

[Shri Ajoy Biswas]

for a few days in the first week of August, a large part of Tripura has been affected, with severe flood causing innumerable damage of movable and immovable properties of the people of Tripura.

This flood has made a havoc in all the three districts of Tripura. The major portion of standing crops in the flood-affected areas has been lost, and the peasants are helpless in this devastation. Thousands of urban and rural people are forced to take shelter in nearby schools and other places. The State Government has to open relief camps throughout the State, and relief operation has started. About five lakh people are in distress; in small cities like Tripura, Agartala and surrounding areas alone, more than 10,000 people have been displaced due to the flood, and they are taking shelter in the rescue camps. The flood-affected people in general, and peasants in particular are in need of all sorts of help to re-build their houses and of monetary help, till next crop is raised.

The State Government requires urgent assistance from the Central Government to tide over the crisis. So, I request the Central Government to take immediate steps to give adequate financial help as well as enough foodgrains and other materials, so that the State Government can overcome the situation.

14.50 hrs.

INDUSTRIAL DISPUTES (AMENDMENT) BILL

MR. DEPUTY-SPEAKER : Now we go to the next item.

SHRI JAI PAL SINGH KASHYAP (Aonla) : On a point of information, Shri Chandrajit Yadav, an Hon. member of this House and Shri Chhangur Ram, when they were coming towards Parliament House to demonstrate for the implementation

of the Mandal Commission Report, had been arrested with thousands of volunteers.

MR. DEPUTY-SPEAKER : We are checking it up. We have not yet received any such information. If any information is received, it will be communicated to the House.

श्री जयपाल सिंह कश्यप : श्री चन्द्रजीत यादव और छांगुर राम जो इस सदन के माननीय सदस्य हैं, मंडल कमीशन को लागू करने के लिए सरकार से कहने के लिए कार्यकर्ताओं की ओर से जब इश्वर आ रहे थे तो उनको गिरफ्तार कर लिया गया, क्या इसके बारे में कोई सूचना मिली है ?

MR. DEPUTY-SPEAKER : We are checking it up. We have not yet received any such information. If any information is received, it will be communicated to the House.

श्री जयपाल सिंह कश्यप : मंडल कमीशन को गवर्नमेंट इम्प्लीमेंट न करे और लोग आएँ उसके बारे में कहने के लिए तो उनको सुना न जाय, यह तो बहुत बड़ा अन्याय हो रहा है।... (व्यवधान)...

MR. DEPUTY-SPEAKER : Now, we go to the next item. The House will take up the Industrial Disputes Bill, 1982 for which 4 hours have been allotted. If the House agrees, we may have 2-1/2 hours for general discussion and 1-1/2 hours for clause-by-clause consideration at the third reading. Hon. Members have decided in the Business Advisory Committee meeting that we can sit late today; and the Half-an-Hour discussion also... ..(Interruptions)

SOME HON. MEMBERS : No late sitting today.

MR. DEPUTY-SPEAKER : You leave it to me. Now the Minister can speak. You leave it to me. I have already announced.

SHRI SAMAR MUKHERJEE (Howrah) : Already 300 amendments have been submitted. Already on the 8th of July, there was an all India protest action. That is why we require more time for discussion here, because this is such a Bill which has very serious implications in the industrial relations.

MR. DEPUTY-SPEAKER : I have not cut short the discussion. I have already said that we will sit late.

(Interruptions)

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : I have not cut short your discussion.

(Interruptions)

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : We will sit late. That is the decision of the Business Advisory Committee and that will be implemented. I am not cutting short your discussion. I am prepared to sit late even if it is 10 O'clock.

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : I have already said I will not cut short your discussion and I will give as much time as you want provided you are prepared to sit late.

(Interruptions)

SOME HON. MEMBERS : No. no.

MR. DEPUTY-SPEAKER : If you do not want, you carry on.

(Interruptions)

MR. DEPUTY-SPEAKER : Is it, the sense of the House to sit late today ?

(Interruptions)

SOME HON. MEMBERS : No. no.

MR. DEPUTY-SPEAKER : The Opposition wants that the discussion time should not be cut short and I say it will not be cut short. Then why do you raise your voice ?

(Interruptions)

SOME HON. MEMBERS : Tomorrow; not today.

SHRI INDRAJIT GUPTA : (Basirhat) : Already in the list of business for today Half-an-Hour discussion has been put down, I know all these things can be manipulated. Half-an-Hour happens to be in the name of a member of the Ruling Party. Therefore I know it can be manipulated, but it does not look very good. Therefore, I suggest let us continue this discussion upto 5.30 p.m. and the balance of it can go on tomorrow. What is the great harm, I do not understand? I have a better suggestion.

(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAJN SINGH) : As we have decided and I agreed—when the Speaker called a meeting of the Opposition Leaders and in the Advisory Committee meeting also it was decided that we should have discussion on the Mandal Commission Report. I have no objection at all. I want a discussion on Wednesday as decided. Hon. Speaker had indicated that he wants a discussion. I also agreed that it should be given time. But I mentioned there categorically that we have also to see that the Government's business is also completed. Now, let us see how many days are left. We have

[Shri Bhishma Narain Singh]
got today and tomorrow. On Wednesday you want a discussion on Mandal Commission's report. Then 12th is a holiday. Thirteenth is the day for non-official business. Therefore, we have to adjust. This is my submission. And as we have already decided, we should stick to it. Let us complete the Government's business also. Otherwise, day after tomorrow, Wednesday you may get less time for discussing the Mandal Commission's Report and there may be a hue and cry. I do not want that. We want both sides to adjust and let us complete the business of the Government and your discussion on Mandal Commission's report also can be there. *(Interruptions)*

MR. DEPUTY-SPEAKER: Now Shri Bhagwat Jha Azad. The discussion on this over....*(Interruptions)*

SHRI SATYASADHAN CHAKRABORTY (Calcutta South) : I am on a point of order. You have taken the opinion of the House regarding the extension of time....*(Interruptions)* What is the opinion of the House?

MR. DEPUTY-SPEAKER: Professor, I am telling you. It has already been decided by the Business Advisory Committee.....
(Interruptions)

SHRI SATYASADHAN CHAKRABORTY: But the House is supreme.

MR. DEPUTY-SPEAKER :...that we should sit late. I am not cutting short the discussion. I will give you as much time as you like, and, provided you are prepared to sit, I am prepared to sit. Mandal Commission Report....*(Interruptions)*

SHRI SATYASADHAN CHAKRABORTY: You have to seek the

opinion of the House whether the members are prepared to sit beyond 6 p.m.

MR. DEPUTY-SPEAKER : The request of the Parliamentary Affairs Minister quite reasonable.
(Interruptions)

MR. DEPUTY-SPEAKER : The request of the Parliamentary Affairs Minister is quite reasonable.
(Interruptions)

SHRI SATYASADHAN CHAKRABORTY: You have to take the opinion of the House whether the members are ready to sit beyond 6 p.m.

SHRI INDRAJIT GUPTA : Do you think that it is possible to get through 300 amendments today ?

You are saying 'I will give you as much time as you like' but there are three hundred amendments.
(Interruptions)

MR. DEPUTY-SPEAKER : We sat up to 2 o'clock, once.

SHRI INDRAJIT GUPTA : Why should we ? Why should we do it ?....*(Interruptions)*

MR. DEPUTY-SPEAKER : There will be no cutting short of discussion.
(Interruptions)

SHRI RAMAVATAR SHASTRI: Today is 9th August, It is Solidarity Day....*(Interruptions)*

MR. DEPUTY-SPEAKER : On Assam I gave time to all the Opposition Members. You know this is an important Bill.
(Interruptions)

MR. DEPUTY-SPEAKER : I said that it is an important legislation*(Interruptions)*

SHRI INDRAJIT GUPTA : We can complete it tomorrow.

SHRI RAMAVATAR SHASTRI : Today is the National Solidarity Day. On behalf of the All India Freedom Fighters Organisation.....
(*Interruptions*)

SHRI SOMNATH CHATTERJEE (Jadavpur) : My half-an-hour discussion also.....(*Interruptions*)

MR. DEPUTY-SPEAKER : Now Mr. Azad. Please. Please.
(*Interruptions*)

MR. DEPUTY-SPEAKER : I am approaching this subject with an open mind.

SHRI SOMNATH CHATTERJEE : Have you read the clauses of this Bill? (*Interruptions*)

MR. DEPUTY-SPEAKER : I am approaching this subject with an open mind. Yes, Mr. Azad. ...
(*Interruptions*)

MR. DEPUTY-SPEAKER : You are wasting the time I am sorry.

SHRI RAMAVATAR SHASTRI : Today is the All India National Solidarity Day. We will sit up to 6 p. m. (*Interruptions*)

MR. DEPUTY-SPEAKER : Please. Please. Do not record anything.
(*Interruptions*)

MR. DEPUTY-SPEAKER : It is there on the agenda of the Bill. You can speak on the Bill. I am only asking the Minister to speak.
(*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI BHAGWAT JHA AZAD) : I beg to move...(*Interruptions*)

MR. DEPUTY-SPEAKER : This is not the way. If you stall the proceedings I will not allow it. Other Hon. Members may please sit down. I have asked the Minister only to speak. Let us make a beginning. Why can we not start the business? We will take the decision then and there, later.
(*Interruptions*)

SHRI SATYASADHAN CHAKRABORTY : I am on a point of order. Without taking the opinion of the House you cannot decide upon the time. You take the opinion of the House whether Members want to sit beyond 6 p. m. You have not taken. You take the opinion of the House whether the House is prepared to....(*Interruptions*)

MR. DEPUTY-SPEAKER : Professor, it has been announced already. Four hour have been allowed. Please listen to me.
(*Interruptions*)

MR. DEPUTY-SPEAKER : As a student, I have listened to you. Now the Professor must sit quietly and listen when the student talks. He should listen to him. Four hours have been allowed. The question of extending the time will come after the four hours are exhausted.
(*Interruptions*)

MR. DEPUTY-SPEAKER : Please listen. Please listen.

15.00 hrs.

Then it is left to the sense of the House. I expressed the opinion because the Minister for Parliamentary Affairs had explained certain things to the House that the time for discussion on the Mandal Commission Report, which is being pressed by the Members for a discussion and the Hon. Speaker was good enough to allow that discussion, would not be available. Therefore, the question of extending the time will come after 6 O'clock. Now, Mr. Azad. (*Interruptions*) I am so sorry. Why are so many Members speaking together? How can I

hear you ? Why cannot one Member speak as Shri Indrajit Gupta did ?
(Interruptions)

SHRI SUNIL MAITRA (Calcutta North-East) : Just now, you said that the Business Advisory Committee had allotted four hours. Now, it is 3 O'clock. Four hours time means 7 O'clock. The House is to sit upto 6 O'clock. So, *ipso facto* you have agreed to continue the discussion tomorrow.

MR. DEPUTY-SPEAKER : It has already been decided by the same Business Advisory Committee that the House shall sit late every day.

SOME HON. MEMBERS : No.
(Interruptions)

SHRI INDRAJIT GUPTA : I am a Member of the Business Advisory Committee. No decision was taken that everyday we would sit late. Has any such decision been taken ? He is here and he can contradict me. A decision was taken and that was some sort of a consensus, that in order to complete the Government business which remains for the rest of the session, whenever necessary the House might sit late. I am arguing with you that it is not at all necessary that tonight itself the discussion is to be completed, because the discussion on the Mandal Commission Report is only day after tomorrow and not tomorrow.

SHRI CHANDRA SEKHAR SINGH (Banka) : May not take place.

SHRI INDRAJIT GUPTA : Why should it not take place ? I am requesting you—I am not speaking on behalf of all my colleagues because I have not consulted them—...

MR. DEPUTY-SPEAKER : Why are you afraid of them ?

SHRI INDRAJIT GUPTA : I am prepared to sit, according to your calculations, on the basis of four hours, which was the time fixed by the Business Advisory Committee of which I have to be a Member, upto 7 O'clock. Then we adjourned and the rest of the discussion will be completed tomorrow. This is my humble request to you.

MR. DEPUTY-SPEAKER : We will see. (Interruptions)

SHRI BHISHMA NARAIN SINGH : In that case, you stick to the time that has been allotted i.e. four hours and complete it. I want to say that you should also understand our difficulty because tomorrow is the only day left for the Government business practically. I have got other business also. That you have seen from the list. If you will not sit late, how will you be helping me in completing the Government business ? Then how my commitment on a discussion on the Mandal Commission Report will stand ? I have no objection. But then, in that case, I will not commit anything as to how much time will be left for the discussion on the Mandal Commission Report. I am prepared to give sufficient time for the discussion provided the commitment made by all the opposition leaders is fulfilled that the Government business will be completed. In that case only, I will stick to my commitment. (Interruptions)

MR. DEPUTY-SPEAKER : I have heard the views of the Government and also Mr. Indrajit Gupta. Now Mr. Azad. Nothing other than what Mr. Azad speaks, will go on record.

(Interruptions)

श्री मलिक एम० एम० ए० खाँ (एटा) :
उपाध्यक्ष महोदय, जैसा बिजनैस एड्वाइजरी

कमेटी ने डिसाइड किया है कि इस बिल पर चार घंटे बहस होगी, चार घंटे से ज्यादा टाइम न बढ़ाया जाय। बिजनेस एडवाइजरी कमेटी के डिसेज़न को स्ट्रिक्टली फॉलो किया जाये।

MR. DEPUTY-SPEAKER : I uphold your point of order. I will follow the report of the Business Advisory Committee, under which four hours have been allotted.

(Interruptions)**

MR. DEPUTY-SPEAKER : No, I am not allowing anybody. Nothing will go on record except the speech of Shri Azad.

(Interruptions)**

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI BHAGWAT JHA AZAD) : I beg to move :

“That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration.”

The Hon. Members are aware that the Act provides the machinery and procedure for the investigation and settlement of industrial disputes. The provisions of the Act had been amended from time to time in the light of experience gained in its actual working, case laws and industrial relations policy of the Government. The National Commission on Labour which made an indepth study of the industrial relations laws and procedures, had identified a number of areas in which the Act needed to be amended to promote industrial harmony. The recommendations of the Commission have been discussed at various forums since 1969.

(Interruptions)

MR. DEPUTY-SPEAKER : Our Professor suggests that we can have a discussion in the next session.

What I say is that this could have been brought before the BAC. Their representatives in the BAC could have done it. The BAC having decided it and the item having come here, my hands are tied. This is not the proper procedure. Shri Azad may continue his speech.

(Interruptions)

SHRI SATYASADHAN CHAKRABORTY : In the BAC we did make a request to the Minister.....

(Interruptions)

MR. DEPUTY-SPEAKER : I have already said that this is the decision of the BAC. How can I change it ?

(Interruptions)

MR. DEPUTY-SPEAKER : I want full participation. You leave it to me.

SHRI SATYASADHAN CHAKRABORTY : You were not present in the BAC. Let me tell you what happened.

MR. DEPUTY-SPEAKER : I have been told as to what happened in the BAC. Now the report of the BAC is before the House. It has been circulated. (Interruptions) If members behave like this, then no work can be done. Please do not record anything except the speech of the Minister. Let the Minister carry on.

(Interruptions)**

SHRI BHAGWAT JHA AZAD : Sir, after the present Government came into position, my distinguished predecessor, Shri J. B. Patnaik, as Labour Minister, held detailed discussions with the representatives of Central Trade Union Organisations on the 6th, 7th and 8th February, 1980 ; with the employers' organisations on 23rd and 24th February, 1980 ; and with the Members of Parliament, who were trade union leaders, in March, 1980.

[Shri Bhagwat Jha Azad]

The next series of discussions took place on 30th June, 1980 when Shri T. Anjiah, the then Minister of Labour, had talks with twenty eight trade union leaders. This matter also came up before the Consultative Committee of the Ministry of Labour from August, 1980 onwards on a few occasions. The Members of the Consultative Committee were apprised of the amendments Government was considering and a note was kept of the views expressed by them.

The Bill which is now before the House is a result of the culmination of the process of consultation and consensus-building over the past several years and contains a number of measures, which would make a positive contribution towards promoting better industrial harmony. Through these amendments, Government seeks to extend the coverage of the Act by expanding the definitions of 'industry' and 'workmen' so as to include a large category of activities and workers under the umbrella of the Industrial Disputes Act, 1947. We had also made a provision for a time framework for dealing with disputes.

(Interruptions)

MR. DEPUTY-SPEAKER : Just now no motion can be moved. You have not given any notice.

SHRI BHAGWAT JHA AZAD : The Bill makes it obligatory for employers to provide for an internal grievance settlement machinery in accordance with Rules we would be making in this regard.

*(Interruptions)***

MR. DEPUTY-SPEAKER : Do not record anybody else.

*(Interruptions)***

SHRI BHAGWAT JHA AZAD : The proceedings under the Scheme

of the Act will not lapse as a result of the death of a workman. Further, a workman in whose favour there exists an award of a Labour Court or Tribunal for reinstatement, the workman will become automatically entitled to get full wages even when the employer chooses to challenge the award in higher Court.

(Interruptions)

MR. DEPUTY-SPEAKER : You cannot move a motion. There is no provision.

(Interruptions)

SHRI BHAGWAT JHA AZAD : This Bill also seeks to redefine the regulatory provisions relating to closure in the Act so that there are reasonable restrictions in the interest of the public on the employer's right to close down an industrial establishment. Government have made provisions in the Act for protecting the legitimate interests of all concerned.

(Interruptions)

Government have received representations that we are unduly restricting the scope of the Act by excluding certain categories of employees from within its purview. Hon. Members will appreciate that there is an inherent difference between undertakings which, in the commonly understood language, fall within the definition of 'industry' and between hospitals, educational institutions and research organisations. Although we have excluded these categories, the idea has not been to take away workers' rights in these sectoral activities because, by and large, we have provided an alternative grievance redressal machinery in the Hospitals and other Institutions Bill, 1982, itself. In this connection, I would like to draw the attention of the Hon. Members to the Supreme Court's judgment in the Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and others case.

Here, the highest court in the land had itself ruled that—

“Constitutionally and competently enacted legislative provisions may well remove from the scope of the Act, categories which otherwise may be covered thereby.”

We have received requests from several institutions and organisations engaged in sectoral activities which come in the list of excluded categories requesting us specifically to exclude them for within the purview of the definition of industry as it exists at present in the Industrial Disputes Act, 1947.

SHRI SATYASADHAN CHAKRABORTY : Sir, I am on a point of order.

MR. DEPUTY-SPEAKER : No, no.
(*Interruptions*)

SHRI SATYASADHAN CHAKRABORTY : I am on a point of order. Rule 109 says....
(*Interruptions*)

DR. KRUPASINDHU BHOI : Sir, you should not allow it.
(*Interruptions*)

You are unruly people.

MR. DEPUTY-SPEAKER : It is all right.
(*Interruptions*)

SHRI SATYASADHAN CHAKRABORTY : Sir, you put the House in order.
(*Interruptions*)

MR. DEPUTY-SPEAKER : Please sit down.

SHRI SATYASADHAN CHAKRABORTY : Sir, Rule 109 of the Rules of Procedure says :

“At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker.”

I want your ruling. This is Rule 109.

MR. DEPUTY-SPEAKER : Shri Satyasadhan Chakraborty has given notice of a motion...
(*Interruptions*)

MR. DEPUTY-SPEAKER : You must give notice of the motion. Rule 109 says :

“At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker.”

I am not giving my consent. Mr. Azad, you carry on.
(*Interruptions*)

SHRI SATYASADHAN CHAKRABORTY : This is arbitrary. You should be judicious. (*Interruptions*)

MR. DEPUTY-SPEAKER : Hon. Members, this is not the way. If you oppose the Bill or anything like that, you cannot follow on agitational method in the House.

SHRI SATYASADHAN CHAKRABORTY : No, Sir.

MR. DEPUTY-SPEAKER : If you oppose the Bill you must be bold enough, strong enough to oppose and counter the argument of the Government. But this is not the way. Are you not able to face it? Cannot you face it?
(*Interruptions*)

Face it. Yes, Mr. Azad.

SHRI SATYASADHAN CHAKRABORTY : I am boldly opposing.

MR. DEPUTY-SPEAKER : Like a strong opposition you must face the Bill. You can oppose the Bill.
(*Interruptions*)

MR. DEPUTY-SPEAKER: This is not proper. This is not the correct way.
(*Interruptions*)

MR. DEPUTY-SPEAKER: The notice of the motion has been disposed of by me. I have not given my consent.

Yes Mr. Azad.
(*Interruptions*)

MR. DEPUTY-SPEAKER : I will make a personal appeal to the Hon. Members.
(*Interruptions*)

MR. DEPUTY-SPEAKER : This is not the way. We cannot create wrong precedents in the House. The Business Advisory Committee takes a decision. It is on the agenda.
(*Interruptions*)

You have raised points which have not been accepted by me. Four hours have been allotted. If four hours are not sufficient, it is upto you to come with the request to extend it or discuss it to-morrow. Shri Indrajit Gupta very rightly said—let four hours be over as is on the agenda. Then you raise your point of view and you convince the House and the Chair also that it can be postponed for tomorrow. That is the proper way of dealing with this. But this is dot the way.
(*Interruptions*)

MR. DEPUTY-SPEAKER : If the Opposition feels that they can stall the proceedings, Chair will not allow it. I have to complete the agenda. It is my duty that I complete the agenda. If there is any request from the Opposition, let them come and make a request. This will be considered on merits.
(*Interruptions*)

MR. DEPUTY-SPEAKER : I may tell you for your information that during the course of discussion on the Bill, I am stealing away some time of the ruling party and giving it to the opposition. Records will prove. (*Interruptions*)

SHRI SATYASADHAN CHAKRABORTY : Are you holding out a threat? You are threatening us. You are issuing a threat.
(*Interruptions*)

MR. DEPUTY-SPEAKER : I feel that co-operation of the Opposition should be there in this parliamentary democracy...(*Interruptions*). You allow me. Do not create wrong precedents. If you want to create wrong precedents, I will not allow it. There is no question of sitting in the Chair and creating wrong precedents.

If any Bill is brought before this House and discussed as decided by the Business Advisory Committee and if it is opposed like this, the Chair cannot conduct the business of the House. Therefore, I have called Shri Azad. Let four hours be over. Then the Opposition can make a request. (*Interruptions*). I do not go into the merits of the Bill. I am not concerned about the Bill.

SHRI INDRAJIT GUPTA : You have put me into some difficulty. Therefore, I am seeking.... (*Interruptions*). Otherwise I will have to resign from the Business Advisory Committee.

MR. DEPUTY-SPEAKER : Why? You should not. You are a very knowledgeable person.

SHRI INDRAJIT GUPTA : Please listen to me with patience. With all due respect to you I may say you have shifted your ground. All this trouble began here because a little while ago you have said we will sit as long as it is necessary to

finish this Bill—whether it is 9, 10 or 12 O'Clock. I believe at that time you based your remarks on the alleged decision of the Business Advisory Committee ! that, if necessary, the House will go on sitting for as long as necessary in order to complete the Government business ! Now, Sir, if I understand you correctly, now you are saying—most recently, just now—that we will continue the discussion upto 7 O'clock, since 4 hours have been allotted. And after that we will decide whether to continue further or not to continue further. It is not the same as you said earlier that we must continue upto mid-night....

MR. DEPUTY-SPEAKER : The sense has dawned on me. Therefore, I have said just now like that. What is there ?

SHRI INDRAJIT GUPTA : Just a minute, Sir. The report of the Business Advisory Committee...

MR. DEPUTY-SPEAKER : The sense has dawned on me. And you are responsible for it.

(Interruptions)

MR. DEPUTY-SPEAKER : That is all right.

SHRI INDRAJIT GUPTA : The trouble is, the Members of this House—both the sides of the House—are not aware of what was decided on this point in the Business Advisory Committee meeting. It has not come out in the form of written report, here.

SHRI BHISHMA NARAIN SINGH : It has come out.

SHRI INDRAJIT GUPTA : Please read out the relevant portion.

MR. DEPUTY-SPEAKER : Please read out the portion.

SHRI BHISHMA NARAIN SINGH : "The Committee further recommended that whenever necessary, the House may sit also after 6 p.m. for the completion of Government business."

(Interruptions)

SHRI M.M. LAWRENCE (*Idukki*) : Who is to decide when it is necessary ? You are not the man to decide. Who is to decide—is it the Parliamentary Affairs Minister or the Chairman or the House ?

MR. DEPUTY-SPEAKER : That is why, you know, after 4 hours, I am prepared to sit if you are prepared to sit so that over and above the time that is allotted to each Party—supposing any Hon. Member takes more time—I wanted to give you all more time. Therefore, I said, I was prepared to sit late and the Government also informed us, as the Parliamentary Affairs Minister told us just now, that this Mandal Commission Report should be given a full day more or less, and before that we should see that the Government business must be completed. That is what he said. Therefore, I said it. Therefore, now, what I say is instead of making such a noise my dear Hon. Members, please allow him to speak. And we will go according to the time factor that has been allowed. Then, you may make a request.

(Interruptions)

SHRI INDRAJIT GUPTA : Sir, I have got a more constructive proposal. Since this item was put on the Order Paper and since the Bill was introduced—subsequent to that—the Hon. Minister has issued a notice convening the next Indian Labour Conference in the beginning of September. The easiest way-out is, not to press this Bill just now.....

(Interruptions)

After discussing there, you can bring it in the next Session.

MR. DEPUTY-SPEAKER : This is not for the Chair to decide. I have nothing to do with that. That request which you are making has nothing to do with....

SHRI INDRAJIT GUPTA : I am requesting him through you.

MR. DEPUTY-SPEAKER : It is left to the Government.

SHRI INDRAJIT GUPTA : I am requesting him through you not to do this bull-dozing now.

MR. DEPUTY-SPEAKER : Now you have made the request.
(Interruptions)

SHRI INDRAJIT GUPTA : Have you got no sympathy for trade unions and their consultations and discussions? *(Interruptions)*

MR. DEPUTY-SPEAKER : I have covered all your points. You made the request. It is for the Government to consider your request.

SOME HON. MEMBERS : You can recommend it. *(Interruptions)*.

MR. DEPUTY-SPEAKER : I have nothing to do with it.

Yes, Mr. Azad.

SHRI RAMAVATAR SHASTRI (Patna) : We want to go to Mavalankar Auditorium.

MR. DEPUTY-SPEAKER : That is all right. Nobody has stopped you from going anywhere. You are not stopped from going anywhere.

SHRI SATYASADHAN CHAKRABORTY : Through you, I want to appeal to the Minister. It is an appeal, Sir. I appeal to the Minister — Well, you are going to have the Labour Conference with a *fait-accomplis*. *(Interruptions)*. Sir, he is not responding.

SHRI BHAGWAT JHA AZAD : Please sit down. Now, I will reply to you. It is true that the National Tripartite has been called. But there are much and many more important issues which I am throwing before the National Tripartite for discussion and consultations. Let this Bill be gone through. Beyond this, there are large number of items on which we have to evolve a consensus and that we will do in the next Tripartite meeting.

Let us proceed with this Bill, now.
(Interruptions).

SHRI RAMAVATAR SHASTRI : This is the most important issue.

MR. DEPUTY-SPEAKER : I am sorry. You have taken already more than 14 minutes.

Yes, Mr. Azad.
(Interruptions)

SHRI NARAYAN CHOUBEY : (Midnapore) : Sir, You are a good democrat.
(Interruptions)

MR. DEPUTY SPEAKER : You have taken sufficient time. *(Interruptions)*. Shri Bhagwat Jha Azad to continue.

PROF. RUP CHAND PAL : On a point of order, Sir. *(Interruptions)*.

SHRI NARAYAN CHOUBEY : Don't you allow even a point of order ?

MR. DEPUTY-SPEAKER : There is no subject-matter under discussion. What is the point of order that you are raising ? No please. *(Interruptions)*. You carry on.

SHRI BHAGWAT JHA AZAD : Some Members have spoken about the need for bringing forth a comprehensive industrial relations law....*(Interruptions)*

SHRI NIREN GHOSH (Dum Dum) : The Government knew that this Bill will be totally opposed by the Opposition. It is a black Bill.... (*Interruptions*). Knowing that, they did not even consult the trade union people and the Indian Labour Conference.... (*Interruptions*), without ever consulting them, they want to rush through the Bill..... (*Interruptions*)

MR. DEPUTY SPEAKER : You continue.

SHRI BHAGWAT JHA AZAD : This, as you know, was one of the recommendations of the National Commission on Labour (1968-69) and our predecessor Government had made an effort to introduce a comprehensive industrial relations law in 1978-79. Such an effort, however, did not succeed. The law is the result of collective wisdom and must reflect the community's aspirations. As everyone in this House knows, labour policy is the result of a tripartite consensus built over the years after consultations with the State Governments, the trade union organisations and the employers' organisations. Every legislation brought forth by the Labour Ministry has to reflect, as far as possible, the product of such tripartite consensus building effort. It is never possible for the Government to make all concerned interests agree at one point of time on all the legislative changes that are required. The efforts of our predecessor Government on a comprehensive Industrial Relations Bill had failed dismally. We did not, therefore, want to repeat this experiment but, on the other hand, consciously decided that an incremental change would be better than a comprehensive one at this stage.

After the Bill was introduced in this House on 23rd April last, Government had received a number of suggestions and all these have been examined by my Ministry in depth. I anticipate that some of the Hon.

Members have suggestions to make. I would like to hear all the Members and to assure them that their valuable suggestions would be taken note of and I shall in the course of discussions try to clarify as far as possible the issues raised during the debate. I have also separately given notice of official amendments to the provisions of the Bill, which may cover some of the points of the Hon. Members. I would also like to mention on this occasion that the present Bill only represents the first instalment of legislative changes. Government intends convening the National Tripartite very soon and the major recommendations of the National Commission on Labour on which consensus is eluding us, would be discussed in that Conference. Thereafter, Government would take a final decision on machinery for resolving industrial disputes, procedure for recognition of unions and connected matters.

With these introductory remarks. I would earnestly commend this Bill for the consideration of this House.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

There are a number of amendments to be moved to the consideration motion.

SHRI SATYASADHAN CHAKRABORTY : Sir, what about taking the opinion of the House to sit beyond 6 O' Clock ? (*Interruptions*)

MR. DEPUTY-SPEAKER : I did not give my consent. I have already said about that. Amendments to be moved.

SHRI E. BALANANDAN (Mukundapuram) : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 29th October, 1982."

SHRI MOHAMMED ISMAIL
(Barrackpore) : I beg to move :

“That the Bill further to amend the Industrial Disputes Act, 1947, be referred to a Select Committee consisting of 10 members, namely:—(1) Shri Bhagwat Jha Azad, (2) Shri Chitta Basu, (3) Shri Tridib Chaudhuri, (4) Shri Era Mohan, (5) Shri Indrajit Gupta, (6) Shri Samar Mukherjee, (7) Shri K. Ramamurthy, (8) Shri Ramavatar Shastri, (9) Shri N. K. Shejwalkar; and (10) Shri M. Ismail, with instructions to report by the last day of the third week of Winter Session 1982:” (2)

SHRI RAMAVATAR SHASTRI:
I beg to move :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1982.” (96)

SHRI CHITTA BASU : I beg to move :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1983.” (120)

SHRI A.K. ROY : I beg to move:

“That the Bill further to amend the Industrial Disputes Act, 1947, be referred to a Select Committee consisting 11 members, namely :— (1) Shri Bhagwat Jha Azad, (2) Shri Basudeb Acharya, (3) Shri Saifuddin Chowdhary, (4) Shri N.E. Horo, (5) Shri Bhogendra Jha, (6) Shri Satyagopal Misra, (7) Prof. Rupchand Pal, (8) Shri Ratansinh Rajda, (9) Shri Ajit Kumar Saha, (10) Shri R.L.P. Verma; and (11) Shri A.K. Roy, with instructions to report by the first day of the Winter Session 1982.” (121)

SHRI M.M. LAWRENCE : I beg to move:—

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th January, 1983.” (149)

SHRI R.L.P. VERMA (Kodarma):
I beg to move :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th September, 1982.” (150)

SHRI AMAR ROYPRADHAN
(Cooch Behar) : I beg to move :

“That the Bill be circulated for the purpose of eliciting opinion thereon by 31st January, 1983.” (215)

SHRI AJOY BISWAS : I beg to move :

“That the Bill be circulated for the purpose of eliciting opinion thereon by 31st December, 1982.” (271)

SHRI SUDHIR KUMAR GIRI
(Contai) : I beg to move :

“That the Bill further to amend the Industrial Disputes Act, 1947, be referred to a Select Committee consisting of 11 members namely : (1) Shri Bhagwat Jha Azad, (2) Shri E. Balanandan, (3) Shri Chitta Basu, (4) Shri Somnath Chatterjee, (5) Shri Tridip Chaudhuri, (6) Prof. Madhu Dandavate, (7) Shri Indrajit Gupta, (8) Shri M. Ismail, (9) Shri Samar Mukherjee, (10) Shri A.K. Roy; and (11) Shri N.K. Shejwalkar, with instructions to report by the last day of the first week of the next Session.” (272)

SHRI BASUDEB ACHARYA
(Bankura) : I beg to move:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1982.” (273)

MR. DEPUTY-SPEAKER : Shri E. Balanandan. Though the time allotted to Shri Balanandan is 14 minutes, I am not restricting time to him. I do not want to cut short the discussion. I will keep up my word. I am not restricting time to him and other Hon. Members. But they should be as short as possible. I am not restricting time.

SHRI E. BALANANDAN : Mr. Deputy-Speaker, Sir, I rise to oppose this Bill. In the Statement of objects and Reasons, it is claimed that it is "to ensure speedier resolution of industrial disputes by removing procedural delays and to make certain other amendments in the light of some of the recommendations of the National Commission on Labour."

Before going to the details of this amending Bill, may I ask the the Labour Minister one thing? The Labour Minister had assured in this House that the organised labour will be consulted on this legislation. Did he do that? Also, it was announced that the Indian Labour Conference was going to be convened sometime in September. In that case, what is the hurry for pushing through this Bill just now?

Only day before yesterday, the Labour Minister said in this august House that production and productivity is on the increase. Then I ask, what is the urgency for this legislation? The claim that this Bill is intended to get speedier resolution of the industrial disputes, to put it mildly, is atrocious.

15.30 hrs.

[SHRI CHINTAMANI PANIGRAHI *in the Chair*]

The other way round is the factual position. The new mechanism suggested in the Bill is to prolong the disputes.

The Bill is a continuation of the Essential Services Maintenance Act to take away the right of collective bargaining.

This is a jungle law which is sought to be imposed on the workers leaving them to the tender mercies of the Government and of the industrialists and to force the workers to submission by ruthless suppression or by putting them to starvation.

The trickery of putting the labour and capital on equal footing and the Government pretending to be a third 'independent', 'neutral', force cannot fool anybody today.

Let me now examine the provisions made in this Bill—the amendment to Section 2 of the parent Act—the amendment to the definition of 'industry—the following are exempted or excluded in Section 2 Sub-Section (c) which reads as follows :—

- “(1) any agricultural operation except where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and such other activity is the predominant one; or
- (2) hospitals or dispensaries; or
- (3) educational, scientific, research or training institutions; or
- (4) institutions owned or managed by organisations wholly or substantially engaged in any charitable, social or philanthropic service ; or
- (5) khadi or village industries; or
- (6) any activity of the Government relating to the sovereign

[Sh. E. Balanandan]

functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence, research, atomic energy and space;

- (7) Any activity which is carried on by a cooperative society, being a cooperative society in which not less than ten persons are employed.

(Interruptions)

SHRI SOMNATH CHATTERJEE : It should be less than. 'Not' should be deleted. Corrigendum is there. Amendment is there. It will be 'less than 10'.

SHRI BHAGWAT JHA AZAD : Yes, Sir. That is all right.

SHRI SOMNATH CHATTERJEE : But you have misled others. It should be 'less than 10'.

SHRI E. BALANANDAN : It is argued by the Hon. Labour Minister that these exemptions are made according to the Supreme Court decision. The Supreme Court decision which the Hon. Minister is referring to is a decision which struck down the restrictive meaning of 'industry' under the I.D. Act and made it applicable to almost all activities involving employer-worker relationship. To circumvent this Supreme Court directive, these exemptions are proposed.

According to the Government, if the teachers, professors, doctors, nurses, and workers in the institution of Atomic Energy and Space etc., are organised into unions, the atmosphere in these institutions will be 'spoiled' or 'polluted'.

The professors, teachers and others are supposed to be satisfied by plain living and high thinking! Why should have a guarantee of minimum-decent living conditions!

So also the doctors and nurses are angels spreading the message of human kindness! Why should they bother about how much they are paid or whether they have any place to live in or not?

This is the big philosophy under which the Labour Minister wants to exclude them from the scope of 'industry' and this is contrary to the Supreme Court's decision.

This is a cruel and crude attempt to deprive these sections of employees the right of collective bargaining saying that it is highly objectionable. I hope the whole House will reject this provision. *(Interruptions)*

In Chapter IIB, section 9C, a Grievance Settlement Authority is proposed which, according to the Minister, is to make the earlier voluntary arrangement compulsory. In those establishments where 100 or more workers are employed, the management may appoint a Grievance Settlement Authority to go through the individual grievances. After getting his decision, the decision of this Authority who is appointed by the management, only then a reference is made on this dispute by the Government, and there is no time limit proposed for the disposal of the issue referred to him by the worker. The hoax of the claim made to 'remove procedural delays' is exposed here thoroughly. This will only help the employers to keep the dispute pending indefinitely. The claim of the Government is 'to remove procedural delays.'

The additional provision proposed to be made as section 17B, to pay full wages to the workmen during pendency of the proceedings before the High Court is a good clause.

The whole arguments made by the Minister about the good intentions of the Bill get exposed when you read 36B which is going to be

added as a new section. This is an atrocious clause. 36B, which is proposed to be added, reads as follows :—

“Where the appropriate Government is satisfied in relation to any industrial establishment or undertaking or any class of industrial establishments or undertakings under the control of that Government that adequate provisions exist for the investigation and settlement of industrial disputes in respect of workmen employed in such establishment or undertaking or class of establishments or undertakings, it may, by notification in the Official Gazette exempt, conditionally or unconditionally, such establishment or undertaking or class of establishments or undertakings from all or any of the provisions of this Act.”

What does this mean—‘industrial establishments or undertakings under the control of that Government’? It means that not only public sector industries, but all industries under the ownership or control of the Government can be exempted. (*Interruptions*) It is not restricted to public sector industries alone. Even departmentally-run industries and all other establishments also can be excluded by this clause. The phraseology used is ‘under the control of the Government’. That means, the scope of this can easily be stretched to any private industry also if it wants to. My lawyer friends can help me in this...(*Interruptions*)

SHRI BHAGWAT JHA AZAD : I have given notice of an amendment to this, Amendment No. 196, which reads :

“for ‘under the control of’ substitute ‘carried on by a Department.’”

SHRI E. BALANANDAN : All the public sector industries and departmentally run industries can

come under that. (*Interruptions*) The Government gets the authority to exempt them from all or any provisions of this Act. By using this clause they can make all strikes in the public sector illegal. This is the main objective of this legislation.

Then coming to the new Chapter—Chapter VC—Unfair Labour Practices, the so-called unfair labour practices are enumerated in the Fifth Schedule. Here, Sir, seemingly the scales are held even between the employers and the workmen—the famished worker who is denied a minimum decent living and the employer who is hunting for profit denying this minimum facility. They are put equally in the scale and you will be surprised to know in the Schedule the headings are like these: “On the part of employers and trade unions of employers.” The other heading is : “On the part of workmen and trade unions of workmen.” This is a wonderful preposition—‘on the part of employers and trade unions of employers’. This is a new concept altogether—employers organising trade unions. This is now coming through this Bill. For committing the so-called unfair labour practices both of them will be punished equally.

The provisions made in the Schedule can be easily circumvented by the managements while the workers can easily be roped in and punished.

The whole of these unfair labour practices are decided by the Government and there is no provision made for approaching a court.

In this schedule, Sir, a long list of unfair practices by the managements are mentioned and from everyone of these they can easily go scotfree. But with regard to workers, what are they? Take the first clause—see page 13 :

“To advise or actively support or instigate any strike deemed to be illegal under this Act.”

[Shri E. Balanandan]

Everyone of us know under the Essential Services Maintenance Act practically every strike can be said to be illegal, and organising a strike in such an industry can be an unfair labour practice and for that the workers can be punished.

Many a time an illegal strike can also be a justified strike. And many a time the Supreme Court has held that an illegal strike can be a justified strike and for organising a justified strike, as per this provision, the workers can be punished.

Then picketing is made a punishable offence. The makers of our Constitution followed as also our law-makers always follow the British pattern. What is picketing? 'Picketing' is an action of the workers collectively to stop anybody going into the factory where the workers are on strike. This is a legitimate right of the trade unions. I can give you an example by way of an explanation. In the United Kingdom when the big coalminers' strike was there, they organised picketing. 'Picketing means what? These workers joined together and obstructed anybody from going in. That is picketing...

SHRI SUNIL MAITRA : Black legs.

SHRI E. BALANANDAN : Then one worker was arrested by the Police in London. Then the next day the whole of the working class went on a strike and the Government had to apologise in the House and the case has been withdrawn. That is the history there. Here what is being attempted to is to make picketing an offence.

Then 'refusal to bargain with the employer' is also an offence. Wonderful employers are here in this country of ours.

Refusal to bargain with the employer is also an offence. Why should we go to that employer who is not amenable to reason? That refusal to bargain is also a punishable offence. To stage demonstrations etc. are also punishable offences.

In short, this, chapter on unfair practice and the fifth Schedule attached to the same is to make the trade unions some sort of club which will be impotent and ineffective. There may be some kind of a club; it can be that the trade union is fighting for the cause of the workers effectively. So, Sir, the intention of this clause is to see that the trade unions are made impotent. The intention of this Bill is quite clear. That is, to take away the right to collective bargaining and the right to strike. The Government's bankrupt economic policy has put the country in the throes of economic crisis. With more and more dependence on foreign monopoly capital, our balance of payments position is becoming increasingly adverse and the dependence on the I.M.F. etc. is also on the increase.

MR. CHAIRMAN : How many pages are still there?

SHRI E. BALANANDAN : I am using the quotes only. Is it objectionable. Sir, attack on democracy and attack on the working-class is part of the conditionalities agreed to under the IMF agreement. To shift the burden upon the working-class people, this attack is contemplated. To facilitate this attack on the working-class, Government is indulging in a vicious propaganda that the organised industrial workers are getting very high wages and, with their organised strength, they are compelling the Government and the employers to get more wages.

The factual position in fact is that the workers' wages in money and

real terms annually is on the decrease. Let me now quote from the *Indian Labour Journal, 1982*, from an article written by Dr. K. Ramachandran Nair. It is just to prove that the workers' wages in money terms, the real wages, are coming down. I am quoting :

"But, a significant exception to this general rule is India."

In other countries, the wages are going high :

"In fact, there was a regular stagnation in real wages which approximate to something nearer to poor subsistence level. It is also seen that compared to many countries, wage increase in India in relation to the increase in prices had been the lowest. During 1964-65 for instance the average annual rate of change in many wages was 2.9% but consumer price increased by 4.7%. Since then the trend has not changed any significantly. It is, therefore, argued that level of wages is generally lower in India and even in the organised sector where the wages are comparatively higher than the rest of the economy, no improvement in real earning has been registered."

This is the real position of wages. This being the case and the position being what it is now, what is the attempt of the Government? The Bureau of Public Enterprises are the masters who should decide the fate of the public sector employees of the country. Now, they have prescribed certain propositions to be adhered to by all the public sector concerns. What are they?

1. There will be no wage increase without linking productivity :

2. No retrospective effect for wages ;

3. The agreement must be for four years ;

4. The total increment should not increase beyond 10 per cent :

5. Rate of dearness allowance should not have any increase.

These are the directions given by the Bures of Public Enterprises. If they are insisted upon this will further erode the wages of the working class. During the last two years there is increase in the average cost of living indices to the tune of 11.4 per cent and 13.1 per cent. This year it will increase further more. So, for there should not be decrease in the real earnings, there should be provision for compensation the rise in cost of living index. That is not there. A definite provision is set by them that there cannot be any increase in dearness allowance and that too for four years. That means, as I quoted from the Article in the *Indian Labour Journal*, the money wages and the actual wages will further go down if this line of no wage increased not linked with productivity is taken by the Government of India.

Sir, yesterday the Hon. Minister was arguing that production and productivity are on the increase. Still this BPE is insisting that the salary increase should not be more than 10 per cent and other conditions. It will further erode the wages of the working-class. Naturally, the workers cannot accept these conditions. Therefore, they have to fight and to stall the working class fight this Bill is being introduced. The workers will not take it lying down. (*Interruptions*)

Therefore, I must tell you that the Government which finds that they cannot rule with normal laws and they are forced to resort to abnormal law or jungle law that

[Shri E. Balanandan] means that Government cannot rule in the old way. That shows that Government and the system is heading towards crisis. Another side of picture is that there were laws prohibiting and restricting the rights of the workers. You know yourself, Sir, that two and a half lakh workers are on strike at the moment in Bombay. There was a law that only the INTUC is recognised and that Union alone can resolve industrial disputes. There was such a law and it is also existing but the workers found that they cannot live as human beings and, as such, they are forced to fight back. Sir, oxygen is a primary thing for existence. Likewise for the working class in a capitalist society the right to organise, the right to bargain and the right to strike are equal to oxygen and to restrict the right to strike, etc. is equal to denial of oxygen to human beings. Therefore, I tell you that the objective of suppressing the working class by this Bill will not work and it will boomerang on the Government and the management.

Sir, I may explain another thing. This is the line of thinking of the Government of India. We have this Bill and we are going to have another Bill, viz., Trade Union Amendment Bill and some other Bill is also on the anvil. Can these be a different approach? There is a State Government in West Bengal. What were they doing? Can I mention it to the Hon. Minister? This State Government gave their employees the right to strike. That right was given to the State Government employees by the State Government. But what is your attitude, Sir? I know our Hon. Labour Minister has got experience in the labour movement. Therefore, I must educate him with the new line of approach which is being adopted in West Bengal. By just extending the right to organise, the right to strike and the right to

collective bargaining, the heaven is not going to fall. The heaven is not falling there. I want to point out to you how your approach is not at all in the interest of the working class. Some economists may argue that by restricting wages of working class you may develop the economy but this is not a fact. By allowing proper collective bargaining necessary economic equilibrium will be brought about in the economy and the economy will develop on right lines. Economic development can be pushed up and all round development of the country can be ensured. This is the ABC of economics, which I do not wish to elaborate now.

Finally, I wish to point out to the Hon. Labour Minister that this is an absolutely wrong step and a bad step. The working class is not going to take it easy. Workers will force the Government to withdraw this Bill or else the Government itself will be changed.

With these words, I oppose this Bill very strongly with all the force at my command.

SHRI EDUARDO FALEIRO (Mormugao) : Mr. Chairman, Sir, I have very great personal regard for my friend Mr. Balanandan. But then, I must submit before this House that even this articulate and subdued member of the Opposition could not but restrain himself from having to give his fullest expression of the entire strategy of the opposition on this Bill.

Sir, there was the other Bill which had been discussed in this House, concerning Industrial Relations and Labour Relations. The Hon. Member comes from Kerala. That reminds me of what another prominent leader of his party Mr. Nayanar had to say on that Bill. You remember the discussion on ESMA, the Essential Services Maintenance Act. When that Bill was being discussed in the House, he went on

to say that it was anti-democratic, anti-people, and so on and so forth. The CPM Chief Minister of the Left Democratic Front in Kerala said this in a Press Statement. He attacked ESMA and said it is anti-democratic, anti-people and it is a Black Act. I wish to point out to the House that in Nayanar Government, in Kerala itself, there was a Bill called 'Travancore-Cochin Public Services Maintenance Act' which in sections 11 and 12, deals with 'Avoidance of strike and lock out in essential services'. This provision continued to operate in the CPM Government whose spokesmen are present in this House. And along with the CPM, the CPI also opposed the Bill as vehemently as Mr. Balanandan has been opposing.

16.00 hrs.

In Kerala, during Mr. Achutha Menon's time, the Kerala Government brought an Ordinance for Essential Services which was on the same lines of the Essential Services Maintenance Act passed by the Parliament. What I am trying to say is this. It is very easy to come and forestall a legislation here. It is very easy to make fiery speeches, But when your own party is responsible, in charge of the Government, then you know what all to do and what you do precisely is the same of what you accused others of doing. Sir, with folded hands, I beseech the Opposition that, at least in this very sensitive and vital field, let us all keep aside the idea of partisan political games, let us all help the different trade unions belonging to different political parties to forget for a moment partisan considerations, come on a common ground and try to formulate and articulate a uniform labour policy for the Problems that confront all the working class, all the sections of the trade unions because..... (Interruptions) apart from the political considerations, that alone can bring some sort of permanent solution which will really be in the interest

of the working class, in the interest of the people of this country.

Sir, the previous speaker, Mr. Balanandan, has complained and I say rightly so, about the cost of living. But there is no option. I would submit here, no alternative. If we are going to reduce the cost of living, if we are going to make available to the people of this country at large whatever their requirements are, then we should increase production. The word 'increase' is very important and therefore this country has adopted this year of 1982 as the "Year of Productivity". What is the situation now? What is the situation when thousands and millions of mandays are lost in labour strikes, in lock-outs in all these types of industrial disputes and labour problems? What are the statistical figures? The figures speak better than words. What does the statistics of Labour Bureau say?

In 1979, there was an unprecedented industrial unrest amounting to a loss of 37.10 million mandays. This was the position in 1979. The statistics do say that after 1979, in 1980, in 1981 and in the present year, there has been improvement in the situation for which I compliment and congratulate the Minister for Labour and the Government which he represents in this House. But yet the loss in production both by reasons of lockouts and by reasons of strikes is still astounding, still the position needs control. I am not restrained from mentioning what the statistics say. Among all the States, West Bengal with the loss of 16 million mandays is the worst victim of this situation. For all these years, West Bengal has a very curious honour of being a State where labour situation is the worst, where the loss in mandays is the worst compared to other States.

SHRI SATYASADHAN CHAKRABORTY: There are lockouts in 17 Jute Mills.

SHRI EDUARDO FALEIRO :
Only in 11 Jute Mills.

SHRI SATYASADHAN CHAKRABORTY: The Hon. Member must make a clear distinction between lockouts and strikes. Let him say whether these are closed on account of lockouts or both.

SHRI EDUARDO FALEIRO : I am not, for a moment, trying to say that the result of lockout is better than the result of strikes. My Hon. friend, Shri Satyasadhan Chakraborty may not be concerned with the factual situation, but the people of this country are very much concerned—the people who belong to the organised and the unorganised sector. The loss of mandays, whatever may be the reason, means loss of production and that means problems for the country. ...*(Interruptions)*. I would urge Hon. Members from the opposition not to make political capital out of this. Why I am saying this is because I find that out of the large number of provisions in this Bill, which are progressive, which are beneficial and are in the interest of the working class and the country at large, not a single mention has been made of them in this House so far. I would, however, like to mention all of them, and I will not leave a single one.

Take for instance the provision made in Section 2. It enlarges the scope of the definition of workmen. A person employed in a supervisory capacity will now come under the category of workmen even when his wages are upto Rs. 1650 per mensem. The limit earlier was Rs. 500 per mensem. Is it not in the interest of the working class that workmen should come under the purview of this Act even when their remuneration goes upto Rs. 1650, while the earlier provision was that workmen would come under the provisions of this Act,

if their remuneration is upto Rs. 500 per mensem. This is one provision out of many.

Then, a new concept which has been introduced or is sought to be introduced in the Act is the concept of grievance settlement authority. This will go on a long way in providing speedier, convenient and cheap remedy to the workman who is affected. What is provided is that the machinery should be within the factory itself, within the industrial establishment itself to deal with such individual grievances. I will definitely agree that in the rules a provision can be made so that the period for determination of the proceedings by the grievance settlement authorities be fixed at a particularly short period so that the employer may not take advantage of this to delay the proceedings. I would also like to request that apart from making a provision in the rules for fixing a time limit for determination and decision under the grievance settlement authority, a time limit should also be fixed for implementation of the determination of this authority by the employer so that the whole proceedings are culminated within a comparatively short period and the workman is not affected. I would like to ask the opposition, whether so many of these provisions proposed in this Bill are not beneficial. Take for instance the provision for fixing a time period, a comparatively short time period of three months for determination of any individual grievance or question relating to workmen by the labour court. This has been one of the greatest complaint and a constant complaint of the workmen that the proceedings filed by them go on dragging for months and months together, they have to go for so many times to the courts, and the court will not be in their home town, and this will disrupt their whole life. Now at long last the Government has brought this and I think, the House

must congratulate them for bringing forward this very timely—better late than never—which is of so much interest and so much beneficial to the workmen.

Take for instance another provision, according to which, when a workman gets the benefit of award, full wages, 100 percent payment with all the allowances which the workman would be entitled, will be paid to him and no court—neither the High Court nor the Supreme Court—will be in a position to give a stay to the employer thereby depriving the workman.

This used to happen that the employer being in a stronger position even when the workman gets an award, would just file an appeal so that he will get a stay and deprive the workman of his wages for his means of livelihood for a considerable period of time. This he would not be in a position to do. And therefore, when the award goes in favour of any workman, appeals by the employers will be discouraged.

There are so many other provisions, but I will not take the time of the House. I am sure, Hon. members will raise these but let me just make a mention of the two major provisions which have led the previous Speaker to say that this was a black legislation.

The first, in his view, is the definition of industry in Section 2 and the restrictions placed in the concept of industry. To begin with, it is not only restrictions, but there is also an explanation in it. If you see Section 2(j) : the concept of industry is now including :

“any activity of the Dock Labour Board established under the Dock workers 8 (Regulation of Employment) Act;”

It does include :

“any activity, being a profession practised by any individual or body of individuals;”

It now does include :

“any activity relating to the promotion of sales or business or both carried on by an establishment.”

So, Sir, it is not as restrictive as it is sought to be made.

The criticism is raised regarding the second part that it does not include institutions like hospitals, educational, scientific or research or training institutions and such other institutions. In this connection, I would submit to you and through you to the House that an establishment in Faridabad or a jute mill in West Bengal cannot stand and should not stand on the same footing as a hospital or a university. In an atmosphere of a hospital, the interest of the patients is there, in an atmosphere in university, the interests of the students ought to be safeguarded. This does not for a moment mean that the management of any institution can go scot free if any action is taken by them which is detrimental to the interest of the workers. Therefore, I compliment the Government for having already introduced in the Rajya Sabha a Bill to deal with similar matters concerning hospitals and such other institutions which are excluded from the purview of this Act.

I remember when this Bill was introduced in this House, a big noise was made by Shri Chakraborty and others about the Supreme Court Judgment. A big noise was made about how this Bill would be unconstitutional. Fortunately, some of us have read the Supreme Court judgment, not merely that I mention it, Sir. The Judgment is here in All India Reporter, Supreme Court, at page

[Shri Eduardo Faleiro]

548. Now, if one reads at page 596, the Supreme Court specifically said and I quote :

“Constitutional and competently enacted legislative provisions may well remove from the scope of the Act categories which otherwise may be covered thereby.”

The power of this House, to specify the category, which have not been specified for decades keeping the legislation obscure was specifically safeguarded. And I submit that the attention was drawn of this Parliament to enact suitable legislation to specify the categories which will not come under the Industrial Disputes Act. And this is precisely what the Government has timely and well in time done. The Supreme Court has clarified the position. Further at paragraph 162 it says, and I quote again : It is Krishna Iyer to which you cannot have objection :

“We conclude with diffidence”—mark diffidence—“because Parliament which has commitment to the political nation to legislate promptly in vital areas like industry and trade and articulate the welfare expectations in the conscience portion of the Constitution has hardly intervened to restructure the rather clumsy,”—that is what they said,

“...vaporous and tall-and-dwarf definition or tidy up the scheme although judicial thesis and anti-thesis, disclosed in the two-decades long decisions...”

The language is obviously quite flowery, but it makes the point very well.

“...should have produced a legislative synthesis becoming of a welfare State and socialistic society, in a world setting where I.L.O. norms are advancing and India needs updating. We feel confident, in another sense, since counsel

stated at the bar that a bill on the subject is in the offing.”

So, the whole approach of the Supreme Court was that they could not make a distinction; but Parliament, they hoped would and ought to make the distinction. And this is precisely what the Government has done. And we ought to render all support. If we go by the decision of the Supreme court, we ought to give all support to this Bill.

A final point was made about unfair labour practices, by bringing in this new chapter or new Schedule, which is the Fifth Schedule under the caption ‘Unfair Labour Practices’. This ‘Unfair labour practices’, I have checked, is just a reproduction of the code of discipline which has been agreed upon by the representatives of management, and of the unions for a long time. And one fails to understand what the Opposition or anyone has got to say as to the curbing of ‘unfair’, as distinct from ‘fair’ labour practices. This applies both to employers and employees. Nobody will, I am sure, for instance object to provisions like....

“To incite.....”,

“To indulge in coercive activities.....”,

“For a recognised union to refuse to bargain collectively in good faith with the employer.”

or “To advise or actively support or instigate any strike deemed to be illegal under this Act.”

This is a code of conduct which has been agreed upon by the employers and the employees ; and one does not see any reason why it should not be included here.

Then I say again—one is reminded of what one read and knew about the West Bengal Act ; passed by the

West Bengal State Assembly, where 'unfair practices' were also defined and described.

I have once again to renew my plea to shed, for a moment—though it is always the right of the Opposition to oppose and perhaps the duty to oppose—this approach and understand that perhaps in some vital areas, reason must dawn and that the collective interest, the interest of the country at large must be kept in mind. Prices have got to go down. There are large sections in this country consisting of unorganized workers sections of people who work in the fields, people like domestic servants, people like agricultural labourers who work as hard as anybody else.... And it will not be proper that they should be held to ransoms by people like the employees of the LIC or Reserve Bank drawing four-figure salaries. It will not be fair. So, in the larger interest. I seek once again the cooperation of all sections of the House, and of the Opposition in particular, to support this Bill. And once again I congratulate the Labour Minister and his Deputy, and the Government which they represent, for having brought this legislation.

I will end by requesting the Government to follow up this process; and after the National Tripartite meeting, to bring legislation after consultations with all sections of the representatives of the unions, and of the labour and other relevant sections..

16.19 hrs.

[SHRI SOMNATH CHATTERJEE *in the Chair*]

श्री राजेश कुमार सिंह (फिरोजाबाद) सभापति महोदय, औद्योगिक विवाद संशोधन विधेयक 1982 को देखने से ऐसा लगता है कि इसे माननीय श्रम मंत्री न पेश करके शायद गृह मंत्री जी पेश करते तो ज्यादा

अच्छा देखने में लगता। माननीय श्रम मंत्री जी से हम लोग इसकी उम्मीद नहीं करते कि ऐसे संशोधन विधेयक को वह पेश करेंगे क्योंकि वह बड़े लम्बे अर्से से मजदूरों के हितैषी रहे हैं, ऐसा मुझे मालूम हुआ है। तो उन्हें ऐसा विधेयक नहीं लाना चाहिए क्योंकि इसके साथ कई प्रश्न जुड़ जाते हैं। अभी जैसा माननीय सदस्य बता रहे हैं सितम्बर में मजदूर संगठनों से वह वार्ता करेंगे और कुछ बुनियादी मसले हैं जिन पर विचार करेंगे। लेकिन उसके पहले इसको लाने का कारण क्या है? आप अच्छी तरह से जानते हैं कि सरकार का कहना है कि वह उत्पादकता वर्ष मनाने जा रही है। उत्पादन बढ़ाना है लेकिन मजदूरों को विश्वास में नहीं लेना है—यह बात इससे साफ जाहिर हो रही है। अगर ऐसा न होता तो मेरा ख्याल है इतनी जल्दी इस संशोधन विधेयक को लाने की आवश्यकता नहीं होती।

अभी यहां पर माननीय सदस्य अनुचित श्रम व्यवहार के बारे में चर्चा कर रहे थे। जहां तक मेरे छोटे दिमाग का सम्बन्ध है, इसमें जो लिखा हुआ है “कोई नियोजक या कर्मकार या व्यवसाय संघ, चाहे व्यवसाय संघ अधिनियम, 1926 के अधीन रजिस्ट्रीकृत है अथवा नहीं, कोई अनुचित श्रम व्यवहार नहीं करेगा” इस सन्दर्भ में एक प्रश्न आता है कि आज तक क्या किसी भी नियोजक को जेल भेजा गया है? क्या कभी ऐसा हुआ कि उस पर कोई जुर्माना किया गया हो? कर्मचारियों तथा श्रमिकों के साथ नियोजक का नाम लेकर एक प्रकार से भ्रम में डालने की बात की जा रही है। इसलिए मैं समझता हूं यह मजदूर हितैषी कानून नहीं है। श्रम मंत्री को इस पर गम्भीरतापूर्वक विचार करना चाहिए।

[श्री राजेश कुमार सिंह]

इस विधेयक में ऐसा भी प्रावधान है कि यदि नियोजक श्रमिक के किसी कार्य में हस्तक्षेप करे, यदि वे यूनियन फार्म कर रहे हैं या कलेक्टिव बार्गेनिंग के लिए कोई कार्य कर रहे हैं और उसमें यदि नियोजक कोई दखलन्दाजी करता है तो उसे पनिश किया जायेगा। लेकिन मैं यह जानना चाहता हूँ कि यह कैसे पता लगेगा कि वह इस काम को रोक रहा है? श्रमिक संगठनों से सम्बन्धित लोग यह भली-भांति जानते हैं कि एम्प्लायर की ताकत बहुत बड़ी होती है, कोई भी यह साबित नहीं कर सकता कि वे श्रमिकों के किसी कार्य में बाधा डाल रहे हैं। इसलिए मैं कहना चाहता हूँ कि जो शब्द आपने इस विधेयक में परिभाषित किए हैं वह वास्तविकता को नकारते हैं। आपने इसमें यह लिखा है कि अगर नियोजक ने श्रमिकों के कार्य में दखलन्दाजी की है तो उन्हें पनिश किया जाएगा, लेकिन वास्तव में ऐसा कभी नहीं होगा क्योंकि श्रमिकों के मुकाबले में नियोजकों की शक्ति बहुत बड़ी है।

जहां तक इल्लीगल स्ट्राइक की बात है, मैं मानता हूँ इस देश की आर्थिक स्थिति ऐसी है कि यहां का उत्पादन बढ़ना चाहिए लेकिन इसके साथ-साथ लोगों को जीने का हक भी मिलना चाहिए। अगर यह हक न मिले तो सही मायने में लोकशाही स्थापित नहीं हो सकती है। जितनी भी स्ट्राइक्स की जायें, सभी को आप इल्लीगल घोषित कर सकते हैं। ग्रीबिन्सेज कमेटी की बात आपने कही है कि यह ऐसी कमेटी बन जायेगी जो कि छोटी छोटी शिकायतों को दूर कर सकेगी लेकिन मैं नहीं समझता वह क्या कर पायेगी? आज आपकी लेबर कोर्ट्स और

लेबर ट्रिब्यूनल्स भी कुछ नहीं कर पा रही हैं, सालों तक वहां मामले चलते रहते हैं। इसी प्रकार से मैं समझता हूँ यह कमेटी भी कुछ नहीं कर पायेगी। अच्छा होता आप कोई कांप्रिहेन्सिव बिल यहां पर लाए होते और उसमें यह निश्चित प्रावधान कर देते कि ट्रिब्यूनल में मजदूरों के जो मामले पड़े हुए हैं वह एक निश्चित समय के अन्दर निर्णीत कर दिए जायेंगे। सम्भवतः वेस्ट बंगाल में कोई अमेन्डमेन्ट लाकर ऐसा प्रावधान किया गया है। इस कमेटी की मैं तुलनात्मक बात कर रहा था। उसकी हालत भी खस्ता हो रही है। उसका निर्णय भी नहीं हो पाया है। ग्रीबिन्सेज कमेटी के बारे में भी एक बड़ी भारी दिक्कत आयेगी कि सारा समय विवाद में लगता रहेगा और कोई हल नहीं हो पाएगा।

दूसरी चीज मैं यह कहना चाहता हूँ कि फर्स्ट और फिफथ शैड्यूल में अधिकारों को खत्म कर दिया गया है। इसके बारे में भी सफाई हो जानी चाहिए, लेकिन हो नहीं पाई है। इन सारी परिस्थितियों को देखते हुए मेरा मंत्री महोदय से निवेदन है कि वे पुनः इस विधेयक पर विचार करें और श्रमिकों का विश्वास प्राप्त करने के लिए श्रमिकों के उत्थान की ओर ध्यान दें। मैं यह नहीं कहना चाहता हूँ कि पूंजीवादी व्यवस्था को अप्रत्यक्ष रूप से प्रोत्साहन दे रहे हैं। मेरे कहने का तात्पर्य यह है कि लोगों के अन्दर यह विश्वास पैदा हो कि उनके हित में विकास किया जा रहा है, हम जो कुछ कर रहे हैं इस देश के लिए कर रहे हैं, समाज के लिए कर रहे हैं और अपने लोगों के लिए कर रहे हैं, तभी जाकर कुछ बात बन सकती है।

इन शब्दों के साथ अपनी बात समाप्त करते हुए मैं इस संशोधन विधेयक का विरोध करता हूँ।

MR. CHAIRMAN : Shri Chintamani Panigrahi.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) : Mr. Chairman, Sir, There are...
(Interruptions)

SHRI NARAYAN CHOUBEY : You left the Chair to oppose this Bill !

AN HON. MEMBER : To oppose the Opposition.

SHRI CHINTAMANI PANIGRAHI : There are countries and societies who have democracy but their objective is not socialism. And there are countries and societies which have socialism but their objective is not democracy. But in our wisdom and because of the wisdom and farsightedness of our political leadership, we have chosen the path of socialism through our democratic process. Therefore, we have declared our State a sovereign Democratic Socialist Republic.

Here I am reminded of the poetry of that famous poet Robert Frost who has written that

Two roads lead to the woods

And I took to the road less travelled by

And that makes all the difference.

Therefore, in our wisdom, we have taken a decision to travel on the road less travelled by and that makes all the difference and so we have to go through many difficulties. And in a democratic socialist country the usual course of solving problems—which are solved by military in other countries—is through a constant process of dialogue and discussion.

I must admire and thank the Hon. Minister for Labour for bringing forward this amendment. They have constantly—for the last few months—tried to discuss with trade union leaders and trade union organisations, Members of Parliament and whosoever is interested in the importance of the working classes of this country and this is the only process by which we can solve the problems in a democratic socialist society. And only that is left to us. Therefore, whenever we discuss anything in the House we must try to see that this discussion is an extension of the dialogue that we are conducting every day for any problem to be solved in our country.

There are countries where free trade union movement is not allowed. But here trade unions are free. Therefore, the responsibility of the working class is today more in our country than in other countries. But unfortunately if you see the discussions, we find that some kind of upheavals occur when this kind of bills are introduced in the House. Unfortunately trade unionism in our country has developed some kind of vested interests and as such in many cases trade union leaders have developed a mentality of *status quo*. During the last many years when our country is expanding and going on the path of industrialisation it is but natural that many intricate problems, so far as the industrial relations are concerned come to the fore and it requires constant vigilance and adaptability so that we can adjust to the changing circumstances that appear before us time and again as corollary to developments. As we want to develop very fast industrially, many problems in regard to development shall arise in industries. The entire working class has been saying for many years that the entire Industrial Relations Act should be reviewed, because this has become a thing of the past and

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it must be related to the present and future problems of the industry. If you study the history of trade union movement in Britain, America and Japan you will find that young technocrats who are joining in the labour force of those countries have new aspirations. For instance, in Japan, young technocrats are not supporting their old senior guards in the trade unions, because, they say that they are interested in developing techniques and production and getting more amenities. Therefore, we cannot keep ourselves completely aloof from what is happening all around us in the world.

Today, what is the crucial thing in our country? The crucial thing is that we want more and more production. The more we increase our production and national wealth, the working class should get more of its share in this prosperity which the working class generates. So, we shall have to strive for more and more unhindered production. That should be the guiding line today. What we find today is that the strike in the Bombay textile mills has been continuing for more than seven months. That may not be the approach of the present generation.

The role of the working class in our democratic socialist republic is very important and crucial. Because the working class in all ages is wedded to the great ideology of socialism and they are the vanguards in advancing the cause of socialism. They have vested interest in socialism. Therefore, the working class should be vigilant and take more and more responsibilities upon themselves, so that we are able to achieve our objective of socialism.

If you look at the present Industrial Disputes (Amendment) Bill, it seeks to introduce some changes, which are very useful and which meet the requirements of our time

when we need more and more production. Therefore, I support this measure.

The Hon. Minister has said that in the near future, a Bill with major amendments to the entire Industrial Relation Act will be introduced in the House. But we are very happy that for the first time the Government is introducing the concept of a grievance settlement authority where certain categories of individual disputes could be referred to such authority and this should also be time-bound. For instance, from my experience I can say that if a worker has any grievance to redress, he has to run for years together. Even then the employer may not appear in the conciliation proceedings. We had urged upon the Government to make it obligatory on the part of the employer to attend the conciliation proceedings. Today, this amendment has come. I must request the Government to see that the individual disputes must be so looked after that the employers are not able to use their influence and position and that the functioning of the Authority is not hindered by the employers. I hope Government will be careful about these things, because there are possibilities that these may happen. So, Government should look into it. This is a redeeming feature, which we welcome.

The Bill also seeks to provide speedier justice by the labour courts. Sir, you have a lot of experience in conducting cases in labour courts. We have also our own experience. For years and years nothing happens. It is good that the Bill provides for speedier justice by the labour courts, who have to decide individual disputes within three months. But what about collective disputes? I would appeal to the Minister not to leave any lacuna. It may be three months or four months, but a time-bound Schedule of disposal should be there, because

many a time it happens the courts are also influenced. Of course, I should not say these things but we are a society where the interests of the working class are different from the interests of the employers and the rich people.

What we need today is industrial peace. As Shri Faleiro has already mentioned, indiscipline and violence have gone up nearly three times in this country, today compared to 1971-72. The Indian working class movement is a mature movement. It is functioning for the last one hundred years. Most of the important leaders in this country were born through the working class movement. It fought for the national movement in the country. Should we allow this working class energy to be diverted into sporadic violence and indiscipline? India is occupying an important position in the comity of nations by its progress, by its industrial growth. So, the working class has got to think of its new responsibility because of the growth of our country in many directions.

I will not go into the case of West Bengal because Shri Satyasadhan Chakraborty is not here. Further, Shri Faleiro has already mentioned it. Government should look into what is happening and why it is happening. If in one State 8.28 million man-days have been lost, it is a very serious thing. In Tamil Nadu the corresponding figure is 3.84 million. The Central Government should look into this and the labour Ministry should consider whether they can improve the situation.

Another important change which this Bill makes is that the Conciliation Officer can now compel any person to appear before him for examination or produce any document. This is a very good provision which we should all

support, because it will make conciliation proceedings more speedier.

Then the scope of "industry" has been enlarged, which is a good thing. As some members were saying, educational institutions, research and charitable institutions, khadi and village industries and some other establishments have been excluded from the purview of this Bill. This has been rightly done.

Recently I read a statement by Shri Naval Tata that 95 per cent of the entire labour law of the Government of India is loaded in favour of the working class. He is alarmed about it. But this is bound to be as the objective of the Government is to achieve socialism and give better working conditions to the working class. Nobody can say that this is an anti-labour Bill. Nobody can say that the Government is anti-labour, or those who are working in the field of INTUC are anti-labour. We want to give more and more responsibility and power to labour. We want to safeguard the interests of the working class and we want them to participate more and more in the running of the industry. Therefore, the entire Bill is pro-working class. We want to see that the working class stands on its own strength, without being influenced or interfered by people who are politically motivated. That is the only thing we have to safeguard against.

Very recently some one was asking me that everyday in this Session and in the last Session everybody talks about IMF, what is this IMF talk going on. They are telling me like this and today suddenly I was also thinking whether Azad Ji will also hear somebody's talking that IMF conditions are responsible for bringing this amendment. Then somebody told me that it may be the Indian Monetary Fund. I said, 'No, no. It is idle man's fire works—in every

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subject bringing in IMF.' I am surprised that for everything you can bring in IMF.

Hospitals, educational institutions and research organisations deserve special consideration. You know in Japan, in Britain, in America what facilities these research institutions are getting from the Government. They are completely in peace to make research. At least we want to keep pace with the other developing countries in this field of research. That is what we are doing, but I must also plead with the Hon. Minister that we must have our organised unions in the hospitals, I mean, the trade union branches. If anywhere anything happens to any employee, I hope we shall bring it to the notice of the Hon. Minister and the Government immediately and the Government will take suitable action because the Government is wedded to the interests of the working class. It cannot evade or side-track the interests of the working class.

I hope I am not taking much time.

SHRI NARAYAN CHOUBEY :
There is more time for you.

SHRI CHINTAMANI PANIGRAHI : Mr. Choubey, you must get more time. In fact, I should have spoken after you.

Clauses 12, 13, 14 and 15 have made additions in favour of workmen as far as lay-offs and closures are concerned, so that the units are not closed down arbitrarily by the employers.

Again, there is a great talk of unfair labour practices. My friend, Mr. Faleiro has already said about it. I must tell you that I myself being one of the active members in the INIUC felt about it. When I heard

about unfair labour practice, I asked the Hon. Minister what is this unfair labour practice and what unfairness is attached to our labour force. But when I went through the whole thing, I found that the existence of this unfair labour practice has been agreed to both by the code of conduct and by tripartite decisions. In the Maharashtra Act it has been completely codified and the National Labour Commission in their Recommendation No. 194, I think, have also said that it must be codified, it must be known what are the unfair labour practices and I think no worker will be ever afraid of such a provision. Maybe trade union leaders are afraid, but here the worker will never be afraid of this unfair labour practice. No worker is afraid of the unfair labour practice because workers are very conscious and dutiful.

Sir, the last point that I want to make is that for a majority of the members of our trade unions, I think I can plead before the Hon. Minister that as we are going to bring in more and more changes, and as the Hon. Minister himself comes from the trade union field, I would request him and would urge upon him that whenever any such changes come—there are many more changes which are likely to come and we think that changes are unavoidable—every time he should consult all the trade union organisations. I hope the best way is to take the consensus. There may be 5 per cent disagreement and 95 per cent agreement. So, let us start from 95 per cent agreement and extend this sphere of cooperation still further so that we build up a kind of a united labour policy in this country where the sole and only object should be to increase production in the country and to give more and more share of this increased wealth to the entire working class so that we can really move towards the establishment of a socialist state in this country.

Thank you, Sir. I commend this Bill and support it.

*SHRI ERA MOHAN (Coimbatore): Hon. Mr. Chairman, Sir, on behalf of Dravida Munnetra Kazhagam, I rise to make a few suggestions on the Industrial Disputes (Amendment) Bill which has been introduced by the Hon. Minister of Labour, Shri Bhagawat Jha Azad. When he started making his introductory remarks, the proceedings of the House were stalled for about 15 minutes by the Hon. Members from the Opposition Benches for no rhyme or reason. It is not that this Amending Bill is the be-all and end-all of industrial relations in the country. This is not the ultimate say in the matter of legislation regarding industrial relations. It is not that the Government are not likely to bring any further amendments to the Act for the betterment of labour in the country. The parent Act was passed in 1947. During its enforcement many amendments have been made and now in 1982 some more amendments are being introduced to the parent Act. If any more thing is to be done in future, the Government would not hesitate to do that. The Opposition Members should have understood this and it was not proper on their part, to agitate over the introduction of this Bill and to put unwarranted hurdles in its consideration. It did not behove of responsible Opposition Members, interested in the welfare of labour, to have opposed so vehemently the Hon. Minister of Labour from making his introductory remarks.

Sir, the National Labour Commission, after studying in great depth the problems of labour in the country, submitted its Report in 1969. This Report contained a large number of pragmatic suggestions. It is unfortunate that it should have taken the Government 13 long years to implement those suggestions. If the Government had taken steps to implement these recommendations

immediately after the submission of the Report of National Labour Commission, the country would have been saved of substantial loss in industrial production during all these years due to frequent industrial disputes. The industrial development of the country would have been much faster. Anyway, true to the maxim "better late than never" the Government have introduced now this amending Bill in the interest of the nation and in the interest of labour.

There are many good provisions in this Bill. For the first time in a central legislation the unfair labour practices have been defined in great detail. The definition of 'workman' has been so enlarged to include the supervisory staff drawing salary upto Rs. 1600 a month. If an employee drawing upto Rs. 1600 a month is to be under the purview of this legislation, then naturally the measure has to be welcomed by all sections of the House. Previously the workers drawing upto Rs. 500/- a month has been the beneficiary. Now those drawing upto Rs. 1600 will get all the amenities under this amending law.

Again in the case of lay-offs, from the strength of 300 workers, it has now been reduced to 100 workers. In other words, the industrial establishment having 100 workers has been subjected to certain disciplinary processes before declaring the lay-off. This is a great benefit to the workers. In our country many industrial establishments employing less than 300 workers used to be wound up without advancing any valid reason. In Coimbatore, which abounds in industrial units, on account of discord among the partners, the establishments would be wound up suddenly. This has been the day to day sight in Coimbatore. The workers are to fend for themselves. Now they have to account for their sudden lay-off. I demand that the Government should scrupulously

[Shri Era Mohan]

implement this provision and ensure that the industrial establishments abide by the disciplinary processes before laying off the workers. The Government should not give any room in this regard for any manipulation by the employers.

Sir, in this Bill, the hospitals, dispensaries, scientific research institutions, educational and training institutions as also charitable trusts have been exempted from the purview of this Bill. But I demand that the interests of employees in these institutions should be looked after by the Government, in whatever manner they like proper and suitable. Similarly the atomic plants, the defence research institutions etc. have been taken out of the orbit of this law. It is stated that the Government would bring forward a special legislation for the protection of employees in these institutions. I appeal to the Hon. Minister that he should expedite the formulation of this legislative effort for the benefit of these employees and workers in Atomic Energy installations and Defence Research Organisations.

There is another redeeming feature in this Bill. That is about the mandatory obligation on the part of industrial establishments to have grievances redressal cells. All these years, even for minor and petty grievances the DCL and the ACL used to be approached and there used to be inordinate delay in the settlement of even minor and petty grievances. Now these Cells would clear these grievances expeditiously. But it must be the duty of the Government to ensure that these grievances redressal cells are set up in all the industrial establishments in the country.

Our Hon. Prime Minister has declared 1982 as the Year of Productivity. I am sure that this legislation would ensure the success of 1982 as the Productivity year. I have no

doubt that the laudable intentions of our Hon. Prime Minister would be realised by the effective implementation of this Bill in the labour field. The workers must also realise that strike should be the last resort. After going on strike they should not start the negotiations. It is the responsibility of the leaders of Trade Unions to see that the workers do not go on wild cat-call strikes and disrupt production.

Sir, I am sorry that the mine workers have been left to look after themselves under this Bill. They can be laid off without assigning any reasons for causes stipulated in this Bill. We do not know whether they would get the wages during the period of lay-off. I do not know what sin the mine workers have committed to undergo this punishment. I appeal to the Hon. Minister to clarify this point when he replies to the debate. They should be enabled to get benefit from such a labour legislation. We cannot make distinction between mine workers and other workers, who are being covered by this law. I request the Hon. Minister to look into this and do the needful for the mine workers.

Sir, I am really pained to say that every time the agricultural labour in the unorganised sector is not taken care of. The Hon. Minister might reply that there is the Minimum Wages Act being implemented by the State Government in the case of agricultural labourers. Here it is pertinent to point that the Central Planning Commission has stated that 40 crores of our people are earning daily an average of one rupee and less. I need not tell you, Sir, that almost all the 40 crores of people would be agricultural labour. Sir, the Hon. Minister of Labour should not forget that they are also engaged in the production of food-grains for the entire nation. Their interests cannot be continued

to be neglected for ever. If they get organised like the industrial workers, then the nation will be deprived of foodgrains. The Hon. Minister of Labour should do something for the agricultural labour also, who are as good or as bad as the industrial workers.

Sir, the workers of Textile Mills in Bombay are on strike for the past 10 months. Every day the loss in production is of the order of a few crores of rupees. It is no use blaming the Trade Unions for the recalcitrance of textile workers. The Government cannot also take it as a prestige issue. It is a question of the prestige of the nation as a whole. I appeal to the Hon. Minister of Labour to use all his inherent initiative and skill to find out ways and means for ending this strike of textile workers in Bombay.

We have the Income Tax Appellate Tribunal. The Customs and Excise Tribunal is going to be set up soon. I wonder why should there be any hesitation in setting up Labour Appellate Tribunal? I would like to know what are the hurdles in doing this. It is not beyond the competence of the Government to cross over these hurdles and set up this Appellate Tribunal for the Labour.

There are Wage Boards for all the industries and they give many solutory recommendations. Unfortunately they are not being implemented in full by the industries. There is no legislative sanction to enforce the implementation of Wage Board Awards. I suggest to the Hon. Minister that he should formulate legislative proposals for the mandatory enforcement of Wage Board Awards, throughout the country.

According to the Statewise Statistics furnished by the Government,

Tamil Nadu occupies the premier place in the largest number of unresolved industrial disputes. In the entire country, Tamil Nadu has this honour. The reason for this is that the Chief Minister has no time to spare for the resolution of industrial disputes. He has so many other extraneous issues to take care of. The interests of workers are nowhere near his zone of sympathy. In the matter of mandays lost, Tamil Nadu occupies the second place. The honour of first place in the matter of loss of mandays goes to West Bengal. The Hon. Members hailing from West Bengal may retort by saying that the number of industries locked out in West Bengal was the highest and hence the largest number of man-days loss. But in Tamil Nadu the number of industries locked out was not the highest. Still Tamil Nadu has occupied the second place in the country in regard to loss of man-days loss. This is a classic proof of the ineptitude of the State Government of Tamil Nadu. In order to prevent the publication of such news affecting the interests of workers, the Government of Tamil Nadu has enacted the Press Bill prohibiting the publication of news prejudicial to the AIADMK Government and its Chief Minister. Only the other day the Editor and the Correspondent of Malai Murasu, being published from Salem, were arrested on some flimsy grounds. The Opposition members were waxing eloquent about the Press Bill in Bihar. They have conveniently forgotten that a similar Bill had been passed in Tamil Nadu some 8 months back. I do not understand the stand of Opposition Parties in such matters. They should not hesitate to highlight wherever there are faults. They should never take to partisan political approach in regard to such national issues. In a democracy the Opposition should function in exposing faults wherever they are. Then only democracy will take

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deep roots in the country. I am compelled to refer to this because they never spoke one word about the Press Bill that Tamil Nadu Government got enacted some 8 months back.

On July 19, the Committee set up by the Labour Ministry to go into the question of expediting the pending labour disputes submitted its Report. I would like to know what steps have been taken by the Labour Ministry to implement the recommendations contained in this Report. By implementing the recommendations of this Committee, the labour disputes would be resolved soon and the welfare of workers would be ensured.

I am sure, Sir, that the Government would not hesitate to bring forward amendments in future if they are called for and wherever and whenever there is necessity for doing so in the interest of labour. The Opposition Parties are not going to be denied that opportunity. Sir, this amending Bill bears the stamp of the good intentions and laudable objectives of the Central Government and also their commitment to the good of labour at large. On behalf of D. M. K. I extend my wholehearted support to the Hon. Labour Minister who has translated such worthwhile ideas into legislative ideals. With these words I conclude.

17.00 hrs.

SHRI K. RAMAMURTHY (Krishnagiri) : Mr. Chairman, while I rise to welcome this Bill, I must congratulate the Hon. Labour Minister and this Government for having brought this.....

AN HON. MEMBER : What about the amendment ?

SHRI K. RAMAMURTHY : I will come to that later.

I must congratulate the Labour Minister and this Government for having brought forward such amendments which are very vital and are also mostly non-controversial in order to incorporate in the Industrial Disputes Act, 1947.

(Interruptions)

SHRI K. RAMAMURTHY : Our friends on the other side want to be always very much outmoded since they do not want any amendment in this Industrial Disputes Act because they want the present situation in the industrial field should continue, the industrial unrest, the strikes, the lockouts, all these they want it to continue further to thrive out of it. This comes in their way. Since these amendments come in their way now, they are vehemently opposing. I feel sorry for that.

First of all, the present concept has very much changed. The older one that I know was that the relationship between an employer and worker was governed by master and servant concept. Now, after amending the Constitution, the labour has become equal partner in the industry. So, this concept should be viewed in this light.

SHRI E. BALANANDAN : This is IMF concept.

SHRI K. RAMAMURTHY : Even for your headache also, you are thinking that it is from IMF. How can I help you? I cannot help you.

In this respect, I would like to say that in this new changing concept, our friends should view how far it is helpful to the working class of this country. They are always thinking of the formula of conflict of interests.

17.04 hrs.

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

They are not prepared to think in the line of constructive approach. That is why I am asking my friends on the other side that they should view it in this way; once it has been decided that the relationship between an employer and a worker is based on the fact that both are partners in the industry, they should view it in that line.

Another point I would like to stress is this. Most of my friends have spoken about the man-days lost and other things. Why is this happening? It is because of the delay in settling the disputes, non-effectiveness of conciliatory machinery, and even after settling the dispute, delay in implementation. These are the three vital points. In order to take away these difficulties from the purview of this Act, these amendments are being proposed.

In Clause 2 of the Bill, the scope of the definition of 'workman' is being enlarged. I cannot understand why my friends are opposing this enlarging of the scope of the definition of 'workman'. Now the Provident Fund employees are coming under that. Even supervisors are coming under the purview of the Industrial Disputes Act.

Another important point is this. After a workman has gone to the court and got the verdict in his favour, the employer and others used to go to the higher court. Now if a party goes to the higher court, the employer should pay to the workman the wages last drawn by him till the case is finally decided in the higher court. This is a new thing which we should admire.

Another clause which is very vital is summoning of the parties to reconciliation. You know very well,

Sir—you are very much interested in the trade union field—that, whenever the conciliation officer sends a notice for conciliation, it has been left to the whims and fancies of the employer either to attend himself or to send even one of his peons to attend the conciliation proceedings. Now, it is being made obligatory on his part to attend the conciliation proceedings himself. Not only that, the Presiding Officer of the conciliation machinery is empowered to ask him to submit some of the documents which are very vital in connection with the dispute. Are these not progressive steps in this Amendment Bill, I would like to ask my friends on the other side. After this Government has been voted to power, in 1980, some of our friends who suffered political defeat have been trying to paint a grim picture of the Government, saying that this Government is anti-labour, and they conducted the Bharat Bandh and so many other agitations...

PROF. RUP CHAND PAL
(Hooghly) : Very successfully.

SHRI K. RAMAMURTHY :
Very, very successful, wherever Governments are there in their favour! I know, their Government itself sponsored and initiated that strike.

In this connection I would like to submit that neither this Government nor the Party to which I belong is anti-labour or anti-working class. We have been supporting the working class, we have been supporting the welfare measures for them. So many legislations for bonus, gratuity, etc., for them have been brought forward by our Government and by our party.

Most of the amendments to the Industrial Disputes Act, 1947, which the Hon. Minister has brought forward now, as I have already stated in my opening speech, are non-controversial. The Hon. Labour Minister

[Shri K. Ramamurthy]

in his opening speech, has told the House that he is going to bring forward some of the other amendments, the controversial ones, after they are discussed with the working class and the employers. The Minister has said that he is going to bring some legislation also particularly with regard to determination of collective bargaining....

PROF. RUP CHAND PAL : Growing authoritarianism..... Taking away the rights of the workers more and more.

SHRI K. RAMAMURTHY : In this respect. I would like to submit that this process of amending the Industrial Disputes Act should not be stopped here itself. It should continue and some more amendments should be incorporated and the law should be fully equipped to help the working class.

Before I conclude, there is a chapter on unfair labour practices. This is a new thing which has been brought forward by this Ministry as an amendment to the Industrial Disputes Act. In this respect, I would like to make a suggestion to the Hon. Minister. It will be more appropriate if the heading is 'Unfair Practices'. You may delete the word 'labour'. Say 'Unfair Practices'. It is applicable to both—not only to the labour but also to the management. This is one of the suggestions I am giving for his consideration.

The other point I would like to stress is about clause 8. Previously what used to happen was that whenever any dispute was there in the Industrial Tribunal or somewhere, if either party ceases to exist, it is closed. But under this provision of clause 8, even if either party happens

to die, the matter is not closed; the legal heir or somebody can pursue the case.

These are some of the welcome amendments which we should support. Another point. Take clauses 12, 13 and 14. Here, the lay-off and closure are to be governed by these amendments. The lay-offs or closures are no longer absolute weapons in the hands of the management to threaten the working class. They are now put under check. They cannot do it at their whims and fancies, and to say that 'I am now closing the concern.' or 'I am giving you lay-off.' So workers are also protected under this clause.

The other point which my friends have stressed—that is about clause 21, which allows the Government to give exemption from this Act to its own departmental undertakings. This is an amendment which comes as some sort of an improvement over the existing provisions under the Industrial Disputes Act. It is not that the Government can come and immediately say, 'This is going to be the undertaking where we are prohibiting a strike or we are exempting it from the operation of some of the provisions of this law.' It is not like that. Whenever Government feel that such and such department is very vital and sensitive and useful for the society and if any thing happens, the Government is armed with the power to say that this department is very vital and for the time being 'we cannot allow those things to happen by which the society will suffer.'

So, we should understand this. They should also support this amendment. My next point is this. The Labour Minister has already given this assurance that the National Tripartite meeting will be held in the month of September. For the future also if some of these vital amendments which are very necessary to this

Act, if they are most controversial, they should be thrashed out in that Committee meeting—and then, he should bring forward more and more of such amendments to this Act.

In this respect, I appeal to my friends on the other side that since this is a non-controversial one or, I should say, it is a less controversial one and since it is not a comprehensive Bill but it is only a beginning that we are making in this right direction, we should strengthen the hands of the Labour Minister and support this amendment. For the future also, he should bring forward further more and more amendments which will be helpful to the working class of this country.

With these few words, I thank you very much.

MR. DEPUTY-SPEAKER : Mrs. Pramila Dandavate.

Since she is agreeable to your speaking, I am calling you Mr. Gupta. Your name comes next to her. I also want to hear your speech.

Mr. Indrajit Gupta.

SHRI INDRAJIT GUPTA : Thank you, Sir.

Sir, the atmosphere is not really conducive.

MR. DEPUTY-SPEAKER : You can change the atmosphere now. You are capable of changing the atmosphere completely. Shall we finish it by 7 O'clock? Don't bring in time.

SHRI INDRAJIT GUPTA : Sir, first of all, I would like to say one thing. In the beginning, my Hon. friend, Shri Falerio and Shri Panigrahi and one or two others, appealed to the Opposition not to make political capital out of this Bill but to try to regard it in an objective way what is good for the country at large and so on and so forth. Mr. Falerio made

a specific reference to the Chapter in this Bill which is devoted to unfair labour practices and challenged us as to what was wrong in that and why we were objecting to that. He implied by that we have some political motivation. I only wish to ask him—I hope that memories are not short now-a-days—this Chapter on Unfair Labour Practices has almost been bodily lifted from the Industrial Relations Bill of the Janata Government. You will remember that in 1979, when they brought forward this Bill, they were forced to put it into coldstorage later on because of the unanimous opposition of all the Central Trade Union Organisations including the INTUC in this country. That Bill had those provisions on these unfair labour practices which your Government has now bodily lifted and brought them into this Bill. Now, I would like to ask—who is making political capital out of this? Only three years ago, your party was vehemently opposed to those provisions of the Bill of the Janata Government. Your party took part in the demonstration, here at the Boat Club. The INTUC along with all the other organisations, took part in a rally which took place here. It was addressed by Mr. A.P. Sharma who, I remember, at that time, was a very well known leader of the INTUC. He was vehemently opposing this Bill as being anti-labour, undemocratic and pro-employer and so on. Now, quietly, the same thing is being brought here and you turn a somersault and say that we are making political capital. Some consistency should be there. I do not know who is making political capital. I know the stock answer that sometimes the Janata Government may have done something good and why should we not borrow that from there? At that time, you did not think it was good; at that time, it was very bad. That was because your leader and your party were not in power. Therefore, you chose to play the role of the Opposition at that time. (*Interruptions*)

[Shri Indrajit Gupta]

Now, Sir, I am quite conscious of the fact that this is an Industrial Disputes Act which is being amended and not an Industrial Relations Act. There is a difference between the two. I was always hoping—but obviously hoping in vain—that when this long awaited amendment comes in the form of a Bill it will be expanded. The scope of this Act will be transformed from being merely a Bill for regulating and laying down provisions for the settlement of industrial disputes and it would become something which we could call an Industrial Relations Act.

Sir, when we talked of a comprehensive amending Bill that is what we meant. Last time when this Bill was being introduced and I raised this question the Minister misunderstood me. He asked "what do you think of a comprehensive amending Bill?" I don't think everything should be put into one Bill. Sir, that was not the idea that everything should be put into one Bill but what is the character of the legislation. Is it a legislation as we passed in 1947—that is more than 35 years ago—simply to lay down a machinery etc. conciliation, adjudication, tribunals and so on for settling disputes or is it to be now, after 35 years of experience, something broader when industry has grown a lot in this country both in the public sector and private sector and the working class has grown in numbers to a huge size now?

Therefore, Sir, I am not going to spend my time discussing individual clauses and sub-clauses. That will be done when we come to the amendments stage. At this stage I would like to confine my remarks only to the philosophy that I discern behind this amending Bill. Sir, what is the basic labour philosophy of this Govt. as revealed in this bill? If we go into a particular clause or sub-clause here and there certainly they may say this particular clause or sub-clause is an improvement. Well, we will come to the clauses also but first let

us see what is the overall and basic philosophy behind this Bill. That is what I am concerned with.

Now, last month there was some sort of a Seminar or a Symposium here in Delhi organised by the Labour Law Institute. I think that is the name or I may have got it wrong but the Seminar was inaugurated by Shri Bhagwat Jha Azad. On the subsequent day I participated in that Seminar. Sir, in his inaugural remarks as quoted in the Press—if I am wrong I am willing to stand corrected because I was not present myself on the inaugural day, but the Minister was quoted extensively in the Press next day and this is what he said as has been quoted in the newspapers:

"The most important aspect of industrial relations is to ensure unabated production and the supply of essential goods and services."

This is how he summed up that this is the most important aspect of industrial relations—how to increase production and how to ensure uninterrupted production and the supply of essential goods and services. Sir, if that is the most important fact of industrial relations I want to know whether this amending Bill which has been brought forward now after much labour, does it serve this purpose? Does it help to serve this purpose? What is there in it? Please tell me. The most eloquent commentary on this Bill is the fact that it has come in the middle of the seven-month-old strike of Bombay textile workers. The contrast is so tremendous that one can see it so obviously. The Bill has been brought at a time when after another eight or nine days this strike of over 2 lakh textile workers will have completed its seventh month. Is there anything in this Bill which gives any kind of promise that this kind of situation which has come about in Bombay can be better tack-

led, can be settled more quickly, disputes can be looked into quickly and something can be settled more quickly through something that is brought new in this Bill? I do not find anything, because, what the Minister does not tell us is this: I am dealing with strike at the moment; I will come to lock-out later on, that is the reverse strike, the strike in reverse by the employer. At the moment I am talking about the strike by the workers. He does not tell us that this strike is dragging on and cannot be settle even though 7 months have passed, because of the presence,—or rather I should say the obstructionist presence—of another statute; that is not a Central Statute; that is a State Statute, called the Bombay Industrial Relations Act of the Maharashtra Government now also extended to Gujarat and Madhya Pradesh. That Bombay Industrial Relations Act known as the BIR Act (to which reference has been made already by Mr. Balanandan) is an Act which prevents the Government or the employer from negotiating or dealing with anybody other than that union which has been declared to be the representative union under that Provincial Act. That is what that Act does. One union is selected not according to the workers' choice, not according to any ballot of the workers, not according to any Referendum, but the machinery of the Government of the Labour Department carries out what is called the verification and deciding that such and such union is the representative union. Then according to the Bombay Industrial Relations Act no other union, nobody else, is permitted to represent on behalf of the workers. Only that representative union is taken to be the bargaining agent with whom all negotiated agreements etc. have to be signed. Now the trouble is that within the framework of that BIR Act the Union in Bombay which has been declared long ago to be the representative agent of the workers—the INTUC Union or the Rashtriya Mill Mazdoor Sangh—continues to be

the only recognised body but the workers have de-recognised it. The workers have withdrawn their recognition from it long ago and have gone on strike. The Union, or, rather, the leadership of the Union, is bitterly opposed to the strike but the workers have shown by going on strike that they no longer recognise that union.

Now, you may not like or you may not want to talk to the people who are leading them now. But I am not dealing with that aspect now. I am dealing with, what is the position, how it developed under the law.

Now, whenever the question comes of negotiating and settling the strike, it is said,—Mr. Azad himself has said it a number of times in this House,—that we will not talk to anybody other than the recognised union. But that union is now recognised only by the Government and by the employers and mill-owners, it is not recognised by the workers any more. But you cannot talk to anybody else because the BIR Act, says, you cannot talk to anybody else. 7 months have passed. Everyday now the papers write 'So many hundred crores of rupees of production has been lost; our textile orders in the foreign markets have been held up; this has happened, that has happened'. Of course, I think, the Ahmedabad mill owners are having quite a good time; they would like the strike to continue in Bombay, it is good for them,—that is a different matter,—but now you have landed yourself in a deadlock.

So, what I am trying to say is that— is there any thinking on the part of the Government to try to improve industrial relations machinery in the country. Because the Minister says 'Speedier Resolution of Industrial Disputes'. That is what the Minister wants. The present Bill unfortunately is quite silent on the question of industrial relations; it is only concerned with the machinery of adjudi-

[Shri Indrajit Gupta]

cation, tribunals, and so on, trying to say that now we are going to impose some time limit so that these proceedings do not go on for a very long period, delaying process should be stopped by fixing some time-limit and all that. That is all there is in this Bill. But the essential point is, in which modern industrial country, I would like to know, is the reliance for settlement of disputes primarily put on the Government's machinery of Adjudicating Tribunals, Labour Courts and so on? Mr. Panigrahi was talking so much about Japan, Japan all the time. Does it happen there? In any modern industrial community, the main reliance for settlement of industrial disputes is on direct collective bargaining. Everybody knows it. There has to be unfettered right of collective bargaining between the two parties who are concerned, that is, employer and the employee. In our case, in this country, of course, the biggest employer now is the Government itself and I am saying this because I do not want these remarks to go on being made that the Government is a sort of a third party, neutral, standing above the employer and the worker. How? The biggest employer now in the country is the Government itself. It employs far bigger number of people than any private employer, that is, the public sector. I am not sad because of that. I want the public sector to grow even more. I would want it to grow faster than the private sector. But the facts are facts. The Government is no longer a third party.

AN HON. MEMBER: Sir, what about the half-an-hour discussion?

MR. DEPUTY-SPEAKER: I have already announced that it has been postponed. We will now continue this discussion.

SHRI INDRAJIT GUPTA: So, it is not longer a kind of third party or a neutral party, standing above the

two conflicting parties. It is itself the largest employer in the country and I may say that this position has made the Labour Ministry's position also rather difficult. Let us be frank about it. There are these big employing Ministries—the Ministry of Steel, the Ministry of Energy, the Ministry of Petroleum, the Ministry of Shipping, the Ministry of Defence, the Ministry of Railways and the Ministry of Communications who are employing lakhs and lakhs of workers and employees and unless those Ministries are willing to subscribe to overall labour policy, labour relations policy, then the Labour Ministry by itself, I think, cannot do very much because it has to convince and talk to not only Birlas, Tatas, Dalmias and Singhanias and so on, but it has to deal with all these bigger employing Ministries, some of them are like a huge Empire on their own. But please do not go on saying that as though the Govt. is some sort of a Fairy God Mother who is standing above the employers and the employees and some as a kind of neutral body dropping from the Heavens. It is itself the biggest employer. Therefore, it cannot be neutral. In my opinion, it cannot be neutral because it is bound to be influenced by the fact that it is itself the employer and when you are talking here about employers rushing in appeal to the High Courts and the Supreme Court against the decisions of the Lower Courts which go in favour of the workers and we are all deploring it and here you are making provisions that if a Lower Court or a Tribunal or a Labour Court gives a decision in favour of the worker who has been dismissed that he should be reinstated and if the employer goes in appeal against that to the High Court or the Supreme Court that so long that appeal is pending there he will have to pay full wages to the employee. Well, that is a good thing. But will your Ministry pay? I can show you that the main defaulter, the people who go to the High Court and the Supreme Court against the decision of the Lower Courts are these public sector undertakings and the

management of the public sector who want to destroy or vitiate the whole spirit of cooperation. So much is talked here about the cooperation that we are partners in industry. For years now I am hearing this talk about workers participation in management. Has anything come out of it? Why is it not here in this Bill? Why is something not put here? It is a part of the 20-Point Programme, original one. There was something about it, in a vague diluted way. I think in the new 20-Point Programme it has been dropped. There were some things about it, in the Directive Principles, that there should be some methods by which the workers at least in the public sector—I do not expect it in the private sector, but at least in the public sector—should really be made to feel that they are participating in the management. They should be given access to all the data, necessary information, facts and figures and everything regarding that industry in which they are working, so that they can make their own contribution and they can give valuable suggestions and opinions as to how that industry should be run. Is it being done? The question is of industrial relations; it is not a question of how to settle an industrial dispute here or an industrial dispute there. Any way, I am disappointed because the Bill is nowhere near that kind of outlook; it is only trying to tinker around with these minor things.

Identification of the representative bargaining agent for collective bargaining purposes is the key question and until that question is settled in this country, you will not have industrial peace. This is what is done in every advanced country. You have to devise a system by which the representative union, according to the workers choice, is decided and then they are encouraged along with the employers to go in for direct collective bargaining between themselves without the Government or its officials, its bureaucracy, its tribunals or the labour court coming into the picture

at all. Why should they come into the picture? That is not being done. We have avoided all that. In 1969 the then Government of West Bengal,—it was not the present Left Front Government, nor was it a Congress Government, it was the United Front Government—passed a Bill in the West Bengal Assembly, a State Bill, which provided for secret ballot of the workers in order to decide which union enjoys the majority support. That Bill of 1969 of the West Bengal Assembly was sent here for presidential assent and to this day, the assent has not been given to it. But the Bombay Industrial Relations Act, because it does not provide for ballot, because it provides for the Government machinery and the Government bureaucrats and officials to decide which union should be the representative union, that Act is welcome by the Centre and is allowed to go on, and the result is the 7-month old Bombay Textile Strike today. But because the Bill of West Bengal provided for a more democratic method of secret ballot, it has not been given presidential assent upto today.

What I wish to say is that the present Bill is really, if you look at it from that angle, quite isolated from reality. Reality of the situation demands something which is, at the moment, much beyond the understanding and vision of the Government.

Secondly, I would like to say that the Bill is not more comprehensive, it is more restrictive; it is a restrictive Bill. Its ambit is being restricted, not widened, and therefore, we are opposing this Bill. It is not only a question of excluding from the definition of industry those establishments which have been mentioned here, for example, schools, educational institutions, hospitals, charitable social, philanthropic services, Khadi and village industries and so on. These have been excluded, and people are asking here: Why should they not be excluded, because the Minister is

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going to bring a separate piece of legislation for them? In fact, he has introduced another Bill and it should have been discussed along with this Bill, because it has a direct bearing on this. But this is a new tactic, which this Government has adopted of splitting up the whole thing into four or five separate Bills and bring each one separately, and try to give it to us like homoeopathic dose, so that you take one and forget about the rest. They will bring one Bill in this session and bring another in the next session, when they are closely inter-related. You should have brought them together. As a matter of fact, they should have been in the same Bill and one could have said that this is the procedure laid down for these establishments and this is the separate procedure laid down for some other establishments which are not going to be covered by the Industrial Disputes Act. However, this has not been done. It is not only that, under Clause 21 of this new Bill, power has been taken to give a total exemption. If the Government so thinks fit, they can exempt any industry, any establishment, any class of establishments, any class of industries from any or all of the provisions of the Industrial Disputes Act. It is a blanket power taken under Clause 21. So, it is not only a question of hospitals or schools or religious institutions. I think my friend, Shri Falerio very clearly tried to make a little bit of distortion of that Supreme Court Judgement. It is not possible for him or me to quote it at length now, because there is not so much time. Of course, the Supreme Court said it is high time that the legislators should make it clear by amending the Act what is in industry and what is not in industry. Did they say that these hospitals and schools and so on should be left out? On the contrary, the merits of the case on which they were discussing and on which they gave their judgement, was just the opposite. They said what is essential is the relation-

ship between the employer and the employee. That is what decides whether it should be covered under the Industrial Disputes Act or not.

In the same Seminar to which I made a reference a little while ago—probably the Minister was not present there—in the valedictory address, the same Mr. Krishna Iyer referred to the fact that a cook who is cooking in a big hotel, working in the hot weather in the summer, perspiring perhaps, and cooking for the whole day, is covered as a workman under the Industrial Disputes Act because hotel is an industry. But at Tirupati temple, where many blackmarketeers are coming to get blessings of Lord Venkateswara, in the kitchen of that temple, where thousands of pilgrims are being given Prasad or sweets, the man who works as a cook there perspiring and making sweets everyday, and whose work is no less hard, rather harder than the one cooking in the kitchen of Asoka Hotel, is not to be counted as a workman, because that is a religious institution. So, Krishna Iyer said it is ridiculous.

MR. DEPUTY-SPEAKER: Indrajit, most probably Lord Venkateswara may take care of him.

SHRI INDRAJIT GUPTA: May be.

Similarly, in a University campus, where the University may be running a hundred buses to bring its employees and students and people to the University campus and take them home again; they may have a fleet of a hundred buses with all the necessary staff, drivers, cleaners and mechanics and everything, but just because they are employees of University, they are not to be given protection under this Act, because Universities and educational institutions have to be excluded. This is ridiculous.

Anyway, that is not what the Supreme Court said. The Supreme Court said just the opposite of what this Bill is trying to do. I am afraid.

The Grievances Settlement Authority has been mentioned. But here I find an interesting thing. In the Statement of Objects and Reasons, in the Clauses everywhere it was clearly put that the Grievances Settlement Authority is to be set up by the employer. Then perhaps somebody pointed out that this does not look very nice. There should be at least a show or pretence of being some bipartite effort in setting up a Grievance Settlement Authority. Now, I see the Minister has come forward with an amendment saying that instead of 'set up by an employer', it should be 'provided for by the employer'. I do not know the philosophical difference between the two. You please explain when you move your amendment as to what is the difference between an employer setting up the authority and providing for an authority, because actually the word used throughout here in the Bill, which has been circulated to us, it is stated 'set up by the employer'. I think somebody has said it has a bad taste about it. How can you have a grievance machinery which will listen to and settle the grievances of the workers if it is set up by the employer? On the face of it there is something wrong. So, words have been changed from set up to provided for. So, we should like to know whether there is a change in the content. Please tell us.

Then about the supervisory staff. I am glad supervisory staff drawing upto Rs. 1,600/- a month now comes within the definition of the workmen. But then, if the salary level is the main thing, viz. Rs. 1,600/-, why should it be confined to supervisory staff? It can be the supervisory staff, administrative staff or managerial staff, provided they are not earning more than Rs. 1,600/-.

Many times we have had Members on that side of the House saying that Bank employees, LIC employees etc., are earning huge, four-figure amounts, and that they are earning more than Deputy Sect., Joint Secretaries

of the Government and so on. So, you should be careful that we do not face an anomalous situation where a supervisor, drawing upto Rs. 1,600/- a month is counted as a workman, but the employee whom he is supervising, whose work he is supervising, who is below him, earns not Rs. 1,600/- but Rs. 2,000/- or Rs. 2,500/-, according to you. Will it not then lead to some anomaly? So, this artificial restriction of Rs. 1,000/- on salaries like this, I think, is not going to help us very much; and we should be quite clear that supervisors should be treated as workmen. It does not matter whether they are earning Rs. 1,600/- or Rs. 1,800/- or Rs. 2,000/-. It does not make any difference. Supervisors to-day in an industry should be treated as workmen. And if you want to put a ceiling or restriction on salary, it should be in the case of the managerial staff, and not supervisory staff.

A question I would like the Minister to reply to, is this: even if you stick to this salary ceiling of Rs. 1,600/- for supervisors, will it be applied retrospectively in those cases where disputes are pending at the moment? To my knowledge, there are a number of disputes which are pending before the tribunals, courts and all that, where the question is whether these people who are involved in those disputes, are to be treated as workmen or not. At the time when those disputes arose and they went to those courts, the earlier ceiling of Rs. 5,00/- was there. Now you are raising it to Rs. 1,600/-. So, will you kindly see to it that this provision is at least applied retrospectively only in those cases which are still pending before courts, and where the decision has not been given?

Then, there is some restriction imposed here, on closures. It is nothing new, because in the old, un-amended Act—I think 25 (O)—substantially the same thing is there, that if anybody wants to close down, he

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has to give prior notice to the Government ; and then the Government will look into the matter, hear the parties concerned, and if they think that the proposed closure is unjustified, they can ban that closure and so on. So, the essence of the thing is there already. But it is being amended, to make it perhaps a little more clear. But there is no restriction of any kind on lock-outs.

Somebody was talking here. They were talking about West Bengal, trying always to find fault with West Bengal. But the number of man-days lost there, was primarily due to the enormous number of lock-outs. And this provision which you are making now, will only be an incentive to employers further to go in for lock-outs in order to avoid the complications of declaring a closure. It is a disguised form of closure—this lock-out. The lock-out is not a thing which goes on only for seven days or ten days. We are having, in West Bengal, lock-outs which go on for months at a time. Birlas' Kesoram Cotton Mills was locked out for 260 days. Ten thousand workers are employed there. Three lakh meters of cloth are produced every day. They kept that mill locked out for 264 days. The Dalmias did the same thing with their cement factory here in Haryana. Two years or 2-1/2 years—they call it a lock-out. But in effect it is a closure ; and vital commodities like cloth and cement—their production is held up by the lock-out. But I don't hear the Government or Minister or Prime Minister or anybody. .*(Interruptions)*

SHRI NARAYAN CHOUBEY:

rose.

MR. DEPUTY-SPEAKER: It is between me and Shri Indrajit Gupta. He has taken half-an-hour. I am telling him that he has taken that much of time. It is all right. You need not advocate his cause. We are very good friends. *(Interruptions)*

SHRI INDRAJIT GUPTA: I am only saying that in the case of these numerous and prolonged lock-outs, we do not find the Government or the Ministers speaking out boldly, publicly against these employers at all. The way that they threaten the workers when they are on strike; the way that these penal provisions of various laws are used against the workers. We do not find similar treatment being given anywhere to these Birlas and Dalmias and people when they keep factories closed for months together. The Prime Minister's call for productivity year is supposed to apply only to the workers, is not supposed to apply to the employers at all. Who will swallow this kind of thing ? Is any employer going to be punished for these things ? Has anybody been punished upto this day ? And here even in the Chapter on "Unfair Labour Practices"—the penalty is of course prescribed as same for both a worker can also be fined upto Rs. 1,000/- or sent to jail for six months ; and an employer will also be fined and sent to jail for six months—as if he is ever sent. But is it the same thing I want to know ? An employer who is employing 10,000 workers and closes down his factory is to be fined Rs. 1,000/- or his Manager may be sent to jail for six months. Nobody has been sent, of course, upto today. But the worker who is on strike, he will also be seen equally on the same footing, on the same par, because Government looks at everything objectively, neutrally. What kind of justice is this ? This is a class society, very brutal class society ; and all the polite talk diplomatic talk does not hide the ugly reality of it at all.

There is no restriction on lock-outs in this Bill also ; there is a restriction only on strikes ; there is a restriction only on a closure, but there is no restriction on lock-outs. The emphasis as a whole is not on collective bargaining at all, not even on voluntary arbitration; the emphasis is on compulsory adjudication,

compulsory arbitration or adjudication, which is the principle which is not acceptable to us and is not accepted in any modern country today ; any country which follows the path of compulsory adjudication is considered to be a backward country in the context of industrial relations. If you talk about voluntary arbitration, it is understandable. When you can't solve a dispute round the table, well if both the parties agree together, they will refer a dispute voluntarily to an arbitrator. That can be done in many cases, but even more than that what is necessary is to strengthen the fabric and the structure of collective bargaining, which you cannot do without a proper procedure for the identification of the recognised unions, representative unions which will function as the collective bargaining agent and talk across the table to the employers ; and let both sides argue and come to an agreement. Both sides know that if their talk fails, then there is no tribunal ; there is no labour court to come in between ; both sides know they will have to face show down ; and that is the thing which acts as a deterrent ; in most cases, in 90 per cent cases, the employers and the representative unions sit round the table, would try their best to come to a settlement, because they know that if no settlement comes then there will be show-down and nobody knows what the outcome of that show-down will be. But if both sides know that it does not matter if the talk fails—Mr. Azad is waiting with his tribunal—do not agree to anything here, hold out and ultimately when the talk breaks down, the Labour Department with its labour court and tribunal and all that will come and impose it on us, then we will see what happens ; and that does not lead to less industrial strife ; it leads to more industrial strife. This is the experience of all countries.

Therefore, what I want to say finally is that this Bill is avoiding all the many more difficult issues, the basic

issues ; the issues of principle have all been avoided and we have been promised that this is the only first step and there will be more Bills and more Bills and so on. I do not believe it at all. But what is happening at this moment, as we see, is that in the name of fighting inflation, in the name of economy and all that, there is a big drive on, concerted drive on to see that wages are more or less frozen or they are based on productivity. I do not know what that means. The productivity based wages is the new *mantram* which is being taught to our workers in the public sector. I can understand some productivity bonus schemes or incentive schemes for increasing productivity. That is a different thing. Those are in force in many places. Nobody objects to that. But if you say that no wage increase will be given henceforth anywhere unless it is linked with productivity, that is not going to be accepted first of all by the trade union movement—perhaps not even by the INTUC at least I have sat in some meetings where the INTUC representatives were present, and they were as vehement as anybody else in their opposition to this question of linking the wage structure with productivity, with higher productivity. It is not done anywhere. You cannot check the prices, you cannot control the market, you cannot control the way the prices of essential commodities are shooting up and you want to lecture to the workers that their wages should be linked to productivity and otherwise they will be given no wage rise! This is not going to work. Negotiations are already going on in the steel industry, in the coal industry, in Bharat Heavy Electricals and so many other public sector companies are going to enter into new negotiations by the end of this year. And if the Government and the Bureau of Public Enterprises persist in this outlook that will not be given any wage increase unless it is linked with higher productivity, then I am afraid a situation may be created, entirely due to the Government, where

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there may be a big risk of confrontation in many of these sectors and it is because of this that they are bringing this kind of a Bill now. It is because of this that they do not want any unions to be built up except those which are subservient to this policy. They have already paid the price in Bombay and in other places also they are trying the same thing. This piece-meal legislation makes it difficult for us to show the entire pattern; if the Trade Unions (Amendment) Bill had also come now, if the Payment of Wages (Amendment) Bill had also come now, if the Hospitals and Education Bill had also come now, together, then you would understand as a whole what they are trying to do, how they are strengthening the power of the bureaucracy to interfere even in the internal working of the trade unions the trade unions they do not like, of course, the trade unions which are fighting, the unions which want to defend the interests of the workers. Hundreds of ways are being devised through the law, giving powers to the Registrar of Trade Unions to interfere with the internal working of the trade unions, if possible to disqualify office bearers from holding office, getting trade unions deregistered, cancelling their registration, and so on. This Bill has only been introduced. That Bill has not yet come. It will come some time in the next session, by which time Hon. Members will have forgotten all about the present Bill. This is all part and parcel of one integral whole and the aim is to build up an arsenal of weapons which are loaded against the unfettered right of collective bargaining and the recognition of the trade unions in the proper way. This is not a question of fighting strikes. Strikes you have already provided for under the Essential Services Maintenance Act. You can outlaw, ban any strike in the country. That has already been done and put out of the way and it was not piloted by the

Labour Minister but by the Home Minister appropriately enough. Then, not satisfied with that, under the provisions of the National Security Act, 16 industries were listed and it was said that in these industries if any strike or any trouble takes place, the National Security Act can be applied to these 16 industries. So, as far as strikes are concerned, they have already armed themselves quite sufficiently with draconian powers. Employers can go on locking out their factories and do anything they like. Nobody bothers about them. The Prime Minister and her followers are not in the least concerned that 17 jute mills should be kept closed; or that textile mills should be locked out, or that cement factories should be locked out by employers. They do not bother that. The main thing is that these workers and these wicked Opposition people, the** of the Opposition, who are trying to stir up trouble and incite and instigate people, must be somehow brought to book. So, the ESMA, the NSA, and all these Bills' aim is to see that independent-minded, conscious, strong, fighting unions are curbed in every possible way and only such unions are allowed to function which are subservient to the Government's policy. I would only say one thing in conclusion because I have not gone into all the various provisions of the Bill, which we will take up at the second reading stage.

18 hrs.

The philosophy behind this Bill is not one which will really help to lessen industrial strife or really strengthen the fabric of collective bargaining which can lead to industrial peace and good industrial relations. It is rather a weapon which they are trying to take into their hands to use against the trade union movement, against strikes, against the right of the workers to fight for their demands. Therefore, in its totality, this is definitely an

anti-labour Bill. There is no use saying that clause 2(b) or 2(a) or (cc) is better than the previous one. Taken in its totality, it is an anti-labour Bill. It is something which will make the situation much more complicated. It will not help at all. We want to see how you settle the Bombay strike.

In conclusion I will say one word because I had already said it in a public statement elsewhere. Mr. Azad's proposal which he has given here on the floor of the House, for the Bombay strike essentially is an attempt again not to settle the dispute by collective negotiation, bipartite negotiation, but by introducing by the backdoor, the old concept of the tripartite wage board, which was rejected long ago by the entire trade union movement including the INTUC. There was a time when we used to have the tripartite wage board for all the individual industries. It was then found that it did not work because it was impossible to get an agreed decision there. Always there is a majority minority decision and nothing happens. Then all the trade unions said : Away with these wage boards ; let us have collective bargaining direct across the table. But, now, in his proposal, of the way he wants to settle the Bombay strike, he has proposed something which is essentially a tripartite body of Government, employers and labour, who will never come to an agreement among themselves. Delaying tactics will be followed there. If there is a majority decision and a minority decision, how will you implement it ; how will you enforce it ? In the wage boards, I remember, we were never able to implement or enforce a decision which was not an agreed unanimous decision. And it is almost impossible to get a unanimous decision after a seven months long strike where such basic questions are involved as wages, the question of badli workers and all that.

I would plead with Mr. Azad not to get provoked and not to get angry. I still think that he should not present this tripartite national conference with the *fait accompli*. He said that many more important things were to be discussed there. I do not know what is more important than the subject of the industrial relations and industrial disputes. I thought he could have brought this before the conference. He could have heard the views and the opinion there of the employers, State Governments, representatives of the public sector and the trade unions. He need not accept any of them. But he could have at least come before the House then and said : I have had the benefit of listening to the suggestions and opinion of all these people and now, in spite of that, I am coming with this Bill. But he is not ready to say even that now. I would still appeal to him though it is a forlorn hope, that do not stand on prestige ; do not be bound by some assurance which some predecessor of yours gave somewhere, because you have already called the conference in the first week of September. Therefore, the heavens would not fall if you wait, put this draft before the conference and listen to the views of everybody. Then, in the next session bring this Bill again, suitably drafted or modified or not modified, as you like. But do not try to rush through in this way because everybody has got reservation in spite of what my friend, Mr. Ramamurthy, has tried to say. Now I understand the compulsions under which he is. But I know that he is a trade unionist—perhaps one of the genuine trade unionists—who has spoken so far from that side. I have seen his amendments. He has certainly got this idea in his head very much that you have to have a machinery and you have to have a relationship which is different from the old relationship if you want really to get industrial relations improved.

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I do not know whether he will stick to his amendments. I am prepared to support two or three of his amendments.

SHRI K. RAMAMURTHY : I know that.

SHRI INDRAJIT GUPTA : But I am sure, he will be made to withdraw ultimately like a good member of the ruling party. You please stick to those amendments.

I am supporting your amendments. Do not withdraw them now. They are not very fundamental amendments, I agree. They are rather minor amendments but sensible amendments. Therefore, Sir, as far as we are concerned, this Bill is totally unacceptable to us, because it is neither fish, nor flesh nor good red herring. I do not know what it is but it certainly makes no attempt even to touch the fringe of the problem, the larger problem of industrial relations. It only wants to tinker with the machinery of settling industrial disputes, and that is the totally inadequate for the present situation. Therefore, I oppose this Bill.

MR. DEPUTY-SPEAKER : Shri Kunwar Ram.

SHRI SATYASADHAN CHAKRABORTY : Sir, it is past 6 O' Clock... *(Interruptions)*.

MR. DEPUTY-SPEAKER : Four hours were allotted for this Bill. So, we will sit till 7 O'Clock. Then you can raise it.

(Interruptions)

MR. DEPUTY-SPEAKER : I will go by the sense of the House. This is not the proper way.

(Interruptions)

MR. DEPUTY-SPEAKER : Do not record anything except the speech of Shri Kunwar Ram.

*(Interruptions)***

MR. DEPUTY-SPEAKER : The ruling party members were sitting quiet when Shri Indrajit Gupta talked for about 40 minutes. So you must hear them. This is not the way to behave.

(Interruptions)

SHRI SATYASADHAN CHAKRABORTY : Sir, on a point of order. In the List of Business circulated by the Secretariat it is mentioned that the House will sit from 11 a.m. to 6 p.m. Now you are going to extend the House. You can do so only by a resolution of the House. You cannot do it otherwise. So, first you take the sense of the House.

(Interruptions)

MR. DEPUTY-SPEAKER : I have already announced we are going to sit late today, after the intervention of Shri Indrajit Gupta earlier. Then we said we can go upto 7 O'Clock. Therefore, we are going upto 7 O'Clock. Then you must raise the issue.

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : Sir, it has already been agreed upon that whenever necessary the House can sit beyond 6 O'Clock. I request that you may take the sense of the House.

MR. DEPUTY-SPEAKER : Is it the sense of the House to sit beyond 6 O'Clock ? Yes, the sense of the House is that it will continue to sit.

(Interruptions)

MR. DEPUTY-SPEAKER : Are you pressing for division ? You can only press for a division.

SHRI SATYASADHAN CHAKRABORTY: I only pointed out....
(Interruptions)

MR. DEPUTY-SPEAKER: The sense of the House is that we should continue after 6 p.m. Are you disputing it?

SHRI SATYASADHAN CHAKRABORTY: Yes.
(Interruptions)

MR. DEPUTY-SPEAKER: I have ascertained the sense of the House.
(Interruptions)

SHRI SATYASADHAN CHAKRABORTY: We are in the majority and we do not want that it should continue. We are in the majority...

MR. DEPUTY-SPEAKER: No. The sense of the House is that we should continue. Now, Mr. Kunwar Ram.
(Interruptions)

MR. DEPUTY-SPEAKER: Hon. Members, if any Hon. Member is not allowed to speak by the Opposition, then I will have to call the Minister to reply.
(Interruptions)

MR. DEPUTY-SPEAKER: If any Hon. Member is not allowed to speak, I will call the Minister to reply.
(Interruptions)

MR. DEPUTY-SPEAKER: Please sit down. The Minister will reply. Mr. Minister, you reply.
(Interruptions)

(At this stage, Prof. Rup Chand Pal, Shri Narayan Choubey, Shri Amar Roy Pradhan, Shri Harish Kumar Gangwar, Shri Ramavatar Shastri and some other Hon. Members came and stood near the Table.)
(Interruptions)

MR. DEPUTY-SPEAKER: We will pass this Bill today.
(Interruptions)

MR. DEPUTY-SPEAKER: The Hon. Member has not been allowed. The Minister may reply.
(Interruptions)

SHRI BHAGWAT JHA AZAD: Mr. Deputy-Speaker, Sir, I am sorry to say that the points that have been raised by the Hon. Members are not for the labour; they are only for political ends.
(Interruptions)

MR. DEPUTY-SPEAKER: Don't record anything of what they say.
(Interruptions)**

SHRI BHAGWAT JHA AZAD: I think in these circumstances they are not prepared to hear a reply to their criticism and therefore, in view of this attitude, I request, Mr. Deputy-Speaker, Sir, that let the motion for consideration be put to vote.

SOME HON. MEMBERS: You are violating the rules.
(Interruptions)

SHRI BHAGWAT JHA AZAD: Sir, please put the motion for consideration to vote.
(Interruptions)

MR. DEPUTY-SPEAKER: I make it very clear that I will see that the Bill is passed to-day.
(Interruptions)

MR. DEPUTY-SPEAKER: I shall now put all the amendments to the Motion for consideration to the vote of the House.

Amendments Nos. 1, 2, 96, 120, 121, 149, 150, 215, 271, 272 and 273 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

“That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration.”

The Motion was adopted.

MR. DEPUTY-SPEAKER : The House will now take up clause by clause consideration of the Bill.

Clause 2—Amendment of Section 2

MR. DEPUTY-SPEAKER : K. Ramamurthy.

SHRI K. RAMAMURTHY: I am not moving the amendment.

MR. DEPUTY-SPEAKER : Shri E. Balanandan, are you moving your amendments?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Shri Ajit Bag, are you moving your amendment?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Shri R. P. Das, are you moving your amendment?

SOME HON. MEMBERS: No.

MR. DEPUTY-SPEAKER : Shri Sudhir Kumar Giri, are you moving your amendments?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Very good.

(Interruptions)

MR. DEPUTY-SPEAKER : Shri Indrajit Gupta, Shri P. K. Kодиyan, Shri Ramavatar Shastri. Are they moving their amendments?

SOME HON. MEMBERS ; No.

MR. DEPUTY-SPEAKER : Shri Sudhir Kumar Giri, are you moving your amendment?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER: Shri Chitta Basu, are you moving your amendment?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Shri Amal Datta, are you moving your amendments?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Shri Sushil Bhattacharya, are you moving your amendments?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Shri Bhagwat Jha Azad.

SHRI BHAGWAT JHA AZAD : I am moving my amendment Nos. 187 to 191 to Clause 2.

I beg to move :

“Page 2, lines 12 to 15—

Omit “or the Agricultural Refinance and Development Corporation established under 1963 section 3 of the Agricultural Refinance and Development Corporation Act, 1963,” (187)

Page 2,

Omit lines 47 and 48 (188)

Page 3, line 1,—

for “(a)” substitute “(b)” (189)

Page 3,—

for line 8, substitute—

‘other activity is the predominant one.

Explanation:—For the purposes of this subclause “agricultural operation” does not include any activity carried on in a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951; or (190)

Page 3,—

for lines 20 to 23, substitute—

“and space; or

(7) any domestic service; or

(8) any activity, being a profession practised by an individual or body of individuals, if the number of persons employed by the individual or body of individuals in relation to such profession is less than ten; or

(9) any activity, being an activity carried on by a co-operative society or a club or any other like body of individuals, if the number of persons employed by the cooperative society, club or other like body of individuals in relation to such activity is less than ten;” (191)

MR. DEPUTY-SPEAKER : Shri A. K. Roy, are you moving your amendments?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Shrimati Suseela Gopalan, are you moving your amendments?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Shri Somnath Chatterjee, are you moving your amendments?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Shri K. A. Rajan, Shri Narayan Choubey, are they moving their amendments?

SOME HON. MEMBERS : No.

MR. DEPUTY-SPEAKER : Shri Basudeb Acharya—not moving.

Shri Shastri -- No.

Shri Biswas—No.

I shall now put Government Amendments Nos. 187, 188, 189, 190 and 191 to the vote of the House.

Those in favour may say ‘Aye’

SEVERAL HON. MEMBERS : Aye.

MR. DEPUTY-SPEAKER : Those against may say ‘No’

SOME HON. MEMBERS: No.

MR. DEPUTY-SPEAKER : I think, the Ayes have it, the Ayes have it.

SOME HON. MEMBERS : Noes have it, Noes have it.

MR. DEPUTY-SPEAKER : Let the Lobbies be cleared.

(Interruptions)

18.20 hrs.

(At this stage, Shri Samar Mukherjee and some other Hon. Members left the House).

MR. DEPUTY-SPEAKER : The Lobbies have been cleared—I now put Amendment Nos. 187, 188, 189, 190 and 191 to Clause 2 moved by Shri Bhagwat Jha Azad to vote.

The question is :

Page 2, lines 12 to 15—

omit “or the Agricultural Refinance and Development Corporation established under section 3 of the Agricultural Refinance and Development Corporation Act, 1963.” (187)

Page 2,—

omit lines 47 and 48. (188)

Page 3, line 1,—

for "(c)" substitute "(b)" (189)

Page 3,—

for line 8, substitute—

'other activity is the predominant one.

Explanation :—For the purposes of this clause, "agricultural operation" does not include any activity carried on in a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951; or' (190)

69 of 1951

Page 3,—

for lines 20 to 23 substitute.

"and space; or

(7) any domestic service; or

(8) any activity, being a profession practised by an individual or body of individuals, if the number of persons employed by the individual or body of individuals in relation to such profession is less than ten; or

(9) any activity, being an activity carried on by a cooperative society or a club or any other like body of individuals, if the number of persons employed by the cooperative society, club or other like body of individuals in relation to such activity is less than ten; '(191)

The motion was adopted.

MR. DEPUTY-SPEAKER : No other Amendment has been moved.

I now put Clause 2, as amended, to the vote of the House.

The question is :

"That Clause 2, as amended, stand part of the Bill".

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3—Amendment of Section 7.

MR. DEPUTY - SPEAKER : Shri A. K. Roy—not there.

The question is :

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—Amendment of Section 1-A.

MR. DEPUTY-SPEAKER : Shri M. Ismail—not there ; Shri M. M. Lawrence—not there ; Shri A.K. Roy—not there ; Shrimati Suseela Gopalan—not there ;

The question is :

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

MR. DEPUTY - SPEAKER : Now Clause 5. Shri A. K. Roy—not there.

The question is :

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6—Amendment of Section 9A

SHRI BHAGWAT JHA AZAD :

Sir, I beg to move :

Page 5—

for lines 16 and 17, substitute—

'6. In the proviso to section 9A of the principal Act, in clause 48 of 1950 (a), for the words, brackets and figures "settlement, award or decision of the Appellate Tribunal-constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950", the words "settlement or award" shall be substituted.' (192)

MR. DEPUTY-SPEAKER : Shri A.K. Roy—not there.

I now put Amendment No. 192 to Clause 6 moved by Shri Bhagwat Jha Azad to the vote of the House.

The question is :

Page 5—

for lines 16 and 17, substitute—

'6. In the proviso to section 9A of the principal Act, in clause (a), for the words, brackets and figures "settlement, award or decision of the Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950", the words "settlement or award" shall be substituted.'

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7—Insertion of new chapter II-B.

MR. DEPUTY-SPEAKER : Shri K. Ramamurthy—not moving; Shri Ananda Pathak—not present; Shri Ajit Bag—not present; Shri M. Ismail—not present; Shri Indrajit Gupta—not there; Shri P. K. Kodiyar—not present; Shri Ramavtar Shastri—not present; Shri Sudhir Kumar Giri—not present; Shri Chitta Basu—not present; Shri A. K. Roy—not present; Shri Sushil Bhattacharya—not present; Shri M. M. Lawrence—not present; Shri Bhagwat Jha Azad.

SHRI BHAGWAT JHA AZAD :
Sir, I beg to move:

Page 5, line 24,—

for "one hundred or more" substitute—"fifty or more" (193)

Page 5, line 26—

for "set up" substitute "provide for" (194)

Page 5, line 34,—

for "set up" substitute "provided for" (195)

MR. DEPUTY-SPEAKER : Shri A. K. Roy—not present; Shrimati Suseela Gopalan—not present; Shri Somnath Chatterjee—not present; Shri K. A. Rajan—not present; Shri Narayan Choubey—not present; Shri Basudeb Acharya—not present; Shri Sudhir Kumar Giri—not present.

MR. DEPUTY-SPEAKER : The question is :

Page 5, line 24,

for "one hundred or more" substitute "fifty or more" (193)

Page 5, line 26,—

for "set up" substitute "provide for" (194)

Page 5, line 34,—

for "set up" substitute "provided for" (195)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

MR. DEPUTY SPEAKER : Clause 8. Shri K. Ramamurthy.

SHRI K. RAMAMURTHY : Sir, I am not moving my Amendmet.

MR. DEPUTY-SPEAKER : Shri Ananda Pathak, not present; Shri Ajit Bag, not present; Shri Chitta Basu, not present; Shri Amal Datta, not present; Shri A.K. Roy, not present; Shrimati Suseela Gopalan, not present; Shri Somnath Chatterjee, not present; Shri Basudeb Acharya, not present; Shri Ramavatar Shastri/ Shri Vijay Kumar Yadav, not present; Shri Sudhir Kumar Giri, not present; Shri Ajoy Biswas, not present; Shri Sudhir Kumar Giri, not present;

The question is :

"That Clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

MR. DEPUTY-SPEAKER : Clause 9, Shri Chitta Basu, not present.

The question is :

"That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

MR. DEPUTY-SPEAKER : Clause 10, Shri Sudhir Kumar Giri, not present;

The question is :

"That Clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

MR. DEPUTY-SPEAKER : Clause 11. Shri K. Ramamurthy.

SHRI K. RAMAMURTHY : Sir, I am not moving my amendment.

MR. DEPUTY-SPEAKER : Shri Sudhir Kumar Giri, not present; Shri Somnath Chatterjee, not present; Shri Ajoy Biswas, not present.

The question is :

"That Clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

MR. DEPUTY-SPEAKER : Clause 12, Shri K. Ramamurthy.

SHRI K. RAMAMURTHY : Sir, I am not moving my amendment.

MR. DEPUTY-SPEAKER : Shri Sudhir Kumar Giri, not present; Shri Ajit Bag, not present; Shri Indrajit Gupta/Shri P. K. Kodiyan/Shri Ramavatar Shastri, not present; Shri Chitta Basu, not present; Shri Sushil Bhattacharya, not present; Shrimati Suseela Gopalan, not present; Shri K.A. Rajan/Shri Narayan Choubey, not present; Shri Ajoy Biswas, not present.

The question is :

"That Clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

MR. DEPUTY SPEAKER :
Clause 13, Shri K. Ramamurthy.

SHRI K. RAMAMURTHY :
Sir, I am not moving my Amendment.

MR. DEPUTY-SPEAKER : Shri Sudhir Kumar Giri, not present ; Shri Satyagopal Misra, not present ; Shri Indrajit Gupta/Shri P.K. Kodiyan/Shri Ramavtar Shastri, not present ; Shri R.L.P. Verma, not present ; Shri A. K. Roy, not present ; Shri Somnath Chatterjee, not present ; Shri K. A. Rajan/Shri Narayan Choubey, not present ; Shri Sudhir Kumar Giri, not present.

The question is :

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

MR. DEPUTY-SPEAKER :
Clause 14. Mr. K. Ramamurthy.

SHRI K. RAMAMURTHY :
Sir, I am not moving my Amendment.

MR. DEPUTY-SPEAKER :
Shri Satyagopal Misra, not present ; Shri Rupchand Pal, not present ; Shri Satyagopal Misra, not present ; Shri Chitta Basu, not present ; Shri Sushil Bhattacharya, not present ; Shri R. L. P. Verma, not present ; Shri A. K. Roy, not present ; Shri Somnath Chatterjee, not present ; Shri Sudhir Kumar Giri, not present.

The question is :

"That Clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

MR. DEPUTY-SPEAKER : Clause 15. Prof. Rup Chand Pal. Not present.

The question is :

"That Clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

MR. DEPUTY-SPEAKER : Clause 16. Mr. Sudhir Kumar Giri, not present ; Mr. Samar Mukherjee, not present ; Mr. Ajit Bag, not present ; Mr. A. K. Roy, not present. Mr. Somnath Chatterjee, not present ; Mr. K. A. Rajan, not present ; Mr. Narayan Choubey, not present ; Mr. Ajoy Biswas, not present.

The question is :

"That Clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

MR. DEPUTY-SPEAKER :
Clause 17. Mr. K. Ramamurthy.

SHRI K. RAMAMURTHY :
Sir, I am not moving my Amendment.

MR. DEPUTY-SPEAKER : Mr. Chitta Basu, not present ; Mr. Basudeb Acharya, not present ; Mr. Sudhir Kumar Giri, not present.

The question is :

"That Clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

MR. DEPUTY-SPEAKER: Clause 18. Mr. Sudhir Kumar Giri, not present.

The question is :

"That Clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

MR. DEPUTY-SPEAKER: Clause 19. Mr. K. Ramamurthy.

SHRI K. RAMAMURTHY : Sir, I am not moving my Amendment.

MR. DEPUTY-SPEAKER : Mr. Samar Mukherjee, not present; Mr. A.K. Roy, not present; Mr. Sudhir Kumar Giri, not present.

The question is :

"That Clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

Clause 20 was added to the Bill.

Clause 21—*Insertion of new section 36B*

MR. DEPUTY-SPEAKER : Mr. Chitta Basu, not present; Mr. Sudhir Kumar Giri, not present.

Amendment Made

Page 10, line 44,—

for "under the control of" substitute—"carried on by a department of" (196)

(SHRI BHAGWAT JHA AZAD)

MR. DEPUTY-SPEAKER : The question is :

"That Clause 21, as amended, stand part of the Bill."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

MR. DEPUTY-SPEAKER: Clause 22. Mr. Samar Mukherjee, not present; Mr. Ajit Kumar Saha, not present; Mrs. Suseela Gopalan, not present.

The question is :

"That Clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

MR. DEPUTY-SPEAKER : Mr. Sudhir Kumar Giri, not present; Mr. Samar Mukherjee, not present; Mr. Ajit Bag, not present; Mr. Ajit Kumar Saha, not present; Prof. Rup Chand Pal, not present; Mr. Chitta Basu, not present; Mr. A. K. Roy, not present. Mr. M. M. Lawrence not present; Mrs. Suseela Gopalan, not present; Mr. Somnath Chatterjee, not present; Mr. Chitta Basu, not present; Mr. Basudeb Acharya, not present; Mr. Ajoy Biswas, not present; Mr. Sudhir Kumar Giri, not present.

The question is :

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI K. RAMAMURTHY : A point for clarification. The Bill circulated by the Secretariat contains only 23 clauses but you have now put to vote the 24th clause.

MR. DEPUTY - SPEAKER : I think it may be a wrong printing.

There are 24 clauses.

.... I think it is there in your copy also. The Hon. Minister.

SHRI BHAGWAT JHA AZAD : I beg to move :

“That the Bill, as amended, be passed.”

May I have a few words while moving this? I would like to say that the basic question about the Bill about which some of the Members said, ‘What is the philosophy behind it?’ and some even went to the extent of saying that this Bill has no philosophy behind it the basic philosophy behind the Bill is the welfare of the worker. In this Bill the provisions we have made are very obvious and clear. It can be easily seen and perceived by those who want to see it, but those whose motive is not the welfare of the worker but only the political gain out of it, I am sorry, cannot see it.

I come straight to the point. In this Bill the first important thing that we have done is that we have widened the definition of ‘industry’ under which previously the dock labour, sales promotion personnel were not there. Now we have brought them under this.

My friends say, ‘Why do you exclude hospitals, educational institutions and research organisations, khadi and village industries, the sovereign functions of the Govern-

ment including department of atomic energy and space and defence research and organisations mainly or specifically engaged in charitable, social and philanthropic services?’ I want my Hon.-Members here to think themselves whether they would like that a hospital like the All India Institute of Medical Sciences or a hospital in their constituency or in their sub-divisional town or in the district town or a university like the JNU or the Delhi University or a University in their own State or in their own town should have the same atmosphere or have the same strike culture which we have in Faridabad establishments or for that matter in a jute mill in West Bengal or for that matter in the cotton textile industry in Kanpur.

Therefore, the basic philosophy is to give a larger welfare not only to the labour but to the largest section which is predominantly 95% or more in this country, that is, the people of the country who want that in education their boys and wards should read and who want in the hospitals they should get a better treatment. This is the most important aspect of this Bill and this is what my Hon. friends over there have failed to appreciate and they were only trying to find faults.

They say, ‘What is the philosophy behind it?’ The philosophy behind the Bill is to give the labour their due and justice in a time-bound programme. Hon. Members are telling that labour disputes take a lot of time in the Tribunals and the Labour Courts. Now, by this Bill, I am limiting the time; I am saying that the individual case should be decided within 3 months but the collective bargaining cases should be decided according to the point involved. A reference was made to speedy settlement of dispute and they said that they did not see anything in this Bill at all. This is what we are doing by this.

[Sh. Bhagwat Jha Azad]

As a result of the death of a worker, the entire proceedings used to be treated as lapsed. I have put in a provision in this that with the death of worker, the proceedings will not go out and it will remain there. Similarly, for example, when a workman is dismissed, suspended or discharged the award given in his favour by a tribunal or a labour court is most often appealed against by the employer and the worker is not in a position to contest it on equal basis. In this Bill, I have made a provision that he will get hundred per cent wage drawings before any such action is taken against the award. I would like to make one thing clear here. The intention of the Parliament is that if an employer goes in appeal in the high court or the supreme court and brings a stay, still, the stay should be on that part of the decision where the award is given in his favour, only the reinstatement may be stayed but not the payment of hundred per cent wage earnings.

This is the intention of the Government and the Parliament that he should get it. I want to make it very clear that this should be taken note of that no appeal is preferred by the employer against the worker, I am surprised that the trade union leaders do not find anything in this. They are the champion of labour welfare. But, they do not find anything in this provision.

About the closure, one Hon. Member said, well, there is nothing in it. Sir, the closure was declared *ultra vires*. Now, we have re-drafted it. We have given those points from which the bill suffers from. It was declared *ultra vires* and we are amending it. Sir, the Supreme Court declared it as *ultra vires* and so when we make an amendment, it is said that there is nothing about the closure in this Bill. I can give the facts and figures but I cannot give them perception to understand the things. This is what we have done

in this Bill. We have also made a very important provision. Before lay-off, retrenchment and closure, it is necessary for the employer to seek the permission of the Government. They must give us 90 days time. This is the philosophy of this Bill. The philosophy is that we are giving all protection to the labour in this country. What I have said one by one is clearly evident that the intention of this Government is clear. One of my friends said 'don't do these things. They are too late to decide by the courts or tribunals. Leave it to the bargaining power of the party. 'It is true that Government is a biggest employer and it is an ideal employer. For example, in coal or steel, we have bipartite agreements and bipartite talks are going on for revising the agreement. These are the friends who talk about the labour unions. I have to give representation for the bi-partite talks. For bi-partite talks in coal, I wanted to verify the figure of the strength of the AITU and CITU and I wanted to verify. They did not give any figures. Now they tell me that if I re-constitute the bi-partite, on behalf of labour, they will not cooperate. On the one side, the language is that they want bi-partite talks and on the other side, they say that they would not cooperate.

Sir, we wanted the membership figures of the trade unions for 1980. The INTUC submitted their figure as about 35 lakhs and the BMS submitted their figures. The only two unions who are most vociferous are the AITUC and CITU whose objection is about the process of submitting their figures. They said that it should be by secret ballot. At present, we have this foolproof system. I am not insisting on verification as suggested by INTUC. But I am insisting that let there be a consensus among the trade unions and, if they agree that it should be by a secret ballot, I shall have no objection to it. But,

Sir, they want us—all the unions put together are equal to the INTUC trade union—the INTUC who has constructive thought; it cooperates in production; it takes the logical and constructive view on any dispute and whereas other friends or other unions are first politically motivated and then for the labour. Sir, we are not for confrontation. We called the productivity meeting in the Ministry but none of them cared to attend the productivity meeting. Production is both for the welfare of the worker and the entire country but none of them came. Here they talk eloquent and say that the Government from above looks and wants to make the two fight. No, Sir. In a dispute between private employer and an employee do come in the picture when there is a dispute.

Sir, one of our friend in the Opposition said don't have any of these things—labour courts, reconciliation or adjudication. Leave it to the power, that is, might is right. Sir, this Government cannot abdicate the authority or the power or the responsibility reposed in it by the people to have industrial peace in the country. Industrial law is not the law of jungle. Industrial law has not been done by the might of the two parties but industrial law has been framed or I should say evolved—it is an evolutionary process—all over the world by process of elimination, addition and by process of experience how to do it.

Sir, today a big point was made about the Bombay strike. Although it does not concern the present Bill yet I want to say one word so that the matter may be clear. On the one hand they say why don't you call them. You stand on prestige. Sir I have always said that Government does not stand on prestige for the welfare of labour and what can be the greater proof than this that the Prime Minister, Shrimati

Indira Gandhi, *suo motu* announced an offer to settle the Bombay textile strike by saying that the most important point of 'badli' workers about their conveyance allowance and about their house rent allowance will be settled in two months by a tri-partite committee in which the representatives of labour, employer and Government will be there. We said in six month they will get whatever increase is due to them in wage, let the committee say. But these trade unions who have hardly any following among Bombay textile workers want me to call the Joint Committee of Action to talks. I requested them, Government has given the best offer it can do. They say what is the provision in this. The provision is there for illegal strike. This is an illegal strike. But we did not stand on that. We gave them the offer. Now I request the trade unions, if they are trade unions and they have the interest of worker at heart to advise them to come to work and very shortly we are appointing the tripartite committee for the textiles in this country in general and for Bombay textile workers in particular to put all their grievances or demands before that committee which will be presided over most probably by a retired High Court judge where all the Central trade unions will have their representatives and where employers will be there. This is the best offer I could give.

Sir, the test of pudding is in eating. My sincerity is that we have given *suo motu* offer but the so-called trade unions with no hold want to keep the workers away. They give all sorts of statements that Minister wants to call them. I never called them. I requested them if you want to come and meet me and ask my explanation on the offer given by the Government you are welcome. I got a telephone call in my office saying that Mr. Somnath of the Joint Committee of Action wants to meet me. I

[Shri Bhagwat Jha Azad]

said you are welcome. I kept waiting but they did not turn up. My bonafide is that I am prepared to meet them and their bonafide is 'no', we won't call for the appointment from the Minister. Well, I have told you on the Floor of the House my offer. Therefore, the philosophy behind this Bill is the most important philosophy of welfare of the worker. But, Sir, I can see that this is not the remedy; this is not all that you have put in the Industrial Disputes Act. The most important point is this: One Hon. Member referred to this. This is Collective Bargaining Agent. We are concerned about it. In an industry or establishment large number of trade unions vie with one another and they put their demands to the sky; and then ultimately there is confrontation. Sir, we do want 'Collective Bargaining Agent'. But the person who talked eloquent should come round and sit and discuss and decide. I have called a Tripartite National Conference in September. I will discuss this most important issue in that conference. Let the trade union friends come with their arguments and with their formulations. I am prepared to have a consensus on this. I challenge them on this important point of collective bargaining agent. It will help the industry because collective bargaining agent, talking to the employer, settling the issues, etc. will lead to more production. More production means more welfare of labour, more welfare of the people at large. Let them be prepared. I have thrown the offer. I am very soon calling the meeting. But this Government cannot wait any longer—in the name of consensus among those trade unions who have got a political front than the welfare of the union—for that elusive consensus which has already harmed this country in production. Therefore, I give an open offer.

This Bill,—the Industrial Disputes Amending Bill—is not giving this most important thing. Why? Because, I did not include in the Amendment, because I had not talked with them. But, about the other thing, Sir, it is all wrong to say that Government did not consult them. My predecessor Mr. Anjaiah, my predecessor Mr. J. B. Patnaik, had a series of rounds of talks, with the Labour Representatives with the employer representatives with the trade union members of the Parliament,—quite a few of them,—and then in the Consultative Committees. So, these points have been discussed before me. What to they mean by saying we have not consulted them? Ultimately the sovereignty of this parliament, this forum, is there; for this forum there can be no substitute outside. But I know that in the field of labour we have to have a tripartite or bipartite meetings. That we have done. All their charges are just because of this. The most important element is this. Why do they oppose it? Because, for the first time, Government has laid down in this Bill, in this amending Bill, the unfair labour practices for the employer and employees,—both.

Sir, the West Bengal Government had in 1969 passed a Bill—not assented to on other reasons by the president—and in that they have given the unfair practices by employer, not employee. The history of legislation of unfair labour practices are that we have got a Code of Discipline in 1959. In that code of discipline, we have 10 important items agreed to by the employer and the employee, which can be called 'unfair labour practices'. I have put in this only those agreed to by the employer and employee.

Now, there are several other items of 'unfair labour practices' agreed to subsequently.

The Maharashtra Recognition of Trade Unions and (Unfair Labour

Practices) Act gives out what are unfair labour practices. I have taken that also into account.

The National Labour Commission, in Recommendation No. 194 have said that it is time now in this country that you must codify, you must prescribe, what are the unfair labour practices, both by the employer and the employee.

So, Sir, I have not taken something out of the blue. It is all agreed code of discipline, but not statutory uptill now. I am giving the backing of the Parliament. I have put that here in this measure. Why should we bring this, Sir? By this we want to restrain: We want to advise the employer and the employee 'Look, these are the things which you are not expected to do'. And, for the employees, what do they say? They say, "Well, the Government will not implement it. In the case of employer, he will not be brought to book under unfair labour practices, he will not be punished. "But, Sir, it is just like putting the cart before the horse. Without seeing the implementation, in respect of everything good that we do, they do not at all find anything good in that. Everything they say is good. Everything we do is bad. If this is the philosophy of the leaders of the Opposition in regard to the industrial relations and in regard to trade union movement, I must say I am sorry, we have no meeting ground on this. But I am prepared, as a Labour Minister, to invite them as many time as they like through national tripartite or through other forums for discussion. But one thing I want to say is that this Government will not wait for any longer in the name of illusive consensus by some Trade Union leaders whose motives are other than the welfare of the labour in this country and other than the real benefit that they want. A large number of points have been raised in the debate about the principles of

wages linked with productivity. They said about the bonus linked with productivity. We want it. We want that the wage should be linked with productivity. We want it. Let there be a consensus in this regard. We have already Minimum wages Act. Our friend, Mr. Era Mohan made a very good contribution in the debate. He said he was one of those who saw through the entire Bill and its provisions which we have made in this Bill for the welfare of the workers. I am glad that my friends on this side of the House made a very substantial and useful contributions in support of the Bill and they went through the provisions of the Bill in detail. I think I do not claim that the present amending Bill is a panacea for the industrial disputes but I do claim that through this amending Bill the provisions that I have brought forward are for the welfare of the workers. I do claim that on two counts I have done good things. One is that I have widened the definition of Industry. I have included more industries which were so far not included in the definition. I have, for the first time, given codification to the unfair labour practices, both for the employer and employee. It will help them to have a better industrial relations in the country.

Sir, there might be a possibility that the machinery may not be perfect. We are trying to do it. There is one important thing that through this Bill by excluding hospitals educational institutions and research centres, we are ensuring their sovereignty. By excluding them, we have given a chance to a large number of voluntary organisations in this country who are supplementing the efforts of the Government, for example the Homes for Invalids, for example a number of institutions are engaged in the operation of the blind in this country. There are 80 lakhs of blind people

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in this country who can be given eyes. But Government cannot do that alone. There are a large number of institutions who are engaged in this work. By this amending bill we have given chances to the voluntary organisations who work on the contribution either as a Trust or otherwise to supplement the effort of the Government for the benefit of these people, for the welfare of the children, juvenile children, etc. The other day about two dozen women from the All India Women's Organisation came to see me. They said that they did not want a full stop or a comma to be added in this Bill. These ladies who are working in different fields are not politically tuned. They are not members of INTUC, they are not members of the Congress-I Party, but they were women who were working in different fields, in philanthropic organisations doing good job. Sir, that gives me a satisfaction.

Sir, I know that we are hard pressed for time. I know it is very difficult to take the time of the House. In spite of all that, I congratulate the Minister for Parliamentary Affairs who saw to it that by giving time this Bill is passed. I am grateful to the Members of this House for taking keen interest in the debate. I hope, whatever we have done, will go a long way in the establishment of good industrial relations.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill, as amended be passed."

(The motion was adopted.)

19.06 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, August 10, 1932 [Sravana 19, 1932 (Saka).