

[Shri Bhupesh Gupta]

the Secretariat. In the past the Secretariat put some of the questions in the unstarred category. They should do it even now. We may have quarrel sometime with them. Let us see how it works. Important questions should be spread over. Again, I say that the discretion should be in your hands.

MR. CHAIRMAN: There has been enough discussion. Calling attention.

### CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED REFUSAL BY GOVERNMENT TO REFER CERTAIN DEMANDS OF THE CENTRAL GOVERNMENT EMPLOYEES TO ARBITRATION

SHRI ABID ALI (Maharashtra): Sir, I beg to call the attention of the Minister of Home Affairs to the reported refusal by Government to refer the following demands of the Central Government employees to arbitration, namely —

- (a) merger of D. A. with pay;
- (b) grant of need-based minimum wage to Central Government employees;

Sir, I beg your permission not to read the latter part of this Calling attention notice, because this was not in my submission...

SHRI CHITTA BASU : (West Bengal): Mr. Chairman, Sir, I gave notice of it.

SHRI ABID ALI : It might have been submitted by others. But as I feel that this particular organisation is only a paper organisation and has no representation on the Joint Consultative Committee I am not reading it.

SHRI BHUPESH GUPTA : (West Bengal) : On a point of order, Sir. Mr. Abid Ali obviously is not associating with this Calling Attention notice. Let his name be taken out of it and you may ask the next person to put it.

SHRI KRISHAN KANT (Haryana) : On a point of order, Sir. I submitted this Calling Attention earlier in which the latter part of this Calling Attention was mentioned there. But probably Mr. Abid Ali and others gave a Calling Attention later on...

MR. CHAIRMAN : There is no mistake on the part of the Secretariat.

SHRI KRISHAN KANT : May I read out the latter part because my name is there? May I draw the attention of the Minister of Home Affairs...

MR. CHAIRMAN: The Member No. 2 on the List is Mr. Bhatt. He may read out. You mentioned to me. Please read it.

SHRI NAND KISHORE BHATT (Madhya Pradesh) : I beg to call the attention of the Minister of Home Affairs...

SHRI CHITTA BASU : Mr. Chairman...

(Several hon. Members stood up in their seats)

SHRI ABID ALI : I have read out upto (b). You may allow anybody to read out the rest; I have no objection.

SHRI M. PURKAYASTHA (Assam) : My name appears third.

SHRI DAHYABHAI V. PATEL (Gujarat) : This is a new precedent, the first portion to be read by one and the rest by some one else.

MR. CHAIRMAN: Mr. Abid Ali had written something to me. I do not know what to do. There is confusion. I shall consider about it. I suggest to Mr. Abid Ali to read out the next portion also. I do not want two or three people to read it.

SHRI ABID ALI : I will read it with the reservation I have made—

"and the reported decision of the Confederation of the Central Government Employees to embark on a strike."

SHRI A. P. CHATTERJEE (West Bengal): This is going into the records of the House. He is calling attention to a very important matter, and that important matter is "the reported decision of the Confederation of the Central Government Employees to embark on a strike". And he is calling attention to it by saying that he is reading this second thing with reservation. In that way he cannot ask the question. Those words "with reservation" must be expunged from the records.

SHRI ABID ALI : What is unparliamentary about it? That is perfectly Parliamentary. I have said that it is a paper organisation. That will also go on record.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Mr. Chairman, Sir, The two items relating to merger of dearness allowance with pay and grant of need-based minimum wage were first introduced by the staff side of the National Council as agenda items for the meeting held on 30th and 31st January, 1967. The meeting referred these two items

to two separate committees of the National Council. The committees could not come to an agreement and final disagreement was recorded on these two items at the meeting of the National Council held on 6th and 7th November, 1967.

At the meeting of the National Council held on 23rd and 24th February, 1968, the staff side wanted to know what action had been taken on the disagreements. The Chairman drew the attention of staff side to clause 13 of the Scheme which reads as follows :

"13. If there is no agreement between the two sides, the matter may be transmitted to a committee of the council for further examination and report. But if a final disagreement is recorded, and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration, if so desired by either side. In other cases, the Government will take action according to its own judgment".

The staff side of the National Council later asked for these two issues to be referred to the Board of Arbitration. On an examination of the request it was felt that these were wide and general issues and were not arbitrable because they did not relate to pay and allowances of a class or grade of employees as specifically required under clause 16 of the Scheme of J.C.M. This clause defines the matters which could be compulsorily arbitrated upon in the event of a disagreement; but they must relate to a class or grade of employees. However, Government were willing to discuss these issues with the representatives of the Staff Side who were invited to meet the Deputy Prime Minister, the Labour Minister and myself on the 27th of July, 1968. In the meantime, the issue was again raised by the Staff Side of the National Council at the meeting of the National Council held on July 11-12, 1968. At this meeting the Chairman informed the Council that the first view of Government was that the two items did not appear to be arbitrable, nevertheless, Government would keep an open mind about the question of arbitrability and when the representatives of the staff side meet the Deputy Prime Minister, Home Minister and the Labour Minister in a few days time, as already invited, they could discuss also the question of arbitrability of these two items.

The Staff Side indicated that they, on their part, were fully convinced that both these items were subject to the arbitration provision and they did not, think it necessary to discuss this particular matter further.

They wanted Government to take a decision and pending this sought an adjournment of the meeting instead of proceeding with the remaining items on the agenda. The meeting was accordingly adjourned.

The question regarding the grant of need-based minimum wage has already been considered on merits in the past by a high-powered commission, namely, the Second Pay Commission, presided over by Justice B. Jagan Nath Das, which did not consider the proposal to be economically and financially feasible. Again, the National Commission on Labour presided over by a former Chief Justice of India is considering this question along with other issues at present.

There have been reports of certain sections of Central Government employees considering recourse to a strike in the near future. There could be no justification for such a step, particularly when Government have offered to discuss these particular issues with the representatives of the employees. I trust that they would respond to the invitation already issued to them instead of talking in terms of strike or direct action which will not only be an act of indiscipline but cause hardship to the Community.

**SHRI ABID ALI :** Is it not necessary in the interests of the country that this strike should be avoided and all that is possible for the Government reasonably to do should be done? And therefore, an attempt should be made again to invite the genuine representatives of the employees for discussion and they should be persuaded to meet the Honourable Ministers. If again it is not possible to come to an understanding, the Government may be kind enough to consider to refer this very difference of opinion whether these demands are covered by the Consultative Committee's constitution or not, for arbitration.

**SHRI Y. B. CHAVAN:** Sir, I am trying to persuade them to come for discussion. We will make every effort. I hope honourable Members will also help. I do not agree with the suggestion that whether a certain action is arbitrable or not should also be referred to arbitration. Whether the matter is arbitrable or not, we have kept our minds open for any discussions with them.

**SHRI NAND KISHORE BHATT :** Sir, we all know that the Joint Consultative Machinery was set up by the Government in consultation with the recognised organisations of the Government employees with a view to discuss, negotiate and resolve the

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matters amicably. Sir, on the question of demands pertaining to allowances it is provided in the scheme of the J.C.M. that they should be referred to arbitration. Now the demand for merger of D. A. with pay is essentially a demand pertaining to allowances. Why should the Government take so much time in this matter to refer to arbitration? Where is the question of further negotiation or discussion at all when it is already provided in the scheme itself? May I request the honourable Minister that if there is any doubt on this point, then a reference can be made to the similar scheme of Britain wherefrom this idea of J.C.M. has been taken. Whatever practice is prevailing in Britain in this matter can be followed here...

**SHRI Y. B. CHAVAN :** The honourable Member is not asking for information. He is making arguments on his side. I am prepared to discuss with the representatives of the employees if they come for discussion with the Ministers. Certainly these points can be discussed.

**SHRI M. V. BHADRAM** (Andhra Pradesh) : Sir, the Government of India has committed itself to the principle of wage fixing through the Ministry of Labour and Employment. Does the Government accept the same principle in respect of its own employees and if the principle is accepted, the details or the quantum can be discussed with the employees. The Government has accepted that principle.

**SHRI Y. B. CHAVAN :** What is that principle ?

**SHRI M. V. BHADRAM :** The principle of fixing the need-based wages which has been laid down at the 15th Indian Labour Conference.

**SHRI CHITTA BASU :** Sir, the last Pay Commission recommended the constitution of a Joint Consultative Machinery with the object that this Joint Consultative Machinery will reduce the authority of the Government to act as an arbitrator of its own action. That being the objective, in this background, may I know from the honourable Minister whether the very persistence of the Government to arrogate to itself the right to determine the arbitrability of a particular issue of a dispute does not strike at the very root of the principle of Joint Consultative Machinery? This is one. My second question to the honourable Minister is that in view of the fact that the 15th Indian Labour Conference accepted the principle of minimum wages on the basis of need need-based minimum wages—

which was further reinforced by the 16th Session of the Indian Labour Conference while resolving the controversy over the quantum fixed by the Committee itself, and in view of the fact that most of the Wage Boards set up by the Government have fixed the minimum wages round about 170, apart from the normal bonus of 4 per cent, may I know whether the retention of Rs. 130 or something like that as the minimum wages to the Government of India employees is not unjustified? If so, why does not the Government immediately take steps to meet these points of the Central Government employees?

**SHRI Y. B. CHAVAN :** Sir, as far as the first part is concerned whether there is a disagreement about the arbitrability of an issue or not, I think there is a convention to which all of us have agreed that this matter can be discussed and negotiated with the Minister. So, that discussion has been offered. But if somebody takes a non-cooperative attitude, I think that attitude cut at the very root of the principles of the Joint Consultative Committee. The Government has offered discussion at the highest level possible. What more could be done in this matter. As far as the question of the merits of the need-based minimum wages is concerned, I don't want to enter into any arguments here. Whatever the Government is thinking in the matter has been explained. This matter has already been referred to by the Pay Commission. Now this matter is being considered by the Labour Commission.

**SHRI M. PURKAYASTHA :** Mr. Chairman, Sir, this need-based minimum wage was agreed to at the 15th Indian Labour Conference which is a tripartite body and on which Government is also represented. By not accepting that principle which was arrived at at the tripartite conference, is not the Government guilty of breach of faith to its own employees. Again the Government unilaterally violated the award of the Das Commission on pay neutralisation within the framework of the existing D. A. formula after it has been accepted by the Government and implemented once. So will it not be proper for the Government to refer the points of difference to arbitration because the Joint Consultative Machinery scheme envisages that if there is a difference of opinion between the Government and its employees, the matters will be referred to arbitration?

**SHRI Y. B. CHAVAN :** The honourable Member appears to be an expert on labour problems. I don't want to enter into

a controversy with him. But accepting a principle or an ideal in an International Labour Conference does not make any commitment as such because, Sir, I personally feel, I can speak for myself now, need-based minimum wage is certainly a very good ideal, but it is not only the Government servants who can claim it. There are many people in the country...

**SHRI ARJUN ARORA (Uttar Pradesh):** Let the Government make a beginning.

**SHRI CHITTA BASU:** Government is the best employer. They should be the ideal employer.

**SHRI Y. B. CHAVAN:** Yes, there are more vital sectors in the country and their needs and grievances also will have to be looked into. This is an unnecessary and useless argument here. I don't want to enter into this argument.

**SHRI ARJUN ARORA :** May I know if the Home Minister realises that his attitude and the attitude of the Government is leaving the Government employees with no alternative except to resort to strike which nobody wants? The well-accepted principle, and the principle which the Government has been advocating, is that differences between employers and employees should be settled by negotiations, and when negotiations fail, a recourse to arbitration rather than to strike should be taken. Here the Government is by chance the employer, and negotiations have failed. Even the INTUC representative....

**SHRI Y. B. CHAVAN :** You are absolutely misreading the whole situation.

**SHRI ARJUN ARORA :** Even the INTUC representative walked out of the J. C. M. meeting. If that is not failure of negotiations, what is? Unless the Government refers the matter to arbitration, the employees will have no option but to go on strike, and that is not a desirable thing.

**SHRI Y. B. CHAVAN :** The hon. Member is talking as an advocate of one party in this matter. I am telling him that we are prepared to discuss with them even this question whether it is arbitrable or not. Where is the question of the negotiations having broken down? They are not prepared to come and start the negotiations. And the hon. Member says the INTUC representative walked out. I do not know...

**SHRI ARJUN ARORA :** They also walked out.

**SHRI Y. B. CHAVAN :** They might have walked out. That is not proof of anything except that they walked out. When we have said that the Deputy Prime Minister, the Home Minister and the Labour Minister are collectively prepared to discuss this matter, including the question of arbitrability of this issue, what more can be offered on behalf of the Government? What more conciliatory attitude do you expect from the Government?

**SHRI D. THENGARI (Uttar Pradesh):** Sir, the hon. Home Minister has said that they invited the representatives of the Staff Side for a discussion on the 27th July, but the Staff Side declined the invitation. I would like to point out one thing to the hon. Home Minister. The scheme of J.C.M. does not lay down that the issue of pay and allowances shall not be referred to arbitration. It is nowhere laid down. Now unless the Government accepts this position, it would absolutely serve no purpose even if the employees' representatives go and discuss the matter with the hon. Home Minister. So may I receive a categorical assurance from the hon. Minister that he does not take a rigid stand on this matter and he does not preclude reference to arbitration even general issues of pay and allowances? Otherwise, mere discussion will not serve any purpose.

**SHRI Y. B. CHAVAN:** Sir, the hon. Member wants a categorical assurance from me. I am not prepared to give any categorical assurance on anything except what I have said in my statement.

**SHRI D. THENGARI :** Does he agree with me that the scheme does not preclude...

**MR. CHAIRMAN:** He has stated his point of view.

**SHRI Y. B. CHAVAN:** Sir, I have said whatever I had to say. He may read the statement and try to understand it.

**SHRI A. P. CHATTERJEE :** At times though not always, the hon. Home Minister is reasonable. I am just appealing to the reasonable side of his nature. The point is, the arbitration procedure was decided upon so that the workers may not go on strike. Now a certain problem has arisen and the Government is now raising the question whether it is arbitrable or not. Now the question of arbitrability itself may be decided by the arbitration tribunal. We know, and the hon. Home Minister, who was also a lawyer before he became Home Minister, also knows that the arbitrator has got the

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urisdiction to decide also whether the question is arbitrable or not. When that is the position, why is it that he is prolonging the matter in this fashion and trying to make the country face this strike by not referring the entire dispute to arbitration. The arbitrator can take up first this issue whether the whole thing is arbitrable or not—instead of asking the employees to meet the Deputy Prime Minister, the Prime Minister and all that, which will be a step outside the Consultative Machinery, and which was not contemplated? Let him reasonably think about this and let him refer the entire thing to arbitration and let the arbitrator also decide whether the question is arbitrable or not.

**SHRI AKBAR ALI KHAN** (Andhra Pradesh) : Is it not the general rule that when you go to arbitration, you cannot question...

**SHRI Y. B. CHAVAN** : Are you replying for me? Sir, I would like to make one point clear because it has been raised again. Again and again the Member is trying to argue his views. I do not want to argue and take a final view here. If I start arguing, it would mean that I am taking up a position. I do not want to do that. This very issue can be discussed with the Ministers but they are refusing to do that. What is the difficulty in discussing the matter with the Ministers unless one has taken a very rigid attitude? I do not understand it. I would like to explain one more thing. About the question that Mr. Arora put, I would like to say that there was no walk-out, and really speaking it was merely adjournment of the Council meeting.

**SHRI GULAM NABI UNTOO** (Jammu and Kashmir) : As it is apparent, when we merge dearness allowance with pay, it is not likely to affect the exchequer. And when there is already a difference of opinion between the Staff and the Chairman what difficulty is there before the Government either to accept this merger of dearness allowance with pay or to refer it to arbitration?

**SHRI Y. B. CHAVAN** : Sir, it is not a question of whether it affects the exchequer or not. I think possibly it may. It is a question of proper examination of the problem. Sir I have nothing more to add to what I have said.

**SHRI KRISHAN KANT** : I would just like to pursue the question which my friend, Mr. Untoo, has put. Merger of dearness allowance with pay has been done earlier also. And the Government will agree that the whole trouble arises because the cost of living goes on increasing and they are not able to fully compensate for the rise in the cost of living at the right time. So if the simple thing of merging the dearness allowance with pay is agreed to, then the other things which can be referred to arbitration can be discussed. I think this should not be made a matter of prestige for the Government and this simple thing should be agreed to and not allowed to linger on. The other things can be discussed later.

**SHRI Y. B. CHAVAN** : Well, the hon. Member is expressing his views on the merits of this matter. I can hold my own views on the merits of this matter. The point is we are not going into the merits of this issue now. I am not expressing any view on this question whether this matter is arbitrable or not. In terms of the constitution and its rules, etc., it appears and this is the position Government has taken—that it is not arbitrable. Now there is a convention also, to which both parties have agreed, that where there is a dispute or disagreement on whether a question is arbitrable or not, that matter will have to be discussed with the Ministers. So this is what I have offered. We are prepared to sit with them and discuss even this question of arbitrability. This can be argued and negotiated with the Ministers concerned. But there seems to be an attitude that “either you accept the arbitrability of the issue or we will take direct action—strike”. Is that the position that the hon. Member is indirectly giving his moral support to? I hope he is not.

**SHRI N. PATRA** (Orissa) : I appreciate the conciliatory attitude of the Home Minister, but further expect that he will take all steps to see that the Central Government employees do not resort to strike. I agree with all the steps so far taken by the Central Government to settle this affair in an amicable manner, but at the same time, I expect the Government to see that the employees do not resort to strike.

**SHRI Y. B. CHAVAN** : I am glad that the hon. Member agrees that the position that we have taken is very reasonable. So he would not want us to give up this reasonable position. I would expect him to go and argue with the other side also.

**SHRI BALACHANDRA MENON** (Kerala) : Sir, the dispute is whether the Government employees are entitled to get a

need-based wage. It has been agreed to at the tripartite meeting that a need-based wage should be given. When that agreement is there, what is asked now is whether the Government, as the biggest employer, will agree to give to its own employees what they promised at the tripartite conference. Are they prepared to do that?—that is the issue. Why should the Government be afraid of referring that matter to arbitration when they have agreed to the principle at the Tripartite Conference? That is what we want. This is the main issue. Nobody can say that this cannot be arbitrated. What is it that the employees have asked and how can you go back on that? If that is done, how will the private employees react?

SHRI Y. B. CHAVAN : I would request the hon. Member to read my statement again carefully.

#### PAPERS LAID ON THE TABLE

ANNUAL REPORT (1966-67) AND ACCOUNTS OF THE INDIAN STATISTICAL INSTITUTE, CALCUTTA AND RELATED PAPERS

THE DEPUTY MINISTER (DR. SHRIMATI SAROJINI MAHISHI) : Sir, I beg to lay on the Table a copy of the Thirty-fifth Annual Report and Accounts of the Indian Statistical Institute, Calcutta, for the year 1966-67, together with the Auditors' Report on the Accounts. [Placed in Library. See No. LT-1396/68.]

#### MINISTRY OF DEFENCE (NAVY BRANCH) NOTIFICATIONS

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI M. R. KRISHNA) : Sir, I beg to lay on the Table, under section 185 of the Navy Act, 1957, a copy each of the following Notifications of the Ministry of Defence (Navy Branch) :—

(i) Two Notifications (S.R.O. Nos. 3-E and 4-E), dated the 27th March, 1968 (English). [Placed in Library. See No. LT-874/68.]

(ii) Notification S. R. O. No. 5-E, dated the 16th April, 1968 (English). [Placed in Library. See No. LT-1108/68]

(iii) Notification S.R.O. No. 8-E, dated the 3rd July, 1968, publishing the Navy (Discipline and Miscellaneous Provisions) (Second Amendment) Regulations, 1968 (English and Hindi). [Placed in Library. See No. LT-1398/68.]

#### MESSAGE FROM THE LOK SABHA THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) BILL, 1968.

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:

“In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Requisitioning and Acquisition of Immovable Property (Amendment) Bill, 1968, as passed by Lok Sabha at its sitting held on the 23rd July, 1968”.

I lay the Bill on the Table.

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair]

#### THE INSECTICIDES BILL, 1967

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY) : Sir, I beg to move that the following amendments made by the Lok Sabha in the Insecticides Bill, 1967, be taken into consideration, namely :

##### Enacting Formula

1. That at page 1, line 1,—  
for ‘Eighteenth’ substitute ‘Nineteenth’.

##### Clause 1

2. That at page 1, line 3,—  
for ‘1967’ substitute ‘1968’.

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

SHRI B. S. MURTHY : Sir, I beg to move that the amendments made by the Lok Sabha in the Bill be agreed to.

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

#### THE INDIAN COINAGE (AMENDMENT) BILL, 1968

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI JAGANNATH PAHADIA) : Sir, I beg to move :

“That the Bill further to amend the Indian Coinage Act, 1906, as passed by the Lok Sabha, be taken into consideration.”