

has been drawn to the remarks made in a judgment by the Supreme Court of India delivered the other day against the "Callous indifference or utter inefficiency and slackness apparently prevailing in the office of the Chief Labour Commissioner, New Delhi" in an appeal preferred by the Industrial Colliery, Dhanbad, against the decision of the Central Government Industrial Tribunal, Dhanbad.

(b) If so, do Government propose to make a statement regarding this dispute.

(c) What steps, if any, are proposed to be taken against those concerned.

The Deputy Minister of Labour (Shri Abid Ali): (a) Government have seen press reports of the judgment referred to by the hon. Members.

(b) It appears that the Regional Labour Commissioner Dhanbad held conciliation proceedings on the 22nd October 1949 and submitted a report which reached the Chief Labour Commissioner on the 25th October 1949. The report was, however, not transmitted to the Central Government until the 18th November 1949. Meanwhile on the 7th November 1949, the workers went on strike, apparently under the impression that seven days had elapsed after receipt of the report of the Conciliation Officer by Government. The Industrial Tribunal and the Supreme Court have held that as the report was, in fact, not received by Government until the 18th November 1949, the strike was illegal.

Two factors appear to have been responsible for falsifying the belief of the workers that they were going on a legal strike after the expiry of the prohibitory period mentioned in section 22(1) (d), namely,

(1) that the Regional Labour Commissioner submitted his report to Government through the Chief Labour Commissioner and not direct, and

(2) that there was then no provision, either statutory or administrative, for informing the parties of the date of receipt of the conciliation report by the appropriate Government. Soon after the present case came to the notice of the Government these defects were rectified. Necessary instructions were issued through their letter No L.R. 1(93) dated the 22nd December 1949, a copy of which is placed on the Table of the House. [See Appendix VIII, annexure No. 14.]

Under those instructions, the Conciliation Officer is required to submit his report to the appropriate Government direct within two days of the

completion of the enquiry, copies thereof being sent simultaneously to the parties concerned, and the appropriate Government is required to inform the parties concerned, of the date on which it receives the report of the Conciliation officer. Since the issue of those instructions, no inconvenience has been reported from any quarters. As, however, there is a lacuna in the Act in that no provision exists for enabling an interested party to know the date on which a conciliation proceeding is to be deemed to have concluded, it is proposed to make suitable changes in the law when the Act is next amended.

(c) The Chief Labour Commissioner did not apparently expect such an urgent and statutory report to pass through him and had not made any special arrangements for dealing with them. It may also be mentioned that the Chief Labour Commissioner had returned from leave only on the 25th October 1949, i.e. the very date of receipt of the Regional Labour Commissioner's report, and had to deal with much accumulated work. Government do not, therefore, consider any special action necessary beyond drawing the attention of the Chief Labour Commissioner to the need for expeditious disposal of work.

Shri N. P. Sinha: May I know if seven hundred or more employees will have to face and bear the consequences of an illegal strike which became technically illegal, under most unfortunate circumstances?

Shri Abid Ali: It is a fact that they went on strike which has been held to be illegal.

Shri N. P. Sinha: Section 26 of the Industrial Disputes Act provides for illegal strikes or lock-outs, one month's imprisonment or fine or both. May I know whether they are going to be prosecuted because the strike has been technically illegal?

Shri Abid Ali: No, Sir, there is no such possibility.

Shri A. N. Vidyalkar: In view of the following remarks of the Supreme Court Judge that this hardship had been thrown upon the employees for no fault of their own, what special steps are Government going to take to save the workers from bearing the consequences of the illegal strike?

Shri Abid Ali: No action has been, or is proposed to be taken against the workers for having gone on strike.

Shri B. S. Murthy: May I know what steps Government propose to take in order to remove the lacuna which has resulted in the strike of the workers being termed 'illegal'?

Shri Abid Ali: I have already stated that administrative instructions have been issued. No hardship has been reported; if any hardship still exists, we will take appropriate action.

Shri A. N. Vidyalankar: The hon. Minister stated that the Chief Labour Officer had returned from leave on that day, there were arrears of work accumulated and therefore he could not attend to this matter. Is it not a serious matter and somebody else also must have been responsible for it. Has Government enquired whether any other officer also was responsible for this and, if so, what steps Government propose to take to expedite disposal of such important work, which may not result in serious consequences, in future?

Shri Abid Ali: I note the suggestion for action.

Shri Nambiar: May I know whether Government are persuading the employers to pay the workers for the strike period?

Shri Abid Ali: No, Sir.

LATE ARRIVAL OF CALCUTTA MAIL IN MADRAS

IV. Shri Natesan: (a) Will the Minister for Railways be pleased to state whether it is a fact that the Calcutta Mail due in Madras on the 13th December, 1952, arrived after a delay of six and half hours, and was held up on some stations between Rajahmundry and Madras?

(b) If so, at what stations and by whom was it held up?

(c) Was any damage caused to the Mail, and what was the amount involved?

(d) What steps are proposed to be taken to prevent a repetition of such occurrences?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Calcutta Mail due in Madras at 6.50 hours on the 13th reached at 13.30 hours, i.e., 6 hours 40 minutes late.

(b) The train left Waltair right time and reached Rajahmundry four minutes late due to loss on run:

Detained at Nidadavolu 57 minutes for crossing trains which were badly delayed.

Detained between Nidadavolu and Tadepalligudem 194 minutes at all the three intermediate stations and between stations due to alarm chain having been pulled, removal of washers from vacuum hose couplings, disconnecting electric couplings and damaging glass shutters of carriages.

Detained between Tadepalligudem and Bezwada 29 minutes due to alarm chain having been pulled, 7 minutes for engineering restrictions and crossing of trains.

Bezwada 103 minutes waiting for relief engine due to failure of the train engine of the Calcutta Mail which is scheduled to run through.

Between Bezwada and Bitragunta 13 minutes due to cautious driving through stations.

Between Bitragunta and Madras 3 minutes made up.

Total loss on run 403 minutes minus 3 minutes made up.

Arrived late 400 minutes i.e. 6 hours 40 minutes.

(c) Yes, by breaking of glass shutters. Exact amount involved is not yet known, but is not expected to be heavy.

(d) Detentions other than 'engine failure' due to interference with the trains by mobs creating disturbances. Prevention of repetition of such occurrence is essentially a law and order problem for the State Government who are fully aware of the position.

Mr. Deputy-Speaker: The hon. the Railway Minister like to make a statement on this.

The Minister of Railways and Transport (Shri L. B. Shastri): Sir, trouble in a sporadic form started on the 8th instant, with demonstrations at a number of railway stations such as Guntur, Narasapur, Tadepalli, Muddanuru, Palakol. The mobs held up trains by standing on the track and pulling up alarm chains.

The position deteriorated further on the 13th and the 14th, particularly on the Bezwada-Rajahmundry section. At Bezwada on 15th December, after about 6-30 P.M. a big crowd mobbed the station and did not let the Delhi-bound Grand Trunk Express proceed, and later extended their activities to the station office and the carriages. They