

REPORT OF THE NATIONAL COMMISSION
ON LABOUR

*123. SHRI CHITTA BASU:†

DR. BHAI MAHAVIR :

SHRI S. K. VAISHAMPAYEN :

SHRI RIZAQ RAM :

SHRI KRISHAN KANT :

SHRI LOKANATH MISRA :

SHRI BALACHANDRA
MENON :

SHRI DEVI SINGH :

DR. B. N. ANTANI :

SARDAR HARCHARAN
SINGH DUGAL :

SHRI BANKA BEHARI DAS:

SHRI MUKLA GOVINDA
REDIY :

SHRI N. K. SHEJWALKAR :

SHRI PITAMBER DAS:

SHRI PREM MANOHAR :

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

(a) whether Government have taken any decision on the recommendations of the National Commission on Labour;

(b) if so, the details thereof and what steps have been taken to implement them;

(c) whether it is also a fact that most of the Labour Unions in the country have reached adversely to the recommendations contained in the said report;

(d) if so, the reaction of the Government of India in the matter; and

(e) whether Government propose to consult these Unions before announcing its views on the report?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION (SHRI BHAGWAT JHA AZAD): (a) No.

(b) Does not arise.

(c) to (e) The Central Organisation of workers have been formally requested to communicate their views on the recommendations of the Commission. Their replies are awaited. Meanwhile, the recommendations were discussed at the Indian Labour Conference held on 12th-13th November, 1969. The representatives of the Central Organisations of Workers who attended the Conference, expressed their views freely on the Commissions'

recommendations. Government will take decisions after consultations with the interests and parties concerned have been completed.

SHRI CHITTA BASU: May I know, Sir, whether the Government contemplate appointing a Pay Commission for the Central Government employees, which has already been recommended by the National Commission on Labour? In this connection, it will be recalled that the Central Government employees went on strike on the 19th September last on the demand for a revision of their wage structure and that particular a principle has been found justified by the National Commission on Labour. What stands in the way of the Government appointing another Pay Commission for the Central Government employees? May I also know from the hon. Minister whether the Government considers it desirable to implement the recommendations and take firm action in favour of equal wages for equal work, strengthening and streamlining the machinery for social security of workers and putting the industrial relations of the Central Government employees, private industries and the public sector industries on a par? Why does not the Government implement the recommendations of the National Commission on Labour and why should it wait?

SHRI BHAGWAT JHA AZAD: The National Commission on Labour have made about 300 recommendations. The hon. Member has reemphasised some of them. All the recommendations are under consideration.

SHRI CHITTA BASU: My second question is this. May I know whether the Government feel inclined to reject the recommendations of the Commission in the matter of recognition of the representative trade unions, characterisation of essential and non-essential services to be determined by the authorities and limitation of the universal right of the workers to strike, which is the only means of collective bargaining and whether the Government is in a position to assure this House that they will set up a Third Pay Commission for the Central Government employees?

SHRI BHAGWAT JHA AZAD: As I said, all these recommendations are being screened through the different processes. For example, we have discussed the recommendations in the 20th Labour Ministers' Conference on the 5th. We discussed

†The question was actually asked on the floor of the House by Shri Chitta Basu.

the recommendations with the various interests—employers trade unions and the State Governments—in the ILC on the 12th and 13th. All the recommendations are being discussed with the different Ministries in the Central Government and also the States have been informed. Unless we get the opinion of all of them, I cannot categorically say whether all of them are being accepted or not.

SHRI CHITTA BASU : Sir, I want your protection. I want a specific answer from him regarding the appointment of another Pay Commission. Something has appeared in the press. Why does not the Government take the House into confidence and say what the Government is going to do ?

MR. CHAIRMAN : I understand that the Government is going to make a statement on that matter today. I think that should be enough.

SHRI JAGDISH CHANDRA DIKSHIT : I would like to know whether the Minister would be pleased to place on the Table a copy of the decisions of the Labour Ministers' Conference which have been referred to just now with regard to the recommendations of the National Labour Conference.

SHRI BHAGWAT JHA AZAD : In such conferences no such decisions are taken. There were discussions and a consensus emerged, to which I referred. There was no such decision which I could place on the Table of the House.

DR. BHAI MAHAVIR : I would like to know from the Government if they can unequivocally say whether the recommendations of this Commission will be treated with the respect which they deserve, because up till now various Commissions have been appointed and the Government have adopted the policy of picking and choosing, accepting some and rejecting others. In any case can the Government say that they would accept all the recommendations which are accepted by the labour unions of the country and the Government will not prove more niggardly than what the recommendations of the Labour Commission permit ?

SHRI BHAGWAT JHA AZAD : I can say that Government will give all importance to the recommendations of the Commission. This was a very high-powered Commission and we will give all the respect that it deserves to each recommendation of the Commission.

SHRI KRISHAN KANT : May I know from the Minister as to whether they have set any time-limit for taking a decision on the recommendations of the Commission because they have referred to the State Governments ? Is there any time limit by which they will come before Parliament, and tell us about it ? Secondly, is it not a fact that many of the matters were kept pending by the Government for the Commission's report to come ? May I know what is the Government going to do about all those matters which were kept pending ?

SHRI BHAGWAT JHA AZAD : There is no such time-limit, but as I said on past occasions also, we are trying our best to hurry up and to expedite the decisions. We have called the State Labour Minister's Conference, we have discussed in the Indian Labour Conference, we are asking the various Departments of the Ministries to give their recommendations. All that I can say is that we are trying our best to come to conclusions as early as possible.

SHRI KRISHAN KANT : What about the second part of my question in which I had asked about matters which were kept pending ? May I know what the Government is going to do about all those things which were kept pending ?

SHRI BHAGWAT JHA AZAD : Unless these recommendations are considered, for which I have kept them pending, how can I proceed without seeing the recommendations ?

DR. B. N. ANTANI : May I know whether the Ministry has received any representation from the Kandla Port Labour unions on these recommendations ? If so, what is the reaction ?

SHRI BHAGWAT JHA AZAD : I am sorry I cannot say offhand. I will have to find out.

SHRI BANKA BEHARY DAS : May I know from the Minister—because up till now he has not answered specifically to any of the questions that has been asked from this side—what was the reaction of the representatives of different States and Labour Ministers to the very idea of having an Industrial Relations Commission, as has been recommended by this National Labour Commission, because it is reported that most of the State Governments objected to it ? May I know from the Minister what is the stand of the Government of India, because that is one of the important recommendations that the conciliation machinery is to be virtually autonomous and will not be completely subser-

vient to the State Government ? Up till now, the labour movement has been to a certain extent subverted through that conciliation machinery. I want to know specifically from the Minister what is the attitude of the Government of India to this aspect and what was the attitude of the State Government, whether in spite of the attitude of the State Governments he is prepared to accept this much recommendation for setting up that Industrial Relations Commission which will be free from the control of the State Governments as regards conciliation, as regards reference to industrial tribunals, etc.

SHRI BHAGWAT JHA AZAD: Sir, this is a specific question and my answer is specific. This was discussed in the State Labour Ministers Conference. By and large the consensus was against the setting up of this Commission. The State Governments said that conciliation of reference should be with the State Governments. They felt that when there is any dispute between the employers and the employees not only it remains in the industrial sphere but it percolates or extends to the sphere of law and order. By and large almost all the State Governments were against it. In the Indian Labour Conference the employers were for the setting up of this Commission. About the employees, the UTUC were against it. The AITUC were virtually against all that was told by the Commission. The INTUC said that this should be set up. At the same time they agreed that they had no objection to references being made by the State Governments as well. The Government of India, as I said, is processing all these. Unless we know the opinion of all concerned, Government of India cannot come out with its decision.

SHRI MULKA GOVINDA REDDY: I would like to know, when the Commission has failed to recommend categorically whether the question of representative character can be dealt with on the basis of verification of membership or by taking vote, what is the reaction of the Government on this. I would like to know, before representatives of unions are called for consultation, whether the Government would give recognition to all those de-recognised unions for their part in the September 1968 Central Government employees strike.

SHRI BHAGWAT JHA AZAD: As is known to the hon. Members, the Commission has recommended that this Industrial Relations Commission should consider about the desirability as to how the unions should be recognised. We had

referred to the Commission about the method. They have not come to any conclusion on verification *Vis-a-vis* secret ballot. Therefore, it has been referred or left to the Industrial Relations Commission about this. In the discussion almost all the State Governments excepting West Bengal and Delhi were for verification. So also in the case of certain trade union representatives. So also with the employers. Government after considering all this can only give its own recommendation or acceptance.

SHRI MULKA GOVINDA REDDY: He has not answered the second part of my question, whether the Government before inviting the representatives of the labour unions for consultation would give recognition to all those de-recognised unions for their part in the September 1968 Central Government employees strike.

SHRI BHAGWAT JHA AZAD: That question by and large has been settled. It is being done by the different Departments where the unions are. Government's policy in this matter has been clearly laid down and has already been announced.

श्री ना० कृ० शंजवलकर : मैं माननीय मंत्री जी से जानना चाहूंगा, कि स्टेट गवर्नमेंट्स ने जो निर्णय दिया है कि बेल्ट से रिप्रजेंटेशन का फैसला नहीं किया जायगा तो जो रिप्रजेंटेटिव यूनियंस नहीं हैं, उनके अतिरिक्त जो बाकी शेष यूनियंस हैं, उनसे भी इसके बारे में कोई सलाह ली गई है। और इसी के साथ साथ क्या यह भी बतायेंगे कि रेलवे मजदूरों के सिलसिले में भी आपके पास कोई प्रतिवेदन आया है और उसके बारे में क्या विचार किया जा रहा है ?

श्री भागवत झा आज़ाद : जैसा कि मैंने कहा, इस सम्बन्ध में जो विचार अब तक किया गया है, वह विभिन्न राज्य सरकारों से किया गया है और दूसरा यह कि इंडियन लेबर कांफ्रेंस में जो इम्प्लोईज आये थे, ए०आई०टी०यू०सी०, और आई०एन०टी०यू०सी० के प्रतिनिधि थे और यू०टी०यू०सी० भी उसमें था, उनसे विचार किया गया। अब जहाँ तक और विभिन्न यूनियनों का प्रश्न है, हमने सभी को यह कहा है कि जिनको भी अपने विचार इन सिफारिशों के सम्बन्ध में भेजने हों वह भेज सकते हैं और सरकार उन तमाम सुझावों पर विचार करेगी।

श्री ना० कृ० शंजवलकर : मेरे दूसरे प्रश्न का उत्तर नहीं दिया, रेलवे मजदूरों के प्रति-वेदन के बारे में।

श्री भागवत झा आजाद : मैं इस सम्बन्ध में कोई सूचना अभी नहीं दे सकता हूँ कि उनको क्या सिफारिशें आई हैं।

श्री प्रेम मनोहर : हमारे देश में श्रमिकों का वेतन बहुत कम है, यह निर्विवाद सत्य है, परन्तु इस सत्य के होने के बाद भी हमारा कास्ट आफ प्रोडक्शन इतना हाई है कि 75 प्रतिशत चीजें हम अपने देश की बाहर नहीं भेज सकते, इसके बावजूद कि सारा राँ मैटिरियल हमारे पास उपलब्ध है, तो क्या हमारी सरकार के सामने इस प्रकार का भी दृष्टिकोण है कि उन श्रमिकों के द्वारा काम का आउटपुट बहुत कम है और जब वहां आउटपुट बढ़े तभी अपने देश में, अपनी इंडस्ट्रीज में, उसी के बाद ही हम बेजेज बढ़ा पायेंगे। मिनिमम बेजेज ऐक्ट सब इंडस्ट्रीज में लागू है और गवर्नमेंट ने करीब 5 रुपये मिनिमम वेज फिक्स कर रखा है, लेकिन मेरा अपना स्वयं का अनुभव है, श्रीमन्, कि हमारी सरकार के लोग अधिक काम करें, सरकार में सबको में शामिल कर रहा हूँ, इसमें मैं भी शामिल हूँ और जो सदन में बैठे हुये हैं वह भी हैं, अगर हम सब अधिक काम करें, तो उस पांच रुपये के बजाय मिनिमम वेज बढ़ी आसानी से दस रुपया हो सकता है और हम अपनी बनाई हुई चीजें दूसरे देशों में और दूसरे देशों के कंपटीशन में, भेज सकते हैं। तो क्या इस प्रकार का एक दृष्टिकोण हमारी सरकार के सामने है और अगर है तो किस प्रकार से इसको कार्यान्वित करने की कोशिश कर रही है।

श्री भागवत झा आजाद : निश्चय ही यह सरकार का दृष्टिकोण है कि सभी उत्पादन क्षेत्रों में श्रमिक और निबंधक के आपस में सम्बन्ध अच्छे हो और जब तक उत्पादन में वृद्धि नहीं होती तब तक हम और जगहों में चाहे वह श्रमिक के वेतन की बात हो या अधिक पूँजी लगाने की बात हो, यह नहीं कर पायेंगे। मैं

माननीय सदस्य के इस विचार से बिल्कुल सहमत हूँ कि इस तरह का दृष्टिकोण रखना चाहिये और हम रख रहे हैं। जहाँ तक उत्पादन बढ़ाने और संबंध को अच्छा करने का प्रश्न है, हम चाहते हैं कि हर यूनिट में, हर इस्टेब्लिशमेंट्स में ऐसे ज्वाइंट मैनेजमेंट कौंसिल्स तथा बहुत से ऐसे कार्यक्रम हों जिनको हमने लागू किया है।

SHRI A. D. MANI : May I ask the Minister whether the Government would also consider the views of the Study Teams of the Labour Commission which have submitted their reports? One of the Study Teams headed by Mr. Mohan Kumaramangalam recommended that the lawyer should appear in the labour court, which is not permitted now under the Industrial Disputes Act. May I ask the Minister whether this important matters raising issues of the right of the legal counsel to appear arising from the Advocates Act would also be taken into consideration by the Government before they finalise their recommendations?

SHRI BHAGWAT JHA AZAD: Sir, the Labour Commission set up various groups and the various groups submitted their recommendations to the Labour Commission. Now, we are not concerned with any particular recommendation of the various groups but with the recommendations as given out by the Labour Commission, which are almost 300. We are considering all of them.

SHRI JAGDISH CHANDRA DIKSHIT : The recommendation of the National Commission on Labour regarding the Industrial Relations Commission which has been referred to here is based on three canons, firstly, that the adjudicating authority vested with that power has to be a permanent one, secondly that the right of taking over the dispute without reference to the Government will also belong to it and the third most important aspect of it is that the adjudication process should have an element of tripartite consultations since adjudication is nothing but an extension of the process of collective bargaining. I learn that the Labour Ministers' Conference had objection to only one aspect of it. What was the reaction of the Ministers towards the fact that the adjudication process should have an element of association of labour employees? I submit that this experiment was introduced by the late honourable Govind Ballabh Pant. . .

MR. CHAIRMAN : Please put a question.

SHRI JAGDISH CHANDRA DIKSHIT: and it, of course, succeeded very well. I do not know why he has not taken it up.

SHRI BHAGWAT JHA AZAD: It was made clear at the State Labour Ministers' Conference—the consensus was there—that they were against the setting up of this Commission as such with the three or four matters which the National Labour Commission have recommended to be referred to this Industrial Relations Commission, although there were various shades of emphasis.

SHRI M. V. BHADRAM: The usual procedure at the Indian Labour Conference is to draw conclusions at the end of the Conference. May I know whether any conclusions have been drawn in the 20th Indian Labour Conference which was held from the 12th to the 14th of this month? Secondly, during the last Central Government employees' strike, the Government stated that there was a specific term of reference to this Commission regarding the need-based wage. It is a fact that it is not there and that in this respect the recommendation of theirs is not with the Government? Thirdly, one of the points referred to is about the recognition of the unions and the method, whether it is by ballot or by other process, is left vague as far as the recommendation of the Commission is concerned. What are the reactions of the various Central trade union organisations in this regard?

SHRI BHAGWAT JHA AZAD : Sir, as is known to the hon. Members, the Commission has not favoured or has not been able to give any recommendation clearly and precisely about the need-based wage, as the hon. Member himself has hinted at. About the recognition of the unions, it has been left to this Commission about registration and recognition of the unions—the choice is between verification and ballot. As is known to the hon. Members, the recommendations are sufficiently clear that this also should be left to this Industrial Relations Commission to decide in each case what method under the circumstances may be applicable, and that is the recommendation of the Commission. It has been discussed at the two Conferences—that of the State Labour Ministers and also the Indian Labour Conference—and I have conveyed, by and large, the general consensus to the House already.

AGRICULTURAL COMMISSION

*124. SHRI SURAJ PRASAD :†
SHRI N. SRI RAMA REDDY :

Will the Minister of FOOD AND AGRICULTURE be pleased to state :

(a) whether it is a fact that Government have appointed the "Agricultural Commission";

(b) if so, what are the terms of reference of the Commission; and

(c) the names of the members thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION (SHRI ANNASAHAB SHINDE) : (a) to (c) Government have decided to set up the National Commission on Agriculture. The composition of the Commissions under consideration. A statement showing the terms of reference of the Commission is laid on the Table of the Sabha.

STATEMENT

Terms of Reference of the National Commission on Agriculture

1. To examine and report on the present condition of Agriculture and rural economy in India and to make recommendations for the improvement of agriculture and thereby for the promotion of the welfare and prosperity of the people; and

2. In particular, to investigate and report on :

(i) the pattern of land and water utilisation and the development thereof including the cropping pattern in order to get the maximum economic return out of these resources, keeping also in view the growth requirements of the economy for balanced and nutritious food and for industries and exports;

(ii) integrated development of agriculture, animal husbandry, farm forestry and inland fisheries in order to ensure the benefits of mixed farming so as to provide a minimum standard of living for even a small farmer;

(iii) afforestation as a measure for Soil Conservation and Farm Forestry having a bearing upon fuel needs of the rural areas;

† The questions were actually asked on the floor of the House by Shri Suraj Prasad.