

LOK SABHA

Friday, 20th April, 1956.

*The Lok Sabha met at Half Past Ten of the Clock.*

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

11-31 A.M.

MOTION FOR ADJOURNMENT

STRIKE BY CIVILIAN EMPLOYEES OF  
NAVAL DOCKYARD AND DEPOTS AT  
BOMBAY

**The Minister of Defence (Dr. Katju):**  
On the 5th April 1956, the Indian Naval Dockyard Employees' Union, Bombay, served a notice on the Captain Superintendent of the Dockyard stating that the workers would go on an indefinite strike from the 17th April, 1956, unless the two demands put forward by them were conceded before that date. The demands made by the Employees' Union are (i) that negotiating machinery should be constituted at the dockyard level with the representatives of the Employees' Union representing labour; and (ii) rules relating to leave should be modified so as to exempt workers having service of 10 years or more from the provisions of section 79 of the Factories Act.

As regards the first demand the position is that at present there are two trade unions functioning at the Naval Dockyard. The Indian Naval Dockyard Employees' Union, which has sponsored the strike, is not a union which has been recognised by the Government; but it is affiliated to the All-India Defence Employees' Federation. The other union, the Indian Naval Dockyard Workers' Union, is recognised by the Government; but is not affiliated to the All-India Defence Employees' Federation. In these circumstances, the question as to which union should represent the dockyard labour at the negotiating machinery meeting at the dockyard level, has to be deter-

mined, under the rules relating to the negotiating machinery, by the negotiating machinery at the top level. Last December, the President of the Indian Naval Dockyard Employees' Union met the Defence Secretary; and one of the points discussed at the meeting related to the setting up of the negotiating machinery at the dockyard level. The Defence Secretary advised the President of the Union to approach the All-India Defence Employees' Federation for inclusion of this question in the agenda of one of the meetings of the negotiating machinery at the top level. The question has not yet come up for discussion at any meeting of the negotiating machinery at the top level. The Union, on the other hand, has resorted to a strike on this issue.

As regards the other demand put forward by the Union, the demand relating to the leave rules, the position is that according to section 79 of the Factories Act, 1948, the workers earn leave at the rate of one day for every 20 days of work. Under the departmental rules in force in 1954, the workers were being allowed leave at less than the rate prescribed under the Factories Act if they had less than 10 years of service, and at more than the rate prescribed under the Factories Act if they have more than 10 years of service. As those departmental rules were not in accordance with the relevant provisions of the Factories Act, and as the Indian Naval Dockyard Employees' Union was agitating the issue, orders were promulgated in December, 1954 modifying those rules so as to conform to the provisions of the Factories Act and the rules made thereunder, except that those employees who had served for 20 years or over might continue to be granted leave on full pay for 20 days in a calendar year instead of the 14 days to which they would have been entitled under the Factories Act. The position now, therefore, is that under the revised departmental orders the workers are entitled to leave at the rates prescribed in the Factories Act, except for the fact that, for the people who had put in more than 20 years service in December, 1954, leave can be

[Dr. Katju]

granted at a more favourable rate. The Indian Naval Dockyard Employees' Union demands that workers who have more than 10 years' service should continue to be governed by the more favourable original departmental leave rules instead of being given leave at the rate prescribed under the modified rules which are in accordance with the Factories Act. This is an untenable contention. Government have always the right to modify the rules relating to the conditions of service of their employees, so long as such modifications are not contrary to any statutory provisions. Under section 78 of the Factories Act, the Union can therefore, claim to be governed by the provisions of the Factories Act or by the provisions of the existing departmental orders, whichever are more favourable. But they cannot demand that they should be governed by departmental rules which are no longer in force.

As regards the strike itself, the position is that about 3,900 industrial workers of the dockyard and its outlying depots refrained from working on 17th April, 1956, the first day of the strike. On the 18th April, 1956, the total number of industrial workers who were absent was again of order of 3,800. Informal reports indicate that about the same number were absent yesterday (19th April) also. Reports regarding today's situation are awaited. It will be noticed that the strike is confined almost entirely to the industrial workers at the dockyard. The 1,400 non-industrial workers are not affected.

I may mention here that a Deputy Secretary of the Ministry of Defence has been sent to Bombay to make an on-the-spot assessment of the situation and to assist in the restoration of normal industrial relations by explaining the correct position in respect of the demands to all concerned.

As I have explained, neither of the demands put forward by the Indian Naval Dockyard Employees' Union is based upon any rightful claim. It is a matter of great regret to the Government that the Union should have led the workers into a strike over these issues. The proper course for the union to follow would have been to refer the issues of the All-India Defence Employees' Federation for negotiation with the Government. The Union is, however, trying to force a settlement favourable to itself by resorting to an unjustified strike.

Government would even now advise the Union to call off the strike and to make use of the existing negotiating machinery at the top level.

I may further inform the House in this connection that special arrangements have been made by the Naval Authorities to ensure that all important and urgent work is duly carried out, even if the present strike continues for some time.

**Shri Kamath (Hoshangabad):** Considering the vital importance of the matter, The hon. Minister owes to the House clarification of two points. One is, he has told the House that there are two unions, one recognised and the other not recognised by the Government. Is it a fact that the union recognised by the Government has been sponsored or promoted by the INTUC and the other union is sponsored by the Hind Mazdoor Sabha or by the non-INTUC organisation? Secondly, whether the question of this negotiating machinery has been before the Government for the last one year or more and why there has been so much delay in arriving at a decision on this negotiating machinery question?

**Dr. Katju:** So far as the first question is concerned, the workers' union which has been recognised by the Government was so recognised in the year 1939.

**Shri Kamath:** The British order stands!

**Dr. Katju:** The employees' union came into existence after about 14 years. Therefore, no question of the Government favouring the employees' union arises at all in this connection, and the membership of the workers' union is slightly larger than that of the employees' federation.

**Shri Kamath:** Are you sure?

**Dr. Katju:** So far as the second question is concerned, as I said just now in my statement, in December last—about four months ago—we advised or rather my Secretary advised the employees' union and its people to have this on the agenda. The negotiating machinery at the top level meets every second month, and if they put it on the agenda, at the top level of the negotiating machinery, we can have it decided within a few weeks, as soon as the meeting is called.

**Shri Nambiar (Mayuram):** May I seek a clarification, Sir? In view of the serious situation arising out of the strike,

may I request the Government to consider a settlement of the present dispute at the Union level pending further negotiations on other matters later, so that the strike may be ended immediately?

**Dr. Katju:** The negotiating machinery has been settled after great consideration. I think the prime mover should be the All India Defence Employees' Federation as to what are their views on the topic. There is no question of *izzat*. I am prepared to consider at any time.

**Mr. Speaker:** In view of the Statement of the hon. Defence Minister, the Defence Employees' Federation ought to take up the initiative and place it before the high level committee and it has not been done. The hon. Minister is always ready to receive such advice as is tendered by them and act upon it. So far as the rules and regulations are concerned, they have been made in accordance with the statute. There may be difference of opinion.

An adjournment motion is not the proper remedy for this. I disallow this motion. I refuse to give my consent.

**Shri U. M. Trivedi:** May I move, Sir,...

**Mr. Speaker:** Not after the event is over.

**Shri U. M. Trivedi:** The question is....

**Mr. Speaker:** If he wanted to rise, he must have risen before the hon. Minister rose.

**Shri U. M. Trivedi:** I had risen.

**Mr. Speaker:** If he had risen, he did not catch my eyes. I am sorry.

#### APPROPRIATION (NO. 2) BILL

**The Minister of Finance: (Shri C. D. Deshmukh):** I beg to move\*:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57, be taken into consideration."

**Mr. Speaker:** Motion moved:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57, be taken into consideration."

So far as this Appropriation Bill is concerned, some hon. Members wanted to say a few words with regard to the Ministry of Information and Broadcasting, and Ministry of Law. The hon. Minister of Information and Broadcasting is not here. He sent word to me through the hon. Minister of Parliamentary Affairs that this Bill may stand over and may be taken up tomorrow. Is the hon. Finance Minister agreeable?

**Shri C. D. Deshmukh:** I agree.

**The Minister of Parliamentary Affairs: (Shri Satya Narayan Sinha):** After the Finance Bill is disposed of tomorrow.

**Mr. Speaker:** Is it the wish of the hon. Minister?

**Shri C. D. Deshmukh:** Yes.

**Mr. Speaker:** Then, it may stand over.

**Shri Kamath: (Hoshangabad):** As regards the time to be allotted for the Appropriation Bill, may I invite attention....

**Mr. Speaker:** I know; I am coming to that. A number of hon. Members have sent me intimation that some six hours should be allotted for this discussion.

**Shri Kamath:** Five hours.

**Mr. Speaker:** Hon. Members will remember that this was also taken into account at the time of allocation of time by the Business Advisory Committee and 86 hours were allotted for the entire budget discussion including the Appropriation Bill. No separate time has been allotted for the Appropriation Bill. We have spent all the 86 hours. There is one other thing also. In as much as all Ministers cannot be properly disposed of, the Business Advisory Committee has, for some years past, been deciding which of these Ministries ought to be discussed at length at the time of voting so that the other Ministries need not be touched upon in that particular year. In accordance with that practice, the Information and Broadcasting Ministry and the Ministry

\*Moved with the recommendation of the President.