

visions of the Constitution do not envisage the specification of 'most backward' categories within the Scheduled Castes and Scheduled Tribes and no such specification has been made.

(b) to (d). Do not arise.

SHRI JYOTIRMOY BASU: Will the hon. Minister kindly tell the House if they have got a sort of comparison of the Scheduled Castes, backward and most backward classes as among the neighbouring States of Orissa, West Bengal and Bihar, and if not, the reasons therefor?

SHRI JAGANATH RAO: Lists are made on the representation of States and Union Territories regarding the Scheduled Castes and Tribes but no classification as such is made as to who is more backward or less backward; it is not done by us. The State Governments do it with a view to implementing the development programmes.

SHRI JYOTIRMOY BASU: Do Government contemplate classifying people who are really economically backward and if so, what are the details that they have in mind; if not, the reasons therefor?

SHRI JAGANATH RAO: It is not possible. Backward - means economically, educationally and socially backward. Therefore, no specific attempts are being made to classify them especially on economic grounds.

SHRI B. K. DASCHOWDHURY: Are they aware that in complete violation of the constitutional provisions and the order regarding the Scheduled castes and tribes, the West Bengal Government have imposed a ban since 1967 and have re-scheduled the whole list and have said that 22 communities of these categories of people are not to receive any educational benefits such as stipends, pre-metric scholarships, etc. As such the West Bengal Government have been depriving those 22 communities in violation of the constitutional provisions. If so, what steps does the hon. Minister want to take against West Bengal Government in this matter?

SHRI JAGANATH RAO: The State Governments have no right to deschedule any community. It is the President which has the authority to classify some communities as Scheduled Castes and Tribes. If there is going to be an amendment, it should be an amendment of the President's order. If it is done by the West Bengal Government it has no constitutional validity. If it is brought to our notice we shall take action.

SHRI B. K. DASCHOWDHURY: Kindly take action.

Strike/Lock-Out in the HMT Bangalore

*729. **SHRI RAGHUVIR SINGH SHASTRI:**

SHRI HIMATSINGKA:

SHRI SRADHAKAR SUPAKAR:

Will the Minister of INDUSTRIAL DEVELOPMENT AND INTERNAL TRADE be pleased to state:

(a) whether the lock-out at the Hindustan Machine Tools Limited, Bangalore has been lifted; if so, when its normal working commenced;

(b) the nature of the dispute which erupted into the strike/lock-out and how it has been or is being resolved; and

(c) the total loss in production during the period of the strike/lock out?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT AND INTERNAL TRADE (SHRI M. R. KRISHNA): (a) to (c). A statement is laid on the Table of the House.

Statement

(a) The lock-out declared by the management of Hindustan Machine Tools Ltd., Bangalore in its units I & II at Bangalore was lifted with effect from 5.30 a.m. on 21st November, 1970. The normal working, however, commenced with effect from 5.30 a.m. on 30th November, 1970.

(b) The dispute was over the quantum of bonus payable to the workers of H. M. T. I & II Bangalore for the year 1969-70. As the working results did not disclose any allocable

surplus, the management decided to pay the statutory minimum of 4% bonus stipulated under the provisions of the Payment of Bonus Act, 1965 for the said year. The workers demanded a higher quantum of bonus and launched an agitation culminating in a strike by the workers of HMT I & II and lock-out by the management.

As conciliation meetings broke down, the management entered into direct discussions with the labour representatives and after protracted discussions a settlement was reached on 29.11.1970. The broad terms of settlement are given in the Annexure.

(c) The production loss during October, 1970 and November, 1970 arising out of the strike and lock-out is estimated to be around Rs. 101 lakhs.

Annexure to part (b) of the answer above :-

- (i) The Karmik Sangha will accept the offer of the Management for the payment of 4% bonus for the year 1969-70 under protest pending the Industrial Tribunal's decision in the matter.
- (ii) As a gesture of goodwill the Management will pay one month's wages as a special advance to employees of HMT I & II including the Head Office to be recovered fully within 18 months from the date of the settlement. The recovery to start after six months.
- (iii) In respect of wages for the period 9-11-1970 to 21-11-1970, the employees will be paid 50% of the total wages alongwith salary for the months of November, 1970. The balance of 50% for the said period shall be paid alongwith salary for the month of March, 1971 payable in April, 1971 provided the production is maintained as per production programme earlier approved. If the approved production programme is not achieved, the 50% wages now paid will be recovered after 31-3-1971.
- (iv) The points of dispute regarding the legality of the justification for and the reliefs, if any, to which parties may be entitled in respect of the strike of the workmen from 9-11-70, and the lock-out ordered by the management with effect from the same date, referred to adjudication in the Mysore Government's order dated 17th November, 1970, shall be jointly withdrawn by the Management and the labour.
- (v) The Sangha will express regret for the unfortunate incidents of 9-11-1970. The Management will withdraw the charge-sheets, warning notices or advisory notices issued from 19-10-1970 to 29-11-1970 to all employees excepting the 15 employees who were involved in acts of violence. The Management will also withdraw the suspension orders and conduct inquiries in respect of the 15 employees. The Karmik Sangha has agreed that six of these 15 employees who were involved in repetitive violence will be on leave until their inquiry proceedings are completed.
- (vi) The Sangha and the Management will continue the work in an atmosphere of goodwill, understanding cooperation and cordiality. The Sangha assures discipline and productivity.
- (vii) The settlement is without prejudice to the rights of the parties in the pending reference before the Industrial Tribunal on the question of bonus to which the workers are entitled for the year 1969-70.

श्री रघुबीर सिंह शास्त्री : क्या कार्मिक संघ ने अपनी मांगों के साथ यह भी आरोप लगाया है कि हमारा बोनस कम होने का एक बड़ा कारण यह है कि कारखाने में प्लानिंग डिफेक्टिव है, बहुत नाजायज खर्चा हो रहा

हे और जो भी बैलेंस-शीट या हिसाब वगैरह बनाये गये हैं, अधिकारियों ने जान-बूझ कर उसमें बड़ी गड़बड़ की है? इस सम्बन्ध में सरकार का क्या कहना है, ताकि सार्वजनिक धन के उपयोग के सम्बन्ध में जनता में फैली आशंकाओं का निराकरण हो सके?

SHRI M. R. KRISHNA : It is true that the Karmik Sangh has been focussing the attention of the Government on these facts that planning in the factory is not according to their looking. They seem to think that there is overstocking of certain materials and in some cases there is no stock of materials. They base their arguments that the management and some officials are going abroad for finding market in machine tools produced in the HMT. These were the things on which the labour was agitated and they said that planning was detective and therefore the cost of production has increased. It is not correct. All these things have been gone into. At present the labour is satisfied and they have gone back to work. The allegations which have been brought out by the labour are being investigated.

श्री रघुबीर सिंह शास्त्री : जो वक्तव्य टेबल पर रखा गया है उसमें बताया गया है कि अक्टूबर, नवम्बर, 1970 में स्ट्राइक और लाक-आउट के कारण कारखाने को 101 लाख रुपये का नुकसान हुआ है। उसमें यह भी बताया गया है कि 9-11-70 को जो दुर्भाग्यपूर्ण घटनायें हुई थीं, उनके सम्बन्ध में कर्मचारियों ने खेद प्रकट किया है। यह भी कहा गया है कि अन्य कर्मचारियों को माफी देते हुए भी पंद्रह कर्मचारियों पर आरोप लगाया गया है, क्योंकि वे हिसक कार्यवाहियों के लिये जिम्मेदार हैं। मैं यह जानना चाहता हूँ कि यह 101 लाख रुपये का नुकसान सिर्फ स्ट्राइक और लाक-आउट का वजह से काम न होने के कारण हुआ है, यह हिसक कार्यवाहियों के कारण जो तोड़-फोड़ हुई वह भी इसमें है और यदि कोई हिसक कार्यवाहियाँ हुई हैं तो वह क्या हुई है यह भी आप बताने की कृपा करें।

SHRI M. R. KRISHNA : This figure is mainly due to the fall in production and the labour is so nice that it has agreed with the management that they would accept 50 per cent of the lock-out wages, and if they do not meet their commitment and increase the production to meet the full target, in that case, they would even forgo the salary which they have received in the form of 50 per cent.

श्री रघुबीर सिंह शास्त्री : वह हिसक और तोड़ फोड़ को कार्यवाहियाँ क्या हुई हैं ?

SHRI M.R. KRISHNA : The management was liberal enough to withdraw the cases of some of the labourers, but in cases where labour or somebody was found to be actually assaulting the officers, those cases are with the police.

SHRI SRADHAKAR SUPAKAR : One thing is not clear from the statement. Will the Minister state why normal production was stopped between 21st November, 1970 and 30th November, 1970 ; secondly, why it was not referred to the industrial tribunal before the trouble started. The strike and the lock-out started on the 9th November, 1970.

SHRI M. R. KRISHNA : The strike ballot was taken. After that, the management was trying to persuade the workers to join the factories and some of the Members of Parliament also started meeting the Minister and negotiating on behalf of the workers, and the State Government have also taken this matter into consideration. Only when the labour was bent upon going on strike, the lock-out was declared. In the meantime, all the negotiations were going on. Therefore, there was no need for it to be referred to the tribunal immediately.

SHRI LOBO PRABHU : I proceed on the presumption that Government is a model employer and the public sector should set an example to the private sector in respect of labour relations.

SHRI ATAL BIHARI VAJPAYEE : That presumption is wrong.

SHRI LOBO PRABHU : Accordingly, my first question is this. Does the loss of Rs. 101

lakhs included the wages to be paid for the period of closure? If so, what is the total loss? My second question is this. Since the dispute led ultimately to full acceptance of the claims of the workers was it necessary to have such a dispute at all? And if it was necessary, why did you not refer the dispute to adjudication which is being done now?

SHRI M. R. KRISHNA: It is true that the public sector industries are a model employer and they are working in that spirit. The provisions and facilities which are created in the public sector industries would convince anybody that the public sector the units—the workers and the staff—are functioning in that spirit.

About the sum of Rs. 101 lakhs, it is very clear that there is a fall in production, because of which this figure has come to Rs. 1 crore. This fall in production also means wages paid to the labour even without doing the work during that period. But in any case, now the labour has given commitment that whatever the loss, that would be made up by greater production. They are working in that spirit, and when we went and saw the factory, both the management and labour are bent upon meeting the loss which has occurred, and there is likely to be over production also.

श्री प्रेम चन्द वर्मा: अध्यक्ष महोदय, मंत्री महोदय ने अभी कहा है कि प्रोडक्शन में भी कमी हुई है तो मैं सबसे पहले तो यह जानना चाहता हूँ कि जो स्टेटमेंट उन्होंने दिया है उससे पता चलता है कि कोई ऐसी शर्त नहीं है जो कि इस झगड़े से पहले मंजूर नहीं की जा सकती थी। स्टेटमेंट से साफ पता चलता है कि 4 परसेंट बोनस उन्होंने स्वीकार किया है। तो मैं जानना चाहता हूँ कि जब मजदूरों और मैनैजमेंट के अन्दर यह बातचीत चली जो बाद में सेटिल किया है उसको पहले सेटिल करने के लिये इनके पास कोई ऐसी मशीनरी है कि जो मशीनरी इस सारे मामले को देखे और मैनैजमेंट और लेबर के झगड़े को आपस में बैठ कर वही तय करे? क्या कोई ऐसी मशीनरी है, यदि है तो वह कौन सी है और

नहीं है तो क्या वह ऐसी कोई मशीनरी बनाएंगे?

दूसरा मेरा सवाल है, एक इल्जाम लगाया जाता है, एच एम टी जो पहले आप जानते हैं क्योंकि आप चेयरमैन रहे हैं पब्लिक अंडर-टेकिंग्स कमेटी के, यह कम्पनी सबसे अच्छी कम्पनी पब्लिक अंडरटेकिंग्स में गिनती ई है, लेकिन दो साल से इसके प्रबन्ध में इस प्रकार की खामिया आ गई हैं कि इसका भी बेड़ा गर्क हाने जा रहा है, तो क्या आनरेबल मिनिस्टर महोदय, इस बात का विद्वास सदन को दिलाएंगे कि कम्पनी के बारे में पूरी जांच पड़ताल वह करेंगे कि दो साल में वह तरक्की के वजाय अवनति की तरफ क्यों जा रही है और यह जांच-पड़ताल करके सारी रिपोर्ट सदन के सामने रखेंगे।

SHRI M. R. KRISHNA: At one stage, the workers refused to accept the 4 per cent statutory bonus. Earlier this unit has even given 20 percent bonus to the workers, because the production and sales of HMT products were so high. It was reduced to the statutory minimum of 4 per cent due to the recession, there were no sales and losses occurred. This was referred to adjudication and they also said, because there is no surplus and the company is not making profits, therefore only 4 per cent would be given to the labour. Labour once again wanted to agitate over it, knowing fully well that the decision of the judiciary was against them earlier. In any case, the whole case is now being gone into. Hon. member should not think there was a fall in production and therefore there was loss. There was recession in the whole world because of which the machines were not sold. Now the position has changed. HMT products are being purchased by foreign countries. Various agencies have been created and there is hope that we would be able to sell more machines. Therefore, labour will get higher bonus.

SHRI R. K. BIRLA: In item (a) of the minister's statement, it is said that the lock-out was lifted with effect from 5.30 A.M. on

21st November, 1970 and normal working started on 30th November. Why did Government take 9 days to start normal working after the lock-out was lifted ?

SHRI M. R. KRISHNA : I have already explained that negotiations were going on. Even though some workers were prepared to come to work, the management thought their intention may not be good. In order to protect the factory property, they did not open untill the labour union decided that they would rejoin duty. All this process definitely would have taken certain time.

SHRI S. KUNDU : May I know whether even after normalcy has returned to the factory, 15 workers are still charge-sheeted ? In view of normalcy having returned, have the ministry advised the HMT manager to withdraw the charge-sheets against those 15 workers ?

SHRI M. R. KRISHNA : We would like to help the workers. It is not our intention to victimise or harass anybody. At the same time, we will have to see that the factories are managed efficiently and discipline is maintained. When violence is involved, it becomes necessary for us to punish those people who went out of their way and assaulted the officers.

SHRI G. Y. KRISHNA : Is it not an established fact that the workers of HMT were on a peaceful strike ? Is it also not a fact that due to the institution or instigation the State Government created a situation where the workers could not carry on their trade union activities ? So, would the Government be pleased to probe into the matter by a parliamentary delegation or through their own machinery ?

SHRI M. R. KRISHNA : The hon. Member is throwing the blame on the State Government. I think the State Government will have to come to the rescue of the Central Government in order to protect the industries. As far as the Mysore State Government is concerned, it has acted wisely and in time. Therefore, I do not think there is any necessity at this stage for any parliamentary committee to go into this aspect to find out whether the State Government has really created this problem or not.

Appeal Disposed of by Income-Tax Appellate Tribunal, Calcutta Benches

*731. **SHRI BENI SHANKER SHARMA :** Will the Minister of LAW AND SOCIAL WELFARE be pleased to state :

(a) the number of appeals disposed of by the Calcutta Benches of the Income-tax Appellate Tribunal during the period 1st April, 1969 to 31st March, 1970 and 1st April, 1969 to 30th September, 1970 giving separately the numbers of appeals disposed of, which were filed by the Department and of those filed by the Assesseees and the proportion thereof ;

(b) the total tax relief allowed to the Assesseees in the appeals disposed of in their favour and the tax effect of the appeals disposed of in the favour of the Department during the above period ; and

(c) the number of appeals filed by the Department and the Assesseees during the same period in Calcutta ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI JAGANATH RAO) : (a) The number of appeals disposed of by the Calcutta Benches of the Income-tax Appellate Tribunal during the period 1st April, 1969 to 31st March, 1970 was 5,320 out of which 4,125 were filed by the Assesseees and 1195 by the Department, the proportion between the two being 77.5 and 22.5. During the period 1st April, 1970 to 30th September, 1970, the number of appeals disposed of by these Benches was 3049, out of which 2371 were filed by the Assesseees and 678 by the Department, the proportion between the two being 77.8 and 22.2.

(b) The information is being collected from the Ministry of Finance and will be laid on the Table of the House.

(c) The number of appeals filed by the Assesseees during the period from 1.4.69 to 31.3.70 was 6422 and those filed by the Department was 1590. The number of appeals filed the Assesseees during the period 1.4.70 to 30.9.70 was 3300 and those filed by the Department was 952.