

श्री मधु लिमये : मेरे अधिकारों का यह सवाल है। सदन की कार्रवाई से इसका सम्बन्ध है। आप कोई समय निर्धारित करें। मैं बैठ जाता हूँ।

अध्यक्ष महोदय : मैं देख कर बताऊंगा मुझे आप लिख कर भेजिये।

श्री मधु लिमये : आज सवेरे दस बजे से पहले लिख कर दिया है। आप देखते नहीं तो मैं क्या करूँ। दस दस दिन होने के बाद आप नोटिसिस पर कोई कार्रवाई नहीं करते हैं। बिना कारण पांच मेरे क्वेश्चन डिसएलाऊ किए हैं। आप समय बताए जब मैं इसको उठा सकता हूँ।

अध्यक्ष महोदय : देख कर बताऊंगा। आप मुझे लिखिए।

श्री मधु लिमये : आप बिल्कुल अनुचित कार्रवाई कर रहे हैं। नियमों के अनुसार आप चलिए। मुझे आप समय बता दीजिए।

अध्यक्ष महोदय : अभी नहीं बता सकता हूँ।

श्री मधु लिमये : बाद में इजाजत दोगे ?

अध्यक्ष महोदय : अभी कुछ नहीं कह सकता हूँ। जो लिखा है उसको पढ़ कर और देख कर बताऊंगा।

श्री मधु लिमये : वाकायदा नोटिस दिया है।

अध्यक्ष महोदय : जब बताऊंगा तो फिर देखोगे।

Lock-out in Indian Airlines

*181. SHRI SAMAR GUHA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Lock-out order on Indian Airlines is still operative;

(b) whether improvements in matters of administration, earnings and flight services of Indian Airlines have been achieved during the period of lock-out; and

(c) the conditions visualised by Government for withdrawal of the lock-out in Indian Airlines?

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (DR. SARAJINI MAHL-SHI) : (a) The lock-out has been lifted in respect of all employees except 15 employees including some office bearers of the Air Corporations' Employees' Union.

(b) Yes, Sir. There has been a noticeable improvement in the standard of discipline and attendance. The expenditure on over-time for 1973-74 has been brought down from the budget amount of Rs. 382 lakhs to Rs. 264 lakhs and in 1974-75 it is expected that the expenditure will be further reduced to approximately Rs. 30 lakhs. The on-time performance of the Airlines has improved from 45.16 per cent for the calendar year 1973 to 64.77 per cent for the first five months of 1974. The number of night stops in the case of flying crew has been reduced from 35 per day before the lock-out to 12 per day after the 18th March, 1974 and this is expected to result in a saving of approximately Rs. 1 crore during the current financial year.

The management has of its own accord set up an Organisation System Group to study in depth current practices and procedures and recommend improvements to achieve optimum utilisation of resources.

All employees are cooperating in these measures to improve the functioning of the Airlines.

The financial position of the Corporation would have shown considerable improvement but for the steep rise in the price of aviation fuel over which the Airline has no control.

(c) The lock-out in respect of the remaining 15 employees will be lifted as soon as they give individual undertakings as other employees have done, or when the Air Corporations Union reaches a settlement with the Management.

SHRI SAMAR GUHA: Before I ask my supplementary I want to state that this question would have been answered in the normal course by Shri Raj Bahadur. As we all know he met with an accident. I wish him very quick recovery and I hope this House will join me in my good wishes to Shri Raj Bahadur.

It is stated in the reply that the lock-out has been lifted in respect of all employees except 15 employees including some office bearers of the Air Corporations Employees Union. This is an unprecedented reply of an unprecedented action of having lock-out only for 15 individuals. This is as unprecedented as the national emergency continuing when the war has ended only for being utilized to invoke the DIR. Similarly, they say there is no lock-out. But the term that has been used by Shri Lal, Chairman-cum-Managing Director in a recent IATA Conference at Geneva was "technical lock-out. But the term that has been is no lock-out. I want to know from the hon. Minister, under which provision of the Industrial Disputes Act lock-out has been declared for individual employees. One can understand lock-out for the whole industrial concern or for a certain department. But this lock-out for individual employees is an innovation, a travesty of truth. There has been no record anywhere in the whole industrial disputes of our country of lock-outs for indi-

viduals. Therefore, I want to know according to which rule and provisions of the statute, namely, the Industrial Disputes Act, individual lock-out is permissible. Secondly, I want to know whether certain rules have been made, changing the service conditions and service rules, so far as IAC employees are concerned, without having any notification in the Gazette, and also without the permission of the Central Government. Thirdly, I want to know whether it is a fact that when Shri Lal attended the IATA Conference in Geneva he was told by other organisations that because of the lock-out in IAC they are not able to encourage tourists to come to India.

DR. SAROJINI MAHISHI: Because the agreement with ACEU has not been concluded, technically the lock-out is still there...

SHRI S. M. BANERJEE: On a point of order, Sir. (*Interruptions*).

DR. SAROJINI MAHISHI: I hope, the hon. Members will have a little patience to listen to me.

MR. SPEAKER: They do not spare anybody. At least, they should have some patience when she is replying.

DR. SAROJINI MAHISHI: Technically, the lock-out is there. There were six unions and two associations and agreement had been concluded by 18th March, 1973, with almost all of them except 15 persons of ACEU. Out of these 15 persons, some are sick, some have left the country and some of them have agreed to except 3 office-bearers who have not agreed to. To bring back normalcy in the operations, it was thought whether an undertaking should be taken from individual workers because many of them were willing to give the undertaking and the unions also by themselves were willing to give the undertaking. As it was convenient, the undertaking was taken to bring back normalcy in the operations.

As the hon. Members know, the Industrial Disputes Act has got to be amended. It is a very old Act. There

are no provisions in many cases where actually the whole thing comes to a standstill... (Interruptions).

SHRI S. M. BANERJEE: On a point of order, Sir.

SHRI SAMAR GUHA: On a point of order, Sir.

MR. SPEAKER: You please sit down and listen to her. Why do you lose patience? Mr. Samar Guha, you have got second supplementary and you can get further information by way of that.

SHRI S. M. BANERJEE: She says, the Act is going to be amended. It has not yet been amended... (Interruptions).

MR. SPEAKER: This is a very bad habit. You do not have any patience. You are mature people. Please listen to her reply.

DR. SAROJINI MAHISHI: The whole procedure started right from 10th December, and the agreements were concluded with different unions except with this union as a result of which, technically, the lock-out has not been lifted.

As the hon. Members know, the performance of the Indian Airlines has improved; the punctuality has improved; the service conditions have improved—a lot of things have improved.

The second question that he raised was that service conditions have changed. In the I.C.S., the service conditions and rules are oftentimes formed or based on the basis of an agreement. Now, the service conditions have been changed without any prejudice to the service of workers.

Thirdly, he said that the Chairman of I.A.C., Mr. Lal, attended the Geneva Conference. It is not a correct information. He never attended the Geneva Conference.

SHRI SAMAR GUHA: On a point of order Sir.

MR. SPEAKER: No point of order during Question Hour. You ask your supplementary.

SHRI SAMAR GUHA: On a point of information. Whether the Government can act on supposition that an Act will be amended and, till it is not amended, whether any act done by the Government is illegal or not. The hon. Minister said, on supposition that the Act may be amended and she tried to justify the lock-out technically.

MR. SPEAKER: I am not here to give my legal opinion on it.

SHRI SAMAR GUHA: She said it. Now, I draw your attention to another statement made by her.

According to the statute, if a service rule is changed, prior permission of the Central Government has to be taken and the notification has to be gazetted. But, here, neither the prior permission has been taken nor the notification notifying the change in the service rule has yet been gazetted. Yet, all those who joined have been compelled to sign an undertaking to abide by the new service conditions rules.

I want to know a clarification as to under what rule this is done and whether it does not tantamount to a violation of the service rule as has been outlined in the statute, i.e., the Indian Airlines Act.

DR. SAROJINI MAHISHI: I must make it clear and I never said it that this undertaking has been taken from the individual workers on the supposition or on the presumption that the law is going to be amended. The hon. Member is mistaken if he has tried to interpret it that way. There are a few lacunae or loopholes in the Act. Some conventions, some usages and customs were there....

SHRI SAMAR GUHA: In India there is no precedent.

DR. SAROJINI MAHISHI: Therefore, on the basis of this, an agreement was arrived at between the individual and also with the Union.

The second thing he mentioned is about prejudice to the service conditions. As I said earlier and I also say it again emphatically, there is no prejudice to the existing service condition.

SHRI SAMAR GUHA: I want a clarification.

MR. SPEAKER: No, please.

SHRI SAMAR GUHA: Please allow me one supplementary. It is very relevant.

MR. SPEAKER: No, please. You asked a supplementary. What else were you doing?

SHRI SAMAR GUHA: It was not a supplementary. It was only a clarification that I asked.

MR. SPEAKER: You have a right to ask another question. Why this clarification, this and that and dodging the rule? When you have got a second chance, you avail of it. But I allow you with a promise from you not to do this in future.

SHRI SAMAR GUHA: I want to know from the hon. Minister...

श्री टी० सोहनलाल : अध्यक्ष महोदय, आप के मना करने पर भी माननीय सदस्य सवाल पूछना चाहते हैं। अगर उन्होंने अपनी आदत न सुधारी, तो उन को नहीं बोलने दिया जायेगा। हम उन को नहीं बोलने देंगे। आखिर यह सभा कायदे-कानून से चलती है। क्या उन के लिए कोई कायदा-कानून नहीं है ?

MR. SPEAKER: The hon. Member should finish in half a minute.

SHRI P. R. SHENOY: He has already taken 20 minutes. Still he has another supplementary... (Interruptions).

MR. SPEAKER: Order, please. I have made it very clear that no chance will be given under the guise of clarification, opinion, this and that. When a member has already asked one question, he has a chance for a supplementary. Why should he then dodge the rule under this and that? I am really very much surprised. As he says that this is his last question and has given a promise for the future that he will not do it, I have allowed him.

SHRI SAMAR GUHA: Thank you, Sir.

I want to know from the hon. Minister whether it is a fact that under the pretext of a technical lock-out, services of many employees have been terminated, many have been suspended and disciplinary action has been taken against many. If so, I want to know the number of persons suspended and the number of persons whose services have been terminated.

Also I want to know whether it is a fact that under the pretext of lock-out, catering, transport and some other services have been diverted to private agencies including stores, all having a revenue aspect for the Indian Airlines. If it is so what are the facts in this regard?

DR. SAROJINI MAHISHI: Certain systems were changed. Shift system has been introduced. The number of hours they were required to work and also the overtime system was changed in pursuance of certain action taken by the management. That was also in pursuance of the agreement entered into by the Union with the management. The management has got the right of making maximum

utilisation of the manpower available and regulating the service conditions of these people so that it may bring about maximum production. When certain people are not amenable to this discipline, disciplinary action is taken. It is only keeping in view the overall production and maximum utilisation of manpower and to bring about efficiency of the whole operation that these things have been done. I will give the number shortly of the cases where disciplinary action has been taken.

श्री नरसिंह नारायण पांडे : इस बात को देखते हुए कि अभी लाक आउट है और अभी आप के बकम बाहर हैं और फिर एक स्लिप मिस्टम चलाया जा रहा है जिस की वजह से आज ऐसी स्थिति पैदा है कि विलायत जाने वाले या जापान जाने वाले जितने पायलट्स हैं वे और उनका एसोसिएशन ने हड़ताल करने की धमकी दे रहे हैं, माननीय मंत्री जो इस के लिए क्या कर्तव्यवाही कर रहे हैं ?

डॉ० सरोजनी महिषी : यह टेक्निकल लाक आउट इंडियन एयरलाइन्स में है और उस में भी सिर्फ टेक्निकल में है। 15 आदमी बाहर हैं इस में। उन 15 आदमियों में से दो चार बीमार हैं दो चार देश छोड़ कर गए हैं, एक एयर होस्टेस शादी कर के चली गई है। ऐसे ही लोग हैं। तीन आफिम बेयरर्स हैं जो प्रीमियंट पर तैयार नहीं हो रहे हैं लेकिन जिन्होंने अगले साल के लिए चार्टर्ड डिमांड दे भी दी है यूनियन की तरफ से। इसलिए आप समझ सकते हैं कि काम तो कर रहे हैं।

दूसरी बात यह जो स्लिप मिस्टम की उन्होंने कही वह इंडियन एयरलाइन्स में

नहीं है वह एयर इंडिया में है। वहां कल से स्लिप सिस्टम जारी हो गया है। उस के नतीजे पर अभी डोटेल्स में नहीं पहुंचे हैं। लेकिन माननीय सदस्य को मालूम है ये दोनों प्रलग चीजें हैं।

SHRI S. M. BANERJEE: In the course of her long reply, the hon. Minister did admit that there were certain loopholes and so on. I have not taken advantage of the loopholes nor am I trying to plug them. But the question is so simple. Under the Industrial Disputes Act, lock-out is declared or other action is taken. In this particular case, lock-out was declared. I am not concerned with the question whether it was with regard to the technical people or the non-technical people. How could it be declared on individuals? Even after the agreement was reached and so on, three office-bearers have not been taken as yet. I would like to know under what particular law of the land, this lock-out was declared and in what circumstances, those three people have been kept out of employment. Will the entire matter be referred to an impartial commission to justify whether this lock-out was right or wrong?

DR. SAROJINI MAHISHI: As I explained earlier, the lock-out was declared when the unions did not accept a certain change in the shift-system and other things introduced by the management in order to bring about optimum efficiency in the operations. Later on, of course, some workers in the unions were willing to come back. They thought that it was a punishment on them, and, therefore, they were willing to come back, and most of them did come back. Even though technically the lock-out was supposed to be there, they did come back.

The hon. Member knows that there are certain usages and conventions also that creep in in every law.

SHRI S. M. BANERJEE: I know that she has a doctorate in law.

DR. SAROJINI MAHISHI: Customs and usages are more powerful than the scriptures. Therefore, certain things have crept into this also. The hon. Member should know that usages and customs are more powerful than the law itself.

Occupancy of Government Hotels by Foreign Tourists

*182. **SHRI RAMACHANDRAN KADANNAPPALLI:** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) the total number of foreign tourists who stayed in Government owned hotels during the last year and the total amount of foreign exchange earned from them; and

(b) how does it compare with the total number of persons who stayed in these hotels during the same period and the total income of these hotels?

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION): DR. SAROJINI MAHISHI: (a and (b). A statement is laid on the table of the House.

STATEMENT

Hotels run by India Tourism Development Corporation, a public sector undertaking— information about number of foreign tourists who stayed there, total income, foreign exchange earnings during 1973-74

Total No. of persons who stayed in India Tourism Development Corporation hotels	No. of foreign tourists	Total income	Total amount of foreign exchanged earned directly
224660.	109382	779.86*	124.63**

(Rupees in lakhs)

* The figure is provisional and subject to Audit.

** This figure does not include the business given by Travel Agents and payments received in Indian Rupees from exempted categories of foreigners.

SHRI RAMACHANDRAN KADANNAPPALLI: According to the statement, the Indian occupants are more than the foreign tourists in these hotels. It is very clear therefore that the Indians are spending the black money and staying there at the companies, expenditure thus evading tax. Will the Government, therefore, see that these hotels are occupied only by foreigners?

ists are required to make their payment compulsorily in foreign exchange except the exempted categories who are not required to make their payment in foreign exchange.

SHRI RAMACHANDRAN KADANNAPPALLI: In view of the low occupancy by foreign tourists, will Government stop the further construction of five star hotels?

DR. SAROJINI MAHISHI: The total number of guests is about 2.25 lakhs, and the number of foreign tourists was 109382. As the hon. Member knows, no distinction can be made between the Indians and the foreigners as such, when payment is made by both of them. The only restriction that has been introduced now is that in the hotels, the foreigners or foreign tour-

DR. SAROJINI MAHISHI: Government have already stopped the construction of the five star hotels. During this Plan, no five star hotel is going to be constructed except the expansion of the two hotels which are already under construction, namely the Akbar Hotel in Delhi and the Hotel Ashoka in Bangalore.