

**GOVERNMENT OF INDIA
RAILWAYS
LOK SABHA**

UNSTARRED QUESTION NO:1145
ANSWERED ON:10.03.2005
RECOGNITION OF TRADE UNIONS
Fernandes Shri George

Will the Minister of RAILWAYS be pleased to state:

(a) whether the Government has taken any action to implement the directions of the Hon`ble Supreme Court of India issued while disposing of special leave petitions in the matter of holding secret ballot to determine exclusive membership of Unions for the purpose of recognition of Trade Unions of Railways;

(b) if so, the details thereof; and

(c) if not, the reasons for the delay in implementing the directions of the Supreme Court?

Answer

MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI R. VELU)

(a) to (c): The Hon`ble Supreme Court in their judgment dated 08.03.2004 while disposing of the special leave petitions held that they saw no reason to interfere with the decision of the High Court and had upheld the High Court's reasoning for requirement of 30% membership exclusively for the membership of the union. In this context, the Supreme Court had observed that the High Court had correctly relied upon the decision in the case of Food Corporation of India Staff Union Vs Food Corporation of India which held that the method of Secret Ballot adopted in that case, was a natural, rationale and viable alternative. There is, thus, no specific direction of the Supreme Court for holding secret ballot to determine exclusive membership. Judgement of the Hon`ble Court is under consideration.