

LOK SABHA DEBATES

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LOK SABHA

Thursday, June 30, 1977/ Asadha 9,
1899 (Saka).

*The Lok Sabha met at Eleven of the
Clock*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Judicial Wing to deal with Labour Cases

*264. SHRI C. K. CHANDRAPPAN:
SHRI K. A. RAJAN:

Will the Minister of PARLIAMEN-
TARY AFFAIRS AND LABOUR be
pleased to state:

(a) whether Government have a
proposal under consideration for set-
ting up a separate judicial wing to
deal with the labour cases; and

(b) if so, the details thereof and the
steps being taken in this direction?

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND LABOUR
(SHRI RAVINDRA VARMA): (a)
No, Sir.

(b) Does not arise.

SHRI C. K. CHANDRAPPAN: I
am really surprised by the answer of
the hon. Minister. Would the Gov-
ernment agree that there are a large
number of labour cases pending, and
if so, would they also agree that an

independent judicial machinery will
help solve these labour disputes with-
out resorting to strikes etc? May I
know whether Government has consid-
ered the setting up of such machi-
nery?

SHRI RAVINDRA VARMA: I am
sorry that the hon. Member is sur-
prised at the answer. I agree with
him that there are a number of cases
pending. Government is quite anxious
to see that an effective machinery is
provided for the immediate settlement
of such disputes and the disposal of
such cases. Actually, therefore, the
Government is considering the whole
question of streamlining the machi-
nery necessary for this purpose. One
of the committees set up by the Tri-
partite Conference is going into this
question of streamlining the machi-
nery necessary for the disposal of
such cases so that they may not pend
for long, and become festering sores
that cause industrial unrest.

SHRI C. K. CHANDRAPPAN: May
I know when this Committee will sub-
mit its report and whether, pending
the report, the hon. Minister himself
is considering bringing forward a
comprehensive legislation dealing
with all these matters, so that the
problems can be settled in future
more effectively?

SHRI RAVINDRA VARMA: The
Committee consists of representatives
of the central trade unions, employers
organisations, State Governments and
the Central Government. It is our
expectation that the Committee will
give its report in two months. There-
after, in the winter session I hope to
bring forward comprehensive legisla-
tion on this subject.

SHRI SASANKASEKHAR SAN-YAL: Has it been possible or is it even now possible for the Government to collect opinions in this behalf from the different High Courts and the Supreme Court and the different Bar Associations of India?

SHRI RAVINDRA VARMA: Government is trying to elicit opinion from the concerned interests as far as possible. As far as the courts are concerned, the Maharashtra Government once made a suggestion that the Supreme Court should have a special Bench to deal with such cases. This was considered by the Law Ministry as well as the Supreme Court, and they came to the conclusion that it would not be feasible to have a separate Bench for this purpose. This was the view of the Supreme Court itself. As the hon. Member is aware, many suggestions have been made in this regard, both by the National Labour Commission and others who have been involved in the disposal of such disputes. All these suggestions are being taken into consideration by this Committee.

श्री श्रीम प्रहाश श्यामी : क्या सरकार इस बात को अनुभव करती है कि देश में स्ट्राइक्स के कारण मैन-डेय का बहुत लाम होना है। जो वर्तमान ट्रिब्यूनल है चाहे उसको जुडीशियल बना दें, लेकिन इस प्रकार का नियम बनायें कि जो भी डिस्प्यूट हों, चाहे मालिकों के हों या मजदूरों के हों, वे जुडीशियल ट्रिब्यूनल के पास ले जाये जायें और उसका जो फैसला हो, वह मालिकों और मजदूरों दोनों पर लागू हो, दोनों उसको मानने के लिये बाध्य हों। क्या इस तरह का नियम सरकार बनायेगी ?

SHRI RAVINDRA VARMA: It is a fact that man-days are lost, both by strikes and by lock-outs, and it is the Government's desire to see that man-days are not lost either through lock-outs or through strikes.

At present, the machinery provides for the existence and appointment of labour courts, industrial tribunals and national industrial tribunals. There was an appellate tribunal which was abolished. But the question as to whether the appellate tribunal would be revived and in what form, is one of the questions that is being looked into by the Committee. Regarding the last part of the question, this too is one of the steps that are being considered.

SHRI S. R. DAMANI: Are you going to simplify the labour laws or not?

SHRI RAVINDRA VARMA: I can understand the hon. Member's anxiety and interest in the complications of the labour laws. I can say that we are keen that labour legislation is simple, direct and clear.

SHRI CHITTA BASU: At present industrial disputes are referred to industrial tribunals under the provisions of Industrial Disputes Act. But the process of this tribunal is long, time consuming and it takes years together to dispose of a case. In view of this, whether Government propose to set up an additional tribunal or appoint more judges to these tribunals so that the cases are disposed of early. Whether in the scheme of proposed comprehensive labour legislation, the question of forcing the employers to attend the conciliation meetings compulsorily would be provided for because the present experience is that they do not attend the conciliation meetings which leads to unnecessary prolongation of the dispute.

SHRI RAVINDRA VARMA: It is regrettable that there is considerable delay. We are aware of the fact that long delays are not in the interest of the workers because they do not have the capacity to hold for long. One of our primary objectives is to see that the period is reduced. I am not quite sure whether the appointment of an additional tribunal will

lead to the shortening of the period. The streamlining of the process will perhaps, be more helpful. We are examining both these, and we are anxious to see that this time limit is reduced. Today it goes up to two years in some cases but we are thinking of reducing it to two months.

Regarding the other aspect of the matter, the Committee will certainly look into that. It is true that sometimes when parties are called for conciliation, they either try to delay or do not return up. What steps we can take to see that there is no procrastination of the dispute is under the consideration of this Committee.

SHRI BASHIR AHMAD: May I know from the hon. Minister whether it is not possible to abolish all the industrial tribunals and entrust the matter to the various State High Courts and appoint a judge for that purpose so that the speedy trial of the industrial disputes may take place?

SHRI RAVINDRA VARMA: The hon. Member must be aware that there are many cases pending and the volume of work that the High Court has to deal with is not small. This question has been considered on more than one occasion. The examination has led to the conclusion that transferring this work also to the High Court and adding to the workload of the High Court is no solution to the problem.

SHRI M. RAM GOPAL REDDY: After the advent of the Janata party, we thought that there will be some peace on the labour front. But as a matter of fact, almost everyday, there are so many strikes and the whole country is in the grip of strikes. The labour is not going to wait for their future legislation. I want to know what is their immediate remedy to stop the strikes so that the production may not suffer and all the estimates made by the Finance Minister may not become topsy-turvy.

SHRI RAVINDRA VARMA: I do not think this arises out of the question. But I can say that the crop of strikes that we have is the result of time bomb which the hon. Members opposite planted in our economy.

SHRI M. RAM GOPAL REDDY: What a reply.

MR. SPEAKER: Your question does not arise out of this at all.

श्री रामनरेश कुशवाहा : ग्राम तौर पर ऐसा होता है कि मजदूर को निकाल दिया जाता है तो न्यायालय से उसके हक में फैसला हो जाता है, वह डिग्री लेकर आ जाता है लेकिन फिर भी उसको परेशान करने के लिए, हटाने के लिए, तंग करने के लिए या अपने आपको छिपाने के लिए अपील दर अपील अधिकारी करते रहते हैं या मैनेजमेंट करता रहता है। अन्त में जब मजदूर के पक्ष में फैसला हो जाता है तो सारा खर्चा सरकार को या कम्पनी को देना पड़ता है...

MR. SPEAKER: This is about the judicial wing being created. The question is going out of hand now.

श्री रामनरेश कुशवाहा : क्या आप ऐसी व्यवस्था करेंगे कि कोर्ट में जीतने के बाद मजदूर को पैसा मिलने लग जाए और न मिले तो बाद में अगर डिग्री उसके पक्ष में हो जाए और पहली और अन्तिम डिग्री के बीच का जो पैसा है वह पैसा जो अधिकारी उसको तंग करता है उसके वेतन में से काट लिया जाए क्योंकि ग्राम तौर पर इस तरह की चीजें उसको तंग करने के वास्ते की जाती हैं ?

SHRI RAVINDRA VARMA: I can understand the hon. Member's anxiety. I hope he will also agree that there has to be a provision for appeals against judgments. So, it is a question of finding a balance between the need to provide for appeal and the need to ensure that there is no additional hardship that the worker has to suffer while he has gone on appeal.

SHRI DINEN BHATTACHARYYA: At the present moment, there is a four tier system, so far as the settlement on any matter regarding the labour dispute is concerned. First, there is the tribunal, then the party which is not satisfied with the tribunal goes to the High Court and from the High Court, they go to the Supreme Court. My question is in respect of the Supreme Court. I want to know whether any special Bench is there to deal with the labour matters. So far as my knowledge goes, it takes not less than five years for the disposal of a case. If that is so, may I know whether the Government can set up a separate Bench to deal with the labour appeals.

SHRI RAVINDRA VARMA: I have already answered this question. If you want, I shall repeat my answer.

MR. SPEAKER: You answered the question put by another hon. Member. Now, Mr. Dinen Bhattacharyya puts it. You must answer it. He will not accept a second-hand answer.

SHRI RAVINDRA VARMA: I cannot give two answers to the same question.

श्री धर्मवीर वशिष्ठ : मन्त्री महोदय की आज की घोषणा के बाद या इस प्रोसीजर को बताने के बाद जो लेबर के लिए जस्टिस होगा उसमें कोई ज्यूडीशियल डिले कम हो जाएगी ?

SHRI RAVINDRA VARMA: I have already said that we hope to introduce a comprehensive legislation on this question.

SHRI PADMACHARAN SAMANTASINHAR: What is the total number of cases pending in the tribunals at the appeal stage and at the other stages?

SHRI RAVINDRA VARMA: If the hon. Member wants to know about any tribunal, I can give the answer. But there are many tribunals and if you think fit then I can read out the figures for all of them.

MR. SPEAKER: It may be a long answer in that case.

केन्द्रीय व क्षेत्रीय भविष्य निधि कार्यालयों के लिए भवन निर्माण

* 265. श्री शिव नारायण सरसूनिया : क्या संसदीय कार्य तथा भ्रम मन्त्री यह बताने की कृपा करेंगे कि ;

(क) क्या केन्द्रीय व क्षेत्रीय भविष्य निधि कार्यालयों में 400 से कम कर्मचारी कार्य करते हैं और 36 हजार रुपया मासिक किराया देते हैं ;

(ख) पिछले तीन वर्षों में कुल कितना किराया दिया गया है और उस राशि से अपना कार्यालय भवन न बनाये जाने के क्या कारण हैं ;

(ग) सरकार का अब क्या कार्यवाही करने का विचार है ; और

(घ) क्या कार्यालय भवन स्टाफ क्वार्टर्स के साथ ही बनाया जायेगा ?

THE MINISTER OF PARLIAMEN-TARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) The present staff strength of Central and Regional Offices, Delhi is 482. A monthly rent of Rs. 32,900 is being paid for both offices.

(b) and (c). Rs. 18.11 lakhs during the last five years was paid. Land was allotted for construction of the buildings on two occasions in the past but they were cancelled. Efforts are being made to procure suitable land for construction of office buildings.

(d) The location of the office building will depend on the site of land to be allotted by the Delhi Development Authority.

श्री शिव नारायण सरसूनिया : मैं मन्त्री महोदय जी से पूछना चाहता हूँ कि लगभग 8 लाख रु० पड़ा रहा और 32 हजार रु०