

(c) Statement giving reasons for the delay in laying the papers mentioned at (a) above. [Placed in Library. See No. LT-5758/94]

(ii) Memorandum of Understanding between the Government of India (Ministry of Civil Supplies, Consumer Affairs and Public Distribution) and the Hindustani Vegetable Oils Corporation Limited for the year 1993-94. [Placed in Library. See No. No. LT-5758/94]

(iii) Memorandum of Understanding between the Government of India (Ministry of Commerce) and the India Trade Promotion Organisation for the year 1993-94. [Placed in Library. See No. LT-5759/94]

THE TRADE UNIONS (AMENDMENT) BILL, 1994

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : Madam, I move for leave to introduce a Bill further to amend the Trade Unions Act, 1926.

The question was proposed

SHRI JIBON ROY (West Bengal) : Madam, my objection is on the question of bringing in the Bill. The hon. Minister made two specific commitments. One was that he made a commitment that he would talk to the trade union representatives. After all, this Bill is for trade unions. The second commitment that he made before this House was that the Bill would be based on the recommendations of the Ramanujam Committee. He has not fulfilled either of his commitments. He did

not talk to the representatives of the trade unions. Secondly, the Bill which is presented before the House is not in terms of the Ramanujam Committee recommendations but it is not based on the shadow of Ramanujam Committee recommendations. It is a truncated form of the recommendations of the Ramanujam Committee. It will bring...

THE DEPUTY CHAIRMAN : He is only introducing the Bill... (*Interruptions*)

SHRI JIBON ROY : I am objecting not only because he has not fulfilled his commitments but it will cause a serious harm to the trade union movement and to the whole country. As such before it is introduced through discussion is necessary.

THE DEPUTY CHAIRMAN : When the Bill comes for discussion... (*Interruptions*) I have heard you, please. It is only that the Bill is being introduced. When it comes for discussion you can say whatever you feel... (*Interruptions*) Your protest is being registered... (*Interruptions*) Mr. Minister, when you come for discussion, you take care of this... (*Interruptions*)

SHRI JIBON ROY : It is concerning not only the trade union movement, but it is also concerning the entire working class. The recommendation has been truncated. The moment this Bill is brought for discussion, it will go on party line and be based and consequently the very purpose of bringing in the Bill will be defeated. We want some changes but they should be based on consensus... (*Interruptions*)

DR. BIPLAB DASGUPTA (West Bengal) : Madam, the hon. Member is pointing out that the Minister has gone back on his word. The Minister promised...

THE DEPUTY CHAIRMAN : One minute, please. Mr. Jibon Roy, are you opposing the introduction of this Bill or do you want it to be introduced? (*Interruptions*) One person at a time. Do you want to oppose the introduction or would you like the Minister to respond to the points that you raised? You may then consider whether you are opposing it or not.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh) : Madam...

THE DEPUTY CHAIRMAN : Let him first answer. May be your query will be a part of it. Mr. Minister, he has raised two points.

SHRI P. A. SANGMA : Madam, at this point of time, the introduction of the Bill can be opposed only on one ground, that is, whether the Parliament has the competence to pass the Bill or not. That is the only question that needs to be gone into at the time of introduction of the Bill. However, since a point has been raised by the hon. Member, I will answer that. If the hon. Member reads the Statement of Objects and Reasons, it is very clearly stated that the Bill has been brought on the basis of the recommendations of the Ramanujam Committee which was a bi-partite Committee. And the recommendations of the Ramanujam Committee were referred to a Committee of five Ministers of the State Governments, which was again placed before the Standing Labour Committee, which was again discussed in the Indian Labour Conference. Therefore, the

point that is being made by the hon. Member that no consultation had taken place is not correct. Consultations had taken place at various levels.

DR. BIPLAB DASGUPTA : Did you consult the trade unions? (*Interruptions*)

श्री जगदीश प्रसाद माथुर : जो कायदे कानून की बात मंत्री जी ने कही वह ठीक कही, लेकिन सवाल यह है कि सरकार ने स्वीकार किया था कि रामानुजम कमिटी की रिकमंडेशन्स को यूनानिमस सब को स्वीकार किया जाएगा। मारेली उन्होंने इस वायदे को भंग किया है। यह मेरा चार्ज है। . . . (व्यवधान)

This is my charge. Constitutionally, it may be correct. But morally he has betrayed the whole trade union movement.

THE DEPUTY CHAIRMAN : I have heard you. (*Interruptions*) Just a minute. I have understood what the problem is. As far as the legal part of it is concerned, you have the competence, the Parliament has the competence to accept the Bill and have a discussion on it. Now, a certain point which the hon. Members are raising is about the Ramanujam Committee. Would you like to say something?

SHRI P. A. SANGMA : Madam, the question is whether the Ramanujam Committee Report was discussed with the trade union leaders. That is the point raised. I will say, yes, because the Ramanujam Committee Report was referred to the Labour Ministers' Conference, which was again referred to a Committee of State Ministers. Therefore, the State Governments have been consulted. That is one point. Secondly, after it has been discussed at the Ministers' level the matter was

placed before the Standing Labour Committee which is a tripartite committee represented by all the Central trade union organisations. Ten Central trade union organisations are represented in the Standing Labour Committee. It was discussed there. Therefore, it was discussed with the trade union leaders. After this was done, the matter again went to the Indian Labour Conference which is again a tripartite body where, besides the trade union representatives, the State Governments are represented. Therefore, Madam, I respectfully submit that consultations had been done at all levels before this Bill was brought.

THE LEADER OF THE OPPOSITION (SHRI SIKANDER BAKHT) : Madam, the question is very simple. The hon. Minister has admitted that there were consultations between the Government or the Ministry and the trade unions. Now, I want to ask : Were there any commitments ? If there were, has the Government fulfilled those commitments ?

SHRI JAGDISH PRASAD MATHUR : There was a commitment that the unanimous recommendations of the Ramanujam Committee will be agreed to. That was the commitment. Therefore, I request the Government to withdraw the Bill at the moment and have consultations again with the labour unions and then finally bring it for unanimous approval rather than entering into a sort of debate.
(*Interruptions*)

THE DEPUTY CHAIRMAN : Mr. Gaya Singh, you are also opposing ?
(*Interruptions*)

श्री सिकंदर बख्त : सदर साहिबा, उस कमिटमॅट का पहले जवाब दें
(व्यवधान)

شری سکندر بخت : صدر صاحبہ اس کمیٹی کا پہلے جواب دیں... "مداخلت"...

उपसभापति : उन से भी पूछ ले, फिर फिर जवाब देंगे। . . .

SHRI JIBON ROY : The Minister is misleading. (*Interruptions*)

THE DEPUTY CHAIRMAN : Let us not have an argument.

श्री गया सिंह (बिहार) : मंत्री जी से मैं जानना चाहता हूँ कि इस बिल को लाने से पहले पिछले एक साल से ज्यादा से आप ने कमिटमॅट किया था कि हम ट्रेड यूनियन लीडर्स से बात करेंगे। रामानुजम कमिटी की रिपोर्ट से आप ने फर्दर अमॅंडमॅट किया। इस लिए हम जानना चाहते हैं कि इस बिल को रोक कर, एक बार आप उनसे बात करेंगे ? एक बार स्टैंडल ट्रेड यूनियंस के साथ क्यों नहीं बात कर लेंगे, उसके बाद यहां आएं ? उसके बाद यहां बिल लाते ?

THE DEPUTY CHAIRMAN : Let him answer, please.

SHRI JIBON ROY : The Minister is misleading. He does not know. Probably his office might have prepared the Bill.

THE DEPUTY CHAIRMAN : Let him answer. You are assuming something. Actually he is the one who knows and who is bringing in this Bill. Let him reply.

SHRI DIPANKAR MUKHERJEE (West Bengal) : He has already answered.

[] Transliteration in Arabic script.

THE DEPUTY CHAIRMAN : But I am not satisfied. Let him answer.

SHRI P. A. SANGMA : The Ramanujam Committee went into the formulations of new labour law, the law relating to industrial relations. Now, there are two Acts which govern the industrial relations in the country. One is the Industrial Disputes Act and the other is the Indian Trade Unions Act. These are the two Acts. Both these Acts were referred to the Ramanujam Committee which is a bipartite committee consisting of the employers and the employees. It was a bipartite committee. When this was placed before the Labour Ministers' Conference, it was decided that all those recommendations which are unanimous must be implemented by the Government and those recommendations of the Ramanujam Committee where there is no unanimity, should be discussed further. That was the decision of the Labour Ministers' Conference. That is the reason why the Government has not come forward, as yet, for the amendment of the Industrial Disputes Act because we have not been able to arrive at a unanimity or consensus. As far as the Trade Union Act is concerned and the present amendment is concerned, we have based it on the unanimous recommendations of the Ramanujam Committee.

SOME HON. MEMBERS : No, no.

THE DEPUTY CHAIRMAN : Let him explain. I would like you to listen to him.

SHRI JAGDISH PRASAD MATHUR : Even the Gajendragadkar Commission's report is flouted by the Government. (*Interruptions*).

THE DEPUTY CHAIRMAN : Let him speak first.

SHRI P. A. SANGMA : Madam, it has been based on the recommendations of the Ramanujam Committee. That is what I say. Government has to consult and ultimately the Government has to come out with its own policy and programme. Therefore, we cannot one hundred per cent go by whatever the Committee may say. But on the whole, we have based this amendment on the recommendations of the Ramanujam Committee.

SHRI SIKANDER BAKHT : The objection raised by the Opposition have not been answered by the Minister. The question is whether he is withdrawing the Bill to come back again or not.

SHRI S. JAIPAL REDDY (Andhra Pradesh) : Madam, we are in a mood to co-operate with the Government in regard to this Bill also. But we are not in agreement with his interpretation of the fact that the present Bill incorporates the unanimous recommendations of the Ramanujam Committee at all. There are many vital areas of difference. Therefore, I plead with the Minister. Don't force us to force a division here. Kindly withdrawn the Bill, talk to the trade unions and come back again.

SHRI SATISH AGARWAL (Rajasthan) : And then we will pass it.

DR. BIPLAB DASGUPTA : You discuss it with trade unions and come back.

SHRI P. A. SANGMA : I respectfully submit that we have, in fact, come forward with all the recommendations of the Ramanujam Committee. The Ramanujam Committee had gone into more detail in regard to the Industrial Disputes

Act. Now I have not come forward with any amendments to the Industrial Disputes Act. I have only come forward with some limited amendments to the Trade Union Act. In this amending Bill, there are only three main provisions which I want to incorporate. (*Interruptions*)

SHRI JAGDISH PRASAD MATHUR : What about registration of the trade unions? Is this also not a part of the Bill? (*Interruptions*)

DR. BIPLAB DASGUPTA : Madam, there are two choices (*Interruptions*)

DR. MURLI MANOHAR JOSHI (Uttar Pradesh) : As the Leader of the Opposition and as Mr. Jaipal Reddy have said, the Government must consult all the trade unions. (*Interruptions*)

DR. BIPLAB DASGUPTA : Madam, the Minister should tell us whether he wants to withdraw the Bill or not?

SHRI SIKANDER BAKHT : He should withdraw the Bill, or, we should go in for a Division.

THE DEPUTY CHAIRMAN : Never in this House, we have heard of a Division at the time of introduction. (*Interruptions*).

SHRI S. JAIPAL REDDY : Why not?

THE DEPUTY CHAIRMAN : There are many 'why not's' also, Mr. Reddy. (*Interruptions*) Now, do you not want to hear me? Do you not want the Chair to solve the problem? (*Interruptions*)

माथुर साहब, जरा संभल कर बोलिए।
ऐसा इस हाउस में नहीं हुआ है। . . .
(*व्यवधान*)

17—26 RSS/95

What you want to this. As Mr. Jaipal Reddy has said and as some others have said, they are not against the Government bringing forward a Bill like this. But you have certain objections regarding consultation. Your opinion is that the Minister should withdraw it. Now, in regard to the question whether it should be withdrawn or not, it is up to him. Or, we can refer it to the Standing Committee.

SHRI S. JAIPAL REDDY : Why? (*Interruptions*)

DR. BIPLAB DASGUPTA : Madam, the Minister should withdraw the Bill now. Let discussions take place. Let consultations take place. The Government should consult all the trade unions. (*Interruptions*) There cannot be any Bill without consulting the trade unions. (*Interruptions*).

THE DEPUTY CHAIRMAN : It is only introduction. This would come up for discussion later on. In between, you can have consultations. (*Interruptions*).

DR. BIPLAB DASGUPTA : He should withdraw it.

THE DEPUTY CHAIRMAN : Do you not want to reserve your right of rejection at that time?

SHRI SIKANDER BAKHT : He should withdraw this Bill. If he is not withdrawing it, we want a Division.

SHRIMATI SUSHMA SWARAJ (Haryana) : Madam, I am on a point of order.

THE DEPUTY CHAIRMAN : There is no point of order.

SHRIMATI SUSHMA SWARAJ : Madam, let me quote the rule; rule 67. (*Interruptions*).

THE DEPUTY CHAIRMAN : I am not saying that you do not have a point of order. But let me first listen to him. Let me listen to him. It is a simple question. (*Interruptions*) What I have said is that we do not have this convention, generally. We have as many Divisions. I do not want the quarrel to be transferred to the Chair. (*Interruptions*) Please sit down. When the Chair is trying to solve the problem, it is confronted with something else. I am trying to ask the Minister as to what he is going to do. Then, I would give my ruling whether I want to do it or not.

SHRI P. A. SANGMA : Madam, I would respectfully submit that I would request the Leader of the House to convene a meeting of all the political parties. I am prepared to attend that meeting and explain the position. We would give the whole, the full, picture of what the Ram-nujam Committee has said and what we propose to do. (*Interruptions*) Till then, the matter would be deferred. (*Interruptions*).

THE DEPUTY CHAIRMAN : Let me hear. Let me hear what he is saying. Let me hear what he wants me to do. I have not heard the last sentence.

SHRI P. A. SANGMA : Madam, I am requesting for a meeting of the leaders of all the political parties to be convened where the Government would be in a position to explain as to what the Ram-nujam Committee report is and what we propose to do. Till then, ...(*Interruptions*).

THE DEPUTY CHAIRMAN : Let me hear. Till then, what? (*Interruptions*) I want to hear. You may not be interested. (*Interruptions*) Till then, What? Let

me hear him. Should I not have the right to hear him? Let me hear him first. Then, you can speak whatever you like.

SHRI P. A. SANGMA : Madam, I said that till then, the introduction of the Bill would be deferred. (*Interruptions*)

THE DEPUTY CHAIRMAN : You are making noise without hearing what he is saying. Now, Mr. Ahluwalia, please.

REFERENCES

DEMAND OF SHIROMANI AKALI DAL (AMRITSAR) FOR INDEPENDENT PUNJAB

श्री एस. एस. अहलुवालिया (बिहार) : उपसभापति महोदया, मैं आपके माध्यम से और सदन के माध्यम से सारे देश का ध्यान इस बात की ओर आकर्षित कराना चाहता हूँ कि शिरोमणि अकाली दल अमृतसर ने कल अमृतसर में एक स्वतंत्र पंजाब की मांग की है। यह शिरोमणि अकाली दल... (अवधान)

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu) : Madam, we want to hear what he is saying. Can we have some peace and quiet in the House?

THE DEPUTY CHAIRMAN : Order, please.

श्री एस. एस. अहलुवालिया : शिरोमणि अकाली दल एक राजनीतिक दल है जो पंजाब में है। पिछले कई वर्षों से हमने देखा कि शिरोमणि अकाली दल कई भागों में बंटा हुआ था, छोटे छोटे भागों में बंटा हुआ था और सब ने मिल कर शिरो-