

MR. DEPUTY-SPEAKER : The House stands adjourned for lunch till 2 P.M.

13 hrs.

*The Lok Sabha adjourned for lunch till fourteen of the clock.*

*The Lok Sabha re-assembled after lunch at five minutes past fourteen of the clock*

[ SHRI THIRUMALA RAO in the Chair ]

STATUTORY RESOLUTION RE :  
ESSENTIAL SERVICES MAINTENANCE  
ORDINANCE; AND THE ESSEN-  
TIAL SERVICES MAINTENANCE  
BILL—contd.

MR. CHAIRMAN : The House will now take up further consideration of the Essential Services Maintenance Bill and the Resolution.

SHRI SEZHIYAN ( Kumbakonam ) : Sir, before further consideration of the Bill is taken up, I want to know what has happened to the assurance given earlier that a reference will be made to the Committee on Subordinate Legislation and its views will be placed before the House. Unless we know the decision of that Committee, there is no use having further discussion on the Bill.

THE MINISTER OF STATE FOR HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Sir, may I inform the House that a meeting of the Committee was held at 10 O'Clock today and the Chairman of the Committee has been pleased to call another meeting of the Committee at 5 O'Clock to approve the draft [report ? As the decision of the Deputy-Speaker was that pending the report of the Committee the consideration of the Bill can go on in the House, we may proceed with the Bill. I think by this evening the report of the Committee will be ready and it is hoped that it will be available to the House tomorrow.

SHRI S. M. BANERJEE (Kanpur) : In that case, we can have only general discussion and not a discussion on the clauses till we get that report.

SHRI VIDYA CHARAN SHUKLA : Only general discussion is going on.

श्री विश्वनाथान पाण्डेय (सलेमपुर) : सभापति महोदय, सदन के सामने इस समय दो विषय हैं लेकिन दोनों विषयों का आधार एक ही है। एक तो कोठारी साहब का सांविधिक संकल्प है जिसमें कहा गया है कि राष्ट्रपति महोदय, ने जो अध्यादेश जारी किया है उस को निरनुमोदन किया जाय और दूसरा मंत्री महोदय ने विधेयक प्रस्तुत किया है कि आवश्यक सेवाओं को बनाये रखने के सम्बन्ध में। मैं यह समझता हूँ कि कोठारी साहब ने जो सांविधिक संकल्प प्रस्तुत किया है, उसका अब कोई श्रौचित्य नहीं रह गया है क्योंकि अध्यादेश का काम अब खत्म हो गया है, इस अध्यादेश का कानून की शक्ति देने के लिये मंत्री महोदय ने विधेयक प्रस्तुत किया है। उन्होंने इस बात को अपने भाषण में व्यक्त भी किया है कि इस तरह का विधेयक लाने के लिये उन्हें खुशी नहीं है, लेकिन उन्हें परिस्थियों ने मजबूर किया, वातावरण न मजबूर किया, और मजबूरी के साथ वे इसे सदन के सामने लाये हैं।

मैं इसके पहले कि विधेयक के सम्बन्ध में कुछ कहूँ, आपके माध्यम से मंत्री महोदय से एक निवेदन करना चाहता हूँ। केन्द्रीय सरकार के जिन कर्मचारियों ने हड़ताल की और उसके अन्तर्गत जितने कर्मचारी जेल भेजे गये, जिनको सेवाओं से मुक्त किया गया, जिनको निलम्बित किया गया या जो नौकरी से बाहर सड़क पर घूम रहे हैं, उनके प्रति सरकार उदारता का व्यवहार करें उन्हें फिर से काम पर लावें। अगर यह वातावरण आप बना लेंगे तो मैं समझता हूँ कि आपका काम सरल हो जायगा, सारे सदन के लोग इसको पसन्द करेंगे और जिनके साथ ज्यादाती हुई है उनको भी संतोष होगा।

श्री इत्हाक सम्मली (भरमरोहा) : मंत्री जी ने यह बात सुनी नहीं।

श्री विश्वनाथ पाण्डेय : आप चाहे न सुनें, लेकिन उन्होंने जरूर सुनी है। सभापति

महोदय, इस विधेयक के औचित्य पर सदन में जो चर्चा चली, पांच-छः घण्टे तक जो बहस चली और उस के बाद यह विधेयक प्रस्तुत हो सका, इस गम्भीरता को यह सदन भी समझता है, केन्द्रीय सरकार के कर्मचारी भी समझते हैं और सदन के बाहर के लोग भी समझते हैं यह विधेयक छोटा जरूर है, लेकिन गागर में सागर भरने का काम हमारे मंत्री महोदय, ने किया है। इसी सन्दर्भ में मैं आपको स्मरण दिलाना चाहता हूँ कि 1960 में भी इसी तरह का अध्यादेश इस सदन में आया था, लेकिन वह अध्यादेश थोड़े समय के बाद समाप्त हो गया, उस समय उसको कानूनी शक्ति नहीं दी गई। मैं समझता हूँ सरकार ने जानबूझ कर इस काम को किया, बुद्धिमानी का काम किया, क्योंकि सरकार यह समझती थी कि फिर कोई इस तरह की हड़ताल का नोटिस नहीं आयेगा।

जिसमें सरकार का सारा कारोबार, सारी राष्ट्रीय सेवाएँ समाप्त हो जायें। नहीं तो मैं समझता हूँ कि अगर सरकार के दिल में यह बात होनी कि उसकी पुनरावृत्ति होगी तो वह अवश्य उसको कानून की शक्ति दिए जाती। अब उसने क्यों कानूनी शक्ति दी, इसका कारण यह है कि 13 सितम्बर को राष्ट्रपति महोदय ने अध्यादेश जारी किया था और केन्द्रीय कर्मचारियों ने एलान किया था कि हम हड़ताल पर जायेंगे, अपनी तनख्वाह के प्रश्न को लेकर, अपनी सुख-सुविधा के प्रश्न को लेकर और अपने डीयरनेस एलाउन्स के प्रश्न को लेकर, और उसके सम्बन्ध में सरकार और कर्मचारियों के नेताओं के बीच बात-चीत भी हुई लेकिन कोई समझौता नहीं निकल सका। अब मैं यह कहना चाहता हूँ कि कोई भी सरकार अपनी छाँटों के सामने यह नहीं देख सकती है कि वह किसी एक समुदाय विशेष के द्वारा अपंग बना दो जाये, देश के अन्दर अराजकता फैल जाये, बदअमनी फैल जाये और इस तरीके का हड़ताल का रूप हो जाये कि ट्रेन्स बन्द हो

जाय और राष्ट्रीय सम्पत्ति को भाग लगा दी जाए। इसीलिए सरकार को यह खयाल हुआ कि अगर इसको कानूनी शक्ति दे दी जाये तो सम्भव है यह बातें न हों। लेकिन सरकार जो इसको कानूनी शक्ति दे रही है उस में केवल पांच वर्ष की अवधि ही रखी है। . . (व्यवधान) . . मैं समझता हूँ कि पांच वर्षों में अगर कोई हड़ताल नहीं होती है तो कोई आवश्यकता नहीं है कि इस कानून को कार्यान्वित किया जाए या आगे के लिए रखा जाये परन्तु यदि हठबादिता होती है तो फिर अवश्य ही इस कानून के अन्तर्गत कार्यवाही की जा सकती है।

सभापति महोदय, इस कानून में तीन-चार बातें रखी गई हैं। एक तो उस अध्यादेश को कानून की शक्ति देना, पांच वर्ष की अवधि रखना, और वे लोग जोकि हड़ताल के लिए उकसायेंगे, भड़कायेंगे, प्रोत्साहन देंगे या पैसा देंगे उनको दंड देना। इन सभी बातों का इसमें समावेश किया गया है। लेकिन मैं समझता हूँ कि अगर इन बातों को एक तरफ रख दिया जाये, केवल नेता लोगों पर ही सारे प्रतिबन्ध लगा दिए जायें कि वे इस प्रकार की हड़ताल न करवायें, तो भी सारा काम ठीक हो जायेगा। . . (व्यवधान) . . आर्टिकल 19 की यहाँ पर जो दुहाई दी जाती है कि यह मौलिक अधिकार है और इस कानून और अध्यादेश के द्वारा उसका हनन किया जा रहा है, मैं समझता हूँ उसका कोई हनन नहीं हो रहा है। धारा 19 में लिखा हुआ है 'फार्म एसोसिएशन और यूनियन'। तां जहाँ तक यूनियन या एसोसिएशन बनाने का सम्बन्ध है, वह आप कर सकते हैं। लेकिन यूनियन या एसोसिएशन बनाने का यह मतलब तो नहीं होता कि आप सरकार को अपंग कर दें। दुनिया का कोई भी सरकार, चाहे वह अमरीका की हो ब्रिटेन की हो, रूस की हो, जापान की हो, या आस्ट्रेलिया की हो या

[ श्री बिश्वनाथ पाण्डेय ]

और कहीं की हो, वह कभी भी इस बात को पसन्द नहीं करेगी कि अपनी आखों के सामने ही अपने को अपंग बनाले, अपने का पैरालाइज कर दे, सरकार का सारा काम-काज ही ठप्प हो जाये और जो राष्ट्र के लिये आवश्यक सेवाएँ हैं, जैसे रेल, तार, हवाई जहाज या फौज वह सब ठप्प हो जाये या कुछ दिनों के लिए ही बन्द हो जाये ।

सभापति जी, यहाँ पर यह कहा गया कि वह तो माकैतिक हड़ताल थी लेकिन मैं कहता हूँ कि ऐसी बात नहीं है, अगर उनकी मांगें पूरी नहीं होती तो वे अनिश्चिन काल के लिए भी हड़ताल कर सकते थे । . . [ व्यवधान ] . . वह ऐसा रूप हाँता है, जिसमें फिर आप इस बात को रोक नहीं सकते हैं । अगर किसी विशेष तारीख तक मांगें पूरी नहीं हाँती तो फिर अनिश्चिन काल के लिए भी हड़ताल हाँ सकती है और इसको कोई रोक नहीं सकता है । . . [ व्यवधान ] . . मैं कहता हूँ कि यह चीज हो सकती है ।

सभापति जी, हमारे माननीय गृहमन्त्री का दायित्व केवल, जो 26 लाख केन्द्रीय सरकार के कर्मचारी हैं, उन्हीं के प्रति सीमित नहीं है बल्कि उनका दायित्व इस देश के 54 करोड़ लोगों के प्रति भी है । आज एक तरफ तो किसान, मजदूर और खेतियर मजदूर हैं जिनकी कि केवल चार आना या आठ आना रोज की आमदनी है । दूसरी तरफ 5 सौ, 8 सौ और 9 सौ प्रति माह तनख्वाह पाने वाले सरकारी कर्मचारी हैं जोकि संगठित हैं, वे बड़े-बड़े नेताओं—जैसे बाजपेयी जी हैं, जोशी जी हैं, और बनर्जी साहब हैं—उनके द्वारा हड़ताल की धमकी देकर अपनी सुख-सुविधा प्राप्त कर लेते हैं । लेकिन बेशारे जो किसान हैं जोकि जाड़ों में और गमियों में दिन-रात खेतों पर काम करने हैं, उनकी सबसे कम आमदनी है लेकिन चूँकि वे संगठित नहीं हैं

इसलिए वे अपनी कोई मांग नहीं रख सकते हैं । तो क्या केन्द्रीय सरकार का कर्तव्य नहीं है कि उनकी तरफ भी ध्यान दे ? तनख्वाह पाने वाले लोगों को सरकार सुख-सुविधा पहुँचाये, उस पर हमें कोई भी आपत्ति नहीं है लेकिन दूसरी तरफ वह लोग जिनकी कि सबसे कम आमदनी है, उनकी तरफ भी सरकार को ध्यान देना चाहिए । और मैं समझता हूँ उसको ध्यान में रखकर ही सरकार ने इस सदन में यह कानून पेश किया है ताकि इस देश में सामान्य स्थिति रहे और आवश्यक सेवाओं में हड़ताल की नीबत न आये । आजकी स्थिति में हम देखते हैं कि कहीं छात्रों का आन्दोलन है, कहीं टीचर्स का आन्दोलन है, कहीं रेल वालों का है, कहीं हवाई जहाज वालों का है, कहीं कोई आन्दोलन हिन्दी को लेकर है तो कहीं कोई आन्दोलन अंग्रेजी को लेकर है । इस प्रकार से हड़तालों का और सत्याग्रहों का एक ताता सा बंधा रहता है । प्रजातन्त्र के अन्दर अपने विचारों को व्यक्त करने और हड़ताल करने का स्थान रहता है लेकिन उसकी भी एक सीमा होनी चाहिए । जब भी उस सीमा का उल्लंघन होगा तो फिर यह कानून उस पर लागू हो जायेगा ।

इन शब्दों के साथ मन्त्री महोदय ने यहाँ पर जो विधेयक प्रस्तुत किया है, मैं उसका समर्थन करता हूँ लेकिन साथ ही साथ यह भी निवेदन करना चाहता हूँ कि 19 तारीख को जो हड़ताल हुई थीं उसके अंतर्गत जिन लोगों ने सजाये पाई हैं, या नौकरी से हटाए गए हैं जोकि आज सड़कों पर घूम रहे हैं और उनकी रोटी-रोजी का कोई ठिकाना नहीं रह गया है, उनके मामलों पर आप सहानुभूति के साथ विचार करें ताकि वे अपने काम पर लौट सकें क्योंकि इसमें उनका कोई दोष नहीं रहा है बल्कि दोष तो उन नेताओं का है जिन्होंने उनको भड़काया था । वे नेता लोग तो बाब में पीछे हो जाते हैं । इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ ।

SHRI UMANATH (Pudukkottai) : This House and the country has been assured by this Government, and repeatedly assured that very soon they would to bring out the Fourth Five Year Plan finally. After waiting for three years in the Fourth Plan Period they have now come out with a plan, and that is a Five Year Plan to suppress the democratic rights of struggle of the toiling people. This is the five year plan contained in this Bill.

I would, first of all like to demolish three deceptions that are sought to be attempted by this Government through this Bill on this House and on the people at large. The first deception is that this is just an enabling measure, and to put it in the words of the Home Minister or rather the Minister of State or the mini-Home Minister, it is just a permissive measure.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH) : The word 'Mini-Home Minister' is not proper.

SHRI VIDYA CHARAN SHUKLA : Let the hon. Member please himself by saying whatever pleases him.

SHRI UMANATH : The hon. Minister must have a sense of humour. If he cannot take it sportingly then I take it back.

He calls this a permissive measure. Can the Government show to this House a single permissive measure hitherto passed, which they have not utilised consistently, except such measures as seek to touch upon the property rights. All other permissive measures which sought to allocate the rights and liberties of the citizens have been consistently used Government cannot show a single permissive measure which they have not utilised. That is the first deception that they are trying.

The second deception is that this is a temporary measure only for five years. Here, I want to ask one question. The Preventive Detention Act was started as a temporary measure just for three years or so. But we know ever since its inception to this day it has become a permanent feature on the part of this Government to come forward before

the House and get it renewed period after period. So, in practice, it is a permanent measure on the statute, but even now they would only call it a temporary measure. That is the second deception.

The third deception is that they want to create an impression at large in the country that this Bill is only to restrict the liberty of the Central Government employees, and some good-natured people in the country at large also think that this is only in relation to the Central Government employees. But clause 2 (1) (a) (ix) make the position very clear.

It reads thus:

"any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act".

What is left? Perhaps only brothel houses and night clubs! I shall not be surprised if a time comes very soon when this Government will come to this very House to claim powers to declare brothel houses and night clubs also as essential services. So, it is very clear that this whole Bill is meant for the purpose of suppressing the trade union rights of the entire working class in this country.

Even at present, the right to strike that the workers are having is a very restricted right. From the Industrial Disputes Act, it will be seen that as at present, the Act prohibits in a public utility service a strike without giving a six weeks' notice, within fourteen days of giving such notice, during pendency of conciliation proceedings, during conciliation proceedings before a Board and seven days thereafter, during the pendency of adjudication proceedings, during the pendency of arbitration proceedings before the arbitrator and two months thereafter, during the period of operation of a

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settlement or award in respect of any matter and so on. Besides, the appropriate Government is empowered to make an order prohibiting continuance of any strike or lock-out in respect of any dispute on which a reference is made to a board, etc. This right recognised by law at present is absolutely truncated and it is a very restricted right. By this Bill, Government are seeking to take away even this truncated right. That is the position that we are seeing today.

Coming to the implications of this measure, if this measure is implemented and if strikes are prohibited, what will be the position of the working class? If you see the Government's figures with regard to strikes, with regard to rise in prices, it is a serious picture that is before us, because these strikes have been closely trying to chase the rise in prices. I may give you the Government figures themselves. Taking 1961 as the base year with index, 100, in 1965, the price index was 172, and the man-days lost was 69 lakhs in 1966, the price index rose from 172 to 190, and the man-days lost rose from 69 lakhs to 1.04 crores. In 1967, the index rose from 190 to 213, and the number of man-days lost rose to 1.20 crores. In 1968, up to September, the index rose from 213 to 218, but in West Bengal alone, in just one State alone, the number of man-days lost is more than 1 crore. So, you will see from this very clearly as to how during this period the working class struggles had been attempting to chase the rising prices and yet they have not been able to cope up with the rising prices. And what about their real wages? I shall give you the Government figures themselves. Again taking 1961 as the base year with index 100, in 1966 the real wages had gone down to 89.8. So, there has been a steep fall notwithstanding the strike by the working classes and they have not been able to maintain themselves and reach the wages of 1961. In this context, if this right to strike is taken away and total prohibition is enforced, then what will be the position? The working classes of our country will be bound hand and foot, and thrown to the mercy of the profit-sharks and the Government's policies of inflation and deficit-financing.

Here, I would like to remind the House of the statement made by the Deputy Prime

Minister some time ago to the effect that wage-freeze must be enforced as one of the measures to resolve the crisis in the country. I am reminded of that. At that time the Government was only talking about it, but the proposal in the Bill shows that the Government have decided that wage freeze must be enforced at the point of bayonets, courts and all these repressive measures. The other thing I would like to refer to is the suggestions thrown up for compulsory adjudication machinery and arbitration. Is it going to be a substitute for strike? It cannot be. The other day our Deputy Speaker was repeatedly asking the Government 'What is the alternative machinery?' Perhaps he meant in terms of arbitration and adjudication. So far as this is concerned, we are very clear of our position. Adjudication or arbitration can never be a substitute for the weapon of strike so far as the workers are concerned.

Take for example suppose this question of wage rise to cope up with the price increase is referred to adjudication. In to-day's economic crisis, the adjudicator or arbitrator goes by the balance-sheet. All the balance-sheets we have seen are certified by the Chartered Accountant. But these balance-sheets are manipulated in such a way that the adjudicator or the arbitrator has absolutely no margin left to give any increase. If increases are given, they are just exceptional. So to-day's position is that if some adjudicating machinery or some alternative method is made and the right to strike is taken away, because of the balance sheet position which is manipulated in such a way that the adjudicator himself is bound by the restrictions of the balance sheet.

I bring another thing to your notice. As far as this right to strike is banned and adjudication is given, large scale retrenchment is taking place. To-day if retrenchment issue is referred to arbitration, it will be an extremely exceptional case where the arbitrator or adjudicator will say because of the economic crisis that a particular retrenchment was unjust. It is extremely difficult. They will say, 'This is our balance sheet.' On this question we are clear that so far as this Bill is concerned, adjudication or arbitration or such other alternative-machinery can never be a substitute for the right

to strike. To-day we see that even agreements are not honoured. If a favourable award is passed, we have seen several instances that the award is not implemented. Notwithstanding the various provisions in the Act for the enforcement of the award, we have seen Central Government Ministers coming here and saying, 'We are helpless. What can we do.' We can just make measures to help them. When legal agreements and award and the Wage Board recommendations can be denied by the employers notwithstanding all the laws that are there at this juncture, if this right to strike is withdrawn, it will mean throwing the working classes completely at the mercy of big business of this country.

Then take lay-off? What is the lay-off? Lay off is the denial of employment to the labour by employer temporarily. What is strike? It is the labour denying his labour to the employer temporarily. Now when this Bill is passed, the position in the country will be that while employer will have his statutory right to deny employment to the labour temporarily, the labour of this country will have no right to deny his labour to the employer even temporarily. This is the resultant picture. So far as the working classes are concerned, it will be as we saw on the 19th September. On 19th September the Government position was reflective of what will happen if the Bill is passed. Government position was '(1) I do not concede your demand. (2) I do not concede your demand for arbitration. (3) I would not permit you to strike also'. What do they want of the labour? No demand, no arbitration and no strike. That means the employees must completely subject to the employer as his slaves. This means introduction of direct slavery in the employer-employee relations. I charge this Home Ministry with double standard. When we discussed the question of September 19th strike, Mr. Chavan repeatedly has been saying that the question of fixing a national minimum wage is pending before the National Labour Commission.

So, we were asked to wait for that. Of course we did not accept that position. But I want to know whether the Home Minister is prepared to apply his advice to himself. What does the National Commission on Labour say with regard to the

strike? They have sent a circular in which the following question has been put. They say:

"Do you consider that the existing restrictions on workers' right to strike and the employers' right to declare a lock-out need to be modified in any way? If so, please indicate these modifications together with reasons in support of these modifications".

This question of right to strike, whether it should be restricted or not, is pending before the National Labour Commission. I want to ask the Home Minister, is it not double standard? When you tell the Central Government employees that the question of need-based minimum wage can be considered only after the National Labour Commission which is going into this question gives the report, is it not for you to apply that advice to yourself on the question of restriction of the right to strike which is pending before the National Labour Commission? Why does not the Home Minister wait for the report of the Commission on the question of the right to strike or the restriction on it in regard to the workers concerned? So, this is a clear case of double standard.

The real aim of this Bill, as they say, is to maintain the essential services and the normal life of the community. If the real aim of the Bill was to maintain the essential services and protect the normal life of the community, then lock-out by the employer also which affects the normal life of the community, would have been brought within the ambit of this Bill. They have not done so.

Then, we know last year what happened. The colliery owners wanted a rise in the price of coal. They wanted to compel the Government to revise the price of coal. The Government initially refused. Then they closed down all the collieries and said "unless you give us a higher price, we would not work the coal mines." What was the result? The Railway Minister had to cancel several goods trains and passenger trains because they could not get coal, and the normal life of the community was affected. If it was the aim of this Bill to protect the normal life of the community, the Government would have brought such a conduct

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of the employers also within the ambit of this Bill. They have not done so.

Again, last year, the Southern India Millowners' Association, dealing with textiles, held the general body meeting of its association and passed a resolution saying they will cut production by 33½ per cent. Then Shri Dinesh Singh told us here they had no cause for such a closure and they had no cause for such a reduction in production. They wanted to pressurise the Government to get the excise duty cancelled and that is why, the Minister said, they were doing it. That is what Shri Dinesh Singh said. Is it not affecting the normal life of the community? If the aim of the Government was to protect normal life of the community, they would have brought such conduct on the part of the millowners also within the ambit of this Bill. But they have not done so.

Lastly, let me take his own region, the Bombay region, the region from where the Home Minister comes. When the IOC entered the work of distribution of kerosene in 1966, immediately the foreign oil companies in the Bombay region closed down their tin-manufacturing plant in order to create a crisis, because they did not want the IOC to enter that field. They wanted to bring pressure on the Government to prevent the IOC from entering this field of kerosene distribution. And so to the foreign oil companies asked those marchants to "come straight here with your tins; we would not supply tins." This resulted in the entire Bombay region being starved of kerosene for a few days. The Home Minister knows it. Does it not affect the normal life of the community? If this was the aim of the Bill, then they would have brought this sort of conduct of the employers also within the ambit of this Bill. They have not brought it. That is why I say that the aim is really not to protect the community and maintain the essential services. The aim is really to attack strikes as such. That is my point; it is not the interest of the community. It is just a pretext. The aim is to attack, suppress the right to strike as such.

Now, why is the Congress Government behaving like this?

MR. CHAIRMAN: The hon. Member's time is up. He should conclude.

SHRI UMANATH: Yes, Sir; I shall conclude in a few minutes. The path of building capitalism, the industrial, agrarian, financial taxation and resources policies of the Government have landed the country's economy into an acute crisis. The Congress Government, in this particular crisis, is like the proverbial man caught up in a slushy mud; when he tries to lift one foot, the other foot sinks deeper into the mud.

So also, every step this Government has hitherto taken to resolve the crisis has landed the economy into deeper crisis. Hence the Government is more determined to solve this crisis at the expense of the people. But people are equally determined to resist this move of the Government. Hence the Government are determined to totally disarm the people. But in our country since the organised working class is the inspirer of the peasants, agricultural workers and other unorganised sections of people, the Government have decided to disarm the working class of its only weapon—the right to strike. This explains the present Bill so far as they are concerned.

So far as the monopolists are concerned, this crisis is threatening their profits and loot. Hence the monopolists are determined to resolve this crisis by merciless and gruesome resort to mass retrenchment, mass lay-off, closures, wage freeze and large scale violations of the Payment of Wages Act, the P.F. Act, ESI Act and a host of other statutes. But these attacks are met with stiff resistance and heroic strikes. The monopolists decided on allowing the strikes unsettled and thus force the workers to surrender through sheer exhaustion and starvation. But unfortunately for the monopolists, they are faced with a tremendous tenacity on the part of the working class, which they did not bargain for, with the result that the strikes and work stoppages are getting unduly prolonged, even lasting 8 months in some cases. The heroic Caltex employees of Calcutta have been forced to surrender at last. But before the foreign monopolists could secure their terms, they had to face the employees' sit-in-struggle which lasted two years and forty-one days.'

This tenacity cost crores of rupees of loss to foreign and Indian monopolists. Hence their urgent need that the working class should be totally disarmed by depriving them of their only weapon, *viz.*, right to strike. This Government, by bringing forward this Bill is only shamelessly carrying out the behest of Tatas and Birlas and their foreign counterparts.

Sir, this is exactly the way the monopolists and imperialists behave in times of economic crisis. In our own country, the weapon of strike was first restricted by the British. Do you know, when, Sir? On the basis of their experience of the 1921 and 1922 strike struggles, they passed an Act—the mother Act of the present I.D. Act—in 1929. Note the years. 1921 and 1922 were the years of post-war economic crisis. 1929 to 1933 were the years of the world capitalist crisis. This first restriction imposed by the British was in the period of economic crisis. Whereas the British monopolists and their Government restricted the right to face the 1921-29 crises, the Indian monopolists and their Government are seeking to totally prohibit strikes to face this crisis. that is the difference.

The significance of this Bill coming in the wake of a number of repressive measures passed by this House has to be realised. When the West Bengal Government was dismissed, the right of the Assembly to retain or dismiss the Government was taken away. With the passing of the Unlawful Activities (Prevention) Act, the right of the political parties or organisations to exist independently without the mercy of Home Ministry was withdrawn. With the passing of the Industrial Security Force Bill, the so-called exclusive power of the State Governments to maintain law and order has been infringed upon. With the passing of the Social Control of Banks Bill, the right of the employees to demonstrate before banks has been withdrawn. Now with the passing of this Bill, they seek to withdraw the right to strike. On the top of it, the Law Minister, Shri Govinda Menon, has openly given a call to the people to take up arms in the pretext of self-defence. When Mr. E. V. Ramaswami Naicker burnt a copy of our Constitution once in Tamilnad, there was a big hullabaloo in some part of the country and it was said that

he must be hanged. But here is a Government which has burnt the Constitution umpteen times. How many times are we to hang this Government on that analogy?

I wish to warn this House that this Bill is a part of a bigger conspiracy and deep-laid plot by Congress Government to brutally suppress the rising working class and peasant struggles. The *modus operandi* is to organise some terrorist actions through their planted men and use it as a pretext to crush the democratic struggles. The Tellicherry and Pulpalli police station attacks were organised by the Central Intelligence to provide such pretexts. I will prove it. Have you ever heard of a revolutionary doing a revolutionary act and going straight to the police station? Here that is what has happened exactly.

What happened was this. They went and attacked a police station; and when they attacked another police station, all of them including the leader were dragged into the police station.

MR. CHAIRMAN: Please be relevant. You must conclude now.

SHRI UMANATH: What I am saying is that this Bill is a part of a bigger conspiracy to suppress rising democratic struggles. The Central Intelligence is behind the so-called master mind of all these attacks by Mr. Kunikkal Narayanan. Sir, one revealing fact which I wish to bring to the notice of this House is this. In 1964, when our party men were attacked, the Government thought that we did not deserve to remain outside and so we were jailed during this very period. But, in respect of Mr. Kunikkal Narayanan who is supposed to be the master mind behind these terrorist attacks, special instructions were sent from the Home Ministry to Kerala when there was President's Rule and when Mr. Jain was the Governor, saying that letters by Mr. Kunikkal Narayanan should not be censored and they must be allowed free to come in and go out. These instructions were sent by the Home Ministry to the Kerala Government at the time of President's Rule in 1964 when we were all taken into the jails but for Mr. Kunikkal Narayanan who was supposed to be the master mind for all those revolutionary activities,



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government sent no instructions for censoring.

MR. CHAIRMAN: You please conclude. Please be relevant to the point.

SHRI UMANATH: I am finishing. On this point, I want to know why the family letters addressed to our comrades inside the prison were censored, but why Mr. Kunikkal Narayanan's letters were not censored by the Superintendent of Police in 1964, and why the instructions were issued by the Home Ministry to censor them now, and why they were freely allowed then because of these instructions? An enquiry is going on by the Central Government in the P. M. G's office as to how this was leaked out. They are now trying to verify whether there is any instruction. They want to change the code because they are afraid that this has been leaked out. This is their position that they are organising some kind of terrorist act. Subsequently, a circular from Home Ministry also has gone saying that Naxalite activities are going on, beware of this. Here they are referring only to agricultural labourers.

Now we must look at this Bill. Even if they pass that with the majority, they cannot get away with that. They are like dacoits who wake up early in the dawn, get into the house and do the dacoity before the sun rises. They are trying to prevent the sun from rising. When the cock cries, ultimately, the dacoit is caught. Like that, this Government will be ultimately caught by the people of our country.

MR. CHAIRMAN: Shri Shankaranand,

श्री आर्ज करनेन्डीज (बम्बई दक्षिण) : समापति महोदय, क्या आप गृह मंत्री को श्री उमानाथ को इस आरोप का उत्तर देने के लिए कहेंगे? अगर इसी वक्त इस बात का खुलासा हो जाये, तो अच्छा है।

MR. CHAIRMAN: I shall take care of it.

SHRI B. SHANKARANAND (Chikodi) : Mr. Chairman, I am sorry to

find the vehemence with which this Bill was opposed by the opposition party. I remember one thing that this is just like the *Swayamvara* of Sita that is going on: all parties are going to show their strength to win over Sita in the *Swayamvara*. (Interruptions).

श्री भोलू प्रसाद (बासगांव) : लक्ष्मण-रेखा का उल्लंघन हुआ है।

MR. CHAIRMAN: I request the Members not to interrupt the hon. Member. When Mr. Umanath was speaking all of you listened with attention. I would request you to give the same attention to other members also when they are speaking. Please do not interrupt him.

SHRI B. SHANKARANAND: My friends listened to all these things. Fortunately the Central Government employees are placed in such a situation like that of Sita because every party wants to win over the other by showing their acrobatic strength. But, they have failed.... (interruptions) You have failed in the *Swayamvara*. I know your agony.

When Rama was in political difficulties and in economic depression, when he was moving in Dandakaranya with Sita, he told her 'look here, economically I am in a very poor position; I cannot afford all the luxuries to which you are accustomed; I will fetch you some fruits to eat.' Then he drew a line and told her 'do not go beyond this line.' Unfortunately, the *kanchanamrig* came, which was not real *kanchana*; Sita forgot the words of Rama and crossed the line. What fate did she meet with?

श्री आर्ज करनेन्डीज : उससे तो रामायण बनी। फ्रंट की बात करते हैं।

SHRI B. SHANKARANAND: She was in the hands of Ravana. That is how these people have enticed the Central Government employees. By an Ordinance, the Central Government had drawn a deadline and told the Government servants: do not cross it; otherwise, you will meet with the same fate which Sita met. These Ravana's, showing some *kanchanamrig*, enticed the Central Government

employees and the poor government employees did not know that some jugglery is being done by the Ravana. So, they crossed the line and landed themselves in difficulties.

**SHRI TENNETI VISWANATHAM** (Visakhapatnam): Rama never drew a line. Let the hon. Member re-read Ramayana.

**SHRI B. SHANKARANAND**: That is my interpretation. He could not arrogate to himself the right of interpreting the knowledge of Ramayana.... (interruptions)

श्री श्रीलक्ष्मण प्रसाद . रामायण-काल में ही शंभूक की हत्या की गई थी। आज वही तो हो रहा है।

**MR. CHAIRMAN**: I do not like these interruptions. Assuming that he is not correct in his interpretation, still why do you correct him at every stage? ..... (interruptions)

**SHRI B. SHANKARANAND**: It is a problem for all of us to stop and think over. Today the country is experiencing a very serious crisis. We do not know whether democracy will survive in this country or not.

**SHRI UMANATH**: Who created the crisis?

**SHRI B. SHANKARANAND**: You created it.

**SHRI UMANATH**: Congress while in power.

**SHRI B. SHANKARANAND**: You are the real danger to democracy. I can see the fallacy of the argument of the opposition members. They are comparing the government employees with industrial employees. Do they mean to say that government is an industrial concern working with profit motive?

**SHRI S. M. BANERJEE**: Railway workers are industrial workers.

**SHRI B. SHANKARANAND**: How can you compare other workers with government employees?

**SHRI DHIRESHWAR KALITA** (Gauhati): You are a monopoly concern.

**MR. CHAIRMAN**: I would appeal to hon. Members on this side of the House to hear him patiently. They need not answer all his questions. For example, take the speech of Shri Umanath. Were all satisfied with it? So, in the same way let him go on with his speech. Please do not disturb him.

**SHRI B. SHANKARANAND**: These are not strange things. Because, these elements are the eruptions which are causing a certain danger to democracy. They are being heard outside.... (interruptions). Democracy can survive only if there is the rule of law. You cannot have the dignity of man without the rule of law. Democracy cannot function successfully if the rule of law is disturbed like this. Even this House is not able to work in an orderly way because the rules of law are not observed. What does it show? What are we aiming at and what are we arriving at? I would quote here from "Our Democracy in India and the Judicial Process" by Mr. Hidayatulla, the Chief Justice of India. You are supporting him in one way and you are opposing him here. He said:—

"Public men and Government officials should subject themselves to rigorous discipline. This is without doubt the prime need of society. There can be no democracy if administration lies in hands that are tainted."

Here a distinction is made between Government employees and others, because they are set up in a mechanism and that mechanism is democracy. What is the mechanism of democracy? Democracy functions through government and administration. If you take away administration from democracy, democracy must fail. That is why I said in the beginning that there cannot be any comparison between Government employees and other industrial workers because Government is not a profit-making industrial undertaking.... (interruption). That is how you are going astray. You cannot understand what is democracy, because you do not want to understand it.

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If we look into the history of trade unions in this country, we find that there are trade unions motivated on economic considerations and there are trade unions motivated on political considerations. The whole trouble crept in since this union of the Government employees is being politicised by political parties. Every party wants to win the Government employees. What is their motive? Their motive is nothing but their political game. Everyone of the Opposition leaders in his own way wanted to show his strength, shout here in Parliament and mobilise outside and gain strength, the aim was to gain political power and have political opinion in their favour just by showing that they are in favour of the Central Government employees. This is how the union of Central Government employees was politicised and was tainted. This tainted administration cannot work smoothly in the working of democracy.

Hon. Members must know that these strikes are coming to a stage as to create a sort of anarchy in the country and we must put a full stop to it. If we look to the figure of mandays lost by these strikes since independence, we find that they run to 115 million mandays.

AN HON. MEMBER: Only !

SHRI B. SHANKARANAND: What respect they give to the country's loss is shown by their treating this aspect so lightly. The Central Government should have brought this Bill a little earlier. But fortunately the Home Minister has now come to Parliament with this. The opposition parties call this a repressive measure. Do we not need repressive measures for the safety of the community and for the smooth functioning of democracy? I remember what Cicero said about laws. He said:—

"We better be slaves of laws in order that we might be free."

There are laws. Some laws are made for law and order in society; some are made for the common good of society. Here is a law which shows how Central Government

employees are better paid than State Government employees and other labourers in the industrial undertakings. Look to the plight of those workers who are ill paid, ill fed and half starved. They are better paid than those. Unless this country, this democracy, this Government also improves the lot of those workers, we cannot give them more. Should not the Government employees understand the democratic aspect of the country? Should they not think of the welfare of those people who are living without any employment? If I can give you unemployment figures, according to the Economic Affairs Magazine of July/August, 1968, during the Fourth Plan, it has been stated that 4 million of the new entrants and the labour force totalling to 23 million could not be given employment excluding the back-log of unemployment to the extent of 10 million. Now, you want the Exchequer to pay more to the Central Government employees and to keep these people without any employment and without any hope of living. Is it the feeling of this House that the starved should be starved for ever and the fed should be fed for ever. Is that the opinion of this House?

I should say that my friends should understand that there are 100 million scheduled caste people starving in this country without any protection for them.

SHRI A. SREEDHARAN (Badhagara): What have you done for them for the last 20 years? (*Interruptions*)

SHRI B. SHANKARANAND: My friends, you have failed here. The Central Government employees, once they have fallen into the trap, have known their mistake. I can very well understand the agonies of the Opposition parties because they have failed.

Then, they have taken exception to clause 2, sub-clause (ix) which says:

any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintainance of any public

utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;"

I divide it in two parts, one, the right to strike and the other the safety, security and smooth functioning of the society. I want to know whether we want public safety, whether we want maintenance of supplies and services necessary for the life of the community, whether we want that there should be a little ban on the infliction of grave hardship on the community or we want only the right to strike.

14.58 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Now, this collective bargaining which is the sign of communist and Marxist tactics has taken the form of agitations in this country. Today, we should know what are the conditions that are existing in the country and whether the country is quite peaceful. Everywhere, you can see Naxalites, here and there; everywhere you can see the disturbances in the country. And this has been infiltrated into the Central Government also. They are not satisfied with the people creating trouble elsewhere. In view of the existing conditions and circumstances of the country, I think, this is not a repressive measure brought forward by the Home Minister. It is a measure required for the good of the community, for the good of the people and for the good of democracy. No amendment should be allowed in this and the Bill should be carried through as it is.

Mr. DEPUTY-SPEAKER: Now we take up the Private Members' business.

Bills to be introduced Mr. Kanwar Lal Gupta. He is not present.....

Mr. Desai.

15 hrs.

CONSTITUTION (AMENDMENT)  
BILL\*

(AMENDMENT OF ARTICLES 80, AND 171)

SHRI C. C. DESAI: (Sabarkantha): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

*The motion was adopted*

SHRI C. C. DESAI: I introduce the Bill.

HINDU SUCCESSION (AMENDMENT)  
BILL\*

(INSERTION OF NEW SECTION 24 A)

श्री श्रीम प्रकाश त्यागी (मुरादाबाद) :  
उपाध्यक्ष महोदय, मैं आपकी आज्ञा से हिन्दू  
उत्तराधिकार अधिनियम, 1956 में आगे  
संशोधन करने वाले विधेयक को पेश करने की  
अनुमति चाहता हूँ।

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Hindu Succession Act, 1956."

*The motion was adopted*

श्री श्रीम प्रकाश त्यागी : मैं विधेयक पेश  
करता हूँ।

CONSTITUTION (AMENDMENT)  
BILL\*

(AMENDMENT OF ARTICLE 37, ETC.)

श्री श्रीमोग्ग शा (जयनगर) : उपाध्यक्ष  
महोदय, मैं भारत के संविधान में आगे

\* Published in Gazette of India Extraordinary, Part II, section 2, dated 13-12-68.