

Industrial Relations Machinery, the matter was settled amicably and all wages due to the workers were paid. Accordingly, on the basis of information that has since become available the reply given earlier may be corrected to read as under:

"(a) & (b) There were complaints regarding non-payment of wages but not of illegal lock-out. As a result of intervention by the Central Industrial Relations Machinery all wages due to the workers were paid."

SHRI KALYAN ROY (West Bengal) : Sir, on a point of clarification. When he said that there were no complaints or allegations, I immediately by a letter dated March 22, pointed out to him that this information was not correct and asked who was misleading him. This is not the only case. There are many other misleading replies, vague replies, wrong replies and sometimes no replies given by the Labour Ministry officials. Now because this is a serious matter and he has given this reply on the floor of the House, what action has he taken against that particular officer who gave this wrong information ?

SHRI S. C. JAMIR : It should have , been an interim reply at that time.

#### **GALLING ATTENTION TO A MATTER OF URGENT PUBLIC IM- PORTANCE**

##### **STRIKE BY THE DOCK WORKERS OF THE MADRAS PORT**

SHRI KALYAN ROY (West Bengal): Sir, I beg to call the attention of the Minister of Labour and Rehabilitation to the strike by the dock workers of the Madras Port over the manner of implementation of the Dock Workers Wage Board's recommendations.

THE MINISTER OF LABOUR AND REHABILITATION (SHRI D. SANJIVAYYA): Sir, the decision of the Central Government, on the recommendations of the Central Wage Board for Port and Dock Workers was issued in the Government Resolution dated March 28, 1970.

The Madras Port and Dock Workers Progressive Union, Madras, issued a notice of strike dated 26-3-1970 demanding, among others, the implementation of the wage Board recommendations from April 1, 1970, and payment of, arrears on or

before April 25, 1970. The Madras Harbour Workers Union also issued a strike notice on April 29, 1970, demanding, among others, the implementation of the Wage Board recommendations on the basis of calculations sent by that Union, payment of salary for the month of April, 1970, on the basis of the new scales and payment of arrears with effect from 1. 1. 1969 on the basis of their calculations by the end of May, 1970. The registered and listed workers of the Dock Labour Board as well as the Departmental workers of the Food Corporation of India working in Madras Port went on strike with effect from the first shift of April 30, 1970. The strike is still continuing and the working of the Port has been affected. Discussions held by the Regional Labour Commissioner, Madras, with the Unions have not so far been successful.

The main point of dispute appears to be differences in the method of calculations made by Dock Labour Board and Food Corporation of India on the one hand and as demanded by the Unions on the other regarding the implementation of the recommendations of the Wage Board. I hope that the workers will call off the strike and go back to work and this create a proper climate for discussing and resolving such differences as may exist between the various parties.

SHRI KALYAN ROY : Sir, the whole of Tamil Nadu is in the grip of an extreme industrial unrest, particularly in those areas where the Union Labour Ministry has jurisdiction. The Madras Port workers have gone on strike since the 30th because of the callous and indifferent attitude of the Union Labour Ministry towards the Madras Port. When on the 13th November 1964 this Dock Workers Wage Board was constituted not a single representative of the Port and Dock Workers Federation belonging to the AITUC was taken. Neither was any representative of the D. M. K. led Madras Port and Dock Workers Progressive Union taken. Then Sir they gave a strike notice in 1968. The then Minister said that when the Wage Board recommendations were published there would be a discussion and nothing would be done without consulting the trade unions there. But when it was decided that the Wage Board recommendations would be implemented from March unfortunately they have not been implemented there. The basic issue is how the Wage Board recommendations should be fitted in. The illustrations on the basis

of which the Wage Board recommendations have been arrived at are illustrations from Bombay and Calcutta because no Madras Port representative was there in the Wage Board. As a result of this grievance there is total paralysis at the Madras Port. How obstinate is the attitude of the Union Ministry?

**MR. CHARMAN :** Please ask for clarifications.

**SHRI KALYAN ROY :** Yes. It is not a fact that all the unions wanted that the Wage Board recommendations fitting in persons in various categories should not be done unilaterally as it is being attempted by the Stevedores Association and that there should be consultation prior to implementation between the AITUC and the D. M. K. unions and the Stevedores Association?

**SHRI D. S. NJIVAYYA :** Sir I have made it very clear that if the strike is called off we can certainly sit down and settle this. There is no difficulty.

**SHRI KALYAN ROY :** I hope Mr. Sanjivayya would kindly take a lenient view and not a very arrogant and obstinate view which is being taken by the bosses down there . . .

**MR. CHARMAN :** What is the clarification you want?

**SHRI KALYAN ROY :** Could he assure us as they say to us their pay days that he will instruct that the Stevedores Association will pay according to the pre-Wage Board formula, and call a meeting of the Stevedores and leaders of the striking workers before implementation? If it is not possible for him to go there, let the Chief Labour Commissioner go there and call the parties together to find out what the difficulty is.

**SHRI D. S. NJIVAYYA :** Sir, these recommendations are being implemented not merely in Calcutta and Bombay Ports, but they are being implemented in Cochin, Visakhapatnam and so on. I do not know why this trouble has arisen in Madras alone. Even if there is difference of opinion with regard to the interpretation calculation, this can be settled across the table. Where was the need for a strike? Let them call off the strike and tomorrow I can send a senior officer to discuss it with them.

**SHRI PRANAB KUMAR MUKHERJEE (West Bengal) :** May I know from the Minister what efforts are made by the Regional Labour Commissioner to settle disputes in consultation with the Madras Harbour Workers Union and the Madras Port and Dock Workers Progressive Union? Secondly, may I know why the Government is taking this attitude that unless they call off the strike, Government will not sit with the workers and settle this dispute? Why is the Government taking this obstinate attitude towards the legitimate strike launched by the workers?

**SHRI D. SANJIVAYYA :** Sir, the Regional Labour Commissioner, Madras contacted the trade union leaders. He wanted to discuss these problems with them. But they themselves said that they are having bi-partite negotiations and we should not interfere. Therefore, he has withdrawn from the scene. Now I am not taking any stiff attitude. Why should there be an unnecessary strike for a small thing? It is a question of interpretation; it is a question of calculation. It can be discussed in half an hour and settled.

**SHRI BHUPESH GUPTA (West Bengal) :** I am very much interested to hear the moral lecture the hon'ble Minister has given. But why should there be a strike on a matter which could be settled in a half an-hour discussion? May I put it in other way? Why should the employers and authorities force the workers to go on strike on a matter which could be settled through half an-hour discussion? It is to the detriment of the workers. Is the Hon'ble Minister aware that the strike to-day has entered the 8th day? All the Trade Unions, including the D.M.K., are supporting the workers and the strike action. The INTUC only is not there. But D.M.K. Union D.M.K. Party which is the ruling party they are all behind the strike. That itself shows that the workers' demand and the strike action are both just and therefore the Government should try to meet the demand. Is he also aware that the Chairman and the Port authorities are not ready to discuss with the Union Organisation? The hon'ble Minister said it could be settled within half-an-hour discussion. But at the same time my information which I got this morning is that the Port authorities are not willing to start discussion with the workers. That being the case I should like to know since it is the Central subject, since this subject comes within the scope of the Central Government, what step the

[Shri Bhupesh Gupta] Minister is going to take in order to have the matter settled. If it is so simple as he has said, why should the workers' representatives not be allowed to meet? I would like to know from the Minister why he has not gone himself directly or sent his Deputy there and get the matter settled especially when D. M. K., etc. are in favour of settling it.

SHRI D. SANJIVAYYA: Mr. Manoharan, the President of D. M. K. Union, has contacted me on telephone from Madras and has promised to come here today. Meanwhile, AITUG Secretary, Mr. Iyengar is here. Both of them are likely to see me to-day. In addition, so that I am prepared to send a Senior Officer to Madras to settle the matter. Let them withdraw the strike.

SHRI N. R. MUNISWAMY (Tamil Nadu): May I know whether it is not a fact that the strike is an ergo operation is at a standstill as a result of this unfortunate strike? Even on the 6th the Labour Minister and the Labour Commissioner, many on the one side and the representatives of the workers on the other side have conducted a dialogue. Unfortunately, it never came to a conclusion. It ended in a fiasco. I would like to know the actual difference in the amount in the calculation as demanded by the workers. Will it be possible to refer to the third party, with the suggestion now posed by the other Member, to meet as early as possible and come to some terms so that the revenue earning is restored and the unfortunate incident is avoided?

SHRI D. SANJIVAYYA: It is correct that the Labour Minister, Madras Government, intervened and he wanted to settle the matter but it did not end in success.

With regard to the definite calculations, I am not in a position to say. But there are various scales, various categories of the workers. Sometimes it differs by Rs. 200, sometimes by Rs. 300 over a period of one year. It has to be given effect from 1-1-1969. With regard to the arrangement of these calculations of the workers, provided they withdraw the strike, a climate.

SHRI GODEY MURAHARI (Uttar Pradesh): I am surprised to hear the reply given by the Minister. He says it is a very simple question. They can settle it and it requires half an hour discussion. I fail to understand why the situation was allowed to deteriorate to an extent where the workers had to go on strike for eight days. For eight days why was the Government sitting and doing nothing? I would like to know the total amount of loss incurred due to the Strike, not only the loss suffered by the Government, the dock authorities but also by the private parties whose goods have been held up there and not unloaded and some which have been unloaded but put in the docks. I would like to know the total amount of loss thereby and why did the Government neglect bringing about the settlement for such a long time? At a matter of fact, the settlement should have come before the strike started.

SHRI D. SANJIVAYYA: It is not correct that Government have kept quiet and have not made a try effort. I made it clear that the Regional Labour Commissioner wanted to start conciliation proceedings but the Union themselves said that he should not intervene because they were carrying on bipartite talks. We thought that the bipartite talks would be fruitful.

SHRI D. THENGARI (Uttar Pradesh): Sir, the honourable Minister has said that the matter can be settled within half an hour.

SHRI D. SANJIVAYYA: Half an hour does not mean half an hour exactly. It means 'in a short time'.

SHRI D. THENGARI: My question is that since this is not the first instance of misinterpretation by the authorities and since this is likely to recur if it is not checked in time, will the Government think it proper to take to task rigidly the authorities who are found to be misinterpreting wilfully? Will the Government take steps so that such things do not recur in future?

SHRI D. SANJIVAYYA: I do not think anybody is trying to misinterpret or distort of the kind. After all when a problem is presented, interpretation can be of different types. So, we live with how best we come to a sort of conclusion or to an agreement on a particular interpretation.

**SHRI CODEN MURAHARI:** Sir, he has not answered about the loss.

**SHRI D. SANJIVAYYA:** Loss, I cannot say.

**श्री प्रेम मनोहर (उत्तर प्रदेश) :** श्रीमन् बेज बोर्ड की रिक्वेस्ट्स का जो मद्रास में वर्क्स ने इन्टरप्रिजेशन किया है क्या वह बम्बई और कलकत्ता से भी है ?

मेरा दूसरा प्रश्न यह है कि जो लासेज हो रहे हैं इमरेज ओर वार्कज के उनके अलावा जिन शिफ्ट को बर्थ नहीं मिल रही है और सी में खड़ी है उनको फारेन एक्सचेंज में इमरेज देना पड़ेगा, वह सब एम्पाउन्ट कितना है ?

**SHRI D. SANJIVAYYA:** There are twelve ships which have been berthed. Nine are waiting outside. That is the exact position. But I cannot say about the loss. With regard to the interpretation, the Government of India issue the Order accepting the recommendations of the Wage Board where they have given certain directions in which manner calculations have to be made. In Bombay, Calcutta, Visakhapatnam, Cochin, no interpretation is involved. Only in Madras some trouble has arisen and we will look to it.

**SHRI THILLAI VILLALAN (Tamil Nadu) :** In disputes of matters like this which are coming under the direct control of State Governments, in our State, Sir, our Government is adopting a policy of tripartite agreement. In any dispute arises, the employer, employee and the representatives of the Government sit together and settle things. They are very successful in settling these things. For example, in the dispute in Hindal they have settled and the workers are satisfied and are working but the disputes in matters which are coming under the direct control of the Central Government, the places are controlled by the State Governments. So far as the dock workers are concerned, the point is there but the final word is to be given by the Central Government. I would like to know from the hon. Minister when this dispute is continuing, why it is not settled? According to you it is a very small thing and it can be settled within a few minutes. It has continued for eight days. It is only due to the Central Government's delay but not due to the Government in the State. Our State Minister

intervened to settle the matter and our Union—our Party Union—was very anxious to settle the matter. Only due to the delay adopted by this Government, the dispute is not settled and the strike is continuing.

**SHRI D. SANJIVAYYA:** I quite appreciate the work being done by the Madras Govt. having recourse to tripartite meeting. Here the Wage Board itself was a tripartite body and after the Wage Board made its recommendation a tripartite meeting at the national level was held on 3rd February and decisions were taken and also illustrations were given in the Report in what manner these decisions should be interpreted and apart from that Regional Commissioner, Madras, wanted to intervene and started negotiations. It would have taken the character of a tripartite body, Labour Ministry on the one side, Management on the other and the Union Representatives Governmental representative as the Labour Commissioner would have been there. So, it is not as though they were reluctant to have recourse to the tripartite bodies. We are doing our best.

**SHRI N. G. GORAY (Maharashtra) :** Sir, the Labour Minister was good enough to tell us that the Government is willing to sit with the workers and discuss the whole dispute. Again and again he said that this could be solved within a very short time provided the workers withdraw the strike. So, I would like to ask whether the strike was illegal, and whether negotiations do not take place while the strike is on. Why should they insist on the workers withdrawing the strike, and say that until only the negotiations can take place? They can take place even when the strike is continuing.

**SHRI D. SANJIVAYYA:** They can take place. But it is better if they take place in a cordial atmosphere, and when there is tension...

**SHRI BHUPESH GUPTA :** On a point of order...

**SHRI D. SANJIVAYYA:** I do not rule out the possibility of having discussions even earlier. But I thought it would create a better, a congenial and a peaceful atmosphere so that things could be settled smoothly.

**SHRI N. G. GORAY:** You have said that as soon as they withdraw the strike, a senior officer of the Government will be deputed. Why do you not depute him now and let our negotiations take place?

SHRI D. SANJIVAYYA: I have already stated that Mr. Manoharan and Mr. Iyengar are meeting me today or tomorrow, and I am prepared to discuss.

SHRI CHITTA BASU (West Bengal): May I know from the hon'ble Minister whether there were tripartite discussions on the very subject of the implementation, and particularly in relation to the agreement between the dock workers and the dock employers of Calcutta, Bombay etc. to settle the questions which may arise out of the implementation of the Wage Board? If so, why was there an exception in the matter of Madras dock port? Sir, it has been mentioned that no proper discussion was held with the representatives of the dock workers of Madras even in the matter of deliberations about the Wage Board. And even after the final award of the Wage Board, the question of implementation was also not discussed with the accredited representatives of the Madras dock workers. Why was there an exception in the case of different ports?

SHRI D. SANJIVAYYA: There was no discrimination.

SHRI CHITTA BASU : Was it not the cause for distress?

SHRI D. SANJIVAYYA: There was no discrimination. They called workers of every port for discussing the implementation part of it. In what manner we should accept the recommendations, and in what manner they should be interpreted for that we invited the National Federations. If Madras port was not represented, it was not my mistake.

#### PAPER LAID ON THE TABLE

##### MINISTRY OF FOOD, AGRICULTURE COMMUNITY DEVELOPMENT AND CO- OPERATION (DEPARTMENT OF FOOD) NOTIFICATION

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD, AGRICULTURE COMMUNITY DEVELOPMENT AND CO-OPERATION (SHRI D. ERING) : Sir, I beg to lay on the Table, under sub-section (6) of section 3 of the Essential Commodities Act, 1955, a copy of the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) Notification G.S.

R. No. 644/Ess. Com/Sugar, dated the 13th April, 1970 (in English and Hindi). [Placed in library. See No. LT-3426 /70].

#### MESSAGE FROM THE LOK SABHA

##### THE COMMISSIONS OF INQUIRY (AMENDMENT BILL, 1969)

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha:

"I am directed to inform Rajya Sabha that Lok Sabha, at its sitting held on the 7th May, 1970, has adopted the following motion :

#### MOTION

"That this House do concur in the recommendation of Rajya Sabha that the Joint Committee of the Houses on the Bill to amend the Commissions of Inquiry Act, 1952 be instructed to report in the first week of the Monsoon Session, 1970".

#### THE CONSTITUTION (AMENDMENT) BILL, 1970

(to amend article 291)

SHRI BHUPESH GUPTA (West Bengal) : Sir, I move for leave to introduce a Bill further to amend the Constitution of India.

*The question was put and the motion was adopted.*

SHRI BHUPESH GUPTA: Sir, I introduce the Bill.

#### THE CONSTITUTION (AMENDMENT) BILL, 1970 (Omission of Article 314)

SHRI BHUPESH GUPTA (West Bengal) : Sir, I move for leave to introduce a Bill further to amend the Constitution of India.

*The question was put and the motion was adopted.*