

[श्री बाल्मीकी]

चाहता हूँ और उप मंत्राणी जी को घन्यवाद देता हूँ और प्राशा करता हूँ कि मेरी बातों पर विचार किया जाएगा ।

Mr. Deputy-Speaker: What about Shri Siddiah's amendment?

Shri Siddiah: I would like to withdraw it with the leave of the House.

Mr. Deputy-Speaker: Does he have the leave of the House to withdraw his amendment?

Some Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Does the hon. mover of the resolution have the leave of the House to withdraw his resolution?

Some Hon. Members: Yes.

The resolution was, by leave, withdrawn.

17:50 hrs.

RESOLUTION RE: REPRESENTATIVE CHARACTER OF TRADE UNIONS

Shri S. M. Banerjee (Kanpur): Sir, I beg to move:

"This House is of opinion that with a view to check the representative character of Trade Unions, rival Unions should be compelled by legislation to have their influence tested periodically by reference to a secret ballot of the workers concerned."

Sir, in moving this resolution tabled by Shri Indrajit Gupta—in his absence—I wish to start with the trade union movement before 1947. During the pre-independence days there was only one all-India organisation called the All India Trade Union Congress, and the great national leaders of this country right from the present Prime Minister, Lala Lajpat Rai and Subhash

Chandra Bose and all others were either General Secretary, President or Chairman of this particular organisation. During the British regime we thought that the policy of the Britishers were to rule the country, to rule the workers by dividing them into various groups, and with the dawn of independence we thought that there will be more unification, there will be more of an upsurge of unity in this country. Those national leaders thought that every evil in the country was due to the British regime.

But what happened after 1947? Just after independence our great leader the late lamented Sardar Vallabhbhai Patel gave the idea of having a different trade union congress. He was helped by certain leaders who did not believe perhaps in trade union democracy or who wanted to have one organisation which should always toe the line of the Government. The net result was that the Indian National Trade Union Congress was born.

That was the most sad and unfortunate day in the history of trade union movement in this country. Sir, I have no bitterness against the INTUC or its leaders, but I have a feeling that unless the spirit of this resolution or the referendum or plebiscite in principle is accepted, the true representative character of the union cannot be ascertained.

After all, the functioning of the unions is the only instrument in the hands of the workers for collective bargaining. The present Labour Minister Shri Nanda has been maintaining throughout his trade union career that if strikes are to be avoided the unions should be recognised and the workers should be given their proper dignity and their proper place in society. That is the correct approach to the problem.

But, unfortunately, what happens? In every industry, whether in textile, iron and steel or in jute, whether it is

in the public sector or in the private sector, we find that there is a rapid growth of parallel unionism. Who is encouraging this? It is most unfortunate. Rather, I think myself to be lucky enough to speak in this House when one hon. Minister is no more with us in the Labour Ministry. To me, unfortunately, this gentleman was an emblem of disruption. I have no personal grouse against him any more, but now I feel that by accepting this Resolution the hon. Labour Minister will do good to this country and gladly help the growth of industrial relations.

Today the workers are divided into four Central trade union organisations—the AITUC, INTUC, HMS, UTUC. There are many Central Government employees, like in railways, P & T, defence and banking industry, who are not affiliated to any of the Central trade union organisations, but attempts are being made to form rival unions everywhere. This has been done in many cases.

I may mention for your information and for the information of this House that in 1953 the Defence employees throughout the country united under the banner of the All India Defence Employees Federation which was not affiliated to the INTUC. My respected friend, Dr. Maitrayee Bose and the great leader, Shri S. M. Joshi were elected as its President and General Secretary. Because one individual could not be accommodated, or because the whimsical attitude of a certain INTUC leader could not be accommodated, a parallel federation was formed by the INTUC, which has a peculiar way of forming federations. We generally form our unions first and then we form a federation. They started forming the deferation first and then they formed the union, which is a peculiar way of forming a federation.

At this late hour when the defence of the country has been threatened, when we want one union in the defence industry, it is most unfortunate that the INTUC has formed a parallel federation. During the last three years,

wherever works committee elections have been held, whether in Delhi, Kanpur, Calcutta or anywhere, the results of the works committee elections have shown that the INTUC is a non-representative union which has no backing or following. It is most unfortunate that the all India federation of INTUC in defence, a non-representative union, has been recognized by the Defence Ministry with the help of the Labour Ministry.

Then I come to the banking industry. The All India Bank Employees Association was the only representative association in the country. What happened? Some elements who could not be accommodated, who did not believe in trade union democracy, who could not be elected to the various posts, they went to some INTUC leader and he gave them protection. So, today there is a parallel federation in the banking industry. As you know, the railway employees are also divided into two groups.

Coming to the public sector projects, what happened in Bhopal? In the Bhopal Heavy Electricals the most representative union called the Heavy Electricals Servants Association has proved beyond doubt before the Corporation chief, before the hon. Minister and before everyone in the country that it is the only representative association. But with the help of the Labour Minister of Madhya Pradesh, who belongs to the INTUC, with the help of the most-hated Madhya Pradesh Industrial Relations Act, a non-representative trade union has been given recognition with the result whenever there is any dispute the non-recognized association comes to the rescue of the Corporation. At the same time, the leaders of INTUC which is supposed to be recognized in that area, go underground. That is the history of Bhopal. The same thing is happening in Bhilai, in Durgapur, in Tatanagar.

In 1958, a strike took place for a day in Tatanagar only because this parti-

[Shri S. M. Banerjee]

cular union wanted recognition. But the Tatas, with the help of the Bihar Government, and probably with the help of the Government of India, did not recognize them. They killed about six workers. They resorted to firing and did everything. So, today myself and my friend, **Shri Indrajit Gupta**, the mover of this Resolution, have been convicted and we are on bail today. What did we do? We said in Tatanagar before 30,000 workers that the representative character of the Union should be ascertained by a plebiscite or by a referendum. That is the only fault on which we have been convicted. **Shri Michael John** who is the head of that particular institution, known as the other union and which is the recognised union, cannot possibly address a meeting of 400 workers against the 30,000 which we addressed.

Dr. Melkote (Hyderabad): On a point of order, Sir. I think he should not mention the name of a gentleman who is not here and who cannot reply to these things.

Shri S. M. Banerjee: It is the question of the union. It is not the question of any gentleman.

Mr. Deputy-Speaker: He should not mention names.

Shri S. M. Banerjee: I will not mention any name. I may assure him that I am not allergic to **Shri Michael John**.

The Minister of Planning and Labour and Employment (**Shri Nanda**): I could not follow what the hon. Member said about a particular gentleman being unable to address 400 workers.

Dr. Melkote: He mentioned the name of **Shri Michael John**.

Shri Nanda: He mentioned something about his not being able to address a meeting of 400 workers.

Shri S. M. Banerjee: In Jamshedpur.

Shri Nanda: He means to say that he is not able to muster 400 people.

Shri S. M. Banerjee: I will use the correct word. The President of that Union is unable to muster 400 workers and that Union is recognised, I am prepared to face any referendum there and if the Mazdoor Union in Jamshedpur is unable to secure 90 per cent. of the workers' vote, I can safely say that I am ready to resign from this seat. Even when this union has all the strength and the following of the workers it is not being recognised for all purposes.

Here I would mention another bright instance of partiality. In the Indian Oil Company, Assam, the Indian Oil Workers' Union which represents nearly 90 per cent of the employees is not recognised, but the Oil Mazdoor Union which hardly has a following there is recognised because it is led by the INTUC. Recently an agreement has been reached with this Union. Sometimes the INTUC Union reminds me of the United Nations in which Red China is not represented, and Kuomintang is still represented. I am unable to understand what is happening here. I submit that by accepting this Resolution, proper trade union democracy will be followed in this country.

In 1954 after the realignment scheme was accepted in the P. & T. no parallel union could be formed. But I am sorry to say that some people are still trying to see that this particular union's organisation which is a pride for this nation and for this Government, and which has helped the growth of trade union movement in this country, is smashed to pieces. I must say that this should be avoided.

In the Sixteenth Labour Conference, thanks to the hon. Minister, who came out with a verification procedure. According to the verification procedure

the Government may say that the membership of INTUC is far more than that of AITUC or any other organisation. That may be true. But on the basis of the procedure, I am sure the membership is inflated. If the membership of INTUC is so much, why should they be afraid of facing any referendum? This was done in the sugar industry. An ex-hon. Member of this House, Shri Shibbanlal Saksena went on a hunger strike. There was a referendum and the net result was that INTUC was smashed to pieces. So, I request that this Resolution should be accepted.

Another very important point is that the hon. Minister wants to implement the workers' participation in management in almost all industries. When questions were asked in this House as to why this scheme was being implemented only in seven or eight places and what will happen to those undertakings which have parallel unions, the hon. Minister could not reply to that and simply said that it would be difficult for him to get this particular scheme implemented. When we can possibly have a referendum or plebiscite and decide the representative character of a particular union, why should he bid good-bye to such a good proposal of workers' participation in the management.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri S. M. Banerjee: I shall take only three or four minutes more.

Mr. Deputy-Speaker: The time is limited. Only one and a half hours has been allotted for this Resolution. How much more time does the hon. Member want?

Shri S. M. Banerjee: Only five minutes.

Mr. Deputy-Speaker: He should conclude in two or three minutes.

Shri S. M. Banerjee: So I would request that this scheme should be

implemented, and when it is implemented the representative character of the union should be decided with the help of this ballot.

Then, coming to the insurance employees, this was one united organisation, and the Corporation used to deal with that association very ably and in a congenial atmosphere. But, again, a parallel organisation has been formed there. I would like to know from the hon. Minister, who sincerely believes in the welfare of the toiling millions, whether these are healthy signs in the trade union movement in our country. We heard that one of the INTUC leaders, Shri Ramanujam, has said that a trade union democracy can be only maintained not by having one union only but by having many unions, and that if it is left to one union only it will lead this country to a totalitarian regime, and so in the interests of healthy trade union movement and in the interests of trade union democracy parallel union is a necessity. Sir, I do not subscribe to that ideology and I feel sincerely that there should be one union in one industry; and if there are two unions, at least the representative union should be recognised. That is my submission.

Then, coming to certain very minor points about recognition, it is surprising that the Labour Minister or his Ministry could not help even the Central Government employees to get recognition. I would refer to a very glaring case where there is no parallel association or union. The recognition of the All India Association of Audit Employees was withdrawn on 16-5-59. On what grounds?

The first charge was that in March 1957 the Association took up the cases of three office-bearers of the Rajkot Staff Association who were discharged from service.

The second was that in May 1957 the Association took up the case of the Secretary of the Kapurthala Staff

[Shri S. M. Banerjee]

Association who was removed from service.

The third was that in October 1957 the second issue of the bulletin of the Association used "intemperate language and dealt with objectionable topics".

The fourth was that in September 1958 the Association issued a circular letter to all its units asking them to protest against the disciplinary action taken against its Secretary-General by seeking the sympathy of the public and Members of Parliament.

And, Sir, I would invite your kind attention to this fifth charge against the Association which was that the Association submitted a printed memorandum to the Pay Commission suggesting that the powers of the Auditor-General should be curtailed. Even this was construed to be a crime and the recognition was withdrawn. The Auditor-General has become a Caesar's Wife in this country. I cannot say anything against him. But I would request the hon. Minister to see how, when the Home Ministry's orders restoring recognition to all those unions which lost it during the strike have been implemented by all the Ministries, the Auditor-General can flout that order.

I would request that this Audit Employees Association in Kerala, the Audit Employees Association, Bombay, the Audit Employees Association, Punjab (Simla) should be recognised. Otherwise people will lose faith in the Labour Ministry.

Shri Nambiar (Tiruchirapalli):
And Shillong.

Shri S. M. Banerjee: The Shillong case is very clear. I requested the other day that the Finance Minister might take a note of it and that he should impress upon the Auditor-General to come to the rescue of the Audit employees.

So I would request that this resolution should be accepted by the House. I am sure the organisation which is said to be more powerful, the Indian National Trade Union Congress, should not hesitate in accepting this resolution. And I hope that my hon. friend Dr. Melkote, who is the Vice-President of this particular organisation called the INTUC, will accept this resolution and will accept this challenge. Let there be a plebiscite and we will prove that we, the trade union workers in this country, will beat them hollow; and wherever we do not secure 90 per cent votes, our union should be de-recognised. But I am sure we can prove that our membership in Defence is 1,20,000 and their membership is not even 30,000. Yet they are granted recognition. Let the hon. Minister—I do not accuse him, I have the maximum respect for him, as also for the Minister of State—let the Government withdraw its patronage or support to this INTUC which has grown anaemic, which cannot possibly deliver the goods to the workers here in this country, and let us see the results. I hope the resolution will be accepted, and I hope the hon. Minister will kindly accept the suggestion and not merely depend on the verification which is an inflated figure. Let there be a re-verification. And the best verification will be this plebiscite and referendum. I am sure the resolution will be accepted by the House.

Mr. Deputy-Speaker: Resolution moved:

"This House is of opinion that with a view to check the representative character of Trade Unions, rival Unions should be compelled by legislation to have their influence tested periodically by reference to a secret ballot of the workers concerned."

Dr. Melkote: Mr. Deputy-Speaker, the Mover of the Resolution has, looking at the face value of the Reso-

lution, moved a very good and innocuous Resolution which should be acceptable to every party in the House. The Resolution is very well worded and apparently, the Mover also has moved it very ably. But, I am sure people in this House, as well as people all over the country, have no short memory. I action to form a trade union was taken in this country, and it worked under the aegis of the Congress, that trade union was started not by the Congress itself;—when I say Congress, I mean the present members of the Congress. It was started and was entirely in the hands of those members who now belong to the A.I.T.U.C. and partly to the H.M.S. who were all in the Congress in the past. Old Congressmen who call themselves congressmen now had very little to do with it directly because of the fact that all our leaders, including Jawaharlal Nehru, Subash Chandra Bose and others happened to be the leaders of the above organisation. This was the case till 1942. We felt that this trade union movement was a movement for the workers' welfare and was, therefore, for the country's good.

But, we and the whole country had the shock of our lives in 1942. Mahatma Gandhi uttered the slogan Quit India to which was given approval by Congressmen and supported by the country. Some of the rank and file of the working class led by the A.I.T.U.C. saw with their own eyes Mahatma Gandhi, Jawaharlal Nehru and others being thrown behind the bars. They just remained outside without participating in the country's struggle; on the other hand helping the British because Russia joined this side and it became a peoples war. The country's interests, the country's Independence, everything was given up by these very people. The Congress got the shock of it and therefore, in 1946, for the first time, the A.I.T.U.C. leaders belonging to the Congress organisation were removed from the Congress fold. This is a matter of

history. This is a historical fact which should not be forgotten.

In between 1942 and 1944, there was famine stalking over the land and in Bengal 30 lakhs of people died—in Bengal to which the hon. Mover of the Resolution belongs. Not a little finger was raised by this party. People died in their lakhs. Just because, again, they thought that it will thwart the war efforts of the party to which they belonged, they did not raise their finger. That, again, gave us all a shock. The third factor was, during the Hyderabad struggle, when the people of Hyderabad wanted to integrate with the rest of India, willy nilly, directly or indirectly, they supported the feudal raj while they were always saying that they were against feudalism. This gave the third shock.

The fourth shock is this. During recent times, the A.I.T.U.C. is politically in affinity with the Communist party supported by it and therefore, in all their moves, over the frontier problem, particularly with regard to China, they are one with them. It is these things that have alienated the sympathy of the people.

Till 1947 the I.N.T.U.C. never existed. There was never such a thing like the I.N.T.U.C. in our country. But when the time arose,— there was Sardar Patel—it was then, looking to the national interests, patriotic interests, that we felt that another organisation under the aegis of the Congress should come into existence for national purposes and therefore it was started. This is the background of the whole story. If, therefore, today, there are two federations growing up, it is entirely due to their own actions. This is one of the factors of the case. Therefore, Sir, we the I.N.T.U.C. started our game in 1947, while they the A.I.T.U.C. started their game somewhere in 1918 or so. We did not have a single member in the I.N.T.U.C., till we started the I.N.T.U.C. in 1947. But, even before this, we had noticed that there was rivalry—because we

[Dr. Melkote]

had no organisation—between the HMS and the AITUC themselves. In various places, where the HMS had a particular strength, these people started rival organisations and wanted the rival organisations to be recognised. The first instance I noticed was in the coal mines, for example, in the Singareni coal mines. In other places also, such actions by A.I.T.U.C. took place. So, the case for rival organisations was started by their very group, though they are talking against it today just because it fits them.

Since we are in a democracy, it sounds well to hear that that organisation which secures the highest number of votes in the ballot should be recognised. It sounds very well for apparent reasons. But when we look into the whole case and see what the behaviour has been, what do we find? What is the behaviour in certain places where such kinds of elections have taken place? They went to the houses of the people and threatened the ladies and told them, 'Your Mangalsutra will not be there, you will not have it tomorrow evening, unless your husband's vote in a particular manner'. Somehow, these things have taken place. I am aware of them. It is there in the records of the Government of India. Possibly, the hon. Minister will reply to this point. I am aware of those things. It was we who faced that onslaught.

When we noticed these things, we pleaded before Government that this kind of thing does not help us in any manner. When I say 'help', I mean that we would like to have it in a democratic manner, and we would like to have it in a non-violent manner, and the will of the people should be ascertained in a proper manner. It was then that the Government of India in consultation with all the groups including this group evolved the particular scheme now in vogue which now has fitted into the whole picture. It does not fit them now and, therefore, they have started another

game. They do not want to create confidence in the country, but they want reversal of the whole thing today. This is one of the main things.

Then, again, Sir, in 1953, I.N.T.U.C. workers in the defence federation came to us and said that in the national interest, since defence was a public undertaking, and in this they had to face the officials, they should combine and form one federation; the HMS had its strength, the INTUC had its strength and the AITUC also had its strength. I.N.T.U.C. workers said, 'We would like to join'. But we warned them, and said 'Please do not do it. You will get into trouble'. But the workers said 'No, we are going to make an experiment'. We said, 'All right, go ahead'. And so, we allowed a single union to be formed voluntarily, ourselves. By 1958, we noticed that the strength of the HMS was going down, that they, the A.I.T.U.C., were eating into the very vitals and the main work that they were doing was more political rather than an exposition of the workers' cause. So, by 1958 I.N.T.U.C. workers themselves again came back and said that they did not want to remain there. We said 'We are not going to help you now'. But the unanimous opinion of the workers was such that we were compelled to start another federation in the Defence under I.N.T.U.C. to which my hon. friend is now taking objection. There again, my hon. friend has not created confidence amongst the workers of the Defence. (*Interruptions*). My hon. friend had his chance earlier. Now, let him please allow me to have my say.

After this, he said 'You have no strength, with only 2,000 strength, you are coming up'. We said that our strength was open to investigation. My hon. friend is claiming 1,20,000. The total strength was only 1,20,000 in the combined federation when I started. Today, I claim a strength of 65,000 members, but my hon. friend is claiming 1,20,000. He has dismissed

workers, retired workers, and workers whose names are not there. And yet he is claiming 1,20,000 membership. Therefore, an investigation should take place. I am saying that investigation should take place. That is what I plead.

Shri S. M. Banerjee: Then, accept the resolution.

Dr. Melkote: Let the investigation take place. After investigation it can be found out whether he has the strength which he claims or not; let their strength be investigated and let the Labour Ministry assess what the strength is like. That is what I would like to plead before you. (*Interruptions*).

With regard to the realignment scheme in the P. & T. also, the whole idea of the A.I.T.U.C. was to capture the organisation and work in such a manner, particularly at times when Government were in distress, as to hurt our own national Government itself. That was what happened in 1960, when we were faced with the frontier trouble on the one side and foreign trouble elsewhere.

So, on the whole, the whole motive of this organisation is to put ideas before the public and to make it look very big, but, on the other hand, most of these ideas are unpatriotic.

I would like to plead before the Ministry that if today a particular method has been evolved, it has been evolved after mature consideration and after a long period of experience of over 5 years, and, therefore, while this resolution looks innocuous, it is most dangerous, and it should not be accepted. I would have myself accepted it if the behaviour of the A.I.T.U.C. had been during all these years a democratic one. But we have the background before us, and in the background, all these things have got to be judged.

Therefore, I very strongly oppose this resolution for the very valid

reasons which I have placed before the House.

Shri Muhammad Elias (Howrah): Why are you so much afraid of accepting the resolution? Accept the resolution, and then it will be known who is patriotic and who is not patriotic.

Dr. Melkote: All right, you are patriotic, and I am not patriotic. Why should you talk?

Shri Muhammad Elias: That is why the workers are throwing you out.

Shri Dinen Bhattacharya (Serampore): I fully support the Resolution moved by Shri S. M. Banerjee. While supporting it, I have been rather astonished to hear just now a distorted story of the working class movement in India by Dr. Melkote.

Dr. Melkote: What I have stated has been stated by Panditji on the floor of the House.

Shri Dinen Bhattacharya: He must know his history. One thing he admitted, that it is the A.I.T.U.C. which is the pioneer organisation of workers in India. I am thankful to him for that admission.

He stated while opposing the Resolution that when there was famine in West Bengal, lakhs of people were dying on the streets and the A.I.T.U.C. were simply looking on and doing nothing. I ask the hon. Member where his partymen were there at that time. I know personally that we who belong to the A.I.T.U.C. collected hundreds of rupees for the famine-stricken people. We fed those unfortunate persons by collecting relief. So before stating these things, Dr. Melkote must know what was the real situation then prevailing in West Bengal.

Dr. Melkote: I challenge his statement.

Shri Dinen Bhattacharya: Regarding Hyderabad, I do not know how he got the story that the A.I.T.U.C. were opposed to the attempt of the Indian Government to take over Hyderabad. I will challenge him to show any document by which he could prove that the A.I.T.U.C. was opposed to the move of the Government of India.

I would humbly say this to him and others who are opposed to this Resolution: You say you are democrats. You say you are giving democratic rights to the workers. Then you must allow the workers to democratically choose their representatives—which is not taking place now. Our Constitution has given the right to the workers to form their unions. That being so, they must be given the opportunity to choose which union will represent them. Here the Resolution says that the most democratic method will be the secret ballot. When you want more production and for which you want industrial peace, you must see that the workers may have the right to represent their case through their representative union. Why not accept this Resolution? Why are you so much afraid that if this opportunity is given, there will be chaos and that the workers may not choose or elect their real representatives?

18.24 hrs.

[SHRI MULCHAND DUBE in the Chair]

There is a code of discipline. But what is the reality? It has become a mere farce. In West Bengal, I know it has become a plea in the hands of employers to suppress and oppress the workers movement there. I know cases where the real representative unions of workers are not recognised. If you really want that the factory or concern should run properly and there should be industrial peace, you will have to give recognition to the real representatives

of the workers. What is the existing practice? How do you determine the representative character? It is by verification. I know what it is. If you appoint a clerk and if he prepares a *katha* the Labour Commissioner will invite the union representatives to go to his office with the books and if he finds the books all right, he will say that such and such union was verified and it was found that so many members were there. But in reality those unions in most cases—at least in Bengal—are paper unions. The employer also sees that the paper unions get recognition and the real unions are bypassed. Negotiations are made with the unions having no base among the workers and having no representative character. Those unions, invariably, belong to the I.N.T.U.C. That is why they are given chances to negotiate on behalf of the workers whom they do not represent. I know that the Calcutta Tramway Workers Union is the only representative union but still it is not recognised. The Hindustan Motor workers union, likewise, is not recognised. The employer also sees that if two unions remain in each factory, he will get an opportunity to disrupt the workers movement and that is why they always avoid recognition of the real union and the Government also does not take proper step in the matter so that the real representative union may be recognised. There are so many unions and I can cite examples. The real unions are those affiliated to the A.I.T.U.C. The others are paper unions. Still the A.I.T.U.C. affiliated union is not recognised. There are a number of unions of Jute Workers in West Bengal. The majority of the workers in the jute mills have joined the union affiliated to the A.I.T.U.C. The red flag unions are not recognised. When we approach the Government, we are told that recognition will be given to the union which gets a certificate of verification. If you really want that the workers should develop unity and there should be better production and better industrial relations, you must

see that the real representative character of a union is democratically ascertained and voting by ballot is the only method. I do not say that there should be no other unions; there may be more than one union but the union which will be recognised will be given opportunity to represent the workers of that particular concern and the other unions will have to wait and go on working and if in future they prove their representative character by ballot vote only then they will have a chance to get the recognition. This democratic procedure should be adopted in respect of the recognition of trade unions and I think there should not be any objection to this because it is the fundamental right which has been guaranteed by the Constitution that the workers will have the opportunity to organise themselves in a union. If they organise themselves in a trade union, what is the harm to recognise a particular union which has the real support or which commands the support of the large majority of workers of a particular factory or concern and/or institution? If this method is adopted, then you can expect that the code of discipline which the employers and the employees should abide by, will be effective—and that there will be less industrial disputes and that the major disputes will be settled by negotiations. Only then such good results will be obtained and a situation will arise when real industrial peace will crop up.

With these words, I fully support this Resolution and I request the hon. Minister to see immediately that this Resolution is implemented in practice.

Shri A. N. Vidyalkar (Hosurpur): Mr. Chairman, Sir, it is very unfortunate and, I should say, very unwise on the part of a trade unionist such as my hon. friend Shri S. M. Banerjee to move such a Resolution. I also feel that he ought not to have used this forum for displaying and for describing all the rivalries that go on, in his view, in the trade union move-

ment. This is not the proper forum where he could expose all that is happening in the trade union movement. I feel that, just as Dr. Melkote has described, it is not the INTUC or any other union but really the union to which Shri S. M. Banerjee belongs that would be at a loss if all that has happened in the trade union movement is described here. He has tried to relate past history of the trade union movement here. Just as Dr. Melkote has said, he has tried to distort the facts. History is a thing where facts can be distorted. Therefore, I will not go into the history of the movement.

I would say one thing. No history can deny, and the hon. Member himself cannot deny, that during the crucial moments of our national struggle it was his friends, the communist friends, who created disruption in the trade union movement. They did so even during the 1942 movement. He had stated that Sardar Vallabhbhai Patel was responsible for the creation of a rival union, but it was not Sardar Vallabhbhai Patel or anybody else; it was not the Congress that created disruption. The whole history of the trade union movement shows that it was the Congress who, up to 1939-40 continued to pass resolutions several resolutions in the working committee, year after year, to support the workers' movement and for joining the All-India Trade Union Congress in spite of what our communist friends had been doing there. There were repeated disruption; there,

Shri N. M. Joshi left this organisation. There were others who left this organisation. Even the communists once formed a separate union of their own and left the AITUC.

I do not want to go into that history. Very recently, I know it for a fact that when the question of Tibet and China arose, in Gurdaspur and Batala there were friends who wanted to pass a resolution in favour of China's policy on Tibet and saying that the Government of India was doing great

[Shri A. N. Vidyalkar.]

harm to India and to the trade union movement by opposing China. They wanted to pass that resolution, but some of the workers did not want to pass that resolution.

Shri Nambiar: There was no occasion like that.

Shri A. N. Vidyalkar: He can deny, but they wanted to pass that resolution and some of the workers objected to that. Disciplinary action was taken against those workers who did not like to pass that resolution. Then the resolution was passed that trade union supported the communist party with regard to Tibet and China.

Shri Nambiar: Absolutely false.

Shri A. N. Vidyalkar: Yes, he will say everything is false. But this is correct. They have been utilising the trade unions for their political ends and for passing political resolutions. This was the reason why those workers who did not see eye to eye with the political aims and objects of the communist party thought that it was impossible for them to work in that organisation on proper trade union lines. He will go on denying the facts and relating distorted facts. Therefore, it is no use quarrelling with him here on that issue. But we cannot deny that they have been passing political resolutions in the trade unions according to the dictates of the communist party.

Shri Nambiar: We deny that.

Shri Bhagwat Jha Azad: Facts remain facts.

Shri A. N. Vidyalkar: He will deny everything. These are the reasons why other unions took birth. I do not go into that history.

The resolution in the form it is put here strikes at the very roots of the trade union movement. I do not understand how a trade unionist can propose such a resolution so as to interfere in the free trade union movement. He wants that the Government should legislate like this. Today

there is Congress Government. There may be some other party tomorrow. A trade union may put up certain demands and when it is struggling for it; rights, somebody will raise the question that this union is not properly constituted and it is not representative. Then, you ask for a poll. You raise the point at that crucial juncture and spoil the whole thing.

This is, I think, a very dangerous resolution. I, as a trade unionist, cannot conceive that a true trade unionist can put forward such a proposal. It says, "to judge the representative character of the trade union". Will some outsider judge the trade union's character and say there should be a poll on this question every time? This is a resolution which will create disruption in the trade union movement, which will instigate rivalry amongst the trade unions. Whenever there is a crucial moment, when the trade union is struggling for its demands; just then somebody will say, there should be a poll. This will perpetuate rivalry and bitterness. I know such facts, when INTUC or some other trade union was struggling for certain rights, on account of that rivalry and jealousy, they created a situation where they challenged the representative character of that union. The employers wanted that something should be done to defeat the purpose of the trade union. Certain workers became instrument in their hands and challenged it at that crucial moment. Therefore, it is very easy to go on denying these facts. But facts are facts.

As I said in the very beginning, I do not want that we trade unionists should wash our dirty linen here. But if all the facts are to be stated, I can say that they had been doing certain things which are not worthy of them, which are not worthy of any trade unionist. Therefore, there are differences in approach, and those who want to subscribe to one principle, those who have a different outlook and

who want that there should be a different approach to the trade union problems, they have every right to have a separate union and they should not be forced.

Now, Sir, every member is a voluntary member. He fills a form and becomes a trade union member. There is no force on anybody. Where is the necessity that there should always be a secret ballot, that there should always be elections and there should be excitement created? There are registers. Whenever they subscribe to a trade union they become members. It is all easy to check from the registers. Therefore, I do not see any necessity of inviting this interference from the Government and passing a legislation.

Then, nobody has pointed as to who will initiate this check to check the representative character of a trade union. Who will say that this check is necessary?

An Hon. Member: The Communist Party.

Shri A. N. Vidyalkar: Then it is said here: "to have their influence tested periodically". No period is prescribed during which the influence should be tested. Sir, I do not think such a resolution can do any good to the trade union movement.

Sir, as I said, I oppose this resolution. I do not want that any trade union should be compelled. Moreover, because the Government did not want that there should be any rivalry between the trade unionists the present Labour Minister, Shri Nanda, moved

in the matter. He called the representatives of all the trade union organisations and with the consent of all of them a code of conduct was agreed to. The code of conduct is still there as to how the representative character of a trade union should be tested. The party that is sponsoring this resolution is also party to that code of conduct. Representatives of the All India Trade Union Congress, representatives of INTUC and all other trade unions were present there. With the consent of all that formula was evolved and adopted. If they wanted any change in the formula they should have approached the Labour Minister. That would have been the proper forum. They could have ventilated their grievances there and if at all it was necessary another formula could have been evolved.

I do not think it is proper to compel every trade union and invite interference by way of legislation. Nowhere it is said that Government will check the representative character of a trade union. Anybody can ask for that check. Even the employers can ask that there should be a check.

So I think the resolution, as it is, is badly worded and I do not think any trade unionist can accept it in the way Shri Banerjee has put it. As I said, it strikes at the very root of trade unionism. As a trade unionist I can not accept it, and I would request the House to throw out this resolution.

18.45 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, June 16, 1962/Jyaistha 26, 1884 (Saka).