

Payment of Bonus (Amendment) Ordinance, 1975. [Placed in Library. See No. LT-10010/76].

II. A copy (in English and Hindi) of the Ministry of Labour Notification G.S.R. No. 2428, dated the 20th September, 1975, publishing the Working Journalists Wage Board (Amendment) Rules, 1975, under sub-section (3) of section 20 of the Working Journalists and Other News paper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955. [Placed in library. See No. LT-10011/76].

**Order made by the President on the 8th January, 1976 under clause (3) of Article 359 of the Constitution**

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) : Sir, I beg to lay on the Table, under clause (3) of article 359 of the Constitution, a copy (in English and Hindi) of Order G.S.R. No. 16(E) made by the President on the 8th January, 1976, under clause (1) of the said article, suspending the enforcement of rights conferred by article 19 of the constitution for the period during which the Proclamations of Emergency are in force. [Placed in library. See No. LT-10033/76].

SHRI BHUPESH GUPTA (West Bengal) : Sir, about the Presidential Order taking away the right to go to the court irrespective of whether one is a democratic trade unionist or a member of the democratic movement or whether one is a smuggler or somebody, as far as we are concerned, we think that the rights of the workers, their legitimate democratic rights, should not be taken away. If they are arrested, they should be entitled to go to the court. I am not talking about the smugglers, the rightists and others. Let them be taken care of. But such an Ordinance is issued when Parliament is in session. Why did you not make a statement about it yesterday or today ? The Government was contemplating to issue a statement or a proclamation of this type in order to sweep away all the rights to ap-

proach the court. It is better not to suppress all the fundamental rights. In any particular over riding national interest, we are prepared to accept that. But what is happening now is that people are being arrested for legitimate trade union, kisan and other activities, and they are not in a position to go to the court. I have got a letter from Madhya Pradesh saying that a leading member of our Secretariat, Mr. Mutatkar, has been arrested under the MISA. Is he not entitled to go to the court ? If you arrest him, he should go to the court. In Haryana people have been arrested. They are not allowed to go to the court. In Himachal Pradesh people have been arrested; they are not allowed to go to the court. In Madhya Pradesh many others have been arrested and they are not allowed to go to the court. Therefore in this matter there should be discrimination. They seem to put everybody in the same category, rightists, fascists, Anand Margis, RSS and others. This should not be done. The law should be so formulated, the Proclamation should be so formulated, that those people who are fighting the rightists, the fascists and other such forces are not persecuted, that those who make certain legitimate, democratic demands and pursue democratic methods are not persecuted.

Sir, this is very very wrong, and all the more so, when Parliament is in session. Yesterday there was no indication in any of the speeches that this Proclamation would be made. I say this thing because you know our position. We are second to none in giving Government power to deal with the forces of destabilisation. But this is too much on the trade union movement of the country and on us also. They seek power, and the power is misused against democratic movements. You know very well how they have done many things. For example, we were not allowed to hold our rally on the occasion of the 50th anniversary of our party in Delhi. I am not in a position to go to the court.

SHRI S. S. MARISWAMY (Tamil Nadu) : I associate myself with the sentiments expressed by my friend. of course,

with a difference. Whether he is a rightist, or a leftist or a fascist or anybody else, then anybody whosoever is arrested if he is an Indian, if he is a citizen of this country, must be given a chance to go to the court. Sir, this is our sentiment, not that we want it to be discriminatory, as my hon friend has said. Whosoever is arrested must be given a chance to go to the court. We also oppose the order.

**SHRI SAIL KUMAR GANGULI** (West Bengal) : Sir, everybody should have the right to go to the court. Mr. Bhupesh Gupta, who is giving blanket support, should know that the only fundamental right that remains to-day is article 31, the right to property. Excepting the right to property, all other fundamental rights have been suspended. Mr. Bhupesh Gupta should think twice about being second to none in giving support to this Government.

**MR. CHAIRMAN** : Mr. Trivedi.

**Annual Report (1973-74) and Accounts of the Central Inland Water Transport Corporation Limited, Calcutta and related papers.**

**THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI H. M. TRIVEDI)** : Sir, I beg to lay on the Table a copy each (in English and Hindi) of the following papers, under sub-section (1) of section 619A of the Companies Act, 1956 :—

(i) Seventh Annual Report and Accounts of the Central Inland Water Transport Corporation Limited, Calcutta, for the year 1973-74, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(ii) Review by Government on the working of the Corporation.

[Placed in Library. See No. LT-10015/76 for (i) and (ii)]

**Papers under Major Port Trusts Act, 1963**

**SHRI H. M. TRIVEDI** : Sir, I also beg to lay on the Table a copy each in English and Hindi) of the following papers, under sub-section (2) of section 103 of the Major Port Trusts Act, 1963 :—

(i) Annual Accounts of the Kandla Port Trust for the year 1973-74 and the Audit Report thereon. [Placed in Library. See No. LT-10012/76].

(ii) Annual Accounts of the Paradip Port Trust for the year 1973-74 and the Audit Report thereon. [Placed in Library. See No. LT-10013/76].

(iii) Annual Accounts of the Visakhapatnam Port Trust for the year 1973-74 and the Audit Report thereon. [Placed in Library. See No. LT-10014/76].

**Seamen's Provident Fund (Amendment) Scheme, 1975**

**SHRI H. M. TRIVEDI** : Sir, I also beg to lay on the Table a copy (in English and Hindi) of the Ministry of Shipping and Transport (Transport Wing) Notification G.S.R. No. 2284-85, dated the 23rd August, 1975, publishing the Seamen's Provident Fund (Amendment) Scheme, 1975, under section 24 of the Seamen's Provident Fund Act, 1966. [Placed in Library. See No. LT-10012/76].

**Notifications of the Ministry of Shipping and Transport**

**SHRI H. M. TRIVEDI** : Sir, I also beg to lay on the Table a copy each (in English and Hindi) of the following Notifications of the Ministry of Shipping and Transport (Transport Wing), under sub-section (3) of section 458 of the Merchant Shipping Act, 1958 :

(i) Notification G.S.R. No. 2421, dated the 20th September, 1975, publishing the Examination of Masters and Mates (Amendment) Rules, 1975.