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not create new problems. If it creates new problems, then it is not a solution. So that aspect too has to be considered.

Then again, it is not only the services who are engaged under the Governments. The salary rates also affect other employees. I venture to think sometimes that even those who are engaged in subordinate ranks or even in inferior services here, when they go to their villages, occupy there a very prominent position. They are respected there. They are better than the people in whose midst they live, and their children are perhaps better educated.

We have to remember one thing, and I would venture to refer to that aspect of this matter too. While we were under the regime of the foreigner and the country was under alien rule, the servants appointed by the Government were not regarded as servants whether by them or by their employees. They were the masters and the people of the country were to be regarded as the people who had to administer to their needs, in an ample measure.

Now we are a free country. Still those dubious traits linger in some cases. All public servants do not still feel that the public is the master and the servants are really servants. It is really my feeling—and I have expressed it more than once—that if the relationship of master and servant were really fully realised by those who are today administering the affairs of the country, then many of our troubles would be over...

EXTENSION OF TIME FOR ELECTION TO COMMITTEES

Mr. Speaker: I have to make an announcement. It has been announced that the election to the two Committees, the Indian Central Arcanutt Committee and the Indian Lac Cess Committee should be concluded by 12.30 hours today. As the hon Home

Minister will take some more time, hon Members would like to hear him and as there are barely 15 minutes left, I extend the time for election to these two Committees to 16.00 hours today.

The hon Minister may continue.

ESSENTIAL SERVICES MAINTENANCE BILL—contd.

Pandit G. B. Pant: Ordinarily, I think a servant does not aspire for a post better than that of the master. If I appoint a servant, then the servant thinks that my circumstances, my comforts and my amenities have to be better than his, otherwise, he would be my master and I would be his servant. But often we forget that the master, the community whom we have to serve, has many handicaps. Its standard of living is very low. Go to the villages and you will find that the average earning in a year does not come to more than Rs. 200.

The paying capacity of the master must be taken into account by the servant. The servant may not get all that he desires—I wish everyone could have everything that he wishes. So the condition of the master has to be taken into account. It is much more so when the servant is appointed to serve the public, not a private individual. The public is entitled to the service of every employee who is appointed by Government and it can well claim that in determining the emoluments, its own condition should also be taken into account. So we have to look at these questions from all these aspects and then to see what we can do.

There is another aspect which has to be borne in mind. The way that will lead to the solution of our problems will be found in increasing productivity, not only productivity in a cumulative way but the *per capita* capacity to produce of every individual. I do not quite know if really the public ser-

vans who are in charge of the affairs of the country today are in every case more efficient than their predecessors, whether their *per capita* capacity and output are better than they were previously. If not, one has to spend more on the functions which would have been rendered at lesser cost if they could devote themselves to their task more fully.

This question is also related to the efficiency and to the willingness and to the devotion of public servants to the public good. All these things have to be borne in mind. So my request would be that we should not be carried away by feelings of sentiment in matter of this type.

So far as genuine sympathy goes, I claim that no one can have greater and more sympathy for public servants than the Government, whose success depends on the efficiency and devotion and loyalty of public servants. It would go to the farthest length possible, but the magnitude of the generosity that it can show is necessarily determined by the conditions and circumstances which affect the vast mass of the people living in the country. Their interests cannot be ignored.

I may also say that there is no desire on the part of Government to cause any wrong to anybody. Even the Bill that I placed before the House has been framed with extreme caution. It does not make any strike by itself unlawful. Unless even in respect to essential services, a strike is declared unlawful, a strike by itself will not be unlawful. In enumerating the essential services, nobody can possibly say that the services that have been specified there are not essential. Further, care has been taken not to declare strikes by these services as *per se* unlawful. Unless declared as such, a strike would not be unlawful. It might be argued that we are interfering with the right to strike. Well, every right is subject to limitations. I know of a right to work, to raise the status and the standard of every citi-

zen and of the entire country. But I do not know if there is a fundamental right to upset the normal life of the people of the country. (*Interruption.*)

After all, those who are appointed to render essential service are the trustees of the people. They are not there simply as mercenaries; they are not appointed simply because they have to be paid. They are there because they are citizens of the country and they have the privilege to serve their people by rendering these essential services. Are we to treat them as hirelings? Are we to treat them as mercenaries who do their work merely because they get some money and if they do not get it will drive this country to rack and ruin? I am not prepared to accept that. I think that is not the true reflection of their inner souls.

We must also know that there is tremendous unemployment in this country. For every post, you get hundreds and thousands of applications. Government servants need everyone's sympathy and support. I would like to extend to them every help that I reasonably can. But they must have some sympathy and those who claim that they have a special regard for the underdog and for the unemployed, they must realise that these millions who are today starving and going about because they cannot get even the minimum pittance deserve better sympathies than anybody else. If that is so.. (*Interruptions.*) I do not know what is wrong about what I said. If there are gentlemen on the other side who have any sympathy with them.. (*Interruptions.*)

I have already taken much time, longer than I had intended. But I would say that you should also bear in mind that you have to give relief to the millions of unemployed in this country and if you give high salaries or if you raise the salaries of any of the large number of employees in the country—the number would come to some millions—then the chances of providing additional employment for

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the unemployed is to that extent reduced, because the resources are limited. (Interruptions.)

Mr. Speaker: Order, order.

Pandit G. B. Pant: I think I have tried to deal with this matter in a very dispassionate way and I have done so.

It is said—and I think there is ample ground for holding that view—that the motive of those who are or who have been engineering these strikes is not altogether economic. (Interruption).

Mr. Speaker: Order, order.

Pandit G. B. Pant: I did not mention anybody.

Mr. Speaker: Let hon. Members not take everything to themselves.

Pandit G. B. Pant: In 1953, the World Federation of Trade Unions decided to have wing of public servants. After that, the Fractional Committee of the Communist Party, on the 17th February, 1956, decided to set up this confederation and a committee was appointed to make preparations for that purpose. This confederation, thereafter, took various steps. In fact, it really did everything it could to prepare the country for a general strike, not for a strike in any particular service but, if possible, in all services and then....

Shri Sadhan Gupta: On a point of order, Sir.

Mr. Speaker: Order, order; he may reserve it to the end. So far as the point of order is concerned, I will allow it later on. Let the Minister conclude his speech.

Shri Sadhan Gupta: There is a very thrilling point, Sir. How a Fractional Committee of the Communist Party, which does not exist, had set up this confederation? I expect that the Minister is not making an irresponsible statement. If he is not making an irresponsible statement, he owes a duty to this House to lay on the Table

the document or the papers to show how this is so. Of course, if he wants to go away with an irresponsible statement, we cannot allow it.

Mr. Speaker: Order, order. There is no point of order about it. The hon. Member must have read the rules. If the hon. Minister refers to any particular paper as giving him that information, I would ask him to lay it on the Table. That is not the only source so far as the Home Minister is concerned. Otherwise, he cannot be the Home Minister. There are various sources. There is no point of order in this. It is open to hon. Members to deny it. I will give them an opportunity.

Shri H. N. Mukerjee: If it is a statement of fact, it is presumably based also on certain material. That material is presumably consistent with what the hon. Member says and in accordance with the practice of this House, the Minister, howsoever important he might imagine himself to be, must lay on the Table of the House—the documents on which he relies.

Mr. Speaker: It is not as if he is reading out a document, in which case I would ask him to place it on the Table. But the hon. Home Minister will certainly get information through persons who are in his confidence. If he reads any papers I can ask him to place it on the Table. It is open to him to read or not. (Interruption.)

Pandit G. B. Pant: I have made a statement about the correctness of which I have no doubt. I would not have—howsoever important I or anyone else be—made any statement here without being certain about its correctness. But the test of the pudding lies in its eating. If the Communist Party is not interested in the confederation and if they are not interested in these strikes, I shall welcome any assurance from that side. Let them say they have nothing to do with these or they had never any association with these. (Interruption).

Mr. Speaker: Order, order.

Pandit G. B. Pant: I will take their word for it and I will accept, whatever might have been the past, that now they have outlived it.

Now, so far as this goes, I have only to submit that this is a very important matter. We have taken due precaution to say that this is an emergency measure and it is to last for only one year and no action is to be taken under it unless a further order has been passed. In the circumstances, I hope the hon. Members will unanimously support the motion that I have made.

Mr. Speaker: Motion moved—

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

A number of amendments to this have been tabled. Some of the amendments are for circulating it for the purpose of eliciting public opinion thereon by various dates. One of them mentions 4th August. Unfortunately 4th August has passed.

An. Hon. Member: 4th August, 1958

Mr. Speaker: All right. Another set of amendments is for reference to Select Committee. Under the rules, it is competent for me to select any of the amendments and place it before the House. So far as circulation motion is concerned, I select Shri Nayar's motion—No. 12 which wants it to be circulated by the 30th August, 1957. So far as the Select Committee motion is concerned, there are two amendments. One is by Shri Narayanankutty Menon who wants a report by 30th August 1957 and the other is by Shri Assar who has put the date as 15th August, 1957. I select No. 454, the amendment of Shri Assar. Shri Assar wants the Bill to be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri Nausbir Bharucha and six others....

Pandit Thakur Das Bhargava: Sir, you have been pleased to read out my name. The rule is that hon. Members can give names only after consulting those Members. As far as I am concerned, I am against sending this Bill to the Select Committee. Ordinarily, I like every Bill to be sent to the Select Committee but on this Select Committee I am not willing to serve as I do not think there is any need for sending this Bill to the Select Committee.

Shrimati Benu Chakravartty (Basirhat): Shri Narayanankutty Menon is not in the House and his name should not be mentioned with this.

Mr. Speaker: At that stage let us see. I will strike out all the names of Members who do not like to be on the Select Committee.

Shri Frank Anthony (Nominated—Anglo-Indian): I would request you to consider my amendment. I have asked for a Select Committee to report by the 7th instant. Government may be disposed to accept that after hearing me because the strike notice ends on the 8th. This may be acceptable from the Government point of view.

Mr. Speaker: The hon. Member has not given the names.

Shri Frank Anthony: I would give them at the time of making the motion.

Mr. Speaker: All right. I have allowed the 15th. 7th also may be one.

Shri Tangamani (Madurai): On a point of information. The strike notice does not end on the 7th. It is valid till the end of August. They have fixed a particular day as 8th. The notice is valid till the end of August.

Mr. Speaker: It is true but they can strike on the 8th.

Shri V. P. Nayar: Sir, I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th August, 1957.

Shri Assar (Ratnagiri): I beg to move:

That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri Naushir Bharucha, Shri Narayan Ganesh Goray, Shri Atal Bihari Vajpayee, Shri B. C. Kamble, Shri Asoke K. Sen, Shri Govind Ballabh Pant, the Mover, with instructions to report by the 15th August, 1957.

Shri Frank Anthony: Sir, I beg to move:

That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri N. G. Ranga, Shri Shripad Amirt Dange, Shri Hem Barua, Shri M. R. Masani, Shri Jarpal Singh, Shri Naushir Bharucha, Shri Bhaurao Krishnarao Gaikwad, Shri Lal Bahadur Shastri, Shri Govind Ballabh Pant, and the Mover with instructions to report by the 7th August, 1957.

Mr. Speaker: These amendments are before the House.

Shri S. A. Dange (Bombay City—Central): Sir, I have to oppose the Bill in spite of the regret expressed by the Home Minister in introducing the Bill. If a matter is regrettable, it should, I think, be dropped. But it is a strange procedure that the Government regrets a thing and yet goes on doing it. Therefore, I have to oppose the Bill and shall give my reasons.

I do not wish to be sidetracked into an economic argument raised by the Home Minister. He has raised every important points. In fact he has provided us with a long commentary on the terms of reference of the Pay Commission and also on the economic doctrines, philosophy of trade unions, motives of political parties, inciters,

promoters, etc. All that he is in a position to do but I am not in a position to reply to all that.

The main cause of the Bill and also the main cause of the points made by the Home Minister is the question of P. & T. strike. The Statement of Objects and Reasons says that the Government is compelled to move this Bill because the Government services are threatened by a general strike that will hold up the community and inflict great hardship, threatening the security of the country and therefore, they must protect the country from this threat and hence they are obliged to move this Bill. He has also made a statement that the Federation persists in its resolution to strike in spite of the fact that all minor demands have been met and the major demand has been met. The case is made out that the employees are interested in nothing but the strike. When a major demand is met and all the minor demands have also been met, who would strike unless he is either a fool or a saboteur. Naturally, the conclusion that he tries to arrive at is that they are either political saboteurs encouraging the strike or they are fools falling into their traps. This is the conclusion which he wishes to draw and wishes to put before the country. Is that conclusion correct?

He wishes to paint the picture as if the Government was very reasonable and sympathetic and looks after the interests and position of its employees but these employees do not understand what the Government is doing and that they are rather unreasonable, impatient, and so on. I, however, thank the hon Home Minister for his sympathy for the public servants.

I would have liked had he omitted the phraseology of the 19th century. I cannot blame him because after all he is inheriting his ideology from the 19th century. In modern discussions of trade union struggles, nobody speaks of a master and a servant. Those days are gone. Even in the common law of England, the phraseology of man and a servant is being discarded and in the philosophy of

socialism, the idea of a master and a servant does not exist. This one single description by the Minister is enough to tell us how ideologically they are still in the backwardness of the 19th century but are trying to resolve the problems of the 20th century in terms of socialism. That is only an illustration. Really, there are no master and servant relationship now, that type of relationship has gone. Now, they are described as employees and employers and workers. Even among the working classes, in trade unions, if a man is called *mazdoor* a labourer in our marathi side of the country, he resents it, he wants the word *Kamgar*—a Marathi word. Even in describing these things the Ministry should overhaul its ideology, and phraseology and approach the problem correctly.

However, because of these words, I do not disbelieve his sympathy and I do not disbelieve when he says that he wants to solve the problem. But the trouble is that a solution is not being found. Partly, a solution has been found. I accept it. The appointment of the Pay Commission is certainly good. But, I do not want to congratulate the Government for it; I will give my reasons. But, I accept it and the appointment of the Pay Commission is itself an achievement for the people, for the working classes of this country and especially those who are employed in the Government service. The terms of reference may or may not solve certain problems, I do not know. After hearing the commentary on the terms of reference, I am getting more and more sceptical about how things will develop in the future. It does not rule out a healthy development. I do not want to rule out that something good will come out of it.

Then why should not the appointment of the Pay Commission immediately bring forth a gushing support from the Government servants and make them cancel their resolution to strike? I am not connected with

the Confederation nor am I personally connected with the P & T Federation but this House has had enough of literature to inform us. Certainly as one of the leaders of the Communist Party, I am interested in the solution of this problem—in a solution which will grant at least much of the demands of these employees. In that way the Communist Party is interested in every movement of the working class, whether in the public sector or in the private sector. We do not dissociate ourselves from this movement. We do not dissociate ourselves from the demands of the trade union movement that is being conducted. But the Communist Party as such does not call for strikes. If the Home Minister has got a wrong report about the structure of the Communist Party I can provide him with a copy of the constitution, it is no secret, it is a published document. The functioning of trade unions in which the Communists work is an open thing. He does not know that the Communist Party long ago took a decision to dissolve trade union fractions and allow their members in the trade union movement to conduct their activities according to the decisions of the managing committees of the unions. When the Communist Party considers the question of strike struggle, the demands put forward by a trade union as a political party of the working class, it considers them from the point of view of its philosophy, politics, economy and so on, and lays down a certain view before the trade unions who are entitled to take their decisions as they like.

Therefore, if the hon. Minister says that we are engendering a sort of a general strike in the country and that we have to establish secret factions and all that, such a picture need not be created and creation of such a picture is not going to lead us to any solution of the problem, it will lead us to hurling abuses across each other and will not lead to any solution of the problems. If you start doubting motives and attributing things which do not exist then it

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creates a very bad atmosphere, and I should be the last man to create a bad atmosphere for the settlement of a strike of such serious nature

Every strike is serious, no doubt, but a strike affecting governmental service, P & T employees and so on, is certainly more serious than a normal strike, say, in a textile industry. Therefore, I should not like to deal with this problem in a sort of a cavalier manner and go on insinuating things

Let me put the case in short. It is made out as if the P & T employees have decided to strike in spite of their demands having been met. Well, this House, of course, is quite placed with facts. The P & T employees gave their demands to the Ministry in July, 1956—not 1957, in 1956. They met the Minister. I think at that time Shri Jagjivan Ram, who is now the Minister of Railways, was the Minister for P & T. Then they met the Prime Minister, I think in 1956—not in their recent visit—and they were told to go back to the Ministry again. No settlement came on any issue at that time. Then they formed a charter, published it and waited for negotiations. Months and months passed. I have to tell this thing because a case is being made as if a certain secret conspiracy has been sprung upon the Government and the community is being held up.

The community is not being held up, nor has a secret conspiracy been sprung up on the Government. In July, 1956 there was a submission of the grievances. These grievances were not manufactured, they existed for years and years. For example, the Government Secretariat staff gets 22 days holidays, the staff in postal services get 16 days, the staff in the telegraphs department get 12 days, whereas the staff in RMS and Telephones do not get any. Why? Do they require profound thinking of the structure and the conditions of service of two million Government employees to discover a simple fact that 22 days are given as holidays to

a certain section, 16 to another, 12 for a third section and the fourth gets no holidays and also no pay in lieu of holidays?

If these people—the RMS and Telephone people—bang down the telephone and say that others get holidays whereas they do not get holidays or compensation, the Minister says "We are considering." One year, two years, three years pass until they come down to 1956 and serve a charter. Still they want to think very profoundly and deeply, because it may have a tremendous impact on the general economy of the country! Giving holidays to some staff in the telephone department and RMS staff, about 30,000 workers, will have a profound impact on economy, profound inflation, the whole financial structure will be blown up if these holidays are given!

Why did this thing happen? Could you not have settled this problem before? Even now it is not settled, even after the P & T people have met the Minister. I am just pointing out one instance. There is a proverb that one little gram of rice in a pot shows whether the whole thing is cooked or not. This one little instance shows how things are still being dealt with. The Home Minister says that all major demands are being met. I am surprised to hear that. I am surprised at the brief he has been given. I am surprised at the profound intelligence he has been given by the "Intelligence Department", which has no intelligence left in it except concoctions.

Therefore, why should not people lose temper? They are, after all, human beings. If they are not able to get even smaller things done, they are bound to lose some patience. What should the Government do? The Government should not lose patience because the Government is the ruling party. After all, Government has power. Government has got many leaders of eminence. Therefore, they should not lose patience, even if the

workers lose their patience. Let the workers lose patience. They have more right to lose patience, because they are, as he calls them, servants. On many small things they have got grievances. Therefore, they are bound to lose patience. If their loss of patience leads to beating by the big stick then more patience is lost. Therefore, I would request him to see whether all the demands have been conceded, as he says

Now, he will say, after all, you people, on this side, were shouting for a Pay Commission for two years. Yes, for two years we were shouting and, I think, 15 days back we moved a resolution. What was the condition at that time, 15 days back? We said, for God's sake give us a Pay Commission. They said, no Pay Commission—we will call it something else. We agreed and said, give us the thing and call it anything that you like. What happened in these 15 days, that suddenly the Pay Commission has been appointed? What has happened? The workers lost patience and said, if it is not being done then the only thing we can do is to say *namaste* to you and go home, which you say is strike holding up of the community. They had been asking for a Pay Commission for the last two or three years. Even 15 days back we asked for it again. At that time we were served with the philosophy of inflation, and we were told that it would disrupt the financial structure of the country.

And, now, after it is being conceded, would I not be entitled to conclude that this Government does not concede even small things like a Pay Commission enquiry unless the workers suffer and ultimately say, if that is the thing then we non-co-operate and we strike? Strike is a form of non-co-operation. When they do that, the Government says: "No, no, we have sympathy for you, we give you the Pay Commission." All right, I thank you for that. I accept it. You are not obliging us, but we accept that; we will work with that and will try to extract as much gain as is possible from it. We

will see if a settlement is possible. It is my philosophy—maybe, it is not the philosophy of the P. & T. Confederation, maybe, it is not the philosophy of some other organisations, because I am not their President, nor Secretary, nor a member—to negotiate till the last minute. I will negotiate even till the midnight of 8th August, as once for a greater cause Mahatma Gandhi did, and if no proper concession is given then only strike, and when I strike I strike hard. That is my philosophy. But I never give up negotiation because I do believe in it

Therefore, it is not my desire to see that things lead to strike. No. The desire is common on both sides, to avert strike. The common desire is that aversion of strike must be done by some solution of the immediate problems of the workers, leaving a large part for the Pay Commission to find solutions. If that is the desire, I think a common ground can still be found in order to negotiate further and not close the doors on either side. If any section has done it, let us not, we who are in this House and who have got the function of advising people, lose sight of this fact and lose our patience

On the point of major demands, when this major demand has been conceded, will you please consider for a moment why this is not being considered by the people as a real concession from the Government? Why this concession is decried? Certainly, you have given the Pay Commission. I must certainly accept that the Government has revised its standpoint. 15 days back the Government was not ready and now they are ready to appoint a Pay Commission. I do not want to have a fling at it as a defeat on their own part, but they have revised their standpoint. I accept that. But why is it that the workers do not accept it as a big thing? There must be some reason for it. It is because of the way in which you have done it and the hedging that you put round that concession which has now been noticed even in the speech of the Home Minister. That

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is why, the workers feel suspicious. Is it really a concession? Is it really a transparent sympathy or is it another trap just to get over the situation and beat us back? This is the suspicion. It is born of several years of relations. This is not due to the incitement of the Communist Party. No. If we had got that power to incite two million government servants and employees with our philosophy, this Government would not have remained in power. We have not got that power, and I regret that I have not got that. If that power was there, then this thing would not have been there. What is the sort of power that you are attributing to us, a power which does not exist? That power, I do not possess. Of course, if the Home Minister intends to give it, I do not mind. But I do not want it in a vacuum. I want it in a reality. But the reality is not there. Therefore, it is not a correct statement of fact that we can instigate these two million employees.

Why do the workers mistrust? It is said that this is done because there is the Communist Party: that the trade unions are advised by some instigators who are out to put the State in trouble. I should think that the Government knows that there is such a thing as the United Nations. In the United Nations Economic Division, there are the Government of India nominees. That Economic Division produced a report. Their report rejects the theory of wage-price spiral. I do not know whether Government is aware of the United Nation's report which says that the statements that are made that increase in wages always leads to rise in prices and inflation are not very correct statements. This is the United Nation's report, not mine.

Secondly, may I come to another point? If the Minister thinks that this is a vital government service and this inflationary spiral caused in the existing system by way of asking for more wages will endanger this country and this is done specially by the Communists or the Socialists or by

the Praja-Socialist, let me inform him that there is a general strike wage throughout the capitalistic countries. There is a general strike wave demanding higher wages in England, in France, in America, in Italy in West Germany, in Japan and so forth. If he has not got the facts, I am prepared to give him the facts.

Shri C. K. Nair (Outer Delhi): They—the capitalist countries have got the freedom to do it.

Shri S. A. Dange: They want to have the pleasure of telling us that the Communist countries also have strikes. (*Interruptions*). What is the argument? They are also workers and they have demands. Supposing they are not allowed to strike why should you follow them? You should allow us.

Shri C. K. Nair: They—the Communist countries—have no freedom to do it. That is what I said.

Shri S. A. Dange: I say that this is an excellent system in which we have got right to strike in this country. That is now being taken away by this Bill. Please withdraw it. That is exactly my reply: that this country and this our Government gives us that freedom to strike while those wicked countries do not give that freedom! Then why are you copying that wickedness by this Bill?

Coming to facts, I may bring to the attention of the Minister of Home Affairs a report from America, saying that the AFL-CIO backs pay campaign of Government employees. The American organisation of AFL-CIO is backing the pay campaign of Government employees and the Minister should know that there are no communists in that organisation; he should have known it from his secret reports. In fact, they are anti-communists. Mr Meany, who I think is known to the Finance Minister and the Home Minister said, or rather, "assailed the recent remarks of Budget Director Brundage" —(not T. T. K.)—"who had voiced fear of 'inflation' if Government employees

received salary increases this year." He goes on to say: "In effect, Uncle Sam's employees are helping to subsidize their government through failure to receive merited pay increases". Here is the inflationary theory blown up by the AFL-CIO, asking pay increases for government employees. Do you think that the AFL-CIO is against the general community! The AFL-CIO backs its own government and that itself shows that this theory of inflation is wrong.

The Chairman of the AFL-CIO opposed the proposal that increases may be given by special adjustments. That idea also has been rejected here.

Let us take the report from England's *Labour Review*, a quarterly report of progress in the United Kingdom, published by the British Information Services, at Eastern House, Mansingh Road, New Delhi. What does it say? I think this report should be available with the Government. The report says that "most of Britain's strikes have been in services that directly affect the public's convenience or threaten to affect it very soon". You know in England the Communist Party is not in a position to direct the strikes or bring about the strikes. It is the British TUC which is doing it. Do you mean to say that the British TUC wants to hold up the Government and put the community in hardship, and incite them to this thing, because it wants to do something bad? No, Sir. The TUC also rejects your stand.

Here then are the other countries. Japan: 6000 employees of the Japanese Government and public workers' union are waging a struggle for a higher basic wage as part of their Spring offensive. That is one more.

Then you have got West Germany. Every day we hear glowing accounts how workers there had put up productivity and rebuilt the country. Certainly the workers—the West German workers—are excellent. That is very nice. And we should copy them as we are told. But the West German

public service and transport trade union, the postal workers' trade union and the railway workers' trade union announced in November their intention of acting jointly in the future on all questions of wages, salaries and hours of work. And they are giving the notice of strike.

But you might ask: "What about some very real essential public service?" For this I have got choice news for the Government. "On February 12, employees of the Oslo police decided to give notice. By this action they hope to force wage and salary increases." Were our Home Minister in Norway, he would not conceive of such a thing! It is the police. They are a very vital part of the Government machinery and they are allowed to form associations and this happens in France, in Norway and in other countries. Norway, I am sure, was recently visited by our Prime Minister and there, there is a threat, a notice of strike by the police.

Take Italy. "On February 28 and March 1, Italian postal workers began a new 48-hour strike in which 105,000 workers took part. The entire postal service as well as telegraph and telephone connections were interrupted".

Thus, we see that strikes occur in the countries which I have quoted. Why should they exist here also? You say that you are following a new path? Is it the outcome of the new path? It is because of the new path we talk of every day? The Home Minister says that our legislation is far in advance of Great Britain's? Is this the way of the advance over Great Britain? In Great Britain, strikes are not declared illegal. May I ask him to produce a type of this legislation there in normal times? I could ask him to produce a type of this legislation only during a war. Except during a war, such legislation is not brought up. But are we having a war in this country. When a war exists and when we fight an enemy, we will postpone every strike and join hands with the Government:

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in fighting the foreign enemy. What is the use of saying that there is external danger now? When laws are being hurled at us, without knowing what the dangers are, what can I say? I can only say this, that taking advantage of the ignorance of the people in this country and taking advantage of the ignorance of the trade union movement here, facts are hurled at us, which are no facts. The real facts are hidden and we are told that we are having a trade union legislation which is in advance of that of every other country. The Home Minister might do well in asking for the report of the Trade Union Congress in Blackpool in England. That deals with the report of wages and prices in England. They are saying that they do not accept the theory of inflation—this theory that wages either in Government services or in private employment will lead to inflation. And they refused to stop filing their wage claims because of this theory that was being thrown against them. Will the Home Minister produce that report of the British TUC, because the British TUC is just like the INTUC? May I ask whether the Home Minister and the INTUC whom he praised will tell us whether it is these blasted Communists in this country who are pressing higher wage claims and causing strikes, and that in all other countries, where democracy functions in a very grand way, something else exists? No, Sir. Something else does not exist. What they are doing is, is what we are doing here, and the Governments are behaving in those capitalistic countries exactly as the Government in this country, which is still capitalistic, but hopes to be socialistic, are behaving. Arguments are the same and yet, the *dhandā* that is shown here is not the same there. There they still argue, here we have dropped argument and suddenly come forward with a Bill saying that we are going to declare strikes illegal. So, I would request the House to study the facts in the whole world. It is monopoly price and monopoly

profit aided by Government, which is creating inflation and the workers are asked to suffer taxation. Therefore, there is this contradiction of making the working class and the community suffer by higher taxation, to pay for things which are being built even there and even here. There also they are building heavy industries. They have got more consumer goods and we have less here. With more consumer goods, there should be less inflation, according to the Home Minister. In America there is more inflation than here. In England and Italy, where heavy industries exist, where consumer goods exist, there is also inflation. We are told, "We have less consumer goods now and we are paying for heavy industries. It leads to inflation." If that is so, why is there inflation in countries like Britain and West Germany? That is not the real reason. The reason given is not true. The real reason is monopoly price and monopoly profit and refusal to control that. Check the prices and then give the wages according to the cost of living.

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Therefore, his economics is wrong; his phraseology is wrong, his ideology is wrong, his facts are wrong. What more can I say on that question? I have given you the whole picture. From this I want you to make out the true case. It is not we who really want strikes now, it is not our ideology that produces strikes. We want settlement of disputes. But if he approaches this in the way he does, if he interprets the terms of reference in the way he does, then solutions will become difficult. What I want to plead is, let us make solutions easy. What is the way to make the solutions easy? What should be the way, must also be stated by me because I cannot simply close by criticising him and his principles and not point out a solution. I always undertake that responsibility, whether some of my friends like it or not. The other day, for example, when I was going away

for a certain trade union meeting, I just made the suggestion that negotiations on either side should continue. Some of my trade union friends resented it. Everybody knows it, and if it is not known, everybody will know it that I want to keep up negotiating till the last and if it will fail, then I shall not hesitate to strike just because a Bill like this exists.

Therefore, I do want negotiations for arriving at a solution. I am sure the workers also want a solution. Nobody likes a strike. Strike causes more hardship to the strikers than to the community. Therefore, my proposal is, please withdraw this Bill; let us drop it. No harm will come. If no solution is found, what will happen? What has happened in England? I have got a reference here. In England, the provincial buses were closed and the municipal buses were threatening to close down. The Home Minister thinks, the communists here are violent and therefore violence breaks out. But England is not a country of violence; it is a democratic country which we copy in everything. Here is a report of the bus strike in the *London Times*: "The tyres were deflated and fuel pumps broken," by the strikers. There is no report of firing having taken place because the petrol pump was broken. Imagine what would have happened here if in a strike fuel pumps were broken.

The Home Minister says he very much liked the constabulary and the behaviour of the people in London. I have had the pleasure of living in London for a few months and I have seen the constabulary. I have seen the workers. Strike. I have spoken to them. It is a mutual give and take there. You want only the workers here to behave like the English workers do, but what about the constabulary here? How do they behave? You want the workers to be have in the way American and English civilised workers do. But

what about the governmental systems there and the system here? There the bus strike took place. They appointed a tribunal and the strike still continued. Here you would not appoint a tribunal until the strike is first withdrawn. There the strike took place and a tribunal was appointed. The employers offered 3 shillings. The workers asked for 24 shillings and the tribunal gave 11 shillings. The workers accepted it and the tribunal went away. There was no firing even when petrol pumps were broken. There is difference in approach. If this approach there is taken up here and properly injected among employers, whether State or private, then I think we can resolve many things more quickly.

Sometimes Government here do desire to resolve the differences and that is also acknowledged, but there is the bureaucratic machinery which hampers it everywhere. Even in socialist countries, bureaucracy hampers it. Let us try to overcome it, when hampering takes place. When a strike notice is given, it is no good suddenly attributing bad motives. Then solutions become difficult. It is no good rushing with Bills like this. It is no good saying, "We have appointed a pay commission, but we think interim relief should not be given". After all, the pay commission has to go through its meandering terms of reference, and if some relief is not promised, what can be done? I think the Government ought to have been generous and said, "Till the pay commission reports, you, gentlemen, get Rs. 10, Rs. 15 or Rs. 5." That would not have caused a serious inflation. How many know that there is a sort of a fixed principle with Government that in order to peg the rupee at its present value, a certain amount, Rs. 500 crores must be preserved in London? I have never heard of such a principle being imposed on any financial system. It is unnecessary and against any fundamental principle. Why not deplete that reserve and give the wage in-

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crease or interim relief to us? Why should you not do that? You plead you have no money. Rs. 500 crores need not be lying up in London only to peg the rupee at its present value, a rupee which is quite sound in the international market today.

Therefore, even on financial grounds, if you were to discuss it with me or other Members, and go into that question, you will find that, on his basis, his financial theory is not correct even according to many bourgeois economists, let alone Marxist economists. Today somebody told me that the Finance Minister is already thinking why this reserve should be pegged at Rs. 400 crores and why it should not be brought down. Exactly that bears my point that these principles, which are supposed to be sacrosanct, are really not correct. If you revise that attitude, I can tell you that you can easily settle this problem. Then, this firing, the workers getting into an agitated mood, etc. would not happen. Revise that approach. Rule out Bills like this. Sit down and argue what is immediately necessary to be done. If you cannot settle it, leave it to the workers to be persuaded by others. Give them something tangible. The pay commission is a tangible thing, but if you add interim relief to the pay commission, then people who did not desire a strike at any cost can plead with the P. & T. Federation and say, "In view of this, can you not go on negotiating with the Government and raise your standards of living if it is possible?" Because the workers down below are suffering, there is pressure on the leadership and they say, "You negotiate with the Government. We have been negotiating for the past one year and even in these last 15 days and they would not appoint a pay commission. Then how could we get it? Because we said, let us for once express our anger and non-cooperate for six or seven days with the Government. Now they have

come down and said they would appoint a pay commission."

Let us not lose our patience. My submission is, revise the approach. Of course, I am repeating my older proposals, because I cannot help repeating. To talk about this Bill itself,—the Bill as it is framed, the Home Minister said is only for essential services. No, Sir. In clause (vii), you go on taking power to declare any service as essential, and not only services holding the community up. You say, any service by the stoppage of which grave hardship is inflicted on the community; it need not be necessarily holding up the community. The Government may say, even if there is strike in a textile mill, cloth is not produced and it inflicts grave hardship on the community. You are not putting before the country correctly the import of this Bill. One might go and ask, are you so anxious about stopping grave hardship? It is that because the P & T workers or workers in some public utility service may inflict grave hardship and you want to protect the community from that grave hardship, that you are bringing forward this Bill? If they were to say that it is for the sake of the community that those who support such a strike are threatened with imprisonment and fine and so on, excuse me for challenging their *bona fides*. If your *bona fides* were correct, why did not you use these powers and imprison the food hoarders? When hoarders held up food and starved whole provinces, why did you not introduce a Bill for arresting them without warrant instead of telling them, please reduce the price, we will give you market price, bring out your stores. Why? (*Interruption*). Is not hoarding of food a grave hardship on the community? Can you not have powers to act and act swiftly? No. When it is a question of food hoarders, you give them market price. When it comes to these working people demanding

wage increase, you do not argue about their price, you argue about banning their struggle telling them that if they persist, it will be followed by imprisonment or fine and so on? Why this differential approach between hoarders and these men? I admit both inflict hardships. Why that man, the hoarder, is let off with his market price and this man's hardship is followed by jail? There is the point. It is this differential approach, differential class outlook, the outlook of the bourgeois and the landlord. If you persist in this outlook, this Bill will come. If you give up this outlook, you will amend the Bills, even if you retain them formally, so that, you can retain the power to use it you like. You have already got the power which need not necessarily be this Bill. You have got a nice perfect piece of legislation which can arrest anybody, any time for any reason or no reason in the Preventive Detention Act. Then why have this Bill?

That is due to a habit so to say, and the habit is developing, Government is being enamoured of getting more and more powers in order to beat the people in the name of protecting the community. Therefore, do not add to such laws, do not add to such threats. Please sit in a round table conference. You may say, we have tried to do it, but you fellows sometimes go out and make statements closing all doors. So, we are not going to negotiate. Sometimes you can excuse the people if they are wrong. I do not say they are wrong. Sometimes, if they are wrong, you can excuse them. You are the Government. They are workers, exploited, oppressed. The Government has no right to do wrong things, because it has got omniscience and omnipotent power. Even if the Government has the right to do wrongs, and wrongs go against wrongs, if they are matched, who has to retreat? Workers necessarily? Why should you have that ideology? If the workers will not retreat, should Government also not

retreat making it a question of prestige? No, Sir. No Government ever lived by mere quotations of prestige. A Government which tries to live only on prestige cannot do good to the community. Because prestige becomes bureaucracy, bureaucracy gets hardened and isolated from the people and cannot understand their problems. It obstructs their settlement and a smooth social life.

You may not be satisfied. You may say that I have not been able to give all the answers that you may need for your argument. I am surely not in a position to give any assurance on behalf of the Government employees or on behalf of the P & T. I can only plead on either side, because though I am connected with the trade union movement, this particular thing is not in my jurisdiction. But, as a trade unionist and as a communist, I would say that the approach you are having is leading to all these deadlocks. I hope there are indications that the approach is being revised. I do not want to be a critic who will attack anything good that you do, and always say, I am against any Government and whatever they do, I am against. That famous Irish proverb may be true or may not be true or it may be the malignment of the Irish nation by the bourgeois leaders there. I am not of that opinion. I do accept, first, appointing the Pay Commission is good. We shall utilise it and the workers should use it in order to persuade the Pay Commission to reject the argument of the Home Minister or the Finance Minister and to accept first of all, a new approach to the problem and revise the pay scales and emoluments and to reject the idea that all relief would be given in terms of kind. If you give some part of the increase in kind, I do not object to that.

I was surprised to find the Home Minister arguing that consumer goods are short. Fifteen days ago, I heard the argument, a determined argument, that food was not short, that the Government had completed the

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First Plan and had quite a tremendous lot of food. But, when the question of wage increase comes, it is said, everything is short. This change of facts, changing conclusions within a short period like that confuses the people and leads them to ask, which is true. Are we really short of things or are we really having many things? Then, we may be able to base our tactics on it. Therefore, I say, Pay Commission, yes. And refer the question of interim relief to the Pay Commission if necessary—if the workers would like it, I do not know,—so that the Pay Commission can judge whether the Government has got enough finances to give some interim relief. Let the Pay Commission judge how much of it should be in money and how much of it in kind. I do not mind that.

In the war days, when there was scarcity, certainly there was payment in kind. The Railways had a nice system of providing matches, food, sugar, etc. in kind at pegged prices. If the prices are running away, that is one of the solutions adopted even in socialist countries. I do not say that this is the evil of this country only or the evil of this Government that there is scissors,—prices going one way like that and wages like that. A sort of scissors exists in prices also. Prices of manufactures rising in one way and agricultural products falling or rising in another way. In socialist countries also, when it is not fully established, inflation takes place. I do not say it is only our phenomenon. But, how is it to be dealt with? The first thing they do is to peg the prices and supply the minimum goods at that price at a certain quantum. Then, there is a second price shop in which if you want more, from the balance of your wages, you can buy any amount you like, so that all people, all working people, people with fixed salaries get fixed minimum quantities of the goods which are available at fixed prices. Therefore, inflation in

prices does not affect at a minimum level the minimum wage-earner. If he wants more or other people want more, there is a second range of prices, shops in which they can buy more if they like. If I want one pound of rice, I pay a fixed price. If I want two pounds and that of Delhi rice, I go to another shop. Here I pay a fixed price of eight annas or a rupee. There, for my luxury, I pay Rs. 2. If that system is introduced and we build up our plan on that basis, you avoid the dangers of inflation. I am not discussing the Plan here. Since you have raised it, I am mentioning it. We should really discuss this question and not raise it this way in order to rebuff the demands of 2 million employees of the Government, whom nobody wishes to go on strike, nor I, nor anybody else.

You say there are some hot heads who want a strike? What would you do with them? This question has been put to me. If there are some hot heads who would have it, let the cool heads deal with the hot heads. Why should you have this Bill, to deal with the hot heads? Release the force of arguments, the force of people. If a certain quantity of relief is guaranteed, and minimum demands are conceded, if the hot heads still persist because a brass button was not yielded or a uniform was not given, let the people argue. There are hundreds of M.Ps. who can argue with them. You have the I.N.T.U.C. such a powerful organisation as the Home Minister said. All these forces are there. Even we can go and argue how far we should go and how far we should not go.

I thank you very much for allowing me to put the whole point of view in such detail, a detail, perhaps, which may be tiring to some of the Members. I am sorry if I have tired them out. But, the problems are really too serious. Therefore, if I have put in certain aspects which are not strictly relevant to the Bill, they follow from the Bill, and follow from

the Home Minister's speech. So, I have put in those aspects.

My last appeal would be on either side, do not give up negotiation. On either side, try to avert it. But, do not avert it by basing yourself on matters of prestige. Avert it by granting the minimum, crucial core of the demands. The other demands, send them to the Pay Commission or the Ministry for further argument. Let us put an end to that method of dealing with the question in the way we have been dealing so far. Let us make a new beginning from this point at least.

Shri M. E. Masani (Ranchi-East). Mr Speaker, the two speeches that the House has so far heard with interest and keen attention have given a feeling that what we are discussing is the threatened strike of the P & T workers and the merits and demerits of that strike. I think, it may be useful to recall when we consider this piece of legislation specific attention to the merits and demerits of this measure rather than to the economic and political controversies of a wider nature with which this House is not at present concerned. I propose, in the few minutes that I have, to devote my attention to the philosophy and basis of this Bill.

Before doing so, may I say, on behalf of the Independent Parliamentary Group for which I speak, that we share the concern and the feeling to which the Home Minister has given expression.

An Hon. Member: Not all Independents

Shri M. E. Masani: I said I am speaking for the Group. We are opposed to the strike. We believe that those who are sponsoring this move have a very heavy responsibility, before the country for creating a situation where the normal life of the community is disrupted, where essential communications are smashed and where untold hardship and misery will be caused to a large number of people. If a resolution was introduced by the Home Minis-

ter to condemn the strike or to appeal to those who are in it to withdraw the strike, we would wholeheartedly vote for such a resolution. But, as I said, we are not faced with such a situation. We are faced with a legislative measure which is only partly concerned with this strike, which goes very much beyond it.

The Home Minister pointed out that this was a temporary measure. He mentioned a year. Actually the Bill is valid for a year and a half. But I recall several years ago a similar situation with which this House was faced, when Sardar Patel, that great statesman for whom we all had such great regard and respect, faced us with the demand that in one day we pass the Preventive Detention Bill. He gave us very good reasons why it should be passed—because, he told us, if it was not passed, a particularly dangerous set of people would be let loose by the Calcutta High Court the next morning. I recall that, with all my sympathy for the motion that the Home Minister then made, I got up and said it was with a very heavy heart that some of us would vote for that measure. I pointed out that that measure was not the real answer to the challenge with which the Home Minister and the country was faced.

I find myself very much in the same position today, of saying to our Home Minister, who is in his own way as eminent a statesman as Sardar Patel, that this is not the right answer to the challenge with which the country is faced by these developments.

That Bill, which Sardar Patel in reply assured me would only last for a year and be replaced by a more considered and principled piece of legislation, still adorns our statute-book, and I am rather afraid that this Bill too may last on our statute-book long after the postal strike is forgotten. Therefore, we must consider this as if it were a permanent measure which we are putting on our statute-book, and consider whether it would grace our statute-book or whether would be a blot on it.

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Is this Bill really necessary? This is a question which I would like to address to the Home Minister. I may be wrong, I am speaking subject to correction because the Home Minister has not given us very much time to consult people or to find out the implications of the existing Act and of the proposed Bill. I find that the Industrial Disputes Act—I read in the last two days over the week-end, trying to find out what was wrong with it—says in section 10(1) that in public utility services, where the Government so desired, they could make a reference to adjudication or to a board of conciliation. And subsection (3) of that section goes on to say that where an industrial dispute has been referred to a board or tribunal under that section, the appropriate Government may by order prohibit the continuance of any strike or lock-out in connection with such dispute which may be in existence at the time of reference. Section 17(A) gives the Government the power, when it is itself a party to a dispute, to vary an award which might be made by the tribunal, which might be found to be in expedient in the country's interests. Section 24 says any strike that is prohibited by Government under section 10(3) shall become an illegal strike and sections 26 to 31 lay down the penalties which shall follow in regard to those who take part in or instigate such a strike or even finance it. I believe that these powers are adequate for the Government to deal with the threatened postal strike later this month.

I do not understand at this stage, though I shall learn and we shall wait to learn from the Home Minister, why these powers are not being applied when they are already there on the statute-book, when they flow out of the considered opinion and consideration by this House. The only reason I can suspect, and I would like confirmation on this point, is that that Act makes it necessary for Government to refer a dispute of this

nature to a tribunal for adjudication, or even to a board of conciliation for conciliation.

If my understanding is right, then it draws attention to what is the main blemish in this Bill, and that is that it by-passes the valuable right of a worker in this country to see that if he is denied the right to strike, he will at least have the benefit of a judicial or a quasi-judicial judgment in a matter on which he feels very strongly. The principle, in other words, on which this Bill is based and which I cannot support is that you may deprive a citizen both of his right to strike and of his right to seek redress in a legal, constitutional manner.

Mahatma Gandhi often argued that collective bargaining in industrial matter when it led to a strike created a primitive situation. He suggested a civilized method, and that was that when collective bargaining ended in failure when there was a refusal to come to terms across the table when the rule of law should prevail. And the rule of law was that both parties should submit to the arbitration of a third party in whose judgment they had confidence. An adjudication or arbitration, therefore, is the expression of the rule of law in industrial disputes.

If this Bill is to deny the worker who is frustrated in the pursuit of his demands on the one hand the right to strike on the ground that it disrupts essential services which is a fair ground and at the same time refuses him the right to go to a tribunal to plead his case and ask for justice, which is in fact what it amounts to in this case, this Bill will make a breach in the democratic liberties of which we are so proud.

That is why I have given notice of an amendment which seeks to make only one major change in this Bill, and that is that it should be prescribed

that before Government can declare a strike to be illegal, they shall be under the obligation to refer that particular dispute to adjudication by a tribunal

I know it is argued that adjudication and arbitration which Mahatma Gandhi preached are very sound principles in the case of private employers, but cannot apply to the State, because the State is sovereign, the State is the people. That is a fallacy. The State is not sovereign, is not the people, when it becomes an employer. If the State decides to go into business, then it must behave as a good employer. The State as the policeman, the State as the keeper of our destinies, is one thing, we bow to it and pay it homage but when the State starts trading corporations, insurance corporations, air services and all kinds of trades and businesses and industries, then for the State to put itself above the law is to make a claim that is only valid in a totalitarian society. In a democratic society, the State must be prepared to bow to the judgment of a tribunal appointed by itself as much as any citizen on which it inflicts this obligation. If it is right and proper that a private capitalist should go to a tribunal and bow to its decisions, it is just as proper that the Government when it trades or goes into industry, should also submit to the rule of law. And I believe that for the State to claim that because it is a Government it is above the law is a claim that no democratic Government should make in its capacity as an employer of labour. Otherwise, we shall have this unfortunate phenomenon that at a time when our Government has become the largest employer of labour in this country, instead of becoming a model employer, instead of showing the way to other employers, which it has every obligation to do, it will lag behind. It will create a feeling among our workers that if private capitalism was an evil, State capitalism is a bigger evil still.

I do sympathise with the Home Minister in the situation in which he finds himself. As Home Minister, it is his duty to see that law and order are maintained, to see that the life of the community, to which he referred, is not disrupted. There we are all with him. We would like to help him the best we can. But can we say the same in regard to the responsibility of Government as whole?

This situation which the House is today faced with, and which creates this Bill, is the result of two factors, in regard to both of which the Government have failed. This Bill is a confession of the failure of statesmanship on the part of our Government both in regard to their economic policies and their labour policies.

If inflation is let loose on this country it is the direct product of the Plan frame and the Second Plan which has emerged from it. Voices were not lacking in this country, and I remember the brave voice that Prof. Shenoy raised in the Panel of Economists, when he pointed out that the sure result of sanctioning the Second Five Year Plan in that form would be inflation. Today, with only a year of that accomplished, this inflation is in motion. If Government policies are so lop-sided, if our planning pattern is so defective that through the very process that the Home Minister described, more money must be let loose without a corresponding measure of goods and services, if we are so obsessed with heavy industry that we forget the needs of the consumers; then we must expect this inflation. And having created this inflation, having reduced the purchasing power of the rupee in the pockets of our people and our workers, are we then entitled to ask for generosity on their part when their claims to justice demand that at least the real wages that they take home should not be lessened.

I think that this situation which Government are now facing is the creation of an unfortunately unbalanced pattern of planning, and until

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this pattern is rectified, year after year we shall find ourselves facing inflation which is even worse than at present

Secondly, there is the failure of labour policy. There is no perfect solution at this stage. But there was a solution at an earlier stage. If Government policies in regard to labour were as enlightened as the policies that they preach to private industry, then this situation would not have happened. This is a failure of sound industrial relations, of sound personnel management. We talk a great deal these days of human relations. But it cannot be denied that there is nothing that is less human, more impersonal, and more mechanised than the handling of large numbers of our employees by the State itself. It is a failure of industrial relations that is faced by us today in the form of this unfortunately threatened strike. Even joint consultation—leave aside workers' participation about which we are so keen today—does not function effectively among the employees of the large industrial and commercial concerns owned by Government.

It is this inability to get across the barrier, to understand the workers, to get close to them, this inability to take leadership in the industrial corporations and concerns that we run and the services that we carry on, which is at the root cause of this unfortunately led strike.

It has been said that every employer gets the kind of trade union he deserves, just as every country ultimately gets the kind of Government it deserves. Well, who created these trade unions? Who made it possible for disruptive elements to snatch the leadership of large numbers, of lakhs and lakhs of our patriotic countrymen? It is the failure of our labour policy as a Government that has resulted in disruptive elements seizing control of strategic services. Therefore, there are more principled ways

and more long-term and sound ways in which this problem can be dealt with.

I have suggested that this Bill is defective because it claims that the Government has the right to tell a citizen; 'You shall not strike; you shall not go elsewhere for justice; you will work on the conditions that I dictate.' I do ask, in all humility, the Home Minister whether he contemplates that, in times of peace and normal times such as we live in today, this is a claim that any democratic Government has the right to make on the meanest of its citizens. I do not believe it. I believe in a free society. We must give every citizen the right to legal redress, particularly when we take away from him the right to deny his labour, for a strike, after all, is the converse of the right to work. I deny my labour when I feel I cannot work in such conditions.

[MR DEPUTY-SPEAKER *in the Chair*]

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You may limit that right in an essential service. But if you limit that right, then an obligation rests on you to offer an alternative means of redress, to say 'I shall bow to the decision of a tribunal as much as you will.' Unless you take that position, a Bill of this nature is not one which those who hold individual liberty dear would be in a position to support.

Shri Kasliwal (Kotah) I rise to support the Bill and to oppose all motions for reference of the Bill to a Select Committee or for circulation.

The Home Minister, while moving the motion for consideration, has given cogent reasons for the necessity of this Bill. And he has argued at length about the position in the country where notices have been piling in for strikes and so on. I need not go into all those details, for it is not necessary for me to repeat all of them.

But I want to remind the House that only today we have read in the press that there is a strike notice given by the station masters and assistant station masters of the railways also

Shri Surendranath Dwivedy (Kendrapara): Of whose association a Congressman is the president.

Shri Kasiwal: Only two days back, some hon Members on the other side, after they had known that there was a possibility of the appointment of a pay commission went and addressed the federation of Central employees and told them that they should keep firm and stick to their demands

I need not remind the House of what is being said in several papers in regard to this matter I happened to read a copy of *The New Age*, which is the official organ of the Communist Party And what does it say? It says that on the 9th of August, 'the postmen will not come to your door', and further, it says that the Posts and Telegraphs employees will continue to remain firm so far as their demands are concerned, even though they had known that the Prime Minister had announced that there was a possibility of the appointment of a pay commission I am referring to all this only by way of adding to what the Home Minister had said about the spate of notices which are pouring in for strikes

My hon friend Shri S A Dange, while referring to the speech of the Home Minister, dealt at length with the case of the Posts and Telegraph employees He said that from 1956, the Posts and Telegraphs employees had been making certain demands I know that they had made a large number of demands, but Shri S A Dange never mentioned how many of those demands had been accepted by the Department. Apart from other things, the demand for the appointment of a pay commission has been accepted

May I tell this House that their demand for a telegraph enquiry com-

mittee had been readily accepted by the Department? They had made a demand in respect of the other services also, but the Department told them that while they were prepared to go into the matter, the employees might put in separate memoranda, that they would have no objection to scrutinise those memoranda, and if they found that there was a possibility of having an enquiry into those matters also, they would do so

Then, again, as the Home Minister has pointed out, their demand relating to the class III and class IV employees in regard to leave, pension rules, medical assistance etc has also been granted I could give you a number of other demands which have been acceded to Take, for example, the case of 'offs' If any employee works on a holiday, then he is entitled to an off day The Department said, 'Well, we shall give you off days in lieu of any work which you did on holidays' Again the employees wanted that there should not be any split duty in the night

Shri Tangamani: May I know whether any of the demands of the extra-departmental staff has been conceded?

Shri Kasiwal: That demand also was readily accepted I am not going into the details, since this is not really a debate on the Demands for Grants relating to the Posts and Telegraphs Department, which would come up tomorrow, but I am only making a reference to this, because Shri S A Dange dealt at length with the demands of the Posts and Telegraphs employees, but he did not refer to the fact that although there were certain demand which had not been accepted, yet there was a large number of demands which had already been accepted

There is another matter to which I should like to refer The Home Minister said in a very small sentence that one does not know whether some of these strikes which are about to take place in the country have any relation to economic conditions or they are meant to serve political

[Shri Kasliwal]

ends. Some of my hon. friends here felt annoyed. I do not know why they should have felt annoyed.

But I would like to take this House back to what happened during the last session. A number of Members from the Communist Party had tabled the same resolution, namely the resolution relating to the appointment of a pay commission, so that it may go into the ballot. Preparations were being made in this House and also outside for a show-down. The resolution was brought here, and preparations were being made outside so that the country could be prepared for a show-down, and if I may say so, for a general strike. But Government knew, and were watching what things were going on. It is they, who have compelled Government now to bring forward a Bill of this character.

My hon. friend Shri S. A. Dange referred to certain strikes in England. May I remind Shri S. A. Dange, who is not present here, that he made a confusion between a fuel pump and a petrol pump? A fuel pump is not the same thing as a petrol pump. I would have very much liked to know what the condition would have been if those bus workers had attacked and destroyed a petrol pump. A fuel pump is a small thing in a car, but a petrol pump is something which is outside and fixed on the road. He mentioned about certain things in England and said that this Government follows things which take place in England. May I remind him that there is an Act in England which is permanently on the Statute-book, the Emergency Powers Act 1920? Shri Dange said: 'We are prepared to go with you if there is a war'. Where is the question of war in respect of the Act which was put on the Statute-book in England; at that time, there was no war in England. What does this Act say? The first section of the Act says:

"If at any time it appears to His Majesty that any action has

been taken or is immediately threatened by any person or body of persons of such a nature and of so extensive a scale as to be calculated by interfering with the supply and distribution of food, water, fuel or light and with the means of locomotion, to deprive the community or any substantial portion of the community of the essentials of life, His Majesty may by proclamation declare that a state of emergency exists".

Shri Tangamani: It is by proclamation (*Interruptions*).

Shri Kasliwal: If you prefer to have proclamation under Article 352 then are you prepared to attract the provisions of article 356 which says that when a proclamation of emergency is there, fundamental rights will be suspended? Are you prepared for such an emergency? Then come and tell this House that that is what you want and you do not want this Bill.

This Bill, as the hon. Minister has said, has been drafted with very great care and caution.

Shri Tangamani: Let it be an act of proclamation.

Shri Kasliwal: I have referred this hon. House to the Emergency Powers Act which is there in peaceful times and in a democratic country like England. So let them not come and tell us that this Government is behaving in a dictatorial manner, as Shri Dange did.

Now, what is the scheme of the Bill? It is a brief Bill that this House is called upon to consider. This House may declare certain services as essential to the life of the community and nothing more. This Bill remains inoperative if no action is taken under clause 3. What is clause 3? After this Act comes into force and if Government is satisfied and is of the view that in the public interest, it is necessary or expedient to do so, it may by general or special order

prohibit strikes in any essential services specified in the order. The hon. Minister has said that this does not mean that all strikes will be prohibited. This does not mean that all strikes will be declared illegal. What it says is that if the life of the community is threatened, then alone an order under clause 3 will be issued. This being the position, I do not understand why hon. Members opposite are so much concerned about this Bill. After all, this may remain inoperative, in a state of suspended animation, if no action is taken under clause 3.

I do not know what is the attitude of the hon. Minister to a small amendment of mine. The life of this Bill is supposed to be up to 31st December 1958. I have said that it may be extended till 31st March 1961. The reason is obvious. On the 31st March 1961, our Second Five Year Plan finishes. If this Bill remains inoperative, what is the reason why this should not be extended up to 31st March 1961?

Shri S. A. Dange said so many things about the Plan and many other Members will also say about the Plan. They may say that it is necessary that we have got to finish this Plan in a proper way, that the Plan must be more or less a success. But if strikes continue, if so many notices of strike are being engineered, one does not know what will be the fate of the Plan. With these remarks, I conclude.

Mr. Deputy-Speaker: There are a large number of hon. Members who would like to speak and they ought to be given an opportunity. So I would request all hon. Members to condense their remarks to 15 minutes.

Shri Pattabhi Raman (Kumbakonam): I wish only to make a few observations, with your leave, on the content of the Bill before the House.

I wish to submit in the first instance that civil servants, government servants, are a class by themselves, sui

generis. They have the protection of article 311 of the Constitution which not only deals with the power of dismissal, removal or reduction of rank of persons employed in a civil capacity, but it goes on to deal with renewal, service conditions in general and other provisions, these are also applicable to them. They are persons who are entitled to gratuity and or pension, as the case may be, and in addition, they are assured of security of service.

In courts of law civil servants have had many decisions in their favour, and even suspension has been held to be a punishment in so far as article 311 is concerned. Therefore, when we talk of government servants, we must remember that they have a special status. They are the outflow of the second wing of the three wings of Government—the Legislature executive and the judiciary. They form part of the executive wing of any Government. And while there is a difference in France where we have droit administration here they get all the rights under the general law of the land.

Therefore, I repeat that whenever any consideration comes before the House so far as Government servants are concerned, it should be borne in mind that they are a class by themselves. In England, the position was as follows. You will remember that there was a general strike in 1927. thereafter we had the Trade Disputes and Trade Unions Act, 1927, in consequence of the general strike. That contained important limitations on trade union rights and immunities.

Shri Tangamani: That has been amended and a new law is there on the Statute-book.

Shri Pattabhi Raman: I am coming to the repeal and to the Order-in-Council. I assure my learned friend that I am not going to slur over or run away from situation so far as statute laws are concerned. To the best of my ability, I have done a little research on these. I am referring to what obtained between 1927 and 1946.

[Shri Pattabhi Raman]

In 1946 we had Sir Hartley Shawcross's evidence before the Committee. Now, we are concerned with the 1927 Act. That contained important limitations on trade union rights and immunities which, particularly in relation to strikes and lock-outs and the political application of trade union funds. That made any strike illegal which has any object other than or in addition to the furtherance of a trade dispute, and which is a strike designed or calculated to coerce the Government either directly or indirectly or by inflicting hardship upon the community.

What they had in mind was the so-called public utility services should be placed on a separate pedestal and anything which strangled the life of the community had to be dealt with in a separate way.

I am much indebted to my learned friend's interruption. I was going to refer to the repeal later, but I must do it straightway. This was one of the planks in the platform of the Labour Party which sought to repeal this, and did repeal it in the Trade Disputes and Trade Unions Act of 1946. But even after that repeal, if I may say so with great respect, doubts have been always expressed in England as to whether strikes may not be rendered illegal by regulation under the Emergency Powers Act.

Even there, after the repeal in 1946, a general strike which falls within the definite category of a crime, namely, treason, conspiracy etc. becomes illegal. That was the general law of the land.

I will now refer to the Emergency Powers Acts. It is quite true that many strikes have taken place between 1946 and 1951. Perhaps, they were illegal under the Conditions of Employment and National Arbitration Act, Order No. 1305 in England. But, it is no doubt true that no prosecutions took place under that Order. But the fact remains that in England you had that general strike in 1927 and it is also true that that provision

in the Trade Disputes Act got repealed. But that did not take away the general right of the State to interfere where an emergency came into being.

Then, with regard to the definition of 'Essential Services', I find that it is not very far from the definition in the Industrial Disputes Act. You will please note that in the Industrial Disputes Act, we have a definition of 'public utility service'. It says that any railway service, any section of an industrial establishment on the working of which the safety of the establishment or the workmen employed therein depends, any postal and that is important—any postal, telegraph or telephone service, any industry which supplies power, light or water to the public, any system of public conservancy or sanitation, any industry specified in Schedule which the appropriate Government may—there again, it is left to the Government—if satisfied that public emergency or public interests so require, by notification in the Official Gazette declare to be a public utility service for the purposes of this Act for such period as may be specified in the notification.

You have already got the power of notification given to a State Government under the Industrial Disputes Act in so far as a declaration of public utility service is concerned. Therefore, in this Act, there is nothing special and my hon. friend Shri Masani referred to that. They are sections 22, 23 and 26. Special notices have to be given *vis-a-vis* the utility services. Therefore, as I understand this Bill, it only gives power to the Government to declare any service essential.

The definition of 'Essential Services' in clause 2, is more or less, word to word, the same as the definition contained in the section to which I referred just now, namely, section 2(n) of the Industrial Disputes Act. Here the Bill goes to define 'Essential Services' as meaning—

- (i) any postal, telegraph or telephone service;

- (ii) any railway service or any other transport service for the carriage of passengers or goods by land, water or air,
- (iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft;
- of course, this is new:
- (iv) any service connected with the loading, unloading, movement or storage of goods in any port;
- (v) any service in any mint or security press;
- (vi) any service in any defence establishment of the Government of India connected with the manufacture, storage or distribution of arms, ammunition, or other military stores or equipment;
- (vii) any service which the Central Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service 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;"

If the words 'utility service' or 'essential service' had remained as they did and it was left to the interpretation of courts, then, it was very likely that the definition in section 2(n) of the Industrial Disputes Act may become applicable. But it is quite possible for any one to argue that an essential service is not a utility service and surely it must be left to the Government of the day to decide which is an essential service because there may be an essential service not envisaged in the Industrial Disputes Act or anywhere else for that matter which may really strangle

the life of the country or cause serious hardship. Therefore, the power given to the Government for notification under 2(2) with reference to 2(i) (vii), is in order.

Some reference was made to delegated legislation. Surely, any notification made by Government has to be placed before each of Parliament as soon as may be after it is made and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament. That will prevent the Government from acting hastily, if any attempt is made to act outside the scope envisaged under the Essential Services Maintenance Bill. This is on a par with the other Act which we passed the other day, the Essential Commodities Act. These are all necessary legislation which will help the Government to keep pace with the Plan which is before the nation and which has been accepted on all hands. And, to work out that Plan, Government have to arm themselves with this power.

It is rather amusing that when the Defence Estimates came up before this House, many hon. members got up and said that we must have Jet planes, submarines, cruisers etc. which will cost many lakhs of rupees and at the same time to hear that we must reject the Essential Services Maintenance Bill and that we should concede the demands whatever they may be. What is the meaning and the full implication of the bill is an aspect on which I do not want to take much of the time of the House.

Some reference was made to the fundamental rights. After all the right under article 19(c) is governed by cases. One of the cases with regard to association is V. G. Rauscase. What is really guaranteed in article 19(c) with regard to the formation of associations or unions is governed by reasonable restrictions; it saves legislation, which in the interest of the

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public order or morality imposes reasonable restrictions on the exercise of the right conferred by that sub-clause. If the restriction is not reasonable, it is open to the Court to declare it unreasonable and strike it down. Nothing is shut out from the Courts, no jurisdiction of the Courts is taken away. If for any reason any classification is wrong, when a restriction is placed upon some persons then also it can be struck down by the Courts. It must satisfy the requirements of article 14 of the Constitution.

Therefore, I submit that nothing is involved so far as fundamental rights are concerned. The Bill, as it claims to be, is only a temporary measure till 1958 and it does not seek to give itself any more life, though there are amendments to the effect that it may be given a longer life. Government is not asking for much, and, in any event, I do not see any legal impediment for the passage of the Bill.

Shri Nath Pai: This Bill which we are called upon to discuss, the Essential Services Maintenance Bill, I should like to submit, at the very outset, is a result of the failure to discharge the essential duties on the part of Government. If the Government had been heeding and paying attention to the justice of these demands, if matters were not allowed to drift till the last minute comes, there is reason to believe that there would not have been any need or necessity for introducing this Bill into this House.

The Bill reflects a panicky mentality and I am afraid that like the remedy proving worse than the disease, the Bill may bring about conditions by force which the Government is contemplating to cure. It may release a feeling of anger against those who try to deprive us of the rights that have been given to us by the Constitution and which we have won by fighting for a very long time. And, here, I must say in fairness, in our history, that in building some of the

rights which now they are attempting to take away, very many Members of the opposite benches, the Treasury Benches have played an honourable role. But, if they choose to forget those rights, I do not think we can accommodate them in that. We shall do everything to persuade them, to prevail upon them that this Bill must not be allowed to be passed. I did not expect after what we had to submit to this House only two days back about the justice or otherwise, about the reasonableness or unreasonableness of the demands, that we will be called upon to take that issue. However, we shall be confining ourselves specifically to the issue of the justification of the Bill itself. Since the issue of reasonableness of the demands has been raised here, I should like to make a brief reference. I do not want to take the time of the House. I know the limited time that you have allotted. But I shall plead with you for a little indulgence because I am the first speaker from my party and secondly I happen to be the Chairman of the body which has been condemned here and so it will perhaps be in the fitness of things that I be given an opportunity to defend it before this sovereign forum of our nation.

15 hrs

I had at one time thought to deal with this Bill and mend it in the form of amendments. Later on I came to request you to give me a chance to participate in the general debate because I came to the conclusion that it is impossible to improve it, a porcupine, however much you may convert it, will remain a porcupine, even if you remove its quills. All the amendments that we can move to this Bill will not take away the poison that is there. The most skilful surgeon who can perform operations with graftings using the latest surgical skill can perform an operation but it will not make a monkey a man. All the amendments moved will not remove the monstrosity of the Bill. (Interruptions)

I now come to the question of the reasonableness of the demands. The hon. Home Minister referred to certain sentiments. So far as the sentiments are concerned, there is not any difference in any section of the House. It is when he advances certain arguments that the difference arises and we have to say 'No, we cannot agree'. These facts are not based on truth.

Here is one paper which cannot be accused of being socialist. It is a very reasonable paper which has not been normally opposing the Government in power—the *Times of India*. This paper in its editorial note has to say something on these demands. Some of these people also know some economics. It says:

"Nobody likes to get his head broken and go on strike. Starving people demand relief because the Government has failed to control and to hold the prices any longer. It has no idea of the extreme hardship of low-paid staff. It also lacks an emotional awareness of the common man's difficulties. Strong feelings inspire strong action."

This verdict is from people who are known in this country normally to err on the side of conservatism—not on the side of what is euphemistically called as irresponsible or impatient. This is their verdict.

Figur's have been quoted to show what will be the consequences. In my appeal to the Ministry of Communications the other day only, I have said that we are conscious that we must always bear in mind the likely repercussions and consequences of our demands and how they will affect the Plan. We admit all these factors and the organisation took care to see that the demands, while removing some of their minimum grievances, did not conflict with the long-term national interest. Every care was taken to see that there is harmony between the demands of the striking workers and the long-term national interest.

But what happens? We get this Bill in reply to that. Only the other day,

I have pleaded here that it should not be and it is not beyond the realm of constructive thinking and courageous leadership to reach a solution which would be acceptable to all concerned. What do we find? We find the Bill and then certain arguments which are not likely to clarify the issue but, if allowed to go unchallenged, are likely only to add to the confusion and cloud the main issue.

May I just read a few figures here to show what is happening. There is suffering. If there is suffering what are we going to do? What are the steps that we take to remove them? Here are some pertinent statistics—the index number of real earnings and the index number of prices. They conclusively prove to the House that the real income of the working classes has gone down and so there is a lot of misery which has been the fate of the majority of the working classes or rather the majority of the people of this country.

With 1944 as the base year, this is the picture we have. In 1945, the real income is 99.7; in 1946, it is 97.47; in 1948 it is 104.4 and in 1949 it is 112. Now, it will not be making much sense if I go on reading like this. I now come to 1953—131.2. What was the picture of the price index. Beginning with 1945, it is 100. It is 106, 102 and 134 for the respective years to which I referred in connection with real income. When we come to 1953, it stands at 145. The cost of living stands at 145 but the real income stands at 131.2. That is the position if we take 1944 as the base year but which was not really a good base year for this type of calculations but I do not want to make much of that. Do these facts lie? Do we manufacture them? Somebody said that it is the Federation that is driving and inciting them to strike. No, Sir. It is adding insult to injury; it is the hunger and shame of going into the street without clothes and the necessities of their children. I saw in my constituency during the elections how people were dying in that

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area—not literally—but children who were starving; there was no nutrition. It is this that drives a man to strike. It is not somebody's instigation. Our people are not so easily mcitable. I do not accept this slanderous accusation that anybody can go and incite them to take a step which runs counter to the national interest or which is likely in the long run to do damage to the people of this country. People go on to strike because they are forced to.

It has been said by the Home Minister 'Let us bear in our minds the vital interests of the country.' It is a plea to which all can warmly respond. If on this basis we try to tackle certain issues, where shall we come? Do we enhance the prestige of this House and strengthen democracy in the country, if times without number, we are confronted with such a spectacle and when we come to this House and beg for justice, peremptorily we are dismissed because they have a majority with which they can do it? With the same rule of that majority they can turn down out anything. Then when something comes and the nation gets into difficulties, they will grant it be it the question of Andhra or other, certain tragic things must happen and then only Government will come to its sense.

It is the same policy with regard to the Pay Commission. How many times has it come before the House? We have justified the demand. You gave the first Pay Commission years ago. The economic conditions have changed in the country out of recognition. Grant this request and let us see what comes out and let us see what can be implemented out of it. What was wrong about it? It was on the strength of the majority again that they turned down. What is praise-worthy about it? I am unhappy about it. Then, you grant it when confronted with the threat to strike. Don't you add to the democratic values, to the prestige of this House and strengthen democracy in

this country if you concede the justness of the demands in this House and grant them with grace? That is my plea for the future.

I must say here something about these demands being granted. Part of them, it must be conceded to the Government, have received sympathetic consideration. There are some others which we thought, could be granted without doing any injustice to anybody and without doing any harm to our vital national interests.

Then, I come to the question of strike. I do not want to repeat it but some of the hon. Members were not present and some new Members have come. It was not done, it was never considered to be a matter of trial of strength with the Government. Everything was first attempted, and only as a last resort this strike method was resorted to, or an attempt was made by the workers concerned to resort to strike. According to me, I am fully satisfied that they had been making as decent an effort, as conciliatory effort as is possible under the circumstances to reach an amicable settlement with the Government, and it was the failure of this effort that necessitated the taking of the strike decision on the part of the unions concerned.

There was this point, this could have been referred, they say, the question of interim relief. We always thought that our economic structure was not going to collapse if such a gesture was made of goodwill, so that the right mood is maintained in the nation. After all, a Plan is not a mechanical thing. That is the greatest drawback of the Plan, that we are never getting the people to be enthused about it. If the Plan is to succeed, we must make the people feel that it is you and I who are going to benefit by this Plan, you are going to inherit all the prosperities that come off, these are the benefits that will be coming, and right now we can only give this much. A small

concession by way of interim relief would not have destroyed the economy of this country. We know we will not be bullied, we will not be frightened, we will not be accepting such an explanation that the economy of this country was going to collapse if an interim relief like Rs 15 or Rs 20 was granted to workers. How much more, Sir, will be lost if the strike comes about? How many man-hours will be lost, how many other things may be happening?

Therefore, we still plead, we continue to plead that there is nobody wanting to use the big club with the Government. The struggle is not against the Government, the fight is not against the ruling party, the fight is against hunger, the fight is against starvation, and on that grinding poverty enters. If they understand that, even at this late hour, in this spirit, we may reach a solution.

I must turn now to something which has been mentioned here, about the question of Confederation. I am very sorry to submit that we heard in this House a distant but definitely disturbing echo of Macarthysm. That muendos should be dropped first. It is wrong. It should not be done. The other day when such an insinuation was made in this House, the only reply made was that time will take care of such charges and I shall not be wanting in acrimony, I shall not be wanting to take the time of the House. Even now at this stage an effort is made to mislead a very large section of public opinion in this country—I am not holding brief for the Communists or anybody—by attempting to make a case that this Confederation, of which I claim I am the President, is a communistic body, or inspired by Communists. Here are the documents. They cannot produce documents, but I can produce them. So that good traditions are maintained in this country, I say, appoint a commission of this House to investigate what happened, but do not go on like this. This is a very dangerous method to adopt. Macarthysm is dying in the country of its birth, let it not be given a re-birth in the Gandhian

country. Try to destroy this kind of methods.

Here is the constitution of the body of which I am the President. Here is the report of the Preparatory Committee of which a venerable patriot of this country was the Chairman, who was a Member of this House—Shri Sarangadhar Das. The first President was Shri N. M. Joshi and I am the third. I do not think anybody can remotely say, or the Communists would like to classify us as their friends or as members of their party. But, here is this suggestion made that this is a Communist made body. There is this thing that I should like to point out, that I am prepared to place all the documents—I do not know whether I am making any mistake in the procedure, I am open to be corrected—for examination, and I am prepared to submit to the verdict of this House.

But, after having said this, I will plead with them, let us not resort to this kind of methods, it does not do any good anywhere. A lie uttered against anybody not only hurts the person concerned but vitiates the whole atmosphere.

Shri V. P. Nayar: It is the privilege of the Home Minister.

Shri Nath Pai: Now, about this Bill, it tries to take away a right which has been enshrined in our long history and in the Constitution. In an indirect way that will be suppressed. The Law Minister, who is a very intelligent Minister so far as his department goes, will come tomorrow and try to say that I was trying to mislead the House on the question of its being sanctified in our Constitution. The Constitution gives this right. When this right is violated or taken away the worker has also a right. What is this preliminary right? It is contained in article 39 which says

“That the citizens, men and women equally, have the right to an adequate means of livelihood;”

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When he does not get that, he has a right to refuse to work for those who do not give that

The hon. Railway Minister once made a very fine pronouncement which can go as a guide for a long time to come. He said: "Any employer who cannot give an adequate wage to his worker has no right to exist, has no right to be an employer" This is not taken from any leftist revolutionary; these are the words of the hon. Minister for Railways

Now, Sir, in the few minutes that I hope are still left for me, I want to talk about the Bill itself. I have been studying as much as I could because they try to rush us through the Bill—some of the precedents in other countries on this point. There is this Bill, which almost rent England into two, the Industrial Disputes Act, 1927. This Bill has not been enforced in England. Even in that, what is called obnoxious Bill in England, this provision that the strike is a crime does not exist. I want to appeal to them to look it up carefully. The right to strike is not taken away by the Industrial Disputes Act. The right of the worker to strike does exist even in this Act, which is regarded as "black Act" in the history of the growth of British trade unionism.

Our Act does even that I know the reaction of a veteran Member of this House. When I appealed to the old patriot in her she said: "Do you know what is contained in the Bill? Have you seen the Bill? Why do you get so much upset?" What are we to do when the rights which have been there for generations are presently snatched away under some pretext? Are we not to fight every inch for the preservation of those rights?

Look at this Bill. What do you find? If you give some money to the strike you can be punished. If you incite the workers the police will arrest you. The policemen have been given powers of arresting. You know, Sir, how our police normally behave

I do not want to draw any indictment against the police. But the time has come when we must be very very careful before we arm our police with additional powers. With the powers that they already have, the rights of the working class should not be left to the tender mercy of the police, its lathi, baton and bayonet.

Taking section by section will take a long time. I submit, if this Bill is passed, I appeal to the patriots, to the democrats who sit on the other side, that some of you also have played a part in bringing this working-class movement to the stage where it stands. Many of you have suffered for getting the country's freedom. Many of you continue to suffer to strengthen democracy. Let us not be panicky about the strike that is coming. Let us still hold our courage. Let us remember that everything is not lost. Let us not get into this Bill. This Bill must not be allowed to pass.

My last appeal on behalf of those workers—I want to repeat this—is that anything that is not noticed, anything that is primarily good, anything like this interim relief is open to discussion, but let us give up using the big club. To quote only the Prime Minister, I have got the minutes of what transpired when he received a delegation of the P & T workers wherein he says: "Let us cease glaring at one another across the bench and try to approach one another that there is something common which we can ever build." That stage is not passed even at this last hour.

On behalf of those who come under the Confederation, and as a citizen of this country, I want to appeal to them that that stage has not passed where the big club should be handled, but still something can be saved if only we adopt the right attitude and see that in granting what is due to the workers the Government is not being defeated, but the Government's policy rests primarily on justice.

Swami Ramananda Tirtha (Aurangabad): Mr. Deputy-Speaker, Sir, the tone and temper of the discussion have been even and I am glad that those who have participated have tried to be sober and temperate. Everybody had his own grounds and everybody has adduced arguments. It is not a happy situation or occasion that has developed, which has forced the Government to come forward with a measure of this kind.

Mr. Deputy-Speaker: The hon. Member may kindly speak a little louder or he may come near.

Swami Ramananda Tirtha: I shall speak a little louder. The Government is coming forward with such a measure under certain emergent circumstances. Whether it is right or wrong may be a point at dispute, but to say that the Government should not have such right is something unthinkable. I have tried to hear the arguments of many Members. I think, as some of the friends have already pointed out, that in those countries where such situations do arise, certain powers of emergency are invested with the Government constituted under the law. Well, we talk of fundamental rights. Yes, there should be every reverence, and respect for these fundamental rights, but in the post-Independent India, we are losing sight of the fundamental duties. There is a duty to the nation; there is a duty to the community; there is a duty to the society. The fundamental right of a citizen is fundamentally circumscribed by the fundamental interest of the nation or the community. Let us not forget that.

The Members opposite may dispute the stand taken by the Government. It is not for me to justify the Government's stand. I do not hold any brief for it. I am speaking for myself. You cannot deny a democratic government, a government which continues to survive on the vote of the people going forward and saving the fundamental rights or the interests of the community by being infringed upon

by a section of the people, either the working class or others.

I am not imputing any political motives even to the Communist Party. I do not know what their intentions are, but it is not my desire to impute any political motives. Let us consider the issue on its own merit. Now, howsoever we may desire to isolate this measure from the present or the impending strike of the posts and telegraphs employees or of those in the government services, why should the situation arise? I had no desire to participate in the debate today, but looking to the trend that was developing I thought that it was my duty to say a word of appeal. Do they still charge the Government that it stands on prestige? A fortnight back, as my esteemed friend Shri Dange said, the Government had turned down the demand for instituting a Pay Commission. Now, that has been accepted. Has the Government stood on prestige? No. Do not accuse Government of standing on prestige. The situation is being developed, is developing, where a particular political party wills it or not the nation's mentality is being directed or is taking a certain direction which shows that there is no respect for the nation's interests, and that only sectional interests are dominating. Let us make all sections of the nation feel that in this present emergency, we should not do anything that will hamper the onward progress of our second Five Year Plan. It is not sacrosanct. I quite agree that the second Five Year Plan may not be sacrosanct. But the present situation is such that we cannot allow it to be marred, even in the slightest degree.

What are the demands of the posts and telegraphs employees? The Pay Commission has been formed. So far as the interim relief is concerned, the Minister of Communications has given ample explanation and indication that the Pay Commission may also consider this aspect of their demand. The Labour Minister had said in so many words. What more do the employees want? Today, in the newspapers I

[Swami Ramananda Tirtha]

have read that there was a meeting of the posts and telegraphs employees union executive and they were waiting for the tone and the tenour of the discussions in this House on this Bill to take a final decision. The final decision is not going to come on the basis of the merits of the case or the manner in which the Government has responded, but on the tone and tenour of the discussion in this House upon the Essential Services Maintenance Bill. That shows that there is no desire to come to a settlement.

It may not be the Members of the House. They are very sincere, but there is something which stands in the way of a settlement. What is that exactly? What should the Government do exactly? The Government has acceded to the request for a Pay Commission. The Prime Minister has said that the interim relief may also be considered. The Communications Minister has so clearly stated it.

Some minor and some major demands have been made. There may be certain demands which still remain to be met. For instance, Shri Dange just now told us that certain categories of employees had not been getting the advantage of certain off days. That may be considered. It is not a major demand. If there are certain minor demands that are still remaining to be met, is it not time for the posts and telegraphs employees' union or federation to withdraw its decision to strike? Should they not accept the formation of the Pay Commission? Only condemning the Government and not doing one's duty is not going to lead us anywhere. Let us not forget our duty. I would not have been happy to support this Bill, and fundamentally I am opposed to it, but under the circumstances, when the Government feels that it is necessary, I am not going to deny it that right. The country's interests cannot be thrown overboard and therefore I plead that the employees who have decided to go on strike should not go on strike.

Everyone, every Member of this House, whether he belongs to the Treasury Benches or the Benches opposite, is anxious to see that the legitimate interests of the people are met. But if one pushes to the extreme, then, everybody suffers.

Sir, Members of this House may not know that I began my public life as a labour worker, as a trade unionist, under the late revered N. M. Joshi whose name has been mentioned here. I have had something to do with the labour problem and I wish to point out that what little experience I have, there is a limit to which you can push matters, and you must effect a timely compromise, when it is not too late. If you do not do that, neither the employees whose interests you wish to serve nor the nation, nor even those who are conducting the strike will find themselves at an advantage.

I wish to plead with the Home Minister about a doubt that has been expressed by our friend Shri Masani who said that this period, that is, December, 1958, may perhaps be extended. I wish to make it clear that it should not be so. It should be definitely stated that there will be no extension of this measure, because, after all, it is an emergency measure.

Therefore, we shall not be doing right by opposing this Bill. We may be accused that we are supporting a Bill which is sinister and undemocratic. I have got every regard for whatever my friend, Mr. Nath Pai, who speaks very fluently, has said. We are thankful that he has appreciated whatever little sacrifices we have made for the cause of the freedom of this country; but let me remind him that there is a certain duty which I, he and everyone, owes and that duty is supreme. Do you call a man who comes forward to carry on the services a blackleg? Are all those who are going to maintain the services blacklegs and want to stab the strikers at the back? No; there is something more noble which prompts these

efforts and that the Members opposite should realise.

Sir, I do support this Bill.

Shri Khadilkar (Ahmednagar): Sir, I cannot deal with this measure in a superficial manner, I mean, in the manner of a lawyer, or a constitutionalist because this is very fundamental from the point of view of a social policy, which we have laid down for bringing about national development. If this measure is passed, what it would mean? We have got to decide once and for all, are we going to throw overboard the democratic method of planning, the democratic method of social development in this country and plan with the help of the police and bayonets? Ultimately it will result in a bigger social conflict and planning will be sabotaged. This is the fundamental objection to this measure.

This measure is the outcome of the failure of the Government's labour policy. I saw the tragic figure of our Labour Minister sitting in his place for sometime. When I read this Bill—I was out of station—I felt very sorry for Shri Nanda, for all his idealism for which he has struggled to bring about settlements by persuasion, by give and take in a non-violent manner, without leading to conflict. That policy has certainly got a measure of success in this country. Primarily when this measure is before the House, it means the Planning Minister and the Labour Minister, if they are sincere and honest, will have to walk out of the House defeated, dejected and crest-fallen, because all their idealism is thrown overboard by this Bill.

Why has it failed? In this country, with a comparatively backward economy, when we are dreaming about social reconstruction by democratic methods, it was fundamental for its success to lay down a price policy, a wage and salaries policy and a profit policy. But there is no coherent national wage policy, price policy and profit policy. Therefore, Government are naturally caught

up in a sort of vicious circle and therefore, they have come before the House with this measure. There is a sort of relief offered, which I do not consider really a solution of the problem. They have amounted, "We are going to appoint a pay commission." Pay commission is a very popular demand. Superficially, when you look at it, you feel that the pay commission will be able to recommend some measure of relief but fundamentally the pay commission is not the authority to lay down the wage policy. If a wage policy is laid down and then the pay commission is appointed, they can do something by which the labour will find out in what particular category they stand, what amenities they will get and there will not be any difference or any injustice to one section of employees and another section. That can be done by a pay commission.

But the device of a pay commission is the most deceptive device. I do not see why some of the labour leaders have made it a slogan. I do not think it is worthwhile appointing a pay commission and awaiting its findings because we have seen, the arbitration machinery that we have, has not succeeded in producing results. What do we find? They have failed to evolve a consistent labour policy. You have been dealing with the problem piecemeal. When the question of railway employees arises, we consider the Railway Minister responsible and deal with them piecemeal. When the dock workers go on strike, some other Minister is responsible and they are dealt with piecemeal. This piecemeal, hand to mouth method of dealing with the labour problem or the wage problem is fundamentally wrong and is inconsistent with the social ideals that we have set before us, of socialist reconstruction.

Shri Dange suggested that we can gear our wage policy to production. Unfortunately I do not share his optimism, because in an backward economy like ours, it is very difficult to

[Shri Khadilkar]

gear wage policy to production. That wage policy will have to have some connection with the social ideal and the economic resources at our disposal; it will have to be implemented in that manner. Before bringing this measure, you have promised to the employees that you are going to appoint a pay commission. What it means at this hour? There is a popular story among villagers. A hungry guest goes to landlord's place. The landlord decides to play a cruel joke on him. He promises the guest all sort of thing, "You are welcome; I am preparing some sweets and what not? Wait, things are coming". The guest waits and waits for the whole day and ultimately he is disillusioned to find that it was a cruel joke. At this hour there is a big gap between the real wage and the money wage. Unless some effort is made to bridge this gap in some way, there will not be any satisfaction. That must be perfectly realised and this cruel joke should not be played on the workers. That would be my first submission.

The second thing I would like to stress is this. As I said at the beginning, we will get an opportunity to go through the Bill clause by clause, but I do not think we will hardly succeed in amending it to our liking. The provisions will remain on the statute-book as they are. What would be the result? You will have to look at it from that point of view. To meet an emergency, in order to cover the failure of the Government to evolve a coherent wage policy, they have brought this measure. By bringing this measure and putting it on the statute-book, they are telling the employees, "Look here; your rights of organisation and other democratic rights to get minimum grievances redressed are gone once and for all. You have got to rely on your higher officers and humbly submit to them. If they are a little generous and accept your petition, you must be satisfied. Otherwise, you have no other right under the present Constitution to organise

collectively and put before the Government your own case and get things done."

Therefore, if you want the social ideal, the policy that we have placed before the country, a socialistic pattern of society constructed by democratic methods to succeed to keep this Bill on the statute-book will be always a source of unrest, a source of conflict. As I said while speaking on the general discussion of the Budget, in a multi-class society like ours, when we are, on the one side, trying to meet the demands of dire necessities of the people and on the other side, to increase production, earnest efforts must be made to bring about a compromise at all levels. I am very happy that the Leader of the Communist Party today has said that he will not be lagging behind in bringing about such a compromise. Therefore, even at this late hour, without standing on prestige, if all the representatives on this side and the Treasury Benches make a joint appeal to withdraw the strike and bring about a settlement later on, I think we can do much to save the policy which we, in a panic, are prepared to throw overboard.

I would like to appeal to the Treasury Benches. Before making this final appeal, I would like to make an appeal to the Prime Minister Shri Jawaharlal Nehru. He exercises a certain amount of moral authority over and above the Constitution and its provisions. He should exercise his weight on the side of those Government employees or semi-Government employees or other employees who are today demanding some justice. If he could pull his weight in that direction, I do not think that this measure will be in any way necessary. But if the bill is passed as it is, on the contrary, what would be the result? Bitterness, frustration. They will obey. After all, they have got to fill their belly. There is a family; there are dependents. There is a lot of unemployment in the middle classes. But, that obedience will not in

- (ii) any railway service or any other transport service for the carriage of passengers or goods by land, water or air,
- (iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft;
- of course, this is new:
- (iv) any service connected with the loading, unloading, movement or storage of goods in any port;
- (v) any service in any mint or security press;
- (vi) any service in any defence establishment of the Government of India connected with the manufacture, storage or distribution of arms, ammunition, or other military stores or equipment;
- (vii) any service which the Central Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service 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;"

If the words 'utility service' or 'essential service' had remained as they did and it was left to the interpretation of courts, then, it was very likely that the definition in section 2(n) of the Industrial Disputes Act may become applicable. But it is quite possible for any one to argue that an essential service is not a utility service and surely it must be left to the Government of the day to decide which is an essential service because there may be an essential service not envisaged in the Industrial Disputes Act or anywhere else for that matter which may really strangle

the life of the country or cause serious hardship. Therefore, the power given to the Government for notification under 2(2) with reference to 2(i) (vii), is in order.

Some reference was made to delegated legislation. Surely, any notification made by Government has to be placed before each of Parliament as soon as may be after it is made and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament. That will prevent the Government from acting hastily, if any attempt is made to act outside the scope envisaged under the Essential Services Maintenance Bill. This is on a par with the other Act which we passed the other day, the Essential Commodities Act. These are all necessary legislation which will help the Government to keep pace with the Plan which is before the nation and which has been accepted on all hands. And, to work out that Plan, Government have to arm themselves with this power.

It is rather amusing that when the Defence Estimates came up before this House, many hon. members got up and said that we must have Jet planes, submarines, cruisers etc. which will cost many lakhs of rupees and at the same time to hear that we must reject the Essential Services Maintenance Bill and that we should concede the demands whatever they may be. What is the meaning and the full implication of the bill is an aspect on which I do not want to take much of the time of the House.

Some reference was made to the fundamental rights. After all the right under article 19(c) is governed by cases. One of the cases with regard to association is V. G. Rauscase. What is really guaranteed in article 19(c) with regard to the formation of associations or unions is governed by reasonable restrictions; it saves legislation, which in the interest of the

[पंडित ठाकुर दास भार्गव]

- (e) to form associations or unions;
 (d) to move freely throughout the territory of India;
 (e) to reside and settle in any part of the territory of India;
 (f) to acquire, hold and dispose of property; and
 (g) to practice any profession, or to carry on any occupation, trade or business."

मैं धर्म करना चाहता हूँ कि शायद धानरेबल मੈम्बर भरुषा साहब ने (जी) के ऊपर ज्यादा जोर दिया है। मैं आपको बतलाना चाहता हूँ कि सब के सब, सिवाय एक फंडेमेंटल राइट्स के जोकि एसोसियेशन और यूनियंस से ताल्लुक रखता है, इंडिविजुअल नेचर (व्यक्तिगत प्रकार) के हैं जो किसी एक आदमी को इनफ्राडी हैसियत में एफेक्ट करते हैं। ये कारपोरेट लाइफ (सामूहिक जीवन) को एफेक्ट (प्रभाव) नहीं कर सकते। जितने भी राइट्स हैं सब के अन्दर यही है। ऐसी सूरत में मैं पूछना चाहता हूँ कि कैसे स्ट्राइक (हड़ताल) को रोकने वाला बिल फंडेमेंटल राइट्स, जो एक इंडिविजुअल के है, के खिलाफ जा सकता है। स्ट्राइक की तारीफ यह है कि स्ट्राइक एक आदमी को हाथ नहीं लगाती, एक आदमी को असल्यार है कि वह नौकरी छोड़ कर चला जाए, जिस किसी प्राफेशन को चाहे करे, कोई भी उसे रोक नहीं सकता है। स्ट्राइक की पहली तारीफ यह है कि एक से ज्यादा आदमियों की अंडर-स्टैंडिंग, कामन अंडरस्टैंडिंग (सामूहिक विचार) कामन इनटीशन (सामूहिक इच्छा) कंसर्टड रिजुजल (सामूहिक इन्कार) होनी चाहिये और संसोधन आफ वर्क (काम छोड़ना) होना चाहिये।

Cessation of work not by one man, but by a number of people.

यहाँ तक इन फंडेमेंटल राइट्स का बाल्लुक है, इनको यह बिल टच नहीं करता

है। इस बिल के अन्दर इन फंडेमेंटल राइट्स को बचाया गया है अगर उनको बट करमा होता तो गवर्नमेंट यह बड़ी खूबसूरती के साथ लिफ्टकर इस राइट को फ्लाइड, (उत्खनन) कर सकती थी लेकिन हमने गवर्नमेंट को इसके बारे में कोई भी किसी किस्म की ताकत नहीं दी कि वह फंडेमेंटल राइट्स के साथ खेले। फंडेमेंटल राइट्स के ऊपर अब कमी किसी किस्म की लिमिटेशन (प्रतिबन्ध) लगाई जाती है तो हमारे पास असल्यार है कि हम सुप्रीम कोर्ट (उच्चतम न्यायालय) में जायें और उस चीज को गलत करार दिलवा दें, इललीगल करार दिलवा दें। सुप्रीम कोर्ट यह कह सकती है कि जो लिमिटेशन लगाया गया है वह जरूरत से ज्यादा है और उस सूरत में यह सारे का सारा बिल गलत हो जायेगा। हमारे फंडेमेंटल राइट्स सिर्फ एक सूरत में ही लिए जा सकते हैं और वह है बर्फा ३५६ जिस के अन्दर यह कहा गया है कि एमरजेन्सी (आपात काल) डिक्लेयर (घोषित) हो जाए। सिर्फ उस सूरत में हमारे फंडेमेंटल राइट्स छीने जा सकते हैं वना नहीं। और किसी भी आर्टिकल के तहत फंडेमेंटल राइट्स को छीनने का गवर्नमेंट को असल्यार नहीं है। कांस्टीट्यूशन हमको जो चीज देती है, वह यह गवर्नमेंट या कोई और गवर्नमेंट हम से छीन नहीं सकती है, हम से वापिस ले नहीं सकती है। अगर यह बात गलत है, अगर येरे दोस्त यह समझते हैं कि यह बिल फंडेमेंटल राइट्स के खिलाफ जाता है, तो सुप्रीम कोर्ट का रास्ता खुला है और वे वहाँ जा सकते हैं। लेकिन मेरा यह पक्का यकीन है कि यह बिल हर्गिज भी फंडेमेंटल राइट्स के खिलाफ नहीं है। अगर यह बिल लाख लोगों के राइट्स पर छापा भरता है तो जरूर यह मामला सुप्रीम कोर्ट में जाएगा और वहाँ पर ठीक हो जाएगा। लेकिन मेरा तो यह पक्का यकीन है कि यह बिल फंडेमेंटल राइट्स के खिलाफ नहीं जाता है।

जनाबेवाला, क्या मैं आपका ध्यान आर्टिकल २३ की तरफ दिला सकता हूँ जिस में गवर्नमेंट के राइट्स का जिक्र है, पब्लिक के राइट्स का जिक्र है ? इसमें लिखा है :—

"Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them."

जिस के माने यह है कि ऐसे मामलों में कि जहाँ गवर्नमेंट को जबरन हो, गवर्नमेंट कंसक्रिप्शन कर सकती है, कम्पलसरी सर्विस (बाध्य सेवा) ले सकती है विदाउट डिस्क्रिमिनेशन (बिना विभेद)। इस वास्ते यह कहना कि यह बिल किसी सूरत में भी किसी नुकते ख्याल से भी, फंडमेंटल राइट्स के खिलाफ जाता है, कतई गलत बात है।

मिस्टर नाथ पाई ने हमारी सबज्जह दफा ३६ को तरफ दिलाई है जिस का हैडिंग (शीर्षक) है डायरेक्टिव प्रिंसिपल्स आफ स्टेट पालिसी (राज्य नीति के निदेशक नत्व) मेरी समझ में नहीं आया है कि किस तरह से यह बिल फंडमेंटल राइट्स के खिलाफ है। उन्होंने इसमें से जो पढ़ कर सुनाया है, उसे मैं आपको पढ़ कर सुनाना चाहता हूँ—

"The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the right to adequate means of livelihood."

वह कहते हैं कि इस डायरेक्टिव प्रिंसिपल्स को यह बिल आफेंड (विरोध) करता है। मैंने जिसनी भी स्पीचिज हुई हैं उनको सुना है। धर्म मेरे दोस्त ने विल्लेजर्स (ग्रामीण)

का जिक्र किया है, उसको भी मैंने सुना है। लेकिन मैं नाथ पाई साहब से कहना चाहता हूँ कि मैं चाहता था कि मेरी आवाज भी उनकी आवाज की तरह बारीक, सिलबरी और साफ होती ताकि मैं उनकी ही तरह से उसी टोन में जवाब दे देता। आज जो लोग यहाँ पर खड़े होकर आर्गनाइज्ड लेबर के रिप्रिजेंटेटिव (संगठित श्रमिकों के प्रतिनिधि) होकर, या एक ऐसे डिपार्टमेंट के एम्पलायीस के रिप्रिजेंटेटिव होकर जो कि एक पब्लिक सर्विस डिपार्टमेंट है, यहाँ पर बोलते हैं, क्या जनाब डिप्टी स्पीकर साहब, मैं आपकी इजाजत से उनकी सबज्जह दफा ४३ को तरफ दिला सकता हूँ जिस में कि लिखा है :—

"The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas."

क्या मैं अर्ज कर सकता हूँ कि जिन को हम यहाँ पर रिप्रिजेंट करते हैं जिनका आज हम यहाँ पर जिक्र करते हैं, जिन के राइट्स का आज हम यहाँ जिक्र करते हैं, वह आज क्या पाता है और इसके बारे में हमारे स्टेटिस्टिक्स (आंकड़े) क्या कहते हैं ? आज एक एग्रिकल्चरल लेबरर (कृषि श्रमिक) १०८ रुपये सालाना पाता है, आज उसकी आमदनी १०८ रुपये साल है। उसके मुकाबिले में दूसरे लोगों की आमदनी क्या है ? उनकी आमदनी २० या २५ रुपये माहवार (मासिक) तक है या २८ रुपये एग्रेज सालाना इनकम (आय) है। अब मैं पूछना चाहता हूँ कि क्या पी० एंड टी०

[पंडित ठाकुर दास भार्गव]

वाले या दूसरे लोग या इनमें से कोई भी शक्ति २० रुपये या २५ रुपये से कम तनखाह पाता है। आप पब्लिक सर्वैटस् के लिए एडिक्वेट मींस आफ लाइवलीहुड (जीविका के पर्याप्त साधन) की बात करते हैं। मैं आपसे पूछना चाहता हूँ कि जो दूसरे लोग हैं उनके एडिक्वेट मींस आफ लाइवलीहुड कम गवर्नमेंट ने मुहैया कर दिए हैं। जिन जिन चीजों का आटिकल ४३ में जिक्र है क्या उन उन चीजों को गवर्नमेंट ने मुहैया कर दिया है। लेकिन इन सब चीजों के साथ साथ यह भी दर्ज है कि गवर्नमेंट अपने रिसोर्सिस् के मुताबिक यह सब काम करेगी। गवर्नमेंट मिरेकल (चमत्कार) नहीं कर सकती है। आज देश के अन्दर इतनी गरीबी है, जिसका कोई ठिकाना नहीं है, आज देश की इकोनोमी भी खराब है, आज जबकि वह अपने नौकरों को ठीक तनखाह नहीं दे सकते हैं, आज जबकि लोगों की इतनी आमदनी भी नहीं है कि वे पेट भर सकें, आज जब कि बहुत ज्यादा अनएम्प्लायमेंट (बेरोजगारी) है आज जबकि २० रुपये के करीब एक आदमी की आमदनी है, उस सूरत में इसका जिक्र करना कि इन सर्वैटस् को ही एडिक्वेट मींस आफ लाइवलीहुड मिले, और दूसरो का चाहे कुछ बने या न बने मैं समझता हूँ, वाजिब नहीं है, इरस्त नहीं है। आज इस हाउस के अन्दर इस बात का जिक्र करना कि इस बिल के जरिये से फडेमेंटल राइटस् खत्म हो गए हैं, मैं समझता हूँ, ठीक नहीं है और यह खयाल ही गलत है।

यहां पर इंडस्ट्रियल डिसप्युट्स एक्ट का जिक्र किया गया है। इस एक्ट के अन्दर अगर आप देखें तो आपको मालूम होगा कि बड़ी भारी पाबर्स गवर्नमेंट को मिली हुई है। अगर आप public utility service की तारीफ इंडस्ट्रियल डिसप्युट्स एक्ट (औद्योगिक विवाद अधिनियम) में देखें तो आपको मालूम ही जाएगा कि वह तकरीबन तकरीबन वही है, जो तारीफ कि इस एग्जाल सर्विनिस

मेंटेंस बिल में दी गई है। उसमें तो बड़ा तक लिखा गया है कि गवर्नमेंट जिस किसी चीज को भी चाहे पब्लिक यूटिलिटी सर्विस करार दे सकती है। यह पब्लिक यूटिलिटी की तारीफ में दिया हुआ है। ऐसी सूरत में क्या फर्क रह जाता है।

श्री स० ब० बिट्टल राव (सम्मन्) : जरा इंडस्ट्रियल डिसप्युट्स एक्ट में इसको देखिये तो।

पंडित ठाकुर दास भार्गव : मैंने देखा हुआ है। कहा यह जाता है कि स्ट्राइक करने की जो इस एक्ट में इजाजत थी, उसको ले लिया गया है। लेकिन इंडस्ट्रियल डिसप्युट्स एक्ट में क्या है? उसके तहत भी गवर्नमेंट यह कर सकती थी और उसका कुछ बिगड़ता नहीं था। जब भी नोटिस आया था उसी दिन वह ट्रिब्यूनल (न्यायाधिकरण) मुकर्रर कर सकती थी और अगले ही दिन यह कह सकती थी कि स्ट्राइक नहीं हो सकती। इसके अन्दर आप देखें कि इस बात का प्राविजन मौजूद है और गवर्नमेंट को इस का अल्टिमियर हासिल है कि बावजूद ट्रिब्यूनल मुकर्रर करने के वह अगले दिन यह डिक्लेयर कर सकती है कि the strike cannot continue, it shall become illegal. बरूए दफा १०(३) व दफा २४(ii) [10 (3) & 24 (ii)] (Interruptions)

पंडित ठाकुर दास भार्गव जरा सब से सुनिये आपको सब मालूम हो जायगा।

Mr. Deputy-Speaker: He might address the Chair and the House as a whole, and perhaps they would also be listening to that part which comes to their share.

पंडित ठाकुर दास भार्गव मैं अर्ज कर रहा था कि इसके अन्दर जो प्राविजस मौजूद हैं उनमें ट्रिब्यूनल मुकर्रर करना भी

बकरी नहीं है। मुझका हो दफा १० (१) का दुसरा प्रोवाइसो। अगर आप इस सेवसन को मुनाहिजा फरमायेंगे तो पाये ट्रिब्युनल मुकरर करने के साथ साथ ही सारी स्ट्राइक को ही इललीगल करार दे दे। गवर्नमेंट के पास बहुत पावर्स है लेकिन वह डाइरेक्टली यहां पर इस बिल को लेकर आई और इस तरह सारे देश को इस बातकी इतिला दी है कि मुल्क और कम्युनिटी के ऊपर क्या क्राइसस है और क्या इमरजेन्सी है और वह देश को बतला रही है कि उसके सामने क्या संकट उपस्थित है बरला अगर वह चाहती तो उसके पास बहुत पावर्स थीं और वह यह स्ट्रेट कोर्स न एडाप्ट करके एमरजेन्सी डिक्लेयर करके इस सिबुएशन को नीट कर सकती थी।

अब मैं अर्ज करूंगा कि मेरे दोस्तों को क्या शिकायत है। अगर एक धादमी स्ट्राइक करे तो जुर्म नहीं बनता लेकिन जब एक से ज्यादा धादमी मिल कर उसको करे तो वह जुर्म बन जाता है। सेक्शन १२० आई० पी० सी० में गैर कानूनी कामों के करने के वास्ते जो कौंसपिरेसी होती है वह जुर्म होता है। बीगल एक्ट्स के वास्ते इललीगल मींस के इस्तेमाल से क्रिमिनल कौंसपिरेसी हो जाती है। आखिर मंशा क्या है, आज सारा पी० एड टी० डिपार्टमेंट काम करना बंद कर देती है, कल टेलीफोन वाले हड़ताल करने का नोटिस दे देते हैं, परसो इनकमटैक्स के मुलाजिम स्ट्राइक का नोटिस दे देते हैं, इसके अगले रोज पुलिस वाले हड़ताल का नोटिस दे देते हैं और फिर हमारी फौज वाले भी स्ट्राइक का नोटिस दे देते हैं, तो इस तरह तो सारे देश भर का काम ठप हो जायगा, तो इस खराब हवा का रोकना जाना बहुत जरूरी है और अगर गवर्नमेंट उन फोर्स को जो बाहर से उनको इन तरह की मिसचिफ के लिए इसाइट करती है, कंट्रोल करना चाहती है और उनको उस फेल के करने से रोकना चाहती है तो मैं नहीं समझता कि

इसमें वह कौन सी गलत बात कर रहे हैं।

इंडस्ट्रियल डिस्प्यूट्स और गवर्नमेंट की जो एसोशियल सर्विसेज हूँउनमें फर्क है। इंडस्ट्रियल डिस्प्यूट्स में आम तौर पर प्राइवेट धादमी एम्पलायरर्स होते हैं लेकिन यहां पर गवर्नमेंट एम्पलायर है और दूसरे पब्लिक सर्विसेज में जो लोग काम कर रहे हैं असलन् कास्टेबुल, पटवाी या तार बाबू और डाकलाने का बाबू, यह लोग बैसे तो पब्लिक सर्वैट्स है लेकिन हकीकत में मास्टर्स बने हुए हैं और इस बात को कौन नहीं जानता कि प्रसल में मुल्क के अन्दर सारे पब्लिक सर्वैट्स मास्टर्स है। आज मास्टर और मास्टर्स के के दरमियान लड़ाई हो रही है। अगर यही पी० एड० टी० या टेलीफोन के कर्मचारी धामी या नेवी में होते तो उनकी वह स्ट्राइक का नोटिस देने की कार्यवाही म्युटिनी समझी जाती, अगर पुलिस डिपार्टमेंट में होते तो ऐसा करने पर उनके साथ और तरह की डिपार्टमेंटल कार्यवाही की जाती। आखिर मिलेटरी डिपार्टमेंट और पुलिस डिपार्टमेंट की तरह यह पी० एड टी० और टेलीफोन आदि वाले भी तो गवर्नमेंट सर्वैट्स हैं। जब दोनों गवर्नमेंट के एक समान अंग हैं तो फिर इस तरह का फर्क कैसा।

Shri T. B. Vittal Rao: In the Industrial Disputes Act, there is no prohibition of strike.

Mr. Deputy-Speaker: The hon. Member is trying to convince only one section and he may not succeed there.

वंडित डाक्टर दास मार्गब जनाबबाला मुलाहिजा फरमायेंगे कि वर्कमेन की जो तारीफ इंडस्ट्रियल डिस्प्यूट्स ऐक्ट में दी हुई है, उन चन्द एक मलाजेज को इसमें निकाला हुआ है लेकिन उसके साथ ही मैं अदब से अर्ज करना चाहता हूँ कि ३११ आर्टिकल (Article) आखिर किस के वास्ते

[पंडित ठाकुर दास भागव]

बनाई हुई है, यह पब्लिक सर्वेंट के वास्ते बनाई हुई है। दफा १९७ सी० आर० पीसी में गवर्नमेंट सर्वेंट्स को बड़ी छूट दी हुई है। यह कोई ही बयान दे आये इन पर उसके लिए कोई मुकद्दमा नहीं चल सकता और इनका कोई कुछ नहीं बिगाड़ सकता जब तक सरकार इजाजत न दे।

इसके आगे चलिये। आप देखेंगे कि रेलवे विभाग ने रेलवे ट्रैक और प्रापरटी आदि की सुरक्षा के लिये अपनी अलग पुलिस भरती कर ली और उसके मुताल्लिक अभी चन्द ही दिन हुए हमने यहां पर एक बिल पास किया है। यहां पर भ्रांस जैसा सिस्टम तो नहीं है कि जहां पर हर एक पब्लिक प्रोफीशियलज की क्लास ही अलहिदा है लेकिन सब जानते हैं कि जहां तक हमारे मुल्क के पब्लिक सर्वेंट्स का ताल्लुक है पब्लिक सर्वेंट्स और ए क्लास ब ई देमसेलवस् (are a class by themselves) (स्वयं एक श्रेणी है) यह कहना कि और प्राइवेट कर्मचारियों की तरह उनमें और गवर्नमेंट में एम्पलायर और एम्पलाई का सम्बन्ध है, गलत है। पेड लेबरर्स को हम देखते हैं कि उनकी नौकरी की कोई सिक्युरिटी नहीं है और आज उनको काम मिल रहा है तो कल उनको जवाब दे दिया जाता है और वे भाड़े पर काम करने वाले होते हैं लेकिन गवर्नमेंट सर्वेंट के साथ यह बात नहीं है। उसको सर्विस में सिक्युरिटी रहती है और जहां उसको पेंशन प्रोव्यूएटी वगैरह की सहूलियत रहती है वहां उसकी स्टेट और पब्लिक के लिए ड्यूटी भी रहती है। गवर्नमेंट सर्वेंट्स जैसा कि होम मिनिस्टर साहब ने ठीक ही फरमाया एक मरसेनरी एम्पलाई नहीं है और वह सरकार, देश और जनता के प्रति एक ड्यूटी को करता है। एक गवर्नमेंट सर्वेंट से यह तवक्को नहीं रक्खी जाती कि वह इस तरह गैर जिम्मेदाराना

तौर पर बिहेव करे और एक ऐसी क्राइसिस पैदा कर दे जिससे तमाम मुल्क का काम ठप्प हो जाय। कलकत्ते के अन्दर कोई आफत मची हो और यहां तार से उसकी खबर न आ सके, किसी का रिस्तेदार मर रहा है और उसको चिट्ठी न पहुंच सके, इस तरह से तमाम लोगों की लाइफ को डिस्टर्ब कर देना और इस तरह से गवर्नमेंट को पैरेलाइज कर देना, अगर इस तरह की हरकत हमारे गुमराह गवर्नमेंट सर्वेंट्स करते हैं तो सरकार का फर्ज हो जाता है कि वह आगे बढ़ कर इस क्राइसिस का मुकाबला करे और उनको इस तरह की बेवजा हरकतों के करने से रोके। अगर इन को न रोका गया तो इस तरह तो सारी गवर्नमेंट ही खत्म हो जाती है और देश का तमाम कामकाज और नार्मल लाइफ खत्म हो जाती है। ऐसी हालत में मैं तो गवर्नमेंट को यही कह सकता हूं कि अगर फंडामेंटल राइट भी उनको स्ट्राइक करने का हो तो भी गवर्नमेंट आर्टिकल ३५२ के मातहत मुल्क में स्टेट आफ अमरजेंसी डिक्लेयर करके उन फंडामेंटल राइट्स को खत्म कर दे।

16 hrs.

हमारे दोस्त डांगे साहब या श्री नाथ पाई ने कहा कि यह सरकारी कर्मचारियों के फुड और हंगर का मामला है और बिल्कुल सीधी सी बात है, मैं ऐसा नहीं समझता कि यह मामला इतना सीधा है जितना कि उन्होंने हमको बतलाया है। जहां तक गवर्नमेंट का ताल्लुक है उसने पे कमिशन मुकर्रर कर दिया है जो कि गवर्नमेंट सर्विसेज के बारे में सब चीजों पर तफसील से विचार करेगा और उसमें गवर्नमेंट के आदमी नहीं हैं जो इस बात का अदेशा हो कि वे गवर्नमेंट सर्वेंट्स के इंटरैस्ट्स (हितों) के खिलाफ जायेंगे। मैं अदब से अर्ज करना चाहता हूं कि गवर्नमेंट ने पे कमिशन मुकर्रर करके वह काम कर दिया जो कि गवर्नमेंट को करना चाहिये था।

गवर्नमेंट ने इस चीज में अपनी प्रेस्टिज या जिद का कतई खयाल नहीं रखा और मुनासिब तो यही था कि गवर्नमेंट के इस स्टेप का और मुकदम किया जाता और कम से कम उसके फैसले का इंतजार किया जाता।

अब जहाँ तक फौरी इमवाद दिये जाने का ताल्लुक है तो होम मिनिस्टर साहब ने जो यह फरमाया कि अगर १५, २० रुपये की भी सरकारी मुलाजिमों की तनस्वाहों में बड़होती की गई तो गवर्नमेंट पर १०० करोड़ रुपये का एडीशनल बोझा पड़ेगा, मेरा तो कलेजा यह सून कर भूह को धाता है कि इतना जर्बंदस्त बोझा हमारे मुल्क और सरकार पर पड़ेगा। इसके अलावा इस का एक दूसरा पहलू भी है। सेंट्रल गवर्नमेंट सर्वेंट्स के अलावा राज्य सरकारों के कर्मचारी भी हैं और अगर अकेले सेंट्रल सर्विसेज की तनस्वाहें बढ़ा दी जाती हैं और उनकी तनस्वाहें जो पहले से ही कम हैं नहीं बढ़ाई जाती हैं तो ऐसा करना उनके साथ नाइसाफी होगी। अब मैं आपको बतलाऊँ कि मेरी कोठी के अन्दर इनकमटैक्स डिपार्टमेंट में जो भंगी काम करता है उसको तो ६५ रुपये या ८५ रुपये महीने मिलते हैं और जो स्टेट वाला भंगी है उसको उसके मुकाबले बहुत थोड़ी तनस्वाह मिलती है हालांकि दोनों का एक ही काम है। नेचर आफ वर्क एक हो और सिर्फ इस वजह से कि वह सेंटर का है और वह स्टेट का मुलाजिम है, इस तरह का तनस्वाह में भेदभाव बर्ता जाना कुछ मुनासिब नहीं जचता। सेंटर के पब्लिक एम्पलाईज की तनस्वाह में १५।२० रुपये की बड़होती करने का मतलब यह होगा कि १०० करोड़ रुपये का एडीशनल बोझा हमारे मुल्क के बजट पर पड़ेगा। अनाज बाधा, जिस आदमी की सालाना आमदनी १०८ रुपये है उसकी बेहतरी के लिये, उसको पिन्डा रखने के लिये, उसको इम्प्लायमेंट देने के लिये यह फाइव इयर प्लान कायी गयी है। ऐसे वकत में गवर्न-

मेंट को फेरलाइज करने की कोशिश की जा रही है। शायद मेरे लायक दोस्तों का मसाला यह नहीं होगा लेकिन मेरे उन की खिदमत में भर्ज कसंगा कि शायद वह वह नहीं देखते कि इस चीज का क्या फसर होगा। अगर गवर्नमेंट ने इन लोगों को पैम्पर किया तो गवर्नमेंट की और मान-प्रोफिशियस की अलाहिदा अलाहिदा क्लास हो जायेगा हम कहेंगे कि गवर्नमेंट और उसके आदमियों के लिये ही हिन्दुस्तान बना है, हमारे लिये नहीं बना है। मुझे आप एक भी ऐसा गवर्नमेंट सरवेंट बतलाइये जिसकी हालत एक मामूली मैन इन दी स्ट्रीट (सामान्य व्यक्ति) की हालत से ज्यादा अच्छी न हो जो उससे ज्यादा अच्छा न खाता हो, ज्यादा अच्छा न पहनता हो और ज्यादा अच्छे मकान में न रहता हो। अब जब कि सिर्फ दो चार वर्ष की बात है, तब ये लोग गवर्नमेंट से अपना पाऊँड आफ फूँड लेना चाहते हैं। मैं जानता हूँ कि सब चीजों की कीमतें बढ़ गयी हैं लेकिन क्या ये सिर्फ पब्लिक सरवेंट के लिये ही बढ़ी हैं। श्री कृष्णामाचारी ने उस आदमी तक का कपड़ा महंगा कर दिया जिसकी सालाना आमदनी १०८ रुपये हैं। जहाँ तक खुराक का खवाल है मैं डांगे साहब से इतिफाक करता हूँ कि इस मामले में हमारे यहाँ मिसमैनेजमेंट है। वेजेंज का तरीका ठीक नहीं है। इस साल देश में इतना अनाज पैदा हुआ है कि हरगिज हरगिज आइसिस नहीं होना चाहिये था। मुझे यकीन है कि देश के अन्दर अनाज की कमी नहीं है। लेकिन कुछ लोगों ने अनाज होर्ड कर रखा है। गवर्नमेंट कहां तक जा जा कर देखे। अभी हमारे यहाँ ग्राइस पालिसी ठीक नहीं है। जिस देश में इतनी गुरबत है वहाँ यह कहा जाता है कि सब की तनस्वाह बढ़ा दो। मैं चाहता हूँ कि इस अर्थ में ऐसे कदम नहीं उठाये जाने चाहिये कि आप गवर्नमेंट के हाथ बाँच दें। यह नहीं कहना चाहिये कि हमको इतना दो नहीं तो हम जाते हैं। मैं डांगे

[वंदित डाकुर दास भार्गव]

साहब की बात सुन कर खंग रह गया । मैं जानता हूँ कि वे जो फरमाते हैं अपने दिल से फरमाते हैं । लेकिन जो कुछ डांगे साहब कहते हैं उसको अगर सारे कम्युनिस्ट भाई भ्रमल में सार्वे तो मैं कहूँगा कि डांगे साहब में और गवर्नमेंट में कोई फर्क नहीं है । उन की भी जगह उसी तरह होनी चाहिये ।

एक जाननीय सचस्य : हो जायेगी ।

वंदित डाकुर दास भार्गव : हो जायेगी, अगर वे जो कुछ डांगे साहब ने कहा उस पर भ्रमल करे लेकिन मैं क्या देखता हूँ । जहाँ कहीं भी झगड़ा होता है या फाइसिल पैदा होने वाला होता है, वहाँ सब से पहले हमारे कम्युनिस्ट भाई पहुँचते हैं । मैं कम्युनिस्टों के बखिलाफ कुछ नहीं कहना चाहता क्योंकि उनके कुछ उसूल मुझे बहुत पसन्द हैं । लेकिन टाहम में जो एपीडेंस देखता हूँ वह दूसरी ही है । मैं डांगे साहब की इस बात से इतिफाक करता हूँ कि हर एक पब्लिक सरवेंट को इतनी चीज मिले जोकि उसके लिये जरूरी हो । मैं यह एक मिनट के लिये भी नहीं चाहता कि हमारे पब्लिक सरवेंट को तकलीफ रहे । लेकिन मैं यह नहीं चाहता कि जब सारा देश सेन्सिफाइस (कुर्बानी) कर रहा हो तो वे अपना पाउंड ब्राफ फ्लैश माँगें । जनाब वाला, कमीशन बन जाने के बाद, मुझे उम्मीद है कि उनकी सारी शिकायते दूर हो जानी चाहिये ।

अब मैं इंटैरिम राहत के बारे में कुछ अर्ज करना चाहता हूँ । इसका बहुत जिक्र किया गया है । जनाब वाला जब जानते हैं कि जब कोई शक्स मुकदमा दायर करता है परमानेंट इंजंक्शन के वास्ते तो वह इंटैरिम इंजंक्शन के लिये भी दरखास्त दे देता है और अगर उसको इंटैरिम इंजंक्शन

मिल जाता है तो वह समझता है कि आधी सड़ाई तो जीत ली । जो फक्स इंटैरिम रिलीफ देगा उसने पहले यह मान लिया कि दर फ्रसल इस वकत जो बेचेक दी जा रही है बहुत कम है । हम गवर्नमेंट में रोजाना देखते हैं कि किसी की सरपकी होती है सन् १९५७ में लेकिन उसकी तनक्याह लगती है सन् १९५५ से । अगर यह सही बात है कि इन लोगों को इंटैरिम रिलीफ मिलना चाहिये तो कमीशन को यह सिफारिश करने का अस्तियार होया कि इनको सन् १९५७ की फलां सारीक से या ९ अगस्त से या १९५६ से या १९५५ से रिलीफ दिया जाये । लेकिन आज यह कहना कि पहले यह फैसला कर दो कि गवर्नमेंट की पालिसी गलत थी, मेरी राय में दुस्त नहीं है ।

मैं एक बात और अर्ज कर दू । मेरे एक लायक दोस्त ने फरमाया कि वे ब्लैकट पाबर्स मिलने के बाद "गवर्नमेंट विल भी मास्टर ब्राफ सिचुएशन" । लेकिन अब मैं सेक्शन ३ को पढ़ता हूँ तो देखता हूँ कि यह गवर्नमेंट के लिये पाबन्दी नहीं है कि वह सारी इंसेशियल सरविसेज को नोटोफाई करे । इस का यह मतलब है कि अगर सिर्फ तार वाले हड़ताल करते हैं और पोस्ट आफिस वाले और रेलवे वाले नहीं करते तो उन के खिलाफ यह कानून लागू नहीं किया जायेगा । मैं अर्ज करना चाहता हूँ कि अगर रीजनेबिल एटीम्पूड अस्तियार किया जाये तो इस कानून की जरूरत ही नहीं होगी । ये एक्स्ट्राआडिनरी किस्म की पाबर्स हैं, ये इंडस्ट्रियल डिस्प्यूट्स के तहत भी नहीं आती । अगर रीजनेबिल एटीम्पूड अस्तियार की गयी तो कोई वजह नहीं है कि इन पाबर्स को काम में लाया जाये । मुझे वह दिन याद है कि जब प्रॉवो-टव डिटेनशन बिल के समय सरकार पटेल - ने कहा था कि अगर गवर्नमेंट को यह पावर नहीं दी गयी तो न हम होंगे और न ब्राय होंगे । उस वकत हम ने एक दिन ने वह

कानून पास कर दिया था और वह आज भी स्टेट्यूट पर है। वह भ्रम में हार्म-लेस कानून है। जब वह हमारे सामने आता है तो हम देखते हैं कि उसके अन्दर ठीक नहीं है, उसको इस्तेमाल ही नहीं किया जाता। वह गवर्नमेंट की धारणी में एक अनयुक्त रूप की तरह पड़ा रहता है। लेकिन उस की जरूरत है। इसी तरह इस पावर की भी जरूरत है। होसकता है कि किसी शक्ति के विषय में यह बात आये कि वह गवर्नमेंट को परेलाइज कर दे तो उस शक्ति के लिये गवर्नमेंट के पास ये पावर्स होना जरूरी है। लेकिन बिला जरूरत गवर्नमेंट इसको यूज नहीं करेगी। मैं जाने साहब और नाथ पाई साहब की आवाज में अपनी आवाज मिलाता चाहता हूँ कि जहाँ तक हो इन पावर्स को यूज न किया जाये। मैं अब से अर्ज करना चाहता हूँ कि कोई गवर्नमेंट अपने आदमियों से झगड़ा करना नहीं चाहेगी। जैसा कि होम मिनिस्टर साहब फरमाते हैं, ये लोग तो गवर्नमेंट के अच्छे हैं और गवर्नमेंट को उन की बैलफेयर की फिक है, क्योंकि अगर वह सैटिसफाइड होंगे तो गवर्नमेंट का काम अच्छा चलेगा और अगर वह अनसैटिसफाइड होंगे तो विषयों पेस आवेंगी। अगर उन का रीजनेबिल एटीच्यूड रहा तो इन पावर्स को इस्तेमाल करने की जरूरत ही नहीं होगी मैं जानता हूँ कि गवर्नमेंट अपने सरवेंट्स से झगड़ा करना नहीं चाहती। पर मैं दूसरी साइड से भी अर्ज करना चाहता हूँ कि वे देश के इंटरैस्ट्स को देखें। आज दुनिया इस चीज को देखकर हँसती होगी कि इस देश के अपने ही आदमी देश की मुत्सलिफत कर रहे हैं। मैं पी० एन्ड टी० के बर्कर्स और आफिसर्स से बहुत अबद से अर्ज करूँगा कि उन का क्लेम दुस्त भी हो तो भी वे स्ट्राइक न करें क्योंकि ऐसा करने से लोग कहेंगे कि इस देश की पब्लिक सरवेंट ही गवर्नमेंट की मुत्सलिफत कर रहे हैं।

मैं एक बात और अर्ज करना चाहता हूँ और वह यह है कि अगर ऐसा भीका भा ही गया कि स्ट्राइक किया गया तो मैं हर शक्ति से जो कि इस मुल्क में रहता है, अपनी कसंगा कि वह इसकी मुत्सलिफत करे और इस को कामयाब न होने दे। मैं ने जनाब को दफा २३ पढ़ कर सुनायी और जनाब को और भी बफायें मालूम हैं जिन के मुताबिक हर एक, सिटीजन का यह फर्ज है कि अगर कोई गवर्नमेंट को परेलाइज करना चाहे तो उस कोशिश को सब भिल कर फेल कर दें। मैं चाहता हूँ कि किसी का स्ट्राइक फेम न हो। लेकिन अगर कोई ऐसी हानत पैदा कर दे कि लाइफ मुश्किल हो जाये और अगर कोई सारी सोसाइटी को रेंसम पर खाना चाहे तो सिर्फ यही चारा है कि उस स्ट्राइक को फेल किया जाये। आखिर ये कमीशन कितने दिनों में फैसला करेगा। अगर ये लोग रीजनेबिल रहेंगे तो इस पार्लियामेंट के मेम्बर उनके साथ होंगे, हम गवर्नमेंट के साथ नहीं होंगे। लेकिन अगर वह यह चाहते हैं कि गवर्नमेंट को मजबूर करा कर यह काम करवा लें तो मैं अब से अर्ज करूँगा कि हर एक आदमी का यह फर्ज है कि गवर्नमेंट की मदद करे और इस स्ट्राइक को फेल करने में मदद दे।

Shri Frank Anthony: Mr. Deputy-Speaker, Sir, I have tabled an amendment that this Bill be referred to a Select Committee which should report back by the 7th instant. I believe my amendment seeks to assist both the Government and the workers. I know not much time is given to report back, but I feel that this is a vital matter and it affects not only a section of workers, but it will affect the body of workers throughout the country.

I have also given notice of a series of amendments and the effect of them is to confine this Bill to the P. & T. workers, and I hope that Government will give consideration to my amendments, because I believe the amendments—they may be varied in Select

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Committee—will assist the Government and will help to establish industrial peace in this country.

I feel—I may be mistaken, but I have had not a little to do with railway workers for the best part of 20 years—I feel that if Government persists in this Bill in its present form, it will not only undermine but it will destroy Government's position with regard to industrial workers in this country. Worse than that, it will give unlimited grist to the Communist mill.

I feel that Government has got issues confused. It has not been able to get the priorities in correct order. Presumably, it is Government's case that the workers are pressing their demands in an unreasonable way, acting in an intransigent manner, and the Home Minister not only hinted but indicated very definitely that there is a pattern of engineering by the Communist Party in this country. If that is the Government's case, I cannot understand the attitude which Government has taken up. I know that because these issues are overlaid by the manipulation of a particular party which is not interested in the workers but is interested in power politics, we are losing sight of the issues.

I feel that the remedy—if Government wants to do justice to the workers; and Government's intention is to do justice to the workers—is, first of all, to get rid of this influence which tends to cloud the issue. I say this without any qualification that if Government's policies were clear, if Government's thinking in these matters was clear, if you say that there is a pattern of instigation, there is this concatenation of definite engineering, what is your first duty? To strike at the people who instigate and who engineer. Why is not Government banning the Communist Unions, banning the Communist Party? That is Government's first duty.

Shrimati Benu Chakravarty: Bring an amendment.

Shri Frank Anthony: It will have to be through a separate Bill.

If the Government was logical, if the Government was clear, that would be the irresistible conclusion to which it would come. The people who are instigating the workers, who get their issues, their real grievances mixed up with their power politics—get rid of them. Then we will be able to see the issues clearly and we will be able to win now the chaff from the grain.

What is happening? I have not the slightest doubt that the P. & T. people have very real grievances. But many of their grievances will not be redressed, many of their grievances will go by default. I blame the P. & T. workers for allowing their Unions to get into the influence of the Communists. They are to blame.

Shri Dange mentioned about the RMS people not getting leave. Why should not they get leave? Why should Government have not listened to these grievances for a period of two years? Today, because the P. & T. workers have allowed themselves to be stampeded by the Communists, their legitimate grievances will not be dealt with. That is my deep regret in this matter.

And today, the Government is to blame. If you want to deal with your workers, deal with their grievances. Shove off extraneous complications which are injected into the issues by the Communists. The first thing to do is to cut off the source of infection. What is the good of lopping your workers, lopping the limbs of your P. & T. people, people who have no ideological affiliations with the Communists? What was the good of your antagonising railway people, who by and large have nothing to do with the communists? So, I say, your first priority is to eliminate the communist

influence from the labour fields. But, Government is not prepared to do it. On the other hand, Government today dabbles with the communists; it almost flirts with them every now and then when anything is required, and when any encomium is to be produced by importing from the highest echelons of the Government. That is what is happening. There is confused thinking as a result of which you get these confused policies because you are not prepared to deal with first issues first.

I am not suggesting that the P. & T people have no grievances. My own fear is that the P & T Department is not dealing with their grievances properly. That is my fear. I have a long and bitter experience of the Railway Administration. Grievances which will not take one anna to redress, they will not redress. I have very little doubt that this sort of thing has happened in the P & T today because these communists have come in, because they have perverted the issues, because they are exploiting the P & T people for their own political purpose, seeking to paralyse the Government in the Administration, to hold the country to ransom. That is why, while I have asked this Bill should be confined, in the first instance, to the P & T people because we have the facts before us, I have also in my amendment said that Government must refer their grievances to some kind of Tribunal or arbitration. It is no good Government not dealing with the grievances. The Government must deal with the grievances of the workers. Once Government deals with the grievances of the workers, if it goes more than half way to meet them, then Government has every right to adopt the most draconian measures against the workers. That is why I feel, in this particular instance, we should take measures in this House *ad hoc*. We know what the set of circumstances are, more or less with the P. & T. The Home Minister has told us why they cannot give interim relief. I myself am inclined to accept the Home Minister's point of view.

In speaking on the resolution with regard to the Pay Commission, I expressed my doubts. I said: What is the good of the communists ranting, we would all like everybody to get Rs 150 a month, basic pay? Let us come down to realities. Let us not vitiate this by power politics. If Government is to give Rs 10 a month to each Central Government servant, it may come to Rs 100 crores. Where can we find this Rs 100 crores? You cannot give this. What I felt was that you should have a Pay Commission first of all to deal with anomalies, to deal with marginal adjustments before you attempt to undertake financial commitments which the country cannot carry. But, what are we doing here?

My objection to the Bill is this. Because of the threatened strike of the P & T, we are dragging in all manner of essential services, not only named, but unnamed, those that may be declared essential in future. Now, that is my objection to the Bill. What is Government asking us to do? As I said we know the position with regard to the P & T. You come to us, we apply our minds to it and we say, yes, we will give you the necessary powers to declare this strike illegal and take all necessary stringent measures against the P. & T. What are you asking us to do now? My hon friend, Pandit Thakur Das Bhargava said that this is perfectly harmless. What will Government do? I say with the greatest respect, when you give blanket totalitarian powers to any Government, the best intentioned Government in the world, we know what will happen. We know the maxim, and it is quite true today that power corrupts. You are giving absolute blanket powers to the Government in this Bill. I know what will happen.

With regard to the railway workers, what are you asking us to do? I am making an appeal to the Members of the Congress Party, to their individual consciences. I am not against giving the Government powers.

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with regard to the P & T strike. I say, if the men are intransigent, if they have been stampeded into this by communists, then they must carry sense to the communists. We know the circumstances of this strike and we must deal with that on an *ad hoc* basis. But, what are you asking us to do? You are asking every Member of this House to abdicate his duty to the country, you are asking us to abdicate every right recognised by the rule of law and democracy. What is the meaning of this Bill? To give blanket totalitarian powers to the Government in respect of essential services and unnamed services? That I am not prepared to give to Government.

To begin with, my friend says what are we doing? How is this different from the Industrial Disputes Act? It is different and different in a crucial respect. If Government is not prepared to have this only for the P & T, my friend, Shri Masani has given an amendment. If my friend says that there is no difference between this and the Industrial Disputes Act, then, I say, Government should accept Shri Masani's amendment because what is

Pandit Thakur Das Bhargava: I never said that there is no difference.

Shri Frank Anthony: All the difference is necessarily because Government has under the Industrial Disputes Act the power to prohibit a strike and to impose all the consequential penalties after a strike is banned. But there is an obligation on Government first to conciliate, first to consider the grievances of the workers, and that is what I want the Government to do. I want to be assured that wherever there are legitimate grievances, Government will refer them to a Tribunal. I do not want this measure to be used as a measure to scotch the legitimate demands of workers in this country. Once you pass this Bill, it will be used to scotch the demands of the workers in this

country. However legitimate their demands may be, they may make no sort of financial demands on Government, but Government will just invoke this to declare it illegal.

I was talking privately to my friend Pandit Thakur Das Bhargava and he said why should not apply it to the railwaymen, the Assistant Station Masters and Station Masters who have given notice of strike. I know they have. They have, probably because there is this pattern, this communist pattern of creating an agitational atmosphere in this country. The railway people are simple; they are honest, they are credulous and they get easily misled. But, will you prohibit the Station Masters going on strike without considering the merits of their case? I know their case; they are not wanting extra money. But given these blanket powers the Railway Board will say, ban this strike. I was asking that the anomaly which has crept in as a result of the mal-implementation of the Pay Commission report be rectified. They are not wanting extra money. But under the powers that you are giving you will never attend to these legitimate grievances. You will adopt the line of least resistance and you will ban the strike and you will want to send to jail people who are only asking for justice to be done.

Then, my hon friend has said that there is no denial of fundamental rights, and that we can go to the Supreme Court. I do not know what the Supreme Court would do. I am appealing to the conscience of the Member. You give the fundamental right to form associations and to form unions. What kind of fundamental right will that be? What is the implication of having a right so far as this formation of unions is concerned? Is it not the right to serve strike notices? It will be a meaningless fundamental right or a husky one if you say like my friend, Pandit Thakur Das Bhargava, that we are not preventing the formation of unions but

we are preventing the very discharge of the elementary and primary functions associated with the formation of unions. What is a Union meant for? To drink tea and coffee. That may be a function of Members of Parliament in the outside lobby. But that is not the function of a trade union. Its primary function is to bring pressure on the Government and bargain. What is the good of saying that we do not trammel or interfere with this fundamental right to form unions. Between the legislative enactment and the executive encroachments and the judicial erosion, what content is left in our much proclaimed Fundamental Rights? He is a lawyer and knows what content is there in article 14. There has been a progressive diminution of the application of article 14. What content is there in article 19 when there has been this progressive interpretation and restriction. I was surprised at my friend who is a lawyer saying that the Preventive Detention Act—what is it—innocuous thing.....

Pandit Thakur Das Bhargava: In operation.

Shri Frank Anthony: The pronouncements of the Supreme Court had rendered it something which could not be attacked. The first pronouncement of the Supreme Court—I think it was Atma Ram's case—Justice Mahajan found untenable and struck down the detention. The latest pronouncement is this. There may be several untenable rounds but if they do not enter into the subjective satisfaction of the executive, preventive detention will not be interfered with. There has been this gradual erosion of the content and meaning of the Fundamental Rights. That is why I do not say I will go to the Supreme Court to see whether this infringes article 19(c). I prefer to appeal to the conscience of the hon. Members. Is it not denial of the right to form unions?

My regret is this. People like my friend, Pandit Thakur Das Bhargava for whom I have the greatest respect

have come under the demoralising influence of this deadening of democratic consciousness in the country.

Shri Joachim Alva: We are a better democracy than UK and USA.

Shri Frank Anthony: My friend with his *ipsi dixit*s should be given a special pedestal not in this House but in some museum.... (Interruptions.)

Mr. Deputy-Speaker: Order, order. Perhaps the hon. Member has nothing to say.

Shri Frank Anthony: I have a great deal but these irrelevant interruptions unfortunately break my thought. He was asking where is the question of infringement of Fundamental Rights. He has also said that there is no question of any blanket power. What is going to be the effect of these powers given to the Government? I know what will be the effect and what will happen with regard to the railways.

The railways have a long evil tradition of a beauracatic organisation, unresponsive to the needs of the men. Today the needs of the railwaymen are treated with beauracatic indifference and contempt. With this measure what will happen? I do see that we have got a new Minister and I do not know whether we will be able to bring a breadth of fresh air into the railway administration. But, from the Railway Board down to the General Managers, they will use this power as a measure for victimisation of railwaymen and for terrorising them. There will be no attempt to address themselves to the legitimate grievances of our railwaymen. That is my fear that fear will materialise. The Bill will be abused and used as an instruments of oppression and terrorisation of railwaymen. That is why I plead to the Government. If you want to prevent strikes in the railways come to us when the railway misbehaves. You can deal with the help of these people. I hope the railwaymen will not be misled by the others. If they are misled, come to this House and justify a measure like

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this. But, why take this kind of power in advance and keep them in this state? What is going to happen? The communists will say this and that.

My friend, Shri Dange, is not here. I watched him speak. I have the greatest personal regard for him and for his powers as a debater. But, if I ever saw a parliamentary pandemonium, it was when Shri Dange was rehearsing his piece. People who support a system of repression and murder of democracy are being placed by the Government in a position where they are posing as the champions of democracy and the guardians of workers. It is an amazing thing but the Government has placed them in this ironical position by bringing the Bill.

Shri Dange's exercise in cynicism was made even more singular in that, he could not go to his fellow communist countries for any kind of democratic liberalisation; he has to quote what is happening in Britain, Japan and in USA to support the *bona fides* of the communists in India. That is quite amazing. Obviously he will have no support from his own communist countries. These poor misguided P. & T. people do not realise that the day that Shri Dange and his fellow citizens come in, they would not be able to give expression to their needs and if they did, they would be decapitated....

Shrimati Benu Chakravartty: They should make you President of the Union.

Shri Frank Anthony: They should. As a matter of fact, I was offered the Presidentship of a P. & T. Union and I know to what extent the communists have corroded and to what extent they would take shelter behind my broad shoulders. That is why I refused it.... (interruptions.)

Some friends have said that only the workers are to blame. I do not say so. Is not there some obligation

on the part of the Government? The Government says that it cannot give them any more money. Then, is it not the obligation on the part of the Government to frame its policies in such a way that at least the burden will be kept down to the minimum? What has happened? I have said in this House that the food policy is misconceived. When I say so, I get a blunt reply. What is wrong with it, they ask? Eighty per cent of the people are agriculturists and they are benefited by a small rise in prices. So, the price of foodgrains has gone up as there was no specific policy pegging their prices. The result is the urban worker, industrial worker, represented by the P. & T. and the railway departments are hit hard not only by Shri A. P. Jain but by his senior colleague, TTK. Fiscal policies of the Government have added to this. We were promised marginal increases as a result of excise duties. These are not marginal increases. Government has an obligation to see that prices in this country are not going up in spiral. When you do that, you will be in a position to justify in saying the workers: you must practise some kind of a self-denying ordinance in this matter. This sense of obligation of pegging price, of keeping in check the inflationary spiral that has been released by many misconceived fiscal policies. Then, I will join Pandit Thakur Das Bhargava in making an appeal to the industrial workers that for the period of the Second Five Year Plan they should not demand any kind of increase in wages.

Mr. Deputy-Speaker: I have to submit one thing. This House has fixed six hours for the general discussion. We began at 12-00 and we must conclude at 18-00. At 17-00 hours I shall call the hon. Minister for reply.

Dr. Krishnaswami (Chingleput): We began at 12-45. The Minister started speaking at 12-45.

Mr. Deputy-Speaker: The objections and other things that were raised also relate to this Bill.

Pandit Thakur Das Bhargava: We took up this Bill at 12-10.

Shrimati Renu Chakravarty: The first reading was to be given six hours. The first reading started at 12-45 and, therefore, six hours must be given from that.

Mr. Deputy-Speaker: What about the time we took in discussing points of order and other things relating to the Bill. That also has to be included in this. I will have no objection in giving a little more time for the general discussion, but the overall limit cannot be increased, because it has been fixed by the House itself. Those six hours for the general discussion also have been approved by this House.

Pandit G. B. Pant: If the Members are so anxious, you may give them another half an hour and call me to reply at 17-30.

Mr. Deputy-Speaker: We will see what can be done.

Shrimati Ha Falchowdhuri (Nabadwip): Mr. Deputy-Speaker, Sir, I will not waste any more time in other discussions about the time for discussion and all that, and I shall go straight to the point about this Bill.

This Bill has been brought in an atmosphere where there is a certain tension in the country, and when my friend opposite, Shri Nath Pai, said that this shows the panicky nature of the Government, I would rather put it the other way, it is to prevent panick in the country that a Bill like this has been necessitated.

I do not think that anybody is happy about this Bill, because it leads to all sorts of reactions that nobody wants. The bringing of this Bill will not do away with the causes that caused this strike. When this Bill is passed it will give a weapon in the hands of the Government to keep order and the community in safety. Perhaps, it will give in the hands of the Government some means of putting down strikes that may occur. But, at the same time, the Government will have to use this Bill very judiciously.

In this connection I want to point out that there are disparities in the Pay Commission that you have brought about. It does not apply to all classes of employees but only to the Central Government employees, to two million employees. What about the 40 million people who are suffering today? I think a Pay Commission only to go into certain sections of the people is not enough. There should be a National Pay Commission to go into every kind of service in the Government, in the States and in every kind of semi-government organisations. Even to this day in the semi-government organisations, in local bodies such as municipalities in States and small district towns, there are people in the conservancy services getting Rs. 6 a month as their pay. Can you beat it? Can anybody exist on this pay.

Hence the atmosphere of strike is ripe when things like this are a fact. I do not say that the Bill should not be brought. But the atmosphere must be changed. By bringing a Bill we can, perhaps, to a certain extent bring legislation. But, we cannot alter the atmosphere unless the Government is there to alter it for the good of all. I will certainly plead for Government to avoid strikes in future. You may be able to avoid it by passing this Bill, because people in essential services will have a feeling that if they strike they will be put in prison. But, how can you put in prison the mentality, the sense of frustration of the workers when things that are really necessary are not given? You will have to see that this mentality is corrected.

I am not opposed to the Bill. I wish that the Bill should be there but, at the same time, this atmosphere that leads to this feeling of strikes must be corrected by Government after this Bill is passed. Although it will be passed, as Shri Nath Pai said, because you have a great majority in this House, it must also be remembered that this great majority

[Shrimati Ila Palchoudhuri]

ty has been won after free elections, and we do represent the people. Undoubtedly, there is a great majority but that great majority will have to use this Bill with a great deal of caution.

The P. & T. workers, at least to my knowledge, brought their grievances to the notice of the Central Government in December, 1956 and until June, 1957 there was not very much done about it. When grievances are brought to the notice of Government, let them be redressed quickly, let negotiations go on as far as possible, as soon as possible with the people. As our Prime Minister has said, let there be no glaring across the table, and let there be the spirit of co-operation.

There were 30 demands of the P. & T. workers. I was for some time connected with the P. & T. Union, although I do not represent them any more to the extent I did, but I know some of their grievances and some are very legitimate grievances. There may be some political colouring, I do not want to commit myself on that, but at the same time some of their grievances have been legitimate grievances. I have myself gone to the Ministers and sometimes they have been redressed. Out of the 30 demands of the P. & T. employees many have been redressed and I think it has come down to six or even five about which they are much concerned. Could not something be done to come to some sort of a negotiation to remove this feeling from their minds?

Although you may avert the strike by this Bill, how can you change their mind? Let negotiations go on till the last minute, so that they can be satisfied. I have brought in one or two amendments to the Bill. As the clauses come up I shall put them up to the Minister. I hope that the Minister will certainly take into account my amendment to the clause on page 3 of the Bill where you have given powers to any police officer to arrest

without a warrant anybody that he suspects. If my amendment be accepted, it will lead to better feeling. Otherwise that clause smacks of storm-troopers! It should certainly be an officer not below the rank of a police sub-inspector or assistant police sub-inspector.

You have taken up this Bill in the spirit of negotiate for peace but keep your powder dry! By all means keep your powder dry, but do not use it uselessly. Negotiate for peace all the time. When there are cases of strikes imminent, or frustration imminent, then set your machinery afoot so that you can prevent things happening. If a petrol pump is likely to be attacked, cordon off that area. If stores are likely to be attacked, cordon off that area so that the stores are not attacked; and you do not have to resort to unnecessary firing.

Therefore, I appeal to you, when you have got your powder dry and you are negotiating for peace, use it with the utmost sympathy and judiciousness. This Bill will go a long way in helping us to carry on with our Five Year Plan, because unless we have peace, unless we have the actual co-operation of the workers, we won't be able to go through with our Plan. At the same time, if this Plan is going to over-ride us, if the Plan is too heavy that there is no food, no clothing for the people, that plan, in whatever way you may like to put it, phase it, review it, whatever you do must be done. There must be a certain amount of money to give the absolute necessities of life, so that even in spite of this Bill the people may not feel frustrated, downtrodden and have feelings against the Government, and they will feel that they are being carried with the Plan and they get the things on which they have a legitimate right. I hope that right will not be taken away from them, and that they will be free to come to the Government and place their demands and Government will find ways and means to meet those justifiable demands.

Shri Narayanankutty Menon: Mr. Deputy-Speaker, In the beginning I am constrained to draw the attention of the House to a very significant and important phenomenon in that if we had a look into the Treasury Benches this morning, when the Bill was taken up for consideration, there was a distinct absence of the Minister of Labour who ought to have been there when such a legislation which takes away the rights of about three million employees is being discussed in this House. In effect, this Bill is not one which is to maintain the essential supplies of this country but this Bill is one which takes away the right of three million employees who have already been covered under the Industrial Disputes Act. The Industrial Disputes Act which has been passed as a labour legislation in this country under which the working classes of this country have been given certain rights under the auspices of the Labour Minister and piloted by the Labour Minister of this Government, who should theoretically ought to be the custodian of the rights of the working classes now, and the Labour Minister has abdicated intentionally his functions to the Ministry of Home Affairs, the latter having taken charge of the Labour problems of this country. The absence of the Labour Minister exposes to the people of this country and this House the fate of the working classes which now rests in the hands of the Police Minister.

In the objects and reasons of this Bill, it has been stated that the main and important demand of the posts and telegraph's employees have been conceded and after the concession has been made of the most important demand of the posts and telegraphs employees and other employees, their going on strike is so unreasonable. Are these people so impertinent? Have these people become so unpat-
 iotic? Have these 1½ million employees become unreasonable and have they refused to abide by the recommendations of the Government? Why do they still want to strike? When

such things come from the mouth of the Home Minister, when this is put to the people of this country that when the main demands of the workers have been conceded, still, the workers persist in going on strike, certainly the people are asked to believe, to devour, that the workers are unreasonable and are against the country.

What are the main demands? To put them in a nutshell, it was first the appointment of a Pay Commission to revise the wages that have been fixed ten years back. Along with the strike notice, seven most important demands were also given, the first being the demand that has been pending for 15 years of 80,000 extra-departmental staff of the posts and telegraphs department which my hon. friend who has just spoken, putting things very well, referred to, and another being the question of the interim relief which has been already decided upon first by the Government. Regarding interim relief, the Home Minister said this morning that it is impossible for us to give interim relief, and the hon. Minister of Transport and Communications said the other day in the radio interview that it may be left to the Pay Commission to decide whether an interim relief is necessary or not. Whatever might be the merits of this question, whether the question of interim relief could be decided, discussed and debated is also a question to be considered.

Ten years back, the Pay Commission was appointed and it went into all questions relating to the subject and made certain recommendations, and it was the Government on the other side who refused to implement the recommendations of that quasi-judicial body. The workers of the posts and telegraphs department and those who were affected by the recommendations of the first Pay Commission wanted for ten long years to get a decision of that semi-judicial body to be implemented and if they now ask to get it implemented, namely, that part of the interim relief regarding dearness allowance, is it too much? Is it unreasonable?

[Shri Narayanankutty Menon]

The Home Minister comes and tells us after that decision was placed before him ten years back, that it is an unreasonable demand and that the Government could not meet it Which is unreasonable? It is for you to decide. It is for this House to decide. It is for the people to decide it. When the Government have shown intransigence, after announcing the Pay Commission, not to negotiate the remaining demands, the remaining demands themselves being so important, how can the Home Minister tell the House that the main demands of these workmen have been conceded?

After the announcement of the Pay Commission, from both sides it has been made distinctly clear that by means of negotiations a settlement could be reached and whatever might have happened in the past, could be written off and a new and cordial atmosphere could be had and developed in this country. Everybody in this country was looking eagerly to avert the calamity I was looking for that negotiation to continue, but as a bomb-shell came on Saturday morning this Bill that has been brought up here, and I have to ask before this House whether the provisions of the Bill in anyway mark a helpful atmosphere for negotiations to continue

By means of this Bill the Home Minister has openly declared that we are not standing for a negotiated settlement, that we are not standing for an amicable settlement, but we are standing to meet the challenge of the strike. The challenge is not from the workmen; the challenge is not from the posts and telegraphs employees, because they demand, they beg, only their share which they ought to have got ten years back, the challenge is from the other side, who say that, determined as they are to refuse this demand, "we are determined to see that a Bill is passed so

that all your demands are buried in this Bill".

Coming to the provisions of the Bill, I should like to say a few words. When the Industrial Disputes Act is there, the Government could have very well declared the strike of the posts and telegraphs employees illegal by issuing a notification including the posts and telegraphs employees and the rest and so forth, that those services are essential. Why should the Home Minister come before this House if similar provisions are incorporated in a different Bill? The meaning is simple. It is clear because, under the Industrial Disputes Act, if the Government wishes to declare the strike illegal, there is an obligation on the part of Government to refer the dispute to a tribunal and then only, the strike would be declared illegal. So, it has been made clear that the Government does not want to have a settlement and does not want to refer the dispute to the tribunal and at the same time say, "most of the demands are met and therefore we are going to declare the strike illegal" and so all those powers are taken

Under the pretext and cover of meeting a national emergency which today really does not exist, under the cover of a major national emergency, that has been fostered up and fomented up because of the action from the other side, this Bill has come up. Not only that. By the emergency that has been shown by this Bill before this House, the express rights of the workers are going to be taken away. I pointed out this morning clause (vii) and said what might be the technical implications of it. By that Government seek to arm themselves with power to declare certain industries as essential industries, certain strikes as illegal strikes, etc. What really happens is that the Government wants to take away all power to declare all industries in this country as essential industries and to declare

strikes as illegal. So, in a sense, the attempt is not to settle the problem of the posts and telegraphs employees. It is not an effort to honestly settle this problem that is before the Government, because it is left to the Government without satisfying any principle, without even conceding the demands on the spot, to take powers unto themselves.

The only question is, let a third party, an independent party, decide about this dispute. Whatever might be said about the economics of this demand, the economic implications on the country and its finances, is it for the prosecutor to say that this is the demand and this is the result of what has been going on? What has been demanded is justice, justice by a third party and if the Government says "no, we are the prosecutors and we want to decide," certainly that is not justice to the employees.

An hon. Member—unfortunately he is not here now—spoke in the first half of his speech about the contents and the implications of this Bill on the working classes of this country. Because of his affinity to those classes, many things have been put forward by the hon. Member.

But unfortunately, in the latter part of his speech, he made certain insinuations. We are not surprised at those insinuations, because they came from the real root of the hon. Member. The hon. Member spoke of the leader of the communist group referring to England and America and quoting real instances. He was really forgetting himself the real problems of the workers, with whom at present he has no contacts. The past he has disclosed. While he was speaking quoting instances of different countries to refute the arguments placed in support of the Bill, against the demand of the P. & T. employees, certainly that is an argument to meet the Government.

17 hrs.

Finally, I appeal that the difference of opinion between these employees

who are going on strike on the 8th August and the Government, which is the employer, is very very narrow. On this historic occasion, when the Government is taking this power, when the Home Minister takes the power to declare strikes illegal and decide the destiny of the working class in the country, I appeal that every decision taken under this Bill shall be remembered by the workers in the country. I wish to remind him of what he said a month back. He said that the INTUC is a responsible organisation, which looks after the interests of the working class. I remind him that the President of the INTUC, Mr. Vasavada, about a month back in the Indian labour conference shouted that the P. & T. employees should get a wage board and these things should be referred to the tribunal. When today the Home Minister's own partymen in the State of Kerala are picketing the gates of the secretariat in order to solve the unemployment problem within a week's time, is it right for that party to say that this demand, which has been decided by a tribunal ten years back, is so unreasonable, that the country's economy will suffer because of that?

I will conclude by appealing to the Government once again that whatever might be the difference of opinion between ourselves, or between the different workers' organisations, let him listen to his own organisation and let the demand of the working class be conceded; let an amicable settlement be reached and let not this black Bill remain on the statute-book.

Shri Dasappa (Bangalore): Mr. Deputy-Speaker, I rise to support the Bill that has been placed before the House. Last time when the debate on the resolution with regard to the appointment of a pay commission was carried on, I said that the leaders of one important group did not choose to answer the points that were raised, but went away at a tangent and dealt

[Shri Dasappa]

with the wage rise, higher prices and so on.

The question is one of finance. We have to get the finance. Shri Dange said then that it is a matter which can be easily settled by the hon. Finance Minister; if only he makes up his mind, he can certainly get the finance. Today, he has made a brighter contribution to that vexed problem. He said, why not take the Rs. 400 crores which are there as sterling balances and distribute it among the employees? That is a thing which the House should consider; it should consider whether in trying to make out a case against the Bill, there is an evident desire to be responsible and make any constructive suggestions.

Today the hon. Home Minister referred to the need for sacrifices from all sections of the people in the country. We have had occasion to refer to the austerity level of expenditure and economy in Great Britain at a time when things were very bad, after the last war. What is the answer of Mr. Dange or those who think like him? They have conveniently ignored that aspect altogether; they have not chosen to deal with that at all. The hon. Home Minister gave some very striking figures as to the financial implications of any increase in the salaries; not that he would be against revising the salaries suited to the circumstances here, but that was a matter which the people, responsible Members of this House, should bear in mind, when trying to urge for a revision of salaries. In the terms of reference to the pay commission itself, it has been made clear that all these aspects have to be considered before one can think of giving relief, either permanent or interim. If immediately the Government is unable to give any interim relief, it is not because they are not anxious to do it, not because they do not realise the fact that the real wages have today decreased from what they were before.

When we come to the question of real wages, it is not of merely the Government employees—class III or class IV—but it affects the entire nation. Even the higher officers, class I and class II officers, have been affected; all the people have been affected. Whether they are agricultural people or industrial people, all are affected seriously by these decreasing real wages. What is the solution which our friends have and why is it that they think only in terms of the Government employees? That is a thing which has an explanation of its own. On the other hand, the hon. Home Minister said that the wages of the higher posts have been fixed; there is no question of increasing their wages. I think that is also a point which the opposition has got to take note of.

Hon. Shri Dange seemed to play pun on the word "servant" used by the hon. Home Minister, as if that is the big weapon in his armoury. That is merely an official expression; you say, "your most obedient servant". It does not mean that everybody else is a big master. To advance a thing like that seriously as a criticism is extremely funny.

I think Shri Dange has been answered sufficiently so far as this is concerned. The Industrial Disputes Act is there no doubt, which can to some extent meet the serious situation. But we forget that the idea now is not to deal with every separate organisation or union. When the pay commission is already appointed, where is the question of appointing these wage boards or tribunals or arbitration boards? That is a thing which hon. Members should keep in view, when they think of referring to the Industrial Disputes Act. If, for instance, the pay commission was not there, that criticism would certainly hold good. Therefore, I feel it would be wholly wrong to pose oneself as a great champion of the employees and

characterise the others as the most heartless people and most callous to the needs of the people.

Last time I referred to the general situation in the country. After all, what are the wants of Indians? How few they are and yet are we able to meet those minimum needs of the people. Why should we not take this question as an integrated whole and suggest solution to this great national problem. It is wrong to pick out one section of workers, just because it may suit the purpose of a party to make such a capital. I think we have reached a stage when we should not resort to such methods.

The hon. P.S.P. Member, Shri Nath Pai had also his own criticism to offer. This time, I do not think he exhibited any great vehemence. I do not want to answer Shri Nath Pai. I have got here a statement by a friend, whom, I hope, he will recognise when I disclose the name. Let me quote a few words from his statement. I think I had better disclose the name; that is, Shri K. R. Karanath, Deputy Chairman, All-India Praja Socialist Party. It is a full-column statement. I am afraid, he has not seen it. He says:

"I consider the strike, particularly in view of the gesture which the Union Government is making of appointing a Committee, as unwise and undesirable. . . . I do consider that of all the civilian employees of the Union Government, the Railway and the P. & T. men are the most favourably situated. Employees of the other departments of the Union Government are better placed than their similar numbers in the States.

Then, he says, that the cost of living has gone up. One or two more sentences.

"Secondly, a Commission should be appointed not only for the Union Government servants but also for

those of the States to give them a salary on which they can live decently and work in honesty and without having to seek. . . ."

I have not heard a whisper from the other side, not even a single hon. Member to say one word in favour of the State employees. I am unable to appreciate this standpoint. I do not know what motivates them. But, the fact is there, that the question of the wages of the State employees is a necessary thing to be taken into consideration when we deal with this question. I am very happy, I am very grateful to the hon. Finance Minister to have stated in the terms of reference that that is also a matter which should be taken into consideration when determining the pay structure of the Government employees of the union. Therefore, there is a good deal of responsibility that must attach to any suggestions that we make here. Regarding the lower wage structure of the State employees, and employees of the local Boards, etc., to which the hon. Home Minister referred, not a single Member from the Opposition ever dared to answer that question. They could not even if they try.

I may also refer to the statement of Shri Khadilkar. He said that when he went to his constituency, he found what the standard of living of the poor people was, how miserable it was, how children could not even get sufficient milk and so on. How are we to meet the situation. My hon. friend Pandit Thakur Das Bhargava very well set out this case. Here we are trying to build up the whole economy of the country. There is a certain amount of sacrifice needed from every section and sector of our society. There is no justice in exploiting the grievances of either the P. & T. workers or anybody. The Pay Commission is there to go into all these questions.

[Shri Dasappa]

With regard to the negotiations with the P. & T. people, there may have been some delay. I do not deny it. I personally would have very much liked the prompter attempt to settle these disputes. With Shri Lal Bahadur Shastri and Shri Raj Bahadur there, can anybody say that they would be unsympathetic to the claims of the P. & T. workers? Why should they be unsympathetic? It is an accusation which, I think, is wholly unjustifiable in the circumstances. Have the Members opposite any case to point out in which justice has not been done?

With regard to the R.M.S., the only case that Shri S. A. Dange referred to, I have had a talk with Shri Raj Bahadur. There is hardly any other point for them to ferret out of the negotiations between the P. & T. and the Government. The only things was with regard to the R.M.S. and non-giving of holidays to the telephone exchange people. Obviously, they must work round the clock. I gather that the number of hours for them per week is 36. It is not even 48. It is not as if Government has been unresponsive. Let us understand one thing. When they are going to give holidays for other officers of the P.&T. why should they grudge giving it to the telephone exchange people? Are they enemies? We must understand that there must be some reason for such a differentiation. Even then, they are willing to consider the question. This is a matter which is actively under their consideration.

17-15 hrs.

[MR. SPEAKER in the Chair]

Government have taken a sympathetic attitude. They have appointed the Pay Commission which they were probably reluctant to do in the beginning because of the possible repercussions. In spite of it, if anybody tries to threaten a strike, I think it is absolutely unjust and antisocial.

After all, those who are in the Postal department are our own kith and kin. Many of my own relations are serving in the Postal department. Why should I be unsympathetic towards the claims of the P.&T. men? Therefore, let us not make use of the demands to make political capital out of them especially the situation is fraught with serious danger. I would appeal to my hon. friends to see that they do not try to fan the fire that may be already there. Shri Frank Anthony said very well when he said, do not allow this to be exploited by the Communists. I do not want to say that much. I think he seems to know more than some of us do.

Lastly, it was said that this measure was meant to practically declare every union as illegal, rather every strike as illegal. Why should we exercise our mind to such an extent? It categorises the particular associations. Mind you, all strikes are not treated as illegal under the law. But, the Government reserves to itself the right to declare particular strikes illegal. Is that such a dictatorial power which we are vesting with the Government?

What is more, when they issue a notification like that, the matter comes before the House. We have a perfect right to have our say. Is that not democratic? You see, there is an attempt to meet an extraordinary situation. Is it not wise, while we may hope for the best, to be prepared for the worst? Any Government worth the name must do it. Ultimately, the Government must govern. In order to meet an emergency, these powers are taken. The extremely democratic character is obvious whenever they issue a notification, for they should come to Parliament after it meets as early as possible. I think that ought to satisfy the most democratic instinct of the House.

Any way, I feel that this is an occasion when every section of the House should make a fervent appeal to the misguided friends—it may be

that with all their good intentions, they may not be fully conversant with the situation—to see that they do not resort to the strike and to see that the hon Home Minister will not have to notify the strike of any single association as illegal I must plead once again before the House, every section of the House, not to contribute anything which will worsen the situation. On the other hand, let us show to the world that we are capable of rising above our momentary inclination and work solidly and unitedly to build the temple of national unity.

Mr. Speaker: I intend calling the Minister at 5.30. If any hon Member is willing to finish in ten minutes

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur). I would like to intervene for a couple of minutes, on a point of information.

Mr. Speaker: To the hon Members who have had no chance now, I shall give a chance on the clauses.

The clauses are as good as the original itself.

Shri Raj Bahadur: This morning hon Member, Shri Dange, if I understood him correctly, purported to make out a point that the charter of demands was presented in or about the month of July, 1956 and we did not think of negotiating in regard to that charter for a long time. If I understood him correctly further, in fact he thought that perhaps we were not meeting the unions quite frequently or as frequently as we should have.

In this connection, I would like to place before him and before the House certain facts and figures. Between the 1st March and the end of December, 1956, there were as many as ten meetings between the Federation or the all-India unions and the Government at the ministerial level, with the Director-General as many as 18 meetings, with other officers like the senior DDG, or DDG, Staff, five meetings. In all 33 meet-

ings with the all-India unions or the Federation in regard to almost all of these points.

From July to December, the number of meetings was 20. The total number was 33 in the course of 9 months. It may well be inferred that practically every week we were meeting the representatives of the Federation or of the all-India unions.

From 1st January, 1957 till 30th May, 1957 there were as many as seven meetings at the ministerial level, eight at DG's level and four at the senior DDG's level, a total of 19 in five months. That means practically one meeting per week again.

And I may point out the result also just for the sake of information. Although the demands in the charter are, known to be 30 in number, the charter of these demands practically has second parts a, b, c or so on, which takes the actual number to 86. Out of these 86, if we include the second pay commission and the question of merger of dearness allowance etc, which are going to be referred to the commission now, as many as five major demands out of 12 have been conceded, and the total number of demands accepted up to date is 44 out of 86, partially accepted 2, still under consideration 8, and under consideration with other departments 6, rejected 26. That makes the total of 86.

This is just for the information of Shri Dange and the House.

Shri S. A. Dange: I know that.

Pandit G. B. Pant: In my introductory speech I requested the House to consider this Bill. I am thankful to some of the friends who have taken a rational attitude in the matter. So far as my own approach to the question goes, I would be ever pleased if the differences between the Government and the Government servants were settled amicably by negotiation. As I stated at the outset, such was our effort and we made a sustained endeavour in order to achieve that

[Shri G. B. Pant]

purpose. We are sorry that we did not succeed.

I had made it clear that the matter having been referred to the pay commission, the enquiry that will be conducted by the commission will be of a comprehensive character and will cover every aspect of the problem. I had also stated that so far as the question of interim relief is concerned, it could not be disposed of summarily, that the matter called for careful consideration in view of the economic and other factors to which I then made a reference. I have no objection, nor has the Government any objection, to the enquiry commission making any suggestion at any time. It will be open to the enquiry commission to take up any problem at any time. The union concerned or the unions will be free to request the commission to take up any particular question and the commission will be equally competent to send interim reports.

What I am saying is not new. I think the Minister for Communications and the Prime Minister himself, when some representatives of the strikers or those interested in them saw them, had made the position clear that the commission was perfectly free to send any interim report to Government, to make recommendations with regard to any matter at any stage, but the commission would alone be qualified to examine the problem, and as soon as the commission was satisfied that it was competent and at that time in a position to make a definite proposal with regard to any matter, it would be certainly entitled to make a recommendation to Government. In the circumstances, there is no desire on our part to postpone the enquiry or the decision with regard to any question. What I said was only this, that the question of interim relief is of such a complex character that the Government cannot by itself reach a decision on it, because there are various aspects of the matter which have to be considered.

Even Shri Dange, after all that he had to say about the new approach and our outmoded methods and the antediluvian and perhaps minds belonging to the pre-1919 era, could suggest only one remedy for raising the salaries. That was depleting the balances that are at present with the Treasury in England, the Sterling balances. Take charge of them, remove them from that country and distribute them among the public servants. When that amount is exhausted, then nothing is left. What is to be done the next year I do not know. But that shows to what straits people can be driven when this question is considered in a rational way.

If any other person had made such a suggestion, I would have really been shocked that at a time like this when the problem of foreign exchange is staring us in the face and we are finding it difficult to import such plants and machines as are essential to produce goods for the benefit of the workmen, public servants and other sections of the community, a suggestion should be made in all seriousness that the Sterling balances should be utilised or misused for this purpose. If there is no other solution for this problem, then I am afraid that even the pay commission will not endorse at least this suggestion, because it is something unthinkable at this time that we can make use of the Sterling balances for a temporary, ephemeral purpose or that the few hundreds of this Sterling that are new left should be diverted to a purpose which is of a limited and temporary character and the country should on that account be prevented from making any progress in the field of production and development. I am afraid that that remedy at least will not be welcomed by anybody. And as none other has been suggested, the interference might not be unreasonable that the speaker had perhaps no other remedy in his own mind. But whatever it be, none has been put forward. Still, as I said, this question again has to be settled by the Pay Commission, and when that Pay Commission has

been appointed, it will certainly look into all matters that are relevant.

It was also said that the Government should not stand on prestige. We were also told that we had been changing our opinion and yielding to demands which we were, at a stage, reluctant to accept. The two things do not seem to be quite compatible and consistent. If we had stood by prestige, we would not have altered any 'thing'; we would not have agreed to cut a 't' or to dot an 'i'; we could have refused to make the least alteration in any statements once made. But Shri S. A. Dange said that though we were not at a stage prepared—he said, a fortnight before—to appoint a pay commission, we had agreed to do so later. If what he said is correct, that shows that we do not stand on a sense of false prestige, and also that our mind is always open, and we are prepared to consider all questions on their merits. I do not see how any responsible Government can behave otherwise. We have to look to the interests, the welfare and the progress of four hundred millions of people in this country, and we cannot afford to be petty-minded. We cannot shut up our windows and say no fresh breeze will be allowed to come in. That is hardly conceivable.

But decisions that are based on rational grounds cannot be upset simply because the big club or the pistol is shown. We must be satisfied that a change is really called for and that it will be in the interests of the country. But his statement that we had accepted after a fortnight, what we had refused to do a fortnight previously is not, I think, so far as the Pay Commission is concerned, quite correct. He was perhaps referring to the discussion on the resolution that was moved in the House. At that time, it was made perfectly clear not only by the Finance Minister but also by the Prime Minister that the Government would be prepared to hold an enquiry into all matters which had a bearing on this important and vital issue, that it will be prepared to refer the matter to persons who are competent to deal with

questions of such a complicated and intricate character.

So, the Government had indicated what it was prepared to do. But, in spite of that, people continued their vociferous methods of agitation, and then, they said that the Government had in a way gone back upon what it had said previously. Well, that is not a fact. But if it be so, that should be still greater satisfaction to those who wanted this enquiry to be held: they might well regard it as their own triumph. I am prepared to congratulate them for that, if it gives them any satisfaction.

But then they should also concede that the Government has been throughout anxious to handle this question in a way that would enable them to bring about a settlement, that the Government has been anxious to go to the maximum length, and even to revise its decisions in order to give satisfaction to public servants. If that be so, I think that, instead of being regarded as an indication of our stubborn and unreasonable and irrational attitude, it should be looked upon and interpreted with greater generosity.

I was also told that now there was unanimous opinion all over the world that an increase in wages does not lead to inflation. Well, I have yet to learn a lesson, so far as that goes. Now, certain references were made to certain reports. These reports are not before me. But I myself said that if an increase in wages is accompanied by a corresponding expansion in production, then there can be no inflation. It is because we have at present to concentrate on heavy industries, machine-tool industries and other things of that kind, and to give preference and priority to them, that the expenditure that may have to be incurred in this country will not immediately result in an increase in the quantum of consumer goods that is at present available in the country. In the circumstances, obviously, the demand will outstrip the supply. It is obvious enough. It does not require any reference to the International

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Labour Conference or to any other authority, howsoever eminent that authority may be. It is a simple proposition which anyone, I think, can easily appreciate and accept. So, as far as that goes, I think, there can be no difference of opinion.

Besides, matters like this have to be considered in the context and in the circumstances prevailing in a country at a particular time. Of course, we had ourselves many activities in the country during the First Five Year Plan, but there was hardly any inflation. There was at that time also an increase in wages, but then the conditions were different. So, no one can say that every time, and under all circumstances, an increase in wages is bound to lead to inflation, nor can anyone make any assertions to the contrary. It is the circumstances in which such decisions are taken or such phenomena take place which will determine the reaction of the one on the other. It does not need much of argument.

There was also some reference made to the strikes that have taken place in other countries or are taking place there. I never claim that no strikes take place anywhere else. I think that there are international bodies, and there are many other organisations of an international character, including the World Federation of Trade Unions, who have their vantage in every country, and they are at it, energetic and vigorous everywhere. They can lead the people into alleys, lanes, and by-lanes in the way they like; and there may be genuine grievances too in other countries, and it may be necessary for people to go on strikes, and they may have done so.

To say that in America, an increase in wages in a particular industry was accepted as not being necessarily associated with inflation, I think, may be quite correct. In a country like America, when billions are distributed by way of wages every day, to say that a few millions given by way of increase in wages to the workmen in one or two or three or four fac-

ories would necessarily lead to inflation would be, I think hardly a very correct statement. Where you have got billions in circulation, where the standard of living of every person is so high, there a little change one way or the other does not affect the standard. So, these illustrations are in a way hardly applicable to our country.

We must examine the position as it is here, and so far as the position prevailing in our country is concerned, Shri S. A. Dange did not advance any arguments to dispute what I had said.

They also said that the words 'employer and employee' should be used and not 'master and servant'. I would very much like to use the words 'employer and employee', but so far as public servants are concerned, they are defined as such in law. They are called public servants. They have certain duties, certain rights and certain privileges.

We were told long ago that it was the duty of the leaders and of the statesmen in a country and of those who took interest in public affairs, to educate their masters—I use the expression in the sense that the members of the community in a country, the entire nation, are the master and we all are their servants and we should be loyal to them. So far as the essential services are concerned, we should discharge our duties by way of trustees and not as mercenaries who work only in lieu of the pay that they receive.

So it was not a question of an individual being a master and another individual being a servant, but of the servants of the nation. One of the highest titles that can be conferred on a person is that of being the first servant of the nation. That certainly is not a reflection, but it is the greatest respect and, if I may say so, also affectionate expression that can be used for the most popular, influential, sagacious and wise man in the country.

So we should not tear away words from their context, but interpret them in a proper manner. I really expres-

sed the view that as our country had been under foreign rule for a long time, our public servants here had not yet shed off the traits that had naturally and inevitably been acquired under foreign rule. I said that I wished every public servant should realise that the public was really his master.

We are criticised in this House everyday for the failings and foibles, errors and omissions of the public servants. I attribute those of them which may be correct to the failure on their part of the realisation of the fact that they are really servants of the nation. The steel-frame days are gone. Those who serve the State today are expected to subordinate their interests and to devote themselves, to dedicate their lives, their time, their energy, their faculties and capacity to the service of the millions living in this country. I still maintain that it is a privilege to be a public servant here and I hope those in charge of the essential services will discharge their functions as the servants of the nation.

There was a suggestion made that laws of this type did not exist anywhere else. What have we done? I have again tried to re-examine the position. We do not declare any strike as illegal by itself. If you pass this Bill and it becomes an Act, even if any Union goes on strike, it does not become an unlawful strike. It is open to it to continue its activities and to its members to cease to work. But it only enables the Government, in case circumstances make it obligatory on the Government to do so, to declare a strike as unlawful. It is only after such declaration that a strike would be unlawful.

So there is nothing in it which by itself makes a strike unlawful. It does not in any way ban strikes altogether. Strikes may take place. But nobody would deny that the items that are there do, in the literal sense as well as every sense of the term, constitute what are called essential services. Without them, the body-politic cannot function in an efficient and smooth way. Unless those services

discharge their duties in a regular and proper way, public life, social life and even private life, is likely to be paralysed and subjected to extreme hardships.

In the circumstances, is it desirable that, even after the main demand has been accepted and every attempt has been made to concede the minor demands—most of which, as stated by the Minister of State for Communications, have already been accepted,—the P & T Federation or Confederation should still persist and maintain its previous resolution? That would, I think, be extremely unpatriotic. They should take a larger view.

As Shri Dange said, the doors to negotiation are never closed. But we have tried to settle everything fully and to do the maximum that we can. But we are still anxious that the strike should not take place. The very fact that we have brought this Bill is an indication of our desire that the strike should not come off. If we had wanted this strike to take place, we would not have brought forward this Bill (*Interruptions*). It is because some people think that the thing had better come and perhaps continue for a pretty long time that they fight shy of this. But our attitude is just the opposite.

We also take into account the great hardship and loss that is caused to the people who go on strike. In a state of excitement, they may be driven to a course which will recoil on them later. But we have greater sympathy with them. We want them to lead a normal life and to enjoy whatever is available today and to prepare the ground for getting more tomorrow.

I would only request them to make an effort to produce more *per capita* than they have been doing so far. That would be the best way for raising the scale of wages without creating any sort of difficulties. But if they are advised to go slow and not to put forth even as much energy as they possess, then production will naturally, inevitably shrink and the pool available for distribution will dwindle. In

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the circumstances, wages will have either to be stationary or might even come down. So the whole remedy lies in increasing production.

I was looking into the laws in other places. I have got some books to show that laws of this character do obtain in other countries. I have before me the Act that was passed in Australia in 1949, the National Emergency (Coal Strike) Act (No. 20 of 1949). At that time the emergency was due not to any collapse or strike with regard to essential services. But a coal strike there has some importance no doubt.

Section 11 of that Act runs thus:

"Where an organisation has committed an offence against this Act, every person who, at the time of the commission of the offence was a member of the committee of management or an officer of the organisation or of a branch of the organisation, shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence, and shall upon conviction be punishable by a fine not exceeding £ 100 or imprisonment for a term not exceeding 6 months or both."

You will see that this provision goes much further than our own Bill. Here any organisation, any party may do what it likes but we are not going to take any action against any organisation as such nor are the members of the organisation to be punished because of anything done by the organisation or by those associated with it. If we had a law like that, it would be, I think, much more far reaching and stern.

Then, there are other books with me which have more or less provision of a similar type. I will just read one.

Shri Sadhan Gupta: What is the offence referred to?

Pandit G. B. Pant: Taking part in a strike or giving money or assisting the strikers. Organisation giving any money or help make every member of the organisation punishable.

Pandit K. C. Sharma (Hapur): You will come within the purview of that.

Pandit G. B. Pant: Though we have no such provision in this Bill, if any unlawful strike comes at any time, I hope, no organisation will help it with money.

There is a book which says, special restraints are imposed on workers in those industries and services where the effects of stoppage are most widely and sharply felt and where, in consequence, lock-out is virtually imposed. Workers in public utility and the merchant navy, for example, may be convicted of a criminal offence and fined or imprisoned if they break their contracts by striking. Other workers, for example, shipbuilders working on Government contracts have also been subjected to certain restrictions and the right to strike of civil servants, Police and Armed Forces is severely limited or not admitted at all. There have not been lacking proposals to extend the scope of legal restrictions to all essential industries, particularly mining and transport.

This is a book on Strikes by K. C. Knowles.

Shri Masani said that the matters should have been referred to the Board of Conciliation before this Bill was introduced in this House. I have just mentioned the efforts that were made by Government and the talks and negotiations that were held by the officers of Government and by the Minister and the Prime Minister himself. A Conciliation Officer was also appointed; the Labour Officer acted as the Conciliation Officer but the party concerned did not like the

idea. In the circumstances, something had to be done. Now, a Commission has been appointed with a Judge of the Supreme Court as the Chairman. Can any Tribunal be more effective, more impartial, more efficient and more trustworthy than such a Commission? If then, after the appointment of such a Commission ...

Shri Tangamani: On a point of clarification, Sir, ...

Mr. Speaker: Later on I am not going to allow it. Let the hon. Minister close. If any important point remains (*interruption*) What I would advise hon. Members is that they may hear the reply of the hon. Minister and if still there are any points to be cleared I will allow one or two hon. Members.

Shri Tangamani: Here, the hon. Minister ...

Mr. Speaker: Order order

Pandit G. B. Pant: With a reference made to a Commission presided over by a Judge of the Supreme Court does not lead to the withdrawal of a strike notice, then, Shri Masani, with all his experience and knowledge of industrial matters can imagine how any reference to any other Tribunal which would be supposed to be under the influence and thumb of the Government would satisfy the Union. Would they agree to it? What was there to prevent them from applying for it?

So, if we look at these things in a serious way, let us not be guided or led away by some technicalities. Let us look at things in a square way. We are concerned with an emergency which we want to avert and to avoid. We have received notices from a number of Unions which carry out very essential functions in the country. We have made every effort to reach a solution. We have not succeeded. We are reaching the D day or the D day almost very close. Every day we are coming nearer. So is it or is it not necessary that the

country should receive the services from the people who have been appointed on their behalf for rendering these services? After all the efforts made so far have failed, is it not the Government's duty to take steps that will, enable or ensure maintaining such services? I think if Shri Masani will reconsider the matter he will agree that there was no other course open.

I may also state here that under the Industrial Disputes Act too there are provisions more less of the same kind. A person who goes on strike can be sent to prison.

Shri M. E. Masani: Why not use them?

Pandit G. B. Pant: Why not use them? Because it would be a more straightforward course to come to you and seek your sanction instead of going through the backdoor and making use of a provision which is not exact here. This is a better way and straightforward way of doing things. I think in the circumstances we should have been allowed to proceed in the manner we wanted to and our courage should have been appreciated. We wanted to have the sanction of the House directly for the course we propose to adopt in the circumstances. We wanted to place before the country the circumstances which have forced us to adopt this line and instead of doing things in a clandestine way we thought it better to follow the line which should bring the issues directly before the country and before the Members of this hon. House.

I hope, in the circumstances, the motion that I have made will be accepted by the House. What is still more I hope the public servants who have allowed themselves to be embroiled in this affair so far will reconsider the position and give up the idea of going on strikes.

18 hrs

Shri Sadhan Gupta: The Home Minister has given us certain examples

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of offences, particularly in England. may I have this clarification: whether the English law does not provide that the strikes there under this Act can become illegal only on the issue of a proclamation of emergency and whether that proclamation has not to be approved by Parliament within five days of the issue of the proclamation and also whether there is no obligation to refer the matter to arbitration and whether that arbitration can be hedged in with terms of reference?

Pandit G. B. Pant: One way or the other, it does not affect the position here.

Shri Tangamani: Under the Industrial Disputes Act the P & T Department or whichever may be the industries which are detailed as public utility services, the workers or their unions will have to give notice in a particular form. After the strike notice is given, there is an obligation on the part of the Government to refer some or all the issues for adjudication. The moment one of the issues is referred for adjudication, then the strike will become illegal. So, there is that position for the Government to make the strike illegal. It is not the same as the appointment of a Pay Commission. If a tribunal is appointed, that has got the power.

Mr. Speaker: What is the elucidation that he wants? He is giving the information.

Shri Tangamani: Therefore, I want to know this. There has been no reference to the tribunal under the Industrial Disputes Act in place of the Pay Commission which is now appointed and which the hon. Minister said is much more effective than a tribunal. Why was this not referred to a tribunal?

Mr. Speaker: The appointment of a Pay Commission is, according to the hon. Member, not equal to the appointment of a tribunal a reference of the disputes to which will make the strike illegal.

Shri Frank Anthony: What is the objection for accepting my suggestion? This measure should be made *ad hoc* and applied only to those associations and services which have given strike notices. The House is not in a position to assess the exact circumstances. We are prepared to give Government powers instead of passing a blanket measure in respect of other associations and services from which there is no threat.

Pandit G. B. Pant: The measure is confined only to those services which are essential and are mentioned in the Bill and have already given notices. We certainly have no desire to take action against any other union and we hope that it will not be necessary to take action even against one. It is not our desire that we should take such action but if we are compelled and forced to do so, then, we have to be prepared for that. But the Bill, I may tell the hon. Member, is intended to meet the present situation with regard to the unions which have already given notices. At present we do not expect that the others will behave in this way and even if we see things here, you will find that this is confined only to public utility services or to services which cause grave hardship and then only such action is taken. The notification also will have to be placed on the Table of the House. I do not think that there is the least danger of our misusing the provisions of this Bill and I can assure Shri Frank Anthony that we have no intention to do so. We do not in fact like that such emergencies should arise which force our hands and compel us to introduce measures of this kind.

Mr. Speaker: I will now put the amendments to the vote of the House. First, I shall put Shri Nayar's amendment for circulation.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th August, 1957."

The Lok Sabha divided: Ayes 55, Noes 212

Division No. 9]

[18.08 hrs.

AYES

Asar, Shri
Banerjee, Shri Premathanath
Banerjee, Shri S. M.
Barua, Shri Han
Bharucha, Shri Nausar
Chakravarty, Shrimati Reshu
Chavan, Shri D. R.
Dange, Shri S. A.
Dasratha Deb, Shri
Dasgupta, Shri B.
Dige, Shri
Dwivedi, Shri M. L.
Dwivedy, Shri Surendranath
Elias, Shri M.
Gaikwad, Shri B. K.
Ghosal, Shri
Ghose, Shri Bimal
Ghose, Shri S.
Gopalan, Shri A. K.

Gorey, Shri
Gupta, Shri Sadhan
Iyer, Shri Baswara
Jadav, Shri
Kamble, Shri B. C.
Kar, Shri Prabhat
Katti, Shri D. A.
Kadlikar, Shri
Kodiyar, Shri
Krishnaswami, Dr.
Kumaran, Shri
Kunhan, Shri
Mahagonkar, Shri
Manay, Shri
Matera, Shri
Menon, Dr. K. B.
Menon, Shri Nazayanankutty
More, Shri
Mukerjee, Shri H. N.

Mullick, Shri B. C.
Nair, Shri Vasudevan
Nath Pat, Shri
Nayan, Shri V. P.
Pandey, Shri Sarju
Parmar, Shri Y. S.
Parulekar, Shri
Parvathi Krishnan, Shrimati
Patil, Shri Nana
Pillai, Shri Anthony
Punnoose, Shri
Rao, Shri T. B. Vittal
Sampath, Shri
Sontule, Shri H. N.
Sugandhi, Shri
Tanganani, Shri
Warner, Shri

NOES

Abdul Lateef, Shri
Achar, Shri
Achar Ram, Lala
Agerwal, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Arumughan, Shri R. S.
Atchamamba, Dr.
Ayyakannu, Shri
Bahadur Singh, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerji, Shri P. B.
Banerji, Dr. R.
Bangaru Thakur, Shri
Berman, Shri
Barupal, Shri P. L.
Basappa, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhoi Sardar, Shri
Bideri, Shri
Birbal Singh, Shri
Boce, Shri P. C.
Brahm Perkaah, Ch.
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri R. Ramasathan
Chuni Lal, Shri
Demani, Shri

Dasappa, Shri
Das, Shri K. K.
Das, Shri M. M.
Des, Shri Ramdhani
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri N. M.
Desai, Shri Morari
Deshmukh, Shri K. G.
Deshmukh, Dr. P. S.
Diyodod, Shri
Dinesh Singh, Shri
Dube, Shri Mulchand
Dublah, Shri
Bacharan, Shri I.
Elaysperumal, Shri
Gackwad, Shri Patesinghrai
Ganapathy, Shri
Gandhi, Shri Perosa
Gandhi, Shri M.M.
Ganzam, Shri C. D.
Gounder, Shri Doraiswami
Gounder, Shri K. P.
Guha, Shri A. C.
Hayarnavis, Shri
Harvani, Shri Anaar
Hathi, Shri
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri M. C.
Jinachandran, Shri

Jogendra Singh, Sardar
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotaba, Pandit J. P.
Kalika Singh, Shri
Kanakesaba, Shri
Kansugo, Shri
Karmarkar, Shri
Kashwal, Shri
Kayal, Shri P. N.
Keshava, Shri
Keshkar, Dr.
Khadiwala, Shri
Khan, Shri Sadath Ali
Khan, Shri Shahanswar
Khadkar, Dr. G. B.
Khimji, Shri
Khawaja, Shri Jamal
Krishnamachari, Shri T. T.
Krishna Rao, Shri M. V.
Lachhu Ram, Shri
Lahiri, Shri
Lal, Shri R. S.
Laxmi Bai, Shrimati
Madida Ahmed, Shrimati
Majitha, Sardar
Mani, Shri N. B.
Mallik, Shri U. S.
Malaviya, Shri K. L.
Malviya, Shri K. B.
Malviya, Shri Motilal
Mansoor, Shri
Mandai, Shri J.
Maniyangadan, Shri
Malhotra, Dr.

Menon, Shri Krishna
 Minimata, Shrimati
 Mishra, Shri B. D.
 Mishra, Shri L. N.
 Mishra, Shri M. P.
 Mishra, Shri S. N.
 Miere, Shri R. D.
 Mohideen, Shri Gulam
 Muthukrishnan, Shri
 Nadar, Shri P. T.
 Naidu, Shri Govindarajulu
 Nanda, Shri
 Nanjappa, Shri
 Narayanasamy, Shri R.
 Naskar, Shri P. S.
 Nathavani, Shri
 Nayyar, Dr. Suahala
 Nehru, Shri Jawaharlal
 Nehru, Shrimati Uma
 Nek Ram, Shri
 Oza, Shri
 Padam Dev, Shri
 Pahadia, Shri
 Palchoudhuri, Shrimati Ila
 Patel, Shrimati Maniben
 Patel, Shri N. N.
 Patil, Shri S. K.
 Pillai, Shri Thanu
 Prabhakar, Shri Naval
 Radha Ramani, Shri
 Rghubir Sahai, Shri
 Raj Bahadur, Shri
 Ramakrishnan, Shri
 Ramani, Shri Pattabhi
 Ramasand Ghastrri, Shri
 Ramaswami Tirtha, Swami

Ramaswami, Shri S. V.
 Ramaswamy, Shri K. S.
 Ramaswamy, Shri P.
 Rameshwar Rao, Shri
 Ram Krishna, Shri
 Rampure, Shri M.
 Ram Subhag Singh, Dr
 Rane, Shri
 Ranga, Shri
 Rangarao, Shri
 Rao, Shri E. M.
 Rao, Shri Rajagopala
 Rao, Shri R. J.
 Reut, Shri Bholu
 Ray, Shri Mani Ranuka
 Reddi, Shri Ball
 Reddy, Shri K. C.
 Reddy, Shri Vivanatha
 Roy, Shri Biswanath
 Sadhu Ram, Shri
 Sahodrabai, Shrimati
 Sahu, Shri Rameshwar
 Salam, Shri Abdul
 Samanta, Shri S. C.
 Samantinder, Dr.
 Sanganna, Shri
 Sarbadi, Shri A. S.
 Satyabhama Devi, Shrimati
 Scindia Shrimati Vijaya Raju
 Selku, Shri
 Sen, Shri A.K.
 Shah, Shrimati Jayaben
 Shah, Shri Manabendra
 Shankaraya,
 Sharma, Shri D. C.
 Sharma, Pandit K. C.

Shastri, Shri Lal Bahadur
 Shivnanjappa, Shri
 Siddiah, Shri
 Singh, Shri Babunath
 Singh, Shri D. N.
 Singh, Shri D. P.
 Sinha, Shri B. P.
 Sinha, Shri Gajendra Prasad
 Sinha, Shri Jhulan
 Sinha, Shri K. P.
 Sinha, Shrimati Tarakeshwari
 Snatak, Shri Nardeo
 Subbarayan, Dr. P.
 Subramanyam, Shri T.
 Sultan, Shrimati Maimoona
 Sunder Lal, Shri
 Swarn Singh, Sardar
 Tahir, Shri Mohammed
 Tewari, Shri Dwarkanath
 Thimmalah, Shri
 Thomas, Shri A. M.
 Tiwari, Shri Babu Lal
 Tiwari, Shri R. S.
 Tiwary, Pandit D. N.
 Tula Ram, Shri
 Tyagi, Shri
 Tyabji, Shri
 Uike, Shri
 Umrao Singh, Shri
 Upadhyaya, Shri Shiva Datt
 Verma, Shri B.B.
 Vedakumar, Kumari M.
 Vishwanath Prasad, Shri
 Vyasa, Shri R. C.
 Vyasa, Shri Radhehal
 Wilson, Shri J. N.

The motion was negatived.

Mr. Speaker: Should I put Shri Frank Anthony's amendment to the vote of the House?

Shri Frank Anthony: Yes, Sir.

Mr. Speaker: The question is:

"That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri N.-G. Ranga, Shri Shripad Amrit Dange, Shri Hem Barua, Shri M. R. Masani, Shri Jaipal Singh, Shri Naushir Bharucha, Shri Bhauroo Krishnarao Gaikwad, Shri Lal Bahadur Shastri, Shri Govind Ballabh Pant, and the Mover with instructions to report by the 7th August, 1957."

The motion was negatived.

Mr. Speaker: What about Shri Assar's amendment?

Shri Assar: I am pressing it.

Mr. Speaker: The question is:

"That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri Naushir Bharucha, Shri Narayan Ganesh Goray, Shri Atal Bihari Vajpayee, Shri B. C. Kamble, Shri Asoke K. Sen, Shri Govind Ballabh Pant, the Mover with instructions to report by the 15th August, 1957."

Those in favour of amendment No. 454, standing in the name of Shri Assar will please say 'Aye'. I find only one hon. Member saying 'Aye'.

Now, those against will please say 'No'.

Several hon. Members: 'No'.

Mr. Speaker: I find a large number against the amendment. So, by an overwhelming majority the amendment is lost.

The motion was negatived.

The Lok Sabha divided. Ayes 224; Noes 54.
Division No. 10]

[18.15 hrs.]

AYES

Abdul Lateef, Shri
Achar, Shri
Achint Ram, Lala
Agarwal, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Arumugham, Shri R. S.
Atchamamba, Dr.
Ayyakannu, Shri
Bahadur Singh, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerji, Shri P. B.
Banerji Dr. R.
Bangaht Thakur, Shri
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhoal Sardar, Shri
Bidari, Shri
Burbal Singh, Shri
Bose, Shri P. C.
Brahm Perkaash, Ch.
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri R. Ramanathan
Chuni Lal, Shri
Dajjit Singh, Shri
Damasani, Shri
Dasappa, Shri
Das, Shri K. K.
Das, Shri M. M.
Das, Shri Ramdhanii
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri N. M.
Desai, Shri Mocarji
Debnath, Shri K. G.
Debnath, Dr. P. S.
Dindod, Shri
Dinesh Singh, Shri

Dube, Shri Mulchand
Dublash, Shri
Dwivedi, Shri M. L.
Eacharan, Shri I.
Elayaperumal, Shri
Gaekwad, Shri Fatsinghnao
Ganapathy, Shri
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Gautam, Shri C. D.
Gounder, Shri Doraiswami
Gounder, Shri K. P.
Govind Das, Sethi
Guba, Shri A. C.
Hajarnava, Shri
Harvani, Shri Anwar
Hathi, Shri
Hemanka, Shri J. N.
Heda, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Jagivan Ram, Shri
Jain, Shri A. P.
Jain, Shri M. C.
Jinachandran, Shri
Jogendra Singh, Sardar
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotsahi, Pandit J. P.
Kalika Singh, Shri
Kamble, Dr.
Kanakasabai, Shri
Kanungo, Shri
Karmarkar, Shri
Kaulwal, Shri
Kayal, Shri P. N.
Keshava, Shri
Keshkar, Dr.
Khadiwala, Shri
Khan, Shri Sadath Ali
Khan, Shri Shah Nawaz
Khadkar, Dr. G. B.
Khimji, Shri
Khawaja, Shri Jamal
Krishnalal, Shri
Krishnamachari, Shri T. T.
Krishna Rao, Shri M. V.
Lachhi Ram, Shri

Lahari, Shri
Lal, Shri R. S.
Laxmi Bai, Shrimati
Mafida Ahmed, Shrimati
Majithia, Sardar
Maiti, Shri N. B.
Malliah, Shri U. S.
Malaviya, Shri K. D.
Malviya, Shri K. B.
Malviya, Shri Motilal
Manan, Shri
Mandal, Shri J.
Mandal, Dr. Prabhupati
Maniyangaden, Shri
Minimata, Shrimati
Mishra, Shri B. D.
Mishra, Shri L. N.
Mishra, Shri M. P.
Mishra, Shri S. N.
Misra, Shri R. D.
Mohideen, Shri Gulam
Muthukrishnan, Shri
Nadar, Shri P. T.
Naidu, Shri Govindarajulu
Nair, Shri C. K.
Nanda, Shri
Nanjappa, Shri
Narasayanaswamy, Shri R.
Naskar, Shri P. S.
Nathavani, Shri
Nayar, Dr. Sushila
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Oza, Shri
Padam Dev, Shri
Pahadia, Shri
Palchoudhuri, Shrimati D.
Parmer, Shri Y. S.
Patel, Shrimati Maniben
Patel, Shri N. N.
Patel, Shri Rajeshwar
Patil, Shri S. K.
Pillai, Shri Thann
Prabhakar, Shri Naval
Radha Ramani, Shri
Raghubir Sabai, Shri
Ragunuramiah, Shri
Raj Bahadur, Shri

Ramakrishnan, Shri
 Ramen, Shri Patabhi
 Ramangad Sastri, Swami
 Ramachanda Tirtha, Swami
 Ramaswami, Shri S.V.
 Ramaswamy, Shri K. S.
 Ramaswamy, Shri F.
 Rameshwar Rao, Shri
 Ram Krishan, Shri
 Rampure, Shri M.
 Ram Subhag Singh, Dr.
 Rane, Shri
 Ranga, Shri
 Rangarao, Shri
 Rao, Shri E. M.
 Rao, Shri Rajagopal
 Rao, Shri R. J.
 Raut, Shri Bholu
 Ray, Shrimati Renuka
 Reddy, Shri Bali
 Reddy, Shri K. C.
 Reddy, Shri Viewanatha
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Sahodrabai, Shrimati
 Sahu, Shri Bhagabgt
 Sahu, Shri Rameshwar

Selem, Shri Abdul
 Samanta, Shri S. C.
 Samentanbar, Dr.
 Sangantha, Shri
 Sarbadi, Shri A. S.
 Satyabhama Debi, Shrimati
 Satyanarayana, Shri
 Scindia, Shrimati Vijaya Raja
 Selku, Shri
 Sen, Shri A. K.
 Shah, Shrimati Jayaben
 Shah, Shri Manubhai
 Shah, Shri Manabendra
 Shankaraiya, Shri
 Sharma, Shri D. C.
 Sharma, Pandit, K. C.
 Shastri, Shri Lal Bahadur
 Shivnanajappa, Shri
 Siddiah, Shri
 Singh, Shri Babunath
 Singh, Shri D. N.
 Singh, Shri D. P.
 Singh, Shri M. N.
 Sinha, Shri B. P.
 Sinha, Shri Gajendra Prasad
 Sinha, Shri Jbulan
 Sinha, Shri Satya Narayan

Sinha, Shrimati Tarakeshwari
 Smetak, Shri Nardeo
 Subbarayan, Dr. P.
 Subramanyam, Shri T.
 Sultan, Shrimati Maimoona
 Sunder Lal, Shri
 Surya Prasad, Shri
 Swaran Singh, Sardar
 Syed Mahmud, Dr.
 Tahir, Shri Mohammed
 Tewari, Shri Dwarikanath
 Thomas, Shri A. M.
 Tiwari, Shri Bebu Lal
 Tiwari, Shri R. S.
 Tiwary, Pandit, D. N.
 Tula Ram, Shri
 Tyagi, Shri
 Tyabji, Shri
 Ulke, Shri
 Umreo Singh, Shri
 Upadhyaya, Shri Shiva Datt
 Varma, Shri B. B.
 Vedakumari, Kumari M.
 Viahwanath Prasad, Shri
 Vyas, Shri R. C.
 Vyas, Shri Radheial
 Wilson, Shri J. N.

NOES

Asar Shri
 Banerjee, Shri Pramathanath
 Banerjee, Shri S. M.
 Barua, Shri Hem
 Bharucha, Shri Naushar
 Chakravartty, Shrimati Renu
 Chevva, Shri D. R.
 Dange, Shri S. A
 Desaratha Deb, Shri
 Dasgupta, Shri B.
 Dige, Shri
 Dwivedy, Shri Surendranath
 Eliss, Shri M.
 Gaikwad, Shri B. K.
 Ghosal, Shri
 Ghose, Shri Bimal
 Ghose, Shri S.
 Gopalan, Shri A. K.

Gorey, Shri
 Gupta, Shri Sadhan
 Iyer, Shri Easwara
 Jadhav, Shri
 Kamble, Shri B. C
 Kar, Shri Prabhata
 Katti, Shri D. A.
 Khadilkar, Shri
 Kodyan, Shri
 Krishnaswami, Dr
 Kumaran, Shri
 Kunban, Shri
 Mahagoatkar, Shri
 Manay, Shri
 Matera, Shri
 Menon, Dr. K. B
 Menon, Shri Narayanankutty
 More, Shri

Mukerjee, Shri H. N.
 Mullack, Shri B C
 Nair, Shri Vasudevan
 Nath Pai, Shri
 Nayar, Shri V P
 Pandey, Shri Sarju
 Parulekar, Shri
 Pervathi Krishnan, Shrimati
 Patil, Shri Nana
 Punnoose, Shri
 Rao, Shri T B Vittal
 Sampath, Shri
 Singh, Shri L. Achaw
 Singh, Shri T. N.
 Sonule, Shri H. N.
 Sugandhi, Shri
 Tangamani, Shri
 Warsor, Shri

The motion was adopted.

Clause 2—(Definitions)

Mr. Speaker: The House will now take up clause by clause consideration of the Essential Services Maintenance Bill, 1957 for which 3 hours have been allotted.

Hon. Members who wish to move their amendments to the various clauses may kindly hand over at the Table within 15 minutes the numbers

of their amendments specifying the clauses to which they relate.

Shri T. B. Vittal Rao: Can't we take it up tomorrow, Sir? We have been sitting in tension for the whole day.

Mr. Speaker: No, no; the tension has subsided.

Shri T. B. Vittal Rao: My amendments are numbers 32, 33, 34, 35, 26 and 27.

Shri Easwara Iyer (Trivandrum): I have got my amendment No. 32.

Shri Tangamani: My amendment is number 35.

Shri Sadhan Gupta: I want to move all the amendments standing in my name.

Shri V. P. Nayar: There are as many as 500 amendments; it will take some time to select the amendments that we want to move.

Mr. Speaker: I will call one hon. Member to speak on this clause and his amendment. In the meantime other hon. Members may pass on hits to the Table indicating the numbers of amendments that they would like to move. Shri Easwara Iyer.

Shri Easwara Iyer: Mr. Speaker, Sir, I do not want to deal with the aspects of the Bill, but I will confine myself to the provisions of the amendment that I am proposing.

I submit that so far as sub-clause (vii) of clause 2 is concerned, it is stated that the Central Government is given powers to declare any service as essential service. This arbitrary power which is given to the Central Government, this unbridled power that is given to the Central Government to declare a service to be an essential service is opposed to the fundamental rights that are declared by the Constitution. I submit that quite apart from the fact that so far as this sub-clause (vii) is concerned, it reserves powers for the Central Government, with all due reference to the Constitution, I would respectfully submit that to invest the Central Government with powers to determine as to whether a particular service is an essential service or not, to leave it to the subjective satisfaction of the Government itself to determine as to whether a service is an essential service, is not to be allowed. I would say that Pandit Thakur Das Bhargava said in

the course of his speech that while we invest the powers in the Central Government, we will expect the Government not to use it like a giant. But occasion may arise when some services which have been declared to be essential services may not be found to be quite adequate and the Government might think of declaring certain other services to be also essential services, and more often than not, it happens that a giant's power conferred upon the Government will be used like a giant. I therefore say that sub-clause (vii) should be omitted.

In fact, I will not go to the technicalities of this clause, but it infringes article 14 of the Constitution regarding equality before the law and equal protection of the law. This clause confers a discretion upon the Government to choose as to whether a public service is a public utility service or whether it is hazardous to the community or not. That discretion is not controlled. In so far as this question is concerned, there is an aspect of discretion conferred upon the Government to find out as to whether a service is a utility service or not. That is a naked and arbitrary power upon the Government and therefore is obnoxious to article 14 of the Constitution.

I may also respectfully submit that it may be open to the Government to suggest that this is subject to sub-clause (2) of clause 2. It reads as follows:—

"Every notification issued under sub-clause (vii) of clause (a) of sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made, and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period a resolution approving the notification is passed by both Houses of Parliament."

Possibly, shelter may be taken under this. But I would say that as soon

[Shri Easwara Iyer]

as the notification is passed it comes into operation as, from this clause, if it is laid before the Houses of Parliament, it will be violated and the vitality of the notification will be lost only after the expiration of 40 days. So, I would say that the notification should come into operation only after the Parliament has approved of it. Otherwise, the Government could declare any service to be an essential service and say that a strike in respect of that essential service is illegal and then proceed with penalties. Possibly, the House may disapprove of it later and the persons might have been arrested, though, later, the services may be found not to be essential service. The Parliament may disapprove by a resolution that the notification is not warranted. Those persons who have been arrested and imprisoned and confined will be let free, and who will answer for that? My respectful submission, therefore is, those blanket powers that have been conferred upon the Government to determine as to whether a particular service is an essential service or not should not be allowed. In that respect, I would say that this is against the fundamental rights.

My friend Pandit Thakur Das Bhargava would say that so far as the individual is concerned, there may be a fundamental right, and with respect to an association there is no fundamental right. Of course my friend would concede that there is a fundamental right, to the individual, and the result of that is, I respectfully submit, explosive. Once you say that this is a fundamental right to strike so far as the individual is concerned, the collective right to be exercised by an association necessarily follows as a consequence. We cannot speak of a fundamental right with respect to a particular individual alone and an association or a group of persons being deprived of that fundamental right. Certainly it is obnoxious to the provisions of the Constitution or to any known sys-

tem of jurisprudence in any country. That argument, coming as it does from my friend Pandit Thakur Das Bhargava, was not so clear to me. But unfortunately he was talking in a language which is unfamiliar to me, although I got the assistance from my friends here as to what he was speaking, and I understood that this was the purport of his argument.

My friend also argued that this is a harmless provision. I say that there is no use condemning yourself by saying that this is harmless provision. Any person who acts in furtherance of a general strike which is to be declared illegal is caught up by the provisions of this Act. If any service which has been declared to be an essential service by virtue of sub-clause (vii) is attracted by these provisions and if the strike in that service is naturally declared illegal by a notification as contemplated by this provision, 'any person' who has acted in furtherance of his object include even legal practitioners who might opine that this is against the fundamental right. I do not know whether it may include a child although under the Indian Penal Code a child under a particular age may not be punished for an offence. In this case, it becomes a statutory offence that has been declared as such. If a child under a particular age stands in favour of a strike, it is attracted by the provisions of this Act. It is a most obnoxious piece of law which I have never come across. My respectful submission is, quite apart from the amendments that have been moved to the provisions of the Bill, if this enactment finds a place in our statute-book, that will mean that it would be found by generations later on to be a statute that is a black one and it will disfigure our statute-book for ever.

Shri Hem Barua (Gauhati): Mr. Speaker, Sir, as I read this Bill, I find that the purpose of it is anti-democratic and that is why I have tabled an amendment. It seeks to change the title of the Bill. Of course, I shall come to it later on.

Now, coming to clause 2, the notification will have no validity under the law unless it is placed and approved by the Parliament. I was not interested in all the amendments because of the fact that I felt that this legislation itself is an anti-democratic piece of legislation and it will deprive a large number of individuals of their fundamental rights. The Constitution has guaranteed certain fundamental rights to the workers. But the purpose of this legislation will deprive them of those fundamental rights. In that case, we should not say that India is a protector of democracy. It is a non-protector of democracy.

At the same time, according to the Industrial Disputes Act, we have just conceded the right to strike, to the worker, a fundamental right, whether it is an individual worker or a collection of individuals also. At the same time, according to the Industrial Disputes Act, we have conceded the right to strike to the workers because strikes are the only legitimate weapon in the armoury of workers. If they make certain demands, they want to have those demands fulfilled. They make negotiations and then if necessary the matters go to arbitration.

Mr. Speaker: I am afraid the hon. Member is going just beyond what the House has accomplished thus far. The House has accepted the principle of the Bill. All those arguments about the fundamental rights have been made. We are on essential service,—whether it is right to have that or to omit it or, how it can be improved. That is the only point.

Shri Hem Barua: I am referring to this only because of the fact that this will not apply to a strike which is started after giving due notice to the office concerned. The right to strike is a fundamental right and the Industrial Disputes Act has also conceded this right to strike. That is why I want this to be amended, because this right is given to the workers and if they resort to strike after giving due notice, there should be no clause like this. That is what I want to point out.

There is another point also. They have catalogued certain essential services and at the same time, in sub-clause (vii), they say,

“any service which the Central Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service 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.”

Generally this type of Bill is placed before the House in a very great emergency. During war time, essential services were defined like that. But now there is no emergency, but only a national crisis. In addition to cataloguing certain services as essential services, at the same time, they have maintained a clause here and they have given scope to the clause that whenever the Government find that a certain service is to be declared essential service for their purposes, they would do it. I oppose this declaration of certain services as essential services whenever the Government want to do it on their own sweet will. They say that would be rectified by sub-clause (2):

“Every notification issued under sub-clause (vii) of clause (a) of sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made, and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.”

They will declare on their sweet will certain services as essential services and then bring the law to operate on those services. The police force will be let loose, people will be fined and the right to strike, the legitimate weapon in armoury of the workers,

[Shri Hem Barua]

is not given. Therefore, I say that no service should be declared as essential service for the purpose of this Act without the notification first being placed before the Houses of Parliament for endorsement or rejection. These are my points. If we go beyond this, it would be anti-democratic and counter to the fundamental rights of the Constitution.

Shri Anthony Pillai (Madras North): I would like to draw the attention of the House to the definition of 'strike' given in clause 2(1) (b):

"'strike' means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment."

A lot of discussion has gone on earlier with regard to fundamental rights. I would like to draw the attention of the House to the fact that as the definition stands, it would be possible for the Government to arrest any person, or to seek to convict any person who have been in the employ of the P. & T.—he may be a pensioner—who when offered, refuses to accept employment; or any person who, makes an application and is now offered employment during the course of the strike, if he should refuse, it would become a penal offence. It was argued by the Law Minister that the right to strike is not a fundamental right. Irrespective of the fact whether it is a fundamental right or not, it is our contention that it is an inalienable right of the working class. Further I do not agree with the contention that it is not a fundamental right.

According to the Constitution, under article 19.

"All citizens shall have the right—

(g) to practise any profession, or to carry on any occupation, trade or business."

Sub-clause (g) says:

"Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause,"

In other words, reasonable restrictions may be imposed on the exercise of the right to practise any profession or to carry on any occupation, trade, etc. there can be no restriction imposed on refusal to practise any profession. But here, we have under this clause a strike so defined, that it results in compulsory service. If we are going to have compulsory service in this country, surely, we can no longer claim that we are a democratic society. This Government is allegedly seeking to establish a democratic society. Therefore, with regard to this clause, my submission is, if this clause, is allowed to stand, we are ruining one of fundamentals of democracy, namely, that a man has the right and freedom to sell his labour as and when he pleases. So long as we have this clause which says that a man can be compelled to accept employment, my humble submission is that it is a violation of a fundamental right, which will make society a slave society.

Shri S. M. Banerjee (Kanpur): I want to seek on amendments 471, 472, 473, 475, 477 and 479.

Mr. Speaker: He may give the substance.

Shri S. Ghose (Burdwan): I want to move my amendments to clause 2.

Mr. Speaker: I will note down his name.

श्री स० म० बनर्जी : अध्यक्ष महोदय, आज इस सदन में जितने भी भाषण हुए हैं उनको मैंने बड़े ध्यान से सुना है। माननीय गृह मंत्री जी के भाषणों को जो आज उन्होंने सुबह दिया था और आज शाम को दिया है, उस को भी मैंने बड़े ध्यान से सुना है। अपोजिशन की तरफ से काफी कंसिलिवेटरी मूड में बातें कही गई हैं और यह कहा गया है कि आखिरी मिनट तक आखिरी दिन तक समझौता हो सकता है। लेकिन मुझे अफसोस के साथ कहना पड़ता है कि इस पर गौर नहीं किया गया है। मुझे मालूम नहीं था कि आज इस सदन के सामने जो बिल है, उस बिल को रखने के बाद इस तरीके से प्रजातंत्र और जनहुरियत का जमाजा निकाला जायेगा प्रजातंत्र का गला बूटा जायेगा। आज हम इस चीज की गभीर तस्वीर अपने सामने देखते हैं। आज जिस तरफ हमारी जनवादी सरकार की पालिसी को डायरेक्ट किया जा रहा है वह हम लोगों के सामने है। मैं भी पी० एन्ड टी० की दो आल इंडिया यूनियनों का समापति हूँ। हमें यह देखना चाहिये कि किस तरह से समझौता हो सकता है। मैं समझता हूँ कि समझौता होना सम्भव है। यह कोई मुश्किल बात नहीं है। आज पोस्टस् एंड टेलिग्राफ के एम्पलायीज सिविल एवियेशन के एम्पलायीज समझौता चाहते हैं और सेंट्रल गवर्नमेंट एम्पलायीज जिन्होंने कि हड़ताल करने के नोटिस दे रखे हैं समझौते के साक्षिगमन्द हैं।

आज आप यह कहते हैं कि कि जब पे कमीशन की नियुक्ति की जा रही है तो क्या बजह है कि हड़ताल की जा रही है। आपने कल्याणबाला कमेटी बिठाई साहनी कमेटी बिठाई और दूसरी हज़ारों रिपोर्टें हमारे सामने आती हैं। लेकिन एक खतरा रहता है कि तीन तीन साल तक आप इन पर सेटे रहते हैं। लेकिन आज सवाल इंट्रिम रीलीफ का है और सेंट्रल गवर्नमेंट के एम्पलायीज उसके लिये उतबाले हैं।

अगर उस पर कोई समझौता हो जाये तो मामला बड़ी धासानी से सुलह सफाई से हल हो सकता है। आप ने देखा होगा कि पहले भी एक पे कमीशन बैठा था और उस की सिफारिशें हमारे सामने आई थीं उसकी एक सिफारिश को सरकार ने माना था और कहा था कि जब २० ज्वान्टस तक मंहगाई बढ़ जायेगी तो पांच रुपये बढ़ा दिये जायेंगे। यह एक मानी हुई सिफारिश है। लेकिन आज जब जब को कार्यान्वित करने की बात आती है तो हमारे सामने देश का नक्शा रखा जाता है हमारे सामने प्राथिक स्थिति की तस्वीर खींची जाती है आज कहा जाता है कि हमारे पास पूंजी नहीं है कहा जाता है कि दूसरी योजना को कार्यान्वित करने के लिये हमें पैसा की जरूरत है और दूसरी कई बातें कही जाती हैं। हमारे प्रधान मंत्री जो कि आज भी बहुत हुरदिलमन्दी हैं उन्होंने एक बार कहा था कि द्वितीय पंचवर्षीय योजना को सफल बनाने के लिये हमें लोगों की मुडबिल की भावसयकता है। लेकिन मैं आप को बतलाना चाहता हूँ कि इन चार पाच लाख कर्मचारियों की क्या हालत है क्या हम इनको जिन्दा रखना नहीं चाहते हैं? क्या ये कम्युनिटी के इंटरेल पार्टी नहीं है? क्या इन की हिफाजत करना कम्युनिटी का फर्ज नहीं है? ये पांच लाख आदमियों का ही सवाल नहीं है बल्कि इन के बाल बच्चों इत्यादि को अगर हम मिलायें तो यह कोई बीस पच्चीस लाख लोगों का सवाल बन जाता है। क्या समाज को इन का जिन्दा रखना फर्ज नहीं है? क्या इन के समाज पर कोई अधिकार नहीं है? कोई राइट्स नहीं है? मैं समझता हूँ कि इनके भी कुछ अधिकार हैं जिन को पूरा करना समाज का फर्ज है।

आखिर हड़ताल की नीबल क्यों आई है। यह कहा जाता है कि यहाँ पर हमारे देश में कुछ लोग हैं जोकि हड़तालों बगैरह कराना अपना फर्ज समझते हैं। आज कम्युनिस्ट पार्टी पर तथा दूसरे विरोधी

[श्री स० म० बनर्जी]

दर्शों पर मोटिव्स इम्प्यूट किए जाते हैं। आज कहा जाता है कि वर्ल्ड फनक्शियन आफ ट्रेड यूनियन्स के सर्कुलर आते हैं और गड़बड़ी करने के लिये लोगों को उकसाने की बात उन में कही जाती है। इन सर्कुलर्स के आधार पर हम पर ये इल्जाम लगाये जाते हैं कि हम गड़बड़ी पैदा करने की कोशिश कर रहे हैं। हमें आज देश-ब्रोही बतलाया जाता है और कम्युनिस्टों के बारे में कहा जाता है कि ये गद्दार हैं एंटीनैशनल हैं। मैं आप को बतलाना चाहता हूँ कि आजादी के बाद सब से बड़ा जो नैशनल स्ट्रगल हुआ है वह गोआ का हुआ है। गोआ की स्ट्रगल में कितने लोगों ने सब से लीडिंग पार्ट प्ले किया है वह मैं आप के पूछना चाहता हूँ। मैं आप से पूछना चाहता हूँ कि क्या यह सत्य नहीं है कि वह नीजवान जिस की उम्र केवल २२ साल थी और लड़ रहा था क्या वह लाल झंडा हाथ में लिए हुए था या तिरंगा झंडा? वह अपने हाथ में तिरंगा झंडा ले कर लड़ रहा था।

श्रम उपमंत्री (श्री आबिद खली) : आजादी के पहले क्या हुआ था ?

श्री स० म० बनर्जी : वक्त नहीं है लेकिन मैं उस में भी जा सकता था। आज हमारे लेबर के मंत्री यहाँ पर बैठे हुए हैं मुझे पता नहीं लगता है कि क्यों वह अपनी उबान नहीं खोलते हैं और क्यों वे नहीं बतलाते हैं कि किस तरह से लेबर प्रॉब्लम्स को हल किया जाना चाहिये आज चार पांच लाख लोगों की जिन्दगी और मौत का सर्वाल है।

Shri Heda (Nizamabad): On a point of order. Is this speech on clause 2? This seems to be a general speech.

Shri S. M. Banerjee: This is on clauses 4, 5 and 6.

Shri Heda: I have been patiently hearing. This is a thorough general speech.

Mr. Speaker: I thought this was preamble to clause 2. Now we can come to clause 2.

श्री स० म० बनर्जी : मैं लेबर मिनिस्टर से, गृह-मंत्री से, प्रधान मंत्री से से कहूँगा कि अभी भी समझौते के दरवाजे खुले हुए हैं। अगर आप चाहें तो समझौता हो सकता है। लेकिन आज अगर आप एक हाथ में इस बिल को रखें और दूसरी तरफ समझौता करना चाहें तो ऐसा नहीं हो सकता है। आज आप मजदूरों को उन-राष्ट्र से बंचित कर सकने हैं। आज अगर मजदूर हड़ताल करते हैं, तो आप उस-हड़ताल को कुचल सकते हैं। लेकिन एक बात, जो मैं कहना तो नहीं चाहता था लेकिन आज कहे बगैर नहीं रह सकता हूँ, कहता हूँ कि मैं इस सदन में बड़ा बड़ी आशाये बाध कर आया था। मैं यह मोच कर आया था कि यहाँ पर इस देश में जातन को हिकाजत होती है, जमहूरियन को हिकाजत होती है लेकिन आज मैं अपनी आंखों में सामने उसका गला चुटने देव रहा हूँ ...

Mr. Speaker: Order, order. The hon. Member will have many opportunities to speak on the Finance Bill and other Bills. Now the consideration stage of the Bill is over. If the hon. Member has got anything to contribute on clause 2, he can confine his remarks to that. Of course, all the other matters he has placed before the House are very interesting, but he will have another opportunity. I think he can conclude now.

श्री स० म० बनर्जी : स्ट्राइक की डेफिनिशन पर मैं यह कहना चाहता हूँ। इस विषयक के क्लॉज २ (बी) में जो "स्ट्राइक"

शब्द की परिभाषा दी गई है और जिसमें यह कहा गया है कि "strike" means the cessation of work by a body of persons employed in any essential service इसके भागों जो दो लाइनों में उनका प्रतिपादन चाहता हूँ ।

एसेंशियल सर्विसेज के नाम पर हर एक इंडस्ट्री में जहाँ कि सेंट्रल गवर्नमेंट के मुलाजिम काम करते हैं, इस तरह के कानून को यदि लागू किया गया तो वह हमारे देश के लिये हानिकर सिद्ध होगा । सेंट्रल गवर्नमेंट एम्प्लोईज के बूते पर यह सरकार चल रही है, यह आप को मानना चाहिये और इसे हम और आप दोनों ही मानेंगे और अगर स्ट्राइक की डेफिनीशन को हम इतना ज्यादा बढ़ा लेते हैं जैसा कि हमने क्लॉज २ (बी) में बढ़ाया हुआ है, तो उसका बड़ा कुप्रभाव हमारे एम्प्लोईज के ऊपर पड़ेगा और इसी लिये मैं चाहता हूँ कि क्लॉज २ (बी) में जो स्ट्राइक की परिभाषा की गई है वह "एसेंशियल सर्विसेज" इन्हीं शब्दों तक रहनी चाहिये और भागों के शब्द उस में से डिलीट हो जाने चाहिए ।

Mr. Speaker: Does the hon. Member want the whole of clause 2 to be omitted?

Shri S. M. Banerjee: I am coming to that. The definition of strike given in clause 2 reads as follows:

"'strike' means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment."

I want that the words beginning from 'acting' and ending with 'employment' be omitted. That is my submission.

Shri V. P. Nayar: I think that this clause is one of the most obnoxious clauses in the Bill. Perhaps the word 'obnoxious' is not proper; one has to find stronger words. I cannot understand how such a clause can be brought in a legislation, and Government can take blanket powers to control the organisations.

This clause should not be read by itself. It has to be read along with clause 3, because this clause gives certain definitions of what is meant by 'essential services', and the acts in respect of the essential services, which are prohibited, come later on in the provisions.

As you have rightly observed, the question of Fundamental Rights has been discussed yesterday, but I want to raise this question whether this clause which creates certain groups and certain orders will be in conformity with the spirit and letter of the Constitution itself. When I say 'the spirit of the Constitution', I am reminded of what was said by Sardar Vallabhbhai Patel in his capacity as chairman of the Fundamental Rights Sub-committee. I find Sardar Vallabhbhai Patel writing:

"We attach great importance to the Constitution making these rights justiciable. The right of the citizen to be protected in certain matters is a special feature of the American Constitution..."—

My hon. friend the Law Minister pointed that out yesterday—

"...and the more recent democratic Constitutions."

Later on, the report says:

"We are of the opinion that Fundamental Rights of the citizens of the Union would have no value, if they differ from group to group or from unit to unit or are not uniformly enforceable."

I want to ask whether the Fundamental Rights—I do not want to discuss what the Fundamental Rights are—which are curtailed by declaring

[Shri V. P. Nayar]

certain services as essential, and then Government taking the power to prohibit strikes in so far as these services are concerned will enable the organisations to make these rights justiciable. As I submitted it is against the letter of the Constitution also, not to speak of its being against the spirit of the Constitution.

Here is the Statement of Objects and Reasons. I wonder whether we can pass any legislation and have a provision like this in clause 2, apart from what is provided for in the Constitution for limiting Fundamental Rights.

Mr. Speaker: Is the hon Member referring to item (vii)?

Shri V. P. Nayar: I am referring to item (vi) and to article 19 (2) of the Constitution.

Mr. Speaker: Has that not been referred to already?

Shri V. P. Nayar: No. The point which I want to raise has not been raised. I have been following the debate very closely. Article 19(2) reads:

"Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence"

My point is that as regards the curtailment of fundamental rights, the legislative competence of this House is strictly limited to these specified items I went through the Statement of Objects and Reasons and I could not find any of these there

Mr. Speaker: Where is the fundamental right to strike?

Shri V. P. Nayar: Not strike. I am saying that this should be read along with clause 3 where strikes can be prohibited. It cannot be prohibited in all organisations; it can be prohibited only in certain organisations which are declared as coming within essential services, so that this clause has relevance to the later clause.

Therefore, it becomes relevant for us to consider whether the restrictions imposed on fundamental rights later on, when strikes are prohibited in one organisation or one service, do not also cover other fundamental rights; the right to form an association, freedom of speech and expression, all these will naturally and necessarily be curtailed.

Mr. Speaker: Prevention of strikes is not prevention of association.

Shri V. P. Nayar: Strike by itself and all acts leading to the strike. If a particular strike has been declared unlawful and if it is considered to be illegal, nothing can be said about it; freedom of speech and expression will not be there.

Therefore, my point is that the curtailment of fundamental rights cannot be of anything except the items very specifically stated in this particular article I was going through the Statement of Objects and Reasons; I found some items there. But so far as curtailment of fundamental rights is concerned, they must relate either to the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court etc. But here that is not so. Even in the Long Title of the Bill, you do not say whether the rights are being curtailed in the interest of security. The Long Title says: 'A Bill to provide for the maintenance of certain essential services and the normal life of the community'. Where is the provision in regard to security of

State here? Security of State is a different matter. If you restrict the rights under particular article of the Constitution, you have to very strictly construe what is given in that article. Curtailment of fundamental rights which will necessarily come out of this legislation does not fall within the scope of any one of the items specified in that article.

Therefore, my submission is that this is a matter of grave concern to us, because we are Members of Parliament representing a free people. It is our business and our duty to find out the loopholes. Whenever the rights of the people are infringed, it is our duty to get proper remedies. Therefore, we are very anxious to see that curtailment of rights in respect of matters not specifically provided for in that article,—which of course envisages certain curtailments—cannot be allowed to be passed by this House, and it is certainly beyond the legislative competence of this House.

It is very unfortunate that the Home Minister should have chosen to have this clause. He regrets very much.

Mr. Speaker: That is the very soul of the Bill. If clause 2 is omitted, I am afraid there is nothing else in the Bill.

Shri V. P. Nayar: I am only pointing out that the very soul of the Bill is smelling very bad, it is foul.

Mr. Speaker: Unfortunately, the House has accepted it.

Shri Sadhan Gupta: We can still rectify it.

Shri V. P. Nayar: Therefore, we have some amendments, if they are accepted, at least the soul will be less foul smelling.

It is the sweetest pleasure of the hon Home Minister to express his regret and then pass on to some obnoxious measure. We have had it from him so many times. I want him to consider whether in this measure

the letter and spirit of the Constitution have been kept in mind. If not, it is time for us to consider whether this should not be amended accordingly. If we are able to convince either the Home Minister or the Government or the House that a particular measure is not in keeping with or is *ultra vires* of the Constitution, then, there is nothing which prevents us from dropping this Bill, although we are committed to the acceptance of the principle.

Take, for example, clause 7. The Government have . . .

Mr. Speaker: I am afraid the hon Member is going beyond the scope of the amendment to clause 2.

Shri V. P. Nayar: I am sorry, I mean sub-clause (vii) of clause 2. It is claimed to be a residuary power. We have defined in the sub-clauses above that, what services will constitute essential services. Government do not themselves know—apart from all those which have been specified above—what else has got to be brought in.

Of course, an explanation was given this morning. I wonder whether in order to prevent strikes and prevent the working classes from agitating for their legitimate demands, such a blanket power should be given to Government. I have never seen such power given to any Executive in any Act. I am not as experienced as the hon Home Minister, but this is a most obnoxious provision. I plead—and I know I am doing it in vain and the Home Minister is smiling at me in a very kind way—and I request him to consider whether this at least should not be taken away.

Shri Sadhan Gupta: Sir, while discussing this clause, as a lawyer, there is always a great temptation to make a disquisition on fundamental rights.

Mr. Speaker: That has been done. Now, hon Members may give a resume of what exactly they want by way of amendment to this clause. And, if they want to oppose this clause, let

[Shri Sadhan Gupta]

them say so, so that the House may follow what exactly they are saying.

Shri Sadhan Gupta: I endorse the views expressed by previous speakers that this clause, particularly the definitions in the clause, is contrary to the fundamental rights. These together would adversely affect the fundamental rights. But, I do not want to go into that in detail because, although there is so much temptation, there is so much revolting in the whole measure that we must consider this clause in the light of that.

This is a definition clause and has a bearing on the other clauses which follow. The net cast in this clause is too wide and we rope in millions of our countrymen within the mischief of this Act. If the net is restricted, however little it can be restricted, then, we succeed in getting out of its mischief some sections of the people of our country.

There are two definitions both of which have raised controversy. For example, the definition of essential services. Under this sub-clause (vii) there is not a thing that cannot be included within essential services if the Government chooses to express the opinion that any particular thing is essential service and that its withholding from work would inflict hardship on the community.

19 hrs.

I have given notice of 40 amendments to this clause and the reason

for these amendments—the main object of these amendments—is to try to save as much as possible out of the clutches of this oppressive law. First of all, in this definition of essential service, the most objectionable sub-clause is the last one. There is nothing on earth, nothing under the sun that cannot be included within the last sub-clause. When the points of orders were raised, I think it was you, Sir, who said what other industries could be covered. There are a lot of other industries which could be covered by this sub-clause. In fact, the question is not what other industries could be covered but what industries could not be covered. That is the question which arises.

We are proceeding to enact a most extra-ordinary law. We are concerned with the right to strike. Whether it is fundamental or not, I am not concerned at the moment. If it is a fundamental right under the Constitution, it is bad enough but if it is not a fundamental right, it is only a defect of our Constitution because there is no doubt that in all parts of the civilised world the right to strike is in fact a fundamental right.

Mr. Speaker: The hon. Member may continue tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 6th August, 1957.