

[श्री राजनारायण]

रेडियो इतनी पावरफुल मशीनरी सरकार के हाथ में है कि उससे गांव-गांव में असत्य प्रचारित करवाया जा रहा है, केवल प्रधान मंत्री के नाम की महिमा बढ़ाई जा रही है।

श्री महावीर त्यागी : एक तरीका यह हो सकता है कि श्री राजनारायण सिंह इसके बारे में जो शिकायत है, उसको अफिशियली जैसा कि लिख कर दिया....

SHRI NIREN GHOSH: We have also certain grievances.

श्री महावीर त्यागी : सुनिये, श्रिवामेज है जैसा की राजनारायण जी ने चेयरमैन को लिख कर दिया दे दे और चेयरमैन साहब मिनिस्ट्री से कहें कि वह स्टेटमेंट दें। अगर आप चाहते हो तो फिर कोई नोटिस दे दीजिये, कोई वक्त मुकर्रर कर दीजिये, उस वक्त मिनिस्टर को बुलाया जायगा, उनका स्टेटमेंट होगा और हम लोग भी अपनी राय जाहिर कर देंगे।

SHRI NIREN GHOSH: What about our grievances?

श्री शीलभद्र याजी (बिहार) : बैठिये।

श्री राजनारायण : देखिये, हमारा और शीलभद्र याजी का कोई जाती झगड़ा नहीं है, हमारा और त्यागी जी का कोई जाती झगड़ा नहीं है, हमारा और चेयरमैन का कोई नीजि, व्यक्तिगत झगड़ा नहीं है।

श्री उपसभापति : राजनारायण जी, आप बैठिये।

श्री राजनारायण : हम तो यह जानना चाहते हैं कि इस देश में जनतन्त्र चलेगा या इस देश में अधिनायकशाही चलेगी और अधिनायकशाही के संचालन का प्रथम चरण है कि प्रचारण पर सरकारी कब्जा हो। आज प्रचारण की मशीनरी पर सरकारी कब्जा कर के सारे देश में गलत प्रचार कराया जा रहा है, इंदिरा भोपू के द्वारा।

श्री उपसभापति : ठीक है आप बैठिए।

श्री शीलभद्र याजी : तर्माज से बात करो राजनारायण जी।

MR. DEPUTY CHAIRMAN: Mr. Krishan Kant.

THE CENTRAL LABOUR LAWS (EXTENSION TO JAMMU AND KASHMIR) BILL 1970—Continued

SHRI KRISHAN KANT (Haryana): Mr. Deputy Chairman, Sir, basically I welcome this Bill which has been brought before this House by Shri Bhagwat Jha Axad, because...

श्री राजनारायण (उत्तर प्रदेश) : चाहे अंग्रेजी में बोलना न आवे, लेकिन अंग्रेजी बोलिये जरूर।

श्री कृष्ण कान्त : तुम अंग्रेजी में बोलते हो जब कि गुस्स में आते हो, और हम ठंडे में अंग्रेजी बोलते हैं, हमारे और आप में फर्क यही है।

Sir, these laws should be extended to Kashmir and to Shri Rajnarain. I think Mr. Rajnarain also needs bonus. He should be given bonus for speaking in this House. And if he does not speak in this House, he should be given more bonus because the House can function much better...

श्री राजनारायण : सही है। हमको बोनस दिलाने की व्यवस्था कर दीजिये। हमारा बोनस यही होगा कि इंदिरा का भोंपू समाज का भोंपू बन जाय, यही हमारा बोनस है, इंदिरा का भोंपू समाज का भोंपू बने।

श्री उपसभापति : राजनारायण जी, आप बैठिये। बार-बार उठ जाते हैं। आप संसदीय प्रथा के तो जानकार हैं।

श्री राजनारायण : श्रीमन हमारा बोनस है कि अधिनायकशाही सरकार बदले और जनतन्त्री-समाजवादी-सेकुलर सरकार बैठे।

श्री उपसभापति : यह इन तरह से बोलना कहां का संसदीय प्रथा है। आप बैठिये तो।

श्री राजनारायण : माननीय सदस्य कहते हैं कि हमारे लिये वोटों की व्यवस्था कराइये।

श्री उपसभापति : आप संसदीय प्रथा हमें बताते हैं और फिर इन तरह से करते हैं।

श्री राजनारायण : हमारा बोलना क्या होगा यह बताने का हमको हक है।

श्री महावीर श्यामी (उत्तर प्रदेश) : वो सब लोग तो डिसकवालाफई हो जावेंगे।

SHRI KRISHAN KANT: Mr. Deputy Chairman, Sir, if Mr. Rajnarain does not want bonus, he can be applied the Minimum Wages Act . . .

श्री राजनारायण : मिनिमम वेजेज ऐक्ट नहीं है, इंदिरा हटाओ ऐक्ट है। श्रीमन् हमारा तो इंदिरा हटाओ ऐक्ट के मुताबिक है। इंदिरा हटाओ ऐक्ट है। इंदिरा हटाओ ऐक्ट का बोझ हमको भिन्नता चाहिये।

MR. DEPUTY CHAIRMAN: Order, order. Mr. Krishan Kant, it seems that unless you have your lunch, you do not want to start your speech. You want to speak after lunch.

All right, the House stands adjourned till 2 P.M.

The House adjourned for lunch at one minute past one of the clock.

The House reassembled after lunch at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

SHRI KRISHAN KANT: Mr. Deputy Chairman, Sir, yesterday Mr. Bhagwat Jha Azad said . . .

श्री राजनारायण : साहब, उनके नाम का अर्थ क्या हुआ ? यह बहुव्रीहि समास है, या द्वन्द्व है या क्या है ?

SHRI KRISHAN KANT: Sir, Mr. Bhagwat Jha Azad yesterday said that the Ministry of Labour had been receiving a lot of . . .

श्री राजनारायण : श्रीमन्, मैं सही जानना चाहता हूँ—यह कृष्ण कांत राधा हुआ, क्या हुआ ?

श्री उपसभापति : 10 मिनट वैसे ही लिया है, 10 मिनट और बेकार कर रहे हैं।

श्री राजनारायण : कृष्ण हो कांत जिसके—यह बहुव्रीहि समास हो गया। तो यह राधा हो गए।

SHRI KRISHAN KANT: Sir, yesterday Mr. Azad said that the Government of Kashmir has been pressing them that the labour laws should be extended to the State of Jammu and Kashmir. I must congratulate the Chief Minister of Jammu and Kashmir, Mr. Sadiq, for pressing for the extension of these laws. He is a great democratic figure and he would like that the labour of his State should get equal rights and benefits as in other parts of the country.

May I know what is the actual number of industrial labour in the whole State? It does not come even to 10,000. So, if these laws are to be effectively extended to that State, some industries should be established there. Some public sector projects should go there. Unless this is done, this extension would be useless. The way in which some of the industries there are functioning is deplorable.

A friend was telling me that the only industry which has flourished in Kashmir is the political industry. This industry has flourished there and of late figures like Sheikh Abdullah and Afzal Baig have been functioning there with foreign collaboration. Some people say he is meeting

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the Pakistan High Commissioner. Some money is coming from Pakistan for the political industry which is functioning with foreign collaboration. That is very dangerous for the State of Kashmir. So, can Mr. Azad tell whether this industry also would be covered when these laws are extended to that State? If it is not covered will he be able to tell the Home Ministry that something should be done about the political industry which has developed there for its stability, etc.? I will come to it later on.

MR. DEPUTY CHAIRMAN: Sir, I know that some public sector projects like the watch factory and telephone factory are going to be set up there. During the last 20 years the pace of industrial progress in Kashmir has been very slow. The private sector industry does not like to go to a border zone. So it becomes the duty of the Government of India to see that the people of Kashmir feel that they are part of India. In order to do that it is necessary that the Government of India should not merely give money for food but also give them public sector projects so that Kashmir is developed equally. Unless that is done, the feeling of oneness will not come there. Only this morning we talked about Muslim educated unemployed. Unless those Muslim youngmen find employment in our public sector industries, administration, etc. it will not be possible for them to feel themselves as part of the mainstream of the life of the country. It is necessary that more public sector industries should go there. I know that there is a small Cabinet Sub-Committee looking after the industrial progress of Jammu and Kashmir but mere paper plans will not do. Some push has to be given, some expeditious work has to be done so that the projects do come there, and these laws are properly applied there. There are some traditional industries of Kashmir like the shawl industry and silk industry. I learn there is a recession there. The shawl industry is not properly func-

tioning. The peasants there do not want to rear cocoons because they are not remunerative and because of lack of silk that is produced, they are losing the brocade business to Banaras silk. Something should be done about it.

About the woollen industry, I know there are two public sector projects and there are some private projects also but even in this year of 1970 the artisans there are getting hardly a few rupees per day and they cannot make both ends meet. Something should be done about the woollen and silk industries by the Government of India by helping the Jammu and Kashmir Government so that these industries do not suffer and the artisans working there may also be properly looked after. Then a lot of forest labour is also there. I do not know whether they have any census of the people there and what is their wage. I do not know whether these laws will apply to them or not. Something should be done about that also. It is a very delicate border area. Many of the Kashmiri labour trek into those areas where modern means of communication cannot reach. They carry things and trek to those places when there is no other means to go there. I do not know what the Government is doing about that. Their condition is deplorable. Something should be done so that they do get a living wage and they become partners in a free India. We are going to extend these laws to Kashmir and I welcome this. I wish a stage would come when we would not have to extend these laws in dribblets to make Kashmir a part of India and something could be done so that Kashmir becomes fully part of India, not only that part but the whole part and even that part which is with China. We should not relent our effort regarding that direction.

Mr. Deputy Chairman, in this connection . . .

श्री राजनारायण : Kashmir will become a part of India. इसका क्या मतलब है । सेन्टेंस को ठीक से इस्तेमाल किया करो ।

श्री कृष्ण कांत : वह चीन के बारे में है ।

श्री राजनारायण : काश्मीर तो इंडिया का है ही ।

श्री कृष्ण कांत : जिस हिस्से पर चीन बैठा है, जिस हिस्से पर दूसरे लोग बैठे हैं, जिसके बारे में हमने रिजोल्यूशन पास किया था . . .

श्री राजनारायण : तुम ठीक से नहीं बोलते हो, खराब बोलते हो और अनर्थकारी भी बोलते हो ।

श्री कृष्ण कांत : तुम्हारी दिक्कत यह है कि अनर्गल बोलने की आदत पड़ गई है (Interruptions) समझ तो तुम्हारे अन्दर कम है ही, वरना हाउस की यह हालत थोड़े ही होती ।

श्री राजनारायण : समझ तो तुम लोगों की खराब है ।

SHRI KRISHAN KANT: Mr. Deputy Chairman, Sir, one important question that is going to come before this Parliament and before the country is whether those political parties, who have their programme of plebiscite, who have their programme that Kashmir can secede even to Pakistan or can become an independent entity independent of India, whether such parties can be allowed to function in this country, whether they can be allowed to participate in the elections and fight the elections and then control the Government there. Every Member of the Assembly or of the Parliament has to take an oath towards the Constitution, and when a person takes the oath towards the Constitution, he cannot think of seceding from the country because he owes allegiance to the Constitution

of India, to the geographical entity of India as given in the Constitution. When any political party does all that, may I know what the Government of India's reaction will be? May I draw attention to the fact that Sheikh Abdullah in his speeches on Fridays is asking the people in the mosques who gather for prayers on those days to raise their hands and say that they are free and that they will decide on going to Pakistan or India as they like and that they will not be fettered by the present Constitution?

श्री राजनारायण : आन ए पॉइन्ट आफ आर्डर । मैं आपसे यह जानना चाहता हूँ कि जो यह भाषण हो रहा है, यह संगत है ?

श्री कृष्ण कांत : हां ।

श्री राजनारायण : अगर आपको एत-राज नहीं, तो हमको भी बोलना पड़ेगा, क्योंकि जब ये शेख अब्दुल्ला के बारे में कहते हैं, तो फिर जवाहरलाल जी ने जो तमाम एग्रीमंट किए थे, उनको भी यहां लाना चाहिये, सारा पाप तो जवाहरलाल जी ने किया है । अब तो हमको बोलना पड़ेगा । भागवत झा आजाद क्या जवाब देंगे, जवाब इंदिरा जी से मांगो ।

MR. DEPUTY CHAIRMAN: Please speak on the Bill.

श्री कृष्ण कांत : मैंने यह कहा कि यह हालत क्या हो गई है ? . . .

श्री राजनारायण : श्रीमन्, आपने बड़ा अच्छा किया कि आप इतने व्यापक बने, उदार बने . . .

श्री उपसभापति : मैंने तो उनसे बिल पर बोलने के लिये कहा है ।

श्री राजनारायण : हमारे लिये तो वे बिल पर ही बोल रहे हैं ।

श्री कृष्ण कांत : ये तो ऐसी बातें करते ही हैं ।

श्री उपसभापति : आप बोलिये, आपका दो मिनट बाकी हैं ।

SHRI KRISHAN KANT: I am finishing. So, Mr. Deputy Chairman, while speaking on this Bill two things have to be taken into consideration. One is that the Bill is really meant for application of the laws to Kashmir and that Kashmir is industrialised and becomes a part of India and, secondly, that all those forces in Kashmir, political forces—I am referring to this because I see that the only industry which has flourished in Kashmir is the political industry—that even now those people, who propagate secession, who propagate plebiscite, are functioning there. Supposing tomorrow through elections they come to power, they may not industrialise Kashmir because they are utilising this whole economic problem to instigate the Kashmir people for a plebiscite, for even going out of India. So, when you want to apply these laws, it is very necessary that Kashmir is industrialised and these laws are applied to Kashmir and a political decision should be taken that these laws have not to be applied in driblets. All laws which the Parliament makes should automatically apply to Jammu and Kashmir. Lastly, as I said, all those forces, which do not owe allegiance to this country and are still in doubt about their citizenship cannot be allowed to participate in the elections or become Chief Ministers or other office-bearers and run the administration. This cannot be allowed according to the Constitution of India. If the Government of India does not take any action now, there may be the elections at the earliest possible moment and they will be facing a very difficult situation. Even the Army will be there. Suppose the Government changes there and the new Government says that they are free to act as they like and that they do not accept the Constitution of India. What will you do? I warn the Government to take early action so that all those forces, which are propagating for plebiscite and for secession from India, are curbed and are not allowed to become real partners

in running the political system in the country.

SHRI NIREN GHOSH (West Bengal): I did not expect that our Young Turk should speak on this Labour Laws extension Bill. What are those laws? Does he hold a brief for those laws? I think even the I.N.T.U.C. does not hold a brief for all the laws that we have today in the country; I mean the labour laws. So I expected that he would at least opine on that. Anyway he has widened the horizon of the debate and that is a welcome feature.

Now, Sir, I am opposed as he said, to extending the laws by driblets to Kashmir. This process has already begun and in a few years they will tell the Jana Sangh that Kashmir has been integrated and that their demand has been fulfilled. You are playing to the gallery of the Jana Sangh in this respect.

SHRI MAHAVIR TYAGI: When the hon. Member talks of Jana Sangh why does he point his finger towards me?

SHRI NIREN GHOSH: I was pointing to these benches.

Now, Sir, the Kashmir State Assembly once upon a time framed a most radical agrarian legislation that could ever be framed; that is they abolished landlordism without compensation, even though our great democrat, Pandit Jawaharlal Nehru, never dreamt of that. And that has been the misfortune of India and the 55 crores of people of India are still now paying the penalty for that. I am absolutely certain that this Government also will never undertake such radical agrarian reforms. They will talk a lot but you see there is many a slip between the cup and the lip between the words and the practice. So it will never come about in India. Now, Sir, it is a surprising thing to me that this Kashmir Government headed by Mr. Sadiq does not itself make radical labour laws. Mr. Sadiq was in the

National Conference. Then he seceded from it and formed the Democratic National Conference. When I went to Kashmir in 1959 he was the Chairman of the Democratic National Conference at that time. Now the Government there is headed by him. Why does not that Government made radical labour laws? He now belongs to the ruling Congress. I should have expected that at least our friend, Mr. Krishan Kant, would say a word or two about that.

SHRI MAHTOSH PURAKAYASTHA (Assam): Did you enact any labour law during the UF regime in West Bengal?

SHRI NIREN GHOSH: We did but unfortunately you do not seem to know. We did pass two Bills; one has been given assent to by the President while the other has not been in violation of the will of the people of Bengal and the Bengal legislature. And that has been one of our grouses; there have been strikes by the working class on that score. Three more pieces of legislation we framed when Mr. Ajoy Mukherjee at the behest of the Congress betrayed the Government. Sir, it was a wonder to me because Shri Azad was telling us that the Kashmir Government wanted the extension of these laws to them. What has the Government done? Why has it not framed laws? Why has it kept silent on that? That is a wonder to me. So, they absolve themselves of all the responsibilities. When the laws that are extant in India are extended to Kashmir and if the workers suffer due to that, do you mean to say that it is the law of Parliament? They have nothing to do with it. So, that is the strange situation we are in in regard to piecemeal legislation. Now, Sir, had Kashmir been fully integrated with India, that radical agrarian reform measure, Kashmir could never have brought into being. This very Parliament would have been an obstacle in their path. What followed is bad. The legislation was good, but the bureaucrats grabbed the land. The peasants did not get all the land they were

entitled to. That is another thing. That actually happens if you depend on the bureaucrats. That is always the consequential thing. Now, Sir, I would like the Kashmir question not to be solved in this way, because this Bill is also intended indirectly to be a part of integration. I suppose I am not telling something new to the House if I say that during the last days of Pandit Jawaharlal Nehru Sheikh Abdullah....

MR. DEPUTY CHAIRMAN: Mr. Niren Ghosh, please speak on this Bill.

SHRI NIREN GHOSH: Mr. Krishan Kant spoke about the public sector...

MR. DEPUTY CHAIRMAN: Mr. Krishan Kant immediately stopped it when I asked him to do so.

SHRI NIREN GHOSH: That is to drive home the point that I want to make. I want to preface my remarks. Sheikh Abdullah met Pandit Jawaharlal Nehru. There an understanding was reached about the solution of the Kashmir problem and I have it on the authority of Pandit Sundar Lal, who was sitting there. Only these three people and everybody knows Pandit Sundar Lal was one of the closest friends of Pandit Jawaharlal Nehru. He told me that a solution was worked out. It was like this that the Kashmiri people would elect their Assembly and they would decide their final question. How they would decide, on that also perhaps they had some sort of tacit understanding between Sheikh Abdullah and Pandit Jawaharlal Nehru. After that Sheikh Abdullah went to Karachi to get it okayed from Pakistan. There he gave it out that the solution was round the corner. Before that thing could be pushed through Pandit Nehru was dead. Everything was put into cold storage. Now, our great Prime Minister has already said that the times have changed, history has changed, what was true ten years back could not hold true now. Even

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if her father had some understanding with Sheikh Abdullah about the solution of the Kashmir problem, she has turned her back on that. I do hope that Kashmir should be given the status of an autonomous State within the Indian Union. Nothing more, nothing less. These piecemeal legislations are intended to do away with that and that would be a tragedy for India. You will say that the Government is an elected government that is ruling in Kashmir. Now, I want to tell the House that no Government, since the military went there, has been democratically elected in Kashmir. It was all a rigged up election in 1959. We went to Kashmir and we found for ourselves that whoever dared to stand, the village was ransacked by the military

SHRI ARJUN ARORA (Uttar Pradesh): There were no elections in 1959.

SHRI NIREN GHOSH: Before that there were elections. Whoever dared to stand, the military ransacked the village, kidnapped that person. Then, it was not Mr. G. M. Sadiq, but the other gentleman Bakshi. The military ransacked them.

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND HEAVY ENGINEERING (SHRI MOHD. SHAFI QURESHI): It is wrong to say so. This is wrong.

SHRI NIREN GHOSH: They were kidnapped and they were forced to withdraw. So there was no real election whatsoever. It was a rigged election. The way the military is posted there I do not know whether there will be a free election in Kashmir. Even if Sheikh Abdullah participates in that election or even if this party is allowed to participate in that election, it will be a rigged election. There is no guarantee. There will be no free election in Kashmir after that Constituent Assembly was broken up and Sheikh Abdullah was jailed. That is

the history of Kashmir. That being so, I would want that the Labour portfolio should be taken out from the jurisdiction of the Centre. The Centre should not pass any legislation regarding labour. It should completely and wholly vest in the States.

MR. DEPUTY CHAIRMAN: Please complete now.

SHRI NIREN GHOSH: Sir, if you interrupt me in this fashion....

MR. DEPUTY CHAIRMAN: You have already taken thirteen minutes.

SHRI NIREN GHOSH: This is the First Reading I am speaking on.

MR. DEPUTY CHAIRMAN: we have allotted one and a half hours for this and every Member will get ten minutes' time.

SHRI NIREN GHOSH: When was it decided?

MR. DEPUTY CHAIRMAN: The Business Advisory Committee has decided it.

SHRI NIREN GHOSH: If you mislead me in this way....

MR. DEPUTY CHAIRMAN: No, no. All right, you take two minutes.

SHRI NIREN GHOSH: Time limit was not there.

MR. DEPUTY CHAIRMAN: Time limit was decided by the Business Advisory Committee long before.

SHRI NIREN GHOSH: That is a separate thing. The House decided....

MR. DEPUTY CHAIRMAN: We must finish it as early as possible.

SHRI NIREN GHOSH: The House decided after the Business Advisory Committee.

MR. DEPUTY CHAIRMAN: The House decided to complete this Bill first and then take up the Short Duration Discussion. The House did not decide that Mr. Niren Ghosh should take half an hour. Every Member will be allowed ten minutes.

SHRI NIREN GHOSH: So kindly allow me to finish so that I can make the point I wanted to make. It is this. As I said, whatever labour laws are there, this particular subject at least should immediately be taken out from the jurisdiction of the Centre and should vest wholly and fully in the States. We have suffered because as regards recognition of unions, that legislation has been barred by the so-called progressive Government. If they have any sense of progress as regards the working class and working people, they would have acceded but they barred that piece of legislation of West Bengal. That is our experience. That is our experience. That being the experience. I would say that it is for the State Government of Kashmir to frame the law. Meanwhile there are difficulties. If there are difficulties then the present Government is responsible for that. Someone said that we do not get any redress. Regarding all those pieces of legislation, Shri Kalyan Roy spoke about some of them. Each and every piece of legislation is loaded against the working class. Mr. Arora is sitting there, even Mr. Krishan Kant is sitting there. Everyone will testify, whoever has any knowledge of the A, B, C, of the working class, that every piece of legislation is loaded against the working class, whether it is the Payment of wages Act, whether it is the Safety Act, whether it is the Coalmines Act, or whether it is E.S.I. This is our experience. I speak as a trade unionist of at least three decades' standing, thirty years. I have dabbled with the working class and I know from my own experience—if I am to go into that history one by one, I can take two, three or four hours. For instance, Rameshwar Tantia had

taken over a mill. He has just closed it. All the two thousand workers have not got their wages for three years. In the bargain they have been rendered unemployed. You go to the court. Would that fellow be jailed? No, if you go to the court, it will take four or five years to give the judgment. Meanwhile where do the workers go? The same as regards compensation. The same as regards all those conciliation proceedings. Suppose there is a labour dispute and it has gone to adjudication on a certain issue. Certain vital issues are left out. Then so long as the Tribunal is there, the workers have no redress; they cannot go on strike; they cannot agitate. It is illegal. I have not seen a single piece of legislation which is loaded in favour of the working class. This reactionary Government is upholding the interests of the landlords and vested interests in all pieces of legislation; from the British time up to now all are against the workers. That is their talk of socialism. They should first think of the working class. Without the working class how can you talk of socialism? And every piece of legislation is designed to crush them, to see that their rights are denied, to see that the employers are not brought to book. And all these legislations must go. But they are to be extended to Jammu and Kashmir. Why should not the people of Jammu and Kashmir be given a chance to frame their own laws in respect of their working class? I do not know.

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI NIREN GHOSH: As regards industries, as said by M. Krishan Kant, public sector industries should go there. I think no part of India is poor. Apparently, those backward States are not backward. Our country has not been explored, our mineral resources have not been properly explored. So our country is very rich. If in a State the people come into their own, have a progressive

[Shri Niren Ghosh]

democratic Government, the resources of that State can be explored and exploited. The 70 lakh people of that State have enough resources and they can build up industries as any other State in India, if there is really a democratic Government and if the natural resources there have been touched but not mortgaged to the monopolists as is being done in India. So, there is no question about that. The Centre is a drag in the path of industrialisation there.

MR. DEPUTY CHAIRMAN: Mr. Ghosh, please conclude now. I have to call the next speaker.

SHRI NIREN GHOSH: You must bring it on a par more or less with the other developed portions of the country. Kashmir is no exception. In Kashmir, it has not been found what mines and minerals are there; tremendous resources in the form of timber, etc. are there. They have not been touched. So, the same applies to all parts of the country.

MR. DEPUTY CHAIRMAN: Please sit down.

SHRI NIREN GHOSH: This is a retrograde step, this urge to extend all these pieces of legislation to Kashmir at one stroke, indirectly, step by step, peacefully, behind the back of those people. Kashmir should be given the status of an autonomous unit inside the Indian Union.

AN HON. MEMBER: No. no.

MR. DEPUTY CHAIRMAN: Please sit down, Mr. Ghosh. Mr. Rajnarain, please start.

SHRI NIREN GHOSH: Otherwise, the problem will not be solved.

(Time bell rings)

MR. DEPUTY CHAIRMAN: Please sit down.

SHRI NIREN GHOSH: The military can hold on to Kashmir, but how long? (Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Ghosh, it is not good. You have taken such a lot of time. I am ringing the bell. You are still continuing. You have taken 19 minutes.

SHRI NIREN GHOSH: Only fifteen. How nineteen minutes?

MR. DEPUTY CHAIRMAN: You started at 2.15.

SHRI NIREN GHOSH: How many minutes did Mr. Krishan Kant take?

MR. DEPUTY CHAIRMAN: He took about 12 minutes. At 2.03 he started. You have taken 19 minutes. This is not good. We have to complete this Bill. We have to complete this and start the Short Duration Discussion. It is not good. There can be some latitude, but not to such an extent.

SHRI NIREN GHOSH: Now that you have taken so much time, with these words I conclude.

श्री राजनारायण : मैं बड़ा आश्चर्य चकित हूँ कि मान लीजिये इस सदन का कोई व्यक्ति बोल रहा हो और माननीय उप-सभापति हमसे कहें कि बोलो तो फिर दूसरे व्यक्ति के लिए बड़ी मुश्किल हो जाती है ।

श्री उप-सभापति : आप अपना भाषण शुरू कर दीजिये और जल्दी भाषण समाप्त करने की कोशिश कीजियेगा ।

श्री राजनारायण : हाँ, मैं अपना भाषण जल्दी समाप्त करने की कोशिश करूँगा । अब आप ही देखिये कि हमारा कार्य कितना दुष्कर हो गया है । हमसे पूर्व दो व्यक्ति बोले, एक तो श्री कृष्ण कान्त और दूसरे श्री नीरेन घोष । अब इन दोनों को हमें थोड़ा सा उत्तर देना है ।

श्रीमन्, मैं उन लोगों में से हूँ जो काश्मीर को भारत का अंग मानते हैं। काश्मीर भारत का अंग और इसमें 'इन्टेग्रल पार्ट' का शब्द जोड़ना बेवकूफी समझता हूँ। वह वाक्य कहना मैं भद्दा समझता हूँ कि श्री आजाद साहब भी नाक उनके अंग का अभिन्न अंग है। नाक शरीर का अंग है और अभिन्न अंग कहना मूर्खता है जो लोग भाषा का प्रयोग करना नहीं जानते हैं, उन्हें इस तरह की बात नहीं कहनी चाहिये। इसलिए मैं उन लोगों से कहना चाहता हूँ, जो अंग्रेजी कम जानते हैं, वे अंग्रेजी का प्रयोग पं० जवाहरलाल नेहरू की तरह करें कि काश्मीर इत्र अवर इन्टेग्रल पार्ट, काश्मीर हमारा अंग है। इसलिए काश्मीर में उन सभी कानूनों को लागू होना चाहिये जो अपने देश व अन्य राज्यों में लागू होते हैं। यह बात हल साफ होनी चाहिये।

हमारे मित्र श्री नीरेन घोष अभी यहां से चले गये हैं। उन्होंने अपनी थ्योरी यहां पर दे दी है कि काश्मीर केवल राज्य रहे इंडियन टैरीटरी के अन्दर। यह बात मैं उचित नहीं मानता हूँ।

श्री महाबंर त्यागी : लेकिन रूसी एटलस तो कहते हैं।

श्री राजनारायण : रूस की बात छोड़िये। रूस ने जो कुछ कहा है उसके विपरीत कार्य किया है। रूस की कथनी और करनी में बड़ा भेद है।

श्री अर्जुन अरोड़ा : कुश्चेव तो कहता है कि वह हमारा ही है।

श्री राजनारायण : इस में अनावश्यक ढंग से रूस को न लाइये। रूस जिसको यू० एस० एस० आर० कहा जाता है यानी यूनियन आफ द सोशलिस्ट सोवियट रिपब्लिकन उनवे कांस्टीट्यूशन में पावर टु ससीड है तो मैं यह जानना चाहता हूँ कि एक

भी राज्य रूस से अलग हुआ, एक भी रिपब्लिक ने उसके खिलाफ आवाज उठाई या इस बात की क्षमता रखी ?

श्री अर्जुन अरोड़ा : क्यों उठायें वहां पर सब सुखी हैं।

श्री राजनारायण : हमारे मित्र श्री अर्जुन अरोड़ा दूसरी तरफ ले जाना चाहते हैं। मैं उनसे कहना चाहता हूँ कि वे अपनी कम्युनिस्ट भक्ति छोड़ें। अगर वे उधर जाना चाहेंगे तो फिर उनको सुनना पड़ेगा। हमने वह जमाना देखा जब कम्युनिज्म एण्ड कैपिटलिज्म केन नाट गो टुगैदर। पूंजीवाद और साम्यवाद एक साथ नहीं जा सकते हैं और इस तरह का नारा लगा। वह भी जमाना देखा—गोल्डन चेन आफ फ्रेंडशिप बिटवीन स्टालिन एण्ड हिटलर, जब कि हिटलर और स्टालिन के बीच मीठा संबंध था। वह भी जमाना देखा जब कोएंग्जिस्टेन्स की थ्योरी चल रही थी, कैपिटलिज्म एण्ड कम्युनिज्म केन गो टु गैदर, साम्यवाद और पूंजीवाद दोनों साथ-साथ जा सकते हैं। इसलिए अनावश्यक, बेमतलब शब्द, निरर्थक शब्द, किसी व्यक्ति या पार्टी के लिए कहना उपयुक्त नहीं है। हमने वह भी युग देखा है श्रीमन्, जब कि मार्क्स ने अपने कैपिटल में लिखा है "Value is the crystallisation of labour power" मूल्य श्रम शक्ति का समुच्चय है। हमने वह वाक्य भी पढ़ा है Surplus labour creates surplus value अतिरिक्त श्रम ही अतिरिक्त मूल्य को पैदा करता है। सारी मार्क्स की थ्योरी इसी सिद्धान्त पर आधारित है। आज मैं किसी भी कम्युनिस्ट को चुनौती देने के लिए तैयार हूँ कि क्या वह सत्य नहीं है? बेमतलब, निरर्थक, तोतारटन्त विद्या में अपने मस्तिष्क को फसाए रखना यह किस युग की शोभा है। हमने वह नारा भी पढ़ा है...

श्री अर्जुन अरोड़ा : आप बहुत पुराने हैं, आपने बहुत देखा हुआ है ।

श्री राजनारायण : हमने यह भी देखा है कि 'वर्कर्स आफ दि वर्ल्ड यूनाइट', दुनिया के मजदूरों एक हो, लेकिन मैं जानना चाहता हूँ कि क्या आज दुनिया के मजदूर एक हैं और नहीं हैं तो क्यों नहीं हैं ? हमने वह भी नारा पढ़ा "डिक्टेटरशिप आफ दि प्रोलेटेरियट" । डिक्टेटरशिप आफ दि प्रोलेटेरियट धर्म बन गया कम्युनिस्ट पार्टी का, लेकिन मैं पूछना चाहता हूँ कि डिक्टेटरशिप आफ दि प्रोलेटेरियट की ध्यौरी आई कब ? अगर पता करेंगे तो इनको मालूम होगा कि 1972 में जब पेरिस कम्यून फेल हो गई तब डिक्टेटरशिप आफ दि प्रोलेटेरियट, सर्वहारा की अधिनायकशाही यह लेनिन ने एक संक्रमणकालीन नारा रखा, थोड़े समय के लिए रखा, लेकिन बुद्धिहीन कम्युनिस्ट...

श्री अर्जुन अरोड़ा : ये आगे बैठे हैं ।

श्री राजनारायण : ... बुद्धिहीन कम्युनिस्ट डिक्टेटरशिप आफ दि प्रोलेटेरियट को अपना धर्म समझ बैठे—'धर्म' का मैं इसलिए प्रयोग कर रहा हूँ; क्योंकि वह चिरस्थायी होता है, वह संक्रमणकालीन नहीं होता, तात्कालिक नहीं होता है, वह दूरगामी होता है । मैं जानना चाहता हूँ कि क्या आज मजदूरों के ऊपर मजदूरों की अधिनायकशाही चलेगी ? मुझे मालूम नहीं कि अर्जुन अरोड़ा इस पर सोचने के लिए मजबूर होंगे या नहीं । लेकिन आज इसको भी घोषित किया जाता है सिद्धान्त की आड़ में कि अब वहाँ पर कोई वर्ग नहीं, कोई क्लास नहीं, अब द्वितीय सोपान आ गया, द्वितीय सोपान में स्टेड विल विदर अबे । द्वितीय सोपान का भेद कब तब चलेगा? क्या आज रक्षा में स्टेड विदर अबे हो रही है, राजसत्ता पतझड़ की तरह मुरझा कर गिर रही है या राजसत्ता दिन-ब-दिन

सशक्त होती जा रही है, क्या सत्ता बिखर रही है या सत्ता का केन्द्रीकरण हो रहा है दिन-ब-दिन । तो ये हमारे मित्र कम्युनिस्ट पार्टी के जो तोतारटन्त हैं, ये अनावश्यक शब्दों के प्रयोग में आज अपनी प्रतिभा को उलझाए हुए हैं । इसलिए मैं कहना चाहता हूँ कि है मित्रों में लेकिन का बड़ा भक्त हूँ और मैं जानता हूँ कि जब लेनिन आया है तो उसने जब फोर्थ अप्रैल की थीसिस दी है 1917 में, तो वह अकेला था, सारी की सारी बोलशेविक पार्टी विरुद्ध थी, बोलशेविक पार्टी तो भूपेश गुप्त की पढाई पढ़ी थी कि पहलायहां पर पूंजीवादी क्रान्ति होगी, उद्योग धंधे खुलेंगे, मजदूर वर्ग पैदा होगा, कलेक्टिव कोऑपरेटिव लाइफ रहेगी, वे संगठित होंगे, तब संगठित मजदूर सर्वहारा पूंजीवादी गढ़ पर हथौड़ा मारेंगे । भूपेश गुप्त यह पढ़े थे । सारी बोलशेविक पार्टी कमरे में बैठी थी, त्यागी जी और फरवरी 23 की क्रान्ति हो गई, ये वही क्रान्तिकारी हैं और ये वही क्रान्ति इन्दिरा से करवाना चाहते हैं कि कमरे में बैठे रहो क्रान्ति हो जायगी । उससे न तो किसान से कोई सम्बन्ध है, उससे न तो मजदूर से कोई सम्बन्ध है, न उससे विद्यार्थी से कोई संबंध है, लेकिन आज मसीहा समाजवाद को भूपेश गुप्त के मुख से इन्दिरा बनी हुई हैं । मैं समझ नहीं पा रहा हूँ कि आखिर इस देश में क्या होगा, कहीं सत्यता आएगी या अनाप शनाप हम अपना नाश करेंगे ।

मैं आज कहना चाहता हूँ कि अनावश्यक ढंग पर श्री कृष्ण कान्त और श्री नीरेन घोष ने इस सदन में बहुत व्यापक विषय को उठा दिया । मैं सफाई के साथ कहना चाहता हूँ कि आज काश्मीर की समस्या जो उलझी हुई है उसकी सारी जिम्मेदारी पंडित जवाहरलाल नेहरू पर है । पं० जवाहरलाल नेहरू के पुराने लेखों को देखो । पं० जवाहरलाल नेहरू ने यू० एन० ओ० में जो सन्देश भेजा है उसको पढ़ा जाय । सारी की सारी समस्या को उलझा दिया है । समस्याएं चाहे वे देशी हों या विदेशी उन सब को पं० जवाहरलाल नेहरू

1970

की देशद्रोही नीतियों ने उलझा दिया है। यह मैं आज फिर कहे देता हूँ कि भारत की कम्युनिस्ट पार्टी जिसके उत्तराधिकारी श्री भूपेश गुप्त हैं, उन्होंने जवाहर पं० जवाहरलाल नेहरू को समाजवादी का मसीहा माना, हमेशा जवाहरलाल जी अच्छे, सारी कांग्रेस खराब। यही उनका नारा था। जवाहर लाल जी अच्छे, सारी कांग्रेस खराब। आज वही उत्तराधिकार चला आ रहा है भूपेश गुप्त जी का—इन्दिरा अच्छी, सारी कांग्रेस खराब, इन्दिरा अच्छी, जगजीवनराम बुरे। इन्दिरा अच्छी, यशवन्तराव चव्हाण बुरे, इन्दिरा अच्छी, कमलापति त्रिपाठी बुरे। पूरे तरीके से पुरानी कम्युनिस्ट पार्टी की जो लीगेसी है उसको आप देख लीजिए...

श्री महावीर रागी : इण्डोनेशिया में भी यही हुआ था।

श्री राजनारायण : इसके लिए आपको दूर जाने की जरूरत नहीं है। अगर दृष्टि पेनी हो और समझने की बुद्धि हो तो बातें आसानी से समझ में आ सकती हैं। लेकिन यदि किसी के पास बुद्धिमत्ता का चरम सीमा हो तो कुछ कहना नहीं है। बुद्धि विरोधी रचना में आज हमारे मित्र फंसे हुए हैं। मैं चाहता हूँ कि आप बुद्धि विरोधी यहू की रचना को तोड़ें और हमारे जो मित्र उसमें फंसे हुए हैं, उसकी चमक दमक में फंसे हुए हैं स्पर्श क्रान्तिकारिता की चमक दमक में, वह उससे हटें और सही और सच्चे क्रान्तिकारी बनें। नौटंकी न चालें चूड़ीदार पजामा पहनाकर। मैं तो पांच मिनट में ही खत्म कर देना चाहता था लेकिन मैं इतना कहने पर बध्य हो रहा हूँ कि आज अपने देश में मजदूरों के सम्बन्ध में जो कानून हैं वह मजदूर हित विरोधी हैं। मैं नीरेन घोष की इस बात से सहमत हूँ कि काश्मीर में जमींदारी उन्मूलन हुआ तो उससे पं० जवाहरलाल नेहरू घबड़ा गये थे। इतना ही नहीं, श्रीमन्, आपको

मालूम नहीं होंगी ये बातें, मैं आप को बता दूँ कि नेपाल में जो सारी क्रान्ति हुई, जो हुआ, उसको करने वाले हमारे साथी लोग थे, हम लोग थे। वाराणसी से सारे हथियार नेपाल जाते थे। कौन नहीं जानता है कि बी० पी० कोइराला हमारे साथी थे। उनके साथी काशी विद्यापीठ में आये डाक्टर लोहिया ने सारा ड्राफ्ट बनवाया कि वहाँ राणाशाही का खात्मा हो वहाँ पर जमींदारी और ताल्लुकेदारी का खात्मा हो। हमारा प्रण था कि अगर नेपाल ऐसा राष्ट्र अपने यहाँ राणाशाही का खात्मा कर देता है तो उस की लहर भारत में आयेगी और भारत की सरकार को हम लोग कहेंगे कि बिना मुआवजा दिये अपने यहाँ जमींदारी का खात्मा करो। मगर श्री जवाहरलाल जी ने श्री बी० पी० कोइराला द्वारा यह काम नहीं होने दिया। फिर उन्होंने मातिका प्रसाद और बी० पी० कोइराला को लड़वा दिया और यह तबारीस पं० जवाहरलाल नेहरू के काले कारनामों को दिखायेगी। यह मत समझना कि हम यूँ ही बोलते रहे हैं। जिस आजादी को इतनी मेहनत और कुर्बानी के बाद हम ने हासिल किया उस आजादी की शकल गांधी जी के मरने के बाद पं० जवाहरलाल नेहरू ने बदल दी और आज उन की बेटी उसको और भ्रष्ट और बर्बाद कर रही है क्योंकि जवाहरलाल में तो कुछ राष्ट्रीय सम्मान था, कुछ राष्ट्रीय स्वतंत्रता संग्राम की देन उन में बाकी थी, मगर इस में क्या है? इस में कुछ भी नहीं है। यह तो चारों तरफ पोली है। ऊपर एक पतली चमड़ी लगी हुई है। ऊपर एक करारा हाथ लगा दो वह ढोल पोल में बदल जायगी और उसी को यह क्रान्तिकारी मान रहे हैं तो इसलिए आजाद साहब, मैं यह चाहता हूँ कि आज जो मजदूर हित विरोधी कायदे कानून भारतीय श्रमिक संबंधी कानूनों के पेट में भरे पड़े हैं उनका निराकरण होना चाहिए। क्या आजाद साहब इस बात को नहीं मानते हैं? चाहे

[श्री राजनारायण]

वह गांधी जी को लें चाहे वह का मार्क्स को लें या चाहे डा० लोहिया को लें, सब ने माना है कि श्रम मूल है। श्रम ही पूँजी पैदा करता है। और जो पूर्वजों का वाक्य है याद होगा—प्रापर्टी इज राबरी। जिनके पास सम्पत्ति है, प्रापर्टी है वह डाकू है। बिना डाका डाले सम्पत्ति जुट ही नहीं सकती। तो बाप-दादाओं द्वारा की गई डकैती के जरिये एकत्रित धन था जो लोग कल-कारखानों, उद्योग-धंधों में लगा रहे हैं। वे अपने को मालिक मानते हैं। जो सही मायनों में श्रमिक हैं, जो दौलत पैदा करते हैं, आज उनको वह गुलाम बना रहे हैं। मजदूर जो मूल्य पैदा करता है उस मूल्य का अधिकांश हिस्सा पूँजीपति अपने मुनाफे के रूप में ले लेता है और मजदूर को उतनी ही मजदूरी देता है कि वह खा कर जिन्दा रहे और दूसरे दिन फिर मजदूरी करने के लिए कारखाने में आये। अगर हमारा समाजवाद सही है तो श्री भगवत झा आजाद जो किसी समय छात्र जीवन में हमारे साथी थे—इनका छात्र जीवन 1945 के बाद आया और हमारा 42 के पूर्व था—इनके लिए कुछ करे और ऐसा कानून बनायें जिस कानून की तह में मजदूरों को मालिकाना हक दिया जाए।

मैं चाहता हूँ कि कानून वह बनें जिससे कि उद्योग-धंधों में जो मजदूर काम कर रहे हैं, जो उत्पादन कर रहे हैं, जो मूल्य पैदा करते हैं वह सही मायनों में उसके मालिक बनें। उनका उत्पादन के साधन में भी मालिकाना हक हो, वितरण में भी उनका

हाथ हो और वित्तिय में भी उनका हाथ हो। क्या जो कानून आप काश्मीर में लागू करने जा रहे हैं उसमें यह व्यवस्था है? अगर यह व्यवस्था नहीं है तो काश्मीर के मजदूरों का भला आज जो सीमित ढंग का कानून और मजदूर हित विरोधी ढंग का कानून भारतवर्ष में फैला हुआ है उससे कमी होने वाला नहीं है। उससे काम चलने वाला नहीं है। अगर काश्मीर में आज ऐसा बढ़िया कानून लागू हो जाता तो उसके लिए सारे देश में हम एक क्रान्ति करते, एक नई दिशा देते। यहां के मजदूरों में आशा आती और मजदूर उस आशा को लेकर आगे बढ़ते कि जब एक छोटे से राज्य में मालिकाना हक विपणन, वितरण में मजदूरों का हिस्सा रहा है तो हमको भी होगा। इन तमाम बातों के रहते हुए श्री भगवत झा आजाद यह प्रयत्न कर रहे हैं कि सारे देश के मजदूरों संबंधी कानून काश्मीर में जो अब तक लागू नहीं थे वह काश्मीर में भी लागू हो इसलिए हम उनको इस विधेयक को सीमित समर्थन दे रहे हैं और सुझावात्मक समर्थन दे रहे हैं और यह चाहते हैं कि अब भी अगर झा साहब मान लें कि जब इतने दिनों तक काश्मीर में मजदूरों के लिए कोई कानून नहीं था और श्री भगवत झा आजाद इसको वापस ले लें और जो बातें हमने कही हैं उनका समावेश करें और समावेश करने के बाद यहां पर आयें तो ज्यादा अच्छा हो। मुझे मालूम नहीं हमारी बात उनमें साधुवादित लाती है या नहीं। लेकिन फिर भी मैं कहना चाहता हूँ कि जो वर्तमान कानून वहां पर लागू कर देने से मजदूरों की समस्या का समाधान नहीं होगा। उसके लिए मौलिक परिवर्तन की आवश्यकता है। नमस्कार

SHRI MAHMOOSH PURAKAYASTHA: Mr. Deputy Chairman, I welcome the introduction of this Bill. Of course it is a sheer formality that labour laws enacted by the Central Government are extended to Jammu and Kashmir. It is surprising that even after twenty-three years of independence, there was a State where no labour laws were applicable. I know there are shortcomings in these labour laws. Many of these labour laws were enacted in pre-independence days during the British regime. Even laws enacted in independent India do not reflect the present-day policy of the government, namely, building up a socialist society in India. As a trade unionist of 30 years standing, Shri Niren Ghosh spoke. I am also a trade unionist of thirty years standing. Sir, from my practical experience, I can say that all these labour laws are enacted in such a way that these laws do not fully protect and uphold the interests of the workers. In the long list of laws, I find mention of many laws which have to be extended to Jammu and Kashmir. The number of industrial labour there are very few. But there are agricultural workers also. I do not know what will be the total number of those workers.

[THE VICE-CHAIRMAN (SHRI TRILOKI SINGH) in the Chair.]

Sir, there is the Minimum Wages Act, 1948. This Minimum Wages Act is applicable to agricultural workers. But in a very few States the minimum wages for the agricultural workers have been fixed. When the Minimum Wages Act was enacted, it was stated that within the First Five Year Plan period, the Act would be extended to cover all sectors of industry and that during the Second Plan period the Minimum wages would be raised to the level of fair wages and that in the subsequent Plan periods, that wage will be raised to a living wage. Sir, this remains a dream. The minimum wages that the workers get do not cover even the

minimum needs. The Fifteenth Indian Labour Conference, therefore, recommended unanimously with the approval of the Government representatives present there, minimum, need-based minimum, wages for workers in different industries and that has remained there only. That is why I say that the laws are there, but there is no implementation of laws. The laws have their shortcomings. But even with these shortcomings, if these were implemented properly, then these could go a long way to serve the interests of the workers.

There is the Industrial Disputes Act. It was enacted in 1947. Thereafter, so many years have gone by and the Government has not thought it fit to replace that law. From my practical experience I have found that this Industrial Disputes Act is eating into the vitals of the Indian trade-union movement. This Industrial Disputes Act, with its compulsory adjudication, has converted all industrial action into industrial litigation and litigation continues for years afterwards. I have experience of a case in which ten thousand workers in my State of Assam were retrenched in 1952 and they had to fight this case up to the Supreme Court and in 1966, after fourteen years, the verdict was given. The workers subsisted on their minimum wages for fourteen years to fight a battle against them. That is why I say that these labour laws are not working in the interest of the workers.

Mr. Vice-Chairman, Sir, a strike is going on in a cement factory in Chittor, Rajasthan, for the last thirty-four days. The mine concerned is in the Central sphere and the Minister of State for Labour is present here. May I know what steps the Government has taken to bring to an end the strike? Though out of the 512 workers 508 workers have joined, the strike is continuing peacefully for the last thirty-four days. But labour is under the Central Government sphere and law and order comes under the State sphere. So, though that strike

[Shri Mahitosh Purakayastha]
is peaceful, the State Government has employed police against the workers.

SHRI KALYAN ROY (West Bengal): Which State Government?

SHRI MAHITOSH PURAKAYASTHA: The Rajasthan Government. Sir, we are against the employment of police in industrial disputes. We criticised the United Front Regime in West Bengal. But, for one thing at least I have praise for the United Front Regime....

SHRI CHITTA BASU (West Bengal): Thank you.

SHRI MAHITOSH PURAKAYASTHA: They resented this intervention by police in industrial disputes and they kept the police off from the industrial disputes.

Mr. Vice-Chairman, Sir, the other day we discussed in this House the strike in the 'Basumati' newspaper. A Bengal daily in Calcutta has been closed since 16th November last. We brought this matter to the Government of India's notice. But the Government of India is sitting as a helpless spectator....

AN HON. MEMBER: It is because of Mr. A. K. Sen.

SHRI MAHITOSH PURAKAYASTHA: But these laws are not enough to come to the rescue of workers. Mr. A. K. Sen knows this. He is an able lawyer. That is why he is sitting tight on this matter.

SHRI KALYAN ROY: His sons are circulating sycostyled things on his behalf.

SHRI MAHITOSH PURAKAYASTHA: Of course. His sons are circulating some leaflets to Members of Parliament, giving a distorted sort of story. That is true.

That brings me to the Trade Unions Act. The Trade Unions Act was enacted in 1926. It was amended in

1947. There was a provision for compulsory recognition of Unions. That provision has never been brought into force. If that provision was brought into force, if compulsory recognition of trade unions was made, then it would have gone a long way in eliminating many disputes in many industrial fields.

One of the main effects of this today is that trade union is divided into so many unions, each union owing allegiance to one political party. If this compulsory recognition of unions was made, and if employers were asked to recognize only one union in industry, which represents the majority of the workers, then many of the disputes would be settled at the table.

Now, there is a provision for conciliation in the Industrial Disputes Act. The other day, in connection with the dispute over 'Basumati', the Minister stated that the West Bengal Labour Commissioner convened a conciliation meeting but the employers' representatives did not turn up, because there is no provision in this Act which can compel these employers to attend these conciliation meetings. And without that compulsion provision, these conciliation meetings always failed. That is why, Mr. Vice-Chairman, though I welcome these laws, I want that these laws should be properly implemented. So I would again urge upon the Labour Minister to see that the labour laws which have been enacted do not remain on paper and they are revised in such a way that they conform to the needs of the present day and conform to the present ideal of the Congress Party which stands for building up a democratic socialist society in this country so that these labourers get their due part, their due share, in the family of our country.

There was a talk of the workers' participation in the management. It has remained on paper for the last few years. We hear now that the

workers will be allowed to participate in the management of the industry. But no concrete steps have been taken to give scope to the workers to participate in the management of the industries. If the workers are allowed to participate in the management of the industry, many of the industrial disputes which are occurring to-day will not occur.

Mr. Vice-Chairman, Sir, I won't take a long time. With these words I support the Bill and I would urge upon the Labour Minister once again to see that these labour laws are implemented in their true spirit.

SHRI U. K. LAKSHMANA GOWDA (Mysore): Mr Vice-Chairman, this is not the first time that this House debates on the extension of Central laws to the State of Jammu and Kashmir. Time and again such extensions are sought to be brought in and then the subject comes up before the Parliament. It is really difficult to understand why after so many years of independence and accession of Kashmir to India we have to continue to have special Acts for extension of any of the laws enacted by the Central Government to the State of Kashmir. Many speakers who have preceded me have spoken about the necessity of having to find measures by which all the Central laws which are applicable to the different States of India will be automatically applicable to Kashmir. In this connection I would support the other gentlemen who have said that the impediments under article 370 of the Constitution and application of the Jammu and Kashmir Order, 1954 should be removed and hereafter we should be in a position to say that as Kashmir is a State of India all the laws applicable to the different States of India should be applicable to Kashmir. From this point of view I welcome this Bill. It has been stated in the Statement of Objects and Reasons that even though Kashmir did have a set of labour laws, they were not sufficient to fulfil the requirements of a growing State. We know that Kashmir is industrially very

backward but it is trying to industrialise itself and so in order to see that the working class of that State are benefited by social and labour laws, this extension of the 19 Central Statutes to Kashmir is being sought but at the same time do not know to what extent this will help either the working class or the industries in Kashmir. Many of the trade union leaders have spoken complaining about the lack of implementation of the existing laws in the other States of the country. If that is the case, simply a mere extension of these labour laws may only give a psychological satisfaction and may not go far enough to find justice to both the working class and the industry or the employers who are connected with the various establishments in Kashmir. It is very pertinent here to refer to what Shri Kalyan Roy spoke when he gave some concrete examples of delays and very sordid implementation of some of the provisions of the labour enactments which are in existence for a long time in this country. It was really surprised to hear his quotation that under the Employees' Provident Fund Act, which is applicable to many industries in this country, including the plantation industry with which I am quite familiar the coal industry has accumulated enormous arrears for years. Now I would like to say for my personal experience that I know of a good many industries where we have never come across any case of such huge arrears being built up, and it was really a surprising thing to hear from Mr. Kalyan Roy—he being connected with the coal mining industry I have to reply on whatever he has said; He has quoted certain parliament replies and extracts—showing that there have been huge arrears in the coal mining industry. This is a case of neglect of implementation of the existing Acts, on Provident Fund. I should say that is a case of discrimination. In many of the establishments of other industries the provident fund is regularly collected and even very small arrears are not allowed to build up and if there are arrears, penal action is taken

[Shri U. K. Lakshmana Gowda]

against such establishments. I really cannot understand how the coal mining industry, which employs nearly 200,000 workers, is allowed to build up arrears of provident fund collections to the extent of six or seven crores of rupees, according to the figures quoted here. This is a strange thing and I would like to stress here that this matter should be gone into and Government must take suitable action and see that such lapses do not repeat themselves. This will be showing a great discrimination against other industries, which have been very prompt in implementing the provisions of Provident Fund Act and paying their contributions regularly.

Then, Sir, so far as the application of the labour laws is concerned, I would like to put forth my own views. Sir, in this country we find a plethora of labour laws. Day after day new labour laws are enacted; many of them ill-conceived, and this is only to provide psychological satisfaction to the workers and their trade union representatives. And the Trade Union leaders without considering the worth and details of such legislations or how they are going to be implemented, immediately extend their support and welcome them. And this welcome lasts only for a while, when the law is being enacted. Then, when the question of impementation comes, it is a different picture and there is a show-down leading to industrial unrest and indiscipline. I would like to ask my trade union friends here what they have done about these things. Now you take for example the recognition of trade unions. Under the Trade Unions Act any seven workers in any establishment can ask for recognition of a trade union. Now, when many such trade unions are recognised, it will lead to an unending series of inter-union disputes and conflicts which we frequently come accross in every industry, particularly in the State, from where Mr. Chitta Basu and Mr Kalyan Roy come, and which

have resulted in an unending spate of violence indulged in that State.

SHRI KALYAN ROY: Non-payment of weekly wages and salaries is also violence. Naxalism may kill one man, but when you deny due wages to, say, 10,000 workers, 50,000 people including them and their family members are put to starvation. Is it not violence that people should die of starvation in the factories because of sheer non-payment of the due wages to the workers? That is also violence. He only talks of visible violence. What about invisible underground violence? That is also violence.

SHRI U. K. LAKSHMANA GOWDA: Violence is violence whether it is visible or invisible.

SHRI KALYAN ROY: Are you going to admire the employers for this? What right have they to deny the workers the due wages?

SHRI U. K. LAKSHMANA GOWDA: I never said any such thing. It is not the responsibility of the workers alone but it is the responsibility of the Trade union leaders and the movement as a whole to see that such things do not happen. Now, Sir, the criteria for recognition of trade unions by secret ballot and also the recognition of one union for one industry, which have all along been accepted by the employers, and many Trade unions. Why then the Trade union movement in this country is not pressing for that? It is because you find that, if that comes in, (Interruptions) many of you people will not be in a position to strengthen your political creed. So you please apply your mind for that also. It is no use saying that all the labour enactments in this country are loaded against the workers. Some of them might not go far enough. I do agree but the difficulty comes in implementing them, and major part of the blame for that should be taken by the trade union representatives themselves. Sir, so I

would like to suggest here that one of the biggest causes of industrial unrest in this country is inter-union rivalry and I hope the Government will take an early decision about going in for recognition of one union for one industry . . .

SHRI CHITTA BASU: And secret ballot.

SHRI U. K. LAKSHMANA GOWDA:based on secret ballot. I certainly support that view.

Then there are many enactments and by the time they have had a few years of trial they are proposed to be amended and that again is leading to difficulties. One such example is my friend, Mr. Chitta Basu's amendment of the Bonus Act to raise the minimum bonus from four to eight per cent. Bonus was one of the biggest factors in bringing about industrial unrest in this country. Personally I am against any bonus. I am prepared to support revision of wages in a proper manner and do away once for all with this sort of industrial unrest which crops up year after year because of this bonus. After so many years of deliberation the Bonus Act has been evolved and it has hardly worked for two or three years and by then an amendment is proposed. And the Government in order to please the trade union representatives immediately agree that they will send it to a Select Committee because they do not want to take the responsibility. They do not have the courage to say, let us try it out for a few more years. This Bonus Act is not applied to the public sector industry. You will have to apply it first to the public sector industry and then see how it works before you consider amending it further. You should not just rush things and say that even if a concern does not make any profit it must give a minimum bonus of eight per cent. I certainly agree for an amendment: if you want to remove the ceiling for the bonus along with the minimum. If there are higher

profits then let people who are prepared to pay over the ceiling of 20 per cent bonus let it be paid. But not when an establishment makes a loss.

Then there should be no minimum.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): How all this relevant?

SHRI U. K. LAKSHMANA GOWDA: This very Bonus Act is being extended to your State Mr. Mehta and so I am very pertinent in speaking about the Bonus Act here.

Now I would like to say something about industrial growth. If you hamper the industrial growth in this country neither the workers nor the employer, nor the country will be able to get anything. We have to be a little slow in legislating in such matters. We will have to have well-conceived laws and implement them properly and then whatever changes are required can be brought about. It is something like saying, have a division of all the assets in the entire country among the people in order to bring in a socialist society. What will happen then you will only be distributing poverty; you are not going to distribute anything other than that. You will have to build up the economy of the country and produce assets before you can think of distributing. (Interruptions) I am not opposed to your ceiling laws; I am not opposed to your labour laws if they are reasonable. I am only showing you the difficulties and the defects in them and how in your enthusiasm you rush ahead, and now after so many years you yourself complain as trade union leaders that the implementation is bad. Why don't you see that implementation is done properly? Why put the blame on the employers for everything? Whenever any thing misfires you say it is the employers who are responsible. If you yourselves cannot do anything you say nationalise. All right nationalise but in the nationalised industries has the labour shown its commitment to socialism?

[Shri V. K. Lakshmana Gowda]

Why are there so many strikes in all the nationalised undertakings?

SHRI CHITTA BASU: In the private sector . . .

SHRI U. K. LAKSHMANA GOWDA: You forget about the private sector. In the public sector where your own workers are there and where your own socialist laws are working there is continuous industrial unrest. As trade union leaders why have you not done your duty in seeing that production increases and in seeing that the public sector undertakings comes up to high level of production in this country? I am for public sector undertakings; I have supported it and I have also supported the nationalisation of certain sectors, like key industries. Have I not done it? But I would like them to function properly. My point is that you cannot escape by saying that all the labour laws are loaded against the workers and it is because of the employers that stagnation is taking place in the country. We have accepted mixed economy in this country, and that we will have both private and public sector.

SHRI CHITTA BASU: That is the greatest mistake.

SHRI U. K. LAKSHMANA GOWDA: May be, that may be your view but we have accepted mixed economy and I think the Government in power has also accepted mixed economy for this country. To that extent it is very necessary that whatever laws have been passed should be implemented properly. But when the laws are being enacted they must be enacted carefully and should not be hastily rushed through.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): Before the Chair calls upon any other hon. Member to take part, I would like to say that we have already exceeded the time allotted for the consideration of this Bill. I would

therefore, request hon Members to be as brief as possible and help the Chair in having the consideration of the Bill closed as early as possible.

The hon. Member, Mr. Appan.

SHRI G. A. APPAN: Mr. Vice-Chairman, Sir, Bills come now and then for the extension of the Central labour laws to Jammu and Kashmir. It is my personal view that all labour laws should be only Central and the implementation part should be given to the State. No doubt there may be amendments or rules depending upon the exigencies of the State, the industry and things like that. In any industry, business, trade or commerce three sectors are always represented. Capital is there, labour is there and also the Government. All these people serve whom? They serve the consumers. I do not think in any conference or group discussions the consumers are taken into consideration. Without the consumer, what is the use of your production? How can you exist? The case of the poor consumer is simply ignored. That is what I said in my first speech. Fortunately the hon. Prime Minister was able to catch my viewpoint, this one particular point, and it is her desire and it is the desire of some honest Ministers to give some chance to represent the case of the consumer in all the activities, trade unions, conciliation negotiation and things like that. Who can deny the fact that Jammu and Kashmir belong to India? I was really wondering, over since I came here, as to why there is a provision in the Constitution exempting Jammu and Kashmir from a number of provisions. Every time you come forward saying that this will extend to Jammu and Kashmir. I do not know about others, but labour legislation is a 'must' everywhere. When there was no private property, when there was sufficient land and wealth to fall back upon, there was no dispute or rivalry between people, but when wealth, capita and land became scarce, people began to compete for them. Competition is the root

cause of all this rivalry and the factors of production, viz, land, labour, wealth and entrepreneurship have been, of late, accepted. The consumer is still to be accepted. I would request the hon. Labour Minister and the Government of India to take this one point into consideration. At least from now on in every activity of the State, there should be the fourth part, the consumer. The tripartite system has been working all this time. Now, the fourth part also should be represented in every thing. The extension of Central labour laws to the State of Jammu and Kashmir covers about sixteen laws. Every law has its own implications. According to me labour laws and legislations also had been implemented or promulgated in India due to a lot of coercion, of course. Labour should have their say, should have a contented life. Unless the labour and the employees are contented, we cannot expect from them good work. It is the duty of the capitalists and the entrepreneurs to see that their work, profit, production, etc., does not suffer on account of the dissatisfaction among the labourers. It should be done in an honest way, honourable way, not out of greed, glut, coercion, work-to-rule, gheraos, strikes and things like that. Sometime back a great international philosopher wrote to Mahatma Gandhi what should be the attitude of labour regarding their rights. Mahatma Gandhi had written: It is your duty to do your work and your rights will follow as the day follows the night and the night the day. Can anybody prevent it? No. So, when the labour is able to do good and satisfactory work, I do not think any employer will try to do any harm. There are some people no doubt, it is agreed, some gluttonous capitalists and unrealistic capitalists and unrealistic entrepreneurs, businessmen and industrialists, but for those people labour laws are there. They are necessary. But I really wonder why there should be all these mischievous, malicious paraphernalia of too many workers unions, trade unions, and so on. I entirely agree with some of my friends

who propagate for one trade union for every industry, business or commerce. In those days, we had the guilds; they were doing very nicely. Of late we see Communist labour union, Congress labour union, Congress Opposition labour union, Swatantra labour union... (Interruption) Whatever it is, we have our labour union. I do not encourage that labour union should be politically motivated. Labour should be able to manage their own organisations and unions themselves. No outsider should enter into the labour union just for the sake of one's own self-aggrandizement or profit, as many of the white-collared people are trying to be parasites of the poor people. There should be mixed economy and at the same time there should be competition. I do not agree here that all industry and business should be nationalised. Of course we have seen how our nationalised industries fare. Let them not be a drain of the resources of the poor. (Interruption) I am speaking in the national interest, not about party interest. This should be the true philosophy of the nation. This should be the true philosophy of the politicians. It is said that the last resort for a scoundrel is politics. Let us not be politicians, but let us be all statesmen. We should be statesmen but not politicians. "Politician" is a very bad name. This is my own personal opinion.

SHRI CHITTA BASU: Then you are the guardian of scoundrels.

SHRI G. A APPAN: I agree with some of the people that if there is workers' participation in management, much of this malaise will not happen. Workers want bonus, they want allowances, they want many other things. I say plough the bonus, plough the deferred payment into the capital. If each worker has at least a share of Rs 10 in industry or business, I do not think he will enter into these nefarious activities, because out of those ten rupees, he would get a return of one

[Shri G. A. Appan]

or two rupees. They will not like to suffer. But when the capital comes from the public exchequer, when the capital comes from the capitalists like my other friends, the other people begin to instigate them against others. There can be no labour without capital or there can be no labourer without capitalist. And all these people will have to sail together in the interests of the economy.

About need-based wage and minimum wage, some people have been telling us that a minimum wage is necessary and it is a must. But what is the minimum wage they are clamouring for? Rs. 300 or Rs. 250. But what about the millions of people unemployed and underemployed and those who have nothing to fall back upon, without food, clothing or shelter, those people who are the children of this motherland, India, and who are the subjects of the Indian Government to which most of us belong? Should we not feel that a person who has no bread should at least be given something to fall back upon rather than giving a person Rs. 10,000 or Rs. 20,000 and bloat his own income as we are paying to the pilots and to some other people in privileged occupations who are well organised and who are capable of exerting all kinds of coercion, undue duress and things like that. And then, Sir, the Minister should be a little more cautious in seeing that these laws are not misused either by the capitalists or by the labourers to the detriment of the interests of the consumers, which is the bottle-neck in productive activity and creation of wealth, goods and services.

SHRI GULAM NABI UNTOO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, I take it as my privilege and pleasure to welcome this scheme of applying these welfare laws to the State of Jammu and Kashmir. The people of the State of Jammu and Kashmir, ever since the commencement of the Constitution, have been

always rushing to the Central Parliament, while framing the laws, for the extension of such laws to them, which laws really appear to us to be for the welfare of the people. It is not a new thing that we ask for such laws. But we have a history behind it and the history is that during the fight for independence, when our people were fighting against the autocratic rulers, when we joined the freedom struggle that was going on in the rest of the country, the pattern of the fight was almost similar its approach was secular, the method that we applied was fight for democracy, and the goal that we had put before us was socialism. It is in this background, under this context, that when the partition took place, the people of my State chose to accede to this part of the Dominion of India, as then called. The reason was that our tradition and culture and history were alike; both Muslims and Hindus, irrespective of their faith, have the same problems, have the same goal to achieve. It was under this context that we went into the lap of great India. While welcoming this Bill, Sir, I am sorry I am not able to present any labour case as some of my colleagues have done in respect of their States. I have no case to present saying that this is the labour problem there or this wage or norm is not suited to us. The reason is, as has been observed by the Planning Commission, Kashmir is the most backward State of the Union of India. No industry as such is there. The House will note with distress that the Central Government has been apathetic in encouraging either the private sector or to take it upon itself the question of starting any industry, small or big, just to boost the economy of the State. Sir, in this background I will speak a few words on the controversial topic that was touched by various speakers.

Sir, I heard one of the speakers regretting that we have to seek the extension of the laws to the State of Jammu and Kashmir. I appreciate. He is correct. But then one fails to

understand the real history which has assumed the shape of article 370. I would submit that it is not an accident, it is not an event. Rather it is not a gift of the Constituent assembly, but it was a culmination of historical forces that have been working there for the last hundred years or so which took the shape of article 370 while the framers of the Constitution were framing the Constitution. The hon'ble Member feels that there should no more be extension of laws but the laws passed by Parliament must become the laws for that land also. I wish that day should come. But how soon will it come and when will it come. That day will come when you have removed all economic, material, social and educational disparities that prevail at present between the people of the State and the rest of the country, when you have removed the barriers of inequality. Then this barrier created by article 370 would automatically go. But presently if you apply the law framed here in Parliament automatically to the State of Jammu and Kashmir, that would not be a democratic way of ruling the country. If you want that article to go, you have to try to raise the social, material, educational level of the people so that the people there start feeling that this article 370 works as a barrier in their progress. But this is not going to happen so long as there are Ahmedabads and Bhiwandis elsewhere. These events make the people there, the Muslims, the majority there, awfully shocked and frightened. Whether the hon'ble Members like it or not but any human being can see that when such nasty events take place outside the State the people there get frightened. On that front also you have to fight that no such obnoxious events take place in the country. Then alone the day will come when the people of the State will come forward with a petition to remove the article in question because it would no more be to their advantage, because it works as an impediment to their progress. And how will it be done? It is for the Government of India for the Par-

liament of India, for the people of India, to always try to look towards the most backward State of the country and see that the people of that State are raised socially, economically and educationally and that emotionally they do not feel at all hampered. It is then alone that the proper atmosphere will develop and this irritation, which is really a constitutional irritation, will itself go. Thank you.

SHRI PRANAB KUMAR MUKHERJEE (West Bengal). Mr Vice-Chairman, I support this Bill not because of its merits, but because I think article 370 of the Constitution is an anachronism in our present political structure. I was very attentively listening to Mr. Untoo, as he comes from the State to which these labour laws are going to be extended. I appreciate the sentiments and spirit expressed by him, that it is the people of Kashmir who want that this provision of the Constitution should be removed, that they want objective conditions to be created in the country so that they would feel that there is no necessity for keeping article 370 in the text of the Indian Constitution. But Sir, it is also a fact that much time has passed since the implementation of this Constitution and that objective conditions are definitely being created within the country. Undoubtedly, there are incidents of Ahmedabad or Bhiwandi. But at the same time, there are other instances where the two communities are living side by side and, forgetting their communal interests, are fighting against the reactionaries and vested interests. There are instances which show that the working class people, whether they are Muslims or Hindus are fighting together against the vested interests. Therefore, this should not stand in the way of our removing this article from the text of the Constitution.

Mr. Vice-Chairman, while I was listening to the speeches of some of the hon. Members, I thought that even they themselves have doubts whether Kashmir is an integral part of India. One of the hon. Members was saying

[Shri Gulam Nabi Untoo]

here that if the labour laws do not render any service to the people of Kashmir, if they do not render any service to the workers of Kashmir, the people of Kashmir will become anti-Indian. I fail to understand the reason and logic behind this argument. If the labour laws fail to render service to the working class people of Kashmir, they may be anti-Mr. Bhagwat Jha Azad, who is bringing forward this legislation, they may be anti-management or they may be anti-Government. But why should they be anti-Indian? Perhaps we are thinking that only we are Indians and the people of Kashmir are not Indians. Perhaps we are thinking that they are not part of India. But, Sir, I can assure this House that they are as good Indians as we are, that they are as good Indians as the people belonging to the other parts of India. Therefore, the question is not whether these laws will render any benefit to them and whether they will be anti-Indian on the merits of this Bill or not; that is not the question. Another Member made some observations which may go in favour of our neighbouring country which is propagating against India on the issue of Kashmir. It has been pointed out here that there is no legal Government, no popularly elected Government in Kashmir. The Pakistani press and the vested interests in Pakistan can very well quote the speech of that hon. Member and say, "The Government of India is claiming that Kashmir is an integral part of India and that the administration in Kashmir Order, 1954 should be removal, chosen by the people of Kashmir. This argument of the Government of India is nothing but a hoax. See, here is a statement of an hon. Member who made this observation on the floor of the Rajya Sabha." Therefore, we should be cautious while making our observations on it. I have already pointed out that Kashmir is an integral part of India. Therefore, we have to judge now whether the laws which are going to be extended

to Kashmir will render any benefit to them or not. It has been pointed out by various Members on the floor of the House that the labour laws should be thoroughly revised. Some of these labour laws were enacted in 1948, some of them were enacted in 1949 . . .

SHRI CHITTA BASU: Some in 1922 also.

SHRI PRANAB KUMAR MUKHERJEE: Yes, some of them we were enacted in 1922 also as pointed out by Mr. Chitta Basu. I fail to understand how these laws can render any benefit to the people who are living in 1970. The entire socio-economic conditions are changing and a new social order is setting in. An entirely new socio-economic structure is going to be constructed. At least the people want it though the Government may not want it, though the management may not want it, though the employers may not want it. The people are demanding it and they will get it done. Therefore if the Constitution, if the laws which are there in this country do not adjust themselves according to the changed needs and circumstances, I fail to understand how they will render any benefit to the working class people, however pious and however good those laws may be.

In this connection I would like to point out one more thing. Yesterday while taking part in this debate Mr. Kalyan Roy pointed out certain glaring instances as to how the working class people are deprived of their minimum needs. I fail to understand how a Government can remain in power if it cannot compel the employers to pay the weekly wages regularly. I fail to understand whether there is any moral sanction for the Government to remain in power if it cannot compel the management to see that its workers get their wages regularly. There is no moral sanction for the Government to continue in power if it cannot force the management to observe the

laws. A lot of labour laws are there. But we had our practical experience of how effective and good those are. Whenever these labour laws are implemented, the managements, the employers, avail themselves of the highest form of legal advice, the best legal advice, that is available in the country, to see how best they can get rid of these laws, how best they can do away with these laws. Such practices must be prevented. There should be an end to such practices. Therefore, I fully endorse and support some of the suggestions that have been made here that there should be codification of labour laws, that there should be a thorough revision of labour laws. At least the Government should come forward with certain legislations which would compel the management, the employer to pay wages regularly to the working class people.

In this connection I would like to point out another factor which we had experienced in West Bengal. When the first United Front Government in West Bengal came into power, they found that certain labour laws were to be changed as most of these laws were on the Concurrent List and they required the sanction of the President of India for becoming effective. It is unfortunate that in two or three cases . . .

SHRI CHITTA BASU: In two cases.

SHRI PRANAB KUMAR MUKHERJEE: . . . the necessary sanction was not granted. I fail to understand why it was not granted. Nowadays we are demanding more powers for the States, we are demanding more money for the States. Autonomy of the States is the prime need of the day. Even in these conditions if the President does not give his assent or sanction to the laws passed by a responsible Government, passed by the elected Government of the State, I fail to understand how democracy can function. It is the States which have to deal with these matters. It is they who have to face the music. It is those people in the State who have to face the trouble, and

if they cannot pass a legislation of their choice, I fail to understand how they can function properly.

We have heard much of gheraos. Even our party stands against gheraos. But then we have to admit that in certain cases of labour disputes, in certain matters, when the employers are so adamant, when the employers are so rude, when they are so unreasonable, there is no other alternative but to gherao them to compel them to meet the legitimate demand of the working class people. Therefore, we have to adopt certain unconstitutional methods, certain illegal methods, so that we can get the legal benefits, so that we can get the benefits due to us, the benefits which are legitimate, from the unwilling employer. These things are to be taken into account. By simply saying that gherao is unconstitutional or it is against liberation or against individual liberty, we cannot stop it. Therefore, certain suitable legislation has to be brought forward.

Mr. Vice-Chairman, before concluding. I would like to draw the attention of the hon. Minister for Labour to one point which may not come within the purview of this discussion. That is about the silver refining factory where 500 persons are working. This factory is now going to be closed by the Government of India. It is a Government of India concern and I am referring to this in the special context of West Bengal today. Every day West Bengal is discussed on the floor of the House on this pretext or that pretext. I want to point out to the hon. Minister that if this factory employing 500 persons is closed and all these people thrown out of employment from this Government of India concern, it would rather aggravate the situation already prevailing there. Not a single person in West Bengal can be employed anywhere. Government of India, by closing one factory after another, are going to create more number of unemployed persons in West Bengal. Under the special circumstances of West Bengal, I shall request the hon. Minister for Labour to take a serious view of this

[Shri Pranab Kumar Mukherjee]

matter and see that at least these persons are not thrown out of employment.

क्षम, सेवा नियोजन और पुनर्वसि मंत्रालय में राज्य मंत्री (श्री भगवत मा आजाद):
उपाध्यक्ष महोदय, मैं उन तमाम सदस्यों का बहुत कृतज्ञ हूँ जिन्होंने इस विधेयक पर अपने विचार व्यक्त किये हैं। अधिकांश सदस्यों ने इस विधेयक का समर्थन किया है हम उनके कृतज्ञ हैं, लेकिन जिन्होंने समर्थन आंशिक किया है उनके हम अधिक कृतज्ञ हैं। और सबसे अधिक कृतज्ञ उनके हैं जिन्होंने इसका समर्थन नहीं किया है और ऐसे एक ही हैं और वह हैं श्रीमान् नीरेन घोष जिन्होंने इसका समर्थन किया ही नहीं।

मैं यह कहूँ कि जितनी समालोचनाएँ सदन में हुई हैं उनको तीन वर्गों में रखा जा सकता है। एक तो वह है जिनका सम्बन्ध पूर्णतः इस विधेयक से है। दूसरे वर्ग में वे हैं जिनका सम्बन्ध इससे तो नहीं है, लेकिन श्रम और उद्योग की पूरी परिधि और पृष्ठभूमि से है। सदस्यों ने इस बिल पर बोलते हुए तमाम इंडस्ट्रियल और लेबर सम्पूर्ण फील्ड का इससे सर्वेक्षण कर दिया है। वह हमसे यह आशा करते हैं कि जब इन 19 कानूनों को जम्मू-काश्मीर में लागू किया जा रहा है तो इस समय में सम्पूर्ण नेशनल लेबर कमीशन की रिक्तारिणों की व्याख्या कलंगा जो कोयले की खाने धंदवा में, आसनसोल में बन्द हो गई हैं और खास तौर से जहाँ पर कि बहुत से ऐसे मिल मालिक हैं जिनको समय की हवा के रुख की पहचान नहीं है, जो ऐक्टज कंसेप्शन का है या पेमेंट आफ बोनस ऐक्ट या जो क्लोजर होने के सम्बन्ध में कानून हैं, उनके सम्बन्ध में विस्तार से कहूँ। यह मैं समझता हूँ कि मेरे लिए सम्भव नहीं है। लेकिन कल्याण राय जी ने जो इस सम्बन्ध में बड़ा इशारा किया है, उस सम्बन्ध में मैं कहना चाहता हूँ कि समय समय पर जब भी

वे हमारा ध्यान आकृष्ट करते हैं, हम उनके खिलाफ कार्यवाही करते हैं।

तीसरी वे समालोचनाएँ हैं, जैसे राजनारायण जी ने की या नीरेन घोष ने की, जिनका इससे कोई सम्बन्ध नहीं है। जैसे राजनारायण जी ने अपने भाषण में कहा—हर बार हम बिल पर वह भाषण दिया करते हैं समाजवाद के बारे में कि हम समाजवाद ला सकते हैं कि नहीं। लेकिन राजनारायण जी की एक बगल में जनसंघ है और एक बगल में स्वतन्त्र पार्टी है और इनके जरिये वह समाजवाद लाना चाहते हैं और हमें सीख देते हैं समाजवाद की, तो मैं समझता हूँ कि इनके लिए क्या कहा जाए, सिवाय इसके कि भगवान इनको सद्बुद्धि दे। मैं भी समाजवाद लाने के लिये उनके साथ आया था, लेकिन एक बात उन्होंने गलत कही जो उन्होंने कहा कि मैं विद्यार्थी जीवन में 1945 में आया और वह 1943 में आये, तो मैं भी 1942 में आया था, मैं भी चार बार जेल गया था। विद्यार्थी जीवन में, इसलिये इस बात को वह कृपा करके नहीं कहें। समाजवाद यह सखा और हमारे साथ जो और सहयोगी पार्टियाँ हैं वह लाना चाहती है लेकिन उसके लिये कहने को तो यह बिल अवसर नहीं है। मैं इतना ही कह कर इस तृतीय वर्ग की समालोचनाओं को समाप्त करता हूँ।

बाकी प्रश्न है मुख्यतया इस विधेयक के सम्बन्ध में कल्याण राय जी और अन्य व्यक्तियों के आपत्ति की, लेकिन उनकी आपत्ति यह नहीं है कि इसका विस्तार न हो बल्कि आपत्ति यह है कि इसका विस्तार इसलिये नहीं हो क्योंकि इन कानूनों का हिन्दुस्तान के श्रम-जगत में पूरी तरह से कार्यान्वयन नहीं हुआ है, अर्थात् मनुष्यों ने हवाई जहाज का इन्वेंशन किया और अगर कुछ बन्दर उस पर चढ़ कर हवाई जहाज से कहीं बम वर्षा कर रहे हैं तो फिर हवाई जहाज न हो। ऐसी बात तो

है नहीं। श्रम कानून अच्छे हैं। उदाहरणार्थ बोनस कानून को हम लें। इसके पहले जब बोनस कानून नहीं बना था तो बहुत से मजदूरों को बोनस मिलता ही नहीं था यह बात सही है या नहीं। यह सही है। लेकिन आज इस बोनस कानून के अन्तर्गत मिल मालिकों को चार परसेंट तक देना ही पड़ता है। यह बात दूसरी है कि हमारे श्री चित्त बासु अपने उस विधेयक के जरिए जो कि वह सदन में लाये हैं चाहते हैं कि इस मिनिमम को चार से हटा आठ परसेंट कर दें और ऊपर की सीमा को हटा कर के आकाश तक पहुँचें। तो यह बात दूसरी है लेकिन कानून से फायदा हुआ है। इसी तरह आपने उदाहरण दिया इम्प्लायीज प्राविडेंट फंड ऐक्ट था। मैं मानता हूँ कि इम्प्लायीज प्राविडेंट फंड कानून के जो मुद्दे हैं, जो इसके क्लोजेज हैं, जो इसकी विभिन्न धारायें हैं उनके अन्तर्गत वह सजा नहीं है जिससे डर करके, भय खा कर के, हमारे तमाम इम्प्लायर्स अपना स्वयं का हिस्सा या श्रमिकों का जो हिस्सा वह कांते हैं उसको जमा कर दें और इसीलिये इस्टीमेट कमिटी के सुझाव पर तथा नेशनल लेबर कमिशन के सुझाव पर हम इम्प्लायीज प्राविडेंट फंड ऐक्ट में सुधार करने का विधेयक ला रहे हैं। इसके अन्तर्गत हम चाहते हैं कि जो इम्प्लायर्स अपना हिस्सा . . .

श्री चित्त बासु : अब लायेंगे।

श्री भगवत झा आजाद : बहुत जल्दी लायेंगे।

श्री चित्त बासु : ऐसा तो नहीं आप कहेंगे कि ट्रिपार्टाइट स्टैंडिंग कमिटी हो। . . .

श्री भगवत झा आजाद : यह आपने सही पूछा, हमारे सामने कुछ सलाह आ रही है कि इसको ट्रिपार्टाइट में भेजें लेकिन हम कोशिश कर रहे हैं कि हम इसको जल्दी ले आयें।

श्री अर्जुन अरोड़ा : अध्यक्ष महोदय, उसको ट्रिपार्टाइट में ले जाने की जरूरत नहीं है। . . .

श्री चित्त बासु : नहीं है।

श्री अर्जुन अरोड़ा : क्योंकि नेशनल लेबर कमिशन स्वयं ट्रिपार्टाइट था, उसमें श्री नवल टाटा और श्री ढांगे दोनों बैठते थे और दोनों के बीच में गजेंद्रगडकर। तो वह ट्रिपार्टाइट था नेशनल लेबर कमिशन और उसके फैसलों को ट्रिपार्टाइट में न ले जाय तो देश का, श्रमिकों का और सरकार का, तीनों का, कल्याण होगा।

SHRI CHITTA BASU : May I have the assurance of the hon. Minister that he would try to introduce that kind of a Bill during the current session of this House?

श्री भगवत झा आजाद : उपसभापति महोदय, मैं पूरी कोशिश करूंगा।

SHRI CHITTA BASU : Thank you.

श्री अर्जुन अरोड़ा : पूरी कोशिश करेंगे तो कामयाब होंगे, कोशिश नहीं करेंगे तो दूसरी बात है।

श्री भगवत झा आजाद : देखिये, भगवान करे कि ऐसी ही हो। तो मैं श्री कल्याण राय की इस दलील के संबंध में कह रहा था कि इम्प्लायीज प्राविडेंट फंड का हमारे पूंजीपति जो हैं वह श्रमिकों से पैसा काट कर के जमा कर लेते हैं और वे केवल अपना ही हिस्सा नहीं देते हैं बल्कि श्रमिकों का हिस्सा भी नहीं देते हैं तो इस सदन में, लोक सभा में, इस्टीमेट्स कमिटी में नेशनल लेबर कमिशन ने और इम्प्लायीज प्राविडेंट फंड के ट्रस्टीज ने स्वयं इस संबंध में कड़े कानून बनाने के लिये कहा है और इसलिये हम आपके सुझाव पर यह चाहते हैं कि इम्प्लायीज प्राविडेंट फंड ऐक्ट में सुधार करके इस बारे में कानून बनायें। अभी क्या है कि अगर उन्होंने पैसा नहीं दिया तो उनको जेल दी जाय या एक हजार रुपये जुर्माना हो लेकिन हम चाहते हैं कि उनको जेल तो दी ही जाय और साथ साथ जुर्माना भी किया जाय। यह हम अपने

[श्री भगवत झा आजाद]

मन से नहीं कहने है, यह मुझाव पार्लियामेंट की इस्टीमेट्स कमेटी ने दिया है। मैं यह बता रहा हूँ कि नेशनल लेबर कमिशन ने यह मुझाव दिये हैं और इस्टीमेट्स कमेटी ने दिये हैं।

SHRI NIREN GHOSH: The National Labour Commission is the hand-maid of yours and the capitalist.

श्री भगवत झा आजाद : फिर वही बात। नीरेन बाबू आये और कहने लगे कि कोई बात सही है ही नहीं। मैं आपके संबंध में कह चुका हूँ। नीरेन बाबू आपके आने के पहले कहना पड़ा कि आपकी समालोचनाओं का मेरे पास कोई उत्तर नहीं है क्योंकि न तो आप इस विभाग में, इस संविधान में, न देश की सरकार में, न इन कानूनों में, न वर्तमान व्यवस्था में, विश्वास करते हैं, ऐसे अविश्वासी व्यक्ति के लिये मेरे जैसे छोटे आदमी के लिये मेरे ऐसे छोटे आदमी के पास कहां जवाब है।

SHRI NIREN BHOSH: That is the way of stalling the question.

श्री भगवत झा आजाद : तो मैं यह कह रहा था कि श्री कल्याण राय और अन्य सदस्यों से मैं कहूंगा कि यह मैं मानता हूँ, यह मैं नहीं कहता कि सारे श्रम कानून और नियम जो हिन्दुस्तान में बनते हैं और जो आज लागू हैं उनका पूर्णतः कार्यान्वयन हो रहा है। सम्भव है कि कहीं पर यह कार्यान्वयन नहीं हुआ हो, जहां तक मेरी दृष्टि में लाया जाता है, और मैं स्वयं लाता हूँ। तो वह कार्यवाही करता हूँ उदाहरण के लिये, आपने कहा अमुक खदान में क्लोजर आ गया तो तुरन्त जो हमारे मुख्य श्रम आयुक्त हैं, या सहकारी श्रम आयुक्त हैं, ऐक्शन लेते हैं। बल्कि उन कानूनों के कारण ही हम और आप श्रमिकों को वह न्याय दिला पाते हैं जिस न्याय की वह अपेक्षा करते हैं।

4 P.M.

SHRI NIREN GHOSH: No., no. Absolutely wrong.

श्री भगवत झा आजाद : इसलिये आपकी दलील मानता हूँ कि उन कानूनों का पूर्ण-रूपेण और सर्वांगीण कार्यान्वयन हो। तो मैं यह निवेदन करूंगा कि इन कानूनों को जम्मू और कश्मीर में भी इसलिये लागू किया जाये की वहां पर भी काम करने वाले श्रमिक हैं।

दूसरी दलील यह दी गई कि जम्मू और कश्मीर में आज तक कानून बन ही क्यों नहीं। मैं समझता हूँ इस संबंध में, कोई गलत फहमी हमारे अंदर में है जम्मू और कश्मीर में कानून हैं और हमारे 19 कानून लागू हो रहे हैं। उसमें से 8 कानून तो वहां पर पहले से है राज्य सरकार के फिर हमारे कानून बाकी का स्थान ले लेंगे और उनके जरिये वहां के श्रमिकों को सूविधाये अधिक देगे जैसे कि कम्पेन्शन में और दूसरी बातों में। इसलिये मैं समझता हूँ, ये दो प्रमुख आलोचनाये इस बिल से संबंधित थीं, जिनका मैंने जवाब दिया।

बाकी सदस्यों ने, जो मैंने आपको बताया, की उद्योग और श्रम की सम्पूर्ण नीति की व्याख्या की है। एक माननीय सदस्य, भद्र महोदय, ने कहा कि हम चाहेंगे ट्रेड यूनियन का रिवरनिशन वेरिफिकेशन के सहारे हो। श्रीमन् कल्याण राय जी और दूसरे बंधुओं ने कहा है उनका सीक्रेट वॉलट हो, गुप्त मतदान हो। पश्चिमी बंगाल सरकार, केरल सरकार, बिहार सरकार इन राज्यों ने कहा है कि गुप्त मतदान से हो। और, चूंकी बार बार इशारा किया गया कि कानून हमने रोक लिया है, इसलिये मैं कहूंगा कि हमने कानून रोका नहीं है। मैंने सिर्फ यही कहा है कि चूंकि इसका संबंध सम्पूर्ण भारत से है, इसलिये आप तब तक गुप्त मतदान वाले कानून को अपने राज्य में लागू नहीं करें। वह केन्द्र सरकार इस में निर्णय निकाले... (Interruption) ...

सभापति महोदय मैं केवल एक बात कह दूँ मैं क्लेरिफाई कर रहा हूँ। श्रम आयुक्त का काम यह देखना है कि राज्य के अंदर किसी डिस्कॉन्टिनेंट न हो। इसलिए आज यह आवश्यक है कि हम ऐसे श्रम कानूनों को जिनका सबंध सम्पूर्ण भारत से है, उस को लागू करने में और अधिक देरी नहीं करें।

SHRI CHITTA BASU: Sir, on a point of order. The statement of the hon. Minister. . . .

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): What point of order?

SHRI NIREN GHOSH: Sir, I am also on a point of order.

THE VICE CHAIRMAN: (SHRI TRILOKI SINGH): What is your point of order?

SHRI CHITTA BASU: This very statement of the hon. Minister is an interference in the right of the provincial Legislative Assembly. The provincial Legislature has got a right because Labour is a concurrent subject. It can legislate as it likes. It is not their business. The hon. Minister says that any particular State Legislature cannot legislate unless certain other States also follow in the same line. There are also certain legislations in different States. For example, in Bombay they have certain legislations (Interruptions). In Madhya Pradesh they have also certain legislations...

SHRI NIREN GHOSH: Because that is not the employer...

SHRI CHITTA BASU: Even in Kerala they have got this.. (Interruptions).

THE VICE-CHAIRMAN: (SHRI TRILOKI SINGH): Listen, listen.

Let me dispose of your point of order...

SHRI CHITTA BASU: The hon. Minister's statement is an interference in the right of the provincial legislatures...

THE VICE-CHAIRMAN: (SHRI TRILOKI SINGH): Let me first dispose of his objection. Just listen..

SHRI NIREN GHOSH: I am also on the same point of order.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): Whatever it may be... (Interruption).

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): Mr. Arora, do you wish to say something about the point of order raised by Mr. Chitta Basu? Is that your position also? Then, Mr. Arora.

SHRI ARJUN ARORA (Uttar Pradesh): Sir, the Minister has really fallen into the trap of Mr. Chitta Basu.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): May I know if the hon. Member is supporting the point of order raised by Mr. Basu?

SHRI ARJUN ARORA: I am supporting but on different grounds. Please allow me to enunciate.

Three State Governments have enacted that recognition of trade unions should be based on secret ballot. There is no Central law on the subject. There is only Mr. Nanda's Code of Conduct which does not have the approval of any statutory body. It has no approval of the legislatures.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): What was Mr. Nanda at the time when he laid down this Code of Conduct?

SHRI ARJUN ARORA: He was the Labour Minister. But the Labour Minister cannot replace Parliament and so there is no right of sanction behind that Code of Conduct which does not

[Shri Arjun Arora]

envisage secret ballot and which provides only for verification. Now, if there was a Central legislation on the subject and the State Governments enacted something to the contrary, Central delay could have some justification in the eyes of law and in propriety. Here there is no Central legislation. Here is only the whim of a Labour Minister who is not there and the Labour Minister has burdened this young Labour Minister to carry it. Why does he and why does the Government hold back the Presidential assent to the enactments of three legislatures providing for recognition based on secret ballot? There is no justification whatsoever. The Minister has said "You wait; you will see. You wait for the 13 others who will not come". So he is giving some States the right to veto the legislatures of other States which right of veto does not exist in the law and in the Constitution. Now that like a frank young Minister he has confessed to the realities, he must declare that his Ministry will advise the President to immediately give assent to these progressive measures of the three State Governments which will bring a definite improvement in industrial relations in the country. Verification done by Government officials is based on corruption and forgery.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): The hon. Member will please confine himself to the legal aspect of the question.

SHRI ARJUN ARORA: What is done illegally cannot be legal. So this verification by illegal means and forgery of registers has ruined the trade union movement. It is illegal and it does not contribute to the building up of sound industrial relations, if at all. It has brought the corruption rampant in the Government sector to the trade union sector also.

SHRI NIREN GHOSH: Sir, I am really surprised because I did not expect that Shri Azad.... (Interruptions)...

SHRI BHAGWAT JHA AZAD: Sir, I did not make this statement. Why are these comments coming on? मैंने स्टेटमेंट दिया हा नहीं और आप अपनी समझ से कमेंट दे रहे हैं।

SHRI NIREN GHOSH: I have heard your comment coming now as from one of the hardened hampions of the employers. Really I thought you were under compulsion but at last you have come forward as a spokesman for them. That is what I cherished; I hoped like that . . . (Interruptions).

SHRI BHAGWAT JHA AZAD: You said Kashmir is not a part of India. I am a spokesman of the Indian employers and workers, not a spokesman of the Chinese.

SHRI NIREN GHOSH: I am not going to reply to that. That is a different point and I will cross swords with your Prime Minister on that. Now here the point is, the State Legislature unanimously passed a Bill and it does not contravene any Central law. Though we are of the opinion that labour should not be a Concurrent Subject and it should be a State Subject, but there is no Central law contravening that. We know that the employers side have made representations to the Government of India and also a certain section of the trade union movement and if they do that, they are clearly in collusion with the employers but I do know for a fact that the employers have represented to the Government of India that the President should not give assent to that piece of legislation. On what ground have you withheld assent to this piece of legislation? You say that because there are other States that do not like secret ballot to be instituted. . . .

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): Will the Member tell the Chair in what manner the point of order arises?

SHRI NIREN GHOSH: Is the Minister in his right to say that since

the 3 States have opined for secret ballot and others have not, the President should not give his assent? Is the Government of India within its rights to advise the President not to give assent? There have been strikes for this piece of legislation . . .

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): The Chair is not concerned with strikes. Will the Member point out the relevant article of the Constitution or the Rule of Procedure of this House the breach of which is involved and help the Chair to come to a decision?

SHRI NIREN GHOSH: I ask whether the representative of the Central Government within his right?

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): That cannot be a point of order. That may be a question to the Minister and let him clarify.

SHRI NIREN GHOSH: He can say anything but my point of order is that the Chair should see . . .

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): The Chair would see.

SHRI NIREN GHOSH: The Constitution protects the autonomy of the States. It provides for a limited sphere of autonomy to the States. If the Minister makes a statement in opposition to that, then it becomes a point whether he is entitled to do that.

श्री भागवत झा आजाद : उपसभाध्यक्ष महोदय, अगर मेरे सम्मानित मित्र श्री चित्त बासु मुझे अपने वाक्य समाप्त करने दें तो इतना प्रश्न ही नहीं उठता। इन तमाम प्रश्नों का इस विधेयक से कोई संबंध नहीं है। मैं दूसरे वर्गीकरण की समालोचनाओं का जवाब दे रहा था जिन में यह कहा गया था कि आप ने यह कहा। मैंने सिर्फ यह कहा था कि जब केन्द्रीय सरकार को पास ये बातें आयीं तो मैंने न उठे यह कह दिया कि

वर्तमान प्रणाली वेरीफिकेशन की है। हमारे पास तीन राज्यों ने यह सुझाव भेजा है कि उन का वेरीफिकेशन सीक्रेट बलेट से हो। अन्य राज्यों के वेरीफिकेशन के अपने तरीके हैं। यह मैंने एक स्टेटमेंट आफ फैक्ट किया था। इस में प्वाइंट आफ आर्डर की क्या बात हो सकती है। मैंने अपने स्टेटमेंट आफ फैक्ट में यह कहा कि हिन्दुस्तान में इसे कोड आफ कंडक्ट के लिये कोई कानून नहीं है तब तक हमने शान्त लेबर कोपरेशन की सिफारिशों के अंतर्गत जब तक ट्रेड यूनियन विधेयक को पास नहीं करते तब तक यह ऐसे ही चलेगा मध्य प्रदेश और महाराष्ट्र में यह कानून है।

SHRI NIREN GHOSH: What advice did your Ministry tender to the President because it is more than a year now? Mr. Arjun Arora has rightly pointed it out.

SHRI CHITTA BASU: Sir, Entry No. 22 in the Concurrent List...

SHRI NIREN GHOSH: What have you done?

SHRI CHITTA BASU: I refer to Entry No. 22 of the Concurrent List.

श्री भगवत झा आजाद : उस का संबंध इस विधेयक से नहीं है। हम ने क्या एडवाइस दी यह मैं आप को बता देना चाहता हूँ। हम ने सिर्फ यह कहा कि हिन्दुस्तान में अभी वेरीफिकेशन वाला प्रणाली है . . .

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): The Minister is speaking and till he finishes the Chair is not in a position to listen to the two other hon. Members speaking simultaneously.

श्री भगवत झा आजाद : इस लिये मैंने यह कहा सम्मानित महोदय कि अभी श्रम कांकरेंट लिस्ट में है। जैसा कि माननीय सदस्यों ने कहा और नीरेन बाबू की भी राय है कि यह पूरा राज्य की लिस्ट में चला जाय और श्री अर्पण

[श्री भगवत झा आज़ाद]

चाहिये। तो जब तक यह कांकरेट लिस्ट में है और राज्य सरकारें हम से मुझाव मांगती हैं तो हमारा यह फर्ज है कि हम अपनी बुद्धि के अनुसार उन को मुझाव दें। तो हम ने उन से कहा था कि चूंकि इस का संबंध संपूर्ण भारत से है और कोड आफ कंडक्ट के मातहत हम बेरोफिकेशन के जरिये यह कर रहे हैं इस लिये आप इस पर विचार करें ताकि केन्द्र को इस पर कोई राय बनाने में मदद मिले। हम ने न स्टेट की पावर को कोई चुनौती दी और न उन की पावर में इंटरफियरेंस किया और न कोई इंटरफियरेंस करने का इरादा ही है। इन शब्दों के साथ उपसमापति जो मैं निवेदन करना चाहता हूं कि इस विधेयक को विचारार्थ लिया जाय।

SHRI NIREN GHOSH: You are persistently avoiding a reply. What advice has your Ministry given to the President?

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): Now say what you wanted to say, Mr. Chitta Basu.

SHRI CHITTA BASU: Sir, I was referring to Entry No. 22 "Trade Unions; industrial and labour disputes." Now, Sir, the West Bengal State Legislature passed a legislation with regard to the recognition of trade unions. And that is awaiting the President's assent. The President may assent to a Bill or may withheld his assent from a Bill with the aid and advice of the Council of Ministers. Now he was explaining . . . (Interruptions). My contention is this. The statement by the hon. Minister was that in view of the fact that certain States have not yet legislated on that subject, the West Bengal legislation should not be given Presidential assent. Then I said that this was a point of interference and constituted a point of order.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): The hon. Member, Shri Chitta Basu has raised a point of

order and drawn the attention of the Chair that the hon. Minister for Labour was not within his rights to say that the withholding of assent by the President of India to some labour legislation passed by the West Bengal Legislature was in order. The Chair has carefully gone into the various provisions in this regard in the Constitution of India. Article 201 clearly lays down that a State Bill is to be referred to the President for his assent only by the Governor. "When a Bill is reserved by a Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom."

Then there is another proviso that where this assent has not been given the President may direct the Governor to return the Bill to the House or, as the case may be, the Houses of the Legislature of the State together with such a message as is mentioned in the first proviso to article 200 and when a Bill is so returned, the House or Houses shall reconsider it accordingly within a period of six months from the date of receipt of such message, and if it is again passed by the House or Houses with or without amendment, it shall be presented again to the President for his consideration. Before the Chair gives its ruling I would like to know from the hon. Shri Chitta Basu and Mr. Niren Ghosh whether this Bill was returned with a message.

SHRI NIREN GHOSH: No message was sent.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): Then what happened?

SHRI NIREN GHOSH: I do not know; it is for them to say.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): It cannot be withheld. He has to return it with a message to the Legislature and it is then for the Legislature to consider it.

SHRI NIREN GHOSH: As far as we know it has not been returned, no such intimation has been given.

SHRI ARJUN ARORA: Sir, may I say...

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): Mr. Arora, the Chair is on its legs.

SHRI ARJUN ARORA: Sir, I want to reply to the question put to Mr. Chitta Basu by the Chair.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): Please sit down.

SHRI ARJUN ARORA: Sir, before you give your ruling I want to say....

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): Just sit down. Mr. Chitta Basu, may I take it that you are not in full possession of the facts?

SHRI CHITTA BASU: So far as I know, the Bill was sent by the West Bengal Assembly to the President for his assent.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): What did the President do thereupon?

SHRI CHITTA BASU: The President has not given his assent and it has also not been returned to the Legislature. In the meantime the Legislative Assembly was dissolved. That is the situation. You ask the hon. Minister to say what transpired between...

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): You have not added anything to the information or knowledge of the Chair. Now let me see what Mr. Arjun Arora wants to supplement.

SHRI ARJUN ARORA: Sir, what has happened is...

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): May I know if the

hon. Member is saying something from his personal knowledge?

SHRI ARJUN ARORA: Yes; very great personal knowledge.

What has happened is, neither the assent has been withheld, nor the Bill has been returned. What has happened is nothing has been done. The Bill is lying somewhere in the archives of the Ministry of Labour, and nothing is being done. If I could say in Hindi

बिल को चूह के बिल में खड़ा दिया गया है।

उपसभाध्यक्ष (श्री त्रिलोकी सिंह):
खा गया होगा, चूहा।

श्री अर्जुन अरोड़ा: यह खतरा है कि चूहा खाने जाए। उस पर कुछ नहीं हो रहा है।

SHRI NIREN GHOSH: Sir, may I add that when all these representations were made to the Government of India, the President never said that he was not giving his assent. And the Bill has not been returned to the Assembly. Now it is for the Government to enlighten the country and the House as to what has happened to it.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): In view of what has been said the Chair does not find anything objectionable in the statement of the hon. Minister making a reference to this Bill passed by the West Bengal Legislative Assembly some time back.

Now, has the Minister finished?

SHRI BHAGWAT JHA AZAD: Yes, Sir.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): The question is—

"That the Bill to provide for the extension of certain Central labour laws to the State of Jammu and Kashmir, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH): We shall now take up the clause by clause consideration of the Bill.

Clause 2 to 6 and the Schedule were added to the Bill.

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

SHRI BHAGWAT JHA AZAD: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

SHORT DURATION DISCUSSION ON THE ACUTE SHORTAGE OF STEEL IN THE COUNTRY AND GOVERNMENT'S POLICY IN RE- LATION TO ITS PRODUCTION AND DISTRIBUTION.

SHRI ARJUN ARORA (Uttar Pradesh): Sir, recently I was in Bombay for some time. The taxi in which I was travelling passed through the area where the stockyard of Hindustan Steel is located. I asked the taxi driver what was that place. He replied: This is a gold-mine. I told him that I thought that the gold-mine was in Kolar in Mysore State. He said: "No, Sir. This is the real gold-mine these days." यहाँ लक्ष्मी बरसती है ।

The terrible steel shortage in the country has really increased the scarcity of steel to such an extent that the taxi driver was correct in saying that steel today is gold. It is at least gold for those corrupt officers who are put in charge of the distribution of steel in the country. There is something fishy about the whole distribution scheme. We, in this House, have always asked the Minister during Question Hour to give us the details of the distribution scheme. The Minister has failed to give it or probably avoided to enlighten the House. He promised

to lay it on the Table of the House. It has not yet been laid on the Table of the House. What is available to the country is a Government Resolution on the system of planning and distribution of iron and steel dated the 22nd May, 1970, which provides for the setting up of a steel priority committee, some indenting procedure and the Joint Plant Committee regularises it. The Joint Plant Committee has been in existence for some years. This is not all. The Government has repeatedly revised the scheme, not by a Resolution of the Government, but by the decisions of the Ministry.

There was a decision in October. There have been further changes in the scheme of distribution. Constitutionally, Sir, I would like to know whether the decisions arrived at by the Government as a whole in a resolution can be changed, altered or modified by orders of the Ministry and if the Ministry has only worked out details of distribution, why does it conceal it from the country and from this House? Why are the details not being laid on the Table of the House in spite of repeated demands and in spite of the promise to do so by the Minister concerned?

The present scarcity of steel has revived a situation in which this country; very rich in iron ore, exports iron ore and imports steel. This is what the imperialist rulers of this country indulged in. This is what the neo-colonialists wanted this country to perpetuate. We have, because of the bungling of the Ministry of Steel, come back to the same position where we started in 1947 or in 1955. We are exporting increasing quantities of iron ore and we are importing increasing quantities of steel. The Minister of Steel, for example, told a group of rerollers yesterday that the Government plans to import Rs. 130 crores worth of steel during the next month.