

year 1975-76 together with the Audit Report thereon. [Placed in Library. See No. LT-4560/79].

(2) (i) A copy of the Annual Report (Hindi\*\* version) of the University of Hyderabad for the year January, 1977 to June, 1978.

(ii) A copy of the Review\*\* (Hindi version) by the Government on the working of the University of Hyderabad for the period January, 1977 to June, 1978. [Placed in Library. See No. LT-4561/79.]

(3) A copy of the Certified Accounts (Hindi \*\* version) of the Indian Institute of Technology, Bombay, for the year 1977-78 along with the Audit Report thereon, under subsection (4) of section 23 of the Institute of Technology, Act, 1961. [Placed in Library. See No. LT-4562/79].

RESERVE BANK OF INDIA (MAINTENANCE OF SERVICES) ORDINANCE, 1979 AND ADDITIONAL EMOLUMENTS (COMPULSORY DEPOSITS) AMENDMENT ORDINANCE, 1979.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I beg to lay on the Table a copy each of the following Ordinances (Hindi and English versions) under article 123 (2) (a) of the Constitution:—

(1) The Reserve Bank of India (Maintenance of Services) Ordinance, 1979, (No. 4 of 1979) promulgated by the President on the 4th July, 1979. [Placed in Library See No. LT-4563/79].

(2) The Additional Emoluments (Compulsory Deposit) Amendment

Ordinance, 1979, (No. 5 of 1979) promulgated by the President on the 4th July, 1979. [Placed in Library. See No. LT-4564/79].

MR. SPEAKER: Now, there are objections by several hon. Members on this. I will call them one by one. Smt. Parvathi Krishan.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Firstly, I want to point out that these two Ordinances coming on the eve of the Parliament session, show scant respect for any democratic procedure or parliamentary practice. Particularly, the first Ordinance now reveals the iron-mailed fist that the Janta Party Government is now waving towards the working class. Today, the attack on the working class is on the increase—firing, imprisonment and so on. And the working class—when I say working class I include also those who are toilers, workers and amongst them are Police, CRP and so on—are not being given their democratic right of fighting for what is their due. I would like to add that the other Ordinance coming along with the first Ordinance shows exactly what the Government has done. The age-old theory that if the working class and the toiling people get their due then inflation will be rampant, is now again being trotted out by this Government.

This compulsory Deposit Schemes was opposed by us when it came in the House in the shape of a legislation. We pointed out at that time when Smt. Indira Gandhi was the Prime Minister that bringing a legislation like this is attacking the working class and it would, by no means, check inflation. Inflation can only be checked when the Government have

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\*\*\*English version of the Accounts was laid on the Table on the 14th May, 1979.

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the courage to move against the traders and blackmarketeers and take over the whole-sale trading in food-grains and other essential commodities. This amount was due to the workers on the 6th of July. Our Minister comes back from Geneva, from the ILO Conference whose session he chaired, and then takes away the dues of the working class. The working class asked... (*Interruptions*) The textile workers in Delhi are on strike, for what? For their legitimate dues. Similarly, the textile workers in Tamil Nadu... (*Interruptions*)

MR. SPEAKER: You are going beyond the brief. The contention must be brief.

SHRIMATI PARVATHI KRISHNAN: I totally oppose even the laying on the Table of these two very shameful Ordinances. Talking in the name of democracy, you bring forward an Ordinance, denying to the workers their dues. You have a Plan and you have a budget. Do you mean to say that the employees and workers need not have a budget of their own... (*Interruptions*) It is an absolutely shameful Ordinance .... (*Interruptions*)

DR. SUBRAMANIAM SWAMY (Bombay North-East). Sir, we should also be given an opportunity. Why should Shrimati Parvathi Krishnan alone be allowed to misuse the floor for partisan purposes?

MR. SPEAKER: There is a rule providing for it. You should write to me.

SHRI JOTIRMOY BOSU (Diamond Harbour): In the Hand-book there is a clear provision that a member can ask for all the relevant information when a particular paper is being laid on the Table of the House. While we oppose these two Ordinances tooth and nail, for which we have given statutory Resolutions, we would request the hon. Minister to tell us

what was the necessity of promulgating these Ordinances when the House was due to re-assemble within such a short time. Why is it, in spite of the clear promises made before the electorate in the Janta Party election manifesto, they have taken recourse to such a heinous method of hitting at the very root of the fundamental rights. Regarding the Compulsory Deposit Scheme, if the Government loses its credibility, it is not worth .... (*Interruptions*) The Government had made a promise that the money will be refunded. Now they have a somersault and go back on their word. Then what happens to their credibility? I would request the Minister of Labour and Parliamentary Affairs to give all the relevant details justifying the promulgation of the two Ordinances, as provided in the Handbook, here and now.

SHRI K. P. UNNIKRISHNAN (Badagara): Firstly, I want to point out that all your distinguished predecessors have, without exception, pulled up the Government whenever they have brought such Ordinances on the eve of Parliament session. I am really shocked and surprised that you have not followed this example. I hope you would.....

DR. SUBRAMANIAM SWAMY: It is not on the eve.

SHRI K. P. UNNIKRISHNAN: It was on the 4th; so, it was almost on the eve. It is a very serious matter... (*Interruptions*) which I thought you will raise yourself. The dispute in the Reserve Bank is continuing for the last two or three years and dialogue is also going on. That in the midst of the dialogue with the Government, they should have thought it fit to bring forward this Ordinance, which is against all their commitments to the working class during the last two years, as we well as during the last general elections, is something abominable. Under that

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Ordinance, anybody who helps anyone allegedly going on strike financially is committing an offence. Sir, you would agree with me that this provision violates our basic fundamental right to assist. I want to give a warning that if this is put into law, in the statute, we shall launch a major campaign against this. This has never been done—this kind of provision. So, Sir, what was really going on was work-to-rule and on this occasion I want to clarify my personal position. I am one who has never supported this kind of agitational methods, nor do I support this. Now, the second one, the Additional Emoluments (Compulsory Deposit) Amendment Ordinance which bars payment of what was due to employees in July 1979, is totally against all the commitments given by them, and it is taking away.

SHRIMATI PARVATHI KRISHNAN: It is embezzlement.

SHRI K. P. UNNIKRISHNAN: Yes, embezzlement as has been correctly pointed out. While on the one hand they are not willing to freeze profits, they are not willing to undertake such legislation which will curb the growth of monopolies, on the other hand they are willing to take back what is due and what was promised to them in July 1979. Sir, on these grounds I oppose and again I repeat my plea to you to pull up this Government.

SHRI C. K. CHANDRAPPA (Cannanore): Sir, I would like to draw your attention to this matter because it was just on the eve of the session when the summons had been issued and we were just coming for the Session, these Ordinances were issued by the Government. Sir, it is an affront to democracy. I think you being the Custodian of the House it is your responsibility to pull up the Government on this matter and you should not permit them only because of the technical reason that they promulgated an Ordinance

and they can lay it on the Table of the House. But you should point out that it is improper on the part of the Government and they have treated this House with scant respect reminding of those days of Mrs. Gandhi, the manner in which she treated this House with contempt and a kind of scant respect. It was in the same manner they are doing it now. That is the first point. Secondly, on these two Ordinances, especially the first one, it is regarding the ban. It is practically a ban on strike, a right of the working class which is allowed throughout the world, and the very Minister who was attending the International Labour Organisation meeting where he was presiding over it and the Convention of the ILO which allows the right of the working class for collective bargaining, came back from ILO and the first thing he has done is the promulgation of this black Ordinance denying the democratic right of the working class. Sir, this will be a dark day, a black day for the Parliament also to allow this Ordinance to be laid on the Table of the House. Sir, I would like to remind you and through you the Government that this will be resisted and fought by the working class unitedly outside and inside the House. The representatives of the whole democratic movement here will jointly resist and resist to the last this black Ordinance to be passed. I would like to place this on record.

SHRI SAMAR MUKHERJEE (Howrah): Mr Speaker. Sir, these Ordinances are very draconian. Not only that, they are promulgated just before the monsoon Session of the Parliament. This shows the scant regard which the present Government also is showing to the Parliament. They are moving in the old way and the logical consequence they will have to face by the way they are now trying to suppress the most just and legitimate agitation and demands of the employees and the workers because along with it there is the announcement by the Prime Minister that they

are thinking of introducing MISA or PD Act again and another report has appeared in the press that they are now bringing some Bill where all types of agitations by the working class will be brutally suppressed. That is a direct confrontation with the working class. This is a situation similar to the one which obtained before the 1975 emergency. This Ordinance has declared that even the refusal to work overtime is an offence. The Reserve Bank employees are not on strike. They are agitating and working according to rule, according to the Manual. The High Court has given the judgement that they are fully entitled to work according to the Manual. Despite that, this ordinance has been promulgated, and the police has been given full authority to arrest them. So, we can never accept this. We are totally opposed to it.

This is not a single act. This is one of the precedents to those which they are now taking recourse. The situation has taken a turning point. If we do not oppose it, totalitarianism will revive. This is a tendency towards that. That is why we are opposed to this.

The second ordinance is a gross betrayal of the working class, because this Government had announced that C.D. would be returned. Now, by issuing an ordinance, they have postponed the return of the C.D. instalment. Why do the workers want dearness allowance? Because the cost of commodities has risen very high. If they are not given money at this stage when they require it most, if you withhold it by the method of the ordinance, then what is the utility of increasing wages and dearness allowance? When they are in need, you are denying them. This cannot be accepted by the workers. I request the Janata Government to give up this type of procedure which they are now adopting. This is a very dangerous course they are taking. That is why I totally oppose the introduction of this ordinance.

1460 LS—11.

SHRI SOMNATH CHATTERJEE (Jadavpur): The way these two ordinances were promulgated by this Government reminds us of the days when the draconian or black laws like MISA were amended through executive decisions in the darkness of the night. There, an attempt was made to imprison people without trial and without giving them an opportunity of being heard. What do we find here? A Government which speaks of its commitment to the democratic rights and the rights of the working class has passed these two ordinances a few days before this House was going to meet. There was no urgency at all because there is no strike in the Reserve Bank. No strike has been declared. What has been attempted to be done by this black ordinance—that is why we are opposing it strongly—is to introduce slave labour, by compelling the employees to work over-time. It is well established that there can be no compulsion on the workers to work over-time. They are fighting for greater emoluments and they are saying that they are entitled to work, that they are liable to work, only according to the Manual and Procedure for Work laid down by the Reserve Bank itself.

Government went to the Calcutta High Court and different High Courts, taking out injunctions against the workers, preventing their exercising their minimum trade union rights. The High Court says the workers are only liable to work according to the Manual of the Reserve Bank, but Government says the Manual will not be followed, they will ask the workers to work for five or six hours more.

MR. SPEAKER: Under the rule, only a short statement can be made.

SHRI SOMNATH CHATTERJEE: What is happening today? By compelling the workers to work over-time, their refusal is to be treated as a strike, and they are going to arrest people without warrants, and power has been given to any police officer in this country on a mere suspicion to

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arrest employees of the Reserve Bank. That type of arrest has been made already in Madras. Four employees have been arrested in their houses, not in the office. Does this Government want to run the Reserve Bank of India with police force inside the Reserve Bank? Is it the way this Government should function? This is purely an unconstitutional measure. We want to give that warning to this Government. They cannot, by taking advantage of an Ordinance issued just four days before this House is to assemble, without consulting the people and the trade unions and the working class... (Interruptions) What is the demand of the Reserve Bank people? They wanted a negotiated settlement. There is a clear breach of faith on the part of the Government... (Interruptions)

MR. SPEAKER: You have mentioned all that.

SHRI SOMNATH CHATTERJEE: We oppose this Ordinance very strongly. (Interruptions)

MR. SPEAKER: So far as laying of the Ordinance on the Table is concerned, the Constitution provides that it must be laid on the Table of the House.

(Interruptions)\*\*

MR. SPEAKER: I am not allowing anything. Don't record.

(Interruptions)\*\*

SHRI SAMAR MUKHERJEE: We are walking out in protest.

12.32 hrs.

Shri Samar Mukherjee and some hon. Members then left the House

# INDIAN TELEGRAPH (FIFTH AMENDMENT) RULES, 1979

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): I beg to lay on the Table a copy of the Indian Telegraph (Fifth Amendment) Rules, 1979 (Hindi and English Versions) published in Notification No. G.S.R. 315 (E) in Gazette of India dated the 18th May, 1979, under sub-section (5) of section 7 of the Indian Telegraph Act, 1885. [Placed in Library, See No. LT-4565/79].

NOTIFICATION UNDER CUSTOMS ACT, 1962 AND CENTRAL EXCISE RULES, 1944, REPORTS OF COMPTROLLER AND AUDITOR GENERAL OF INDIA UNION GOVT. (CIVIL) REVENUE RECEIPTS—VOL. II—DIRECT TAXES AND UNION GOVT. (RAILWAYS) FOR 1977-78, ETC. ETC.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI ZULFIQUARULLAH): I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962:—

(i) G.S.R. 293(E) to 302(E) published in Gazette of India dated the 10th May, 1979 together with an explanatory memorandum regarding exemptions from auxiliary duties of Customs.

(ii) G.S.R. 313(E) published in Gazette of India dated the 16th May, 1979, together with an explanatory memorandum regarding revised rate of exchange for conversion of Pound Sterling into Indian currency or vice-versa.

(iii) G.S.R. 351(E) published in Gazette of India dated the 5th June, 1979, together with an explanatory memorandum regarding revised rate of exchange