

# LOK SABHA DEBATES

## (Part II—Proceedings other than Questions and Answers)

1917

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### LOK SABHA

Monday, 6th December, 1954.

*The Lok Sabha met at Eleven of the Clock*

[MR. SPEAKER in the Chair]

### QUESTIONS AND ANSWERS

(See Part I)

12 NOON

#### DEATH OF SHRI GIRJA SHANKAR BAJPAI

**Mr. Speaker:** As the House is aware, Shri Girja Shankar Bajpai, Governor of Bombay, passed away yesterday, the 5th December, 1954, early morning. He was a Member of the old Central Legislative Assembly from the 12th July, 1927 to 24th August, 1929, again from the 4th September, 1937 to 17th July, 1939, and for a short period from 6th April, 1940 to the 25th June, 1940. He was a man of great abilities and an administrator of ripe experience. He had served in many capacities in the Government of India.

We mourn the loss of this distinguished Member of the old Assembly and a public servant, and I am sure the House will join in conveying our condolences to his family.

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** I should like to associate myself with your remarks. During the last seven years, I came into rather intimate contact with Shri Girja Shankar Bajpai. Previously I had seen him or met him rather distantly, but these seven years made me realise his high qua-

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lities in many respects and, in some respects, which are rather rare particularly in India. We had often criticised him in the past because we differed from him. He was a very able servant of the old British Government in India and supported their policies in those days and naturally, therefore, there was, if I may say so, a certain prejudice against him in our minds because of his old association. But in late years, when we came into closer contact with him, not only did I and many of our colleagues realise his outstanding ability but also, if I may use the word, his sincerity. It is not that he transferred his allegiance from one to the other merely; he was a type of a good public servant who always expressed his opinions freely and frankly and then carried out the decisions that Government made. Such persons of such high quality and ability are always rare and certainly very rare in India. Therefore, his death is a serious loss to us, not only of a colleague but also in the public service.

**Mr. Speaker:** The House will stand in silence for a minute as a mark of respect.

#### MOTION FOR ADJOURNMENT BANK EMPLOYEES' STRIKE

**Mr. Speaker:** I have received notice of an adjournment motion from four hon. Members, Shri A. K. Gopalan and three others. The subject is: the situation arising out of the publication made by the Government of their Press Note dated the 4th December, 1954, in connection with the contemplated general strike of the bank employees all over India

[Mr. Speaker.]

with effect from 10th December, 1954, in protest against the modification of the decision of the Labour Appellate Tribunal on bank disputes by the Government and also against the latter's failure even to protect the monthly emoluments of the bank employees in terms of their own modification order dated 24th August, 1954.

I have not read the Press Note and I do not understand really the exact point which is sought to be raised or discussed here. What is the point of the grievance in respect of the issue of the Press Note?

**Shri T. K. Chaudhuri:** (Berhampore): May I submit that the Press Note to which we have referred in our adjournment motion gives a definite indication that the Government are not prepared even to see that the banks observe the terms of their own order of 24th August last for protecting the emoluments of bank employees including all allowances for one year at least, beyond giving any assurance, as the hon. Minister of Labour did, on the 19th of last month that he will give retrospective effect by passing the requisite law after the publication of the findings of the Rajadhyaksha Commission, making good any loss which the bank employees may be put to due to these things. He never denied that banks were giving effect to the modified award of the Labour Appellate Tribunal in such a form which had really affected their provident benefits, gratuity, and other allowances. It was an admission on his part, in the course of the statement that he made on the 19th of last month that the banks were not giving effect to that order. Now, I would further draw your attention to the fact that this Press Communique came at a moment when some of us, particularly the signatories, were trying to persuade—

**Mr. Speaker:** I wanted to know the specific point, to judge about the admissibility of the motion. I am not going into the merits.

**Shri T. K. Chaudhuri:** So far as admissibility is concerned, this is a definite matter of urgent public importance. They must give up the assurance that they have given. That has not been done.

**Mr. Speaker:** The point is failure to implement the assurance.

**Shri T. K. Chaudhuri:** Order. It is not an assurance, but an order.

**Mr. Speaker:** Given by the Government in respect of the bank employees?

**Shri T. K. Chaudhuri:** Yes.

**Mr. Speaker:** I should like to know what the hon. Minister of Labour has to say.

**The Minister of Labour (Shri K. K. Desai):** As I have stated a few days back, the bank employees have been assured that the total emoluments they were receiving in March, 1954, are protected up to the 26th August, 1955. If any bank has failed to carry out those modifications, we have given an assurance that if it is brought to our notice we will advise the banks that they have not carried out the award as they should have. Therefore it was a matter of advising them now and then, it is a breach of the award which is liable to be rectified even in a Court, if need be, but that is not a case for a strike.

**Shri T. K. Chaudhuri:** May I point out this. I would refer the hon. Minister to the exact terms of the statement that he made on the 19th of last month. There, he only said that he would give retrospective effect by passing a new law about the publication of the Rajadhyaksha Commission's Report in this regard and that he would make good the loss retrospectively. He never said that if any breach of the order is brought to their notice, then requisite action will be taken. He practically admitted that some banks—I know definitely that it was pointed out to the Labour Minister about three banks at least—had given effect to the order in such a way that it affect-

ed the emoluments of the bank employees, with regard to their increments, their gratuity, their provident fund, allowances and all that. It was brought to their notice, and the Government has taken, up till now, no action in that regard.

I would also further make two other points viz., that the terms of the Press Note are curiously identical with the Press Note that was issued about a week ago or about ten days ago by the All-India Banks Association from Bombay, threatening disciplinary action and all that against bank employees, and it has also come after the speech made by the hon. Prime Minister accusing a certain political party in this country of inspiring this strike. So, in view of all these things, it seems to us that the Government want to by-pass the actual contravention of the orders or the breach of the orders committed by banks, and are trying to make the whole thing a sort of political game. This thing ought to be discussed in this House.

**Shri Asoka Mehta (Bhandara):** May I be permitted to say a word?

**Mr. Speaker:** I am concerned with the admissibility.

**Shri Asoka Mehta:** Only that.

There are two parts of the order that was issued by the Government. One part of the order said that the total emoluments would not be adversely affected. The other part of the order said that from 1st December, 1954, the salaries have got to be readjusted according to the scales laid down in the Government's order. Accordingly, the salaries are being readjusted. As a result of the readjustment, the employees stand to lose as far as bonus, gratuity, provident fund and overtime payments are concerned. These payments are not covered by the other part of the Government that total emoluments will not be disturbed.

It also needs to be remembered that on 1st April, 1954, the bank employees were entitled to an annual increment, and under the Sastri

Award and the L.A.T. Award they would have got the increment. Government's order refers to total emoluments as they were on 31st March, 1954 which means this additional increment which all the bank employees who have put in one year's service would have got as a matter of right has also not been given to them. These are the ways in which the bank employees stand to lose. The total emoluments cover one part. There is another part of their income structure which has been adversely affected and we feel that the Government could have, within the framework of the orders that they have issued, issued instructions whereby this adverse effect could have been avoided, and that way the strike could have been either postponed or called off.

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** My name has been mentioned in this connection though it has no relevance, as what I said at a public meeting in Delhi has no relevance in regard to your admitting this matter.

**Shri S. S. More (Sholapur):** Why not?

**Shri Jawaharlal Nehru:** Oh, yes. What I mean is what I said always has relevance only that particular thing has no relevance at this time. I do not talk, I hope, irrelevantly at any time.

One fact has not been brought to your notice, although no doubt you know it, that this matter is before a certain gentleman, Justice Rajadhyaksha, to whom it has been referred by Government with considerable powers to go into it, summon papers, and to advise Government as to what we should do. Government has given an assurance that whatever decision it comes to will be retrospectively applied, so that, finally, it is quite clear that nobody can stand to lose by anything that may happen in the course of a few months.

**Justice Rajadhyaksha's report—**  
I cannot precisely say when it will

[Shri Jawaharlal Nehru.]

come—may take two months or three months. I mean it is not a long time when this matter comes to a head. This has a long history, but the present position is this, that we are committed to giving retrospective effect to any decision arrived at on the basis of Justice Rajadhyaksha's report. Therefore, nothing is lost; at the most, nothing is lost except delay of two or three months, or four months, if you like, in this matter.

Secondly, if the Government had decided anything in their part-modification of this award and if any bank goes against that, Government will come down heavily on that bank. I should like to see any bank go against a definite decision of Government. No bank dare do that. However, there is the possibility, of course, that within limits a bank may exercise its discretion, not against the Government's....

**Shri M. S. Gurupadaswamy (Mysore):** On a point of order, Sir. Are we discussing the admissibility or are we discussing the whole issue?

**Mr. Speaker:** The hon. Member may just hold himself in patience for some time.

**Shri Jawaharlal Nehru:** It is certainly open to bank managers and others to use their discretion. For instance, it is quite open to them to come to any agreement with their employees as they choose. We do not come in the way provided it is not against Government's order, it is not less than what we have said. It is open to them. In fact, some banks have done so, and we do not mind their doing so, but the point is how far Government is concerned with this. We are waiting for the Rajadhyaksha award and we have promised retrospective effect to any decision taken thereon, and whatever we have said now about the total emoluments we shall give effect to now.

It is true—what the hon. Member Mr. Asoka Metha said—that within the total emoluments some changes may occur about bonus, gratuity etc. That is a possibility. Well, even that possibility does not take us very far, because in the final decision that can be rectified if any error has been committed because we have promised to give this retrospective effect. Even now if the banks so wish, they can do so. We do not come in their way. We welcome them acting in any manner so as to get rid of any anomaly of this type.

**Shri A. K. Gopalan (Cannanore):** May I point out one thing which has not been pointed out about the admissibility of the adjournment motion?

Since the Government has referred all the above points arising out of the order of the modification to the Commission, and since it is a well-established principle admitted by our Parliament while enacting section 33 and section 22 of the Industrial Disputes Act of 1947 and Industrial Dispute Appellate Tribunal of 1951 that the *status quo* should prevail till such time that the adjudicator gives his findings, it is but right and just that the Government order of modification of the above points should be kept in abeyance till Government comes to a conclusion on the findings of the Commission.

Here the bankmen have given notice of a strike. The strike will come on the 10th. It is the duty of every one of us to see whether it can be averted, and the general principle is that the *status quo* must be maintained when the matter is referred to a Commission for decision; that is done, the strike can be averted. That is the reason why—because the strike which is to come on the 10th can be averted—we say this is a matter of urgent public importance, so that by discussion we can find out whether the *status quo* can be maintained, so that a possibility of averting the strike can be found out.

**Shri T. K. Chaudhuri:** May I also point out, Sir.....

**Mr. Speaker:** Nothing further now. There has been enough discussion on the admissibility of this motion.

I need not go into the merits of it. But my own inclination—apart from the question as to whether this matter is really of such a great importance in the whole set up of Indian economy, a few months' delay or a few people on going on strike or not going on strike—is that the matter can be best settled by negotiations with the Government. Those hon. Members who have to discuss this matter may take up the matter with the Minister concerned and have negotiations. I am also afraid that a discussion might not lead to the desired consequence of averting a strike—but that is not my concern. I do not feel, for various considerations, into which I need not go at present, inclined to give my consent to this motion.

MESSAGES FROM THE  
RAJYA SABHA

**Secretary:** Sir, I have to report the following three messages received from the Secretary of the Rajya Sabha:

(1) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 2nd December 1954, agreed without any amendment to the Coffee Market Expansion (Amendment) Bill, 1954, which was passed by the Lok Sabha at its sitting held on the 23rd November 1954".

(2) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I

am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 3rd December 1954, agreed without any amendment to the Andhra State Legislature (Delegation of Powers) Bill 1954, which was passed by the Lok Sabha at its sitting held on the 2nd December, 1954".

(3) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 3rd December, 1954, agreed without any amendment to the Rubber (Production and Marketing) Amendment Bill, 1954, which was passed by the Lok Sabha at its sitting held on the 24th November, 1954."

CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) BILL

PETITION RECEIVED

**Secretary:** Sir, under Rule 178 of the Rules of Procedure and Conduct of Business in the Lok Sabha, I have to report that a petition, as per statement laid on the Table, has been received relating to the Bill further to amend the Code of Criminal Procedure, 1898, which was introduced in the House on the 27th April 1954 by Dr. Katju.

Statement

Petition relating to the Bill further to amend the Code of Criminal Procedure, 1898, which was introduced in the House on the 27th April 1954 by Dr. Katju.

No. of signatories	District or town	State	Nc. of petition
1	Delhi	Delhi	40