

pay the fine. I would like to know whether this legislation is likely to be brought forward during this session to realise the provident fund arrears which are mounting to the tune of Rs. 24 crores, and whether before the legislation is introduced, any penal or other measures will be taken, as for example, under the MISA in West Bengal and under the DIR throughout the country to bring them to book, because they are swindling money and they are not paying anything and they are depriving the workers of their dues ?

**SHRI R K KHADILKAR :** Every effort will be made to at least introduce this Bill during the current session. Beyond that, I cannot say.

**SHRI S M. BANERJEE :** The question that I have asked is what other measures are going to be taken before the introduction of the legislation

**SHRI R K KHADILKAR :** The provident fund commissioners are making every effort to realise the arrears. I can give the number of prosecutions launched, for instance ....

**SHRI S M BANERJEE :** They are just fined Rs. 500 or so.

**SHRI R K KHADILKAR . . .** Beyond that, I cannot do anything under the law as it stands

**SHRI S. M BANERJEE :** Can he recall any instance where any man has been sent to prison for one month or even the day ?

मजदूर संघों के पंजीकरण तथा मान्यता  
के लिए समान विधान

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\*164. डा० लक्ष्मीनारायण पांडेय :  
श्री लालजी झाई :

क्या धन और पुनर्वास मंत्री यह बताने की  
रुपा करेंगे कि :

(क) क्या मजदूर संघों के पंजीकरण तथा  
उनकी मान्यता के लिए और औद्योगिक विवादों  
के सम्बन्ध, देश भर के लिए समान विधान बनाने  
का विचार है; और

(ख) यदि हाँ, तो तत्सम्बन्धी मुख्य बातें  
क्या हैं और इस बारे में मान्यता प्राप्त तथा गैर  
मान्यता-प्राप्त मजदूर संघों की प्रतिक्रिया  
क्या है ?

**THE DEPUTY MINISTER IN THE  
MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) :**  
(a) and (b). It is intended to enact a comprehensive industrial relations law, to cover all these aspects, in the light of the views expressed by all concerned at the tripartite or elsewhere. The details of the proposals are being worked out

डा० लक्ष्मीनारायण पांडेय : अध्यक्ष महोदय,  
मजदूर संघों की मान्यता का प्रश्न बड़ा विवादा-  
स्पद और पेचीदा है। प्रायः सभी मजदूर संघों  
का ऐसा विचार है कि गुप्त मतदान प्रणाली के  
द्वारा उनकी मान्यता तय की जाए, लेकिन सरकार  
अभी भी उस बारे में कुछ तय नहीं कर पा रही  
है। सरकार का उत्तर है—“The details  
of the proposals are being worked out.”  
अभी तो सरकार तय भी नहीं कर पा रही है।  
मैं जानना चाहता हूँ कि क्या सरकार इसके लिए  
कोई समय सीमा निर्धारित कर के बनला सकती  
है, 2-4 या 6 महीने में कब तक वे अपना  
काम्प्रीहेन्सिव इनैक्टमेंट ला सकेंगे ?

**THE MINISTER OF LABOUR AND  
REHABILITATION (SHRI R. K. KHADIL-  
KAR) :** In the reply we have stated that  
we are already considering the legislation  
itself. But before its introduction, as the  
hon. Member knows, we had to consult the  
State Labour Minister after the tripartite.  
That consultation is taking place, and once  
that is over and all the hurdles are removed  
the Bill will be brought forward.

डा० लक्ष्मीनारायण पांडेय : मंत्री महोदय  
ने अपने उत्तर में यह भी बतलाया है कि जो  
काम्प्रीहेन्सिव इण्डस्ट्रियल रिलेशन्स का ला बह  
लाने वाले हैं उस पर विचार किया गया है या  
विचार किया जाएगा, जो उनके सामने आया है  
और उनमें सभी मुद्दों पर विचार होगा। लेकिन  
मैं जानना चाहता हूँ कि लेकर कमीशन में समझ

4 वर्ष पहले अपनी रिपोर्ट दी थी, उसमें इन सब बातों पर विस्तार से प्रकाश डाला था, क्या उस पर भी विचार किया गया है? उसको इसमें शामिल किया है या नहीं किया है—इसके बारे में सरकार क्या कहना चाहती है?

**SHRI R. K. KHADILKAR :** As the hon. Member says, the proposals made by the National Labour Commission were considered at various tripartite meetings. Unfortunately, at the first meeting, one major national trade union did not come and another walked out at the last minute. So, the progress was held up. But fortunately now, they have come in and instead of stalling the progress, they are helping to see that our legislation is not delayed any longer.

**डा० लक्ष्मीनारायण पांडेय :** अध्यक्ष महोदय, मेरे प्रश्न का उत्तर नहीं आया। क्या कोई समय सीमा बतला सकेंगे, इसके लिए कोई निश्चित सीमा होनी चाहिए?

**SHRI R. K. KHADILKAR :** Our efforts are to bring it forward during this session but I do not think that it is a possible thing, but during the next session, definitely, a comprehensive industrial relations law will be introduced.

**श्री लालजी भाई :** अध्यक्ष महोदय, मैं आपके माध्यम से मंत्री महोदय से जानना चाहता हूँ कि भारतीय मजदूर संस्थाओं द्वारा मान्यता के बारे में चुनाव प्रणाली में बॉलट सिस्टम की मांग की गई है तो उस पर सरकार का क्या विचार है?

**SHRI R. K. KHADILKAR :** So far as the question of recognition is concerned, we are following the method of verification. But in the National Council of Trade Unions, three major organisations reached a limited accord which is the basis for further consideration. If there is a minor difference between in membership two contending parties or unions, we will follow the method of ballot; otherwise, it will be verification.

**श्री ज्ञानेश्वर प्रसाद यादव :** क्या माननीय मंत्री महोदय बताने की कृपा करेंगे कि मजदूर

संघों का पंजीकरण तथा उसकी मान्यता का आधार क्या है और क्या उन्हें इस बात की जानकारी है कि बहुत से ऐसे विना मान्यता प्राप्त मजदूर संघ भी हैं जो कि अपने अधिकारों की मही मांग उठाते हैं तो भी उनको टुकड़ा दिया जाता है? यदि हाँ, तो इस सम्बन्ध में क्या कार्यवाही की जा रही है?

**SHRI R. K. KHADILKAR :** Under the new legislation, there will be compulsory registration and the present anomalous position will be removed.

**SHRI PILOO MODI :** For the last so many years we have been hearing about this process of verification and whatever have you. I cannot understand why a simple legislation demanding or requiring free and fair elections cannot be adopted and Government are hesitating. Because they want to hesitate, they go to the pretext of saying that 'we are consulting this union and that union' and 'the other unions and major unions are not agreeing'. Obviously, those people who are in industry do not want verification or any election procedure. So unless Government decide to take some stern measures I do not think they are going to find a solution. That is why I would like to know what is it that is inhibiting Government *suo motu* bringing forth legislation which requires that all union activity and recognition will be on the basis of the democratic process which is acceptable to the rest of the country.

**SHRI R. K. KHADILKAR :** I am glad the hon member has turned to trade union activity perhaps for the first time. He is not familiar with the trade union field as such. If he were, he would have known that the process of legislation in regard to industrial relations is based on tripartite consultation involving the employers, workers' representatives and Government. After a good deal of effort, we have succeeded in having this limited accord. Merely saying that the democratic process should be introduced has no meaning so far as industrial relations are concerned.

**SHRI PILOO MODY :** I am talking about recognition.

**SHRI R. K. KHADILKAR :** As I said, recognition is part of this industrial relations law. If he is suggesting ballot or verification that is the main point of contention. There, as I have said, we are not having only verification as it is today.

**SHRI PILOO MODY :** Are they going to doctor those elections also ?

**श्री बिभूति मिश्र :** क्या सरकार को पता है कि यूनियन का ठीक से रजिस्ट्रेशन न होने से और यूनियन को ठीक से मान्यता न देने की वजह से मेम्बर आपस में झगड़ते हैं और मिल मालिक से भी झगड़ते हैं और इसकी वजह से उत्पादन गिर जाता है ? क्या सरकार को अन्दाजा है कि किम पर्सेन्ट में इसकी वजह से उत्पादन गिर जाता है और उसको ठीक से बढ़ाने के लिए सरकार क्या कदम उठा रही है ?

**SHRI R. K. KHADILKAR :** The hon. member is perfectly right in his description of the present state of affairs in the trade union field, because inter-union rivalry and multiplicity of unions have no doubt effected production. Therefore, this comprehensive legislation is contemplated.

**श्री बिभूति मिश्र :** किम पर्सेन्टेज में उत्पादन गिर जाता है ?

**SHRI R. K. KHADILKAR :** That is very difficult to say

**श्री हुकम चन्द कछवाय :** मैं आपके माध्यम से जानना चाहता हूँ जिनकी यूनियनों का रजिस्ट्रेशन है उनके अपने उद्योगों में काम करने के क्या-क्या अधिकार है क्या यह बात मही है कि उस यूनियन के प्रतिनिधि, चाहे सरकारी उद्योग व संस्थान हों अथवा गैर-सरकारी—उस यूनियन के प्रतिनिधिमण्डल यदि व्यवस्थापकों से मिलना चाहते हैं तो वे इनकार करते हैं और यदि उस यूनियन के द्वारा कोई पत्र दिया जाए तो उसका जवाब नहीं दिया जाता ? ऐसी स्थिति में उस यूनियन को क्या करना चाहिए ? क्या आपकी ओर से उद्योगों को सर्कुलर गया है कि जो यूनियन के पदाधिकारी हैं जिनका रजिस्ट्रेशन

हुआ है उनको एक स्थान से दूसरे स्थान पर न किया जाए लेकिन फिर भी आपके सर्कुलर का पालन नहीं किया जा रहा है—यह बात आपकी जानकारी में है क्या ?

**SHRI R. K. KHADILKAR :** A trade union could be registered with seven members, and so, mere registration of a trade union does not entitle it for the right, our effort is to evolve a formula where representative unions will be in every plant and industry and then the management would be compelled to deal with them with due regard and care.

**श्री हुकम चन्द कछवाय :** रजिस्टर्ड यूनियन के पदाधिकारियों का स्थानान्तरण नहीं हो सकता है, ऐसा सर्कुलर आपकी ओर से गया है लेकिन उसका पालन नहीं किया जा रहा है उद्योगों में तो उनके सम्बन्ध में आय क्या करने जा रहे हैं ?

**अध्यक्ष महोदय :** यह प्रश्न इससे उठता नहीं है।... (व्यवधान)...

**श्री सुल्की राज सैनी :** क्या मंत्री महोदय बतायेंगे अगर किसी कारखाने में मान्यता-प्राप्त यूनियन हो तो उम कारखाने में गैर-मान्यता प्राप्त यूनियन के साथ समझौता किया जा सकता है और क्या वह समझौता वैध होगा ?

**अध्यक्ष महोदय :** प्रश्न यह था कि जो नया कानून आने वाला है वह यूनियन बनाने के लिए क्या कर रहे हैं।

**श्री सुल्की राज सैनी :** जिस स्थान पर एक मान्यता प्राप्त यूनियन है वहाँ दूसरी यूनियन के साथ मान्यता प्राप्त नहीं है, कोई समझौता किया जा सकता है और क्या वह समझौता वैध होगा ?

**अध्यक्ष महोदय :** आप हाईपापेटिकल क्वेश्चन क्यों करते हैं ? स्पेसिफिक क्वेश्चन करिए।

**श्री सुल्की राज सैनी :** हेवी एलेक्ट्रिकल, हरिद्वार में समझौता किया गया है गैर-मान्यता प्राप्त यूनियन से तो क्या वह वैध है ?

अध्यक्ष महोदय : आप किसी खास कन्सन में क्यों चले गए हैं ?

श्री मुल्कीराज सेनी : मान्यता प्राप्त यूनियन की प्रमुख बातें हैं उसमें यह प्रश्न आता है।  
... (अव्यथान) ...

SHRI R. K. KHADILKAR : You have rightly pointed out that it does not arise out of this, but, if you permit me to reply, I will reply.

MR SPEAKER : I am sorry ; we are off the point. I would very much like that they should ask questions, but then what they ask should be within the scope of the question. Well, if you can briefly answer the question, you may answer.

SHRI R. K. KHADILKAR : There are some instances where recognised unions are bypassed and negotiations take place with another union. But, at the same time, in such cases, quite often, though a union may be recognised, the non-recognised union has a greater striking power. That is the difficulty.

MR. SPEAKER : Next question.

SEVERAL HON. MEMBERS *rose*—

MR. SPEAKER : I am sorry. This has taken much time.

SHRI S. B. GIRI : I would like to put a simple question to the Minister of Labour ; only one question. (*Interruption*)

AN HON. MEMBER : It is an important issue.

MR. SPEAKER : All right ; if it is such an important question, I shall start from this side. But you never let me cross more than four or five questions in an hour. That is so bad. Yes ; Mr. Dinen Bhattacharyya.

SHRI DINEN BHATTACHARYYA : May I know whether it is a fact that the National Council that is going to be formed is more or less consisting of the trade unions at the Central level, which are unanimous with the ruling party, and so, will the question of recognition and the legislation that you are

bringing be dealt with on the same model, or, will the question of recognition be dealt with exactly on a democratic basis ?

SHRI R. K. KHADILKAR : It is absolutely wrong to say that Government had anything to do with the formation of the National Council of Trade Unions. The national trade unions such as the INTUC, AITUC and HMS have combined and have created one centre for unity. The others are not banned. If the hon. Member desires to join, certainly the doors are open. There is no question of Government manoeuvring that these three unions should follow a particular line.

SHRI S. B. GIRI : Just now the hon. Minister said that any seven persons can get registered as a trade union but 'we do not give them any facilities.' These things are going on for the last 25 years. If you are not going to give any facilities why should other unions be registered. I want to know whether the proposed legislation provides multiple unions or only one union will be registered and recognised ?

SHRI R. K. KHADILKAR : The hon. Member knows fully well that the National Labour Commission has recommended an industrial relations commission. This power to decide is left to that body.

SHRI S. B. GIRI : My simple question is whether that legislation provides for multiple unions.

SHRI R. K. KHADILKAR : Under our Law if seven persons decide to form an association, we cannot ban it. In order to eliminate multiplicity of unions, the percentage of support that a union enjoys among the workers is a criterion for recognition.

SHRI BUTA SINGH : Experience shows that workers belonging to the Scheduled Castes and Tribes are getting step-motherly treatment even at the hands of trade unions and there have been cases where recognition to Scheduled Castes Workers had been denied by the Government. Do Government propose to accord recognition to the Scheduled Castes and Tribes workers, in view of the special circumstances in which they are placed at least so long as there are reservations ?

**SHRI R. K. KHADILKAR :** In the trade union field fortunately there is no question of recognition of caste and caste-based unions ; we do not encourage that idea. I know the disabilities of these people but I would plead with the hon. Member that if we introduce this principle the very basis of the trade union movement will be shattered and so many other problems will crop up.

**SHRI BUTA SINGH :** My question is based on facts that have come to our light. The Ministry of Home Affairs have directed all the departments and the public undertakings to appoint liaison officer to look after the welfare of the Scheduled Castes and Tribes. It is our sad experience that instead of getting sympathy from the liaison officers, there is harshness...

**MR. SPEAKER :** Order, order. What part of your question has not been answered ?

**SHRI BUTA SINGH :** These people do not get a fair deal even from the trade unions and there should be some way whereby they could get their grievances redressed.

**SHRI RAJA KULKARNI :** Has the Gujarat Government sought concurrence of the Central Labour Ministry to amend the existing State labour legislation and that the Central Labour Ministry given its concurrence or not ?

**SHRI R. K. KHADILKAR :** Several proposals from Gujarat Government have come to us. To some of them we have given our concurrence. Others are under examination.

**Discussion on Report of Central Wage Board for Port and Dock Workers**

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\*165. **SHRI PILOO MODY :**  
**SHRI SUKHDEO PRASAD VERMA :**

Will the Minister of **LABOUR AND REHABILITATION** be pleased to state :

(a) whether the report of the Central Wage Board for Port and Dock workers were discussed in a meeting with the representatives of the Port and Dock workers ;

(b) the names of the Unions which took part in the discussion; and

(c) the major decision taken in the meeting ?

**THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) :**  
(a) A tripartite meeting was convened on the 3rd February, 1970, to consider the recommendations made in the final report of the Wage Board ;

(b) Representatives of the All India Port and Dock Workers' Federation, Bombay ; the Indian National Port and Dock Workers' Federation, Calcutta ; and the Port, Dock and Waterfront Workers' Federation, Madras took part in the discussions.

(c) It was decided that the unanimous and majority recommendations of the Wage Board on matters covered by its terms of reference may be accepted.

**SHRI PILOO MODY :** First of all, I would like to ask permission from the rehabilitation Minister that not being a dock worker, I may be permitted to put a question to him. So many times these meetings have been held and yet strikes persist in the Calcutta docks. I would like to know, therefore, from the Minister whether he has at any time attended any of these meetings and persuaded the unions there to cooperate with each other and whether as a result of this, some permanent settlement can be arrived at by which we do not have these recurring strikes which are playing havoc with the development of the nation ? When these unions are invited. Do you invite all the unions or only those unions you would like to talk to ?

**THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) :** We invite all the three federations. They are most representative. The hon. member is not aware that fortunately in ports and docks comparatively peace has prevailed during the last one year and more. There was no major strike at all. Minor incidents were there and they were settled. So far as the wage board recommendations are concerned, it took a long time. In 1964 the wage board was set up. In 1969 the recommendations were made. After giving careful consideration