

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Saturday, 8th September, 1956

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

MOTIONS FOR ADJOURNMENT

SITUATION AT CALCUTTA PORT

Mr. Speaker: I have received two notices of motions for adjournment, both regarding the same subject. One is by Shri Frank Anthony which reads:

"The critical situation created at the Port of Calcutta by the resignation of the Assistant Harbour Masters".

The other is by Shri Kamath which is as follows:

"The serious dislocation of work at Calcutta port consequent upon the simultaneous resignation of a large majority of Assistant Harbour Masters, and the steps taken by Government to restore normalcy".

Shri Frank Anthony (Nominated-Anglo-Indians): You may have noticed from a news item in one of the newspapers today that 25 out of 31 Assistant Harbour Masters have not only given notice of a strike, but have sent in their resignation to be operative from the midnight of Friday, that is, yesterday. This news item also

says that nearly 50 per cent. of the country's total port traffic is handled at Calcutta.

I have some personal knowledge of this particular case, because these people came to see me in April and I had addressed the Minister. The facts, as I know them, are briefly these. The Minister was pleased to see them and he instructed them to send him a memorandum in respect of their claims. He assured them that after he received that memorandum, he would see them again. Apparently, the Minister changed his mind. They wrote to him in June and then in July sent him a telegram. But nothing happened.

Now Government has taken up the attitude that their claims will be referred to some kind of judicial tribunal. The men feel that this latest attitude of the Government, although ostensibly fair, is resiling from the assurance which they had from the Minister, that he would look into their case as a distinct and special case. They also consider that this is dilatory. They have been pursuing this matter for more than a year.

Their claim, in substance, is this...

Mr. Speaker: I am not allowing a discussion over this matter at this stage. Let us know what exactly is the situation.

Shri Frank Anthony: I do not know. The Minister may say that they are mounting all kinds of things. They only want the recognition of the principle of their night work. I submit with respect that this matter could have been settled in ten minutes. They are saying: 'Do not even give us our present scale. Depress our

[Shri Frank Anthony]

scale. We were getting Rs. 600 or Rs. 800. Now, it has been raised to Rs. 1,750'. They say: 'We do not want it, because our work is preponderantly night work. Sixty per cent. of our work is night work. That is a principle which we are insisting on. Give us a night allowance and we are quite happy. Government will not have to spend one anna. We are prepared to surrender our basic pay. The Hooghly pilots who are doing less onerous work are being paid night allowance by the shipping companies. The shipping companies are prepared to pay, because 60 per cent. of our work is night work. It is a matter of religious principle. You can even send us to jail. If you do not recognise this—it is merely a question of principle—accept our resignations. Let us go. It is a matter of elementary justice'.

I have persuaded them right up to now to withhold their resignation. But now they have refused to listen to me. The Minister has brought them within the purview of essential services. I received a letter this morning that this is not going to help because they are prepared to go to jail.

Shri Kamath (Hoshangabad): The second part of my adjournment motion refers to the steps taken by Government to restore normalcy at Calcutta port. This is occasioned by the news item that Government has declared this cadre of Assistant Harbour Masters as an essential service under the Essential Services (Maintenance) Order. I understand that these officers have not gone on strike, but they have resigned their service. Then how can Government take any action under the Essential Services (Maintenance) Order so as to make them or compel them to work, because if they had been in service and had struck work, it could have been declared illegal, but they have resigned? They do not seem to care two hoots—if I may use that expression—what will happen to them.

Therefore, I would like to know from the Minister as to what steps they have evolved to restore normalcy at the Calcutta port, so that the work which was done by 23 or 25 Assistant Harbour Masters will be done by other people.

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): I have got some facts, but I shall not place them before the House just now. If you like, I can make a statement on Monday morning. But as regards the two points that have been raised by Shri Frank Anthony and Shri Kamath, I wish to say a few words.

It is true that I had a talk with these Assistant Harbour Masters. We made certain offers to them about their mooring fee. In principle, we were not prepared to give them night fee.

Shri Frank Anthony: How do the Hooghly pilots get it?

Shri Lal Bahadur Shastri: It was made quite clear to them. They also said that they wanted increased emoluments, which might be given either in the form of night fee or any other fee. I had a talk with them. Shri Frank Anthony said that they did not have that talk with me.....

Shri Frank Anthony: I did not say that.

Shri Lal Bahadur Shastri: So we said: 'All right. We will consider it'. In fact, an offer was made that concessions involving an additional emolument of, say, Rs. 125 to Rs. 200 per month would be given to them. They outright rejected that. Then I said: 'You better go back and reconsider the whole matter. If you like, you can write to me again'. They sent their representation. We considered it fully, and we realised that any additional emolument given to the Assistant Harbour Masters of Calcutta was bound to create repercussions at other ports also, because in other ports there were Assistant Harbour Masters.

Shri Frank Anthony: But they do not do half the work.

Shri Lal Bahadur Shastri: He will kindly hear me.

So we held a meeting of all the Chairmen of Port Trusts, Bombay, Madras, Cochin and Visakhapatnam. They came only a few days back and they said that it would create great difficulties for them if unilateral action was taken so far as the Calcutta port was concerned. They said that whatever had to be done should be done for all the ports, and it should be considered by some independent authority. I thought that there was no better solution than that.

Therefore, we immediately decided to refer the matter to a person of the status of a Judge of the High Court. We have done so. He has fixed a day, the 21st of this month, and has asked both parties, the Port Trust and the employees, to meet him and represent their case. I was told—of course, I have not been directly in touch with them—that they feared that this adjudication would take a long time. I made enquiries of the Transport Secretary, and have come to know that it might be possible for the Judge to decide these issues or this matter in about a month's time. Even if it takes a little more time, we are prepared to give everything that is decided on a retrospective basis. So this point was made clear that there would be no delay. It would be decided as quickly as possible, and that whatever was decided by the adjudicator would be paid on a retrospective basis. Thirdly, they were somewhat doubtful on another matter as it was up to the Government to accept the recommendations of the Adjudicator or not. Government can accept certain recommendations and may reject others. But, I made it clear to them that a clear assurance could be given that whatever the Adjudicator's recommendations are, the Government will accept them *in toto*. In view of these assurances, it is really difficult for me to understand the attitude that these officers have taken. I can under-

stand to some extent the low-paid employees who are really in difficulty taking a decision to go on strike. But, if officers who are getting Rs. 1,200, Rs. 1,500 and Rs. 1,700 go on strike like this, the House can very well imagine what the situation would be, especially in the context of our Second Five Year Plan.

The Calcutta Port is very important; it is dealing with 50 per cent. of our imports and exports. Therefore the Government have no alternative except to declare an emergency and in that emergency they cannot give up work. Of course, if they refuse to work, legal action will be taken. But, in case they are prepared to revise their decision and think over the whole matter again, I think, they will be acting wisely and it would be perhaps in their interest as well as in the interests of the Calcutta Port.

As regards Shri Kamath's motion, I think, what I have said has given him some idea of how the situation has developed. It is not possible for the Calcutta Port to work fully in case these officers go on strike. It is very unfortunate that there is a shortage of trained personnel. They are simply wanting to compel us because of the shortage of technical personnel. They can dictate terms; they know that. But I am not prepared to accept that; we will do less work. Let Calcutta Port work suffer and only 50 per cent. of the loading and unloading be done at Calcutta Port. It may so happen that we will have to face that. But we cannot give in to an unreasonable attitude they have adopted at present. That is the situation today and we will face it somehow or other. We have done, under the circumstances, as much as we can.

Shri Kamath: The news item says that the resignations took effect last midnight; have they withdrawn the resignation since then?

Shri Lal Bahadur Shastri: There is no such information.

Shri Frank Anthony: As the hon. Minister said these men are officers and they would not lightly throw up their jobs; and provident fund and other privileges are due to them. That is the one issue on which he seems to be under a complete misapprehension. The Minister has referred to.....

Mr. Speaker: There is no labouring this point. The hon. Minister has said it has been declared an emergency. I have allowed the hon. Member an opportunity.

Shri Frank Anthony: The only point....

Mr. Speaker: I have heard both sides.

Shri Frank Anthony: It is a vital matter.

Mr. Speaker: We have heard both sides thoroughly.

Shri Frank Anthony: But the hon. Minister said that it would affect the other services. The simple issue is this. Have they any other service on comparable terms? These are the only people who do night work. That is the thing. They only want the night work to be recognised. No other pilot of the marine service does any work of this kind.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Are we going to discuss this matter now, Sir?

Mr. Speaker: In view of the statement of the hon. Minister that all that could be done has been done and also that he will make a further statement on Monday, I do not think it necessary to give my consent to these adjournment motions.

PAPER LAID ON THE TABLE

REPRESENTATION OF THE PEOPLE (CONDUCT OF ELECTION PETITIONS) RULES

The Minister of Law and Minority Affairs (Shri Biswas): On behalf of Shri Pataskar, I lay on the Table, under sub-section (3) of section 169 of the Representation of the People

Act, 1951, a copy of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, published in the Notification No. S. R. O. 1943, dated the 30th August, 1956. [Placed in the Library. See S—377/56]

Shri Kamath (Hoshangabad): On a point of clarification, Sir. The relevant sub-section of that section says that the rules made under this Act shall, as soon as may be after they are made, be laid for not less than 30 days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Now, I want your guidance in this matter. The Rules have been laid today. The session is going to end five or six days hence. Will this mean that the Rules will be laid again for another 24 or 25 days next session or will these 30 days include the intervening period also? That will be very unfair to both Houses.

Mr. Speaker: I had occasion to look into this rule and relevant provisions. My recollection is that they will be laid again on the Table. I assure the hon. Member that they will be laid on the Table for the full period of thirty days. This is for his information. This interim period will not be taken into account and will not be added to the few days that are still before us in this session.

Shri Kamath: All right, Sir,

Shri K. K. Basu (Diamond Harbour): Will the Government supply copies to us? It concerns all of us.

Mr. Speaker: I will try to get some copies. These Rules must have been published in the Gazette and copies of the Gazette may be available.

Shri Biswas: I suppose so.

Mr. Speaker: Copies will be kept at the Publications Counter.

Shri Biswas: Copies may be available; I do not know.