

[Mr. Deputy Speaker]

was likely to picket collectorate Dharmapuri along with twenty DMK volunteers. A case is registered under Crime No. 646/81 under section 151 Cr. P. C. read with section 7(i) (A) Criminal Law Amendment Act. He is being lodged in the Central Jail, Salem."

(2) *Telegram from the Inspector of Police, Law and Order, Salem Town.*

"Shri C. Palaniappan, M.P. and Shri M. Kandaswamy, M.P. were arrested at 10.15 A.M. on 15-9-1981 at Old Market Street, Fort, Salem Town, for attempting to take out a procession violating regulatory order. They are being remanded."

21.49 hrs.

ESSENTIAL SERVICES MAINTENANCE BILL—contd.

Clause 5—(Penalty for illegal strikes)

MR. DEPUTY-SPEAKER: Now amendments to Clause 5 will be moved.

SHRI CHITTA BASU: I beg to move:

Page 4, line 20,—

for 'six months' substitute "seven days" (14).

Page 4, line 20,—

for "one thousand" substitute "ten" (15).

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 4, line 20,—

for "six months" substitute "One day" (32).

Page 4, line 20,—

for "one thousand rupees" substitute "one rupee" (33).

Page 4, lines 20 and 21,—

omit "or with both" (34).

SHRI SUNIL MAITRA: I beg to move:

Page 4,—

for lines 20 and 21, substitute—
"one day or with fine which may extend to ten paise, or both" (74).

PROF. RUP CHAND PAL: I beg to move:

Page 4, line 17,—

omit "which is illegal" (93).

Page 4, lines 19 and 20,—

omit "imprisonment for a term which may extend to six months, or both" (94).

Page 4, lines 20 and 21,—

for "which may extend to one thousand rupees, or with both" insert "of 10 paise" (95).

SHRI KRISHNA CHANDRA HALDER: I beg to move:

Page 4,—

for lines 19 to 21 substitute "shall not be punishable and may be liable to fine rupees five only" (115).

SHRI SATYANARAYAN JATIYA: I beg to move:

Page 4, line 18,—

omit "or otherwise takes part in" (125).

SHRI BASUDEV ACHARYA: I beg to move:

Page 4, line 20,—

for "six months" substitute—
"one week" (138).

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 4, lines 17 and 18,—

omit "which is illegal under this Act," (158).

SHRI SUSHIL BHATTACHARYA: I beg to move:

Page 4, for lines 20 and 21,—

substitute "one day or with fine which may extend to one rupee only" (191).

SHRI SUDHIR GIRI: I beg to move:

Page 4, lines 19 and 20,—

omit "with imprisonment for a term which may extend to six months, or" (211).

Page 4, lines 20 and 21,—

omit "or with both" (212).

SHRI SAIFUDDIN CHOUDHURY: I beg to move:

Page 4,—

for clause 5 substitute—

"5. Any person who forces workers to commence a strike shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both." (229)

SHRI HANNAN MOLLAH: I beg to move:

Page 4, line 20,—

for "six months" substitute "six days". (241)

SHRI SAMAR MUKHERJEE: I beg to move:

Page 4, line 20,—

for "six months" substitute—

"one day". (265).

SHRI M. M. LAWRENCE: I beg to move:

Page 4, lines 19 to 21,—

for "imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both".

substitute "fine not exceeding one hundred rupees". (342)

SHRI A. K. ROY: I beg to move:

Page 4, lines 19 to 21,—

for "imprisonment for a term which may extend to six months,

or with fine which may extend to one thousand rupees, or with both."

substitute—

"imprisonment or fine as would be decided by the National Tribunal for labour with extended jurisdiction to which the case would be referred". (387).

SHRI VIJAY KUMAR YADAV: I beg to move.

Page 4, lines 19 to 21,—

for "imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both".

Substitute "fine which may extend to fifty rupees" (452).

SHRI M. M. LAWRENCE: I beg to move:

Page 4,—

for lines 19 to 21, substitute—

"shall not be punished and may be liable to fine of rupees two only" (502).

MR. DEPUTY-SPEAKER: These amendments are before the House.

Mr. Chitta Basu, we have had sufficient discussion. Now, please read out your amendment only. There is no time. Please cooperate.

SHRI CHITTA BASU: This clause relates to the penalty for illegal strike. Sir, the penalty which has been provided is 6 months imprisonment and 1,000 Rupees fine or both. This, to say the least, is savage treatment, meted out to them. Even at this late stage I have suggested in my amendment that you should reduce the quantum of penalty; Imprisonment should be for 7 days only and fine of only Rs. 10; there should not be both fine and imprisonment. This is my submission. I hope the hon. Minister will accept these amendments.

श्री रामावतार हास्त्रो : उपाध्यक्ष महोदय, धारा 5 में गैरकानूनी हड़ताल में भाग लेने वालों को छः महीने की सजा या एक हजार रुपये का जुर्माना या दोनों सजायें देने की व्यवस्था है। मैं अपने संशोधन 32, 33 और 34 के द्वारा चाहता हूँ कि छः महीने की सजा को कम कर के एक दिन कर दिया जाए, एक हजार रुपये के जुर्माने को कम करके एक रुपया कर दिया जाए और या दोनों को हटा दिया जाए, अर्थात् या तो एक दिन की सजा हो या एक रुपये का जुर्माना हो, दोनों न हों। गृह मंत्री जी को मजदूरों की मुहब्बत में इन साधारण संशोधन, को मान लेना चाहिए।

SHRI SUNIL MAITRA: Sir, no worker goes on strike just for the fun of it. Any worker goes on strike only when he has got enough reasons to go on strike and when he is on strike he is starved. Sir, the punishment which is meted out to him is, to put it very mildly, savage in nature. Therefore I propose this in my amendment that instead of 6 months, the punishment should be for one day...

SHRI INDRAJIT GUPTA: For 6 hours.

SHRI SUNIL MAITRA: Sir, instead of Rs. 1,000 the fine should be only 10 paise. I hope the Minister will accept it.

SHRI RUP CHAND PAL: This Government is determined to ban strikes. The working class of this country also determined to go on strike whenever they find that strike is necessary. We find that the country will suffer and the economy will suffer, if such a sort of confrontation between the Government and the Working Class is allowed to be continued. In such a situation, when the Government does not want to withdraw the Bill. What I suggest in my amend-

ment is that you should completely do away with the provision of imprisonment. This is my request. Secondly, when the workers go on strike, they have no money to pay at all. A simple fine of 10 paise will be quite enough. This is what I have suggested in my amendment. I hope that the hon. Minister will accept it.

SHRI KRISHNA CHANDRA HALDER: I am against declaring any strike illegal. My amendment No. 115 to Clause 5 states

"shall not be punishable and may be liable to fine Rs. 5 only".

I have also suggested a fine of Rs. 100/- or both imprisonment and fine. I have brought this amendment which is very reasonable. I would request the Home Minister to accept my amendment.

श्री सरस्वतलक्ष्मी जटिया : उपाध्यक्ष महोदय, इस धारा में कहा गया है "या उस में अन्वेषा भाग लेगा।" यदि किसी अधिकारी को किसी भी प्रादुर्भाव से कोई नाराजगी है, तो वह उसको फंसाने के लिए इस प्रावधान का दुरुपयोग कर सकता है। इस संभावना को समाप्त करने के लिए मेरा संशोधन है कि इन शब्दों को निकास दिया जाए।

SHRI BASUDEV ACHARIA (Bankura): In Clause No. 5, it is stated that for participating in any illegal strike, he will be imprisoned for six months. My amendment is that this period of imprisonment should be reduced to one week and these two penalties—imprisonment and fine should not be imposed. It should be either of the two.

SHRI SOMNATH CHATTERJEE: The amendment that I have given may seem to be not very serious. One may think that when we are suggesting one day's imprisonment in place of six months or Rs. 10 fine instead of Rs. 1000 fine, probably we are not serious. This is only to show our contempt for the Bill and the provision that they are making. This is only to show our contempt for the Bill and

the provision that they are making. This is playing with fire and I am submitting to the House that the Hon. Minister will please consider my amendment and try to make it a reasonable one.

SHRI SUSHIL BHATTACHARYA: (Burdwan): I am against the severe penal measures as proposed in Clause 5. My amendment is that in place of six months, it should be one day and instead of a fine of Rs. 1000, it should be one rupee only.

SHRI SUDHIR GIRI: I have brought this amendment because this clause is inhuman and immoral. Even if the worker is punished with a fine, the provision has been made that he will also be imprisoned and if he is imprisoned, the members of his family will suffer. Even they will face death. So, I have brought this amendment so that they can do away with their proposed punishment of imprisonment.

SHRI SAIFUDDIN CHOUDHURY: The Bill blames the worker for hindering the industrial development and the progress of the country, and is meting out punishment to him. In my opinion, he is not to be blamed. Workers are the creators of the wealth of our society. Government must know that it is the working class which can build the South Block and also Raj Ghats.

22.00 hrs.

SHRI HANNAN MOLLAH: Through my amendment No. 241, I propose to reduce the term of punishment and the amount of fine involved. I request that this may be accepted.

MR. DEPUTY-SPEAKER: Shri Samar Mukherjee does not want to speak on his amendment No. 240. Now Shri M. M. Lawrence on his amendments No. 342 and 502.

SHRI M. M. LAWRENCE: In our country, the worker has got only the labour power; and he is helping the employer to produce the products and commodities. The employer purchases that labour of the workers and sells it in the form of products and makes profit and amasses wealth.

Only through collective bargaining can the working class get some benefits like wage hike, allowances and bonus. By passing this Bill, Government is taking away the collective bargaining power, only to the advantage of the exploiter. This Government has no faith in the working class of our country. This Bill is the declaration of that attitude of this Government towards the working class who are the creators of valuable wealth and are the foremost patriots of our country who have worked and fought in the forefront for the liberation of our country from the stranglehold of the imperialists. Government is going against the spirit of the freedom struggle. It is defaming and dishonouring the martyrs who fought for the freedom of our beloved country. This Government is trying to handcuff the workers, and to jail them—or no mistake of theirs.

MR. DEPUTY-SPEAKER: Handcuff is mentioned anywhere in the Bill.

SHRI M. M. LAWRENCE: Sir, it is implied there. There are using only the collective bargaining power. If the employer—whether it is the Government or the private employer—is not willing to accede to his reasonable demand for wage hike, bonus or allowances through bargaining, he must have the right to strike. Instead of allowing that Government wants the right to jail the struggling workers. It is inhuman, barbarous and undemocratic. It should be withdrawn. My amendment will take away the jail portion of the punishment. I strongly appeal to the Home Minister to accept my amendment.

SHRI A. K. ROY: As the ineffectiveness and sluggishness of Government machinery, especially the conciliation machinery is responsible for most of the work stoppages, we should be more cautious in prescribing penal provisions against workmen. In the Central Labour Department, 1961 disputes were there

[Shri A. K. Roy] : In 1976. Out of them, 1000 failed. No settlement came. Only one was referred to arbitration. So this is the record. I say penal provisions like imprisonment etc. should be left to the discretion of the national tribunal or some such high powered board so that it could be judiciously applied.

श्री विजय कुमार यादव : मैंने दो प्रमोशन दिए हैं। एक की चर्चा तो घोर लोगों ने की है। दूसरा मैंने यह दिया है—इस में यह है कि यदि कोई व्यक्ति ऐसी कोई हड़ताल जो इस अधिनियम के अधीन प्रबंध है, प्रारम्भ करेगा, या ऐसी हड़ताल पर जाएगा या रहेगा या उस में ग्रन्थि भाग लेगा—या जो "ग्रन्थि भाग लेगा" इस में दिया गया है, इस के पीछे सरकार की बदनीयती है और इसके जरिए वह मजदूरों को जो संगठित करने वाले हैं, उसको नेतृत्व प्रदान करने वाले ट्रेड यूनियन लीडर्स हैं ऐसे लोगों पर कार्यवाही करना चाहती है, इसलिए मैंने दिया है कि इस को हटा दिया जाय और मैं समझता हूँ कि इस को मानने में मंत्री जी को कोई एतराज नहीं होगा।

श्री जल सिंह : उपाध्यक्ष महोदय, मेम्बर साहबान कुछ ऐसे भी हैं जिन्होंने पहले भी प्रमोशन पेश की और अब और की, भाइन्दा भी कुछ करेंगे, उनकी मेहनत की मैं प्रशंसा करता हूँ। मैंने बहुत ध्यान से उन को सुना और मैं अपने पास वह सारे प्रमोशन ले रखे हुए हूँ। अगर जरूरत पड़ी तो किसी समय प्रयोग में लाऊंगा और उन प्रमोशन को ले लाऊंगा। अभी तो यह बिल जो है ऐक्ट बन कर जाएगा और उस पर फिर प्रयत्न होगा। मेरी यह प्रार्थना है मेम्बर साहबान से, वे यह चाहते हैं कि मजदूरों को राइट हो

और हर कारखाने में स्ट्राइक हो, हम चाहते हैं कि मजदूरों और हमारे देश का फ्यूचर ब्राइट हो, इसलिए मैं इनकी बात नहीं मान सकता।

MR. DEPUTY SPEAKER: Now I shall put all the amendments moved to Clause 5 to the vote of the House.

Amendments Nos 14, 15, 32, 33, 34, 74, 93, 94, 95, 115, 125, 138, 158, 191, 211, 212, 229, 241, 265, 342, 387, 452 and 502 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 5 stand part of the Bill."

The Lok Sabha divided:

Division No. 22]

[22.11 hrs.

AYES

Ahmed, Shri Kamaluddin
Ankineedu Prasad Rao, Shri P.
Anuragi, Shri Godil Prasad
Appalanaidu, Shri S. R. A. S.
Arakal, Shri Xavier
Azad, Shri Bhagwat Jha
Azad, Shri Ghulam Nabi
Baitha, Shri D. L.
Bajpai, Dr. Rajendra Kumari
Baleshwar Ram, Shri
Bansi Lal, Shri
Barot, Shri Maganbhai
Barway, Shri J. C.
Bobera, Shri Rasabehari
Bhagwan Dev, Acharya
Bhakta, Shri Manoranjan
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhol, Dr. Krupastndhu
Bhole, Shri R. R.
Bhuria, Shri Dileep Singh
Brar, Shrimati Gurbinder Kaur
Brijendra Pal Singh, Shri

Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrashekharaappa, Shri T. V.
 Chaturvedi, Shrimati Vidyawati
 Chaudhary, Shri Manphool Singh
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Choudhury, Shri A. B. A. Ghani Khan
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Dev, Shri Sontosh Mohan
 Dhandapani, Shri C. T.
 Era Anbarasu, Shri
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravañan K.
 Gaikwad, Shri Udaysingrao
 Gandhi, Shri Rajiv
 Gehlot, Shri Ashok
 Ghufan Azam, Shri
 Gireraaj Singh, Shri
 Gomango, Shri Giridhar
 Gounder, Shri A. Senapathi
 Gowda, Shri D. M. Putte
 Gowda, Shri H. N. Nanje
 Gulsher Ahmed, Shri
 Jadeja, Shri Daulatsinhji
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain Shri Viridhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Kamla Kumari, Kumari
 Karma, Shri Laxman
 Keyur Bhusan, Shri
 Kidwai, Shrimati Mohsina
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kuchan, Shri Gangadhar B.
 Kunwar Ram, Shri
 Kusuma Krishna Murthy, Shri
 Lakkappa, Shri K.
 Mahendra Prasad, Shri

Makwana, Shri Narsinh
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mallu, Shri Anantha Ramulu
 Meena, Shri Ram Kumar
 Mehta, Dr. Mahipatray M.
 Mishra, Shri Ram Nagina
 Mishra, Shri Uma Kant
 Misra, Shri Harinathia
 Misra, Shri Nityananda
 Mohanty, Shri Brajamohan
 Mohite Shri Yashwantrao
 More, Shri Ramkrishna
 Motilal Singh, Shri
 Murthy, Shri M. V. Chandrashekhara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muttemwar, Shri Vilas
 Nagina Rai, Shri
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Narayana, Shri K. S.
 Netam, Shri Arvind
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshaorao
 Parmar Shri Hiralal R.
 Parthasarathy, Shri P.
 Patel, Shri Mohanbhai
 Patel, Shri Shantubhai
 Patel, Shri Uttambhai H.
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Patnaik, Shrimati Jayanti
 Pattabhi Rama Rao, Shri S. B. P.
 Pilot, Shri Rajesh,
 Poojary, Shri Janardhana

Prasan Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. F.
 Rahim, Shri A. A.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Ranga, Prof. N. G.
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri M. Nageswara
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Raut, Shri Bhola
 Ravani, Shri Navin
 Reddi, Shri G. S.
 Reddy, Shri K. Obul
 Reddy Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Saminuddin, Shri
 Sangma, Shri P. A.
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sebastian, Shri S. A. Dorai
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shaktawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Keki Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Shastri, Shri Dharam Das
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal Shri S. B.
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Kamalini

Soren, Shri Shibu
 Sparrow, Shri R. S.
 Sreenivasa Prasad, Shri V.
 Stephen, Shri G. M.
 Sukhadia, Shri Mohan Lal
 Sultanpuri, Shri Krishan Dutt
 Sunder Singh, Shri
 Swami, Shri K. A.
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thorat, Shri Bhausaheb
 Tiwari, Shri Narayan Datt
 Tytler, Shri Jagdish
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkatasubbaiah, Shri P.
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Yusuf, Shri Mohmed
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Balan, Shri A. K.
 Balanandan, Shri E.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chatterjee, Shri Somnath
 Chaudhary, Shri Matibhai
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Das, Shri R. P.
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suresh

Gupta, Shri Indrajit
Halder, Shri Krishna Chandra
Hannan Mollah, Shri
Hasda, Shri Matilal
Imbichhaya, Shri E. K.
Jatiya, Shri Satyanarayan
Kodiyan, Shri P. K.
Lawrence, Shri M. M.
Mahata, Shri Chitta
Mandal, Shri Mukunda
Mandal, Shri Sanat Kumar
Mhalgi, Shri R. K.
Misra, Shri Satyagopal
Modak, Shri Bijoy
Mohammed Ismail, Shri
Mukherjee, Shrimati Geeta
Mukherjee, Shri Samar
Muzaffar Hussain, Shri Syed
Pal, Prof. Rup Chand
Parulekar, Shri Bapusahab
Pathak, Shri Ananda
Rai, Shri M. Ramanna
Rajan, Shri K. A.
Rajda, Shri Ratansinh
††Ramamurthy, Shri K.
Riyan, Shri Baju Ban
Roy, Dr. Saradish
Roy Pradhan, Shri Amar
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sen, Shri Subodh
Shastri, Shri Ramavatar
Shejwalkar, Shri N. K.
Suraj Bhan, Shri
Surya Narayan Singh, Shri
Tirkey, Shri Pius
Unnikrishnan, Shri K. P.
Varma, Shri Ravindra

Yadav, Shri. Vijay Kumar
Zainal Abedin, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result* of the division is: Ayes 179; Noes 56.

The motion was adopted.

Clause 5 was added to the Bill.

MR. DEPUTY-SPEAKER: Hon. Members, a humble request to the hon. Members from the Chair. The spirit of all the amendments, as I could understand from the Government, is very well respected. Even our Home Minister has said that the amendments are quite reasonable, but they are not acceptable to him. Therefore, the spirit of the amendment is that the Government should be very careful in implementing this Act. Therefore, they have understood the spirit of the amendments. I would very much ask the Members from the Opposition not to press their amendments and as one belonging to the Opposition also, I am making this request. The spirit of the amendments has been understood by the Government. Is it not, Mr. Home Minister? The Home Minister has understood it. It is already 10 o'clock. Therefore, will you kindly cooperate?

SHRI SUNIL MAITRA: Are you asking us to.... (Interruptions).

MR. DEPUTY-SPEAKER: I will make this request after one hour. Let me try.

Clause 8—(Penalty for instigation, etc.)

SHRI CHITTA BASU: I beg to move:

Page 4, line 20,—

for "one year" substitute "one month" (16).

††Wrongly voted for NOES

*The following Members also recorded their votes:

AYES: Sarvshri Seth Hembrom, Shantaram Potdukhe, Ramayan Raj and K. Ramamurthy;

NOES: Sarvshri A. K. Roy, Niren Ghosh, Sunil Maitra and Ajit Bag.

[Shri Chitta Basu]

Page 4, line 25,—

for "two thousand" substitute "ten" (17).

SHRI MUKUNDA MANDAL: I beg to move:

Page 4, line 20,—

for "one year" substitute "two days" (58).

Page 4, line 25,—

for "two thousand rupees" substitute "rupees two" (59)

SHRI SUNIL MAITRA: I beg to move:

Page 4, line 25,—

for "to one year" substitute "till the rising of the court" (75).

Page 4, line 25,—

for "two thousand rupees" substitute "five-paise" (76).

SHRI RUP CHAND PAL: I beg to move:

Page 4, lines 24 and 25,—

omit "with imprisonment for a term which may extend to one year, for" (96).

Page 4 lines 25 and 26,—

for "which may extended to two thousand rupees, or with both"

Substitute "of 5 paise" (97).

SHRI KRISHNA CHANDRA HALDER: I beg to move:

Page 4,—

for lines 24 to 26,—

substitute "Act shall not be punishable with imprisonment but may be charged rupees five as fine" (116).

SHRI SATYANARAYAN JATTYA: I beg to move:

Page 4, line 23,—

omit, "or otherwise acts in furtherance of," (126).

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 4,—

for clause 6, substitute—

"6. Any person who knowingly encourages unjustified strike may be

punishable with fine which may extend to ten rupees." (161).

Page 4, line 25,

for "year" substitute "week" (162).

SHRI SUSHIL BHATTACHARYA: I beg to move:

Page 4, for lines 25 and 26,—

substitute "one day or with fine which may extend to one rupee only" (192).

SHRI SAIFUDDIN CHAUDHURY: I beg to move:

Page 4,—

for clause 6 substitute—

"6 Any person who instigates or incites other persons to attack workers causing disturbance in production shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both." (230).

SHRI HANNAN MOLLAH: I beg to move:

Page 4, line 25,—

for "one year" substitute "one day" (244).

Page 4, line 25,—

for "two thousand" substitute "twenty five" (245).

SHRI SATYAGOPAL MISRA: I beg to move:

Page 4, line 25,—

for "two thousand rupees" substitute "one rupee" (307).

Page 4, lines 25 and 26,—

omit, "or with both" (308).

SHRI A. K. ROY: I beg to move:

Page 4, lines 24 to 26,—

for imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both".

substitute—

"imprisonment or fine as would be decided by the National Tribunal for labour to which the case would be referred" (388).

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 4, lines 24 to 26,—

for "imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both"

substitute "fine which may extend to twenty-one rupees" (454).

SHRI AJAY BISWAS: I beg to move:

Page 4, line 25,—

for "two thousand" substitute "one" (492).

SHRI M. M. LAWRENCE: I beg to move:

Page 4,—

for lines 24 to 26, substitute—

"Act shall not be punishable with imprisonment but may be fined for rupees two" (503).

MR. DEPUTY-SPEAKER: I am making another request from the Chair. Hon. members who have moved their amendments will only read their amendments. I am not going to allow any speech. I am requesting Mr. Chitta Basu, who is a very good friend of mine. You just read your amendments.

SHRI CHITTA BASU: I believe you are hungry.

MR. DEPUTY-SPEAKER: No, Sir. I am very much worried that every one of you is hungry.

SHRI CHITTA BASU: I have learnt from Shri Somnath Chatterjee that you had also been a victim of these rules.

MR. DEPUTY-SPEAKER: Why do you bring in that extraneous things?

SHRI CHITTA BASU: I have pointed out on an earlier occasion that the

Government wants to crush organised trade union movement. You look at the wording of the clause: "Any person who instigates or incites other persons..." Did you instigate? Did you incite?

MR. DEPUTY-SPEAKER: I have forgotten everything now.

SHRI CHITTA BASU: I believed you did not incite. I firmly believe that you wanted to uphold the right of the workers to go on strike as a last weapon to realise their demands. But the entire thrust of the Government's move is to annihilate, emasculate and destroy the organised trade union movement in this country. Therefore, in order to break the strike, in order to break the unity and the trade union rights of the workers, they have sought to punish the trade union leaders. The punishment is one year's imprisonment. If a worker goes on strike, the punishment for him is six months. But if you incite them to go on strike, your punishment is one year's imprisonment. Suppose yourself or myself or any M.P. goes to Tamil Nadu and find some workers on strike. They come to you and you express your support to them. Do you know what will happen? According to this clause you will also be arrested and put behind the bar for one year and fined Rs. 2000/-.

MR. DEPUTY-SPEAKER: So also you.

SHRI CHITTA BASU: Yes, Sir, I am also in the same category. For what fault of mine should I go to prison?

MR. DEPUTY-SPEAKER: It is a promotional avenue for a public men to go to the prison.

SHRI CHITTA BASU: I have given a modest amendment. I said that the imprisonment should be for one month and the fine should be Rs. 10/- which is within the reach of the worker.

SHRI INDRAJIT GUPTA: Will it, be acceptable in Khalistan currency?

SHRI MUKUNDA MANDAL: This clause contradicts the fundamental

[Shri Mukunda Mandal]

right to form association and union. The penalty for instigating or inciting is Rs. 2,000/- fine and one year's jail. My amendment is that the imprisonment should be for two days and a fine of Rs. 2/- only.

MR. DEPUTY-SPEAKER: The hon. Members are not serious when they say, one rupee or two rupees. They should behave responsibly.

SHRI MUKUNDA MANDAL: This clause is directed against the political opponents and trade union workers.

MR. DEPUTY-SPEAKER: Why should you not be bold enough and say that you do not want fine? When you say, ten paise, the means, you accept the principle of fine.

SHRI SUNIL MAITRA: You said that the opposition should behave responsibly. You cannot expect this Government to behave responsibly by bringing forward such a Bill. What do you mean by instigation? What do you mean by incitement?

(Interruptions)

MR. DEPUTY-SPEAKER: Mr. Sunil Maitra, you please address me.

(Interruptions)

MR. DEPUTY-SPEAKER: Mr. Sunil Maitra, you please address the chair; I am requesting you.

(Interruptions)

MR. DEPUTY-SPEAKER: Order, order Mr. Sunil Maitra, why do you look at them? You see me. Now order has been restored. Please continue.

(Interruptions)

MR. DEPUTY-SPEAKER: No side talk please. Order, orders Please you must all co-operate.

(Interruptions)

MR. DEPUTY-SPEAKER: Order, order. Nothing is being recorded without my permission.

(Interruptions)

MR. DEPUTY-SPEAKER: Mr. Ram-avatar Shastri, do not exhaust yourself. You have got to speak also. Order, order please. All of you may sit down. Now, Mr. Maitra may speak.

SHRI SUNIL MAITRA: By incitement or by instigation, they only mean support to the strike.

(Interruptions)

MR. DEPUTY-SPEAKER: Nothing has gone on record.

SHRI SUNIL MAITRA: That means, if I support the strike..

(Interruptions)

MR. DEPUTY-SPEAKER: The others have not gone on record.

SHRI SUNIL MAITRA: Why should it not go on record, Sir?

MR. DEPUTY-SPEAKER: I have already said that any speech or any discussion without my permission will not go on record. It is a general rule. You can now speak. Your speech will go on record.

SHRI SUNIL MAITRA: The moment you say it, it will not go on record? You are repeatedly saying this.

MR. DEPUTY-SPEAKER: Don't put that question to me, Mr. Maitra. Man is always not happy. Any speech or any discussion without the permission of the Chair will not go on record. That is the general ruling by the Speaker.

SHRI SUNIL MAITRA: In clause 6, by instigation and incitement they only mean support to the strike. If I support the strike, I will have to go to jail for six months and I will be fined Rs. 2000/-.

(Interruptions)

MR. DEPUTY-SPEAKER: You please address me.

(Interruptions)

SHRI SUNIL MAITRA: So, my amendment is that instead of imprison-

ment for one year it should be, "till the rising of the court", and the fine should be five paise instead of Rs. 2000.

MR. DEPUTY-SPEAKER: Shri Rup Chand Pal.

PROF. RUP CHAND PAL: Sir, this Government is behaving like a colonial power.

(Interruptions)

MR. DEPUTY-SPEAKER: Please address the Chair.

PROF. RUP CHAND PAL: They are trying to suppress the..

(Interruptions)

MR. DEPUTY-SPEAKER: Please come to your amendment.

PROF. RUP CHAND PAL: Sir, this is a very dangerous and pernicious clause. By using this they will try to....

AN HON. MEMBER: He is speaking on the amendment or on something else?

PROF. RUP CHAND PAL: Yes, on the amendment. On amendment I am speaking. Have you read it?

(Interruptions)

MR. DEPUTY-SPEAKER: Please address the chair.

(Interruptions)

MR. DEPUTY-SPEAKER: You please sit down. Any remark made on any side without my permission, please do not record.

(Interruptions)

PROF. RUP CHAND PAL: This provision will be used against the political opponents and it will be used against whoever does not support them. We are very serious about this and we are very serious about what they are going to do. So we have tried in my amendment to diminish the suffering of the people and my amendment is to do away with the provision of imprisonment, do away with the provision of fine and bring it down to five paise.

22.33 hrs.

(SHRI GULSHER AHMED in the Chair)

SHRI KRISHNA CHANDRA HALDER: Mr. Chairman, Sir, my amendment No. 116 is to clause 6. I wanted to substitute page 4, lines 24 to 26, where it is written:

"Act shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both."

I want to substitute the above with the following wording:

"Act shall not be punishable with imprisonment, but may be charged rupees five as fine."

Here it is written, 'penalty for instigation. My colleague has already said that if anybody supports a strike then the Government will say that he is instigating the strike. Sir, really this should not be there in clause 6. So, my amendment is very simple, reasonable and I am against any punishment—imprisonment or fine of Rs. 1,000/- As mentioned in my amendment, fine of Rs. 5/- should be enough. I think you will advise the hon. Minister to accept my reasonable amendment.

श्री सत्यनारायण ब्राह्मण: सभापति जी, धारा 6 में ये शब्द हैं—“या उसे अश्रम करने में अथवा कार्य करेगा” यह शब्द इस में से निकाल दिए जायें। अश्रम इनको रखा गया तो किसी भी व्यक्ति या नागरिक को संशय के आधार पर परेशान करने की उसमें काफी गुंजाइश है। यह ठीक बात नहीं होगी। यह प्रजातंत्र के खिलाफ है, स्वतंत्रता के खिलाफ है, इसलिए मेरा कहना यह है कि इस सारी बात को रखने के पीछे दुराशयपूर्ण उद्देश्य भी हो सकता है और इसी संशय को हटाने के लिए इन शब्दों को हटा दिया जाये।

SHRI AJOY BISWAS: My amendment is simple one. If one goes on strike and if his mother serves the food, then his mother will be arrested.

MR. CHAIRMAN: You tell us what do you want?

(Interruptions)

SHRI AJOY BISWAS: His father will be arrested and fined. It is a rule of jungle. So my amendment is that the fine should be Re. 1/- and jail will be for one day.

SHRI SUSHIL BHATTACHARYA: This is another penal provision. This will also be used against the trade union organisers, particularly against the political opponents. That is why I have opposed this clause. I have suggested that instead of one year it should be one day and instead of a fine of Rs. 2,000 the fine should be Re. 1 only.

SHRI SAIFUDDIN CHOUDHURY: I fail to understand how such a provision can be brought by them.

SHRI SATYAGOPAL MISRA: This is a direct attack on the trade union leaders (Interruptions). It will be used against the political opponents. Not only in our country....

MR. CHAIRMAN: Do you want punishment or not?

SHRI SATYAGOPAL MISRA: Not only in our country but also in the whole world trade union leaders are respected by all sections of people (Interruptions). Shri Azad and Shri Venkatasubbaiah, they do not bother about it. I have given my amendment to reduce the punishment because this particular clause of Black Bill is directed against the trade union leaders and directed to be used against political opponents.

SHRI A. K. ROY: This particular savage clause is directed against the trade unions. The ambit of the clause is very wide. 'Exciting', 'inciting'—

these are the terms. It has got every scope to be mis-used by any executive. So, it warrants some caution. Who has to decide whether the man is really exciting or inciting and what is the seriousness of this instigation and quantum of that incitement? That is why, in this amendment I have suggested that the matter should be referred to some national tribunal or high-powered body presided over by some High Court judge so that they can investigate it and correctly assess it even under the purview of the present Bill.

This is my submission.

श्री विजय कुमार यादव : सभापति महोदय, मैं समझता हूँ कि सरकार द्वारा इस कानून का इस्तेमाल अपने राजनैतिक विरोधियों के खिलाफ किया जायेगा। इस लिए मैंने सजा को घटाने के लिए यह संशोधन रखा है।

SHRI M. M. LAWRENCE: Mr. Chairman, Sir, those who are willing to learn the lesson of history will agree with me that no Government in the world has succeeded for ever in punishing the workers and the people who have supported their cause. Hitler, Mussoline, Franco and Salazar and other dictators who passed so many fascist enactments have doomed for ever and their traces have gone from history. They have been thrown into the dustbin of history. Likewise, a day will come, the people who now pass this kind of draconian measure will be thrown into the dustbin of history by the people. You take away the punishment clause and make it only Rs. 2/- as fine.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): The Home Minister has already explained that after due consideration, all the amendments are not acceptable.

MR. CHAIRMAN: I will now put all the Amendments moved to Clause 6 together to the vote of the House.

Amendments Nos. 16, 17, 58, 59, 75, 76; 96; 116, 126, 161, 162, 192, 236; 244; 245, 307, 308, 388, 454, 492 and 503 were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 6 stand part of the Bill."

The Lok Sabha divided:

Division No. 23] [22.46 hrs.

AYES

Ahmed, Shri Kamaluddin
Ankineedu Prasad Rao, Shri P.
Anuragi, Shri Godil Prasad
Appalanaidu, Shri S. R. A. S
Arakal, Shri Xavier
Azad, Shri Bhagwat Jha
Bajpai, Dr. Rajendra Kumari
Baleshwar Ram, Shri
Bansi Lal, Shri
Barot, Shri Maganbhai
Barway, Shri J. C.
Behera, Shri Rasabehari
Bhagwan Dev, Acharya
Bhakta, Shri Manoranjan
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhoi, Dr. Krupasindhu
Bhole, Shri R. R.
Bhuria, Shri Dileep Singh
Birender Singh, Rao
Brar, Shrimati Gurbrinder Kaur

Brijendra Pal Singh, Shri
Chakradhari Singh, Shri
Chandra Shekhar Singh, Shri
Chandrashekharaappa, Shri T. V.
Chaturvedi, Shrimati Vidyawati
Chaudhary, Shri Manphool Singh
Chavan, Shri S. B.
Chennupati, Shrimati Vidya
Dalbir Singh, Shri
Das, Shri A. C.
Dennis, Shri N.
Dev, Shri Sontosh Mohan
Dhandapani, Shri C. T.
Era Anbarasu, Shri
Fernandes, Shri Oscar
Gadgil, Shri V. N.
Gadhavi, Shri Bheravadan K.
Gaikwad, Shri Udaysingrao
Gamit, Shri Chhitubhai
Gandhi, Shri Rajiv
Gehlot, Shri Ashok
Ghufran Azam, Shri
Gireraaj Singh, Shri
Gomango, Shri Giridhar
Gounder, Shri A. Senapathi
Gowda, Shri D. M. Putte
Jadeja, Shri Daulatsinhji
Jain, Shri Bhiku Ram
Jain, Shri Nihal Singh
Jain, Shri Virdhi Chander
Jamilur Rahman, Shri
Jena, Shri Chintamani
Jha, Shri Kamal Nath
Kamla Kumari, Kumari
Karma, Shri Laxman
Keyur Bhusan, Shri
Kidwai, Shrimati Mohsina
Krishna, Shri S. M.
Krishna pratap Singh, Shri
Kuchan, Shri Gangadhar S.
Kunwar Ram, Shri
Kusuma Krishna Murthy, Shri
Lakkappa, Shri K.
Madhuri Singh, Shrimati

Mahajan, Shri Vikram
 Mahendra Prasad, Shri
 Makwana, Shri Narsinh
 Mallick, Shri Lakshman
 Malikarjun, Shri
 Mallu, Shri Anantha Ramulu
 Meena, Shri Ram Kumar
 Mehta, Dr. Mahipatray M.
 Mishra, Shri Ram Nagina
 Mishra, Shri Uma Kant
 Misra, Shri Harinatha
 Misra, Shri Nityananda
 Mohanty, Shri Brajamohan
 Mohite, Shri Yashwantrao
 More, Shri Ramkrishna
 Motilal Singh, Shri
 Murthy, Shri M. V. Chandrashekhara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muttemwar, Shri Vilas
 Nagina Rai, Shri
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Netam, Shri Arvind
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshao Rao
 Parmar, Shri Hiralal R.
 Parthasarathy, Shri P.
 Patel, Shri Mohanbhai
 Patel, Shri Shantubhai
 Patel, Shri Uttambhai H.
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Patnaik, Shrimati Jayanti
 Pattabhi Rama Rao, Shri S. B. P.

Pilot, Shri Rajesh
 Potdukhe, Shri Shantaram
 Prasen Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rahim, Shri A. A.
 Ram, Shri Ramswoop
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Ranjit Singh, Shri
 Rao, Shrimeti B. Radhabhai Ananda
 Rao, Shri M. S. Sanjeevi
 Raut, Shri Bhola
 Ravani, Shri Navin
 Reddi, Shri G. S.
 Reddy, Shri K. Obul
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Saminuddin, Shri
 Sangma, Shri P. A.
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Sebastian, Shri S. A. Dorai
 Sethi, Shri Arjun
 Shaktawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Shastri, Shri Dharam Dass
 Shriv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Shukla, Shri Vidya Charan
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Shibu
 Soundararajan, Shri N.
 Sparrow, Shri R. S.
 Sreenivasa Prasad, Shri V.
 Sukhadia, Shri Mohan Lal

Sultanpuri, Shri Krishna Dutt
 Sunder Singh, Shri
 Tark Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Hhorat, Shri Bhausahab
 Tiwari, Shri Narayan Datt
 Tytler, Shri Jagdish
 Varma, Shri Jai Ram
 Venkatasubbaiah, Shri P.
 Virhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Yusuf, Shri Mohmed
 Zall Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Balan, Shri A. K.
 Balanandan, Shri E.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Das, Shri R. P.
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Susela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra

Hannan Mollah, Shri
 Hasda, Shri Matila
 Imbichibava, Shri E. K.
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Kodiyan, Shri P. K.
 Lawrence, Shri M. M.
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijay
 Mohammed Ismail, Shri
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Muzaffar Hussain, Shri Syed
 Pal, Prof. Rup Chand
 Parulekar, Shri Bapusaheb
 Pathak, Shri Ananda
 Rai, Shri M. Ramanna
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Riyan, Shri Baju Ban
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Sen, Shri Subodh
 Shastri, Shri Ramavatar
 Shejwalkar, Shri N. K.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 *Swami, Shri K. A.
 Turkey, Shri Plus
 Unnikrishnan, Shri K. P.
 Varma, Shri Ravindra
 *Vijaytaghavan, Shri V. S.

*Wrongly voted for NOES

Yadav, Shri Vijay Kumar
Zainal Abedin, Shri

MR. CHAIRMAN: Subject to correction, the result of the Division is:
Ayes 172, Noes 58.

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(Penalty for giving financial
Aid to illegal strikes)

SHRI CHITTA BASU: I beg to move:

Page 4, lines 29 and 30,—
for "one year" substitute "one
day" (18)

Page 4, line 30,—
for "two thousand" substitute
"ten" (19)

SHRI RAMAVATAR SHASTRI: I
beg to move:

Page 4 line 30,—
for "two thousand rupees" substi-
tute "one rupee" (36)

Page 4, lines 30 and 31,—
omit "or with both" (37)

SHRI MUKUNDA MANDAL: I beg
to move:

Page 4, line 30,—
for "two thousand rupees" substi-
tute "rupees two" (61)

SHRI SUNIL MAITRA: I beg to
move:

Page 4, lines 29 and 30,—
for "to one year" substitute
"till the rising of the court" (77)

Page 4, line 30,—
for "two thousand rupees"
substitute "five paise" (78)

PROF. RUPCHAND PAL: I beg to
move:

Page 4, lines 29 and 30,—
omit "with imprisonment for a
term which may extend to one year,
or" (98)

Page 4, lines 30 and 31,—

for "which may extend to two thou-
sand rupees, or with both" substitute
"of 5 paise" (99)

SHRI KRISHNA CHANDRA HAL-
DER: I beg to move:

Page 4,—

for lines 29 to 31,—
substitute "not be punishable but
may be charged rupees five as fine"
(117)

SHRI SATYANARAYAN JATIYA:
I beg to move:

Page 4, line 28,—

after "Act" insert "for which suffi-
cient evidence admissible under law
is available" (127)

SHRI AJOY BISWAS: I beg to
move:

Page 4,—

for clause 7, substitute
"7. Any who finances an unjusti-
fied strike may be punishable with a
fine of ten rupees." (164)

SHRI SUSHIL BHATTACHARYA:
I beg to move:

Page 4, for lines 30 and 31—
substitute "day or with fine which
may extend to one rupee or with
both" (193).

SHRI SAIFUDDIN CHOUDHURY:
I beg to move:

Page 4, line 28,—
for "a strike" substitute
"the anti-worker activities" (231)

SHRI SAMAR MUKHERJEE: I beg
to move:

Page 4,—
for clause 7 substitute
"7. Any person who finances an
unjustified strike may be punishable
with a fine of ten rupees" (270)

†The following Members also recorded their votes:

AYES: Sarvasatri D. L. Baitha, Seth Hembrom, Ramayan Rai, P. V. G. Raju,
V. S. Vijayaraghavan and K. A. Swami;

NOES: Shri A. K. Roy and Shri Ajit Bag.

SHRI A. K. ROY: I beg to move:

Page 4, lines 29 to 31,—

for "imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both"

Substitute

"any punishment other than imprisonment as would be decided by the National Tribunal for labour to which the case would be referred" (389)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 4, lines 29 to 31,—

for "imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both"

substitute "fine of one rupee" (455)

SHRI CHITTA BASU: Clause 7 of the Bill is all the more pernicious. It says "Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal" is liable to certain kinds of punishment. I would only implore you to consider the fact that there are many families, including our own mothers and sisters, who generally donate or give a morsel of food to the striking workers when they go round the city. The pernicious nature of this measure will be clear from this. Suppose in a particular area some workers have gone on strike and Government has declared it as illegal; suppose they go out for collecting funds or collecting food, and if one of our mothers or sisters comes out of the door and gives a morsel of food to those striking workers, then that mother or sister will be hauled up by the police, she will be put behind the bars and she will have to be behind the bars for one year. Also, she will be punished with a fine of Rs. 2,000. This is the implication. I, therefore, implore on the entire

House that this kind of pernicious measure is against our civilization, against our values, against our culture, against our tradition. I do not want to make a long speech. I would only remind the Members of the House that many of their own family members, their own mothers, their own sisters, are kind and generous and they generally come out to give alms to the striking workers. At least in consideration of their own wives, mothers and sisters, they should refrain from having this kind of pernicious law.

I have therefore, suggested that, if at all they are determined to punish them, the punishment may be imprisonment for one day and about fine, if at all necessary, it may be not more than rupees ten.

श्री रामावतार शास्त्री : यह सातवीं धारा बहुत ही खतरनाक और घृणित धारा है। हम लोग जो ट्रेड यूनियन के बीच काम करते हैं वे जानते हैं कि जब हड़ताल होती है तो हम लोगों को बाजारों में शहरों में जाकर के पैसा इकट्ठा करना पड़ता है और कोई भी किसी भी विचारधारा का क्यों न हो, सब लोग हमदर्दी से पैसा देते हैं। भलग-भलग यूनियनों भी पैसा भेजती हैं ताकि हड़तालों की मदद हो सके, उन के बाल-बच्चे भूखे नहीं मरें, उनको कुछ मदद मिल सके। तो ऐसा करने वालों को भी यह सरकार सजा देना चाहती है जिसकी अवस्था इस धारा में की गई है।

इस बात का स्मरण करते हुए भ्रष्टाचारी राज के जमाने की बात याद आती है। जब हम लोग भ्रष्टाचारों से लड़ते थे तो उस भ्रष्टाचारी के समर्थक नाना रूप में हमारे सामने आते थे, आर्थिक सहायता देते थे, गल्ले से सहायता करते थे, मुठिया उगाहा जाता था। बहुत सारे माननीय सदस्यों को मालूम

[श्री रामावतार शास्त्री]

होना। तो मुठिया उठाहूँ बाकी को भी धंधेजी सरकार अपने दमन का शिकार बनाती थी। इसी धंधे में मैंने कहा कि यह जो कांग्रेस की सरकार है जो बहुत दम भरती है जनतंत्र में बिश्वास रखने का और जो नरीबों की हितैषी बनती है यह उसी रास्ते को अपना रही है। वो जिस रास्ते पर उन को जाना पड़ा उसी रास्ते से आप को भी जाना पड़ सकता है अगर आप ने अपने तौर तरीकों में सुधार नहीं किया। यह क्या बात है कि कोई एक रुपया, दो रुपया, दस रुपया दे दे सो उस को जेल में डालेंगे धलग और उस पर जुर्माना चलाना करेंगे। इसलिए मैं इसको बहुत खतरनाक धारा समझता हूँ। हड़ताल करने वाली की बात तो मैं समझता हूँ और मेरे जैसे हड़ताल के जो समर्थक हैं उनकी बात भी समझ सकता हूँ लेकिन जो बेचारे सहानुभूति में आ कर मदद करें हड़तालियों को उनको भी आप सजा देंगे और जेल भेजेंगे, यह बात ठीक सफ़्त में नहीं आती। यह ठीक वही बात है कि धंधेजों को रास्ते पर चलिए, धंधेजों की तरह दमन-चक्र चलाइये। मैं इस धारा का बहुत जोरदार शब्दों में विरोध करता हूँ। मेरा संकोधन है कि एक दिन-एक रुपया किया जाय, उस से बचाव न किया जाय।

SHRI MUKUNDA MANDAL: I cannot understand ...

MR. CHAIRMAN: You do not understand what is your amendment?

SHRI MUKUNDA MANDAL: My amendment is for the penalty of Rs. 2,000 substitute Rs. 2. I do not understand. When a worker goes on a strike, he will be punished with six months imprisonment and a fine of Rs. 1,000 but here one who gives help or assistance to the workers or his family will be penalised

more. That is my question.

MR. CHAIRMAN: So you want to reduce it from six months to one day and a fine?

SHRI MUKUNDA MANDAL: One day and Rupee one.

SHRI SUNIL MAITRA: Two years ago the workers of Jay Engineering works belonging to Lala Bharat Ram and Charat Ram went on a strike and the strike went on for 8 months, and during all these 8 months the people in the surrounding areas donated rice and money and fed the workers. They donated rice in terms of quintals. That way the workers fought. As a consequence of this provision in this Bill these lakhs of people who donated rice—leave aside the question of money—would have to go to jail. This is atrocious and in any democratic country this is unthinkable. Therefore my amendment is that if at all you punish them, you punish them till the rising of the court and a fine of five paise.

SHRI KRISHNA CHANDRA HALDER: My amendment reads like this:

Page 4.—

for lines 29 to 31

substitute "not be punishable but may be charged rupees five as fine".

You can understand that when there is a strike lakhs of people including yourself subscribe or donate in support of the strike. You know I am worried about lakhs of people including you. You were a former Speaker of Madhya Pradesh Assembly and you are now in the Chair. You are a learned lawyer also. What happens? There are factional fights in the MP Congress itself and some of your colleagues will complain that you have donated for the strike. Then you will be arrested or fined. So for

all and including you, I am against punishment. What I have said is that it shall be punishable with a fine of Rs. 5. I am against any punishment like imprisonment or heavy fine. My amendment is a valid amendment and I would warn this Government. Don't follow the footprints of the British imperialists. You know their fate. You pretend to say that you are the saviour of democracy. But you are going in an authoritarian way. You are, I can repeat what my colleague, Mr. Somnath Chatterjee has said, going towards fascism and the whole working class will rise as one man and fight to the end against this monstrous and dangerous Bill and also this clause.

23 hrs

श्री सत्यनारायण जटिया : माननीय सभापति महोदय, क्लज 7 के अन्तर्गत उम के आखिर में यह जोड़ दिया जाय—

“जिस के लिए कानून के अधीन प्राप्ति पर्याप्त साक्ष्य उपलब्ध है।”

बिना साक्ष्य के किसी को सजा देना न्यायमग्न नहीं है। आप, सभापति जी, विधिवेत्ता हैं, विधि के ज्ञाता हैं। इस लिए बिना किसी बात के, बिना किसी प्रमाण के, किसी की सनक में आकर कोई भी किसी को दण्डित कर दे—यह कानून-सम्मत बात नहीं होगी। इस तरह का प्रावधान इस कानून में हो जाने से किसी को अपनी बात कहने के लिए कोई स्वतंत्रता नहीं मिलेगी और उम को जेल में पहुँचा दिया जायगा। इस लिए जो कानून लाया जा रहा है यह अत्यन्त-बर्बर है, किसी को डरा-धमका कर उमका मन बेचने वाली बात होगी। इस लिए मेरा संशोधन इस में जोड़ दिया जाय।

SHRI AJOY BISWAS: Sir, the workers resorting to strike are in distress. If the strike continues for a long time, they need help of others.

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So, the clause containing fine and imprisonment is actually an uncivilised clause. The fine should be ten rupees and the imprisonment should be for one day.

SHRI SUSHIL BHATTACHARYA: Mr. Chairman, Sir, this is another severe penal measure for the supporters in the strike. Even if you pay ten paise to a striker or if you entertain him with a cup of tea you will be treated as an instigator or an inciter for supporting the strike. In that case you may even be imprisoned for a term of one year or a fine of Rs. 2,000 or with both.

That is why I suggested that it should be one day's imprisonment and instead of a fine of Rs. 2,000, it should be one rupee.

Thank you.

SHRI A. K. ROY: Sir, it is atrocious even to give subscription to the striking workers as it can fetch a punishment like imprisonment. Moreover, here also, the matter should be very cautiously dealt with. Whether the strike is legal or illegal, it is not to be decided by the Government or the Officers. It can be decided as per the present law only by the Tribunal. As regards the quantum of punishment or whether there is an offence or not, this will be referred to the Tribunal who will decide whether the strike is legal or not. That cannot be vested with any executive. Specially when the issue is such, I think, the matter should be referred to the Tribunal so that it can decide about the quantum of punishment and the imprisonment.

श्री विजय कुमार यादव : सभापति जी, मैंने इस में कारावास की सजा समाप्त करने और जुमने की रकम घटा कर एक हफ्ता करने का सुझाव दिया है। तर्क पहले दिए जा चुके हैं, उन्हीं तर्कों के आधार पर मैंने यह संशोधन पेश किया है।

MR. CHAIRMAN: Mr. Minister, do you want to say anything?

SHRI YOGENDRA MAKWANA: I regret that I cannot accept any of the amendments.

MR. CHAIRMAN: I shall put all the amendments together to the vote of the House.

SHRI A. K. ROY: On a point of order. The minister need not answer to all the amendments moved. At least he should answer to some of the amendments. When we are cooperating he should also cooperate with us. Otherwise we shall also try our best to obstruct the early passage of the Bill of this nature.

MR. CHAIRMAN: Now, I will put all the amendments to Clause 7 to the vote of the House.

Amendments Nos. 18, 19, 36, 37, 61, 77, 78, 98, 99, 117, 127, 164; 193; 231; 270, 389 and 455 were put and negatived.

MR. CHAIRMAN: Now I will put Clause 7 to the vote of the House.

SOME HON. MEMBERS: Sir, let the lobbies be first cleared.

MR. CHAIRMAN : Let the lobbies be cleared.... Lobbies have been cleared.

The question is:

"That Clause 7 stand part of the Bill."

The Lok Sabha divided:

Division] No. 25 [23.12 hrs.

AYES

Ahmed, Shri Kamaluddin

Ankineedu Prasad Rao, Shri P.

Anuragi, Shri Godil Prasad

Appalanaidu, Shri S. R. A. S.

Arakal, Shri Xavier

Azad, Shri Bhagwat Jha

Baitha, Shri D. L.

Bajpai, Dr. Rajendra Kumari

Baleshwar Ram, Shri

Bansi Lal, Shri

Barot, Shri Maganbhai

Barway, Shri J. C.

Bebera, Shri Rasabehari

Bhagwan Dev, Acharya

Bhakta, Shri Manoranjan

Bhardwaj, Shri Parasram

Bhatia, Shri R. L.

Bhoi, Dr. Krupasindhu

Bhuria, Shri Dileep Singh

Birender Singh, Rao

Brar, Shrimati Gurbrinder Kaur

Brijendra Pal Singh, Shri

Buta Singh, Shri

Chakradhari Singh, Shri

Chandra Shekhar Singh, Shri

Chandrashekharappa, Shri T. V.

Chaturvedi, Shrimati Vidyawati

Chaudhary, Shri Manphool Singh

Chavan, Shri S. B.

Chennupati, Shrimati Vidya

Dalbiri Singh, Shri

Das, Shri A. C.

Dennis, Shri N.

Dev, Shri Sontosh Mohan

Dhandapani, Shri C. T.

Era Anbarasu, Shri

Fernandes, Shri Oscar

Gadgil, Shri V. N.

Gadhavi, Shri Bheravadan K.

Gaikwad, Shri Udaysingrao

Gamit, Shri Chh'tubhai

Gandhi, Shri Rajiv

Gehlot, Shri Ashok

Ghufran Azam, Shri

Gireraj Singh, Shri

Gomango, Shri Giridhar

Gounder, Shri A. Senapathi

Gowda, Shri D. M. Putte

Jadeja, Shri Daulatsinhji

Jain, Shri Nihal Singh

Jain, Shri Virdhi Chander

Jamilur Rahman, Shri

Jena, Shri Chintamani

Jha, Shri Kamal Nath

Kamla Kumari, Kumari

Karma, Shri Laxman

Keyur Bhusan, Shri

Kidwai, Shrimati Mohsina

Krishna, Shri S. M.

Krishna Pratap Singh, Shri

Kuchan, Shri Gangadhar S.

Kanwar Ram, Shri

Kusuma Krishna Murthy, Shri

Madhuri Singh, Shrimati
 Mahajan, Shri Vikram
 Mahendra Prasad, Shri
 Makwana, Shri Narsinh
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mallu, Shri Anantha Ramulu
 Meena, Shri Ram Kumar
 Mehta, Dr. Mahipatray M.
 Mishra, Shri Ram Nagina
 Mishra, Shri Uma Kant
 Misra, Shri Harinatha
 Misra, Shri Nityananda
 Mohanty, Shri Brajamohan
 Mohite, Shri Yashawantrao
 More, Shri Ramkrishna
 Motilal Singh, Shri
 Murthy, Shri M. V. Chandrashekhara

Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muttemwar, Shri Vilas
 Nagina Rai, Shri
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Netam, Shri Arvind
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintaman
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshao Rao
 Parthasarathy, Shri P.
 Patel, Shri Mohanbhai
 Patel, Shri Shantubhai
 Patel, Shri Uttambhai H.
 Patil, Shri A. T.
 Patil, Shri Shivrav V.
 Patil, Shri Uttamrao
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Patnaik, Shrimati Jayanti

Pattabhi Rama Rao, Shri S. B. P.
 Pilot, Shri Rajesh
 Petdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rahim, Shri A. A.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri M. S. Sanjeevi
 Raut, Shri Bhola
 Ravani, Shri Navin
 Reddy, Shri G. S.
 Reddy, Shri K. Obul
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Saminuddin, Shri
 Sangma, Shri P. A.
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Sebastian, Shri S. A. Doral
 Sethi, Shri Arjun
 Shaktawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Shastri, Shri Dharam Dass
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Shibu
 Soundararajan, Shri N.
 Sparrow, Shri R. S.

Sreenivasa Prasad, Shri V.
 Sukhadia, Shri Mohan Lal
 Sultanpuri, Shri Krishan Dutt
 Sunder Singh, Shri
 Swami, Shri K. A.
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thorat, Shri Bhausaheb
 Tiwari, Shri Narayan Datt
 Tytler, Shri Jagdish
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkatasubbaiah, Shri P.
 Vijayaraghavan, Shri V. S.
 Virbhadr Singh, Shri
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Yusuf, Shri Mohmed
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Balan, Shri A. K.
 Balanandan, Shri E.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Das, Shri R. P.
 Ghosh, Shri Niren

Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Kr'shna Chandra
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Imbichibava, Shri E. K.
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Kodiyar, Shri P. K.
 Lawrence, Shri M. M.
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mohammed Ismail, Shri
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Muzaffar Hussain, Shri Syed
 Pal, Prof. Rup Chand
 Parulekar, Shri Bapusaheb
 Pathak, Shri Ananda
 Rai, Shri M. Ramanna
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Riyan, Shri Baju Ban
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Sen, Shri Subodh
 Shastri, Shri Ramavatar
 Shejwalkar, Shri N. K.
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

MR. CHAIRMAN: Subject to correction, the result* of the division is: Ayes 172; Noes 53.

* The motion was adopted.

Clause 7 was added to the Bill.
New Clause 7-A

SHRI E. BALANANDAN (Mukundapuram): I beg to move:

Page 4,—

after line 31, insert—

"7A Words and expressions used in sections 4 to 7 shall have the meanings respectively assigned to them in sections 26 to 28 of the Industrial Disputes Act, 1947." (411).

MR. CHAIRMAN: He does not want to speak. Now I will put his amendment No. 411 to the vote of the House.

The question is:

Page 4,—

after line 31, insert—

"7A, Words and expressions used in sections 4 to 7 shall have the meanings respectively assigned to them in sections 26 to 28 of the Industrial Disputes Act, 1947." (411)

The Lok Sabha divided:

Division No. 25) (23.12 hrs.

AYES

Acharia, Shri Basudeb
Balan, Shri A. K.
Balanandan, Shri E.
Barman, Shri Palas
Basu, Shri Chitta
Biswas, Shri Ajoy
Chaudhary, Shri Manphool Singh
Chaudhuri, Shri Tridib

Choudhury, Shri Saifuddin
Das, Shri R. P.
Ghosh, Shri Niren
Ghosh Goswami, Shrimati Bibha
Giri, Shri Sudhir
Gopalan, Shrimati Suseela
Gupta, Shri Indrajit
Haider, Shri Krishna Chandra
Hannan Mollah, Shri
Hasda, Shri Matilal
Imbichibava, Shri E. K.
Jatiya, Shri Satyanarayan
Jha, Shri Bhogendra
Lawrence, Shri M. M.
Mahata, Shri Chitta
Maitra, Shri Sunil
Mandal, Shri Mukunda
Mandal, Shri Sanat Kumar
†Mishra, Shri Uma Kant
Misra, Shri Satyagopal
Modak, Shri Bijoy
Mohammed Ismail, Shri
Mukherjee, Shri Samar
Pal, Prof. Rup Chand
Parulekar, Shri Bapusaheb
Pathak, Shri Ananda
Rai, Shri M. Ramanna
Rajan, Shri K. A.
Rajda, Shri Ratansinh
Riyan, Shri Baju Ban
Roy, Dr. Saradish
Roy Pradhan, Shri Amar
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Samnuddin, Shri
Sen, Shri Subodh

*The following Members also recorded their votes:

AYES: Shri Ramayan Rai;

NOES: Shri A. K. Roy and Shri Ajit Bag.

†Wrongly voted for AYES

Shejwalkar, Shri N. K.
 Surya Narayan Singh, Shri
 Yadav, Shri Vijay Kumar
 †Zail Singh, Shri
 Zainal Abedin, Shri

NOES

Ahmed, Shri Kamaluddin
 Ankineedu Prasad Rao, Shri P.
 Anuragi, Shri God'l Prasad
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Azad, Shri Bhagwat Jha
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Barot, Shri Maganbhai
 Barway, Shri J. C.
 Behera, Shri Rasabehar.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhoi, Dr. Krupasindhu
 Bhuria, Shri Dileep Singh
 Birender Singh, Rao
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrashekharaappa, Shri T. V.
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Dev, Shri Sontosh Mohan
 Era Anbarasu, Shri
 Fernandes, Shri George
 Gadhave, Shri Bheravadan K.
 Gaikwad, Shri Udaysingrao
 Gamit, Shri Chhitubhai
 Gandhi, Shri Rajiv
 Gehlot, Shri Ashok
 Ghufraan Azam, Shri

Gireraaj Singh, Shri
 Gomango, Shri Giridhar
 Gounder, Shri A. Senapathi
 Gowda, Shri D. M. Putte
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Kamla Kumari, Kumari
 Karma, Shri Laxman
 Kidwai, Shrimati Mohana
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Kusuma Krishna Murthy, Shri
 Madhuri Singh, Shrimati
 Mahajan, Shri Vikram
 Mahendra Prasad, Shri
 Makwana, Shri Narsinh
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mallu, Shri Anantha Ramulu
 Meena, Shri Ram Kumar
 Mehta, Dr. Mahipatray M.
 Mhalgi, Shri R. K.
 Mishra, Shri Ram Nagina
 Mistra, Shri Harinatha
 Misra, Shri Nityananda
 Mohanty, Shri Brajamohan
 More, Shri Ramkrishna
 Motilal Singh, Shri
 Murthy, Shri M. V. Chandrashekhara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muttemwar, Shri Vilas
 Nagina Ra', Shri
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Netam, Shri Arvind
 Nikhra, Shri Rameshwar

Oraon, Shri Kartik
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshao Rao
 Parthasarathy, Shri P.
 Patel, Shri Mohanbhai
 Patel, Shri Shantubhai
 Patel, Shri Uttambhai H.
 Patil, Shri A. T.
 Patil, Shri Shivraj V.
 Patil, Shri Uttamrao
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Patnaik, Shrimati Jayanti
 Pattabhi Rama Rao, Shri S. B. P.
 Pilot, Shri Rajesh
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rahim, Shri A. A.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri M. S. Sanjeevi
 Raut, Shri Bhola
 Ravanl, Shri Navin
 Reddi, Shri G. S.
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Sangma, Shri P. A.
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Sebastian, Shri S. A. Dorai

Sethi, Shri Arjun
 Shaktawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Shastri, Shri Dharam Dass
 †Shastri, Shri Ramavatar
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Soundararajan, Shri N.
 Sparrow, Shri R. S.
 Sreenivasa Prasad, Shri V.
 Sukhadia, Shri Mohan Lal
 Sultanpuri, Shri Krishan Dutt
 Swami, Shri K. A.
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Tiwari, Shri Narayan Datt
 Tytler, Shri Jagdish
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkatasubbaiah, Shri P.
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Yusuf, Shri Mohmed
 Zainul Basher, Shri

MR. CHAIRMAN: Subject to correction, the result†† of the division is:
 Ayes 49; Noes 160.

The motion was negatived.

†Wrongly voted for NOES.

††The following Members also

AYES: Sarvashri A. K. Roy, Ajit Bag

NOES: Sarvashri Janardhana Poojary,
 yan Rai, Ghulam Nabi Azad,
 Umakant Mishra.

recorded their votes:

and Ramavatar Shastri;

Sunder Singh, Keyur Bhushan, Rama-
 Acharya Bhagwan Dev, Zail Singh and

Clause 8—(Power to prohibit lockouts in certain establishments.)

SHRI M. RAMANNA RAI (Kasargod): I beg to move:

Page 5, line 7,—

for "six months" substitute "six years" (24)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 4, lines 39 and 40,—

for "six months only" substitute—

"as long as the establishments work" (38)

Page 4, lines 40 to 42,—

Omit "but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary so to do." (39)

Page 5, line 7,—

for "one" substitute—

"twenty-five" (40)

Page 5, line 7,—

for "or" substitute—

"and" (41)

Page 5, line 7,—

for "six months" substitute—

"two years" (42)

Page 5, line 8,—

Omit 'or with both' (43)

SHRI MUKUNDA MANDAL: I beg to move:

Page 4, line 34,—

after "prohibit lock-out"

insert "and closure" (62)

Page 4, lines 39 and 40,—

for "six months" substitute—

"six years" (63)

SHRI SUNIL MAITRA: I beg to move:

Page 5, lines 7 and 8,—

for "one thousand rupees"

substitute "thirty thousand rupees" (80)

PROF. RUP CHAND PAL: I beg to move:

Page 5, lines 7 and 8,—

for "one thousand" substitute—

"twenty thousand" (101)

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 5, line 7,—

for "six months" substitute—

"one year" (165)

SHRI SUDHIR GIRI: I beg to move:

Page 5, lines 7 and 8,—

for "one thousand" substitute—

"fifty thousands of" (213)

SHRI HANNAN MOLLAH: I beg to move:

Page 5, lines 7 and 8,—

for "one thousand" substitute—

"ten thousand" (247)

SHRI AMAR ROYPRADHAN: I beg to move: -

Page 5, lines 7 and 8,—

for "one thousand" substitute—

"one lakh" (288)

SHRI SATYAGOPAL MISRA: I beg to move:

Page 4,—

for lines 32 to 35, substitute

"(1) Lock-outs in any establishments pertaining to any essential service specified in the

order shall be strictly prohibited." (312)

SHRI CHITTA MAHATA: I beg to move:

Page 5, lines 7 and 8,—

for "one thousand" substitute—

"fifty thousand" (322)

SHRI R. K. MHALGI: I beg to move:

Page 4, line 34,—

after "lock-out" insert—

"or closure" (366)

Page 4, line 45,—

after "lock-outs" insert

"or closure" (367)

Page 5, line 1,—

after "lock-outs" insert

"or closures" (368)

Page 5, line 5,—

after "lock-outs" insert

"or closure" (369)

SHRI INDRAJIT GUPTA: I beg to move:

Page 4, line 34,—

after "lock-outs" insert

"and closures" (373)

Page 4, line 45,—

after "lock-out" insert

"or declare any closure" (374)

Page 5, line 1,—

after "lock-out" insert "or closure" (375)

SHRI A. K. ROY: I beg to move:

Page 4, line 34,—

after "lock-outs" insert "or closures" (390)

Page 5, line 8,—

add at the end—

"in a public trial to be concluded within fifteen days" (394)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 5, line 5,—

for "or otherwise acts in furtherance of a lock-out"

substitute "instigates, incites, finances for otherwise acts in furtherance of a lock-out or closure" (460)

Page 4,—

omit lines 39 to 45 (457)

Page 5, lines 7 and 8,—

for "one thousand" substitute—
"forty thousand" (462)

SHRI AJOY BISWAS: I beg to move:

Page 4, lines 39 and 40,—

for "six months" substitute
"five years" (493)

SHRI BHOGENDRA JHA (Madhubani): I beg to move:

Page 4, lines 39 and 40,—

for 'six months' substitute 'one year' (505)

Page 4, line 41,—

for "six months" substitute
"one year" (506)

MR. CHAIRMAN: Now, these amendments are before the House. Mr. Ramanna Rai to speak very briefly.

SHRI M. RAMANNA RAI: Sir, my amendment is that instead of 6 months it should be six years because if a worker enter into a strike, the punishment is six months. Now, at the same time, if the employer is at fault, he should not be given the same punishment. He must be given punishment of six years imprisonment. That is my amendment.

श्री रामावतार शास्त्री : सभापति जी, धारा 8 में जितने भी हमारे संशोधन हैं सब को पेश करने हुए मैं एक दो बात कहना चाहता हूँ इस में तालाबन्दी पर 6 महीने की रोक लगाने की बात कही गई है, और यह भी कहा गया है कि अगर जरूरत पड़ी तो 6 महीने की अवधि को और बढ़ा सकते हैं। तो मेरा कहना है कि फर्ज कीजिए 7 महीने की और अवधि बढ़ा दें लेकिन कारखाना चालू है उसके बाद भी। तो मेरा कहना है कि 6 महीने की जगह पर उस में यह लगायें कि जब तक वह कारखाना चालू रहेगा तब तक उस में किसी प्रकार की तालाबन्दी नहीं होगी। कोई भी कारखाना आप मान लीजिए। अभी आप 1 साल तक तालाबन्दी को रोक रहे हैं, मेरा कहना है कि तालाबन्दी पर बराबर के लिए पाबन्दी लगायें यानी जब तक वह कारखाना काम करना रहे। अगर किसी वजह से कारखाना बन्द हो जाये वह अन्य बात है। लेकिन जब तक चलता रहे तब तक तालाबन्दी करने का अधिकार उसे नहीं रहेगा। आप 6 महीने को और बढ़ायें, 6 महीने करना चाहते हैं 1 साल तक मेरा कहना है कि जब तक यह कारखाना चले 2 साल, 10 साल तक उस कारखानेदार को तालाबन्दी करने का अधिकार नहीं होगा।

दूसरी बात है आपने सजा की व्यवस्था इस में की है। जो इस तरह की तालाबन्दी करेंगे उनको 6 महीने आपने कहा है। मेरा कहना है कि उनको 2 साल की सजा कीजिए। पूँजीपतियों के प्रति इसी हमदर्दी क्यों है? कहिए मजदूरों की बात और काम कीजिए पूँजीपतियों का। तो इसलिए उनको कम से कम 2 साल की सजा कीजिए और 1,000 रु० जुर्माना

की जगह पर 25,000 रु० जुर्माना कीजिए, सक्ती कीजिए ताकि आप मजदूरों के जीवन के साथ जो सम्बन्धित या आपके लोग मिलवाड़ करते हैं वह बंद हो। अभी मैं बताऊंगा रेल मंत्री जी यहां मौजूद हैं, रेल में जो बेचारे निर्माण का काम करते हैं उनको जब चाहते हैं आप निकाल देते हैं। तो इस तरह की बातों में सजा भी बढ़ा दीजिए और तालाबन्दी करने की भी इजाजत नहीं कीजिए।

SHRI MUKUNDA MANDAL: Sir, in this clause, closure is not included. Only lock-out is included. Therefore, I have suggested an amendment to this clause. Closure also should be included, because due to closure production is hampered. Government has deliberately left out this method of functioning of the owner. By keeping closure outside the purview, they are helping the management. As this Bill is silent about closure, owners of the units will take advantage of it. Thousands of units are under closure; but this Government has not taken steps against the owners of those industries. I can refer here that in West Bengal....

MR. CHAIRMAN: Please don't refer to it now.

SHRI MUKUNDA MANDAL: These industrialists should be brought to book because production is hampered due to their activities. Again, the punishment indicated here is six months. I have amended this clause by providing it as six years.

SHRI SUNIL MAITRA: How benignly does this Government appear democratic—this clause shows it. It is putting the employer and the employed on the same plane, as if in the society both the employer and the employed are placed on equal footing. Therefore, if there is breach of law, the worker has to go to jail for six months, the employer also will

have to undergo the same. In fact, the employer is sucking the blood of the workers. But this is the dispensation of the Government. My amendment is that instead of six months, it should be six years; and instead of Rs. 1,000/-, the fine should be raised to Rs. 30,000/-.

PROF. RUP CHAND PAL: As amply made out from this side, our economy suffers most, our production suffers most because of the employers who resort to lay-offs and lock-outs. So, my amendment is that in the case, of those employers who are holding our economy to ransom and who are stopping our production, the punishment should be more severe. So, my amendment seeks to increase the period of jail from six months to two years, and the amount of fine from Rs. 1,000/ to Rs. 20,000/.

23.23 hrs

[MR. DEPUTY-SPEAKER in the Chair]

SHRI SOMNATH CHATTERJEE: On two grounds, I am asking for amendment to Clause 8. One: it has been admitted by the hon. Home Minister that originally this clause was not there in the Ordinance—as you know; and it is only because of the inspiring leadership of the Prime Minister that it has come in. Therefore, my point is that it has to be treated separately. She is the supreme leader. Because of her suggestion, this has been done. So, six months proposed by the Home Minister cannot be applied for the provision suggested by the Prime Minister. Therefore, I propose that at least one year should be prescribed; and the fine should be increased from Rs. 1,000/- to Rs. 20,000/-. Equally important is the second reason that lock-out is a weapon of offence. While strike is a defensive measure. This is well settled. He cannot deny it. Now a weapon of offence for somebody who is taking an offensive by declaring a lock-out or a lay-off of his work can-

not be treated as the same person with the weaker section who is resorting to strike as a defensive weapon to protect himself from the onslaught of the employer. Therefore, how can you treat them on the same footing? The Labour Minister is here for a change. He can also have a discussion with the hon. Home Minister. Therefore, if these two are on different footing, different planes, different strata of the society different strength, there cannot be equal treatment, so far as punishment and fine are concerned.

SHRI SUDHIR GIRI: On the grounds my predecessors have dealt with I have proposed that the employer should be fined not only with Rs. 1,000 but with Rs. 15,000.

SHRI HANNAN MOLLAH: The real people who are obstructing the production behind are the employers. So, they should be punished most with a punishment of 10 years.

SHRI AMAR ROY PRADHAN: The hon. Home Minister pretends to be a friend of the people. Even so, he has taken up the employer and the employees on par. Is it socialism, according to him? My amendment is that the punishment should be for 6 years in place of 6 months and the fine should be Rs. 1 lakh in place of Rs. 1000.

SHRI SATYAGOPAL MISRA: The employers are more harmful than the ordinary workers. Therefore, I have proposed to increase the punishment in the national interest.

SHRI CHITTA MAHATA: I propose to increase the punishment for 6 years in place of 6 months and a fine of Rs. 15,000 in place of Rs. 1000

SHRI R. K. MHALGI: My amendment is quite self-explanatory and therefore I do not want to add anything.

SHRI INDRAJIT GUPTA: My amendment to this Clause 8 seeks to widen its scope to cover not only

lock-outs and lay-offs but also closures. During the debate earlier today, the hon. Minister said something which I was not quite able to follow that they would have liked to have included closures. He said something about the court coming in the way. I would like him to explain it more clearly what he means by it because clause 8 says, if the Central Government is satisfied that in the public interest, it is necessary or expedient so to do, it may by general or special orders prohibit the lock-out. There I would like to add "prohibit lock-out, and closure". After all, we are dealing with the essential services which are defined and the Bill, says that it is meant to maintain certain essential services. I do not see how 'closure' can be excluded from this. It is a very serious matter. There are a large number of closures in the country. Therefore, closure should be brought under the scheme of this Bill.

MR. CHAIRMAN: Shri A. K. Roy.

SHRI A. K. ROY: Mr. Chairman, I also want to bring 'closure' within this clause and you know, as many of the Members have already said that this deliberate closure of the factories, potential factories, has created a problem of sick industry; and in our place also, as I told you, in Kumardibhi Engineering works 3,500 people are starving because of the mischief of the employers. Such employers should be punished. Punishment is important and what is more, that there should be public control. Socially and publicly the accused should be punished. There should be public control of such an employer and that should be brought within this Bill.

MR. CHAIRMAN: Shri Chitta Basu.

SHRI CHITTA BASU: What I want is very simple. The Government wants to prohibit lock out. They have seen other difficulties which has resulted in loss of production. That is due to closure. I think you

will not allow me to quote figures but there is a tremendous loss of production due to closure.

SHRI SOMNATH CHATTERJEE: Lay it on the Table of the House.

SHRI CHITTA BASU: I like to. There is a tremendous loss due to closure. The Supreme Court has held the view that the industry has got the Fundamental Right if it is a unit of business. Why should not there be a corresponding right for the workers to strike, to defend themselves? Here the Government is friendly to the employer. This raises the question of Fundamental Right of the employer to close resulting in loss of production and unemployment.

SHRI SOMNATH CHATTERJEE: Absolute right has been given. Supreme Court has not given.

SHRI CHITTA BASU: I have clarified that it should not have been included in this while prohibiting... (Interruptions).

SHRI SOMNATH CHATTERJEE: What about quantum and punishment and fine?

SHRI CHITTA BASU: Yes, I agree.

SHRI SOMNATH CHATTERJEE: He has accepted my advice.

SHRI CHITTA BASU: I have accepted Mr. Chatterjee's amendment.

MR. CHAIRMAN: Shri Ananda Pathak.

SHRI ANANDA PATHAK: I suggested that for 'six months' the words 'six years' may be substituted; and a fine of "one thousand rupees" be changed to "twenty-five thousand rupees". Because we know all these penal provisions against employers are lenient. In our experience in connection with the prosecutions under the Plantation Labour Act, Provident Fund Act and other Acts we know that they come out easily and they do not implement the provisions of

law, and such provisions are violated. They are fined three or four hundred rupees and they pay and they come out and do not care to deposit the workers' share of Provident Fund with the Government. We have found that they are violating and escaping with impunity.

श्री विजय कुमार यादव : सभापति महोदय, वैसे तो मेरे इस में कई अमैंडमेंट्स हैं लेकिन बन्दी सम्बन्धी अमैंडमेंट के बारे में कई माननीय सदस्यों ने अपनी राय जाहिर कर दी है इसलिए मैं अपने दूसरे अमैंडमेंट के बारे में अपनी बात रखना चाहता हूँ। जैसा कि श्री मिनिस्टर साहब ने भी कहा और दूसरे सरकारी पक्ष के लोगों ने कहा कि लाक आउट और ले आफ से उत्पादन को नुकसान हुआ है लेकिन इसके बाद भी इस क्लॉज की सीमा केवल 6 मास तक बढ़ाई गई है। इस का अर्थ यह हुआ कि 6 महीने के बाद कारखानेदारों को ले आफ और लाक आउट करने की छूट रहेगी। इस तरह का छूट उन को नहीं मिलनी चाहिए। इसी अणय का मैंने एक अमैंडमेंट दिया है।

सजा के बारे में मेरा भी सुझाव यह है कि सेन्स ट्रायल के अपराध के अन्दर कारखानेदारों को लाना चाहिए और इस में जो सजा है उस को 6 साल किया जाना चाहिए और 1 हजार रुपये के जुर्माने को बढ़ा कर 40 हजार किया जाना चाहिए जो कि यह भी कम है, इस से भी ज्यादा होना चाहिए।

SHRI AJOY BISWAS: Sir, my amendments are Nos. 493, to 494 and 495. When an employer declares a lock-out, the workers are put to great suffering. It is the employer who is responsible for the miseries of the workers by declaring a lock-out.

MR. CHAIRMAN: What is the punishment and fine you suggest?

SHRI AJOY BISWAS: Through my amendments I have sought to increase the imprisonment from six months to five years and to increase the fine from one thousand rupees to five thousands rupees.

SHRI BHOGENDRA JHA (Madhubani): It is a rare occasion in this House when the entire opposition is totally opposed to the Bill as a whole. All these amendments want to give more power to the executive and to the Government, but the Government seems to be unwilling to take those powers. You have been kind enough to suggest the principle of equality before law. In Clauses 6 and 7, the penalty for instigation of a strike is one year's imprisonment and fine upto two thousand rupees. The penalty for giving financial help to illegal strikes is one year's imprisonment and fine up to two thousand rupees. But the penalty for lock-out is only 6 months' imprisonment. I think the Government will take into account the principle of equality before law and bring the penalty to the level of at least one year. But the more important thing with which my amendment is concerned is with regard to the tenor of the order itself. In sub-clause (3) it is suggested that the notification will last for six months and can be renewed for another six months only. Thereafter, the employer will be free to declare a lock-out and enforce it. This clause is very hesitant and half-hearted and seems to have been put in unwillingly. It is an enabling clause and it says:

"If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order, prohibit lock-outs..." etc.

In such a situation, I suggest that my amendment should be accepted and the tenor of the order should be extended.

श्री जल सिंह : सभारति महोदय, मैं आनरेबल मेम्बरों के धीरज और साहस की प्रशंसा करता हूँ। वह जानते भी हैं कि कोई बात बनेगी नहीं, बिल तो पास हो ही जायेगा, फिर भी इतने आशवासन बने हुए हैं, यह एक बहुत बड़ी बात है।

असेम्बलमेंट जितने आए हैं उस में एक ही प्वाइंट पर इन का एक मत नहीं है। कोई चार हजार कहता है, कोई पाँच हजार कहता है, कोई चालीस हजार कहता है।

श्री रामावतार शास्त्री : भाव जिस को चाहिए मान लाजिए।

श्री जल सिंह : श्री रामावतार जी मेरा बयान था कि वह रामावतार की बात करेंगे, लेकिन वह रावणातार की बात कर रहे हैं। रात के बारह बजे हैं, वह अभी भी ज़िद में पड़े हुए हैं। मुझे खुशी है कि उन लोगों ने इन बिल पर बड़ी दिलचस्पी ली लेकिन उनके जो संशोधन हैं उनकी मैं परवाह नहीं कर सकता।

SHRIMATI GEETA MUKHERJEE (Pauskura): Does the Home Minister know to which clause he is replying? It is not yet 12 O'clock and this is the situation.

MR. CHAIRMAN: Now I shall put all the amendments to clause 8 to the vote of the House.

Amendments Nos. 24, 38 to 43, 62, 63, 80, 101, 165, 213, 247, 288, 312, 322, 366, 367, 368, 369, 373, 374, 375, 390, 394, 457, 460, 462, 493, 505 and 506 were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 8 stand part of the Bill"

The motion was adopted.

Clause 8 was added to the Bill.

2346 hrs.

ARREST OF MEMBERS—Contd.

MR. CHAIRMAN: I have to inform

the House that the following telegrams dated 15th September, 1981, addressed to the Speaker, Lok Sabha, have been received today:—

(i) Telegram dated 15-9-81 from the Superintendent of Police, Chingleput, West District, Kanchipuram, Tamil Nadu.

"In connection with the proposed State-wise picketing in front of all the Collectorates by the DMK Party today, 15-9-81, Shri T Nagarathnam, MP, was arrested at Kanchipuram, Chingleput, West District today, 15-9-81 at 09.30 hours vide Sivakanchi Police Station Crime No. 596/81 under section 147/188 IPC read with 30(2) of Police Act and 7 (1) of Criminal Law Amendment Act. He is being sent for remand."

(ii) Telegram dated 15-9-81 from the Commissioner of Police, Egmore, Madras.

"I have the honour to inform you that Dr. V. Kulandaivelu, MP, was arrested along with 130 others in Crime No. 513/81 under section 143/336/427 IPC read with 41, Madras City Police Act and 7(1) A Criminal Law Amendment Act today (15-9-81) at about 10.00 hours at Second Street, Palampuram, Madras-86, for taking out a procession with a view to staging a picketing in front of the office of the Deputy High Commissioner for Sri Lanka at Shafeemchand Road, Madras-8, in violation of the regulatory order in force in city. He was sent for remand."

23.47 hrs.

ESSENTIAL SERVICES MAINTENANCE BILL—Contd.

Clause 9—(Power to prohibit lay-off in certain establishments.)

SHRI M. RAMANNA RAI: I beg to move:

Page 5, line 37,—

for "six months" substitute "six years" (25).

SHRI RAMAVATAR SHASTRI: I beg to move: