

gest that we finish these five days discussion in this session, sit another ten days and pass this Bill into law. I say that the tears of the middle classes, the labourers and the poor men should be wiped out by imposing a little burden on the people who are placed in more auspicious circumstances, who live in a luxurious way, never feeling for the common man, but always raising a hue and cry about their miserable conditions.

OFFICIALS OF TRADE UNIONS

Mr. Chairman: Hon. Member Shrimati Renu Chakravarty had given notice of raising a half-an-hour discussion on points arising out of the answers given to Starred Question No. 1206 on the 7th April, 1953, regarding officials of Trade Unions, and the Deputy-Speaker has allowed that discussion to take place. The only point I would like to make clear is that I find under sub-rule (5), it is only the Member who has given notice of such a matter who must really make a short statement. Unfortunately, the hon. Member Shrimati Renu Chakravarty is ill. Because somebody has supported, therefore, I do not think it is allowed, but all the same, under the special circumstances of this case, and in view of the importance of the subject, I will allow Mr. Nambiar who had also supported this motion as is required to be done under that rule, to make a short statement.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): Will it be a precedent?

Shri Nambiar (Mayuram): This question is raised in continuation of the Starred Question No. 1206 which was answered on the 7th April, 1953 in which there were contradictory statements on the part of the Deputy Minister of Labour. In the answer he says:

“Government employees in Defence and other industrial concerns are not debarred from having outsiders in their Union as office-bearers.”

That was the reply originally given. Subsequently, in the course of his reply, he again says:

“Whatever has been done by the Home Ministry, we accept as the correct procedure and the right thing.”

Here, the question is this, whether outsiders can be permitted in the trade unions of the Government employees. “Government employees” does not generally mean all Government employees, whether they are

policemen or military personnel. Here what we mean is Government employees in the industries or concerns of the Government such as the Civil Defence Organisation, the Post & Telegraphs, Railways, the Central Ministerial Service etc. In such cases, even before the Congress people took office, the practice in this country was that all such trade unions were allowed to take outsiders up to a certain percentage—say, 50 per cent of the office-bearers were taken from outside, outsiders, meaning thereby, non-employees. This is the spirit of section 22 of the Trade Unions Act. This was the procedure till now. Even under the Government of India Act this was allowed.

Recently, what has happened is the Home Ministry has issued a circular saying that in such undertakings or concerns which are directly under the Central Government, outsiders should not be allowed in any trade union. This is the circular issued by the Home Ministry, and, of course, that circular was brought to the notice of the Labour Ministry. Now, the question is whether the spirit of the Trade Unions Act saying that 50 per cent outsiders can be allowed in the trade unions should be allowed to continue or the decision taken by the Home Ministry recently should supersede that procedure. That is the question.

In this case, I want to submit to you for your information that as long ago as 1935 or even prior to that, this right was conceded, and with regard to the Railways, I can quote the rule under “Conditions precedent to the recognition of a Union by a Railway Administration” in the Indian Railway Establishment Code, Volume I. Rule (9) (a) says:

“Subject to the control of the general body of members there shall be a Central Executive Committee

Rule (9) (b) gives the powers of the Central Executive Committee. Rule (10) reads:

“Subject to the provisions of section 22 of the Indian Trade Unions Act, 1926, persons holding the offices referred to in clauses (i) to (v) of Rule 9(a) need not necessarily be railway employees. They shall be elected at the annual general meeting and shall ordinarily hold office for one year or until the next annual general meeting”.

This is the position in the Railways. This is a rule made under the Government of India Act, 1935. Even in the

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days of the British Government here. This right was given to the Government employees and they had created a model rule for recognition of trade unions. Now, why should there be a departure? You can see that the hon. Minister of Labour, Mr. V. V. Giri, himself was the office-bearer of several trade unions previously. I know the Deputy Minister of Labour was also office-bearer of many trade unions. I do not know why this particular thing should come now.

Shri Raghavachari (Penukonda): May we go on without a quorum, Sir?

Mr. Chairman: We have quorum.

Shri Nambiar: Recently I was also trying to get certain trade unions registered.

Mr. Chairman: I think the hon. Member need not protract so that he will lose the substance for only a form.

Shri Nambiar: I will keep within the ten minutes, Sir.

Mr. Chairman: He might make it a little more interesting.

Shri Nambiar: I will try to make it more interesting.

Mr. Chairman: And short also.

Shri Nambiar: Yes. The point is this. Recently I had approached certain Ministries of the Government for recognition of certain unions. For instance, there is the Survey of India Class IV Karamchhari Union. I got into the Ministry and tried to get recognition for it.

Shri B. S. Murthy (Eluru): He got into the Ministry?

Shri Nambiar: I approached the Ministry.

Shri B. S. Murthy: He got in touch with the Ministry.

Shri Nambiar: Thank you for the correction.

Mr. Chairman: That is what he means.

Shri Nambiar: Then an objection was raised that a particular gentleman who was himself an employee was discharged and therefore he became an outsider. So they said that this particular gentleman being an outsider—which was in contravention of the spirit of the Home Ministry circular—they would not recognise the particular union. I find the same posi-

tion with regard to several other unions. For example, the Ordnance Depot Union. Therefore, Government are now following a procedure adopted by the Home Ministry's circular that outsiders should not be allowed. At the same time, those who are already employees are victimised, discharged from service and made outsiders also.

Here comes the real difficulty. You cannot run a trade union with outsiders who are not employees and you cannot run a trade union with people who are ex-employees. Then how can you run a trade union? This is the case, whether it is in the Railways or in the Ordnance depots. He himself has to manage a trade union and become office-bearer, President, Vice-President and so on and according to the rule he continues. But what happens? He becomes an ex-employee; he is discharged. Therefore, he cannot run the union. Any other person who occupies that position will again get discharged. There is this fear throughout. The trade unions find it very difficult to conduct the business. That is the real position. This is a method adopted to terrorise the workers. If the workers become trade union leaders and office-bearers, they will be victimised. Therefore, they will not come. If outsiders come or an ex-employee comes, they will not be allowed according to the circular. Thereby it means that no trade union worth the name can be conducted. Only trade union which will 'carry favour' with the Government and the policies of Government and will support the Government in toto will alone be allowed under the present circumstances. That is why I say that the right of forming trade unions and the right of conducting trade unions on genuine trade union principles is becoming impossible in this country for the reason that they are bringing all sorts of rules and regulations which are in contravention of the rules and regulations adopted by the Indian Trade Unions Act—the spirit of it. The right which we enjoyed during the British days in this country is being denied today and it is a very serious inroad into the rights and privileges of the working class.

Mr. Chairman: May I suggest that this is only part of the statement? I would call one or two hon. Members. The hon. Member will kindly be as brief as possible.

Shri Nambiar: I will finish, Sir.

My submission is this that the Government should allow the full right

of the members to continue as they did all these years. They should not interfere with the trade unions and they should not dictate terms as to what they should do or who should be the office-bearers. It is up to the workers themselves to elect their own office-bearers.

They speak of another Bill which they are contemplating to bring. Let them bring that Bill; we will tackle it then. For the present let them not confuse things with the Bill that is going to come, and take law into their own hands to curb the trade union spirit. Let them allow healthy trade union movement to grow in this country. If they do not allow this movement to grow, let them not think that workers will have no other go. They will resort to strikes and create confusion. Workers will not submit. Let them not be under the illusion that because they pass a particular rule, the workers will keep quiet. Therefore, let them not create greater trouble and let them be fair in dealing with trade unions and workers. Let them give to the working class at least those rights which they enjoyed during the British days—I know the present Government will not give more and I cannot expect more from them. This is my request. I hope the contradiction which the Deputy Labour Minister brought forth in his answer must be corrected and let him accept this principle. This is my submission.

Shri K. K. Basu (Diamond Harbour): I wish to put one question, Sir. In the labour legislation of a country it is generally provided for the healthy growth of smooth movements that outsiders should be included. Because of the particular attitude of the Government in creating invidious distinctions between persons working in Government organisations and persons working in private institutions, so far as trade union rights are concerned, I will urge upon the Government to consider, in the interests of the healthy development of trade union movement, to put both the classes of workers on the same footing, and withdraw whatever decision the Labour Ministry or the Home Ministry has taken to prevent outsiders who are interested in the labour movement to participate in the organisation or the organisations of Government employees.

[MR. DEPUTY-SPEAKER in the Chair.]

Mr. Deputy-Speaker: Are there any other names that have been given?

Shri Raghavaiah (Ongole): I have given my name.

Mr. Deputy-Speaker: I do not see the name of Shri Raghavaiah. Shri Murthy has also not sent in his name.

Shri Raghavaiah: I put a question the other day.

Mr. Deputy-Speaker: All right.

Shri Raghavaiah: From the minutes of the Labour Conference convened at Naini Tal, the proceedings of which have been supplied to hon. Members of this House, I understand that before a measure of this type was undertaken by the Government, the view put forward by the most representative of the labour organisations in this country the AITUC was that the employees, in case they were forced to be office-bearers of the respective trade unions, should not be transferred from one place to another within two years of their service.

Mr. Deputy-Speaker: I do not allow a discussion. Hon. Members must hereafter give notice before the sitting commences. Anyhow I am allowing him. He can put only one question.

Shri Raghavaiah: In view of this argument put forward by the representative of the AITUC in case such a dangerous measure is brought forward by the Labour Ministry, an assurance should be given to the employees that they will not be transferred before two years of their service at one particular place comes to an end. I would like the hon. Minister to say whether he is prepared to give that assurance or not.

Shri B. S. Murthy: rose—

Mr. Deputy-Speaker: I do not want to create a bad precedent.

Shri B. S. Murthy: I do not want to make a speech, Sir.

Mr. Deputy-Speaker: Speech or no speech; they must give notice in advance. Anyhow, as I explained, I allow it.

1 P.M.

Shri B. S. Murthy: Are not Government aware that the wisdom and experience of men like Messrs Jai Parkash Narain and Guruswamy who are outsiders and have been in the Railwaymen's Federation, enabled Government to tide over many a crisis? It is not necessary to provide good leadership so that the trade union movement in India may grow from strength to strength; if so, what harm is there if such people like Messrs Jai Parkash Narain and Guruswamy are allowed to help the working of the trade unions?

The Deputy Minister of Labour (Shri Abid Ali): The whole discussion seems to have arisen on the basis of a

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misunderstanding of the reply which has just been referred to by my hon. friend Mr. Nambiar. The discussion was with regard to the Trade Unions Act and the registration of trade unions. During the course of the supplementaries a question was asked about the unions of Government servants, particularly with regard to the industrial sector. I replied that Government employees in defence and other industrial concerns were not debarred from having outsiders in their unions as office-bearers. That is the position even today. The circular which has been referred to does not affect this position. The circular says:

"The question whether election by associations of civil Government servants of non-officials as office-bearers should be allowed has been considered in the Home Ministry and the conclusions reached are as under:

It is now the accepted position that no persons who are not Government servants should be elected as members or office-bearers of unions or associations of civil Government servants, that is Government servants other than industrial employees of Government. Such Government servants are well able to look after their own interests and manage their affairs."

The circular says "other than those employed in industrial concerns." So the whole discussion becomes unnecessary. That is my reply to this supposed contradiction. I need not say anything further on this point because the employees in industrial concerns of Government like, Railways and other forms of transport, ports, docks, wharfs, jetties, telegraphs and telephones, wireless and broadcasting establishments, mints, printing presses, ordnance factories, depots, etc., public works establishments, irrigation and electric power establishments, plantations, mines and factories, are at liberty to have their unions according to the Trade Unions Act. The rules regarding their recognition have already been laid down and there is absolutely no change. They are at liberty to have outsiders as office-bearers.

This, as I have already pointed out, concerns civil Government servants only. This much I hope will be sufficient so far as the supposed contradiction is concerned. I am sure that everyone who is interested in good administration and wants that there should be purity and integrity in administration will support this circular.

About the claim that the AITUC is the most representative organisation of workers, many attempts have been made to verify their representative strength and always they have non-cooperated with us. Whenever we tried to verify the figures from the returns which their affiliated unions themselves have submitted to the Registrar and whenever the total is made, it has been found to be much below—not even one-fourth of what they claim. To come here and say that it is the most representative organisation of workers in India is too much. It should not be said in this House and at least by hon. Members. (Interruption).

Shri K. K. Basu: What about the assurance?

Shri Raghavaiah: My point has not been answered.

Mr. Deputy-Speaker: I will not allow him to interrupt like that. Nobody can ask anything irrelevantly.

Shri Abid Ali: With regard to protection, I have already explained. A civil servant, according to the accepted definition, is a person who is a member of the civil service of the Union or a member of the all-India service or a civil service of State or who works in a civil post under the Union or a State. Such a person shall not be deemed to be a civil servant if he is working in the establishments which I have already mentioned. Article 311 gives complete protection to civil servants. The charges against civil servants have to be proved. They should be given ample opportunity to explain and prove their point of view. They can petition in the case of the States to the Governor or the Rajpramukh and in the case of the centre they can submit a petition even to the President. There is much difference between a private employee and a Government employee. Security of service is guaranteed to Government employees and procedure has been laid down. Regulations have been issued and the Constitution gives them complete security.

With regard to the statement that there is victimisation and that the present rule is worse than the British rule, it has become customary for hon. Members opposite to make such statements. They know that it is not liked by the workers themselves. They know that not only I and my hon. colleague the Minister of Labour, but everyone in the Government wants that there should be complete protection given to the workers for organising trade

Unions. We do not want anyone to be victimised because he is taking part in trade union activity. We do not want that anybody should be punished for his trade union activity. But at the same time, we want that trade unions should not have a licence for misbehaviour. They should not be made a tool for keeping away from work or not doing the work properly. Workers should be disciplined, respectful and dutiful. Everyone of us should follow these good principles.

Shri K. K. Basu: But conditions must be created for that.

Shri Abid Ali: I know that some parties are showing too much sympathy for the workers. They themselves know—and the workers know it more than I and they do—that these parties have no sympathy for the workers; that they do not want the betterment of the workers or of the country; that they want contact with the workers, so that all that is happening in the Government administration should be known to them through trade union contacts. That will not be possible, and that will not be permitted.

Shri Raghavaiah: My question has not been answered.

Shri Abid Ali: It has been made quite clear that there should be trade union activity. It should be healthy. It should be conducted on trade union lines; not for party purposes. To that extent, workers will have the protection of these regulations and the Constitution. But if, under the name of the trade union and trade union organisation, they want to misbehave, when certainly action will be taken. Even then, the procedure which has been laid down will be followed.

Shri Raghavaiah: My question has not been answered.

Mr. Deputy-Speaker: It would not be answered. The hon. Minister has stated that it is not relevant. I am not going to allow a debate. He cannot go on interrupting like this. No one can force an answer from a Minister.

Shri Abid Ali: I have nothing more to say. In fact there was no room for this discussion. But still as the hon. Member insisted and you were good enough to allow it, I have explained that there has been no contradiction. Registration of a trade union and recognition of a trade union are two different things. So far as industrial workers in Government establishments are concerned, this circular does not concern them and they have full liberty to have their trade union

organisations on the lines on which they are already working.

Shri K. K. Basu: Why have a difference for civil services?

Shri Nambiar: He says that trade unions of industrial concerns are separate and different from trade unions of civil employees in Government employment. Both these trade unions are registered under the same Trade Unions Act. May I ask what is the exact reason why the second category of trade unions should be treated like that and why they should be prevented from choosing outsiders as their office-bearers? Why should there be a discrimination there? That point has not been clarified.

Shri Abid Ali: I have already clarified it. There is a difference between industrial concerns and civil administration. So if it is for instance transport, whether it is managed by a private agency or by Government, they have been given the same status. But there is difference between the transport organisation in Bombay or Calcutta or Madras and administration in Madras or Bombay or Calcutta—the Secretariat. Rigidly, under the present Trade Unions Act, persons working in administration, in the civil services, cannot have a trade union. At some places their registration has been refused, but at some places trade unions of civil servants have been registered. That apart, I have already explained the difference.

The House then adjourned till Four of the Clock.

The House re-assembled at Four of the Clock.

[MR. DEPUTY-SPEAKER in the Chair.]

BUSINESS OF THE HOUSE

Shri H. N. Mukerjee (Calcutta North-East): May I mention a matter of which I hope the Leader of the House will take note? I would like to request the Leader of the House to find out if some time could be allotted for the discussion of the present posture of our foreign affairs. I make this request because today things are happening, especially in the Middle East, particularly perhaps in Egypt, also in Indo-China and over the peace negotiations in Korea, which are agitating the minds of our people and we feel that now that the House is going to be in recess for more than two months, it should have some opportunity of finding out what exactly is the mind of Government in regard to the present posture of external affairs. Personally, I would like it very much if the Leader of the House can allot some time for a discussion but if it is