

12 hrs.

**CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORT-
ANCE**

**ARREST OF TRADE UNION LEADERS AND
P.W.D WORKERS IN ANDAMANS**

Shri Sezhiyan (Perambalur): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon:

The large-scale arrests of trade union leaders and PWD workers in Andaman Islands.

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): The statement is a bit long. Should I read it or lay it on the Table of the House?

Mr. Speaker: How long is it?

Shri L. N. Mishra: Three pages.

Mr. Speaker: He might read it.

Shri L. N. Mishra: The Andaman P.W.D. employs casual labourers on muster roll during the working season from October till about the middle of May to supplement its regular labour strength. There is heavy rain fall accompanied by cyclones during the monsoon season when the building and road construction works are slowed down considerably, and the labour becomes surplus. All such casual labourers as cannot be gainfully employed during the monsoon season are retrenched. The seasonal employment and retrenchment of labour in Andamans is the normal feature of the working of the Andaman P.W.D. The Andaman P.W.D. retrenched 355 casual labourers with the advent of the monsoon season this year, most of whom being local settlers went away to their homes for cultivation. Among the labourers retrenched were 72 from the Maintenance Division at Port Blair. The DMK sponsored labour union took up the cause of those 72 labourers and started an agitation to-

wards the end of May 1964, demanding their immediate re-employment. The circumstances leading to their retrenchment were explained to the leaders of the DMK but they persisted in their demand, and started picketing on the 5th June, in front of the offices of the Principal Engineer and the Deputy Commissioner. The agitation continued for several days. 21 persons were arrested under section 341 of the I.P.C. and section 7 of the Criminal Law Amendment Act, 1932. Towards the end of June, 1964, the dispute involving 72 retrenched labourers was referred to the Conciliation Officer for promoting a settlement. The DMK suspended the agitation, and further retrenchment of surplus labour was stayed by the P.W.D. during the pendency of conciliation proceedings. The Conciliation Officer succeeded in securing a settlement between the parties. According to the terms of settlement 44 labourers who were not found to have been retrenched on the basis of "last come to first go" were re-instated, without prejudice to the right of the employer to make retrenchment under the law. All the 21 persons who had courted arrest by picketing offices in connection with the agitation were convicted on the 17th July, 1964, under section 7 of the Criminal Law Amendment Act, 1932. The re-instatement of 44 labourers was followed by retrenchment of 44 labourers on the basis of "last come to first go", and further 329 casual labourers who were surplus were retrenched with effect from 1st August, 1964. The DMK have resumed agitation. The Communist led labour union has also joined hands with the DMK and they are adamant that the retrenched labourers should be re-instated immediately. The Administration had assured that the retrenched labourers would be re-employed on the commencement of fair season in October. The DMK and Communist leaders were not satisfied. On 3rd September, 8 retrenched labourers prevented the Deputy Commissioner from entering his office, and another

16 persons gathered in front of the Principal Engineer's office, and the Chief Commissioner's office. They were shouting slogans. They were arrested under section 7 of the Criminal Law Amendment Act, 1932 because of their unabated intention to deter the officers from entering the offices. The DMK and Communist sponsored labour unions had announced their decision through loud-speakers to intensify their agitation. It was reported that about 75 persons would be detailed for picketing offices on the 4th September. They were inciting labour by their provocative and inflammatory speeches, and posed a threat to public peace and tranquility. The District Magistrate, Andaman and Nicobar Islands, apprehending breach of peace promulgated an order under section 144 of Criminal Procedure Code with effect from the morning of 4th September banning all processions, demonstrations, public meetings, carrying of weapons, spreading of rumours and use of loud-speakers. 9 persons on the 4th September and 2 persons on the 6th September were detained by the District Magistrate under rule 30(1)(b) of the Defence of India Rules. On the 4th September 16 retrenched labourers assembled for picketing in groups of 4 in front of Deputy Commissioner's office and the secretariat. They were arrested under section 151 of Criminal Procedure Code and released on the same day. On the 5th and 7th September, 34 and 23 persons respectively were arrested in similar circumstances and later released on the same day.

The law and order situation has been maintained and continues to be under control.

Shri Sezhyan: The hon. Minister has been pleased to say that 371 workers have been retrenched. I want to know whether it is a fact that in the place of those retrenched persons other batches of labourers are being brought to Andamans and employed in their places.

Shri L. N. Mishra: It is a normal feature in the Andamans from May to October that there is a slack season in building and road construction. Moreover, these people are on the muster roll and are casual labour.

Mr. Speaker: His point is that while on the one hand so many hundreds of workers that were already there had been retrenched, there was a necessity to bring in fresh labourers from outside and employ them there; so, why did the Government not have the same men who had been retrenched.

Shri L. N. Mishra: No fresh labour was brought there. A total of 8,000 workers are under the P.W.D., out of them 649 were declared surplus. Moreover, there were negotiations and they were offered some piecemeal work, but they refused to work.

Shri S. Kandappan (Tiruchengode): The hon. Minister has said that it is the usual procedure and that during the rainy season they do not need the casual labour and they are retrenched. The officers employed there also have no work during the rainy season. I would like to know whether the officers there are also retrenched.

Shri L. N. Mishra: Officers are not retrenched.

Shri Daji (Indore): Why?

Shri S. Kandappan: The officers also do not have any work.

Mr. Speaker: The answer has come that they are not retrenched.

Shri S. Kandappan: Then, why only the PWD labourers are retrenched?

Mr. Speaker: I cannot enter into an argument. He might seek some other remedy. That should suffice now.

Shri S. M. Banerjee (Kanpur): I want to know whether the labour laws.....

Shri S. Kandappan: The Assistant Engineer and the Executive Engineer are also in the same position.

Mr. Speaker: The question is to be asked and the answer must be given. But it cannot be argued here in this way.

Shri S. Kandappan: The condition of the labour is very pathetic.

Mr. Speaker: I sympathise with the hon. Member. But that is not a remedy that he is seeking just now.

Shri S. M. Banerjee: I want to know whether it is a fact that the labour laws governing the conditions of the workers which are applicable in our country are not applicable there and whether it is also a fact that the Commissioner of that particular place or the Chief Commissioner tackle the situation in a way which incited the workers and not brought them towards a settlement, and, if so, whether. . .

Mr. Speaker: How many questions?

Shri S. M. Banerjee: My question is whether such a report was given to the Government by the various representatives of that particular area and whether it was supported by the statement of those Members of Parliament who visited Andamans and, if so, what steps have been taken in the matter.

Shri L. N. Mishra: They did not incite the labourers. So far as the application of labour laws is concerned, it is a fact that all the labour laws are not applicable there.

Shri H. P. Chatterjee (Nabadwip): I want to know whether Article 19(1) of our Constitution is not working in Andamans. I had been to Andamans and I found there that if the people wanted to go from one place to another, they required permission. That is against our Constitution. Why this article is not

applied there? Why the absolute rule is there?

Shri L. N. Mishra: I am not aware of it. I want notice for it.

Shri A. K. Gopalan (Kasergod): I want to know what is the report of that one man inquiry that was conducted in Andamans some months ago when there was a firing on the P.W.D. workers.

Shri L. N. Mishra: I require notice for this also.

Shrimati Renu Chakravarty (Barackpore): This is not the first time that there has been trouble in the Andamans with the P.W.D. labour. May I know why is it that in the case of these labourers who are on muster-roll in large numbers and who work every year some sort of a settlement cannot be brought about by the Central Government, as it is a Centrally administered area, in order to see that these labourers are kept on permanent rolls in spite of the fact the work is seasonal?

Shri L. N. Mishra: This has happened not only this year. It was done in the previous year also. Some efforts were made for conciliation on co-operative basis and some work on piece rate was offered. But there was no co-operation from the labour union and, therefore, the trouble arose.

Shrimati Renu Chakravarty: My question has not been answered.

Mr. Speaker: She says, can't any fresh efforts be made so that these labourers are employed throughout the year instead of employing them for a part of the year?

Shrimati Renu Chakravarty: This is a recurring trouble. Last year, there was a firing on these very workers.

The Minister of State in the Ministry of Home Affairs (Shri Hathi): It is a fact that these workers are retrenched from year to year and that if some settlement could be found, it should be found. But the difficulty is that these casual labourers are employed for works, such as, the construction of roads, bridges, digging of canals, etc. During the monsoon season, there are cyclones and heavy rains and so these works cannot be carried on. Because of the rains, the execution of these works is impossible. Therefore, in order that we may get work done, we offered them the work on piece rate basis, that is, whenever you finish the work, you go. They refused to do it. There is no other alternative. It will not be possible for any Government to go on paying the workers without the work being carried out.

Shrimati Kenu Chakravartty: More work could be given. The P.W.D. work does not stop during the rains.

Shri Umanath (Pudukkottai): May I know whether it is a fact that many of the retrenched workers are from mainland and whether the Government have got any intention of assisting, financially and otherwise, such of those workers who want to return back?

Shri Hathi: Many of the workers, who are local workers, do not find actual difficulty during the monsoon season. Actually, from the first batch of 355, many of them have got work. There is no trouble for them. I do not know about the mainland workers.

Shri Nambiar (Tiruchirappalli): May I know whether the Chief Commissioner had discussions with the representatives of the union on the 7th August, in the course of which he promised that certain other alternatives would be found so that all these men could be employed in one way or the other, and if so, whether that promise is kept up or not?

Shri Hathi: That is the alternative which he has suggested namely that he could give them work on piece-rate, and they could form themselves into a co-operative society, and if they did so, he would be prepared to help them.

An Hon. Member: What is this piece-rate system?

Shri Kolla Venkatesh (Tenali): The hon. Minister has stated that some laws in force here are not applicable there. May I know why Government do not try to apply the laws that are in force here regarding labour to that area also?

Shri Hathi: That is being considered.

Shri Nambiar: The Defence of India Act and the rules thereunder are straightway made applicable there, but when it comes to labour laws, the matter is still being considered. Why should that be so?

PAPERS LAID ON THE TABLE

PROCLAMATION BY PRESIDENT UNDER ARTICLE 356 OF CONSTITUTION RE. STATE OF KERALA AND ORDER THEREUNDER

The Minister of State in the Ministry of Home Affairs (Shri Hathi): On behalf of Shri Nanda, I beg to lay on the Table a copy each of the following papers:—

(i) Proclamation issued by the President under article 356 of the Constitution, assuming to himself all functions of the Government of the State of Kerala published in Notification No. GSR. 1316 dated the 10th September, 1964.

(ii) Order made by the President in pursuance of sub-clause (i) of clause (c) of the above Proclamation, published in Notification No. GSR 1317 dated the 10th September, 1964. [Placed in Library. See No. LT-3071/64].