

in these cases of sabotage. Reference to these reports was also made in this House. The fact of the matter is that the Central Bureau of Investigation has not undertaken any investigation any of these cases ; nor has it submitted any report to the Central Government. There is no information either with the Central or State Government to suggest that any Minister or any former Minister in Bihar is involved in the activities of saboteurs or agents.

MESSAGE FROM THE LOK SABHA

THE NORTH-EASTERN COUNCIL BILL, 1971

SECRETARY : Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha :—

“In accordance with the provisions of Rule 96 of the Rules of procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the North-Eastern Council Bill, 1971, as passed by Lok Sabha at its sitting held on the 22nd December, 1971.

Sir, I lay the Bill on the Table.

SHRI NIREN GHOSH (West Bengal) : Sir...

MR. CHAIRMAN : Not now, but at one o'clock.

THE INDUSTRIES (DEVELOPMENT) AND REGULATION) AMENDMENT BILL, 1971—contd.

MR. CHAIRMAN : We shall now take up the clause-by clause consideration of the Bill, Clause 2, there are not amendments.

Clause 2 was added to the Bill.
Clause 3—Insertion of new section 15A.

SHRI KALYAN ROY (West Bengal) : Sir, I move :

“That at page 2, for lines 25 to 39 the following be substituted, namely”:—

“15A. Where a company, owning an industrial undertaking, is being wound up by or under the supervision of the High Court, and the business of such company is not being continued, the Central Government may take over the industrial undertaking without any investigation.”

Sir, I hope the Minister of Industrial Development will kindly consider the points that I am raising. I know his intentions are perhaps good, but unless he removes the in-built impediments, the whole purposes of the Bill will be lost. The Minister has said in Lok Sabha that the proposed Bill is to enable the Government to take over speedily the management of industrial undertakings in certain circumstances without any investigation. The whole Bill actually was conceived after the closure of the Saksaria Textile Mills at Bombay. The Prime Minister assured, that this Mill would be taken over two years back. Immediately the employers got scent of it. They went to the High Court and the whole take-over was stayed. My submission is this. This going to the High Court has become a disease with the employers, whenever they know that the Government intends to take over any mill. Now in regard to the textile mills in Bengal the Government said that out of 9 mills closed down, 4 are pending in the High Court for liquidation. You are limiting authority of the Government to take over whenever a proceeding is pending in the High Court. This is wrong. This will completely defeat the whole purpose. So, my amendment is very small and very helpful in the sense that if the case is pending in the High Court and the Government intends to take it over, then the High Court should not refuse permission. Investigation will delay, as it has happened. Mr. Moinul Haque Choudhary conceived of this Bill because of the closure of the Saksaria Textile Mills. Then, you are suspending all liabilities. When the case is pending in the High Court, why should you assume the liability just because the case is pending in the High Court ?

In textile mills, in coal mines, in engineering factories and in sugar factories hun-

[Shri Kalyan Roy]

reds of liquidation proceedings are going on. If you talk about investigation the whole purpose will be inevitably delayed by 5-10 years. We know what the role of the Supreme Court Judges has been whenever the workers' case comes before the Supreme Court. So may I request that there should not be any investigation when you desire to take over the particular industrial undertaking whose liquidation proceedings is pending in a High Court.

The question was proposed.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, मुझको कहना है . . .

श्री सभापति : कैसे काम खत्म होगा अगर हम मोशन पर सब लोग बोलते जाएंगे।

श्री राजनारायण : हम लोग खुद खत्म कराने के लिए प्रयत्नशील हैं, हम लोग खुद प्रयत्नशील हैं कि पूरी की पूरी सरकार खत्म हो। मैं कल्याण राय के संशोधन के समर्थन में खड़ा हुआ हूँ। मैं चाहता हूँ कि श्री मंत्री जी, जो कोर्ट की मैकिट्टी की, न्यायालय की पवित्रता और शुद्धता की बड़ी दुहाई देते हैं, स्वतः इसको पढ़ें। इसमें लिखा हुआ है —

Powers to investigate into the affairs of a company in Liquidation .

और कल आप जब यहां नहीं थे तो एक अजीबो गरीब तर्क माननीय मंत्री जी ने दे दिया कि जो कम्पनी लिक्विडेशन में चली गई उसके मजदूरों को भी ड्यूज न दिए जायें, यानी लिक्विडेशन की प्रोसीडिंग्स चल रही हैं और लिक्विडेशन में चली गई हों इन दोनों का फर्क माननीय मंत्री जी के नजदीक नहीं है। मैं यह सुन कर हैरात में पड़ा हुआ था, माथा धाम कर बैठा हुआ था कि हम कहां बैठे हैं।

श्री सभापति : अब आप बैठ जाइए।

श्री राजनारायण : मैं आपसे यह अर्ज कर रहा हूँ कि एक कोर्ट के सामने किसी कम्पनी

का मामला बिचाराधीन है, कोर्ट उस पर विचार कर रहा है, मगर यह सरकार कह रही है कि कोर्ट के सामने कम्पनी का मामला जो बिचाराधीन है उसको भी सरकार जब चाहे इनवेस्टीगेट करने के लिए कुछ व्यक्तियों को नियुक्त कर सकती है। मैं समझता हूँ कि यही व्यवस्था तानाशाही दिमाग से निकलती है, किसी जनतंत्री, साधु बुद्धि की उपज यह धारा हो ही नहीं सकती। यह धारा तो अधिनायकशाही, बुद्धि की उपज होती है। अगर न्यायपालिका और कार्यपालिका का अलगाव है तो मैं यह जानना चाहता हूँ कि क्या विधेयक की यह धारा न्यायपालिका और कार्यपालिका का अलगाव करती है? यह न्यायपालिका पर कार्यपालिका को हावी कराती है। इसके पहले, श्रीमन्, जब आप यहां थे बराबर सरकार की ओर से यह बात कही गई कि न्यायपालिका को राजनीति में हस्तक्षेप नहीं करना चाहिए, न्यायपालिका को सरकारी, कामों में हस्तक्षेप नहीं करना चाहिए, मगर मैं यह देख रहा हूँ कि प्रत्यक्ष रूप में यह सरकार न्यायपालिका के कामों में शुद्धतः बड़े पैमाने पर हस्तक्षेप करने का अधिकार इस विधेयक की इस धारा के जरिये लेने जा रही है। इसलिए एक जनतंत्रीय व्यवस्था में यकीन करने वाले के नाते मैं इसका घोर विरोध करता हूँ। मुझे खुशी है कि एक कम्युनिस्ट मੈम्बर ने, जो स्वतः अधिनायकशाही व्यवस्था में यकीन करता है, इसका विरोध किया।

THE MINISTER OF INDUSTRIAL DEVELOPMENT/ औद्योगिक विकास मंत्री (SHRI MOINUL HAQUE CHOUDHURY): Sir, before I take up this amendment specifically, I would like to clarify that I appreciate the deep concern that some of the hon. Members had expressed yesterday and may be expressing to-day about safeguarding the basic interests of labour. I am completely one with them in wishing to ensure that these basic interest of labour

are fully safeguarded. I may say here, at the risk of being repetitive, that it is primarily with a view to safeguarding the interest of labour that the present legislation has been brought before the House. I may legitimately claim that the interest of the Government is to preserve rather than destroy labour. If this is demolition, then it is a demolition legislated by half the States of India by popular ministries of different political persuasions. Such laws are there in the statute book of some of the States for nearly 10 years. However, I would like to assure the House that the Government will not normally make use of the powers proposed to be taken under section 18FB 1 (a), and that even when it becomes absolutely necessary to do so, they will exercise the most careful scurting before using these powers. They will in such an eventuality make use of these powers to the least possible extent and for the shortest period of time that may be absolutely essential. Government's love and solicitude for the labour, I may assure the House, is no less than anybody else's. I would like further to assure the hon. Members that if in actual working it is found that there is going to be any genuine hardship being caused to the workers as a result of this provision, Government will not hesitate to come before Parliament to amend the offending provision to mitigate the hardship as much as possible under the circumstances.

I would now take up the amendment of Shri Kalyan Roy. If this amendment is accepted, then the position will be that when the affairs of a company under liquidation are before the court, then we may be able to take over that company without seeking the permission of the court and without making any investigation into the affairs of that undertaking. Now there are certain difficulties in this. Shri Rajnarain has gone to the extreme extent in this. He said that such a take-over of a company would be tantamount to interference with court. Now, the normal practice is that one should not interfere with the working of the court or with the ways of law. That is why when the affairs of a company are before the court or the court is seized of the matter under liquidation proceedings, we have to provide for taking the permission of the court. But I am quite aware of the fact that

there may be cases where the court may not agree to such permission being given. Therefore, in sub-clause (2) it has been provided :

"Where an application is made by the Central Government under sub-section (1) the High Court, notwithstanding anything contained in the Companies Act, 1956, or in any other law for the time being in force, grant the permission prayed for."

Therefore, the court shall have to give permission. The court cannot refuse permission. That has been provided for. Therefore, the apprehension of Shri Kalyan Roy that in some cases the court would not grant permission is not justified.

SHRI KALYAN ROY : In the case of the Saksaria Mills, the Prime Minister gave an assurance. After that they went to the High Court, and the matter is delayed for two years.

SHRI MOINUL HAQUE CHOUHDURY : That is why such a provision is necessary to enable the Government to interference in such cases so that even if somebody has gone to the court *malu fide*, we can interfere in such cases.

SHRI KALYAN ROY : But the investigation will take two to three years.

MR. CHAIRMAN : Mr. Kalyan Roy, you have had your say thrice.

SHRI KALYAN ROY : Sir, the unemployed workers are squatting in my House.

SHRI MOINUL HAQUE CHOUDHURY : Regarding the apprehension that in such cases investigation would mean delay, I can assure the House that in the past also we had not delayed in investigation for a long time in any particular case, and investigation had been quite speedy. My friend is only obsessed with the case of Saksaria Mills. But there will be 101 cases. The very fact that the company is in liquidation calls for an investigation. Whether it is viable, whether it is possible to run that company, all these factors will have to be looked into. And therefore, an investigation is called for.

MR. CHAIRMAN : The question is ;

"That at page 2, for lines 25 to 39 the following be substituted, namely :—

"15A. Where a company, owning an industrial undertaking, is being wound up by or under the supervision of the High Court, and the business of such company is not being continued, the Central Government may take over the industrial undertaking without any investigation."

The House divided.

MR. CHAIRMAN : Ayes—19; Noes—70.

AYES—19

Abmad Dr. Z. A.
Anandan, Shri T. V.
Basu, Shri Chitta
Bhadram, Shri M. V.
Bhagwat Dayal, Shri
Chandrashekharan, Shri K.
Chatterjee, Shri A. P.
Choudhury, Shri Suhrid Mullick
Ghosh, Shri Niren
Gowda, Shri U. K. Lakshmana
Gupta, Shri Bhupesh
Menon, Shri Balachandra
Murahari, Shri Godey
Rajnarain, Shri
Rao, Shri Katragadda Srinivas
Roy, Shri Kalyan
Roy, Shri Menoranjana
Sanyal, Shri Sasankasekhar
Shahi, Shri Nageshwar Prasad

NOES—70

Abdul Samad, Shri A. K. A.
Ansari, Shri Hayatulla
Appan, Shri G. A.
Baharul Islam, Shri
Bhatt, Shri Nand Kishore
Bobdey, Shri S. B.
Chattopadhyaya, Dr. Debiprasad
Das, Shri Balram
Dikshit, Shri Umashankar
Dutt, Dr. Vidya Prakash
Gadgil, Shri Vithal
Gautam, Shri Mohan Lal
Gujral, Shri I. K.
Hathi, Shri Jaisukhlal

Jairamdas Daulatram, Shri
Kalyan Chand, Shri
Khemparaj, Shri B. T.
Kesri, Shri Sitaram
Khaitan, Shri R. P.
Khan, Shri Akbar Ali
Koya, Shri B.V. Abdulla
Krishankant, Shri
Kulkarni, Shri A. G.
Mangladevi Talwar, Dr. (Mrs.)
Mani, Shri A. D.
Maragatham Chandrasekhar, Shrimati
Mehta, Shri Om
Mishra, Shri L. N.
Mohamod Usman, Shri
Mohideen, Shri S. A. Khaja
Mukherjee, Shri Pranab Kumar
Musafir, Shri Gurmukh Singh
Nagpure, Shri V. T.
Nandini Satpath, Shrimati
Narayan, Shri M. D.
Narayanappa, Shri Sanda
Neki Ram, Shri
Panjhazari, Sardar Raghbir Singh
Purabi Mukhopadhyay, Shrimati
Puri, Shri Dev Datt
Raju, Shri V. B.
Ramaswamy, Shri K. S.
Ramiah, Dr. K.
Reddy, Shri K. V. Raghunatha
Reddy, Shri M. Srinivasa
Reddy, Shri J. C. Nagi
Roshan Lal, Shri
Salig Ram, Dr.
Samuel, Shri M. H.
Sangma, Shri E. M.
Savnekar, Shri B. S.
Sen, Dr. Triguna
Sherkhan, Shri
Singh, Shri Bhupinder
Singh, Shri Bindeshwari Pd.
Singh, Shri D. P.
Singh, Shri Inder
Singh, Shri Sinam Krishnamohan
Singh, Shri Sultan
Singh, Shri Triloki
Sinha, Shri Awadheshwar Prasad
Sisodia, Shri Swaisingh
Sivaprakasam, Shri S.
Sushila Mansukhlal Desai, Miss
Tiwary, Pt. Bhawaniprasad
Untoo, Shri Gulab Nabi
Venigalla Satyanarayana, Shri

Villalan, Shri Thillai
Vimal, Punjab Deshmukh, Shrimati
Yajee, Shri Sheel Bhadra

The Motion was Negatived.

MR. CHAIRMAN : The question is :

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 5—(Amendment of Section 18)

MR. CHAIRMAN : There are two amendments, Nos. 2 and 3, by Shri Kalyan Roy and Shri Bhupesh Gupta. Are they moving them ?

SHRI KALYAN ROY : Sir, I move :

"That at page 3, lines 32 to 34 be deleted".

SHRI BHUPESH GUPTA (WEST BENGAL) : Sir, I move :

"That at page 3, after line 47, the following be inserted, namely :

"The Government shall not issue any licence for the installation or expansion, including expansion in production, to any industrial undertaking whose sponsors, promoters and 1 or directors have been served with show cause notice for violation of any provision of this Act in respect of any industry under their control."

The questions were proposed.

SHRI KALYAN ROY : I think the Industries Minister is aware that serious crisis has developed in West Bengal and other places. I can cite the examples of two concerns. One is Sen Raleigh. This was most illegally closed down. It has got only Rs. 1,50,00,000 or Rs. 1,30,00,000 of paid up capital. It took loan from the Government and Refugee Rehabilitation Ministry to the tune of Rs. 3,30,00,000. Again it is coming up for further loan. When the Bill is being

passed for taking over that concern, they are again thinking of going to the court. Central Cotton Mills, Howrah, belonging to Goenkas, is the other example. We are pressing for its take over. Now they are also thinking of going to the High Court. Unless this particular clause in the Bill is eliminated, I am afraid that Shri Moinul Haque Choudhury, with all his sincerity will not be able to take over these concerns. If you give them the right to go to Courts and if the matter is left for investigation, neither. Sen Raleigh nor Central Cotton Mill will be taken over. Same thing will apply to other industries. Sen Raleigh people think that they can persuade Shri Moinul Haque Choudhury to give more loans. I, therefore, request that this particular clause in the Bill should be removed. Otherwise, this very serious criticism will be there particularly in this period.

SHRI BHUPESH GUPTA : My amendment is intended to serve the purposes of the Bill. The law, as it stands, does not provide for certain protection against fraud, swindling and violation of law. In this connection, I invite your attention to Short Notice Question No. 2 in the Rajya Sabha on 9th August this year where the question of Mohan Breweries came up for consideration. There is a provision in the Industries (Development and Regulation) act which says :

"No owner of an industrial undertaking other than the Central Government shall effect any substantial expansion of an industrial undertaking which has been registered".

"If any person contravenes or attempts to contravene or abets the contravention of this Section, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 5,000 or with both and in the case of a continuing contravention with an additional fine which may extend to Rs. 500 for every day during which the contravention continues after the conviction for the first contravention."

Sir, this is the present provision in the law. Now, what happens ? When the contravention takes place, when a particular undertaking contravenes this provision and

[Shri Bhupesh Gupta]

comes within the mischief of this law, it is liable to be punished. But, Sir, what do they do? They start another company in order to get licences and so on. Sir, now the question relates to M/s Mohan-Meakin Breweries. When M/s Mohan-Meakin Breweries had contravened the law, Mr. Choudhury was good enough to admit in the House, "Yes, they have contravened the law." And, a show-cause notice was pending against them and no action was taken against them for reasons best known to them. In fact, the licence was not given to that concern. The show-cause notice was pending although the Government, for reasons known to them, did not take any penal action against Mr. V.R. Mohan or the owners of the Company.

Then, Sir, it was asked whether any recommendation from Shri Bahuguna reached them in favour of Shri V. R. Mohan. Mr. Moinul Haque Choudhury admitted "Yes, there was a recommendation. But it had nothing to do with M/s Mohan-Meakin Breweries." Sir, this is what he said. But, one thing he did not say and that is very significant. That is why I want protection in such a situation. What happened, Sir? When M/s Mohan-Meakin Breweries or Mr. V.A. Mohan did not succeed in persuading the Ministry to give them the licence, he started another concern, "Mohan Gold Water", in Lucknow and then, this "Mohan Gold Water" applied for the licence for production and that licence was given and, Sir, in that context, Shri Bahuguna's recommendation played part. Now, it was made to appear as if it was a separate concern and it had nothing to do with M/s Mohan-Meakin Breweries. Now, Sir, I invite your attention to the speech of the Managing Director, Padma Bhushan Lt. Col. Mohan, which has been published in the "Patriot" of December 4, 1971. In the speech—it is to the shareholders—he has said, "M/s Mohan Gold Water Breweries, Lucknow, is a public limited company under Section 43A of the Companies Act and has ceased to be a subsidiary of your Company" Therefore, Sir, Mr. V.R. Mohan now admits that M/s Mohan Gold Water was the subsidiary of M/s Mohan-Meakin Breweries. Now, the licence was given to the subsidiary, because the subsidiary has been set up in Lucknow with a view to circumventing the law and getting the licence when a show-

cause notice was pending against M/s Mohan-Meakin Breweries. The Minister on that day should have placed here everything. You can see his reply: "Yes. Not only have they violated the law, but they have started a subsidiary." They started it in order to circumvent the law and get the licence for production of something, which of you may use, under the new licence. Sir, it is a fraud on the Industries (Development and Regulation) Act. First, Sir, the law was violated and, secondly, in order to circumvent the law, they applied for a licence to start another subsidiary and, after getting the licence and starting production, Mr. V. R. Mohan tells his shareholders, "This has ceased to be a subsidiary". Now, it is admitted. It was a subsidiary at that time. That is why my amendment is there, Sir. It says:

"That the Government shall not issue any licence for the installation or expansion, including expansion in production, to any industrial undertaking whose sponsors, promoters and/or directors have been served with show-cause notice for violation of any provision of this Act in respect of any industry under their control."

This should be absolutely made mandatory. Otherwise, they can always start, because they have got plenty of money. You can see, Mr. V.R. Mohan has so much money and he is publishing a one-page advertisement to please somebody or to get something from somebody and I do not know how much money he would have spent during the last few days for the advertisements he has given in the newspapers in order to show himself up. He has got so much money and he is boasting that he pays Income-Tax to the tune of one lakh rupees per day. And he is saying that he can buy many officers and even Ministers in New Delhi. Now, here in this particular case I do not know which Minister he bought, which officer he bought. I have no doubt in my mind that this Mohan Gold Water was given a licence knowingly by the officers of the Ministry and the Minister, whosoever was there, knowingly that it was a subsidiary of Mohan Meakin Breweries Ltd., and that it has been set up to extract the licence when a show-cause

notice was pending. Therefore, it was a fraud on the law, it was a fraud on the public and it was the worst type of corruption which the Government supported by issuing a licence in favour of Mohan Gold Water.

I would like to know whether any inquiry has been conducted into the circumstances in which this company was started, how an application came, who dealt with that application and how the licence was sanctioned, who suppressed that information, how many officers were connected with Lt. Col. V.R. Mohan...

MR. CHAIRMAN : Please conclude now.

SHRI BHUPESH GUPTA : I say that this is a very serious amendment. I gave a complete illustration because it will explain to you that in many parts of the country such things are happening. It is not an individual case. Otherwise I would not have insisted on this amendment...

MR. CHAIRMAN : No explanation is necessary.

SHRI BHUPESH GUPTA : It is happening all over the country. It is done with the collusion of the Ministry; it is done with the collusion of the Government.....

MR. CHAIRMAN : Sit down now.

SHRI BHUPESH GUPTA : I want to know : Why there was no investigation made ? Why there is no CBI investigation ? I demand that an investigation be ordered on the basis of the disclosure made in this House on the 9th of August and on the basis of the speech made by Mr. V.R. Mohan to the shareholders of Mohan Meakin Breweries Ltd. Why no action has been taken against these people ? Who allowed this fraud and who persuaded the Minister to sign an order in favour of giving a licence to.

MR. CHAIRMAN : You have finished, Mr. Bhupesh Gupta. Please sit down.

SHRI BHUPESH GUPTA : it is a very serious matter. Sir, I am not going to speak

on many amendments. I have given many amendments...

MR. CHAIRMAN : Please sit down now.

SHRI BHUPESH GUPTA : Will the hon. Minister look into this ? I am not saying anything against Mr. Moinul Haque Choudhury; he did not happen to be there at that time. Therefore, he should not take it personally.

MR. CHAIRMAN : You have finished. You are repeating yourself.

SHRI BHUPESH GUPTA : I hope an investigation shall be conducted and the officers found responsible shall be punished on account of this collusion that took place.

SHRI GODEY MURAHARI (Uttar Pradesh) : I would like to say a word about it. Several times there have been assurances made on the floor of the House regarding licences. We were told that non-of these big business houses would be given fresh licences for expansion or for extra capacity. But it is a clear case because Mohan Meakin Breweries is owned by a very powerful individual. I know Mr. V.R. Mohan wields a lot of influence in this country. And it is a shame that when we talk, on the one hand, of socialism and bringing down big people and levelling of incomes, people like him are allowed to grow. And they grow on brewing and serving the people with liquor. I would like to know why the Government has not taken a serious view of this particular instance where it has been made clear by Mr. V.R. Mohan himself that this particular company, Mohan Gold Water, was a subsidiary till yesterday and just to extract a licence they converted it into a public limited concern. I would like to know from the Government what their explanation is.

MR. CHAIRMAN: Mr. Choudhury.....

SHRI NIREN GHOSH (West Bengal) : I lend my whole-hearted support to Shri Bhupesh Gupta's amendment.

MR. CHAIRMAN : On every amendment, I cannot allow a debate like this. In

[Mr. Chairman]
this way, how can we finish ?

(Interruptions)

SHRI GODEY MURAHARI : There have been a number of assurances in this House. . . .

MR. CHAIRMAN : Please sit down .

(Interruptions)

SHRI MOINUL HAQUE CHOU-DHURY : The House has already rejected the amendment of Shri Kalyan Roy—Amendment No. 1. This cannot be accepted. . . (Interruptions) I am not here to answer in individual cases. I am here concerned with the Bill. When these individual cases will come, I will certainly enlighten the House.

I am saying, Sir, that since Amendment No. 1 has been rejected by the House which related to section 15 A, now if Amendment No. 2 is accepted with regard to section 18 AA, the position will be infructuous and, therefore, it cannot be accepted. I have already given my reasons as to why Amendment No. 1 could not be accepted. For the same reasons, Amendment No. 2 cannot be accepted.

Coming to Amendment No. 3, you will find that this Amendment is not at all relevant to the clause to which this amendment has been sought. This section 18 AA relates to the power to take over industrial undertakings without investigation under certain circumstances. That is the provision. Amendment No. 3 is not relevant to this section. There are separate provisions in the Act itself which deal with the penalty clauses, namely these sections are 24 and 24 A. So, my first submission is that this amendment has no place here. Secondly, coming to the merit of this amendment, merely because certain things were done by one concern. Shri Bhupesh Gupta wants that some other concerns should be punished.

SHRI A. P. CHATTERJEE (West Bengal) : This is being done in regard to all concerns. I can quote scores of instances.

SHRI MOINUL HAQUE CHOU-DHURY : This will not only be harsh but

it will be against the principles of natural justice.

SHRI A. P. CHATTERJEE : Principles of natural justice, my goodness. . .

SHRI BHUPESH GUPTA : Sir, what is he saying . .

MR. CHAIRMAN : Mr. Bhupesh Gupta, you are unnecessarily obstructing.

SHRI A. P. CHATTERJEE : Sir on a point of order. I do not understand, when a Statute is being discussed and an amendment has been placed and the amendment is with regard to the legislation by the House in regard to certain provisions to be applied to certain industrial undertakings, whether the Minister is in order in saying that the amendment will not be accepted on the grounds of natural justice. I have not heard such absurd words. You put him in order. Legislation is a question of legislation. How can a principle of natural justice apply to this ?

MR. CHAIRMAN : No point of order.

SHRI MOINUL HAQUE CHOU-DHURY : Sir, I am deeply obliged to Shri Bhupesh Gupta when he said that I have personally nothing to do with Shri Mohan or his licences. I can only tell him that with regard to the large houses about which the Dutt Committee made a recommendation—that Committee made a remark that they had violated the industrial licences by illegal expansion their cases had been sent to the Sarkar Commission and the Sarkar Commission is in cognizance of these cases and this is one of such cases.

SHRI NIREN GHOSH : Nobody knows about the Sarkar Commission.

MR. CHAIRMAN : Mr. Niren Ghosh, why are you interrupting ?

SHRI MOINUL HAQUE CHOU-DHURY : So far as the Government is concerned, the Government has not been soft. Further I must also clarify . . .

SHRI A. G. KULKARNI (Maharashtra) : Sarkar Commission was appointed on the basis of the Hazare Commission report. . .

MR. CHAIRMAN : Mr. Kulkarni, I have to deal with the obstructions this side and now you are getting up.

SHRI A.G. KULKARNI : Sir, I would like to submit to you that the Sakar Commission was appointed on the basis of the Hazare Commission's Report and not on the Mohan Breweries.

SHRI MOINUL HAQUE CHOUDHURY : Sir, I was telling that the Dutt Committee is the Committee which referred to these cases of illegal expansions. These cases had been referred to the Sarkar Commission. I am not misleading the House.

I would also like to clarify the position of my predecessors. They had stated before the Parliament that with regard to the undertakings which had gone for illegal expansion, they would not be shown any favour. The Government has not deviated from it. I therefore do not like to accept these amendments.

MR. CHAIRMAN : The question is :

2. "That at page 3, lines 32 to 34 be deleted."

The motion was negatived.

MR. CHAIRMAN : The question is :

3. "That at page 3, after line 47, the following be inserted, namely :

"The Government shall not issue any licence for the installation or expansion, including expansion in production to any industrial undertaking whose sponsors, promoters and/or directors have been served with show-cause notice for violation of any provision of this Act in respect of any industry under their control."

The House divided.

MR. CHAIRMAN: Ayes—25; Noes—85.

AYES 25

Ahmad, Dr. Z. A.
Anandan, Shri T.V.

Appan, Shri G A.
Basu, Shri Chitta
Bhadram, Shri M. V.
Chandrasekharan, Shri K.
Chatterjee, Shri A. P.
Choudhury, Shri Suhrid Mullick
Deo, Shri Bira Kesari
Ganguli, Shri Salil Kumar
Ghosh, Shri Niren
Gupta, Shri Bhupesh
Mandal, Shri B. N.
Menon, Shri Balachandra
Menon, Shri K. P. Subramania
Murahari, Shri Godey
Prasad, Shri Bhola
Rajnarain, Shri
Rao, Shri, Katragadda Srinivas
Roy, Shri Kalyan
Roy, Shri Monoranjan
Sanyal, Shri Sasankasekhar
Shahi Shri Nageshwar Prasad
Sivaprakasam, Shri S.
Villalan, Shri Thillai

NOES—85

Abdul Samad, Shri A. K. A.
Ahmad, Shri Syed
Amla, Shri Tirath Ram
Ansari, Shri Abdul Qaiyum
Ansari, Shri Hayatulla
Arya, Shri Kumbha Ram
Baharul Islam, Shri
Bhatt, Shri Nand Kishore
Bobdey, Shri S. B.
Chaudhari, Shri N. P.
Das, Shri Balram
Deshmukh, Shri T. G.
Dikshit, Shri Umashankar
Dutt, Dr. Vidya Prakash
Gadgil, Shri Vithal
Gautam, Shri Mohan Lal
Gujral, Shri I. K.
Hathi, Shri Jaisukhlal
Jairamdas, Daulatram, Shri
Kalyan Chand, Shri
Kemparaj, Shri B. T.
Kesri, Shri Sitaram
Khaitan, Shri R. P.
Khan, Shri Akbar Ali
Khan, Prof. Rasheeduddin (Nominated)
Koya, Shri B. V. Abdulla
Krishan Kant, Shri
Kulkarni, Shri A. G.
Madani, Shri M. Asad
Mangladevi Talwar, Dr. (Mrs.)
Maragatham Chandrasekhar, Shrimati

Mehta, Shri Om
 Mirdha, Shri Ram Niwas
 Mishra, Shri L. N.
 Mohamod Usman, Shri
 Mohideen, Shri S. A. Khaja
 Musafir, Shri Gurmukh Singh
 Nagpure, Shri V. T.
 Nandini Satpathy, Shrimati
 Narayan, Shri M. D.
 Narayanappa, Shri Sanda
 Narayani Devi Manaklal Varma, Shrimati
 Neki Ram, Shri
 Panj hazari, Sardar Raghbir Singh
 Parthasarathy, Shri R. T.
 Patil, Shri P.S.
 Poddar, Shri R. K.
 Pratibha Singh, Shrimati
 Purabi Mukhopadhyay, Shrimati
 Puri, Shri Dev Dutt
 Puttappa, Shri Patil
 Raju, Shri V. B.
 Ramaswamy, Shri K. S.
 Ramiah, Dr. K.
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri M. Srinivasa
 Reddy, Shri Mulka Govinda
 Reddy, Shri J. C. Nagi
 Roshan Lal, Shri
 Salig Ram, Dr.
 Samuel, Shri M.H.
 Sangma, Shri E.M.
 Srojinii Krishnarao Babar, Dr. Kumari
 Savnekar, Shri B. S.
 Sen, Dr. Triguna
 Sherkhan, Shri
 Shukla, Shri Chakrapani
 Singh, Shri Bhupinder
 Singh, Shri Bindeshwari Pd.
 Singh, Shri Dalpat
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Sinam Krishnamohan
 Singh, Shri Sultan
 Singh, Shri Triloki
 Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Swaisingh
 Sukhdev Prasad, Shri
 Sushila Mansukhalal Desai, Miss
 Tiwary, Pt. Bhawaniprasad
 Untoo, Shri Gulam Nabi
 Usha Barthakur, Shrimati
 Venigalla Satyanarayana, Shri
 Vimal Punjab Deshmukh, Shrimati
 Yadav, Shri Shyam Lal
 Yajee, Shri Sheel Bhadra

The motion was negated.

MR. CHAIRMAN : The question is :

"That clause 5 stand part of the Bill."

The motion was adopted:

Clause 5 was added to the Bill.

Clause 6 Insertion of new Chapters IIIAA, IIIB and IIIC.

SHRI KALYAN ROY : I move :

4. "That page 4, lines 7-8, the words 'in relation to which an investigation has made under section' 15A be deleted."

I also move :

12. "That at page 7, line 24, the words "which is not being wound up by the High Court" be deleted.

13. That at page 7, line 34, the words "which is being wound up by the High Court" be deleted.

14. "That at page 8, lines 1 to 3 be deleted."

SHRI CHITTA BASU (West Bengal) :

Sir, I beg to move

5. "That at page 4, line 12, after the 'words general public' the words or providing employment for the workers of the undertaking, be inserted.

6. "That at page 4, lines 38 to 40 be deleted.

7. "That at page 5, line 30, for the words may employ 'such of the former employees' the words 'shall employ all the the former employees' be substituted"

9. "That at page 4, lines 33-34 for the words 'shall be deemed to have entered into a fresh contract of service with the company' the words 'shall have the continuity of service and be entitled to the conditions of service and work as were existing before the closure' be substituted.

10. "That at page 6 :—

(i) lines 7 to 12 be deleted,

(ii) lines 14 and 15, the words settlements, awards, standing orders or other instruments in force' be deleted.

(iii) lines 36 to 40 be deleted.

MR. CHAIRMAN : what about Amendments Nos. 8 and 11, Mr. Arjun Arora ?

SHRI ARJUN ARORA (Uttar Pradesh): In view of the assurances given by the Minister this morning I do not move my amendments.

SHRI A. P. CHATTERJEE : Where is the assurance ?

(Interruption.)

SHRI K. CHANDRA SEKHARAN (Kerala) : Yesterday he did not believe those assurances.

SHRI ARJUN ARORA : Sir, I would like...

MR. CHAIRMAN : You are not moving them and that is an end of the matter.

SHRI ARJUN ARORA : But I must explain my stand. In view of the assurances given by the Minister on the floor of the House this morning do not move the amendments.

SOME HON. MEMBERS : What were the assurances ?

(Interruptions)

SHRI BHUPESH GUPTA : Sir, I move :—

15. "That at page 12, line 28, after the word 'creditors' the words 'and the representatives of the workers' be inserted.

The questions were proposed.

SHRI CHITTA BASU : Sir, I speak on my amendments Nos. 5, 6, 7, 9, and 10. I think this is the crucial part of the Bill. In the body of the Bill it has been the intention of the Government to run or restart certain closed undertakings and the Government, as the Bill says, can run or restart such closed undertakings only for the

following, namely, for maintaining or increasing the production, supply or distribution of articles or class of articles, related to the Scheduled industry, needed by the general public. Sir, as I pointed out yesterday the basic idea of coming forward with this kind of legislation was to provide employment to the workers who have been affected adversely by the arbitrary closure of the factories. But there is no specific mention of this objective that the running or restarting of the undertaking is for the specific purpose of providing employment. Yesterday the Minister took pains to explain this with reference to the provision in article 31 of the Constitution. I do not think that stands in the way because if the employment of the workers is also a matter of public interest, what is the hindrance in mentioning in specific terms in the body of the Bill ? In the body of the Bill the words 'public interest' have not been mentioned. The words used are 'needed by the general public'. That does not specifically say that the Government can reopen, restart or restructure the company in public interest. If the words 'public interest' had been there I would have agreed with the Minister that providing employment is also covered. As I said the words 'public interest' do not find a place here. Therefore I feel that the basic objective of the Bill can be fulfilled only if there is a specific mention of providing employment to the workers who were engaged in that closed undertaking.

My second amendment is this. There is a provision that if the Government feels that a particular undertaking can be allowed to be controlled by an authorised person not only for five years but it can be extended further, the extension can be up to ten years. Why should the authorised person be allowed to control that particular undertaking for such a long period of time ? Therefore what I have sought to do by my amendment is if the Government agrees to allow the company to remain under the control of the authorised person under the provisions of this measure the time limit should not be more than five years and during the course of these five years the Government should take a firm decision whether they would take it over or it should be disposed of otherwise.

My next amendment relates to a funda-

[Shri Chitta Basu]

mental right of the workers, and those workers who were employed in that undertaking, which has been closed, have not been provided with the guarantee of later employment, or reinstatement—in trade union parlance. It has been said in the Bill that some of the workers may be provided with employment. Sir, he has mentioned in the course of his remarks yesterday that preference would be given to them. Sir, under the Industrial Disputes Act, if any worker is discharged or is retrenched because of the closure of the factory then, later, when the factory is reopened, normally preference is given to the previous workers discharged or retrenched. Therefore, Sir, that convention is already there under the provisions of the Industrial Disputes Act. If the basic intention of the Bill was to provide employment to the workers who have been thrown out of employment, in this case that guarantee has not been given. It has been said in Bill that some of the workers may be employed, some of the workers may not be employed. Even if they are employed, Sir, they are not being guaranteed their formerly existing rights, conditions of work and conditions of service. This is a wanton attack on the accepted norms of the trade union movement. You cannot have any legislation which adversely affected the interests of the workers. He has mentioned about natural justice. My friend, Mr. A.P. Chatterjee was saying : What has natural justice to do here ? I think he was referring to natural justice not being applicable in the case of Mohan Breweries, a big capitalist, who also violated the law of the land. But in this case the workers, who have been enjoying natural justice by way of protection of their conditions of work and conditions of service and their rights, are being denied that natural justice. I would say that Mr. Moinul Haque Choudhry will bear me out—that this has been the convention which has been honoured all these years and now, by a stroke of this Bill, it has been the intention of the Government to deny the workers all these rights, all these already settled norms in the matter of settlement of industrial disputes. So, in my amendment I have suggested that all the former employees shall have continuity of service and be entitled to the conditions of service and work as were

existing before the closure, because in the body of the Bill it has been said that even the workers, who may be reemployed, shall be deemed to have entered into a fresh contract of service with the company. This is not fair. Their services were dispensed with for no fault of their own and they are not to be blamed for the closure of the factory. The factory was closed because of the mismanagement, because of the wrong policy followed by the Government. Here the management is not being punished, but the workers are being punished. This is atrocious, this is pernicious, and no worker should accept it. Therefore, I feel that the Government, even at this stage, should reconsider this Bill if the Government feels that they are to fulfil or implement the massive mandate that they have received as the people gave them the mandate not to victimise the workers, nor to adversely affect the conditions of service or conditions of work of the employees. I tell my trade union friends sitting there that that was not the massive mandate. The people's massive mandate was given for the removal of poverty, there are this Bill is atrocious.

Then my next amendment comes which is all the more important. In this Bill a power has been asked for to suspend the operation of the Minimum Wages Act, to suspend the operation of the Industrial Disputes Act and to suspend the operation of the Employment Standing Orders Act. I do not like to take much of your time. This has been thoroughly discussed yesterday and this has been fully exposed by my able friend, Mr. Arjun Arora, who claims that he is a servant of the working class and says he will continue to remain a servant of the working class as long as he lives. In this Bill and in this provision they want to suspend the operation of these three Acts. I think, Sir, this is another wanton attack. Therefore I have said that this particular provision should be deleted, this sub-clause (a) of Clause 18FB.

There is another provision in this Bill and it says that the agreements, settlements, awards and standing orders shall remain suspended. There might have been any award of the court or any tribunal . . . Or any adjudication. The Bill seeks to abrogate all those settlements, to abrogate

all those awards of the Tribunals. I have never conceived of such an obnoxious and Draconian Bill, which has been imposed upon the working-class of our country. It has to be condemned. It is anti-working-class. It is anti-people. It is 'anti' to the basic policies which the Government claims to follow. Therefore, I do not know why the Government still persists in this amendment. I have suggested another consequential amendment, namely the words "settlements, awards, standing orders or other instruments in force" should be deleted. I once more appeal to the Government. It is not merely an assurance which might have been communicated to or channelled through Mr. Arjun Arora or some of our Congressmen there. I think that assurance has got no meaning. When we are discussing a legislation, the assurance should be a part of the legislation. No assurance given on the floor of Parliament becomes a part of law. Indeed these assurances are not part of law. We are concerned with the law of the country. We are concerned with the fate of the workers. We are concerned about the rights of the workers which they enjoy. This Government is denying their rights and depriving the working-class of their rights. Therefore, we are fighting for it here and we shall be fighting outside also.

SHRI BHUPESH GUPTA : I do not wish to say much. Much of what I was going to say has been said by Mr. Chitta Basu, but I would be failing in my duty if I do not lodge my strong protest against the manner in which the workers' rights have been attacked in the Bill, which has nothing to do that way with industrial relations. Whatever protection the workers have is to be taken away. This Bill, especially this particular clause, has been drafted, I believe, on the orders of the employers. That is the trouble with our Ministry of Industrial Development. Is it the Ministry of Development of Employers and looking after the interests of the employer-class and the capitalist class? After all this talk of socialism, progress and radicalism one would have expected at least in this measure that some respect would be shown to the rights of the working people and the agreements arrived at between the employer and the working people and certain other obligations incurred by the employers in relation to

their workers. This is why I say that it is absolutely wrong. They have taken the right to discharge any employee and not to re-employ him. Our amendment says that all the former employees shall be employed. Why should not the Government, in such matters, really set an example as a model employer, instead of trying to provoke other employers to follow their line in retrenching workers, in throwing them out of employment and in taking away their rights and whatever they have got under certain agreements and so on? I do not wish to say anything more except that I would ask Mr. Moinul Haque Choudhury to kindly listen to me. He is our new friend here in this House, but he is too much surrounded by officials who have connections with big business. Somehow or other we get reports from other sources also that the influence of big business is too much on this particular Ministry. It is a very important Ministry for all the monopolists and so on. He is surrounded by them.

MR. CHAIRMAN : You have said it.

[12 NOON]

SHRI BHUPESH GUPTA : You are convinced. One word from you would do. Why do you not say that it is correct? I need not say anything more. This is all that I wish to say. I would ask Parliament to be vigilant about the Ministry of Industrial Development. The Monopolies and Restrictive Trade Practices Act is nullified by the machinations of this Bill. The laws are made fun of by these people. Laws are circumvented. Now they want powers to be given under an Act so that they can retrench the workers and prosecute them. This clause is absolutely pro-capitalist, pro-monopolist and smacks of corruption and collusion behind it, if I may say so. I cannot think of such a clause being kept in a Bill of this kind. Had it not been for the fact that some people have been honest, I do not know how materially or otherwise these people have been influenced by the monopolists who are responsible for drafting this Bill and bringing it before us. Therefore, I request the hon'ble Minister even at this late hour to withdraw this provision and accept our amendment.

श्री सभापति : राजनारायण जी, संक्षेप में ही बोलिएगा ।

श्री राजनारायण : हम से भी ज्यादा संक्षिप्त कोई बोल रहा है आज कल क्या ? आप तो पहले बोल देते हैं तो हमारा मन करता है कि अपना भाषण हम लम्बा कर दें ।

मैं इस प्रस्ताव का समर्थन करने के लिए खड़ा हुआ हूँ और मैं समझता हूँ कि जिस को तनिक भी मजदूरों के बीच में काम करने का अवसर प्राप्त हुआ होगा और जो तनिक भी राजनीति में काम करता है वह सभी लोग इस प्रस्ताव के समर्थन में खड़े होंगे । मुझे कल बड़ी प्रसन्नता थी जब श्री अर्जुन अरोड़ा ने यहां पर यह कहा था कि मैं अर्जुन हूँ और मैं इस पर उसी तरह से खड़ा हूँ जैसे मैंने अपने को श्री गिरि के लिये खड़ा किया था । उनको आश्वासन श्री गिरि के समय में भी मिल गया था । तो श्रीमन्, इस समय अब मैं यह देख रहा हूँ कि बेचारे अर्जुन चले गये और अपना धनुष बाण रख दिये...

श्री सभापति : अब आप बैठ जाइये या फिर जल्दी खत्म कीजिए ।

श्री राजनारायण : तो मैं यह जानना चाहता हूँ कि आखिर सरकार ने आज की जो परस्पर विरोधी व्यवस्था है जिस में एक तरफ मजदूर है और एक तरफ मालिक है और उन में आप देखते हैं कि मालिक कोशिश कर रहा है कि वह मजदूर को कम से कम मजदूरी दे और कम से कम आराम दे और कम से कम बैठकी दे और कम से कम छुट्टी दे, कम से कम सहूलियतें दे और दूसरी तरफ मजदूर चाहता है कि ज्यादा से ज्यादा हम लें, तो यह लड़ाई बराबर चल रही है ...

एक माननीय सदस्य : और कम से कम काम करें ।

श्री राजनारायण : काम नहीं करते हैं तो

उत्पादन कैसे हो रहा है । काम न करने की बात न मजदूर सोचता है और न मजदूरों की यूनियन और स्टैंडिंग आर्डर इसी लिए बनाया जाता है जिस में मजदूर और मालिक के संबंध वर्णित रहते हैं, मगर सरकार कहती है कि अब कोई स्टैंडिंग आर्डर नहीं रहेगा । सरकार कहती है कि अब मिनिमम वेजेज ऐक्ट लागू नहीं रहेगा, सरकार कहती है कि अब इंडस्ट्रियल डिस्प्यूट्स ऐक्ट लागू नहीं रहेगा । मैं जानना चाहता हूँ कि यह कौन सी सरकार का कर्तव्य है ? क्या यह सचमुच वास्तविक समाजवादी सरकार का कर्तव्य है ? कोई सरकार जो समाजवाद का नाम ले, जिस को समाजवाद की गंध भी लगी हो क्या वह सरकार इस ढंग का कानून बना सकती है जो पूर्णरूपेण मजदूरों का गला काटता हो और जो पूर्णरूपेण जिस के हाथ में मलिकयत आये उस के हाथ को संरक्षण देता हो, मैं चाहता था कि इस पर श्री जयसुखलाल हाथी जी बोलते क्यों कि वह भी श्रम मंत्री रह चुके हैं । वह जानते हैं कि मजदूरों की क्या दिक्कतें हैं, उनकी क्या परेशानियां हैं । वह बहुत दिनों तक श्रम मंत्री रहे । अगर खाडिलकर जी नहीं हैं तो वह बोलें और बतलायें कि जो अधिकार यह सरकार अपने हाथ में लेने जा रही है वह मजदूर-हित-विरोधी है या नहीं और श्रमिक-हित-विरोधी कब हैं जब कि सरकार उन को अपने हाथ में ले ले । सरकार कहती है कि हम आदर्श मालिक बनना चाहते हैं । आदर्श मालिक बनने का सरकार दावा करती है और सरकार मजदूरों का यह हक छीने ले रही है । ऐसी स्थिति में मैं चाहता हूँ और मैं सदन के सम्मानित सदस्यों से जो कि अपने को समाजवादी कहने का दावा करते हैं, कहना चाहता हूँ कि वे जरा समाजवादी आचरण भी कुछ दिखायें और इस विधेयक के इस अंश को कम से कम हरगिज भी इस सदन से पास न होने दें । आपके द्वारा सदन के सम्मानित सदस्यों से मेरी यही कर बद्ध प्रार्थना है कि वह अपनी सद्वृद्धि

का प्रयोग करें और सरकार के इस विधेयक के इस अंश को हरगिज हरगिज न पास होने दें चाहे जो भी उन को श्री ओम् मेहता की व्हिपिंग हो या किसी और की पार्टी की या दल की व्हिपिंग हो या कोई आदेश हों, उसको वे इस बारे में न मानें।

SHRI MOINUL HAQUE CHOU-DHURY : Mr. Chairman, Sir, no new arguments have been adduced to-day. In fact, they have been repetitive and I had replied to them extensively yesterday.

श्री राजनारायण : क्या रिप्लाय दिया भाई।

संसदीय कार्य विभाग में राज्य मंत्री (श्री ओम् मेहता) : कल आप ने सुना नहीं।

श्री राजनारायण : अब तुम भी बोलने लगे।

श्री सभापति : उन्हें खत्म कर दो।

SHRI MOINUL HAQUE CHOU-DHURY : Sir, Shri Chitta Basu spoke of the specific purpose of employment. I would refer him to the various submissions I made yesterday. The provisions of article 31A of the Constitution are one of the several arguments I had made. It was not the only argument. I do not want to take the time of the House by repeating the same.

Regarding the limitation of time, we can only take over a concern for a limited period under the Constitution. We cannot take it over for an unlimited period. Since the main Act provides for 15 years, here also we have provided for a maximum period of 15 years. Again this is only an enabling provision and it does not mean that one would keep it for 15 years. One can dispense with it much earlier than that. But that is the maximum period that is provided for.

Coming to the provisions of clause 18FB (1) (a) and (b), I would once again reiterate that the House should make a distinction between an industry run normally, an industry which is healthy and an industry which

is sick. This is a relief undertaking Act. Where there are thousands of people unemployed for months together, years together, with no hope of getting employment, the Government is coming forward with certain relief undertaking. Now, in the relief undertaking my friends in their eagerness want that everything should be provided for.

SHRI CHITTA BASU : It is a question of rights.

श्री राजनारायण : श्रीमन्, एक प्वाइंट आफ इंफार्मेशन।

SHRI MOINUL HAQUE CHOU-DHURY : Sir, I never interrupted anybody.

श्री सभापति : आप बहस कर चुके हैं।

श्री राजनारायण : मैं प्वाइंट आफ इंफार्मेशन पर हूँ, यह पार्लियामेंटरी पद्धति है, आप मंत्री जी से कहिये कि वह हमें इंफार्मेशन दें। मंत्री जी नई बात उठा रहे हैं। मैं आपके द्वारा मंत्री जी से जानना चाहता हूँ कि जो अधिकार सरकार अपने हाथ में लेना चाहती है तो क्या यह आज निजी उद्योगपतियों को भी सलाह दे रहे हैं कि उद्योगपति भी अब यह कहें सरकार से कि वह भी जितने मजदूरों को चाहे रख कर उनको कम भी मजदूरी देकर मिनिमम वेजेज के अनुसार मजदूरी न दे कर के अपना काम चलावें, तो क्या सरकार इसके लिये ऐसा आदेश देगी।

श्री सभापति : अब आप बैठ जाइये।

श्री राजनारायण : जरा सुन लीजिये।

श्री सभापति : आपने बहस कर ली, आपको मौका दे दिया और आपने फिर शुरू कर दिया।

श्री राजनारायण : आप तो, श्रीमन्, बिना समझे बोल रहे हैं। मैं भुक्तभोगी हूँ।

[श्री राजनारायण]

आप जानते होंगे कि यहां पर आसनसोल के एक माइन मालिक ने ऐसा ही किया है।

श्री सभापति : नो, नो, आप बैठिये।

श्री राजनारायण : श्रीमन्, सुनिये।

श्री सभापति : नो, नो, आप इन्फार्मेशन नहीं मांग रहे हैं, आप बहस कर रहे हैं।

श्री राजनारायण : यही इन्फार्मेशन मांग रहा हूं कि सरकार क्या जो निजी उद्योगपति हैं उनको भी कहेगी...

श्री सभापति : आप यह पूछ चुके हैं। आपकी बात हो गई।

श्री राजनारायण : जो निजी उद्योगपति हैं वह अगर चाहें कि जो सहूलियत सरकार ले रही है...

श्री सभापति : आप वही बात बार बार कह रहे हैं।

श्री राजनारायण : ...वही सहूलियत निजी उद्योगपतियों को देगी और वही अवैधानिक काम उनसे भी करवायेगी।

श्री सभापति : आप बैठ जाइये मेहरबानी कर के।

श्री राजनारायण : यह तो तूफाने-बदत-मीजी चल रही है।

SHRI MOINUL HAQUE CHOU-DHURY : Sir, I was saying that the Government is a model employer. I am not saying that in the public undertakings we will not administer these Acts. We have not said it. We will certainly apply the Minimum Wages Act, we will certainly apply the Industrial Disputes Act. But a distinction should be made in the case of a sick undertaking which is closed or is going to be closed and the Government undertakes to reconstruct it. Shri Chitta Basu himself gave the number of industries sick in this

country as 2000 yesterday. If at the rate of Rs. 1 crore is to be invested on an average, it requires Rs. 2,000 crores for this country to revive these industries in order to find out employment for a lakh or so of people. Does he want in the name of labour to ensure everything and thereby make this proposition an impossibility? It is one thing to play to the gallery. We have certainly been voted by the country in a massive way. He asked if we have been voted to fight poverty, to eradicate unemployment. Yes, certainly, and this is a measure to eradicate poverty, to eradicate unemployment. There are lakhs of people unemployed. For years together they are unemployed. We are trying to give succour to these people. The people who want to burden the Government with all the liabilities are indirectly trying not to give succour to the people and thereby to draw the machinery on its own weight and they are thinking of a revolution by creating chaos. And I will not be a party to it. Nobody should be a party to it...

SHRI A.P. CHATTERJEE : Sir, we are not prepared to listen to a demagogue. Is he a Minister or is he a public orator in a field or a maiden?

SHRI MOINUL HAQUE CHOU-DHURY : Sir, it is one thing to play to the gallery...

SHRI A.P. CHATTERJEE : We are not prepared to listen to demagoguery or rhetoric.

MR. CHAIRMAN : Mr. Chatterjee, please let him reply. He is replying to the points.

SHRI A.P. CHATTERJEE : No, Sir, he is saying all kinds of rubbish things. Why should the Chair be in a hurry?

MR. CHAIRMAN : No, the Chair is not in a hurry.

SHRI A.P. CHATTERJEE : Then you must listen to the point of order. I am on a point of order...

SHRI MOINUL HAQUE CHOU-DHURY : Sir, it is one thing to play to the gallery...

SHRI A.P. CHATTERJEE : Mr. Chairman, you should ask the Minister to sit down first...

SHRI MOINUL HAQUE CHOU-DHURY : Do not behave like that with me.

SHRI A.P. CHATTERJEE : You should sit down first.

SHRI MOINUL HAQUE CHOU-DHURY : Sir, the honourable Member should not misbehave with me. He should come to you if he has anything to say...

SHRI A.P. CHATTERJEE : I am on a point of order. You must obey the Chair...

SHRI MONORANJAN ROY (West Bengal) : Sir, on a point of order...

MR. CHAIRMAN : Please sit down.

श्री राजनारायण : मोइनल हक साहब को इतने तैश में नहीं आना चाहिए। वे मिनिस्टर हैं, उनको टेम्पर शो नहीं करना चाहिए।

श्री सभापति : मेहरबानी करके बैठ जाइए। मैं उनकी बात सुन रहा हूँ।

SHRI MONORANJAN ROY : On a point of order. The Minister is not in order in saying that there is a desire in the Bill itself...

(Interruptions)

MR. CHAIRMAN : No, this is no point of order. I overrule this point of order. Please sit down. I am not allowing you.

SHRI MOINUL HAQUE CHOU-DHURY : I pointed out yesterday and also this morning that a large number of State Governments had provided for such relief to undertakings with similar provisions. In these undertakings there are provisions for suspension of the operation of the Acts or for applying the Acts with such adaptations. In this Act also there are provisions for suspension of agreement, settlement awards etc. When Shri Bhupesh Gupta says

that the Industrial Development Minister of India or his Department has brought this Act before this House on the dictation of the industrialists, may I ask him under whose dictation Shri Achuta Menon is applying such Act, may I ask under whose dictation Shri Namboodiripad applied such Act and this very provision, in Kerala? Is he surrounded by the industrialists there?

SHRI A. P. CHATTERJEE : I am on a point of order, and the Minister must sit down. My point of order is this. The Minister seems to have gone out of his wits. This Act is being debated on the floor of the House today. It was passed in the Lok Sabha only two days ago and this Minister has got the intelligence and wits to say that this Act was being applied by Shri Namboodiripad and Shri Achutha Menon.

MR. CHAIRMAN : What is your point of order?

SHRI A. P. CHATTERJEE : This is the point of order.

MR. CHAIRMAN : You are taking the time of the House.

SHRI A. P. CHATTERJEE : I am saying that you should not allow the Minister to go mad here. You must keep the Minister to his reason. He must not be allowed to say all this nonsense... (Interruptions). He is a demagogic Minister.

SHRI BALACHANDRA MENON (Kerala) : On a point of order. I want to say that the Bills passed by the various legislatures are...

MR. CHAIRMAN : This is no point of order.

SHRI BALACHANDRA MENON : Sir, what I want to say is that the comparison made by the Minister is not proper and correct. He is not justified in comparing those undertakings...

MR. CHAIRMAN : Please sit down. Let the Minister continued.

SHRI MOINUL HAQUE CHOU-DHURY : I will proceed without indulging in the language of some of my hon. friends. I do not want to use unparliamentary language, nor do I want to show to this House that I am not a gentleman. Nor do I believe that tailors can make all men gentlemen. I refute the imputation that this Ministry is surrounded by the monopolists or this Act is for the benefit of the industrialists. I do reiterate once again that this Act is for the benefit of the labour and those are only enabling provisions.

SHRI A. P. CHATTERJEE : Question. This is the greatest joke of the season.

MR. CHAIRMAN : Why are you standing up every time ? Please do not obstruct the proceedings of the House. Please sit down.

SHRI MOINUL HAQUE CHOU-DHURY : These are enabling provisions and as I have said this morning as well as yesterday they will be applied only when they are absolutely necessary after a case study. I stand by my assurance and I repeat it.

MR. CHAIRMAN : I am going to put Amendments Nos. 4, 12, 13 and 14 by Shri Kalyan Roy to vote.

SHRI KALYAN ROY : I am going to ask for Division.

MR. CHAIRMAN : Will you allow the business to go on ?

SHRI A.P. CHATTERJEE : This is an anti-labour legislation.

श्री सभापति : कुछ काम करने दोगे ।

श्री ए०पी० चटर्जी : यह काम है ? एन्टी लेबर लेजिस्लेशन, क्या यह काम है ?

श्री सभापति : मिस्टर चटर्जी, आप बहुत दिनों के बाद आये हैं ।

SHRI NIREN GHOSH : I would respectfully submit this. Let the Division take place. We feel seriously about this and

let it be on record. You should not be in a hurry. After all, it is only a question of a few minutes.

MR. CHAIRMAN : Please let me know, out of these four amendments on which amendment you want a division.

SHRI NIREN GHOSH : On the one relating to deletion.

MR. CHAIRMAN : That comes next, not in these. I am putting them together.

The question is :

4. "That at page 4, lines 7-8, the words 'in relation to which an investigation has been made under section 15A', be deleted."

The motion was negatived.

MR. CHAIRMAN : The question is :

12. "That at page 7, line 24, the words 'which is not being wound up by the High Court,' be deleted."

The motion was negatived.

MR. CHAIRMAN : The question is :

13. "That at page 7, line 34, the words 'which is being wound up by the High Court, be deleted.'"

The motion was negatived.

MR. CHAIRMAN : The question is :

14. "That at page 8, lines 1 to 3 be deleted."

The motion was negatived.

MR. CHAIRMAN : Now I am putting Amendments No. 5, 6, 7, 9 and 10 together to the vote of the House. These are by Shri Chitta Basu.

SHRI CHITTA BASU : All these amendments are of vital nature and I want division on each,

MR. CHAIRMAN : Division on all of them together ?

SHRI CHITTA BASU : That I don't mind.

SHRI A.P. CHATTERJEE : That will be against the rules. Sir, either Shri Chitta Basu does not press for a division or he presses for a division on each.

MR. CHAIRMAN : Yes, with the consent of the House we can put all of them together.

SHRI K. CHANDRASEKHARAN : You can put all of them together.

MR. CHAIRMAN : Yes, all of them together...(Interruptions). Yes, Mr. Chitta Basu, I am putting them together.

श्री राजनारायण : तभी होगा जब पहले चेयरमैन एलाउ करेंगे ।

श्री सभापति : मैंने कर दिया ।

श्री राजनारायण : क्या चेयरमैन साहब ने आज्ञा प्रदान कर दी कि नियम इस समय स्थगित कर दिया जाय ?

श्री सभापति : जब सारा हाउस कह रहा है...

श्री राजनारायण : सारा हाउस बाद में आएगा, पहले तो चेयरमैन आज्ञा प्रदान करेंगे । पहले मौकों पर आप कई बार कह चुके हैं कि हमने आज्ञा नहीं दी है ।

श्री सभापति : आप बैठ जाइए ।

श्री राजनारायण : मीठा-मीठा गप, कड़वा-कड़वा थू । जो आज काम हो रहा है

यह बुरा काम हो रहा है, मजदूर-हित-विरोधी काम हो रहा है ।

श्री महावीर त्यागी (उत्तर प्रदेश) :

पुराने कन्वेन्शन के मुताबिक अगर सारा हाउस भी कहता है कि एमेंडमेंट्स पर एक साथ बोट लो तो वह गलत है । हर एमेंडमेंट पर अलग अलग बोट हो सकता है । अगर एक मैम्बर भी एतराज करता है तो उसकी बात माननी होगी ।

श्री राजनारायण : यह गलत परिपाटी डाली जा रही है ।

श्री महावीर त्यागी : अगर एक मेम्बर भी एतराज करता है, मैं आपसे अदब के साथ अर्ज करूंगा तो आपको एक-एक एमेंडमेंट पर बोट लेना चाहिए ।

SHRI A. P. CHATTERJEE : I think that is the correct procedure.

MR. CHAIRMAN : Mr. Chatterjee, please look at the agenda for today.

श्री महावीर त्यागी : अगर कोई मैम्बर ऐसा है जो एक एमेंडमेंट को पसन्द करता है, दूसरे को नहीं करता तो वह क्या करेगा ?

MR. CHAIRMAN : All right. If you do not want to finish the business, what to do ? Mr. Chitta Basu has agreed.

श्री सुन्दर सिंह भंडारी : हमारा क्या है, चित्त वासु तय कर लें ।

श्री सभापति : चित्त वासु ने तय कर लिया है ।

SHRI GODEY MURAHARI : Sir, it is a wrong precedent...

(Interruptions)

MR. CHAIRMAN : All right. I am putting them separately.

MR. CHAIRMAN : The question is :

5. "That at page 4, line 12, after the words" 'general public' "the words" 'or providing employment for the workers of the undertaking' be inserted."

The House divided.

MR. CHAIRMAN : Ayes—29; Noes—100.

AYES—29

Ahmad, Dr. Z. A.
Barbora, Shri Golap
Basu, Shri Chitta
Bhadram, Shri M. V.
Chandrasekharan, Shri K.
Chatterjee, Shri A. P.
Choudhury, Shri Suhrid Mullick
Deo, Shri Bira Kesri
Ganguli, Shri Salil Kumar
Ghosh, Shri Niren
Goray, Shri N. G.
Gowda, Shri U. K. Lakshmana
Gupta, Shri Bhupesh
Krishnan, Shri N. K.
Kumaran, Shri S.
Mandal, Shri B. N.
Menon, Shri Balachandra
Menon, Shri K. P. Subramania
Murahari, Shri Godey
Prasad, Shri Bhola
Rajnarain, Shri
Rao, Shri Katragadda Srinivas
Roy, Shri Kalyan
Roy, Shri Monoranjan
Sanyal, Shri Sasankasekhar
Sardesai, Shri S. G.
Singh, Shri Sitaram
Suraj Prasad, Shri
Tohra, Sardar Gurcharan Singh

NOES—100

Abdul Samad, Shri A. K. A.
Ahmad, Shri Syed
Alva, Shri Joachim
Amla, Shri Tirath Ram
Ansari, Shri Abdul Qaiyum
Ansari, Shri Hayatulla
Arya, Shri Kumbha Ram
Baharul Islam, Shri
Bhatt, Shri Nand Kishore
Bodhey, Shri S. B.
Chattopadhyaya, Dr. Debiprasad
Chaudhari, Shri N. P.
Das, Shri Balram
Das, Shri Bipinpal

Dass, Shri Mahabir
Deshmukh, Shri T. G.
Dikshit, Shri Umashankar
Dutt, Dr. Vidya Prakash
Gadgil, Shri Vitthal
Gautam, Shri Mohan Lal
Goswami, Shri Sriman Prafulla
Gujral, Shri I. K.
Hathi, Shri Jaisukhlal
Jain, Shri A. P.
Kalyan Chand, Shri
Kaul, Shri M. N.
Kemparaj, Shri B. T.
Kesari, Shri Sitaram
Khaitan, Shri R. P.
Khan, Shri Akbar Ali
Kollur, Shri M. L.
Koya, Shri B. V. Abdulla
Krishan Kant, Shri
Kulkarni, Shri A. G.
Kulkarni, Shri B. T.
Mahida, Shri U. N.
Mallikarjunudu, Shri K. P.
Mangladevi Talwar, Dr. (Mrs.)
Mani, Shri A. D.
Maragatham Chandrasekhar, Shrimati
Mehta, Shri Om
Mirdha, Shri Ram Niwas
Mishra, Shri L. N.
Mohamod Usman, Shri
Mohideen, Shri S. A. Khaja
Mukherjee, Shri Pranab Kumar
Musafir, Shri Gurmukh Singh
Nagpure, Shri V. T.
Nandini Satpathy, Shrimati
Narayan, Shri M. D.
Narayanappa, Shri Sanda
Narayani Devi Manakalal Varma, Shrimati
Neki Ram, Shri
Panjhzari, Sardar Raghbir Singh
Parthasarathy, Shri R. T.
Patil, Shri P. S.
Poddar, Shri R. K.
Pratibha Singh, Shrimati
Purabi Mukhopadhyay, Shrimati
Puri, Shri Dev Datt
Raju, Shri V. B.
Ramaswamy, Shri K. S.
Ramiah, Dr. K.
Reddy, Shri K. V. Raghunatha
Reddy, Shri M. Srinivasa
Reddy, Shri Mulka Govinda
Reddy, Shri J. C. Nagi
Roshan Lal, Shri
Salig Ram, Dr.
Samuel, Shri M. H.
Sangma, Shri E. M.
Sarojini Krishnarao Babar, Dr. Kumari

Savnekar, Shri B. S.
 Sen, Dr. Triguna
 Shah, Shri Manubhai
 Shrekhan, Shri
 Shrevani Shri M. R.
 Shishir, Kumar, Shri
 Shukla, Shri Chakrapani
 Singh, Shri Bhupinder
 Singh, Shri Bindeshwari Pd.
 Singh, Shri Dalpat
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Sinam Krishnamohan
 Singh, Shri Sultan
 Singh, Shri Triloki
 Sinha, Shri Awadeshwar Prasad
 Sinha, Shri Rajendra Pratap
 Sisodia, Shri Swaisingh
 Sukhdev Prasad, Shri
 Sushila Mansukhalal Desai, Miss
 Tiwary, Pt. Bhawaniprasad
 Untoo, Shri Gulam Nabi
 Usha Barthakur, Shrimati
 Venigalla, Satyanarayana, Shri
 Vimal Punjab Deshmukh, Shrimati
 Yadav, Shri Shyam Lal
 Yajee, Shri Sheel Bhadra
 Yashoda Reddy, Shrimati

The motion was negatived.

MR. CHAIRMAN : May I ask Mr. Chitta Basu whether he wants a Division for all his amendments, or I may put them to vote ?

SHRI CHITTA BASU : I want Division for all.

MR. CHAIRMAN : All right.

The question is :

6. "That at page 4, lines 38 to 40 be deleted."

The House divided.

MR. CHAIRMAN : Ayes—29; Noes—100.

AYES—29

Ahmad, Dr. Z. A.
 Barbora, Shri Golap
 Basu, Shri Chitta

Bhadram, Shri M. V.
 Chandrasekharan, Shri K.
 Chatterjee, Shri A. P.
 Choudhury, Shri Subrid Mullick
 Deo, Shri Bira Kesari
 Ganguli, Shri Sahil Kumar
 Ghosh, Shri Niren
 Goray, Shri N. G.
 Gowda, Shri U. K. Lakshmana
 Gupta, Shri Bhupesh
 Krishnan, Shri N. K.
 Kumaran, Shri S.
 Mandal, Shri B. N.
 Menon, Shri Balachandra
 Menon, Shri K. P. Subramania
 Murahari, Shri Godey
 Prasad, Shri Bhola
 Rajnarain, Shri
 Rao, Shri Katragadda Srinivas
 Roy, Shri Kalyan
 Roy, Shri Monoranjan
 Sanyal, Shri Sasankasekhar
 Sardesai, Shri S. G.
 Singh, Shri Saram
 Suraj Prasad, Shri
 Tohra, Sardar Gurcharan Singh

NOES—100

Abdul Samad, Shri A. K. A.
 Ahmad, Shri Syed
 Alva, Shri Joachim
 Amla, Shri Tirath Ram
 Ansari, Shri Abdul Qaiyum
 Ansari, Shri Hayatulla
 Arya, Shri Kumbha Ram
 Baharul Islam, Shri
 Bhatt, Shri Nand Kishore
 Bobdey, Shri S. B.
 Chattopadhyaya, Dr. Deviprasad
 Chaudhari, Shri N. P.
 Das, Shri Balram
 Das, Shri Bipinpal
 Dass, Shri Mahabir
 Deshmukh, Shri T. G.
 Dikshit, Shri Umashankar
 Dutt, Dr. Vidya Parkash
 Gadgil, Shri Vithal
 Gautam, Shri Mohan Lal
 Goswami, Shri Sriman Prafulla
 Gujral, Shri I. K.
 Hathi, Shri Jaisukhlal
 Jain, Shri A. P.
 Kalyan Chand, Shri
 Kaul, Shri M. N.
 Kemparaj, Shri B. T.
 Kesari, Shri Sitaram

Khaitan, Shri R. P.
 Khan, Shri Akbar Ali
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Krishan Kant, Shri
 Kulkarni, Shri A. G.
 Kulkarni, Shri B. T.
 Mahida, Shri U. N.
 Mallikarjundu, Shri K. P.
 Mangladevi Talwar Dr. (Mrs.)
 Mani, Shri A. D.
 Maragathma Chandrasekhar, Shrimati
 Mehta, Shri Om
 Mirdha, Shri Ram Niwas
 Mishra, Shri L. N.
 Mohamod Usman, Shri
 Mohideen, Shri S. A. Khaja
 Mukherjee, Shri Pranab Kumar
 Musafir, Shri Gurmukh Singh
 Nagpure, Shri V. T.
 Nandini, Satpathy, Shrimati
 Narayan, Shri M. D.
 Narayanappa, Shri Sanda
 Narayani Devi Manaklal Varma, Shrimati
 Neki Ram, Shri
 Panjhzari, Sardar Raghbir Singh
 Parthasarathy, Shri R. T.
 Patil, Shri P. S.
 Poddar, Shri R. K.
 Pratibha Singh, Shrimati
 Purabi Mukhopadhyay, Shrimati
 Puri, Shri Dev Datt
 Raju, Shri V. B.
 Ramaswamy, Shri K. S.
 Ramiah, Dr. K.
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri M. Srinivasa
 Reddy, Shri Mulka Govinda
 Reddy, Shri J. C. Nagi
 Roshan Lal, Shri
 Salig Ram, Dr.
 Samuel, Shri M. H.
 Sangma, Shri E. M.
 Sarojini Krishnarao Babar, Dr. Kumari
 Savnekar, Shri B. S.
 Sen, Dr. Triguna
 Shah, Shri Manubhai
 Sherkhani, Shri
 Shervani, Shri M. R.
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Singh, Shri Bindeshwari Pd.
 Singh, Shri Dalpat
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Shiv Swaroop
 Singh, Shri Sinam Krishnamohan

Singh, Shri Sultan
 Singh, Shri Triloki
 Sinha, Shri Awadeshwar Prasad
 Sinha, Shri Rajendra Pratap
 Sisodia, Shri Swaisingh
 Sukhdev Prasad, Shri
 Sushila Mansukhlal Desai, Miss
 Tiwary, Pt. Bhawnaiprasad
 Untoo, Shri Gulam Nabi
 Usha Barthakur, Shrimati
 Venigalla Satyanarayana, Shri
 Vidyawati Chaturvedi, Shrimati
 Vimal Punjab Deshmukh, Shrimati
 Yadav, Shri Shyam Lal
 Yajee, Shri Sheel Bhadra
 Yashoda Reddy, Shrimati

The motion was negatived.

MR. CHAIRMAN : The question is :

"That at page 5, line 30 for the words 'may employ such of the former employees' the words 'shall employ all the former employees' be substituted', "

The House divided.

MR. CHAIRMAN : Ayes—28; Noes—99.

AYES—28

Ahmad, Dr. Z. A.
 Barbora, Shri Golap
 Basu, Shri Chitta
 Bhadram, Shri M. V.
 Chandrasekharan, Shri K.
 Chatterjee, Shri A. P.
 Chaudhury, Shri Suhird Mullick
 Deo, Shri Bira Kesari
 Ganguli, Shri Salil Kumar
 Ghosh, Shri Niren
 Gowda, Shri U. K. Lakshmana
 Gupta, Shri Bhupesh
 Krishnan, Shri N. K.
 Kumaran, Shri S.
 Mandal, Shri B. N.
 Menon, Shri Balachandra
 Menon, Shri K. P. Subramania
 Murahari, Shri Godey
 Prosad, Shri Bhola
 Rajnarain, Shri
 Rao, Shri Katragadda Srinivas
 Roy, Shri Kalyan

Roy, Shri Monoranjan
Sanyal, Shri Sasankasekhar
Sardesai, Shri S. G.
Singh, Shri Sitaram
Suraj Prasad, Shri
Tohra, Sardar Gurcharan Singh

NOES—99

Abdul Samad, Shri A. K. A.
Ahmad, Shri Syed
Alva, Shri Joachim
Amla, Shri Tirath Ram
Ansari, Shri Abdul Qaiyum
Ansari, Shri Hayatulla
Arya, Shri Kumbha Ram
Baharul Islam, Shri
Bhatt, Shri Nand Kishore
Bobdey, Shri S. B.
Chattopadhyaya, Dr. Debiprasad
Chaudhari, Shri N. P.
Das, Shri Balram
Das, Shri Bipinpal
Das, Shri Mahabir
Deshmukh, Shri T. G.
Dikshit, Shri Umashankar
Dutt, Dr. Vidya Prakash
Gadgil, Shri Vithal
Gautam, Shri Mohan Lal
Goswami, Shri Sriman Prafulla
Gupta, Shri Bhupesh
Hathi, Shri Jaisukhlal
Kalyan Chand, Shri
Kaul, Shri M. N.
Kemparaj, Shri B. T.
Kesari, Shri Sitaram
Khaitan, Shri R. P.
Khan, Shri Akbar Ali
Kollur, Shri M. L.
Koya, Shri B. V. Abdulla
Krishan Kant, Shri
Kulkarni, Shri A. G.
Kulkarni, Shri B. T.
Mahida, Shri U. N.
Mallikarjunudu, Shri K. P.
Mangladevi Talwar Dr. (Mrs.)
Mani Shri A. D.
Maragatham Chandrasekhar, Shrimati
Mehta, Shri Om
Mirdha, Shri Ram Niwas
Mishra, Shri L. N.
Mohamod Usman, Shri
Mohideen Shri S. A. Khaja
Mukherjee Shri Pranab Kumar
Musafir, Shri Gurmukh Singh
Nagpure, Shri V. T.
Nandini Satpathy, Shrimati

Narayan, Shri M. D.
Narayanappa, Shri Sanda
Narayani Devi Manaklal, Varma Shrimati
Neki Ram, Shri
Panjhazari Sardar Raghbir Singh
Parthasarathy, Shri R. T.
Patil, Shri P. S.
Poddar, Shri R. K.
Pratibha, Singh Shrimati
Purabi Mukhopadhyay, Shrimati
Puri, Shri Dev Datt
Raju, Shri V. B.
Ramaswamy, Shri K. S.
Ramiah, Dr. K.
Reddy, Shri K. V. Raghunatha
Reddy, Shri M. Srinivasa
Reddy, Shri Mulka Govinda
Reddy, Shri J. C. Nagi
Roshan Lal, Shri
Salig Ram, Dr.
Samuel, Shri M. H.
Sangma, Shri E. M.
Sarojini Krishnarao Babar, Dr. Kumari
Savnekar, Shri B. S.
Sen, Dr. Triguna
Shah, Shri Manubhai
Sherkhan, Shri
Shervani, Shri M. R.
Shishir Kumar, Shri
Shukla, Shri Chakrapani
Singh, Shri Bindeshwari Pd.
Singh, Shri Dalpat
Singh, Shri D. P.
Singh, Shri Inder
Singh, Shri Shiv Swaroop
Singh, Shri Sinam Krishnamohan
Singh, Shri Sultan
Singh, Shri Triloki
Sinha, Shri Awadheshwar Prasad
Sinha, Shri Rajendra Pratap
Sisodia, Shri Swaisingh
Sukhdev Prasad, Shri
Sushila Mansukhalal, Desai Miss
Tiwary, Pt. Bhawaniprasad
Untoo, Shri Gulam Nabi
Usha Barthakur, Shrimati
Venigalla, Satyanarayana Shri
Vimal Punjab Deshmukh, Shrimati
Yadav, Shri Shyam Lal
Yajee, Shri Sheel Bhadra
Yashoda Reddy, Shrimati

The motion was negatived.

MR. CHAIRMAN : The question is :

9. "That at page 4 lines 33-34, for the words 'shall be deemed to have entered into

[Mr. Chairman]

a fresh contract of service with the company ' the words 'shall have the continuity of service and be entitled to the conditions of service and work as were existing before the closure' be substituted'. ''

The House divided.

MR. CHAIRMAN : Ayes—29; Noes—99.

AYES—29

Ahmad, Dr. Z. A.
Barbora, Shri Golap
Basu, Shri Chitta
Bhadram, Shri M. V.
Chandrasekharan, Shri K.
Chatterjee, Shri A. P.
Choudhury, Shri Sudhir Mullick
Deo, Shri Bira Kesari
Ganguli, Shri Salil Kumar
Ghosh, Shri Niren
Gowda, Shri U. K. Lakshmana
Gupta, Shri Bhupesh
Krishnan, Shri N. K.
Kumaran, Shri S.
Mandal, Shri B. N.
Menon, Shri Balachandra
Menon, Shri K. P. Subramania
Murahari, Shri Godey
Prasad, Shri Bhola
Rajnarain, Shri
Rao, Shri Katragadda Srinivas
Roy, Shri Kalyan
Roy, Shri Monoranjan
Sanyal, Shri Sasankasekhar
Sarojini Krishnarao Babar, Dr. Kumari
Singh, Shri Bhupinder
Suraj Prasad, Shri
Tobra, Sardar Gurcharan Singh
Venkataraman, Shri M. R.

NOES—99

Abdul Samed, Shri A. K. A.
Ahmad, Shri Syed
Alva, Shri Joachim
Amla, Shri Tirath Ram
Ansari, Shri Abdul Qaiyum
Ansari, Shri Hayatulla
Arya, Shri Kumbha Ram
Babarul Islam, Shri
Bhatt, Shri Nand Kishore
Bobby, Shri S. B.
Brar, Sardar Narindar Singh

Chattopadhyaya, Dr. Debiprasad
Choudhari, Shri N. P.
Dass, Shri Balram
Das, Shri Bipinpal
Dass, Shri Mahabir
Deshmukh, Shri T. G.
Dikshit, Shri Umashankar
Doogar, Shri R. S.
Dutt, Dr. Vidya Prakash
Gadgil, Shri Vithal
Gautam, Shri Mohan Lal
Goswami, Shri Sriman Prafulla
Gupta, Shri Bhupesh
Hathi, Shri Jaisukhlal
Kalyan Chand, Shri
Kaul, Shri M. N.
Kemparaj, Shri B. T.
Kesri, Shri Sitaram
Khaitan, Shri R. P.
Khan, Shri Akbar Ali
Kollur, Shri M. L.
Koya, Shri B. V. Abdulla
Krishan Kant, Shri
Kulkarni, Shri A. G.
Kulkarni, Shri B. T.
Kumaran, Shri S.
Mahida, Shri U. N.
Mallikarjunudu, Shri K. P.
Mangladevi Talwar, Dr. (Mrs.)
Mani, Shri A. D.
Maragatham Chandrasekhar, Shrimati
Mehta, Shri Om
Mirdha, Shri Ram Niwas
Mishra, Shri L. N.
Mohamod Usman, Shri
Mohideen, Shri S. A. Khaja
Mukherjee, Shri Pranab Kumar
Musafir, Shri Gurmukh Singh
Nagpure, Shri V. T.
Nandini Satpathy, Shrimati
Narayan, Shri M. D.
Narayanappa, Shri Sanda
Narapani Devi Manaklal Varma, Shrimati
Neki Ram, Shri
Panjhazari, Sardar Raghbir Singh
Parthasarathy, Shri R. T.
Patil, Shri P. S.
Poddar, Shri R. K.
Pratibha Singh, Shrimati
Purabi Mukhopadhyay, Shrimati
Puri, Shri Dev Dutt
Pushpaben Janardanrai Mehta, Shrimati
Puttappa, Shri Patil
Raju, Shri V. B.
Ramaswamy, Shri K. S.
Ramiah, Dr. K.
Rao, Shri Katragadda Srinivas
Reddy, Shri K. V. Raghunatha

Reddy, Shri M. Srinivasa
 Reddy, Shri Mulka Govinda
 Reddy, Shri J. C. Nagi
 Roshan Lal, Shri
 Salig Ram, Dr.
 Samuel, Shri M. H.
 Sangma, Shri E. M.
 Sanjivayya, Shri D.
 Sarojini Krishnarao Babar, Dr. Kumari
 Savnekar, Shri B. S.
 Sen, Dr. Triguna
 Shah, Shri Manubhai
 Sherkhan, Shri
 Shervani, Shri M. R.
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Singh, Shri Bindeshwari Pd.
 Singh, Shri Dalpat
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Sinam Krishnamohan
 Singh, Shri Sitaram
 Singh, Shri Sultan
 Singh, Shri Triloki
 Sinha, Shri Awadheshwar Prasad
 Sinha, Shri Ganga Sharan
 Sinha, Shri Rajendra Pratap
 Sisodia, Shri Swaisingh
 Sukhdev Prasad, Shri
 Sushila Mansukalal Desai, Miss
 Tiwary, Pt. Bhawaniprasad
 Untoo, Shri Gulam Nabi
 Usha Barthakur, Shrimati
 Venigalla Satyanaryana, Shri
 Venkataraman, Shri M. R.
 Vimal Punjab Deshmukh, Shrimati
 Yadav, Shri Shyam Lal
 Yajee, Shri Sheel Bhadra
 Yashoda Reddy, Shrimati

The motion was negatived.

SHRI OM MEHTA : In this way, when are we going to finish the whole thing ? They are demanding Division on each and every amendment. This is such waste of time.

SHRI A.P. CHATTERJEE : Then why have you brought this Bill at the fag end of this Session ? You should not have brought this black Bill here at the end of the Session...

(Interruptions)

MR. CHAIRMAN : The question is :

10. "That at page 6—

(i) lines 7 to 12 be deleted.

(ii) lines 14 and 15, the words 'settlements, awards, standing orders so other instruments in force' be deleted".

(iii) line 36 to 40 be deleted.

The House divided.

MR. CHAIRMAN : Ayes—29 Noes—99

AYES—29

Ahmed, Dr. Z.A.
 Barbora, Shri Golap
 Basu, Shri Chitta
 Bhadram, Shri M.V.
 Chandrasekharan, Shri K.
 Chatterjee, Shri A.P.
 Choudhury, Shri Suhrid Mullick
 Deo, Shri Bira Kesari
 Ganguli, Shri Salil Kumar
 Ghosh, Shri Niren
 Gowda, Shri U.K. Lakshmana
 Gupta, Shri Bhupesh
 Krishnan, Shri N.K.
 Kumaran, Shri S.
 Mandal, Shri B.N.
 Menon, Shri Balachandra
 Menon, Shri K.P. Subramania
 Murahari, Shri Godey
 Prasad, Shri Bhola
 Rajnarain, Shri
 Rao, Shri Katragadda Srinivas
 Roy, Shri Kalyan
 Roy, Shri Monoranjan
 Sanyal, Shri Sasankasekhar
 Sardesai, Shri S.G.
 Singh, Shri Bhupinder
 Singh, Shri Sitaram
 Suraj Prasad, Shri
 Tohra, Sardar Gurcharan Singh

NOES—99

Abdul Samad, Shri A.K.A.
 Ahmad, Shri Syed
 Alva, Shri Joachim
 Amla, Shri Tirath Ram
 Ansari, Shri Abdul Qaiyum
 Ansari, Shri Hayatulla
 Arya, Shri Kambha Ram
 Baharul Islam, Shri
 Bhatt, Shri Nand Kishore
 Bodbey, Shri S.B.
 Chattopadhyaya, Dr. Debiprasad
 Chaudhari, Shri N.P.

Das, Shri Balram
 Das, Shri Bipinpal
 Dass, Shri. Mahabir
 Deshmukh, Shri T.G.
 Dikshit, Shri Umashankar
 Dutt, Dr. Vidya Prakash
 Gadgil, Shri Vithal
 Gautam, Shri Mohan Lal
 Goswami, Shri Sriman Prafulla
 Gupta, Shri Bhupesh
 Hathi, Shri Jaisukhlal
 Kalyan Chand, Shri
 Kaul, Shri M.N.
 Kemparaj, Shri B.T.
 Kesri, Shri Sitaram
 Khaitan, Shri R.P.
 Khan, Shri Akbar Ali
 Kollur, Shri M.L.
 Koya, Shri B.V. Abdulla
 Krishan Kant, Shri
 Kulkarni, Shri A.G.
 Kulkarni, Shri B.T.
 Mahida, Shri U.N.
 Mallikarjunudu, Shri K.P.
 Mangladevi Talwar, Dr. (Mrs.)
 Mani, Shri A.D.
 Maragatham Chandrasekhar, Shrimati
 Mehta, Shri Om
 Mirdha, Shri Ram Niwas
 Mishra, Shri L.N.
 Mohamod Usman, Shri
 Mohideen, Shri S.A. Khaja
 Mukherjee, Shri Pranab Kumar
 Musaffir, Shri Gurmukh Singh
 Nagpure, Shri V.T.
 Nandini Satpathy, Shrimati
 Narayan, Shri M.D.
 Narayanappa, Shri Sanda
 Narayani Devi Manaklal Varma, Shrimati
 Neki Ram, Shri
 Panjhazari, Sardar Raghbir Singh
 Parthasarathy, Shri R.T.
 Patil, Shri P.S.
 Poddar, Shri R.K.
 Pratibha Singh, Shrimati
 • Purabi Mukhopadhyay, Shrimati
 Puri, Shri Dev Dutt
 Raju, Shri V.B.
 Ramaswamy, Shri K.S.
 Ramiah, Dr. K.
 Reddy, Shri K.V. Raghunatha
 Reedy, Shri M. Srinivasa
 Reddy, Shri Mulka Govinda
 Reddy, Shri J.C. Nagi
 Roshan Lal, Shri
 Salig Ram, Dr.
 Samuel, Shri M.H.

Sangama, Shri E.M.
 Sarojini Krishnarao Babar, Dr. Kumari
 Savnekar, Shri B.S.
 Sen, Dr. Triguna
 Shah, Shri Manubhai
 Sherkhan, Shri
 Shirvani, Shri M.R.
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Singh, Shri Bindeshwari Pd.
 Singh, Shri Dalpat
 Singh, Shri D.P.
 Singh, Shri Inder
 Singh, Shri Shiv Swaroop
 Singh, Shri Sinam Krishnamohan
 Singh, Shri Sultan
 Singh, Shri Triloki
 Sinha, Shri Awadheshwar Prasad
 Sinha, Shri Rajendra Pratap
 Sisodia, Shri Swaisingh
 Sukhdev Prasad, Shri
 Sushila Mansukhalal Desai, Miss
 Tiwary, Pt. Bhawaniprasad
 Untoo, Shri Gulam Nabi
 Usha Barthakur, Shrimati
 Venigalla Satyanarayana, Shri
 Vimal Punjab Deshmukh, Shrimati
 Yadav, Shri Shyam Lal
 Yajee, Shri Sheel Bhadra
 Yashoda Reddy, Shrimati

The motion was negated.

MR. CHAIRMAN : The question is :

15. "That at page 12, line 28, after the word 'creditor' the words 'and the representatives of the workers' be inserted.

The motion was negated.

MR. CHAIRMAN : The question is :

"The clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 9 were added to the Bill.

MR. CHAIRMAN : The question is :
 "That clause 10 stand part of the
 Bill."

The House divided.

MR. CHAIRMAN : Ayes--105; Noes--29.

AYES—105

Abdul Samad, Shri A.K.A.
 Ahmad, Shri Syed
 Alva, Shri Joachim
 Amla, Shri Tirath Ram
 Ansari, Shri Abdul Qaiyum
 Ansari, Shri Hayatulla
 Bachchan, Dr. H.R.
 Baharul Islam, Shri
 Bhatt, Shri Nand Kishore
 Bobdey, Shri S.B.
 Chattopadhyaya, Dr. Debiprosad
 Chaudhari, Shri N.P.
 Das, Shri Balram
 Das, Shri Bipinpal
 Dass, Shri Mahabir
 Deshmukh, Shri T.G.
 Dikshit, Shri Umashankar
 Dutt, Dr. Vidya Prakash
 Gadgil, Shri Vithal
 Gautam, Shri Mohan Lal
 Goswami, Shri Sriman Prafulla
 Gupta, Shri Bhupesh
 Hathi, Shri Jaisukhlal
 Joshi, Shri Umashanker
 Kalyan Chand, Shri
 Kaul, Shri M.N.
 Kemparaj, Shri B.T.
 Kesri, Shri Sitaram
 Khaitan, Shri R.P.
 Khan, Shri Akbar Ali
 Kollur, Shri M.L.
 Koya, Shri B.V. Abdulla
 Krishan Kant, Shri
 Kulkarni, Shri B.T.
 Kulkarni, Shri A.G.
 Madani, Shri M. Asad
 Mahida, Shri U.N.
 Mallikarjunudu, Shri K.P.
 Mangladevi Talwar, Dr. (Mrs.)
 Mani, Shri A.D.
 Maragatham Chandrasekhar, Shrimati
 Mehta, Shri Om
 Mirdha, Shri Ram Niwas
 Mishra, Shri L.N.
 Mohamod Usman, Shri
 Mohideen, Shri S.A. Khaja
 Mukherjee, Shri Pranab Kumar

Musafir, Shri Gurmukh Singh
 Nagpure, Shri V.T.
 Nandini Satpathy, Shrimati
 Narayan, Shri M.D.
 Narayanappa, Shri Sanda
 Narayani Devi Manaklal Varma, Shrimati
 Neki Ram Shri
 Panjhzari, Sardar Raghbir Singh
 Parthasarathy, Shri R.T.
 Patil, Shri P.S.
 Pratibha Singh, Shrimati
 Purabi Mukhopadhyay, Shrimati
 Puri, Shri Dev Datt
 Puttappa, Shri Patil
 Raju, Shri V.B.
 Ramaswamy, Shri K.S.
 Ramiah, Dr. K.
 Reddy, Shri K.V. Raghunatha
 Reddy, Shri M. Srinivasa
 Reddy, Shri Mulka Govinda
 Reddy, Shri J.C. Nagi
 Roshan Lal, Shri
 Salig Ram, Dr.
 Sangma, Shri E.M.
 Sarojini Krishnarao Babar, Dr. Kumari
 Savnekar, Shri B.S.
 Sen, Dr. Triguna
 Shah, Shri Manubhai
 Shanta Vasisht, Kumari
 Sherkhan, Shri
 Shervani, Shri M.R.
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh, Shri Bindeshwari Pd.
 Singh, Shri Dalpat
 Singh, Shri D.P.
 Singh, Shri Inder
 Singh, Shri Shiv Swaroop
 Singh, Shri Sinam Krishnamohan
 Singh, Shri Sultan
 Singh, Shri Triloki
 Sinha, Shri Awadheshwar Prasad
 Sinha, Shri Rajendra Pratap
 Sisodia, Shri Swaisingh
 Sukhdev Prasad, Shri
 Sushila Mansukhalal Desai, Miss
 Tiwary, Pt. Bhawaniprasad
 Untoo, Shri Gulam Nabi
 Usha Barthakur, Shrimati
 Venigalla Satyanarayana, Shri
 Vero, Shri M. (Nagaland).
 Vidyawati Chaturvedi, Shrimati
 Vimal Punjab Deshmukh, Shrimati
 Yadav, Shri Shyam Lal
 Yajee, Shri Sheel Bhadra
 Yashoda Reddy, Shrimati

NOES—29

Ahmad, Dr. Z. A.
 Barbora, Shri Golap
 Basu, Shri Chitta
 Bhadram, Shri M. V.
 Chandrasekharan, Shri K.
 Chatterjee Shri A. P.
 Choudhury, Shri Suhrid Mullick
 Deo, Shri Bira Kesari
 Ganguli, Shri Salil Kumar
 Ghosh, Shri Niren
 Goray, Shri N. G.
 Gowda, Shri U. K. Lakshmana
 Gupta, Shri Bhupesh
 Krishnan, Shri N. K.
 Kumaran, Shri S.
 Mandal, Shri B. N.
 Menon, Shri Balachandra
 Menon, Shri K. P. Subramania
 Murahari, Shri Godey
 Prasad, Shri Bhola
 Rajnarain, Shri
 Rao, Shri Katragadda Srinivas
 Rao, Shri Kalyan
 Rao, Shri Monoranjan
 Sanyal, Shri Sasankasekhar
 Sardesai, Shri S. G.
 Singh, Shri Sitaram
 Suraj Prasad, Shri
 Tohra, Sardar Gurcharan Singh

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Clause 1, the Enacting Formula and title were added to the Bill.

SHRI MOINUL HAQUE CHOUDHRY:
 Sir, I move :

- “That the Bill be passed.”

The question was proposed.

SHRI NIREN GHOSH : Sir,...

SHRI OM MEHTA : Sir, already it has been discussed for five hours. How long is it going to take ?

MR. CHAIRMAN : I can only appeal to the Members. If my appeal is not heard, I cannot help it. I expect cooperation from all the sections of the House.

SHRI A. P. CHATTERJEE : Cooperation in passing of this bad Bill.

MR. CHAIRMAN : No, no, Mr. Chatterjee, what are you talking ?

SHRI A. P. CHATTERJEE : Sometimes, it shocks me and my sense.

MR. CHAIRMAN : I expected that after this long debate, Members would not speak at this stage, I can only appeal to the Members...

SHRI NIREN GHOSH : Sir, after hearing Mr. Moinul Haque Choudhury, now I feel compelled to make certain observations.

MR. CHAIRMAN : I will call only two, Mr. Niren Ghosh and Mr. Menon.

SHRI RAJ NARAIN: मैं भी बोलूंगा

MR. CHAIRMAN : No, no. Yes, Mr. Menon.

SHRI BALA CHANDRA MENON: Sir, I do not know what would be the consequences of this Bill. It will soon be an Act. Actually, what will happen is that no honest employer will be able to manage his industry. The workers will lose all what they have got during the last 30 to 40 years of struggle. I say so because whenever the Government want to take over an industry for its management or whenever they want to hand it over to an authorised agent or to a new person, the workers will lose the gratuity, the provident fund, the ESI contribution and all other benefits. These are not treated as prior charge. The new employer or the Government, starts with a clean slate. He gets the advantage over the others. The result will be others will also be forced to close down and in the end what will happen is you will have a series of industries where sweated labour conditions will prevail. No honest industrialist will be able to work under such unfair conditions. That is the danger. It is not giving employ-

ment. You choose some people and then you say you will give them sweated employment or wages. You say that there will be no legislation regarding Industrial Disputes Act or the Minimum Wages Act. What will happen is the employer gets unfair advantages over the others. The worker loses. In the end what will happen is that the other industries will be forced to close down and you will have a series of sweated industries all over India and the danger is going to be that. All that we have won for the workers is lost. I wish the minister knew the full implications of this because this not a relief undertaking. As far as some States are concerned the idea was that it will be a relief undertaking and all the benefits which the workers lost or which were suspended for the time being will be paid back when the industry is able to revive. If there is a provision like that I could have understood. There is no such provision. Yesterday Mr. Chengalvarayan tried to defend this but he said Sections 8 and 10 should be amended. I lose all my benefits and I do not get all my benefits, my wages are cut for the time being. I get my wages one month and seven days afterwards. Even such wages will be in arrears. Then it is not a secured debt. If all my benefits met priority, I can understand. I want priority because my wages have not been paid. My wages, my gratuity which I have earned for every year of service rendered will have to be paid first. You buy raw material, you pay. You buy my labour power and you should pay. That should have got priority because it is wages already earned.

[MR. DEPUTY CHAIRMAN in the Chair]: So I state that this is a Bill that is going to play havoc in this country. It will ruin industry and the workers. This will end in hopeless sweated conditions all over the country. All these years we wanted a fair wage. What are you promising? Even the minimum wage will not be paid. It is starvation wage. It is not a need based wage. It is even below that and sweated wage also will not be paid. Is it not an unfair advantage for the employer and with a lower wage cost he will be able to fight the others. Then there will be no standing orders. There will be no strike. Here this industry will be a pampered industry and because the Government has taken it over, it will get the raw material quickly. It will get all

the benefits and this industry which was mismanaged will continue to be mismanaged by the bureaucrats and they will get the benefit over honest men. I am sorry you have not understood the implications. In such a case if at least now an assurance is given by the Minister that all benefits which the workers should get like gratuity, retrenchment benefit will be a first charge and you will see to it, then I can understand that there is a good intention. Otherwise it is a bad intention; otherwise it is only trying to help the rotten industries all over the country and it will only help mismanagement. Please do not do that.

SHRI NIREN GHOSH : Sir, I would not have spoken at the third reading but the hon. Minister has provoked me to make certain observations before this Bill is passed. It is a Black Bill and this is a black day when this has been passed by a brute majority against the conscience of the people. It is not only an anti-labour Bill but it is a pro-employer, pro-capitalist Bill. And I make this straight accusation; why have you not taken over Sen Raleigh. You have not taken it over at the instance of Shri Siddhartha Sanker Ray; I make this specific accusation. That is a viable unit and it is closed for one year. At the instance of this Minister you are penalising 4,000 workers. You won't take over even viable units in Bengal. Mr. Siddhartha Shanker Ray said that they want to take over without encumbrances. It seems that all the benefits that the employer can get he will get but wherever benefits are due to the workers they won't get them. It has been made quite clear by Mr. Siddhartha Shankar Ray. A reserve price has also been fixed and if it is not purchased the tax-payer loses the money. This is a bogus Bill. The workers and workmen you are saying you can work like serfs and bond slaves. That is what you are trying to do.

And what is more : the Minister has been impudent enough to make a slanderous statement mentioning Mr. Namboodiripad and Mr. Achuta Menon. I say it is an impudent statement because they have said that all their wages will be given back to the workers. There is no such provision in this Bill. All the benefits are retained and the provision is made that after a cer-

tain number of years all those back wages would be paid to them.

SHRI MOINUL HAQUE CHOUDHURY : May I know which is the provision the hon. Member is referring to ? Which is the clause or article ?

SHRI NIREN GHOSE : You bring the Bill ; I will show you.

SHRI MOINUL HAQUE CHOUDHURY : Why should I bring the Bill ? The hon. Member is talking in the air.

SHRI NIREN GHOSH : There should have been such an express provision here. All the back wages should be paid. That is why I say you are making an impudent statement, that you are misleading the House because you have nothing to debate.

Now, so far as assurances are concerned, who believes in their assurances ? Who believes in the assurances of this capitalist Government led by the big bourgeoisie ? Mr. Arjun Arora says that the Minister gave certain assurances that unless it is absolutely necessary these provisions would not be applied. If he had said that these provisions would be abrogated, that the Government would not take advantage of these provisions and that they will come forward in the next session of parliament with an amending Bill, I could have understood that but that is not there. He is merely playing a hoax, bluffing the country, bluffing the people, bluffing the workers. That is what this Government is. Sir, I do not want to make any empty boast because our friend, Comrade Sardesai said that the workers would give a rebuff. I do not want to make an empty boast but I want to tell the Government that I think the entire trade union movement, all the central Trade Unions, will stand together and start an India-wide agitation to put the Government in the dock. Even the INTUC which is their hanger-on would not get a place among the workers if they stand behind the Government on this matter. They will be isolated and the workers will spit at them. This is the position. So, the time has come. It is a challenge to the entire trade union movement, and the entire trade union movement will take the challenge and, as far as

it lies within their power, they will agitate against it and take whatever action they are capable of. Not only that : you have not allowed the State Governments to take over. Why ? For what reason ? All powers have been concentrated in the Central Government. The Labour Minister is not in this picture. I repeat the charge that even the Labour Minister and the State Governments have been bypassed in this regard because they will not have their say in this.

SHRI BHUPESH GUPTA : The poor Labour Minister should be saved. Nobody takes any notice of him. Why, Mr. Khadiolkar ? We are standing for your honour.

(Interruptions)

MR. DEPUTY CHAIRMAN : Order, order.

SHRI NIREN GHOSH : I won't quote another Member. He is also present in the House. Whether he is pro or anti-labour, it does not matter, but it reveals to what lengths the Government have gone in order to appease the employers and bluff the people. So, this is a nail driven into the coffin of the Government of India. Of course it will prove to be so in future. This is what I want to place on record. They say "sick industry". All the industries owned by all those employers, who have not paid their taxes and other duties, are sick. So it is a bonus to the employers and it is a bluff to the workers, whom you get for a pittance and they are the bonded slaves of the employers. There is a limit to this hypocrisy. There is a limit to this pro-capitalist policy. There is a limit to the low level to which they might go.

With these words I oppose the Bill.

MR. DEPUTY CHAIRMAN : Mr. Chitta Basu. One minute. I think the Chairman had allowed only two Members to participate in the third reading discussion, and we have had already enough discussion on this.

SHRI BHUPESH GUPTA : There is a limit to your ruling also.

SHRI CHITTA BASU : The Labour Minister is here.

श्री राजनारायण : उन्होंने हम को कहा था एक मिनट, लेकिन श्री चन्द्रशेखरन बोलेगे और उनको दो मिनट दीजिये ।

श्री उपसभापति : आप काहे को समय लेते हैं । We have to complete so much business.

श्री राजनारायण : उन्होंने कहा था कि तुम बोलोगे, लेकिन हम नहीं बोल रहे हैं बल्कि श्री चन्द्रशेखरन बोल रहे हैं ।

SHRI CHITTA BASU : We in this House have mentioned that this Bill, which is going to become an Act, has been a clear departure from the practices so far accepted by the Government of India in the matter of legislation in relation to labour. In this connection, Sir, I mentioned that at the 27th session of the Indian Labour Conference the hon. the Labour Minister, who was presiding over it, had this opinion expressed that this kind of legislation should not be there where the workers' interests are adversely affected after reopening of the factory and after their reinstatement as employees. This is a very vital point and this is one of the very basic principles that is being given the go-by now in this Bill. This basic principle was unanimously agreed to by the employers, by the Labour Minister and by the Central trade union organisations. This is my last chance to say this against the Government in the matter of this Bill, to say that Mr Moinul Haque Choudhury, who claims to speak on behalf of the Government being a member of it, has violated the principles accepted by the Government in the matter of labour legislation. I want that the hon. Labour Minister should explain his position as it was said by some Members of the House that the hon. Labour Minister did not agree to the principles underlying this Bill. I want to know it from the hon. Minister of Labour because it is his department which is vitally concerned in this matter.

MR. DEPUTY CHAIRMAN : Government is indivisible.

SHRI CHITTA BASU : You are not to say that. What is the decision of the 27th session of the Indian Labour Conference ?

MR. DEPUTY CHAIRMAN : Please sit down.

SHRI CHITTA BASU : His silence is eloquent. (Interruptions).

MR. DEPUTY CHAIRMAN : Order please. Do not interrupt now.

SHRI K. CHANDRASEKHARAN : According to the provisions of this well-intentioned Bill it will probably create more confusion and complication in the industrial life of the country. I should think that the stubborn attitude taken by the hon. Minister in regard to certain suggestions that have been made in the interest of the working-class from the Opposition Benches and particularly some of the provisions contained in clauses 6 and 8 and the provision contained in clause 10 would, by and large, injure and harm the working-class as a whole. I have stood up to speak on the Third Reading only to allay a misapprehension that has been caused on account of the analogy that has been made by the hon. Minister in regard to the provisions of this Bill and particularly in regard to the provisions of the Kerala Industrial Relief Undertaking Act and certain other Acts containing analogous provisions now being worked and implemented in some of the other States in this country. May I draw the attention of the hon. Minister to the fact that the Kerala Act is only a temporary measure and it contemplates the taking over by the Government of certain industrial undertakings for the purposes of relief and for the period ? The industrial undertaking that is taken over would be handed back after a period of time. During the period the undertaking is worked by the Government, no doubt, some of the labour legislations are not made applicable on the analogy of this Bill, but a clear distinction is that under the provisions that we are considering at present the undertaking is proposed to be taken over by the authorised person either for the purpose of re-starting it or for the purpose of recon-

[Shri Chandrasekharan]

struction. According to the Kerala act after the relief period is over the undertaking would go back to the former manager. The undertaking, according to the provisions of this Bill, would never go back to the former manager. It goes to a new management altogether. According to the Kerala Act all the rights of the working-class would be restored and implemented once the undertaking goes back to the former management. In the case of this Bill, it is not so.

SHRI KALYAN ROY : He has misled the House.

SHRI K. CHANDRASEKHARAN : According to the provisions of this Bill it does not revert to the working-class. It does not get such an opportunity. I thought it my duty to say something about it because I was personally associated with that legislation in 1961 although that legislation was implemented only a long time thereafter in 1968.

SHRI MOINUL HAQUE CHOUDHARY : I have replied to almost every point, in fact they were raised yesterday. Mere repetition would not make them something extraordinary. Therefore, I have nothing to add.

MR. DEPUTY CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

THE CONSTITUTION (TWENTY-SEVENTH AMENDMENT) BILL, 1971

1 P.M.

MR. DEPUTY CHAIRMAN : We are passing on to the next item, i.e., the Constitution (Twenty-seventh Amendment) Bill. I would like to appeal to hon. Members.....

SHRI LOKANATH MISRA (Orissa) : I would like to make a suggestion. I submit that we pass this Bill by about 1.30 P.M.

or so and then let us have recess for an hour.

MR. DEPUTY CHAIRMAN : One hour ?

SHRI LOKANATH MISRA : Whenever we adjourn, we adjourn for an hour. Let us pass this Constitution (Amendment) Bill first and then adjourn.

MR. DEPUTY CHAIRMAN : I make one suggestion. Of course, we should pass it and then adjourn for lunch. As it is a non-controversial Bill let us pass it within five or ten minutes. That would be better.

SHRI BHUPESH GUPTA (West Bengal) : This Bill can be quickly passed within one two minutes. It is a non-controversial Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS : गृह-कार्य मंत्रालय में राज्य मंत्री (SHRI K.C. PANTH) : Sir, I beg to move :

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha be taken into consideration."

Sir, to give effect to the scheme of reorganisation proposed for the north-eastern areas, this House has already passed the Manipur (Hill Areas) District Councils Bill, 1971, and the North-Eastern Areas (Reorganisation) Bill, 1971. When these Bills were before the House, we had given a broad indication of the composite scheme of reorganisation proposed for the north-eastern areas. It was also mentioned that some more measures would be brought forward to give effect to the remaining aspects of the scheme.

It is a part of the reorganisation scheme that, on becoming a Union territory, Mizoram should have a Legislative Assembly and a Council of Ministers. Under article 239 A of the Constitution, Parliament is empowered to make a law providing for the creation of such bodies in the Union territories specifically mentioned in that article. In order that such a law may be passed in respect of Mizoram, it is necessary to include