

of equals. We want a republic of equals. We do not want a society of unequals. Government should take steps to bring this society of equals by reducing the disparity of income and disparity in the distribution of wealth. I appeal to him that he must radically change his opinion about his policy. Let him not think that the approach that he has so far made has worked. It has not worked. He must take into consideration the opinions that we have expressed on this side and adjust his policy accordingly

—

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
TWENTY-THIRD REPORT

Shri Altekar: (North Satara): I beg to move:

"That this House agrees with the Twenty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th March, 1955."

This report is in connection with the classification of two Bills and that classification is given in Appendix I. The allotment of time for certain other Bills that would come up in due course, is stated in Appendix II.

I commend the report for the acceptance of the House.

Mr. Chairman: The question is:

"That this House agrees with the Twenty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th March, 1955."

The Motion was adopted.

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INDIAN TRADE UNIONS
(AMENDMENT) BILL

(*Insertion of new section 15A*)

Mr. Chairman: The House will now resume further discussion of the motion for consideration of the Indian Trade Unions (Amendment) Bill moved by Shri Nambiar.

Out of the total time of 2½ hours allotted for the discussion of this Bill, 35 minutes were taken up on 4th March, 1955. The balance of time left for its further discussion is 1 hour and 35 minutes. The Mover and one Member have already spoken and concluded their speeches. Shri T. B. Vittal Rao had not concluded his speech on 4th March 1955, when the House adjourned for the day. Shri T. B. Vittal Rao will now continue his speech.

Shri T. B. Vittal Rao: (Khammam): Last time, I was referring to the formation of the Central trade union organisation. I would not have referred to it but for the fact that Shri Venkataraman referred to it. Now, I would take up this question of recognition of the unions. There have been many strikes in the past and there will be many strikes in the future also. In 1950 I remember the textile workers of Bombay, numbering about 240,000 were on strike. Their only demand was that their union should be recognised. The Government had recognised another union. I am not telling whether it is the I.N.T.U.C. or the H.M.S. or any other union. I am saying that the 58 day-old historic strike in 1950 was on that question of recognition. Nearly 85 or 90 per cent of the workers were involved in that strike. A thousand workers were arrested, firing was resorted to and 12 were shot dead. But, yet, even though the representative character of that organisation was proved beyond doubt, recognition was not granted.

I come now to another union under the railways. The National Federation of Indian Railwaymen is recognised by the Government and the Railway Board. No other union can be recognised unless and until it is affiliated to the National Federation of the Indian Railwaymen. It is very good that we should have only one union and we should strive for that end of one industry—one union'. In the present context when the workers are organised in different trade unions with different ideologies, you say that unless you affiliate yourself to the National Federation of Railwaymen, you cannot get recognition.

[Shri T. B. Vittal Rao.]

This runs counter to the right granted under the Trade Unions Act and under our Constitution, namely, that the workers can form a union of their own choice, organise themselves into a union of their own choice. Now, this union was told: "Unless and until you affiliate yourself to the National Federation of Indian Railwaymen, you cannot get recognition." This is what the Railway Minister says. This is required even for recognising it not on a Ministerial level or the Railway Board level but at the divisional level. This union in the Southern Railway has got a membership of 25 to 30 thousand. We feel that disputes which could be avoided are going on for considering this question of recognition in the absence of legislation.

Now, I come to the Communications Ministry. We all know the National Federation of Posts and Telegraphs employees was formed as a result of the acceptance by the postal employees of the Government scheme of realignment. The realignment scheme came into force, and then the unions had their democratic elections and after that the Federation was formed. Though this scheme was accepted by the Posts and Telegraphs employees, when they approached for recognition from the Ministry, they were told that unless and until they removed from their constitution the clause relating to strike, they would not get recognition. What does this amount to? This amounts to the employees being denied the right to go on strike which is a fundamental right. Imposing such conditions actually runs counter to the very trade union principles. So far about the trade unions under the various Ministries.

In the private sector, there are small unions but the employees recognise only the unions which toe their line of their policy. The absence of legislation gives an opportunity for the employers to just have a few workers and organize some unions as the tools of the employers, so that they are able to deny recognition to the representative unions and deny all other things.

There is one good principle that I admire with reference to the Indian Labour Conference. Despite the fact that there are different unions with varying memberships, the representatives of all the four Central Trade Union organisations are invited to take part in the deliberations and discussions of this conference. Some unions get more representation, the number of delegates from particular trade unions are more, yet all the four central trade union organisations are represented. Not only that. Observers are invited from the National Federation of Indian Railwaymen and the National Federation of Posts and Telegraphs employees. There we have been able to sit across the Table and discuss matters irrespective of our political differences. When this is possible at the national level. I do not understand why it is not possible at the industry level or at the State level. So, I very strongly urge that every union in an industry, whether affiliated to any central trade union organisation or not should be recognised.

Of course, Mr. Venkataraman the other day pointed out that if we have to accept this principle of recognising all the unions, in the Railways for instance where there are ten lakhs of workers, there will be ten lakhs by seven unions. But we should take the reality into consideration. Are there ten lakhs by seven unions in the Railways despite the fact that only the National Federation of Indian Railwaymen is recognised. There are only a few unions. To put forward a hypothetical argument like that does not stand to reason.

Then, he made out another point, namely, that the question of recognition should be made an industrial dispute. Why should we go to a Tribunal for this? You can fix certain principles, certain criteria to determine which of the unions should be recognised, either on the basis of membership or any other basis like the regularity of their meetings, their attitude in the course of negotiations with the employer etc.

I strongly urge that this Bill which has been moved by Shri Nambiar should be accepted by the Minister with whatever amendments he may like to propose.

Now, in the Railways an *ad hoc* Tribunal has been constituted and before this Tribunal only the representatives of the National Federation of Indian Railwaymen can go. Even the right to appear before the Tribunal is not given to other unions, whatever their representative character, merely because they are not affiliated to the National Federation of Indian Railwaymen.

There are many things I would like to tell. The trade unions today are not the trade unions of some years ago. Today, the trade unions realise their responsibility towards the workers. Not only that. They do understand the responsibilities devolving upon them to the community at large. Therefore, this question of recognition which would enable the union representatives to sit across the table and negotiate is of importance. I can say from my personal experience that though I have been connected with unions which are recognised. I have never objected to sitting by the side of another rival union which is not recognised, because I knew full well if I were to object, that weakness would be taken advantage of by the employer. So, the formation of the yellow unions can be effectively checked if there is legislative sanction.

Some people say that we cannot strike, that if any union sponsors a strike, whether legal or illegal, there is the Industrial Disputes Act which can be invoked. It can take care of strikes. This issue of recognition should not be allowed to lie without any legislative sanction.

Therefore, I strongly urge upon our Labour Minister to accept this Bill with whatsoever amendments he may propose.

Shri D. C. Sharma (Hoshiarpur): I am not a trade union leader in the accepted sense of the word, but I do have some experience of the trade

union movement and I therefore speak about the social implications of the Bill which my friend, Shri Nambiar, has brought forward.

The trade union movement is gathering momentum in this country. Speaking as a teacher, I would say that this trade union, in one form or another, is to be found even amongst the students. Every college has its trade union. It is not in spite of me, but it is very much on account of me, because I want to lead the students along very healthy channels into which we want to divert them. I said that there is a trade union movement amongst students. I find also that there is trade unionism amongst teachers of all grades. And this trade union movement is extending itself to all professions. Every kind of interest is coming to realise the advantages of this trade union movement. Therefore, to take any hasty step about the implications of the trade union movement would be a very dangerous step for India, whether India is to be understood in its present context or in its future context. Our trade union movement, if I may say so, is yet in its infancy, and it has to be nurtured and fostered with the utmost care. If that is not done I am sure this trade union movement will go into very unwholesome channels, and instead of doing some good to the workers and to others, it will be doing something which may be disastrous.

It was said that the trade unions are responsible. I agree with that in the main. But I must also say that the new awareness which has come to India on account of independence has not infiltrated into the ranks of the trade union movement in as great a measure as it should have. It is for this reason that I say that we have to do this thing in a very cautious and circumspect manner.

What do I find in the trade union movement today? I find that there is division, sub-division, and sub-sub-division of this movement. Half a dozen persons of one union come to you and say, we are the "union"; and half a dozen other persons come to you "and say, we are the union". Therefore, this

[Shri D. C. Sharma.]

movement has to be guarded against all those tendencies which make for division and fragmentation. I say that if the Bill of Shri Nambiar is accepted, we will be putting a premium upon this fragmentation of the trade union movement, which I see with my own eyes going on everywhere in India at this time. I would say that every person who is interested in the trade union movement wants solidarity of the movement, wants unity of the movement, wants that there should be no disruptive tendencies in the movement. We want that the workers should be strong. We want that they should have the best bargaining power. We want that they should be able to get the best, and also that they should be able to do their best for their country. We all want that certainly. But if this principle enunciated by Shri Nambiar is accepted, then there will be nothing but confusion in the ranks of the trade union movement.

Now, what are the arithmetical repercussions of the Bill brought forward by my hon. friend Shri Nambiar? Five per cent of the members of any profession, trade or avocation should be allowed to form a trade union. It means that Shri Nambiar, to start with, is envisaging twenty trade unions in every branch of an industry or trade or profession. Can anything be worse than that, namely that you should have twenty different trade unions working in the same way, and in the same place and that the employer, whether he is a government employer or a private employer, should have to deal with all those twenty trade unions? I grant that it may not be possible for them to form a trade union like that. But the basis of the recommendations made by Shri Nambiar is this, that there should not be one single union, but there should be a multiplicity of unions. I say that this multiplicity of unions will mean multiplicity of conflicts; it will mean multiplicity of approaches; it will mean multiplicity of divisions. Therefore, I say it will mean something which will be detrimental to the interests of our

trade union movement.

Shri T. B. Vittal Rao: What is your suggestion?

Shri D. C. Sharma: I shall give my suggestion if you wait for some time. You and I are good friends, and you should wait to listen to your friend.

Shri Nambiar says that recognition should be automatic. I do not know whether this 'automaticity' is to be applied only to trade union movements or to all movements in the world.

Shri Punnoose (Alleppey): Does the hon. Member know that even now the trade union law allows a certain number of workers to unite together and form a union? The only question now is whether it should be recognised by the management.

Shri D. C. Sharma: I know that. I thank you for your information, but the information that you have given me is already in my possession.

I was saying that the 'automaticity' is not going to work. The whole point is this. The principles which have been put forward by Shri Nambiar are not going to work to the good of the trade union movement as a whole. I am not making a sectional approach to this problem; I am not making a party approach to this problem; I am not making a partisan approach to this problem; but I am making the approach of a person who is interested in the welfare of the trade union workers, and also in the welfare of India. It is from that point of view that I am making this approach. If you insist on this principle of 'automaticity', I can tell you that instead of having 20 unions, you may have 200 unions or 250 unions and you will be making the situation worse thereby.

Again, it has been said that this will eliminate differences between employers and employees. That may be the intention of the framer of this Bill; and that may be his desire. But I would say that the effect of this Bill if passed will be just the reverse of that. With how many trade unions will the employers have to deal? With how many different parties will they

have collective bargaining? To how many different unions, will they give recognition?

I have been listening to the speeches that have been made on the floor of this House by Shri V. V. Giri. I have also listened to the speeches made by the hon. Minister Shri Khandubhai Desai on the floor of this House. Shri Nambiar paid a great compliment to Shri V. V. Giri. If I have listened carefully to Shri V. V. Giri's speeches and understood them rightly, I say that if there is one person who has stood by the unity of the trade union movement, it is Shri V. V. Giri; and Shri V. V. Giri has always been saying that we should not have anything in this trade union movement which will make for a division of interests or a conflict of interests. If that division takes place, then I am sure the trade union movement will be divided into so many cells or so many units and the result will be that there will be ideological conflicts. It is to perpetuate these ideological conflicts that this measure has been brought forward. There will be so many organisational conflicts thereby; and it is to perpetuate these organisational conflicts that this measure has been brought forward. There will also be personal rivalries, and all kinds of unhealthy competition in the movement.

I would, therefore, say that instead of enhancing the prestige of the trade union movement, and instead of serving the cause of the workers, this kind of a measure is bound to lead to these results which are unwholesome.

3 P.M.

We know that in our country we have mushroom growths of every thing. We have some good movements. There are so many imitations of that movement. We have a good medicine and there are so many cheap imitations of that medicine.

An Hon. Member: Socialism.

Shri D. C. Sharma: If you have some good thing you will find that that thing is copied and imitated immediately.

Shrimati Renu Chakravartty (Basirhat): What about socialism?

Shri D. C. Sharma: I may with all deference to the friends of the trade union movement and the so-called leaders of the trade union movement, ask them a question.....

Dr. Rama Rao (Kakinada): Are they 'so-called'?

Shri D. C. Sharma: So many mushroom organisations are growing up in the country which ostensibly seek to serve the cause of workers but in reality they are only organisations that want leadership and organisational control. Therefore, I say that this Bill is one which will add to the number of these mushroom organisations and will not do good to the workers as a whole.

It has been said that the workers have a fundamental right to strike. I concede that, but when should they strike? At what time should they strike and for what purposes? These are very relevant considerations and the persons who have brought this Bill want that the workers should be like clay in their hands and that they should be able to mould them in any way they like. I think it is this privilege which they want to possess by putting forward this Bill.....

Shrimati Renu Chakravartty: How do you prevent strikes by not recognising them?

Shri D. C. Sharma: I will tell you it is not a question of recognising or not recognising. What I mean to say is this. It is not the right to strike which is being questioned; I have said that that right should be there what I say is that the trade union movement has to be fostered in a healthy manner so that they know when they are to strike; for what purpose they are to strike and under whose auspices they are to strike. You cannot give them unqualified right as you want it.

It is good in the interest of the trade union movement that they should have

[Shri D. C. Sharma]

all these privileges and all these privileges should be exercised by them in a wholesome manner. This Bill wants that they should be able to strike whenever they like. Mr. Vittal Rao said that and therefore, I say that: it is not like that (*Interruptions*)

Mr. Chairman: Order, order. Let him speak un-interrupted.

Shri D. C. Sharma: A very fine device has been put forward in this Bill. If you want to recognise a union, have a secret ballot of the workers. What is the secret ballot for? You want to recognise a union with five per cent members and you want to have a secret ballot of all the workers. In what way is it possible? It is not possible (*Interruptions*)

An Hon. Member: Why?

Shri D. C. Sharma: I understand what you have in your heart; it is not written here. The secret ballot of workers will not be called into play; it will be a provision but it will become a dead letter.

I am very much interested in workers. I have seen the trade union movement at many levels—at the students' level, at the teachers' level, at the clerks' level and at other levels also and at the workers level also. From my experience of this movement, I would say that the Bill which has been put forward will go against the very interests which the framer of the Bill has at heart. I therefore, request the hon Minister of Labour who has the good of the workmen at heart as we all have the good of the workmen at heart, to bring forward a comprehensive labour legislation which was promised by Shri Giri at one time.

An Hon. Member: That is what we want.

Shri D. C. Sharma: The comprehensive legislation should make for good relations between the employers and the employees; that kind of a Bill should come. I am sure that if he brings that, there will be no need to have a Bill of this kind which, I re-

peat, is not conducive to the solidarity of the workers but which is detrimental to the unity and solidarity of the workers.

Shri Keshavalingar (Bangalore North): I rise to oppose this Bill tooth and nail. I have given a careful consideration to all the aspects arising out of this Bill and I do not agree with my learned colleague who spoke just now that the objects of the Mover will not be served if this Bill is passed. The object of the Mover appears to be on the face of it very laudable and couched in very nice words. He says that there is a universal demand and it is there ever since employment started. Perhaps it may be right if I were to say that this demand is there ever since the communists got into the field.....

Shri Punnoose: Before that you were there.

Shri Keshavalingar: It looks as though it is very innocuous apparently but I have no doubt whatsoever that it is pregnant with possibilities of potential mischief and danger to the country. It is one thing to have recognition of the union. Any union is recognised under the statute if seven people come forward for registration as a union. But it is entirely a different thing to have recognition at the hands of the employer. The point at issue in this case, as it is now put forward before the House, is recognition by the employer. That, I think, is not a matter which rests on the 15 per cent. of the membership or five per cent. as is now proposed by my hon. friend, Shri Nambiar.

The object of the Mover becomes very clear if I were to bring to the notice of this House that in the Bombay Act they have provided for the compulsory recognition of a union if it has got a membership of at least 15 per cent.

In a case which went to the High Court, my friends on the other side fought against that representative

union which was compulsorily recognised and which had more than fifteen per cent of the total strength of the labour force on their rolls. The High Court allowed their contention. But in the Supreme Court—in 61, Bombay 1954—wherein also the communists appeared it was disallowed and the contention put forward in favour of the representative union which had fifteen per cent strength was recognised. My friend fights against that fifteen per cent membership there and here he comes into this forum and says that even a five per cent membership ought to be allowed compulsory recognition. I have no doubt that this is nothing but blowing hot and cold in the same breath.

My friend wants us to believe that in India the labourers are very well organised and non-recognition of the labour union would be detrimental to their interests. On the other hand, let me give facts and figures from latest census report. We find that there are only 1018 lakhs of people who are income-earners, out of whom non-agricultural income-earners are only 324 lakhs of people.

Mr. Chairman: The hon. Member on this side wants to have some information. If the hon. Member wants to give that information, he may kindly listen and give the information.

Shri Sadhan Gupta: (Calcutta South East) I want to know the reference of the Bombay case in the Supreme Court.

Shri Keshavalengar: It is in para 15 of Appeal No. 61 of 1954, Bombay Labour Appellate Tribunal. The previous case is at page 296 of Volume II of the 1954 Labour Law Journal. I think Mr. Norgolkar was the lawyer who appeared for the Communists.

As I was telling you, if you take the figures from the latest census of 1951, we find that out of 1018 lakhs of income-earners, only 324 lakhs are non-agricultural income-earners. Out of this 11 lakhs are the employers. Deducting that, there are not only 313

lakhs of workers. Among the 313 lakhs of workers, the biggest organisations of labour in India claim only 30 lakhs of members. The census figures show that about 164 lakhs of income-earners are engaged in cottage and small-scale industries. So, virtually there are 160 lakhs of industrial workers in our country, out of which barely about 30 lakhs of workers are admittedly organised workers under the labour unions. That clearly goes to show that not even 50 per cent. of the workers in our country are yet organised. It is not a strange fact that illiteracy is rampant among the workers and they are not aware of their own rights, privileges and obligations. Such being the case, to allow the labour union which has got 5 per cent. of the workers on their rolls as members to get recognition from the employers would lead to nothing but terrible confusion and a very sad state of affairs. Apart from that it will also lead to multiplicity of unions.

One other most important factor that I would like to place before this august House is, what is it that is mainly depending upon the question of recognition of labour unions by the employers. The point at issue is recognition by the employer. My friend wants to provide it through a legislative measure. In spite of the fact that I am a lawyer myself, I am one of those who feel that law is an ass and the less we have to do with it, the better.

An Hon. Member: Do you mean to say that there should be no legislation at all?

Shri Keshavalengar: I said, the less we have to do with it the better. I am not for barring all legislation for everything, but I am one of those who feel that this is absolutely a premature time to bring in a legislative measure of this kind. The employer recognises a labour association due to its inherent strength to have control over the workers. It is not a matter

[Shri Keshvaiengar]

of seeking statutory recognition of unions having only a percentage—5 per cent—of the number of workers on their registers.

We have a significant instance in the Ahmedabad Textile Labour Association. This is one of the best and well-worked labour associations in India and for the past 18 years they have had a thorough recognition, not by law, but by an agreement among themselves and their employers. It is a thorough recognition of reference of every matter of dispute to voluntary arbitrators. In fact, the Textile Association in Ahmedabad is so strong that the voluntary recognition agreement entered into lapsed a few months ago and I learn that the employers have not yet made up their mind to renew that agreement, because they are themselves aware of the strength of their partners in the industry. The workers also said that they would accept to place their disputes at the hands of the Labour Tribunal rather than the voluntary tribunal. That is the measure of strength of the labour association to claim recognition at the hands of the employers. It is not a question of legislative measure. If we provide for such a measure in the present state of affairs existing in our country, I am sure it will lead to very great confusion and, apart from the other apparently good objects and reasons mentioned, namely, to promote production and things of that kind, it will result exactly in the opposite of those things that have been mentioned by the promoters of the Bill.

For these reasons, I have no hesitation in saying that it is too premature and we ought not by any means to accord our sanction to this Bill.

Shri Sadhan Gupta: The debate on this Bill has gone on for a long time, but not much contribution has been made from the other side towards the refutation of the principles that are contained in the Bill. The Bill tries to

make a very salutary provision in the interests of trade unions in this country. It is unfortunate that today we have not a united trade union movement. We know that if we had a united trade union movement, we would not have had to look to the law for the purpose of getting recognition. The working class would have by its own sheer strength won the recognition from the employers. But today the trade union movement is disunited and we have to face the fact. We have also to face the fact that we cannot allow the employers to take advantage of the disunity of the trade union movement to deny in a *mala fide* manner recognition to workers' unions or to deny recognition to those unions of workers which really represent the interests of the workers. It happens that when there are some unions in a concern, the employer either takes advantage of the position not to recognise any, or recognise the one that is most suitable to himself, although it may not even command the confidence of the workers. This situation has to be remedied in this Parliament. Even if the trade union cannot unite, we cannot allow the workers to go to dogs. We cannot allow the employers to have their own way in the matter of affording recognition to the workers' unions. That is why this Bill accepts as a fact the division in the trade union movement; and in the light of that fact, it tries to create a law which will, in spite of the division, protect the interests of the workers.

The demand is very simple. If in a particular case, 5 per cent. of the workers of a particular concern belong to a particular union, that union will have to be recognised. It is not a very unfair demand in the context of our country. Trade unionism has not taken such deep roots in our country as in other countries. The bulk of the workers are unorganised and if any headway has to be made in organising workers, circumstances must be created in which they will realise the

benefits of their organisations. Even small unions are to be recognised; that is the way to promote trade unionism in this country. This particular provision is necessary also because there are likely to be more than one union in many concerns in view of the prevailing division in the trade union movement, and as a result, no particular union may be able to command the confidence of the entire masses of the workers, and yet there may be one, two or even three unions which command the confidence of a sufficient number of workers. From this point of view, it is an entirely legitimate demand to make of this House that it should enact a legislation by which it would be provided that when 5 per cent. of the workers of a concern belong to a particular union, that particular union will have to be recognised.

The next question that is asked is rather naive—as Shri Sharma has said—why do you provide this as it will lead to more sub-division? I do not see how. The sub-division is there; there are unions and unions, and they will continue as long as the central trade unions of different shades of opinion do not coalesce together. It is very desirable that they should coalesce, but as long as they do not coalesce, this kind of sub-division will continue. How, by the mere provision that a union representing 5 per cent of the workers will have to be recognised, can you say that more unions will be created? It is not unnatural for Shri Sharma to think in this manner because he is a professor and not a trade unionist and he is apt to take it from the theoretical point of view, from the point of view of abstract things, divorced from the realities of the situation. What is the position in reality? You do not have 10 or 15 unions in reality and the workers understand the position all right. They have the confidence in certain leaders, they have the confidence in certain of their fellow workers who organise unions, and so you find that, although there are four central

trade union organisations, yet in many concerns, there are not even two unions and in other concerns there are only two unions and not more than that.

Shri D. C. Sharma: May I know if a law court is the best training ground for trade union activities? —

Shri Sadhan Gupta: The law court is not the best place for judging these matters, I agree; it is certainly not the best place, but it is a better place than the Professor's ivory tower. We do have to come in contact with trade unions in the course of our practice and I for one will say that my experience is not only of law courts, but I have some connection with trade unions and I know these things a little better than Shri Sharma.

The practical experience is that you do not have many unions; you have mostly one, sometimes two and rarely three. This is the position. Therefore, we have to decide whether if there are three unions, who are representatives of the workers of a concern, the employers should not be made to recognise all the three, Shri Sharma, of course, again due to his theoretical predilection, asked: With how many unions will the employers deal? To anyone who has practical experience of trade unionism, this question has no real significance. After all, we have seen in a good few concerns, where there are two unions, that both are recognised and it is going on smoothly. For example, in so big a concern as the Calcutta Electric Supply Corporation, there are two very big unions, both are recognised and both carry on their functions, in spite of their rivalry without much hitch. They fought tribunals and I have fought a tribunal on behalf of one of them, and we have the greatest amount of co-operation with the representatives of other unions, because what Shri Sharma does not know and does not appreciate is that the union leaders may have some rivalry, but the workers do not understand any bickerings which will sacrifice their interest. Therefore,

[Shri Sadhan Gupta.]

when a union does represent a section of the masses of workers, it has to look to the feelings of the workers and it cannot go on bickering indefinitely without losing the support of the workers altogether. That is why we find that although there are rival unions, on specific issues and on all important issues, they have no difficulty in collaborating. I have the instance of the Calcutta Tramway Workers Union. There are two other unions there, one, the Calcutta Tramway Mazdoor Panchayat, which is P.S.P.-led, and the other, the Calcutta Tramway Employees' Association, which is Congress-led. I can tell you that on every important issue concerning the tramway workers, all three have come together, fought together and have compelled the tramway employers to yield to their demands. This is really the result accruing from recognition of all really representative unions, and Shri Nambiar has not pleaded for recognition of mushroom unions, unions representing, as Shri Sharma said, half a dozen people—I think it was Shri Sharma who said so and perhaps he did not know that less than seven cannot form a union. However, a mushroom union is not asked to be recognised. What is asked to be recognised is a union that represents a sizable section of the workers of a concern. Therefore, if you have the real interests of the trade unions at heart, there should be no difficulty in accepting the Bill.

The other provision, which is an incidental provision to this Act, is the procedure for determining the representative character, for determining whether the union commands the confidence of even 5 per cent. The provision is that a secret ballot of the whole body of the workers is to be taken for the purpose of determining this particular point. Shri Sharma, again from his theoretical predilection, has showered ridicule on the secret ballot of the workers in order

to determine 5 per cent—I do not know why. For example, we find that in a general election, about 60 per cent. vote; in a bye-election it has happened that in many cases about 30 per cent. vote.

Yet, the secret ballot is for the whole 100 per cent of the voters on the roll. What is ridiculous about it? If you have to determine whether the union represents five per cent or not you cannot pick out that five per cent and have a secret ballot of the five per cent. You have to conduct a secret ballot of the whole body of workers. I would submit that this is a very sensible proposition in order to prevent the mushroom unions claiming recognition on the false plea that they have five per cent. If there is a feeling that there is a dispute between the employers and the workers, whether raised by the employers or raised by the workers, that a particular union which claims recognition or which gets recognition from the employer does not represent even five per cent of the workers, nothing is easier than to hold a secret ballot and ask the workers, "Say whom you recognise". You then get their verdict and determine whether that union commands the confidence of at least five per cent. of the workers. That is the essence of the Bill, in short, and I would commend this Bill to the acceptance of the House.

There has been a dissertation on the right to strike, I do not know what relevancy it has, but I would tell my hon. friend Shri D. C. Sharma in reply to his suggestion, that after all the right to strike is a right which a worker enjoys and no one has a right to determine that right to strike except the worker himself. It is not the employer who can determine it. It is not Shri D. C. Sharma or myself that is going to determine it. It is a sacred right of the workers. They will exercise that right according to the best of their judgment, and according to whether they think it is in their

interest and then exercise it. In conclusion, I would say that here is a Bill which is very important from the point of view of trade unions. There may be divisions in the trade union and the trade union movement. It may be necessary to have one union in one industry. I agree to all that. But that is the concern of the workers and the workers alone, and not of the employers. An employer cannot tell the worker, "You form one union and then I will recognise," as the Government seems to say to the railway workers. It is the worker's choice to determine which union they would belong to. It is the workers' choice to determine whether they will form one union or many unions. If they choose many unions, then the employer must recognise those many unions for the simple reason that those many unions command the confidence of the workers. Therefore, I commend this Bill for acceptance of the House.

श्री आर० आर० शास्त्री (जिला कानपुर-मध्य): जो विधेयक इस सभा में पेश किया गया है मैं उसके लिए श्री नम्बियार जी को धन्यवाद देता हूँ। उन्होंने एक बहुत ही महत्वपूर्ण विषय की ओर इस सभा का ध्यान आकर्षित किया है। हम लोगों ने अपने देश के लिए प्रजातंत्र को स्वीकार किया है और अब हमारा देश ने यह भी स्वीकार किया है कि हमें अपने देश में समाजवादी समाज व्यवस्था कायम करनी चाहिए, और इसके लिए इस बात पर बहुत जोर दिया गया है कि हमारा उत्पादन बढ़ाया जाय। लेकिन यह मानना होगा कि उत्पादन को बढ़ाने के लिए हमारा देश के जो उत्पादक हैं, जो हमारा देश के मजदूर हैं उनका स्थान हमारा देश की समाज व्यवस्था में उपयुक्त और ऊँचा होना चाहिए। इन सब बातों से कोई भी इन्कार नहीं कर सकता। लेकिन ऐसा करने के लिए सबसे बड़ी आवश्यकता आज हमारा देश में यह है कि एक मजबूत और संगठित मजदूर आन्दोलन हो, मजबूत यूनियन हों जो कि सही ढंग से मजदूरों का नेतृत्व कर सकें और सही ढंग से देश को भी आगे बढ़ा सकें। लेकिन

इस बात से कोई इन्कार नहीं कर सकता कि आज हमारा देश में जिसे मजदूर आन्दोलन कहा जाता है वह बहुत ही शोचनीय अवस्था में है। हम में से सभी लोग जो कि मजदूर आन्दोलन में काम करते हैं इस बात को जानते हैं कि हिन्दुस्तान का ही नहीं सारी दुनिया के मजदूर आन्दोलन का यह एक ही नारा है कि दुनिया भर के मजदूर एक हों। हम लोगों को जो कि मजदूरों के बीच में रह कर काम करते हैं यह शर्म के साथ स्वीकार करना पड़ता है कि हमारा देश का मजदूर आन्दोलन एक नहीं है। चार हिस्सों में यहाँ का मजदूर आन्दोलन बंटा हुआ है और हर हिस्से के सामने एक ही नारा है कि मजदूरों को एक होना चाहिए। नारा हम सभी बुलन्द करते हैं लेकिन सब की विचारधारा एक न होने के कारण हम एक नहीं हो पाते और उसका नतीजा यह होता है कि आज मजदूर सही तौर से मालिक के साथ सामूहिक सौदा नहीं कर पाते। जब तक मजदूर एक यूनियन में आकर अपने को मजबूत नहीं करते हैं तब तक वह मालिकों से अपने हक नहीं ले पायेंगे। जब ऐसी दशा है तो हर एक की ख्वाहिश यह होती है कि मजदूरों की यूनियनस मजबूत हों। जो विधेयक इस सभा के सामने पेश किया गया है उसका उद्देश्य यही है कि मालिकों को ट्रेंडयूनियनस को मान्यता देनी पड़ेगी। जो यूनियनस रीजिस्टर्ड हैं और जिनकी सदस्य संख्या ५ फी सैंकड़ा है उनको मान्यता मिलना चाहिए।

अब सवाल यह उठता है कि आखिर ये ट्रेंडयूनियनस अलग अलग हिस्सों में क्यों बंट गयीं और कैसे इनको एक किया जा सकता है। क्या जो तरीका विधेयक में बताया गया है वही मजदूरों को एक करने का तरीका है या कोई दूसरा तरीका भी हो सकता है? जैसा मैं ने कहा कि पहली चीज तो यह है कि मजदूर आन्दोलन विभाजित हो गया है। पहले भी राजनीतिक मतभेदों के कारण विभाजित था और स्वतंत्रता प्राप्त होने के बाद भी विभाजित है, बल्कि स्वतंत्रता प्राप्त होने के बाद यह

[श्री आर० आर० शास्त्री]

विभाजन और भी अधिक हो गया है। चाहिये तो यह था कि स्वतंत्र होने के बाद हम एक हो जाते, लेकिन स्वराज्य मिलने के बाद तो हम यह देखते हैं कि एक एक व्यवसाय में राजनीतिक होड़ की वजह से कई कई यूनियन बन गयी हैं। यहां कहा गया कि एक एक व्यवसाय में एक एक दो दो यूनियन हैं। लेकिन मुझे बड़े दुःख के साथ कहना पड़ता है कि अकेले कानपुर में जहां से मैं आ रहा हूं सूती वस्त्र व्यवसाय में ६ यूनियन थीं अब आप स्वयं अन्दाजा लगा सकते हैं कि एक व्यवसाय में एक ही जगह पर ६ यूनियन रहते हुए वहां के मजदूर किस तरीके से मालिकों के साथ अपना सौदा कर सकते हैं। इन विभाजनों का नतीजा यह है कि मालिक कभी एक यूनियन का हाथ पकड़ते हैं, कभी दूसरी यूनियन की पीठ पर हाथ रखते हैं और इस तरह से दोनों यूनियनों को लड़ाकर अपना उल्लू सीधा करते हैं। अगर मालिक ऐसा करते हैं तो मुझे उनसे कोई शिकायत नहीं है। उन्हें तो ऐसा करना ही चाहिए। मेरी शिकायत तो यह है कि जहां हम मालिकों को यह दोष देते हैं कि वह मजदूरों को विभाजित करते हैं, वहां मुझे बड़े दुःख और अफसोस के साथ यह कहना पड़ता है कि कितने ही मामले ऐसे आते हैं कि जहां सरकार भी एक ऐसा राजनीतिक खेल खेलती है कि जिसकी वजह से किसी यूनियन को वह पसन्द करती है, किसी को नहीं पसन्द करती है और किसी यूनियन के साथ वह पक्षपात करती है। खास तौर से मैं माननीय सभापति जी का ध्यान इस तरफ दिलाऊंगा कि इस बात का एलान किया गया था कि तमाम कारखानों के अन्दर वर्क्स कमेटीयां होंगी। लेकिन जहां तक ५० पी० का तास्लुक है मैं यह कह सकता हूं कि वर्क्स कमेटीयां के बनाने की यह शर्त लगा दी गयी थी कि आइ० एन० टी० ५० सी० की जो यूनियन होगी उसी को यह हक दिया जायगा कि वह वर्क्स कमेटी बनाए और इसी तरीके से हमारा यहां वर्क्स कमेटीयां काम करती रहें। हमने गवर्नमेंट को इस बात के

लिए चुनौती दी और कहा कि यह तरीका गलत है, गवर्नमेंट को किसी भी संगठन के साथ पक्षपात नहीं करना चाहिए, और मुझे खुशी है कि हमारी सरकार ने इस चुनौती को स्वीकार किया और शक्कर के व्यवसाय में एक मतगणना की गयी। प्रोफेसर शर्मा ने यह कहा कि यह कैसे हो सकता है कि सब मजदूरों की मतगणना की जाय। लेकिन मैं उनको बतलाता हूं कि शक्कर के व्यवसाय में पूरे उत्तर प्रदेश में मतगणना की गयी कि सरकार ने जिस यूनियन को हक दिया है उसे मजदूरों का प्रतीनिधित्व करने के लिए स्वीकार किया जाय या उन यूनियनों को स्वीकार किया जाय जो गवर्नमेंट की पालिसी के खिलाफ हैं।

मतगणना हुई, दोनों तरफ से बड़ी कोशिश की गई। नतीजा यह निकला कि २७ हजार वोट से सरकारी यूनियन हार गई और उसका नतीजा क्या हुआ। चाहिए तो यह था कि जो यूनियन जीत गई उसको मान्यता दी जाती लेकिन गवर्नमेंट ने यह फैसला किया कि सारे ५० पी० के अन्दर से वर्क्स कमेटी की व्यवस्था ही खत्म कर दी गई। अभी प्रोफेसर शर्मा ने यह बात बड़े मार्के की कही कि हड़ताल कब की जाय, कॉन हड़ताल करे और किस के संचालन में हड़ताल की जाय, बड़े मार्के की बात उन्होंने कही है। मैं भी महसूस करता हूं कि सरकार जब इस नीति को मानती है कि किस को मान्यता दी जाय, किस यूनियन को मान्यता दी जाय और किस के नेतृत्व में मजदूर चलें तो मैं समझता हूं कि इसका फैसला हुकूमत को नहीं करना चाहिए। मजदूर किस यूनियन को मानेंगे इसका फैसला मजदूर करेगा। हम अगर वाकूफ प्रजातंत्रवाद को मानते हैं तो मेरा विश्वास है कि इस सिद्धान्त को आपको मानना पड़ेगा और इसलिए मैं यह जरूरी समझता हूं कि वास्तव में यूनियन की मान्यता का सवाल एक ऐसा सवाल है जिसकी ओर माननीय श्रम मंत्री को ध्यान देना चाहिए। मैं अपने देश में मजदूर आन्दोलन को आज सन् १५, और २० से देखता आ रहा हूं, टूट यूनियन मूवमेंट यहां पर चला, लीजस्लेसन की व्यवस्था तो यहां पर बहुत की

गई लेकिन यूनियनों को रैकगनीशन देने के सम्बन्ध में कोई भी नियम दश में अब तक नहीं बनाये गये और एक प्रकार से अराजकता सी फली हुई है। मैं चाहता हूँ कि जो विधेयक सभा के सामने पेश किया गया है, आप उसको स्वीकार करें या न करें, आप उससे सहमत हों या असहमत, लेकिन मैं अपने श्रम मंत्री से इस मामले पर दूरस्वास्त करूँगा कि वह इतना जरूर बतलायें कि अगर वह इस विधेयक से सहमत नहीं हैं तो उनकी सरकार क्या कोशिश कर रही है कि किस तरीके से यूनियन्स के रैकगनीशन का सिद्धान्त दश में आये, किस तरीके से मुक्त की यूनियन्स को मानना लाजमी कर दिया जाय, उसके लिए जो भी शर्तें आप लगायें, मुझे उसके लिए कोई एतराज नहीं है। अगर कोई यूनियन उन शर्तों को पूरा करती है तो उस यूनियन को स्वीकार करना चाहिए। अब सवाल यह उठता है कि आज हम लोग इस बात को भी मानते हैं और बहुत दिनों से इस बात की कोशिश की जा रही है कि जो अदालतबाजी का तरीका हिन्दुस्तान में शुरू हुआ है, वह जायज नहीं है, बल्कि हमको सामूहिक समझौते कलैक्टिव बागर्निंग का सिद्धान्त मानना चाहिए। इसमें कोई शक नहीं कि जो लोग मजदूर आन्दोलन में काम करते हैं वह जानते हैं कि सामूहिक समझौते का सिद्धान्त बहुत सही सिद्धान्त है और मजदूर लोग अपनी ताकत, संगठन और एका इन चीजों के जरिए ही मालिकों से अपनी मांगों को मनवा पाते हैं। हम लोग भी इस चीज को स्वीकार करते हैं। हम किसी से कोई दया नहीं चाहते, हम किसी से कोई भीख नहीं मांगते। हम मानते हैं मजदूर तहरीक जब एक होगी, तभी वह वास्तव में सही माने में मालिकों को दबा सकते हैं और गवर्नमेंट को भी कह सकते हैं कि तुमको हमारी बात माननी पड़ेगी। लेकिन अफसोस यह है कि इतने कारण कर दिये गये हैं कि जिनके कारण मजदूर तहरीक आज कई हिस्सों में विभाजित हो गयी है। इस तहरीक को किस तरीके से एक किया जाय ? मुझे इस बात से भी बड़ा अफसोस है

कि जब कभी गवर्नमेंट की कमेटियों में हम लोग बैठते हैं तब तो वहां पर हम एका कर लेते हैं। जब गवर्नमेंट हमें मजदूर करती है कि फ्लां कमटी में आइये तो चारों केंद्रीय संगठनों के नुमायन्दे वहां पर जाते हैं, एक साथ बैठ सकते हैं और मजदूर तहरीक पर बहस कर सकते हैं लेकिन अगर गवर्नमेंट हमें नहीं बुलाये तो हम चारों केंद्रीय संगठनों के काम करने वाले लोग आपस में एक जगह बैठ कर बातचीत नहीं कर सकते हैं और अपनी समस्याएं हल नहीं कर सकते हैं, यह सचमुच बड़ी शर्म और दुःख की बात है। हम जरूर चाहते हैं कि अगर कम-से-कम और कुछ न हो और अगर हम मजदूर तहरीक में काम करने वाले लोग आज किन्हीं बजूहात से एक नहीं हो सकते हैं तो मैं श्रम मंत्री जी से केवल एक बात कहता हूँ कि वह इसी विषय को लेकर के कि रैकगनीशन मजदूर यूनियनों को कैसे दिया जाय और उसके लिए क्या शर्तें रखी जाय, उसका क्या तरीका रक्खा जाय, इन विषयों पर विचार करने के लिए ही चारों केंद्रीय संगठन जो कि दश के हैं उनको निमन्त्रित करें और मेरा विश्वास यह है कि जो भी लोग इस बात को मानते हैं कि मजदूर आन्दोलन में एकता होनी चाहिए। उन लोगों को इस निमन्त्रण को स्वीकार करना चाहिए और यह एक ऐसी चीज है जिसको लेकर हमें और आप सबको विचार करना चाहिए। हम यह भी मानते हैं कि मजदूर आंदोलनों के जो चारों केंद्रीय संगठन हैं, उनका एक ही संगठन हो। एक व्यवसाय में एक ही यूनियन हो। आई० एन० टी० यू० सी० भी यही नारा बुलन्द करती है, हिन्दू मजदूर सभा भी यही नारा बुलन्द करती है, आल इंडिया ट्रेड यूनियन कांग्रेस भी और एनाइटेड ट्रेड यूनियन कांग्रेस भी यही कहती है कि सबसे ऊंची चीज मजदूर आन्दोलन की यह है कि एक व्यवसाय में एक यूनियन होनी चाहिए। जब एक व्यवसाय में एक यूनियन की बात को हम मानते हैं तब सचमुच हमें विचार करना पड़ता है कि इस विधेयक में जो यह बात कही गयी है कि जिस किसी यूनियन की पांच

[श्री आर० आर० शास्त्री]

परसेंट की मेम्बरशिप हो उसका रैकगनीशन सरकार की ओर से स्वाभाविक तौर से हो जाना चाहिए तो अब सवाल यह उठता है और जैसा कि अभी एक माननीय सदस्य ने अपना भाषण करते हुए कहा कि हम चाहे इसे आदर्श के रूप में न मानें लेकिन व्यवहार रूप में हम देख रहे हैं कि मजदूर तहरीक में एका नहीं हैं और वह अलग अलग बंटी हुई हैं और मिल मालिक तां मानते हैं कि मजदूरों में डिसयूनिटी बनी रहे, क्योंकि इसी में उनका स्वार्थ निहित है। इसलिए यह देखना बहुत जरूरी है कि वास्तव में हम जिस एकता के नारों को बुलन्द करते हैं और एक व्यवसाय में एक यूनियन के सिद्धान्त को हम स्वीकार करते हैं, उसकी ओर हमारा कदम बढ़ा, कोई ऐसा काम न हो जिसकी वजह से जिधर हम जाना चाहते हैं उधर से हट कर दूसरी तरफ चले जाय। जहां तक विधेयक में यह तजवीज है कि एक व्यवसाय में एक यूनियन को मान्यता दी जाय, वहां तक मैं उससे सहमत हूँ और मैं उसको स्वीकार करता हूँ लेकिन जो तरीका उसमें बताया गया है कि जिस किसी यूनियन की पांच परसेंट मेम्बरशिप हो उसको मान्यता दी जाय, तो मुझे ऐसा लगता है कि लॉअर क्लास टाइप की यूनियन्स ही इस बात के लिए रैफर करेंगीं और मैं तो मान नहीं सकता हूँ कि हमारे जो मजदूर आन्दोलन में काम करने वाले संगठन हैं, वे ऐसा करने के लिए कहां तक सहमत हो सकेंगे लेकिन मजदूर आन्दोलन की मौजूदा शांतिपूर्ण दशा को देख कर मेरे दिल में यह ख्याल पैदा होता है कि चाहे एक व्यवसाय में कितनी यूनियनें क्यों न हों लेकिन गवर्नमेंट को चाहिए कि वह एक व्यवसाय के अन्दर एक को ही रैकगनाइज करे। जैसे कि ५० पी गवर्नमेंट ने शक्कर के व्यवसाय में एक मतगणना की थी, उसी तरह हर एक व्यवसाय के अन्दर आप मतगणना कीजिए कि कौन सी मजदूर यूनियन पर मजदूरों का विश्वास है और जिस यूनियन पर मजदूरों का विश्वास हो, हम समझते हैं कि उसको रैकगनीशन मिलना

चाहिए और जब वह रैकगनाइज्ड हो जाती है तो बाकी जो यूनियन्स हैं उनके रैकगनीशन का सवाल नहीं उठना चाहिए। मजदूर वर्ग सभी मजबूत हो पायेगा जब कि जो उनकी रैकगनाइज्ड मान्यता प्राप्त यूनियन हो, सारे लोग उसी के मेम्बर बनें और ऐसा होने पर हम समझते हैं कि कारखानों के अन्दर अनुशासन भी ठीक हो सकता है, यूनियन भी मजबूत हो सकती है और उनके फाइनेंसिंग भी ठीक हो सकते हैं और हर मजदूर उस यूनियन को मानेगा। मैं अपनी ओर से कहने को तैयार हूँ कि मैं अपनी विपरीत विचाराधारा वाली यूनियन में काम करने के लिए तैयार हूँ अगर मेरी यूनियन हार जाती है। मान लीजिये वह यूनियन कम्युनिस्टों के हाथ में चली जाती है, तो मैं अल्पमत में होते हुए भी उस यूनियन में काम करने के लिए तैयार हूँ। मतगणना होती है और आई० एन० टी० ५० सी० यूनियन जीत जाती है तो मैं एक माइनारिटी की हैसियत से उस यूनियन में काम करने के लिए तैयार हूँ, लेकिन मैं चाहता हूँ कि यूनियन एक ही हो, उसको मान्यता मिलनी चाहिए और हर एक विचाराधारा के लोग उसी के अन्दर काम करने जाय। राजनीतिक विचारों में उस यूनियन में काम करने वालों में आपस में मतभेद हो सकता है, कई विचाराधारा के लोग उसमें हो सकते हैं लेकिन मजदूरों की यूनियन एक ही होनी चाहिए, अगर आप ऐसा नहीं करेंगे तो मैं कहता हूँ कि कभी भी मजदूर आन्दोलन एक नहीं हो पायेगा। मैं मानने को तैयार नहीं हूँ कि भिन्न भिन्न ख्यालात रखने वाले लोग एक होकर इसके अन्दर नहीं चल सकते हैं। यदि म्युनिसिपैलिटी एक हो सकती है, कॉर्पोरल और असम्बली एक हो सकती है, सारे देश की पार्लियामेंट एक हो सकती है, फिर मेरी समझ में नहीं आता है कि एक व्यवसाय के अन्दर एक यूनियन क्यों नहीं हो सकती है? इसी सिद्धान्त को लेकर हमारी बात होनी चाहिए

अन्त में मैं माननीय श्रम मंत्री से केवल एक ही दृष्टिवास्तव करके अपनी बात समाप्त करूंगा

कि यह विषय काफी महत्वपूर्ण हैं और इस पर दृश का भविष्य बहुत कुछ निर्भर करता है, व्यवसायों का भविष्य बहुत कुछ इसी पर निर्भर करता है, अगर आप इस बात की तरफ ध्यान नहीं देंगे कि दृश में मजदूर यूनियनों बनें और उन्हीं यूनियन्स को मान्यता मिलनी चाहिए—सरकार की तरफ से भी और मिल मालिकों की तरफ से भी—और जब ऐसा होगा तभी इस दृश के मजदूर लोग एक यूनियन के झंडे के नीचे खड़े होकर अपने अधिकारों की रक्षा कर सकेंगे। अगर आपने ऐसा नहीं किया तो जैसी अराजकता आज फैली हुई है, वह चलती रहेगी। चाहे उत्पादन की कितनी ही बातें आप क्यों न करें लेकिन मुझे इस बात का भय लगता है कि दृश में हम वास्तव में उत्पादन नहीं बढ़ा सकेंगे। मजदूर एक नहीं हो सकेंगे और जोश में आकर काम नहीं कर सकेंगे। इसलिए अन्त में मैं अपनी बात खत्म करते हुए उम्मीद करता हूँ कि चाहे माननीय मंत्री इस विधेयक को स्वीकार करें या न करें, लेकिन यह जरूर बतलायें कि यूनियनों की मान्यता के सम्बन्ध में सरकार की पालिसी क्या है।

Mr. Chairman: As the House is aware, discussion on this Bill is going to finish at 4-15. I propose to call the hon. Minister to reply at 4. There are only 10 minutes left now. I intended to call two Members, but it so happened that the last speaker took more time than I expected him to take, and all his points were relevant.

Three hon. Members, Shri Satyawadi, Shri Sreekantan Nair and Shrimati Renu Chakravartty have expressed their desire to speak. If the speakers do not exceed five minutes, at least two of them can participate.

Shrimati Renu Chakravartty: Can we ask the hon. Minister to intervene? Since this is a Private Member's Bill, we would like to know the attitude of Government.

Mr. Chairman: It is not the usual practice; no Member and no Party can force the Minister to express his views in the middle.

Shri Punnoose: It is a non-violent measure.

Mr. Chairman: Order order. When the Chair is speaking, there should be no interruption. I myself wanted to see that he intervened in the middle. But, in view of the line that the Government is going to adopt, I thought that the best course would be for all the Members to express their views. Therefore, I did not ask him to intervene in the middle. Now, Dr. Satyawadi. I would like the hon. Member to finish in five minutes.

डा० सत्यवादी (करनाल—रिद्धत—अनु-सूचित जातियाँ) : मैं केवल दो तीन बातें ही कहने के लिये खड़ा हुआ हूँ। प्रोफेसर शर्मा, श्री केशवचंगार और श्री बंकरामन् उस रोज बाल रहे थे और बड़ी संजीदा दलीलें दे रहे थे इस मसविदा कानून की मुसालिफत में। लेकिन यहां पर मुझे एक शायर की बात याद आती है :

“नुक्ताचीं हैं गमे दिल उस को सुनाये न बने।
क्या बने बात जहां बात बनाये न बने ॥”

दलील सुनाने की बात तो यहां है ही नहीं, यहां बात कुछ और ही है। दखने में जो बात पेश की गई है कि यूनियन के पांच फी सदी मेंबर होने पर उसे तसलीम कर लिया जाय, वह बड़ी आसान और बड़ी जायज मालूम होती है। लेकिन दखने में जो चीज बड़ी अच्छी मालूम होती है वह दरअस्त अच्छी है, इस में मुझे शक है। एक और कवि की बात याद आई जिस ने कहा है कि :

“अपने जूतों से रहे सारं नमाजी होशियार।
एक बुजुर्ग आते हैं मस्जिद में खिबर की सूत ॥”

हर वह आदमी जो मस्जिद की तरफ जा रहा है, यह न समझिये कि नमाज पढ़ने के लिये जा रहा है, हो सकता है कि वह जूतें चुराने के लिये जा रहा हो। इस लिये यह जो पांच फी सदी मेंबररूप की किसी यूनियन को तसलीम करने की बात है उस में कहीं ऐसा तो नहीं

[डा० सत्यवादी]

हैं, जो हमारे दोस्तों की दृढ़ यूनियनिज्म का एक खास तरीका है, कि सेल बनाने के लिये कोई लीगल मंजूरी और ताकत हासिल करना चाहते हैं। मैं उन से अर्ज करूंगा कि कानून का सहारा लेकर सेल न बनायें। आप इसी तरह से बनाते रहिये, हम इस में आप के साथ चलने के लिये तैयार हैं, लेकिन सेल बनाने के लिये गवर्नमेंट के कानून की मदद न लीजिये।

अभी श्री राजा राम जी शास्त्री फरमा रहे थे कि आज मजबूत यूनियन की जरूरत है और इस से किसी को भी इनकार नहीं। इस पांच फी सदी वाली बात के कारण मैं अपने कम्यूनिस्ट दोस्तों से नहीं घबराता कि हमारे यहां यूनियन में आ कर पांच मजदूरों को लेकर अपनी यूनियन बना लेंगे, मेरे सामने जो खतरा है वह सरमायेदारों और कॅपिटलिस्टों से है, जहां कारखानों में मालिकों की तरफ से चन्द गुंडे इकट्ठा कर के और नाँकर रख कर हमारे काम में रुकावट डालने और उन को फेल करने के तरीके अख्तियार किये जाते हैं। अगर मेरे भाई श्री निम्ब्यार की यह तजवीज मान ली जाय और कानून बना दिया जाय तो इस का मतलब यह होगा कि एक तसलीमशुदा यूनियन मालिकों की यकीनन हो जायेगी जिस में सिर्फ गुंडे होंगे, और हर बात में वह उन गुंडों की बात को आगे रख कर आप की बात को भी नहीं चलने देंगे और हमारी बात को भी नहीं चलने देंगे। आप इस झगड़े को इस तरीके से न लायें। अगर आप की नीयत साफ है तो मैं आप से कहना चाहता हूँ कि यकीनन यही आप की तजवीज, यही आप का बनाया हुआ मीस्वदा कानून जिसे आप ने पेश किया है कानून बन जाने के बाद आप के रास्ते में कांट बाने वाला साबित होगा।

[SHRI BARMAN in the Chair]

मैं यह अर्ज कर रहा था कि सिर्फ यूनियन बनाने के लिये इस बिल को तसलीम कर लिया जाय, यह कोई सिद्धान्त नहीं। यह कहीं नाजायज यूनियन तो नहीं है? यह यूनियन किसने ही किम्म की हो सकती है। एक

ताल्लुक जायज होता है और एक ताल्लुक नाजायज होता है। कहीं मेरे दोस्त नाजायज ताल्लुकात के लिये मंजूरी लेने के लिये तो नहीं बैठे हुए हैं? यहां यकीनन यह बात हमें सोचनी चाहिये कि हमें कोई ऐसा तरीका अख्तियार करना चाहिये, कोई ऐसा रास्ता बनाना चाहिये कि इस मेथार पर जा कर हम यूनियन को मंजूर कर लें।

सभापति महाशय : आप का समय खत्म हो गया है।

डा० सत्यवादी : मैं अपनी बात कह चुका हूँ लेकिन मैं फिर से कहता हूँ कि यूनियनों की तहरीक का जो मर्कज है, केंद्रीबन्धु है, जिस को कि हम लाना चाहते हैं, यह चीज उस के रास्ते में रुकावट डालेगी और इस लिये मैं इस की मुखालिफत करता हूँ।

Shrimati Renu Chakravarty: I wanted to hear the Minister and then, may be, we could have understood what is in the mind of the Government. But, unfortunately that chance has been denied to us. Further, the main thing which I have not been able to follow from the speeches of those Members who opposed this Bill is, what is the fear? The fear is that the Communists are there and some of their unions may be recognised. Some have called it an innocuous Bill. Some others quoted Urdu Saycorgs—I did not quite follow what they were saying—probably their idea was also the fear of our coming into the picture. The point is, it is not an innocuous Bill. It is a very important Bill. It is an open Bill. We want that every section of labour, whatever policy they may want to follow, or whatever political ideology they may follow, to whatever trade union they may belong, should have the right to negotiate with the employer. That is the position we want and we make it quite clear.

I want to know whether the communist worker does not create value through his labour? Does not the socialist worker create value through

his labour? If that is so, he is a partner in the industry. You may not like it; Shri KeshavaIengar may not like a person who belongs to a communist labour union. You may not like a person if he belongs to a socialist labour union. You may give all credit for patriotism to those who belong to the I.N.T.U.C. But, what is the position? In our country, as the situation today is, there are four Central trade union organisations and there are certain other trade unions that are not affiliated to any of these four. In that situation, what is it that we want? In the international sphere, what do we say? We say, we do not want the attitude of bargaining through strength. Our Government says, bargaining through strength is not right. The workers know that if they are all united, they will get their demands. I do not think anybody need argue on that question. I do not think anybody will deny it. Nor do I think that anybody will not be sorry that labour is not united. But, in the international sphere, we say, better than bargaining through strength, let us sit round a table and let us negotiate with the employers, and why should we not follow the same principle here however many trade unions there may be. Why is that in the national sphere we do not allow it? I can understand the capitalists now allowing it. It is to their advantage. Why should the Government refuse to recognise them? Some of the biggest unions are not recognised. Sometimes, even small unions are recognised if they happen to belong to the I.N.T.U.C. Do we believe in the principle of negotiation or not? It is not that the workers go on strike every day. There are so many other factors. One has to take so many other steps. A strike is the last weapon. Everyday there is not a strike. There are so many other factors facing labour. I ask, why is it that when labour has fulfilled its part of the contract, when they have worked and production has gone up, in spite of that today, we find such as in the tea industry, and

in so many other industries, even though they are making profits, they do not care, not only to give more, but even to make up the concessions which were subtracted earlier in time of crisis. That is why we want to know why the Government is today supporting these employers and saying that we are not going to recognise you although we have allowed registration and allowed organisation of trade unions created on the basis of law.

4 P. M.

But when it comes to a question of recognition by law which means that we can sit round a table, even if you think: "This is a trade union which I as a Congressman do not like", even if you believe that, why can we not have that recognition by law which gives to the various sections of the trade unions the right to appear before Tribunals and employers for a discussion. It is that which this particular Bill seeks to do. Whether the unions will amalgamate, unite, is another question. It is a very important question. It is something that will have to be worked out if the workers want to really have an amelioration of their conditions of life. There is no doubt about it. I personally think that sitting round the table together will help to achieve that unity. It does not solve the whole problem. It is a small and minor part but still it is an important part.

That is why we want to know the opinion of Government why on the one hand they have given the right to the workers to choose whichever trade union they desire, to organise themselves into whatever union they desire, and when it is a question of recognition, the same position is taken up as that of the employer, namely, try and keep them divided, let them not be able to sit round the table, discuss, negotiate. We want to know the answer to that.

The Minister of Labour (Shri Khandubhai Desai): I am sorry that I do not accept the Bill as has been presented by Shri Nambiar before this House.

Shri Algu Rai Shastri (Azamgarh Distt.—Sast cum Ballia Distt.—West): Don't be sorry, be happy.

Shri Khandubhai Desai: Because the laudable objectives which have been placed before this House in the interests of the working class, and particularly placed before this House by Shri Rajaram Shastri, will be frustrated if this very Bill or even a little amendment thereof one way or the other is adopted.

How are the workers' organisations to be strengthened in a unit or an industry? If more than one union, or, as Shri Rajaramji has said, four or five unions are to be recognised by the employer through the compulsory arm of law, they will in my opinion, probably be much strengthened to play one against the other, even if they are recognised. So, what is the merit in recognising a union which has got five per cent membership?

Again, Sir, this Bill as it has been placed before the House will, in my opinion, perpetuate this rivalry eternally. What is the recognition, after all? If the law compels the employer to recognise a union with five per cent or even, say, ten per cent membership, the employer will say: "Yes. I recognise it." He will answer the letter saying: "Thank you very much for your letter. I am sorry I cannot accept your demand. The Law might even put in that he shall talk with the union representatives. He will just send for the Secretary or the President of the union, will just ask him to sit in front of the table, give him a cup of tea or a glass of water, and say, "I have talked to you," and be done with it. Is it that type of the recognition for which so much noise has been created?

Recognition of a union should normally be voluntary. A union, genuine and sound, is meant for settlement of disputes and keeping the peace in industry. Failing that, of course, the Industries Disputes Act

does give discretion to the State to refer the disputes to adjudication. And as far as adjudication is concerned, any registered union can go and represent its case. So, under the Industries Disputes Act, as far as conciliation and industrial Tribunals are concerned, they are recognised. I do not think any useful purpose will be served by inflicting a compulsory recognition on the employer. On the contrary, it will mean perpetual disruption of the trade union movement and probably, as Shri Satyawadi says, it might give even weight, a greater weight, to a union which may be sponsored by the employer himself.

Whether the situation as it exists today has gone in favour of strengthening the trade union movement or not can be judged from the figures of the trade unions and their membership. In the year 1946-47, I find from our records that there were about 1,087 unions with a membership of 8,64,000 while in the beginning of 1953 for which I have got the latest figures now, the total number of unions was 3,744 with a membership of 18,50,000. That means that the existing conditions have not retarded the growth of trade unions. Instead of calling upon the statute to recognise a trade union through the employers, let, in the first instance, the worker themselves recognise a trade union in its initial stage, and after the workers in a unit or industry recognise a trade union, then, as a trade unionist I must tell the House that in 99 cases out of 100, the employers are, through the compulsion of circumstances and the strength behind the trade union, recognising the unions. There may be exceptions here and there. I do realise that recalcitrant employers do refuse to recognise the trade unions to whatever ideology they belong. It is not true to suggest that all the INTUC unions are recognised in this country. Quite a large number of INTUC unions are also not recognised. A union should have a sound organisation and work genuinely for the interests of the working class and not treat the

course, the Industries Disputes Act working class as incidental to their political philosophy. The workers have got sense and they will gravitate towards the union which has got more or less their interests at heart.

Now, seeing the present state of the trade union organisation in this country, Government has come to the conclusion that the existing state of affairs is not such as would require immediate enactment of a law compelling the employer to recognise even unions with five per cent membership. It will only retard the growth of the trade union movement and would even weaken the movement as it exists today. However, I may tell the House that if the facts are placed before the Government that a very large number of employers are recalcitrant, not being exceptions, and if genuine trade unions with sound membership are also not recognised, then we will consider, as Shri Rajaramji has said, under what circumstances and with what conditions the unions may be recognised.

As far as the question of balloting is concerned, I am totally opposed to it. What is a ballot, after all? When a ballot is going to be taken on a particular day, some sentimental ground may be created, as my friend Shri Shibbenlal Saksena created at the time of taking the ballot. Just a few days before the ballot was to be taken, he went on a hunger strike.

Shri Punnoose: What about the general election?

Shri Khandubhai Desai: As a result of it sentiment was created and the people may have voted for it, but if the ballot had been taken a month or two later, it would have gone entirely against him. The people are led away by sentiments like that. That is not sound trade union movement. A trade union can be considered sound only on the basis of whether it has got permanent paying membership, and whether the members of those unions or the workers of a particular unit or industry are attached to the unions from

day to day and not carried away by some emotion or sentiment one day or the other.

I need not reply to all the sentiments that have been placed before this House. I am one of those who believe that a sound trade union movement can be there only if it is properly backed up by the working class—to whatever ideology it may belong, I do not mind. As far as Government are concerned, they have no discrimination against one union or the other. If the workers recognise a union substantially, the employers will have got to recognise that union; and that has been the experience of our trade union workers. As I said, I cannot vouchsafe for all the employers, for there may be certain recalcitrant employers. But we have got to find out how many such people are there. If on a scrutiny it is found that there is a large number of such employers who do not recognise even a sound trade union movement with representative character; well, I can say that Government will consider this proposition and will sponsor some statute which while safeguarding the interests of the workers will not act in such a way as to disrupt the very laudable object which we have all got in view.

Mr. Chairman: The question is:

“That the Bill further to amend the Indian Trade Unions Act, 1926, be taken into consideration.”

The motion was negatived.

PREVENTION OF CORRUPTION (AMENDMENT) BILL

(Amendment of section 5)

Shri U. C. Patnaik (Ghumsur): I beg to move:

“That the Bill further to amend the Prevention of Corruption Act,