

[Mr. Deputy-Speaker]

will be a repetition. Mr. Balan, what is it that you want to say?

SHRI A. K. BALAN (Ottapalam): Sir, 3,000 students are marching towards the Parliament House. Their demands are education for all. So, I request the Minister, through you, to accept their memorandum and he may make a statement regarding this.

SHRI HARIKESH BAHADUR: Sir, he must not be ignored like this. Will you kindly allow him?

MR. DEPUTY-SPEAKER: You can meet the Speaker.

SHRI HARIKESH BAHADUR: No, Sir. We are walking out.

(Shri Harikesh Bahadur and Shri Ashfaq Hussain then left the House)

12.47 hrs.

STATUTORY RESOLUTION RE: Dis-  
APPROVAL OF ESSENTIAL SER-  
VICES MAINTENANCE ORDINANCE  
AND ESSENTIAL SERVICES MAIN-  
TENANCE BILL—Contd.

MR. DEPUTY-SPEAKER: The House will now take up further discussion of the statutory resolution re: disapproval of Essential Services Maintenance Ordinance and also the Essential Services Maintenance Bill.

श्री मोहन लाल सुखाड़िया (उदयपुर) : माननीय उपाध्यक्ष महोदय, एसोन्शियल सर्विसेज के बारे में जो कानून लाया गया है, उसके बारे में जो कल यहां पर भाषण हुए, उनको मैंने गौर से सुना।

सबसे पहले बात तो यह है कि यह जो कानून लाया गया है, उसका मतलब यह नहीं कि इंडस्ट्रियल डिस्प्यूट एक्ट नहीं रहता है। विशेष परिस्थितियों में और वह भी खास एसोन्शियल सर्विसेज के लिये इस कानून को लाने की आवश्यकता पड़ो है। अच्छा होता कि हालात इस प्रकार के न होते कि जिसमें इस कानून को लाने की जरूरत होती, लेकिन जब कि देश मुश्किल हालातों में से निकल रहा है, एक तरफ

हमारी सीमा पर तनाव बढ़ रहा है, दूसरी तरफ हमारे यहां आर्थिक दिक्कत बढ़ती हुई चली जा रही है।

जिस मंहगाई का जिक्र विरोधी पक्ष के माननीय सदस्यों ने किया उसका मुकाबला दंड कर रहा है, ऐसे मौके पर अगर आवश्यक सेवाओं के अन्दर किसी भी प्रकार का गतिरोध उत्पन्न होता है तो वह देश के लिये सबसे ज्यादा खतरों की स्थिति पैदा करने वाली बात होगी।

हम सभी यह जानते हैं कि आम तौर से स्ट्राइक्स केवल इस वजह से नहीं होती कि मजदूरों की यूनियन किसी बाजब मांग को रख रही हो और उस मांग की पूर्ति न होती हो। हमने देखा है कि रेलवे विभाग के सब कर्मचारी रेलवे को चलाना चाहते हैं, लेकिन कहीं एक लोको वर्कशॉप की बांच, कहीं एक वर्कशॉप स्ट्राइक पर जा कर सारी व्यवस्था को अपसेट कर सकते हैं और आवागमन में जबर्दस्त मुश्किल पैदा कर सकते हैं। इसी प्रकार हम देखते हैं कि किसी स्टील प्लांट में या किसी प्रोजेक्ट में कभी एक शाखा वाले और कभी दूसरी शाखा वाले स्ट्राइक करते हैं और उसकी वजह से उत्पादन में रुकावट पैदा होती है।

इतना ही नहीं, यह रात दिन का अनुभव है कि बहुत सी स्ट्राइक्स इन्टर-यूनियन राइवेलरी की वजह से की जाती हैं। कई जगह कोई यूनियन अपनी मांग को बढ़ा-चढ़ा कर इस बात की कोशिश करती है कि वह आर्गनाइजेशन में अपने पांव जमा सके। मजदूरों का काम पर जाना चाहती है, लेकिन एक माइनारिटी ग्रुप असम्भव मांगें पेश कर के मिलिटेंट तरीके से मजदूरों को काम पर जाने से रोक सकता है। मैं उदाहरण दे सकता हूँ कि कुछ अरसा पहले, जबकि जनता पार्टी का राज्य था, हमारे राजस्थान में भीलवाड़ा में जब इनटक ने 20 परसेंट बोनस का फैसला किया, तो बी. एम. एस. ने कहा कि 60% बोनस होना चाहिए, और उस मांग के फलस्वरूप वहां पर 52 दिन तक स्ट्राइक चली। इस स्थिति में क्या हम यह कह सकते हैं कि यह वर्कर्स की मांग थी या

वर्कर्स के हित में इस बात को उठाया गया? तथ्य यह है कि मजदूरों में अपने प्रभाव को बढ़ाने के लिए इस तरह की असंभव मांगें रख कर स्ट्राइक करने के प्रयत्न किए जाते हैं।

आज देश में उत्पादन बढ़ाने की सख्त जरूरत है। श्री सोमनाथ चटर्जी ने इंडस्ट्री-ट्यूट आफ पब्लिक एडमिनिस्ट्रेशन की एक स्टडी का हवाला देते हुए कहा कि स्ट्राइक हुई, लेकिन कारखानेदारों का मुनाफा बढ़ता गया। यह तो ठीक बात है कि अगर स्ट्राइक होती है और उत्पादन कम होता है, तो मुनाफा बढ़ता चला जाएगा। यह मानने का कोई कारण नहीं है कि स्ट्राइक्स की वजह से पूंजीपतियों को कोई नुकसान होता है। स्ट्राइक की वजह से उत्पादन कम होने से पूंजीपति ज्यादा कमाएगा और देश के आम गरीब लोगों को नुकसान होगा। उससे किसी पूंजीपति को नुकसान नहीं होगा।

श्री इन्द्रजीत गुप्त (बसीरहाट) : तां फिर पूंजीपतियों को इस बिल को ओपोज करना चाहिए।

श्री मोहनलाल सुखाड़िया : व्हाई भी पूंजीपति सामने आ कर यह नहीं कहेगा कि हमको स्ट्राइक की वजह से ज्यादा मुनाफा होता है।

पहले कहा गया था कि इसमें लाक-आउट को नहीं रखा गया है। इस बिल में उसका भी प्रावधान किया गया है। लेकिन माननीय सदस्य कहते हैं कि उसका कभी उपयोग नहीं किया जायगा और यह सारा बिल वर्किंग क्लास के एगेंस्ट लाया गया है। मैं समझता हूँ कि वर्किंग क्लास में एक भ्रांति पैदा करने के लिए जान-बूझ कर इस बात को उठाया जा रहा है। कहा जा रहा है कि कांग्रेस की सरकार, श्रीमती इन्दिरा गांधी की सरकार, वर्किंग क्लास को एन्टा-गोनाइज करना चाहती है, उसका विरोध करना चाहती है और उसकी वाजिब मांगों को दबाना चाहती है। मैं समझता हूँ कि कोई भी इस बात को नहीं मानेगा कि डेमोक्रेसी में हिन्दुस्तान की वर्किंग क्लास

को दबाने के लिए, उसके साथ कन्फ्रंटेशन करने के लिए जान-बूझ कर इस कानून को लाया जा रहा है। जान-बूझ कर वर्किंग क्लास के साथ कन्फ्रंटेशन करने के लिए और उस अपना विरोधी बनाने के लिए इस कानून को लाना कोई भी पसन्द नहीं करेगा।

लेकिन अगर कुछ लोग राजनीतिक कारणों से वर्किंग क्लास को एक्सप्लायट कर के देश की स्थिति को बिगाड़ना चाहते हैं, या किसी राजनीतिक कारण से वर्किंग क्लास का उपयोग कर के देश में अराजकता पैदा करने की कोशिश करते हैं, तो मैं समझता हूँ कि इस बात की जरूरत है कि इस प्रकार का कानून सरकार के हाथ में रहे, ताकि जब इस प्रकार की स्थिति उत्पन्न हो, तो इस कानून का उपयोग किया जा सके। यह कानून उसी हालत के अन्दर लागू करने की बात आती है कि जब इंडस्ट्रियल डिस्प्यूट्स ऐक्ट के अन्दर जो मशीनरी प्रावाइडेड है कंसीलेशन की, आर्बिट्रेशन की और एंडजुडिकेशन की उस के होते हुए भी कोई ऐसी स्थिति पैदा हो जाती है। उस प्रोसेस को प्राहिबिट नहीं किया जा रहा है। इन प्रोसेसेज के विद्यमान रहते हुए भी अगर कोई असाधारण स्थिति पैदा होती है तभी इस कानून को लागू करने की बात आती है। यह कहा जाय कि इस कानून के लाने से सारे इस के सम्बन्ध में जो कानून मौजूद हैं वे समाप्त हो जाते हैं तो यह कहना गलत है।

एक तरफ हम सभी यह बात कहते हैं कि रेलों टाइम पर नहीं चलतीं, टेलीफोन ठीक नहीं चलते, पोस्ट आफिसों में काम ठीक नहीं चलते और इन चीजों के बारे में सख्त डिसिप्लिन की आवश्यकता है दूसरी तरफ अगर डिसिप्लिन के लिए कहीं कार्यवाही की जाय और किसी जगह उस की वजह से कोई बात खड़ी हो जाय तो क्या उस को उपयुक्त कहा जायगा? क्या डिफेंस प्रोडक्शन के अन्दर जो एस्टैब्लिशमेंट्स हैं उन के क्या वह अच्छी बात है? मैं समझता हूँ कि मामले में जो प्रयत्न किए जाते हैं कि वहां भी इन चीजों को कर के चला जा सके, वह अच्छी बात है? मैं समझता हूँ कि कोई भी देश विशेष तौर से डेवलपिंग कंट्री, हिन्दुस्तान जैसा देश स्ट्राइक्स भी चलती रहे गैर-वाजिब तरीके से और देश के



[श्री मोहन लाल मुन्नाडिया]

अन्दर यह भी उम्मीद कर के चला जाय कि देश की आर्थिक स्थिति क्यों नहीं तेजी से उन्नति कर रही है, देश के अन्दर प्राइसेज क्यों नीचे नहीं आ रहे हैं, मैं समझता हूँ कि ये विरोधाभास की बातें होंगी। आज दुनिया के अन्दर जिन मुल्कों ने तेजी के साथ प्रगति की है कितनी स्ट्राइक्स वहाँ पर होती हैं? जो कम्युनिस्ट कंट्रीज हैं क्या आज वहाँ पर स्ट्राइक्स होती हैं? क्या उन का इस का अधिकार है? एक पोलैंड के अन्दर बात खड़ी हुई तो उस के अन्दर जमीन आसमान की बात खड़ी होने लगी कि नहीं, यह तो वीकिंग क्लास के खिलाफ कोई बगावत मालूम होती है। लेकिन यह कहा जायेगा कि कम्युनिस्ट कंट्रीज में तो गवर्नमेंट ही उन लोगों की है, यहाँ तो बुर्जुवा गवर्नमेंट है, एथारिटेरियन गवर्नमेंट है, इसलिए इस का अधिकार नहीं होना चाहिए। लेकिन मैं जानना चाहूँगा कि क्या देश के अन्दर अधिक उत्पादन करने का प्रयत्न करना, देश के अन्दर ज्यादा से ज्यादा लोगों की हालत ठीक हों, इस के लिए प्रयत्न करना, क्या इस को बुर्जुवा एटीच्यूड कह कर—चला जाएगा? क्या आज पब्लिक सेक्टर जो देश के अन्दर चलते हैं वे नुकसान में चलते चले जाय और फिर भी वहाँ स्ट्राइक होनी चाहिए?

अभी कुछ दिन पहले मैं कोटा गया था। राजस्थान आज बुरी तरह से विद्युत की कमी की वजह से परेशान है लेकिन तीन महीने तक जो वहाँ नया बिजली घर बन रहा है उसके एक कांटेक्टर के लीवर ने स्ट्राइक कर दिया और सारा काम रुक गया। क्या हम यह कह कर चलें कि बिजली घर में स्ट्राइक होने की नौबत होनी चाहिए? क्या हम यह कह कर चलें कि कहीं रेलवे में स्ट्राइक होनी चाहिए, कहीं कोयले की खानों में स्ट्राइक होनी चाहिए, कहीं पीने के पानी की जो योजनाएँ चलती

हैं वहाँ पर रुकावट होनी चाहिए? कहीं ग्राइनेस फैक्ट्रियों में स्ट्राइक हो तो उस को राइट की तरह समझा जाना चाहिए? आज आप देखें चाहे वेस्ट जर्मनी हो चाहे जापान हो चाहे कम्युनिस्ट कंट्रीज हों, कौन सी ऐसी कंट्रीज हैं कि जहाँ स्ट्राइक भी खूब चलती रहती है और तेजी के साथ वे देश विकास भी करते चले जाते हैं? कुछ चीजें ऐसी स्लोगन बन गई हैं जिन्हें आम तौर पर कह कर चला जाता है कि यह बुर्जुवा गवर्नमेंट है, एथारिटेरियन गवर्नमेंट है या और दूसरे इस तरह के शब्दों को प्रयोग किया जाता है। लेकिन मैं निवेदन करूँ कि हिन्दुस्तान के अन्दर निरर्थक स्ट्राइक जैसी स्थिति पैदा न हो, देश का उत्पादन बढ़े, हमारे इन्फ्रा-स्ट्रक्चर बढ़ें जिन में हम उन्नति करने लगे हैं जैसा कि यहाँ दक्त दक्त पर बतलाया गया है कि ट्रांसपोर्ट में उन्नति हुई है, बिजली के उत्पादन में उन्नति हुई है, कोयले के उत्पादन में उन्नति हुई है, और दूसरे क्षेत्रों में उन्नति हुई है और उस रफ्तार को और तेज करने से देश आगे बढ़ेगा, लेकिन अगर उस में कुछ लोग मिल कर के अलग अलग जगह अड़चनें पैदा करें तो क्या उस से लाभ होने वाला है?

दुर्भाग्य की बात है कि यहाँ पर कन्फ्रान्टेशन की एक नीति चलती है। आज देश में आवश्यकता इस बात की है कि जब यह सब कहते हैं कि त्राइसिस का समय है, देश के हालात आर्थिक दृष्टि से खराब हैं, तो क्या इस बात की आवश्यकता नहीं हो जाती है कि सब मिलजुल कर के चलें? मैं एसेंशियल सर्विसेज की ही बात नहीं करता, मैं तो कहता हूँ सभी क्षेत्रों में मिल-जुल कर ऐसी स्थिति देश में पैदा की जाय जिस में कि उत्पादन पर पूरा ध्यान दिया

जाय। अगर जरूरत हो तो लॉग टर्म एग्रीमन्ट्स किए जायें लेकिन स्ट्राइक्स को रोक कर देश में उत्पादन के ऊपर ज्यादा से ज्यादा ध्यान दिया जाए ताकि उत्पादन बढ़ सके और देश की आर्थिक शक्ति को हम ज्यादा से ज्यादा बढ़ा सकें।

इस बात पर भी जोर दिया गया कि यह कानून इसलिए लाया गया है कि आई० एम० एफ० वालों ने इस कानून को लाने के लिए भारत सरकार को मजबूर किया है। मैं समझता हूँ यह एक गलत हवा बनाने का व्यवस्थित प्रयास है, एक सिस्टेमेटिक प्रोपेगण्डा है कि यह कह कर चला जाए कि आई० एम० एफ० के टर्म्स हैं जिनकी वजह से यह किया जा रहा है। मेरी तो यह निश्चित मान्यता है और वक्त पर यह चीज सामने आयेगी कि कभी भी श्रीमती इन्दिरा गांधी ने जो, हमारी प्राइम मिनिस्टर है, जो हमारे आन्तरिक अधिकार है उनके मामले में किसी भी बड़े से बड़े देश से कोई गलत काम्प्रोमाइज नहीं किया है जिस से कि इस देश के सम्मान को धक्का पहुंच सके। आज भी हमको यह मानकर चलना चाहिए कि जो हमारे देश की आर्थिक नीति है, हमारी प्लानिंग होती है और जो राजनीतिक व्यवस्था बनाकर हम चलते हैं इस में किसी से भी किसी प्रकार का कोई काम्प्रोमाइज नहीं किया जायेगा। आई० एम० एफ० की दलील देकर एक गलत बात पैदा की जा रही है, एक प्रकार का भ्रम पैदा किया जा रहा है हालांकि किसी के पास कोई सबूत नहीं है कि आई० एम० एफ० के साथ किसी प्रकार का कोई समझौता हुआ है फिर भी रोज आई० एम० एफ० का नाम लेकर कहा जा रहा है कि आई० एम० एफ० की शर्तों के कारण ही इस बिल

को यहाँ पर लाया गया है। इसलिए आप मेहरबानी कर के इस बिल के ऊपर यहाँ आप बहस करें तो आई० एस० एफ० के प्रेशर की वजह से यह किया जा रहा है, इस दलील को लेकर न चलें तो बहुत अच्छा होगा।

हमारे समर मुखर्जी साहब ने कहा कि 1975 में जो कानून लाए गए थे उनकी वजह से विरोध पक्ष को एक होने का मौका मिला था और आज यह कानून भी उसी तरह का है। मैं निवेदन करना चाहता हूँ कि इस प्रकार की बात कह कर, इस कानून की जो वास्तविकता और आवश्यकता है उसको दरकिनार करने, से कोई लाभ नहीं होगा। जहाँ तक सन् 1975 में एक होने की बात थी यह बात सभी लोग जानते हैं कि अगर आपकी तरफ से फेमिली प्लानिंग का गलत प्रचार न किया गया होता तो आप लोग कभी भी चुनाव में कामयाब होने वाले नहीं थे।

मुखर्जी साहब ने चैलेंज दिया कि फर वही समय आ रहा है। लेकिन यह तो समय बतलाएगा कि आगे क्या होने वाला है परन्तु एक चीज जरूर मालूम हो रही है कि विरोध पक्ष दिन व दिन टूटता जा रहा है। यह वास्तविकता हमारे सामने आती जा रही है। और अगर इस कानून से आप आपस में जुड़ सकते हैं तब तो आपको हमें धन्यवाद देना चाहिए कि आपको जुड़ने के लिए एक मौका और दे दिया गया लेकिन आप जुड़ने वाले नहीं हैं। हम जानते हैं कि यह कानून बनने के बाद भी आप हर कारखाने में और हर जगह आपस में लड़ने वाले हैं।

आज बंगाल में जो विजली की कमी हो रही है उसका कारण यह है

[श्री मोहन लाल सुखाड़िया]

कि इन्टर यूनियन राइवलों की वजह से जितना बिजली का उत्पादन होना चाहिए वह नहीं हो पाता है। (व्यवधान) आप यह कहते हैं कि हमारी गवर्नमेंट एथारिटेरियन है लेकिन मैं यह कह सकता हूँ कि आज हिन्दुस्तान में अगर सहाय मायनों में कोई एथारिटेरियन गवर्नमेंट है तो वह वेस्ट बंगाल की सरकार ही है। सभी लोग जानते हैं कि आप कितनी आजादी दूसरों को देते हैं। आप अपने को छिपाने के लिए दूसरों का एथारिटेरियन कहते हैं। (व्यवधान)

SHRI SOMNATH CHATTERJEE (Jadavpur): At least you will not be detained under NSA in West Bengal.

श्री मोहन लाल सुखाड़िया: Thank you very much. मैं यह कहना चाहता हूँ कि यह बिल जो यहाँ पर लाया गया है वह देश के हित में है और हमें यह मानकर चलना चाहिए कि इसका दुरुपयोग नहीं होगा। अत्यन्त आवश्यक परिस्थितियों के अन्दर इसका उपयोग किया जाएगा। लेकिन साथ-साथ मैं श्रम मंत्री जो से अवश्य कहना चाहूँगा कि जो हमारा कन्सिलियरी मशानरी है, जो लेबर डिपार्टमेंट है, जब इस प्रकार का कानून बनाते हैं तो कन्सिलियरी मशानरी और लेबर डिपार्टमेंट को काफ़ी एक्टिव होना चाहिए जिस से कि बहुत सा चोज़ उसी मौके पर और उसी जगह पर सोल्व को जा सके। इस प्रकार का मौका न मिले कि उनकी बातों को सुने बिना कोई स्ट्राइक की स्थिति पैदा हो।

इन शब्दों के साथ उपाध्यक्ष महोदय आपको धन्यवाद देता हूँ कि आपने बोलने के लिए मुझे समय दिया।

SHRI SOMNATH CHATTERJEE: Is the hon. member saying that it is being violated by the Labour Ministry?

SHRI MOHAN LAL SUKHADIA: I am saying that they should be alert.

श्री अटल बिहारी वाजपेयी (नई दिल्ली): उपाध्यक्ष महोदय, मैंने सुखाड़िया जी के भाषण को बड़े ध्यान से सुना।

श्री मोहन लाल सुखाड़िया: अब मैं आपका सुनूँगा।

श्री अटल बिहारी वाजपेयी: अच्छा हुआ वे कलकत्ता नहीं गए नहीं तो हम उन भाषणों से वंचित हो जाते, लेकिन मुझे ताज्जुब है कि इस अध्यादेश के अन्तर्गत उनकी भेवाओं को पश्चिम बंगाल के लिए आवश्यक रूप से प्राप्त क्यों नहीं कर लिया गया। पश्चिम बंगाल के लिए अगर आपकी यह धारणा है कि सब से ज्यादा अधिनायकवाद शासन पश्चिम बंगाल में चल रहा है, तब तो आपको वहाँ पर राज्यपाल बनाना भी नहीं चाहिए था। शायद आपको राज्यपाल बनाने का प्रस्ताव इसीलिए आया कि पश्चिम बंगाल की सरकार के बारे में यह आपकी धारणा है। उपाध्यक्ष जी, मुझे ताज्जुब है कि आज गृह मंत्री जी भी सदन में नहीं हैं।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): He is having a Calling Attention on an important matter in the Rajya Sabha. He will be coming here soon.

श्री अटल बिहारी वाजपेयी: श्रम मंत्री महोदय तो इस मामले में संबंध रखते हैं नहीं हैं। ऐसा दिखाई देता है कि मजदूरों के मामले का, सार्वजनिक

उद्योग में काम करने वाले कर्मचारियों के मामले का और केन्द्रीय कर्मचारियों के मामले का संबंध गृह मंत्रालय से है। गृह मंत्रालय के सामने सब से बड़ी समस्या यह है कि इन मजदूरों को ठीक कैसे किया जाए। गृह मंत्रालय को यह चिन्ता नहीं है कि बढ़ती हुई मंहगाई के कारण जिसके फलस्वरूप दिन प्रति दिन उन की वास्तविक आमदनी कम हो रही है, उनके लिए परिवार का भरण-पोषण करना मुश्किल हो रहा है, उस में मजदूरों को और कर्मचारियों को राहत कैसे दी जाए। आखिर पिछले 18 महीने का इस सरकार का रिकार्ड क्या है, आर्थिक क्षेत्र में? जब इस सरकार ने सत्ता संभाली तो होन्सेल प्राइम इन्डेक्स 223 था और इस समय प्राइम इन्डेक्स 289 है। दूर महीने चार प्वाइंट से ज्यादा की वृद्धि हो रही है। लगी-बन्धी तत्काल पाने वाले मजदूरों और कर्मचारियों पर इसका क्या असर हो रहा है? केन्द्रीय कर्मचारियों को मंहगाई भत्ते की तीन किश्तें मिल जानी चाहिए थी। जनता पार्टी के राज में कर्मचारियों को मंहगाई भत्ते के लिए आन्दोलन नहीं करना पड़ा था। क्या केन्द्रीय कर्मचारी चुप बैठे रहें? आप आवाज उठाने का अधिकार भी उन से छीन लेना चाहते हैं। अब सरकार तयारी कर रही है कि आधे मंहगाई भत्ते को इम्पाउण्ड किया जाए। केन्द्रीय कर्मचारियों का खर्च कैसे चलेगा। मंहगाई भत्ते के लिए केन्द्रीय कर्मचारी जिम्मेदार नहीं हैं। ये मंहगाई भत्ता नहीं चाहते हैं, बल्कि मूल्यों में स्थिरता चाहते हैं। 1978 में जो कीमतें थीं, यह सरकार उस स्तर पर कीमतों को ले आये, असन्तोष कम हो जायेगा। लेकिन कीमतें बढ़ रही हैं, यह सरकार उन्हें रोकने में असफल रही है और अब तैयारी कर रही है कि वेज-फ्रीजे कर दी जायें, बोनस

की मांगों को दबा दिया जाय, केन्द्रीय कर्मचारियों का आधा मंहगाई भत्ता उनकी इच्छा के खिलाफ सरकारी खजाने में जमा कर दिया जाय, बिगड़ती हुई आर्थिक स्थिति के कारण जो भी मजदूर अपनी न्यायोचित मांगों के लिए आवाज बुलन्द करे उस को जेल में बन्द कर दिया जाय।

उपाध्यक्ष महोदय, इस सदन में परस्पर विरोधी तर्क दिए जा रहे हैं। मैंने गृह मंत्री महोदय का इन्टरव्यू टेलिविजन पर देखा था। उन से पूछा गया कि पार्लियामेंट की बैठक होने वाली थी तो उसी समय अध्यादेश निबालने की क्या जरूरत थी? बड़े भोलेपन से गृह मंत्री ने कहा—पार्लियामेंट की बैठक का समय तय करना पार्लियामेंट आफ़ेअर्स मिनिस्टर का काम है, मैं तो गृह मंत्री हूँ मेरा काम यह देखना है कि देश में सब कुछ ठीक-ठाक चलता है या नहीं चलता है। एक सफ़ मरवार कहती है—एक से इस अध्यादेश का, इस वाले अध्यादेश का, मजदूरों और ट्रेड यूनियनों के अधिकारों पर हमला करने वाले अध्यादेश का उपयोग नहीं किया, तब फिर इस अध्यादेश को निबालने की क्या जरूरत थी, क्या मरवार पार्लियामेंट के अधिवेशन तक रुक नहीं सकती थी?

उपाध्यक्ष महोदय, मुझे याद आती है—स्पीकर मादलंकर की। स्पीकर मादलंकर ने एक बार यह फैसला किया कि सदन के अधिवेशन को प्रारंभ नहीं किया जायेगा और चूंकि प्रारंभ नहीं किया जाएगा इस लिए सरकार अध्यादेश नहीं निबाल सकेगी। अध्यादेश असाधारण परिस्थितियों में निबाला जाना चाहिए, लेकिन अध्यादेश निकले जाते हैं—इस लिए नहीं कि आवश्यक है—



[श्री अटल बिहारी वाजपेयी]

मुद्रास्फोटन को रोकने में अपनी विफलता पर पर्दा डालने के लिए, इस आरोप का खण्डन करने के लिए कि जो सरकार इस वायदे पर चुना गई थी कि कुछ कर के दिखायेंगे वह कुछ नहीं कर रही है, तो घबराहट में, हड़ताल में, पैकिंग में, भविष्य की आशंकाओं से भयभीत हो कर सरकार ने अध्यादेश को तलवार निकाला है। वित्त मंत्री ने वायदा किया था—पैकेज का, एन्टो-इन्फ्लेशनरी पैकेज का, वह पैकेज कहाँ है? उस पैकेज में से यह काला अध्यादेश निकला है।

क्या कोमलों को रोकने के लिए कोई दूसरे कदम उठाए जा रहे हैं, कोई ठोस चोज की जा रही है? कर्मचारियों के असंतोष को आप दमन के द्वारा दबा सकते हैं, लेकिन शान्त नहीं कर सकते, समाप्त नहीं कर सकते। मैं नहीं जानता—कौन सी मजदूरों को इस अध्यादेश को निकालने की। हम नहीं चाहते मजदूर कर्मचारों हड़ताल करें। हड़ताल आखिरी हथियार होना चाहिए, लेकिन हड़ताल के अधिकार को छानने के बजाय ऐसा रास्ता निकालने की जरूरत थी जिस में हड़ताल करने की नीबट हो न आये। लेकिन इस सरकार ने कर्मचारियों के साथ जो कुछ किया, रेलवे के लाखों कर्मचारियों के साथ जो व्यवहार कर रही है उस से अगर कर्मचारियों के मन में यह सन्देह पैदा हो कि सरकार उनकी कलैक्टिव—बारगेनिंग के अधिकार को छानना चाहती है तो कर्मचारियों और मजदूरों को दोष नहीं दिया जा सकता। हम नहीं चाहते कि रेलें रुकें लेकिन रेल मजदूरों पर सेबोटाज के झूठे आरोप लगा कर, निराधार आरोप लगा कर आप रेलों में औद्योगिक शान्ति नहीं रख सकते। दुर्घटनाओं के लिए रेल मंत्री जिम्मेदार है, रेलवे बोर्ड जिम्मेदार है। त्रिपाठी जी

को इसलिए हटा दिया था कि रेलें ठीक से चलती नहीं थीं और पांडे जो के जमाने में रेलें नदी में गोता लगा रही हैं। अब पांडे जो को छुआ नहीं जाएगा। रेलवे बोर्ड के चेयरमैन इन दुर्घटनाओं के लिए जिम्मेवार नहीं टहराए जा रहे हैं और कर्मचारियों को बलि का बकरा बनाने की कोशिश की जा रही है। लोको कर्मचारियों को एक रेलवे से दूसरी रेलवे में देश में एक कोने से दूसरे कोने में स्थानान्तरित किया जा रहा है। आप कह सकते हैं कि तबादला करना कोई मजा नहीं है मगर दूसरे शहरों में जाकर मकान लेना कितनी बड़ी समस्या है, इस को हम में से बहुत से लोग अनुभव करते हैं। उन्हें परेशान करने का प्रयत्न हो रहा है। अब अगर उन में असंतोष बढ़ेगा तो यह अध्यादेश तैयार है। बिना वारेन्ट के पकड़ा जा सकता है, ममरी ट्रायल हो सकता है छः महीने के लिए जेल में डाला जा सकता है। आप समझते हैं कि ये कदम कारगर होने वाले हैं। ये कदम कारगर नहीं होंगे। 1974 में भी नहीं हुए थे मगर पता नहीं घटनाचक्र धीरे-धीरे 1975 की ओर जा रहा है, आपात-स्थिति की ओर जा रहा है। मैं नहीं जानता इस देश की क्या स्थिति होगी। मैं नहीं जानता कि भारत के भविष्य में क्या लिखा हुआ है मगर धीरे-धीरे घटनाचक्र उधर जा रहा है और सभी विवेकशाल, सभी दूरदर्शी व्यक्ति इस बात को देख सकते हैं मजदूरों के अधिकारों पर हमला, यह समस्या का बुनियादी हल नहीं है।

MR. DEPUTY-SPEAKER: You are going to come back to power if it is like this. Why should you oppose this Bill?

SHRI ATAL BIHARI VAJPADEE: I am afraid about you. I hope when we

come to power again, you will be with us.

डा० कृपासिन्धु भोई (सम्बलपुर) : एग्रीकल्चरल लेबरर्स के बारे में एक बात नहीं बोल रहे हैं।

श्री अटल बिहारी वाजपेयी : आप बोलिए, मेरे पास समय सीमित है। वह विषय में आप के लिए छोड़ देता हूँ।

डा० कृपासिन्धु भोई : 90 परसेंट लोगों के लिए नहीं बोलते, 10 परसेंट लोगों के लिए इतना बोल रहे हैं।

श्री अटल बिहारी वाजपेयी : आप भी तो 10 परसेंट के लिए यह बिल लाए हैं, तो मैं उसी पर बोल रहा हूँ। आप अगर खेतिहर मजदूरों के लिए कानून लाते कि जो न्यूनतम वेतन उनके लिए तय किया गया है वह उनको नहीं मिलेगा, तो मालिकों के खिलाफ कार्यवाही की जाएगी और जो सरकारें अमल नहीं कराएंगी, तो उन के खिलाफ कार्यवाही की जाएगी, तो हम उस में आप का साथ देंगे।

डा० कृपासिन्धु भोई : आप को भी कुछ उन के बारे में कहना चाहिए। •

श्री अटल बिहारी वाजपेयी : मुझे क्या कहना है, यह इन को बताना चाहिए, उपाध्यक्ष महोदय महंगाई के लिए सरकार की गलत आर्थिक नीतियाँ जिम्मेवार हैं और बढ़ता हुआ भ्रष्टाचार जिम्मेवार है। पंजाब के किसानों से 130 रुपये प्रति क्वींटल गेहूँ खरीदा गया और बम्बई में वह गेहूँ 3 रुपये 30 पैसे प्रति किलो और 3 रुपये 50 पैसे प्रति किलो बिक रहा है।

एक माबनीय सदस्य : लोक दल जिम्मेवार है।

श्री अटल बिहारी वाजपेयी : इसके लिए कोई दल नहीं बल्कि दलदल में फंसी हुई यह सरकार जिम्मेवार है। जिले से जिले में अनाज ले जाने पर रोक है। किसी हड़ताल की वजह से नहीं, कर्मचारियों के आन्दोलन की वजह से नहीं बल्कि इस लिए कि आप रोक लगा कर परमिट जारी करने का अधिकार लेना चाहते हैं और परमिट के द्वारा पैसा कमाना चाहते हैं।

उपाध्यक्ष महोदय, एक महीना हो गया जबकि मैंने प्रधान मंत्री जी को एक पत्र लिखा था लेकिन उस पत्र की पावती भी मुझे नहीं मिली है। वे बहुत व्यस्त हैं। उन्हें सदन में आने का समय भी नहीं है।

श्री एम० रामगोपाल रेड्डी (निजामाबाद) : यह जो आप कह रहे यह सही नहीं है तीन दिन में उन का उत्तर आ जाता है।

श्री अटल बिहारी वाजपेयी : मैं आपको अपना अनुभव बता रहा हूँ। अगर आपका अनुभव भिन्न है, तो आप सौभाग्यशाली हैं, मैं आप से ईर्ष्या करता हूँ।

मैंने प्रधान मंत्री जी को पत्र लिख कर यह मांग की है कि जिन परिस्थितियों में कुछ कंपनियों को एडिविल आयल इम्पोर्ट करने के लाइसेंस दिए गए, उन की जांच होनी चाहिए। इन खाद्य तेलों की आयात करने की कीमत 5 हजार रुपये मीट्रिक टन है जब कि उन का बाजार भाव 9 हजार, 10 हजार रुपये प्रति मीट्रिक टन है। एक मीट्रिक टन पर चार या पांच हजार का मुनाफा है। एक कंपनी है जिस का नाम है प्रभात सालवेंट रिकंस्ट्रक्शन कंपनी प्राइवेट

[श्री अटल बिहारी वाजपेयी]

लिमिटेड। उसे 9-4-80 को 2 करोड़ 12 लाख 78 हजार 400 रुपये का खाने का तेल आयात करने का लाइसेंस दे दिया गया। पहले इस कम्पनी को लाइसेंस देने से मना कर दिया गया था। कम्पनी सरकार के इस फैसले के खिलाफ दिल्ली हाई कोर्ट में गई। हाई कोर्ट ने रिट को रद्द कर दिया और फैसला दिया कि इस कम्पनी को लाइसेंस पाने का अधिकार नहीं है क्योंकि लाइसेंस के लिए दरम्भास्त भेजने की जो अन्तिम तिथि थी उसके बाद कम्पनी ने अपना आवेदन दिया था। रिट रद्द हो गई लेकिन लाइसेंस जारी कर दिया गया। दो करोड़ के लाइसेंस का मतलब है चार करोड़ का मुनाफा। यह मुनाफा किस की जेब में गया? क्या उस कम्पनी के मजदूरों को यह बात मालूम नहीं है? क्या मुनाफा केवल कम्पनी के मालिकों के पास गया कि वे उस में हिस्सा बंटाएं? कौन कौन हैं हिस्सेदार?

एक और प्राइवेट कम्पनी है एसो-निएटिड आयल इन्डस्ट्रीज कोइम्बेटर। लाइसेंस के लिए उसका आवेदन भी रद्द कर दिया गया था। 6-2-79 को कंट्रोलर, इम्पोर्ट्स इम्पोर्ट्स एक्सपोर्ट्स ने उनके आवेदन पर एक नोट लिखा था। मैं नोट पढ़ रहा हूँ।

"That your application recorded in this office only on 23rd December, 1978 i.e. after the expiry of the last date of receipt of applications dated 18th December, 1978. Hence your application is hereby rejected as time barred."

फिर भी इस कम्पनी को आयात लाइसेंस दे दिया गया। 29 करोड़ का लाइसेंस केवल एडीबल आयात इम्पोर्ट्स करने के लिए दिया गया। मैंने प्रधान मंत्री से कहा था कि इस मामले की जांच होनी चाहिए अगर एडीबल आयात जो इम्पोर्ट किया

जाता है वह देश में मंहगी कीमत पर बिकेगा और आम आदमी के मन में यह धारणा होगी कि राज नेताओं और उद्योगपतियों के बीच में एक अपवित्र गठबन्धन हो गया है तो फिर आप मजदूरों से कर्मचारियों से ईमानदारी से काम करने की अपील नहीं कर सकते हैं, उन्हें हड़ताल नहीं करने की अपील भी करेंगे तो उसका असर नहीं होगा कौन नहीं चाहता कि मजदूर ठीक काम करें? लेकिन मजदूर ठीक काम करें तो अफसर भी ठीक काम करेंगे या नहीं? अफसर अगर ठीक काम करेंगे तो राज नेता कैसे काम करेंगे? जिस तरह से हम संसद चला रहे हैं वह देश में लोकतंत्र को मजबूत करने का तरीका नहीं है।

एक माननीय सदस्य: आप इसके लिए जिम्मेदार हैं।

श्री अटल बिहारी वाजपेयी: हम इसके लिए जिम्मेदार हैं, मंहगाई के लिए भी हम जिम्मेदार हैं, जो हड़तालें होने वाली हैं उन के लिए भी हम ही जिम्मेदार हैं, लाला जगत नारायण की हत्या हो गई उस के लिए भी हम जिम्मेदार हैं और आप सत्ता में आए तो उसके लिए भी हम ही जिम्मेदार हैं। यह सही बात है न? बात समझ लीजिए कि हमारी दज्जह से आपको जाना भी होगा। लेकिन यह आप नहीं मानेंगे।

उपाध्यक्ष महोदय, आपने घंटी बजा दी है। मैं अपील करना चाहता हूँ। मेरे लिए यह अध्यादेश का मामला पाकीजा मामला नहीं है। यह ठीक है कि आज देश में संकट है भारी संकट है, देश धीरे धीरे अराजकता की ओर जा रहा है लेकिन इसको रोकने का तरीका अधिनायकवाद नहीं है। यह प्रहार अब

काम नहीं करेगा। एक हथियार एक बार चलता है धीरे धीरे वह अपनी धार खोता जाता है। अगर इस देश को चलाना है तो लोगों की सहमति से, सब की सलाह से चलाना पड़ेगा। लेकिन सरकार जिस तरह से आचरण करती है उसका मैं एक छोटा सा उदाहरण देना चाहता हूँ। सरकारी विभागों में कैंटीन चलता है, टिफिन रूम चलते हैं।

11 दिसम्बर, 1978 को हम ने एक एलान कर दिया था गृह मंत्रालय की ओर से कि कैंटीनों में काम करने वाले कर्मचारी सरकारी कर्मचारी माने जाएंगे उनको वे सब सुविधाएँ प्राप्त होंगी जो केन्द्रीय कर्मचारियों को प्राप्त होती हैं। अभी तक उस विज्ञप्ति के अनुसार आचरण नहीं हुआ। कैंटीनों से काम करने वाले कर्मचारी केन्द्रीय दर पर मंहगाई भत्ता नहीं पा रहे हैं। उनके लिए 95 रुपये प्रतिमाह तय कर दिया गया है, ना कम ना ज्यादा। मंहगाई बढ़ेगी लेकिन उनका भत्ता नहीं बढ़ेगा। कैसे संतुष्ट कर सकते हैं आप उनको उन्होंने बोट-क्लब पर रैली की थी, मैंने उनको हड़ताल पर जाने की सलाह नहीं दी, मगर उन से कोई भी बात करने के लिए तैयार नहीं है।

उपाध्यक्ष महोदय, मजदूरों की समस्याएँ हल करने के लिए अगर समझौते के द्वारा, बातचीत के द्वारा, आवश्यकता पड़े तो मध्यस्थता के द्वारा और पंच-फैसले के द्वारा अगर निर्णय नहीं होंगे तो समस्याएँ बिगड़ेंगी, समस्याएँ उग्र होंगी और यह डंडा दिखाकर जानी जी ...।

गृह मंत्री (श्री बल सिंह) : डंडा तो बाद में दिखाएंगे।

श्री अटल बिहारी वाजपेयी : डंडा बाद में दिखाएंगे। जानी जी आप इरादे छिपाते नहीं हैं।

श्री इन्द्रजीत गुप्ता : पहले विटामिन टैबलेट खाएंगे, बाद में डंडा दिखाएंगे।

श्री अटल बिहारी वाजपेयी : मैं चाहता हूँ कि आप इस विधेयक पर फिर से विचार करिए और जो राष्ट्रीय संकट घिरता जा रहा है, उसको टुकड़ों में मत देखिए।

सन 1977 में ऐसी स्थिति आई थी कि हम ने विदेशों से अनाज मंगाना बन्द कर दिया था। चार साल में ही आपने हिन्दुस्तान को वाशिंगटन के बाजार में भीख का कटोरा लेकर फिर से खड़ा कर दिया। इसलिए नहीं कि हिन्दुस्तान में गेहूँ कम पैदा हुआ है, बल्कि इसलिए कि आपकी निकम्मी सरकार गेहूँ वसूल नहीं कर सकी है। पंजाब और हरियाणा के मुख्य मंत्री किसानों से गेहूँ वसूल करने के बजाय गढ़वाल में बहुगुणा को हराने में लगे हुए थे, पुलिस लेकर गए थे। किसानों को अधिक कीमत देकर गेहूँ नहीं खरीद सकते थे।

आज मैं पंजाब का दौरा कर के आया हूँ। वहाँ पर सूखा पड़ रहा है, धान पीला पड़ रहा है, खड़ी फसल सूख रही है, आसमान धोखा दे गया है, किसान को बिजली नहीं मिल रही है, डीजल के लिए फिर से लाइनें लगी हुई हैं। किसान भी भड़क सकता है। यह बिल किसान को काबू में नहीं रख सकता। देश ज्वालामुखी के मुख पर बैठा है। इस तरह से बिल लाकर और तनाव पैदा कर के आप समस्याएँ हल नहीं कर सकते। इस से पहले राष्ट्रीय संकट पर राष्ट्रीय दृष्टिकोण से विचार करने की आवश्यकता है। मगर ऐसा लगता है कि यह सरकार उस में असमर्थ है, इसकी नीयत है कि इसकी दुर्गति होने वाली है। हम लाख कहें, ये सुनेंगे नहीं, यह हमें भरोसा है।



THE MINISTER OF COMMUNICATION (SHRI C. M. STEPHEN): Mr. Deputy-Speaker, Sir, I have heard the speech of my hon. friend, Shri Vajpayee, with the expectation of something to which a reply may be due. He spoke on everything except the Bill, and everything he spoke about were subjects which were discussed here in detail in this very session—price rise was discussed, law and order was discussed and railway accidents were discussed; all things were discussed here.

MR. DEPUTY-SPEAKER: Only your Department was left out.

SHRI C. M. STEPHEN: That is becoming fairly all right; that is why they have left it. All these things were discussed.

He took advantage of this opportunity to read out a letter to the Prime Minister to bring in something...

SHRI ATAL BIHARI VAJPAYEE: I did not read it out.

13.27 hrs.

[SHRI GULSHAR AHMED in the Chair]

SHRI C. M. STEPHEN: He gave an account of what he wrote to the Prime Minister, to bring out some name and all that. I do not want to refer to them.

As far as the import of edible oil is concerned, the position today is, if a private party has to import it, a very heavy customs duty has got to be paid, unlike the public sector. The reason for its imposition was to eliminate the private sector completely from importing edible oil, which is now done by the STC. It shows the earnestness of the Government not to allow the private sector to take advantage of the scarcity in the country, to ensure that if at all import is necessary, it is in the hands of the State Trading Corporation, in order that the STC may be enabled to distribute edible oil at controlled prices.

This demonstrates the sincerity of the Government and the sincerity of the purpose of the Government.

SHRI ATAL BIHARI VAJPAYEE: There is no price control.

SHRI C. M. STEPHEN: Mr. Vajpayee said that in 1978 they passed some order about some canteen employees and he complained that it is not implemented. I am only to remind my friend that they were in power after passing that order for one full year. Have they gone to sleep after passing that order? What exactly happened to that? It is very interesting to see people operating from here and operating from there. When they said this, I was reminded of the great flurry with which my friend, Mr. Ravindra Varma brought to this House the Industrial Relations Bill and the enthusiasm of the Ministry of which Mr. Vajpayee was a member supporting that Bill. Now, they come condemning a measure which is extremely innocuous in comparison with the Bill that they brought. I will come to that later, Sir.

There are two or three points. I must own it that in all debates and the speeches made from that side, an honest attempt to make an analysis of the Bill and to examine the Bill was made by my friend, Mr. Ravindra Varma. Therefore, yesterday I stood up and pleaded with the Deputy-Speaker or the Chairman to permit Mr. Varma to complete his speech even if the speech was long. We wanted to know what exactly they had to say. There were two or three points made by him and he said that he was making that speech in an effort to convert us, to persuade us, and in the expectation that we withdraw this Bill. Well, I listened to that with the closest of attention. I am making some submission in an honest effort—I have no need to persuade him in favour of my position.

because mentally he was persuaded to this position. Even then, I am saying certain things to his conscience, to address himself and to get an answer as to whether he should not withdraw his opposition to this Bill. This is an effort that is made in Parliament. One question that was raised is: Why this Ordinance? Whenever there is an ordinance this criticism has been coming, it has been coming so often in the same manner, in a humdrum manner that this criticism has lost its trust or its validity. It has ceased to be any relevant at all. Any time an ordinance comes, this criticism comes.

Well, Sir, it is very clear that if we want to pass a Bill we can do it here. We have got the majority, we can do it here. The question is, knowing that we can do it here, why is it that we brought up this Ordinance? There was nothing for us to gain by that. If we brought in the Ordinance there must have been some reason. We are not mad caps to bring in an Ordinance which can be brought here in the form of a Bill and can be passed through in a couple of hours' time. But why did we bring in this Ordinance? Unless there were some reasons we could not have brought it. (*Interruptions*). We do not reveal all the reasons to everybody. (*Interruptions*). There were reasons. We knew what was going on in the Railways, we knew what was going on in the P. & T. we know what operation was going on in the electricity sector, we knew what was going on there. Let it be very clearly understood that we are not blind men operating in a dark room. We are operating with our eyes wide open. We know what is going on in this country. It is our duty to take whatever measures are necessary to face what is brewing up.

**SHRI ATAL BIHARI VAJPAYEE:** You are in panic?

**SHRI C. M. STEPHEN:** Whatever that may be, we know what the panic is. Who is in panic, everybody knows.

Let us not speak about it. Whatever that be, as a result of the measures we took, or the Bill that we brought in, the expected result has been achieved and we are gratified that we brought the Ordinance. This is all I want to say.

The second point he made is: Why not the Labour Minister? They do not know what Ministry must handle a particular measure. Why? This is not a labour legislation, this is not an amendment to the Industrial Disputes Act. This is an amendment spelling out a penal offence and giving out the measures which have got to be taken to meet that penal offence. A new penal offence is spelt out by this measure and is spelt out it will be a cognizable offence. Punishment is spelt out. Method of trial is spelt out. It is a pure penal legislation bringing in a penal law, refining an offence under the Criminal Law and it has nothing at all to do with the Industrial Disputes Act. This is brought in for the purpose of industrial relations. It is brought out for the purpose of public good. That is what is stated in the law.

Well, this is not the first attempt that such a law comes. In 1968 an exactly the same law came. This is only a carbon copy of that law. In 1968 the law was piloted by the then Home Minister Shri Y. B. Chavan. It was not the labour Minister who piloted that. I mean the law was piloted by many of the friends who were with the Government. They were championing the law. They put forth the law. I only put their law before them—to Shri Chandrajit Yadav, to Shri Jagjivan Ram, to Shri Ravindra Varma—who were with the Congress at that time. To every one of you, I have only to show to you—it was a law that was brought out and that law was piloted by the Home Minister. Any Minister may pilot this law but not the Labour Minister because that does not come within the purview of the jurisdiction of the Labour

[Shri C. M. Stephen]

Ministry at all. It can conceivably be piloted by the Law Minister. It is a law which has got to be by the Home Minister because the law is to spell out a cognizable offence. It has to be an administering Ministry with respect to this law. Therefore, it is very clear, if it is properly done as was done in 1968 that the law be piloted by him. The law is very simple one. It is very very simple one. I do not know why all this furore is made about this law. I really do not understand. (Interruptions) It very simply says:

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

This is the simple small law that is brought in. Government is not banning the strikes. It is giving the power to the Government. In a particular situation if the Government is satisfied that it is necessary in the public interest to declare that strike in a particular area will remain illegal for a term of six months—simple, nothing more than that. The question that we have to consider is—are essential services matters of special concern to the society or not? This is the first question. The second question is, if essential services are matters of concern to the society can a situation possibly arise in which the society's interest will have to be protected and for that purpose interruptions in the essential services should be guarded against or not? If that is in the public interest, then the third question is whether strikes and lock outs can be declared illegal or not? These are simple things that arise. Is there something like essential service or not? It is a new concept? Does anybody disagree that the essential services do deserve special protection and concern? My friend Shri Ravindra Varma was very eloquent yesterday. He gave me certain

words of wisdom of 1978 when he piloted the Bill. He told us why the essential services must be specially provided for.

"Then the question was raised about the right to strike in certain cases....."

May be, supply of drinking water is essential, may be supply of electricity is essential; hospitals may be essential.....There may be certain services which should never be vulnerable for society. It cannot be dismissed as illogical or anti-working class because electricity is required for the working class as well. Drinking water is required for the working class as well. It is a common need of the society."

"Therefore, if it is said that a right can be exercised, but it should be exercised in such a manner that there is an effort at reconciliation between the right of an individual or a group and the paramount right of the society or the State to exist, if it is to guarantee those individual rights, I beg to submit that there is nothing illogical, there is nothing ante-diluvian and there is nothing anti-working class in it. Why are you shying away from that consideration? Certainly have a strike. But if the strike should mean that people should die on the operation table and that for days on end, people should be locked up in lifts because lifts do not work since electricity workers have gone on strike, then certainly not only the workers and the employers but every child, every adult and every citizen is concerned.

That is why he brought in this law. This is the implication and the importance of an essential service. An essential service has always been conceived as something which must be treated differently from the other services.

There is the Industrial Disputes Act. I agree with Mr. Ravindra Varma that under the law today, a strike



in essential services cannot be a legal strike. The provisions are very clear about it. There are three provisions. No. 1 no strike without notice: No. 2, the moment a notice is given, it must be deemed that the conciliation effort has started and No. 3, no strike when the conciliation is pending. It applies to an essential service only. It does not apply to other services. In essential services, you cannot declare a strike without notice; the moment a notice comes, under Section 20, it is deemed that the conciliation has begun and, during the pendency of conciliation, the strike shall not be held and, if the strike is held, it is illegal, which means even under the law to-day, it is accepted by everybody that under the Industrial Disputes Act, an essential service is put in such a manner as making the strike practically impossible. But the people do it. That is a different matter.

Then comes the question, if that is so, why this particular Bill. The simple question is: The right of an individual or groups of individuals *vis-a-vis* the right of the society. We do not deny the right of an individual; we do not deny the right of groups of individuals. Between the right of an individual or groups of individuals *vis-a-vis* the right of the society, which has got to prevail is the question. When a conflict arises between an individual and the society, between a group of individuals and the society, and when the society is threatened, there arises the domain of the penal law. That ceases to be the domain of industrial relations law. That becomes the domain of the general law and the penal law can come in that position. This is taken out of the industrial relations law. It is because, under the industrial relations law, it is made illegal as an instrument to assist, to maintain a sort of conciliation in that organisation. It may fail; it may succeed. But we cannot take the risk of failing and succeeding and, pending that, keep the whole thing

on shelf and be completely immobilised. Therefore, the penal law has got to intervene and the society takes note of it.

Practically, this Bill is only a declaration that the underlying principle with respect to essential services must be accepted and implemented strongly and vigorously in the protection of society. There is nothing more than that. The illegality of the strike is already there under the Industrial Disputes Act. But a situation can arise in which the illegality which is spelt out as an instrument of maintaining industrial peace will not meet the needs of the situation of a threat to the society. When that situation arises, what exactly should be done is the question.

SHRI RAVINDRA VARMA: (Bombay North): May I put question? What is your objection to compulsory conciliation or arbitration being linked with the prohibition of a strike?

SHRI C. M. STEPHEN: As I said, this is not under the Industrial Disputes Act. My very senior colleague, Mr. Sukhadia, has already explained it. Industrial Disputes Act is not there. I am coming to that. I spelt out that this is a penal law. Nothing more than that. The other things do not come in here at all. That we will consider when we consider the Industrial Disputes Act which is under consideration. I do not want to go beyond that.

When a situation like that arises, three points of view are possible. One point of view is to help the society. "We care more for the strike and the right for the strike and, therefore, we will battle for that. We shall not touch it and we are happy about it because by the strike the society can go to pieces. This is what we want." That is one point of view, which is represented by Shri Somnath Chatterjee and Shri Samar Mukherjee and I do not know whether Shri Indrajit Gupta will come into that. That is one point of view.



[Shri C. M. Stephen]

The second point of view is saying that we are not satisfied with giving that right to the Government. Essential services are important. Any strike will remain banned.

"Declare strike for ever" that was the stand which was taken by the Janata Party.

Our stand is the middle stand.

(Interruptions)

I am coming to that. The documents are here. We say that there can be a confrontation but confrontation may not be big enough to warrant the declaration of strike illegal. There may be a friction. It may not be big enough. For example, they declared a Bandh in Kerala and essential services came to a stop on that day. If Mr. Ravindra Varma's laws were passed, then, those strike would have been illegal straightaway. But we looked at it and said "It is one day's affair. Let us not take note of." We had not declared it illegal. Let us continue. After all, one day or two days do not matter. It will come back. I am saying that a situation can arise where there is a confrontation and the society is affected, but not affected so seriously as to deprive the working people of their right to go on strike. When they go on strike, if the situation is so serious that society's interests are so damnified as Mr. Ravindra Varma's patient dying on the table, the misery being to be caught up in the lift that is going up and the electricity being cut off, water being cut off and people struggling, at that situation, we may consider whether in the public interest action has got to be taken under the penal law to see that the society's interests are protected. These are the three approaches to the same situation. These three approaches have been demonstrated here. The only thing is in the name of the unity of the Opposition, my friends of the Communist Party were able to rope in my friend Mr. Ravindra Varma also and make him plead for a position

which was disputed in 1978. I must congratulate you on that. You have been consistent right through as far as India is concerned, not elsewhere. you are continuously consistent. But under the myopic vision of becoming revolutionary overnight, nobody is going to be deceived by my friend who jumped the Communist wagon and started shouting Tolstoy slogans and swallowing what he said in 1978.

SHRI RAVINDRA VARMA: I am very sorry. I was very clear when I spoke yesterday. I said that the distinction, between essential and non-essential services is there. But the question is whether the prohibition of strikes, is linked with conciliation. I said therefore you cannot puncture me on that, and I repeat it. I am not surprised that you said this. You should not punch.

SHRI C. M. STEPHEN. I will never punch, my friend. I will come straight to this Industrial Disputes Act. What is the Industrial Disputes Act? My friend Mr. George Fernandes is here. All revolutionaries are completely there. The Bill is with me. All revolutionaries are here. Shri Vajpayee was a Member of the Cabinet. Shri George Fernandes was a Member of the Cabinet. They passed the Bill and came with the recommendation that the House may accept it. Clause 90 "No employee employed in any essential service shall go on strike in breach of contract." It is a total ban.

SHRI RAVINDRA VARMA: What is said about arbitration? You read only in parts. That is not surprising.

SHRI C. M. STEPHEN: I am coming to that. This is in Clause 90. I am only saying that you have completely banned.

MR. CHAIRMAN: Mr. George Fernandes will speak after this.

SHRI INDRAJIT GUPTA: On a point of order, Sir. He has been at great pains to explain that this is not

a labour law, this has nothing to do with industrial relations; it is only a penal law which is meant to define a cognizable offence; it has nothing in common with the Industrial Disputes Act. Then why do you permit him to spend the time of the House on this?

MR. CHAIRMAN: They wanted him to speak.

SHRI C. M. STEPHEN: He referred to this. I did not refer to the Industrial Relations Bill. When you come and say that the Government must not assume the power to evaluate a situation and decide whether or not to declare a strike illegal and when an attempt to get that power of declaring a strike illegal in a particular situation is condemned as Draconian by Mr. Ravindra Varma, I will have to tell him that what he had sought from this House was not the power to evaluate a situation but to declare for all time that any strike in the essential services shall remain illegal. I have a right to show him back.

As I have said, there are three methods in which you can approach. Your method was to totally ban the strike, to which we never agreed; our Party did not agree to that. Our Party has said this. We are not against this sort of thing coming in. In 1968 we brought forward. We are not running away from that. This is the record of 1979. This is the record of my friends. Mr. Vajpayee was becoming very eloquent on behalf of the working class and their rights and all that. I do not know where his conscience went to sleep when he blessed this Bill and sent it on over here. Mr. Ravindra Varma made such an eloquent speech about essential services and the sanctity of the essential services. This is the position I wanted to explain. My friend says, it is alright if you are bringing in a in-built machinery for resolving all these things. Here again I wanted

to show you this. As Mr. Sukhadia pointed out, the Industrial Disputes Act is there. Crucial provisions have been made for essential services there. As I said, the conciliation is presumed to begin the moment strike notice is given. Section 12 says that the proceedings shall be started in essential services immediately; the word is 'shall'. With respect to the other things, it is 'may', but with respect to the essential services, in the Industrial Disputes Act, the word is 'shall'. And the report must be submitted within fourteen days of the initiation of the conciliation proceedings. This is section 12(6). An expeditious action is contemplated, when strike notice in essential services is given; the conciliation machinery has to start the proceedings; within fourteen days, investigation must be completed and the report will have to be submitted; and Government will have to take a decision as to whether to send it for adjudication or not. In the meanwhile, arbitration can be initiated. The whole in-built machinery is there. What is it that my friends brought in the Industrial Relations Bill? They said that, initially, there must be bilateral talks, and for 60 days bilateral talks can go on; after 60 days, if the settlement has failed, then both the parties, either jointly or severally, may approach the conciliation officer, and the conciliation officer if it is an essential service, shall begin the conciliation proceedings; he can carry on for 60 days; after 60 days, if he has not completed it, then he shall report to the Government. So, in the whole thing, 120 days are gone. And Government will consider the matter for 60 days, and after 60 days may either send it for adjudication or record this matter. We said this that within fourteen days, the whole thing will have to be completed and a report must be given. They took it out and transferred it and said sixty days, sixty days and sixty days—six months. Until then the workers must remain like this; he has no right to go on strike because the

[Shri C. M. Stephen]

strike is completely banned. So, if there is any strike, it is illegal. We would take away the right to strike. There is this in-built machinery. His argument is that if this in-built machinery is there, then it is all right.

Well, Sir, the inbuilt machinery is there and the Home Minister stated that we assume the responsibility the moment the strike is declared illegal: we assume the responsibility to ensure that the conciliation machinery goes ahead and a proper peace is brought about. He will be able to do that. When it comes to the responsibility of the Home Minister, peace is brought about by a final decision—not by a danda of rule—and this is done. Even then it is not a question of declaring every strike as illegal. It is not that way.

As far as my friends there are concerned, I do not know why they should oppose this Bill. I can understand their communist friends—I can understand Shri Tridib Chaudhury or I can understand Shri Chitta Basu opposing this. There is one more thing which I want to mention here. Here is a discussion on 1978 Bill. All my friends participated in the discussion. The funny thing was nobody attacked 9A and 9B, 92 was attacked; 93 was attacked. They attacked; the ballot. The trade union was attacked. They never spoke a word against Clause 90 because they knew that the essential service clause will be taken care of. Therefore, they had no objection at that time to declare it as illegal in a blanket way. Their objection was only with respect to the other clause and not with reference to this.

Therefore, with respect to my friends there who were with the Congress in 1968 who were with the Janata in 1979, if they have got any sense of honesty, political sobriety, they should not put up with the plea

of opposing this bill that this is more than diluted. It only seeks to assume power to declare a strike as illegal. Well, Sir, when there was a Reserve Bank strike, they brought about an ordinance declaring it illegal: in Assam strike we brought about an Ordinance declaring it illegal. For certain things you promulgated an ordinance. The only question is that if a situation arose, you promulgated an ordinance declaring that as illegal. Illegality can be brought in. There is no quarrel at all. What about the strike in the Reserve Bank? It had to be declared as illegal. An Ordinance was brought about declaring it as illegal. All are agreed on the result. The only question is: should it be by an ordinance or should it be by issue of a notification? They say that let it be by an ordinance: We say that let it be by a notification. In the eye of Parliament this is what we are saying. The result is the same—either let it be by an Ordinance or by a notification. For every incident they say that the ordinance is law for us. For them every incident which warrant us to issue a notification declaring it as illegal is no solution. You do not want any power at all to declare the whole lot of thing as illegal. This was your solution which we have not accepted. This covers all the spectrum of Congress and Janata. In Janata all the other parties are involved. That means the Janata of not to-day but the Janata of that day. Janata of that day will include B.J.P.; Janata will include Lok Dal. If they all put together it will come to about 90 or so. of the political spectrum of our country. In 1968 we found that it was necessary; in 1978 they found that it was necessary and, in a more crude manner, when the Reserve Bank strike came out, they found it was necessary. **Therefore the Essential Services must be protected.** That position has been shared by political opinion which covers over 90 per cent of the political opinion of this coun-

try. There are some Communist friends. You forgot about that. I would appeal to you to tell as what would be your position in that situation. Yesterday, I put a question to Shri Samar Mukherjee namely between the confrontation, solidarity and the Polish Government, what was his stand. He said let us speak about this. My friend who is always flying away to the socialist countries is coming and giving us lectures. But when he comes to this, he says let us speak about this and let us not speak about others.

14 hrs.

SHRI SUNIL MAITRA (Calcutta North East): Solidarity has given you the answer. We are going to function within the framework of the socialist system and in the socialist system there is dictatorship of proletariat. You do not know what dictatorship of proletariat meant?

SHRI C. M. STEPHEN: Mr Maitra, Please fix up a time, I will come and take a class from you.

SHRI SUNIL MAITRA: Please do come. (*Interruptions*)

SHRI M. M. LAWRENCE (Idukki): Solidarity is being instigated by V.I.Ps....

(*Interruptions*)

SHRI KRISHNA CHANDRA HALDER (Durgapur): You should learn lessons from the Marxists.

SHRI C. M. STEPHEN: I have got with me two journals. One is "New Age" and the other is "People's Democracy". "New Age" is under CPI and the "People's Democracy" is under CPI(M).

SHRI ATAL BIHARI VAJPAYEE: You read them regularly.

SHRI C. M. STEPHEN: Yes, very regularly. I read *Organiser* also. These are the 3 journals I read every day. Now, Sir, look at this heading "Warning to Polish Strike-makers".

SHRI INDRAJIT GUPTA: They are quoting what somebody else said.

SHRI C. M. STEPHEN: Who is that somebody else? Do you want me to tell that? Do you want me to read it out, that is, the complete article?

AN HON. MEMBER: What is wrong about it?

SHRI C. M. STEPHEN: Nothing is wrong. Here is a precious statement:

"Of decisive significance now is to overcome the false conviction that it is possible to seek and obtain wage increases without raising the production and productivity. The line of agreement must find support in a joint labour front. This is the key for solving our Polish problems in 1981."

So, one principle is spelt out which has got the approval of Mr. Brezhnev. We completely support you in your stand is regard to the Polish question. Whatever stand we take here is the same stand that you take there. But you take one stand here and take different stand there. (*Interruptions*). Now, the position is this. They say:

"Of decisive significance is to overcome the false conviction that it is possible to seek and obtain wage increases without raising the production and productivity."

This is the principle on which they proceed. Now, the People's Democracy is under CPI(M). They are very furious. Concessions were given to Solidarity. They come out again in an editorial on the Polish crisis. They say:

"The developing Polish crisis brooks no delay; the unfettered rights conceded to "Solidarity" and its subversive leadership, should no more be tolerated".



[Shri C. M. Stephen]

This is the statement that they have given. (Interruptions)

AN HON. MEMBER: Why are you getting perturbed?

SHRI C. M. STEPHEN: No concession must be given according to the Polish Government. No quarter must be given (Interruptions). Solidarity, according to the official report of the Polish Government given here, represents 90 per cent of the workers. It is like many of our trade unions here. 90 per cent of the membership are concerned. Without violence, they give a call to the people to strike. It is on that that the revolutionary fervour of the Marxist Communist Party of India says "we have given enough concession. Stop. Don't give this concession. Call them and put them under fetters and when we here come and say not all industries this covers . . . (Interruptions).

SHRI SUNIL MAITRA: That is the difference.

SHRI C. M. STEPHEN: I am coming to that, my dear friend. The question is that when we come here, not with a proposal for strikes being banned, not with a proposal that in all the industries the strike ban must be considered, but with a limited proposal that with respect to the essential services if a situation arises, rather than having to promulgate an ordinance we may be enabled to declare a strike illegal by a notification—here comes the revolutionary fervour calling it draconian, barbarous, authoritarian and all the rest of it. One is here, and the other one is there. My friend says: they are socialists, and you are a capitalist. (Interruptions). Correct, according to you. According to us, we differ. (Interruptions). Your argument is, according to us: "the Polish system is good; the Soviet system is good; the Chinese system is good; and, there-

fore, there ought to be no strike and production must go up; no wage increase unless production comes up." That is your argument.

SHRI KRISHNA CHANDRA HALDER: There is no exploitation in a Communist country.

SHRI C. M. STEPHEN: For us also, our country is dear, our system is dear. We can differ. We can differ. Our System. . . .

SHRI SUNIL MAITRA: A donkey has got four legs, and the goat has got four legs. Therefore, donkey is a goat. This is his argument.

SHRI C. M. STEPHEN: Very good. If he thinks only about the donkey, what can I do? All he thinks is only about the donkey. He looks in the mirror in the morning, and thinks about the donkey. What can I do?

(Interruptions)

SHRI SUNIL MAITRA: Sometimes I also think of you.

SHRI C. M. STEPHEN: That is all right. Their argument is this: according to the party in power, the system is good, inviolable, must be protected and fostered. Therefore, what should be the course to be taken? That is the question. For them, the system is good. Therefore, a course is indicated. According to us, the system is good here. It is for us to protect that system. If we have to protect that system, productivity must rise, and if productivity is to rise, there must be control of fissiparous activities. We, in our own way, are justified in saying that to preserve the system, we also ought to take certain measures, so that the thing does not crumble. Let us be even in applying this. This is what I have got to say: don't be hypocritical in this particular manner.

We know what is behind this campaign. We absolutely know it. I don't expect my friend Mr. Ravindra Varma to accept my appeal to withdraw his resolution. (Interruptions)

MR. CHAIRMAN: They say you have spoken for more than one hour.

SHRI C. M. STEPHEN: I will talk for five minutes more.

• SHRI SATYASADHAN CHAKRABORTY (Calcutta South): I would very humbly ask one question of Mr. Stephen, but not as vociferously. Does he want to have a debate on Poland? If so, we will have it. Now it is out of context. If he wants to have a debate on Poland, he should have given us the opportunity to explain. My question is: "The Solidarity went on strike for the arrest of three men. And how is that Government dealing with this strike? I don't go into the political question. But how do you treat your workers here? And how are they treating their workers there?" That is a moot question.

SHRI C. M. STEPHEN: That is a very very good question. According to us, we are treating the workers much better than how you are treating them elsewhere.

SHRI SATYASADHAN CHAKRABORTY: Are you sure?

SHRI C. M. STEPHEN: Absolutely sure. I am asking you this.

You have got a trade union. We have got INTUC. AITUC was the only trade union before 1947. INTUC came in, in 1947. Do you make the claim that you are equal to INTUC? Have you got a claim that its membership is equal to INTUC's? Did you put a claim before the Labour Commissioner?

SHRI SUNIL MAITRA: Agree to secret ballot; then your claim will be punctured.

SHRI C. M. STEPHEN: Puncture punctured. The point is.....

SHRI SATYASADHAN CHAKRABORTY: Again a simple question....

SHRI C. M. STEPHEN: I don't yield. (Interruption) I don't yield. I have got to complete my speech. I don't want to speak about Poland. I wanted only to tell them: suppose you are in power, what will be your attitude? Somebody said you are going to come to power in Delhi. Suppose that dark day dawns which will never, suppose they ever come to power, what would be your attitude on this question? Would you allow strike anywhere? Have you ever allowed strike anywhere? After coming to power, had you allowed strike anywhere? We are the people who are protecting strike as a basic right to the workers. But when the strike is misused by certain people, we have got a duty to protect the workers also.

What is the trade union pattern? I will take P&T. The major union is NIPTE; they claim to be so. I asked about their membership. They told me that their membership is 1.90 lakhs. They had written to me. My total staff strength is 8.1/2 lakhs. They wanted to go to the strike ballot. They went to the strike ballot. They are not revealing the result of the strike ballot. Suppose the leadership of 1.90 lakh people goes on strike, declare a strike and resorts to violence, am I not to protect the workers who want to run the establishments to serve the people or am I to remain like this? (Interruptions) Most of the things are like this. There is a tendency which is coming up; the tendency is the agitation not among the poor workers but among the white collared workers, the bank workers, the LIC workers, that type of workers who are the best paid. There we find the agitation today. These agitations are spreading violence. The statistics are here. Every agitation is increasing and the violence is coming up. From 1970

[Shri C. M. Stephen]

onwards we have got the figures. In 1977—11 per cent; in 1978—12 per cent; in 1979—15 per cent; in 1980—17 per cent and till June 1981—18 per cent. Why these violent agitations because they are losing their hold on the workers and they want to carry out this struggle by violent methods. If that happens, if violence is the method that they are resorting to, then certain other measures may have to be taken. This is the situation that is coming up. The point is that our country cannot afford this. Let us consider this difficulty in the setting up of power stations, telephone industry and all that. There are considerable difficulties in the setting of these; and when we set up all these, then the persons who are going in are going in as the trustees of the people. They can have no right to hold the people to ransom and demand that things must be done. They have every right to negotiate and the Government and the management will be willing, have been willing to give the maximum possible.

In 1975, the income of those sectors of people was about Rs. 5000. Today, the average has come to Rs. 12,000; that is the average that has come. It is not as if it is frozen; it is going on. But an attitude was envisaged that we will fight against the entire people: we will hold the sinews of these people; we will take away the services belonging to the people; we will put the entire people to ransom or pay them what they are demanding; if that is their demand, the Government will not be prepared to hand over the people as ransom to them and we will see that services have been . . . . (Interruptions) For that purpose, steps have got to be taken carefully. We do not want the draconian measures that Mr. Atal Bihari Vajpayee, M, George Fernandes and Mr. Ravindra Varma wanted declaring strike in every essential service illegal; we are not prepared to take the position that the people

may go to the Arabian Sea and we do not care. But we will see that they are protected in order to subvert the whole thing; we are not prepared for that. Our position is that we accept the right of the strikers as the basic right and we do not want to interfere at all. But when it comes to essential services, we do not want to put blanket ban on them. If a situation arises where as a result of confrontation, the peoples' rights are damaged, then as a measure of protecting the people, we may have to consider declaring a strike illegal and taking the steps further in a very rare case. In 1968, we brought it. From 1971 onwards, there was the Defence of India Act upto 1977. Now all those years, we never declare a strike illegal. The strike was declared illegal in 1968 when an Ordinance was promulgated when Mr George Fernandes wanted to put the whole railways off the track. Then the strike had to be declared. Otherwise strike was never declared illegal; and after the Ordinance has been brought in, strike has been declared illegal. We are discriminatingly doing it, discreetly doing, as a father would deal with a child when he misbehaves. That is the attitude we adopt. (Interruptions)

AN HON. MEMBER: Oh! oh!

SHRI C. M. STEPHEN: In that spirit we have brought forward this Bill. I appeal to the House to accept this. I also appeal to Ravindra Varma to withdraw his opposition and to stand by us again as he did in 1968. (Interruptions)

AN HON. MEMBER: You are a black leg!

SHRI C. M. STEPHEN: I am not a black leg against the nation like you!

SHRI INDRAJIT GUPTA: I am only requesting you that the time of the Members on this side should not be reduced because of the excess time given to Mr. Stephen. He is

not the Minister piloting the Bill at all.

MR. CHAIRMAN: It will not be reduced.

Mr. George Fernandes.

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Chairman, Mr. Stephen has been very eloquent, in defending what is really not defensible. We all know his sophistication in arguments. But today he blended that sophistication with a lot of sophistry. He started by saying that this is a penal law. And then he spent half the time he was on his legs by juxtaposing a penal law with an industrial relations law! This is where sophistry comes in with sophistication. He then tried to talk of the constitution in support of this measure, by going back again to 1978, and in the process Mr. Stephen very conveniently forgot that, that INTUC of which he is so proud, also demonstrated against that industrial relations law right outside the gates of Parliament. So, that 90 per cent amounts to zero. Because, every trade union organisation that was associated with Janata Party, each one of them had opposed that Bill that was brought forward by their own party. And the great patriots of the 1968 law and those who are now holding this baby in this House joined the Janata Party, Trade Unions, joined every trade union organisation in the country, Marxists, the non-Marxists in opposing that law, which was an industrial relations law. It was a Bill which was not enacted. And this is again where sophisticated gets blended with sophistry.

I do not want to defend the Janata Government's Industrial Relations Bill. I opposed it then. And the trade union movement in the country, of which I am also a part and have always been a part, opposed that Bill.

I was very much a part of that opposition.

AN HON. MEMBER: You were a member of the Cabinet then.

SHRI GEORGE FERNANDES: Fair enough. I was a member of the Cabinet. As a member of the Cabinet I took responsibility for whatever my Government had done at that time. But as a part of the trade union movement of his country I opposed that Bill and I supported those workers who came out in the streets of Delhi to oppose it.

I thought that Mr. Stephen would throw some light on the real need for this law. Because we had earlier read in the newspapers that he was one of those who were very unhappy with it; that he was fighting out in the Cabinet: that he was.... (Interruptions)

SHRI C. M. STEPHEN: I deny it.

SHRI GEORGE FERNANDES: ... that he was keen that the law should be withdrawn.

SHRI C. M. STEPHEN: I deny it.

SHRI GEORGE FERNANDES: Thank you. I am glad that I gave him an opportunity to put the record straight as far as he is concerned. But he came with some arguments here. He said, we know what was happening in the railways. What was precisely happening on the railways? I know that the railwaymen submitted a charter of demands in August last year and I also know that the Railway Minister and the Railway Board have not found one minute as yet, twelve and a half months after those demands were submitted, to talk with the organisations of railwaymen. Is there anything more that you want to tell us than what you know that for twelve and a half months your Government is refusing to meet the leaders of the recognised unions on the railways?



[Shri George Fernandes]

Earlier during this year, we had the locomen's strike. You did not have this ordinance at that time, but you had the National Security Act and you used it. But do you know the reason for that struggle? Have you got yourself briefed from the Railway Minister? Are you aware, is the Government aware, of the fact that the locomen did not put forward one single demand to this Government? All that the locomen said was, "Please implement the agreements that you arrived at with us". Nothing more, nothing less. Is this what you had in your mind when you made this statement?

You contradicted yourself in regard to the P&T. You said that you have 8½ lakhs of workers under your jurisdiction as Minister of Communications while the NFPTE, which conducted the strike ballot has one lakh and a few thousand workers. Did the one lakh and a few thousand frighten you, who are holding sway over 8 lakhs of people? You are contradicting yourself when you use that as an argument—that you knew what was happening in P&T as an argument in justification of this law, which as I said, is not one that can be defended, not even by Mr. Stephen.

Yesterday the Home Minister waxed eloquent in his own style. We all know that he has a tremendous capacity to make any serious subject into a hilarious kind of discussion. In fact, the *Hindustan Times* comments on the performance of the Home Minister yesterday and I quote the *Hindustan Times*:

"For a debate on such a controversial Bill, Mr. Zail Singh was sometimes flippant".

But then, that is his prerogative. We do not grudge him both his capacity to reduce anything serious into flippancy and to indulge in it to the extent he wants to. But his defence of this Bill yesterday, a Bill that is patently anti-worker, anti-people, and

anti-democratic—that is why I call it an obnoxious piece of legislation—his defence yesterday lacked conviction. Mr. Zail Singh made some very interesting observations. He said, this Bill is aimed at the welfare of the workers. I would like to know what exactly welfare means in the dictionary of these people. We know what it means in the Government of India's lexicon. We have the report of the Ministry of Labour, where welfare is concerned with the workers recreational facilities, hospitals and such other benefits that are made available to them. How is this Bill concerned with the welfare of the workers? Then he went on to say that it could check the exploitation of the workers and would prove to be revolutionary for them. It is hilarious and right. But how could it check their exploitation and by whom? I have here with me a booklet, the labour statistics put out by the Government of India earlier during this year. We have here the statutory minimum wages that are available to the working people. I think, the Minister for Labour is sitting here just now. I do not know how many of them are aware that in Andhra Pradesh the statutory minimum wage is Rs. 2.50 per day.

SHRI M. RAM GOPAL REDDY: No, it is Rs. 5/-.

SHRI GEORGE FERNANDES: These are your statistics. You are more qualified to speak on all aspects of sugar and not on the minimum wages. These are the Government of India statistics.

श्री एम. राम गोपाल रेड्डी : यह पुराना है।

SHRI GEORGE FERNANDES: 1981.

The minimum wage available in Bihar is Rs. 1.75, Himachal Pradesh Rs. 2/-, in Maharashtra 97 paise.

श्री एम. राम गोपाल रेड्डी : मैं इंटरप्ट नहीं कर रहा हूँ लेकिन महाराष्ट्र में दण्डवते जी को मालूम है, उन से पूछिए 10 रुपये से कम नहीं है।

**SHRI SOMNATH CHATTERJEE:**  
Is it published by Mr. Antulay?

**MR. CHAIRMAN:** This is a book published by the Government of India and according to him, it is 1981 edition.

**SHRI GEORGE FERNANDES:** What is the exploitation that the Home Minister has outlined to end? Is this the exploitation that is built in the minimum wages legislation, the exploitation that one sees every day right over here in Delhi? When the matter pertaining to the ASIAD construction workers figures in this House, the Labour Minister had to stand up and say: Yes, we admit that there is exploitation. There is exploitation of the bonded labour right over here in the capital city and neighbouring States, which has figured in the discussion in this House and outside in the last one year. What is the exploitation?

Then, Sir, here is a gem: 'This Bill put a restriction on the rich so that the rich might not suck workers' blood.'

**SHRI RAVINDRA VARMA:** Who said this?

**SHRI GEORGE FERNANDES:** The Home Minister. This is yesterday's debate.

I am very happy that finally they have discovered that the rich do suck the workers' blood. It is only an admission which is worth noting. But for the rest, how does this Bill really put a restriction on the rich so that the rich might suck workers' blood? What is the provision in this legislation which hurts the rich? If the hon. Home Minister is trying to tell us that it is those clauses of this Bill which are concerned with lock-outs and lay-offs...

**MR. CHAIRMAN:** Probably he means that.

**SHRI GEORGE FERNANDES:**.... then I must say that our Home Minister is capable of tremendous imagination which defies our imagination.

Our Home Minister has made certain statement which needs to be taken note of and countered. He went on to say that 'the so-called labour leaders incited the workers, they delivered lectures in favour of workers, but they enjoyed dinners with the management.'

I am sure, the Home Minister is very familiar with this culture, but he should not throw this on the face of those who are concerned with workers' bread and butter and their rights in this country. If there are trade union leaders who indulge in this kind of a habit then certainly this Bill is not aimed at them. This Bill is aimed at trade union leadership that is concerned with the workers' rights, when the workers are denied their rights and they get involved in action. Here we heard Shri Stephen just now, when he referred to the railway strike, when he referred to every other agitation that we had. All that was not related to the dinner, all that was concerned with the workers' right, with the workers' problems. Then he says: "in order to control such elements, if a provision regarding incitement was not kept in the Bill, how else could we tackle them. In other words, the Home Minister has been frank enough to admit that this Bill is directed against the trade union leadership, that it is directed against the workers at a certain level, and more particularly it is directed against the trade union leadership. He could not, in his exuberance, hide this naked truth.

The Home Minister also made much of the fact that this piece of legislation has a provision regarding lock-outs and lay-offs. Here again he made a very interesting point. He said that it was correct that the provision regarding lock-outs and lay-offs was not there in the Ordinance. Then, in his reply

[Shri George Fernandes]

to the criticism which the hon. Member, Shri Somnath Chatterjee made, while moving the Resolution, he went on to say "for its inclusion in the Bill the credit went to the Prime Minister". Of course, I would like to know what is it that has happened in the last 20 months in this Government for which the credit does not go to the Prime Minister, could somebody from the Treasury Benches tell us?

PROF. MADHU DANDAVATE (Rajapur): They dare not.

SHRI GEORGE FERNANDES: Even in the Antulay affair they had to bring in the Indira Pratibha Pratishtan. Is there anything for which the credit does not go to her? I do not think I should offend you too much. But, otherwise, I am sure all of you would even like to admit that the credit for all of you being here also goes to her, I am sure none of you would deny that. I am sure all of you are very proud of it.

SHRI P. VENKATASUBBAIAH: We are proud of our leader. We are not a pack of cards like you.

SHRI GEORGE FERNANDES: I am very glad you are proud of your leadership.

PROF. MADHU DANDAVATE: This he said only to go on record.

SHRI GEORGE FERNANDES: Please endorse what you said.

SHRI P. VENKATASUBBAIAH: Mr. Dandavate, do not be cynical.

श्री सत्यसाधन चक्रवर्ती : एक मंत्री है, बाकी सब आप संत्री हैं ।

SHRI GEORGE FERNANDES: I am aware of the fact that they are proud that they are here because of their leader. I am also aware of the fact that they are very proud of their leader. But I am only making a point that in response to the criticism the Home Minister said that the credit for the inclusion of this provision regarding lock-out and lay-off went to the

Prime Minister. My point, therefore, is: who takes credit for this Bill, in the first place, bringing forward an ordinance, handing it over to the President for his signature on the 26th of July? Who takes credit for that?

Once again, in his enthusiasm, the Home Minister has brought his Government to ridicule, and quite deservedly, without knowing what he was doing. Then there was a demonstration outside the Prime Minister's house, arranged by the party itself, in support of the Ordinance, "hail the leader" demonstration. Someone said: "here is a Bill, which is of course very good, we welcome it since it has come from you, but you have forgotten the employers" at which the all-knowing omniscient leader said "you are wrong; it includes the employers; it takes care of lock-outs, it takes care of lay-offs". Finally, when it was discovered that there was no such provision, that the leader had made one more *faux pas*, they have come forward with these two little clauses very grudgingly. And there finally you decided that if any one of these employees should at all be arrested under this law as and when it is enacted, you may even send him to jail for a period up to six months. If a worker goes on strike, he goes to the jail for six months, some one who leads that strike, some one who offers even a cup of tea to the workers who are on strike under this law goes to the jail for one year and an employer who sends 1,000 or maybe 5000 or may be 10,000 workers out of job by lock-out—it has never happened, but it may happen. (Interruptions) It has never happened in this country. You have the National Textile Corporation. The National Textile Corporation have two lakhs of employees today. Is the Home Minister aware of the fact that every mill that the National Textile Corporation had, was acquired after it was closed down by the employers? Is he aware of the fact that every mill-owner whose mill got closed and finally got converted into the National Textile Corporation as an industrialist still rules the roost,



that nothing has been denied to him, nothing has been done to him? How many factories are closed today all over the country? How many industrial units are sick today? Earlier, during the Session we passed legislation taking over the Dalmia-Dadri cement company. It was closed down for one year. It is a Dalmia unit. Dalmias have no problem, Dalmias are expanding, Dalmias are prospering like any other industrial house. But Dalmia-Dadri was shut down. A thousand workers were made jobless till the Government moved in and took over the mill and wiped all the losses, and they have once again provided jobs to the poor workers.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI B. SHANKARANAND): To whom the credit should go now?

SHRI GEORGE FERNANDES: We are not discussing about the credit. We are discussing the manner in which employees are dealt with in this country, how the employers are dealt with in this country and how workers have been dealt with.

Sir, I will not go into the arguments which my honourable colleague, the Member from Bombay North has so brilliantly presented in this House while opposing this Bill. But I would certainly like today to ask the Government: What is the basis of your policy, what exactly are you trying to do? I am posing this question in all seriousness because I would expect a very serious reply from them. I have here the Sixth Five-Year Plan document. This is an introduction by the Prime Minister and I hope they will not disown this document as they disowned all other documents. I am not discussing this document, but I raise a very fundamental question on the labour policy of the Government. On page 102 of this document they talk of labour and labour welfare policies in the whole Chapter, Chapter XXIV on labour and labour welfare. This is how they introduced the Chapter:

"Labour policy derives its philosophy and content from the Directive Principles of State Policy as laid down in the Constitution and as has been evolving in response to the specific needs of the situation and to suit the requirements of planned economic development and social justice. It is the product of tripartite consultations in which representatives of working class, the employers and governments have been participating at various levels. ...."

"Participation of the parties so vitally concerned, lends the product the strength and character of national policy. The aim is to promote co-operation between workers and employer in order to improve production and working condition and to promote the interest of the community at large."

Now, Mr. Stephen and yesterday the Home Minister talked about the interest of the community. Now, it seems they have come to the conclusion that the only way they can promote the interest of the community is to bring forward this Bill which seeks to ban or which seeks to declare every strike in this country illegal. Mr. Stephen, no doubt, indulged in sophistry when he tried to say that this is very different from the Industrial Relations Bill. The whole exercise was to prevent strike in certain cases—a blanket ban. They are only trying to take power. The Industrial Bill identified specific industries. They said that in this essential service sector we would like to have compulsory negotiations, arbitration within a specific time period. He made much of the sixty days. But the Bill says within sixty. It provides even for imprisonment upto one year to an employer who refuses to negotiate, who refuses to recognise the negotiating agent. You are taking planket power in this case to declare any strike illegal. Let us not try to indulge in sophistry or mislead ourselves that you have identified certain industries as essential services.

Clause 2. (xvi) "Any service in connection with affairs of the Union.



[Shri George Fednandes]

not being a service specified in any of the forgoing sub-clause."

What is essential? 'Any service in connection with the affairs of the Union'—the Government employee working in the Secretariat—North Block and the South Block! 'Any service in the Union' has not been specified here, it is bound that you are taking powers to declare that as an essential service. Why do you fool us? Why fool the workers? Why indulge in sophistry in this House and bluff even this House?

Look at the next clause—xvii

"Any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintenance of ....."

Technically, I am sure, Parliament has a right to make laws in regard to workers who are employed in a tea shop in the city of Delhi. I am sure the Parliament has the right to make laws in regard to the barber shops in every union territory. I am sure they have not denied themselves that right under the Constitution. So, in other words if the workers in a tea shop at Connaught Place have a grievance which is very genuine and they go on strike, you are acquiring power here to say that their strike can be brought within the mischief of this Act and that strike can be banned.

So, what are you trying to do? You speak of essential services alone being covered by this? You try to give specific, special definition to essential services and then try to juxtapose it with the Industrial Relations Bill that was piloted by Shri Ravindra Varma.

Even where essential services are concerned I would like to ask—have you finally come to conclusion that short of this legislation, short of banning strikes, is there no way for you to move forward? That is what Mr. Stephen told us and that is what

your Government would have us believe. If that is so, what happens to this document? Are we to sell it in the raddi? Is that all this document has now come to? This House is to discuss this document later during this week. I read out here one paragraph, para 24.22, p. 404:

"It may also be stressed that if the huge investments made during the Five Year Plan are to yield desired results, certain important measures cannot be delayed for long. For example, the core sector including power, energy, coal, steel and transport needs to be insulated against uncertainties of the industrial relations situation to the maximum extent possible. If adequate consultative machinery and grievance procedures are evolved and made effective, strikes and lock-outs can become redundant in these industries. In other areas also, strikes and lock-outs should be resorted to only in the last stage."

In other words, this document admits that there is an essential sector and we must evolve a machinery which makes strikes redundant in those sectors. This is precisely what Mr. Ravindra Varma has been pleading in Government and in Opposition. We may have our disagreement on the scope and on the overall significance of that legislation. But this is precisely what he said. This is precisely what you say in your Plan document that you want this House to discuss in all seriousness.

Now, you bring forward a piece of legislation where you admit, a member of your Government intervening in the debate admits, that you have no more concern with industrial relations where essential services are concerned and that essential services are now a matter for penal laws. Whether it is essential services or non-essential service, nobody goes on strike for the pleasure of it. Strike becomes necessary in this country because

there are problems. The workers are facing problems for which the right solutions have not yet been found. We need not discuss solidarity here. Let us discuss our workers, let us discuss their problems.

Tihar Jail is very much in the news in the last few months. I would like the Home Minister to lay on the Table of the House the diet chart of the prisoners in Tihar Jail. I have with me the diet chart of prisoners in all the prisons of Maharashtra—Government Gazette. I will read out the diet chart, if it is going to make any impact, any impression, on the people who are today propounding this law and telling us that this is the answer to the problems of workers; it is more industrial relations; it is no more settling their problems; it is no more that philosophy and policy that is outlined in this document and that is penal laws that will deal with the problems of workers.

This is the latest diet chart. I will read out that chart so that the size and the gravity of the problems that bother the working class are properly understood in the right perspective. I read out:

"A prisoner in a Maharashtra jail gets 30 g. kanji, 540 g. of cereal every day, 270 g. of rice, 115 g. of dal, 260 g. of vegetables, 15 g. of cooking oil, 20 g. of salt, 9 g. of condiments, 5 g. of tamarind, 55 g. of onions thrice a week, 85 g. of gur once in a week, 30 g. of vegetable ghee once a week, 30 g. of gram flour once a week and 680 g. of fuel to cook food."

I would like any member to work out how much this works out in rupees and paise. It comes to Rs. 5/- per day. In Tihar jail, if the Home Minister is asked to lay the diet chart on the Table of the House, it works out to Rs. 6/- per day. A diet costing Rs. 6/- is prescribed for one prisoner per day in the jails of this country. I did not read out sugar, tea powder or of even a drop of milk. This is the raw diet of a prisoner.

SHRI P. VENKATASUBBAIAH: I do not know how long Mr. George Fernandes will speak. What is the time allotted? The time has to be kept up according to the suggestion made. (Interruptions)

I have got every right to ask. When Mr. Stephen was talking, you asked him. I have got a right to ask.

SHRI GEORGE FERNANDES: I shall be concluding.

Now this works out even if you hold it at Rs. 5/- as I said in Delhi it is Rs. 6/- for a prisoner. It is Rs. 150/- per month, the diet of a prisoner. This does not include the cost of clothing, rent of the house, electricity, water and transportation to and from the place of work. It does not include the cost of medicines, of entertainment and of education of children. This is the diet. Rs. 150/- per head is what you give to a prisoner within the prisons of this country. An average family, according to ILO records and according to your Labour Ministry's documents and according to your own planners documents, consists of 5 adult units. So Rs. 150/- multiplied by 5 adult units you give to the people of this country. the diet that is available to the prisoners in the prisons of Delhi and Haryana and Maharashtra and Gujarat and Tamilnadu and every State. Just to give that raw diet, you need Rs. 750/- per month. Add to it the rent of the house, clothes, the children's education, of some entertainment, illness, the transport cost and you can work out yourselves, what a worker should get and what he is getting. Now you come to this law and tell us that it is no more industrial relations; It is no more employer-employee. It is the penal law and we shall deal with in a penal way. The Minister Mr. Stephen was proud of the 800,000 men. I would like to ask him whether his men are proud of him, 250,000 of them who are known as extra-departmental employees, are

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getting Rs. 125/- per month. All those employee are there. What are they getting? You have not paid even a dearness allowance which become due in April. I am going to serve a notice of strike on you today though this law does not require me to serve a notice. I would like to serve a notice today that we shall organise a strike. We shall organise strike. I would like to know whether and when you will pay us dearness allowance, Mr. Home Minister. I would like to know whether you will pay us our increased wages. I would like to know whether you will departmentalise the extra departmental employees. I would like to know whether you will give us the minimum diet which is available to the prisoners of this country. Clothes can wait, house rent can wait, children's education may wait, but, will you at least give us, the right diet which is today available? Therefore, I know that it is high time to make an appeal to the—I do not use the word 'conscience', not after Antulay, that mistake I shall not make—is there any good sense left there, is there the capacity to understand the gravity of the situation? My colleague Mr. Vajpayee was saying that we are moving in a certain direction which is sending shivers in the minds of those who are concerned with this country and if your only reply is that, I will say "We fought you in 1975 and 1976" and if you create a situation like that I warn you we shall fight you in the same way in 1981 and 1982, whenever it becomes necessary. With these words I support the resolution and I oppose the Bill.

SHRI FRANK ANTHONY (Nominated—Anglo-Indian): Mr. Chairman, Sir, I do not propose to emulate my friend, Mr. George Fernandes, nor do I propose to use all the information that I elicited from him in cross-examination. But I am a little amused at his flamboyant arithmetic. According to him, no worker in this country, no family in this country should get less than—I do not know

how he has worked it out—so many thousands of rupees. My first question is: what do you pay to the judges of a High Court? They barely get Rs. 2,000/- each in hand, per month, and a judge of the Supreme Court about Rs. 3000. Without being too personal, I wanted to ask Mr. Fernandes how he lived for so many years on Rs. 200 a month. (Interruption). It was very recently. As I said, I do not want to use what I elicited from him in cross-examination, but I was a little surprised that, even uptill recently, a person of his background, a person of his sophistication, could live on Rs. 200 a month. ask him, "Where did you eat?" and he said, "I ate in my office, on my office table". I asked him, "Where did you sleep", and he said, "On my office table". The person who engaged me had spoken—with due respect—about his strong sexual proclivities. I did not pursue that or ask him, where he exercised his sexual proclivities; I did not want to persuade that (Interruptions) I stopped at that.

AN HON. MEMBER: It is not proper.

SHRI FRANK ANTHONY Yes.

These flamboyant arguments carry us nowhere. Quite frankly, this Bill errs on the side of latitude. My friend, Mr. Somnath Chatterjee—I knew his father better than I know him—said, "Look at this Bill; arrest without warrant; six months jail" i do not think he knows much about the criminal law. Otherwise, he would have known that, under the criminal law, any offence which is punishable up to two years, is triable summarily...

AN HON. MEMBER: It depends on the Magistrate.

SHRI FRANK ANTHONY: It depends on the Magistrate. But the power is there. What he is impliedly arguing is that these people should not be punished upto six months, they should be punished upto two years, so that they can have the warrant.



procedure. This is what, by implication, he has said....

**SHRI SOMNATH CHATTERJEE:** Criminal lawyers themselves become criminals.

**SHRI FRANK ANTHONY:** I am just trying to show that my friend also emulating the flamboyance of some union leader. (Interruptions) I am not attacking anybody: I am merely replying.

Mr. Stephen was dealing with certain essential services. They have been defined—Posts & Telegraphs, Railways, Aerodromes, and so on. But what has been forgotten is that these are not only essential—Mr. Stephen kept on underlining 'essential to the society'; I am speaking in the context of what the country is facing—these services, many of them, are critical not only for our society but for the defence of the country also. Now, what are we dealing with? We are dealing with essential services. We know that the public sector accounts for three-fourths of the organized sector of workmen. We also know that the public sector, which represents three-fourths of the organized sector, is infinitely better paid than the millions in the unorganized sector. And yet to-day we see what is happening. Here is an invitation to the public sector to continue to play havoc with the economy. Somebody referred to it.... (Interruptions) What I have forgotten you are yet to learn—still very much.

15 hrs.

What I am trying to say in this think it is Mr. H K L Bhagat who referred to the fact that there are several public sector undertakings which went on strike for a period of 77 days. He did not spell them out. Hindustan Aeronautics, Hindustan Machine Tools, Bharat Electronics—all critically involved in defence production. 77 days and 125,000 people and the country lost Rs. 200 crores.... (Interruptions).

I am sorry my brief was perhaps much better than what my friend has had. What were they fighting for? As I understood it.... (Interruptions) I keep my files for many more years than my friend does. They were fighting for parity with Bharat Heavy Electricals Ltd. That is how I understood it. Now, Sir, this BHEL it not only a high-wage island but it is an ultra high-wage island....

15.01 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

**SHRI SOMNATH CHATTERJEE:** On what basis were they getting? It was on the basis of an agreement.

**SHRI FRANK ANTHONY:** Sir, are we to have this running commentary? Sir, they were asking for parity with BHEL, an ultra high-wage island. And what are my friends doing? They were pleading for workers in these ultra high-wage islands. Take the Life Insurance Corporation.

I read another article about them. Their Assistants draw more than the Joint Secretaries in the Government of India. Even then, every now and then they want to go on a strike.... Every now and then they want to go on a strike. And somebody said and I think Mr. Stephen read out the figures and he showed the degree of violence because so many of their so-called union leaders are people—either unemployed or unemployable and their only living is to mislead the workers. I remember I met a number of colliery owners when the collieries were not taken over. I asked them how they were managing. They were managers. They said, 'We have no trouble at all. Most of the Union leaders get cars from us. We give them all kinds of allowances. We get them all kinds of amenities. So, we have no trouble, Sir, this is the tragedy in the country. They are people who are easily purchaseable and they compete with one another and



[Shri Frank Anthony]

their only stock-in-trade is to jump on every agitational band wagon.

What happened in the Eastern Coal Fields. I have a cutting here from the *Statesman* of 3-7-81. Because the workers were encouraged to beat their officers, 10 collieries had to close down. And what was the loss? 3500 tonnes of the best coal per day were lost because the so-called Union leaders encouraged their workers to beat their officers. This is the kind of thing they are indulging in. Today let us be quite frank....(Interruptions) This kind of cheap insinuations are not going to put me off. It was his leader who said, 'You see what happened in 1974. You see what happened in 1975. You did see what happened in 1975. You were driven out. So you will be driven out again....' (Interruptions) Mr. Chatterjee, you have to live many times before you even remotely become a representative as I am. I represent a whole community. I lead a whole community. ...

MR. DEPUTY-SPEAKER: He is a full-fledged Member of Parliament.

SHRI FRANK ANTHONY: What I was trying to say is this....(Interruptions). Mr. Deputy Speaker, am I to put up with this? ...

MR. DEPUTY-SPEAKER: You need not reply to the side talks. They are not being recorded here.

SHRI FRANK ANTHONY: Sir, I was referring to his leader. ...

SHRI JANARDHANA POOJARY (Mangalore): Sir, I invite your attention to Rule 349. The hon. Member there should set an example. A member shall avoid making a running commentary when speeches are being made in the House. The hon Member being a senior member and also being a Chairman should not pass remarks like this.

MR. DEPUTY-SPEAKER: You may continue, Mr. Anthony. Mr. Poojary,

when Shri Chatterjee sits here, he is a Member of Parliament. Only when he sits here, he is the Chairman.

You are a Member of Parliament and you can enjoy all the facilities and privileges.

Mr. Anthony, you may continue.

MR. FRANK ANTHONY: What I was saying was this. The great leader of his party said that for what you did in 1975 you had to pay the penalty in 1977. He forgot to carry it to the logical conclusion. What happened in 1979? The same people were swept back to power. And that is one of the criticisms; I am going to make it against the Home Minister. They were swept back to power because the people recognised that after having seen 2½ or 2-4/3 years of non-government, they wanted a strong, a firm, Government. That was why the Cong. (I) were swept back to power.

That was because this Government gave this country during the Emergency more production and more discipline and law and order than before. That was why this Government was swept back to power. What are the conditions today? We cannot discuss this Bill in a vacuum; it is a temporary measure. To-day what is happening? This country is facing an imminent attack from Pakistan. I believe that sooner than later, because the Reagan Administration goes on pouring in huge amounts of sophisticated arms to a neighbour, that Pakistan, under an unprincipled and brutal military dictatorship, will aggress against us by using these American arms. That is the imminent danger which we are facing today.

In this context, are we going to plead with the public sector undertakings whose services are critically essential for the defence of this country that they should be given the right to strike? In any case I do not understand this. As Mr. Stephen said, there

is no blanket ban, I would have said that they might identify the area of essential services. But, I do not agree with what Mr. George Fernandes said. He only read out parts of Clause (XVI) and (XVII). He said that we might add chawwallahs to the essential services. That is not correct. The conditions and the qualifications as such that these are necessary for the life of the nation, the people. Distribution of tea is not essential for the life of the nation. So what I am saying is this. You should have placed a blanket ban on strikes in the essential services after identifying them. At present strikes as such are not prohibited. It is only after the Government proclaims that it is in the public interest that the strike should be prohibited, that is then prohibited. After all whatever my friends were pleading for? In the context of this imminent threat from Pakistan we are facing also the inflation menace which makes the Government vulnerable. Inflation is not only in this country. It is raging through the world. Fortunately, whatever my friends on the other side may say, the Government has stemmed this economic drift that was precipitated by the non-Government that preceded it. You see this marked improvement in the infrastructure that underpins the economy. I have got the latest figures with me. There has been a 17 per cent increase in power production and 114 million tonnes of coal production—a record production—and steel is now in the conditions of a glut. Some people forget this.

I am coming to the inflationary pressures that are breaking the back of everybody—not only the back of the common man, not only the back of the workers but also the back of the middle and upper-class as well as upper-middle-class. What is the greatest single impetus to inflation? It is the repeated increase in oil prices and derivatives of oil. Forty per cent of the inflationary impact is due to this

repeated increase in oil prices and prices of its derivatives.

Sir, I was reading in Article from a London magazine where an economist has said that India has not passed on the burdens sufficiently to the users of oil, diesel, etc. I may not agree but at least what Government is trying to do—as they say—is that we have to increase oil price because we are wanting to increase the exploration for oil. And I am hoping that in the next five years we will become almost self-sufficient in oil.

Mr. Deputy Speaker, Sir, the position is axiomatic. We are also facing an imminent attack from Pakistan. Then there is this monster of inflation; how do we meet it? It is only by keeping production more or less in pace with demand. What alternative have they? As I say Government has allowed a lot of latitude after they prohibit a strike that is against the public interest. They have said that those penal provisions to which Mr. Chatterjee referred to as arrest will apply. Now what happened during the non-Government period of two and a half years. There was an insane level of mandays lost. I think Mr. Bhagat tried to refer to it. I have got the figures. Forty-four million mandays were lost in 1979 because there was no Government worth the name. Because you had a nearly insane Government the country lost forty-four million mandays.

Sir, I read an Article by a reputed economist where he has said that if you can bring down that insane level precipitated during the Janata non-regime you can add 500 to 600 crores to your production. Further he said that if you can increase production of power, diesel and steel by 10 per cent you will add another 2,000 to 3,000 crores to your production. And this is exactly what the Government is doing.

[Shri Frank Anthony]

MR. DEPUTY-SPEAKER: Please conclude.

SHRI FRANK ANTHONY: Mr. Deputy Speaker, Sir I had to say a lot. I was President of the oldest national union of the Railways and have always been the champion of their cause. They are among the best paid people in the country. I am not suggesting for a moment that you don't meet them or you don't have conciliation or you don't give them their legitimate dues. I was one of the first to welcome the latest amenities granted to locomen.

Sir, recently you had a strike called by an illegal locomen's union. I am glad that Government stood firm. But I am not glad that you dismissed 3,000 people. I myself would say, go into the cases of the dismissed employees. But what I do say is that the people who indulged in arson, the workers who indulged in violence must never be re-instated. That is the grievance I have with the Cong. (I) Government that during a strike called by people who were virtually anarchist and whose avowed purpose was to cripple the Government and the country they have been taken back. I am talking about 1974 strike.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI FRANK ANTHONY: Now, a word about banning of strikes. You are not banning them. It is qualified. You prohibit a strike in an essential service if you find that it is against the public interest. That was an elementary duty in the context of the circumstances that the country is facing. But my grievance against the Government is this and I want the Home Minister to listen to me. What are you doing with regard to runaway inflation in respect of essential commodities. I do not know whether my friend will pass it on to him. What

is the Civil Supplies Minister doing? I want him to reply to me if he is listening to me. What are you doing to stem this runaway spiral of prices with regard to the essential commodities? What are you doing? Nothing at all. Every day you are in effect reducing the pay packet. My wife tells me "you are a busy man, concerned in appearing in cases. But every day these people are pushing up the prices of essential commodities." Now, it is not every one who can eat mutton. My dog also eats mutton. So I have to pay Rs. 20 per kilo. From Rs. 16 per kilo, it has gone up to Rs. 20 per kilo in two weeks. Fish has also gone up from Rs. 18 to Rs. 24 per kilo. Vegetables which the common man eats like 'bhindi' costs Rs. 8 or Rs. 7 per kilo; tomatoes cost Rs. 8 per kilo; dhal—the poorest people who use to feed their children with chappathi, dhal costs Rs. 7 per kilo. And when my servants—fortunately my wife can afford to pay them Rs. 10 and Rs. 12—go and say "Oh, the Home Minister has said you can buy sugar at Rs. 7 per kilo, the reply is go and get it from the Home Minister. I am coming to the conclusion of my argument. What are you doing now? We gave you recently the preventive detention power, with regard to the essential commodities. What are you doing? I say nothing. I ask why you should again not do something. During the Emergency, you locked up these people. You have the same powers to do that. As I said recently, if you lock up a thousand of constituents of Shri Atal Behari Vajpayee in Delhi, you will find overnight the prices of all these essential commodities will come down. Why are you not doing it? There seems to be complete paralysis in this matter. Why are you not doing it? This is my greatest grievance. I am not worried about the figure of the whole-sale price index. People are not worried about the figures of the whole-sale price index. The whole-sale price index does not affect the stomach of the people. It is the god-forsaken essen-



tial commodities that are going up. Every day, day in and day out, the prices are going up. (Interruption).

Now, what I am saying is this. Somebody has said that you have taken away the fundamental Right to strike. I do not think Mr. Chatterjee could have told this. He knows a little more of Constitutional law. In regard to the right to strike the Supreme Court said "yes, you may have the right to demonstrate under Article 19(1)(a) and (b). But certainly you have no right to strike. There is no Fundamental Right to strike. These people, because they do not read much, are not unduly informed; they make up with flamboyancy. They have in effect to destroy their own workers. I was one of those who was against taking property rights out of the Fundamental Rights. In every civilised democratic society, there is a fundamental protection to property. Now, you have taken property out Tomorrow, if you get a Leftist Government, they will expropriate your savings, if you have got any, I may have a little more than you have; they will expropriate them. They will expropriate the pensions, they will cut down wages by wages by half because there is no protection in the Constitution for wages, for savings, for salaries about which my friends are talking so much and in the same way they must have talked about the property being taken out from the Fundamental Rights.

MR. DEPUTY-SPEAKER: You have touched on all points of all Sections.

SHRI FRANK ANTHONY: I would like to end on this note. In to-day's trade unionism, as I have already said that there is competition among trade union leaders. Competition is leading to intemperate demands. Trade unionism is not only chaotic, but it is anarchic. Here are the trade union leaders who are basically anarchists who boast of their capacity to cripple the Government. If they cripple the

Government, they will be crippling the country; and if they cripple the country, they will cripple our defence. And if they cripple our defence, they will destroy the country.

15.20 hrs.

#### ARREST OF MEMBERS

MR. DEPUTY-SPEAKER: I have an announcement to make, regarding the arrest of Shri A. U. Azmi.

I have to inform the House that the following wireless message dated 14 September 1981 addressed to the Speaker, Lok Sabha has been received from the Sub-Divisional Magistrate, Jaunpur, U.P. today.

"Shri A. U. Azmi, Member Parliament has been arrested on 14 September 1981 at 12.30 hours at Jaunpur under section 151 Cr. P.C. by police and sent to District Jail, Jaunpur, u/s 107/116 Cr. P.C. by Sub-Divisional Magistrate, Jaunpur, a 13.30 hours same day."

I have another announcement regarding the arrest of Shri B. D. Singh.

I have to inform the House that the following wireless message dated 14 September 1981, addressed to Speaker, Lok Sabha, has been received from the Superintendent, Central Jail, Naini, Allahabad, U.P. to-day:

"Shri B. D. Singh, M.P. arrested under section 188 I.P.C. on 14-9-1981 and confined in Central Prison, Naini."

15.22 hrs.

#### MOTION RE. CONTEMPT OF THE HOUSE

MR. DEPUTY-SPEAKER: As the House is aware, at about 11.40 hours to-day, a visitor calling himself Dudheshwar Roy, son of Shri Brahm Dev threw some papers from the Visi-