श्री बागड़ी : मैंने मोशन रक्खा है मुझे केवल एक सवाल मन्त्री महोदय से पूछ लेने दिया जाय ।

Mr. Deputy-Speaker: Shri Bagri has no right of reply. खाली सवाल पूछ लें ।

श्री बागड़ी : मैं मन्त्री महोदय ने जो बयान दिया उसके अन्दर यह दो बातें नहीं बताई और मैं चाहूंगा कि वे कृपया इन दो बातों पर भी रोशनी डाल दें । एक बात तो यह है कि जब बाढ़ आती है तब अक्सर देखा गया है कि नौकाओं और पानी निकालने की मशीनों की कमी हो जाती है । अब बाढ़ इस देश में तकरीबन हर साल ही आया करती है इसलिए क्या मन्त्री महोदय इसकी व्यवस्था करवायेंगे कि यह नौकाएं और पानी निकालने आदि की मशीनों का पहले से ही समुचित प्रबन्ध देश के विभिन्न भागों में हो ? दूसरी बात यह है कि मन्त्री जी ने अपने बयान में जवाब में यह नहीं बतलाया कि बाढ़ पीड़ित लोगों को हमने आरजी तौर पर मदद देने का सुझाव दिया है, बीज, तकावी और खाद आदि देने की बात कही है उस पर उन्होंने कोई रोशनी नहीं डाली है कि किस प्रकार से उन्हें यह सब मदद दी जायेगी ?

Dr. M. S. Aney (Nagpur): I also would like to put one question, because the point that I had raised has not been touched by the hon. Minister.

Shri Lahri Singh (Rohtak): I also would like to put a very important question . . .

Dr. K. L. Rao: I have not answered the point mentioned by the hon. Member because that pertains to the Home Ministry. The question of relief measures pertains to that Ministry. Nevertheless, these are very important measures, such as the provision of boats and the consideration of what assistance we should give to the sufferers and so on. I think that when we constitute this committee of the Members of Parliament, that would be a very fit subject to take up at their meeting so that we could discuss the various aspects and arrive at some policy decisions.

Shri P. Venkatasubbaiah: Yesterday, there were floods and cyclone and rain in Andhra Pradesh . . . .

Mr. Deputy-Speaker: The hon. Minister has mentioned about it.

Shri P. Venkatasubbaiah: I want to put a question on that.

Mr. Deputy-Speaker: I am sorry. We have got other business now.

Shri P. Venkatasubbaiah: I wanted a little more clarification from the hon. Minister.

श्री रामेश्वरानन्द (करनाल) : उपाध्यक्ष महोदय, मैं मन्त्री जी से केवल एक बात पूछना चाहता हूं . . .

Mr. Deputy-Speaker: Order, order. Now, Shri Sanjivayya.

15.17 hrs.

INDUSTRIAL DISPUTES (AMENDMENT) BILL

The Minister of Labour and Employment (Shri D. Sanjivayya): I beg to move:

> "That the Bill further to amend the Industrial Disputes Act, 1947, as passed by Rajya Sabha, be taken into consideration.".

As the House is aware, in the matter of labour legislation, the Labour Ministry has been following a policy of placing all important proposals before tripartite consultative bodies like the Indian Labour Conference, the Standing Labour Committee, etc. The im-

portance of the procedure was stressed in the First Five Year Plan which laid down that where agreements were reached at tripartite conferences they should be embodied in legislation and where agreements could not be secured on any contentious matter, government would take decisions. The major provisions of this Bill which seek to make certain changes in the Industrial Disputes Act, 1947, were discussed at various tripartite meetings like the Indian Labour Conference and the Standing Labour Committee from 1958 onwards. I am glad to say that there are no important provisions in the Bill on which Government have taken unilateral decisions.

The existing adjudication consists of a three-tier machinery of original jurisdiction, namely the labour court, industrial tribunal and national tribunal, manned by personnel of appropriate qualifications. Under the existing provisions of the Act which relate to the qualifications for the presiding officers of labour courts and industrial tribunals, a person who is eligible for appointment as the presiding officer of an industrial tribunal may not necessarily be eligible for appointment as a presiding officer of a labour court. It was often found that when an existing industrial tribunal could easily handle the work of a labour court in an area, it could not be entrusted with that work as the presiding officer concerned was not eligible for such appointment. It became anomalous that an officer who is qualified for a higher post should not be eligible for a lower post. It is now proposed to provide that a person who is qualified to be appointed as a presiding officer of an industrial tribunal shall also be qualified for appointment as a presiding officer of a labour court. This is the object of clause 3 of the Bill and it will enable Government to utilise him for both the appointments in the interests of economy whenever found convenient.

Section 7A of the Act lays down the qualifications for appointment as the presiding officer of an industrial tribunal. One of the qualifications is that the person has held the office of the chairman or any other member of the labour appellate tribunal. The labour appellate tribunal was abolished in 1956, and there will hardly be any person who would have worked in the labour appellate tribunal and yet be eligible and available for appointment to the industrial tribunal. As for the serving or retired judges of High Courts, difficulty is being experienced by State Governments in utilising their services also on industrial tribunals. The State Governments have, therefore, been pressing for the relaxation of the qualifications. The 16th session of the Indian Labour Conference agreed to the serving or retired district judges being made eligible for these appointments. Many of the State Governments have accordingly amended this section in its application to their States enabling appointment of district and sessions judges to these posts. It is now proposed to provide for appointment of a serving or retired district judge or additional district judge of not less than three years' standing as a presiding officer of an industrial tribunal. This has been given effect to in clause 4 of the Bill.

As already mentioned, some of the State Governments have relaxed the qualifications of the presiding officers by amendment of the Act in its application to the States concerned, and appointed presiding officers under that. When the Bill is passed, such presiding officers as do not satisfy the qualifications under the Act would not be competent to hold the post. But the officers have already gained much experience in industrial adjudication.

Shri Hari Vishnu Kamath (Hoshangabad): On a point of order. When the Labour Minister is labouring so hard, I think we should have quorum in the House.

Mr. Deputy-Speaker: The bell is being rung—

[Mr. Deputy-Speaker]

Now, there is quorum. The hon. Minister may continue his speech.

Shri D. Sanjivayya: I am grateful to Shri Kamath because this has given me an opportunity to see that my speech is heard by more Members than it was at the time he raised this matter.

It may not be advisable to dispense with their valuable services at this stage. It is therefore proposed to have a provision under clause 24 so that such officers may continue to hold office till such time as the appropriate government may determine from time to time.

Some important amendments are proposed to be made to the provisions which exist at present for voluntary reference of disputes by parties to arbitration. The existing provision is based upon Government's policy as laid down in the First Five Year Plan and was included in the Act in 1956. The question of encouraging voluntary arbitration has always been engaging principle of volunatary arbitration for principle of voluntary arbitration. The the settlement of industrial disputes was stressed further in 1958 in the form of an obligation under the Code of Discipline in Industry. Clause (iv), Part II of the Code of Discipline provides that the management and unions shall settle all future differences, disputes and grievances by mutual negotiations, conciliation and voluntary arbitration. The Industrial Truce Resolution of November 1962 also, apart from reiterating the need for having recourse to voluntary arbitration in the resolution of all industrial disputes, lays particular emphasis on settlement of all complaints of dismissal, discharge, victimisation and retrenchment of individual workers through voluntary arbitration. I am glad to say that employers and workers are resorting to arbitration for settlement of their disputes more than ever before. In the central sphere, while arbitrations were less than ten during 1959 to 1962 each year, since November 1962 to August 1964, 262 arbitration agreements have been entered into. The following amendments included in the Bill are steps further to encourage resort to arbitration by the parties:

(1) Appointment of an umpire in case of difference of opinion between an even number of arbitrators, if appointed;

(2) To prohibit strikes and lockouts during the pendency of arbitration proceedings when the reference to arbitration is made by a majority of each party;

(3) The conditions of service etc., applicable to workmen should remain unchanged during the pendency of arbitration proceedings also; and

(4) The arbitration award should have the same status as the award of an industrial tribunal provided the appropriate government is satisfied that the parties to the arbitration agreement represent the majority of each party.

All these proposals have already been thrashed in the tripartite meetings of the Standing Labour Committee and the Indian Labour Conference.

Some time ago, the Supreme Court held that notice to terminate an award can be given by a group of workmen acting collectively either through their union or otherwise, and it is not necessary that such a group or union should represent the majority of workmen bound by the award. In order to prevent any irresponsible or dissatisfied group of workmen from terminating the settlement or an award without any regard for the effect of such termination on the entire body of the other workmen, it is proproposed to amend the Act so that only a majority of workmen bound by a settlement or an award should have

the right to terminate the settlement or an award in the prescribed manner.

Section 25FFF of the Act provides for payment of compensation, in case of closing down of undertakings, to every workman who has been in continuous service for not less than one year in that industry immediately before such closure. Under the proviso to sub-section (1), compensation not exceeding three months' average pay is payable to workmen on termination of services in case of closures due to unavoidable circumstances beyond the control of the employer. The 'Explanation' states that closure by reasons merely of financial difficulties or accumulation of stocks shall not be deemed to be due to unavoidable circumstances beyond the control of the employer. In the case of industries carried on under a lease or licence, the employer is aware of the fact when the lease or licence would expire. Closures due to such expiry of lease or licence, though unavoidable, could be foreseen well in advance by the employer. It is therefore proposed to amend the 'Explanation' so that closure by reason merely of expiry of the period of lease or licence, will also not be deemed as unavoidable circumstances beyond the control of the employer. In other words, the ceiling limit of three months' average pay as compensation will not apply, but full compensation would be payable to the workmen concerned. It has been deemed necessary that some time should be given to the undertakings to shoulder this liability. It is, therefore, proposed to provide that only those undertakings the period of whose lease or licence expires on or after the 1st April, 1967, should be brought within the scope of the amendment.

Section 33C of this Act deals with the procedure for recovery of money due to a workman from an employer under a settlement or an award, etc.

Shri Hari Vishnu Kamath: I think the counting taken was wrong. It was less than 40 Members present.

His own party does not given him quorum. It is rather pitiable. He is making a very interesting speech.

Mr. Deputy-Speaker: The bell is being rung again—Now there is quorum.

Within 15 minutes the bell had to be rung for a second time. I wish hon. Members will keep quorum.

Shri D. Sanjivayya: As I was saying, section 33C of this Act deals with the procedure for recovery of money due to a workman from an employer under a settlement or an award etc. We are taking this opportunity to amend this Act by making provision for any person authorised by the workman or in case of death, by his heirs or assignee to make application for recovery of the money due to him. Provision is also being made that the decision of the Labour Court on the application will go direct to the appropriate government which can make the recovery. As at present, the workman has again to approach the Government for recovery along with a certified copy of the decision of the Labour Court.

The Government of India were approached by some State Governments and other sources from time to time for declaring certain industries other than those specified in the First Schedule as public utility service. The Industrial Truce Resolution adopted at the Joint Meeting of Employers and Workers on November, 3, 1962, also made a similar recommendation. It is proposed to confer power on the appropriate Government to amend the First Schedule by adding to it any other industry.

Air Transport industry is at present included in the First Schedule to the Act and can be declared as a public utility service under sub-clause (vi) of cl. (n) of sec. 2 of the Act for periods not exceeding six months at a time.

Shri Hari Vishnu Kamath: The Minister should occasionally take his eyes off the script.

Shri U. M. Trivedi: (Mandsaur): He is entitled to read it.

Shri D. Sanjivayya: The State Governments are the appropriate Governments in respect of this industry. As it is not included among the permanent public utility services, the State Governments have, at the instance of the Central Government, been specifying this industry as a public utility service after every six months. It is now proposed to specify this industry as a public utility service permanently.

Opportunity is being taken to amend the Act in respect of certain other matters which are of a clarificatory and formal nature.

Members may feel that instead of such piecemeal amendments to the Act, a consolidated Bill may be brought forward on industrial relations. The House will be interested to know that the whole field of industrial relations has been discussed in the Indian Labour Conferences held at Nainital in 1958 and at Madras in 1959. The Labour Relations Policy is also laid down in the Five Year Plans. The consensus of opinion is in favour of the existing Act with suitable amendments to make it work satisfactorily and efficiently and to meet certain specific needs. Hence this Bill.

With these remarks, I commend the Bill for the consideration of the House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill further to amend the Industrial Disputes Act, 1947, as passed by Rajya Sabha, be taken into consideration."

Four hours have been allotted for this Bill. There are a number of amendments. So, we may have three hours for general discussion and one hour for the amendments.

Shri Hari Vishnu Kamath: I find that on Saturday we have the discussion on the report of the Backward Classes Commission. So, will this go to the next session, or will that go to the next session? Only 2½ hours will be available.

Mr. Deputy-Speaker: There is also the Prevention of Food Adulteration (Amendment) Bill. Within the time available, whatever we can do, we will do.

Shri Hari Vishnu Kamath: How long are we sitting today?

Mr. Deputy-Speaker: Till 5 O' Clock. After that, there is half-hour discussion.

Shri Hari Vishnu Kamath: I would like to know whether this will be pushed over to the next session or that.

Shri Daji (Indore): Both. My information is that discussion on the report of the Backward Classes Commission will be taken up on Saturday.

Mr. Deputy-Speaker: The Order Paper will come to you.

So, we will have three hours for general discussion and one hour for amendments.

Shri Warior (Trichur): The Minister wants to say something.

Shri D. Sanjivayya: I only wanted to say that this is a Bill which has already been passed by the Rajya Sabha. So, I think it is desirable that we should pass this Bill during this session.

Shri A. P. Sharma: (Buxar): This Bill should take less time, because it is based on agreed decisions of the tripartite conference.

Mr. Deputy-Speaker: The Order Paper will intimate which will be taken up.

Shri Hari Vishnu Kamath: Leave it to the Order Paper.

Dr. Ranen Sen (Calcutta East): The Industrial Disputes Act is one of the most important pieces of legislation on which the industrial relations of our country rests. Therefore, a thorough scrutiny of the amendment is merited, and serious consideration is needed to go through the amendments suggested by the Government.

The need for an amendment of the Industrial Disputes Act, as the Labour Minister has stated, has been felt for a pretty long time by all trade unions irrespective of affiliations.

In 1958, in the 17th Standing Labour Committee meeting held in Bombay, a tripartile sub-Committee was set up to go through the Industrial Disputes Act and suggest amendments in the Act. That sub-committee sat in 1959 sometime in January or February, and in July all the amendments suggested by it were agreed to by all the parties concerned, but since then no amendment worth the name was brought forth by Government. As a result, the long-standing grievances of the trade union movement have continued to accumulate for the last five or six years, and Government did not pay any heed to the demands of the trade unions irrespective of affiliations, for proper amendments.

The amendments brought forward by the Government unfortunately, do not touch the fringe of the problem that the labour movement today faces. Meanwhile, a very important thing, for example, that has happened is that the Supreme Court has given a judgement that the Industrial Disputes Act will not apply to the employees of universities and colleges, and they are thus debarred from getting the benefits of the Act. This is a matter which was considered by the trade unions throughout India. Letters were written and many representations were also sent to the Labour Ministry by the respective organisations and the people affected by the judgment, but as yet no amendment has been brought forward to cover these thousands of employees. This is unfortunate.

As the principal Act stands and operates today, it is loaded against the working class, to say the least. The provisions of the Act have become a handle, unfortunately, in many ways to the employers and the workers have to suffer.

For example, there is the question of the definition of lay-off which is a very important matter. The Government, by now, should have come out with a proper definition of lay-off and amendment of sections 25(c) and 25(g), but they have paid no attention to it, and even in this Bill we do not find a single line about it. This matter was brought before the Government, but they have not moved in this respect.

Take the question of retrenchment. In the principal Act you will find that certain people, though they might have worked for 20 or 25 years in a factory, are debarred from getting retrenchment benefit if they are ill continuously or for a long time. There have been thousands of such instances in the country, but the Government have not paid any attention to it.

Again, the latest amendment of section 33 of the Act has played havoc on the workers. This has been a handle to the employers to sack employees right and left. Simply the tribunal is informed that they are going to take action against the employees, and they are finished. I know that this matter has been brought to the notice of the Government by the INTUC, AITUC, Hindu Mazdoor Sabha, by all trade unions, whether they are affiliated to a central organisation or not, and the amending Bill before us should have taken care of all these representations.

[Dr. Ranen Sen]

The Labour Minister says that all these amendments have been brought forward on the basis of certain discussions that have taken place since 1958. I was present in the Nainital conference as a delegate of the AITUC. One of the recommendations was about norms of wages. That has not been taken into consideration. So, to say that these amendments have been brought forward in accordance with the wishes of the labour conference is far from being true.

The amendment to section 33(c) is good in some respects, I must admit. But that also does not give full protection to the worker I will give one example to illustrate it. There was a dispute between the Hindustan Motors of Birlas who are very powerful and their workmen which went upto the Supreme Court, which gave a verdict. The employer said that the verdict of the Supreme Court must be interpreted in a particular way about the recovery of certain money. The West Bengal Government waited for six or seven months without giving an opinion though the Union brought it to the notice of the Government. Ultimately West Bengal Government came to the conclusion that the interpretation given by the union was correct but they said: what can we do? You apply under section 33(c) for recovery of that money. What was needed was to find out the attendance of each worker to make any computation. Now, only the company union may have access to the company records. So, the other union was not able to do it. I hope this amendment which we have brought forward would authorise the union to make applications on behalf of a number of workers, so that it can have access to the registers and books of the employers. For two years it continued like this and ultimately the Government of West Bengal said: "Well, let it go before a tribunal for clarification". The lower tribunal took two years to give a decision; the Supreme Court took another three years; two more years passed after Supreme Court and now the tribunal for the clarification will take another year—in all eight years, and that too for settling only one issue. Therefore, I say that this amendment does not sufficiently cover the needs of the situation.

I am not going to take a long time, Sir. I wish to say that the Labour Ministries' attitude in the States and in the Centre unfortunately goes in favour of the employers mostly. In the Indian Labour Conference as well as in this House, Members irrespective of party affiliations brought up the question of bonus commission's recommendations. Our friend Mr. Sharma was there; I was there at Bangalore Conference. Unanimously, the labour representatives demanded that there should be no watering down of the recommendations of the bonus commission. Everybody, from Mr. Ramanujam to Mr. Sharma said so. But the Minister and the Deputy Minister were noncommittal. To appease the objection from a single person who happened to be a representative of employers, to appease the employers, the recommendations of the other seven persons were given a go-bye. I do not know how long the workers will have faith in the labour departments. The attitude of the Government shows a total neglect towards the interest of the workers. Their attitude to labour is one of callousness. Though in Parliament and outside, Government representatives say that labour is the most important factor in our society, this is their attitude.

Another big development that is taking place inside the country, and a new situation has come up. Labour dose not get any protection under the Industrial Disputes Act. In all important offices, labour saving machinery are being introduced, highly mechanised, computing machines which renders a large number of workers surplus. It started in the petroleum industry two years back; as a result of

this in Calcutta and Bombay accounting offices will operate with twenty or even ten per cent of the present complement of staff and 80-90 per cent of people will be rendered surplus and thrown out. This machine is making inroads in LIC and soon we will find it coming to banks and other places and thousands of middle-class people will be thrown out. During the question hour today, Mr. B. R. Bhagat was saying that in the Fourth Plan all efforts will be made so that the backlog of unemployment can be overcome and new employments created. Is this the way to do it? If the labour department remains deaf to these things, as it had been during the last two years, the working class will have no faith in that department.

Therefore, I suggest that this amending Bill should be withdrawn or allowed to lapse and they should bring a proper, comprehensive and thorough amending Bill so that the demands of the working class could be covered and their grievances rectified. Such an amending Bill should be in favour of the workers and not in favour of the employers. I will say a few words later on, Sir, on the amendments.

Shri A. P. Sharma: Mr. Deputy-Speaker, Sir, I support the official amendment Bill moved by the Government. Although I have also moved two amendments, I naturally differ with my friend Dr. Ranen Sen when he says that the Bill does not make any improvement over the present Industrial Disputes Act. I do not know how he is unable to appreciate some of the amendments proposed in this Bill by which the position of workers will definitely improve.

Till now there were difficulties before the Government to find out arbitrators and it is only because of these difficulties that a change has been proposed and the conditions relaxed to the extent that a district judge or an additional district judge who has served for three years can also be a presiding officer. It is a definite improvement over the present Act.

Then, there is the definition of the continuous workers. It has not been defined till now. In the Indian Railways there has been no definition whatsoever and there were about four lakhs of workers continuously working and they were known as casual workers. Whenever these workers were about to complete and fulfil certain conditions of service on account of which they become entitled for certain benefits, they are not allowed to complete that period. Therefore, I would suggest that whereas the Government has definitely made an improvement by defining the words "continuous service", they should also see that in their own departments, the industries owned by the Government, apart from their desire that private employers should do these rules are made applicable and are strictly applied. In that respect, the Government departments should not be allowed to escape the provisions of the law only because they are the Government. As a matter of fact, they should be treated at par with private emment. As a matter of fact, they be dealt with equally.

My hon. friend Shri Ranen Sen in the course of his speech also said that most of the amendments brought in by the Government are based on the conclusions arrived at at the tripartite conferences held at various places. He has said something about the Bonus Commission and he has also quoted that at the last Indian Labour Conference at Bangalore, the Indian National Trade Union Congress and their representatives objected to any modification that was likely to be made by the Government in the majority recommendations of the Bonus Commission. Consistent with that stand of the Indian National Trade Union Congress, we protested against the decision of the Government, and I want to congratulate the Government that when it was pointed out the Government changed their decision, and according to the present

[Shri A. P. Sharma]

decision, not only the minimum bonus is guaranteed to the workers, where there was no bonus system at all, but at the same time, where the workers were getting bonus at a higher rate, that is also going to be protected.

So far as the Indian National Trade Union Congress is concerned, we do protest against the decision of the Government if it is not in the interests of the workers. But we definitely do not like to find fault with everything that the Government does. As a matter of fact, my friend Dr. Ranen Sen said that we protested against the modification that the Government made in the recommendations of the majority members of the Bonus Commission, but we have now changed our stand. We appealed to the workers not to respond to their *Bharat Bund* call on this issue only because, whenever certain things which are reasonable are pointed out—whether it is by the INTUC or whether it is by his organisation or any other organisation —and when the Government accepts them, there is no reason to say that the Government is unreasonable, and there is no reason to continue to protest when the things are also in our favour.

With these words, I support this Bill. I have tabled two amendments and when I get the chance, I shall speak on those amendments.

Shri Oza (Surendranagar): Mr Deputy-Speaker, Sir, the House will agree with me that we are dealing with one of the most important pieces of legislation so far as labour relations are concerned. In my opinion it is going to assume more importance in view of the simple fact that we have adopted in our Planning in which we want to shift our working population from the primary sector of agriculture to the secondary sector of industries. So, more and more people will be covered by this piece of legislation.

We have been spending a lot on industrial development in our country. We are laying a foundation for the future rapid industrial development so that more and more people may find employment in various industries that may come up. But looking to the amount of investment, do we find that we have created a commensurate potential for employment in this sector? If you look to the figures you will find that in 1950, 30,94,000 people were finding employment in factories. After 12 years of heavy investment in this sector what do we find? Hardly a million more people have found employment in industries. From 30.04 the figure has hardly reached 41.22. That means about 1,00,28,000 people have found employment in our industrial sector.

Why is it so? To my mind, along with the employment in the existing industries, the plants that are already working, the employment potential is going down for various reasons. Because of the rationalisation, imperceptible and perceptible, less and less people are being employed in our industries. What are the reasons? One reason may be that previously, because there was not much of labour legislation, factories used to employ labour indiscriminately. In some cases it may be that because the wages have gone up, because the dearness allowance has gone up, because the working conditions have been improved, the factories are finding the burden greater and greater. Therefore, with or without tears, rationalisation is going on in this country. If we take a census of the various industries or factories, we will find that the potential of labour is going down in this country.

Another reason, according to my humble opinion, is that trade unionism has not developed in this country as it ought to. It is ridden with politics. I do not find fault with any particular political party. But by and large we see in this country that trade unionism has not developed only in the interest of the workers who are em-

ployed in the factories, but it is sometimes utilised for political purposes, with the result that the economic interests of the workers are not safeguarded to the extent to which they should have been safeguarded. In so many cases we find that the labour is not getting a fair deal which they ought to have got. I am sure that with so many schemes which the Labour Ministry has sponsored, workers' training and all these things, more and more healthy trends will develop in our trade union activities also.

Looking to the piece of legislation that we are dealing with, speaking in abstract, one may not agree with so many of the provisions that are brought in, because I am also one who believes that collective bargaining should be encouraged in the labour field. But looking to the present condition that is prevailing in India, particularly in the industrial sector, because of the weak trade union movement and because of many things prevailing in this country, the Government is absolutely justified in having this sort of legislation providing for both compulsory and voluntary arbitration. Because of the emergency we want to step up production. We have undertaken a plan where production should keep pace with so many other things. Unless we have got a machinery for compulsory and voluntary arbitration, I think our production will suffer. Therefore, on practical grounds it is a good piece of legislation and requires to be enforced with meticulous care and attention.

I find that we have got so many machineries provided in this legislation, but it is my practical experience that whatever we may put in the statute, unless the personnel which is to implement it is also properly groomed properly trained, and when they are recruited proper care is taken, I do not think we will be able to implement this legislation as effectively and in the true spirit as we envisage. It is my experience that conciliation officers who have got imagination, who have got vision and a missionary spirit, are successful.

16 hrs.

But there are officers who are recruited as conciliation officers who just collect the parties to gether and tell them "well, gentlemen, the law requires that I should call you together, the law requires that I should discuss the dispute with you and make a report" and then send a report that conciliation has failed. They feel that they have done their duty. So far as conciliation proceedings are concerned, that is not a correct approach. If the conciliation officers taken upon themselves the task in great earnestness, I am sure so many conciliation proceedings will be successful. But, unfortunately, as I said, in the recruitment of conciliation officers we do not pay as much attention to this aspect as it is necessary. I am sure the Government will press upon the recruiting agencies, both here as well as in the States to see that proper type of personnel is recruited.

What is the best way of creating good industrial relations in this country? Can we for all times to come lay blame on the Government machinery alone or on the employees. To my mind, the employers have also to play a very important and effective role in this respect. We have seen that so many employers are not changing their outlook at all. They are living in the past, an age which has gone by. Instead of adopting an attitude which our developing economy requires, they live in the past age. I am of the opinion that they should pay greater attention to good working conditions in the factory which are now completely and absolutely neglected. We have come across so many cases where the factories do not provide good working conditions. If good working conditions are provided within the factory and if the personnel management is very vigilant, so many small pinpricks can be avoided. But we find that so many employers are absolutely indifferent to this aspect. They just do not care to study the working conditions of labour. They do not care to know how they are treated

[Shri Oza]

inside and outside the factory. With good working conditions and with good personnel management, it is my experience that so many minor troubles and major conflicts could be avoided. I am sure that with so much propaganda going on by the Industries Ministry and the Labour Ministry, the employers would be persuaded to adopt a new outlook by which all these things can be attended to so that in times to come it will lead to better productivity and the better productivity will lead to better wages. That is the only way of creating an atmosphere in which along with good production we can have better wages also in this country.

16.03 hrs.

[DR. SAROJINI MAHISHI *in the Chair.*]

I have moved several amendments to the Bill. I think I will come to them when I speak on the amendments. For the time being, I will rest content with the general observations that I have made. By and large, I welcome the legislation as it has been brought forth. I am sure Government will adopt the amendments which I have moved, because in my humble opinion the clauses that have been brought forward are defective in certain respects, and are likely to create some complications. That is all that I want to submit at this stage.

Shri Daji: The Government has brought forward this Bill to amend the Industrial Disputes Act, an act which we originaly passed in 1947 and has seen many amendments. There have been so many amendments to this Act that one is actually lost in the process of finding out what the position of law was at a given time. That is why we have been demanding a fresh look, firstly at the whole approach, and secondly also to better codify even the existing provisions.

In this Act, there is a clause (2a), another clause 2(aa) and yet another clause 2(aaa). Then, in section 25, there is 25A, 25B, 25F, 25FF and 25 FFF. Such a provision in an Act does not show proper codification. And that is the position in the Industrial Disputes Act. What has happened is the Act was enacted in 1947 and as time passed on, as pressure was brought from the employer or the employee, whichever pressure happened to be more dominating at a given time, an amendment was moved and passed as 25F. Then a contrary pressure was brought, and 25FF was passed. This resulted in another countervailing pressure, and so 25FFF was passed. The result is utter confusion in this Act. I can go into details, because I am conversant with every section and every word of it as it was enacted and practised and interpreted by different courts, both as a trade unionist and as a lawyer. And therefore I can tell you with the greatest confidence that this Act requires a second look.

It is not only from this point of view that a second look is required. The hon. Minister said that the Members may demand a comprehensive Bill, it is coming, it is not coming, we are discussing, the Tripartite Labour Committee found that this is serving the purpose and so on. I do not agree with it. What I say is, the Industrial Disputes Act, that is an Act to govern the industrial relations, has to have a definite, positive approach. My first quarrel with this Industrial Disputes Act is that it has no positive content. It is like a cricket umpire code; rather, it is not only like a cricket umpire code, it is like the code of the impire in the American free-style bout wrestling bout, trying only to prevent a hit below the belt or a hit this side or that, and allowing the battling wrestlers to battle on.

That, I submit, is the most unscientific, improper, unsocialistic approach to industrial relations. A correct industrial relations Act should not merely lay down the "do's and

don'ts" should not merely step in and prevent matters coming to a head, but should provide a machinery, not an *ad hoc* machinery but a built-in machinery, for fair and quick resolution of disputes. It is not a correct approach to allow disputes to arise and then hold the contestants at arm's length and then say, wait we will do. That, submit, is not a correct, positive approach to industrial relations in any country, particularly in a country which is building on five year plans.

For the success of the plan, the finding of financial resources is as important as the finding of proper manpower resources that can man our big, giant industrial combines and workshops. The difference between an intelligent industrial worker and a slave-driven cotton plantations worker of the South American States is this, that whereas the slave-driven worker uses only his two hands, the intelligent industrial worker uses not only his hands but his heart and head. That is the difference. You can drive the workers into a factory and you can hold them to the machines by declaring strikes illegal. But unless they put their hearts to the machine, the machine won't yield the full yield. And that is very wrong planning.

Therefore, any industrial relations machinery has to have a built-in machinery where disputes can be resolved fairly and quickly. Unless there is that built-in machinery it is incomplete.

From the very origin of the Industrial Disputes Act in 1947, the state of industrial relations in 1947, the state of trade union development in 1947 when we enacted the Act originally, and the social conscience about labour employer theory in 1947, was much different from what it has now come to stay in 1964.

Therefore, when in each session you bring forward an amendment in an *ad hoc* manner, you try to graft something. But can you graft a mango plant on a *babul* tree? If you do that, the result will be a hybrid product; therefore, we have 25F, 25FF and 25FFF. That is the reason why you cannot do it. Therefore, a completely new look at the industrial relations machinery codifying it in a proper manner, which is at least able to consolidate the gains that labour has been able to make through your industrial labour conferences, codes and other things that you have laid down, is a must.

Here, I think, my hon. friend, Shri Sharma should have addressed himself to this. He has not done justice either to himself or to the organisation which he represents. I say most regrettably that the approach, the attitude of Government to labour is most stepmotherly. I am putting it in very respected manner. It is most stepmotherly. The whole Industrial Disputes Act—I can go section by section and clause by clause to show what Dr. Ranen Sen has said in a very mild way—is loaded against the employees. That is the least that could be said. I can prove this point clause by clause, but I do not want to go into that for the present.

But let me point out one thing. When the national emergency was declared, employers and employees accepted an industrial truce. The employers said, "We will behave well". The employees said, "We will work more." The Government said, "We will hold he price line." When the Government failed to hold the price line and the matter was raised in the tripartite meeting by which the hon. Minister always swears, it was decided on the 5th August, 1963, more than one year and two months ago from this day, that in every factory in which there are more than 300 workers fair price shops shall be opened. Why was it decided? Because from every part of the country, from every trade union, whether it was affiliated to the INTUC, or to the AITUC or to the HMS or whether it was not affiliated, workers

[Shri Daji]

were rising in a crest of protest saying that they agreed to the industrial truce during the national emergency and pledged themselves to production in the interest of the nation but the result has been, "We produce and perish." They take the produce and fatten themselves. That was not the spirit of industrial truce. The Government accepted it. As a result of this the workers did not take the extreme step to enforce their rights.

What is the result? Even now, fourteen months after that, shops have not been opened. In the last tripartite meeting the hon. Minister was forced to say that if the employers go on behaving as they have been behaving, the Government may be enforced to introduce a statutory provision whereby these shops will be forced upon employers employing more than 300 workers. I looked into every page of this, every line of it I read. That threat which was held out during the tripartite conference still remains in the pocket of the hon. Minister. I am sure, the employers knew it even when the threat was held out to them, "Let the Labour Minister threaten, the Finance Minister will veto it and the result will be nothing; labour representatives will come again to another tripartite conference, again shout for it and we will have plenty of time." That is the only meaning of it. Today in the state of affairs obtaining in the country employers can easily run away with whatever they do without anyone doing anything to them. That is the impression which they have got and which workers also have got. The result is that your professions of socialism and claims of holding the balance even does not deceive anyone. This is only a small case. I will give you many other examples.

There are concerns which have misappropriated the deductions of provident fund to the tune of lakhs of rupees. Only one textile mill belonging to a very important industrialist of Kanpur has misappropriated Rs. 10 lakhs of the workers and that is the money which he has deducted every month from the workers' pay for depositing in the provident fund and the ESI scheme. That has been used away by that employer. The total has come to Rs. 10 lakhs and that employer still lives in a big bungalow and moves in a big car. But I put it to the House what will happen to a clerk who is caught misappropriating one single rupee from the Government accounts? He will be handcuffed, paraded and sent to the jail. But the employer who misappropriates Rs. 10 lakhs cannot be punished.

Mr. Chairman: The Hon. Member's time is up.

Shri Daji: I have just begun. I have not yet come to the provisions of the Bill at all.

Mr. Chairman: The hon. Member has already taken 14 minutes.

Shri Daji: I will take more than one hour.

Mr. Chairman: There are other Members also who want to speak.

Shri Daji: We are not completing it today.

Mr. Chairman: The hon. Member should try to conclude with three or four minutes.

Shri Daji: It is impossible.

Madam, the general approach, I feel, is such that the Government is not acting properly for the labour. Now, what is new in this Bill? Mr. Sharma said that Dr. Ranen Sen had lost sight of certain provisions of the Bill. I do not want to lose sight of certain provisions. Certain provisions which you have introduced are really good and I am one with them; particularly the new amendment moved by the hon. Minister is good enough. That

will be helpful to the labour. I would have thanked you but I will not thank you because it was long over due. Small mercies and late mercies are never to be thanked for. But what about these two provisions which are crucial to the Bill? I could see one good clause here or there. As I said already, some provisions are good and I am in agreement with the Government. But I oppose these two main provisions and not only I oppose but I am convinced that if the hon. Minister has a really cool and dispassionate look at them, the Minister will be convinced that by this measure the Government is putting its foot in the veritable hornet's nest and the result will be catastrophe. The first provision which I want to attack is going to plunge the country into industrial disorder the magnitude of which is not being understood and realised. It is going to force the workers to go on illegal strikes again and again even though they are imprisoned or detained. It is a clause which prevents any honourable termination of an award or an agreement. The Supreme Court has upheld it that once an agreement has run its course—not in between—a group of employees can give notice of termination and on giving notice of termination, certain legal procedures open out. The Government may step in and stop them and refer it to an adjudication, whatever it is. They can try to make out that if a majority of workers have entered into an agreement, any five workers can stand up and terminate it. That is not the position of law. What happens when they give a notice of termination? The Government can step in and refer the matter to any local adjudication and no consequences will follow. But now what do you demand? You demand that the award or the agreement can be terminated only by a majority of workers. The first difficulty will be to determine what the majority is. The word 'Government' has been used. But the word 'Government' is a very omnibus word and you will have to define the officer who has to decide it. Then, how will he decide a majority? Your procedure of code of discipline will not help you because that procedure is restricted only to membership of different trade unions. Supposing in a particular given undertaking there are three trade unions who altogether do not have a majority, how are you going to decide it? That is the crux of the problem. That is why even the INTUC representative Mr. Sharma and I think some others including Dr. Melkote—I am not speaking in a partisan manner; I am speaking purely from the practical interests of the labour and industry—have given amendments that let the power of termination of award or agreement rests at least with the registered union, that being a responsible body. When you say that it should be be any group of persons representing the majority, you are putting an impossible thing. There may be many undertakings or industries where the majority can be easily determined, but there may be also industries or undertakings where the majority may not be so clear, and no single group may have a unilateral majority following. If you are putting in this condition, then it would mean that no authorised body would be legally entitled to terminate an award or agreement. Supposing the majority is not very clear or open or supposing ten or 20 per cent of the workers get purchased by the employer, how are you going to decide the majority? This virtually means, therefore, that once an agreement or award is binding, it will go on binding the workers for all times to come till we come to a stage when a clear majority is there which can give a notice of terminating the award or contract. Such a thing is unheard of.

It will create more problems than what it seeks to solve. The problem set out is the termination of an award or agreement irresponsibly by a group of workers. As I have pointed out already, even if they give a notice of termination, Government can imme-

[Shri Daji]

diately step in, and adequate provisions already exist under which Government can step in to cure this hypothetical irresponsibility. But we find that Government are introducing a much more irresponsible provision and taking upon themselves the right and the duty, the very onerous duty, of first of all deciding which group has the majority, and secondly, in case there is no majority, of clamping upon the workers for all times to come an award or agreement once entered into.

What will be the result of that? Suppose an award has run its course, and it has ceased to be useful, and the workers are restive. The award has run its course for one year, and then for another year, let us say, and the second year is also over. Then what will happen? There can be no notice of termination of the award or agreement, because there is no clear majority. But the workers are restive. What will be the result? I do not want to mince words. If you do not give the workers the legal and proper forum for speedy redressal of their grievances, they are bound to take the law into their own hands. Ordinances did not prevent the Central Government employees from going on strike. Ordinances have never prevented illegal strikes. What can really prevent strikes, lock-outs and industrial unrest is not the passing of measures but the creation of a machinery whereby the grievances can be redressed in a proper manner and a better manner than by direct action. Unless such a machinery is provided for, it is futile to expect industrial peace by bringing forward such amendments as will really create more problems than they seek to solve.

What has been our experience in the past? Government are here taking upon themselves the duty and the very onerous responsibility of deciding which group has the majority. Leave aside the question of deciding the majority in these cases. Even in the case of industrial relations legislation, in certain States like Maharashtra, Gujrat and Madhya Pradesh, or in regard to the code of discipline of the Central Government, where the Government machinery has been called upon to decide which union has 25 per cent membership,—not 50 per cent membership, but 25 per cent membership—what has been the result? In a factory employing not more than 400 workers, it takes more than one year for the registrar of trade unions to decide the matter. Then, there is provision for appeal also. The appeal takes more than one year to decide So even in a small factory employing only 400 people, it does not take less than two years to decide which union has more than 25 per cent membership. When that is the case even for 25 per cent membership how are you going to decide about 50 per cent membership?

I would submit that the whole amendment is against the scheme of Government's own code of discipline. The code of discipline says that even unions with 25 per cent membership can be representative of the workers, and it can enter into agreements and enter into collective bargaining on behalf of all the workers. But while a union with 25 per cent membership can become a representative or recognised union capable of bargaining on behalf of all the employees, we find that they cannot however, move for terminating an award or agreement, because under the law that you are now seeking to enact, a union will require 50 per cent membership before it can do so. Even a representative union which can enter into an agreement and enter into collective bargaining is denied of the right to give notice of termination of the agreement. That is an incredulous and contradictory position into which you are landing yourselves by enacting this legislation.

Mr. Chairman: The hon. Member should try to conclude now.

Shri Daji: When Government themselves look at it more closely they will find that they are fettering the workers by making these amendments. Perhaps, the idea has been to stop some irresponsible workers. But the result is going to be the biggest ever fetter enacted by Parliament, against the workers' interests. Unknowingly and unconsciously, the hon. Minister and the Government have fallen into the trap of some wooden-headed bureaucrat who has always dealt with labour, sitting in the secretariat at Delhi in an air-conditioned room, and who does not know the A,B,C, or the first letters of industrial legislation either in India or in any country in the world, for, such a provision is unparallelled, atrocious and tramples underground the very concept of collective bargaining which the working classes of India have won from unwilling employers. This is an attempt to negate the very essence of trade unionism, to bypass the trade unions registered under the Act, and to completely fetter the workers from changing their conditions legally.

I warn this Government, I solemnly warn this Government—and let this warning from this House go out into the country—that if any amendment is passed which bars the workers from legally changing their conditions of service in this unfair manner, the result cannot be industrial peace but continuous and permanent industrial strife; that will be what you are legislating for through this measure.

Then another point. We have accepted arbitration. I am a party to it. I attended the Madras tripartite conference on behalf of the AITUC. I have got reports. Unfortunately, I am not being given sufficient time to deal with each of the points I wanted to make. I have a volume to substantiate my position. Who has violated the arbitration clause?

An Hon. Member: Employers.

Shri Daji: Again and again the employers. Why did we accept arbitration? Because we believe that as far as possible adjudication should be avoided and disputes between employers and workers should be resolved in a peaceful manner by talking across the table. But even they of the INTUC and even the British labour movement have been extremely suspicious and skeptical when arbitration is sought to be made compulsory. There is a difference between adjudication and compulsory arbitration. We accept compulsory adjudication under certain conditons for maintaining industrial peace because adjudication is by a Judge under rules laid down, under evidence known how to be recorded. And it is appealable. It is something definite and positive. We know that at least some sort of justice will be done. But that is not so in arbitration. There is no appeal, no proper rules laid down. Therefore, we have always insisted: arbitration voluntary, adjudication compulsory. If Government desires that a particular dispute should go to adjudication, Government has ample power under sec. 10. Why should arbitration be applied to all? How will Government decide whether it affects the majority or how the majority will like it?

The concept of compulsory arbitration is a concept which we have fought. This is a concept against which ourselves and Nandaji fought the British Government. We have fought it not from today but from 1928. From that time the Indian working class, whether belonging to the INTUC or the AITUC has fought it. We have fought the British imperialists against this concept, but that clause is being now smuggled into this Industrial Disputes Act through the backdoor.

An hon. Mefmber: Very bad.

Shri Daji: This is most surprising Whoever gave Government this sanction? No one. If ever some compulsion is required in the matter of arbitration, it is required in respect of the employers who refuse to go to arbitration. They want to involve us in liti-

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gation in the High Courts and the Supreme Court, which we cannot afford. We are all for voluntary arbitration. But certainly compulsory arbitration militates against the very spirit of trade unionism, it militates against the spirit of workers' freedom.

Am I to understand that the Congress wedded to socialism is bringing in a Bill on compulsory arbitration forcing on workers willy-nilly binding them to the award? Willy-nilly. Is this the way in which they are proceeding in the matter? If this is the way, then no one can hope for industrial peace to be maintained.

I am pained that I have to say all these bitter words. Once and for all I have to make this clear. We want to co-operate. We want to work the economy. We want the Plan to succeed. We want to take a fair share in it. We want the country to prosper. We want the greater glory of our motherland. But if such measures are introduced which fetter us, which bind us hand and foot and place us at the mercy of the employers and petty officials of Government.

Mr. Chairman: I would request the hon. Member to co-operate with me and conclude.

Shrimati Renu Chakravartty (Barrackpore): There are not many Members to speak.

Shri Daji: If this is Government's attitude, I give this solemn warning: the working class will not be ready to accept this amendment tamely and this Bill will usher in an era of continuous strife, industrial unrest and struggle for which the responsibility shall lie entirely on the Government. Therefore, in the circumstances, I feel that the time is running out. In any case, the Bill cannot be enacted in this session. I appeal to the Government to call a round-table meeting. Let us thrash it out. If I have misunderstood anything, let me understand it, but I am sure most of the points have been misunderstood by the Government, wrongly aided by the wooden-headed bureaucracy, more than half of whom are in sympathy with the employers and not the employees. Let us scrap this, and bring forward a real Bill which will help the workers and the country to march forward to socialism.

Mr. Chairman: Shri Trivedi I would request hon. Members to co-operate with me and take only 10 to 12 minutes, so that more Members can be accommodated.

Shri U. M. Trivedi: So far as I am concerned, I do not think it will be necessary for you to ring the bell.

From what Shri Daji has said, it appears that there is some controversy. In such measures, where there are controversies, it is always better that they should be brought before the House after reference to a Joint Committee. It is now too late for me to suggest it because the Upper House has already passed it, but then it is not a very wise step. Government should take stock of it. If they bring forward an amendment, it does not mean that the amendment must be passed simply because they have brought it forward. If it goes to the Select Committee, all the fuss that can be raised in this House can be decided in the committee stage.

Then, I will draw your attention to Clause 3 which affects me most. With my little experience at the Bar, I have found that Judges who are appointed in the labour courts, either as the tribunal or as a presiding officer, are either inexperienced or fossils, fossilised people who have absolutely no energy left in them. I cannot understand the mentality behind the suggestion that is being made that he may be a person who is or has been a Judge of

the High Court. If he is a Judge of the High Court, you are not going to give him a salary which is commensurate with the salary that he is already drawing as a Judge. So, you will wait for him to retire. When he retires, you will tempt him with an offer to come there.

Two wrongs are being done by the Government by this method. The time has now been reached in our country when we must cry a halt to this evil practice of appointing a Judge of the High Court to any remunerative post in any part of India. He must be completely shut off from it. He has enjoyed a certain position, he must not be lowered from that position, he should not be allowed to have a temtation, he should not be noticed by people that he has been hankering for a job.

I have seen Judges themselves make recommendations, and then wait to fill the post. They go on dragging on and do not make the appointment of a fit person to the post, and as soon as they retire even as Chief Justice, they get the very post for which they were making the recommendation. The result is that these Judges have a tendency always to side with the Government in disputes in which Government is a party. Government does not merely watch the proceedings, in one way or other they are affected by any strikes or any disputes that arise in industry.

It is harmful to the country, harmful to industry, harmful to the strikers and the employers, these strikes are not liked by anybody, disputes are also not liked by anybody, but they do arise. Things are not as we want them to be. Naturally, therefore, it is very reasonable that the Government should consider this proposition whether or not there should be a special judicial recruitment to be carried out by the Government of India at a different level, rather than attracting District Judges, retired District Judges, High Court Judges and retired High Court Judges to come into that employment.

And who is going to appoint them? It is the State Governments. And in every writ petition that is being filed before the High Court it is the Government which is a party to the proceedings. Government always aspires that the decisions should be made according to their sweet will and pleasure. The temptation is always there before the judges who are on the eve of their retirement and it is they that do the greater wrong. I do not for a moment suggest that each one of them is like that. But there are judges and judges and we cannot deprive a man of his human nature which is inherent in him. It is that nature which temp's him to do things which he should not do.

I am sorry I missed one point. Even the explanatory clause suggests that people are not forthcoming in sufficient numbers. Why not a new service be constituted? Why deprive younger men of home appointments and provide mere fossils, a man who is completely tired. A retired judge will now be 62 years of age and not 55. Why call him and not a young man of 25? That is also doing some harm to the country in the shape of depriving employment to young people. I suggest that the present method of recruiting a presiding officer to a labour court or tribunal must be given up by the Government.

I now come to clause 6 on compulsory arbitration. There are some arguments advanced by some labour leaders that they want a dispute should go on for all times to come.

Shri A. P. Sharma: Some of them are sitting behind you.

Shri U. M. Trivedi: They want no end to it because they will be leaders, only then. There is nothing wrong in compulsory arbitration. It also is suggestive of the democratic principle of the rule by majority. What is wrong there? If a majority decides to have arbitration, then let them have arbitration? Why should the minority be

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asked to be a stumbling block in solving any dispute? I say, therefore, that unless something radically wrong is pointed out about this clause, this clause is not bad: it is not an impediment to the conclusion of the arbitration proceedings.

My predecessor was very vehement about clause 10 and said that it should not be there. Looking dispassionately, I should say that Government has not done much wrong in putting this clause. There is no provision that a minority of a particular percentage should be there. Therefore, even if there is one man or two men and they make up their mind and want a termination of the award, it can always be done; he can give notice of it. Why should two men dictate to 2,000? Determination of majority is not such a difficult question; it can be solved. A register may be kept and their note may be taken. Some method can be evolved. It should not mean that because of the absence of a method to do it, it should be left to the hands of a few to dictate terms to the great majority. On the one side it may be said that there may be persons who may be bought off. There is nothing wrong in buying off whole majority. If 99 persons can be bought off, it is better to be bought off than to be one person who claims not to be bought off. What guarantee is there that the man cannot be bought off? Perhaps the employer might be interested himself in preventing the award and himself getting the award terminated. He may put up 10 persons and create trouble for all the rest of them. So, the thing can be argued both ways. I should say that the amendment, as has been suggested, is not wrong.

Even today, what I am feeling after giving it a reading is this: these amendments by themselves are of such a far-reaching nature that this House, although it may pass the Bill, has not got sufficient time to study them. The various pros and cons of these amendments ought to have been discussed at very great length in a Select Committee. The Government should take a lesson from this: that in future, whenever such controversial measures of this nature are brought before the House, they should not rush them by the backdoor by putting them up through the Rajya Sabha and getting them passed and then getting them down our throat here. I would, therefore, suggest that whenever such a controversial measure is to be brought it must go to the Select Committee, and full discussion of the Bill must be had so that hon. Members who have got their heart in legislative business may be able to study all aspect of the various amendments are being suggested and may be able to express their view intelligently and reasonably.

With these few remarks I commend this Bill.

Shri A. N. Vidyalankar (Hoshiarpur): Sir, I feel that this Bill is entirely non-controversial. The proposals put are the result of the tripartite conference where the representatives of the workers, the employers and of the Government agreed to certain measures. All the three parties agreed. I do not know why Shri Trivedi has introduced an element of controversy and why he thought that this measure ought to have gone to the Select Committee. I thought that it was an absolutely non-controversial measure and that he would not import heat into it.

Then, Shri Daji has imported heat into it. He has tried to say and has said something, or at least the major part of his speech was not relevant to this Bill. It was a general discussion and a general condemnation of the Government. For instance, he said that this Bill and the whole Government policy were wrong: that the policy with regard to the industrial disputes has harmed or hurt the workers' cause, and the Government has no positive policy and all that.

That was not very relevant, because, his own criticism later on indicated that the Government has got a positive policy. He may or may not agree with that policy, but this Bill embodies that policy.

He said that he could prove clause by clause and word by word that the Industrial Disputes Act is a measure that hurts the workers' cause. He challenged it. I am prepared to accept his challenge, and I can also prove clause by clause and word by word that how this Bill removes many of the impediments which the workers in their daily lives and in the factories have been facing. He stated that the Government has a step-motherly attitude. That is not so. As a result of these measures—the Industrial Disputes Act and such other Acts—in the course of the past many years, the Government has built up a labour code. It has embodied the workers' rights in these measures. If you compare what the workers have got as a result of the various conventions and laws and Acts, you will find that the workers have made very great progress and gained much, so far as the policy is concerned. I may agree that in the case of the administration, it is loose. Especially in the States the administration is very loose, and the purpose of the various Acts is not being served properly. It is not because our Government does not want it. It is not because our Government does not have a positive policy. But as I said, it is because at various places our administration, especially in the States, is loose.

Shri Daji also referred to clause 10. I was really amazed how he was trying to distort and misrepresent things. Shri Daji said that we were suppressing the workers when we say that unless the majority of workers agree the termination of an award is not possible. In clause 10 it is said:

> "No notice given under sub-section (2) or sub-section (6) shall have effect, unless it is given by a party representing the majority of persons bound by the settlement or award, as the case may be."

It does not say "majority of workers", it only refers to the majority of that section of workers or that union which was a party to the settlement. It is clearly understandable. It is absolutely just that if a union of workers enter into some settlement and naturally, if a few workers, say, seven or ten workers, send a notice of termination of the award such termination should not be possible. It is not just, it is not fair. Therefore, the majority of workers who entered into the settlement should agree and send the notice. What Shri Daji said is a distortion, a misrepresentation of things. I am really amazed that an eminent lawyer like Shri Daji should fail to read the words that are clearly stated here.

So far as this Bill is concerned, I also agree that there should have been a comprehensive measure. Of course, these are measures that have been suggested. I want that there should be some comprehensive measure. There are many difficulties that we daily face in the course of administration of this Bill. I see that the workers continue to represent to the Government about those defects that have come to our notice in the course of the administration of the law. There are many defects. I do not want to take the time of the House at the present moment. They need rectification. I would suggest that the Ministry should take up this task with regard to the Industrial Disputes Act and other things. Shri Daji and many other Members suggested that these measures require improvement and rectification of defects.

Sometime back the hon. Minister said that each individual worker would be permitted to approach the courts to get their grievances redressed. That has not come yet. There are other things also. In clause 19 you have laid down the procedure

[Shri A. N. Vidyalankar]

how the amount that is due to the workers as a result of an award or arbitration would be determined. The difficulty at present is that the award is given and thereafter the amount is determined by the proper authorities. But then the realisation becomes difficult. I know of cases where the dues of lakhs and lakhs of workers have not been realised. The realisation is left to the revenue officers of the State. These revenue officers sometimes cannot dare to go to big people, big factory owners. They are just paid Rs. 3, 4 or 5 and they write that the notice could not be served. Of course, this happens in every case under civil procedure. But in the case of workers large amounts of arrears are not paid. The court has awarded some arrears of pay amounting to several hundred rupees but it is not paid for a year or sometimes for years together. If you try to collect statistics about the money due to workers which is in arrears you will know the real state of affairs. Therefore, I would suggest that the courts and tribunals should be given the power of revenue officers so that they could attach property and realise the money. At present it is not possible and that is the biggest grievance and the biggest hurdle in the proper operation of this law.

Then, some hon. Members referred to the introduction of automation in certain offices. I am told that certain machines are being imported by LIC in which two operators can do the work of 500 workers. There is apprehension that many workers will be retrenched because of automation and that will create unemployment. Government have agreed that modern methods will be introduced provided there will be no unemployment or retrenchment. I am not against modern methods or devices. If they are introduced for saving money or for economy, well and good. But if they are going to be introduced at the cost of workers, that is not justified. The workers will strongly resist that attempt.

I hope these suggestions will be kept in mind by the Labour Ministry and they will soon come before this House with a new and comprehensive Bill in order to remove the defects that have been pointed out here.

Shri V. B. Gandhi (Bombay Central South): This is an important piece of legislation that is coming before the House. We are thankful to Shri Sanjivayya for the very lucid speech that he gave, a speech that was very much to the point. I was also impressed by the well-reasoned argument that was given in the other House by Shri Malviya.

This Bill seeks to make certain changes in the Industrial Disputes Act, 1947. A Bill of this kind is necessary and it has not come any too soon. Of course, on that score I do not propose to blame the Ministry for we all know how the exigencies of business in this House sometimes make it difficult to keep to the time schedule. So many Ministries try to bring in their Bills at the same time in a short session of Parliament.

It is very necessary that we remember that in this Bill and on this subject it is not necessary to take a sectional view or to look at it from the point of view of a sectional interest.

The Minister has done very well in giving us a categorical statement that no unilateral decisions have been taken and embodied in this Bill, that in this Bill have been embodied only those decisions which were taken on a tripartite basis in the meetings of the Indian Labour Conference and the Standing Labour Committee.

Much has been made of the claim that this Bill should have been made more comprehensive and should have been presented in a more consolidated

shape. But we must remember in this connection that the first thing is that this is a social legislation, and in any kind of social legislation problems change, new problems arise and demand new solutions; and it is certainly not the wiser way to deal with legislation of this kind by waiting and holding up progress, saying that a more consolidated measure can be brought in. Besides, there is another disadvantage. In an effort to bring about consolidation, we are also in danger of bringing in rigidity and unchangeability in our outlook. It is not a very desirable feature of the situation. Sometimes I am tempted to feel proud that we in this country are developing our labour movement along independent lines. We have been trying to solve our problems in our own way and based on policies in keeping with the genius of the people. We have never allowed ourselves to forget that in this kind of legislation of labour matters we have to deal with people who have an adult franchise. Every man has a vote, and that fact has been kept constantly in mind in every effort we make.

Mahatma Gandhi had seen the necessity and the wisdom of taking interest very early in the labour movement and the welfare of the workers. And, as we all know, Nandaji has spent a whole life-time in building up the labour movement, through years. As a result of these efforts we have been able to evolve a labour movement which is non-political and non-partisan. We have been able to give a good answer to the other parties, with this new form of labour movement, the other bodies who have always had or have mostly had a communist-dominated union.

Mr. Chairman: The hon. Member's time is up.

17 hrs.

Shri V. B. Gandhi: Shall I continue?

Mr. Chairman: If he wants to conclude in a minute or two, I have no objection.

Some hon. Members: Let him continue tomorrow.

Shri V. B. Gandhi: May I have some time tomorrow? I would require some more time.

Mr. Chairman: He would like to continue on the 3rd?

Shri V. B. Gandhi: Yes.

Mr. Chairman: That is all right.

COMMITTEE ON ABSENCE OF MEMBERS

TENTH REPORT

Shri Khadilkar (Khed): Madam, I beg to present the Tenth Report of the Committee on Absence of Members from he sittings of the House.

17.01 hrs.

PROPOSALS FOR STREAMLINING OF WORK OF I. & B. MINISTRY*

Mr. Chairman: Now, the House shall take up the half-an-hour discussion. Shri Nath Pai.

Shri Nath Pai (Rajapur): Mr. Chairman, the Minister of Information and Broadcasting in the statement which she made had, among other things, this to say to the question which was asked of her about the working of the Ministry which she has been currently heading. She said:—

> "The problem (basically) before us is.....of so revitalising the entire Ministry as to enable its different organisations not only to keep more closely in touch

*Half-an-Hour Discussion.