

**Mr. Chairman:** May I know whether the hon. lady Member wishes that her motion should be put to the House?

**Shrimati Jayashri:** In view of the assurance given, I would like to postpone consideration of my Bill.

**Mr. Chairman:** Let there be a regular motion that the debate on this Bill be adjourned.

**Shri Pataskar:** I beg to move:

"That the debate on the Bill be adjourned."

**Shri T. B. Vittal Rao (Khammam):** Instead of adjourning *sine die*, there should be a particular period specified, say, three months, within which we may bring it again.

**Mr. Chairman:** That will be for the Mover to send in a request or table a motion that the Bill might be taken up for consideration. That will be the responsibility of those Members whose Bills have been adjourned. They can bring forward such a motion at any time they like, and then the discussion might be resumed.

The question is:

"That the debate on the Bill be adjourned."

*The motion was adopted*

#### INDIAN TRADE UNIONS (AMENDMENT) BILL.

(Insertion of new section 15 A)

**Shri Nambiar (Mayuram):** I beg to move :

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

In moving the Bill, I have to bring to the notice of the House that I am fortunate enough to be able to bring to this august House and before the country such an important measure as this which affects millions of workers of this vast land. This is a Bill

which demands the employers, either Government or private, to recognise the trade unions duly constituted under the existing law. The amendment which I seek is simple in its nature but full of content. What I want is the inclusion of a new section in the Indian Trade Unions Act, 1926, after section 15 thereof, namely:

"15A. Every registered Trade Union shall be recognised by the employer, whether Government or Private:

Provided that, it has a membership of not less than five per cent. of the total number of employees in that particular industry or concern under the same management:

Provided further that in case of a dispute over the claims of membership on rolls of the registered union, the result of a secret ballot of all the workers employed in that industry or concern under the same management be taken for the purpose of grant of recognition under the first proviso."

In the Statement of Objects and Reasons given by me, I have already submitted that this was a very controversial subject throughout. From the very inception of the trade union movement in this country, the employers refused to recognise trade unions and there was a constant fight on the part of the workers demanding recognition. Demanding recognition means enjoying the rights of workers. This is an elementary right and we call it a basic right of any worker that when once he gets organised and goes before his employer with a strength of unity with his colleagues and says that it must be recognised as a trade union, no civilised country in the world can turn it down on the plea that they do not want to recognise it. But unfortunately, in our great country, with the freedom that we enjoy today, under the new Constitution, in the Republic of India, we do not have that right of recognition. This is our

tragedy and I have great sorrow in expressing it. Attempts were made but they were thwarted by the Government in power. There was an amendment moved to the Indian Trade Unions Act, 1926, in the year 1947, that is, Act No. XLV, which was passed by the then Central Assembly and assent was given by the Governor-General on the 20th December 1947. According to that, compulsory recognition was accepted as a matter of principle. Not only that, but provision was made as to how unions are to be registered and on what basis recognition should be given, but unfortunately, there was also a provision in it to the effect that the Act will come into effect on such date as the Central Government, may, by notification in the official gazette, appoint, and that notification by the Central Government has not yet come. That is the reason why Compulsory recognition is denied now. Otherwise, this piece of legislation should have been incorporated into the Indian Trade Unions Act and I would not have had the necessity to bring in my private Member's Bill to amend the Act in this form. In that, the principle was accepted by the Government. You may ask me as to why the Government did not give consent. Of course the reason is there; the reply is there: that the big employers of this country did not want the Government to give compulsory recognition. So, on pressure from the employers, our Government withdrew and went back on the position and put it in cold storage in spite of the fact that the legislature sitting then asked for it. Of course, the employers can persuade our Government and our Government will be willing to accept the recommendations of the employers. Of course, the socialistic pattern of society and all these things have come only now. So, we can account for the passing of five or six years, but now at least, after the Avadi session of the Congress, when they speak of a socialistic pattern of society, when we want everybody to have his civil rights, this matter of recognising trade unions cannot be denied still. Is it to be denied still? We cannot

understand that. Perhaps, I think the hon. Minister may come forward and say that he is prepared to enforce this legislation by a notification. I do not know. It is up to him say so. But apart from this, there were other occasions to bring in this sort of a legislation. This is not a new thing. After the failure in 1947, again, an attempt was made by the next Labour Minister. The then Minister,—I think it was Shri Jagjivan Ram,—brought forward a Bill, a comprehensive legislation, which was known as the Labour Relations Bill, 1950. Of course it had very bad clauses. The labour of this country could not accept it. They protested against it. They opposed it. But even in that condemned Bill, there was a provision for compulsory recognition of trade unions. In chapter V of that Bill, there were provisions for collective bargaining and conciliation officers. It said:

“(a) a registered federation of trade unions having a membership in good standing of not less than 15 per cent of the total number of employees employed in that establishment or class of establishments in that area; or

(b) a registered trade union having a membership in good standing of not less than 30 per cent of the total number of employees employed in that establishment or class of establishments in that area.”

We did not accept that 15 or 30 per cent. But the fact remains that the principle of compulsory recognition of trade unions had been accepted by this Government not only in 1947 but subsequently also, in 1950, and still further. I can bring to the notice of this august House the promises given by the Labour Minister and various other interested parties in this connection. In spite of all those things, this measure is not coming up. That is my grievance. Of course, I know how the wind blows for a better treatment of labour, not by the choice of the employers or by the decision of Government, but because labour is

[Shri Nambiar]

ascertaining itself. They are not keeping quiet; they are demanding and slowly and steadily the Government and the employers have to come down and they have come down. But they are still hesitating to grant this right. The great and much-respected Labour Minister, the predecessor of our present Labour Minister,—Shri V. V. Giri—while he was the Minister of Labour promised several times that he would bring a comprehensive labour legislation which would include all aspects—aspects of recognition, aspects of the method of adjudication, settlement, and indeed everything. But unfortunately, the promise remains, though he has not remained in the Cabinet. He is elsewhere—something like me—outside the Cabinet. But his successor, I thought, would follow the tradition of Shri V. V. Giri, and he, I see, is also a well-known and respected labour and trade union leader. We had in this country, and we still have Labour Ministers who are sympathetic to labour. But these Labour Ministers, though they are sympathetic—I do not know whether that word should be in quotation or not—do not sympathise with labour. This is the tragedy. This is the peculiar situation of this great country. I do not know whether it may be the curse of the so-called trade union leadership of the past. Shri Giri, in the Naini Tal Conference which was held in October, 1952, said while dealing with the problem of recognition of unions, particularly, of two varieties—one variety was of the recognition of mixed unions where Government employees were included, including Class III servants as follows:

“On the question of recognition of mixed unions, State Governments are in favour of denying recognition to unions which do not consist wholly of civil servants. Workers’ organisations are opposed to such a move. I shall welcome further elucidation of the pros and cons of these problems.”

This was his promise made in October, 1952. I am reading from the Government proceedings—page 21.

**Shri T. B. Vittal Rao (Khammam):** They have been buried.

**Shri Nambiar:** In paragraph 34, a clear case has been made out by the hon. Minister; where he says:

“As regards the question whether an employer should recognise only the most representative trade union or whether he should be permitted to recognise any number of unions, opinion is divided among workers’ organisations.....The majority of the employers’ organisations would prefer that only the most representative union should be permitted to be recognised. Most of the State Governments are also of the view that the employer should recognise only the most representative union. Thus, barring some workers’ organisations, the large majority of the replies received are in favour of permitting an employer to recognise only one union—obviously the one with largest membership or getting the largest support in the event of voting by secret ballot.”

The question of recognition is not at all disputed. That was accepted by the State Governments, by the Central Government and by representative organisations. They accepted that compulsory recognition must be given. But what was disputed was how the recognition was to be granted and to whom. On that point there was difference. “All the three groups, namely, workers, employers and Governments seem to be of the view that provision for the compulsory recognition of trade unions is necessary.” Those were the words of Shri Giri who was then the hon. Minister of Labour. Therefore, on that point, there was no doubt.

I shall also present before the House the views of certain employees’ organisations. Shri G. G. Mehta of the All-India Bank Employees’ Association said in the course of the debate in the Naini Tal Conference thus:

“The first compulsion to be provided in the new legislation for regulating labour relations should

be that the employers must be compelled, as in many other countries, to recognise the trade union organisation which have been registered, of course with the proviso that the bargaining agent will be the largest trade union organisation."

This is what he said. I have got here the opinions of many Government authorities. Here is what Shri V. V. Dravid, the Minister of Development and Labour of Madhya Bharat said in that conference:

"... if we want stable and peaceful relations, then it is necessary that we must accord to the trade unions a function and a status and a role which is of a much more serious and far-reaching character."

So, the Labour Minister of Madhya Bharat also says that we must give accord and recognition to the trade unions. Here is the opinion of Shri Shantilal Shah, the Minister of Labour in Bombay:

"That again is a matter of detail, but at a lower percentage there should be recognised trade unions. Even there, one having the large percentage must be preferred to the one with a lower percentage."

This is what the Minister of Labour in Bombay says with regard to reacognition.

I am quoting from the Government reports. Here is the opinion of Shri Halder from West Bengal. He says:

"Finally, recognition of trade unions by the management must be made compulsory. Otherwise, no useful purpose will be served by introducing collective bargaining."

These are all opinions given by authorities. Of course, the hon. Minister will never say that these are all Communists. Of course, not. If Mr. V. V. Giri could be a Communist then I think anybody can be a Communist in this country. Therefore,

what I submit is this, that so far, after such a lot of agitation and demand by the working class in this country, public opinion has been already created in favour of compulsory recognition and that is an established fact. Now what I submit is only to accept this principle and legislate on the basis of it.

I have got some suggestions. I am not unconcerned about the manner in which recognition should be granted, the authority which should grant it or the procedure of granting recognition. I am thinking of that also. I have given certain provision or certain indications in my Bill. Of course, they are not absolute. I do not mean that what all I say in the form of this amendment must be accepted *in toto*. I have just embodied certain views of mine and those of my friends who think in the same manner. When once you agree that recognition is to be given compulsorily then let us see that we proceed with it. That is my first point.

My second point is, with regard to the mode or conditions under which you can grant recognition, there are differences of opinion. The All India Trade Union Congress to which I belong—and I am proud of it—had said that all functioning trade unions at present existing must be given recognition. That is the idea which they gave. The INTUC—I introduce the word "INTUC" which we use in our conversations—said: "No, we cannot give recognition to all functioning trade unions. Then there will be umpteen unions. We can grant recognition only to those unions which have got the maximum support from the workers."

Thereby meaning the most representative one. The Hind Mazdoor Sabha which is another central organisation of India which took part in the Naini Tal Conference also gave its opinion. They also said that we must consider the recognition squarely. So also, the United Trade Union Congress, which is another centre of trade unions, supported. So, with regard to grant of

[Sri Nambiar] : ...  
recognition. There is a difference of  
opinion.

In my Bill what I wanted to bring forward was this. I have given a proviso in which I say that the minimum requirement may be 5 per cent membership. We have no objection to that. That is a concession which I give. Otherwise I can insist just like the All India Trade Union Congress has done that all functioning trade unions must be recognised. In Britain the provision is that all trade unions functioning are respected, registered and recognised.

Shri Venkataraman (Tanjore): Is that so?

Shri Nambiar: Yes. In India under the Indian Trade Unions Act all Trade Unions are registered under certain conditions. Once they are registered, they are recognised by our Government in another form for Industrial Disputes Act and such other things, but not by the employer. If the Government is the employer then these Unions are recognised for other purposes. The State Government also recognise these Unions for purpose of registration, submission of returns etc. Therefore, what I submit is that there should be the same condition for all and for classification. We do not deny that there must be some limit but it must be reasonable. If it is 5 per cent, let it be 5 per cent. If it is 10 per cent let it be so far all. Let us discuss it and decide, if that is the dispute due to which the whole thing is delayed. All the things that the Treasury Benches are doing today are not done after consulting us on the Opposition Benches. They do things on their own and in their own way. If the dispute between them and the Members on this side is on that main point as to how recognition is to be given, then leave it to them. Let them do in their own way, we have no objection, provided it is reasonable. On that issue the matter should not be daily dalled and held up. That is my point.

Then comes the employers' question. Sir, I submit to you, can the employers in this country resist recognition for long? The employers are sensible enough to understand that this is an issue which they cannot delay or with which they cannot agree. The inevitable has to happen. They have to reckon with it. Something must be done. Therefore, the employers can be persuaded by the Government. But, the Government must make up its mind. Therefore, my submission to the Government is very clear, that on the issue of terms of recognition or the conditions of recognition, let us not quarrel. Let the Government bring forward certain suggestions. We will discuss it in this House. This House can decide it. This House is so great that it can take a decision on any matter however complicated or controversial it may be. It will give its decision on any subject to the country. Therefore, let us go ahead with that.

If the Government finds it impossible to do this immediately, there is an alternative. Here there is the enactment of the same House done in 1947 which is now in cold storage. It can now be taken back and by a notification in the Gazette within 24 hours the Government can enforce it. That will I think satisfy all the provisions for the moment. It will certainly give recognition to trade unions and confer certain rights on them.

In this connection I have to make another point clear to the hon. Minister for Labour and also this House and that is with regard to the industrial organisations where the Government itself is the employer. In those cases there is too much of reluctance to recognise genuine trade unions. Only a few hours back the hon. Minister of Railways said in his reply that "there is no question of recognising any trade unions of whatever character it may be, except if it is affiliated to one or the other of the component parts of the National Federation of Railwaymen." He brought forward a big theory, a formula by saying: "No question." What is this?

All of a sudden you will recognise a Federation saying that, that is the Federation representative of all the workers. Who says so? The Government says so? The Ministry says so. They say that everybody under the sun must accept it. Nobody can challenge it. Then, once that Federation is recognised, they would say, the component parts of the Federation alone will be recognised. That is, the Federation must recognise the Union and then from top to bottom the Ministry will recognise. The Federation must recognise the Union, and the Union must recognise the worker. The worker does not recognise the Union, the Union does not recognise the Federation and that Federation is not recognised by anyone. It is not from bottom to top but top to bottom, that is the latest fashion of the socialist pattern in this democratic country of ours. It is very unfortunate; otherwise, how can it happen, let them say. In an industry like the Railways where they have 1,30,000 workers—that is the total number on the Southern Railway running over 6000 miles—how can a Union sitting in Madras or somewhere do justice to all its members. Has the Trade Union got wireless telegraphy or telephones or postal machinery just as the Railway Administration has?

**Shri S. S. More (Sholapur):** They have got mental telephones.

**Shri Nambiar:** And nuclear telephones. How can it be done? They say that genuine trade unionism needs only one union for one industry. Yesterday our ex-Labour Minister put forward another suggestion, that there must be one Union for the entire 10 lakh railway workers and that there must be branches. People are doing wishful thinking and brain-waves work in such a way that it is very difficult for people like myself to understand. We may be little slow in understanding but reality is there. Therefore, what I submit is, in governmental industries like the Railways, Posts and Telegraphs, in the Civilian organisations of Defence Department and in such other industries, the Gov-

ernment must make up its mind. The Government must say that they will recognise trade unions which have got a representative character. You cannot expect only one Union in such a big industry to begin with. You must say that Unions having a particular quota of membership will be recognised. We can understand that. Then you can deal with Labour and there is no harm. Instead of one person coming and asking for something let two or three come if they cannot agree among themselves. In the initial stages let them run and it is a process. One Union for one industry is an ideal just like the ideal of socialistic pattern which we have not achieved. Socialistic pattern which is an ideal has not yet been achieved and similarly the ideal of one Union for one industry should not be enforced from above. Let the ideal be worked in the long run. Let us struggle towards it; labour will certainly co-operate. But till then the realities must be taken into consideration and trade unions must be recognised on a certain formula: workers must be allowed to decide which unions they want, and they must be heard.

No harm is done by recognising a trade union and in receiving a deputation of workers' leaders, in negotiating with them and in replying to their correspondence. Government does not fall on that account. Can anybody ever overturn or change the Government through small trade unions? It is a long process. Let the Government not worry or fear about this.

But they may think that this may be utilised by political parties. If that is so, if that question of political party is to be linked up with the question of trade union, then I can say that much interference is being done by the political party to which many hon. Members on the Treasury Benches belong. They have got their own organisation. It is known fact in this country that the Indian National Trade Union Congress is an organisation controlled and manned by Congressmen, top Congressmen.

**Sardar A. S. Saigal** (Bilaspur): No, no

**Shri Nambiar**: It is a known fact.

**Mr. Chairman**: I do not want to interrupt or cut short the speech of the hon. Member, but he will keep in view that two and a half hours are allotted for all the stages of the Bill. If he thinks that all the stages can be gone through....

**Shri Nambiar**: Sir, I will cut short my speech.

**Sardar A. S. Saigal**: Some of the labour organisations are controlled by my friend also.

**Shri Nambiar**: I said if the question of party politics getting into trade unions—if that aspect is to be taken, then I am in an advantageous position, because the President of the Indian National Trade Union Congress of yesterday is the Minister of Labour today.

**Sardar A. S. Saigal**: What about that?

**Shri Nambiar**: It is a fact. And a person who was an active member of the Indian National Trade Union Congress is the Deputy Minister.

**Sardar A. S. Saigal**: When you come into power you will do like that.

**Shri Nambiar**: That is all right. Let us accept that point.

**Shri S. S. More**: You can follow the precedent.

**Shri Nambiar**: We will do so when we are in power. Unfortunately we are not

On this question of party politics being linked up with trade unions I am in an advantageous position, because much harm is done by the other party in disrupting or—let it be a polite word—in confusing relations. Therefore let us not go into that. Politics of course is there. You cannot take it away. If you have given voting rights to eighteen crores of

Indian people, in those eighteen crores the worker is also included. Therefore that worker has got some politics, to whom he should vote or not. Therefore politics cannot be taken away completely out of the trade unions.

But what we can say is that party politics should not be brought in to confuse and disrupt unions and the working class demands should not be given the go-by, which I appeal to Members on the other side not to do. So far as we are concerned we will not interfere with trade union work.

To sum up, my humble submission to the House and to the Minister is, accept the principle of compulsory recognition. In accepting the principle of compulsory recognition let him enforce this Amending Act of 1947 straightway till the final Bill comes up. And when the final Bill comes, let him grant it completely. In that there should be recognition not only of the trade unions in the private sector but also in the public sector like Railways, Posts and Telegraphs, Defence organisations, etc. They cannot be excluded. By no stretch of imagination can it be done. There is an attempt, a deliberate attempt to see that these industries are kept outside the scope of any labour legislation in this country. I do not know whether it was on that dispute that Mr. Giri had to give up his Cabinet Ministership; but there is a talk in the country outside. But we leave it out for the moment. The right of recognition should be there for the trade union in the private sector as well as in the public sector. The public sector must come forward first to accept this and show the way for the private sector to follow. If they do not, then by legislation in this august House we will make the employer to come forward.

This is my humble submission. I have done nothing revolutionary. I have only done things which they have started doing. I would request them: why do you forget, at least after the

Avadi session of the Congress, do not forget it. Let us do it with all humility and sincerity. I appeal to them once again that they may try to do this, and they should not exclude the Railways, the Posts and Telegraphs and all such undertakings. If they do this then I shall be satisfied.

**Mr. Chairman:** Motion moved:

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

If the hon. Member feels that his attitude may be influenced by knowing the reaction of the hon. Minister, I might ask the hon. Minister to speak now. If he thinks there will be no use, then I can ask any one of the hon. Members who may wish to speak.

**Shri Nambiar:** Let there be a debate.

**Shri Venkataraman:** I heard with considerable pleasure at the complete *volte face* which my esteemed friend Mr. Ananda Nambiar has made from the days when the A.I.T.U.C. propounded certain doctrines, to the days when it has now come to speak exactly against them. It is a slogan started by the All India Trade Union Congress that there should be only one union in the industry. When other people, who did not agree politically with the point of view of the All India Trade Union Congress, tried to form trade unions of their own, they were called traitors, disruptors and what not. They were the sponsors of the theory.

**Mr. Chairman:** The hon. Member will excuse me, but we might fix some time-limit for speeches if a regular debate is to be had. Would fifteen minutes be sufficient?

**Shri Venkataraman:** There may not be very many speakers on this subject.

**Mr. Chairman:** Or, twenty minutes.

**Dr. Suresh Chandra (Aurangabad):** He may be allowed to continue because there may not be many speakers from this side.

**Mr. Chairman:** We will see.

**Shri Venkataraman:** I will try to finish within that time.

The All India Trade Union Congress propounded the doctrine that the Indian National Trade Union Congress and, for that matter, the Hind Mazdoor Sabha were disruptors of unity in the ranks of labour, because at that time they were undoubtedly the most leading trade union organisation and they controlled the majority of labour at that time. But, for reasons best known to themselves, the allegiance of labour has shifted from the All India Trade Union Congress and the leadership has passed into other hands like the H. M. S. and the Indian National Trade Union Congress. Therefore we get this spectacle of Mr. Ananda Nambiar coming and talking to this House that we must recognise all the unions that are registered and that they must have the right to negotiate with the employer irrespective of the strength they possess.

Let us examine the proposition. If every registered trade union is to be allowed the right to negotiate with the employer, in the railways the Railway Board will have to negotiate with—ten lakhs divided by seven—so many unions, that is as many as nearly a hundred thousand unions. Because, under the Indian Trade Union Act, 1926, any seven persons can join together and form a union and get it registered provided they observe certain formalities with regard to registration. It is an obviously impossible proposition and hopelessly untenable.

If my friend Mr. Nambiar had brought forward a proposition as a resolution that the Government should endeavour to see that legitimate trade unions are recognised and that facilities are given by legislation for that purpose, I would certainly be with him on that subject. But the Bill which he has brought forward will reduce the trade union rights of the workers to an absolute nullity. The proposition which he has brought forward is that 5 per cent. of the workers, if they are members of the union should

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be able to get recognition from the employer. That means that every industry can have as many as twenty unions. It would be an impossible for any employer to deal with twenty unions. Multiplicity of unions itself is a bane of the trade union movement. What one union wants is rejected by the other, and simply because labour talks in divided voices labour is not able to assert itself, and gain its legitimate demands. My hon. friend Mr. Nambiar wants to give legal sanction to the multiplicity of unions. He wants to encourage disruption; he wants to encourage a sort of internecine quarrel which will ultimately lead to the loss of bargaining capacity of the workers themselves.

Then, Sir, he has himself referred to the Trade Union Act of 1947. I think he should have learnt more from the provisions of that Act. Mere recognition means nothing. Recognition is not a term which is defined in any section, any Act, or any legislation. There are certain things which are incidents of recognition. What are the rights of recognition should be defined in an Act. The obligations of such recognition will also have to be defined. Now, merely to say that a union should be recognised means nothing in law. In the Trade Union Act of 1947 the amendment Act, section 28(f) provides for what are the rights of a recognised trade union. Sir, in this connection, I am reminded of a very interesting passage in a book, a very able treatise, written by Prof. Kirkardy, Professor of Industrial Relations in the Cambridge University. It is a series of lectures entitled the *Spirit of Industrial Relations*. He says that for the first time when in America they said that the employer shall negotiate with the employee, they did not define what is negotiation. Then, after the Act was passed a trade union leader went to the employer. The employer called him, asked him to come and sit, asked him "How do you do" and then said "You may now go." The trade union leader said: "Sir, the

Act enjoins on you to talk to me". The Manager replied: "Yes, we have talked to you; we have called you; we have invited you; you have come and sat; now you may go." It does not say how much we should talk and what we should talk to you.

**Shri Nambiar:** These things cannot happen now.

**Shri Venkataraman:** If these things cannot happen now, I do not know why we want legal sanction by way of this Bill. In the ultimate analysis, it is really the strength of the union that determines its bargaining capacity; in the ultimate analysis, it is the solidarity of the workers which gives them the power to negotiate. More technical legal recognition of the kind which this Bill envisages will not help the workers at all. Therefore, I think my hon. friend Mr. Nambiar when he brought forward this Bill was completely misconceived in the object for which this has been brought. The real way in which we can get the workers their legitimate rights to bargain collectively is by showing that they have the strength of organisation and a certain percentage—which I would put in the case of unit unions, even at 33½ per cent and in the case of federations at 20 per cent—would be the minimum that would be required for giving them bargaining strength. A mere five per cent would not help anybody to bargain with the employer.

Then, Sir, there are certain difficulties in the way of the employees in getting recognition now. The Industrial Disputes Act which defines what is an industrial dispute has been interpreted by the Industrial Tribunals in this country as not including the issue of recognition, that is to say, the Tribunals in India have given rulings holding that the issue of recognition of a trade union is not an industrial dispute, as defined in the Industrial Disputes Act. Sir, in my view—as a legislator I am entitled to differ from judges—it is a wrong interpretation.

The definition of an industrial dispute is any dispute or difference between an employer and an employee relating to conditions of service. Here the right to bargain is one of the conditions of service and I do not understand why the right to bargain collectively should be treated as not falling within one of the terms and conditions of employment. It is necessary that this state of affairs should be remedied and the proper way in which it could be done is to include in the definition of an "industrial dispute" a proviso stating that the issue of recognition of a trade union shall for the purposes of this be deemed to be an industrial dispute.

Whatever be the phraseology, I am in favour of entrusting the powers of granting recognition to a trade union not statutorily on the basis of membership, but to an Industrial Tribunal which will go into the merits of the case, will go into the collective strength of the union and be able to decide on the merits whether or not a particular union should be granted recognition or not. I quite agree with my hon. friend Shri Nambiar that today the workmen have no right to go to a court, or go to an authority, to establish his bargaining strength, or to prove that his union has got the bargaining strength and the only way—and which it appears to me to be a proper one—would be to amend the Industrial Disputes Act in such manner as to include a dispute relating to recognition of a Union.

Then, Sir, my hon. friend passed a number of remarks with regard to other unions, as well as the socialistic pattern of society and cast a lot of sarcasm and bitterness round his speech. They were totally irrelevant for the purpose of the Bill which he was sponsoring.

**Shri T. B. Vittal Rao:** Is the Avadi Session Resolution irrelevant?

**Shri Venkataraman:** The Avadi Session Resolution is totally irrelevant for the purpose of the Bill which my hon. friend Mr. Nambiar is sponsoring.

**Shri Nambiar:** That is the life for the nation for the whole time to come!

**Shri Venkataraman:** The Avadi Session Resolution was for the establishment of a socialistic pattern of society in which every person will have the right to live; to have an egalitarian society in which differences would be reduced. There will be equality of opportunity for all persons. I do not see how this comes in in the recognition of a trade union which has, even according to Shri Nambiar only 5 per cent of membership. Admittedly, it is a union which is a minority. Admittedly, it is a union which does not command the confidence of the workers, having only 5 per cent. Admittedly, it has not got the bargaining strength. Admittedly, it has not got the sanction of the workers behind it. According to the socialistic pattern of society which Shri Nambiar envisages, they must have the right to dictate to others. You know the pattern of society to which we stand for and they want to stand for. They just want to stand for that pattern of society in which 5 per cent of the people will be able to dictate to 90 or 95 per cent of people. That is the basis of his argument.

Let me make one more submission before I conclude. This question of recognition should always be coupled with certain duties. The right to be recognised should be coupled with certain responsibilities. It is not proper merely to say that a union should be recognised without seeing what the obligations they will have to undertake. These jurisdictional disputes *inter se* between a union and another union have been the bane of this country. If you want to recognise a union, you must see that the union which has got the largest membership is recognised. If you believe in a democratic process it should be open to the members or the workers in the plant or unit to change their union executive by a democratic process of election. Under the Trade Union Act, every year they have got to conduct elections. If you do not believe in that, but still want to start a rival union, you must at least be able to muster a sufficient amount of strength to be able to show greater support from the wor-

[Shri Venkataraman]

kers than the other union which is recognised. I do not believe in the recognition of 2 or 3 unions at a time. This will lead to confusion. This will spoil the workers' cause. The union which commands the largest measure of support from the workers is the only organisation which should be capable of recognition.

My hon. friend Shri Nambiar said, look at the railways, they started at the top, they came to the National Federation, from the National Federation they came to unit unions and from unit unions, they came to the workers, this is the way they have built their organisation. My hon. friend Shri Nambiar has a good memory though he may try to hood-wink the House for his own political purposes. The all India Railwaymen's Federation was one of the organisations started earlier by the workers themselves. Then, they formed into a Federation and that Federation was recognised. For several years, the All India Railwaymen's Federation was recognised. Subsequently, the workers who did not want to join the Railwaymen's Federation, started another organisation, they carried on a struggle for a number of years and they were not recognised at that time. Among those who opposed the recognition of the rival organisation is Shri Nambiar. I put it to him straightaway: can he deny that he was one of those who opposed the recognition of the National Trade Union rival Railwaymen's Federation? Is he not one of those who opposed the union units formed under the auspices of this Federation?

**Shri Nambiar:** What percentage of membership that organisation had or still has?

**Shri Venkataraman:** Now, it is admitted that he opposed. Whatever the reasons, this is not the forum to go into now. After they had gained sufficient strength, after it was demonstrated to the Railway Board that they had sufficient strength, after it

was demonstrated that the All India Railwaymen's Federation declined to call for a strike, but the South India Railway Labour Union of which Shri Nambiar was the President or Secretary, I do not know, called a strike and that strike fizzled out, only then, the other union was recognised. Let us not forget all that and now try to trot out arguments which will ultimately harm the workers. I think recognition has to be worked out in a different way. The only way in which a recognition can be effective is by gathering strength. The only way in which we can get recognition is by trying to amend the Industrial Disputes Act in such a manner as to give the discretion to the tribunal to be able to find out whether recognition should be granted to a certain union. I oppose the Bill as it stands as it will be wholly detrimental to the interests of the workers.

**Shri T. B. Vittal Rao:** I have been listening to my hon. friend Shri Venkataraman very keenly with attention. He is not only a trade union leader; he is the editor of the Labour Law Journal which we all read with interest. So, his views deserve some consideration. But, today, when he spoke, he spoke as if he was one of those on the Treasury Benches.

**Some Hon. Members:** He is.

**Shri C. R. Narasimhan (Krishnagiri):** What is the harm?

**Shri T. B. Vittal Rao:** There is no harm. Only I sympathise with him for missing the bus so often.

When we consider the question of recognition of trade unions, I thought things will not be looked at from the angle of party politics. Unfortunately, that has been brought into this debate. Therefore, I would like to go into the history of these organisations.

There have been times when there was only one organisation, the All India Trade Union Congress. This organisation, the All India Trade

Union Congress came into existence after the first world war. The purpose for which this organisation was formed was, to get some representation on behalf of the workers in the International Labour Organisation. Various trade union organisations sprang up. In 1929, another split occurred. There were three Central trade union organisations functioning during 2 or 3 years. Of course, I leave out the Mazdoor Mahajan with which our Labour Minister was connected for a long time. It was itself a Central trade union organisation. After that, we had one central organisation. Again, all the unions came together and they formed the All India Trade Union Congress. Later so many people tried to split this organisation. It went on gaining strength. During the second world war, the Indian Labour Federation was formed. For some time it functioned because it was patronised by the British Government at that time. After the second world war was over, when there was a demand to consider which was the most representative organisation among these two organisations, the Indian Labour Federation and the All India Trade Union Congress, it was said that the All India Trade Union Congress was the most representative organisation. It functioned though there were so many people trying to disrupt it. At that time, there were so many parties. It is wrong to say that it was communist dominated though there were a few more communists relatively, relatively to the number of congress, socialist and various other independent leaders. But, even at that time, I would like our friend Shri Venkataraman to show me from the resolutions of the All India Trade Union Congress in any session where they opposed the recognition of other unions though this union was having not less than 75 or 80 per cent of the members.

**Mr. Chairman:** Does the hon. Member propose to take some more time?

**Shri T. B. Vittal Rao:** Yes.

DEMANDS FOR GRANTS FOR  
1955-56—RAILWAYS

DEMAND No. 1—RAILWAY BOARD

**Mr. Chairman:** There is one announcement that I have to make.

The following are the numbers of the cut Motions to Demand No. 1 in respect of the Railway Budget which the hon. Members have intimated to be moved: 40, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 308, 309, 310, 311, 312, 313, 314, 315, 316 and 319.

**Shri Nambiar:** Some are to come tomorrow.

**Mr. Chairman:** Those that are received by 12 o' clock tomorrow would also be accepted and put on the list. "*Tribal people in services of Railways*"

**Shri Biren Dutt** (Tripura West): I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

*Rail link from Karimgang to Agartala*

**Shri Biren Dutt:** I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

*Extension of new rail link through Patherkandi upto old Agartala station*

**Shri Biren Dutt:** I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

*Construction of railway lines in Tripura*

**Shri Biren Dutt:** I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

*Survey of new line connecting Assam — Railway with Tripura*

**Shri Biren Dutt:** I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."