

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH) : The entire thing will be completed tomorrow by 7 p.m.

6.06 hrs.

STATUTORY RESOLUTION RE:
DISAPPROVAL OF ESSENTIAL
SERVICES MAINTENANCE OR-
DINANCE

and

ESSENTIAL SERVICES MAIN-
TENANCE BILL—Contd.

MR. CHAIRMAN : Now we take up items No. 9 and 10. Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE (Jadavpur) : I beg to move:

“That this House disapproves on the Essential Services Maintenance Ordinance, 1981 (Ordinance No. 10 of 1981) promulgated by the President on the 26th July, 1981.”

I move this Resolution not only of my behalf but on behalf, I take it, of all the other hon. Members who have given similar notices but on behalf of the entire working class in this country, against the ruthless and treacherous monstrosity engineered and imposed by an authoritarian regime, to which the rule of law and democratic rights are anathema.

This Ordinance and the Bill which seeks to replace it, have been, and are the biggest on slaughters against the working class and the common people of this country, and are nothing short of a declaration of *jihad* against the working people. But I can assure the Government and its allies that now that the battle lines are drawn, the working class will fight this obnoxious and pernicious measure in the factories and offices.

Government has thrown a challenge to the working class, and we accept it because in it we see the beginning of the end of the dictatorial regime in this country. The people of West Bengal, the people of Kerala and today the people of Tripura have expressed their hatred and their total opposition to this Bill and the measure; and we are very happy to know that the working people and the common people of Maharashtra also have decided to go on a strike. These are the indications of the people's mood, which this Government should take note of.

This Ordinance not only introduces a draconian measure, but it makes a mockery of the whole parliamentary set-up in this country. Only three weeks before this House was to sit, this black and lawless ordinance was promulgated, circumventing the Parliament in a midnight swoop on the working class of this country. To govern by an ordinance of this nature is nothing short of a calculated disregard of the basic and fundamental norms of parliamentary system of Government. So far as the Constitution is concerned, you are aware that it provides for the promulgation of an Ordinance when immediate action is necessary. We would like to know what action was immediately necessary that our Rashtrapatiiji had to be troubled in the midnight to sign on this Ordinance? This Ordinance really comes into effect not only on the signing of the Ordinance but when an order is passed banning strikes in certain essential services. We do not know of any order that has been passed under clause 3 or section 3 of the Ordinance. Therefore, what immediate action was necessary?

This was not a measure to confer any right on the ordinary people of this country not giving them dearness allowance which is due to them. Was it to meet any external

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threat to this country from external sources? There was no war or aggression. Then what was the justification for passing this Ordinance? No explanation has been given or even any acceptable explanation has been given. It only shows, and it cannot be avoided, that it was nothing but a studied insult to this Parliament, sovereign body, ignoring completely the objections and protests made by almost all the Presiding Officers of this House from time to time. We cannot but feel that what was done on the 26th July or early morning of the 26th of July was nothing but a fraud on the Constitution. I do not know whether you have gone through the provisions of this obnoxious measure.

MR. CHAIRMAN : I have.

SHRI SOMNATH CHATTERJEE : That helps me in making my submissions. I am sure you will agree with me that an Ordinance like this which was passed and the Bill which it seeks to replace show that it is nothing but a manifestation of what is going on, a raging class war between the working class and the middle class in this country and the big capitalists and bourgeoisie i.e. between the exploiters and the exploited; and that is why we have found that almost all the trade unions in this country, who really look after the interest of the working people have strongly condemned this. We have also noticed the glee and the great happiness and alacrity with which the big monopolists and the capitalists have welcomed this measure. We have seen the effusive and the dulcet response of Naval Tata and Somani and K. N. Modi in the company, of course, of Mr. C. M. Stephen and Mr. Kalp Nath Rai in welcoming the measures; and that shows whose interest the Bill serves or the Ordinance serves. But we are happy to note that, even with the influence of Mr. Stephen on a section of the working class, I am sure, they are getting rid of this;

even a section of the INTUC is now joining the mainstream of the organised movement against this black law and the draconian law.

We have found that the President of the West Bengal WBNTUC has objected to the measure and has opposed it. (interruptions) I believe he has not yet lost his job in the Congress; probably he is going to lose it soon. I do not know.

We shall welcome anybody and everybody who comes and opposes this draconian and anti-people measure in fighting this black law.

PROF. MADHU DANDAVATE
(Rajapur) : [Including Mr. Stephen.

SHRI SOMNATH CHATTERJEE : I think Mr. Stephen, before he joined the bandwagon, was also there. I would like to ask this Government for whose benefit and with whose assistance and help you wish to run this country and build up the great India as you profess? By their action and policy, this Government has made their choice and have exercised their option.

They have exercised their option for exploiters and oppressors, because that is their class character.

The earlier Bill brought before the House dealt with black money in this country. But I was very unhappy to hear the most respected Finance Minister, the way he answered one of the Member's speech, the points he made, talking of a different culture and that culture prompted him, not to answer our points. Therefore, with all respect and regard for him, I would ask him, since Independence in this country, is it not the rich people the big money operators, the big business and the monopolists and the profiteers, the Galadharis, Antulays and Gundu Raos who are having a field day in this country? Is this not the fact in this country? On the other hand,

it is the common people in this country, the working people in this country who are being fleeced by the black money operators, and who are being crushed by unfriendly Government, they are the people who are building this country with their blood, sweat and toil. It is these people who are building the country. And this is the return they are getting! This Government has chosen their friends and they are marked their victims. They are their victims. But these victims will not always remain victims and they will one day stand up and they will give a lesson to the Government. This Government, having abjectly failed to provide the barest necessities of human life, failed to provide jobs, to the unemployed, having failed to provide social justice to the underprivileged in this country, are taking away the minimal rights of the working people of this country to agitate to demonstrate, to go on strike, and for which there are already laws inhibiting putting restrictions on the exercise of these rights. The right to demonstrate has been held by the Supreme Court to be a Fundamental Right. What will happen after this? I will come to the analysis of the clauses of the Bill and then we will see what is the position.

Therefore, today, we find the Government has failed to provide the necessities of life, and to provide jobs, to crores and crores of people who are unemployed in this country the educated unemployed. There are not even statistics about the uneducated unemployed in this country. We do not have even the figures! Nobody talks about them. They do not feel ashamed that 34 years after Independence in this country there are people who are trying for a job, any type of job and those who have jobs are not to be allowed to exercise their minimum rights! You know the situation in this country. Therefore, knowing the class character of this Government, we are not surprised, that such a jungle law has been passed and promulgated. We know that, as I said earlier, this

Government headed by the present Prime Minister is synonymous with all sorts of draconian laws which are aimed at curbing the rights of the people. We cannot forget the ruthlessness and the comprehensive manner how the railwaymen's movement was sought to be crushed in 1974. We cannot forget how that infamous MISA was liberally misused for the purposes of stultifying any movement, any type of agitation, and how it was used comprehensively against political opponents and against students, against teachers, against peasants. We all know that though on the floor of this House it was said that it would be used only against anti-social elements, we have seen how people, and students and teachers and ordinary people who have been fighting for restoration and preservation of human dignity and democratic rights have been brought under the umbrella of MISA and we have seen how after the repeal of the MISA how, as soon as the present Government has come in to the scene, again that type of black law, draconian law, Preventive Detention Law has been introduced with all its rigours and it is being used against political opponents whatever this Government may say. Therefore, we find that not only have they passed these black laws like the National Security Act, but they are using them and they are taking a more and more vindictive attitude, since the present Government has come to power, in relation to the working class. We have seen how the LIC employees agreement was sought to be completely given a go-by, how the Supreme Court's decision was being ignored day after day until they were compelled to pay the money to the LIC employees under a definite direction of the Supreme Court. We have seen the vindictive attitude they have taken against the locomen. Nearly 1100 loco employees have been either dismissed or transferred or have been suspended. They do not believe in taking disciplinary action. They follow that black law—rule 14(2) of the Railway Discipline and Appeal

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Rules and without notice, without charge-sheet, without show-cause, they serve an order saying, "You are dismissed with immediate effect." This is the type of laws used against locomen. We have seen how this Government under the inspiring leadership to that extent of Mr. Stephen dealt with the Bangalore-based public sector unit strike and how they took the unprecedented step of declaring lockouts in five Bangalore Ore Units. It was for the first time in the history of this country that the Government of India as an employer declared a lockout. Then we have seen how not only they have passed Draconian laws and banned strikes when it suited them but they have ruthlessly crushed strikes and have used lathis and bullets against the striking leaders and jailed the striking leaders, as we witnessed in Bangalore recently. We are not surprised that the Government have brought this Bill. Sir, we want to make it clear that the working class will resist unitedly until the Government is forced to repeal this Act.

What is the possible justification for this infamous ordinance? If you kindly see the statement of objects and reasons given in the Bill that was also the object when the ordinance was promulgated—it says:

"There have been certain disquieting trends likely to affect the maintenance of essential services in some vital sectors of the economy.."

Delightfully vague! Not a single trend has been indicated. Then it says:

"It was considered necessary that the essential services should be maintained. . . It was felt that discipline and operational efficiency had to be maintained for the overall national good and public welfare."

Wonderful way of maintaining national good and public welfare! What is the actual situation in this country? Let us see the number of man-days lost on the industrial front.

These are the objective materials. Merely relying on trotting out certain vague generalisations in the statement of objects and reasons does not make out a case. These are the basic figures and objectives materials we have. Let us know what the Ministers have got to say. Of course this bill is not being sponsored by the Labour Minister. This is being sponsored by the Police Minister. The Police Minister has probably brought today as special powerfully perfumed rose to cover up the stench of this filthy legislation! The number of man-days lost on the industrial front during 1980-81, being the first year of Mrs. Gandhi's come-back to power was 1.30 crores substantially less than the figure of 4.40 crores man-days lost during 1979-80.

The number of strikes came down to 899 as against 1336 in 1979 and 2117 in 1978 while in the first quarter of 1981 it has been 255. I just do not believe in giving statistics for the sake of statistics. But just to show the objective conditions prevailing I am taxing your patience in going to the statistics. The violent incidents in industry in 1980 being 542 were much less than in 1979 when it was 682 and 840 in 1978. So far as the production is concerned, in 1976 during the Emergency, loss of man-days due to strikes declined to 22 per cent as compared to 79 per cent in 1975. But the industrial growth came down by 4.6 per cent. In 1977, loss of man-days through strikes was of the order of 53 per cent. But in this very year, the industrial production rose by as much as 21.64 per cent. With more man-days lost, there was greater production. I will give two very significant figures. The lock-outs accounted for 20 per cent of the man days lost in 1979 but went up spectacularly to 46 per cent in 1980. This is very important. In 1979, 20 per cent of the man days lost were due to lock-outs, which had gone upto 46 per cent in 1980. Therefore, when this Ordinance was issued, the greater problem was that more number of mandays lost were due to lock-outs.

If to prevent loss of man days, the ordinance was conceived in the mid-night, then they should have come first on that day to stop lock-outs, lay-offs, closures and not strikes. Therefore, the situation in the industry, objective situation, the actual industrial relation on that day was not such as could possibly justify the promulgation of such an ordinance. I shall later on come to what the Prime Minister thought had been incorporated in the Ordinance.

A study has been made by a very important Institute in the country called the Indian Institute of Public Administration. That is not our Institute. Its report has recently come out. It has come to the conclusion that the usually presumed relationship between loss of man-days and reduction in the rate of growth of industrial production is not supported by an analysis of Indian data for the period 1970 to 1979. It is further pointed out that a simple examination of the co-relation between man days lost and the industrial growth rate suggests the relative unimportance of the loss of man days to the growth of industrial production vis-a-vis other factors like investment, employment, technology and product mix. Over the period 1968-75 for which a study has been made by the Institute, the fall in average real earnings of the working class has been from Rs. 1384 to Rs. 984 per annum and this trend has continued in the subsequent period: while over the period 1970-79, the share of profits, dividends and interest has gone up. A co-relation exercise made by this Institute shows that while share of wages in the total factor payment goes up, prices of manufactured goods do not go up. On the other hand, when the share of property and entrepreneurial income goes up, whole sale prices of manufactured goods go up sizably. A redistribution of incomes in favour of the property income pushes up prices and the reduction in the share of wages leads to a fall in demand for

mass consumption goods creating unutilised capacity, loss of economies of scale, production and higher prices. I hope the hon. Home Minister will try to appreciate this, that the study by the Indian Institute of Public Administration of the conditions prevailing in India with the figures available, an actual study of the state of affairs in this country has shown that the loss of man-days has no direct bearing on the quantum of production in this country, on the other hand, when the wages have gone down, the real income has gone down, there is lesser and lesser production because of the unutilized capacity but, at the same time, when there are more man-days lost and lesser production, the profit has gone up, interest income has gone up and the dividends have gone up. A very competent Institute has given its finding that this is the state of affairs in this country but no steps have been taken by the Government. They want to find scapegoats to explain their complete failure. On the one hand, there is drop in the real income of the working class and, at the same time, there is raging inflation going on unabated.

Only three or four days back it came out in one of the leading newspapers that while the wholesale price index rose from 265.3 points in February, to 281.7 points in July, an increase of 16 points or 6 per cent, the consumer price index soared up from 411 to 447 during the same period, that is, an increase of 36 points or 12 per cent, more than double the wholesale price index.

When there is greater and greater burden on the people we find that the monopolies and big business have never had it so good as at present. There is a marked increase in the turnover, in the assets and profits of big business in this country, as we see every day from the figures given in this House and appearing in the newspapers. Therefore today

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we find that there is a complete strang-
lehold of the monopolists and big
business over the Indian economy,
and the measures which have been
taken by this Government, as alleged
anti-inflationary measures, have not
had any impact, because the Govern-
ment will not touch big business and
the black money operators in this
country. There has been a rise in
money supply, there have been more
and more concessions given to big
business and the common man con-
tinues to groar under misery.

When the economic crisis is deep-
ening and becoming more serious and
the people are facing greater and
greater hardships for their survival,
we find that the Government want
that the working class and the com-
mon people should not be allowed to
protest. They do not have the where-
withal to maintain their family, to
give minimum education to their
children, they have to make pro-
vision for health and medicare, be-
cause they are not provided with any
means, but they find that they
would not be allowed to protest.
The prices would be raised so that a
handful of people in this country
can make more profits, but the work-
ers have to tolerate in silence, they
cannot open their mouths.

Therefore, we find that this is
nothing but a pre-emptive step and
the real reason for the Government
bringing forward this Ordinance is
to adopt drastic measures to cut real
wages in the organised sector by
enforcing wage freeze and freeze on
dearness allowance and the additional
emoluments. That is one of their
main objects.

Today we find, and a very large
section of the people in this country
find, that this Ordinance has
exposed the utter helplessness and the
callousness of this Government in

tackling the emergency situations
operating in this country, so far as the
economic field is concerned, and
this complete failure of the Govern-
ment in dealing with this emergency
situation showed their callous attitude,
and this callousness is matched, this
helplessness is matched by their
arbitrariness and ruthlessness in curb-
ing and suppressing any dissent, what-
ever be the cost to the people of this
country.

Sir, this is the situation. That
is how they now want to explain
away their deficiencies, their com-
plete bankruptcy and impotency.
They want a scapegoat and they
found a scapegoat in the working
class of this country and that is
why they have launched this
frontal attack taking one after
another draconian step and ulti-
mately to introduce an authoritarian
lawless one-party single individual,
one family rule in this country.
This is the object. The present
move is to create a situation where
the workers cannot take any action
when more and more attacks come
on them. They want to make
the workers the bonded slaves.
Then we find that when these
harsh disciplinary measures have
been taken against the workers,
against the unions and against
the working class, those steps are
not matched by any effective
action taken to improve the econo-
mic condition of the people or to
stop price rise or to bring down
the inflation. That is not being
done. The hon. Finance Minister
said, 'Well, it is only one per cent',
but it is 22 plus 1, he admitted
that. Therefore, who is benefited
by such a legislation? Who is
today suffering due to the price rise
and inflation in this country? Now,
what is being done to contain
the Tatas, or the Birlas and members
of the FICCI? Nothing is being
done. We find high rate of
inflation and at the same time a
rampaging parallel economy in this

country. And who have to suffer? Only a section of the people, namely, the workers. Therefore, when can we expect that a serious effort will be made to contain price rise, at least to stop the rate of inflation in this country? We find the Government actions are adding fuel to the fire. How the prices of petroleum products have been raised, the fertiliser prices have been raised, the cement prices have been raised apart from realisation for Trust purposes? Then we find that there is a rise in the duty for edible oil imports. But what have you done? Except for this, I believe, the hon. Finance Minister had to agree to Mr. Indrajit Gupta's comment on the last Bill that this is not even a pin-prick to the real tax evaders. But what has this Government done to deal with tax evaders and profiteers? On the other hand they are getting more and more concessions for them. The position today is that somebody has to bear the burden more and more in this country because their friends have to be given more and more relief. Who is to suffer more and more burdens? This is the working class. That is why the Statement of Objects and Reasons said, 'disquieting trends' without indicating what are the trends. That is to say, as if the whole burden of discipline and operational efficiency has to be maintained, they say this by putting more and more workload on the workers. We find that the Government wants to pass on the burden of inflation and economic crisis to the working class. What are their moves? There is an attack on the wages and DA and the existing living conditions, and there are lower DA rates, compulsory deposits, compulsory overtime work, and increased workload. These are some of the offensive steps taken. This is nothing but to crush all legitimate trade union movements in this country. Today we find that the unorganised sector also is going

to come under their attack. We have seen how the Government resisted the demand for remunerative prices for peasants, how there was widespread agitation leading to the police firing and loss of life. We are importing foodgrains today at prices higher than what the peasants in this country had asked for. What little relief was given to the rural people in this country by means of food-for-work programme had been jettisoned. The public distribution system is only on their statistical records. It has no impact on the people of this country.

(Interruptions).

With this situation we find that even the World Bank is demanding withdrawal of food subsidies and there is greater and greater burden on the common people. This Ordinance is a step which has been taken in utter desperation because of the Government's failure to deal with the economic situation and failure to control the inflationary trends.

The other main point which comes—apart from the so-called control, so-called reason to control the production, etc., etc., is to throttle the employees. They should not raise their voice against Tatas and Birlas. They should not demand a proper living condition. They should not demand living wage. They should not try to resist this onslaught on the working class.

Something else has happened. There is negotiation going on with International Monetary Fund—this wage freeze on the one side for which the working class has to pay for Government's failure, anti-inflationary measures are now supposed to be a package deal for the purpose of imploring or persuading the International Monetary Fund to open up its coffers and to

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grant of 5.6 billion dollars for which the Government is negotiating. Wage freeze, banning of strikes, abolition of subsidies which gave some relief to the people, price hike in petroleum products—these are the measures which we believe to be the World Bank and International Monetary Fund's remedies and this Government has to accept those conditions and these are the things with which they are coming up. Therefore, the Government of India are taking steps to convince the International Monetary Fund that it is serious in applying these remedies in these matters. If I may quote from the Editorial of a leading national daily—it says :

“it is difficult to avoid the nagging suspicion and that the timing of the Ordinance were settled by the mandarins of IMF to combine their presence at the Royal Wedding with the scrutiny of India's case for a standby credit of 5 billion dollars. The heroic political will displayed in the Ordinance doubly strengthened India's case, especially after the “realistic” pricing of petroleum products. The Nation will have to wait for other such tokens of the Government's intention to tread the straight and narrow path of economic virtue.”

There is no answer coming forward. We have not seen that. To-day, therefore, to obtain this loan of unprecedented nature with unprecedented conditions, compromising our national dignity and our integrity, the working class is being used by this Government as a sacrificial goat in its policy of subservience to International Monetary Fund. What is the situation to-day in the Indian Railways? The World Bank has imposed stringent conditions. So many conditions have been imposed which have amounted to clear

intrusion in our national affairs and impinge on the Parliament's right to decide how the biggest public sector undertakings in this country will run, that we will give it up to the World Bank to dictate. This is the stage where we have come. Therefore, to-day the World Bank and the International Monetary Fund will decide whether our workers will have right to go on strike, they will have to decide what is the price we have to pay for our products. They have to decide whether there will be subsidies or not. These will be decided by Washington and not by this country and to find out some scape goats there are the workers.

What is the ambit of this Ordinance? Can we think of more comprehensive net which has been thrown far and wide. What is the definition of strike? Definition of strike in the Ordinance as well as in the Bill now has been made so flexible that it will suit the plans for increased exploitation of the Workers and imposition of increased workload.

Kindly look at the definition of the word “strike”. It says :

“refusal to work overtime where such work is necessary for the maintenance of any essential service:”

The Government is issuing circulars to its different offices not to allow overtime. Only yesterday or day before yesterday, we read in the newspapers that their own establishments do not allow overtime. Who will decide? Only the employer will decide. The employer will say, “I need your services for another 2 hours.” If it is not done, the worker will find himself in jail. There will be a summary trial and arrest without warrant.

Then, “any other conduct which is likely to result in, or results in,

cessation or substantial retardation of work in any essential service" has been included in the definition of "strike". Such arbitrary, unrestricted and prohibitive provisions of the Ordinance place the worker completely at the mercy of the employer and of the police sub-inspector.

Hence, we find that these are a few steps short of the manner in which they deal with strikes in Pakistan where the strikers are flogged outright.

The result today is that while the workers cannot demand overtime payment, cannot ask for overtime, the employers can force them to work overtime. When you bring "substantial retardation of work in any essential service" within the definition of "strike", can you imagine what immense power it will give to the employers? They will say, "Look, there was production of such and such quantity last week and this week, there is lesser production. A police sub-inspector comes and arrests the worker without warrant on suspicion alone, produces him before the summary court, for a summary trial and he goes to jail. It may amuse Mr. Stephen. He may not laugh long: nobody laughs very long there. Therefore, a police officer can be called by an employer saying, "Here is a retardation of work". And the worker goes to jail. There is no protection. This is a replica of the Rowlatt Act. Of course, it was fought by the Gandhi, not the present Gandhi and that is accepted by this Government.

What is the power that has been given to police officers? They can arrest without warrant any person who is reasonably suspected of having committed an offence under the Ordinance and the provisions have been made for a summary trial of those arrested. What protection can be obtained for a summary trial? Only the striking

workers in this country can be sent to jail by summary trial, by arrest without warrant. The Criminal Procedure Code is given a go-by. The Industrial Disputes Act has been given a go-by. Nothing need be followed. But the trial of profiteers and black-marketeers is to be under the Indian Penal Code read with the Criminal Procedure Code. All the safeguards, revision, etc., what not, are there for them.

They are taking away the minimum fairplay and justice from the workers who are supposed to come within the net of this law. Clause 3 says :

"If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order, prohibit strikes in any essential service specified in the Order."

Who will decide this "public interest"? What are the criteria in this Bill? Is there anything in the Preamble? What are the main objects? What should be the criteria or guidelines of a "public interest"?

When shall it be questioned if one on strike is tried in a summary manner? If he questions it, he will be produced before a summary trial and sent to jail for six months. I cannot raise the question of public interest there. It is wholly indefinite. No guidelines, no scope for challenging it, at any place. Public interest will be Shri Stephen's interest to tackle my union because he is getting lesser and lesser support. Therefore, it will be in public interest that a strike or any movement is banned. Therefore, this type of draconian provisions are being made in this Bill. Therefore, the power has been taken to completely annihilate any movement of the working class and

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the community of workmen in this country. Punishment is six months. Punishment has been provided on a summary trial which one can only say is, nothing but a jungle law. Only Mr. Stephen could have blessed it. (*Interruptions*). I am surprised if he had any conscience left.

PROF. MADHU DANDAVATE : Conscience is nationalised.

SHRI SOMNATH CHATTERJEE : If one goes on strike, any person, the union leaders or anybody, if I go and make a speech in the gate meeting, then, I will be given the great appellation of an instigator. I don't mind. I want to instigate. Then you go to jail for one year.

Then financing. Anybody making any financial support in aid of the striking workers, will go to jail for one year. For going on strike, he will go to jail for one year. As one journalist has said, "We have seen during the strike that recalcitrant and unsympathetic employers like Mr. Stephen do not seek any conciliation. No discussion takes place. No steps are taken to end the strike, to discuss and to come to a settlement. Then, if the Strikers just to survive, if possible go out with the collection boxes, if one puts in 10 paise coin, then, he is aiding financially the strike. Then he will go to jail for one year.

This is the situation which is being perpetrated. This is the state of affairs which is going on and they want to make permanent legislation. (*Interruptions*).

Therefore, these are the provisions of the Ordinance which were passed. These are the provisions of the Ordinance which were passed at the dead of night to appease the International Monetary Fund and the World Bank and the

friends of the ruling party in the industry and as a part of its policy to impose a wage freeze and to silence the workers against all forms of repressive measures in a bid to prevent them from organising and from realising their dues. The most interesting departure has been made from the Ordinance in this Bill in regard to lockout and lay-off. In the Ordinance, no provision was made. It is now accepted although in one of those sponsored and organised demonstrations in front of the Prime Minister's house; the Prime Minister, out of, I do not know what to call it, ignorance or callousness or being misled by Mr. Stephen, said lock-out and lay-off are included and why are you bothered? Obviously that was said to assuage the feelings of those who had been taken to her place and who were brought there in a manner reminiscent of the emergency days. Hordes of people were then taken there in DTC buses, probably my friend Mr. Bhagat had a lot to do with that. Therefore, to assuage their feelings, the Hon. Prime Minister also included lockout any lay-off.

Of course, we find in the papers that there is lot of resistance in the Cabinet or elsewhere in their Party. We are not supposed to know the Cabinet secrets, nor do I know who resisted whom and what was resisted. But, significantly, closure has been left out. But will these provisions in respect of lay-off and lock-out ever be implemented? Will they catch hold of anybody? That is not the history of our industrial relations in this country, that is not the history of the enforcement of the labour laws in this country. Today they are being added to this Bill just to keep company. It is only to give credence to the Prime Minister's—let us take it—'ignorant belief' that they have now

included lay-off and lock-out. Very shamefacedly they have done it. But closure has been kept out. Which police officer will arrest Mr. Tata or Mr. Birla or Mr. Somany, and so on and so forth, without warrant? And which court in this country—this is a very unfortunate thing—will send them. . . (Interruptions) Yes. We are here in Delhi; we will see what will happen. The working class can not go and ask for justice; they will be sent straight to jail. (Interruptions). At least I do not know whether the whole system will change or not, but on that side nobody is sure how long they will continue there. . .

AN HON. MEMBER : Wishful thinking.

SHRI SOMNATH CHATTERJEE : Somebody thought that he was perpetual, he was dreaming to be the Deputy Prime Minister of this country. He is now cringing on his knees to save his job.

Therefore, Sir, the position today is this. Here I move this Resolution against this Ordinance which has been conceived with an attitude of victimisation and repression of the working class. It has been proved that you have not utilised it so long; then what was this Ordinance for? We would request the Home Minister to answer that.

I would request this Government, if they have any responding chord still left in them, not to stake its prestige in rushing through this ill-advised, anti-people and anti-working class measure. By this, you will finally alienate the working class and the common people. But they will not take it lying down and they will fight till the end, to the last drop of their blood, they will fight and fight against this Draconian measure.

MR. CHAIRMAN : Resolution moved :

“That this House disapproves of the Essential Services Maintenance Ordinance 1981 (Ordinance No. 10 of 1981) promulgated by the President on the 26th July, 1981.”

THE MINISTER OF HOME AFFAIRS (SHRI ZAIL SINGH) : Sir, I beg to move :

“That the Bill to provide for the maintenance of certain essential services and the normal life of the community, be taken into consideration.”

सभापति महोदय, इस बिल के लाने के बाद जिन मेम्बर साहबान ने स्टेटमेंट आफ आवजेक्ट्स ऐंड रीजन्स, और मेमोरेण्डम रिगार्डिंग डेलीगेशन आफ नेजि-स्लेशन को पढ़ा और गौर में देखा होगा उन को कोई आवजेक्शन इस मामले पर हो नहीं सकता। मैंने जिस रोज इसे इंट्रोड्यूस किया इंट्रोडक्शन के वकत काफी दोस्तों ने इस बिल के खिलाफ कहा था और उसके जवाब में कुछ मैं ने कहा था। आज भी मिस्टर चैटर्जी ने इस रिजोल्यूशन के सम्बन्ध में अपने विचार दिए। उस में और उस दिन की बहस में सिर्फ इतना अंतर है कि वह बातें बहुत से मेम्बरों ने कही थीं और आज मिस्टर चैटर्जी ने अकेले कही। और इस में एक अंतर और है उस वकत बहुत जल्दी में थे तो कोई प्वाइंट एलै-बोरेट नहीं हो सका, आज मिस्टर चैटर्जी ने अपने एलोक्यूंस में, अच्छे अच्छे लपजों में (व्यवधान) You are very eloquent speaker. I appreciate it. (Interruptions)

17.00 hrs.

मैं आपकी तारीफ करता हूँ। अगर आप अपनी तारीफ नहीं करवाना चाहते तो

[श्री जैल सिंह]

और बात है। एक अच्छा एडवोकेट होने का उन्होंने सबूत दिया क्योंकि कमजोर क्लेस को अच्छी तरह से एडवोकेट करना किसी लायक वकील का ही काम होता है, दूसरे का नहीं।

Shri Somnath Chatterjee : (Jadavepur). We also appreciate your 'Shairs'. We are waiting for Your 'Shairs'.

एक माननीय सदस्य : वकालत के लिए क्या मिला ?

Shri Somnath Chatterjee : Support of the working people. They are behind me.

श्री जैल सिंह : चेयरमैन साहब, यह बिल लाने का इरादा सरकार का हरगिज यह नहीं है कि हम वकिंग क्लाम की स्ट्राइक या वकिंग क्लाम की इण्डस्ट्री में डिमाण्ड को न सुनें और उनके रास्ते में रुकावट डालें। यह बिल लाने का मतलब सिर्फ यह है कि हमारे सामने जितनी समस्याएँ हैं उनको देखते हुए और देश की इकोनामी को मटे नजर रखते हुए यह जरूरी है कि देश की प्रोडक्शन बढ़े और लोगों को कोई तकलीफ न हो। उम रोज अगर आनरेबल मेम्बर साहब बैठे रहते तो आज कुछ कहने का खयाल भी नहीं था मगर मैं यह कहना चाहता हूँ कि हमारे लेबर, हमारे गवर्नमेन्ट एम्पलाईज, रेलवे एम्पलाईज, लोकोमेन एटसेट्टा या बिजली के कर्मचारी (व्यवधान)

श्री रामावतार शास्त्री (पटना) : बिजली वाले इसका विरोध करने के लिए आए थे।

श्री जैल सिंह : चटर्जी साहब ने खुद इस बात को माना कि आर्डिनेन्स

लाने के बाद इस पर अमल नहीं किया गया। यह गवर्नमेंट की ईमानदारी पर मोहर है कि हमने किसी को दवाने के लिए इसको नहीं बनाया है।

दूसरे, उन्होंने इस बात पर बहुत चिन्ता प्रकट की कि यह आर्डिनेन्स लाने के लिए इतनी जल्दी क्या थी। इसके अलावा उन्होंने कहा कि हमने पार्लमेंट का अपमान किया। यह बिल्कुल बेवूनियाद बात है और गलत है। इसको लाने की जरूरत यह थी कि कोई भी दूरन्देज लोग, चाहे हुकूमत करते हों या कोई दूसरा कारोबार करते हों, अगर वे अपने दिमाग में आने वाले समय का ठीक अन्दाजा नहीं लगा सकते तो वे कभी कामयाब नहीं हो सकते। अब कोई बात ब्रिगड जाए उसके बाद उसका इलाज करना और उसके पहले प्रिवेन्टिव मेजर अख्तियार न करना, यह सबसे कम अवलमन्दी की बात है जोकि कोई भी दूरन्देज सरकार नहीं कर सकती है। यह हम जानते हैं कि क्या जरूरत थी और क्या जल्दी थी। अगर यह आर्डिनेन्स न लाया गया होता तो क्या होता ?

श्री इन्द्रजीत गुप्त (वसीरहाट) : क्या होता ? (व्यवधान)

श्री जैल सिंह : चेयरमैन साहब, मैं तमाम पार्टियों के नेताओं से प्रार्थना करूँगा—अगर कोई एक लीडर होता तो एक से कर लेता लेकिन ऐसा नहीं है इसलिए मैं तमाम नेताओं से प्रार्थना करूँगा कि कृपा करके वे मेरी बात को सुनें। मैंने चटर्जी साहब को बड़े सम्मान के साथ सुना है। अब वे सीट पर बैठे बैठे बोलें तो यह अच्छा नहीं लगता। हो सकता है कि चटर्जी साहब के कन्ट्रोल में ये माननीय सदस्य न हों इसलिए मैं

तमाम लीडरों से प्रार्थना करूंगा कि उन्हें तकरारें करनी हैं, अमेन्डमेंटस लाने में हैं इसलिए वे मेरी बात नोट करते जायें और अगर मैं कोई गलत बात करता हूँ तो उसका जवाब देने में उनको मुविधा रहेगी। इसलिए इस मर्यादा को वे न तोड़ें। (व्यवधान)

एक माननीय सदस्य : आप सब गलत ही कहेंगे, कौन नोट करेगा।

प्राचार्य भगवान देव : (अजमेर) : जानी जी जान की बातें करेंगे।

श्री जल सिंह : वे जानते हैं कि मैं गलत नहीं कहूंगा। मैं बात बेशक जान की करूँ। आपने देखा होगा कि जो आदमी मजबूत होता है, वह गाली नहीं देता है, शोर नहीं मचाता है और जो कमजोर होता है वह दूर से शोर मचाता है कि मर-जायेंगे, मर-जायेंगे। उनको अपनी दिमागी शक्ति, अपनी पावर और वोटों, सब चीजों का अभिमान होना चाहिए, तथा धीरे से बैठ कर सुनना चाहिए। यह मादा बहुत बहादुरी का होता है, अगर आदमी कमजोर भी हो और उनके पास केस भां कमजोर हो, वे फ्राव्हिलों से सुन सकें। मैं चाहता हूँ कि आप जरूर सुन सकेंगे।

मैं सदन का ज्यादा धक्का नहीं लूंगा, क्योंकि एक मौका मुझे और मिलेगा, तब मैं एक-एक प्वाइंट पर जवाब दूंगा। वे बातें जिनका धम दिलों और दिमाग में है, मैं उनको दूर करना चाहता हूँ। सबसे बड़ा बात यह सोचने की है कि इसको तान कैटेगरीज है, जिसके लिए एम्प्लायल सर्विसेज करार की गई। उनमें रेलवे और पी० एन० टी० के लिए एक मशीनरी परमानेन्ट है, जिसके जरिए उनके प्रिविलिज दूर किए जा सकते हैं और

एक गवर्नमेंट एम्प्लायोज की मशीनरी है, जिसको जे०सी०एम० कहते हैं, उन से भी बात हो सकती है, उनको भी रोका नहीं गया, कन्सलिटेशन भी नहीं रोका गया और एडजूडिकेशन भी नहीं रोका गया। तमाम चीजें जल्दी से जल्दी कराने की कोशिश करने का वायदा सरकार करती है। इसके अलावा हमारे दोस्त ने कहा कि आर्डिनेंस में लाक-आउट और ले-आफ नहीं था... (व्यवधान)... आपके साथ बात करते हैं तो आप वाक-आउट कर जाते हैं। इसमें वाक-आउट नहीं है। ताला बन्दी और दूसरी चीजों को रोका गया। उन्होंने रिफ्रेम दिया कि हड़ताल की निसबत तालाबन्दी की बगल में मैन-डेज बहुत लास्ट हुए, नुकसान हुए। उन्होंने यह भी कहा कि प्रधान मंत्रों के कहने से इसको रकवा गया। यह भी उन का यथार्थवाद है, दुरुस्त बात है, उन्होंने कही, यह हमारी प्रधान मंत्रों की ही क्रेडिट है, आर्डिनेंस में यह बात नहीं थी और इस के बाद इस में रखी गई है।

श्री सोमनाथ चटर्जी : आर्डिनेंस बनाया, किसके लिए बनाया।

श्री जल सिंह : आर्डिनेंस बनाया, किसके लिए बनाया, मैं कहना चाहता हूँ, एक आदमी बीमार हो रहा था। उस बीमारी को रोकने के लिए डाक्टर ने उसको औषधि दे दी और उसको बीमारी न हो। कोई आदमी कहे कि फिर क्यों बीमार नहीं हुए ? बीमार होने के बाद आपरेशन किया गया। (व्यवधान)...

सभापति महोदय : चैटर्जी साहब, समझने की बात है, आप समझ नहीं रहे हैं।

श्री जल सिंह : जो दुर्घटनायें घटने वाली थीं, वे दुर्घटनायें नहीं घट सकीं,

[श्री जैल सिंह]

तो उसको हमें यूज करने की जरूरत नहीं पड़ी। हमने यह इसलिए किया था कि उन चीजों को रोका जा सके, वे रुक गई तो हमको इस्तेमाल करने की जरूरत नहीं थी। दूसरे सैन्ट्रल गवर्नमेंट की ईमानदारी हम बात पर भी है कि उस वक्त आर्डिनेंस में ले-आफ आदि नहीं था, अब उसको मुकम्मिल किया है, अब जब जरूरत पड़ेगी, तो उसको इस्तेमाल करेंगे।

चैटर्जी साहब ने अपनी तक्रार में कहा कि हम चैलेन्ज कुबूल करते हैं...

प्रो० सत्यसाधन चक्रवर्ती : (बालकन्ता दक्षिण) : आप ने तो बीमारी होने के पहले ही आपरेशन कर दिया।

श्री जैल सिंह : आप मेरी बात को गौर से समझें—उन्होंने कहा कि आपरेशन नहीं किया। मैंने कहा—हमने औषधि ऐसी दी है कि आपरेशन की जरूरत ही नहीं पड़ी, बीमारी आई ही नहीं। आप जरा इस पर ठण्डे दिल से गौर करें...

प्रो० सत्यसाधन चक्रवर्ती : बीमार के मर जाने के बाद आपरेशन की जरूरत नहीं रहती, आप ने उस को मार दिया।

श्री जैल सिंह : अगर एक-एक लफज का जवाब दिया जाय तो यह बहुत बड़ा सवाल बन जाएगा। इस लिये आप जरा सब से बैठें। भावी में क्या होगा उस के लिये अभी से घबराने की जरूरत नहीं है—

डब्दताए इश्क है रोता है क्या,

आगे-आगे देखिये होता है क्या।

चेयरमैन साहब, मुझे इस बात पर बड़ी हैरानी हुई जब चैटर्जी साहब ने शुरू में कहा कि यह अथारिटेरियन गवर्नमेंट है। जहां तक मैं समझ सकता हूँ और ट्रांसलेशन को भी मैंने गौर से सुना, उन का मतलब है कि यह सरकार अथारिथी का इस्तेमाल करती है। मैं ने दुनिया में कोई सरकार नहीं देखी, जिन के पास अथारिटी न हो या जो अथारिटी का इस्तेमाल न करती हो... (व्यवधान) ... चैटर्जी साहब, आप जरा मेरी बात सुनिये...

सभापति महोदय : चैटर्जी साहब यह भी एक इण्टरप्रेटेशन है।

श्री जैल सिंह : मैं इस बात का दावा नहीं करता हूँ कि मैं सब कुछ जानता हूँ लेकिन डिक्शनरी ला कर देख लीजिये, दुनिया भर में अथारिटी के क्या मायने हैं। उन के कहने का मतलब यह है कि यह तानाशाही सरकार है लेकिन मैं यह कहना चाहता हूँ कि मिसयूज आफ पावर बहुत बुरी चीज है, लेकिन डिम-यूज आफ पावर तो निहायत बुरी चीज है। जिन के पास कोई पावर है और वे उस का इस्तेमाल नहीं करते हैं। तो उन को उस का इस्तेमाल करना नहीं आता है। हमारी ड्यूटी है कि हम देश के लोगों को अमन और शान्ति प्रदान करें, जब आधा-जाई के साधन रुक जाते हैं तो लोगों को नुकसान होता है, बिजली बन्द हो जाती है तो लोगों को नुकसान होता है, पानी नहीं मिलता है तो लोगों को नुकसान होता है, हर चीज जिस का लोगों के साथ, जनता के साथ ताल्लुक है, अमीर और गरीब के साथ ताल्लुक है, उस को चलाये रखना सरकार की ड्यूटी है। हम यह नहीं चाहते हैं कि जो हमारे मजदूर भाई हैं उन को मजबूर होना पड़े... (व्यवधान)

मैं ने देखा नहीं कि कौन आनरेबिल मेम्बर थे—लेकिन मैं बड़े अदब से उनको कहना चाहता हूँ—इस तरह से नहीं करना चाहिये, जैसे कांटे चुभते हों। प्रेम से बैठिये और मेरी बात को मुनिये। चेयरमैन साहब हाउस को कंट्रोल करेंगे, आप को क्या चिन्ता पड़ी है।

चैटर्जी साहब ने कहा कि हम चेलेन्ज को कुबूल करते हैं—मैं इतना ही कहना चाहता हूँ—न हमारा चेलेन्ज मजदूरों को है और न जनता को है। अगर वह इन को चेलेन्ज समझते हैं तो यह उन के समझने की बात है, मगर एक ताकत जरूर है जिस को ये चेलेन्ज कर सकते हैं। उन चेलेन्ज को कोई मुकाबला कर के कुबूल करना चाहेगा तो हम उन पर कार्यवाही करके दिखलायेंगे कि चेलेन्ज कैसे कुबूल किया जाता है। वे कौन लोग हैं? ये वे लोग हैं जो मजदूर नहीं हैं, मजदूरों को एक्सप्लॉइट करने वाले हैं, उन को आर्गेनाइज कर के एक्सप्लॉइट करते हैं। मुझे बतलाइये—अगर यह एक्सप्लॉइटेशन नहीं है तो फिर आप क्यों नहीं डिमाण्ड करते कि हर बाल्बाने में जितने मजदूर हैं उन को कोई पार्लामीटरी संगत नहीं होगी, एक ही यूनियन होगी और उसी को रिगगनाइज किया जाएगा ताकि मजदूरों की जो डिमाण्ड हैं, वे मानी जाएं, लेकिन ये मजदूरों की डिमाण्ड मनवाने के लिए वहां नहीं जाते हैं। हर एक पार्लामीटरी पार्टी ने अपने अपने मेम्बर एलौट किये हैं कि तुम्हें लेबर में काम करना है लेकिन वे लेबर के भले के लिए नहीं वहां जाते हैं बल्कि लेबर में अपनी पार्टी की आइडियोलॉजी का प्रचार करने के लिए हैं। यह एक खासा तरीका है कि लेबर का खर्चा कराओ,

लेबर की बात कह कर वहां जुलूस निकलवाओ, जलसे कराओ और फिर वहां जा कर लेक्चर दे कर चले आओ। ये जो एक्सप्लॉयटर्स हैं, उन के लिए जरूर यह एक चैलेन्ज है, सोमनाथ चटर्जी साहब। उन के रास्ते बन्द होंगे।

फिर इन को बड़ा अफसोस हुआ कि यह बिल लेबर मिनिस्टर के बजाए गृह मंत्री द्वारा लाया गया और इस पर इन को गुस्सा भी आया और इन को गृह मंत्री कहने में भी दुःख हुआ और इन्होंने मुझे पुलिस मंत्री कहा। मुझे जो ये चाहे कह लें।

SHRI SOMNATH CHATTERJEE : This Bill you are piloting as Police Minister.

श्री जैल सिंह : दोबारा कहिये या तीसरी बार कहिए, मैं इस को एक्सेप्ट करता हूँ लेकिन मुझे मालूम नहीं कि आप अमीर हैं या गरीब हैं। मैं आप को बताता हूँ कि मैं मजदूर हूँ। मैं ने पुरुखा सड़के बनाई है। मैंने टूटे जूतों को गांठा है, मैंने खेतों में जा कर काम किया है, खेतों को पानी लगाया है, डंगर चराए हैं, गायें चराई हैं और इस तरह से मैंने मजदूरों का काम अपने हाथ में किया है। मैं एक किसान के नाते, एक मजदूर के नाते यह कह सकता हूँ कि मजदूर हम को प्यार हैं, मजदूरों का इन्ट्रेस्ट हम सामने रखेंगे और बगैर जिद्दोजहद मजदूरों के मतालवान को पूरा करेंगे।

इन्होंने यह भी कहा कि वेस्ट बंगाल और त्रिपुरा के लोगों ने बतला दिया है। चटर्जी बता देते या आप बता देते, इस में कोई खास फर्क नहीं पड़ने वाला है लेकिन किस ने बतला दिया? सरकार ने दोनों प्रोविशियल सरकारों ने अपना

[श्री जैल सिंह]

जोर लगा कर बंद किया पर मजदूरों के पक्ष में नहीं बल्कि वे लड़ाई लड़ना चाहते हैं इस मैदान में और मैं तो यह कहूंगा कि यह बिल, जिम बिल की जालिमानी कहा जाता है, यह मजदूरों के कल्याण का बिल है और इस में मजदूरों का एक्सप्लायटेशन रहेगा और ये जी. पार्लामीटल ग्रनमर बीच में पड़ कर प्रोडक्शन को बर्बाद करते हैं, उन के रास्ते रुक जायेंगे और यह बिल एक बहुत कल्याणकारी बिल होगा और यह बिल मजदूरों के लिए एक इन्कलाबी बिल होगा।

अभी चटर्जी जी ने कहा कि आधी रात को राष्ट्रपति जी को जगाया। अब ये इस बात का भी ख्याल रखते हैं, कारखाने के मजदूरों का भी ख्याल रखते हैं, राष्ट्रपति कब जागता है, मजदूर कब काम करते हैं, टाटा-विरला क्या करते हैं, इस सब का इन को पता है। बड़ी शक्ति दी है भगवान ने इन को। ये कहां से शहादत हो गये कि आधी रात को राष्ट्रपति जी को जगाया। राष्ट्रपति जी को आधी रात जगाना बुरा नहीं है। वे राष्ट्र के सब से ऊंचे दर्जे के हैं और राष्ट्रपति जी की जरूरत पड़े, तो जगाया भी जा सकता है और जागने से उन को कोई इन्कार नहीं लेकिन चटर्जी साहब आप ने जजबात उभारने के लिए ये सब बातें कही हैं और इन की कोई कीमत नहीं है। इन्होंने कहा कि यह पूंजीपतियों का बिल है, वे खुश होंगे। मैं उन से पूछता हूँ कि यह पूंजीपतियों का काम है, टाटा विरला वगैरह का काम है, रेलवे उन की है, बिजली उन की है, पानी का काम उन का है, लोकोमोब की बात उन की है। कहां से वे इन सब बातों में आते हैं? वे गवर्नमेंट सर्वेन्ट्स के लिए हैं या दूसरे लोगों के लिए हैं, यह बात

आप को सोचना चाहिए। पब्लिक सेक्टर क्या उन का है। यह उन लोगों का नहीं है, यह जनता का है। तो इन बातों की आप भूल जाइए कि यह अमीरों के लिए है बल्कि अमीरों पर भी पाबन्दी है कि वे मजदूरों का खून न चूस सकें। इस चीज को देखने के लिए गवर्नमेंट तैयार रहेगी। जागते रहे (व्यवधान)। शास्त्री जी आपका भाषण भी होने वाला है। आपकी एमेंडमेंट्स आई हुई हैं। हमने आपके गमावतार या गवणावतार रूप को देखना है। हमने अर्डिनेंस जारी करके हाँउस का पार्लियामेंट के मेम्बरों का अपमान नहीं किया है। उनका पूरा सम्मान हम करते हैं। उनके सामने सरकार जवाब देह है। हम भी उनके सामने जवाब देह हैं। चूंकि अपमान उनका न हो इसी वास्ते चटर्जी साहब ने गृह मंत्री का एक पद भी बना कर रख दिया है। हम मानते हैं। हम इन्कार नहीं करते हैं। इससे ज्यादा आपका सम्मान और क्या हो सकता है कि आपकी बातों का जवाब दिया जा रहा है। अगर आप में सुनने की शक्ति न हो तो मैं क्या करूँ?

इसका फायदा कौन उठाएगा? इसका फायदा आम जनता उठाएगी, जिन्होंने रेलों में धा हवाई जहाजों में चलना है वे उठाएंगे खेती बाड़ी जिन्होंने करती है, कारखाने चलाने हैं, बिजली का इस्तेमाल करना है, जिन को डाक और तार वक्त पर मिले, टेलीफोन वक्त पर मिले उन्होंने इसका फायदा उठाना है। ये टेलीफोन प्राइवेट नहीं हैं। पब्लिक सेक्टर प्राइवेट नहीं हैं।

हमारे देश में डेमोक्रेसी है। दुनिया के और भी डिवेलपिंग देश हैं। वे भी हमारी तरह से हैं। लेकिन उनका सिस्टम आफ गवर्नमेंट हम से जुदा हो सकता

है। हमारे यहां फुल डैमोक्रेसी है। इस डैमोक्रेटिक सिस्टम में आप कैसे तरक्की कर सकते हैं, कैसे आगे बढ़ सकते हैं? दोनों बातों का ध्यान रखना चाहिए। गवर्नमेंट एम्पलायी हो या प्राइवेट, छोटा मजदूर हो या बड़ा, किसी के हक को कोई छीन न सके लेकिन साथ साथ मुन्क का भी उनको ध्यान रखना चाहिए।

आपने प्लानिंग कमीशन की रिपोर्ट को पढ़ा होगा। हमारे देश में तीस करोड़ से ज्यादा के लोग हैं जो पावर्टी लाइन के नीचे हैं गरीबी की रेखा के नीचे हैं बेरोजगार हैं। उनको कैसे आप राहत देंगे अगर प्रोडक्शन नहीं होगा तो? देश की दौलत नहीं बढ़ाएंगे तो कैसे उनको राहत देंगे? इकोनोमी तबाह और वरबाद हो जाएगी तो कैसे उनको आप राहत देंगे? मैं एक्सप्लायटर्ज से पूछना चाहता हूं कि क्या कमी उन्होंने उन लोगों की आवाज भी उठाई है जो सफाई मजदूर होते हैं, जो जमीन पर सोते हैं, जो भूखा रहते हैं या जो पावर्टी लाइन के नीचे हैं? 65 रुपये पर हैड पर महीना जिप्स की आमदनी न हो वह पावर्टी लाइन के नीचे समझा जाता है। जो पांच सौ या एक हजार या दारह सौ रुपये वनब्रवाह पाते हैं और मैं मानता हूं कि मंहगाई जब बढ़ती है तो उनको तकलीफ होती है लेकिन यह भी तो आप देखें कि उनको कम अज कम नौकरी तो मिल गई है, उनके बच्चे पढ़ते तो हैं उनकी पढ़ाई की जिम्मेवारी भी ली है, उनका मैडिकल एंड भी मिलती है और सरकारी मुलाजिमों का जहां तक सम्बन्ध है उनको यह भी प्रिविलेज है कि कोई आदमी उनकी हत्या करे, उनको लाठी मारे या चोट पहुंचाए तो उस पर दो मुकदमें बनते हैं जब कि साधारण आदमी पर अगर ऐसा होता है तो एक ही

बनता है। यह भी उनका प्रिविलेज है। ये जो प्रिविलेज्ड लोग हैं ये आगेनाइज्ड हैं, इकट्ठे मिल जाते हैं, उनको किसानों में, गावों में जाकर घूमना नहीं पड़ता हरिजनों में जाना नहीं पड़ता, बेघरों को देखना नहीं पड़ता है, बेजमीन वालों को देखना नहीं पड़ता है क्योंकि वहां जाकर काम करना पड़ता है। ये कारखानों का गेट जब खुलता है तो जा कर लैक्चर कर आते हैं, लाउड स्पीकर उनका होता है और धुआंधार लैक्चर ये देते हैं उस लैक्चर में भड़काहट होती है। भड़काहट ये पैदा करते हैं। मैं आपका नाम नहीं लेता हूं। लेकिन कुछ लोग ऐसे हैं जो लैक्चर तो देते हैं मजदूरों के हक में और खाना खाने हैं मैनजमेंट के साथ। और दफ्तर इस्तेमान करने है (ध्ववधान)

श्री इन्द्रजीत गुप्त : (बर्सारहाट) : आई० एन० टी० यू० सी० में बहुत हैं ऐसे।

श्रीधर्य भगवान देव : (अजमेर) : चोर की दाढ़ी में तिनका है।

श्री जल सिंह : मैंने आपको तो नहीं कहा। आप क्यों गुस्सा करते हो। क्या आप ऐसे लोगों को परेशान करते हो? मैं उनको नहीं कहता जिनको मैं कहता हूं उनकी वकालत क्यों करते हो। आप मजदूरों के हित की बात करने वाले हो, देश के हित की बात करने वाले आन्टरेबिल मम्बर है। मैं आपको नहीं कह रहा हूं। मैं कह रहा हूं कि ऐसे एलिमेंट को किस तरह से कंट्रोल किया जाय। माननीय चटर्जी कहते हैं कि अगर लैक्चर किसी ने दे दिया उसको कहेंगे यह उक्ताता है उनको। तो उनको भी पकड़ा जाएगा। इस बिल में अगर यह क्लोज न हो तो

[श्री जैल सिंह]

इस में जिन्दगी ही क्या है ? जो खाम-क़्वाह जा कर बरवाद करने हैं, कभी मजदूरों की तरह काम नहीं किया, कभी मजदूरी का काम नहीं किया, लेकिन नेता जी आये हैं मजदूरों की बात करने के लिए मजदूर खुद कर सकता है। अगर आप मजदूरों की बात करते हो तो भर्ती हो जाइये कारखाने में। लेकिन जाने नहीं।... (व्यवधान) माननीय चटर्जी ने कह दिया यह हमारा चैलेंज है।...

श्री सत्यसाधन चक्रवर्ती : (कलकत्ता दक्षिण) : आप कांस्टेबल नहीं रहे तो आप कैसे पुलिस मंत्री हो गए ?

श्री जल सिंह : मैं आपकी बात नहीं सुन सका, जरा फिर से कहें।

श्री सत्यसाधन चक्रवर्ती : आप कहते हैं कि जो लेबर में काम नहीं करता वह कैसे लेबर लीडर हो सकता है ? तो मेरा कहना है कि आप कैसे पुलिस मिनिस्टर हो गए जब कि आप पुलिस कांस्टेबल नहीं रहे ?

श्री जैल सिंह : मुझे सोच समझ कर होम मिनिस्टर बनाया है प्रधान मंत्री ने। मैं जब जेल में गया, पोलिटिक्स में आया उस समय 17 साल का था तब से पुलिस मेरी निगरानी करती है। 22 साल मैं जेल में गया 5 साल तक पुलिस निगरानी करती रही। 1943 में रिहा हुआ तो 1948 तक पुलिस ने निगरानी की और उस के बाद जब मिनिस्टर बना तो पुलिस निगरानी करती रही। और जब मंत्री पद से हटा तो पुलिस निगरानी करती रही और जब जनता राज आया तो पुलिस गिरफ्तार कर के

ले गई। इस तरह से मेरी तो जिन्दगी और मौत का खाल पुलिस के साथ जुड़ा हुआ है। मैं आज भी पुलिस के घेरे में हूँ। अकेला नहीं जा सकता चेयरमेन साहब एक दिन में कनाट प्लेस गया, एक दुकान में मैं गया और जब वहाँ से कोई चीज लेने का फैसला किया विटामिन की गोली में खाता हूँ वही नेता चाहता था, मैं बहुत कम लोगों को दिखता हूँ नहीं तो लोग चर्चा करते हैं कि बीमार हो गया गोली खा कर चलता है। मैं नहीं चाहता था कि वह मुझे देखें। तो हमारे गनमेन, सेक्योरिटी वाले जो थे वह कहने लगे जताव आप क्यों जाते हो हमने जाते हैं। मैंने कहा कोई बात नहीं मैं अंधेरे में आया हूँ बाजार बन्द हो गया है कैमिस्टकी दुकान खुली है चलो मैं ही लिए लेता हूँ। लेकिन वह मेरे पीछे आ गए और कहने लगे कि यह हमारी ड्यूटी है। पुलिस तो हमारे इतने पीछे पड़ी है जितनी किसी के पीछे नहीं पड़ी है। भगवान करे आपके पीछे भी पड़े। श्री चटर्जी ने हमारी बड़ी मदद की है, उन्होंने कहा कि सरकार को इसकी जरूरत नहीं थी, पहले भी इस्तेमाल नहीं किया, आगे भी नहीं करेंगे, इनको वापिस ले लिया जाये।

श्री चटर्जी जी ने फिर दलील दी कि 1978-79 में मैन-डेज ज्यादा बर्बाद हुए, उसके बागजूद प्रोडक्शन ज्यादा हुआ और अब कम हुए तो सरकार ऐसे बिल ला रही है। मैं सिर्फ चटर्जी साहब से यही कहूंगा कि वह बड़े विद्वान हैं, प्रोडक्शन कम होने के और भी कारण हो सकते हैं। कारखाने को बिजली न मिलती हो बारिश ज्यादा हो गई हो, कच्चा माल कारखानेदार को न मिलता हो, बाहर से आने वाली चीज न मिलती हों, कोयला वक्न पर न मिलता हो, ऐसी और चीजें

हो सकती है, जिस से प्रोडक्शन कम हो सकता है। हम ने इस बात का ध्यान रखा है।

दो बातें ज़रूरी हैं, एक तो जनता को परेशानी न हो और दूसरे पैदावार कम न हो। इसके लिए जो प्रबन्ध हम करेंगे, मैनेजमेंट को भी उस में बांध कर रखेंगे और मजदूर को भी कहेंगे कि तुम न करो। मान लीजिए डाक्टरों की हड़ताल होती है, तो उसका असर किस पर होता है? यहां हड़ताल हुई, और जगहों पर भी हुई, बहुत से आदमियों की मौत हो गई, उनकी सम्भाल नहीं हो सकी। डाक्टरों ने कहा कि हम क्या करें हम मजबूर हैं, हमको करना पड़ता है, हमारी बात किसी ने सुनी नहीं। हो सकता है कि न सुनी हो, लेकिन हम तो इस बात की गारण्टी देते हैं कि हम बात सुनेंगे। हड़ताल की बजाय अपनी छाती पर एक बिल्ला लगा लो कि हम प्रोटेस्ट करते हैं कि यह-यह बात हमारी नहीं मानी गई। हम सुनेंगे और सुनने के बाद आर्बीट्रेशन के लिए भेज देंगे, कौन्सिलिएशन की बात होगी तो वह भी करेंगे उनको इग्नोर नहीं करेंगे। जनता के दिल में डाक्टरों की इज्जत कम हुई वह नहीं सोचते कि क्यों गए। वह सोचते हैं कि कितने कलस हैं कितने निर्दयी हैं कि बीमारों का ध्यान भी नहीं करते।

पंजाब में एक बार बिजली बोर्ड के कर्मचारियों ने हड़ताल कर दी, नतीजा क्या हुआ कारखाने बन्द हो गए, 4 लाख टयूबवैल उस वक्त पंजाब में थे, वह बन्द हो गए। आप जानते हैं, खेती-बाड़ी करने वाले यहां कोई बैठे हों तो वह जानते हैं कि जनता का क्या स्वभाव होता है, वह जिम्मेदार अफसर के सामने पड़ता है, पटवारी की भी

खुशामद करता है, लेकिन अगर ठीक न हो तो अफसर माल के भी गल पड़ जाता है। तो उन्होंने पकड़ कर बिजली के कर्मचारियों को पीटा कि तुम कौन होते हो, तुम चलाते क्यों नहीं हो? तो बिजली बोर्ड के मुलाजिमों ने खुद ही हड़ताल तोड़ दी और कोई डिमांड नहीं की।

जनता की सिम्पैथी लेने के लिए अगर कोई काम करता रहता है और काम करते हुए अपनी आवाज उठाता है तो लोगों की हमदर्दी उसके साथ रहती है। मजदूर चर्चा क्यों करते हैं, जुलूम क्यों निकालते हैं? इसलिए कि जनता राज है। जनता के नाम से गलतफहमी हो जाती है, जनता पार्टी वालों को इसलिए मैं आवाज कहता हूं। लोगों की हमदर्दी लेने के लिए लोक-राज में मुजाहरे किए जाते हैं, बताया जाता है ताकि सरकार को कहें कि देखो आपकी सरकार क्या करती है? सरकार के खिलाफ नफरत पैदा करने के लिए ढंग ठीक है, होना चाहिए डेमोक्रेसी में और है। मगर काम छोड़कर जाने पर उसका नतीजा जो दूसरे लोगों पर पड़ेगा उससे उनकी हमदर्दी नहीं होगी।

अगर हवाई जहाज की सर्विस बन्द कर दें, शिप और रेलें बन्द हो जायें तो क्या जनता में उस में आपके लिए प्रार्थना करेगी कि है ईश्वर इनको बरकरार रखो और कुछ बख़्शो? वह तो इनके खिलाफ जाएगी। हम तो उनके हमदर्द हैं। लेकिन मजदूरों के बलवूते से, सस्ती शोहरत हासिल करने के लिए, जो कभी मजदूर नहीं थे, पुस्तकें पढ़ कर मजदूरों की हालत को देखकर, सोचकर या सुनकर यह कहें कि हम यह कर देंगे, तो चटर्जी साहब का दिल करता है कि हम देखेंगे।

[श्री जल सिंह]

मैं चटर्जी साहब से कहना चाहता हूँ कि मेरा ख्याल यह है कि वह न देखें। देखने से उनको परेशानी होगी, कोई फायदा नहीं होगा। चैलेंज पर चैलेंज करने का क्या फायदा? वह पार्लियामेंटेरियन है, अपनी दलील से अपने रीजन से, अपने विचारों से प्रेरित कर के हमें साथ ले जाइए, अगर आपकी प्रेरणा काई नहीं सुनता, तो यह मेरे बस की बात नहीं है। आप क्यों चैलेंज करते हैं कि हम जरूर हड़ताल करेंगे? अगर आपको करनी ही है, तो कर लीजिए, आपकी मर्जी है, लेकिन जितना लुत्फ पहले आता था, शायद वह अब नहीं आयेगा।

उन्होंने कहा कि स्केपगोट बनाते हैं। मैं सोच रहा था कि श्री चटर्जी हमारे हक में बोल रहे हैं। स्केपगोट हम बनाते हैं या आप बनाना चाहते हैं?—क्योंकि अब तो आपको स्केपगोट मिलेगा नहीं। मजदूर कह देंगे कि हमारी बात सुनी गई है, मेहरबानी कर के जाइये। अब वे आपके कहने पर बस बन्द नहीं करेंगे, बिजली बन्द नहीं करेंगे, अब वे आपके हाथ से निकल जाएंगे और अब आपको कोई स्केपगोट नहीं मिलेगा। इसी लिए आपको इतनी चिन्ता हो रही है। मैं आपके शब्दों में यह बात कहता हूँ।

समापति महोदय: क्या और कुछ रह गया है? अभी तो बिल पर डिस्कशन होगा। बाद में कह दीजिएगा।

श्री जल सिंह: आपकी बात दुःस्त है। मैं मानता हूँ और समाप्त करता हूँ।

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the maintenance of certain essential Services and the normal life of community be taken into consideration." Some of the hon. Members have given notices of amendments to the Consideration Motion. First, I would like to know from them one by one, whether they are moving the same before I call upon Shri Samar Mukherjee to speak.

SHRI RAM AVATAR SHASTRI:
I beg to move:

That the Bill be circulated for purpose of eliciting opinion thereon by the 22nd December, 1981. (2)

SHRI BASUDEB ACHARIA
(Bankura): I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 18th December, 1981 (3).

SHRI SOMNATH CHATTERJEE: I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1981 (4).

SHRI RAVINDRA VARMA
(Bombay North): I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 9th December, 1981 (282).

SHRI TRIDIB CHAUDHURI:
(Berhampore): I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 23rd December, 1981. (283).

SHRI R.K. MHALGI (Thane)

I beg to move :

That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November, 1981 (346).

SHRI K.P. UNNIKRISSANAN : (Badagara) : I beg to move :

That the Bill be circulated to all registered trade-unions in India for their opinion and for the purpose of eliciting public opinion by 31 December, 1981 (347).

SHRI A.K. Ray (Dhanbad) I beg to move :

That the Bill to provide for the maintenance of certain essential services and the normal life of the community be referred to a Select Committee consisting of 11 members, namely :—

- (1) Smt. Pramila Dandavate.
- (2) Shrimati Suseela Gopalan
- (3) Shri Krishna Chandra Halder
- (4) Shri N.E. Horo
- (5) Shri Chitta Mahata
- (6) Shri Bijoy Modak
- (7) Shri Amar Roypradhan
- (8) Shri Ajit Kumar Saha
- (9) Shri R.L.P. Verma
- (10) Giani Zail Singh ; and
- (11) Shri A.K. Roy.

with instructions to report by the 31st December, 1981. (349)

SHRI SAMAR MUKHERJEE : (Howrah) : Sir, I fully support the motion moved by Shri Somnath Chatterjee. You have known that this is a Bill against which the people outside have sufficiently demonstrated their opposition. Only our Home Minister is not satisfied with the amount of opposition shown outside.

17.39 hrs.

[SHRI HARINATH MISRA in the Chair]

But I am sure that a day will come when not only the Home Minister but the Government will realise that the entire working class and the democratic people are totally opposed to this Bill. Why they are totally opposing this Bill, because by this Bill the Government is taking away the Fundamental Right of the working classes and the employees to organise and register their protest. This Fundamental Right has been achieved not by the grace of any ruling Party or anybody else. But it is achieved through long sacrifice and sustained struggles of the people of India that we have got this right in the Constitution. You are giving nothing to the people of the country. You are giving them high prices, you are giving unemployment, and now you are taking away their right to protest against this. So if this right is taken away, then the millions of people of India have no future.

That is why one very good thing you have done. You have now helped the people to combine their struggle against high prices, unemployment, victimisation, corruption etc. with a struggle for defence of their democratic rights. This combination of struggle will strengthen the unity of the working class and the masses. You are acting as the instrument of history. That is why you have to learn a lesson. After you were thrown out of Government in 1977, from that you have not learnt the lesson. It is demonstrated before your very eyes now that you have helped the opposition, to unite; you have helped all the trade unions, except Mr. Stephen's union, to unite. That is the process of history and you are acting as its instrument. We are happy because you are uniting us all. In 1977, why were you thrown out of Government ? It was not be-

[Shri Samar Mukherjee]
 cause of us. It was by your own action. You united all of us. In 1971-72 you attacked our party in West Bengal. At that time we were isolated. But in 1975 you united all the opposition but putting them all into the jails. We welcome this move, because whenever the opposition is united and combined, you have no future. It has been proved by history and another course is coming. But you cannot behave in any way other than this. This is the capitalist way of saving capitalism from a crisis. In no other alternative way you can move. This Bill is a continuation of the National Security Act. This is the process towards total authoritarianism. This is the process which is heading towards fascism. You cannot move in any other way because you are committed. Whatever arguments we may give here, it cannot change you here because you are totally committed. Your commitment is not only to the big bourgeois of our country but to all multinationals and to all foreign monopolists. That is why the urgency and the compulsion to bring forward this ordinance. It is not that in the dead of night, suddenly the idea came into your mind. The World Bank and IMF were putting pressure and before you come to some agreement, you will have to demonstrate your bonafide of your honesty that you will keep the commitments agreed there. In 1974, when repression was let loose on the railwaymen and at that time when I spoke on the no confidence motion against the Government and I fully remember I pointed out the same feature. I said, "This repression is not an isolated thing. It is due to the dictation of the World Bank and foreign capitalists." What happened after that? After, 1974, the crisis of 1975 came and from the suppression of railway strike, you had to go into total emergency--the internal emergency. Similarly, this attack now is a prelude to the attack on the entire people. This is not an isolated thing. Remem-

ber the result of 1977. Nobody can save you. Even the clapping here inside in favour of you cannot save you. You may feel very jubilant because of your supporters. I may not call them sycophants, but they are living in a fool's paradise....

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : I entirely object to the words 'fools' paradise. We are not living in a fools' paradise. You want to bring the nation to ransom. (Interruptions) This is unparliamentary.

MR. CHAIRMAN : The idiom used is not unparliamentary.

SHRI SAMAR MUKHERJEE : I want to draw the attention of our friends to the fact that it was in 1976 at the dead of night that devaluation had taken place. It was in 1967 that your Party faced a severe crisis and you had to lose in 8 States. In 1969 your Party was split. Why are these things happening? Is it due to the desire of somebody? This is the historical process because you are defending a system which is in the grip of crisis.

SHRI MALLIKARJUN : Splitting of our Party is not a new thing. It has been taking place since partition.

SHRI SAMAR MUKHERJEE : I draw the attention to the developments and how they are taking place. In the whole world, capitalism is in crisis. Since you are depending upon the same system, you are importing crisis in our country by having loan from the World Bank and the International Monetary Fund and by inviting multi-national corporations. You are being dictated to by them. So, you have to purchase their things at a price dictated by

them. You are asking the people here to purchase their things at a much higher price. So, you are importing inflation and crisis in the country as a part of the world capitalist crisis. You may be Home Minister or Police Minister; You may not remain Home Minister tomorrow. But you have no power to change this framework. You are working in this framework. What is the position in the capitalist countries? They are also pursuing the same policy. They are resorting to undemocratic measures. There also the working class is being suppressed by this type of legislations.

SHRI B. K. NAIR : What about Poland ?

SHRI SAMAR MUKHERJEE : Do not talk about Poland. You talk about your own self.

THE MINISTER OF COMMUNICATIONS (SHRI C.M. STEPHEN) : Let us talk about that; let us talk about China.

SHRI SAMAR MUKHERJEE : At least in Poland the workers have the right to strike. And you are taking away the right to strike.

SHRI C.M. STEPHEN : Do you stand by that? What is your attitude to the Polish question? In the confrontation between the two where are you?

SHRI INDRAJIT GUPTA (Bash'rhat) : We shall discuss Poland when we discuss the international situation.

SHRI SAMAR MUKHERJEE: You have brought this Bill just to prevent strikes. Right to strike is a fundamental right. Whenever there is an attempt to take away the right to strike, workers have opposed it. I give the example of the Janata Government.

The hon. Member, Shri Ravindra Varma, who was the Labour Minister when the Janata Government

brought forward the Industrial Relations Bill, is present here. At that time even the trade unions belonging to the Janata Party opposed it and they all came with us and more than a lakh of workers congregated at the Boat Club. Because of this internal revolt with in the Janata Government, they were forced to withdraw the Bill. But the Congress (I) Trade Union leaders have no courage to oppose this Bill, because they are backboneless and spineless. The Janata trade Union leaders had shown that courage. Because of your want of courage, you are supporting this Bill. I feel pained that even those M. Ps. who are connected with labour unions have no courage to protest against this.

SHRI K.P. UNNIKRIISHNAN: They are the sponsors of this Bill.

SHRI SAMAR MUKHERJEE : Now the workers, even those belonging to the INTUC, are gradually participating in this protest action; the employees are also participating.

SHRI C. M. STEPHEN : Let us see.

SHRI SAMAR MUKHERJEE: You will see ultimately. Since a total attack against parliamentary democracy is in the offing, people are becoming more and more conscious about it and going against you. In the very recent elections in Vijayawada and Waltair what were the results? You thought that the people will remain your slaves for ever and whatever you do, they will vote for you. Your Chief Minister of Andhra Pradesh himself has stated "the Centre has put us in this miserable condition by not supplying the required amount of foodgrains". So, the people are not slaves. But you want to keep them as slaves; that is why you have brought this Bill. But the mood of the people is changing.

[Shri Samar Mukherjee]

I am very happy to note that the issue that this Bill is an outcome of the conditions imposed by the International Monetary Fund has become a matter of public debate. The public is being educated and politicalised. The working class is becoming more and more enlightened and getting acquainted with the political thought. We welcome this trend. I am sure a day will come when the people being politically conscious will be able to throw you out of office. This is not a simple economic struggle. Capitalism has become completely out dated and out-moded. You want to perpetuate that system by this artificial method of strengthening the executive with full authority to suppress the discontent of the people. But history will not move in that direction.

You talk of socialism. I will not deal with it now. I will deal with it later, because I do not want to take the time of the House now on this.

This Bill has been the result of the pressure by the International Monetary Fund, the foreign multinationals, the big monopoly houses and the vested interests of this country. You are acting as their instrument, and nothing else. People are coming to know more and more about this. Your class character is being thoroughly exposed. So, a time will come when the entire people will revolt and throw you into the dust-bin.

MR. CHAIRMAN: Mr. Chitta Basu, do you want to move your amendment?

SHRI CHITTA BASU: Yes.

MR. CHAIRMAN: I Will allow it as a special case. Because, when your name was called, you were absent.

SHRI SOMNATH CHATTERJEE: Normally, he is always present here.

MR. CHAIRMAN: I entirely agree with you. That is why I have allow it. We know each other so intimately.

SHRI CHITTA BASU: I beg to move:

That the Bill be circulated for the purpose of eliciting opinion there, on by the 30th November, 1981.

SHRI H. K. L. BHAGAT (East Delhi): Mr. Chairman, Sir, I had the privilege to listen to three powerful speeches before me, one by hon. Shri Somnath Chatterjee, the other was a very powerful and spicy speech by the hon. Home Minister and the third speech by the leader of the CPI(M) Group in the House, Shri Samar Mukherjee. So, I had that benefit, I had listened to them very carefully and with great respect. I used the words 'powerful speeches' in regard to all these three speeches. I would say very respectfully that both Shri Samar Mukherjee and Shri Somnath Chatterjee have used very strong adjectives, perhaps some invectives also and expressed a very big hope that this Bill which is there before the House will enable them to throw out this Government and the day of this Government's reckoning has come because of this Bill. I know that since we came back to power here, the Opposition has been naturally wanting to get some stick to beat with and they had tried to use some stick or the other. Today there is one stick and tomorrow there is another. On this day they feel they have a stronger stick to beat us with and they have developed some kind of a unity also on the opposition to this Bill and they feel that they have got something with which they can beat us with. Well, this is democracy. Somebody said, 'Well, your job is temporary, God knows whether you will remain on the job or not.' I personally think, speaking objectively, that we are very confident that we have the confidence of the people even on this issue. But as far

as the jobs of politicians are concerned whether they are on this side or that side, nobody can say that their jobs are permanent, their jobs are permanently temporary. Whether they are permanent politicians or not nobody can say. Nobody is permanent, but what I am saying is that they are expressing very high hopes on this Bill and in that process they think that they have got some big stick to beat with and therefore, they are using stronger language without powerful logic. Strong words do not make for logic. So, my respectful submission is, let us dispassionately consider this. Now, an impression is sought to be created in this House as if the Congress Government or the Congress Party has declared a war on the working class. An impression is sought to be created as if all the strikes have been completely banned in all the establishments, as if the workers' rights and powers to get justice or to go on strike, where necessary, for their legitimate demands have been finished and a war has been declared on them, and therefore, this Bill has been described as draconian, anti-people and anti-working class and it will bring a death-knell to the Ruling Party. You should be happy if it brings a death-knell to the Ruling Party. But what I am going to ask is: Is this correct? Is the reading of the Bill itself correct? I do not say that this is an unimportant Bill, certainly it is an important Bill and it has important repercussions. The point to be considered is this: What are the repercussions considering the interests of the country as a whole? Somebody said, 'Well, you are trying to make the workers a scapegoat'. My hon. friend, Shri Somnath Chatterjee went to the extent of saying that 'here you have provided for summary trials, but for black-marketeers you have not provided for summary trials'. The other day we have passed the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Bill etc. There also we provided for summary trials. Let

me make this clear. But what I am submitting is that he is not right factually. There also we provided for summary trials. But the basic question which I wish to submit is whether what all they are saying has been done. We are no fools that we will declare a war on the workers to be thrown out by them. The Congress has always the greatest support of the workers and they have their foundation in the working class. We have come to power with the support of the working class. If they are at war, with us, we would not have been here. I can understand the West Bengal CPI(M) saying that 'in Bengal with their greater support we have come'. I can understand their logic, but in the country as a whole we have come here with the support of the working class. We have no intention to destroy their rights. I do

18.00 hrs. not want to bank on the Constitutional argument that the Supreme Court has already said that there is nothing unconstitutional in this Ordinance. I do not want to bank on that at all. They are depending these days on the court's verdicts and so on. Sometimes I feel the whole revelation they accept from the terrace of the court. What I respectfully wish to submit is.....

SHRI SOMNATH CHATTERJEE: The Court has already (*interruptions*) bearer bond... (*interruptions*).

SHRI H. K. L. BHAGAT: Shri Chatterjee, how much respect I have got for you. I listened to you with great respect.

Now, therefore, respectfully I wish to say with this Bill—not once the strike has been so far declared illegal. (2) This Bill enables the Government to declare strike illegal if the Government thinks it necessary. In essential services Government wants power to meet certain situation in certain industries if that situation arises. Can we assume this finishes the right to strike? I want to

[Shri H. K. L. Bhagat]

make it clear—I am not only a Member of Parliament, I hold a responsible position in my party organisation also, a very small worker, but I wish to say that our party has no intention to ban strikes for any legitimate genuine grievances. For that strike we will continue to support them. I want to make it clear. (*Interruptions*)

Please do not disturb me. I do not wish to be disturbed.

All this is being said and shown to the working class, well this is being done. We are no fools. We are politicians. We want to get confidence of the people. In our own interest, in the interest of the country, I feel in the interest of the country, the working class needs to be strengthened. It is they who have stood by all crisis in the country and we depend on them. We do expect that they would understand the implications of this Ordinance and will not be carried by these loud talks and arguments without much rationale. This is being done by you to carry the working class by misleading them, by misguiding them. That is why this kind of speeches you are making in the House, the kind of propaganda you are carrying out.

I want to raise the basic question. My friend, say that the economic situation in the country is very bad, we have spoiled it, we have ruined the economic situation; We have finished the economic situation; It is their logic. Our Government says: it was very difficult when we took over: It was very difficult situation much more than what we could imagine. We have taken steps. They say steps are useless. Our Government says that there are signs of recovery. But there is one thing common. Their feeling is that the economic situation is very bad and now they say we have spoiled it. It has deteriorated. If this work could

have been done or that could have been done things would have been better. What I respectfully submit is that there is an agreement that the economic situation in the country needs improvement. We can differ or disagree about the methods, about the manner. But it is common that the country's economic situation needs improvement. If it is not better, it is good. I believe it has improved. If it has not improved, it is all the more reason to think how to improve the economic situation. I think I am not going to say that this alone will improve the economic situation. I am not one of those who believe that this Bill or Ordinance alone is going to improve the economic situation. But one fact cannot be denied that part from other measures—fiscal, measures, monetary control measures, very stringent action against tax evaders, setting up of vigilance committees for price control consisting of officials and non-officials, watch dog committees, dealing with economic offenders firmly, I feel greater production is necessary. I do not think as a proposition anyone will dispute it.

Very interesting argument was given by Shri Somnath Chatterjee. He read out certain figures about the mandays lost. He said mandays are lost. Now this Bill has been brought. It is true.

I have the figures. The total mandays lost in 1980 were 20.80 million. It was 43.85 in 1979 and 20.80 in 1980. So, they say, the mandays lost are less now and my hon. friend, Shri Somnath Chatterjee, said, it is no matter of production. Let us get out of the Lok Sabha and don't meet for 10 days and see what we produce. If the mandays lost is less now, it is good, it is a matter of credit to the working class; it is a matter of credit to this Government that now the industrial climate is better than before. That is a matter of credit and appreciation for the

Government. Does it mean an argument, to say, therefore, it is no use to bring this legislation; that we should not improve it further and that we should not do this? That is why the hon. Home Minister, very rightly, explained, "We have not used it so far; we will use it whenever necessary." Whether it is necessary or not, the time will show.

I believe, my hon. friend, Shri Somnath Chatterjee, is a very reasonable man. He is a member belonging to CPM but he is more a constitutional and legal man. He said, "I will go and instigate the workers for a strike." Let him go and instigate them for a legitimate cause and a genuine right. Nobody will arrest him.

SHRI SOMNATH CHATTERJEE: Where is an exception made for a legitimate strike? You bring in an amendment to that effect.

SHRI H. K. L. BHAGAT: But if he goes and instigates a strike which jeopardises the economy of the country, he should be prepared to face the consequences. Why should he not? I have respect for him and faith in him. I am sure, he will not do any such thing. But this argument is very fallacious. If the industrial climate has improved, let us improve it further.

I want to say candidly one thing that if our Government have to bring a legislation and I go to the extent of saying that even if you have to change the Constitution you change it and bring about an adequate and proper labour participation in management. This is my feeling. I am also demanding from the Government that this should be done. An urgent attention should be given to it. I know that a number of private industrialists indulge in lots of manipulations and corrupt practices which under the Company law and other laws cannot be adequately dealt with. You must change the laws to stop this loot of private industrialists and

also see that they cannot escape with their malpractices. If you say that, I am with you.

I will not go into the merits of this strike or that strike at the moment. What I am saying is this. Supposing the Railways are paralysed the supply of foodgrains is paralysed, the power stations are paralysed, the cement factories are paralysed, the hospitals are paralysed, the roads are paralysed, the ordnance factories are paralysed, what will happen to our country? Unfortunately, there is an atmosphere of confrontation and conflict and there are some forces of chaos. I have full faith in the working class. The working class has always understood their duty to the nation. I am sure, they will never go with the forces of chaos. I am a representative of the working class. I have been elected with their support. I will stand by them. In case anybody or even if the hon. Home Minister, Mr. Zail Singh, wants to do anything which I feel is wrong, I will stand by the working class.

We all know that a situation of confrontation and conflict is sought to be created in our country. The difficulty is that we are all political people. We have political intentions and motives. We want to improve the economic situation. I do not doubt the intentions of all of you. But there are some people who openly say, "We will paralyse the railways."

I say if you paralyse the rails, Shri Zail Singh will deal with the matter in the way in which he should. Why not, I ask. Therefore, the question is this: that this kind of an atmosphere is being created. My friend Shri Samar Mukherjee is a very senior politician and a very good man, an excellent person and I like his sobriety and his depth of understanding. He went on repeating and so did Shri Somnath Chatterjee. Well, it is IMF. Because of this we have brought this Bill. I

[Shri H.K.L. Bhagat]

would like to know if the World Bank is so bad that we do not want to take loans. I would like to know why, Shri Jyoti Bosu, your Chief Minister, is asking for World Bank loans. If it is that tainted money and if the conditions are bad, why he is asking again and again? Why he went recently to America? The Chief Minister of West Bengal. If he did not go, I am sorry. I did not say about this. Now, Shri Samar Mukherjee said that it is a fundamental right to strike. I said that I do not want to depend on constitutional argument, the constitutional approach. I say that even if the Constitution were to say "Well, no strike", I would say, if normal activity is necessary and if national interests are not adversely affected, in order to get justice to the workers to a large extent "It is all right". I am an admirer of the socialist countries, a very good admirer of; the socialist countries. I recently went to the Soviet Union and came back as a bigger admirer. I do not want to compare the two systems. While you say this is a capitalist system, whatever it is, it is there. Therefore, you cannot compare the two countries. I am not comparing. I am not saying that there is no strike there. They have a different system. We have a different system. Therefore, my submission is that all this tall, exaggerated talk, is being indulged in, only to give a bad name to this Government. We know that there were strikes in certain factories, in Bangalore Telephones. My friends are, I think, they have special love for Mr. Stephen it seems to me.

MR. CHAIRMAN : Mr. Bhagat, you might leave it to Mr. Stephen to give a suitable reply.

SHRI H.K.L. BHAGAT : For 77 days, I believe, there was strike there. Loco strike was there and so on. Now another thing. It is very

interesting. We are giving an impression—I am not talking of the Left; the CPI(M) and the CPI because they have never been in power—though CPM was, of course, a little more open supporter of the Janata Party—that they have to decide their major goals. I would be fair and objective. But is it not a fact that in 1979, the Janata Government passed an Ordinance to ban; the strike in Reserve Bank of India? What case have you? Do you deny this? Again in 1978, in Madhya Pradesh, they also passed an ordinance when they were in power and the Ordinance was to punish people who participate in illegal strikes. That was not exactly this Act. My friend Shri Samar Mukherjee said that the Industrial Relations Bill was brought and it was withdrawn because of; the inner revolt by the Janata Party trade unionists. They came with them in large numbers. Prof. Mukherjee is a much wiser and more experienced man than me. In any case when he wants us to guide him as the Janata Party did, we do not propose to create internal quarrels. I do not believe and he also does not believe that the Janata Government fell because of this issue. The Janata Government fell; because of this reason. I have often said that the office of Prime Minister is like that of a young bride. Everybody wants to have the office of Prime Minister and when old men become crazy for it, the battle is very funny. It becomes a very funny affair and that is why that Janata Party went and it is because of that situation, that the Industrial Relations Bill brought about by Hon. Ravindra Varma, then the Minister, has lapsed. It was not even withdrawn.

It lapsed and now the situation; during the Janata period was less production and more loss. Now, the production has improved in coal, in industry, in power and other matters. You say that it is not much, but we say that it has improved. The situa-

tion became very critical during the Janata rule. My friend, Mr. Vajpayee, who is one of the most forceful orators and who might coin very forceful arguments against this, was also a party to the decision of the Cabinet to bring forth the Industrial Relations Bill. Was it because of internal reaction of his trade-union wing that this Bill was allowed to lapse? No. The situation was entirely different. The situation was critical, very bad. Some figures were quoted of 1977. When you want to see the facts of 1977, you have obviously to go to the situation that obtained in 1976 which, from your point of view, was very bad. But in 1975 and 1976, which gave you an opportunity to come back, it is a fact that discipline on all fronts was observed as a result of which the situation improved. But we lost. That is a fact. When you quote the figures of 1977, you have to see the gift of 1975 and 1976. The country improved, but the Congress lost.

Today, also you are telling us that we will go down the drain, we will go to the dust-bin. I say that we have political motives, we are a Party, we do not want to go, we do not expect to go. But the country is higher than anything else, and for the improvement of the country, if we have to go to the dustbin, we will go; let the country improve. That is, if you think so. But I do not think so.

You have made so many predictions in this House. You have always been the prophets of doom. Many times you had prophesied doom, and unfortunately for you in all the cases your prophecy went wrong. In 1977 you did not win because of you, If you had won because of you, then you would have stayed. This debate will be over tomorrow. Then we will see where you are. Every day a new Party is being formed out of every other Party. Therefore, I can understand your basic thinking.

Suppose Mr. Samar Mukherje^e says, "Well, change the system; bring the socialist system; then there will be no problem", then I can say that you have a point on which you genuinely think; one can understand that. But you are working in the same system, you are fighting the elections, you are swearing in the name of Parliamentary democracy, you have your Chief Minister, you have your MLAs, you have your MPs, you are accepting these rules and regulations; yet, you talk of this. That freedom to talk is also there.

While concluding, I would say that this Bill is not aimed against the workers. The hon. Home Minister was talking of some people acting irresponsibly in trade unionism and some workers taking part in that. Some people amongst us are also there. There is no doubt about that. But the whole point is that this Bill is aimed at further improving the climate in the country, together with another measure which this Government must take. I have no doubt that this Bill is well-intentioned. The idea is to improve the situation. I am sure the working class will, and so, understand its implications. We stand by the working class. We are leaders of the working class. We have stood by them, and we will continue to stand by them, and I am sure they will not allow themselves to be misled by our friends on the other side.

With these words, I conclude, and I thank you, Mr. Chairman, for giving me this time.

श्री चिरंजी लाल शर्मा (करनाल) :
चेटरमैन साहब, हमारे साथी श्री सोमनाथ चटर्जी जो एक एमीनेट लाइयर हैं और जो एक मशहूर वकील के फरजदों-अर्जुमन्द हैं और माया-ए-नाज सपूत हैं, उन्होंने आज अपनी तकरीर के दौरान होम मिनिस्टर साहब को पुलिस मिनिस्टर

[श्री चिरंजी लाल शर्मा]

कहकर, मैं समझता हूँ कि क्या शब्द इस्तेमाल करें, क्योंकि मेरे दिव में तो उनकी बड़ी इज्जत है, शायद इसीलिए कि बंगाल में होम मिनिस्टर को पुलिस मिनिस्टर कहते हैं, वरना होम मिनिस्टर सिर्फ होम मिनिस्टर ही नहीं, सब पुछिए तो सारे देश का निजाम, सारा ला एण्ड आर्डर, सारा एडमिनिस्ट्रेशन यह होम मिनिस्टर के अंडर आता है।

फिर चटर्जी साहब ने कहा कि लेबर मिनिस्टर की बजाय यह दिन होम मिनिस्टर ने क्यों पेश किया, पुलिस मिनिस्टर ने क्यों पेश किया? यह लेबर से मुतालिका नहीं है, इस दिन के अगर सैक्शन 2 की डेफिनिशन को आप देखेंगे :

“essential service” means—

- (i) any postal, telegraph or telephone service, including any service connected therewith,
- (ii) any railway service or any transport service,
- (iii) any service connected with the operation or maintenance of aerodromes,
- (iv) any service in, or in connection with the working of, any major port.....
- (v) any service connected with the clearance of goods or passengers,
- (vi) any service in any establishment of, or connected with the armed forces

so on and so forth.

इस सिलसिले में मैं यह अर्ज करना चाहता हूँ कि यह बिल गृह-मंत्री ने, होम मिनिस्टर ने और उनके मुताबिक पुलिस मिनिस्टर ने ठीक तौर पर पेश किया

है। लेबर मिनिस्टर का इस से खास ताल्लुक नहीं था।

माननीय सदस्य ने बड़े एडजैक्टिव इस्तेमाल किए हैं। इसको ब्लैक ला भी कहा, डिकोन्सिडर ला भी कहा और कितने शब्द इनके दिलो-दिमाग में आ सकते थे, वह सारे इसको आउट-राइट कंडैम करने के लिए उन्होंने इस्तेमाल किये और इस सिलसिले में कहा कि एमर्जेंसी आ रही है, एमर्जेंसी आप-रेणन्ज हैं।

पता नहीं, क्यों उनके दिलो-दिमाग में यह एमर्जेंसी का हौआ अब तक जारी है? एमर्जेंसी से गालिवन बहुत डर लगता है, लेकिन मैं बड़े अदब से यह कहना चाहता हूँ कि जिस एमर्जेंसी को कंडैम करते हुए 1977 में इलैक्शन में ये कामयाब हुए थे और इस ख्याल से ही शायद एमर्जेंसी को सामने लाकर यह दोबारा कामयाब होंगे, 1980 में इलैक्शन में हिन्दुस्तान की जनता ने एमर्जेंसी की पालिसी पर एमर्जेंसी पर मोहरें-तस्दीक सबूत की और दोबारा उसी कांग्रेस को, उसी कांग्रेस पार्टी को, उसी पार्टी की महान नेता श्रीमती इन्दिरा गांधी को दोबारा वजीर किया, दोबारा बरसरे इकतबार लाए, जिस इन्दिरा गांधी ने एमर्जेंसी लगाई थी।

एमर्जेंसी को किसी ने कंडैम नहीं किया था और यह जो कहा जाता है कि एमर्जेंसी के दौरान अपोजिशन की यूनिटी ने इनको कामयाब किया था, मेरे ख्याल में ये लोग गलतफहमी का शिकार हैं। वह कुछ हालात थे, हालात क्या थे, जो फैमिली प्लानिंग, परिवार नियोजन के सिलसिले में सख्ती बरती गई, उस से लोग इस कदर नाराज हुए कि उन्होंने मुसम्मम इरादा कर लिया कि

कांग्रेस को हराना है। उसका क्रेडिट भी अगर इनकी अपोजिशन की यूनिटी को हो तो इतिहास कहां गया था 14 जून को? 1980 के इलैक्शन के बाद हिन्दुस्तान में 7 पार्लियामेंट के इलैक्शन हुए और 23 असेम्बलीज के इलैक्शन हुए, उस वक़्त यह यूनिटी कहां गई थी?

जिस यूनिटी का अभी समर मुखर्जी साहब ने डर दिखाया, हौवा दिखाया, यह हीमा शायद इनके दिमाग पर था, मगर हम ऐसी यूनिटी का स्वागत करेंगे।

चेयरमैन साहब, मैं आपकी बसंत से यह बताना चाहता हूँ कि हिन्दुस्तान की जनता ने इस यूनिटी का तलख तजुर्वा कर लिया है कि मुश्किल तरह के लोग अगर इकट्ठे हों, तो भानमती का कुत्ता कभी इकट्ठा चल नहीं सकता। अपोजिशन की यूनिटी की यह हालत थी कि बगधी में एक ऊंट जोड़ा था, एक घोड़ा जोड़ा था, एक बैल जोड़ा था और एक झोटा जोड़ा था। वह बगधी कभी चल नहीं सकती थी।

सभापति महोदय : गधे को आपने क्यों छोड़ दिया?

श्री चिरंजी लाल शर्मा : उसको मैंने दीदा-ओ-दानिस्ता, जान-बूझ कर छोड़ दिया।

वह यूनिटी हुई थी एक खास मकसद के लिए। उनके इरादे नापाक थे। उस युनाइटेड आपोजिशन ने गांधी जी की समाधि राजघाट पर जाकर कसम उठाई, गंगाजली उठाई। वे लोग मरहूम जय-प्रकाश नारायण की छतरी के नीचे इकट्ठे हुए थे। लेकिन आज कहां है वह आपोजिशन? उस आपोजिशन का शीराज बिखर गया, जूतियों में दाल

बंटने लगी जैसा कि एक मशहूर गाना है, एक दिल के टुकड़े हजार हुए, कोई यहां गिरा, कोई वहां गिरा। कहां है वे आपोजिशन के नेता? कहां है उनकी विचार-धारा? हम तो जनता पार्टी का स्वागत करते, अगर वह असली मानों में एक पार्टी होती, असली जम्हूरियत का जिन्दा सबूत होती, ताकि इंग्लैंड और अमरीका की तरह यहाँ भी दो पार्टियाँ बारी बारी बरसरे-इकतदार होतीं।

हिन्दुस्तान की जनता ने उनको पांच साल तक राज करने का मौका दिया था, लेकिन वे उस ताकत को हज्म नहीं कर सके। 27 महीनों में ही जूतियों में दाल बंटने लगी। हिन्दुस्तान की जनता सौ-काल्ड कलैक्टिव लीडरशिप, मुश्तरका लीडरशिप का तजुर्वा कर चुकी है और अब वह आजमाये हुओं को दोबारा नहीं आजमायेगी। अब उनका यह सपना कभी पूरा नहीं होगा। अगर वे इस बिना पर कांग्रेस पार्टी को डराना-धमकाना चाहते हैं कि आपोजिशन युनाइटेड हो जाएगी, तो मैं आपकी बसंत से बड़े अदब के साथ उनको बताना चाहता हूँ कि कांग्रेस पार्टी ने बड़े बड़े झटके देखे हैं। कांग्रेस पार्टी ने उस बर्तानवी साम्राज्य के दिल की दीवारों को भस्मार किया, जिस के राज में सूरज कभी नहीं छिपता था। जिस कांग्रेस पार्टी के सामने बर्तानिया की सनसनाती हुई गोलियाँ भी फूल बन जाती थीं, युनाइटेड आपोजिशन तो क्या जमीन की कोई ताकत, समुन्दर के तूफान और आसमान की बिजली उसके रास्ते में हायल नहीं हो सकते। वैसे अगर आपोजिशन युनाइटेड हो, तो हम उसका स्वागत करेंगे।

श्री चटर्जी ने कहा कि यू विल नाट लाफ लांग। मैं अर्ज करना चाहता हूँ कि हम तो हंसते हंसते आजादी की लड़ाई

[श्री चिरजी लाल]

लड़ते रहे और हंसते हंसते तीस बरस तक 1947 से 1977 तक राज किया। हिन्दुस्तान की जनता ने इन लोगों को राज करने का मौका दिया, लेकिन पौने तीन साल में ही इनके चेहरों पर जो हंसी और मुस्कराहट थी, वह मातम में बदल गई, जब कि पौने तीन साल के बाद हमारे चेहरों पर फिर निखार आया। क्यों?

न हो रात तो दिन की पहचान क्या,
 उठाए मजा दिन का इन्मान क्या?

जिस ने गरीबी नहीं देखी, वह अमीरी की कद्र नहीं कर सकता। जिस ने गुलामी नहीं देखी, वह आजादी की कद्र नहीं कर सकता। जिसको कांटा नहीं लगा वह फूल की कद्र नहीं कर सकता। अगर हिन्दुस्तान की जनता को पौने तीन वर्ष तक जनता पार्टी और लोक दल के राज को देखने का मौका न मिलता तो वह कांग्रेस पार्टी के तीस वर्ष के राज की इतनी कद्र न करती। मैं चटर्जी साहब को बताना चाहता हूँ कि बी हूँव बिन लार्किंग और बी विस कन्टीन्यू लार्किंग एंड र्शिंग।

चटर्जी साहब ने कहा कि क्रिमिनल प्रोसीजर कोड और इंडस्ट्रियल डिसेप्टस एक्ट वगैरह सब को नेस्तोनाबूद कर दिया गया है। हमारे इरादे नापाक नहीं हैं। क्यों इस आर्डनेंस को लाने की आवश्यकता हुई? क्यों इस बिल को लाने की आवश्यकता हुई? आपने देखा कि 1977 में जनता पार्टी के राज के दौरान लेबर में जनता पार्टी के लिए कोई जगह नहीं थी। इस लिए लेबर में अपनी जगह बनाने के लिए उन्होंने लेबर के रगे-गैरत को उभारा, लेबर को उकसाया, लेबर को भड़काया, देश की एकोनोमी को पैरालाइज किया, इंडस्ट्रीज

को तबाह किया। मैं अपने सोनीपत की बात आपको बताऊँ, सोनीपत में एक रंग उद्योग फैक्ट्री थी जिस में 800 आदमी काम करते थे। लाखों करोड़ों रुपये का सरमाया लगा हुआ था। वह बन्द हुई। आप की जनता पार्टी के नेताओं ने जाकर वहाँ किस तरह से कई यूनियन्स पैदा कीं। आप लेबर की यूनियनों की बात करते हैं। मैं इस चीज के लिए आप को मौरिदे इल्जाम ठहराना चाहता हूँ कि अगर लेबर के अन्दर आपस में तनाव पैदा किया है, फसाद पैदा किए हैं, झगड़े पैदा किए हैं, अपनी लीडरशिप को चमकाने के लिए, अपनी जगह पैदा करने के लिए तो वह आप ने किए हैं। जिस लेबर के अंदर जनता पार्टी की कोई जगह नहीं थी उस के अन्दर अपनी जगह बनाने के लिए यह सब आप ने किए। हमारी एटलस फैक्टरी सोनीपत में आप ने यह किया। जिस एटलस फैक्टरी ने सोनीपत का नाम दुनिया के नक्शे पर पैदा किया वहाँ पर लेबर की पता नहीं कितनी, आठ यूनियन्स बन गई और न सिर्फ यूनियनें बनीं, लेबर ने लेबर के खून की होली खेली और कई मौत के शिकार हुए। आज तक वहाँ की हालत ठीक नहीं हुई। वहाँ न सिर्फ मजदूर बल्कि ऐडमिनिस्ट्रेटिव स्टाफ में जो लोग थे उन को बरसरे आम पीटा गया। यह थी जनता पार्टी की देन जहाँ निजाम का बिल्कुल जिन्दा जनाजा निकाला गया। और ये लोग लेबर के बिल्कुल हमदर्द बन कर यहाँ आकर इस बिल का विरोध करते हैं, कहते हैं कि लेबर का क्या होगा?

मैं यह समझता हूँ कि लेबर के हित में यह चीज है। जहाँ ले आफ वाली चीज आई जिस के लिए जिक्र था कि पहले नहीं थी, तो गवर्नमेंट के पाक इरादे का अन्दाजा इस से लगता है, उन्होंने सोचा कि बिरलाज और टाटाज पर

कौन हाथ लगाएगा, इसलिए इस को ले आए। मगर जहां मेरे मोअज़िज दोस्त लेबर की बात करते हैं, जानी जी ने बहुत शानदार बात कही थी, जानी जी अपनी चिट के लिए तो मशहूर हैं ही....

समापति महोदय : और जान के लिए भी।

श्री खिरंजी लाल शर्मा : इसी वजह से तो लब्ज जानी है। उन्होंने कहा था कि मजदूरों के हमदर्द जा कर मालिकान के साथ डिनर खाते हैं, इस में कोई शक की बात नहीं है।

एक माननीय सदस्य : आप भी जानी हैं, अजानी नहीं।

श्री गिरंजी लाल शर्मा : जानी जी का तो तजुर्बा हमें बहुत पुराना है। मैं हरयाने से आता हूं। वह हमारे पड़ोसी हैं। पांच साल तक डट कर पंजाब के मुख्य मंत्री रहे और इन पांच साल के राज में जो पंजाब ने तरक्की की, पंजाब में जो ला एण्ड आर्डर था, उस के लिए आज भी पंजाब का शहरी जानी जी को खिराजे अकीदत पेश करता है। जानी जी एक अच्छे ऐडमिनिस्ट्रेटर रहे हैं और अपनी हाज़िर जवाबी के लिए तो मशहूर हैं। अटल जी इस चीज पर मोहरे तस्दीक साबिक करेंगे। अटल जी के विटो रिमाक्स का जवाब बड़ी खूबसूरती से उसी पैराये में वह देते हैं।

इस बिल के स्टेटमेंट आफ आबजेक्टस ऐंड रीजन्स पर चटर्जी साहब ने टीका टिप्पणी की। मैं यह अर्ज करना चाहता हूं कि स्टेटमेंट आफ आबजेक्टस ऐंड रीजन्स पढ़ने के बाद इस सदन के मेम्बर्स को कोई ऐडवर्स कमेंट्री की आवश्यकता नहीं थी,

बिलकुल कन्सर्न कोई आवश्यकता उस की रहती नहीं :

“There has been a disquietening trend likely to affect the maintenance of essential services.”

मैं आप से तजुर्बे के आधार पर अर्ज करूं, नवम्बर दिसम्बर के महीने में जब बच्चों के पढ़ाने का समय आता है, आम तौर पर गर्भियों में इतनी पढ़ाई नहीं होती, सर्दियों में स्कूलों और कालेजों के टीचर और प्रोफेसर्स हड़ताल बार देते हैं कि तनख्वाह बढ़ाओ। उन को 12 महीने की तनख्वाह मिलती है। स्टूडेंट्स के पेरेंट्स 12 महीने की फीस देते हैं लेकिन ऐन उस समय जब पढ़ाने का समय आता है नवम्बर, दिसम्बर, जनवरी, फरवरी में उस वक्त वे कह देते हैं कि हम स्ट्राइक करते हैं, नहीं तो, तनख्वाह बढ़ाओ। इसी तरह विजली के महकमे में आज क्या हालत है ? आज एक महीने से बारिश नहीं है। एक तरफ एक हिस्से में बाढ़ आई हुई है और इधर हमारे राजस्थान, पंजाब और हरयाने में कहत के आधार हैं। लाखों ट्यूबवैल्स लगे हुए हैं। चार लाख के बारीब जानी जी ने बताया। मेरे खयाल से तीन लाख से कम हरयाने में भी नहीं हैं। जब जीरी को पानी देने का वक्त आता है, जब गेहूं को पकते वक्त पानी देने का समय आता है, जब कारखाने में प्रोडक्शन करने का और हथियार बनाने का समय आता है तो विजली के कर्मचारी आसन पाटी ले कर पड़ जाते हैं कि हड़ताल करेंगे वरना तनख्वाह बढ़ाओ। अन्दाज़ा लगाइए, ड्राउट एफेक्टेड एरियाज़ में जहां कहत पड़ा हुआ है, जहां अनाज की कमी है। अगर हरयाना की किसी मण्डी से, पंजाब की किसी मण्डी से, राजस्थान को गेहूं भेजना है या जीरी भेजना है या बिहार में भेजना है या उड़ीसा में भेजना है तो उस वक्त रेल ट्रांसपोर्टर पहिया जाम करने की धमकी देते हैं। कहते हैं हमारी मांगें मंजूर करो,

[श्री चिरंजी लाल शर्मा]

हमारी तनख्वाह बढ़ायो नहीं तो हम रेल का पहिया जाम करते हैं।

इसी तरह से आपको मालूम है कि आज टेलीफोन के लिए कितना हाहाकार मचा हुआ है, टेलीफोन मिलते नहीं हैं लेकिन जब उसके लिए रा-मैटीरियल पैदा करने की आवश्यकता होती है तो हमारे भाई, जिनका मक्का-मदीना पीकिंग में बना हुआ है, जिनके गिरजे-गुरुद्वारे न्यूयार्क और फ्रेंसिसको के अन्दर हैं, वे जा कर उन मजदूरों को प्रेरणा देते हैं कि तुम हड़ताल कर दो, हम तुम्हारी मांगों को पूरा करायेंगे। इसलिए मैं यह अर्ज करना चाहता हूँ कि यह एक मुतज्जम नाजिश है, एक पड़ान्व है, मजदूर की हमदर्दी हासिल करने के लिए, कि हम आपके हकूक के मुहाफिज हैं, हम यह करेंगे। मैं कहना चाहता हूँ कि अगर बाढ़ ही खेत खाने लग जाए तो क्या होगा? आज बंगाल में किसकी सरकार है, त्रिपुरा में किसकी सरकार है? क्या बंगाल और त्रिपुरा की सरकार हिन्दुस्तान से बाहर है? क्या इस बिल के खिलाफ उनका बन्द आयोजित करना हरबजानिव है? अगर बंगाल में क्रांटी, कंडोशन पैदा हो जाए लॉ-एंड-ऑर्डर कण्ट्रोल से बाहर हो जाए तो वे जानी जो के दरवाजे पर दस्तक देंगे कि जानी जो रिजर्व पुलिस भेजिए, फौज भेजिए। यह जो आर्डनेंस लाया गया था, जो अब कानून बनने जा रहा है, वह देश के हित में है, उत्पादन के हित में है, लॉ-एण्ड-ऑर्डर के हित में है, ताकि देश की इकोनॉमि खराब न हो और इन्फ्लेशन कम हो। अब अगर इस सिलसिले में वहां की सरकार वहां के सीटिजन्स को प्रेरणा दे कि इसके खिलाफ हड़ताल करो, बन्द करो, तो यह पुटिंग-कोर्ट-बिफोर-दि-हॉर्स है।

चेयरमैन साहब, आप इस बात को मानेंगे कि जब किसी को रोजगार की जरूरत

होती है, तो वह इधर-उधर ठोकें खाता है, सिफारिशें करवाता है, लेकिन जब उसे नौकरी मिल जाती है, तो चटर्जी साहब की पार्टी से ताल्लुक रखने वाले लोग उसको प्रेरणा देते हैं कि हड़ताल करो, दिन में काम न करो, और आफिस आवर्स के बाद ओवर टाइम के लिए डिमांड करो।

मैं यह भी कहना चाहूंगा कि यह जो बिल लाया गया है, इस बिल में सोच-समझ कर बहुत अच्छे प्रोवीजन्स किए गए हैं। आप देखें :

“...dismissal of employee participating in illegal strikes, penalty for illegal strikes, for instructions, penalty for giving financial aid....

आप मुलाहजा फरमाइए, कुछ आदमी हैं जिनका यह पेशा है, वे इसी बात पर जिन्दा है, उनको इसी बात की रोटी मिलती है, कि चढ़ जा बेटा सूली पर, भली करेंगे भगवान। अभी आपने देखा लोको-शैड स्ट्राइक में क्या नतीजा हुआ। अभी बंगलौर में सात दिन की स्ट्राइक हुई, जिसमें 7 मिलियन डेज का नुकसान हुआ ... (व्यवधान) ... चेयरमैन साहब, इस सिलसिले में मेरे दिमाग में बोलने के लिए खयालात का समुद्र है, लेकिन आपकी आज्ञा का पालन करते हुए, जानी जो ने जो बिल यहां पर इण्ट्रोड्यूवस किया है, उसका समर्थन करता हूँ।

SHRI RAVINDRA VARMA
 (Bombay North) : Mr. Chairman, Sir, if my Hon. friend, the Home Minister does not object I shall ignore or over look all evidence to the contrary and go on the assumption that he is a reasonable man, at least that he can see reason in spite of his proven preference for the big stick. I shall, therefore,

attempt to adduce valid arguments in the hope that I might convince him that he should withdraw the Bill.

Sir, the Bill is mainly intended to validate an Ordinance that was promulgated by the Government. The Constitutional prerogative to promulgate an ordinance is to enable the Government to meet the demands of an emergency, when existing powers are found insufficient and when the situation does not permit the Government to wait till Parliament meets to pass a piece of legislation.

My hon. friend has talked of his grave apprehensions. He has got the great privilege of talking of apprehensions without ever spelling them out. To this day, Sir, he has not produced a shred of evidence to prove that an emergency was round the corner and he could not wait till this House met. To declare again and again that 'I have evidence with me, but I will not lay it before the House.' I might say is contempt to the House. But these days contempt to the House is sometimes in doubt. In the absence of evidence, therefore, one has to conclude that the promulgation of the ordinance is an arrant abuse of the Constitutional prerogative, meant to pre-empt a public debate, meant to pre-empt a debate even within the ruling party, meant to short-circuit time-honoured processes that are associated with the passage of a Bill in Parliament, which ensure opportunities for scrutiny, for moderation.

Sir, today we are debating the Clauses of this Bill after it has become a legal fact—accomplished, after it has been smuggled into the Statute Book by my honourable friend. Yet, Sir, we have to ask ourselves these questions—whether this Bill was really necessary? Whether the existing laws did not give the Government sufficient powers to deal with

the situation? Whether the Clauses of this Bill will not sanctify the abuse of authority? Sir, I shall deal with these questions in brief.

Was the Bill necessary?

AN HON. MEMBER : Yes.

SHRI RAVINDRA VARMA : I know your answer. You listen to my arguments.

The Government does not tire of claiming that the industrial situation in the country has improved; that man-days lost have gone down from 40 million or so to 9 to 10 million; that this fall is an index of the improvement of the industrial relations situation. For one moment, Sir, I shall concede this point. If it is true that the industrial situation has improved, then why do you bring a Bill to declare strikes illegal. To make the industrial relations system more one-sided, to make punishment more deterrent, to make implementation more vulnerable to abuse? If wounds are being healed, why, I ask you, do you recommend amputation—amputation of the fundamental Rights of the people of this country? Either the figures are wrong, or the figures are right, but my hon. friend, the Home Minister, has some sinister move up his sleeve, which fills him with the fear that there may be a confrontation; and, therefore, he wants to arm himself to the teeth, and to disarm the working class.

But I must give the Home Minister his due. When the ordinance was born, it was naked like every new-born baby. The naked truth then was evident, viz. that the intention of the Government was to deprive the working class of the right to strike. It was later that the midwife was told that a fig leaf was necessary to cover the naked truth. And it was then that a reluctant reference to lock-outs or lay-out or whatever they were called, appeared in the Bill.

[Shri Ravindra Verma]

In the original form, the Bill was a reflection of a thinking that is repugnant to, and subversive of the basic tenets on which our industrial relations system has been built over years, undoubtedly as a democratic and socialist State, we believe that the State has a right to intervene, that the State has a duty to intervene to protect the weaker sections, that the State has a duty to ensure essential services while preserving the fundamental rights of the weaker sections and the individual. You don't preserve essential services or the life in society or protect the weak by depriving them of their fundamental rights, by threatening them of arrest without warrant, on suspicion, by taking away due processes of law to ensure their own defence. The ordinance, therefore, for the first time, demonstrated Government's willingness to repudiate and renounce this basic tenet. The inclusion of lock-outs in the Bill is an afterthought, admittedly an after-thought, to give the semblance of lip service to the very norms and procedures that the ordinance was designed to circumvent.

That the design of the Government was to circumvent the existing legal framework for industrial relations, cannot be denied by the Home Minister. I presume that he is not innocent of the present legal framework of the industrial relations system. Firstly it is the Home Minister who has, come before this House with this Bill. This is not without significance. It is not the Labour Minister who holds the special responsibility for ensuring industrial harmony and for ensuring a conciliation system which assures the workers a machinery for the settlement of disputes. It is the policeman; I am afraid I have to repeat this: it is the policeman, and not the conciliator who has, asked for additional powers. How else could it be, when the objective of this Bill is to anoint the policeman as the *messiah* of industrial harmony?

I wish my hon. friend would lend me half a ear, if not both his ears. Both the ears—perhaps four ears. I am trying to argue with him. He wanted people to argue with him. As long as at least in this House, argument is allowed, I would say that this Bill virtually supersedes the Industrial Disputes Act. Clause 12 of the Bill says:

“The provisions of this Act and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 or any other law for the time being in force.”

This law, therefore, is a veto. This law, will, therefore, be a law unto itself. It supersedes provisions in the Cr. P.C. in prescribing the manner of trial of the accused. Clause 11 says:

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under the Act shall be tried in a summary way..”

This is not an enabling provision for summary trial; this is a mandatory provision for summary trial, and for all offences under this Act. Then Clause 10 of the Bill makes it possible for any police officer to arrest any person without a warrant of arrest, on mere suspicion. I shall not go into this question in detail, because my learned and erudite friend, the hon. member from Jadavpur has done so.

Now, if the objective is so simple,—hon. friend, the Home Minister is so simple that sometimes I am reminded of a paragon of rustic simplicity. He is disarming in his simplicity; and sometimes I wonder where simplicity ends and naivete begins. That is the most parliamentary word I can summon for the occasion. Now if the objective was to promote industrial harmony, to prevent the economy from being exposed to the risk of

disruptive strikes, to prevent the break-down of essential service necessary for the life of the society, we have no quarrel with these objectives.

Could I ask him two questions? Is the existing Industrial Disputes Act inadequate to provide for the fulfilment of these objectives? No, Sir; it is not. Second: what are the powers that this Bill seeks which the Industrial Disputes Act does not give to the Government? My hon. friend the Home Minister has the responsibility to answer these questions, not by quoting a couplet from some less known or well-known poet, or better known poet, but I wish he should answer these questions.

MR. CHAIRMAN: These couplets are so apt..

SHRI RAVINDRA VARMA: It always depends upon your understanding of the argument and whether the understanding of the argument is absent. (*Interruptions*) Well, I know, my friend, that you have been extolling him and you will get another opportunity to extol him, but why do you use my speech as a peg to hang your praise of him? What are the powers with which this Bill seeks to achieve these objectives? (*Interruptions*) My hon. friend will also be educated if he listens to me. What are the powers with which this Bill seeks to achieve these objectives? The Bill seeks to list essential services; to clothe the Government with the power to declare any industry or undertaking as an essential service; and to prohibit strikes in any essential service. Are these powers not available to the Government in the Industrial Disputes Act? The Industrial Disputes Act specifies public utility services—Perhaps the hon. Home Minister knows this—both in 2(n) 1-5 and the First Schedule as Mr. Stephen knows; I did not want to take his name in vain—that lists further industries which the Government can declare as public utility services. I want the hon. Home Minister to follow my argument because I have a

hope, a lingering hope that he will be convinced and he will withdraw the Bill. (*Interruptions*) I mean it in all earnestness. (*Inetr-ruptions*) Now the cat is out of the bag. The cat mews too much, the cat purrs too much, the cat protests too much, but can the cat also be silent as cats should sometimes be.

And Section 40 of the Act confers on Government the power to add any industry it deems necessary to the First Schedule by a simple process of a Notification in the Gazette, and the First Schedule shall then be deemed to be amended accordingly. Therefore, it is clear that the Government has the power under the Industrial Disputes Act to declare any industry as a public utility service.

Does the Industrial Disputes Act enable the Government to prohibit or prevent strikes in public utility services or essential services once they have been declared as public utility services?

Section 22(1) (a) prevent employees in public utility services from going on strike without giving a notice of 6 weeks, and while conciliation proceedings are in progress.

Section 24(1) lays it down that a strike of lock out shall be illegal if it is commenced in contravention of Section 22 or 23, or if it is continued in contravention of an order made under Sub-section (3) of Section 10 or Sub-Section 4A of Section 10A.

Both these Sections lay it down that :

“Where an industrial disputes has been referred to a Board, a Labour Court, Tribunal or National Tribunal” the appropriate Government may by order, prohibit the continuance of any strike or lock-out in connection with such dispute...etc.”

[Shri Ravindra Verma]

Section 10(1) and 1-a of the existing Industrial Disputes Act clothes Government with blanket powers to refer any industrial dispute or apprehended dispute to a Board or Labour Court or Court of Inquiry Tribunal, etc. for adjudication, and once such a reference has been made as strike will be in contravention of sub-section (3) of section 10 and therefore illegal.

SHRI SOMNATH CHATTERJEE : Punishable under ..

SHRI RAVINDRA VARMA : In the case of public utility services, 10(1) makes it mandatory for the Government to make a reference under the section. It reads :

“Provided that where the dispute relates to a public utility service and a notice under section 22 has been given the appropriate Government shall make a reference under this sub-section.”

Thus, under the existing I.D. Act,—Industrial Disputes Act, if my hon. friend is not familiar with the phraseology—any industrial undertaking can be declared a public utility. No strike then will be legal in such an undertaking without six weeks notice on such a notice being given, the appropriate Government is mandatorily obliged to make a reference of the dispute to the machinery for settling disputes; once such a reference has been made a strike becomes illegal during the pendency of any conciliatory proceedings and seven days after the conclusion of such proceedings. And there is nothing in the I.D. Act which stipulates a time limit for the conclusion of conciliation proceedings.

My friend Mr. Stephen knows that, and he is nodding his head. Sir, today, the Government possesses powers to virtually prevent a legal

strike in any industry. What then does the new Bill seek ? What is the additional power that you seek, hon. Home Minister, if you already have the power to declare any undertaking as essential service ?

SHRI C.M. STEPHEN : You say.... (Interruptions)

SHRI RAVINDRA VARMA : I am coming to that. Why this redundancy ? Why do you throw out the I.D. Act ? There is a purpose. I am going to expose it my friend !

(Interruptions)

MR. CHAIRMAN : Mr. Verma, you may conclude now.

SHRI C.M. STEPHEN : This is one of the argued speeches. Let him have it.

AN HON. MEMBER : He is making a good case.

SHRI RAVINDER VARMA : I will try to finish as fast as I can.

SHRI C.M. STEPHEN : He is arguing. Let him have it.

MR. CHAIRMAN : You conclude it.

SHRI RAVINDRA VARMA : In the Industrial Disputes Act, the power to prohibit strikes is linked with contingent on an effort at conciliation.

SHRI INDRAJIT GUPTA : Notice. Why is the notice given?

SHRI RAVINDRA VARMA : To make an effort to settle the dispute. To make an effort to redress grievances.

SHRI SOMNATH CHATTERJEE : Some sort of a civilised approach.

SHRI RAVINDRA VARMA : This Bill is meant precisely to

liberate the Government from the obligation to refer disputes to conciliation before it prohibits a strike.

SHRI C. M. STEPHEN :
Eureka !

SHRI RAVINDRA VARMA :
Well, you perhaps did'nt see it yourself. Some times one has to interpret it for you. You are a very intelligent man !

AN HON. MEMBER : He is not allowed to speak.

SHRI RAVINDRA VARMA :
It seeks to divest the Government of the (*Interruptions*)

You can answer, Mr. Stephen. I know, in your stentorian voice you will drown all criticism and people will cheer you. And we will pray that the roof does not come down ?

It seeks to divest itself of the responsibility to promote conciliation. It is, therefore, that we say that it is a frontal assault on the Fundamental Rights of the working classes.

Now, Mr. Chairman, you have already said that I do not have much time at my disposal. It is a pity.

MR. CHAIRMAN : I am requesting you to conclude. It does not mean that you should.

SHRI RAVINDRA VARMA :
Under the new Bill any industry can be declared an essential service. Under the new Bill strikes can be immediately prohibited. A strike becomes illegal and attracts penalties of an illegal strike.

19' 00 hrs.

But under the I.D. Act, even in a public utility service a strike becomes illegal only if the dispute has been referred to a Board or other conciliation machinery.

Sir, reference was made to the Industrial Relations Bill that the Janata Government introduced. I do not think I should fall a victim to the idea that there will be differences of opinion brought out on this side of the House. The Industrial Relations Bill was not smuggled into the statute-book. It was not an ordinance. It was a legitimate Bill which was brought before the House.

SHRI P. VENKATASUBBAIAH :
It was withdrawn !

SHRI RAVINDRA VARMA :
It was not withdrawn. The motion before the House was to refer the Bill to a Select Committee. These are the normal processes in a parliamentary democracy to ensure scrutiny and to effect improvement. But even so .. (*Interruptions*) .

MR. CHAIRMAN : Kindly allow him to speak.

SHRI RAVINDRA VARMA :
I am very sorry for my hon. friend who thinks that whenever there is some silence in the House, his voice should be heard !

The Industrial Relations Bill did seek to distinguish between essential services and non-essential services. Let there be no doubt about it. But in the case of essential services, the Bill wanted that strikes and lockouts should become redundant by providing an effective machinery, impartial machinery, for the expeditious settlement of disputes through conciliation, adjudication and arbitration. Therefore, I can stand here and challenge any hon. member to show that like in this Bill, in that Bill also the Government was absolved of the responsibility for reference to conciliation. On the contrary, the whole concept of essential service—as Gianiji said, the desire to ensure continued availability of essential services to society—was linked with

[Shri Ravindra Verma]

the idea of the responsibility of the Government to ensure that any dispute which arises in such an essential service should be immediately and promptly settled with the help of an impartial machinery.

MR. CHAIRMAN : At least on one point you agree!

SHRI RAVINDRA VARMA: There are many points on which we agree, but the conclusions are different. If I had the time and the opportunity, I would talk about the Industrial Relations Bill. There is nothing for me to be ashamed of about it. But this is not the occasion and therefore, I shall just point out this difference and say that the Industrial Relations Bill, therefore, cannot be punctured on this count, on which this Bill can be punctured.

Under the Industrial Disputes Act, a strike becomes illegal if it contravenes section 23 or an order under section 10 or 10A. Under the Industrial Relations Bill which we introduced in this House, though section 92 defines the conditions under which a strike or lockout would be illegal, section 93 says that where there is a dispute as to whether any strike or lockout is illegal, the Labour Court will adjudicate the dispute. Section 93(1) clearly says:

“No order shall be made by the Labour Court under sub-section (2), (3) or (4) unless the person, registered Trade Union of employees or registered Trade Union of employers concerned has been given a reasonable opportunity of being heard.”

Are there any such provisions in this Bill? Perhaps Gianiji will point out tomorrow!

This takes one to the question of penalties for illegal strikes or lockouts. The scheme or trial and punishment in this Bill has to be

examined by looking at three elements:

These are: the conditions for cognising offences, the procedure for trial and the penalties that have been prescribed for various offences.

The Industrial Disputes Act is very circumspect to ensure that the provisions of the Bill are not abused in vengeful, arbitrary and capricious manner. The Act says:

“No court shall take cognisance of any offence punishable under this Act, or of the abetment of any such offence save on complaint made by or under the authority of the appropriate Government.”

But in this Bill, which my hon. friend has introduced, there are no such provisions. On the other hand, Section 10 overrides the provisions of the Code of Criminal Procedure, and says:

“Notwithstanding anything contained in the Code of Criminal Procedure 1973, any Police Officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.”

Any police officer is empowered; no warrant is required; no evidence is required; suspicion is sufficient. Anyone can be arrested without warrant. Even a person who gives a lift to somebody, can be arrested.

What is the procedure for trial in this Bill? My hon. friend, the hon. Member from Jadavpur has already dealt with it and referred to the danger of summary trials and obligatory summary trials of offences.

Now, let us turn to the penalties. This Bill increases the penalty for a workman who goes or remains on an illegal strike, increases the penalty from one month to six months, increases the penalty for instigation

from six months to one year; and increases the penalty for giving financial assistance from six months to one year. Not satisfied with this increase in penalties, the Bill introduces a new combination of penalties for the workman. It provides not only for imprisonment but for dismissal also; not only for depriving him from the freedom but also depriving him and his family of bread. The Industrial Relations Bill of the Janata Government to which my hon. friend has referred, on the other hand, had a specific provision for protection in Section 94 which reads:

“For the removal of doubts, it is hereby declared that a strike or lock-out, whether illegal or otherwise, shall not by itself be deemed to terminate the relationship between the employer and the employees concerned.”

I should also point out as my hon. friend, the hon member from Jadavpur has done, that this Bill enlarges the definition of strike. Anything under the sun now comes under this definition. When you say retardation of production, it becomes a happy hunting ground for any management that wants to harass and persecute workmen with the drastic dire penalties that this Bill provides for.

My hon. friend, the Minister, cannot deny that the existing ID Act does give Government ample powers to declare any undertaking as a public utility service and to prohibit strikes, the real objective of this Bill, therefore, is to liberate the Government from the responsibility to provide a machinery for conciliation, to disarm the workers, arm yourself to the teeth, prevent them from raising demands and provide no machinery for the settlement of the demands. The Government seem to be in panic. Anyone who is in his senses, will know that the

economy cannot be rehabilitated and put on the path to progress without industrial harmony and without co-operation. Even the hon. Home Minister must know that the bayonet is not the best instrument for eliciting cooperation or ensuring industrial harmony. If you sow the seeds of suspicion and repression, you are bound to reap a harvest of sullenness and resentment.

My hon. friends have been on the treasury benches for nearly two years. You talk often of reforms in the system of industrial relations, protecting the workers, workers participation in management. But have you brought forward one piece of legislation to protect the worker, to enlarge his rights, to ensure his welfare to give him a sense of participation, if not partnership? You could not even carry forward what the Janata Government did in this field. (*Interruptions*). This is the best thing that you can do,—to say in chorus: wah, wah. (*Interruptions*) The Janata Government successfully negotiated wage revision agreements with the workers in the coal mines, ports and docks cement and steel banking... (*Interruptions*) I am telling you, why are you not facing the workers... (*Interruptions*)

SHRI C. M. STEPHEN: We have already explained it. (*Interruptions*)

SHRI RAVINDRA VERMA: The real reason is the revision of the wage agreements. These agreements will expire in 1982. you have to negotiate new agreements... (*Interruptions*) Why are you shouting? You will have the chance tomorrow. why are you shouting? Why are you afraid? You are a trade union leader; at least in the past you were.

You are afraid, that you have to negotiate with the workers. Your attitude to wage negotiations has already been exposed in the case of

[Shri Ravindra Verma]

LIC, in the case of other organisations, that you do not believe in collective bargaining, you believe in using your majority here to determine the wages and conditions of work unilaterally. It has been proved. You are not able to control prices, the cost of living is increasing, galloping the dearness allowance instalments are falling due.

SHRI C. M. STEPHEN: The very fact that you are arguing..
(Interruptions)

SHRI RAVINDRA VERMA:
It hurts you now. You are running..
(Interruptions) Sir, you have to protect me.

MR. CHAIRMAN: I am protecting you.

SHRI RAVINDRA VARMA:
You are not protecting me. I am finishing. I am trying to conclude.

They are showing reluctance to pay the dearness allowance instalments that are falling due. Therefore, it is very clear that they are acting in panic; they are afraid, they do not know how they will meet the representatives of workers and handle the demand for dearness allowance and the demand for increase in wages.

SHRI SOMNATH CHATTERJEE:
That is why they cancelled the JCM.

SHRI RAVINDRA VERMA:
They are thinking of freezing wages. They want to go to the negotiating table :

after disarming the workers, after binding them hand and foot, and after arming themselves to the teeth. That is why they have brought this Bill.

MR. CHAIRMAN: He should conclude now.

SHRI RAVINDRA VARMA:
I am finishing. Because they want to ride rough shod over the rights of the workers by arming themselves to the teeth, they have brought forward this Bill and the National Security Act. They believe that these two Acts together will constitute the core power that they enjoyed in the emergency: They are mistaken. This effort will be resisted here and resisted outside.

It is not too late still to read the writing on the wall. I will urge upon my hon. friend, the Home Minister, therefore, to see the path of reason, to desist from the path of confrontation. Let the Ordinance lapse. It is better to be a statesman than a police man; it is much better. Let the Ordinance lapse, withdraw the Bill, depend on the Industrial Relations Bill, follow the path of conciliation and negotiation, give up the path of confrontation.

MR. CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.

19.14 Hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 15th September 1981/Bhadra 24, 1903 (Saka).