

The Indian Trusteeship Bill, 1974

श्री भैरों सिंह शेखावत (मध्य प्रदेश) : मैं प्रस्ताव करता हूँ कि न्यास निगमों के सृजन तथा तत्सम्बन्ध मामलों का उपबन्ध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted.

श्री भैरों सिंह शेखावत : मैं विधेयक को पुरःस्थापित करता हूँ।

THE DELHI UNIVERSITY (SECOND AMENDMENT) BILL, 1974

श्री राजनारायण (उत्तर प्रदेश) : मैं प्रस्ताव करता हूँ कि दिल्ली विश्वविद्यालय अधिनियम, 1922 का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted.

श्री राजनारायण : मैं विधेयक को पुरःस्थापित करता हूँ।

THE FOREIGN PROPAGANDA IN INDIA (REGULATION AND CONTROL) BILL, 1974

श्री श्री लक्ष्मी कुमारी चंडावत (राजस्थान) : मैं प्रस्ताव करती हूँ कि भारत में विदेशों द्वारा उत्प्रेरित राजनैतिक प्रचार पर प्रतिबन्ध लगाने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये।

The question was put and the motion was adopted.

श्रीमती लक्ष्मी कुमारी चंडावत : मैं विधेयक को पुरःस्थापित करती हूँ।

THE INDUSTRIAL DISPUTES (SECOND AMENDMENT) BILL, 1974

SHRI DWIJENDRALAL SEN GUPTA (West Bengal): Sir I beg to move for leave to introduce a Bill further to amend the Industrial Disputes Act, 1947.

The question was put and the motion was adopted.

SHRI DWIJENDRALAL SEN GUPTA: Sir, I introduce the Bill.

THE INDUSTRIAL DISPUTES (AMENDMENT) BILL, 1970 (to amend section 2)

SHRI DWIJENDRALAL SEN GUPTA (West Bengal): Sir, I beg to move:

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

Mr. Vice-Chairman my Bill is very simple. There is no provision in the Industrial Disputes Act, to protect the interests of a worker even when he dies during the pendency of a dispute either before the Conciliation Officer or before the Tribunal. There is a provision for the heirs, or successors to realise the dues that may be settled by an award in respect of a deceased person under section 33C (2) of the Industrial Disputes Act. This provision is that the heirs or successors can step into the shoes of the deceased workman and can realise it through the Gov-

ernment machinery. There is no such provision as to what will happen if a worker was wrongfully dismissed and he was pursuing his case before the employers for considering his matter on the plea of natural justice and social justice, but the management was not paying heed to his request and the matter is pending before the Conciliation Officer of Conciliation Board or if the matter is pending before the Tribunal.

What is the legal implication of this? The legal implication is this that in such proceedings before the conciliation officer or even before the tribunal these cases abate because a deceased workman, according to the present definition, is not a worker. An industrial dispute, according to the law now, can be pursued if it is in respect of a workman and an employer. Sir, under Section 2(k) of the Industrial Disputes Act, wherein the term "industrial dispute" has been defined, what an individual workman can do has been explained. Parliament, in its wisdom, has introduced a new section in the Industrial Disputes Act to give a right to an individual worker, whose services have been terminated, to raise an industrial dispute himself without the assistance of the other workers or even of a trade union. What was the purpose? The purpose was to give a right to any worker whose services might have been capriciously terminated by his employer to seek redress. Trade unions might have been there and are there. But let us be realistic and let us be pragmatic. There are not many unions as yet to cover all the workmen in the country and only a fringe of the total working class is covered by the present trade unions. Of course, unfortunately, there are rival unions. In some organised industries, there are more unions where as in some factories there are no unions at all. So, Sir, the Parliament, in its wisdom, introduced one Section, i.e., 2(k), laying down that if a

worker's services are terminated, he can, without the assistance of the collective effort of the trade union or the other workers, siding with him, straightaway raise an industrial dispute. That is all right. But what is the logic in that? If he can continue his industrial dispute, why should there be no law of substitution? Under the law of substitution, what happens? If a plaintiff or a defendant dies, under this law, his heirs or his successors can be substituted. Why should not this provision be there in these laws? His case may be a case of wrongful denial of benefits or his case may be a case of other dues from his employers which have been wrongfully denied to him and which he would have had had he been alive which he is not getting now. This is no justice at all. If an employer has done injustice to the worker while he is alive, the latter's heirs or successors have an inherent right to seek justice also. That is why I have suggested that the law should be amended to the effect that in the case of a deceased workman, his heirs and successors should also be included in the term "workman". I am placing before this House my amendment to section 2 which says:

"In section 2 of the Industrial Disputes Act, 1947, in clause (s), after the words "discharge or retrenchment has led to that dispute," the words "or in the case of the death of the workman his assignee or heirs," shall be inserted."

I am placing before the House this amendment of mine. Under section 2(s) the definition of workman has been given. According to this definition, "workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, dis-

[Shri Dwijendralal Sen Gupta]

charged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute. After this, I want to add the words "or in the case of death of the workman his assignee or heirs". This is my amendment, Sir. You will find in section 33C(1) of the Industrial Disputes Act a provision according to which a matter is referred to for computation purposes and recovery of dues of the workman.

4 p.m.

Section 33C(1) says:

"The workman himself, or any other person authorised by him in writing in this behalf, or in the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery....".

So, the assignees or heirs come in. You recognise them for the purpose of this Act, for the purpose of recovery. But the question of recovery comes at the eleventh stage. First, you should have the right to pursue the matter. The right may accrue in two stages. One, the man may die, the worker may die, after the award has been published or the award has been given or the settlement has been effected. He did not get the benefit in that case. But what happens actually when the man has raised a dispute with his employer against the termination of his dues the matter is pending.

My Statement of Objects and Reasons says:

"Industrial Disputes Act, 1947, is intended to offer a system for settlement of industrial disputes. The proceedings under the Act ordinarily start with conciliation proceedings; failing settlement the matter is referred for adjudication and an award given by an adjudication, if not implemented, is refer-

red to for computation under section 33C of the Industrial Disputes Act, 1947. This section has been amended by the Industrial Disputes (Amendment) Act, 1964 to give a right to the 'heirs and assignee' of a deceased workman for the purpose of computation proceedings and recovery of dues from the employer. But no such right exists for heirs or assignee of a deceased workman to proceed with a dispute in the 'conciliation proceedings' or 'adjudication proceedings'. Consequently, the right of a workman abates in such proceedings, the moment he dies, on the plea that a dead workman is not a 'workman' within the meaning of the term as defined in the Industrial Disputes Act, 1947. Justice should not, therefore, be denied under this Act to the heirs and assignees of a deceased workman.

"The proposed Bill seeks to achieve the above object."

Mr. Vice-Chairman, Sir, this Bill is very simple, and it has precedents also in civil law. What is there in civil law, Sir, I submit, has the sanction of justice, otherwise the civil law would not have prescribed like that. If that is there, then why should that justice not be available here. On the contrary, the position now is that the workman dies with an agony that injustice has been done to him, and he dies with a feeling that there will be no prosecution of the wrong done unto him. So there is a serious logic in the amendment proposed.

I hope the House will accept it.

The question was proposed.

SHRI D. THENGARI (Uttar Pradesh): Sir, the amendment introduced by our friend, Mr. D. L. Sen Gupta, is quite in keeping with the spirit of section 2 of the Industrial Disputes Act. Rather, when section 2 was framed, I am quite confident

that such a case was meant to be covered, but afterwards it was an omission which was inadvertent, and not deliberate. There is an analogy; there is a similar provision in Civil Procedure also as mentioned by our friend, Sen Guptaji.

Under the circumstances, I think it should not be very difficult for the hon. Minister to accept the amendment, particularly in view of the fact that the much trumpeted Industrial Relations Bill is yet to be introduced. We were told that the Industrial Relations Bill was going to be introduced before several sessions. That propaganda has been going on continuously and still the Bill has not been placed before the House. Now, before the introduction of the Industrial Relations Bill, our friend has suggested this amendment. I think it should not be difficult for the hon. Minister to insert this amendment also in the Industrial Relations Bill. Simultaneously, I should like to suggest that the very definition of 'workman' needs to be revised. It was demanded by the working class and conceded by the authorities that such of the workers as are wage earners and not yet covered by the Industrial Disputes Act should be brought within the purview of that Act. For example, the employees of educational institutions, hospitals and also, if I may add, social and social welfare organisations should be covered. So far as the social welfare organisations are concerned, we know that they are meant for social work. But, at the same time, those who serve there serve for remuneration and not as missionaries. It has been difficult to maintain any discipline in the educational institutions so far as the wages and working condition and not as missionaries. It has been difficult to maintain any discipline in the educational institutions so far as the wages and working conditions are concerned because the managements are not susceptible and amenable to any provisions of the Industrial Disputes Act. Regarding hospitals, I do agree that the case is

slightly different. But some provisions can be introduced with a view to regulating relations there. Sir, I further feel that the very definition of industry should be changed and any activity involving employer and employee relationship should be considered as an industry. Again, Sir, so far as the dismissed worker is concerned, when we say "during the pendency of the proceedings", that means that proceedings are there and these proceedings arose out of the arbitrary authority given to the management or the employers for dismissal, discharge, termination, retrenchment, etc. Now, if we want to maintain industrial peace or industrial relationship, it is necessary that some basic thinking should be done regarding this right to dismiss or discharge or terminate or retrench. To my mind, it would be more appropriate and helpful if it is indicated that the management shall not have the right to victimise workers or to proceed against the workers without prior consultation or with the consent of Workers' Committees wherever they are constituted or the workers' representatives where the Workers' Committees are not constituted so that any action against an employee or worker should be with the consent of the workers' representatives either within or outside the Workers' Committees. I think, now that the Industrial Relations Bill is about to be introduced—not in this session, but most probably in the next session—I hope that all these basic considerations should be in the mind of the hon. Minister so that when the new Bill comes, it would be possible for us to welcome it whole-heartedly. Thank you.

DR. K. MATHEW KURIAN (Kerala): Sir, the hon. Member, Mr. Sen Gupta has brought forward a very useful amendment to the Industrial Disputes Act. I personally feel that this is an amendment which the Government should whole-heartedly accept and the Government should not take a partisan attitude on this. On the contrary, they should accept this.

[Dr. K. Mathew Kurian]

Sir, under the existing arrangement in the Industrial Disputes Act and even after the amendment of 1964, i.e. Industrial Disputes (Amendment) Act of 1964, the right was given to the heirs and assignees of a deceased workman in the conciliation and adjudication proceedings. But there has been a symmetry in the whole law for some reason or the other either by lack of foresight or because of the continuation of the general anti-labour policy of the Government. Whatever be the reason, this asymmetry in the law exists.

No such right today exists for heirs and assignees of a deceased workman to proceed with the dispute after he has died. In other words, as the Mover of the Motion rightly pointed out, the right of a workman abets in such proceedings the moment he dies. But the plea is that he is no longer a worker because he is dead. But the workman's original right cannot be exercised because he is dead. So, he dies in a situation where the dispute is still pending, and the assignees and the heirs cannot take benefit and see that justice is done to the workman. Therefore, I think it is all in the fitness of the things that this amendment should be wholly accepted by the Minister whole-heartedly. I appeal to the Minister to accept this as such. And how he incorporates this into the Industrial Disputes Act is a matter of lesser importance. If he accepts this in principle and makes a declaration today that this is a correct principle and this will be accepted, then, I think this will be an important step forward.

Sir, in this connection, I would like to make one or two points. One is about the comprehensive Industrial Relations Bill, about which the other hon. Members also spoke. Government has been promising a comprehensive Industrial Relations Bill but in the womb of the Government's own thinking process, this remains almost in an abortive stage and the Bill does not come forward. The

reason is not very far to seek, Mr. Vice-Chairman, Sir. The Government, during the last two years, have gone back on their own professions regarding industrial relations. Even the rights which were taken by the working people in this country during the last 27 years were through bitter struggles. Through a series of trade union struggles, the workers got certain rights which have been traditionally accepted in any civilized society for that matter. But the Government of India, in their attempt to have an increasingly authoritarian rule, do not want dissent. They want to curb all dissent, particularly of the working people who are in the forefront of this dissent against the wrong policies of the Government. They want to choke their feelings. They want to choke and stop their utterances and their dissent by curbing the trade union rights. The recent Ordinance regarding the wage freeze and later converted into an Act of Parliament and all that was intended by the ruling party and the Government to choke this attempt on the part of the working people to proceed onward on the path of struggle. How else could you explain, Mr. Vice-Chairman, Sir, the inordinate delay in bringing forward a comprehensive Industrial Relations Bill? How else does one explain the fact that a large number of working people in this country, who sell their labour force for a pittance of a wage, are not included under the coverage of the Industrial Disputes Act? For instance, the All-India Federation of Universities Employees have been demanding that they should be included under the purview of the Industrial Disputes Act. They have signed a massive memorandum from all over the country and submitted it to the Government. But till today, there is no action. I wrote a letter to the hon. Labour Minister regarding the inclusion of university employees under the purview of the Industrial Disputes Act I got the usual reply which I get from every other Ministers—"Thank you for your letter. The matter is being looked into." Sir, I continue to

get letters from the hon. Ministers saying that this matter is being looked into. What does it mean? The Minister and his PA write a letter, which is a usual circular letter that things are being looked into. But I charge the Government that they are abetting the crime by not including hundreds and thousands and lakhs of workers under the purview of the Industrial Disputes Act, under which they would have got some benefits from their employers. What is the difference between a man who works manually and a man who works mentally. Employees and workers in various organizations, who work and toil, all should be brought under the purview of the Industrial Disputes Act. "Labourer" or "worker" means a person who sells his labour power for a wage. That means all employees and workers in the various establishments—as another hon. Member has said, the various departments under the Ministry of Health etc.—where workers work. But they do not have the benefit of the Industrial Disputes Act. How is it that if the Government is serious about this comprehensive Bill they do not bring it early and why have they refused this benefit to the vast majority of working people in this country? If the Government is really serious about the comprehensive Bill on Industrial Relations, they should not only bring it as quickly as possible but also introduce in the Bill a provision for including all these leftout categories like the university employees, hospital workers and so on and so forth—a large number of categories—who have been clamouring to be brought within the purview of the Industrial Disputes Act. They should be specifically brought under the provisions of the Act and the Minister should at last, after several months and years, give me a reply that this is being done—not that this is being looked into".

Lastly, Mr. Vice-Chairman, I would like to suggest that this Amendment Bill is something which, normally, should be acceptable to the Government if they are true to their profes-

sions. This is nothing political. This is a simple right which already exists in the other laws of the country and this should be extended to the Industrial Disputes Act. I would therefore request the hon. Minister to accept this amendment in a spirit of non-partisan attitude and agree and make an announcement in this House that this will be incorporated in the comprehensive Bill which should come as soon as possible and brought forth in Parliament.

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI BALGOVIND VERMA): Sir, I am very grateful to the hon. Members who have participated in the debate and made valuable contribution. Sir, this Industrial Disputes (Amendment) Bill was introduced by my hon. friend, Shri Dwijendralal Sen Gupta on 27th November, 1970 and it has taken a long time for it to be discussed here.

Sir, it has been said in the Statement of Objects and Reasons of the Bill that there is no provision in the Industrial Disputes Act, 1947 "for heirs or assignee of a deceased workman to proceed with a dispute in the conciliation proceedings or adjudication proceedings" and consequently the right of the workman is abated because a dead workman is supposed to have no right at all according to section 2(s) of the Industrial Disputes Act. Therefore, Sir, this Bill—it is said—is to remove the lacuna which is existing there.

Sir, I appreciate the sentiments of the hon. Member and I do not wish to oppose the principles which are involved in the Bill.

DR. K. MATHEW KURIAN: Do you agree?

SHRI BALGOVIND VERMA: I said "Not opposed".

DR. K. MATHEW KURIAN: What do you mean?

SHRI BALGOVIND VERMA: I am just coming. Please wait for some time.

Sir, these have got to be examined in detail. I may say that the Ministry of Labour have under preparation a comprehensive Bill on Industrial Relations which will take into consideration the principles contained in the Member's Bill.

Therefore Sir, I hope the hon. Member will withdraw the Bill.

DR. K. MATHEW KURIAN: You said, "It will be considered", but do you agree with this principle?

SHRI BALGOVIND VERMA: We will give careful consideration.

DR. K. MATHEW KURIAN: Not even active consideration.

SHRI BALGOVIND VERMA: Active and careful consideration we shall give.

SHRI D. THENGARI: Sir, the hon. Minister should categorically make a statement about two things. Firstly he should say whether it is only consideration or acceptance of the whole thing, the whole amendment, in principle.

SHRI BALGOVIND VERMA: Sir, I say that we do not oppose the proposed amendment in the Bill and also a comprehensive legislation is under consideration. We will certainly actively consider the principle involved in the Bill.

SHRI DWIJENDRALAL SEN GUPTA: Are you going to incorporate? That is the main question.

SHRI BALGOVIND VERMA: When I say that we will actively consider the principles in the Bill and a comprehensive legislation will be brought forward in the very near future....

SHRI SYED NIZAM-UD-DIN (Jammu and Kashmir): Why not say that you accept in letter and spirit?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): You cannot put the words in the mouth of the Minister.

SHRI D. THENGARI: One more clarification I want to know from the hon. Minister whether this comprehensive Industrial Relations Bill is really going to be introduced at any time and if so, can he give some date?

SHRI BALGOVIND VERMA: Why does he doubt the *bona fide* of the Government when they have said that they are going to bring forward a comprehensive legislation?

SHRI D. THENGARI: Can you give a firm date?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Yes, Mr. Sen Gupta.

SHRI DWIJENDRALAL SEN GUPTA: Mr. Vice-Chairman, will you kindly permit me to ask him one straight question? That will make my job easier.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): You can make a speech directly.

SHRI DWIJENDRALAL SEN GUPTA: Are you going to give a categorical assurance that you will incorporate in the Industrial Relations Bill what is contained in this amending Bill?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): But he has said that he will consider it actively.

SHRI DWIJENDRALAL SEN GUPTA: That is too vague. The Bill has been pending for the last four years...

SHRI BALGOVIND VERMA: When I say that I appreciate the sentiments of the hon. Members, that we do not oppose the principles contained in the Bill and we will certainly very actively consider it...

DR. K. MATHEW KURIAN: On a point of order. This Bill was introduced in 1970 and if the Government had accepted its principle, what stood in their way to introduce this amendment in the Industrial Disputes Act.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): This is no point of order but anyhow...

DR. K. MATHEW KURIAN. There should be some assurance.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): You cannot draw much more from the Minister than what you have already drawn.

SHRI DWIJENDRALAL SEN GUPTA: Mr. Vice-Chairman, of what type is this Government? They will not bring forward any Bill. They will say, "It is all good" but they will not have the courage to accept it and pass it. I want to say one thing. This Bill has been pending for the last four years. Why did you not come forward and say that you have accepted it and that the Bill be passed? Why do you stand on ceremony? It has become a customary and traditional practice that a non-official Bill howsoever decent and sensible that might be, will not be accepted by the Government. It is a classic thing for them. They will say all the good things, but will not do anything. The hon. Minister tries to be a good orator. I do not say he is, but still the hon. Minister is trying to be so. He says I do not oppose the Bill. If that be so, why don't you accept it and pass it? But then you say you will actively consider it, as if there is passive consideration. Mr. Vice-Chairman, he may be fool others, but I am a lawyer myself. I understand the implications. He is standing on a ceremony that no good thing should be allowed to be done by a non-official Member. All these things are senseless and I should say nonsense also. The Bill has been pending for the last four years and I do not know how long the Government wants to consider it

more. He is still considering it, actively considering it and not opposing the Bill. This is not a big Bill.

SHRI BALGOVIND VERMA: I may clear my point. When I say it is being actively considered, I say that the Bill is under consideration. It has been prepared. What else can be expected?

SHRI DWIJENDRALAL SEN GUPTA: I say the Bill was introduced in 1970.

SHRI BALGOVIND VERMA: I myself have said it...

DR. K. MATHEW KURIAN: You could have come today and said that you are accepting the Bill.

SHRI BALGOVIND VERMA: I cannot disclose the contents of the Bill.

SHRI DWIJENDRALAL SEN GUPTA: Mr. Vice-Chairman, Sir, you are an eminent parliamentarian. What prevents my friend—will you ask him—from disclosing it?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Now, Mr. Sen Gupta, when the Bill itself has not been the light of the day or is not going to see the light of day, what can be done?

DR. K. MATHEW KURIAN: The Bill introduced by Mr. Sen Gupta has been with the Government four four years. What did they do?

SHRI DWIJENDRALAL SEN GUPTA: I say on the Minister's own admission, the Bill is there since 1970. He does not oppose the Bill. He says that he does not oppose the Bill. Why then should this Bill not be passed today? That is my point. If the Government opposes, I can understand it. If the Government does not oppose, does he support it?

SHRI KRISHAN KANT (Haryana): Mr. Vice-Chairman, Sir, I think you were in the House when a few days

[Shri Krishan Kant.]

back during the Question Hour a question was put about the Industrial Relations Bill. The Chairman asked the Minister at that time to tell the House—it was practically a direction to him—the earliest date by which they want to introduce the Bill. We had doubts and there is a view being taken by all trade union organisations, including the INTUC, that the whole attempt is not to bring forward this Bill at all. There are certain vested interests in this country which do not want that Bill to come. In the last Session the hon. Minister of Labour had said that this Bill was lying before a Cabinet Sub-Committee, but he was not prepared to tell anything more. There seems to be a big “Gol Mal” in the whole thing. The Industrial Relations Bill is important even for implementing the Fifth Plan. On this issue I think you must give some direction to the Government. If they do not want to accept this Bill, it is reasonable on the part of Mr. Sen Gupta to ask that, they should tell us before Parliament rises, by the 21st when the Bill is coming forward. That will be in pursuance of the direction given earlier by the Chairman. Otherwise, this attitude is condemnable and deplorable.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Have you anything to say?

SHRI BALGOVIND VERMA: We have said over and over again that we are sincere to bring this Bill on the floor of the House.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Nobody is doubting your sincerity.

DR. K. MATHEW KURIAN: Are you convinced? It is all crocodile tears.

SHRI BALGOVIND VERMA: I would say that the Bill is passing through various stages. Its consideration is not over. Therefore, I cannot give a definite date on which the

Bill will be introduced either in the Lok Sabha or Rajya Sabha. It is very difficult for me, but certainly we will do it in the near future.

SHRI KRISHAN KANT: No, Sir. Will he inform us of the date? I asked for your direction to the Government in this respect. Will they inform us before Parliament adjourns as to what the position is?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Let us understand clearly that the Minister is not in a position to say exactly and categorically on what date the Bill may be introduced because it has to pass through various stages, but the Government is sincere about it, he says. Now, let us take that.

DR. K. MATHEW KURIAN: Your ruling is the hon. Minister is unable to give a categorical date, because it is undergoing some processes, but can he tell us in which stage of the process it is? Is it being kept in a pigeonhole in the Ministry. Is that the stage? Is it before the Cabinet?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I think he said that it is before a Cabinet Sub-Committee or something.

DR. K. MATHEW KURIAN: We want a categorical answer. We want to know whether it is before the Cabinet and the Cabinet is standing in the way because of vested interests. We want to know whether the Cabinet or the political leadership is going to sabotage it because of vested interests. We want to know whether it is before the Cabinet.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I do not think the Minister can throw any more light on the subject than what he has already said.

SHRI D. THENGARI: During the next session at least will it be introduced?

SHRI KRISHAN KANT: I am not asking about it. He will get out of it. I am asking about the direction of the Chair to inform the House about it. Are you going beyond the direction of the Chairman because we want that before the House adjourns, the Government must let us know the position, may be by the 20th or the 21st, whichever is the last day. Twentieth is probably Friday when Labour Ministry's questions come up. They must tell us, and we have to raise questions. What is your direction?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): What was the actual wording of the Chairman at that time, that has to be seen. Without seeing the wording of the Chairman, I cannot say that.

DR. K. MATHEW KURIAN: I do not get a reply. What is it?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): He cannot throw more light on the subject.

SHRI BALGOVIND VERMA: It is very difficult to give.

SHRI KRISHAN KANT: Does he want that we should accept and pass this Bill?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Don't link that up with this.

SHRI DWIJENDRALAL SEN GUPTA: Sir I do not traverse long or I did not traverse beyond my amendment. It is because I thought that it is not the time and occasion for giving a detailed survey about the lacunae of the Industrial Disputes Act. I say that today at least I should be given this assurance that it will be incorporated in the Industrial Relations Bill that they want to introduce....

THE VICE-CHAIRMAN (SHRI V. B. RAJU): But he has replied.

SHRI DWIJENDRALAL SEN GUPTA: That position I did not con-

cede. But my friends Mr. Thengari and Dr. Kurian were very insistent on that question that he must assure us categorically on that. My position is very simple, and you will appreciate that also. Today is the day for the debate on this Bill. This Bill was circulated four years before, in 1970. Today the Bill is either to be passed or rejected or withdrawn. Why is the Minister taking it for granted that I shall withdraw the Bill. I stand for passing it without putting it into the cold storage. The Minister said that he does not oppose the Bill. If I say that I want a division and let there be voting on it, what will be the stand of the Government? Will the Government oppose the Bill after having agreed to it already?

DR. K. MATHEW KURIAN: Let us press it and pass the Bill.

SHRI BALGOVIND VERMA: I am making it more clear; I do not oppose the principles contained in the Bill.

SHRI DWIJENDRALAL SEN GUPTA: What else is there except the principle? Nothing is there.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): It is in your hands, Mr. Gupta. The ball now is in your court. What do you want? You please say that.

SHRI DWIJENDRALAL SEN GUPTA: Unless he makes himself quite clear, how can I say 'yes' or 'no'? I am not being cross-examined here. From what transpired in the course of the discussions here in this House, it is patent the House was in full accord with me in passing this Bill. If this is the position, it will satisfy me if the Minister says that he will incorporate it in that Bill.

SHRI BALGOVIND VERMA: If it satisfies him, I assure him that it will be done.

SHRI DWIJENDRALAL SEN GUPTA: Thank you, Sir.

DR. K. MATHEW KURIAN: What will be done? Incorporating it?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Mr. Sen Gupta, what is it? Are you pressing?

SHRI DWIJENDRALAL SEN GUPTA: Since he has said—and it has gone on record—that he will incorporate it in the Bill, I do not press. Unless it is done, I will raise a point of privilege and I will proceed against him.

The Bill was, by leave, withdrawn.

THE CONSTITUTION (AMENDMENT) BILL, 1970 (Insertion of new article 16A)

श्री श्याम लाल यादव (उत्तर प्रदेश): श्रीमन् मैं आपकी अनुमति से प्रस्ताव करता हूँ कि कांस्टीट्यूशन एमेंडमेंट बिल 70 पर विचार किया जाय। इस संशोधन के जरिए मैं यह प्रस्ताव करता हूँ कि कांस्टीट्यूशन के आर्टिकल 16 के बाद एक नया आर्टिकल 16 (ए) इस प्रकार जोड़ा दिया जाय—

“Every citizen above eighteen years of age shall have the right to employment and in the event of his failure to procure any employment, he shall be entitled to an unemployment allowance to be paid by the State at such rate as may be prescribed by the Government concerned from time to time by public notification.”

मान्यवर, जो संशोधन मैंने रखा है वह इतना स्पष्ट है कि उसकी शाब्दिक व्याख्या की जरूरत नहीं है। हमारे संविधान में जो व्यवस्था की गई थी आर्टिकल 39 (ए) में, जो हमारे संविधान के पार्ट 4 में है वह यह है कि राज्य को यह निर्देश दिया गया था कि

राज्य इस प्रकार की व्यवस्था करे कि इस देश के निवासियों को बराबरी का मौका रहे औरत और मर्द को और उनको अपना जीवन-निर्वाह करने का पूर्ण अधिकार वगैरह प्राप्त रहे और इसके लिए सरकार कोई नीति निर्धारित करे। संविधान को लागू हुए इतने दिन हो गए, लेकिन बड़े अफसोस के साथ कहना पड़ता है कि आज भी संविधान के उस आर्टिकल के अनुसार, उस अनुच्छेद के मुनाबिक हर एक नागरिक को काम करने का अधिकार प्राप्त नहीं है, उसे वे सुविधाएं प्राप्त नहीं हैं। इस देश में करोड़ों व्यक्ति हैं जो काम करने के योग्य हैं, पुरुष और स्त्री जो काम करना चाहते हैं, जिनकी जीविका का कोई साधन नहीं है, जो अपनी जिन्दगी बसर करने के लिए मामूली से मामूली धन्य भी करने को तैयार हों तो भी नहीं कर पाते हैं। ऐसी स्थिति में यह आवश्यक लगता है कि संविधान में ऐसी व्यवस्था की जाय कि प्रत्येक नागरिक को जो वयस्क है, काम करना चाहता है—अगर सरकार काम करने की व्यवस्था नहीं कर पाती है—उसको आजी विका के लिए कुछ व्यवस्था करे, कुछ साधन दे, एलाउंस दे। मान्यवर, मैं इसलिए निवेदन कर रहा था कि अभी तक संविधान के पार्ट 4 में जो निर्देश दिए गए हैं उनको लागू करने के लिए—नागरिकों को कोई ऐसे अधिकार प्राप्त नहीं हैं कि अगर राज्य उन निर्देशों का पालन नहीं करता तो उसके विरुद्ध नागरिक अदालत में जाकर अपने अधिकारों की मांग कर सकें, अपने अधिकार की सुरक्षा के लिए राज्य के विरुद्ध अदालत में प्रार्थना कर सकें। इस तरह की कोई व्यवस्था नहीं है। यही कारण है कि अब तक इस प्रकार का प्रयास राज्य की तरफ से नहीं हुआ। मैं समझता हूँ कि यही स्थिति रहती तो बहुत दिनों तक आगे आने वाले जमाने में राज्य की तरफ से बेकार लोगों को काम करने का कोई साधन नहीं दिया जायगा और न उन्हें कोई भत्ता दिया जायगा।