

successful in the different Union territories;

(b) whether certain legal hurdles have raised their head in the way of such measures;

(c) whether there is a co-operative movement in Delhi and other Union territories to replace the rickshaws by auto-rickshaws, and to what extent has it been successful with particular reference to Delhi; and

(d) what encouragement, if any, is afforded to this movement by Government?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (d). The rickshaws are being plied in large numbers not only in towns but also in rural areas. The information asked for is not available and its collection is not considered worth the time and labour involved in the same.

12.17 hrs.

MOTION FOR ADJOURNMENT

LOCK-OUT IN SWADESHI COTTON MILLS

Mr. Speaker: I have got notice of an adjournment motion by Sarvashri Banerjee and Tangamani saying:

"Immediate need to discuss the serious situation arising out of illegal lock-out in Swadeshi Cotton Mills, Kanpur resulting in playing off of more than 10,000 workers. The situation is bound to deteriorate further after the statement of the State Labour Minister regarding failure of the talks. As the dispute pertains to the intensification of work-load and code of discipline centre's intervention is absolutely essential to solve this matter. Centre is in possession of all facts and has also moved."

I have been shown a paper cutting saying:

"Workers are blamed for failure of talks. U.P. Minister's statement on Kanpur Mill Lock-out."

Prima facie it looked to be a State subject and I wanted to rule it out. But the hon. Member said that he would convince me that this matter involves the responsibility of the Centre. Let me know how it does.

Shri S. M. Banerjee (Kanpur): I have also very carefully read the statement made by the U.P. Labour Minister in the U.P. Assembly yesterday. I have also got this telephonic message from Kanpur.

Mr. Speaker: How is this a Central subject?

Shri S. M. Banerjee: I am coming to that point.

Mr. Speaker: That is the first thing I want to know. If he is not able to satisfy me on that point he will not have jurisdiction to say other things.

Shri S. M. Banerjee: How can I do so unless you give me at least one minute?

Mr. Speaker: Why should I give him time to speak about an irrelevant matter? Let him first satisfy me about that.

Shri S. M. Banerjee: How can I satisfy you unless I speak? I am unable to satisfy you unless I am allowed to speak. My submission about the intensification of work-load is only this that duty hours have been fixed in a particular mill. Now whenever the employer wants to increase the duty hours it should be done by mutual agreement or by reference to Government. In this particular case a committee was formed in 1953. The committee never met. The Swadeshi Cotton Mills is the only mill which has started a nine-hour shift. They have increased it by four hours. The whole thing was asked to be referred to arbitration. The workers' point was that the matter be referred to arbitration but till such time as the arbitrator decides anything *status quo* must be maintained. We have taken decision after decision in the 16th and the 17th Labour Conferences that when this question of

work-load being intensified is taken up the workers' point of view should be taken into account.

The second thing is about this illegal lock-out. The strike notice was given legally. They declared the lock-out and refused to have negotiations. After all, this is an illegal lock-out. I do not wish to impute any motives to the State Government, but unfortunately the State Government has issued a statement which, to my mind, is one-sided. The Central Government has been apprised of the matter by me and the Union and I would request the hon. Minister to institute an impartial enquiry into the dispute. I would request you to kindly allow this motion.

Shri T. B. Vittal Rao (Khammam): This is a simple matter.

Shri Tyagi (Dehra Dun): After hearing the hon. Member, have you, Sir, decided whether it is relevant or not. I wish to know your ruling.

Mr. Speaker: I am not going to give my ruling.

Shri Tyagi: On a point of order: is it in order?

Mr. Speaker: There is no point of order. I was hearing the hon. Member with a view to understanding his point.

Shri Tyagi: On a point of order. I beg to submit that this Adjournment Motion is out of order, because it has not been proved.

Mr. Speaker: The hon. Member is becoming a Public Prosecutor here; it is very wrong. I am really surprised at the manner in which the hon. Member is interfering. When an Adjournment Motion has been tabled, I want first to be satisfied whether this House has jurisdiction over that subject. As far as I am aware, it is a State subject. The hon. Member was trying to say that it is in the Concurrent List. He was also saying that the State Government had not looked into the matter. I wanted to find out, whether, if it is in the Concurrent List, we have only the power to legislate or interfere in the executive

work. That is the point which I was considering. In the meanwhile Shri Vittal Rao, from the same Party, stood up and wanted to strengthen their case.

Shri Raghunath Singh (Varanasi): Not from the same party.

Mr. Speaker: Let him belong to any party.

After hearing Shri Vittal Rao, if Shri Tyagi, or any other hon. Member wanted to say or suggest to me as to what I ought to do, I would have allowed him. It is really surprising that he wants to regulate the proceedings of this House.

Shri Tyagi rose—

Mr. Speaker: Order, order. I must be allowed to proceed as I think proper, to hear any Member in this House. No hon. Member should say: "You ought not to hear him." It is for me to decide ultimately. If Shri Tyagi also wants to have a say, I would have allowed him.

Shri Tyagi: May I respectfully submit, Sir, that I only wanted to know whether the Chair was convinced after listening to the arguments of the hon. Member whether it is relevant or not. If the Chair requires another speech for that, I have no objection.

Mr. Speaker: Am I to consult my legal adviser from minute to minute whether an hon. Member's arguments are convincing or not. The very fact that I allowed another hon. Member to speak shows that I wanted further elucidation.

Shri T. B. Vittal Rao: Sir, nobody can work for more than eight hours, except under special circumstances, and that even for a very limited period. How is it that the authorities of this Mill have been permitted to work for nine hours throughout. Though the industrial relation aspect of it may be the responsibility of the State Government, the general interest of the working hours under the Factories Act is the responsibility of the Central Government.

Mr. Speaker: Does Shri Tyagi want to say anything?

Shri Tyagi: Nothing, Sir. When the hon. Member rose, I was under the impression that he was going to speak on the merits of the Adjournment Motion. Therefore, I raised a point of order. Since he was speaking on its admissibility, I have nothing to say.

The Deputy Minister of Labour (Shri Abid Ali): Sir, the matter is within the State sphere. However, on the basis of the information obtained from them, I have to make the following statement.

Following the dispute in 1953 about the shift time working in the Mills, the Regional Conciliation Officer, Kanpur, intervened and brought about a settlement regarding the revised shift timings. This came into force from February 21, 1954. Since then the work in the Mills has been continuing on that basis.

On March 8, 1961, the Suti Mill Mazdoor Sabha gave notice that if the shift timings were not changed to those in existence before 1954, the workers would go on strike from March 25, 1961. On workers' request the State Government called a meeting of the old Board which had brought about the agreement in 1954. At the Board's meeting the workers failed to give any convincing reasons for the revision. The Board did not think it proper to make any change for the time being and wanted additional data to be considered at its next meeting. The management's representatives agreed to refer the matter to arbitration but the workers did not agree; they did not also accept the management's offer to curtail the Monday shift by one hour. The workers showed an unreasonable attitude by turning down both the offers. They went on strike at 2 p.m. on March 25. Subsequently, they started work late and left their jobs earlier than the scheduled timings. This was repeated on a number of days between April 1 to 17. The workers also resorted to go-slow by reducing

the speed of motors. Some costly electric motors were also burnt out and there was indiscipline in the mills. The management thereupon declared a lock-out from Monday, the 1st May.

The State Government offered to refer the matter to conciliation under the U.P. Industrial Disputes Act, but the union leaders have not yet conveyed their acceptance. According to the State Government the action of the workers was 'absolutely unjustified' and the strike was illegal; it was also against the Code of Discipline. The union was warned about it.

The subject being within State sphere their Industrial Relations Machinery is continuing efforts to settle the dispute early.

Shri K. N. Pande (Hata): May I know whether it is a fact that the working hours were increased because of the agreement of the parties? Did not the party, to which my hon. friend Shri S. M. Banerjee belongs, agree to it?

Shri S. M. Banerjee: On a matter of personal explanation, Sir. Since those leaders are not here, I have to safeguard their interest.

Mr. Speaker: Order, order. I am not going to allow. The hon. Member wrote to me that this is the last day of the session, and as the House would be adjourned he would not have occasion to raise it. Therefore, I allowed a statement to be made. Both in the beginning and in the end the Minister reiterated the fact that this is purely a State subject, some proceedings are going on, but that the strikers were recalcitrant. There is nothing that can be done here. I wanted to see whether any light would be thrown on the subject as to how far the Central Government is responsible for this. The Central Government is not responsible and I withhold my consent.

Shri K. N. Pande: My question has not been answered.

Shri Abid Ali: I have already said that it was a unanimous agreement of the parties concerned.

Shri S. M. Banerjee: Sir, it was only for three or four months that an agreement was drawn up in 1953 by a party which did not enjoy the confidence of the workers. This agreement was reached because, it was said, there was a crisis in the textile industry at the time. Now, they are flouting all government orders and the Deputy Minister says that the contention of Mr. Pande is correct. If the Centre were to forget the interests of the workers as against the interests of the employers, what is going to be the fate of labour?

Mr. Speaker: Let us now take up the next item.

12:29 hrs.

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE.

(i) STRIKE OF BUILDING WORKERS IN DELHI

Shri Balraj Madhok (New Delhi): Under Rule 197, I beg to call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and I request that he may make a statement thereon:

The recent strike of building workers in Delhi.

The Deputy Minister of Labour (Shri Abid Ali): On the 20th September, 1960, the Delhi Administration issued a Notification under the Minimum Wages Act, 1948, revising the minimum rates of wages notified earlier under the Act for employment on the construction or maintenance of roads or in building operations in the Union Territory of Delhi. These became effective from the 1st November, 1960.

On the 11th April 1961 about 600 workers falling within the State

sphere resorted to a strike on the ground that employers in building operations had not implemented the notified revised rates. After two days all these workers returned to duty. Four days later, building workers both in the State and Central spheres went on strike demanding payment of the rates as revised by the Delhi Administration. In the State sphere the strike has already ended, and in the Central sphere also it does not now exist.

The strike in certain Central sphere undertakings under the Minimum Wages Act was mainly over the issue of the upward revision of wages. Necessary action has already been taken to revise the rates of wages fixed under the Minimum Wages Act for workers in the Central sphere also.

Shri Bal Raj Madhok: What new wages have been fixed?

Mr. Speaker: There are five more Calling Attention notices. Under Rule 197 (3) not more than one Calling Attention notice could be admitted for the same day. But today being the last day, five other Calling Attention notices are put down on the Order Paper and the statements in respect of them may be laid on the Table of the House by the Minister of Irrigation and Power, Minister of Labour and Employment, Minister of Commerce and Industry and Minister of Works, Housing and Supply as is usual in such cases.

(ii) VISIT OF PAKISTAN WATER RESOURCES EXPERTS TO CALCUTTA PORT

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): Sir, I beg to lay the statement on the Table [See Appendix VI, annexure No. 92].

(ii) VISIT OF PAKISTANI WATER RESOURCES EXPERTS IN RANGANJ COAL BELT AREA

The Minister of Labour and Employment and Planning (Shri Gulsari Lal Nanda): Sir, I beg to lay the statement on the Table. [See Appendix VI, annexure No. 93].