh, Shri

D'Souza, Dr. Joseph Leon

Gupta, Shri Gurudev

Habibullah, Shrimati Hamida

Handique, Shri Bijoy Krishna

Haq, Shri (Molana) Asrarul

Hansda, Shri Phanindra Nath

Hanspal, Shri Harvendar Singh

Heptulla, Dr. (Shrimati) Najma

Husain, Shri Golandaz M.

Ibrahim, Shri B.

Jadhav, Shri Pandurang Dharmaji

Jain, Shri Dharamchand

Jain, Shri J. K.

Jani, Shri Jagadish

Joshi, Shri Krishna Nand

Joshi, Shrimati Kumudben Mani-  
shankar

Kalaniya, Shri Ibrahim

Kamble, Prof. N. M.

Kesri, Shri Sitaram

Khan, Shri F. M.

Khan, Shri Khurshed Alam

Khan, Shri Maqsood Ali

Khaparde, Shrimati Saroj

Krishna, Shri M. R.

Kureel, Shri Piare Lal Urf Piare  
Lal Talib Unnavi

Lokesh Chandra, Dr.

Maddanna, Shri M.

Mahida, Shri Harisinh. Bhagubava

Makwana, Shri Yogendra

Malhotra, Shrimati Usha

Manhar, Shri Bhagatram

Meena, Shri Dhuleshwar

Mehta, Shri Kishor

Mhaisekar, Shri G. R.

Mirdha, Shri Ram Niwas

Mishra, Shri Mahendra Mohan



Mittal, Shri Sat Paul  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.

Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

103. "That at page 3, line 40, for the words "Order prohibit" the words "appeal not to resort to" be substituted."

*The House divided*

MR. DEPUTY CHAIRMAN:

Ayes	..	54
Noes	..	105

AYES 54

Adyani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri

Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

NOES 105

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.

Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrinati Maragatham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnabi

Lokesh Chandra, Dr.

Maddanna, Shri M.

• Mahida, Shri Harisinh Bhagubava

Makwana, Shri Yogendra

Malhotra, Shrimati Usha

Manhar, Shri Bhagatram

Meena, Shri Dhuleshwar

Mehta, Shri Kishor

Mhaisekar, Shri G. R.

Mirdha, Shri Ram Niwas

Mishra, Shri Mahendra Mohan

Mittal, Shri Sat Paul

• Moopanar, Shri G. K.

Moses, Shri M.

Mukherjee, Shri Pranab Kumar

Mulla, Shri Suresh Narain

Naidu, Shri N. P. Chengalraya

Naik, Shri G. Swamy

f Nalwa, Shri Hari Singh

Narendra Singh, Shri

Panda, Shri Akshay

Pande, Shri Bishambhar Nath

Pande, Shrimati Manorama

Pandey, Shri Narsingh Narain

Pande, Shri Sudhakar

Paswan, Shri Ram Bhagat

Patel, Shri Ram Pujan

• Pattanayak, Shri B. C.

Prajapati, Shri Pravin Kumar

Prasad, Shri K. L. N.

Rahamathulla, Shri Mohammad

Rai, Shri Kalpnath

Rajendra Singh Ishwar Singh, Shri

Ramachandran, Shri M. S.

Ram Sewak, Chaudhary

Rao, Shri K. V. R. S. Bala Subba

Rao, Shri V. C. Kesava

Ratan Kumari, Shrimati

Razi, Shri Syed Sibte

Reddy, Shri Mulka Govinda

Roshan Lal, Shri

Sahu, Shri Santosh Kumar

Salve, Shri N. K. P.

Sharma, Shri A. P.

Sheikh, Shri Ghouse Mohiuddin

Singh, Shri Bhishma Narain

Singh, Shri J. K. P. N.

Singh, Shri Ng. Tompok

Singh, Shrimati Pratibha

Singh, Dr. Rudra Pratap

Sisodia, Shri Sawaisingh

Sukul, Shri P. N.

Swu, Shri Scato

Verma, Shri Shrikant

Yadav, Shri Ramanand

Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

19. "That at page 3, line 41 after the word 'Order' the words 'if it has been resorted to without using any other means of collective bargaining' be inserted."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes ... .. 56

Noes ... .. 106

AYES 56

Advani, Shri Lal K.

Ashwanj Kumar, Shri

Bagaitkar, Shri Sadashiv

Barman, Shri Debendra Nath

Bhabhra, Shri Hari Shankar

Bhandari, Shri Sunder Singh

Bhattacharjee, Prof. Sourendra

Bhattacharya, Shrimati Ila

Bhola Prasad, Shri

Chakraborty, Shri Amarprosad

Dhabe, Shri Shridhar Wasudeo

Ghose, Shri Sankar

Ghosh, Shri Arabinda

Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri Satyanarayan  
 Sezhiyan, Shri Era  
 Sahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra

Shastri, Shri Bholu Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukrdeo Narayan

#### NOES 106

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohamtned Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maraga-  
 tham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna

Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh

Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K.V.R.S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

104. "That at page 3, line 41, after the word 'Order' the words 'subject to the provisions of the Industrial Disputes Act, be inserted."

The House divided.

MR. DEPUTY CHAIRMAN:

Ayes .. 57

Noes .. 109

AYES 57

Advani, Shri Lal K.  
 Ashwanj Kumar, Shri  
 Bagaikar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.

Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Sahabuddin, Shri Syed  
 Shahedullah, Shri Sved  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmedo Narayan

NOES 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit

Basavaraju, **Shri M.**  
 Bhagwan Din, **Shri**  
 Bhandare, **Shri Murlidhar Chandrakant**  
 Bharadwaj, **Shri Ramchandra**  
 Bhatt, **Shri Nand Kishore**  
 Chanana, **Shri Charanjit**  
 Chandrasekhar, **Shrimati Maragatham**  
 Chavan, **Shrimati Premilabai Dajisaheb**  
 Das, **Shri Bipinpal**  
 Das, **Shrimati Monika**  
 Deshmukh, **Shri Bapuraoji Marotraoji**  
 Dharmavir, **Shri**  
 Dinesh Chandra, **Shri Swami**  
 Dinesh Singh, **Shri**  
 D'Souza, **Dr. Joseph Leon**  
 Gupta, **Shri Gurudev,**  
 Habibullah, **Shrimati Hamida**  
 Handique, **Shri Bijoy Krishna**  
 Haq, **Shri (Molana) Asrarul**  
 Hansda, **Phanindra Nath**  
 Hanspal, **Shri Harveendar Singh**  
 Heptulla, **Dr. (Shrimati) Najma**  
 Husain, **Shri Golandaz M.**  
 Ibrahim, **Shri B.**  
 Jadhav, **Shri Pandurang Dharmaji**  
 Jain, **Shri Dharamchand**  
 Jain, **Shri J. K.**  
 Jani, **Shri Jagadish**  
 Joshi, **Shri Krishna Nand**  
 Joshi, **Shrimati Kumudben Manishankar**  
 Kalaniya, **Shri Ibrahim**  
 Kamble, **Prof. N. M.**  
 Kesri, **Shri Sitaram**  
 Khan, **Shri F. M.**  
 Khan, **Shri Khurshed Alam**  
 Khan, **Shri Maqsood Ali**  
 Khaparde, **Shrimati Saroj**  
 Krishna, **Shri M. R.**  
 Kureel, **Shri Piare Lal Urf Piare Lal Talib Unnavi**

Lokesh Chandra, **Dr.**  
 Maddanna, **Shri M.**  
 Mahida, **Shri Harisingh Bhagubava**  
 Makwana, **Shri Yogendra**  
 Malhotra, **Shrimati Usha**  
 Manhar, **Shri Bhagatram**  
 Meena, **Shri Dhuleshwar**  
 Mehta, **Shri Kishor**  
 Mehta, **Shri Om**  
 Mhaisekar, **Shri G. R.**  
 Mirdha, **Shri Ram Niwas**  
 Mishra, **Shri Mahendra Mohan**  
 Mistry, **Shrimati Roda**  
 Mittal, **Shri Sat Paul**  
 Moopnar, **Shri G. K.**  
 Moses, **Shri M.**  
 Mukherjee, **Shri Pranab Kumar**  
 Mulla, **Shri Suresh Narain**  
 Naidu, **Shri N. P. Chengalraya**  
 Naik, **Shri G. Swamy**  
 Nalwa, **Shri Hari Singh**  
 Narendra Singh, **Shri**  
 Panda, **Shri Akshay**  
 Pande, **Shri Bishambhar Nath**  
 Pande, **Shrimati Manorama**  
 Pandey, **Shri Narsingh Narain**  
 Pandey, **Shri Sudhakar**  
 Paswan, **Shri Ram Bhagat**  
 Patel, **Shri Ram Pujan**  
 Pattanayak, **Shri B. C.**  
 Prajapati, **Shri Pravin Kumar**  
 Prasad, **Shri K. L. N.**  
 Rahamathulla, **Shri Mohammad**  
 Rai, **Shri Kalpnath**  
 Rajendra Singh Ishwar Singh, **Shri**  
 Ramachandran, **Shri M. S.**  
 Ram Sewak, **Chaudhary**  
 Rao, **Shri K.V.R.S: Bala Subba**  
 Rao, **Shri V. C. Kesava**  
 Ratan Kumari, **Shrimati**  
 Razi, **Shri Syed Sibte**

Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

**SHRI PRANAB KUMAR MUKHERJEE:** Some of the amendments we could decide on voice vote so that the machine can be operated.

**SHRI PILOO MODY:** Since they are begging for mercy, we accept voice vote.

**MR. DEPUTY CHAIRMAN:** The question is:

105. "That at page 3, after line 41, the following be inserted, namely:—

'Provided that no such order shall be issued until it has been discussed and passed by both Houses of Parliament.'

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** I shall now put the amendment No. 106 to vote.

The question is:

106. "That at page 3, after line 41, the following proviso be inserted, namely:—

'Provided that before issuing such a general or special order, the government shall refer any industrial dispute that may have arisen or is apprehended to arise in any essential service to a Board, Court or Tribunals provided for in the second proviso of section 10(1) of the Industrial Disputes Act, 1947, with appropriate instructions to complete conciliation or arbitration of the dispute within a period of time specified in the order referring such dispute to the Board, Court or Tribunal.'

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** I shall now put the amendment No. 21 to vote.

The question is:

21. "That at page 3, lines 42-43, for the words 'such manner as the Central Government considers best calculated' the words 'at least one newspaper of all the regional languages of the area of its operation' be substituted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** I shall now put the amendment No. 22 to vote.

The question is:

22. "That at page 3, lines 45-46, for the words 'six months' words 'fifteen days' be substituted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** I shall now put the amendment No. 23 to vote.



The question is:

23. "That at page 3, lines 45-46, for the words 'six months' the words 'twenty five days' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Amendments No. 24 and 107 are same. I will now put the amendments to vote.

The question is:

24. and 107. "That at page 3, lines 45-46, for the words 'six months' the words 'one month' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Amendment Nos. 25 and 109 are same. I will now put the amendment to vote. The question is:

25. and 109. "That at page 3, lines 46 to 48, the words beginning with but the Central Government and ending with 'expedient so to do' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put the amendment No. 110 to vote.

The question is:

110. "That at page 3, line 45, after the word 'shall' the words 'come into operation after a week of its publication in the official Gazette and' be inserted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

26. "That at page 3, line 47, for the words 'six months' the words 'twenty five days' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

111. "That pages 3 and 4, for lines 38 to 48 and 1 to 6 respectively, the following be substituted, namely:

'3. Power to prohibit strikes in certain employment will be as described in section 23 of the Industrial Disputes Act, 1947. '

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

112. "That at page 3, line 47, for the words 'six months' the words 'one day' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

113. "That at page 3, lines 45-47, for the words 'six months' wherever they occur, the words 'fifteen days' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Amendment Nos. 27 and 114 are the same. The question is:

27. and 114. "That at page 4, line 1, after, the words, brackets and figure 'sub-section (1)' the words 'and after the same comes into operation' be inserted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

115. "That at page 4, line 3, after the word 'strike' the words 'subject to the provisions of the Industrial Disputes Act, 1947, be inserted

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

116. "That at page 4 line 3, after the word 'strike' the words 'without just cause' be inserted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

28. "That at page 4, line 4, for the words 'whether before or' the words 'without using any other means of collective bargaining' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

117. "That at page 4, lines 4 to 6 be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

118. "That at page 4, line 6, after the word 'illegal' the words 'if it is without just cause' be inserted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes .. 108

Noes .. 56

AYES—108

Akarte, Shri Jagannath Sitaram

Ali, Shri Syed Rahmat

Amarjit Kaur, Shrimati

Amla, Shri Tirath Ram

Apparow, Shri M. R.

Arif, Shri Mohammed Usman

Balmiki, Shri Shiv Lal

Balram Das, Shri

Banerjee, Shri B. N.

Barman, Shri Prasenjit

Basavaraju, Shri M.

Bhagwan Din, Shri

Bhandare, Shri Murlidhar Chandra-  
kant

Bharadwaj, Shri Ramchandra

Bhatt, Shri Nand Kishore

Chanana, Shri Charanjit

Chandrasekhar, Shrimati Maragatham

Chavan, Shrimati Premilabai Daji-  
saheb

Das, Shri Bipinpal

Das, Shrimati Monika

Deshmukh, Shri Bapuraoji Marot-  
raoji

Dharmavir, Shri

Dinesh Chandra, Shri Swami

Dinesh Singh, Shri

D'Souza, Dr. Joseph Leon

Gupta, Shri Gurudev

Habibullah, Shrimati Hamida

Handique, Shri Bijoy Krishna

Haq, Shri (Molana) Asrarul

Hansda, Shri Phanindra Nath

Hanspal, Shri Harvendar Singh

Heptulla, Dr. (Shrimati) Najma

Husain, Shri Golandaz M.

Ibrahim, Shri B.

Jadhav, Shri Pandurang Dharmaji

Jain, Shri Dharamchand

Jain, Shri J. K.

Jain, Shri Jagadish

Joshi, Shri Krishna Nand

Joshi, Shrimati Kumudben Mani-  
shankar

Kalaniya, Shri Ibrahim

Kamble, Prof. N. M.

Kesri, Shri Sitaram

Khan, Shri F. M.

Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall *Urf* Piare  
 Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ramamurti, Shri P.  
 Ram Sewak, Chaudhary

Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

NOES 56

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pилоo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhoja Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

The motion was adopted.

Clause 3 was added to the Bill

Clause 4—(Dismissal of employees participating in illegal strikes)

SHRI P. RAMAMURTI: Sir, I move:

119. "That at page 4, line 8, the words which is 'illegal under this Act' be deleted."

(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhushan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Ladli Mohan Nigam.)

SHRI MAKHAN PAUL: Sir, I move:

120. "That at page 4, line 8, the words 'which is illegal' be deleted."

DR. SHANTI G. PATEL: Sir, I move:

29. "That at page 4, lines 10 and 11 be deleted."

(The amendment also stood in the names of Shri Dinesh Goswami, Shri S. Kumaran and Shri M. Kalyansundaram.)

SHRI P. RAMAMURTI: Sir, I move:

121. "That at page 4, lines 10 and 11 be deleted."

(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhushan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, O. J. Joseph, Shri K. Chathunni Master, Shri Santos Mitra, Shri Debendra Nath Barman,

*Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar, Shri Ladli Mohan Nigam and Shri Biswa Goswami.)*

DR. SHANTI G. PATEL: Sir, I move:

30. "That at page 4, line 12, for the words 'including' within brackets, the word 'excepting' be substituted."

SHRI S. KUMARAN: Sir I move:

31. "That at page 4, line 12, the brackets and words 'including dismissal' be deleted."

*(The amendment also stood in the name of Shri M. Kalyanasundaram.)*

SHRI BISWA GOSWAMI: Sir, I move:

122. "That at page 4, lines 12 and 14, for the word 'including' wherever they occur in brackets, the word 'excepting' be substitute."

*(The amendment also stood in the names of Shri P. Ramamurti, Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathummi Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar, Shri Ladli Mohan Nigam and Shri Sushil Chand Mohunta.)*

SHRI JASWANT SINGH: Sir, I move:

123. "That at page 4, lines 12 and 14, the brackets and words 'including dismissal' wherever they occur be deleted."

*(The amendment also stood in the name of Shri Shridhar Wandeo Dhabe.)*

DR. SHANTI G. PATEL: Sir, I move:

32. "That at page 4, lines 14, for the word 'including' within brackets, the word 'excepting' be substituted."

SHRI S. KUMARAN: Sir, I move:

33. "That at page 4, line 14, the brackets and words (including dismissal) be deleted."

*(The amendment also stood in the name of Shri M. Kalyanasundaram.)*

SHRI AMARPROSAD CHAKRABORTY: Sir, I move:

124. "That at page 4, after line 16 the following proviso be inserted, namely:

'Provided that any disciplinary action proposed to be taken must be under the provisions of standing orders and/or the provisions of the Industrial Disputes Act, 1947.'

MR. DEPUTY CHAIRMAN: Amendment No. 125—Shri Shiva Chandra Jha is not present.

Would you like to say something, Mr. Ramamurti on your amendments?

SHRI P. RAMAMURTI: Mr. Deputy Chairman, I have not seen a more draconian clause than this. If the workers go on strike, for whatever reason it might be, and if out of mercy somebody helps them, then he is considered an incitor or instigator saying "You are inciting the people" I do not know if they have ever conducted a trade union movement. We cannot go and incite a worker.

(Shri P. Ramamurti.)

They are not fools. They have got to starve during this period of strike. If they want to go in strike, it means that they feel the problem so acutely that for them there is no other way out, then only they go on strike. So, incitement is a meaningless thing and they should not be punished at all. You want to punish anybody who helps them. If anybody gives them money, then also you want to punish him. We cannot understand this. So please accept this.

DR. SHANTI G. PATEL: Mr. Deputy Chairman, Sir, these amendments try to remove the injustice which is sought to be done to persons who go on strike, or those who propagate strike, or help them in conducting the strike. Strike is not a thing of pleasure for the workmen. Actually the workman is the worst sufferer who loses his wages. If he is compelled to take extreme action as a last resort, he does it because he must vindicate his right, because he must fight his employer for getting his demand conceded.

DR. RAFIQ ZAKARIA: At least we can make an appeal and a request to you: why repeat the same thing?

DR. SHANTI G. PATEL: I would have finished by now if he had not interrupted me. If there are less interruptions, I will complete earlier. I am not going to take much time. If a worker is going to be dismissed for just participation in the strike, it is an unduly harsh punishment.

SHRI S. KUMARAN: I would invite your attention to sub-clause (1) under which even refusal to work overtime is punishable. What is the punishment? If a worker refuses to work overtime he can be dismissed. This is very cruel.

SHRI AMARPROSAD CHAKRABORTY: Clause 4 says that any person who commences a strike which is illegal or who instigates or incites others to take part in a strike shall be liable to disciplinary action. After this I want to insert a provision as follows:

Provided that any disciplinary action proposed to be taken must be under the provisions of standing orders and or the provisions of the Industrial Disputes Act, 1947.

Otherwise, the punishment is unthinkable. There has even been a Supreme Court judgement which says that no punishment can be prescribed even if a person participates in an illegal strike. Certainly he cannot be dismissed. This is what I want to add through the proviso.

SHRI JASWANT SINGH: My amendment relates to the question of dismissal. It is self-explanatory.

SHRI SUSHIL KUMAR MOHANTTA: I want to speak on my amendment No. 122.

MR. DEPUTY CHAIRMAN: It was moved by Mr. Biswa Goswami.

SHRI SUSHIL KUMAR MOHANTTA: My name is also there. I have different reasons which you will appreciate. Instigation and incitement can be by an outsider. In that case, how can the person be subjected to disciplinary action? If he is an employee, disciplinary action can certainly be taken against him. If he is an outsider, how can you dismiss him? You can take action only against the worker who is your employee. How can you dismiss an outsider? This is un-understandable.

MR. DEPUTY CHAIRMAN: Now, I will put the amendment Nos. 119 and 120 to vote. The question is:

119. "That at page 4, line 8, the words 'which is illegal under this Act, be deleted.'"

(Mr. Deputy Chairman.)

120. "That at page 4, line 8, the words 'which is illegal' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put Amendment Nos. 29 and 121 to vote.

AN HON. MEMBER: We want Division on No. 29.

MR. DEPUTY CHAIRMAN: All right, I am putting Amendment Nos. 29 and 121 to vote. The question is:

"That at page 4, lines 10 and 11 be deleted."

*The House divided*

MR. DEPUTY CHAIRMAN: 117

Yes: 58.

Noes: 110.

AYES—58

Advani, Shri Lal K.  
Ashwani Kumar, Shri  
Bagaikar, Shri Sadashiv  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakraborty, Shri Amarprosad  
Dhabe, Shri Shridhar Wasudeo  
Ghose, Shri Sankar  
Ghosh, Shri Arabinda  
Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Lakhan Prasad  
Hansda, Shri Phanindra Nath

Haridas, Shri C.

Jaswant Singh, Shri  
Joseph, Shri O. J.  
Joshi, Shri Jagannathrao  
Kalyanasundaram, Shri M.  
Khandelwal, Shri Pyarelal  
Kumaran, Shri S.  
Lakhan Singh, Shri  
Lepcha, Shri Sangdopal  
Madhavan, Shri K. K.  
Mahavir, Dr. Bhai  
Malik, Shri Satya Pal  
Master, Shri K. Chathunni  
Mathur, Shri Jagdish Prasad  
Mishra, Shri Kalraj  
Mitra, Shri Santosh  
Mody, Shri Piloo  
Mohunta, Shri Sushil Chand  
Mukherjee, Shrimati Kanak  
Mukhopadhyay, Shrimati Purabi  
Nanda, Shri Narasingha Prasad  
Nigam, Shri Ladli Mohan  
Patel, Shri Manubhai  
Patel, Dr. Shanti G.  
Paul, Shri Makhan  
Pradhan, Shri Patitpaban  
Rajan, Shri Pattiam  
Ramamurti, Shri P.  
Rameshwar Singh, Shri  
Reddy, Shri B. Satyanarayan  
Sezhiyan, Shri Era  
Shahabuddin, Shri Syed  
Shahedullah, Shri Syed  
Shahi, Shri Nageshwar Prasad  
Sharma, Shri Yogendra  
Shastri, Shri Bhola Paswan  
Sheikh, Shri Abdul Rehman  
Sinha, Shri Indradeep  
Surjeet, Shri Harkishan Singh  
Yadav, Shri Hukmdeo Narayan

## NOES—110

Akarte, Shri Jagannath Sitaram	Kalaniya, Shri Ibrahim
Ali, Shri Syed Rahmat	Kamble, Prof. N. M.
Amarjit Kaur, Shrimati	Kesri, Shri Sitaram
Amla, Shri Tirath Ram	Khan, Shri F. M.
Apparow, Shri M. R.	Khan, Shri Khurshed Alam
Arif, Shri Mohammed Usman	Khan, Shri Maqsood Ali
Balmiki, Shri Shiv Lal	Khaparde, Shrimati Saroj
Balram Das, Shri	Krishna, Shri M. R.
Banerjee, Shri B. N.	Kureel, Shri Piare Lal Urf Piare Lal Talib Unnavi
Barman, Shri Prasenjit	Lokesh Chandra, Dr.
Basavaraju, Shri M.	Maddanna, Shri M.
Bhagwan Din, Shri	Mahida, Shri Harisinh Bhagubav
Bhandare, Shri Murlidhar Chandra- kant	Makwana, Shri Yogendra
Bharadwaj, Shri Ramchandra	Malhotra, Shrimati Usha
Bhatt, Shri Nand Kishore	Manhar, Shri Bhagatram
Chanana, Shri Charanjit	Meena, Shri Dhuleshwar
Chandrasekhar, Shrimati Maragatham	Mehta, Shri Kishor
Chavan, Shrimati Premilabai Dajisaheb	Mehta, Shri Om
Das, Shri Bipinpal	Mhaisekar, Shri G. R.
Das, Shrimati Monika	Mirdha, Shri Ram Niwas
Deshmukh, Shri Bapuraoji Marotraoji	Mishra, Shri Mahendra Mohan
Dharmavir, Shri	Mistry, Shrimati Roda
Dinesh Chandra, Shri Swami	Mittal, Shri Sat Paul
Dinesh Singh, Shri	Moopananar, Shri G. K.
D'Souza, Dr. Joseph Leon	Moses, Shri M.
Gupta, Shri Gurudev	Mukherjee, Shri Pranab Kumar
Habibullah, Shrimati Hamida	Mulla, Shri Suresh Narain
Handique, Shri Bijoy Krishna	Naidu, Shri N. P. Chengalraya
Haq, Shri (Molana) Asrarul	Naik, Shri G. Swamy
Hansda, Shri Phanindra Nath	Nalwa, Shri Hari Singh
Hanspal, Shri Harvendar Singh	Narendra Singh, Shri
Heptullah, Dr. (Shrimati) Najma	Panda, Shri Akshay
Husain, Shri Golandaz M.	Pande, Shri Bishambhar Nath
Ibrahim, Shri B.	Pande, Shrimati Manorama
Jadhav, Shri Pandurang Dharmaji	Pandey, Shri Narsingh Narain
Jain, Shri Dharamchand	Pandey, Shri Sudhakar
Jain, Shri J. K.	Paswan, Shri Ram Bhagat
Jani, Shri Jagadish	Patel, Shri Ram Pujan
Joshi, Shri Krishna Nand	Pattanayak, Shri B. C.
Joshi, Shrimati Kumudben Manishankar	Prajapati, Shri Pravin Kumar
	Prasad, Shri K. L. N.
	Rahamathulla, Shri Mohammad



Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put Amendment No. 30 to vote. The question is:

30. "That at page 4, line 12, for the word 'including' within brackets, the word 'excepting' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put Amendment No. 31 to vote. The question is:

31. "That at page 4, line 12, the brackets and words '(including dismissal)' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put Amendment No. 122 to vote. The question is:

122. "That at page 4, lines 12 and 14, for, the word 'including' wherever they occur in brackets, the word 'excepting' be substituted"

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put Amendment No. 123 to vote. The question is:

123. "That at page 4, lines 12 and 14, the brackets and words '(including dismissal)', wherever they occur be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put Amendment No. 32 to vote. The question is:

32. "That at page 4, line 14, for the word 'including' within brackets, the word 'excepting' be substituted."

*The motion was negatived.*

1 A.M.

MR. DEPUTY CHAIRMAN: The question is:

33. "That at page 4, line 14, the brackets and words '(including dismissal)' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

124. "That at page 4, after line 16, the following proviso be inserted, namely:—

'Provided that any disciplinary action proposed to be taken must be under the provisions of standing

orders and or the provisions of the Industrial Disputes Act, 1947.”

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

“That clause 4 stand part of the Bill.”

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes .. 108

Noes .. 57

AYES—108

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida

Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.

Jain, Shri Dharamchand

Jain, Shri J. K.

Jani, Shri Jagadish

Joshi, Shri Krishna Nand

Joshi, Shrimati Kumudben  
 Manishankar

Kalaniya, Shri Ibrahim

Kamble, Prof. N. M.

Kesri, Shri Sitaram

Khan, Shri F. M.

Khan, Shri Khurshed Alam

Khan, Shri Maqsood Ali

Khaparde, Shrimati Saroj

Krishna, Shri M. R.

Kureel, Shri Piare Lall Urf

Piare Lall Talib Unnavi

Lokesh Chandra, Dr.

Maddanna, Shri M.

Mahida, Shri Harisinh Bhagubava.

Makwana, Shri Yogendra

Malhotra, Shrimati Usha

Manhar, Shri Bhagatram

Meena, Shri Dhuleshwar

Mehta, Shri Kishor

Mhaisekar, Shri G. R.

Mirdha, Shri Ram Niwas

Mishra, Shri Mahendra Mohan

Mistry, Shrimati Roda

Mittal, Shri Sat Paul

Moopnar, Shri G. K.

Moses, Shri M.

Mukherjee, Shri Pranab Kumar

Mulla, Shri Suresh Narain

Naidu, Shri N. P. Chengalraya

Naik, Shri G. Swamy

Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

## NOES 57

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholu Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan

Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

*The motion was adopted.*

*Clause 4 was added to the Bill.*

Clause 5 (Penalty for illegal strike)

MR. DEPUTY CHAIRMAN: We will now take up clause 5. There are 17 amendments.

SHRI MAKHAN PAUL: Sir, I move:

126. "That at page 4, line 17, the words 'which is illegal' be deleted."

SHRI P. RAMAMURTI: Sir, I move:

127. "That at page 4, lines 17-18, the words 'which is illegal under this Act' be deleted."

*(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J.*

*Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Ladli Mohan Nigam.)*

SHRI S. KUMARAN: Sir, I move:

34. "That at page 4, line 18, the words 'or otherwise takes part in' be deleted."

35. "That at page 4, lines 19 to 21, for the words beginning with 'imprisonment for' and ending with 'with both' the words 'fine which may extend to fifty rupees' be substituted."

*(The amendment Nos. 34 and 35 also stood in the name of Shri M. Kalyanasundaram.)*

SHRI SUSHIL CHAND MOHUNTA: Sir, I move:

128. "That at page 4, lines 19 to 21, for the words beginning with 'punishable with' and ending with 'or with both' the words 'shall be liable to pay a fine which may extend to Rs. 500/- only, be substituted."

SHRI DINESH GOSWAMI: Sir, I move:

36. "That at page 4, line 20, for the words 'six months one day' the 'one day' be substituted."

SHRI P. RAMAMURTI: Sir, I move:

129. "That at page 4, line 20, for the words 'six months' the words 'one day' be substituted."

*(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri*

Sadashiv Bagaikar, Shri Ladli Mohan, Nigam, Shri Shiv Chandra Jha and Prof. Sourendra Bhattacharjee)

130. "That at page 4, line 20, for the words 'one thousand' the words 'ten' be substituted."

(The Amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattian Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaikar and Shri Ladli Mohan Nigam.)

SHRI MAKHAN PAUL: Sir, I move:

131 "That at page 4, line 20 for the words 'one thousand rupees' the words 'ten paise' be substituted."

PROF. SOURENDRA BHATTACHARJEE: Sir, I move

132. "That at page 4, line 20, for the words 'one thousand rupees' the word 'one rupee' be substituted."

SHRI MAKHAN PAUL: Sir, I move:

133. "That at page 4, lines 19-20, the words 'imprisonment for a term which may extend to six months or both be deleted."

PROF. SOURENDRA BHATTACHARJEE: Sir, I move:

134. "That at page 4, lines 20-21, 'two months' be substituted."

SHRI JASWANT SINGH: Sir, I move:

135. "That at page 4, line 20, for the words 'six months' the words 'two months' be substituted."

136. "That at page 4, lines 20-21, the words beginning with 'or with fine' and ending with 'with both' be deleted."

SHRI AMARPROSAD CHAKRABORTY: Sir I move:

137. "That at page 4, after line 21, the following be inserted, namely:—

'illegal strike shall mean and shall always to have been deemed that no strike is illegal if it is called and/or remain on if it is not in violation of the provisions of the industrial Disputes Act, 1947.'

SHRI KALRAJ MISHRA: Sir, I move:

196. "That at page 4, line 20 for the words 'six months' the words 'two months' be substituted."

197. "That at page 4, line 20, for the words 'one thousand' the words 'one hundred' be substituted."

The questions were proposed.

SHRI P. RAMAMURTI: Sir, my amendment is that when the workers go on strike, the punishment should be according to the definition but the punishment meted out is out of all proportion. Have you got any consideration for the working class who lose their jobs? You want to give him capital punishment, you want to send him to jail, all these things you want to do. Why are you so cruel to them? After all, are you cruel to the blackmarketeers? How many people have you sent to jail? How many have eaten away the money of the banks? Have you taken any action against them? Why are you so cruel about the workers? Reduce the punishment that you have prescribed, that is my amendment; reduce the punishment and fine to a small amount so that they can afford to pay. Otherwise this is meaningless. If a worker loses the job wherefrom will he pay? His salary may be just Rs. 300. That means he has to continue in jail for one year. Six months itself is a meaningless thing. That is why I say, reduce the punishment. I have asked you to reduce the punishment, to mitigate the punishment.

**SHRI S. KUMARAN:** Sir, in clause 5 it is mentioned "...otherwise takes part..." What is this? In law it is not correct. So, the word "otherwise" should be deleted.

My second amendment is to reduce the punishment to Rs. 50. These are my two amendments.

**MR. DEPUTY CHAIRMAN:** Anybody else.

**SHRI SUSHIL CHAND MOHUNTA:** Sir, in this I have proposed that there should be no imprisonment in this case but only a fine of Rs. 500 because, when you are holding a summary trial in this case the offence is not at all clear and also as to who has to decide and who are the people concerned. And when it is going to be only on suspicion, then at least a fine of more than Rs. 500 is not required in this case. Five hundred rupees should be the maximum fine. Otherwise the whole thing would seem to be unjust because here a person is not being tried properly. You know that in summary trial the accused has absolutely no right because there is no right to cross-examine and in this case but only a fine of Rs. 500 maintained. Therefore, it is all the more difficult. So Rs. 500 should be more than sufficient for one who is convicted on summary trial.

**SHRI JASWANT SINGH:** Sir, most of the points have been made by other hon. Member, I have only one submission to make. Crime and punishment must bear a relationship. That is my submission.

**श्री कलराज मिश्र :** उपसभापति जी, सन्देश के आधार पर श्रमिक को दंडित किया जाय, यह उचित नहीं है। इसमें कहा गया है कि जो हड़ताल में हिस्सा लेगा या स्ट्राइक करवाने के लिए सहयोगी बनेगा उसको 6 महीने की सजा दी जा सकती है और 1 हजार रुपए जुर्माना किया जा सकता है या

दोनों किये जा सकते हैं। हमने संशोधन में यह कहा है कि जो जेल में 6 महीने डालने की बात है उसको कम कर के 2 महीने कर दिया जाय और जुर्माना 100 रुपये से अधिक न किया जाय। इसलिये मैं चाहता हूँ कि इस संशोधन को गृह मंत्री महोदय स्वीकार करें।

**MR. DEPUTY CHAIRMAN:** Honourable Minister.

**GIANI ZAIL SINGH:** No, Sir.

**PROF. SOURENDRA BHATTACHARJEE:** Mr. Deputy Chairman, Sir, the Home Minister explained his predicament, that is, by bringing the Bill at the fag end of the session now he is in a dilemma that if he accepts reasonable amendments, how to get them through in the other House. In spite of that, I hope my reasonable amendments will be accepted by a reasonable person like him.

**SHRI AMARPROSAD CHAKRABORTY:** Sir, under our Constitution nobody can be punished twice for the same offence. That is laid down in law and law has been set at rest. Here you will see that there is dismissal for participating in an illegal strike. So, dismissal is one punishment. The other is imprisonment for participating in an illegal strike—assuming the strike to be illegal. So, there are two punishments given. One is dismissal—which is an extreme because it deprives him of his bread—and the other is sending him to jail. This is a strange thing. Nowhere else do we find such a thing. I am only trying to make a little improvement here. My amendment is to insert :—

"Illegal strike shall mean and shall always to have been deemed that no strike is illegal if it is cal-

led and/or remain on if it is not in violation of the provisions of the Industrial Disputes Act, 1947."

Only I have tried to make a little improvement. I think he will not have any objection to it, taking into account the principle that no man can be punished twice for the same offence.

MR. DEPUTY CHAIRMAN: Now I shall put amendment No. 126 to vote.

The question is:

126. "That at page 4, line 17, the words 'which is illegal' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

127. "That at page 4, lines 17-18, the words 'which is illegal under this Act', be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

34. "That at page 4, line 18, the words 'or otherwise takes part in' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

35. "That at page 4, lines 19 to 21 for the words beginning with 'imprisonment for' and ending with 'with both' the words 'fine which may extend to fifty rupees' be substituted."

The House divided.

MR. DEPUTY CHAIRMAN:

AYES—55

NOES: 108

AYES 55

Advani, Shri Lal K.

Ashwani Kumar, Shri

Bagaitkar, Shri Sadashiv

Barman, Shri Debendra Nath

Bhabhra, Shri Hari Shankar

Bhandari, Shri Sunder Singh

Bhattacharjee, Prof. Sourendra

Bhattacharya, Shrimati Ila

Bhola Prasad, Shri

Chakraborty, Shri Amarprosad

Dhabe, Shri Shridhar Wasudeo

Ghose, Shri Sankar

Ghosh, Shri Arabinda

Ghosh, Shri Dipendrabhusan

Goswami, Shri Biswa

Goswami, Shri Dinesh

Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.

Joseph, Shri O. J.

Joshi, Shri Jagannathrao

Kalyanasundaram, Shri M.

Khandelwal, Shri Pyarelal

Kumaran, Shri S.

Lakhan Singh, Shri

Lepcha, Shri Sangdopal

Madavan, Shri K. K.

Mahavir, Dr. Bhai

Malik, Shri Satya Pal

Master, Shri K. Chathunni

Mathur, Shri Jagdish Prasad

Mishra, Shri Kalraj

Mitra, Shri Santosh

Mody, Shri Piloo

Mohunta, Shri Sushil Chand

Mukherjee, Shrimati Kanak

Mukhopadhyay, Shrimati Purabi

Nanda, Shri Narasingha Prasad

Nigam, Shri Ladli Mohan

Patel, Shri Manubhai

**Patel, Dr. Shanti G.**

Paul, Shri Makhan

Pradhan, Shri Patitpaban

Rajan, Shri Pattiam

Ramamurthi, Shri P.

Rameshwar Singh, Shri

Reddy, Shri B Satyarnarayan

Sezhiyan, Shri Era

Shahabuddin, Shri Syed

Shahedullah, Shri Syed

Shahi, Shri Negeshwar Prasad

Sharma, Shri Yogendra

Sheikh, Shri Abdul Rehman

Sinha, Shri Indradeep

Surjeet, Shri Harkishan Singh

Yadav, Shri Hukmdeo Narayan

NOES 108

Akarte, Shri Jagannath Sitaram

Ali, Shri Syed Rahmat

Amarjit Kaur, Shrimati

Amla, Shri Tirath Ram

Apparow, Shri M. R.

Arif, Shri Mohammad Usman

Balmiki, Shri Shiv Lal

Balram Das, Shri

Banerjee, Shri B. N.

Barman, Shri Prasenjit

Basavaraju, Shri M.

Bhagwan Din, Shri

Bhandare, Shri Murlidhar Chaudra-  
kant

Bharadwaj, Shri Ramchandra

Bhatt, Shri Nand Kishore

Chanana, Shri Sharanjit

Chandrasekhar, Shrimati Maragatham

Das, Shri Bipinpal

Das, Shrimati Monika

Deshmukh, Shri Bapuraoji Marotraoji

Dharmavir, Shri

Dinesh Chandra, Shri Swami

Dinesh Singh, Shri

D'Souza, Dr. Joseph Leon

Gupta, Shri Gurudev

Habibullah, Shrimati Hamida

Handique, Shri Bijoy Krishna

Haq, Shri Molana Asrarul

Hansda, Shri Phanindra Nath

Hanspal, Shri Harvendar Singh

Heptulla, Dr. (Shrinati) Najma

Husain, Shri Golandaz M.

Ibrahim, Shri B.

Jain, Shri Dharamchand

Jain, Shri J. K.

Jani, Shri Jagadish

Joshi, Shri Krishna Nand

Joshi, Shrimati Kumudben Manish-  
ankar

Kalaniya, Shri Ibrahim

Kamble, Prof. N. M.

Kesri, Shri Sitaram

Khan, Shri F. M.

Khan, Shri Khurshed Alam

Khan, Shri Maqsood Ali

Khaparde, Shrimati Saroj

Krishna, Shri M. R.

Kureel, Shri Piare Lal Urf Piare Lal  
Talib Unnavi

Lokesh Chandra, Dr.

Maddanna, Shri M.

Mahida, Shri Harisinh Bhagubava



Makwana Shri Yogendra  
 Mahotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mital, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishmbhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri

Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Sigh, Shri  
 Swu, Shri Seato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

128. "That at page 4, lines 19 to 21 for the words beginning with 'punishable with' and ending with 'or with both, the words 'shall be liable to pay a fine which may extend to Rs. 500/- only', be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Amendments No. 36 and 129 are the same.

The question is:

36. and 129. "That at page 4, line 20, for the words 'six months, the words 'one day', be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

130. "That at page 4, line 20 for the words one 'thousand' the words 'ten' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

131. "That at page 4 line 20 for the words 'one thousand rupees' the words 'ten paise', be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

132. "That at page 4, line 20, for the words 'one thousand rupees' the word 'one rupee' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

133. "That at page 4, lines 19-20, the words 'imprisonment for a term which may extend to six months or both, be deleted."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes 55  
Noes 103

AYES 55

Advani, Shri Lal K.  
Ashwani Kumar, Shri  
Bagaitkar, Shri Sadashiv  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakraborty, Shri Amarprosad  
Dhabe, Shri Shridhar Wasudeo  
Ghose, Shri Sankar  
Ghosh, Shri Arabinda  
Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.  
Joseph, Shri O. J.  
Joshi, Shri Jagannathrao  
Kalanasundaram, Shri M.  
Khandelwal, Shri Pyarelal  
Kumaran, Shri S.  
Lakhan Singh, Shri  
Lepcha, Shri Sangdopal  
Madhavan, Shri K. K.  
Mahavir, Dr. Bha  
Maik, Shri Satya Pal  
Master, Shri K. Chathunni  
Mathur, Shri Jagdish Prasad  
Mishra, Shri Kalraj  
Mitra, Shri Santosh  
Mady, Shri Piloo  
Mohunta, Shri Sushil Chand  
Mukherjee, Shrimati Kanak  
Mukhopadhyay, Shrimati Purabi  
Nanda, Shri Narasingha Prasad  
Nigam, Shri Ladli Mohan  
Patel, Shri Manubhai  
Patel, Dr. Shanti G.  
Paul, Shri Makhan  
Pradhan, Shri Patitpaban  
Rajan, Shri Patiam  
Ramamurti, Shri P.  
Rameshwar Singh, Shri  
Reddy, Shri B. Satyanarayan  
Sezhiyan, Shri Era  
Shahabuddin, Shri Syed  
Shahedullah, Shri Syed  
Shahi, Shri Nageshwar Prasad  
Sharma, Shri Yogendra  
Sheikh, Shri Abdul Rehman  
Sinha, Shri Indradeep  
Surjeet, Shri Harkishan Singh  
Yadav, Shri Hukmdeo Narayan  
Noes: 108  
Akarte, Shri Jagannath Sitarm  
Ali, Shri Syed Rahmat  
Amarjit Kaur, Shrimati  
Amla, Shri Tirath Ram

Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekher, Shrimati Maragatham  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khap, Shri Maqsood Ali

Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lal Urf. Piare  
 Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Muila, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pandey, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary

Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratap Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

134. "That at page 4, lines 20-21, the words 'or with both' be deleted".

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

135. "That at page 4, line, 20 for the words 'six months' the words 'two months' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

136. "That at page 4, lines 20-21, the words beginning with 'or with

fine' and ending with 'with both' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

137. "That at page 4, after line 21, the following be inserted, namely:—

'illegal strike shall mean and shall always to have been deemed that no strike is illegal if it is called and/or remain on if it is not in violation of the provisions of the Industrial Disputes Act, 1947.'

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

136. "That at page 4, line 20, for the words 'six months' the words 'two months' be substituted."

137. "That at page 4, line 20, for the words 'one thousand' the words 'one hundred' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

"That clause 5 stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes .. 108

Noes .. 55

AYES—108

Akarte, Shri Jaganrath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. F.  
 Arif, Shri Mohammed Usman  
  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri

Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
**Bhagwan Din, Shri**  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Hepulla, Dr. (Shrimati) Najma  
 Husain Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharmchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.

Kureel Shri Piare Lal Urf Piare Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mital, Shri Sat Paul  
 Moopananar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhahgat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
**Rahamathulla, Shri Mohammad**  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba

Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

NOES—55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholra Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhani Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Modi, Shri Pilo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahdullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

*The motion was adopted.*

*Clause 5 was added to the Bill.*

*Clause 6 (Penalty for instigation,  
 etc.)*



**SHRI P. RAMAMURTI:** Sir, this is one of the most dangerous clauses of this Bill. We have had enough experience in the past—and they have also had the experience during the struggle for freedom—when false cases had been filed against us with procured witnesses. Professional witnesses are there at the beck and call of the police, and the police uses the evidence of those professional witnesses. The Supreme Court itself has agreed that professional witnesses have been used. So they must be ashamed of that. I do not know why they are not ashamed of that. The Supreme Court itself has said that two professional witnesses have been caught and they had to confess that they were professional witnesses at the beck and call of the police. So with the help of such professional witnesses, they can always file cases against whomsoever they like. They are arming the police and the executive with powers to take vindictive action against anybody they like under this Bill. Therefore, this is a dangerous provision in this Bill and it is going to be used against all trade unions. I know that. That is why we have given this amendment. There is a difference between illegal strike and unjustified strike. The Supreme Court itself has held that even though a strike may be illegal, it may be justified. In justified cases they have provided that they should be reinstated and they should be paid wages in full for the strike period. The fault is that of the employers; the fault is not of the workers. Here you do not want to punish the employer. You want to punish the worker. And you want to arm the police with powers to file false cases and punish people with procured witnesses. Therefore, I oppose this clause and commend my amendment to the House.

**श्री सुशाल चन्द भहन्त :** श्रीमन्, मैं बार-बार यह कह रहा हूँ क्लॉज-5 में भी मैंने यह बात कही थी कि पांच सौ रुपये से अधिक का जुर्माना नहीं

होना चाहिये और आप इसको मानते नहीं हैं। यह मजदूरों के साथ अन्याय कर रहे हैं। आप उन के लिये एक साल की सजा कर रहे हैं। मुझे समझ नहीं आता इसका क्या तुक है एक मजदूर के खिलाफ। मैं आपसे फिर प्रार्थना करता हूँ कि आप इसको वापस ले लीजिए। जो आपने सजा रखी है एक साल की उसे हटा दिया जाए केवल 5 सौ रुपए ही रखिये। यह जो आप ला रहे हैं यह कानून है। इस काले कानून से मजदूरों को तंग मत दारिये, उनका गला मत घोटिये।

**श्री कलराज मिश्र :** क्लॉज-6 बहुत ही खतरनाक क्लॉज है। इसके जरिये से सरकार ने यह प्रयास किया है कि जो भी विरोध पक्ष के लोग होंगे उनको इसके माध्यम से गिरफ्तार किया जा सकता है। उनको अनेक प्रकार से परेशान किया जा सकता है। इस लिये मैं कहना चाहता हूँ कि सरकार ने जो क्लॉज 6 रखा है मैं तो यह कहूंगा कि इस क्लॉज को खत्म ही कर देना चाहिए। अगर यह नहीं करते हैं तो जैसा हमारे मित्र ने कहा है उस आधार पर मैंने अपना संशोधन दिया है कि दो महीने की सजा दी जा सकती है और दो सौ रुपये जुर्माना किया जा सकता है।

**MR. DEPUTY CHAIRMAN:** Now I put amendment No. 139 to vote. The question is:

139. "That at page 4, for lines 22 to 26, the following be substituted namely:—

"6. Any person who knowingly encourages an unjustified strike may be punishable with fine which may extend to ten rupees."

*The motion was negatived.*



MR. DEPUTY CHAIRMAN: I now put amendment No. 33 to vote. The question is:

38. "That at page 4, lines 24 to 26, for the words beginning with 'imprisonment for' and ending with 'both' the words 'fine which may extend to twenty one rupees' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I put amendment No. 140 to vote. The question is:

140. "That at page 4, lines 24 to 26, for the words beginning with 'punishable with' and ending with 'with both' the words 'shall be liable to pay a fine which may extend to rupees five hundred only' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I put amendments No. 141 and No. 142 to vote. The question is:

141. "That at page 4, line 25 for the words 'one' the words 'one week' be substituted."

142. "That at page 4, line 25, for the words 'two thousand' the word 'one' be substituted".

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I put amendments No. 198 and No. 199 to vote. The question is:

198. "That at page 4, line 25, for the words 'one year' the words 'two months' be substituted".

199. "That at page 4, line 25, for the words 'two thousand' the words 'two hundred' be substituted."

*The motions were negatived.*

MR. DEPUTY CHAIRMAN: The question is:

144. "That at page 4, line 24-25, the words 'with imprisonment for a term which may extend to one year, or' be deleted."

145. "That at page 4, lines 25-26, for the words 'which may extend to two thousand rupees or with both, the words 'five paise' be substituted."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes..57

Noes..107

AYES..57

Advani, Shri Lal K.

Ashwani Kumar, Shri

Bagaitkar, Shri Sadashiv

Barman, Shri Debendra Nath

Bhabhra, Shri Hari Shankar

Bhandari, Shri Sunder Singh

Bhattacharjee, Prof. Sourendra

Bhattacharya, Shrimati Ila

Bhola Prasad, Shri

Chakraborty, Shri Amarprosad

Dhabe, Shri Shridhar Wasudeo

Ghose, Shri Sankar

Ghosh, Shri Arabinda

Ghosh, Shri Dipendrabhusan

Goswami, Shri Biswa

Goswami, Shri Dinesh

Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.

Jaswant Singh, Shri

Joseph, Shri O. J.

Joshi, Shri Jagannathrao

Kalyanasundaram, Shri M.

Khandelwal, Shri Pyarelal

Kumaran, Shri S.

**Lakhan Singh, Shri**  
**Lepcha, Shri Sangdopal**  
**Madhavan, Shri K. K.**  
**Mahavir, Dr. Bhai**  
**Malik, Shri Satya Pal**  
**Master, Shri K. Chathunni**  
**Mathur, Shri Jagdish Prasad**  
**Mishra, Shri Kalraj**  
**Mitra, Shri Santosh**  
**Mody, Shri Piloo**  
**Mohunta, Shri Sushil Chand**  
**Mukherjee, Shrimati Kanak**  
**Mukhopadhyay, Shrimati Purabi**  
**Nanda, Shri Narasingha Prasad**  
**Nigam, Shri Ladli Mohan**  
**Patel, Shri Manubhai**  
**Patel, Dr. Shanti G.**  
**Paul, Shri Makhan**  
**Pradhan, Shri Patitpaban**  
**Rajan, Shri Pattiam**  
**Ramamurti, Shri P.**  
**Rameshwar Singh, Shri**  
**Reddy, Shri B. Satyanarayan**  
**Sezhiyan, Shri Era**  
**Shahabuddin, Shri Syed**  
**Shahedullah, Shri Syed**  
**Shahi, Shri Nageshwar Prasad**  
**Sharma, Shri Yogendra**  
**Shastri, Shri Bholu Paswan**  
**Sheikh, Shri Abdul Rehman**  
**Sinha, Shri Indradeep**  
**Surjeet, Shri Harkishan Singh**  
**Yadav, Shri Hukmdeo Narayan**

NOES .107

**Ali, Shri Syed Rahmat**  
**Amarjit Kaur, Shrimati**  
**Amla, Shri Tirath Ram**  
**Apparow, Shri M.R.**  
**Arif, Shri Mohammed Usman**  
**Balmiki, Shri Shiv Lal**

**Balram Das, Shri**  
**Banerjee, Shri B. N.**  
**Barman, Shri Prasenjit**  
**Basavaraju, Shri M.**  
**Bhagwan Din, Shri**  
**Bhandare, Shri Surlidhar Chandra-**  
**kant**  
**Bharadwaj, Shri Ramchandra**  
**Bhatt, Shri Nand Kishore**  
**Chanana, Shri Charanjit**  
**Chandrasekhar, Shrimati Mara-**  
**gatham**  
**Chavan, Shrimati Premilabai**  
**Dajisaheb**  
**Das, Bipinpal**  
**Das, Shrimati Monika**  
**Deshmukh, Shri Bapuraoji**  
**Maratraji**  
**Dharmavir, Shri**  
**Dinesh Chandra, Shri Swami**  
**Dinesh Singh, Shri**  
**D'Souza, Dr. Joseph Leon**  
**Gupta, Shri Gurudev**  
**Habibullah, Shrimati Hamida**  
**Handique, Shri Bijoy Krishna**  
**Haq, Shri (Molana) Asrarul**  
**Hansda, Shri Phanindra Nath**  
**Hanspal, Shri Harvendar Singh**  
**Heptulla, Dr. (Shrimati) Najma**  
**Husain, Shri Golandaz M.**  
**Ibrahim, Shri B.**  
**Jain, Shri Dharamchand**  
**Jain, Shri J. K.**  
**Jani, Shri Jagadish**  
**Joshi, Shri Krishna Nand**  
**Joshi, Shrimati Kumudben Manishan-**  
**kar**  
**Kalaniya, Shri Ibrahim**  
**Kamble, Prof. N. M.**  
**Kesri, Shri Sitaram**  
**Khan, Shri F. M.**  
**Khan, Shri Khurshed Alam**

Khan, Shri Maqsood Ali  
 Khobragade, Shri B. D.  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mital, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Naiwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary

Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motions were negatived.*

MR. DEPUTY CHAIRMAN: The question is..

"That Clause 6 stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes .. 109

Noes .. 56

AYES: 109

Akarte, Shri Jagannath Sitaram  
 Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman

Balmiki, Shri Shiv Lal	Khaparde, Shrimati Saroj
Balram Das, Shri	Krishna, Shri M. R.
Banerjee, Shri B. N.	Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi
Barman, Shri Prasenjit	Lokesh Chandra, Dr.
Basavaraju, Shri M.	Maddanna, Shri M.
Bhagwan Din, Shri	Mahida, Shri Harisingh Bhagubava
Bhandare, Shri Murlidhar Chandrakant	Makwana, Shri Yogendra
Bharadwaj, Shri Ramchandra	Malhotra, Shrimati Usha
Bhatt, Shri Nand Kishore	Manhar, Shri Bhagatram
Chanana, Shri Charanjit	Meena, Shri Dhuleshwar
Chandrasekhar, Shrimati Maragatham	Mehta, Shri Kishor
Chavan, Shrimati Premilabai Dajisaheb	Mehta, Shri Om
Das, Shri Bipinpal	Mhaisekar, Shri G. R.
Das, Shrimati Monika	Mirdha, Shri Ram Niwas
Deshmukh, Shri Bapuraoji Marotraoji	Mishra, Shri Mahendra Mohan
Dharmavir, Shri	Mistry, Shrimati Roda
Dinesh Chandra, Shri Swami	Mittal, Shri Sat Paul
Dinesh Singh, Shri	Moopnar, Shri G. K.
D'Souza, Dr. Joseph Leon	Moses, Shri M.
Gupta, Shri Gurudev	Mukherjee, Shri Prarab Kumar
Habibullah, Shrimati Hamida	Mulla, Shri Suresh Narain
Handique, Shri Bijoy Krishna	Naidu, Shri N. P. Chengalraya
Haq, Shri (Molana) Asrarul	Naik, Shri G. Swamy
Hansda, Shri Phanindra Nath	Nalwa, Shri Hari Singh
Hanspal, Shri Harvendar Singh	Narendra Singh, Shri
Heptulla, Dr. (Shrimati) Najma	Panda, Shri Akshay
Husain, Shri Golandaz M.	Pande, Shri Bishambhar Nath
Ibrahim, Shri B.	Pande, Shrimati Manorama
Jain, Shri Dharamchand	Pandey, Shri Narsingh Narain
Jain, Shri J. K.	Pandey, Shri Sudhakar
Jani, Shri Jagadish	Paswan, Shri Ram Bhagat
Joshi, Shri Krishna Nand	Patel, Shri Ram Pujan
Joshi, Shrimati Kumudben Manishankar	Pattanayak, Shri B. C.
Kalaniya, Shri Ibrahim	Prajapati, Shri Pravin Kumar
Kamble, Prof. N. M.	Prasad, Shri K. L. N.
Kesri, Shri Sitaram	Rahamathulla, Shri Mohammed
Khan, Shri F. M.	Rai, Shri Kalpnath
Khan, Shri Khurshed Alam	Rajasekharam, Shri P.
Khan, Shri Maqsood Ali	Rajendra Singh Ishwar Singh, Shri
	Ramachandran, Shri M. S.

Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu. Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

## NOES: 56

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 (Penalty for giving financial aid to illegal strikes).

MR. DEPUTY CHAIRMAN: Amendment Nos. 40 and 146 are negative amendments. Hon. Members may move their amendments.

DR. SHANTI G. PATEL: Sir, I beg to move:

39. "That at page 4, for lines 27 to 31, the following be substituted, namely:—

"7. Any person who finances an unjustified strike shall be punishable with a fine of ten rupees."

SHRI BISWA GOSWAMI: Sir, I beg to move:

147. "That at page 4, for lines 27 to 31, the following be substituted, namely:—

"7. Any person who finances an unjustified strike may be punishable with a fine of ten rupees."

SHRI P. RAMAMURTI: Sir, I beg to move:

148. "That at page 4, for lines 27 to 31, the following be substituted, namely:—

"7. Any person who finances an unjustified strike may be punishable with a fine of one rupee."

(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Laddi Mohan Nigam).

PROF. SOURENDRA BHATTACHARJEE: Sir, I beg to move:

149. "That at page 4, lines 29-30, for the words 'one year' the words 'one day' be substituted."

SHRI S. KUMARAN: Sir, I beg to move:

41. "That at page 4, lines 29 to 31, for the words beginning with 'imprisonment for' and ending with 'both' the words 'fine of rupee one' be substituted."

(The amendment also stood in the name of Shri M. Kalyanasundaram.)

SHRI SUSHIL CHAND MOHUNTA: Sir, I beg to move:

153. "That at page 4, for the words beginning with 'punishable with' and ending with 'with both' the words 'shall be liable to pay a fine which may extend to Rupees five hundred only' be substituted."

The questions were proposed.

MR. DEPUTY CHAIRMAN: Amendment No. 150. Shri Shi a Chandra Jha not here. Any Member wants to speak?

SHRI P. RAMAMURTI: A more glaring example of the so-called inequality between the employer and the worker cannot be found anywhere than this. After all we know that a worker is getting about Rs. 300 or Rs. 400 a month. For him the punishment is Rs. 1,000/-. The employer who inflicts misery not only on the community but on the workers who are willing to work by his lock-out is also punishable with a fine of Rs. 1,000/-. This is a wonderful sense of equality that the Congress (I) Party rulers have got. I say that in the case of a lock-out, the employer who can afford to pay much more should be punishable with one year imprisonment and with a fine of Rs. 20,000/-. At least this much of sense of justice you should have. If you do not do it, then people

will understand your motive. This is a very reasonable amendment. Do not do something which looks so patently in favour of the employers.

SHRI S. KUMARAN: My amendment is for reducing the punishment to a fine of rupee one only.

PROF. SOURENDRA BHATTACHARJEE: The Government seems to be very strict in awarding penalty to the workers. They are not strict with those who declare lock-out or lay-off, not to speak of closure. My amendment is for reduction of the period of imprisonment.

MR. DEPUTY CHAIRMAN: The question is:

39. "That at page 4, for lines 27 to 31, the following be substituted, namely:—

"7. Any person who finances an unjustified strike shall be punishable with a fine of ten rupees."

*The motion was negatived.*

श्री सुशील चन्द महन्त : श्रीमन् इस क्लज के अंदर, इस क्लज के माध्यम से उन लोगों को जुर्माना और सजा करने का प्रावधान है जिन लोगों का कोई ताल्लुक ही नहीं है किसी चीज से। ये कहते हैं जिन्होंने किसी ढंग से भी कोई सपोर्ट किया हो या किसी ढंग से उनकी हैल्प की हो। कोई भी किसी को पांच, दस या बीस रुपये दे तो उसको कैसे इन्टरप्रेट किया जा सकता है, तो उसके खिलाफ मुकदमा बनाने का क्या कारण है। यह समझ में आ गया कि इंस्टीगेशन है, वह ऊपर आ गया प्वाइंट लेकिन यह क्या चीज हुई। वे जो फेयर हैं एकट के वे भी इस चीज को नहीं समझते हैं कि इसको इंस्टीगेशन में लिया जा सकता है। जब इंस्टीगेशन में

नहीं लिया जा सकता है तो आफेंस कैसे बना और जब आफेंस ही नहीं बना तो इसमें सजा कैसे दी जा रही है। इसलिए मेरा कहना है कि 7 का क्या मतलब है इसके अंदर और अगर हो भी तो इतनी कड़ी सजा, एक माल उसके लिए अगर 10 रुपया, 20 रुपया किसी मजदूर को या किसी वर्ग को दे दो, इसके अंदर। इसका नोटिस झूठा खड़ा कर सकते हैं कि इसके खिलाफ किया जाय। तो श्रीमान जी, मैं आपसे यह निवेदन करूंगा कि सरकार को इस प्राविजन को डिलीट करना चाहिए, वापस ले लेना चाहिए।

श्री हुसमदेव नारायण यादव : आप को भी इसमें पकड़ लिया जा सकता है श्रीमन्।

MR. DEPUTY CHAIRMAN: Now, I will.

श्री सुन्दर सिंह भंडारी : क्या यह मानकर चलें कि सरकार के पास कोई जवाब नहीं है तो सरकार स्वीकार कर रही है।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): No, No. I regret that I cannot accept the amendments.

MR. DEPUTY CHAIRMAN: Now, I will put the amendments to vote.

The question is:

147. "That at page 4, for lines 27 to 31, the following be substituted, namely:—

"7. Any person who finances an unjustified strike may be punishable with a fine of ten rupees."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

148. "That at page 4, for lines 27 to 31, the following be substituted, namely:—

'7. Any person who finances an unjustified strike may be punishable with a fine of one rupee.'"

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

149. "That at page 4 lines 29-30, for the words 'one year' the words 'one day' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

41. "That at page 4, lines 29 to 31, for the words beginning with 'imprisonment for' and ending with 'both' the words 'fine of rupee one' be substituted."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes 57

Noes 102

**AYES-57**

Advani, Shri Lal K.

Ashwani Kumar, Shri

Bagaitkar, Shri Sadashiv

Barman, Shri Debendra Nath

Bhabhra, Shri Hari Shankar

Bhandari, Shri Sunder Singh

Bhattacharjee, Prof. Sourendra

Bhattacharya, Shrimati Ila

Bhola Prasad, Shri

Chakraborty, Shri Amarprosad

Dhabe, Shri Shridhar Wasudeo

Ghose, Shri Sankar

Ghosh, Shri Arbinda

Ghosh, Shri Dipendrabhusan

Goswami, Shri Biswa

Goswami, Shri Dirish

Gupta, Shri Ram Lakhnan Prasad

Haridas, Shri C.

Jaswant Singh, Shri

Joseph, Shri O. J.

Joshi, Shri Jagannathrao

Kalyanasundaram, Shri M.

Khandelwal, Shri Pyarelal

Kumaran, Shri S.

Lakhnan Singh, Shri

Lepcha, Shri Sangdopal

Madhavan, Shri K. K.

Mahavir, Dr. Bhai

Malik, Shri Satya Pal

Master, Shri K. Chathunni

Mathur, Shri Jagdish Prasad

Mishra, Shri Kalraj

Mitra, Shri Santosh

Mody, Shri Piloo

Mohnuta, Shri Susil Chand

Mukherjee, Shrimati Kanak

Mukhopadhyay, Shrimati Purabi

Nanda, Shri Narasingha Prasad

Nigam, Shri Ladli Mohan

Patel, Shri Manubhai

Patel, Dr. Shanti G.

Paul, Shri Makhan

Pradhan, Shri Patijpaban

Rajan, Shri Pattiam

Ramamurti, Shri P.

Rameshwar Singh, Shri

Reddy, Shri B. Satyanarayan

Sezhiyan, Shri Era

Shahabuddin, Shri Syed

Shahedullah, Shri Syed

Shahi, Shri Nageshwar Prasad

Sharma, Shri Yogendra

Shastri, Shri Bhola Paswan



Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES 102

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand

Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khobragade, Shri B. D.  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnavi  
 Lokesh Chandra, Dr  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pandey, Shri Narsingh Narain

**Pandey, Shri Sudhakar**  
**Paswan, Shri Ram Bhagat**  
**Patel, Shri Ram Pujan**  
**Pattanayak, Shri B. C.**  
**Prajapati, Shri Pravin Kumar**  
**Prasad, Shri K. L. N.**  
**Rahamathulla, Shri Mohammad**  
**Rai, Shri Kalpnath**  
**Rajasekharam, Shri P.**  
**Rajendra Singh Ishwar Singh, Shri**  
**Ramachandran, Shri M. S.**  
**Ram Sewak, Chaudhary**  
**Rao, Shri K. V. R. S. Bala Subba**  
**Rao, Shri V. C. Kesava**  
**Ratan Kumari, Shrimati**  
**Razi, Shri Syed Sibte**  
**Reddy, Shri Mulka Govinda**  
**Reddy, Shri T. Chandrasekara**  
**Roshan Lal, Shri**  
  
**Sahu, Shri Santosh Kumar**  
**Salve, Shri N. K. P.**  
**Sharma, Shri A. P.**  
**Sheikh, Shri Ghouse Mohiuddin**  
**Singh, Shri Bhishma Narain**  
**Singh, Shri J. K. P. N.**  
**Singh, Shri Ng. Tompok**  
**Singh, Dr. Rudra Pratap**  
**Sisodia, Shri Sawaisingh**  
**Sukul, Shri P. N.**  
**Sultan Singh, Shri**  
  
**Verma, Shri Shrikant**  
**Yadav, Shri Ramanand**  
**Zakaria, Dr. Rafiq**

*The motion was negatived.*

MR. DEPUTY CHAIRMAN : The question is :

153. "That at page 4, for the words beginning with "punishable with" and ending 'with both' the words 'shall' be liable to pay a fine which may extend to Rupees five hundred only' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN : Now, the question is :

"That clause 7 stand part of the Bill"

*The House divided.*

MR. DEPUTY CHAIRMAN :

Ayes .. 104

Noes ... 57

**AYES-104**

**Akarte, Shri Jagannath Sitaram**  
**Ali, Shri Syed Rahmat**  
**Amarjit Kaur, Shrimati**  
**Amla, Shri Tirath Ram**  
**Apparow, Shri M. R.**  
**Arif, Shri Mohammed Usman**  
  
**Balmiki, Shri Shiv Lal**  
**Balram Das, Shri**  
**Banerjee, Shri B. N.**  
**Barman, Shri Prasenjit**  
**Basavaraju, Shri M.**  
**Bhagwan Din, Shri**  
**Bhandare, Shri Murlidhar Chandrakant**  
**Bharadwaj, Shri Ramchandra**  
**Bhatt, Shri Nand Kishore**  
  
**Chandrasekhar, Shrimati Maragatham**  
**Chavan, Shrimati Premilabai Dajisaheb**  
  
**Das, Shri Bipinpal**  
**Das, Shrimati Monika**  
**Deshmukh, Shri Bapuraoji Marotraoji**  
**Dharmavir, Shri**  
  
**Dinesh Chandra, Shri Swami**  
**Dinesh Singh, Shri**  
**D'Souza, Dr. Joseph Leon**  
  
**Gupta, Shri Gurudev**  
**Habibullah, Shrimati Hamida**  
**Handique, Shri Bijoy Krishna**  
**Haq, Shri (Molana) Asrarul**  
**Hansda, Shri Phanindra Nath**  
  
**Hanspal, Shri Harvendar Singh**  
  
**Heptulla, Dr. (Shrimati) Najma**

Husain, Shri Golandaz M.

Ibrahim, Shri B.

Jain, Shri Dharamchand

Jain, Shri J. K.

Jani, Shri Jagadish

Joshi, Shri Krishna Nand

Joshi, Shrimati Kumudben Mani-  
shankar

Kalaniya, Shri Ibrahim

Kamble, Prof. N. M.

\*Kesri, Shri Sitaram

Khan, Shri F. M.

\*Khan, Shri Khurshed Alam

Khan, Shri Maqsood Ali

Khaparde, Shrimati Saroj

Krishna, Shri M. R.

Kureel, Shri Piare Lall Urf Piare Lall  
Talib Unnavi

\* Lokesh Chandra, Dr.

Maddanna, Shri M.

Mahida, Shri Harisinh Bhagubava

Makwana, Shri Yogendra

Malhotra, Shrimati Usha

Manhar, Shri Bhagatram

Meena, Shri Dhuleshwar

Mehta, Shri Kishor

Mehta, Shri Om

\*Mhaisekar, Shri G. R.

Mishra, Shri Mahendra Mohan

Mistry, Shrimati Roda

Mittal, Shri Sat Paul

Moopnar, Shri G. K.

Moses, Shri M.

Mukherjee, Shri Pranab Kumar

Mulla, Shri Suresh Narain

Naidu, Shri N. P. Chengalraya

Naik, Shri G. Swamy

Nalwa, Shri Hari Singh

Narendra Singh, Shri

Panda, Shri Akshay

Pande, Shri Bishambhar Nath

Pandey, Shri Narsingh Narain

Pandey, Shri Sudhakar

Paswan, Shri Ram Bhagat

Patel, Shri Ram Pujan

Pattanayak, Shri B. C.

Prajapati, Shri Pravin Kumar

Prasad, Shri K. L. N.

Rahamathulla, Shri Mohammad

Raj, Shri Kalpnath

Rajasekharam, Shri P.

Rajendra Singh Ishwar Singh, Shri

Ramachandran, Shri M. S.

Ram Sewak, Chaudhary

Rao, Shri K. V. R. S. Bala Subba

Rao, Shri V. C. Kesava

Ratan Kumari, Shrimati

Razi, Shri Syed Sibte

Reddy, Shri Mulka Govinda

Reddy, Shri T. Chandrasekara

Roshan Lal, Shri

Sahu, Shri Santosh Kumar

Salve, Shri N. K. P.

Sharma, Shri A. P.

Sheikh, Shri Ghouse Mohiuddin

Singh, Shri Bhishma Narain

Singh, Shri J. K. P. N.

Singh, Shri Ng. Tompok

Singh, Dr. Rudra Pratap

Sisodia, Shri Sawaisingh

Sukul, Shri P. N.

Sultan Singh, Shri

Siru, Shri Scato

Verma, Shri Shrikant

Yadav, Shri Ramanand

Zakaria, Dr. Rafiq

NOES 57

Advani, Shri Lal K.

Ashwanj Kumar, Shri

Bagaitkar, Shri Sadashiv

Barman, Shri Debendra Nath

Bhabhra, Shri Hari Shankar

Bhandari, Shri Sunder Singh

Bhattacharjee, Prof. Sourendra

Bhattacharya, Shrimati Ila

Bhola Prasad, Shri

Chakraborty, Shri Amarprosad

Dhabe, Shri Shridhar Wasudeo

Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.

Jaswant Singh, Shri

Joseph, Shri O. J.

Joshi, Shri Jagannathrao

Kalyanasundaram, Shri M.

Khandelwal, Shri Pyarelal

Kumaran, Shri S.

Lakhan Singh, Shri

Lepcha, Shri Sangdopal

Madhavan, Shri K. K.

Mahavir, Dr. Bhai

Malik, Shri Satya Pal

Master, Shri K. Chathunni

Mathur, Shri Jagdish Prasad

Mishra, Shri Kalraj

Mitra, Shri Santosh

Mody, Shri Pilo

Mohunta, Shri Sushil Chand

Mukherjee, Shrimati Kanak

Mukhopadhyay, Shrimati Purabi

Nanda, Shri Narasingha

Nigam, Shri Ladli Mohan

Patel, Shri Manubhai

Patel, Dr. Shanti G.

Paul, Shri Makhan

Pradhan, Shri Patitpaban

Rajan, Shri Pattiam

Ramamurti, Shri P.

Rameshwar Singh, Shri

Reddy, Shri B. Satyanarayan

Sezhiyan, Shri Era

Shahabuddin, Shri Syed

Shahedullah, Shri Syed

Shahi, Shri Nageshwar Prasad

Sharma, Shri Yogendra

Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

*The motion was adopted.*

*Clause 7 was added to the Bill.*

NEW CLAUSE 7 A

SHRI P. RAMAMURTI: Sir, I beg to move:

154. "That at page 4, after line 3, the following be inserted, namely:—

"7A. The words and expressions used in Section 4 to 7 shall have the meanings respectively assigned to them in sections 26 to 28 of the Industrial Disputes Act, 1947."

(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Ladli Mohan Nigam.)

I make two points. As I said, there is inequality of treatment between the employer and the workers. Therefore, as far as the employer is concerned, he goes scot-free. Even today the employer is punished with rupees five hundred and they do all sorts of things. Similarly here also the employee is punished. I want that the employer should be punished with Rs. 20000 fine or imprisonment of one year. At least, have that much of equality.

*The question was proposed.*

SHRI YOGENDRA MAKWANA: Sir, I cannot accept the amendment.

MR. DEPUTY CHAIRMAN: The question is:

154. "That at page 4, after line 31, the following be inserted, namely:—

"7A. The words and expressions used in Sections 4 to 7 shall have the meanings respectively assigned to them in sections 26 to 28 of the Industrial Disputes Act 1947."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now, I shall put Clause 7A to vote. Since the amendment is negatived, this clause also goes. Now, we go to Clause 8.

SHRIMATI PURABI MUKHOPADHYAY: Without taking your final voting on Clause 7A, you cannot go to Clause 8.

MR. DEPUTY CHAIRMAN: There is some difficulty. Amendment No. 154 was for inserting a new clause 7A. When the amendment is negatived, this clause also goes.

Now, we go to Clause 8. There are 19 amendments.

*Clause 8 (Power to prohibited lock-out in certain establishments)*

DR. SHANTI G. PATEL: Sir, I move:

42. "That at page 4, line 34, after the word 'lock-outs' the words 'and closure' be inserted."

*(The Amendment also stood in the names of Shri S. Kumaran, Shri M. Kalyanasundaram and Shri Shridhar Wasudeo Dhabe).*

PROF. SOURENDRA BHATTACHARJEE: Sir, I move:

155. "That at page 4, lines 39-40, for the words 'six months only' the words 'as long as the establishment work' be substituted".

SHRI S. KUMARAN: Sir, I move:

43. "That at page 4, lines 39 to 42 be deleted".

*(The Amendment also stood in the name of Shri M. Kalyanasundaram).*

SHRI DINESH GOSWAMI: Sir, I move:

44. "That at page 4, lines 40 to 42, the words beginning with 'but the Central Government' and ending with 'so to do' be deleted."

PROF. SOURENDRA BHATTACHARJEE: Sir, I move:

156. "That at page 4 lines 40 to 42, the words beginning with 'but the' and ending with 'so to do' be deleted."

DR. SHANTI G. PATEL: Sir, I move:

45. "That at page 4, line 45, after the word 'lock-out' the words 'or declare any closure' be inserted."

SHRI S. KUMARAN: Sir, I move:

46. "That at page 4, line 45, after the word 'lock-out' the words 'or closure' be inserted."

*(The Amendment also stood in the name of Shri M. Kalyanasundaram).*

DR. SHANTI G. PATEL: Sir, I move:

47. "That at page 5, line 1, after the word 'lock-out' the words 'or closure' be inserted."

*(The amendment also stood in the names of Shri S. Kumaran, Shri M. Kalyanasundaram and Shri Shridhar Wasudeo Dhabe).*

SHRI JASWANT SINGH: Sir, I move:

157. "That at page 5, lines 4 to 8 be deleted."

SHRI S. KUMARAN: Sir, I move:

48. "That at page 5, line 5, for the words 'or otherwise acts in furtherance of a lock-out' the words 'instigates, incites, finances or otherwise acts in furtherance of a lock-out or closure' be substituted."

(The Amendment also stood in the name of Shri M. Kalyanasundaram).

DR. SHANTI G. PATEL: Sir, I move:

49. "That at page 5, line 5, after the word 'lock-out' the words 'or closure' be inserted."

(The Amendment also stood in the name of Shri Shridhar Wasudeo Dha-be).

SHRI S. KUMARAN: Sir, I move:

50. "That at page 5, line 7, for the words 'six months' the words 'six years' be substituted."

(The Amendment also stood in the name of Shri Kalyanasundaram).

SHRI P. RAMAMURTI: Sir, I move:

158. "That at page 5, line 7, for the words 'six months' the words 'one years' be substituted."

159. "That at page 5, line 7, for the word 'one' the word 'twenty' be substituted."

(The Amendment Nos. 158 and 159 also stood in the names of Shi Har-kishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Mastar, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaikar and Shri Ladli Mohan Nigam).

SHRI MAKHAN PAUL: Sir, I move:

160. "That at page 5, line 7, for the words 'six months' the words 'two years' be substituted."

161. "That at page 5, line 7, for the word 'one' the word 'twenty' be substituted."

SHRI S. KUMARAN: Sir, I move:

51. "That at page 5, lines 7-8, for the words 'one thousand' the words 'forty thousand' be substituted."

(The Amendment also stood in the name of Shri Kalyanasundaram).

The questions were proposed.

DR. SHANTI G. PATEL: Mr. Deputy Chairman, Sir, the closures are common in the industrial world and almost all of them are motivated closures with a view to harassing the workmen. Sometimes, the employers get involved in certain transactions and with a view to saving their factories, they declare closures. Sometimes, when the business is not doing well, they also resort to closures and they try to get out of their obligations. That is why it is very necessary that the closure is made a part of the provisions of this particular law. Sir, even looking from the point of view of equity and fairness, it is very necessary that the employers are not allowed to go scot-free. When they have been talking of penalising the workers even for a legitimate right like strike, it is in the fitness of the things that the employers are also brought to book when they resort to closures.

SHRI S. KUMARAN: Sir, the hon. Members there were arguing for this community in general, but there was not a single word against the closure. About 30,000 miles and factories are now under closure. What is their reply? I ask my INTUC leaders there as to what their reply is. There was not a single word against the closure, even from the Minister.

PROF. SOURENDRA BHATTACHARJEE: Sir, my amendments are aimed at providing for more rigorous punishment for those responsible for the lock-out and the lay-off. The aspect

of closure has been dealt with by my friend Mr. Kumaran. If they are really serious about production, then those who are at the root of the disturbance, who sabotage the production should be given a more deterrent punishment. They should be deprived of the power to run the industry.

[The Vice-Chairman (Dr. Rafiq Zakaria) in the Chair]

SHRI P. RAMAMURTI: Sir, after the agitation had been there, after showing a total abject surrender to the employers, the Government belatedly thought it proper to insert in this Bill the lock-outs and the lay-offs. But even then, the badli workers or the casual workers can be retrenched. The whole question, therefore, is that, as you know, thousands and thousands of badli workers are kept on the roads who get employment for 15 days or 16 days or 26 days only. They are still kept as badli workers and then they are laid off for one day. This is the practice that the employers employ in this country and which is known to the trade unions. So when this is the position, you are allowing the employers under the guise that these are badli workers to retrench them. This is something which is obnoxious. You are allowing the employers to retrench the people. And the employment potential is going to come down and more and more unemployment is going to be there. This is not good for you. This is not good for the country. This is not good for the workers. Therefore, I commend this amendment.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Anyone else to speak

AN HON. MEMBER: What is the reply, Sir?

SHRI YOGENDRA MAKWANA: I do not accept.

SHRI MANUBHAI PATEL: Which amendment?

SHRI YOGENDRA MAKWANA: All the amendments.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I shall now put Amendment No. 42 to vote.

The question is:

42. "That at page 4, line 34, after the word 'lock-outs' the words 'and closure' be inserted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I shall now put Amendment No. 155 to vote.

The question is:

155. "That at page 4, lines 39-40, for the words 'six months only' the words 'as long as the establishment work' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I shall now put Amendment No. 43 to vote.

The question is:

43. "That at page 4, lines 39 to 42 be deleted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I will now put the amendments to vote:

The question is:

156. "That at page 4, lines 40 to 42, the words beginning with 'but the' and ending with 'so to do' be deleted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

45. "That at page 4, line 45, after the word 'lock-out' the words 'or declare any closure' be inserted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

46. "That at page 4, line 45, after the word 'lock-out' the words 'or closure' be inserted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

47. "That at page 5, line 1, after the word 'lock-out' the words 'or closure' be inserted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

157. "That at page 5, lines 4 to 8, be deleted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

48. "That at page 5, line 5, for the words 'or otherwise acts in furtherence of a lock-out' the words 'instigates, incites, finances or otherwise acts in furtherence of a lock-out or closure' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

49. "That at page 5, line 5, after the word 'Lock-out' the words 'or closure' be inserted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

50. "That at page 5, line 7, for the words 'six months' the words 'six years' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

158. "That at page 5, line 7, for the words 'six months' the words 'one year' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

159. "That at page 5, line 7, for the word 'one' the word 'twenty' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

160. "That at page 5, line 7, for the words 'six months' the words 'two years' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

161. "That at page 5, line 7, for the word 'one' the word 'twenty' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

51. "That at page 5, lines 7-8, for the words 'one thousand' the words 'forty thousand' be substituted."

*The motion was negatived.*

[Mr. Deputy Chairman in the Chair]

MR. DEPUTY CHAIRMAN: The question is:

44. "That at page 4, lines 40 to 42, the words beginning with 'but the Central Government' and ending with 'so to do' be deleted."

*The House divided.*

MR. DEPUTY CHAIRMAN:

AYES: 57

NOES: 106



## AYES—57

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborti, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalayanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhaj  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan

Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES—106

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev

Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy

Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Fujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. F.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand

*The motion was negatived*

2 A.M.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 8 stand part of the Bill"

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes	..	108
Noes	..	57

AYES—108

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chadrsekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotrao-ji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida

Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvender Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kambje, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M.R.  
 Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi  
 Lokeh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopananar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain

Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narian  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekhara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma Shri A. P.  
 Sheikh, Shri Ghous Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh

Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

## NOES—57

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholu Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathurni

Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shantij G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 (Power to prohibit lay-off in certain establishment)

MR. DEPUTY CHAIRMAN: We take up clause 9. There are 13 amendments.

SHRI S. KUMARAN: Sir, I move:

52. "That at page 5, lines 11-12, the word 'other than shortage of power or natural calamity' be deleted."

53. "That at page 5, lines 12-13, the brackets and words '(other than a badli workman or a casual workman)' be deleted."

54. "That at page 5, for lines 18 to 21, the following be substituted, namely:—

'(3) An order made under subsection (1) shall remain in force for ever..'

56. "That at page 5, line 25, the brackets and words '(other than a badli workman or a casual workman)' be deleted."

57. "That at page 5, lines 26-27, the words 'unless such lay-off is due to shortage of power or to natural calamity' be deleted."

58. "That at page 5, lines 28-30, the words 'unless such laying-off or continuation of laying-off is due to shortage of power or to natural calamity' be deleted."

59. "That at page 5, line 37, for the words 'six months' the words 'six years' be substituted."

60. "That at page 5, line 38, for the words 'one thousand' the words 'Forty thousand' be substituted."

(The amendment Nos. 52 to 54 and 56 to 60 also stood in the name of Shri M. Kalyanasundaram).

SHRI P. RAMAMURTI: Sir, I move:

164. "That at page 5, lines 12-13, the brackets and words '(other than a badli workman or a casual workman)' be deleted."

(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha,

[Shri P. Ramamurti]

Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Ladli Mohan Nigam.)

SHRI JASWANT SINGH: Sir, I move:

165. "That at page 5, lines 11 to 14, for the words beginning from 'on any ground' and ending with 'in the order' the words 'prohibit lay-off on any ground of any workman' be substituted."

MR. DEPUTY CHAIRMAN: Amendment No. 166, No. 167 and No. 168—not here, Mr. Dinesh Goswami.

SHRI DINESH GOSWAMI: Sir, I move:

55. "That at page 5, lines 19-21, the words beginning with 'but the Central government may' and ending with 'so to do' be deleted."

SHRI MAKHAN PAUL: Sir, I move:

169. "That at page 5, line 37, for the words 'six months' the words 'two years' be substituted."

170. "That at page 5, line 38, for the words 'one thousand' the words 'twenty thousand' be substituted."

*The motion was adopted.*

SHRI S. KUMARAN: Sir, my amendments are with regard to lay-offs and lock-outs. There is some proviso in the name of shortage of electricity, any factory or mill owner can declare lock-out. The other proviso is with regard to natural calamity. Sir, they can interpret it in any way. Any factory owner or mill owner can escape the provisions of this clause. That is why, I move my amendments.

MR. DEPUTY CHAIRMAN: The question is:

52. "That at page 5, lines 11-12, the words 'other than shortage of power or natural calamity' be deleted."

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: The question is:

53. "That at page 5, lines 12-13 the brackets and words '(other than a badli workman or a casual workman)' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

164. "That at page 5, lines 12-13, the brackets and words '(other than a badli workman or a casual workman)' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

165. "That at page 5, lines 11 to 14, for the words beginning from 'on any ground' and ending with 'in the order' the words 'prohibit lay-off on any ground of any workman' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

54. "That at page 5, for lines 18 to 21, the following be substituted, namely:—

'(3) An order made under subsection (1) shall remain in force for ever.'

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

55. "That at page 5, lines 19-21, the words beginning with 'but the Central government may' and ending with 'so to do' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

56. "That at page 5, line 25, the brackets and words '(other than a badli workman or a casual workman)' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

57. "That at page 5, lines 26-27, the words 'unless such lay-off is due to shortage of power or to natural calamity' be deleted".

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

58. "That at page 5, lines 28-30, the words 'unless such laying-off or continuation of laying-off is due to shortage of power or to natural calamity, be deleted."

59. "That at page 5, line 37, for the words 'six months' the words, 'six years' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

169. "That at page 5, line 37, for the words 'six months' the words 'two years' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

60. "That at page 5, line 38, for the words 'one thousand' the words 'forty-thousand' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

170. "That at page 5, line 38, for the words 'one thousand' the words 'twenty-thousand' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now, I shall put clause 9 to vote.

The question is:

"That clause 9 stand part of the Bill."

continuation of laying off is due to

MR. DEPUTY CHAIRMAN:

Ayes: 108

Noes: 56

AYES—108

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chaganana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath

Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jain Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manisnankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shri Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopanan, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengatraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri

Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq



## NOES 56

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholā Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arbinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kalyanasundaram, Shri M.  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kana  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan

Patel, Shri Manubhai  
 Patel, Dr. Shani G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shabahuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogeridra  
 Shastri, Shri Bholā Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

*The motion was adopted.*

*Clause 9 was added to the Bill.*

*Clause 10 (Power to arrest without warrant)*

MR. DEPUTY CHAIRMAN: Now, we take up clause 10. There are Thirteen amendments. Amendment No. 61 by Shri Dinesh Goswami. This is a negative amendment.

DR. SHANTI G. PATEL: Sir, I beg to move:

62. "That at page 5, for lines 39 to 42, the following be substituted, namely:—

'10. Any offence under this Act shall be non-cognisable.'

63. "That at page 5, line 40, after the words 'police officer' the words not below the rank of Deputy Superintendent of Police' be inserted."

*(The amendment No. 63 also stood in the names of Shri S. Kumaran and Shri M. Kalyanasundaram).*

65. "That at page 5, lines 40—42 for the words beginning with 'without warrant' and ending with

'Act' the words 'only under a warrant issued by a Magistrate, having jurisdiction in the matter and a person who is *prima facie* guilty of having committed any offence under this Act, be substituted.

MR. DEPUTY CHAIRMAN: Amendment No. 171 by Shri Shiva Chandra Jha. He is not here.

SHRI P. RAMAMURTI: Sir, I beg to move:

173. "That at page 5, for lines 39 to 42, the following be substituted, namely:—

'(10). The offence under this Act shall be noncognisable.'

(The Amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhushan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdonal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar, Shri Ladli Mohan Nigam and Shri Biswa Goswami).

174. "That at page 5, line 40 to 42, for the words 'without warrant any person who is reasonably suspected of having committed any offence under this Act,' the words 'only under a warrant issued by a Magistrate, having jurisdiction in the matter, and a person who is *prima facie* guilty of having committed any offence under this Act' be substituted."

(The amendments also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattim Rajan, Shri Dipendrabhushan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath

Barman, Shri Sangdonal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar, Shri Ladli Mohan Nigam, Shri Biswa Goswami and Shri Sushil Chand Mohunta).

SHRI SHRIDHAR WASUDEO DHABE: Sir, I beg to move:

172. "That at page 5, line 40, after the words 'police officer' the words 'not below the rank of District Superintendent of Police' be inserted."

176. "That at page 5, line 41, the words 'who is reasonably suspected of' be deleted."

(The amendment Nos. 172 and 176 also stood in the name of Shri Makhan Paul.)

SHRI S. KUMARAN: Sir, I beg to move:

64. "That at page 5, line 40, for the word 'without' the word 'with' be substituted".

66. "That at page 5, line 41, for the words 'is reasonably suspected' of having the word 'has' be substituted."

(The amendment Nos. 64 and 66 also stood in the name of Shri M. Kalyanasundaram).

SHRI MAKHAN PAUL: Sir, I beg to move:

175. "That at page 5, line 40, the words 'without warrant' be deleted."

SHRI PYARELAL KHANDELWAL (Madhya Pradesh): Sir, I beg to move:

200. "That at page 5, line 40, after the word 'may' the word 'not' be inserted."

The questions were proposed.

SHRI P. RAMAMURTI: Sir, the assumption of this clause is that the worker in this country is a criminal. You start with that assumption. It pretends to be equal between the employer and the worker and provides for equal punishment. Now what is the position here? I have yet to find the Government arresting a big employer, a Tata or a Birla, without a Warrant. Even a smuggler under your MISA, if he is suspected of any offence, you have to give a warrant in order to arrest him. But in the case of a worker if he is suspected to have committed an offence, he can be arrested without a warrant. Therefore, even if the employer goes and makes complaint to the police, the police will immediately act on that suspicion, without even investigation whether the complaint is true or not, and immediately arrest the worker. Whereas in the case of an employer even the complaint will not be entertained. The Superintendent of Police of the district will not have guts to go and arrest the big employer. I know when Pundit Jawaharlal Nehru came out of jail—before the attainment of independence—he had said that when we come to power we will hang all the blackmarketeers. I do not know why they were not hanged. Probably, they did not find the *rassi*. They could have told us and our poor workers would have got them the *rassi* free of cost. That is the treatment meted out to our people. But here in this case the worker can be arrested without a warrant and it has been made a cognizable offence. Therefore, I say that this is the most atrocious piece of legislation as far as the worker is concerned. Let them think it over whether they are doing the correct thing. (*Interruptions*. You are presently saying that you are against the worker.

SHRI ERA SEZHIYAN: Of all the clauses of the entire Bill, this clause is the most obnoxious and atrocious one because it says:

“any police officer may arrest without warrant any person who is

reasonably suspected of having committed any offence under this Act.”

It is not only the question of going on strike. Even if he is suspected of having committed any offence, he can be arrested. So, he can be arrested just on mere suspicion of a police officer without warrant. This is worse than the British imperial days, when we did not have on the statute book such a police of legislation, which is an illegal law. Therefore, this clause 10 is the most crucial and most abnoxious clause of the entire Bill. I want to go on record that we oppose it tooth and nail.

SHRI SUSHIL CHAND MOHUNTA: Sir, in the classification of offences in the Criminal Procedure Code, those offences which are punishable with imprisonment of less than three years, they are classed as bailable offences and also non-cognizable offences. There is no provision in the Act making these offences cognizable. So, we must take it that when here is no provision in this Act to show that it is cognizable, in so far as this Criminal Procedure Code is concerned, this Act does not apply to those offences. The provision in the Criminal Procedure Code has an overriding effect and if it is non-cognizable. I have not yet known a case where a police officer can arrest without warrants a person who is found guilty of an offence.

Another thing is, all offences punishable with less than three years are made bailable. How can a police officer arrest when the offence is bailable? They do not say that these offences are non-bailable. They must say somewhere that these offences are non-bailable. If they do not do so, then it must be presumed to be bailable. How can a police officer go and arrest him when it is bailable.

[Shri Sushil Chander Mohunta]

Another aspect is that an ordinary, irresponsible constable on the saying of the proprietor of a particular mill can go and arrest any person without any rhyme or reason, just saying that there is reason to suspect. This reason need not be given and he may be confined in the lock-up for 24 hours. Subsequently when he is produced before a magistrate finally, they can say that the suspicion was groundless. But the person has suffered imprisonment for 24 hours without anything being against him. Such a law is not known in any civilised country. Therefore, I oppose this measure with all the force at my command.

**SHRI SHRIDHAR WASUDEO DHABE:** I have also proposed amendments to this clause. It is stated here, "any person who is reasonably suspected". This is a very wide power; so I have suggested that it should be deleted, because if this power is given that any person who is reasonable suspected can be arrested, it will be a big instrument in the hands of the arrested, it will be a big instrument in the hands of the police officer to arrest any person without any warrant.

Secondly, "without warrant" should also be deleted. These are not non-bailable offences. The offences are of trival type and not of a type in which bail cannot be granted. Then it is stated, "any police officer" may arrest. "Any police officer" should not be given the power. It should be a police officer of a higher status; that is why we have suggested that it should be a police officer not below the rank of District Superintendent of Police who should have these powers. An ordinary police officer is likely to be influenced by the management. Therefore, the whole clause 10 is worded in such a way that it is likely to be abused and therefore it requires the amendments which we have proposed.

**श्री प्यारेलाल खंडेलवाल :** उप-सभापति जी, इस विधेयक का खंड 10 सबसे खतरनाक है और खतरनाक इस मायने में मैं कहता हूँ कि जो बातें बताई हैं, जो कारण बताये हैं इनके अतिरिक्त भी एक बात और है। पुलिस अधिकारियों, पुलिस कर्मचारियों को आप इस धारा को लगा कर सबसे अधिक भ्रष्ट बनायेंगे। कोई भी पुलिस कर्मचारी किसी के पास जाकर यह कहेगा कि संदेह के कारण तुम्हें गिरफ्तार किया जाता है और ऐसा बता कर उससे पैसा ले सकता है। इस तरह यह भ्रष्टाचार का सबसे बड़ा कारण होगा। मैं समझता हूँ कि इस धारा को पूरी तरह से समाप्त कर देना चाहिए, निकाल देना चाहिए और अगर पूरी तरह से न निकाल सकें तो कम से कम यह जो बात कही गई कि उसको बिना वारंट गिरफ्तार किया जायेगा मेरा निवेदन है कि इस में जो संशोधन बताया गया है, वह संशोधन स्वीकार कर लेना चाहिए।

**SHRI NARASINGHA PRASAD NANDA:** Sir, clause 10 of this Bill is most obnoxious. It says:

"Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act."

"Any police officer" also includes a constable and any person who is reasonably suspected of having committed an offence under the provisions of this Act can also be arrested by a constable. The powers given under clause 10 are too wide and most likely to be abused. If a small undertaking, which is engaged in some production process, is situated in a rural village, then even a police constable can harass the workers of that particular undertaking. People engaged

in a cottage industry can also be hauled up by an ordinary constable and arrested on having been reasonably suspected by him. There is great possibility of this power being abused and, therefore, I must also record my protest particularly against this provision where too wide a power is given which is most likely to be abused in spite of any kind of assurance that might be given by the Minister.

**SHRI S. KUMARAN:** Sir, clause 10 is a very dangerous one. I do not know the full meaning and the implications of this. Here, any police officer can arrest any person who is suspected. So, my concrete suggestion is to replace "any police officer" by "not below the rank of Deputy Superintendent of Police." That is one thing. The second thing is.

**MR. DEPUTY CHAIRMAN:** Your amendment is quite clear.

**SHRI S. KUMARAN:** ..to delete "without warrant" and insert "with warrant". This is my other amendment.

**DR. SHANTI G. PATEL:** Sir, as pointed out by previous speakers, this is a provision which empowers any police officer to arrest a worker without a warrant. Moreover, the various provisions of the Criminal Procedure Code are also sought to be not applied in this particular case. As pointed out, this will lead to abuse and collusion between employers and policemen. The employer can easily bribe and see that the workers are terrorised. I am really wondering as to what is the intention behind this particular provision. The whole thinking the approach behind this particular clause is very dangerous and inevitably it will land the Government and the country in the hands of those people who have belief and faith in totalitarianism. I would like to compare this with what happened recently in a city near Delhi, that is, Modinagar. There is a trade union lea-

der, Mr. Jayaprakash—who formed a free trade union—and his men were sought to be assaulted. They were assaulted, stabbed and murdered. Ultimately Mr. Jayaprakash also became a victim of this plot by the employers and his henchmen. Those people have gone scotfree. While nothing is being done in such cases, a worker who will just resort to strike knowingly and for legitimate demands of his is sought to be penalised in this manner which is very inequitable and unduly harsh and pro-employer. Therefore, this provision which is most atrocious needs to be withdrawn.

**SHRI SADASHIV BAGAITKAR:** Sir, we would like to hear the hon. Minister who is piloting the Bill. I would request him to reply. (*Interruptions*).

**MR. DEPUTY CHAIRMAN:** He is not accepting.

**SHRI SADASHIV BAGAITKAR:** These are valid points. If he was not piloting the Bill, I would not have asked him.

**MR. DEPUTY CHAIRMAN:** He is not accepting it. (*Interruptions*). Now let us go to voting.

**SHRI HARKISHAN SINGH SURJEET:** He just wants to steamroll the whole thing.

**MR. DEPUTY CHAIRMAN:** I can't put everything in his mouth. He is not accepting it. You cannot force him.

**SHRI LAL K. ADVANI:** You cannot force him but here very many pertinent points have been raised and one would expect the Government to reply to that.

**MR. DEPUTY CHAIRMAN:** If he wants to reply, he can. I am not preventing him. He said that he is not accepting it.

श्री लाडली सोहन निगम : आपका क्या लगता है जरा बताइये ।

श्री उपसभापति : यहां वकालत से फसला नहीं होना है, यहां मत्तों से फसला होना है ।

श्री मनुभाई पटेल : अगर हम अड़ गये तो फिर वही होगा, डिबीजन होगा . . . (व्यवधान)

MR. DEPUTY CHAIRMAN: Now let us go to voting.

MR. DEPUTY CHAIRMAN: Amendment No. 62 and 173 are the same.

The question is:

62. and 173. "That at page 5, for lines 39 to 42, the following be substituted, namely:

"10. Any offence under this Act shall be non-cognizable."

*The House divided*

MR. DEPUTY CHAIRMAN:

Ayes: 55

Noes: 108

Advani, Shri Lal K.  
Ashwani Kumar, Shri  
Bagaitkar, Shri Sadashiv  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakraborty, Shri Amarprosad  
Dhabe, Shri Shridhar Wasudeo  
Ghose, Shri Sankar  
Ghosh, Shri Arabinda

Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Lakhan Prasad  
Haridas, Shri C.  
Jaswant Singh, Shri  
Joseph, Shri O. J.  
Joshi, Shri Jagannathrao  
Khandelwal, Shri Pyarelal  
Kumaran, Shri S.

Lakhan Singh, Shri  
Lepcha, Shri Sangdopal  
Madhavan, Shri K. K.  
Mahavir, Dr. Bhai  
Malik, Shri Satya Pal  
Master, Shri K. Chethunni  
Mathur, Shri Jagdish Prasad  
Mishra, Shri Kalraj  
Mitra, Shri Santosh  
Mody, Shri Piloo  
Mohunta, Shri Sushil Chand  
Mukherjee, Shrimati Kanak  
Mukhopadhyay, Shrimati Purabi  
Nanda, Shri Narasirgha Prasad  
Nigam, Shri Ladli Mohan  
Patel, Shri Manubhai  
Patel, Dr. Shanti G.  
Paul, Shri Makhan  
Pradhan, Shri Patitpaban  
Rajan, Shri Pattiam  
Ramamurti, Shri P.  
Rameshwar Singh, Shri  
Sezhiyan, Shri Era  
Shahabuddin, Shri Syed  
Shahedullah, Shri Syed  
Shahi, Shri Nageshwar Prasad  
Sharma, Shri Yoger dra  
Shastri, Shri Bhola Paswan  
Sheikh, Shri Abdul Rehman  
Sinha, Shri Indradeo  
Surjeet, Shri Harkishan Singh  
Yadav, Shri Hukmdeo Narayan

## NOES 108

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben  
 Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.

Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lal Urf Piare Lal  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Madanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya-  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath

Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghose Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

63. "That at page 5, line 40, after the words 'police officer' the words 'not below the rank of Deputy Superintendent of Police' be inserted."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes .. 56

Noes .. 108

AYES 56

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Prasenjit  
 Bhabhra, Shri Har. Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arbinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pilo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhohpadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban



Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rahman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES 108

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bhardwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon

Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Pal  
 Mooponar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar

Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pande, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh, Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santos Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

172. "That at page 5, line 40, after the words 'police officer' the words 'not below the rank of District Superintendent of Police' be inserted."

*The House divided.*

MR. DEPUTY CHAIRMAN :

Ayes	.. 56
Noes	.. 109

AYES 56

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholra Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arbinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni

Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pilo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhohpadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rahman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES—109

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri

Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Sita Ram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.

Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
**Mehta, Shri Kishor**  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pande, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
**Ram Sewak, Chaudhary**  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri

Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
**Singh, Shri Ng. Tompok**  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

**डा० भाई महाबोर :** उपसभापतिजी, मुझे एक निवेदन करना है कि यह बिल तो एक्ट बनेगा, जो इसका होगा वह आगे सरकार करेगी। लेकिन आज इसे पास करने के लिए सिक्यूरिटी स्टाफ, रिपोर्टर्ज, लाइब्रेरियन, यहां तक कि डाक्टर जो काम कर रहा है, उनके लिए कोई भोजन का प्रबन्ध नहीं किया गया है।

**MR. DEPUTY CHAIRMAN:** I am told....

**डा० भाई महाबोर :** हमें बताया जा रहा है कि किसी को कुछ मिला नहीं है। यह सारे संसद के लिए और हमारी व्यवस्था के लिए बहुत शर्म की बात है।

**श्री नागेश्वर प्रसाद शाही :** कम से कम आपको मालूम था कि यह मसला देर तक चलेगा, तो सैक्रेटेरिएट को चाहिए था कि डाक्टर, कंपाउंडर, लाइब्रेरियन जो भूखे बैठे हुए हैं, उनके लिए भी कोई खाने का इंतजाम करना चाहिए था।

**डा० भाई महाबोर :** संसद सदस्यों के लिए बसों के ड्राइवर और गाड़ियों के जो

झाड़वर खड़े हैं, उनके लिए भी कोई भोजन का प्रबन्ध होना चाहिए था ।

श्री सोताराम कोसर) : डेढ़ सौ मुलाजिमों के भोजन का प्रबन्ध किया है ।

श्री नागेश्वर प्रसाद शाह) : डाक्टर जो यहाँ बैठे हुए हैं, उनको भोजन किसने दिया है? The whole staff is without food.

श्री उपसभापति : अर्रेज था ।

श्री नागेश्वर प्रसाद शाह) : कोई इंतजाम नहीं किया गया है ।

श्री हरि सिंह बलवार : हमने एक-एक डिब्बा खाया है और इन्होंने तीन-तीन डिब्बे खाए हैं । . . . (व्यवधान)

SHRIMATI PURABI MUKHOPA-DHYAY: Mr. Deputy Chairman, I want to protest against the frivolous comments of that gentleman sitting there. I hope that the Leader of the House will reprimand him. First of all we refused the packets. We did not have it. He should know it. Secondly, even if we have taken, it is no mercy of anybody. (Interruptions)

MR. DEPUTY CHAIRMAN: We now take up amendment No. 64.

The question is:

64. "That at page 5, line 40, for the word 'without' the word 'with' be substituted."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes 56.

Noes. .107.

AYES..56

Advani, Shri Lal K.

Ashwani Kumar, Shri

Bagaitkar, Shri Sadashiv  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakraborty, Shri Amarprasad  
Dhabe, Shri Shridhar Wasudeo

Ghose, Shri Sankar  
Ghosh, Shri Arabinda  
Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Lakhan Prasad

Haridas, Shri C.

Jaswant Singh, Shri

Joseph, Shri O. J.

Joshi, Shri Jagannathrao

Khandelwal, Shri Pyarelal

Kumaran, Shri S.

Lakhan Singh, Shri

Lepcha, Shri Sangdopal

Madhavan, Shri K. K.

Mahavir, Dr. Bhai

Malik, Shri Satya Pal

Master, Shri K. Chathunni

Mathur, Shri Jagdish Prasad

Mishra, Shri Kalraj

Mitra, Shri Santosh

Mody, Shri Piloo

Mohunta, Shri Sushil Chand

Mukherjee, Shrimati Kanak

Mukhopadhyay, Shrimati Purabi

Nanda, Shri Narasingha Prasad

Nigam, Shri Ladli Mohan

Patel, Shri Manubhai

Patel, Dr. Shanti G.

Paul, Shri Makhan

Pradhan, Shri Patitpaban

Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES 107

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandari, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Chandrajit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisahab  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami

Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagdish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lal Urf Piare Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yoger dra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.

Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Nalendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Pande, Shrimati Manorama  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.

Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now we take up amendment No. 65.

The question is:

65. "That at page 5, line 40--42 for the words beginning with 'without warrant' and ending with 'Act' the the words 'only under a warrant issued by a Magistrate, having jurisdiction in the matter, and a person who is *prima facie* guilty of having committed any offence under this Act' be substituted."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes: 57; Noes: 107.

AYES 55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila.  
 Bholu Prasad, Shri  
 Chakraborty, Shri Amarprosod  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar

Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pilo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep

Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES--107

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premikabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golar daz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar



Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare Lali  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopandar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naiidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamatulla Shri Mōhammad

Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K.V.R.S. Bala Subha  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J.K.P.N.  
 Singh, Shri N. G. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: We take up now amendment No. 174.

The question is :

174 "That at page 5, lines 40 to 42, for the word 'without warrant' any person who is reasonably suspected of having committed any offence under this Act', the words 'only under a warrant issued by a Magistrate, having jurisdiction in the matter, and person who is *Prima facie* guilty of having committed any offence under this Act' be substituted."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes: 56;

Noes: 108

## AYES 56

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprasad  
 Dhabe, Shri. Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Kakati, Shri Robin  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan

Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES 108

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Fam  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakan  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana,, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotrao-  
 ji.

Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jain, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 1033 RS—25

Mistry, Shrimati. Roda  
 Mittal, Shri Sat Paul  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N.P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha

Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

175. "That at page 5, line 40, the words 'Without warrant' be deleted."

*The House divided*

MR. DEPUTY CHAIRMAN:

AYES . . 55

NOES . . 108

AYES 55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa

Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandewal, Shri Pyarela  
 Kumaran, Shri S.  
 Lakan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrinati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES: 108

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirth Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Channana, Shri Charanjit  
 Chandrasekher, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar

Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Kharparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kurgel, Shri Pfare Lal Urf. Pfare Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogenara  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Moopananar, Shri G.K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chenga Raya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar

NOES 108

Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mochiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

66. "That at page 5, line 41, for the words 'is reasonably suspected of having' the word 'has' be substituted".

*The House divided*

MR. DEPUTY CHAIRMAN.

AYES: 55

NOES: 107

AYES 55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyare Lal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan

Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shaheddullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Adbul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh,  
 Yadav, Shri Hukmdeo Narayan

NOES 107

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami

Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben  
 Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lal Urf  
 Piare Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohar  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopanar, Shri G. K.  
 Moses, Shri M.

Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Pande, Shrimati Manorama  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bh'shma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Sisdola, Shri Sawaisingh  
 Sukul, Shri P. N.

Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

176 "That at page 5, line 41, the words 'who is reasonably suspected of' be *deleted*".

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes: 55

Noes: 109

AYES 55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholu Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri D'pendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.



Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pilloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

NOES 109

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri

Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai  
 Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
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 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben  
 Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lal Urf  
 Piare Lal Talib Unnavi

Lokesh Chandra, D.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shrim Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda

Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisod'a, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

200 "That at page 5, line 40, after the word 'may' the word 'not' be inserted".

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes: 55

Noes: 109

AYES 55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bholu Prasad, Shri

Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyare Lal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Sankar Prasad  
 Mody, Shri P. loo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan

Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES 109

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basaveraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragtham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.

Ibrahim, Shri B.  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jain, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manish-  
 ankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare  
 Lall Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddana, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay

Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahmathulla, Shri Mohammed  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Torapok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I shall put clause 10 to vote.

The question is:

"That clause 10 stand part of the Bill".

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes. 109

Noes: 55

AYES 109

Ali, Shri Syed Rahmat  
Amarjit Kaur, Shrimati  
Amla, Shri Tirath Ram  
Apparow, Shri M. R.  
Arif, Shri Mohammed Usman  
Balmiki, Shri Shiv Lal  
Balram Das, Shri  
Banerjee, Shri B. N.  
Barman, Shri Prasenjit  
Basavaraju, Shri M.  
Bhagwan Din, Shri  
Bhandare, Shri Murlidhar Chandrakant  
Bharadwaj, Shri Ramchandra  
Bhatt, Shri Nand Kishore  
Chanana, Shri Charanjit  
Chandrasekhar, Shrimati Maragatham  
Chavan, Shrimati Premi'aba Dajisaheb  
Das, Shri Bipinpal  
Das, Shrimati Monika  
Deshmukh, Shri Bapuraoji Marotraoji  
Bharmavir, Shri  
Dinesh Chandra, Shri Swami  
Dinesh Singh, Shri  
D'Souza, Dr. Joseph Leon

Gupta, Shri Gurudev  
Habibullah, Shrimati Hamida  
Handique, Shri Bijoy Krishna  
Haq, Shri (Molana) Asrarul  
Hansda, Shri Phanindra Nath  
Hanspal, Shri Harvendar Singh  
Heptulla, Dr. (Shrimati) Najma  
Husain, Shri Golandaz M.  
Ibrahim, Shri B.  
Jadhav, Shri Pandurang Dharmaji  
Jain, Shri Dharamchand  
Jain, Shri J. K.  
Jain, Shri Jagadish  
Joshi, Shri Krishna Nand  
Joshi, Shrimati Kumudben Manishankar  
Kalaniya, Shri Ibrahim  
Kamble, Prof. N. M.  
Kesri, Shri Sitaram  
Khan, Shri F. M.  
Khan, Shri Khurshed Alam  
Khan, Shri Maqsood Ali  
Khaparde, Shrimati Saroj  
Krishna, Shri M.R.  
Kureel, Shri Piare Lal Urf Piare Lal Talib Unnavi  
Lokesh Chandra, Dr.  
Maddanna, Shri M.  
Mahida, Shri Harisinh Bhagubava  
Makwana, Shri Yogendra  
Malhotra, Shrimati Usha  
Manhar, Shri Bhagatram  
Meena, Shri Dhuleshwar  
Mehta, Shri Kishor  
Mehta, Shri Om  
Mhaisekar, Shri G. R.  
Mirdha, Shri Ram Niwas  
Mishra, Shri Mahendra Mohan  
Mistry, Shrimati Roda  
Mittal, Shri Sat Paul  
Moopnar, Shri G. K.  
Moses, Shri M.  
Mukherjee, Shri Pranab Kumar  
Mulla, Shri Suresh Narain

Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
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 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

NOES—55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhaj  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan

Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Reddy, Shri B. Satyanarayan  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bholā Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

*The Motion was adopted.*

*Clause 10 was added to the Bill.*

MR. DEPUTY CHAIRMAN: There are four clauses more. We shall take only two more hours if we go like this. That is all right.

*Clause 11 (Offences to be tried summarily)*

MR. DEPUTY CHAIRMAN: There are 13 amendments. Amendment No. 67 is negatived.

SHRI P. RAMAMURTI: Sir, I move:

177. "That at page 5, for lines 43 to 48, the following be substituted, namely:—

"11. Notwithstanding any thing contained in this Act, all offences under this Act shall be tried under the provisions of the Code of Criminal Procedure, 1973, by a competent Judicial Magistrate of the First Class specially empowered in this behalf by the State Government."

(The Amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Ladli Mohan Nigam).

SHRI JASWANT SINGH: Sir, I move:

178. "That at page 5, line 44, for the word 'all' the word 'no' be substituted."

Sir, I also move:

179. "That at page 5, lines 46 to 48, the words beginning with 'specially empowered' and ending with 'such trial' be deleted".

SHRI S. KUMARAN: Sir, I move:

68. "That at page 5, line 44, the words 'in a summary way' be deleted."

(The amendment also stood in the name of Shri M. Kalyanasundaram.)

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

18. "That at page 5, line 44, the words 'in a summary way' be deleted."

(The Amendment also stood in the name of Shri Makhan Paul.)

Sir, I also move:

184. "That at page 6, lines 1-2, the words 'in a summary trial' be deleted."

DR. SHANTI G. PATEL: Sir, I move:

69. "That at page 5, line 44, for the words 'in a summary way' the words

[Shri Shanti G. Patel]

'as a summons case' be substituted."  
Sir, I also move:

70. "That at page 6, lines 1 to 4 be deleted."

(The amendment No. 70 also stood in the names of Shri S. Kumaran and Shri M. Kalyanasundaram.)

SHRI BISWA GOSWAMI: Sir, I move:

181. "That at page 5, line 44, for the words 'in a summary way' the words 'as a summons case' be substituted."

Sir, I also move:

185. "That at page 6, lines 1 to 4 be deleted."

(The amendment No. 185 also stood in the name of Shri Makhan Paul and Shri M. Kalyanasundaram.)

SHRI SUSHIL CHAND MOHUNTA: Sir, I move:

182. "That at page 5, line 45 for the words 'Metropolitan Magistrate or any Judicial Magistrate' the words 'by the court of Sessions' be substituted."

SHRI MAKHAN PAUL: Sir, I move:

183. "That at page 5, lines 46 to 43, the words beginning with 'specially empowered' and ending with 'such trial' be deleted."

The questions were proposed.

MR. DEPUTY CHAIRMAN: Does anybody want to speak?

SHRI S. KUMARAN: Clause 11 says that all offences under this Act shall be tried in a summary way. What is this summary way? Why should the Metropolitan Magistrates not try those cases in the usual judicial way? Why this summary way? Where was the word adopted from? From Pakistan? In Pakistan there is military dictatorship. Or Iran? In

the case of the workers who refuse to do overtime you want to try them in a summary way. Is it a military court? It is highly objectionable. That should be deleted.

SHRI P. RAMAMURTI: Nothing reveals the real intentions of the Congress (I) Government other than this particular clause. That is why I have moved this amendment. I know they are going to be impervious to it. But I am putting it on record because the people should know what it is. Here is this Government which will give all legal facilities to black-marketeters, to smugglers, to Haji Mastan, but to the workers, the poor workers it will deny this. Why not put them in jail? That is far better than all these pretences. Why this farce? They are playing farce with the working class, and I want to bring to the notice of the working class and to the notice of the people the farcical way in which they are being treated and also the *zulum* to which they are being subjected and the differentiation that they are making between even the worst criminals in the country and the working class whom they are trying to make the worst criminals. I am moving this amendment, Sir. If the Minister has not got the courage to answer my arguments let him keep quiet.

SHRI SUSHIL CHAND MOHUNTA: The Treasury Benches have been most allergic to the special procedure of trial of cases and when the Special Courts Act was passed, they resisted it. When they came to power, they repealed it. But surprisingly they now come up with a special procedure. If this had to be made an offence, a special Act had to be made for this purpose, at least the trial should be by the ordinary courts. But since now they have evolved a method of trying cases summarily, then, in such an event, I have sought amendments to this that those cases be tried, if they have to be tried summarily, by the court of



sessions at least by those belonging to the superior judiciary. If it is to be a summary trial, let there be a safeguard that the summary trial be by a court having experience, a court in the higher echelons of the judicial service. It should not be a trial by an ordinary magistrate, by a third class magistrate or even a first class magistrate, because these days magistrates are invested with first class powers after six months or eight months or a year of service. With one year's service, a summary trial at the hands of that magistrate is not safe at all. I can understand a regular trial being done by him. Therefore, it should be by a court of sessions.

Then I have also moved for deletion of the proviso. I cannot understand what the meaning is of the proviso. Whatever the Criminal procedure Code provides for a summary trial, that sentence should be awarded. Having this proviso is meaningless, whatsoever is the context. We are not going by any law of the land whereby we may mutilate everything. Why should the small, poor, worker suffer and be affected while the mill owners or the people having wealth and manning those industries, become a privileged class and they can enjoy all the benefits and damn the poor worker? Therefore, I propose these amendments and I request that they be accepted.

**SHRI NARASINGHA PRASAD NANDA:** It is very unfortunate that the Government does not respond even to very reasonable suggestions. Even if there is a grammatical error in drafting even if an 'i' is to be dotted or a 't' is to be corrected, they do not accept it. I do not understand why this attitude on the part of the Government. Is it simply because the Bill has been drafted and proposed by somebody? I would challenge this Government to send this Bill to any institute of drafting and get this Clause 11 accepted. The expression 'summary way' you will not find in any Bill. Even if a summary trial is recommended, the

expression used should have been 'summarily'. But when you suggest an amendment just because the amendment has been suggested by somebody on behalf of the opposition, the Government will not accept it. This is a very peculiar attitude adopted in the course of adopting Bills before this House. I hope this attitude will be corrected by the Government and when reasonable amendments are moved, the Government would respond to them. If the Government does not respond to anything and they think that all amendments moved before the House are mere rituals to be performed and Parliament is there just to put a rubber stamp to whatever is drafted by the Executive and moved through the Minister, I think this country is going to be doomed. There is no doubt about it.

**SHRI SHRIDHAR WASUDEO DHABE:** I moved an amendment that 'summary way' should be deleted. As my friend also pointed out, the drafting mistake is obvious, that there is nothing like 'summary way' of trial. Secondly, for the simple reason that there is a summary trial taking place, they will lose the right of appeal to the High Court, and if an appeal is not provided to a higher court, the poor workers will suffer. Therefore, this clause needs reconstruction and the method of having summary trial in these offences should be deleted...

**SHRI NARASINGHA PRASAD NANDA:** I do not understand why the Minister is not responding to anything. Not a word of response from the Minister to our suggestions. Are we speaking to some stones?

3 A.M.

**SHRI SHRIDHAR WASUDEO DHABE:** Clause 11 is so badly drafted. The Home Minister should look into it.

**SHRI YOGENDRA MAKWANA:** We have considered all their amendments, and it is not possible to accept them. Whatever he has said we have

[Shri Yogendra Makwana]

considered already. There is no mistake in drafting. And this Bill has been brought up only because of some special circumstances because of the situation arising in the country. Therefore, I am not able to accept all their amendments.

**MR. DEPUTY CHAIRMAN:** The question is:

177. "That at page 5, for lines 43 to 48, the following be substituted, namely:—

"11. Notwithstanding anything contained in this Act all offences under this Act shall be tried under the provisions of the Code of Criminal Procedure, 1973, by a competent Judicial Magistrate of the First Class specially empowered in this behalf by one State Government."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** The question is:

178. "That at page 5, line 44, for the word 'all' the word 'no' be substituted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** Amendment Nos. 68 and 180 are the same. I shall put them to vote. The question is:

68 and 180. "That at page 5, line 44, the words 'in a summary way' be deleted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** Amendment Nos. 69 and 181 are the same. The question is:

69 and 181. "That at page 5, line 44, for the words 'in a summary way' the words 'as a summary case' be substituted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** The question is:

179. "That at page 5, lines 46 to 48, the words beginning with 'specially empowered' and ending with 'such trial' be deleted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** The question is:

182. "That at page 5, line 45, for the words 'Metropolitan Magistrate or any Judicial Magistrate' the words 'by the court of Sessions' be substituted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** The question is:

183. "That at page 5, lines 46 to 48, the words beginning with 'specially empowered' and ending with 'such trial' be deleted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** The question is:

184. "That at page 6, lines 1-2, the words 'in a summary trial' be deleted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** The question is:

70. "That at page 6, lines 1 to 4 be deleted."

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** The question is:

185. "That at page 6, lines 1 to 4 be deleted."

*The House divided.*

**MR. DEPUTY CHAIRMAN:**

Ayes....53.

Noes...108

## AYES 53

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Harj Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pилоo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
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Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

## NOES 108

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev

Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Kharparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall urf Piare Lall  
 Talib Unnabi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya

Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Rampujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Balu Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. F.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tornpok  
 Singh, Shrimati Pratibha  
 Singh, Dr Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scafo  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put Clause 11 to vote.

The question is:

"That Clause 11 stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes. . .108.

Noes. . . 53.

AYES 108

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant.  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bhoj Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh

Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagdish  
 Joshi, **Shri Krishna Nand**  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lal urf Piare Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maadanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishore  
 Mehta, Shri Om  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Mooponar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama

Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

NOES 53

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barmau, Shri Debendra Nath

Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ja  
 Bholra Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhna Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhna Singh, Shri  
 Lepcha, Shri Sangdopal  
 Mandhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chethunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pilloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedulla, Shri Syed  
 Shahi, Shri Nageshwar Prasad

**Sharma, Shri Yogendra**

**Sheikh, Shri Abdul Rehman**

**Sinha, Shri Indradeep**

**Surjeet, Shri Harkishan Singh**

**Yadav, Shri Hukmdeo Narayan**

*The motion was adopted.*

*Clause 11 was added to the Bill.*

*Clause 12 (Act to override other laws.)*

**DR. SHANTI G. PATEL:** Sir, I beg to move:

71. "That at page 6, for lines 5 to 8, the following be substituted, namely:—

'12 Nothing in this Act or any order issued thereunder shall be valid if it is inconsistent with the provisions of the Industrial Disputes Act, 1947.'

**SHRI JASWANT SINGH:** Sir, I beg to move:

186. 'That at page 6, for lines 5 to 8, the following be substituted namely:—

'Nothing in this Act or any order issued thereunder shall be valid if it is inconsistent with the provisions of the Industrial Disputes Act, 1947.'

*(The amendment also stood in the name of Shri Biswa Goswami.)*

**SHRI SHRIDHAR WASUDEO DHABE:** Sir, I beg to move:

72. "That at page 6, for lines 5 to 8, the following be substituted, namely:—

'Nothing in this Act or any order issued thereunder shall be valid if it is inconsistent with the provisions of Industrial Disputes Act, 1947 or corresponding State Law.'

**SHRI AMARPROSAD CHAKRABORTY:** Sir, I beg to move:

187. "That at page 6, for lines 5 to 8, the following be substituted, namely:—

'The Provisions of this Act and of any order issued thereunder shall have no effect if any of the provisions of this Act is inconsistent therewith contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force.'

**SHRI MAKHAN PAUL:** Sir, I beg to move:

188. "That at page 6, lines 5, for the word 'notwithstanding' the words 'in conformity with' be substituted."

189. "That at page 6, line 6, the words 'inconsistent therewith' be deleted."

**SHRI S. KUMARAN:** Sir, I beg to move:

73. "That at page 6, lines 6-7, for the words 'notwithstanding anything inconsistent therewith contained in' the words 'only when such provisions are not inconsistent with the provisions of' be substituted."

*(The amendment also stood in the name of Shri M. Kalyanasundaram.)*

**DR. SHANTI G. PATEL:** Sir, I beg to move:

74. "That at page 6, lines 7-8, for the words and figure 'in the Industrial Disputes Act, 1947 or in any other law for the time being in force' the words and figure 'in any law for the time being in force other than the Industrial Disputes Act, 1947' be substituted."

**SHRI P. RAMAMURTI:** Sir, I beg to move:

190. "That at page 6, lines 7-8, for the words 'in the Industrial Disputes Act, 1947 or in any other law

[Shri P. Ramamurti]

for the time being in force' the words 'in any law for the time being in force other than the Industrial Disputes Act, 1947, be substituted."

(The amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arabinda Ghosh, Shrimati Ila-Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashi Bagaitkar, Shri Laddi Mohan Nigam and Shri Biswa Goswami).

The Questions were proposed.

**SHRI SHRIDHAR WASUDEO DHABE:** Sir, clause 12 says, "the provisions of this Act and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act or any other law for the time being in force." I have suggested an amendment that the order should not have any effect if it is inconsistent with the provisions of the Industrial Disputes Act or the corresponding State law. The Home Minister was making a statement and it was also repeated by Mr. A. P. Sharma that 30 days' time will be given for settling the matter. Once the order is issued under this Act, no proceeding is possible under the Industrial Disputes Act either for conciliation or for any settlement of the dispute. And, therefore, this provision of this order, if it is illegal, even the power should be there with the Government to refer the matter to the industrial tribunal. The wording is just the opposite. If the order is passed nothing can be done under the Industrial Disputes Act. Therefore, my amendment is that the provisions of the Industrial Disputes Act should apply in spite of the order issued under this Act.

**DR. SHANTI G. PATEL:** Sir, I would like to make one thing clear. I am moving 71 and I am not pressing for 74. A provision in this Clause 12 tries to remove the settlement machinery built up in this country after many years. This has been in existence since the dawn of dependence. It has been improved upon by no less a person than Pandit Jawaharlal Nehru. By this one stroke or by passing this Bill, that is sought to be destroyed and a new approach is going to be introduced in this particular sphere. Sardar Sahib is not here. I do not know where he has gone. In the morning, in a statement he emphasised this point that they would like the matter to be considered by a machinery. This was reinforced by Mr. Sharma who quoted his statement. At least he is present. If both these gentlemen, who are Ministers of the Cabinet, mean what they say, now is an opportunity to come forward and say that, "All right, we accept your amendment and allow the machinery under the Industrial Disputes Act to operate and to get these disputes resolved." The present Bill does not provide this. I would like them to ponder over it. I would particularly request Mr. Sharma to look into his past and not into his present post that he holds and see that this law does not hold the working class to ransom. This can be done by inserting this new amendment moved by us.

**SHRI S. KUMARAN:** This Bill wants to avoid the Industrial Disputes Act and, therefore, this provision is necessary. I can understand it. So, my amendment is that such provisions are not necessary and I want to put the words "only when such provisions are not inconsistent with the provision of" for the words "notwithstanding anything inconsistent therewith contained in".

**SHRI AMARPROSAD CHAKRABORTY:** Mr. Deputy Chairman, Sir, yesterday morning, Mr. Sharma, the Minister, participated in the debate as a trade unionist. He emphasised that there is no provision in the Act



wherein the provisions of the Industrial Disputes Act shall be violated. But, Sir, I say again and again that the provision of this Act and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act. So, Mr. Sharma's contention has been negative. Does he have the courage to accept my amendment which is a very simple amendment? It says, "That the provisions of this Act and of any order issued thereunder shall have no effect if any of the provisions of this Act is inconsistent therewith contained in the Industrial Disputes Act, 1947 or in an other law for the time being in force." Let the Government accept it. They are saying that the provisions of the Industrial Disputes Act will not be violated. But this is a vital provision. Suppose, anything, any conciliation or any strike or arbitration is inconsistent with the Act, it will give a go-by to the main Act. Therefore, we have suggested this amendment. The amendments of Mr. Patel and Mr. Dhabe are on the same lines. I request them to accept this amendment.

**SHRI P. RAMAMURTI:** This is a test for Government's sincerity. Do they mean what they say or are they hypocritical? The answer to this question depends on how they behave with regard to acceptance of the amendments we have suggested. Here they say that they are going to send to conciliation, arbitration and all that machinery. The Industrial Disputes Act provides that in the case of any strike for which any notice is given or if a strike is apprehended or wherever an industrial dispute arises, the Government can refer it to conciliation, arbitration or adjudication by the Industrial Tribunal. In the case of essential services an obligation is cast on the Government to refer it to adjudication. Today, they are abdicating that obligation by this particular provision. Our Home Minister is a Giani. I do not know whether he has read this Act. I do not know

whether even Mr. Sharma has read this Act. If has read, I am sure he cannot come out with the statement that industrial Disputes Act will apply to all disputes. Then why do you say "notwithstanding"? The Government's behaviour with regard to acceptance of this amendment will show whether you are honest or hypocritical.

**SHRI YOGENDRA MAKWANA :** The Home Minister in his speech has given the detailed reasons why this Bill has been brought before the House. It is because of the special circumstances and the special situation that we are facing. Therefore, this provision overriding other laws is inserted in this Bill. We have considered these amendments. It is not possible for me to accept them.

**SHRI PILOO MODY:** That is a broken gramophone record.

**MR. DEPUTY CHAIRMAN:** Amendment Nos. 71 and 186 are identical. I will first put them to vote.

The question is:

71 and 186. "That at page 6, for lines 5 to 8, the following be substituted, namely:—

'12 Nothing in this Act or any order issued thereunder shall be valid if it is inconsistent with the provisions of the Industrial Disputes Act, 1947.'

*The motion was negatived.*

**MR. DEPUTY CHAIRMAN:** Now amendment No. 72.

The question is:

72. "That at page 6, for lines 5 to 8, the following be substituted, namely:

'Nothing in this Act or any order issued thereunder shall be valid if it is inconsistent with the provisions of Industrial Disputes Act, 1947, or corresponding State Law.'

*The House divided.*

**MR. DEPUTY CHAIRMAN:**

Ayes . . . . . 55.

Noes . . . . . 107.

## AYES 55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprasad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyareial  
 Kumaran, Shri S.  
 Lakhani Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pilloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai

Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singi.  
 Yadav, Shri Hukmdeo Narayan

## NOES 107

Ali, Shri Syed Rahnat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Praserjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Mulidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Daji-  
 saheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon

Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Hândique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall urf Piare Lall  
 Talib Unnavi  
 Lokesh Chandra. Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya

Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shrimati Manorama  
 Pande, Shri Bishambhar Nath  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Rampujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

187. "That at page 6, for lines 5 to 8, the following be substituted, namely:—

"The provisions of this Act and of any order issued thereunder shall have no effect if any of the provisions of this Act is inconsistent therewith contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

188. "That at page 6, line 6, for the word 'notwithstanding' the words 'in conformity with' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

189. "That at page 6, line 6, the words 'inconsistent therewith' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

73. "That at page 6, lines 6-7 for the words 'notwithstanding anything inconsistent therewith contained in 'the words' only when such provisions are not inconsistent with the provisions of' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Amendment\* No. 74 was not pressed and therefore not taken.

\*For Text of the amendment vide col.....supra.

MR. DEPUTY CHAIRMAN: The question is:

190. "That at page 6, lines 7-8, for the words 'in the Industrial Disputes Act, 1947 or in any other law for the time being in force' the words 'in any law for the time being in force other than the Industrial Disputes Act, 1947' be substituted"

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put clause 12 to vote.

The question is:

"That clause 12 stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes	•	106
Noes		55

AYES 106

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisahab

Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall *wrf* Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mhaisekar, **Shri G. R.**  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul

Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengaltraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Rampujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, **Shri Bhishma Narain**  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.

[Mr. Deputy Chairman]  
Sultan Singh, Shri  
Swu, Shri Scato  
Verma, Shri Shrikant  
Yadav, Shri Ramanand  
Zakaria, Dr. Rafiq

NOES 55

Advani, Shri Lal K.  
Ashwani Kumar, Shri  
Bagaitkar, Shri Sadashiv  
Barman, Shri Debendra Nath  
Bhabhra, Shri Hari Shankar  
Bhandari, Shri Sunder Singh  
Bhattacharjee, Prof. Sourendra  
Bhattacharya, Shrimati Ila  
Bhola Prasad, Shri  
Chakraborty, Shri Amarprosad  
Dhabe, Shri Shridhar Wasudeo  
Ghose, Shri Sankar  
Ghosh, Shri Arabinda  
Ghosh, Shri Dipendrabhusan  
Goswami, Shri Biswa  
Goswami, Shri Dinesh  
Gupta, Shri Ram Lakhan Prasad  
Haridas, Shri C.  
Jaswant Singh, Shri  
Joseph, Shri O. J.  
Joshi, Shri Jagannathrao  
Khandelwal, Shri Pyarelal  
Kumaran, Shri S.  
Lakhan Singh, Shri  
Lepcha, Shri Sangdopal  
Madhavan, Shri K. K.  
Mahavir, Dr. Bhai  
Malik, Shri Satya Pal  
Master, Shri K. Chathunni  
Mathur, Shri Jagdish Prasad  
Mishra, Shri Kalraj  
Mitra, Shri Santosh  
Mody, Shri Piloo  
Mohunta, Shri Sushil Chand

Mukherjee, Shrimati Kanak  
Mukhopadhyay, Shrimati Purabi  
Nanda, Shri Narasingha Prasad  
Nigam, Shri Ladli Mohan  
Patel, Shri Manubhai  
Patel, Dr. Shanti G.  
Paul, Shri Makhan  
Pradhan, Shri Patitpaban  
Rajan, Shri Pattiar  
Ramamurti, Shri P.  
Rameshwar Singh, Shri  
Sezhiyan, Shri Era  
Shahabuddin, Shri Syed  
Shahedullah, Shri Syed  
Shahi, Shri Nageshwar Prasad  
Sharma, Shri Yogendra  
Shastri, Shri Bholu Paswan  
Sheikh, Shri Abdul Rehman  
Sinha, Shri Indradeep  
Surjeet, Shri Harkishan Singh  
Yadav, Shri Hukmdeo Narayan

*The motion was adopted.*

*Clause 12 was added to the Bill.*

*New Clause—12A*

**SHRI AMARPROSAD CHAKRABORTY:** Sir, I move:

191. "That at page 6, after line 8 the following new clause be inserted, namely:—

'12A. The appropriate Government wherever they occur, the words "State Government" shall be substituted and the State Government shall be at liberty to act on the provisions and/or not to act on the provisions of this Act and/or if necessary any of the provisions shall be held up and shall not be applicable in the State as decided by the State Government.'

You know it is a Central Act. Now, if a Central Act is passed under the executive power, the State or States are bound to carry it out. But, if the States say that we shall not apply it in our States, there will be difficulty under the Constitution.

Because, under the Constitution all the executive act must be carried out by the State. That is why, I have suggested this amendment. This amendment reads as follows:

"The Appropriate Government wherever they occur, the words "State Government" shall be substituted and the State Government shall be at liberty to act on the provisions and of this Act and or not to act on the provisions or if necessary any of the provision shall be held up and shall not be applicable in the State as decided by the State Government."

This is based on the Constitutional provision. This amendment is intended to give protection to the State Governments. If some State Governments do not want to apply this draconian law, this anti-people and anti-labour law, they will be at liberty not to implement this Act or not to apply any of the provisions of this Act.

*The question was proposed.*

MR. DEPUTY CHAIRMAN: Now, I will put amendment number 191, moved by Shri Amarprosad Chakraborty to vote. The question is:

191. "That at page 6, after line 8, the following new clause be inserted, namely:—

'12A. The Appropriate Government wherever they occur, the words "State Government" shall be substituted and the State Government shall be at liberty to act on the provisions and/or not to act on the provisions of this Act and/or if necessary any of the provisions shall be held up and shall not be applicable in the State as decided by the State Government.'

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes 55

Noes 107

AYES 55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghose, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban

[Mr. Deputy Chairman]

Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

NOES 107

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev

Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Mani-  
 shankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lal Urf Piare Lal  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mhaisekhar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy



Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

*Clause 13 (Amendment of Act, 41 of 1980)*

MR. DEPUTY CHAIRMAN: Now, we take up clause 13. There are six amendments.

SHRI SUSHIL CHAND MOHUNTA: Sir, I beg to move:

192. "That at pages 6 and 7, lines 9 to 45 and 1 to 6 respectively, be deleted."

SHRI JASWANT SINGH: Sir I beg to move:

193. "That at page 6 line 10, after the word 'shall' the word 'not' inserted."

194. "That at pages 6 and 7, lines 10 to 45 and 1 to 6, respectively, the words beginning with 'effect as if' and ending with 'substituted' be deleted".

195. "That at page 7, lines 10-11, for the words 'deemed to have been done or taken under the corresponding provisions of this Act' the words 'required to be notified afresh under the provisions of this Act' be substituted."

SHRI DINESH GOSWAMI: Sir, I beg to move:

75. "That at page 6, lines 17 to 20 be deleted"

76. "That at page 6, lines 31 to 43 be deleted."

*The questions were put and the motions were negatived.*

MR. DEPUTY CHAIRMAN: Now, I shall put clause 13 to the vote of the House. The question is:

"That clause 13 stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes	..	106
Noes	..	56

[Mr. Deputy Chairman]

AYES 106

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandrakant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishankar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram

Khan, Shri F. M.  
 Khan, Shri Khursaed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lal Urf Piare Lal Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisingh Bhagubaya  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary

Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhisma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

## NOES 56

Advani, Shri Lal K.  
 Ashwanj Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Baleshwar Dayal, Shri  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa

Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahbuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman

[Mr. Deputy Chairman]

Sinha, Shri Indradeep  
Surjeet, Shri Harkishan Singh  
Yadav, Shri Hukmdeo Narayan

*The Motion was adopted.*

*Clause 13 was added to the Bill.*

MR. DEPUTY CHAIRMAN: Now we take up Clause 14. There are no amendments. The question is:

"That clause 14 stand part of the Bill."

*The House divided .*

MR. DEPUTY CHAIRMAN:

Ayes	..	106
Noes	..	55

AYES 106

Ali, Shri Syed Rahmat  
Amarjit Kaur, Shrimati  
Amla, Shri Tirath Ram  
Apparow, Shri M. R.  
Arif, Shri Mohammed Usman  
Balmiki, Shri Shiv Lal  
Balram Das, Shri  
Banerjee, Shri B. N.  
Barman, Shri Prasenjit  
Basavaraju, Shri M.  
Bhagwan Din, Shri  
Bhandare, Shri Murlidhar Chandrakant  
Bharadwaj, Shri Ramchandra  
Bhatt, Shri Nand Kishore  
Chanana, Shri Charanjit  
Chandrashankar, Shrimati Maragatham  
Chavan, Shrimati Premilabai Dajisaheb  
Das, Shri Bipinpal  
Das, Shrimati Monika  
Deshmukh, Shri Bapuraoji Marotraoji  
Dharmavir, Shri  
Dinesh Singh, Shri  
D'Souza, Dr. Joseph Leon  
Gupta, Shri Gurudev

Habibullah, Shrimati Hamida  
Handique, Shri Bijoy Krishna  
Haq, Shri (Molana) Asrarul  
Hansda, Shri Phanindra Nath  
Hanspal, Shri Harvendar Singh  
Heptulla, Dr. (Shrimati) Najma  
Husain, Shri Golandaz M.  
Ibrahim, Shri B.  
Jain, Shri Dharamchand  
Jain, Shri J. K.  
Jani, Shri Jagadish  
Joshi, Shri Krishna Nand  
Joshi, Shrimati Kurnudben Manishankar

Kalaniya, Shri Ibrahim  
Kamble, Prof. N. M.  
Kesri, Shri Sitaram  
Khan, Shri F. M.  
Khan, Shri Khurshed Alam  
Khan, Shri Maqsood Ali  
Khaparde, Shrimati Saroj  
Krishna, Shri M. R.  
Kureel, Shri Piare Lal Urf Piare Lal Talib Unnavi  
Lokesh Chandra, Dr.  
Maddanna, Shri M.  
Mahida, Shri Harisinh Bhagubaya  
Makwana, Shri Yogendra  
Malhotra, Shrimati Usha  
Manhar, Shri Bhagatram  
Meena, Shri Dhuleshwar  
Mehta, Shri Kishor  
Mhaisekar, Shri G. E.  
Mirdha, Shri Ram Niwas  
Mishra, Shri Mahendra Mohan  
Mistry, Shrimati Roopa  
Mittal, Shri Sat Paul  
Moopnar, Shri G. K.  
Moses, Shri M.  
Mukherjee, Shri Pranab Kumar  
Mulla, Shri Suresh Narain  
Naidu, Shri N. P. Chengalraya  
Naik, Shri G. Swamy

Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pande, Shrimati Manorama  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamatulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramachandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaising  
 Sukul, Shri P. N.  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

## NOES 55

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhoja Prasad, Shri  
 Chakraborty, Shri Amarprosad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mitra, Shri Santosh  
 Mody, Shri Pilloo  
 Mohanta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan

[Mr. Deputy Chairman]

Patel, Shri Manubhai  
Patel, Dr. Shanti G.  
Paul, Shri Makhan  
Pradhan, Shri Patitpaban

Rajan, Shri Pattiam  
Ramamurti, Shri P.  
Rameshwar Singh, Shri

Sezhiyan, Shri Era  
Shahabuddin, Shri Syed  
Shahedullah, Shri Syed  
Shahi, Shri Nageshwar Prasad  
Sharma, Shri Yogendra  
Shastri, Shri Bhola Paswan  
Sheikh, Shri Abdul Rehman  
Sinha, Shri Indradeep

Surjeet, Shri Harkishan Singh

Yadav, Shri Hukmdeo Narayan

*The motion was adopted.*

*Clause 14 was added to the Bill.*

*Clause 1 (Short title, extent, commencement and duration)*

SHRI S. KUMARAN: Sir, I move:

1. "That at page 1, line 10, for the figures and words 'Sections 8 and 9 shall come into force at once and the remaining' the words 'All the' be substituted."

2. "That at page 1, line 13, for the words 'four years' the words 'sixty days' be substituted."

*(The amendments Nos. 1 and 2 also stood in the name of Shri M. Kalyanasundaram.)*

SHRI SHRIDHAR WASUDEO DHABE: Sir, I move:

3. "That at page 1, line 13, for the words 'four years' the words 'three months' be substituted."

DR. SHANTI G. PATEL: Sir, I move:

4. "That at page 1, line 13, for the words 'four years' the words 'four months' be substituted."

SHRI JASWANT SINGH: Sir, I move:

77. "That at page 1, or lines 10 to 12 the following be substituted, namely:—

'(3) This Act shall be deemed to have come into force only after its ratification by all the State Legislatures of the Union'

80 "That at page 1, line 13, for the words 'four years' the words 'three months' be substituted."

SHRI MAKHAN PAUL: Sir, I move:

79. "That at page 1, line 13, for the words 'four years' the words 'one month' be substituted."

SHRI BISWA GOSWAMI: Sir, I move:

81. "That at page 1, line 13, for the words 'four years' the words 'four months' be substituted."

*(The amendment also stood in the names of Shri P. Ramamurti, Shri Harkishan Singh Surjeet, Shri Pattiam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chathunni Master, Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha, Shri B. Satyanarayan Reddy, Shri Sadashiv Bagaitkar and Shri Ladli Mohan Nigam.)*

SHRI SUSHIL CHAND MOHUNTA: Sir, I move:

82. "That at page 1, line 13, for the words 'four years' the words 'six months' be substituted."

SHRI P. RAMAMURTI: Sir, I move:

83. "That at page 1, lines 14 to 18, the words beginning with 'except as'

and ending with 'a Central Act' be deleted."

(The Amendment also stood in the names of Shri Harkishan Singh Surjeet, Shri Pattam Rajan, Shri Dipendrabhusan Ghosh, Shrimati Kanak Mukherjee, Shri Arbinda Ghosh, Shrimati Ila Bhattacharya, Shri O. J. Joseph, Shri K. Chatunni Master, Shri Shri Santosh Mitra, Shri Debendra Nath Barman, Shri Sangdopal Lepcha).

The question were proposed.

SHRI P. RAMAMURTI: Mr. Deputy Chairman, they have been playing one single tune since morning—what is called "Gandharva Ragam". From the Home Minister, we have been hearing that Ragam. The wording of that music is "special circumstances exist". We are not told what those special circumstances are. We have moved this amendment that this Bill should be in force for only four months instead of the four years. What are the "special circumstances" they are dreaming of? When the entire country will be brought under their control and when the entire country will give a peaceful life for them. That is why they think it necessary to have it for four years. That shows that they cannot govern this country without the help of this Act. The very fact that they want to do so shows that they want to reduce the workers to bonded slaves.

SHRI SHRIDHAR WASUDEO DHA-BE: There is no basis for having a period of four years in this Bill. What the rationale behind this period of four years is has not been explained anywhere. If the Bill is required for a temporary period, there is no reason why it should be for a longer period. Therefore, we have suggested this amendment that three months should be the period for which the Act should be applicable, during which its performance should be seen. Otherwise it will become a permanent law and it will be very difficult to change it.

DR. SHANTI G. PATEL: The Prime Minister is reported to have said some

time back, when this Ordinance was issued that this measure is temporary. I hope that this measure really becomes temporary, if at all it is to come in the form of an Act. That is why I would like to appeal to the Home Minister to accept our amendment. All that we have said is: "All right, you have a trial for four months". I am sure that the reason that was given by the senior Home Minister in the morning—rather yesterday—to the effect that this economy is in difficulties and that is why they want to have this measure, is temporary. I am sure the economy is not going to remain in difficulty and the inflation is not going to survive for all the four years.

Sir, when you start doing this, I get frightened. You please tell us whatever you want to say; but don't behave like this.

I would request even at this late stage that they should ponder over this. The whole working class is so much agitated. As we have stated earlier this is not merely against the workers, this is also against the common man, the citizen of this country. That is how this Bill has to be looked at. That is why it has to be withdrawn if at all the intentions, which they have tried to profess are really correct.

SHRI SUSHIL CHAND MOHUNTA: Sir, after the discussion on other clauses we have seen that the Members of the ruling group have advanced certain reasons for the introduction of this Bill. One of the reasons advanced by one hon. Member was that war clouds are hovering over this country, that there are disturbances in the neighbourhood of the country, that the situation in the country is far from happy and because of these circumstances, it is necessary to have this Bill. No specific instances have been spelt out by the ruling group, but all the same since they are having their way through, I have suggested an amendment that the period of its enforcement be limited to a short pe-

[Shri Sushil Chand Mohunta]

riod of four months, because whatever may be the circumstances that they visualise, if something happens within these four months which will justify bringing this Bill or continuing it further, then its life can be extended further. I cannot see any reason for what the hon. Home Minister has said that they can now envisage the things that are going to come and they are trying to prevent those things. He quoted an instance also.

Sir, one person wanted a rifle because he wanted to protect his life and they said, "Nothing happens just now. Why should we give you a rifle? If something happens in the future, we can give you one." Here, in any case, we say all right, give him a rifle for four months which is a sufficiently long period. We do not want to provide for another five, seven or ten years to come, specially when the life of this Government at least is not for another four years. The life of this Parliament itself is for five years and we have elections after that. So, we cannot provide for a period beyond their life. And no circumstance, no basis has been given. I do not understand this. When a period is fixed, it is in relation to something. There is always an object to be achieved and whatever is provided for it, it must have a nexus to it. But this has no nexus to the objective. If they cannot spell it out, then why have a period of four years? you are just arbitrarily saying four years. Four years means nothing. Tell us why four years, what you have visualised and what is going to happen in these four years. You cannot hold the whole country to ransom. After all, four years is too long a period. We can try it for four months or we can try for another six months. But there is no justification at all for continuing beyond four months.

SHRI JASWANT SINGH: Sir, I have moved certain amendments to clause 1. I will take only a minute, not more. There is a very evocative line

of Pandit Nehru spoken in the Central Hall, not very far from here, about the hour of midnight: 'When at the hour of midnight the rest of the world sleeps, India shall awake.' Similarly, at the early hour of dawn when we are on the verge of promulgating a law as draconian as the present one, I wish to record my strong protest and disagreement to this Bill in its entirety.

SHRI S. KUMARAN: Sir, just ten minutes before, the Home Minister said that due to special circumstances he is compelled to bring forth this Bill. Is it true that the special circumstances will be of four years' duration? What is the meaning of a four-year duration? My suggestion is that it should be there only for three months. That is my amendment.

SHRI YOGENDRA MAKWANA: Sir, this is a temporary measure and therefore we have brought it for four years. (*Interruptions*) It is a temporary measure and, therefore, it is only for four years. Otherwise we would not have put this clause. So, the clause itself is very clear. I am not accepting their amendments.

MR. DEPUTY CHAIRMAN: I will now put amendment No. 1 to vote.

The question is:

1. "That at page 1, line 10, for the figures and words 'Sections 8 and 9 shall come into force at once and the remaining' the words 'All the' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I will now put amendment No. 77 to vote.

The question is:

77. "That at page 1, for lines 10 to 12 the following be substituted, namely:—

(3) This Act shall be deemed to have come into force only after its ratification by all the State Legislatures of the Union."

*The motion was negatived.*



MR. DEPUTY CHAIRMAN: I will now put amendment No. 2 to vote.

The question is:

2. "That at page 1, line 13, for the words 'four years' the words 'sixty days' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Amendment Nos. 3 and 80 are similar. I will put them to vote together. The question is:

3. and 80. "That at page 1, line 13, for the words 'four years' the words 'three months' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I will put amendments Nos. 4 and 81 together to vote. They are similar. The question is:

4 and 81. "That at page 1, line 13, for the words 'four years' the words 'four months' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now we shall take up amendment 79. The question is:

79. "That at page 1, line 13, for the words 'four years' the words 'one month' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I will now put amendment No. 82 to vote.

The question is:

82. "That at page 1, line 13, for the words 'four years' the words 'six months' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I will put amendment No. 83 to vote now.

The question is:

83. "That at page 1, lines 14 to 18, the words beginning with except as

and ending with 'a Central Act' be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: Now I shall put clause 1 to vote. The question is:

"That clause 1 stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes: 104

Noes: 54

AYES 104

Ali, Shri Syed Rahmat  
Amarjit Kaur, Shrimati  
Amla, Shri Tirath Ram  
Apparow, Shri M. R.  
Arif, Shri Mohammed Usman

Balmiki, Shri Shiv Lal  
Balram Das, Shri  
Banerjee, Shri B. N.  
Barman, Shri Prasenjit  
Basavaraju, Shri M.  
Bhagwan Din, Shri  
Bhandare, Shri Murlidhar Chandra-  
kant

Bhardwaj, Shri Ramchandra  
Bhatt, Shri Nand Kishore

Chanana, Shri Charanjit  
Chandrasekhar, Shrimati Maragatham  
Chavan, Shrimati Premilabai Daji-  
saheb

Das, Shri Bipinpal  
Das, Shrimati Monika  
Deshmukh, Shri Bapuraoji Marotraoji  
Dharmavir, Shri  
Dinesh Chandra, Shri Swami  
Dinesh Singh, Shri  
D'Souza, Dr. Joseph Leon

[Mr. Deputy Chairman]  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
     kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khursheed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare Lall  
     Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishor  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain

Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
 Narendra Singh, Shri  
  
 Panda, Shri Akshay  
 Pande, Shri Bishambhar Nath  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajsekharan, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramchandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Roshan Lal, Shri  
  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohiuddin  
 Singh, Shri Bishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Suku, Shri P. N.  
  
 Verma, Shri Shrikant  
  
 Yadav, Shri Ramanand  
 Zakaria, Dr. Rafiq

NOES 54

Advani, Shri Lal K.  
 Ashwani Kumar, Shri  
 Bagaitkar, Shri Sadashiv  
 Barman, Shri Debendra Nath  
 Bhabhra, Shri Hari Shankar  
 Bhandari, Shri Sunder Singh  
 Bhattacharjee, Prof. Sourendra  
 Bhattacharya, Shrimati Ila  
 Bhola Prasad, Shri  
 Chakraborty, Shri Amarprasad  
 Dhabe, Shri Shridhar Wasudeo  
 Ghose, Shri Sankar  
 Ghosh, Shri Arabinda  
 Ghosh, Shri Dipendrabhusan  
 Goswami, Shri Biswa  
 Goswami, Shri Dinesh  
 Gupta, Shri Ram Lakhan Prasad  
 Haridas, Shri C.  
 Jaswant Singh, Shri  
 Joseph, Shri O. J.  
 Joshi, Shri Jagannathrao  
 Khandelwal, Shri Pyarelal  
 Kumaran, Shri S.  
 Lakhan Singh, Shri  
 Lepcha, Shri Sangdopal  
 Madhavan, Shri K. K.  
 Mahavir, Dr. Bhai  
 Malik, Shri Satya Pal  
 Master, Shri K. Chathunni  
 Mathur, Shri Jagdish Prasad  
 Mishra, Shri Kalraj  
 Mody, Shri Piloo  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Nanda, Shri Narasingha Prasad  
 Nigam, Shri Ladli Mohan  
 Patel, Shri Manubhai  
 Patel, Dr. Shanti G.  
 Paul, Shri Makhan  
 Pradhan, Shri Patitpaban  
 Rajan, Shri Pattiam

Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Sezhiyan, Shri Era  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Sahi, Shri Nageshwar Prasad  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Sheikh, Shri Abdul Rehman  
 Sinha, Shri Indradeep  
 Surjeet, Shri Harkishan Singh  
 Yadav, Shri Hukmdeo Narayan

*The motion was adopted.*

*Clause 1 was added to the Bill.*

MR. DEPUTY CHAIRMAN: Now the question is:

"That the Enacting Formula and the Title stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes: 104

Noes: 54

AYES 104

Ali, Shri Syed Rahmat  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Apparow, Shri M. R.  
 Arif, Shri Mohammed Usman  
 Balmiki, Shri Shiv Lal  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, Shri Prasenjit  
 Basavaraju, Shri M.  
 Bhagwan Din, Shri  
 Bhandare, Shri Murlidhar Chandra-  
 kant  
 Bharadwaj, Shri Ramchandra  
 Bhatt, Shri Nand Kishore  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maraga-  
 tham

[Mr. Deputy Chairman]

Chavan, Shrimati Premilabai Dajisaheb  
 Das, Shri Bipinpal  
 Das, Shrimati Monika  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dharmavir, Shri  
 Dinesh Chandra, Shri Swami  
 Dinesh Singh, Shri  
 D'Souza, Dr. Joseph Leon  
 Gupta, Shri Gurudev  
 Habibullah, Shrimati Hamida  
 Handique, Shri Bijoy Krishna  
 Haq, Shri (Molana) Asrarul  
 Hansda, Shri Phanindra Nath  
 Hanspal, Shri Harvendar Singh  
 Heptulla, Dr. (Shrimati) Najma  
 Husain, Shri Golandaz M.  
 Ibrahim, Shri B.  
 Jain, Shri Dharamchand  
 Jain, Shri J. K.  
 Jani, Shri Jagadish  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalaniya, Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khaparde, Shrimati Saroj  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall Urf Piare Lall  
 Talib Unnavi  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malhotra, Shrimati Usha  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Kishore  
 Mhaisekar, Shri G. R.  
 Mirdha, Shri Ram Niwas

Mishra, Shri Mahendra Mohan  
 Mistry, Shrimati Roda  
 Mittal, Shri Sat Paul  
 Moopnar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri Suresh Narain  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri G. Swamy  
 Nalwa, Shri Hari Singh  
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 Pandey, Shri Narsingh Narain  
 Pandey, Shri Sudhakar  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Rampujan  
 Pattanayak, Shri B. C.  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rahamathulla, Shri Mohammad  
 Rai, Shri Kalpnath  
 Rajasekharam, Shri P.  
 Rajendra Singh Ishwar Singh, Shri  
 Ramchandran, Shri M. S.  
 Ram Sewak, Chaudhary  
 Rao, Shri K. V. R. S. Bala Subba  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Razi, Shri Syed Sibte  
 Ready, Shri Mulka Govinda  
 Reddy, Shri T. Chandrasekara  
 Rohan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sharma, Shri A. P.  
 Sheikh, Shri Ghouse Mohinuddin  
 Singh, Shri Bhishma Narain  
 Singh, Shri J. K. P. N.  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Praticha  
 Singh, Dr. Rudra Pratap  
 Sisodia, Shri Sawaisingh  
 Sukul, Shri P. N.

Verma, Shri Shrikant

Yadav, Shri Ramanand

Zakaria, Dr. Rafiq

NOES 54

Aovani, Shri Lal K.

Ashwani Kumar, Shri

Bagaitkar, Shri Sadashiv

Barman, Shri Debendra Nath

Bhabhra, Shri Hari Shankar

Bhandari, Shri Sunder Singh

Bhattacharjee, Prof. Sourendra

Bhattacharya, Shrimati Ila

Bhola Prasad, Shri

Chakraborty, Shri Amarprosad

Dhabe, Shri Shridhar Wasudeo

Ghose, Shri Sankar

Ghosh, Shri Arabinda

Ghosh, Shri Dipendrabhusan

Goswami, Shri Biswa

Gupta, Shri Ram Lakhn Prasad

Haridas, Shri C.

Jaswant Singh, Shri

Joseph, Shri O. J.

Joshi, Shri Jagannathrao

Khandelwal, Shri Pyarelal

Kumaran, Shri S.

Lakhn Singh, Shri

Lepcha, Shri Sangdopal

Madhavan, Shri K. K.

Mahavir, Dr. Bhai

Malik, Shri Safya Pal

Master, Shri K. Chathunni

Mathur, Shri Jagdish Prasad

Mishra, Shri Kalraj

Mitra, Shri Santosh

Mody, Shri Piloo

Mohunta, Shri Sushil Chand

Mukherjee, Shrimati Kanak

Mukhopadhyay, Shrimati Purabi

Nanda, Shri Narasingha Prasad

Nigam, Shri Ladli Mohan

Patel, Shri Manubhai

Patel, Dr. Shanti G.

Paul, Shri Makhan

Pradhan, Shri Palitpaban

Rajan, Shri Pattiam

Ramamurti, Shri P.

Rameshwar Singh, Shri

Sezhiyan, Shri Era

Shahabuddin, Shri Syed

Shaheedullah, Shri Syed

Shahi, Shri Nageshwar Prasad

Sharma, Shri Yogendra

Shastri, Shri Bhola Paswan

Sheikh, Shri Abdul Rehman

Sinha, Shri Indradeep

Surjeet, Shri Harkishan Singh

Yadav, Shri Hukmdeo Narayan

*The motion was adopted.*

*The Enacting Formula and the Title were added to the Bill.*

[Mr. Deputy Chairman]

SHRI YOGENDRA MAKWANA:  
Sir, I beg to move:

"That the Bill be passed."

*The question was proposed.*

SHRI PILLOO MOLY: It was almost accidental.

MR. DEPUTY CHAIRMAN: There are so many hon. Members who want to speak. I request them not to take more than a few minutes.

SHRIMATI PURABI MUKHOPADHYAY: Sir, for 16 hours we sat in this House and tried to argue the case as effectively as possible from the side of the opposition. We expected that the Government will at least take into consideration certain points. Sir, it was not a frivolous attempt on the part of the opposition. It was a sincere effort to show our solidarity with the working class movement and also our sincere effort to persuade the Government to take note of the sentiments and the realities in this country.

Sir, we knew that we will be defeated but we fought every inch throughout this Bill just to register our protest against these kinds of measures. Sir, it was inhuman on the part of the Government on the Members of Parliament, on the staff who are working here, on the officers who are in the Official Gallery, on the transport which is waiting outside, we know and the press—even though they are not in that number; but we have to refer to them—and that is why we tried our best to persuade the Government even though the Government failed to discuss and consult the opposition about such a measure. There was no consultation with the opposition leaders on the part of the Government to come to a consensus. Then we tried our best to forestall any hurried decision or any late sitting. For 16 to 17 hours

we sat here, from 1 O'clock to 4 O'clock in the morning and I do not know when it will be finished.

Sir, we do not gain by experience. We have seen in the past. I was in the ruling party. We have seen and we have got the bitterest experience that if power is vested with junior rank to higher rank people without having a control on the exercise of the Government's or Cabinet's authority, these powers are invariably misused. Our Government became unpopular only because of these measures, that we gave to the officials—unchecked authority in police officers. I thought we have gained by the experience and will not do it again. Sir, by this Bill, any police officer whatever the category may be, can arrest me; I am not a trade unionist; but I am a sympathiser as a social and political worker. But whenever the Government feels that I have to be arrested or you have to be arrested, that clause will apply any time on you and even on the Treasury Bench members so that they do not remain members of the Treasury Benches in future. So, before exercising such sweeping powers and vesting that power in the junior rank officers or even in constables, you will see that two things will happen. One is that the constable or the junior or senior officer will have an unholy alliance with the employers. My colleagues have said that. But I am going a step further. Whenever they need some money, as we have seen—everyone of us has seen that—they come to you and say that these things are against you and, to placate them, you just pay them some money and your name is obliterated from that list of arrest. Now, suppose you and I have a quarrel. If you have a greater power to be exercised over the government officers, you can haul me up and put me behind the prison through these officers. These provisions are not meant only for the working class. If it were so, I would have equally protested against it. It is equally ap-

pliable to anybody. Now, even on the fictitious charge that when I came to the Howrah station I put money in the tin box when the people came there for collecting funds, even if I had put one naya paisa, I could be arrested on that ground, on the ground that I have given monetary help to the striking people. Sir, even at this very late stage, I am again appealing to them. I know that amendments will not be accepted and it is not possible to accept anything in the Rajya Sabha. The Lok Sabha has already passed it and is going to be prorogued. But we know that these amendments will not be accepted. We are all pragmatic people. But, will the Leader of the House and the Minister of State for Home Affairs—the Home Minister is not here and I have no quarrel with the State Minister and I think all are equally responsible—give an assurance that, whenever they apply this law, whenever this bitterest experience they have, whenever their own people are put behind the bar and whenever they see that their whole policy is becoming unpopular, will they withdraw this measure? I do not know about it. Why do you make it four years giving the room for doubts in the minds of the people that after four years, before you face another election, if you are afraid of being defeated, you will withdraw this after four years before a new government comes to power? It should have remained vague and no specific timing no specific mention of years should have been there. All these are temporary measures. Even our life is temporary. Who knows that I, who am speaking here now, will not be here tomorrow? So everything is uncertain in this world. So, you cannot say anything definitely about every thing. Temporary is our life and temporary is our world. You never know, with Diego Garcia and things like that, whether or how long we will be living in India as peaceful citizens of India. So, why do you bring forward such draconian measures?

Sir, with these words, I am giving a warning. Since I know the Bill will be passed—within a second it will be passed as soon as we finish our speeches—I am uttering a word of caution because of the bitterest experience that we had in the past by vesting this kind of powers in the people who do not deserve to be vested with such powers. Do you think that these officers are meant to be helpful and loyal for any party? No. It is for you to see how far you are able to take them along with you. Can you control a constable in this vast country? Who can control a junior officer, police officer? So, it will not only be anti-working class and anti-labour, but it will also be anti-people and anti-government. These people who are sitting there on the treasury benches and thumping the desks, they must realise how many months will elapse before they come here and regret that they did not exercise their mind, that they should have applied their mind to this question? Their own party should have taken a serious note of this issue and should have consulted their own individual trade unionists and other members. I know the predicament of Mr. N. K. Bhatt. He is the President of the INTUC. I have no quarrel with any of my friends sitting here who are all honourable colleagues of mine. But I only wish to point out that a day will come when they will see that this law recoils on all of us. Thank you, Sir.

4.00 A.M.

**SHRI ERA SEZHIYAN:** Mr. Deputy Chairman, Sir, in the process of putting this obnoxious and draconian piece of legislation on the Statute Book we are reaching the last stage.

**AN HON. MEMBER:** The last stage of the Bill. (*Interruptions*)

**SHRI ERA SEZHIYAN:** This Bill started at 12.25 We have been debating this for about sixteen hours We have worked for a full day and far into the night.

MR. DEPUTY CHAIRMAN: It is early morning now. (*Interruptions*)

SHRI ERA SEZHIYAN: The Dawn will not be very much far off.

MR. DEPUTY CHAIRMAN: Dawn is coming.

SHRI ERA SEZHIYAN: It is now the last stage. I do not know whether it is the last stage of the democratic way of life in this country, whether it is the last stage of the rule of law. Spending sixteen hours on it is no pleasure. As some body pointed out, probably many of us have been inconvenience for sixteen hours. But this measure is going to become permanent inconvenience and oppression to the 680 million people of this country.

Sir, even at this stage I am not aware of the special conditions that prevail in this country that we require such a law. Only one example comes to me—about steel. What is the position of steel? The production loss of saleable steel due to industrial relations during 1980-81 has been from .37 per cent to 1.8 per cent, whether it is Bhilai or Rourkela. It means that .99 per cent of any loss is not attributable to industrial relations. But still the Minister comes here and says: Due to the peculiar circumstances, special circumstances.... I do not know what they are.

AN HON. MEMBER: They also do not know.

SHRI ERA SEZHIYAN: Sir, one thing pains me very much. We are aware that it is going to be passed. We get agitated over the clause that any police officer can arrest any person without any warrant, on just a suspicion. Some explanation should have been given. But the hon. Minister simply stands up and says: "No amendment is acceptable." If this is the way in which Members of Parliament are treated, you can well imagine the plight of a person who is going to be confronted by the police in the dead

of night, without warrant. As I said this is a draconian measure. For the last sixteen hours we have been crying hoarse. Whatever is said has gone into the records. It is for the historians to judge whether they were right or we were right.

Our concern is not only about the workers. It is about the people of this country and the workers are not apart in society. One of the most essential services in the country is the essential service of governing. The Government "that works" is not working at all. One of the essential services that should be available to this country is completely blank. Instead of putting this essential service into gear and making it workable, they are asking others to work. Sir, this Bill should have been enforced on the Ministers, the officers and the bureaucrats. They should have been hauled up before the bar of this country. But they are not touching them. They are protecting them. The poor worker who is for working is going to be put in jail.

SHRI PILOO MODY Particularly the sleeping Minister.

SHRI ERA SEZHIYAN: When a person who is living in the opposite house is arrested, you don't care about it. When your next door neighbour is arrested, you don't care about it. When the arrest comes to you, then you howl and nobody is left to take care of you. In the same way, the worker is going to be arrested, his sympathiser is going to be arrested and in the same way, the publicman are going to be arrested. When the police knocks at your door... Sir, by you I do not mean 'you'. God bless you and all the Ministers on that side.

SHRI PILOO MODY: Only if you give a ruling against them.

SHRI ERA SEZHIYAN: This is an obnoxious and atrocious piece of legislation. It is worse than what the



British imperialists had done. It is worse than the Rowlatt Act. Therefore, Sir, with all the emphasis, on behalf of my party, I record my strong condemnation against this worst piece of legislation.

SHRI LAL K. ADVANI: Mr. Deputy Chairman, Sir, when I look back, it seems to me that there is an ominous resemblance between the sequence of events during the years 1973, 1974 and 1975 and of these last two years, i.e. 1980 and 1981. Sir, particularly after the 1971 victory of the ruling party, the Government's response to the growing discontent amongst the people was to enact MISA. It was an onslaught on civil liberties. This was followed by the supersession of the Supreme Court Judges which was an assault on the judiciary. Then came the Railway strike and the high-handed manner in which the railwaymen were sought to be crushed. They were the biggest working force in the country under one single organisation. That was the assault on the working class. Similarly after that, in 1975 came the final clamp down on democracy itself and all democratic institutions were stifled and throttled. During this brief period of 1980 and 1981, hardly one and a half years, something similar has been happening in the same sequence. It started with the National Security Ordinance and then Act, i.e. NSA, which is an onslaught on civil liberties. Earlier this year, we saw an assault on the judiciary in the form of that infamous circular of the Law Minister wanting all judges to sign that they were willing to be transferred before they are appointed or before they were confirmed. Immediately thereafter, we have had this ESMO, the Essential Services Maintenance Ordinance, which is an assault on the working classes. The same sequence of events is likely to take us where we landed in 1975. It may be in a different form, I do not

anticipate that the same kind of emergency which the country saw in 1975 was going to be clamped on us again. For one thing, the Janata Government has made it difficult for the present difficult to do exactly what they did in 1975 by the amendment of the Constitution. But even thereafter it is quite possible that without formally declaring an emergency, all circumstances are created in the country in which democratic functioning is impossible. But I would like to warn the Government, I would like to point it out to the Government that 1975 was followed by 1977. They should never forget. When I talk of 1977, I am not talking of the change of power, I am not talking of one party giving way to another party. That is an incidental part of it. I regard 1977 as a triumph of the people over dictatorship, as a triumph of the people over authoritarianism, and which authoritarianism is manifest even in this obnoxious law which this Parliament is about to pass now. The whole 16 hours we have spent here. I think there are worthier causes for sitting late and passing sleepless nights than passing a Bill of this kind. There are worthier causes, and not a Bill of this kind. This is hardly a Bill for which we should spend the whole night. But we did not want to let you pass it without even a resistance. We knew what the outcome is going to be. We knew you had a clear majority and we were in a minority. But we wanted to register the feelings of the people, the feelings of the working class, the feelings of the masses. And I would say, I regard this as an assault on democracy itself. Therefore, I join my colleagues in condemning it with all the vehemence and emphasis at my command. I am not going to appeal to the Government to withdraw it, to modify it because I know that in this entire session which is about to end, if there has been one single thing that has come out very broadly and sharply, it is the unresponsiveness and the obtuseness of the present Government which has been highlighted very dramatically by the Government's reaction to the press and the Parliament's outcry on the Antulay

[Shri Lal K. Advani]

episode—obtuseness and unresponsiveness of this Government. Therefore, I do not propose to appeal to the Government to withdraw this Bill or to modify this Bill. Sir, I condemn it and I register my protest and my Party's protest against it.

श्री सुशील चन्द महन्त :

मेरे कच्चे मकान की दीवार क्या गिरी,  
लोगों ने मेरे सहन से रस्ता बना लिया ।

Sir, the protective wall which was there because of the Janata Party, the strength of the Opposition, that wall crumbled. And after the crumbling of that wall, the Congress (I) Government, the Treasury Benches have made inroads into the rights of the people, trespassed on the rights of the people, and the first act of trespass was when the National Security Act was passed. The second act of trespass was when the Government indirectly and in a very crude manner expressed their dissatisfaction over the functioning of the judiciary. And this is the third step where they want to stifle the voices and the activities of the working class. It is not an ordinary matter. You must view it very seriously. We have, as Mr. Advani has just said, put in 16 hours over here trying to convince the Treasury Benches, and they must look at some reason. Listen to us and be responsive. And those suggestions which are in the nature of bettering the conditions of the working class should have been listened to. But they have turned a deaf ear to us. Nothing has come out. Sir, in 1947, this country became free. Those children who were of six or seven years of age in 1947, those people who started developing a little bit of understanding, and those people who have now ripened into an age of about 40, those people bred and brought up in an independent country, those people who had before them the hopes and aspirations of independence, those are the people whom we want to keep now under bondage. And, who wants to

keep them under bondage? Those people who had remained in bondage under the British regime, under those conditions against which they agitated and finally secured freedom in 1947, they want to keep them under bondage. There is something wrong with us. After 35 years of independence we still want to keep our own people under the dread of draconian laws, a very unhealthy situation. Somebody owes an explanation to the country for it. And, who are the people who are responsible for it, if such a situation has arisen? It is those people who have been in administration and in charge of the governance of this country for 35 years, barring a short period of two years when the Janata regime was there. After all, Sir, the working class in this country has always been neglected. They have been fighting for their rights. We have been giving them the bare minimum standards and even one recognised right of strike which they have all over the world, it is a recognised right, that right of strike for achieving their own objectives, legal objectives, legal objectives for their living, for their amenities, for better conditions, better working conditions, perhaps a little weapon in their armoury, you want to take away. There is no explanation or reason given by the Treasury Benches why they have been led to taking this step. There have been a number of news items in the press that the Government is adopting this measure because it is under foreign duress, foreign stress, that the whole economic situation in this country is at the worst level and that there is no hope for the future and because of that situation they have landed this country in such a situation where they are borrowing from the World Bank and the International Monetary Organisations in such a large measure that whatever conditions they impose upon them, they have to follow them even to the extent that those curbs and restrictions are being placed by the Government. On whom? On those innocent working class poor people who even cannot represent their case properly.

And, Sir, it has been highlighted during the discussion at the initial stage that for big houses proper penalties have not been prescribed. I fail to understand why. (Interruptions) There is a provision in the Act that for lock-out he would be fined Rs. 1,000 and six months imprisonment. (Time bell rings) Now, on the one side you have a mill, a company, and what is the penalty imposed on it. On the other side if there are ten workers or twenty workers, imagine the amount of fine on these people and then you send them to jail. (Time bell rings)

Sir, I will not take any more time. I oppose this Bill knowing fully well that in spite of what we have said, in spite of the facts that we have highlighted the atrocious provisions in the Bill, the Government will still go ahead with it, but still I register my opposition.

MR. DEPUTY CHAIRMAN: Mr. Indradeep Sinha.

SHRI INDRADEEP SINHA: Mr. Deputy Chairman, Sir,...

SHRI HARKISHAN SINGH SURJEET: Sir, what about me?

MR. DEPUTY CHAIRMAN: Your name is not there.

SHRI HARKISHAN SINGH SURJEET: My name is there.

MR. DEPUTY CHAIRMAN: All right. You will speak after him.

SHRI INDRADEEP SINHA: Mr. Deputy Chairman, Sir, at this late hour, I do not want to say . . .

MR. DEPUTY CHAIRMAN: Early hours.

SHRI INDRADEEP SINHA: I do not want to say much because it is useless to say anything to these people. We have to deal with a bunch of people who have mortgaged their soul and who are impervious to any argument, impervious to any sensitivity and who are just laughing, over their in glorious victory—that they are enacting this blackest piece of legislation this morning. Why is it being enacted? There is no economic justification for it.

There is no political justification for it. This is being enacted because the World Bank has demanded it, because the International Monetary Fund has demanded it and our Finance Minister, Mr. Venkataraman, wants to have it passed before he goes to Washington to negotiate with the IMF for the loan. At the behest of the foreign moneylenders over there, this black legislation is being enacted here. Sir, we have been pleading for many, many hours and not one argument has made any sense to our friends sitting on the other side. But this is not the end of the matter. This is the beginning of the struggle. The struggle has only begun here and this struggle will now be carried forward in different cities, on the streets, by the working class, by the peasantry, by the other working people and I would like to tell the Government that this challenge shall be met and we shall not let you pass. You may pass the Bill. But we shall not let you pass. Our people shall not let you pass.

SHRI HARKISHAN SINGH SURJEET: Mr. Deputy Chairman, Sir, today the democratic rights of the working class, which the working class of our country had won through innumerable struggles, sacrificing the lives of many workers, are being snatched away through this legislation. This is the second instalment to impose a type of Emergency, the first being the National Security Act. This Ordinance has been condemned by the working class throughout the country. This has been condemned by the workers organising bands in West Bengal, Kerala and Tripura. This has been condemned by all the political parties of the country except the ruling one which is out to impose such types of draconian legislations. This has been condemned by persons, not only trade unionists, like Acharya Kripalani, who has characterised this as another Rowlatt Act. He has characterised as another Rowlatt Act this legislation which you are imposing. (Interruption) For you, it may be a question of laughing. But it is not so for the working class. You will find that the working class is not today . . .

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): I was only wondering how you have started quoting Kripalani now.

SHRI HARKISHAN SINGH SURJEET: I have said already that all the political parties, except the ruling one, have rallied to oppose this. They are opposing it. Sir, the hon. Home Minister has tried to tell us that this is only a preventive measure, that this is not going to be used and, hence, why should we be afraid of it and so on. He told us many stories, about gun licences, about some other things, about the fire brigade, about some temples and so on; he was telling us stories. But what is written here? It says: "any man who resorts to strike, any man who instigates...". Who is now to judge as to who is instigating? Then it says: "... and any man who participates, who donates some money...". And who is authorised to decide? It is the ordinary policemen. We have the experience of such cases being concocted. We have our own experience how in one day some cyclostyled papers and other documents are prepared and everybody is rounded up. And when you go to court, they say: "Yes, you are justified; but we cannot interfere". This is the type of thing being imposed today. And this is what you call preventive legislation. This is what you are intending to do. And the hon. Home Minister has made it clear that they are not able to control inflation and they are not able to control profits of monopoly houses. When the working class is struggling to neutralise the effect of inflation, they are not going to allow the working class to even maintain the same standard of living as they had, what to say of improving it?

So far industry is concerned, Bill has a different approach. Nobody is going to touch them and nobody has dared ever touch them. All those talks have gone in vain. This is directed against the working class, the salaried employees. And it is explained here that "Special conditions are there...". And the Home Minister has stated what

those special conditions are. He said the loco running strike was the special condition. Whatever promise was made by the Government, has been broken by the Government. And when you broke the promise and they went on strike, the Government tried to crush them. This would not work. Then he gave the example of Bangalore strike, where the Government refused to accept the demands agreed upon. Then he mentioned that there are many people who are instigating the working classes. And what was the reason given during the emergency also? One of the reasons given was that Emergency was imposed because of railway strike and in the declaration itself it was stated that railway strike had created a situation necessitating such measures. Similarly, you are doing the same thing today. In the name of social justice you imposed emergency. Can you say what happened to agricultural labour, to twenty-point programme? How has it benefited the monopoly houses, the Tatas and the Birlas who doubled their assets? They could do so during the emergency period. So far as poor classes are concerned, they suffered. And the same thing is going to happen today. This Bill is meant for suppressing the working classes. Sir, during emergency bonus was taken away; right to strike was taken away. Tomorrow, one does not know they may put us behind the bars naming us as instigators. Government is moving in the same direction. Emergency was the result of the failure of all the slogans of building socialism. Similarly, in the name of a policy to bring down prices, to control law and order situation, they want to suppress the trade union movement and by suppressing the trade union movement they want to perpetuate their rule. That is why the Home Minister tried to ridicule the trade union workers. He said that somebody in the trade union collects money; somebody brings loud-speaker and the other man goes there with achkan, stands there to speak. I do not know what he knows about the trade union workers. He does not know that people sacrificed their life; they suffered; they shed their blood for the working classes, and he is ridicul-

ing them! Perhaps he had in mind the INTUC leaders. What is the concern he has shown for working class? He is saying that the workers are getting above Rs. 500 and they are well protected. I do not know what he means by that. (Interruptions). I do not want to go into that, but perhaps they know what the authoritarian rule is. The Home Minister, while explaining some point, said that he felt proud of being authoritarian. He feels proud of it. Nobody else would dare do so. He says, what is wrong with authoritarianism? That is where he is wrong. I do not want to say anything more on that. In the national movement he is much junior to me. I had spent four years in jail when he had entered into politics. For three times I had gone on hunger strike and that is why I was saying, do ~~not~~ talk about hunger strike if you not been able to go on hunger strike yourself. But, Sir, I do not want to go into all these things.

Finally, I want to say that this legis- to learn from the experience that no amount of repression or suppression can cow down the Indian working class. It has risen to the occasion, it is well organised, more united today than it was ever. Even the military regime in the neighbouring countries have failed to keep the people subdued and suppressed for long. They are also rising. Therefore, if you do all these things, that will not work. No power on earth can turn the wheel of history. Indian working class has become conscious of its responsibilities and it will accept challenges as it has accepted earlier. You will find that the united working class is capable of fighting for their rights and they will succeed in their desire.

Finally, I want to say that this legis- lation will prove the grave digger for the ruling party here and the working class will triumph.

**श्री भोला पासवान शास्त्री (बिहार):**  
महोदय, मैं इस पर ...

**श्री उपसभापति :** संक्षेप में कहिये ।

**श्री भोला पासवान शास्त्री :** बहुत संक्षेप में कहूंगा, ज्यादा बिल पर नहीं बोलूंगा ।

उपसभापति जी, मुझे और तमाम विरोधी दलों को खासकर, विशेष कर इस बात की ख़ुशी है कि हम लोग इस पोजीशन से इस देश के बकिंग क्लास के लिये जो कुछ कर सकते थे, वह हमने किया । इससे ज्यादा हम और क्या कर सकते थे । समूची रात बीत गई, कल का दिन बीत गया, शुरू से इसके विरोध में हम लोग कह रहे हैं और हम समझते हैं कि इतना सार्वजनिक जीवन में ने बिताया इस तरह का ब्लैक बिल हमने आज तक कहीं नहीं देखा है । मैं इस बिल के खिलाफ हूँ और विरोधी दल इसके खिलाफ है । 42वां अमेंडमेंट जब लाया गया था तो मैं कांग्रेस पार्टी में था । अकेला, मिर्धा जी यहां पर बैठे हुए हैं, मैंने इसका कड़ा विरोध किया था कि यह हमारी सरकार, हमारी पार्टी गलत काम कर रही है । हमको निकाला जाने वाला था, फंसला था निकाल दो, पार्टी के खिलाफ काम किया है, इसने पार्टी के खिलाफ काम किया है ।

**SHRI PILOO MODY:** Bonded labour.

**श्री भोला पासवान शास्त्री :** इतना ही नहीं, जब मैं बोल करके लाबी में खड़ा था, कुछ आदमी मेरे ऊपर आखें लाल पीली कर रहे थे जैसे कोई बहुत बड़ा कसूर किया है । लेकिन उस वक्त मेरा मारल पक्का था और आज भी मारल पक्का है । यह सरकार बहुत गलत काम करने जा रही है । ... (व्यवधान) ...

आखिर पार्टी की बात है, इनकी बुद्धि इनको मुबारक हो । सरकार की तरफ एक से एक विशेषज्ञ हैं, बड़े एक्सपर्ट लोग हैं, वे हमारे पुराने साथी हैं, वे

### [ श्री भोला पासवान शास्त्री ]

समझते हैं कि हम ठीक कर रहे हैं तो उनकी बुद्धि उन्हीं को मुबारक हो। मैं इस पार्टी में कभी भी नहीं हो सकता, विरोधी दल कभी भी पार्टी नहीं हो सकता है। मैं जानता हूँ कि आपकी अपनी मजोरिटी है, इसको पास कर लिया जायेगा, विरोधी दल का कर्त्तव्य है, जो मजदूरों के प्रति उसको अपना फर्ज अदा करता था, मुझे इस बात की खुशी है कि विरोधी दल के लोगों ने इसको सच्चे दिल से किया है। आप मुस्कुरा रहे हैं क्योंकि पावर है, हमारा क्या बिगड़ेगा। मैंने, गोखले साहब को, जो उस समय ला मिनिस्टर थे, इसी हाउस के अन्दर कहा था कि जिस कानून को आप पास कर रहे हैं, उसी बिल से आपको रस्सी लगाकर जेल में ले जाया जायेगा।

वह रिकार्ड है 22 पेज पर आप शीघ्र देख लीजिए। सदबुद्धि से हम निकाले नहीं गए कांग्रेस से, बच गए। कैसे बच गए हम नहीं जानते हैं। आज मुझे इस बात की खुशी है, आप पास कर लीजिए हम लोग आपसे नहीं कहेंगे विद्वड़ा कर लीजिए। हम लोग आपसे कुछ नहीं कहते। हमारा जो कर्त्तव्य है उसका हम पालन कर रहे हैं और करेंगे तथा आगे भी करते रहेंगे। मैं आपको चेतावनी दे देता हूँ कि जिस चीज को आप करने जा रहे हैं, वह चीज आपकी सरकार के लिए, आपके लिए भले की नहीं होगी और आप तमाम डेमोक्रेसी का हनन कर रहे हैं। एक तरह से इमरजेंसी ला रहे हैं, ला चुके हैं। यह जो बिल लाये हैं इसको इमरजेंसी से बढ़कर मैं मानता हूँ। मैं जानता हूँ जब इमरजेंसी लग रही थी, मैं रांची में था। पुलिस ने पकड़ लिया पान बेचने वाले के लड़के को, उसके

भां बाप रोते हुए प्राये सरकिट हाऊस में, हमने कहा हमें कोई पावर नहीं है, पुलिस को इतनी पावर है कि हमको भी पकड़ कर रखते हैं, हम कुछ नहीं कर सकते।

आप लोग वहाँ जा रहे हैं, कौन मार्गदर्शन कर रहा है? पावर में इतने अंधे हो गये हैं कि आपकी विजडम, बुद्धि भ्रष्ट हो गयी है। आपको मैं चेतावनी देता हूँ और यह आपको कहता हूँ, आप समझते हैं मजोरिटी से जीतकर आये हैं हमारा कोई क्या करेगा? भगवान आपको सही बुद्धि दे, पास करके जाइयेगा तो आपको बहुत खुशी होगी। हम लोग तो हारे हुए हैं, हारकर बैठे हुए हैं। लेकिन हिम्मत रखते हैं पा... वायस को यहाँ पर, इस जगह पर जो सबसे बड़ी संस्था है, स्ट्रॉंगली आपके सामने रखने के लिए। ऐसा भी कहीं होता है जो फ्लोर पर बैठे थे... (व्यवधान) मिनिस्टर आफ स्टैंट बैठे थे, होम मिनिस्टर तो चले गये और जो खुद मिनिस्टर मकवाणा जी बैठे थे उनमें हिम्मत नहीं थी कि इसको जस्टीफाई करें। इससे बढ़कर सरकारी बैच का दीवाला क्या हो सकता है? यह सरकारी बैच का दीवाला है कि आज इतनी बड़ी पार्टी अपनी आईडियालाजी को जस्टीफाई नहीं कर सकती।

बार बार पूछा जाता है कि आप पुलिस को क्यों इतनी पावर दे रहे हैं पर सरकारी बच मौन है जैसे गूंगे हैं। दीवाल के भी कान होते हैं, बहरा होने के बाद भी दीवाल सुनता है मगर मालूम पड़ता है कि आदमी नहीं सुन रहा है और आप लोग मिनिस्टर बनकर बैठे हुए हैं? देश की जनता ने आपको बिठाया है, हम लोग विरोध करते थे बराबर करते रहेंगे। देश की जनता ने आपको बिठाया है और आप इसके लायक हैं। आपको

जनता ने चाहा है और हम कुछ नहीं कर सकते हैं, उसको सम्मान भी देते हैं लेकिन जनता किसी की भी चीज नहीं है, आप बराबर समझ लीजिए, वह बराबर आपकी नहीं है, वह जज कर रही है। तो मैं आपको वार्निंग देता हूँ, आपका यहां से पास हो जायेगा, आप खुशी खुशी निकलियेगा मगर उससे ज्यादा खुशी-खुशी हम लोग यहां से निकलेंगे क्योंकि हम लोगों ने तह्ने दिल से, अपने तन, मन, धन से यहां की गरीब जनता के लिए, वर्किंग क्लास के लिए अपना फर्ज अदा किया है और जो बिल अभी सदन के सामने है इसको सदन स्वीकृति दे पर हम उसको स्वीकृति नहीं दे सकते हैं। विरोधी दल कभी इसकी स्वीकृति नहीं देगा क्योंकि साफ बात है इसके लिए हम तैयार हो कर आये हैं कि स्वीकृति नहीं देंगे। अगर हमारा बहुमत रहता तो हम डिफीट कर देते यहां आपको, लेकिन वह आपोजीशन हमारा नहीं है। वह पोजीशन आपकी है जिससे आप हंस रहे हैं, मुस्करा रहे हैं। यह आप नहीं हंस रहे हैं, पावर हंस री है और खलनायक हंस रहा है। जो पार्ट करते है, जो डेविल का पार्ट करते हैं, जैसे उसकी कला देखकर आदमी को गुस्सा आता है वैसे ही आपको हंसते देखकर हमको गुस्सा भी आता है और दया भी आती है। खैर आपकी बुद्धि आपको मुबारक हो। जो आपने सदन के सामने प्रस्ताव पेश किया है कि सदन उस पर स्वीकृति दे तो हम कभी भी स्वीकृति नहीं देंगे और इस बिल के विरोध में तमाम हिन्दुस्तान के वर्किंग क्लास के पक्ष में इस काले बिल के विरोध में हम वाक आऊट करते हैं।

(At this stage, some hon. Members left the Chamber.)

SHRI YOGENDRA MAKWANA: Sir, I want to be very very brief in these early hours of the day. All the Opposition Members have made very lengthy speeches in the third reading of the Bill. This was unexpected. But they wanted to score a point over the Lok Sabha and they wanted the House to continue longer than the Lok Sabha continued and that, they have done successfully.

Sir, from their speeches and from their behaviour it is very clear that their concern was not for the working class but that their concern was for political benefit. Nobody has made a new point. They have merely repeated the old speeches which were replied to by my senior colleague in detail. There is nothing for me to reply except about one point and that is about the police officers. Sir, it is a normal power given to a police officer to arrest without a warrant and to make this offence cognizable. There is nothing new. Only the hon. Members have prolonged the House just to score a point, as I said earlier, and they have not made any new point which I am required to reply. So, I would request the House to pass the Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: In the end I thank all the hon. Members for the marathon sitting. I think it is the longest sitting so far.

सदन की कार्यवाही आज ग्यारह बजे तक के लिए स्थगित की जाती है।

The House then adjourned at forty-three minutes past four of the clock to meet at eleven of the clock