

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code."

*The motion was adopted.*

SHRI THAMPAN THOMAS: I introduce the Bill.

15.35 hrs.

TEXTILE INDUSTRY (TAKING OVER OF MANAGEMENT) BILL\*

[English]

SHRI HAROOBHAI MEHTA (Ahmedabad): I beg to move for leave to introduce a Bill to provide for the taking over, in the public interest, of the management of textile units, pending nationalisation of such units, with a view to restoring the health of the textile industry and ensuring rational and coordinated development of textile production and for promoting optimum utilisation of the installed capacity of the industry and taking effective steps for modernisation of the industry and with a view to protecting textile workmen from unemployment and for matters connected therewith or incidental thereto.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the taking over, in the public interest, of the management of textile units, pending nationalisation of such units, with a view to restoring the health of the textile industry and ensuring rational and coordinated development of textile production and for promoting optimum utilisation of the installed capacity of the industry and taking effective steps for modernisation of the industry and with a view to protecting textile workmen from unemployment and for matters connected therewith or incidental thereto.

*The motion was adopted.*

SHRI HAROOBHAI MEHTA: Sir, I introduce the Bill.

15.36 hrs.

CONSTITUTION (AMENDMENT) BILL -  
*Contd.*

(Amendment of Article 311)

[English]

MR. DEPUTY SPEAKER: Before further consideration on the Constitution (Amendment) Bill moved by Shri Suresh Kurup is resumed, I would like to mention that on the last occasion, the Minister, Shri P. Chidambaram intervened in the debate on the Bill. The mover of the Bill, Shri Suresh Kurup who was asked to reply to the debate has written that he will not be present in the House to exercise his right of reply.

So, I shall now put the Motion for Consideration of the Bill to vote of the House. This being a Constitution (Amendment) Bill, voting has to be by division.

Let the Lobbies be cleared. Lobbies are cleared. We are having quorum. The question is:

"That the bill further to amend the Constitution of India, be taken in to consideration."

*The Lok Sabha divided:*

MR. DEPUTY SPEAKER: Subject to the correction, the result of the division is:

Ayes 20, Noes 26...

(Interruptions)

PROF. N. G. RANGA (Guntur): There is no quorum.

MR. DEPUTY SPEAKER: Physically I am counting. Somebody may not have pressed the button.

PROF. N. G. RANGA (Guntur): How can you call this Division unless there is quorum.

PROF. MADHU DANDAVATE (Rajapur): The founding father of the Indian Constitution is correct... (*Interruptions*)

MR. DEPUTY SPEAKER: I want to make an announcement. I want to verify whether the machine is correct. Once again we will

have a Division and find out. There is a discrepancy. Some of the Members may be absenting. In that case, what can we do?

The question is:

"That the Bill further to amend that Constitution of India be taken into consideration."

*The Lok Sabha divided:*

Division No.2]	A Y E S	[12.32 hrs.
Acharia, Shri Basudeb	Misra, Shri Satyagopal	
Atau-ur-Rahman, Shri	Ratnam, Shri N. Venkata	
Basu, Shri Anil	Reddi, Shri C. Madhav	
Chatterjee, Shri Somnath	Saha, Shri Gadadhar	
Dandavate, Prof. Madhu	Sambu, Shri C.	
Dora, Shri H. A.	Shahabuddin, Shri Syed	
Hannan Mollah, Shri	Tulsiram, Shri V.	
Iyer, Shri V. S. Krishna	Yadav, Shri Vijoy Kumar	
Jhansi Lakshmi, Shrimati N. P.	Zainal Abedin, Shri	
Masudal Hossain, Shri Syed		
	N O E S	
Baghel, Shri Pratapsinh	Dighe, Shri Sharad	
Banerjee, Kumari Mamata	Dikshit, Shrimati Sheila	
Basheer, Shri T.	Ghosal, Shri Debi	
Bhagat, Shri H. K. L.	Ghosh, Shri Bimal Kanti	
Bhumij, Shri Haren	Gupta, Shrimati Prabhawati	
Dalbir Singh, Shri	Jain, Shri Virldhi Chander	
Dalwai, Shri Hussain	Khan-Shri Mohd. Ayub	
Das, Shri R. P.	Kujur, Shri Maurice	
Das, Shri Sudarsan	Mehta, Shri Haroobhai	
Dev, Shri Sontosh Mohan	Motilal Singh, Shri	

Pandey, Shri Manoj

Sethi, Shri Ananta Prasad

Panika, Shri Ram Pyare

Sharma, Shri Nawal Kishore

Patil, Shri Balasaheb Vikhe

Sodi, Shri Mankuram

Pradhani, Shri K.

Soz, Prof. Saifuddin

Qureshi, Shri Aziz

Tomar, Shrimati Usha Rani

\*Ramashray Prasad Singh, Shri

Tripathi, Dr. Chandra Shekhar

Ranga, Prof. N. G.

Vanakar, Shri Punam Chand Mithabhai

Rathod, Shri Uttam

MR. DEPUTY SPEAKER: Subjection to correction, the result\*\*of the Division is:

Ayes ... 19

Noes ... 35

The motion is not carried in accordance with Rule 157 of the Rules of Procedure and in accordance with the provisions of Article 368 of the Constitution of India.

*The motion was negatived.*

[English]

MR. DEPUTY SPEAKER: The next item on the agenda is the motion for consideration of the Constitution (Amendment) Bill, 1985 (Amendment of Article 311) by Prof. Madhu Dandavate.

Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha provides that a "motion shall not raise a question substantially identical with one on which the House has given a decision in the same session." I find that provisions of the Bill by Prof. Madhu Dandavate are substantially identical to the Bill of Shri Suresh Kurup

which has just been negatived by the House. Consideration of this Bill is, therefore, barred under the above rule.

The next item on the Agenda is...

PROF. MADHU DANDAVATE (Rajapur): Sir, Mr. Kurup, the hon. Member who had moved the original Bill - the first Bill - has already informed you in writing that he is withdrawing the Bill.

MR. DEPUTY SPEAKER: We have not received... He has to be present here physically. We cannot allow that.

PROF. SAIFUDDIN SOZ (Baramullah): He has to be present here physically. How can he withdraw like that?

SHRI SOMNATH CHATTERJEE (Bolpur): When there can be two Divisions on the same proposal, then he can be deemed to be present here. You are innovating all sorts of procedure.

MR. DEPUTY SPEAKER: Regarding Quorum only, I wanted to clarify. It happens sometimes that Members will not Press the button. Some Members may be in the Lobby. We cannot take it that all the

\*He voted by mistake from a wrong seat and later informed the Speaker accordingly.

\*\*The following members also recorded their votes:

AYES: Shri Sukh Ram

NOES: Shri Brajamohan Mohanty and Shrimati Basavarajeswari

[Mr. Deputy Speaker]

Members would have pressed the button. That is why physical counting is required. That is why I asked for Division once again.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H. K. L. BHAGAT): Mr. Deputy Speaker proves to be correct about the voting machines.

MR. DEPUTY SPEAKER: The next item on the Agenda i.e. the Constitution (Amendment) Bill, 1985 (Insertion of new Articles 31, etc.) by Shri Saifuddin Chowdhary can now be taken up for consideration.

Shri Saifuddin Chowdhary may move the motion for consideration of the Bill.

I see that Shri Saifuddin Chowdhary is not here.

The House will now take up the next item.

15.50 hrs.

UNORGANISED LABOUR WELFARE FUND  
BILL

[English]

MR. DEPUTY SPEAKER: The House shall now take up the Unorganised Labour Welfare Fund Bill.

Shri Balasaheb Vikhe Patil to move the Bill for the consideration of the House.

SHRI BALASAHEB VIKHE PATIL (Kopargaon): Sir, I beg to move:

"That the Bill to provide for setting up a fund for the welfare of unorganised labour, be taken into consideration."

[Translation]

Mr. Deputy Speaker, Sir, under Unorganised Labour Welfare Fund Bill, 1985

which was brought forward in this House, the facilities provided to labourers could not satisfy us and we have also observed that desired assistance is not available to the unorganised labourers. It is my view that if those who are interested to form unions of unorganised labourers to assist them should contribute at the rate of 1% or give some donations to create a separate fund for the welfare of unorganised labourers. Along with this, Centre and State Governments each should also contribute to this fund at the rate of 25%, thus this sum can reach upto 50 percent. Thereafter, if this sum is utilised for the welfare of unorganised labourers, this can do a lot of good for them. Even otherwise, you have provided for constitution of an advisory committee under this Bill to look after their welfare work.

Public workers, leaders and scholars have been feeling for a long time that organised labourers get their demands accepted in one way or the other but the unorganised labourers which includes much of the labour class feel themselves helpless to get even their legitimate demands accepted. Therefore, it becomes a duty of all members of organised labour unions, citizens, Centre and State Governments that they should extend their cooperation for the welfare of unorganised labourers. Keeping this in view, I have brought forward this Bill. I have observed that problems faced by unorganised labourers are very serious and they are exploited continuously. These labourers are unable to present their demands firmly and they do not get even minimum wages. Farm labourers, bidi workers and contract labourers do not get even minimum wages. If they demand for it, they are removed from the service. These labourers now sought for improvement of their condition stoppage of their exploitation. Welfare fund facility provided in this Bill is not for only welfare activities, it is also aimed at enhancing their bargaining power in respect of their demands.

There exist already many laws for the welfare of unorganised labourers but they are not implemented properly as they come within the jurisdiction of the State