

charge of it, and they are trying to improve matters, but it is rather difficult. Once the matter goes wrong, it is very difficult to completely overhaul it and make improvements overnight. That is why, slowly we are trying to improve the thing. One of the causes of this malfunctioning is that it is run as a departmental concern. Government should be the last thing to run a commercial concern like this. That is why, under the advice of the expert committee, we are converting it into a limited company.

Shri Harish Chandra Mathur: Nothing will happen. In the whole country you want controls, and you cannot control one enterprise under you.

Workers of Tisco

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Dr. U. Misra:
Dr. Ranen Sen:
Shrimati Renu Chakravartty:
Shri Priya Gupta:
Shri P. K. Ghosh:
Shri Prabhat Kar:
Shri Daji:
Shri J. B. Singh:
Shri Warrior:
Shri S. M. Banerjee:
Shri Mohammad Elias:
Shri Kishen Pattanyak:
Shri Rameshwaranand:
Shri Madhu Limaye:
Shri Kapur Singh:

S.N.Q.
19.

Will the Minister of Labour and Employment be pleased to state:

(a) whether Government have considered the representation requesting adjudication in respect of 400 dismissed workers of Tisco, Jamshedpur;

(b) if so, the decision taken;

(c) whether the representatives of the workers were on hunger strike before Parliament House; and

(d) whether they were arrested?

The Deputy Minister in the Ministry of Labour and Employment

(**Shri R. K. Malviya**): (a) and (b). The subject falls in the State sphere. On the basis of information available with Labour Ministry a statement of the case is placed on the Table of the House. [Placed in Library. See No. LT-4423/65].

(c) and (d). Yes.

Dr. U. Misra: In the statement it is said that the Government has helped in securing the reinstatement of as many workers as possible who were not charged with violence and gross indiscipline. It is very confusing, and is a half truth. May I know whether the Minister is aware that none of these workers was found guilty of violence and gross indiscipline by any court except their participation in an illegal strike? And in this connection, may I point out to Government that in the light of the Supreme Court judgment, no worker should be discharged or dismissed from service for mere participation in an illegal strike?

Shri R. K. Malviya: This case has been raised a number of times in the Bihar legislature and the Government has made the position very clear several times. Besides, the workers went in appeal to the High Court against the judgement of lower court and they also lost there.

Dr. U. Misra: This is not the reply to my question. The workers did not go to the High Court for any indiscipline case.

Mr. Speaker: He has given an answer. He may put his second question.

Dr. U. Misra: May I know in view of the Supreme Court Judgment, whether the Government is now considering to go to arbitration or any other thing that is the minimum that is provided in the Industrial Disputes Act?

Mr. Speaker: Will it be for the State Government or the Central Government?

Dr. U. Misra: It is a concurrent subject.

Shri R. K. Malviya: We generally do not interfere in the subjects which are dealt with by the States; the jurisdiction is theirs. These cases had thoroughly been examined by the State Government, every case individually and the workers secured reinstatement of about 266 workers. The State Government have not thought it fit to recommend for reinstatement of the rest of 338 workers.

Shri S. M. Banerjee: I rise on a point of order. Dr. Misra's question is different. We knew that these things were done by the State Government. He says it is a State subject but in fact it is a concurrent subject. Besides, the Centre has given Rs. 10 crores but they have not been able to realise anything. So, they are helping the steel industry. But when it is a question of dispute between the employer and the employees of that particular concern, is it not fair on the part of the hon. Minister to answer that question? He shifts the entire burden to the State Government. But what is his own decision? This comes under the Centre. I want your guidance in this matter.

Mr. Speaker: There is no guidance that I can give in this.

Dr. Ranen Sen: There have been instances of hunger strike and demonstration before the Parliament in the last few years and so far as I know no person or any group of persons had been arrested for resorting to hunger strike. May I know the reason why, when this particular group of workers resorted to hunger strike they were arrested by the police? What is the reason behind? Was it due to pressure of vested interests like the Tata Group concerns on the Government?

Shri R. K. Malviya: No, Sir. There is no pressure from any quarter. We have not got any representation from

the workers who went on hunger strike here in front of the House and we are not in a position to tell why they had done so....

Dr. Ranen Sen: My question was this: Why were they arrested?

Shri R. K. Malviya: The police took that action.

Mr. Speaker: He says that the Central Government did not give any orders. But he may enquire into it as he does not know it now.

Shri Indrajit Gupta: Sir, the question of Dr. Ranen Sen is: why were these hunger strikers outside the Parliament House arrested while nobody else had been arrested so far for going on a hunger strike before the Parliament House?

Mr. Speaker: They were arrested here? Naturally a supplementary would arise why were they arrested.

Shri R. K. Malviya: We have not got any definite information. We have got only this information that they were arrested on the 3rd and let off on the 5th May.

Shrimati Renu Chakravartty: It is surprising, Sir. These people before they went on a hunger strike had met many of the Ministers and had acquainted them with their problems and finally they had gone on a hunger strike.

I would like to know why it is that the Government has neither granted them the facilities of arbitration for the workers, for getting which the Central Government could have used its good offices, nor has it prevented this unseemly arrest of the workers, when there are many who have gone on hunger-strike and who have not been arrested, in front of Parliament?

Shri R. K. Malviya: So far as the question of arbitration is concerned, it is for the workers to approach the

State Government. So far as I understand, they approached the State Government and they have thoroughly examined the case and it has not been found expedient by them to refer the case to adjudication. So far as arbitration is concerned, it could be done with the consent of the employers. With the consent of the employers alone, arbitration could be resorted to.

Shri Priya Gupta: As the Minister has stated, they were arrested and a percentage of them have been reinstated. May I ask the Minister what was the cause of their dismissal and whether the allegations for which they were tried and the judgment of the lower court as well as by the High Court were on the basis of the illegality of going on a strike or on some other allegations brought by the State Government, in respect of the troubles over there? If it be that it was an illegal strike as stated by the State Government, may I request the Ministry of Labour to implement the decision of the Supreme Court to take them back in service more so in the present context of the emergency where, in such a concern like "TISCO" (Tata Co.), the relations between the employers and the employees should be smooth for the greater interest of the country?

Mr. Speaker: The second is a suggestion. The first part may be answered.

Shri R. K. Malviya: To the extent that I have followed, I will reply. The charge under which these workers were tried were: acts of violence, sabotage, arson, and. . .

Shrimati Renu Chakravartty: They were not proved.

Dr. U. Misra: The House is being confused by untruths.

Mr. Speaker: Order, order.

Shri R. K. Malviya: The finding of the court has been that it was a poli-

tical strike and there was a criminal conspiracy to paralyse the steel plant. These were the charges, and the lower court gave the judgment. The workers went to the Patna high court and there also. . . (Interruption).

Mr. Speaker: Order, order. What was the finding of the lower court about the charges?

Shrimati Renu Chakravartty: They were not proved.

Shri R. K. Malviya: The court held that it was a political strike and there was a criminal conspiracy in the steel plant.

Shri Priya Gupta: On a point of order. On a point of clarification. I seek your protection, Sir. Please allow me.

Mr. Speaker: Order, order. Please sit down.

Shri P. K. Ghosh: In view of the fact that the employees are out of employment for the last seven years and are facing great hardship in maintaining their families, will the Government consider this as adequate punishment for whatever they did and request the management concerned to re-employ them after taking certain undertaking from them?

Mr. Speaker: It is a suggestion for action.

Shri Prabhat Kar: In view of the fact that the cases of all these people were never referred to any court, whatever, the statement that has been made by the Bihar Government is not found to be correct that being the fact—may I know whether the Central Government will consider this aspect or whether they will stick to that part of the statement where they have stated that the management is not prepared to reopen the case and therefore they are not prepared to reopen the case?

The Minister of Labour and Employment (Shri D. Sanjivayya): It is not a question of the management being prepared to reopen the case. The State Government is completely convinced that there is no case to refer this to an adjudicator.

Dr. U. Misra: What is the basis?

Shri Priya Gupta: One clarification, Sir.

Shri J. B. Singh: My name is there, Sir.

Mr. Speaker: Yes, I am sorry, Shri J. B. Singh.

श्री ज० ब० सिंह : अध्यक्ष महोदय, मैं यह जानना चाहता हूँ कि यह जो हंगर स्ट्राइकर्स गिरफ्तार हुए उसका सेंट्रल गवर्नमेंट ने आर्डर दिया था या दिल्ली की पुलिस ने अपने से ऐसा किया या टाटाज का आर्डर था ? किस का आर्डर था ?

Shri D. Sanjivayya: When the hunger-strike is here, it is for the Delhi Police to act.

Shri S. M. Banerjee: From the statement it appears that the Labour Commissioner, Bihar, also examined these cases. I want to know whether the minister is aware that the Labour Secretary of Bihar Government., Mr. Pandey, was taken on loan service by TISCO in 1958 when the strike took place? He was taken over and made a Director to see that the Labour Ministry of Bihar Government does not take a decision against TISCO administration. That was why no labour commissioner or labour department could do justice in the case because of the constant influence of Mr. Pandey, who was taken on loan service. I want to know if Mr. Pandey is still there and whether the minister will depute some officer from the central labour ministry to review all the cases and refer the matter to arbitration or adjudication?

Shri D. Sanjivayya: Firstly, it is not the labour commissioner of any

particular State who decides these matters. The labour minister of the State and sometimes the Chief Minister take decisions. Under what circumstances one Mr. Pandey was taken by TISCO, we don't know.

Shri S. M. Banerjee: I want your protection, Sir. I put a specific question. The facts are very clear. I wanted to know whether it is due to the influence of Mr. Pandey . . .

Mr. Speaker: He says the decision is taken by the State Government.

Shri S. M. Banerjee: I am Mr. Indrajit Gupta were punished in this TISCO case. They have donated huge funds to the Bihar election funds.

Mr. Speaker: All those things are not relevant now.

Shri Surendranath Dwivedy: Mr. Priya Gupta wanted to make some clarification. He may be allowed a chance.

Mr. Speaker: I will come to him. Mr. Elias.

Shri Mohammad Elias: We realise the difficulty of the Central and Bihar Governments before Tatas and Birlas, because they are the actual rulers of this country and the government are helpless.

Shri Vidya Charan Shukla: On a point of order, Sir . . .

Mr. Speaker: Order, order.

Shri Mohammad Elias: It is a clear and simple thing that government are so much afraid of referring it to adjudication under the Industrial Disputes Act. Every worker enjoys this right, Sir. Why does not the law of the land apply to these poor workers? They are not involved in any political cases. Will the Central Government give employment to these workers in the public sector factories because our country is short of highly skilled workers and these workers are highly skilled?

Mr. Speaker: Only this much is to be answered whether Government will give employment to them in the public sector factories.

Shri D. Sanjivayya: After all, any intending employee can go to a public sector undertaking and if the public sector undertakings authorities are convinced that these people are disciplined and loyal, they would certainly consider their cases.

Shri Vidya Charan Shukla: My point of order is this. I want your ruling whether it is in order for any member to make such a statement of opinion and make such insinuations while asking a supplementary. If it is not in order, it should not be on record.

Some hon. Members: Why not?

Mr. Speaker: The point of order is being addressed to me. It is not fair that hon. Members should give the answer "why not?" just immediately. I also feel that it is not fair to refer to other persons and make insinuations without justification. There might be grounds and there might be occasions when certainly criticism can be offered against such people.

An hon. Member: What was the insinuation?

Mr. Speaker: That the Government is helpless... (Interruptions**). Order, order. Nothing of this would go on record. Unless I identify a Member nothing would go on record. Shri Madhu Limaye.

श्री मधु लिमये : यहां पर यह कहा गया है कि यह विषय राज्य के अधिकार में आता है, केन्द्रीय सरकार के अधिकार में नहीं आता है। मैं यह कहना चाहता हूँ कि चूँकि ये जो गिर-फ्तारियां हुईं, वे दिल्ली में हुईं, इसलिए गृह मन्त्रालय का सम्बन्ध आता है, चूँकि यह इस्पात की पैदावार का सवाल है और इस्पात के मन्त्री केन्द्रीय सरकार में हैं, इसलिए उनका सम्बन्ध

आता है और चूँकि मजदूर विभाग केन्द्र में भी आता है और राज्य में भी आता है, इसलिए केन्द्रीय सरकार का भी इससे सम्बन्ध आता है। इसलिए मैं यह जानना चाहता हूँ कि क्या सरकार औद्योगिक क्लह कानून के अंतर्गत शतन चढ़े मामले को औद्योगिक अदालत के किसी निष्पक्ष पंच के, सुपूर्द कर के इस झगड़े का हल निकालेगी।

Shri D. Sanjivayya: Whenever a dispute arises it is for the State Government concerned or, in the case of the central sphere cases, for the Central Government to examine whether there is a *prima facie* case for reference to adjudication. In this case the appropriate government is the State Government. They have examined the case and they have found that it is not a suitable case for reference to any tribunal.

श्री मधु लिमये : अध्यक्ष महोदय, इस्पात की पैदावार का प्रश्न केन्द्र में आता है न ?

श्री किशन पटनायक : क्या मंत्रालय ने पिछले सत्रह साल के अनुभव से यह पता लगाया है कि टाटाओं और बिड़ल.ग्रों के कारखानों में सब से ज्यादा श्रम-कानूनों का उल्लंघन होता है और इन कारखानों में मजदूर संगठनों को भी कामयाब ढंग से तोड़ दिया जाता है; यदि हां, तो क्या मंत्रालय ऐसा कोई कदम उठा रहा है, जिस में मालिक-विरोधी और मजदूर-समर्थक नीतियों का कार्यान्वय हो सके ?

Shri D. Sanjivayya: I do not agree with the hon. Member that in Tatas and Birlas concerns there have been violations. I might bring to the notice of this hon. House that recently in respect of a lock-out in TISCO the Bihar Government utilised the Defence of India Rules and forced them to lift the lock-out.

श्री प्रिय मुक्त : अन्तरेवल मिनिस्टर, माहव ने बताया कि यह पॉलिटिकल स्ट्राइक

थी। मैं यह क्लेरिफिकेशन चाहता हूँ कि पॉलिटिकल स्ट्राइक का मतलब तो सरकार के खिलाफ किसी पॉलिटिकल एक्शन से होता है, तो किसी प्रोड्यूसर की कंपनी, टाटा कंपनी, के खिलाफ पॉलिटिकल एक्शन कौन होता है, और क्या मैं इसे समझ सकता हूँ कि टाटा कंपनी ही सरकार है।

Mr. Speaker: It was read out that the High Court held that it was a political strike or something like that—the word “political” was used. The hon. Member wants to know what is meant by “political strike”.

Shri R. K. Malviya: That is the finding of the court. I read out from the notes. The note says that the court held that it was a political strike and there was criminal conspiracy....

An hon. Member: Which court?

Mr. Speaker: Order, order. I can get the information, but not in this manner. There are ten voices simultaneously coming up. How can I conduct the proceedings?

Dr. Ramesh Sen: The Central Government sent military and thereby made the whole strike into a political issue.

Shri Hari Vishnu Kamath: We may be told which court held like this?

Shri R. K. Malviya: The lower court. Then it went to the Patna High Court.

Mr. Speaker: Before it went to the Patna High Court which was the original court that tried the case.

Shri R. K. Malviya: The criminal court.

Shri S. M. Banerjee: Sir, he is completely out of court. (Interruption).

Mr. Speaker: Order, order. Let us proceed to the next business.

WRITTEN ANSWERS TO QUESTIONS

Construction of Dry Dock

*1281. **Shri Koya:** Will the Minister of Transport be pleased to state:

(a) whether any decision has been taken for constructing a dry dock at Cochin; and

(b) if so, the particulars thereof?

The Minister of Transport (Shri Raj Bahadur): (a) and (b). It is proposed to provide dry docking facilities at Cochin as a part of the Second Shipyard Project. The details in this regard would be known after the project report is submitted by the Mitsubishi Heavy Industries Ltd.

चीनी मिल, महिबपुर

* 1282. { श्री हुकम चन्द कछवाय :
श्री बड़े :
श्री यशपाल सिंह :
श्री श्रीकार लाल बेरवा :
श्री प्रकाशबोर शास्त्री :
श्री विश्वास प्रताप :
श्री नरेन्द्र सिंह महोड़ा :

क्या ज्ञात तथ्य मंत्री मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि महिबपुर (उज्जैन) की चीनी मिल ने गन्ना पेरना बन्द कर दिया है;

(ख) क्या यह भी सच है कि इस के कारण 4,60,000 विवटल गन्ना, जो पहले ही खरीदा जा चुका था, चीनी मिल में पड़ा हुआ है तथा 70,000 विवटल गन्ना खेती में पड़ा है;

(ग) यदि हाँ, तो गन्ने की इन मात्रा को बरबाद होने से बचाने के लिये सरकार ने क्या कार्यवाही की है; और

(घ) इन में कितने हानि होने का अनुमान है ?