

sanatoria or to have Central sanatoria to serve one or two circles together.

About the general medical facilities, the Health Minister is examining the question of co-ordinating the hospital facilities of the various Central Government Departments and State Government Departments, and I think when that scheme is finalised, the employees of the Posts and Telegraphs Department will also have better hospital facilities. But, in case it does not materialise, we will certainly see that we provide greater facilities to the employees of the Posts and Telegraphs Department.

About a research section—some time back I set up an advisory committee of some of the renowned Tele-communication scientists of this country. The idea was to create a nucleus of research centre, especially in tele-communications, with a view to its development and adaptation to suit the weather and climatic conditions obtaining in our country. The centre would advise our officers who will be working in the National Physical Laboratory. This organisation will of course expand gradually. It is our idea to have a research section, statistical section and other sections in the Posts and Telegraphs Department. In the end, I must thank my hon. friend for his offer to withdraw the resolution.

The resolution was, by leave, withdrawn.

RESOLUTION RE COLLECTIVE BARGAINING BY WORKERS

Shri K. K. Basu (Diamond Harbour): I beg to move:

"This House is of opinion that suitable legislation should be immediately enacted to guarantee rights of workers for collective bargaining, by providing the following:

- (a) Workers shall have the right to join any trade union of their own choice and the employer shall recognise such

trade unions, if there are more than one in his establishment or industry, and enter into collective agreements with the trade union or trade unions, as the case may be;

- (b) In cases of differences between trade unions, the opinions of the majority of workers in the establishment or industry shall be ascertained through a general body meeting of all the workers belonging to the establishment or industry concerned."

This resolution has been moved with a specific purpose. We want the principle of the recognition of unions to be accepted by Government. The other day there was a discussion on this very subject in connection with an amending Bill. I feel and I hope the House will agree with me that today we want to give labour certain specific rights. We have adopted a Constitution which says that our country will be a welfare State. That presupposes that all the constituents of the productive process should have their due share in the administration and the building up of the nation.

We all know that labour plays a very vital and important role in our productive machinery, and it is but natural that they should be given a proper deal. The labour laws which were enacted in 1926 when the British Government were ruling our country had a specific object in view. After the end of the First World War when the economic crisis set in and there was widespread labour unrest the Government of the day thought it necessary to meet the situation by canalising the energy and of the great force of organised labour. But since then things have changed. We have seen in the different countries of the world development of a new type of relationship between the employers and the employees, affecting the whole social structure.

Here in our country in 1947 a piece of legislation was passed wherein a specific provision was made giving

[Shri K. K. Basu]

labour unions right to be recognised by the employers. But unfortunately that law has not come into operation, because it was provided that it shall come into operation when the Central Government notifies it in the official Gazette. Though eight years have elapsed since then, in the course of which our Constitution has been framed. I do not know why this particular provision has not been brought into force by the Government of the day.

In our country within the past thirty or forty years the labour movement has grown from its small beginnings. Unfortunately, for want of education, a large section of our labour is still backward. In spite of eight years of independence, the employers, dominated by Britishers, and a very small section of the Indian nationals, who collaborate and combine with the foreigners, have still got an upper hand. Let us examine their tactics.

We all want that labour should have a fair deal. Very often our Ministers and our friends opposite belonging to the party in power advise labour to cooperate. But we do not create that condition, we do not create that psychological atmosphere among that class or section of the people which would enthuse them to produce more in the cause of the nation. It is said that vested interests influenced labour adversely. Let us for a moment look at facts in a realistic manner. If a section of the people feel that their interests are looked after, if they feel that their interests are protected, they are not going to be affected by the propaganda of a minority. But unfortunately Government do not realise the necessity of creating a psychological atmosphere to enthuse them. Therefore, we feel that it is time that the vast number of people who are engaged in our industries, should be given a fair deal.

We know, Sir, that there are laws, there are enactments which guarantee certain amenities, which promise a better standard of living for labour. We know how the Minimum Wages Act

has not yet been applied by all the States of our country. Certain provisions of the Plantation Labour Act, which afford labour certain amenities and better conditions of service, have not yet been put into operation, because Government thinks the industry is not in a position to do so. When a couple of years back, there was a crisis in the tea industry, the workers were the first to suffer. But today when the same tea industry is having a boom and is making enormous profits, there is no consideration of restoring the concessions which had been withdrawn. This is because the employers who are mostly foreigners and a section of our nationals who have joined with these foreigners, are in a much better position to influence the administration and the persons responsible for the enforcement of these laws. If we expect labour to give their best for the cause of the nation, then their rights have to be looked after.

One of the most important rights of labour is the right of recognition of their union. We have seen in our country that in many big industries, where there are one or two unions of which possibly fifteen or twenty per cent of the labourers are members, the unions are not recognised by the employers, because the employers do not wish that any labour union should be recognised. In fact, many a time, through their finances and through other methods which are not always clean, they have tried to create a pocket organisation of labour, but they simply do not recognise the unions that are already there. We, therefore, feel that the most important part of a labour legislation should be the recognition of the unions which are registered under the Indian Trade Unions Act. Certain provisions have been made in the Indian Trade Unions Act, and certain regulations have been enacted under it, which lay down the conditions on which an association of the workers can be registered; and if in an undertaking any such association is recognised, then it is the duty of

Government to see the employers for their part also recognise the union concerned. It should not be left to the sweet will of the employers to decide which union they will recognise, and which they will not. If Government so desire, they might change one or two regulations, or lay down some conditions which have to be fulfilled before a union can be recognised. But there must be a specific provision which will lay down that there should be compulsory recognition of the unions by the employers. This is absolutely necessary in the interests of the healthy relationship between employers and employees, as also in the interests of the nation as a whole.

We have also seen that one of the most important principles that have been developed in the recent age in regard to the relationship between the employers and the employees throughout the world is the right of collective bargaining. We want that the labour or a section of people who work together in an undertaking,—whether it is a factory or a mine or a plantation,—who have their own common problems, and their own common aspirations, should come together under one organisation, or two organisations or whatever it may be, and they should make their point of view felt by the employers through this organisation. Individual work is not possible in this regard, and especially in a big undertaking, it is always desirable that the union or the association voluntarily formed by a section of the workers should have the right to bargain collectively on their behalf; and they should be consulted in all matters concerning the relations between the employers and the employees.

But unfortunately we find that Government, in spite of their much wonted sayings, in spite of the fact that some of the old labour leaders who had at one time or other something to do with the labour movement are at the helm of affairs, in spite of all that, we do not find the prospects of any comprehensive Bill dealing with labour relations coming in the near future. The former Labour Minister Shri V. V. Giri had promised many

a time in this House that he was going to bring forward a comprehensive Bill regarding labour relations. Our present Labour Minister also has stated that he has some such thing in contemplation, and he has had certain discussions with the labour organisations that are there in the country. But that Bill is not yet in sight. Today, you have a Plan, and you have adopted certain principles in your Constitution also, and to work them out, it is necessary that all sections of our people, especially the constituents of the productive forces of society must come together, and pool together all their energies so as to make the ideals of the Constitution fruitful and effective. But unfortunately we find that Government, which has the most dominant voice in this matter, are not coming forward with any proposals to this effect; and they do not perform the duties which they ought to in this context of affairs.

My Resolution is confined to two main aspects. One is that we feel that in the present context of affairs you cannot make it compulsory that unless a trade union has a membership of not less than eighty or ninety per cent, it should not be recognised. The second point is that there should be an improvement in the conditions of working of our labourers. Unfortunately in our country the percentage of literacy is not very high, and the condition under which our workers are working has not been appreciably changed—I should have said, it has not been changed at all, but my hon. friends opposite may stand up and say, we have done this or that, and they may give a catalogue of their achievements and the programmes that they have put through; it is true that they have done something in a few places, but the condition has not been appreciably changed. Even today, the dominant voice of exploitation of the employers is still there. Even today labour is not powerful enough to assert its voice and get the legal rights that are recognised by the law of the land.

[Shri K. K. Basu]

We feel, therefore, that the provisions of the Indian Trade Unions Act should be so amended that any union which could be recognised under its provisions should be recognised by the employers as well compulsorily.

There is one other anomaly that we come across in the Industrial Disputes Act. If there are three or four unions in an undertaking or industry, and any or all of those unions want to go and represent their case before a tribunal under the Industrial Disputes Act, so that the tribunal may determine the question they cannot do so. They cannot go into the question whether there should be compulsory recognition of all the trade unions. The result is that the employers are taking advantage of the lacunae in the existing law, and being powerful partners in the industry, they take advantage of this and see that the labour does not get a fair deal. And many a time, they do not recognise even trade unions which have quite a substantial percentage of membership.

The Deputy Minister of Labour (Shri Abid Ali): What would be the percentage that you would lay down?

Shri K. K. Basu: We can discuss that later. That depends upon the particular industry that is involved. If we take the case of the plantation industry, for instance, we find that even during the elections, the candidates' agents are not allowed to get in there, though they had the rights to do so; and if you fix forty per cent or so there, there is no point in that. A British plantation owner does not want such and such a person to enter his plantation area; he may not even be a member of the Communist Party but he may be an independent, but he is not allowed entry into the plantation area, because he champions the cause of plantation labour. In such a case possibly we have to lay down a smaller percentage. In an industrial town, where there is a certain labour movement already, we can perhaps fix a percentage of twenty or twenty-five. But even there, I would say

that industrial development has not been even throughout India, even as the political movement has not been even throughout India. That is the reality in the country. We cannot deny that. So, it is not possible to lay down any hard and fast rule in regard to the percentage. We can only lay down certain general principles with a view to develop healthy relations between the employers and the employees, with a view to develop a real and effective labour movement in our country. We can only lay down some general principles. We cannot just say here and now what should be the exact percentage in each case.

Again, if you go to the mines, possibly the situation will change there, because the conditions are quite different. We cannot think under what conditions our brethren in the mines are working underground. So, there, some change may be required.

I say that these principles should apply also to Government undertakings. In Government undertakings also, there are certain recognised trade unions. In the old days, certain members of the Legislature were associated with them either as presidents or in some other capacity, and they came to redress the grievances of the employees. But today the position is different. Suppose a certain union invites a certain member of a Legislature today, whom the members of Government or the heads of administration do not like, to address their meeting.

What happens? All of a sudden, they withdraw the recognition on the ground that they had invited an outsider to address the meeting. The same union, possibly 15 years back, would have invited a person who was in the Opposition then but today may be occupying the Treasury Bench or it may be their allies or friends. Therefore, the fundamental basis of my Resolution is the compulsory recognition of trade unions on certain principles. There is the Indian Trade

Unions Act; if you want to amend it to make it flexible, you may do so. Our main aim and objective is to have a healthy development of the labour movement.

Then, Sir, as regards collective bargaining, it is a most important focal point on which I have drafted my Resolution. Under the existing Trade Disputes Act, there are certain provisions, but unfortunately—I have seen it; I am myself a lawyer—the legal processes go to such a pass that the poor workers and even the middle class people will not be in a position to fight. I know of a case which concerns the authorities of Allen Berrys which is owned by Dalmias. It was clear in the case that the very day the case would be heard the employers were bound to lose, because there was an absolutely patent defect in the notice of retrenchment. But unfortunately, the normal judicial process has gone on, and nearly seven years have passed and many of the employees either cannot be traced or they have taken to alternative employment. Some have gone from Calcutta to Travancore-Cochin or to Bombay. We sometimes get letters enquiring as to what happened to their case as five or six years have passed. Even under the Trade Disputes Act you know—you are a very eminent lawyer—that from Conciliation Officer, it goes to Tribunal, then sometimes to the High Court, then the Supreme Court and *vice versa* and retrials which take five or six years. The result is that it is nearly impossible for the ordinary workers who cannot make both ends meet to fight the case. If they are retrenched, unless they are reinstated within a short time, they have no chance to fight. Even in the case of some big banks, owned by Europeans, we have seen that in spite of the orders of the Tribunal for reinstatement, they have refused to do it and our Government have not exercised their power under the Trade Disputes Act to prosecute them as yet. I know of one example even in my State which has possibly

the largest concentration of industrial power.

Therefore, our main objective is the compulsory recognition of the right of collective bargaining. It is a fundamental right so far as labour is concerned. If they are given equal opportunities, we know very well, that as they have done previously, they will continue to shoulder their responsibility as honestly and as efficiently as possible. But there are certain fundamental rights, and for that it is necessary that the collective force, the collective strength, of an organisation must be recognised. It should be made incumbent on the part of the employer to come and talk to them and decide common problems or any difficulties that may arise in the relationship between employers and workers. Therefore, I would urge this upon Government—and I hope Members of this House will fully endorse the principle on which I have drafted my Resolution,—that this should be accepted by Government and necessary provision should be made so that our labour gets a fair deal and it can participate justly in the shaping and building of the Welfare State which our Constitution has accepted as our objective.

Mr. Chairman: Resolution moved:

“This House is of opinion that suitable legislation should be immediately enacted to guarantee rights of workers for collective bargaining, by providing the following:

- (a) Workers shall have the right to join any trade union of their own choice and the employer shall recognise such trade unions, if there are more than one in his establishment or industry, and enter into collective agreements with the trade union or trade unions, as the case may be;

[Mr. Chairman]

(b) In cases of differences between trade unions, the opinions of the majority of workers in the establishment or industry shall be ascertained through a general body meeting of all the workers belonging to the establishment or industry concerned."

Shri Nambiar (Mayuram): I am fortunate enough to speak....

Shri M. S. Gurupadaswamy (Mysore): As there is nobody else.

Shri Nambiar:on this resolution in continuation of my last speech made on a private Member's Bill of more or less the same type.

I think the hon. Minister might have now come to the conclusion of accepting the compulsory recognition policy or the theory of it. By his gestures, it looks as if he is not prepared to accept even that.

Sardar A. S. Saigal (Bilaspur): He is an astrologer.

Shri U. M. Trivedi (Chittor): Mind reader.

Shri Nambiar: This is not the first occasion that the Government are refusing to give even the meagre civil liberty or right to a worker. Government occasionally used to say—and now they say very often after the Avadi Congress resolution—that they want to bring in a new era of society of a particular type which is known as the socialistic pattern of society.

Shri Abid Ali: We stand by it.

Shri Nambiar: When they decide to have a socialistic pattern of society in this country, they are refusing to give even the minimum, fundamental, basic right to a worker to have his trade union registered and recognised.

Shri Abid Ali: Registered—yes.

Shri Nambiar: They have accepted registration of trade unions because their predecessors, the Britishers, had done it in 1926; otherwise, I do not

know whether even the very registration would have been allowed by this Government under the conditions which exist today.

Sardar A. S. Saigal: It is not correct.

Shri Nambiar: It is with a heavy heart that I say that the hon. Deputy Minister of Labour refuses to accept the compulsory recognition theory, though he and his Party and his Government on very many occasions previously had agreed to this theory. The ex-Minister, Shri V. V. Giri, in his speeches not only in this House but outside on many occasions in the labour tri-partite conferences, has agreed to it. The other day I quoted Shri V. V. Giri's statement.....

Shri K. K. Basu: He has lost his job.

Shri Nambiar: Not only Shri V. V. Giri, but the Deputy Minister who was his assistant, even though he might have had a difference of opinion with his Minister, did not object to that when the Minister agreed.

Shri Abid Ali: I had never any difference of opinion with my Minister.

Shri Nambiar: Then how could he oppose that? I can understand the idea of bringing in certain conditions with regard to recognition. But I cannot understand at all his refusal to recognise a trade union, as a matter of principle. The other day, Shri Venkataraman, who is the spokesman of the Congress Party, said that 'compulsory recognition is a thing which we accept'. But he added: 'To which union recognition is to be given, and how?' On that, he said, there are differences. I agree with him on that point. If once the principle of compulsory recognition is agreed to, then let us sit together and decide as to what should be the method on which we are prepared to understand each other; we can see if together we can find out a certain formula. The other day, Shri Venkataraman said, when I moved my Amendment Bill said that

the Bill, as such, could not be accepted by him. He said that if an amendment to the Industrial Disputes Act could be brought in whereby the recognition of trade unions also could be raised as an industrial dispute hereafter, to see whether a particular claim for recognition of a trade union could be disputed upon and adjudicated upon, that could be accepted. I thought that that was a very sane suggestion; of course, that does not satisfy me fully. But it is a suggestion which gives a chance for us to think in terms of understanding each other. But the Deputy Minister is not even prepared to accept what his Party spokesman has suggested and he says that compulsory recognition can never be given. That is the idea.

Shri Abid Ali: I have never said it.

Mr. Chairman: The hon. Minister says that he never said it.

Shri Nambiar: But by his gestures, he gave me to understand that he would not accept compulsory recognition. That was why the whole trouble started. I formally asked him and he shook his head. So I thought that he was not even prepared to ac-

cept the principle. Then only I went on with that argument. If he is prepared to correct himself, then I am also prepared to correct myself.

Mr. Chairman: A gesture should not be interpreted in that way, unless the maker of the gesture affirms it.

Sardar A. S. Saigal: Let the hon. Member conclude his speech.

Shri Nambiar: Now, I am very much satisfied; if the Government would agree to the principle of compulsory recognition. I am satisfied with regard to that point. That is the point which Shri K. K. Basu wanted to enunciate; he has incorporated it in part (a) of the Resolution. He has said that unions must be recognised.

5 P.M.

Mr. Chairman: The hon. Member will probably take more time.

The House now stands adjourned till 11 A.M. tomorrow.

*The Lok Sabha then adjourned till
Elven of the Clock on Saturday, the
12th March, 1955.*