Surendra Mohan Ghose, Shri T. Sanganna, Pandit Krishna Chandra Sharma, Shri Raghubar Dayal Misra, Shri Lotan Ram, Shri Rajeshar Patel, Shri Liladhar Joshi, Shri Narendra P. Nathwani, Shri Bisakisor Ray, Shrimati Anasuyabai Kale, Shri Hari Vinayak Pataskar, Shri Manikya Lal Varma, Shri Ranjit Singh, Dr. Ram Subhag Singh, Shri Anandchand, Shri Hirendra Nath Mukerjee, Shri Mangalagiri Nandas, Shri Sarangadhar Das, Shri Hari Vishnu Kamath, Shri P. N. Rajabhoj, Dr. Lanka Sundaram, Shri Raghubir Sahai, Shri Uma Charan Patnaik and Shri Balwant Nagesh Datar, and 15 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the 16th November, 1955:

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) AMENDMENT BILL

The Deputy Minister of Labour (Shri Abid Ali): I beg to move:

"That the Bill to amend the Industrial Disputes (Appellate Tribunal) Act, 1950, be taken into consideration."

The Bill is a short one and is intended to replace an ordinance which was promulgated on the 21st June 1955. It is intended to ensure speedy disposal of applications under sections 22 and 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950. More than 1600 such applications were pending before the Appellate Tribunal towards the end of June 1955. While the number of applications filed per month is near about 100, the rate of disposal ranges between 80 and 85. Under the existing law, every application has to be heard by a bench or a tribunal consisting of at least two judges. The applications are usually of an individual nature relating to the termination of the services of employees or some unauthorised changes in their conditions of service during the pendency of the appeal proceedings. The cases are not really important enough to merit consideration by two judges of the Appellate Tribunal. The time that the judges devote to these, I think, may with greater advantage be spent on hearing appeals proper. It is thus in the interest of economy and speedy disposal of individual justice that the Appellate Tribunal and also a single member industrial tribunal should be empowered to dispose of such applications. It is expected that this arrangement will bring about an appreciable improvement in the position both as regards pending applications and appeals and thereby ensure speedy justice to the workers concerned. As will be readily agreed, in industrial disputes it is very much in the interest of industrial peace that the decisions of the Tribunal are given within the minimum possible time. The Bill is designed to serve this purpose.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to amend the Industrial Disputes (Appellate Tribunal) Act, 1950, be taken into consideration."

Shri Tushar Chatterjee (Serampore): The Bill is really welcome only in so far as it seeks to avoid unnecessary delay in disposing of the cases under sections 22 and 23. As this matter relates to the changes in the conditions of service during the pendency of appeal proceedings, it affects the workers everywhere. Although the main disputes are under consideration of the Tribunal, it is our experience that not only in the Appellate Tribunal but also in the lower tribunals, during the pendency of the appeal, all sorts of changes in service conditions, discharges, etc., take place and workers have to suffer very much. They have to go to the tribunals repeatedly for that purpose for getting redress. These things take an unnecessarily long time. So by providing for this special measure, at least one problem of the workers is solved. But at the same time I have to say that simply by providing for quickening up the procedure of the disposal of such cases the workers' interests will not be served, because the question is not simply one of quickening the process of this matter. It is also necessary to ensure justice in the process of the disposal of such cases. In the Act, section 22 does not clearly lay down that disposal of such cases will be made after proper hearing of both sides.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

What is mentioned in the Act is that in case the employer makes any change, in the service conditions of the employees, he has to do so after getting written permission from the Tribunal. At least I know the case of the West Bengal Tribunal. There it is our common experience that the disposal of such cases does not always take into consideration the views of the affected party, that is, the workers. It is true that sometimes the person concerned, that is, the worker concerned is asked to explain his case in writing. But in very rare cases the worker is asked to present himself before the Tribunal or the workers' representatives or council are asked to present themselves before the Tribunal and argue the case. This is very common experience at least in West Bengal. I think this sort of vagueness in languages in the Act should be removed and, therefore, I have suggested an amendment that a proviso should be added so that there may be a clear provision that the disposal of all such cases will be made after proper hearing in which both the parties will be represented. I do not know what happens in other States, but at least in West Bengal, as far as our experience goes, workers complain that they are not always heard, and even if they are heard, they are simply asked to submit their point of view and are not given an opportunity to present themselves before the Tribunal to refute or counter the arguments of the employer.

3 P.M.

Shri Abid Ali: This Bill concerns Tribunal or Appellate Tribunal?

Shri Tushar Chatterjee: I do not know what happens in the Appellate Tribunal.

Shri Abid Ali: This Bill concerns the Appellate Tribunal,

Shri Tushar Chatterjee: When this happens in the case of the lower tribunal one can safely presume that it is likely to happen in the case of the Appellate Tribunal also. Therefore, I want an express provision to this effect.

There is another point which is of more importance. This Bill seeks to quicken the procedure of disposal of cases under sections 22 and 23. This is all right no doubt, but the more important thing that is in the mind of the workers is not simply the necessity of quickening this particular procedure. The workers demand that it is necessary to quicken the entire procedure of the tribunal. What happens is this: a dispute arises and it is referred to a tribunal. That tribunal gives some award. After that the employer appeals to the Appellate Tribunal

and then years go on. So, the workers have to wait for as long as 5 years or 7 years till their case is finally disposed of. Therefore, it is not simply a question of quickening the procedure of dealing with these particular sections, but the main point that is to be considered is the quickening of the procedure of the entire tribunal machinery. I think a time limit should be fixed within which the tribunal should finish its activity.

Why do we raise this question? This question is raised mainly because the experience of the workers is that although the main disputes are pending before the tribunal all sorts of dismissal discharges, change of conditions of service etc.,—that is under sections 22 and 23 occur. They occur repeatedly and they occur one after another. In such cases the workers are fed up. Therefore, as long as the tribunal continues its work, year after year, in spite of the main points of dispute being under consideration of the tribunal this sort of additional trouble is faced by the workers and they are really fed up with it. On the other hand the law of the tribunal ties down the workers to certain conditions. The workers cannot go on strike. The workers cannot do anything they like for getting relief. So, on the one hand through the whole procedure of the tribunal the workers are tied down to certain very strict conditions and on the other hand the employers take the opportunity of harassing them, discharging them and changing their service conditions. These things go on and therefore the workers feel that unless there is a time limit set for the whole process of the tribunal, it is really very difficult for the workers to feel the benefit of the tribunal. The main complaint of the workers is that the whole process of the tribunal machinery is slow. No doubt, the tribunal is doing some good work, but on the other hand it is giving the employer a free chance to victimise the workers under any plea whatsoever for which the workers have to go to the tribunal again to seek protection. This sort of thing goes on.

Shri Veeraswamy (Mayuram-Reserved-Sch. Castes): Sir, there is no quorum in the House.

Shri T. R. Vittal Rao (Khammam): Every day this is the story.

Mr. Chairman: I am ringing the bell.

Now there is quorum and the hon. Member may continue his speech.

Shri Tushar Chatterjee: My last point is about some basic policy. It is true that the Bill seeks to do some good, no doubt, but my point is: when the main question of continuance or abolition of the Labour Appellate Tribunal is there in the country, why not bring in a more comprehensive Bill instead of bringing this piecemeal legislation? Today the workers all over the country, irrespective of their political opinion—the A.I.T.U.C. I.N.T.U.C., Hind Mazdoor Sabha, U.T.U.C.—all demand the abolition of Labour Appellate Tribunal. In judging the main issues of labour disputes it takes such a legalistic view and avoids the view of social justice that in majority of cases the decision of the Labour Apellate Tribunal has been to turn down the award of the lower tribunal. Therefore, in the present conditions, all over India, the opinion of labour is against the continuance of this Labour Appellate Tribunal. I know in Bombay all the different trade union organisations united and held meetings where they unanimously passed a resolution that the Labour Appellate Tribunal should be abolished. I have received reports that in Bombay all lawyers connected with labour cases have boycotted the Labour Appellate Tribunal. I know in tripartite committees also this question was raised and they are of the view that the Labour Appellate Tribunal should be abolished and some substitute should be found out because the Labour Appellate Tribunal deals with things in such legalistic manner that always goes against the interests of the workers. The Labour Appellate Tribunal award has always been to turn down the lower tribunal

[Shri Tushar Chatterjea]

award. Therefore, it has been the practice that only the employers go to the Labour Appellate Tribunal for they feel that by going to the Appellate Tribunal they will get some relief as the Appellate Tribunal by practice has shown that its award will turn down the award of the lower tribunal.

It is not only the entire labour opinion which is against the continuance of the Labour Appellate Tribunal, but I know that the Government circle is also considering whether this Labour Appellate Tribunal should be abolished. I am told that in some committee the Government is considering this question. Therefore my question is: when that basic question is under consideration of Government why not bring in a comprehensive Bill abolishing the Labour Appellate Tribunal and bringing in some substitute or whatever proposal you have got in view? Why bring in this piecemeal legislation which does not touch upon the main problem and which does not satisfy the labour? It does not solve the main question that has arisen in connection with the Labour Appellate Tribunal.

Therefore, although I welcome this Bill so far as it goes, I feel that the Government should consider the whole question, the basic question of this Labour Appellate Tribunal, and do something with regard to it.

श्री डी० के० लाहा (चाड़ विल्ली) : यह जो अमेंडमेंट बिल यहां पर पेश किया गया है, उसका मैं स्वागत करता हूं क्योंकि सारे केस में आवश्यक मजदूरों और मालिकों का आपस का झगड़ा चलता आ रहा है और उसके लिए जो इंडस्ट्रीयल और जो मशीनरी कैंपा की गई है, वह इंडस्ट्रियल ट्रिब्यूनल और एपेलेट ट्रिब्यूनल हैं और पिछले पांच, छः साल का तजुर्बा हमें बतलाता है और हम देख रहे हैं कि मजदूरों का इन ट्रिब्यूनल्स के ऊपर से विश्वास उठ सा गया है। उनको बिलकुल विश्वास नहीं रहा और इसके कई कारण हैं।

उनको अपने केस को अच्छी तरह से पेश करने का सिर्फ मौका ही नहीं मिलता बल्कि यहां उनके केस का फैसला होने में बहुत समय जाया लगता है। इसलिए लोगों में उनके प्रति न विश्वास रहा, न भरोसा रहा और न खुद ही रहा कि इतना लंबा केस चलने दिया जाय। मैं मानता हूं कि यह जो बिल में अमेंडमेंट किया जा रहा है उससे कुछ फायदा है लेकिन इसके अलावा हमें इसकी बुनियादी चीजों पर जाने की आवश्यकता है। सबसे पहली चीज यही है जो कि ट्रिब्यूनल के सामने जाती है या एपेलेट ट्रिब्यूनल के सामने जाती है, उसके फैसले के लिए कोई टाइम मुकर्रर होना ही चाहिए कि इस अवधि के भीतर फैसला हो जाना चाहिए। आज के दिन हम देखते हैं कि इंटरनेशनल कान्फ्रेंस में भी टाइम शेड्यूल कर दिया है क्योंकि खुद किसी में नहीं रहा और कई कारण ऐसे आ जाते हैं कि उनमें दखल देते हैं। मजदूर सबसे ज्यादा पिसी हुई जाति हैं और उनकी तकलीफ सबसे ज्यादा है। इस मामले में मैं सिर्फ मजदूरों की ही बात नहीं कहता। मालिक भी परेशान हैं। ट्रिब्यूनल्स् एक तरफा चीज नहीं है क्योंकि यह बताया गया है कि मजदूरों को इसके दरमियान बहुत परेशानियां होती हैं, क्योंकि कानून उनको कोई चीज करने की इजाजत नहीं देता, यह सच्ची बात है लेकिन इसके साथ ही साथ मैं यह भी कहना चाहता हूं कि मालिकों को भी बहुत सहूलियतें नहीं हैं। उनके ऊपर भी पाबन्दियां हैं और उस प्रकार का अंधाधुंध जैसा पहले किया करते थे आज नहीं कर सकते, मजदूरों को विक्टिमाइज नहीं कर सकते, काम से नहीं निकाल सकते जब तक कि ट्रिब्यूनल उसकी इजाजत न दे। इसलिए यह चिपका दोनों तरफ है, लेकिन कुछ भी हो, बहुत सी चीजों में लोग आवश्यक बंटे हुए हैं, खास तौर से मजदूर, उनके सवालों का जल्दी निपटारा होना चाहिए। उसके लिए कुछ बुनियादी चीजों पर सोचने की आवश्यकता है, ताहम यह बिल थोड़ी हद तक गरीब मजदूरों को फायदा पहुंचाने वाला है, इसलिए

हम उसको सपोर्ट करते हैं । इसके अमल में आने पर ही हमको पता लगेगा कि कहां तक इसमें हमको कामयाबी हुई और इस अमेंडमेंट बिल का मकसद पूरा हुआ ।

पहले जो ट्रिब्युनल्स् कायम किये गये, उस वक्त बहुत खुशी का इजहार किया गया लेकिन जब उनको हमने अमल में आते देखा तो हमारी वह सारी खुशियां खत्म हो गईं । सबसे बड़ी दिक्कत इसमें मुझे यह है कि इसके जरिए कोई जल्दी फैसला होता ही नहीं है और देरी के अलावा और भी इसमें बहुत परेशानियां होती हैं और खास करके जब छोटी छोटी बातों के लिए ट्रिब्युनल में जाना पड़ता है तो उसमें बहुत परेशानियों का सामना करना होता है । हां कोई खास फंडामेंटल चीज हो पालिसी के ऊपर या कुछ जनरल प्राबलम्स् हों जो कि तमाम इंडस्ट्रीज के मजदूरों पर असर डालने वाली हों, तो उनके फैसले के लिए आप ट्रिब्युनल में जा सकते हैं और अगर वहां पर फैसला होने में थोड़ा टाइम भी लग जाय तो भी कोई हर्ज नहीं है । छोटी चीजों के लिए भी जब उनको वहां जाना पड़े और जब उसमें बहुत देरी हो तो बहुत परेशानी होती है । इसलिए मैं मंत्री महोदय से दरख्वास्त करूंगा कि फैसले के लिए अगर कोई टाइम लिमिट रख सकें तो ज्यादा अच्छा होगा । ऐसा करने से लोगों को जस्टिस भी जल्दी मिल जाया करेगी और लोगों में उससे तसल्ली भी जल्दी हो सकती है । मैं समझता हूं कि इन ट्रिब्युनल्स् के कारण ही तमाम हमारे मजदूरों में असन्तोष बढ़ता जा रहा है । असन्तोष आज आप जानते हैं चारों तरफ फैल रहा है, असन्तोष को फैलाने वाले और मजदूरों को भड़काने वाले आज हमारे बीच में मौजूद हैं । ज्यादा से ज्यादा लोगों को भड़का कर मिस्लीड करने वाली कई पार्टियां हैं, वह सब तो हैं लेकिन जरूरत इस बात की है कि जब कोई इंसाफ लेने के वास्ते ट्रिब्युनल के पास जाय तो उसको वहां पर जल्दी इंसाफ मिलना चाहिए । अगर वह नहीं मिलेगा तो यह जो असन्तोष बढ़ाने वाले हैं, उनके भी हाथ मजबूत हो जाते हैं ।

मैं इस अमेंडमेंट बिल का समर्थन करता हूं और टाइम लिमिट के बारे में अगर इसमें कोई प्राविजन रख सकें तो ज्यादा अच्छा होगा । इन शब्दों के साथ मैं इस संशोधन विधेयक का समर्थन करता हूं ।

Shri K. P. Tripathi (Darrang): I rise to welcome this Bill. The difficulties before the Appellate Tribunal which led to the drafting of this Bill and the earlier ordinance on which it is based were fundamental. It is one of those Bills which try to speed up the procedure before the Appellate Tribunal. To that extent, this Bill is welcome to us.

We know that under the law which exists, when any reference is made to the Appellate Tribunal or the lower tribunal and when that reference is pending, within the pendency, the employer is prevented from making any change in the service conditions. Similarly the workers also are prevented from going on strike. This is mutual. Now, what happens is that in practice the employers make changes in service conditions and the workers have to go with petitions to the Appellate Tribunal or the tribunal under which the reference is pending. Sometimes the number becomes so large—as figures were quoted by some Members—that it becomes impossible either to dispose of these petitions or to deal with the substance of the dispute in issue. Therefore it was thought necessary and I think it has been done well.

But the problem before me is, why has not the Government felt it necessary similarly to tighten up the procedure of the tribunal and the Appellate Tribunals in other spheres? My friend over there was quoting certain instances in Bengal to show how the procedure is so dilatory. After all what was the necessity of these tribunals. These tribunals were set up to remove disputes between the parties. The way in which these tribunals have developed has shown abundantly clearly —and I think the Government itself and particularly the Labour Minstry is convinced—that instead of setting disputes, it has become the habit

[Shri K. P. Tripathi]

of the tribunals to promote and create disputes and make the disputes persist. It is for this reason that the tribunals, instead of being dispensers of justice, have become causers of disputes. There has been no peace in the industry as was visualised. After all, it was decided in 1948 and earlier that it was necessary that there shall be peace in the industry and that this country might be reconstructed. That peace has come because the workers, instead of taking to the goal or the path of strike, have taken the path of adjudication. But the adjudication has become so costly and so dilatory that in one adjudication it has taken three to five or even seven years for reaching a settlement. You know that one adjudication is binding only for one year. Why? Because the dispute between the employer and the worker, when it arises, arises like a fire and it has to be quelled quickly. In progressive society in all other countries of the world, it has been found that a dispute need not be settled for ever. It is quite enough if it is settled for one year. As a matter of fact, the tradition is that there is an annual contract between the employer and the worker for one year under which the workers work. This is generally between the trade union and the employers. So, the contract is for one year and the dispute has to be settled quickly for one year. If for a dispute which has to last for one year and has to be settled within that year, seven years are taken for the purpose of settlement, then, it must be said that the machinery has failed. What is the use of creating a machinery which fails to fulfil the purpose? If the Government or the Ministry is convinced that this has failed to deliver the goods in the way in which it was desired, then it was its duty to have come forward with a better and a more comprehensive Bill which would have met the purpose; but that has not been done. As my friend was quoting, even the I.N.T.U.C. has passed a resolution in Bombay for the abolition of the appellate tribunal. It may be realised what bitter feelings have been created by the way in which the appellate tribunals have functioned. The appellate tribunal has shown a complete lack of understanding of labour problems. When the Bill for this was being moved earlier by Shri Jagjivan Ram, it was said that specially trained tribunals would be constituted; but that has not been fulfilled. We have come to the conclusion that the tribunals have functioned without understanding what labour problem is, what labour economy is and what industrial economy is. Therefore, such a resolution has been passed. I do not know what the Government thinks about this. Sometimes from the discussions which we have had in the Joint Consultative Board, we felt that even Government was convinced that the appellate tribunal should go. If that is so, I do not know why the Government has delayed the abolition of the tribunals. It is said that the employers are trying to influence the Government not to abolish the appellate tribunal, although the Government is convinced that it should be abolished.

Mr. Chairman: Order, order. I do not want to interrupt the speech of the hon. Member but it appears that he is traversing ground which is not covered by this Bill. This Bill has very limited scope. It only refers to proceedings before the appellate tribunal under section 22. If the appeals were not pending, these proceedings would go to the ordinary tribunals. The scope of this Bill is very limited, but the hon. Member has traversed much broader ground. I would request him to confine himself to that actual Bill before the House.

Shri K. P. Tripathi: I was just trying to argue that the case for the abolition of the appellate tribunal has been made out all over the country. I was also trying to argue that Government seems to be convinced that it should be abolished and I was questioning the Government as to why it has not brought a Bill for the abolition of the tribunal itself instead of trying to speed up the procedure.

Mr. Chairman: That is the objection.

This Bill only relates to proceedings under section 22. If there was no appeal pending, then it would go to the ordinary tribunal. We are only concerned with delays etc. in regard to proceedings under section 22. The broad question that appellate tribunals are useless and have not worked well is not germane to the discussion so far as this Bill is concerned.

Shri K. P. Tripathi: Are we not entitled to draw the attenion of the hon. Minister to the fact that the appellate tribunal has not worked well?

Mr. Chairman: It may be an important matter, but it is not within the scope of the Bill. We are confined to the consideration whether there should be change in the powers of the appellate court, so fas as proceedings under section 22 are concerned.

Shri C. K. Nair: It is quite relevant to the subject.

Mr. Chairman: It is not relevant; relevancy in the Bill is only to proceedings under section 22 pending before the appellate tribunal. The Bill only says that these proceedings may be decided by judges sitting singly or may be made over to the tribunals, etc.

Shri K. P. Tripathi: I understand that the hon. Chairman is not ruling that I am not entitled to refer to this.

Mr. Chairman: I have myself allowed the hon. Member to have his say on the matter, but I would request him not to dilate too much upon this, because speaking legally, the question only relates to the powers of the appellate tribunal in considering applications under section 22.

Shri Debeswar Sarmah (Golaghat Jorhat): May I invite the attention of the Chair to the Statement of Objects and Reasons of the Bill which reads:

> ".....With a view to giving relief to the Appellate Tribunal and ensuring expeditious disposal of the applications, it is proposed to amend the Act....."

Mr. Chairman: The reference is only to disposal of applications under section 22.

Shri Debeswar Sarmah: My friend's contention is that when the appellate tribunal itself is abolished, there is no question of giving relief to it.

Mr. Chairman: I quite understand that point of view. It is only with a view to accommodate the hon. Member that I have allowed him to make so many remarks. Otherwise, strictly speaking the abolition of the appellate tribunal is not relevant to this Bill. Here we are only concerned with the limited question regarding applications under section 22 and not with the broad question whether the appellate tribunal should be allowed to remain or not. All the same I have allowed him to have his say on this matter. If he has got anything to say about the disposal of applications under section 22, he is quite welcome to do so.

Shri C. K. Nair: The Bill is narrow enough; and the Chair is making it further narrower.

Shri K. P. Tripathi: The Government have now come forward with a small Bill amending section 22 and section 23. The demand before the country was abolition of the tribunal. Naturally, therefore, the working class of the country may conclude that instead of abolishing the tribunal, the Government have decided not to abolish it, but merely to tighten the procedure. It is very clear that if the Government had come to the conclusion that it should be abolished, in that case, this Bill would have been one of abolition and not of simply tightening the procedure. As soon as this Bill is passed the reaction of the working class would be that the Government does not want to abolish the appellate tribunal for which a demand has been made unanimously by all working classes. What will be the result? The result will be disappointment, which the Government wants to avoid. So far as I know, it is not the intention of the Government to say that the functioning of the appellate tribunal has been all

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right or it has succeeded in achieving the purpose for which it was set up. Therefore, by bringing this Bill, the Government is defeating its own policy to some extent.

Shri Bansal (Jhajjar-Rewari): Which policy?

Shri K. P. Tripathi: The policy of industrial truce and peace upon which you are agreed with us. We are together bearing the burden of this country, to reach higher and higher goals of production. I am told that last month the production target was 165. That was a very high figure. So far as progress is concerned, we and the employers are going forward at considerable speed. We are taking care of the side of production in this country; but Government has to take care of the disputes. Government has failed to take care of the disputes. Why has it failed? It has failed because it has not provided the right sort of judicial procedure. When there is a demand for the abolition of this tribunal, it should be considered. The decisions are pending only for one year; after that the workers and the employers are free to negotiate or to come to disputes. It is not like the civil case where we want a stabilised decision for ever in perpetuity. In modern society, nobody believes that property is perpetual. There was a time when in civil law property was held to be perpetual; but in the field of industrial relations, our relations are quicksilverlike. We want a quick decision for one year. We do not want an eternal decision. Therefore, the very idea that there should be uniformity in legislation or decisions is wrong. There cannot be any uniformity. There is only a question of temporary settlement. The disputes between the employers and workers have been very well described in the famous book Strife by Galsworthy where the fight between the employer and the worker goes on, both get tired, sleep together for some time and then again they come and fight.

Shri Bansal: That was in the 19th century.

Shri K. P. Tripathi: I am quoting the 19th century because we have not yet got out of the 19th century.

Shri Bansal: Quote the 20th century writers.

Shri K. P. Tripathi: In the 20th century, the only thing is we have come to the tribunals. Instead of fight, we have the lawyers.

By bringing in this Bill, Government have brought in rather a half-hearted measure. Why it has been so, I do not know. I am told that a great deal of influence is being exercised by the employers on the Government. For this reason, the Government have slowed down their labour legislation programme.

Shri Abid Ali: No, no.

Shri K. P. Tripathi: If that is so, I am sorry.

Shri Abid Ali: Be happy; it is not so.

Shri Bansal: The hon. Minister says it is not so.

Shri K. P. Tripathi: I hear him. It is true that the amount of labour legislation which was put through last year was far short of the necessity. You will realise that with reference to the resolution of Socialistic pattern of society, it was expected that a great deal of labour legislation would be coming forward. But, no labour legislation is coming forward to implement that programme. That is a matter on which Government themselves have come to the conclusion that some things should be done. But, nothing has been done. In the Joint Consultative Board, which is a part of the Planning Commission, it has been decided and discussed as to how the Labour Appellate Tribunal should be abolished and how the provisions in sections 22 and 23 should be amended. But, the Bill has not been brought to carry out those amendments, although they would have been very germane to the present situation in the country. Why has it not come? That ques-

tion automatically arises. Why has not the abolition of the appellate tribunal, which has been decided in that Board, come before the House.

Shri Bansal: Which Board is the hon. Member referring to?

Shri K. P. Tripathi: Therefore, I personally feel that the influence of my hon. friend, whatever my hon. freind may say, the influence of the employers has, to some extent, had a moral effect on the Government.

Shri Bansal: I can assure you I do not employ a single person.

Shri K. P. Tripathi: Why has there been a hold-up of labour legislation? That is the question which we the working classes are asking today. For instance, there is a great demand today for the amendment of the definition of 'worker'. Recently, journalists have been brought within the purview of 'workers'. I have got a telegram from Bengal and Assam saying that the doctors working in the plantations are being excluded by the tribunals from the bonus award because they are not workers. If this is done, the union itself may break. I have brought this fact to the notice of the hon. Minister. The doctors themselves are coming on a big deputation to the Government here. What is the position? The definition of 'worker' has not been amended. I asked the Government. Government say, yes, the definition needs modification. But, I am told that the employing Ministries of the Government of India are holding back this legislation. That is unfair. The definition of 'worker' was made at a time when the concept was different. Today, the conception is different. Today, in terms of the present concept of the word 'worker' as the Labour Ministry of the Government of India think, legislation is to be brought in. That is not being done. That amendment is not coming. What is holding it up? The workers feel that somebody is holding up that legislation. That question is not answered.

There are a large number of other labour legislations which are necessary. I can give a list. All that is held up. Even the law which has been drafted by the Labour Ministry with regard to industrial relations is being held up. That has not yet seen the light of day in spite of the fact that, it was promised by the erstwhile Labour Minister. What is holding it up? That is the question. Therefore we draw the attention of the Government of India to the fact that the working classes of India feel that labour legislation has not been given sufficient priority and therefore delayed. The working classes further feel that there are other Ministries which are interested in this hold up, and are preventing this legislation from coming up. We hope that the Government would consider this and would not bring in legislation in this piecemeal fashion, but would tackle the labour problem as a problem, not in a legalistic way, dotting the i's and crossing the t's, so that the problem itself may be solved. The relations between the employers and the workers is not a legalistic one. It is a live one. It has to be solved as a live problem. If anybody thinks that this problem can be tackled by a legalistic approach, then, he is mistaken. I think I am expressing the views of the working classes of India correctly. I hope the Government will give it due consideration and try to change their lethargy and bring forward comprehensive legislation for which we are waiting anxiously and with considerable pain.

Dr. Jaisoorya (Medak): I wholeheartedly agree with the previous speaker in all the points that he has raised. I won't go into the question whether it is within jurisdiction to raise the issue whether we should have abolished the Appellate Tribunal or not. I only want to draw your kind attention to how slowly, if at all it moves, legislation or improvement in legislation with regard to labour problems, moves from issue to issue.

In 1922, the Government of Bombay formed a Labour Dispute Committee under Sir Stanley Reed. Then, the Government introduced a Bill in 1923-1924. The Central Government intervened and said that they want to make

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it a Central subject and it took them five years to bring the first Industrial Disputes Act of 1929. That Act was found to be extraordinarily defective. It took 18 years to alter that and bring in another Act in 1947. I shall just show, chronologically, how long it takes for an improvement to take place. Then, a Select Committee in 1950 made proposals and then we had the Industrial Disputes (Appellate Tribunal) Act of 1950. Then, they found that there was a big lacuna. This Industrial Disputes (Appellate Tribunal) Act of 1950 has failed in such a way that the entire working classes, no matter to what category and what political persuasion they may belong, have said that it is not worth it and that it is a waste of time. I am not raising that issue. If this Government brings in any improvement, even though late, we have to examine whether the improvement that is proposed in this Industrial Disputes (Appellate Tribunal) Amendment Bill of 1955 is such a remarkable advance that we should welcome it with open arms. That is the only question.

The fact is this. It has taken now five years. Once a law is passed, it takes a terrifically long time to alter it even if it is absolutely rotten. We must see whether this is going to do a great deal of good or a fairly good deal of good which will be acceptable, useful and practical to workers. If it is so good, I am going to welcome it; but our experience shows that this minor amendment is not going to alter the basic difficulty. And the basic difficulty is this: that the labour problem has many facets, and these problems have slowly and steadily accumulated. There have been various rulings and decisions in various courts of law and I find today that one book has tried to incorporate and make sense out of a large number of isolated decisions and rulings as to what a labour law has to be. It is not very likely that any lawyer knows these things unless he studies them specially. It is not likely that a magistrate or anybody appointed on this Labour Appellate Tribunal is aware of these enormously large number of rulings and the things that have crystallised out of them. Therefore, if the tribunal is formed in such a way as to meet this difficulty—that is what we are asking—and if a provision for that is incorporated in this Bill, I will have no objection whatsoever.

The first question is that there must be a cadre of adjudicators or people on these Industrial Disputes Tribunals who are trained and are completely and fully seized of all the problems that industrial disputes bring and how they are created. That is point number one. It is not only a judicial mind that matters. This is not a civil dispute. This is not a question of property rights. It is a new phenomenon that is arising out of the social changes that are taking place due to industrialisation which requires special understanding. Therefore, a new cadre of magistrates have to be trained, or people of judicial minds have to be specially trained. If provision to that effect had been incorporated by the Bill I would have welcomed it. As it stands today, the mere fact that the Appellate Tribunal is passing off a certain amount of its work again back to the Industrial Tribunal is not going to give you that speed which you are hoping for.

Our experience has been this, and I will tell you very frankly, that it is an unequal fight that is taking place between the employer and the employee. The employers can bring the biggest lawyers on their side. The employee has not got that capacity, and it is an unequal fight. The matter is adjourned from time to time and our experience has been that a dispute sometimes goes on for four, five, six or seven years and, whether it is the intention of the Industrial Tribunal to do so or not; this prolonged indecision financially ruins even the most powerful workers' union and therefore nobody is willing to have recourse to it.

The problem is this. I do not say: abolish the Industrial Appellate Tribunal. You say it is not on the cards here. All right, I will accept it. But the amendment that you are bringing forward must be so progressive and in practice must produce such results that it is worthwhile accepting the amendment. I regret to say that it is not so. There are two things that I would like to have. If you want this amendment to work, we should have a special cadre of people, not merely High Court Judges or two gentlemen from here and three gentlemen from there, but specially trained men with full knowledge; and if the Industrial Tribunal has got such men, the Appellate Tribunal is totally unnecessary. That is my contention. The second argument that I bring forward is that you should not have lawyers coming into the Industrial Tribunal to argue.

Mr. Chairman: May I just bring to the notice of the hon. Member that I raised an objection when Shri Tripathi was speaking on the Bill but I allowed him full latitude to have his say. Now, the hon. Member is coming to the constitution and the composition of the Appellate Tribunal which is the subject matter of section 5 of the Act. We are not amending section 5 of the Act. We are not on section 5. And he is further talking about lawyers etc. That also is covered by section 23 of the Industrial Disputes (Appellate Tribunal) Act. Lawyers are not allowed except with the consent of both the parties. The Act has been amended already so far as this is concerned. In regard to both these matters, so far as the present Bill is concerned, it has got absolutely no concern with both these things. I am very sorry therefore..

Dr. Jaisoorya: I fully agree with you, but I am telling you this that unless we can bring in certain powerful amendments.....

Mr. Chairman: The Hon. Member is entitled to bring his own Bill relating to the constitution of the Appellate Tribunal.

Dr. Jaisoorya: If you permit me, I shall most certainly do so. I am only pointing out that this amendment by itself is equal to zero.

श्री आर० आर० शास्त्री (जिला कानपुर—मध्य) : जो विधेयक इस समय सदन के सामने पेश है, मैं उसका स्वागत करता हूं। वास्तव में इस समय एपेलेट ट्रिब्यूनल के सामने मजदूरों के सैकड़ों और हजारों केसेज इक्ट्ठे हो गए हैं, जिस की वजह से मजदूर बहुत ज्यादा परेशान हैं। उस खराबी को दूर करने के उद्देश्य से यह बिल हमारे सामने पेश किया गया है। जितने भी माननीय सदस्यों ने अभी तक भाषण दिए हैं, करीब करीब उन सब ने इसका समर्थन किया है। इस सम्बन्ध में मैं सिर्फ इतना ही कहना चाहता हूं कि गवर्नमेंट ने सही काम तो किया है, लेकिन वह गलत तरीके से किया है और वह तरीका यह है कि इस बिल को पेश करने से पहले एक आर्डिनेन्स पास किया गया और यह कह कर किया गया कि एक बहुत बड़ी एमर्जेन्सी आ गई है और उस एमर्जेन्सी का मुकाबला करने के लिए राष्ट्रपति को एक आर्डिनेन्स पास करना पड़ा है। अप्रैल और मई के महीने में इस सदन की कार्यवाही बराबर हो रही थी और जुलाई के महीने से सदन की कार्यवाही फिर शुरू होने वाली थी। इसी बीच में यह खबर आई कि एपेलेट ट्रिब्यूनल के सामने इतने ज्यादा केसेज इक्ट्ठे हो गए हैं—इतनी ज्यादा मुसीबत इक्ट्ठी हो गई है—कि उसके लिए राष्ट्रपति को आर्डिनेन्स जारी करना पड़ा है। श्रीमान जी, मैं सिर्फ इतना ही कहना चाहता हूं कि कुछ मुसीबतें तो ऐसी होती हैं, जो प्राकृतिक होती हैं, और अचानक आ जाती हैं, और उनका मुकाबला करने के लिए आर्डिनेन्स को पास करने की जरूरत होती है। लेकिन कुछ मुसीबतें ऐसी होती हैं, जो कि पहले से मालूम हो सकती हैं। मैं कह सकता हूं कि इस वक्त एपेलेट ट्रिब्यूनल के सामने बड़ी मुसीबत आ गई है, इतने ज्यादा केसेज इक्ट्ठे हो गए हैं, यह कोई ऐसी बात नहीं थी कि जिसको गवर्नमेंट पहले से देख नहीं सकती थी। इस लिए मैं समझता हूं कि "एमर्जेन्सी" और "आर्डिनेन्स"

[श्री आर० आर० शास्त्री]

ऐसे शब्द होने चाहिएं कि इसका जिस वक्त प्रयोग हो---जिस वक्त डिफरेंशियल हो कि हिन्दुस्तान में एमर्जेन्सी आ गई है और राष्ट्रपति को आर्डिनेन्स जारी करना पड़ा है, उस वक्त परिचालक को यह महसूस होना चाहिए कि कोई बहुत बड़ी आफत आ गई है। एपेलेट ट्रिब्यूनल के सामने सैकड़ों केसेज सालों से इकट्ठे हो रहे थे, लेकिन अचानक गवर्नमेंट को ख्याल आया कि इसके लिए एक आर्डिनेन्स पास किया जाये। इस बात को मैं नामुनासिब समझता हूं कि ऐसे कामों के लिए इस तरीके से आर्डिनेन्स का सहारा लिया जाये। मैं उम्मीद करता हूं कि आईन्दा गवर्नमेंट के लोगों को यह जानकारी होनी चाहिए और यह ख्याल होना चाहिए कि हमारे कानून में क्या डिफेक्ट हैं और उनके कारण क्या मुसीबत आने वाली है।

जैसा कि अभी सदन का ध्यान दिलाया गया है, दफा ११ इस लिए पेश की गई थी कि जिस वक्त मालिक और मजदूरों का कोई मसला अदालत के जरिये हल हो रहा हो, उस वक्त मालिकों को यह अधिकार नहीं है कि मजदूरों के काम करने की शर्तों में कोई फर्क करें या उसकी वजह से मजदूरों को डिसमिस करें। लेकिन जैसा कि अक्सर हिन्दुस्तान में होता है, कानून के होते हुए, यह जानते हुए कि कानून के खिलाफ काम हो रहा है, मालिकान मजदूरों को केवल परेशान करने के लिए पदोन्नति कर देते हैं या काम की शर्तों में परिवर्तन कर देते हैं और फिर वे समझते हैं कि मामला एपेलेट ट्रिब्यूनल तक जायेगा, उसमें काफी समय लग जायेगा और इतने जमाने तक हम मजदूरों को परेशान कर देंगे, यह उसके लिए काफी सजा होगी। और इसी लिए दफा २२ की गयी है कि अगर मालिक मजदूरों के खिलाफ कोई कार्रवाई दफा २२ में करता है तो मजदूर दफा २३ में ट्रिब्यूनल का ध्यान आकर्षित कर सकता है कि मालिक ने यह काम कानून के खिलाफ किया है और उसकी सुनवाई होती है। इसी तरह के सैकड़ों और हजारों केसेज इकट्ठे हो गये हैं। उत्तर प्रदेश के बारे में तो मैं कह सकता हूं कि जो केसेज इकट्ठे हुए हैं उनमें से ४० या ५० की संख्या इसी तरह के हैं। अगर आप साल भर पहले यह विधेयक लाये होते तो आपने सैकड़ों हजारों मजदूरों के साथ इन्साफ किया होता। आपने इतनी देरी की, यह गलती की। लेकिन हुकूमत को देर में भी होश आया यह भी अच्छा ही हुआ क्योंकि अगर कोई गलती देर से भी ठीक कर दी जाये तो ठीक ही है। कहना यही है कि आयन्दा के लिए इस तरह की चीजों का ध्यान रखा जाना चाहिए।

अब सोचने वाली बात यह है कि इतने केसेज क्यों इकट्ठे हो गये। इसका एक मुख्य कारण तो यह है कि जो कायदे हैं वे खराब हैं। अगर ऐसे कायदे हों कि अगर कोई लड़ाई झगड़ा हो और वह नीचे ही तै हो जाये तो अदालत तक इन केसेज को ले जाने की जरूरत ही न रहे। पहले कानून के मुताबिक सारे उद्योगों में वर्क्स कमेटियां थीं जिनमें मालिकों और मजदूरों दोनों के प्रतिनिधि होते थे और जो आपस में बैठकर मसलों को तै कर लेती थीं। हमारे प्रान्त में सैकड़ों केसेज इन वर्क्स कमेटियों में हल हो जाया करते थे। तब इस तरह के केसेज को ट्रिब्यूनल और एपेलेट ट्रिब्यूनल के सामने ले जाने की जरूरत ही नहीं होती थी। लेकिन गवर्नमेंट ने आजतक सदन को यह नहीं बतलाया कि वह वर्क्स कमेटियां, जो कि इतनी आवश्यक थीं, क्यों खत्म कर दी गयीं। अब कोई ऐसा तरीका नहीं रह गया है जिससे कि मालिक और मजदूर आपस में बैठकर अपने मसलों को हल कर सकें। गवर्नमेंट भी इस बात को मानेगी कि जब मजदूर और मालिक आपस में बैठकर अपने झगड़ों को तै करते हैं तो उनके आपसी सम्बन्ध अच्छे रहते हैं। जब वे लोग अदालती कार्रवाई करते हैं तब तो उनको अपना केस जीतने की फिक्र रहती है, और उस हालत में उनके आपसी ताल्लुकात अच्छे नहीं रहते। आजकल जो तरीका अख्तियार किया गया है इससे यह नतीजा हो रहा है कि मजदूर आन्दोलन की जैसी नींव पड़नी चाहिए थी वह नहीं पड़ रही है और

मजदूर आन्दोलन पर कुठाराघात हो रहा है । यह जो अदालत का तरीका पेश किया गया है इससे एक तो मजदूर आन्दोलन की जड़ कटती है और दूसरे मजदूरों और मालिकों के सम्बन्ध खराब होते चले जा रहे हैं । जो बीज बोया गया था उसका आज नतीजा हमको भुगतना पड़ रहा है । हम इसके लिए किसको जिम्मेदार ठहरायें । यह जो इलाज किया जा रहा है यह कुछ हद तक ठीक है मगर इससे यह बीमारी दूर नहीं हो सकती । इसका सही इलाज यही है कि वर्क्स कमेटियों को बनाया जाये जिनमें मालिक और मजदूर आपस में बैठकर अपने मसलों को हल कर लें । जरूरत इस बात की है कि इस तरह का बिल लाया जाये कि जिससे ट्रेड यूनियन्स का रिकागनीशन हो सके, जिससे मजदूर यूनियनों को मान्यता दी जाये, जिसके जरिये मालिकों को मजबूर किया जाये कि वे मजदूरों के साथ बैठकर आपस में अपने मसलों को हल करें । तभी हम आगे बढ़ सकते हैं ।

साथ ही साथ जो आपने अदालत का तरीका अख्तियार किया है इसमें ट्रिब्यूनल और एपेलेट ट्रिब्यूनल के सामने केसेज जाते हैं । एक तो उनमें देरी बहुत लगती है । दूसरे मजदूर इतना खर्चा बरदाश्त नहीं कर सकता । मालिक लोग अच्छे अच्छे वकील ले जाते हैं और हजारों रुपया खर्च कर सकते हैं । मजदूर इतना खर्च नहीं कर सकता । देखने में तो कानून मजदूर और मालिक दोनों के लिए अच्छा प्रतीत होता है, लेकिन वास्तव में जो तरीका अख्तियार किया गया है उसमें मालिक को तो फायदा होता है पर मजदूर को नुकसान होता है । इसलिए इस सदन में दफा २२ और २३ पर सरकार का ध्यान दिलाया गया है कि ऐसा कानून बनाया जाये कि जिससे हिन्दुस्तान में मालिकों और मजदूरों के सम्बन्ध ठीक तौर से कायम हो सकें । अगर ऐसा नहीं होगा तो जब आपको खराबी मालूम होगी तो उसको ठीक करने के लिए आप एक कानून लायेंगे, फिर कुछ समय बाद उसमें भी खराबी मालूम होगी तो फिर आप दूसरा कानून लायेंगे । यह तो वक्त काटने वाली बात होगी कि जब कोई मुसीबत सिर पर आ जाये तब उसको हटा दिया जाये । अगर सही इलाज करना है तो सोच विचार कर करना चाहिए । वास्तव में मालिक और मजदूर के सम्बन्धों का मसला मानव का मसला है, ईंट पत्थर का मसला नहीं है । अगर सरकार इस बात को ध्यान में रखकर इस मसले को हल करने की कोशिश करेगी तो वह इसको हल कर सकेगी ।

इस मौके पर जो माननीय मंत्री जी इस मसले को हल करने के लिए यह बिल लाये हैं मैं उनका ध्यान एक और बात की ओर दिलाना चाहता हूं । जब ट्रिब्यूनल्स के सामने मसले जाते हैं तो मालिक अपने आदमियों को भेजते हैं और जितनी दफा प्रोसीडिंग्स होती हैं उन सब का खर्च वह कम्पनी के खर्च में डाल देते हैं । लेकिन मजदूर, जिसके पास पैसा नहीं होता है, अपने खर्चे को कम्पनी के खर्चे में नहीं डाल सकता । कारखाने को मजदूर और मालिक दोनों मिल कर चलाते हैं, दोनों मिल कर कारखाने की पूंजी को पैदा करते हैं । फिर यह कैसे हो सकता है कि जब मालिक और मजदूर में झगड़ा हो तो मालिक तो अपने खर्चे को कम्पनी के खर्चे में डाल दें और मजदूर का खर्चा उसके अपने सिर पर पड़े । इसलिए मैं चाहता हूं कि इस कानून में इस प्रकार का संशोधन किया जाये कि जब मालिक और मजदूर का झगड़ा ट्रिब्यूनल के सामने जाये तो मजदूर और उसके नुमायन्दों के वहां जाने आने का खर्चा भी कम्पनी के खर्चे में डाला जाये । मैंने बैंक के कर्मचारियों में काम किया है । मैंने देखा है कि वहां जब कोई कर्मचारी अपना झगड़ा लेकर अदालत में जाता है तो उसका खर्चा भी बैंक में लगता है । लेकिन और किसी इंडस्ट्रीज में ऐसा नहीं है । अगर ऐसा किया जायेगा तभी सही मानी में हिन्दुस्तान के मजदूर की मांग को पूरा किया जायेगा ।

हम देखते हैं कि एपेलेट ट्रिब्यूनलों को आराम देने के लिए यह बिल लाया गया है ।

श्री अमोघ अली : आराम देने को नहीं ।

श्री आर० आर० शास्त्री : हिन्दुस्तान की मजदूर जमात तो चाहती है कि इस एपेलेट ट्रिब्यूनल को बिल्कुल आराम या रिलीफ दें

[श्री आर० आर० शास्त्री]

दिया जाये । मजदूर समाज को यह शक्ती है कि उसको इस एपेलेट ट्रिब्यूनल से रिलीफ दी दिया जाये । यह हिन्दुस्तान के मजदूरों की संयुक्त आवाज है और मैं समझता हूं कि हुकूमत इस पर ध्यान देगी । मैं उम्मीद करता हूं कि वह वक्त जल्द आयेगा जब हुकूमत इस सदन में इस एपेलेट ट्रिब्यूनल को हटाने का बिल लायेगी और ऐसा कानून लायेगी जिससे न्याय सस्ता और जल्द हो सके और हमारा एक सामाजिक न्याय की ओर बढ़ सके । उस दिन की हम प्रतीक्षा करते हैं ।

हुकूमत ने इस मसले को हल करने के लिए जो बिल सदन के सामने पेश किया है उसके लिए मैं हुकूमत को एक बार फिर धन्यवाद देता हूं ।

Shri P. C. Bose (Manbhum North): I rise to support this Bill which seeks to amend the Industrial Disputes (Appellate Tribunal) Act. The Bill has a limited scope, no doubt, but I am sure that it will serve the purpose for which it has been brought, namely to quicken the administration of justice. There has been a persistent complaint against this Appellate Tribunal both by the employers and by the labourers on the ground that it takes a long time to decide any case that is referred to it—whatever its nature—sometimes months and months, and sometimes years and years. This Bill, I am sure, will help to avoid that complaint

There has been also a complaint that these tribunals and other machineries that have been introduced by Government are useless and are against labour interests, and so on and so forth. I do not agree with those views. I think these tribunals and other machineries are inseparable from big-scale industries.

4 P.M.

In Western countries, wherever industries have developed, they have got, side by side, this machinery. One of my friends had just said that the relation between the employer and the employee is not legalistic, but realistic. That is right. But in a big-scale industry it is no longer a case between the employer and the employee; it is a case between the employees' association backed by big brains—some of whom have come here also—and the employers' federation and their barristers, lawyers and big people. Therefore, in big-scale industries, the relationship between the employer and the employee cannot remain so much personal as we want it to be; automatically, the relation becomes legalistic, and I think this machinery, the tribunals and other bodies to settle industrial disputes, has helped in our country also a good deal to bring about industrial peace.

About the year 1947, if my friends remember, there were strikes and violence and so many other things all over India from one end to the other. In big industrial areas, the violence was more, that is to say, in Bombay, Calcutta and so on. But this machinery has helped to bring down those conditions to normalcy. Labourers have become legal-minded. They approach the tribunal and other conciliation machinery and they give up the idea of committing any violence. The employers also cannot so much deprive the labourers of their real dues, when they go to the legal officers, officers having knowledge of law, the Regional commissioners, conciliation officers and the tribunals. Thus, on the whole, a great improvement has been effected by the Government through this machinery.

So far as this Bill is concerned, it has a bearing on the complaint of delay. As one of my friends said, justice delayed is justice denied. On account of changed conditions by the time an appellate tribunal gives its decision, it is of no use at that time. That is a fact. Appellate tribunals take a long time; but at the same time, if we have got the luxury of going from court to court, to the highest appellate tribunal, we must also suffer,

to a certain extent. We must also have got to spend. Of course, the best thing is for the labourers and the employers to settle disputes across the table without resort to the conciliation machinery or to the tribunal. Failing that, the two other courses are strike and violence or this machinery. On the whole, this machinery is much better in many respects. The only question now is that the industrial tribunals take a long time to decide the case. This Bill is intended to help the tribunals to settle the cases as early as possible. Therefore, the Bill is very welcome and I whole-heartedly support it. As regards those who have spoken outside the scope of the Bill, I hope they will have more opportunities to speak on those matters later.

Shri Debeswar Sarmah: I do not propose to take the time of the House by reiterating what has already been stated. I will touch only on two points which are ancillary to this Bill. But before I do that, I welcome this Bill. I also say that legislation in such a piecemeal way has to be discouraged. It does not go far enough; it does not deal with many other urgent and important points which are calling for treatment.

Firstly, the term, 'worker' has to be amended and expanded. By way of illustration, I would say that the doctors, particularly in tea plantations—they are not very big officers—should be included within the term 'worker'. This subject has been dealt with by my friend, Shri K. P. Tripathi, and if I were to deal with this point, perhaps I would have to repeat every word of what he said. I endorse every word of what he said.

The other categories of workers who are to be included within the Trade Disputes Act are junior or senior assistants whether technical or non-technical, in scientific and other organisations or institutions within a limit of salary.

Mr. Chairman: I am afraid the hon. Member is traversing ground which is not covered by the provisions of the Bill. He is really speaking on matters which are extraneous. He should reserve these remarks for another occasion when the question of the amendment of the Industrial Disputes Act is taken up. That would be the proper time. I am afraid it is not at all relevant to this Bill.

Shri Debeswar Sarmah: I bow down to the ruling of the Chair, and I perfectly appreciate all that is said. But when it is a question of amending the appellate tribunal machinery, within that legislation is also included the term 'worker'. That is the key and therefore, with your leave, I will just take two minutes to illustrate what I am talking about. There is a station at Jorhat, Tocklai experimental station, which carries on scientific experiments in respect of production and manufacture of tea. You will be interested if I give a few figures—just a few only. There a junior technical or non-technical man starts—he is often a graduate—on Rs. 60; an intermediate starts on Rs. 80: and a senior, technical or non-technical man, who is usually an M.A. or M.Sc and sometimes a doctor, gets Rs. 100. But an officer starts with Rs. 600. Would you believe it? An officer there gets round about Rs. 2220. including all allowances to start with His basic pay is Rs. 600, dearness allowance Rs. 250, servant allowance Rs. 250, conveyance allowance Rs. 200, charge allowance Rs. 200, overseas allowance Rs. 300, children allowance Rs. 50; then he gets a house which is a free, furnished beautiful building, fuel allowance of Rs. 70, entertainment allowance of Rs. 100 and bungalow maintenance allowance of Rs. 200. So it comes to about 2220 per month. When the question of amelioration of the condition of these junior, intermediate and senior assistants who draw comparatively small amounts, comes, Sir, the top people governing this Institution, I mean the Tocklai Experimental Station, Cinnamara, would not care to reply to letters. They know that these junior, intermediate and senior assistants are not covered by the Trade Disputes Act. Taking advantage of this, the *burra sahibs* sitting in Netaji Subhas Chandra Bose Road or Park Street would not reply

[Shri Deberwar Sarmah]

to letters urging upon betterment of the conditions of these under-paid and over-worked officers. I plead with the Government that it is time a comprehensive piece of legislation was brought forward including these hard-pressed people within the definition of the term 'worker'.

Another point is this. In each State, the Labour Appellate Tribunal should depute their Bench to take up hearing of matters arising in that State. For instance, the Labour Appellate Tribunal Bench should not take up hearing in Calcutta, which is in West Bengal of matters or Appeals which arise in the State of Assam. I need hardly say that in he case of appeals from the State of Assam, big companies can send their representatives to Calcutta, but what about the small unions, what about the workers? It is extremely expensive for small unions and the employees in Assam to go all the way to Calcutta.

Mr. Chairman: The Appellate Tribunal can hold their sitting wherever they like. The Chairman can so direct it. That is in section 8. So the power is already there.

Shri Deberwar Sarmah: But the Government can very well issue a useful directive that the Appellate Tribunal Bench will sit within the State of Assam when it takes up appeals from Assam.

Shri Abid Ali: There are only 10 appeals pending from Assam.

Shri Deberwar Sarmah: But mostly they are poor people's appeals.

Shri Raghavachari (Penukonda): Sir, I am not a person very much acquainted with industrial disputes or the working of the Industrial Disputes Act. But, nevertheless, I am only concerned with examining the intended amendment as a lawyer when compared with the existing position of law and the position they are going to create.

Industrial disputes are determinable now by two kinds of tribunals; the ordinary industrial disputes under the Industrial Disputes Act and certain disputes under the Industrial Disputes (Appellate Tribunal) Act. These are the two categories that are there. What is now sought to amended is the Industrial Disputes (Appellate Tribunals) Act. So far as the composition of the tribunals under the two categories is concerned there is a great difference. The Industrial Disputes Act gives the powers of appointment of these tribunals to the appropriate authority, as it is defined, and that apropriate authority consists of the Centre as well as the States. And, the personnel of those are people who are High Court or District Court Judges or people who are eligible to be appointed as such Judges.

I must mention one other fact. Under the Industrial Disputes Act the tribunal can consist of one man also. It can be a single member tribunal. When it happens to be a single member tribunal the individual or single member must be a man qualified to be or having held the office of High Court Judge or (*Interruption*)—If it happens to be a single member under the Industrial Disputes Act, then he must be a person with some judicial experience.

Mr. Chairman: He refers to section 7 of the Industrial Disputes Act. There is another section in the Appellate Tribunal Act also which says three qualifications are necessary; has been or is a judge of the High Court, is qualified for appointment etc."—see clause 5.

Shri Raghavachari: I shall just invite your attention to the Industrial Disputes Act, section 7, and section 5 of the ...

Mr. Chairman: Where it consists of one member only. We have got in the Punjab such tribunals.

Shri Raghavachari: I say that a tribunal under the Industrial Disputes Act can be a single individual and, if it happens to be a single member tribunal, the individual must possess judicial experience. In the case of a bench the Chairman will have to possess these qualifications. That is what

I said. Therefore, the point I was urging was that the personnel of the tribunal consists of a certain category of people of judicial experience. It may be one or more than one. Under the Industrial Disputes (Appellate Tribunal) Act, it must always be a bench, more than one individual. The Act also requires that a member of the appellate tribunal must be a person who is a High Court Judge or competent to be one and to be appointed in consultation with the Supreme Court. That is what exists now. What the amendment proposes to do is to convert this tribunal into a single member tribunal and to include in that tribunal not only people who are appointed under the Industrial Disputes (Appellate Tribunal) Act but also tribunals which are appointed under the Industrial Disputes Act.

Shri Abid Ali: For miscellaneous applications only.

Shri Raghavachari: After all, in this amendment, we are concerned only with miscellanous applications which under the Appellate Tribunals Act were required to be considered and disposed of only by a tribunal which is a bench consisting of persons appointed under the Appellate Tribunals Act. I am prepared to concede that there must be some difference between major disputes and those disputes that arise during the pendency of a matter in appeal. Till now you wanted that these matters which are fairly important also to be disposed of by competent people, of the appellate tribunal which commanded the confidence and the respect of the disputants. Now, you want to convert it into a lesser and more conveniently constituted body. I, for one, want to know why it was not possible for the Government to appoint more tribunals and dispose of the pending matters, if the intention was the early disposal of pending matters. Probably, the argument might be that it is not economic. That is the only thing I can conceive of; because people of that Appellate Tribunal category cannot be had very cheap. But it is not only the question of cost that is involved but it is also the credit and the confidence these institutions command. To my mind, therefore, it sees that the present Bill really opens the possibility of the disputes being heard and disposed of by not very competent but inferior people and that is really a matter which requires to be considered.

Another point that I wish to make in respect of this Bill is this. The tribunals under the Industrial Disputes Act can also be appointed by the States. When you say that any of these matters can be transferred by the Chairman of the Appellate Tribunal to any other tribunal or to any other single member tribunal appointed even under the Trade Disputes Act or under the Appellate Tribunals Act, the question arises: can they also be transferred to the tribunals which are appointed only by the States? But, surely, you have made a provision that they cannot be transferred to such tribunals which are appointed only by the State and this is contained in 23A (1)(c). It is mentioned there that a transfer of the proceeding, whether pending before the Appellate Tribunal or himself or any member may be made to any one of the industrial tribunals specified for the disposal of such proceedings by the Central Government. There the restriction has been imposed upon the kind of tribunal to which these matters may be transferred and that tribunal must be a tribunal which is specified for the disposal of such proceedings by the Central Government. But does this mean that it refers to the tribunals appointed under the Industrial Disoutes Act under the defined term 'appropriate authority', as in (a) (i) or does it also empower the Central Government to notify the people appointed under (a) (ii), because all that is required is that it must be notified by the Central Government? That is one matter where there is some doubt and it is to be cleared. It is easily possible to include in it a large body of people whom you might call tribunals.

[Shri Raghavachari]

I also examined the Act to find out whether there was so much need for this measure to be promulgated as an ordinance. To my mind, it looks it is simply trying to make a mole a mountain. In fact, I listened to the Minister reading out the figures of cases pending disposal. This pendency may not have accumulated only during the period when the Parliament was not in session. It must have been an accumulation over a number of months and not a matter of a day or two. All of a sudden you wanted to promulgate an ordinance and exercise extraordinary powers. How many have you disposed of during this one month and a half?

Shri Abid Ali: I have got the figures.

Shri Raghavachari: It would appear that you must have cleared off some arrears, but it looks to me that there was no need to have recourse to such extraordinary powers as issuing an ordinance. You wanted to take the power of transfer of a case from one tribunal to another and even to a single member tribunal also. In fact, the old Act itself has all that power. The old Act gives power to the Chairman to transfer a case from one tribunal to another. All that you needed was to amend the Act to include in the term 'tribunal' single-member tribunal. That is all that was required and nothing more. If this simple amendment was carried out, namely, that the tribunal need not necessarily be a bench and it might also be a single individual, the whole thing would have been sufficient. That was more appropriate and that was the way in which the thing should have been approached, that is, by way of an amendment rather than by an ordinance, followed up by long enactments.

The other point that I wish to submit is this. There has been so much of power given under the proposed amendment to the Chairman. Full discretion is given to the Chairman to give directions. If you want to transfer some of the subsidiary proceedings from the Appellate Tribunal, which is now a bench, to a single member tribunal either under the Appellate Tribunal Act or under the Industrial Disputes Act, what prevents a party from fearing that his case in Assam may be transferred to a tribunal in Travancore-Cochin? I do not say that such a thing is to be expected. Such absurd orders may not be passed. But supposing sometimes—that discretion is exercised that way—when people are found constantly disputing, one way of teaching them a lesson is to ask them to go to a distant place to settle their dispute—if such an attitude is taken, there is nothing to prevent it. The people of Assam may be asked to have their disputes settled by the tribunal in Travancore-Cochin.

Shri Abid Ali: Assam people will not go beyond Calcutta.

Shri Raghavachari: That is your assurance to us. Where does the Act say so? I am only saying that there is the possibility of such whimsical orders being issued and in that case the disputants must be prepared for it. Though some of the subsidiary proceedings might need to be disposed of expeditiously, certainly, Government could have made one little amendment in the Act itself as suggested by me rather than come here after a big ordinance has been promulgated.

Shri T. B. Vittal Rao: I welcome this measure to the extent that it gives relief and mitigates one of the many evils of the compulsory arbitration machinery. Though this is only an amendment of two sections, you should remember what damage has been done to the trade union movement during these years. There was a strike lasting about 48 days in the Associated Cement Company in Hyderabad. The issue was referred to the Industrial Tribunal and the Tribunal said that they should be paid wages for the period of this strike of 48 days. Then, the employers took the matter

:o the Labour Appellate Tribunal at Bombay, but in the meantime what happened was that the management of the Associated Cement Company, a powerful company, with a vengeance saw to it that 200 militant workers were discharged on flimsy grounds. This happened in 1952 after the Industrial Tribunal award was given. Then the matter was taken up to the Labour Appellate Tribunal and at the Labour Appellate Tribunal the whole question would not come up for six or eight months. So, the employers could discharge these workers during this period. It took nearly one year to dispose of the miscellaneous proceedings. In the meantime much damage has been done to the trade union movement. This is what has been resorted to by various employers, unscrupulous employers, by dismissing the union office bearers and militant workers on very frivolous charges. Although there are the industrial standing orders, the employers know fully well that at least for one year or more the cases will not come up before the Tribunal. On this point we received promise session after session and very recently there was some announcement in the papers that the Appellate Tribunal will be abolished. But suddenly what we see is that only one or two sections, which are very good in themselves but cannot cure the evil which is inherent in this compulsory adjudication, are amended. I would draw your attention to the statement of Objects and Reasons, and to the words therein "owing to the preoccupation of the Appellate Tribunal with its more important work of hearing appeals". Is this the only thing? The delay is inherent in its very functioning. I have appeared before the Tribunal and we know that the employers, with their big lawyers, come up on some technical things—whether the Tribunal that has been constituted is regular or not and so on—which take 10 or 15 days for hearing, and then it is adjourned to a future date and so on and so forth. If they have been busy and are not able to dispose of miscellaneous petitions that have come up before them, what is the position about the important cases which have come up before the Appellate Tribunal? Has there been an expeditious disposal or not? It is neither this nor that. We know what is the case with the Bank Award. It has been there for seven years, without justice being done to the workers. We also know how many have suffered, how many cases have gone to the Labour Appellate Tribunal and how many have been reinstated. This goes on. We were very glad to see that the Planning Commission circulated a memorandum to the members of the panel for labour who advise the Planning Commission. In that it was clearly stated that in order to fulfil the targets that have been set apart under the Second Five Year Plan they are going to abolish the Labour Appellate Tribunal. Under these circumstances, this Bill amending only two sections will not give the relief that you exactly aim at.

Then I come to the question of compulsory adjudication. It was a wartime measure which was resorted to by the British Imperialists and now we have got the same thing thrust upon us even after seven years of independence. After the socialistic pattern of society we expected that there would be a good number of labour legislations. We have got so many things to achieve under the Second Five Year Plan. How are these targets going to be achieved unless you give full protection to the workers? This compulsory adjudication was being referred to by the previous Labour Minister Shri V. V. Giri as a 'police man'. All these things show that if the Government is really serious of doing anything they must take up the issue of abolition of the Labour Appellate Tribunal seriously; otherwise this is only tinkering with the problem, this is only treating the symptoms of the disease and not the disease itself.

Shri Abid Ali: Sir, I am sorry to find that there has been considerable misunderstanding about the scope of the amendments which have been proposed in the amending Bill. It

[Shri Abid Ali]

is a very simple piece of legislation and a very important one also. My hon. friend Shri R. R. Shastri and also other hon. friends criticised the issue of the ordinance. The reason for the issue of the ordinance was this. We were trying to have speedy disposal of the appeals. From 3 benches consisting of 6 judges the number was increased to 8 benches consisting of 16 judges. We expected, about five-six months back, that the increase in the number of judges would be helpful not only to secure disposal of a large number of appeals but also of these applications simultaneously. But, unfortunately, we found that the work before the Appellate Tribunal was such that in some cases they had to form special benches consisting of 3 judges and some of the appeals took unduly long time. One appeal took about 4½ months in which two judges were sitting and another special bench took about two months having 3 judges. So, finding that we did not make substantial progress through that method, we thought of issuing the ordinance giving power to the Chairman of the Labour Appellate Tribunal to refer the cases to a single judge when he may not be having any other work. Where there are 4 judges and 3 of them are sitting in special bench, one may not have any work. In that case he may attend to these miscellaneous applications and, simultaneously, wherever possible, these applications may be referred to a single member tribunal appointed under the Industrial Disputes Act by the Central Government.

Shri Raghavachari was having some suspicion whether these applications would go for disposal to the tribunals appointed by the States. That will not happen. There is no intention of referring these cases to the State Tribunals. We are thinking of having another Central Tribunal for the south and, as a matter of fact, we have requested the Government of Travancore-Cochin to spare one of their judges to be appointed by the Central Government to dispose of the cases from the south within three or four months, if possible. There would not be any possibility of referring cases from Assam to a distant place or from the south to this place because we have already issued instructions to the Appellate Tribunals also that as far as possible they should try to hold the bench in the various parts of the country wherever larger number of appeals are to be disposed of. Of course, they cannot go for one or two appeals unless these are very important ones as it happened in the case of Nagpur. To attend to an important appeal which took a few weeks the appeal bench from Bombay had to go to Nagpur. Also, our single member tribunal from Dhanbad goes to Delhi and then goes to another place also wherever the number of such cases justifies going to these places.

Then I come to compulsory adjudication. Whenever there is a discussion with regard to this item always Government is criticised for referring matters to adjudication under compulsion. Some time back we had collected information with regard to this and, perhaps, that was placed on the Table of the House also in reference to some question, which showed that more than 99 per cent. of these adjudication references are on the request of the workers' union. I have not got the figures here with regard to the appeals, but, if my recollection is right, the larger number of appeals are also filed by the workers. Certainly, 99 per cent. of the adjudications are made on the applications from workers. Then, where is the room for this charge that there is compulsory adjudication by the Government? On the other hand, workers have complained that some of their cases are not referred to adjudication. Of course, wherever we find that the demands do not justify reference to adjudication and the demands are such that they will not succeed, we do not refer them to adjudication. Otherwise, as I said, 99 per cent. of the cases are referred to adjudication on the applications of the workers.

With regard to the charge that works committees have been abolished, I have never heard of this before. We have not abolished any works committee. We want, not only through works committees but also through unions and negotiations, the employers and workers should get together and settle their differences. We should not come in the picture at all. That is what we intend. We should be away or should be helpful to bring them together. If it is not possible to get them together like that then there is the adjudication machinery allowed under this Act and recourse is taken to it. Therefore, the charge which my hon. friend Shri R. R. Shastri made against us is entirely misplaced and misconceived.

About the enactment which has been brought here, the criticism is that, perhaps, we are trying to get away from the promise, that we have been giving, to bring in a larger amending Bill. That stands. But, as I have explained earlier, the necessity for bringing this small piece of legislation before the Parliament was there. It is not to hoodwink that promise or to get influenced by the employers as another hon. Member has tried to suggest. There is no question of any influence. Of course, the workers have a right to make representations, and meet us and try to persuade us. Every group has that right. But it is very unfair to suggest that they have been able to influence us to the extent that we have given up the idea of bringing the Bill to amend the Industrial Disputes Act with regard to the amendments which are considered necessary and which have been accepted in the Standing Labour Committee and at the sittings of the various subcommittees. I hope that it would be possible to bring that amending Bill, or at least to introduce it, during the present session of Parliament itself. I hope it would be possible.

About the abolition of the Appellate Tribunals also, the fear of my friend Shri K. P. Tripathi, I may submit, is entirely misplaced.

With regard to the doctors or the medical practitioners, I do not think it would be possible to classify them as workers.

With these words, I request that the motion for consideration may be passed.

Mr. Chairman: The question is:

"That the Bill to amend the Industrial Disputes (Appellate Tribunal) Act, 1950, be taken into consideration."

The motion was adopted.

Clause 2— *(Insertion of new section 23A etc.)*

Shri Tushar Chatterjee: I beg to move:

Page 2, *after* line 4, *add*:

"Provided that in all cases of disposal of proceedings under subclauses (a), (b), (c) and (d) proper hearing should be made in the presence of representatives of both parties."

I have already explained the purpose of my amendment in the course of my speech. The question is, section 22 of the Industrial Disputes (Appellate Tribunal) Act does not expressly lay down this provision, and therefore, I think this provision should be made. Otherwise, there may be cases where no hearing may take place.

Mr. Chairman: Amendment moved.

Page 2, *after* line 4, *add*:

"Provided that in all cases of disposal of proceedings under subclauses (a), (b), (c) and (d) proper hearing should be made in the presence of representatives of both parties."

Shri Abid Ali: The proceedings under this Act are governed by the Code of Civil Procedure, 1908, section 9, of that Act. Therefore, there is no question of an *ex parte* decision. Up to this time, I have never heard that the Labour Appellate Tribunal has ever

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disposed of any case *ex parte*. Therefore, there is no room for acceptance of this amendment. I request the House to reject the amendment if the hon. Member does not withdraw it.

Mr. Chairman: Does the hon. Member withdraw the amendment?

Shri Tushar Chatterjee: Yes, I beg leave to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3, clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Abid Ali: I beg to move:

"That the Bill be passed."

Mr. Chairman: Motion moved:

"That the Bill be passed."

Shri Raghavachari: I wish to point out just one difficulty. It is in respect of the language of the Act, as it is, and also when taken along with the amendments proposed by Government. If you just refer to section 23 of the principal Act, you will find the following provision:

> "The Appellate Tribunal shall decide the complaint as if it were an appeal pending before it, in accordance with the provisions of this Act and shall pronounce and decide" and so on.

Again, section 8 of the principal Act says:

> "It shall decide as if it is an appeal."

Further, it says:

> "....it must be referred to the Benches only."

That is how section 8 reads. In this new amendment—clause 23A—there is no reference to section 8 or even to section 23, but simply it says:—

> "Where any proceeding under section 22 or section 23 is pending before the Appellate Tribunal,"

and so on.

Thus, there is likely to be some inconsistency between one portion of the Act and the other. I only bring it to the notice of the Minister. Possibly it would have been much better for him also to amend section 23 of the principal Act and then omit: "as if it were an appeal pending before it." It might be better to retain: "In accordance with the provisions of section 23A". That would have improved matters and made the provisions very clear rather than permit a misconstruction and unnecessary disputes.

Shri D. C. Sharma (Hoshiarpur): The connotation of the word "worker" has become so wide that any legislation affecting the workers has to be scrutinised from so many angles. Just now, an hon. Member said that the doctors of tea plantations wanted to be classified as workers. It was also said that senior assistants and technical assistants should be classified as workers. I may submit, in all humility, that even the members of the profession to which I belong all my life, want to be classified as workers.

Mr. Chairman: Order, order. It is exactly and absolutely irrelevant so far as this Bill is concerned. I do not understand how it can be relevant even at this stage. It cannot be referred to.

Shri D. C. Sharma: I thought that it would be relevant, while giving the background and while referring to the speeches that have been made.

Mr. Chairman: The point is that if the hon. Member thinks that it is relevant somehow, he must refer to some rule or to some precedents of this House. The hon. Member's reference in this connection to another

Member's speech is not justified at the third reading stage, if the hon. Member wants to refer to an absolutely new matter. This has nothing to do with the Bill.

Shri D. C. Sharma: I was only referring to an hon. Member's speech, I was not referring to any new thing.

Mr. Chairman: Order, order. A mere reference to a speech will not make his point relevant. If the hon. Member wants to speak and give any suggestions on the Bill, I will allow him. Otherwise, I would take it that he has nothing to say.

Shri D. C. Sharma: I thought I was permitted to make my suggestions. I was going to say that since the connotation of the word "worker" had been extended....

Mr. Chairman: Order, order. I have already ruled that so far as the definition of the word "worker" is concerned, any discussion regarding that will be absolutely irrelevant at this stage. The hon. Member is only repeating what he said.

Shri D. C. Sharma: While making the point, one cannot be as precise and exact as perhaps Euclid was. If a Member has to proceed....

Mr. Chairman: The hon. Member need not expatiate on the rules of speech. I only expect he will be relevant. If he wants to make some suggestions so far as the third reading of the Bill is concerned, I will allow him. Otherwise, I will not allow him to speak.

Shri D. C. Sharma: What I beg to submit is this. I welcome this Bill. I welcome this Bill because it tries to reduce the delays of justice to which reference has been made in the Statement of Objects and Reasons. (*Laughter*).

Mr. Chairman: I would request hon. Members not to laugh. It is not a matter for laughter at all. The hon. Member is making a speech. We should all hear it seriously.

Shri D. C. Sharma: I said that the purpose of the Bill is to enable justice to be administered speedily and cheaply and to simplify the procedure. Therefore, I hope that the hon. Minister would bring forward some Bill at a later date in which the procedure would be simplified and justice made cheaper and also that further delay would be reduced. With these words, I welcome this Bill.

Shri Abid Ali: With regard to the difficulties pointed out by the hon. Member from the South, I submit that according to section 8 of the Appellate Tribunal Act, each Bench shall consist of not less than two members. The amending Bill proposes that so far as sections 22 and 23 are concerned, these relate to miscellaneous applications and they can be disposed by a single judge. Nothing more is intended to be done by the amending Bill.

Shri Mohiuddin (Hyderabad City): May I know how many cases have been disposed of under section 22? The Deputy Minister promised to give information on that point.

Shri Abid Ali: I thought we would be continuing the debate on this Bill tomorrow also. Otherwise I would have dealt with it.

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

COMPANIES BILL

Mr. Chairman: The Finance Minister.

An Hon. Member: Only a few minutes are left. He may begin tomorrow.

Mr. Chairman: I have no objection.

The Minister of Finance (Shri C. D. Deshmukh): I should like to move the motion today and make the speech tomorrow.