

Bill, 1960, as passed by Lok Sabha.

(2) Consideration and passing of—

The Tripura Municipal Law (Repeal) Bill, 1960, as passed by Lok Sabha.

The Indian Museum (Amendment) Bill, 1960.

(3) Consideration and return of the following Bills as passed by Lok Sabha:—

The Appropriation (No. 3) Bill, 1960.

The Appropriation (Railways) No. 4 Bill, 1960.

(4) Consideration and passing of the International Development Association (Status, Immunities and Privileges) Bill, 1960, as passed by Lok Sabha.

(5) Consideration of motion for concurrence for reference of the Motor Transport Workers Bill, 1960, to Joint Committee.

(6) Consideration and passing of:—

The Plantations Labour (Amendment) Bill, 1960, as passed by Lok Sabha.

The Indian Aircraft (Amendment) Bill, 1960.

The Children Bill, 1959, as reported by the Joint Committee.

The Central Excises (Conversion to Metric Units) Bill, 1960, as passed by Lok Sabha.

The Standards of Weights and Measures (Amendment) Bill, 1960, as passed by Lok Sabha.

(7) Discussion on the situation arising out of the closure of the Palai Central Bank on a motion to be moved by Shri

M. Govindan Nair on Monday, 29th August, 1960, at 3:00 P.M.

(8) Discussion on the Ninth Report of the Union Public Service Commission on a motion to be moved by the Minister of State in the Ministry of Home Affairs on Wednesday, the 31st August, 1960, at 3:00 P.M.

SHRI BHUPESH GUPTA (West Bengal): In this connection, Sir, I have a suggestion to make. We have got a large number of No-Day-Yet-Named-Motions. I think the hon. Minister should try to accommodate these as far as possible. If necessary, we can cut out some part of the lunch hour. In view of the business, I think this should be done beforehand; otherwise, towards the end, we shall be in difficulties. I understand the Assam Debate has been postponed. Meanwhile, we can take up the other subjects, half-an-hour discussions and the No-Day-Yet-Named Motions. They are important, and we should take up more and more of these things in our House.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2:30 P.M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at half past two of the clock, Mr. DEPUTY CHAIRMAN in the Chair.

RESOLUTION RE BANNING OF STRIKES BY WORKERS IN THE PUBLIC AND PRIVATE SECTORS—
continued

SHRI M. D. TUMPALLIWAR: Mr. Deputy Chairman, when we adjourned for lunch, I was mentioning to the House the general reaction of the public towards trade union disputes which may or may not culminate in strikes. To give you a correct picture of the harm done by these disputes, I may

[Shri M. D. Tumpalliwar.]
quote some figures here. In 1956, 1,203 days were lost involving 715,000 workers and the man-hours lost were 6,992,000; in 1957, 1,630 days were lost involving 8,889,000 and the man-hours lost were 36,429,000. In 1958, the days lost were 1,524 involving 929,000 and the man-hours lost were 7,798,000. In 1959, 1,236 days were lost involving 3,522,000 workers and the man-hours lost were 4,685,000. This is the amount of damage done by these disputes to the economy of the country. The question is whether our economy can permit this sort of damage without affecting the future of the country and the people. As we all know, Sir, we are in a period of emergency, emergency in the sense that ours is an under-developed country. We are just developing. We have to bring our economy on a par with the economy of other advanced countries, and for that we want plenty of production, ample production. Without production we cannot go ahead; we cannot progress; and we cannot bring our country in line with the rest of the advanced countries of the world. Therefore, it is that we are planning for. We made the First Plan which was implemented; we made the Second Plan which we are implementing and we intend having a Third Plan. In this Plan period our concentration should be on more and more production. At the same time, I do not ignore the necessity or the desirability of equitable distribution. When our objective is like this, I feel that there is no room for any kind of strike or any kind of dispute. There is no room for any kind of go-slow or pen-down strike methods in this country.

In order to have our economy run on sound lines some principles should be observed. The workers should not be exploited and the employers, whether the Government is the employer or any private person, should not be harassed. Wages should not be discouraging; they should permit full production, full employment and the largest possible pay rolls. Similarly, if we come to the employers' side, we cannot allow the employers

to have enormous profits. Profits must be curbed according to the needs of the country. They should not be allowed to accumulate with certain individuals and add to the disparity amongst the different sections of the society. At the same time, it is also necessary that profits should not be so low as to discourage people from putting up industries or from taking up production work of this or that kind. As far as profit is concerned, our Government has taken, if not all possible measures, at least many measures to curb profits. As soon as there is a rise in prices or the producers decide to increase prices for earning more profits, Government comes into the picture and levies excise duties. Government has adopted a taxation measure which is all-comprehensive and which covers every part of the income derived from commerce, industry and so on. If it is income, it is taxed; if it is expenditure, it is taxed; if it is wealth, it is taxed; if it is gift, it is also taxed. If our House finds that these measures and the percentages are inadequate to curb or to bring down the profits of the industrialists or the traders or the businessmen, we can have stricter measures and higher rates of taxation.

With this picture in mind, we should analyse and see what Government has done further to ameliorate the conditions of the workers and to help them have a better deal from their employers. Since we became independent, we have been having these industrial employment Standing Orders. There is the code of discipline, workers committees and tripartite machinery, like the Indian Labour Conference, Standing Labour Committee and Industrial Councils. Then there is conciliation machinery, adjudication, workers' participation in management etc. These are the steps which we have taken to improve the lot of the workers. These measures have added to the strength of the worker in whatever field he works—to bargain for himself according to the general income of the industry. We do not stop at that. We find that there are some social security measures for

the workers. These are State Insurance schemes, provident fund, Workmen's Compensation Act and maternity benefit schemes. These are the four things which have in a way added to the improvement of the conditions of the working classes. Under these circumstances, if the workers press for more and more money, the effect will be quite adverse.

As we have seen, just a few days ago, there was a call for a general strike of the Government employees. The whole country was frightened. The entire planning was at stake and nobody knew what would have happened had the strike become a success. When I spoke on that day I had said that possibly the existence of this very Government would have been jeopardised. Therefore, Sir, I am personally against strikes by the workers whether they are employed in the private sector or in the public sector. When I say this thing about the workers employed in the private sector, some friends may take objection and say that I am taking the side of the capitalists. But that is not so. I do not want to encourage capitalism and the harassment of the workers. What I want is that the community as a whole, the consumers' class as a whole, should not be allowed to suffer on account of the interests of a certain section of the society. That is the whole point which I want to make. In private sector also there are many industries which are producing essential goods. Say, Tata Iron & steel is an industry in the private sector but if the workers go on strike in that industry, it is the country which will suffer and not merely the entrepreneur or the industrialist. Similarly, there is the cloth industry in our country which is also in the private sector and if the workers in the cloth industry go on strike, who will be the sufferers? The sufferers will be the general consumers; not the mill-owners or the workers. Even the workers will be included among the sufferers. I can allow this concession of going on strike to the workers of the private sector in industries which are

producing luxury goods or fancy goods; I will have no objection to it. But as far as the industries in the private sector, which are concerned with the production of essential goods, are concerned, my suggestion is that those workers should not have the right to strike. Workers in industries producing essential goods in private sector and public sector should not be treated on different lines simply because they happen to be in different sectors. They should be given the same treatment whether the industry is in the private sector or in the public sector.

After saying this much about the necessity of banning strike in private sector also as far as industries producing essential goods are concerned, I would request the Government that they should also create such conditions in the industries that strikes should become superfluous and unnecessary. That is the main plea of the Communists and the Socialists because when we say that in communist countries the strikes are not allowed or are prohibited they say that conditions there are such that they do not need to go on strike and that the workers get a fair deal. Sir, I do not agree that the workers get a fair deal in the communist countries because there is no freedom of speech, no freedom of expression, no freedom of any kind. Whatever decision is taken at the top has to be accepted at the bottom. Whether the workers get sufficient or insufficient there is no gauge to measure it. But their contention is that the conditions there are such that strikes are superfluous. So, I say that in democratic countries also we can create conditions where the workers can get their due without resorting to strike. For that there are two or three measures that I would like to suggest here. First is workers' participation in management. That we have started in certain industries in the public sector and we can advise the same measure to be adopted by the industries in the private sector also. Then we have to look to the other needs of the workers also. In order to further give guarantee to the

[Shri M. D. Tumpalliwar.]
workers that they need not go on strike or resort to any kind of disputes, I would suggest to the Government that there should be guaranteed a health service, maternity insurance, disability insurance, survivor insurance, and old age insurance. If these insurances are added to the present facilities given to the workers by the Government, I feel that the workers also would not find it necessary to go on strike for improving their lot.

Sir, I congratulate the Government for whatever progressive laws they have adopted for the industrial workers and I request the Government to adopt further measures to make strikes superfluous. With these words, I commend my Resolution.

The question was proposed.

SHRI ROHIT M. DAVE (Gujarat): Mr. Deputy Chairman, I rise to oppose strongly this very unfortunate and retrograde proposition, which the hon. mover has brought before this House. This shows that once you allow the idea that strike can be banned in certain sectors of our economy, you allow it to gain ground, the idea begins to spread and the demand does not rest only with the limited sphere in which it is meant to be restricted. For some time now an attempt is made to make us familiar with the idea that strike can be banned as far as the Government employees are concerned and certain essential services are concerned. The moment this idea gets currency we have the extension of this idea which wants to cover not only the public sector but also the private sector. My friend is quite logical. He says that if strike can be banned in the public sector, in Government employment, in the essential services, why should it not be banned in the private sector also? Is not the Tata Iron and Steel Company producing iron and steel which are very necessary for the life of our community? Are there not power-generating units in the private sector? Are there not going to be fertilisers in the private

sector? Are there not going to be various transport systems in the private sector. And if the idea is that if strike can be banned in the public sector, because that sector is engaged in producing commodities that are necessary for our life, for the development of our economy, for the success of our Plans, why should there not be a similar ban . . .

SHRI BHUPESH GUPTA: Sir, the Prime Minister is here. I made an enquiry whether . . .

MR. DEPUTY CHAIRMAN: Order, order. We are in the midst of some business.

SHRI BHUPESH GUPTA: I would like to know . . .

MR. DEPUTY CHAIRMAN: He is not yielding. He is in the middle of his speech.

SHRI BHUPESH GUPTA: He is yielding.

(Interruptions).

MR. DEPUTY CHAIRMAN: (To Shri Rohit M. Dave) You go on.

SHRI BHUPESH GUPTA: He has yielded. You cannot ask him to get up. You are asking him to get up.

MR. DEPUTY CHAIRMAN: He is in the middle of his speech.

SHRI BHUPESH GUPTA: Because the Prime Minister is here, I want to know what the Government's position is about this.

(Interruptions).

THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI): This is not the stage.

MR. DEPUTY CHAIRMAN: Please go on with your speech.

SHRI ROHIT M. DAVE: So, this idea is being extended to the private sector on the plea that the private sector is also engaged in the production of essential commodities and services. As I said, I concede that my friend is very

logical. The illogicality of his proposition, however, flows from the fact that the right of the workers, of the employees, to strike can be taken away so lightly. That itself is a very dangerous proposition.

My hon. friend has told us that when he gave notice of this Resolution, there was a general atmosphere for strike in the country. I do not know when he gave notice of the Resolution. But I have got with me some of the latest available statistics and he could not have any statistics better than what I have got with me. According to these statistics, in April 1959 the number of stoppages were 175 and in April 1960 they dropped to 92, almost by fifty per cent. The number of workers involved in thousands were fifty odd in April 1959, compared with only thirtyseven odd in April 1960. The number of man-days lost, in thousands, were 507 and odd in April 1959, and these were only 331 in April 1960. This picture by no means suggests that there was some great calamity with which our country was threatened, and that it was because of this calamity that he was moved to bring in this Resolution. If we are prepared to examine the figures of 1960 only, we find that in January the number of stoppages was 141, which dropped to 133 in February. It further dropped to 126 in March and still further to 92 in April. Similarly, the number of workers involved dropped from 73,000 in January to 62,000 in February. It further dropped to 47,000 in March and then further to 37,700 in April. As far as the man-days lost in thousands are concerned, it was 423 in January, which dropped to 412 in February and then it further dropped to 331 in April, 1960. Do these statistics suggest any serious situation developing in the country that my hon. friend should come out with such a dangerous and retrograde proposition, as he has brought before the House we are told that it is necessary for the successful implementation of the Five Year Plans that strike should be banned. Is it not necessary for the

successful implementation of the Five Year Plans that profit should be curbed? Is it not necessary for the successful implementation of the Plans that there ought to be equal protection to all the various sectors of our economy? Is it not necessary for the successful implementation of the Plans that there ought to be a bridging of the gap in the incomes? Has he brought out all these things in this Resolution? Has he made these pre-conditions, before this Resolution can be accepted by the House? If he has not done so, if these pre-conditions are not there, if they are only meant to be pious wishes and certain advice to the Government, how does he expect the House to accept this dangerous proposition?

SHRI M. D. TUMPALLIWAR: I have said all those things also.

SHRI ROHIT M. DAVE: Is it a part of the Resolution? Does he want to accept all these things? He has not done that. He has not brought out those conditions in the Resolution. He is merely stating a categorical proposition that strike should be banned and it is that proposition which I am opposing here with all my might and strength. The right to strike is a very valuable right of the workers. They have got this right after a very hard and arduous fight, which lasted for decades. Workers have suffered for it. Workers have died for it and it does not behove this House to take this right away which the workers consider to be sacrosanct, not to be treated so lightly. We all know that it is the declared policy of the Government which has been accepted by Parliament, that the public sector should expand much faster than the private sector. Now, Sir, I was trying 3 P.M. to examine the strike situation as far as the public sector and the private sector are concerned. And what do I find? Let me quote from the latest issue, the issue of June 1960, of the "Indian Labour Gazette":

[Shri Rohit M. Dave.]

"It will be seen from the Table".

the Table deals with labour disputes in the private sector and in the public sector—

"that disputes in the public sector form only 10·2 per cent. of the total number, 7·5 per cent. of the workers involved, and 1·8 per cent. of the total time lost."

These percentages were 15·9, 22·6 and 14·4 respectively in the preceding quarter. For the quarter ending 30th June 1960 the figures definitely show that there has been a considerable decrease in the number of disputes, the number of workers involved and the number of man-days lost in the public sector. Is this, again, such an alarming situation that my friend should come before the House with the proposal that strikes should be banned in the public sector also?

One other fact which the House should remember in this connection is that there is an I.L.O. convention. This I.L.O. convention has guaranteed to the workers the right of collective bargaining, and this right includes the right of strike. This particular convention, as far as I know, has been accepted by the Government of India. Are we now going to go contrary to these provisions of the convention, passed by the I.L.O. and accepted by the Government of India, merely because we have accepted the planned development of our economy? Let me make it quite clear that if the planned development of our economy demands that the workers should be denied their elementary rights of collective bargaining, their rights of going on strike, and placed in a position in which they have not got any other means for getting their legitimate grievances redressed, then I am opposed to that system of planned development of our economy. I want a planned economy in which all the workers have got their rights properly safeguarded and

in which Government interference with these rights will not be tolerated. I want a planned economy in which the participation of the people, the participation of the workers is voluntary and not enforced. I want a planned economy which is for the good of the common man, for the good of the worker, of the agricultural labourer, of the small man, of the small trader, of the small shopkeeper. I want a planned economy in which there is a proper sort of control. It is a very surprising thing that in this Resolution there is no mention of lock-out, which would mean that the employers can declare a lock-out if they so desire. Thus only the workers' right to strike is sought to be taken away.

My friend in the last part of the speech mentioned some of the measures which should be taken as a result of the strike, whereby strikes can become superfluous. I endorse his views on the subject.

Let us of course make strikes superfluous, but why do you want to ban the strikes? Let us create conditions in which the workers have no legitimate grievances, grievances for which they need to go on strike. No worker wants to go on strike for the sake of going on strike. It is he who suffers, it is he who loses, it is his family that loses. He does not want to go on strike for the sake of going on strike. Let us create conditions whereby the strike would become superfluous. Let us make strikes superfluous and not toy with this idea of banning the strike.

श्री भगवत नारायण भागवत (उत्तर प्रदेश) : उपसभापति महोदय, जिस विषय पर यह प्रस्ताव है उसी संबंध में मेरा भी प्रस्ताव १२ तारीख को रखा जाना था। उसके और इसके उद्देश्य में थोड़ा सा अन्तर है और रूप में भी अन्तर है। इस प्रस्ताव को देखते हुये

एकदम यह कह देना कि इसे स्वीकार किया जाये, या यह कहना कि इसको अस्वीकार किया जाये, बड़ा कठिन प्रतीत होता है।

वास्तव में अगर इस प्रस्ताव का विश्लेषण किया जाय तो चार भाग इसके होते हैं। हमें विशेष रूप से यह विचार करना है कि स्ट्राइक का जो सिद्धांत है, प्रिंसिपल है, उसके ऊपर कहां तक हम इस प्रस्ताव के अन्दर विचार कर सकते हैं? गवर्नमेंट सर्वेंट्स के बारे में, सिविल सर्वेंट्स के बारे में, या जो हमारी एमेन्सियल सर्विसेज हैं उनके बारे में और जो गवर्नमेंट की औद्योगिक अन्डरटेकिंग हैं उनके बारे में क्या एक ही नीति रह सकती है? या हमको इनके निचे भिन्न भिन्न नीति निर्धारित करनी पड़ेगी?

पब्लिक सेक्टर के दो भाग हैं—एक तो गवर्नमेंट सर्विसेज या सिविल सर्विसेज और दूसरा इंडस्ट्रियल अन्डरटेकिंग। दूसरी ओर जो प्राइवेट सेक्टर है उसमें भी अनेक प्रकार के इंडस्ट्रियल कन्सन्स होते हैं, छोटे से छोटे भी और बड़े बड़े भी। एक छोटा सा प्रेस किसी ने खो दिया, उसमें उसके यहां दस पन्द्रह नौकर हैं तो क्या वहां इसी प्रकार की नीति बरती जायगी, या जैसे टाटा वर्क्स है या और बड़ी बड़ी अन्डरटेकिंग हैं, जो प्राइवेट कन्सन्स हैं, उनमें भी वही नीति बरती जायगी? हमारा सिविल सर्विसेज का मामला भिन्न है। मैं निवेदन करता हूँ कि ऐसी शायद ही कोई गवर्नमेंट हो जो अपनी सिविल सर्विसेज की कठिनाइयों पर ध्यान न दे, उनको उनकी सुविधायें उपलब्ध न करे। वास्तव में गवर्नमेंट सर्वेंट्स, नीचे से लेकर ऊपर तक, सेक्रेटरी से लेकर नीचे तक, वे सब एक ही मशीनरी के पुर्जे हैं। क्या यह संभव है कि हम इस बात की इजाजत दें कि छोटे छोटे जो पुर्जे उस मशीनरी के हैं वे बिगड़ जायें, उनकी पवाह न की जाय, उनमें किसी प्रकार की कोई आईलिंग न की जाय, कभी उसमें रिपेयर न किया जाय और मशीनरी चलती

रहे? मैं समझता हूँ कि हमारे जो गवर्नमेंट सर्वेंट्स हैं उनमें से अधिकतर नेशनल व्यूज के आदमी हैं, वे राष्ट्रीय विचारों से श्रोतप्रोत हैं, वे देशभक्त हैं और राजभक्त भी हैं। उन लोगों के प्रति गवर्नमेंट का जो रुख रहा है वह सदा न्यायोचित रहा है। उनको कभी कभी कुछ लोग सब्ज बाग दिखा कर कहते हैं कि तुम आंध्र पर पट्टी बांध लो और हमारे पीछे चले आओ, हम तुमको अलादीन का चिराम दिला देंगे, और वे बेचारे भोलेभाले ऐसे लोगों के कहने में पड़ जाते हैं और आंध्र में पट्टी बांध कर उनके पीछे पीछे जाकर गढ़े में गिर पड़ते हैं और हानि उठाते हैं।

इसलिये गवर्नमेंट को ऐसे उपाय सोचने की आवश्यकता है कि जिससे सरकारी कर्मचारियों को स्ट्राइक करने की जरूरत ही न पड़े और कोई मौका ही न आयें। अगर जितनी उनकी कठिनाइयां हैं उन पर विचार करने के लिये गवर्नमेंट की तरफ से कोई ऐसी इफेक्टिव मशीनरी बनाई जाय जिससे कि उन लोगों के, जो सर्वेंट्स हैं, प्रतिनिधि भी रहें और गवर्नमेंट के प्रतिनिधि भी रहे और कानून के द्वारा यह मान्यता कर दी जाय कि उस मशीनरी के द्वारा जो निर्णय होगा वह दोनों पार्टियों पर लागू होगा तो मैं समझता हूँ कि स्ट्राइक करने की आवश्यकता ही न पड़ेगी।

अभी इंडियन नेशनल ट्रेड यूनियन कांग्रेस की वकिंग कमेटी ने कुछ इस संबंध में विचार किया है और उन्होंने भी ऐसे ही विचार व्यक्त किये हैं कि गवर्नमेंट को एक ऐसा उपाय, ऐसा साधन, सोचना चाहिये कि जिसमें उन लोगों के किसी प्रकार के भी झगड़े हों वे उसमें तय हो सकें। अब गवर्नमेंट सर्वेंट्स का जो मामला है वह इंडस्ट्रियल अन्डरटेकिंग से बिल्कुल भिन्न है। चाहे वे प्राइवेट हो चाहे पब्लिक हो। सरकारी कर्मचारियों का केवल तनखाह का ही मामला नहीं होता है। यहाँ नहीं कि उन लोगों के बेतन के झगड़े हों या मंहगाई के झगड़े हों, उन लोगों के लिये तो अनेक प्रश्न उठते हैं जो

[श्री भगवन नारायण भागवं]

ट्रेड यूनियन के अन्दर आ ही नहीं सकते हैं। जैसे उनके यहां जो प्रमोशन होते हैं वह सीनियरिटी के हिसाब से हो या लैंग्थ आफ सर्विस के हिसाब से या मेरिट के हिसाब से हो, उन लोगों को एक सर्विस से दूसरी सर्विस पर प्रमोशन दिया जाय कि न दिया जाय, उन लोगों की मकान की समस्याएँ होती हैं, उन लोगों के भत्ते की समस्याएँ होती हैं, अनेक प्रकार की समस्याएँ होती हैं। ये बातें कभी उन ट्रेड यूनियनों में, जिनमें वे शामिल होते हैं, तय नहीं हो सकती हैं। मेरा विचार तो यह है कि गवर्नमेंट सर्वेन्ट्स का ट्रेड यूनियन्स से कोई संबंध रहना ही नहीं चाहिये। ये इंडस्ट्रियल अन्डरटेकिंग में जो लेबर होता है उसकी परिभाषा में आते ही नहीं हैं। मेरा जहां तक ज्ञान है—संभव है उसमें कुछ गलती हो—यें तो समझता हूँ कि जब भारतवर्ष में ट्रेड यूनियन का प्रारम्भ हुआ था उस समय ट्रेड यूनियन से और गवर्नमेंट इम्प्लायीज से संबंध नाम मात्र के लिये नहीं था। जब हमारे देश की रेलवेज कम्पनियों के अन्दर में थी, गवर्नमेंट के अन्दर में नहीं थीं, तब रेलवे के कर्मचारी जो थे वे यूनियन्स बनाते थे, वे ट्रेड यूनियन्स बनाते थे और उसके अनुसार काम करते थे। लेकिन धीरे धीरे हमारे देश में एक ऐसी प्रवृत्ति हुई कि गवर्नमेंट सर्वेन्ट्स भी ट्रेड यूनियन की ओर झुकने लगे। अगर हम चाहते हैं कि हमारे गवर्नमेंट इम्प्लायीज तथा बड़ी बड़ी इंडस्ट्रियल अन्डरटेकिंगज राजनैतिक दलबन्दी से दूर रहें तो मैं तो यही निवेदन करूंगा कि ट्रेड यूनियन्स से गवर्नमेंट इम्प्लायीज का कोई संबंध न रहे और उन लोगों के सब के जो नियम बनें उनमें इस बात का विशेष रूप से प्राविधान होना चाहिये कि उनके पदाधिकारी या उनके मेम्बर कोई बाहर के आदमी न हो सकें बल्कि उनके जो इम्प्लायीज हों वे ही पदाधिकारी हों, वे ही सभा करें, वे ही जो करना चाहें स्वयं करें। इस बात के ऊपर इंडियन ट्रेड यूनियन कांग्रेस ने यह बात कही कि साहब अगर ऐसा किया जायगा तो जो सरकारी मुला-

जिम हैं वे अपने बड़े आफिसर से सीधे सीधे बात न कर सकेंगे, बाहरी आदमियों का होना इसलिये जरूरी है। मैं कहता हूँ कि यह बिल्कुल गलत बात है। हमारे स्टेट्स में तो ऐसे एसोसियेशंस गवर्नमेंट सर्वेन्ट्स के हैं जिनमें कोई बाहरी आदमी नहीं होता है और उनकी जो प्रीवांसेज होती हैं उनको पेश करने के लिये उन्हीं के पदाधिकारी, खुद गवर्नमेंट सर्वेन्ट्स होते हैं और बराबर सहानुभूति के साथ उनकी प्रीवांसेज सुनी जाती है।

तो इसमें कोई सन्देह नहीं है कि जो स्ट्राइक पिछली दफा हुई या जो स्ट्राइक होती है उनमें एक राजनैतिक दल के लोग आगे प्रमुख बन जाते हैं और वे अपनी महत्ता को दिखाने के लिये लोगों को आगे बढ़ाते हैं और भड़का कर स्ट्राइक में शामिल करवाते हैं। इसलिये एक तो मेरा सुझाव यह है जिस पर मैं चाहता हूँ कि गवर्नमेंट अवश्य विचार करे, कि उनके एसोसियेशंस में, उनकी यूनियनों में बाहरी आदमी किसी प्रकार का भाग न लेने पावें। अगर गवर्नमेंट आर्गंबिट्रेशन के लिये कोई मशीनरी सेट अप करती है तो हर यूनियन या संस्था से यह शर्त करा ली जा सकती है कि वह उनके निर्णय को मानेगी और अगर नहीं मानती है तो उनका रिकगनिशन हटा लिया जाय, उनकी मान्यता हटा ली जाय और फिर आवश्यकता पड़ेगी तो उस कानून के द्वारा जिसके ऊपर इस प्रस्ताव में इशारा है ऐसी व्यवस्था होगी कि स्ट्राइक किसी तरह से न होने दी जावे। हम देखते हैं और हमारे सभी भाइयों का अनुभव है कि देश में इस तरह के जो स्ट्राइक होते हैं, चाहे जब भी हों, उनसे हमारे जो वर्कर्स हैं वे दूर रहना भी चाहें तो भी जब डिमांस्ट्रेशन बढ़ जाता है, उसका अनुचित लाभ गुंडे और बदमाश उठाते हैं और डिमांस्ट्रेशन वाइलेंट हो जाता है, उसमें हिंसा आ जाती है और ध्वंसकारी कार्यवाही होने लगती है। अगर हमारी गवर्नमेंट ने इस स्ट्राइक के समय सतर्कता और दृढ़ता से काम न लिया होता और अगर यह स्ट्राइक बढ़ने दिया जाता तो आवश्यक-

भावी बात थी कि सैबोटिज कैसेज बहुत होते और न मालूम कितनी लूटमार व अंधाधुंधी मच जाती ।

इसलिये हमें ऐसा उपाय करना है जिससे स्ट्राइक होने की संभावना समाप्त हो जाय । चाहे प्राइवेट सेक्टर हो चाहे गवर्नमेंट इंडस्ट्रियल अन्डरटेकिंग क्यों न हो, इनको भी स्ट्राइक से उतना ही नुकसान होता है और देश की सारी जनता का नुकसान होता है । वास्तव में बात यह है कि वे लोग ऐसी कार्यवाही करते हैं कि जिस पेड़ की शाख पर बैठे हैं उसी को काटते हैं और यह नहीं सोचते कि हम नीचे गिर पड़ेंगे अगर इन लोगों को राजनैतिक दल से अलग रखा जाय तो मैं समझता हूँ कि वे गम्भीरतापूर्वक विचार करेंगे कि हम जिस मशीनरी के पुर्जे हैं, जिसके अंग हैं, जिस एक शरीर के अंग हैं, उसको और उस शरीर को ठीक अवस्था में रखना हमारा कर्त्तव्य है ।

जैसा मैंने पहले कहा मैं बराबर इस बात में विश्वास करता हूँ कि हमारे गवर्नमेंट इम्प्लायीज कभी यह नहीं चाहते कि हम स्ट्राइक करें । उनकी जो मांगें हैं उनको हमारी जो आबिंदेशन की मशीनरी होगी उसके जरिये वे रख सकते हैं, उसमें अपने पदाधिकारी रख सकते हैं और हमारी गवर्नमेंट जो अब तक उनकी न्यायोचित मांगों पर विचार करती रही है आगे भी बराबर विचार करेगी । मैं समझता हूँ कि विरोधी दल की ओर से जो बातें कही गई हैं वे निस्सार साबित हो जायेंगी । अगर ऐसा कानून, ऐसा कांफ्रिहेन्सिव लेजिस्लेशन लाया जाय जो व्हिटले काउंसिल के अधिकारों से भी अधिक अधिकार रखे तो उनसे भी अधिक हम सफल हो सकते हैं । सरकार को ऐसी सुदृढ़ मशीनरी बनानी चाहिये जिससे सब लोगों को संतोष हो और उनके प्रति निष्ठा और गवर्नमेंट के प्रतिनिधि मिल कर सारी समस्या को आसानी के साथ सुलझा सकें ।

SHRI M. H. SAMUEL (Andhra Pradesh): Mr. Deputy Chairman, I must admit straightway that I do not

support a blanket ban on all strikes, to whatever category, to whatever sector the workers may belong. But I make a difference. We in this country are now living in what is called a mixed economy. Necessarily, therefore, we have to follow a mixed policy. What applies to the one does not necessarily apply to the other. There is a private sector in our economy and there is a public sector. The motive of the private sector is profit; the motive of the public sector is public good, larger good. I will come to the public sector later but, for the time being let me dwell a little on the private sector.

In the private sector, an individual or a group of individuals benefit by the profits made by a particular firm. The worker produces those profits; he works for the production of goods and the sale of those goods. The entrepreneur or the proprietor makes profits. Is not the worker entitled to a share in those profits? Let us not get away from the fact that we are still living in an acquisitive society. Private enterprise still tends to be acquisitive. The private entrepreneur may tend to deny the worker his share of the profits. A worker may get a certain wage today when the profits may be just Rs. 100. But even when the profits go up to Rs. 1,000, is the worker to get the same wage?

It is not usually expected that the worker who produces the goods must necessarily remain at the same level while the standard of the entrepreneur goes higher and higher in the level of his living. Therefore, I heartily disagree with Mr. Tumpalliar's proposition that strikes in the private sector should be banned.

Having said so, I must also emphasize that this right of the worker to strike, albeit is his inalienable right, his fundamental right, yet every right has got its own obligations. For the right of the worker to strike, there is his duty to produce. Today it is common knowledge that in a large number of places the worker is not producing the maximum that he

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should in a given period of time. Without specifying the places, it is easy for hon. Members to consider where, in Government service or in private employ, a worker hardly puts in two or three hours' work out of an eight hours' shift. Production thus suffers. If he insists upon his right to strike without performing duly his obligation, then the right to strike gets necessarily curtailed. I would like every worker to realise his responsibility, his duty towards production and then ask for his right to strike as well as his right to right wages. Production is not going to benefit the employer only. It is going to add up to national output.

Now, it is useful, at this stage, to understand the nature and purpose of a strike. In the first place, a strike, particularly in an industrial undertaking, is an instrument of economic coercion. This is possible in industrial or commercial enterprises. It involves, as Mr. Tumpalliwar said, loss of man-hours, loss of production and loss in profits, but if it succeeds, it means a transfer of resources from the entrepreneur to the labour and the larger public do not suffer much loss. Besides, such a strike would be localised to a particular industry or a particular town.

In the second category, a strike can be a means to arouse public opinion, public opinion against malpractices, against monopolies, against crime and so on, and this kind of strike may even take the form of a general strike. Anybody may be involved in such a kind of strike. It need not be confined to any particular area or a particular class of people. It can even be political in colour. But a strike like this by Government servants fails in its objectives.

Now, I come to a third category of strike which is the most important category, viz. a strike which can be used as a political means or a political weapon or political action. Such a strike can, like

the second category of strike which I have just described, mobilise public opinion and pull down the Government of the day, in which case, you can call it by any name you like. It can be a revolt, it can be a rebellion, it can be an insurrection or even a *coup d'état*, anything you like.

SHRI BHUPESH GUPTA: What about strike?

SHRI M. H. SAMUEL: Strike takes various forms. Now, the workers in a general strike can include more than one category of workers. It can be workers other than industrial. It can halt essential services. It can bring the Government to its knees. It can even supplant the Government of the day. In this context what I ask is to find out the nature of such a strike and, as I have just said, you can call it by any name you like. The last category would be undemocratic and a defiance of authority. It would be a disowning of the obligations of the public services to the community. It would be incompatible with the special status of Government servants in accepting public service. It is like the hold-up by a guard of those people whom he is supposed to guard. In other words, it is unlawful, whether we like it or not.

Now, I come to the public services. A strike by Government servants, being against the Government, is anti-Government and, in its consequences, political in character; because it undermines the Government of the day and even, in its consequences, can go further than their own objectives warrant.

Having said so, it is an easy intellectual exercise or a logical causation for me to argue that a ban on strikes by Government servants must be imposed. The British General Strike of 1926 was not prohibited; but Sir John Simon and others said that under the Trade Union Law it was illegal. After that, the law in Britain in respect of strikes became

more stringent. This is a pattern of the evolution in regard to labour matters and strikes in most democratic countries, indeed, in the Communist world as well. What has come to be recognised as a general strike is contrary to the concepts of socialism or a welfare State. The Second Pay Commission went so far as to suggest that a strike by Government servants should be banned, but without actually saying so they suggested to the Government servants to abjure the right of strike and get their grievances redressed otherwise.

Now, in order to prove to you that this is the pattern of evolution in regard to this matter, I will quote some of the instances in this regard in other countries.

As you know, in Communist countries, the right to strike does not exist, so I leave them alone.

In the United States, whereas the right to strike in five industries is specially guaranteed, strikes by Government servants are specifically forbidden. The Labour Management Relations Act of 1957 of the United States also declares strikes by Federal employees unlawful. Under the Act, an employee who goes on strike must be dismissed immediately. In addition, he forfeits his civil rights, his civil servant's status and is not eligible for re-employment for at least three years. In 1955, this section of the Labour Management Relations Act was repealed and a similar provision was made in the United States Code. This Code also provided punishment for participating in a strike, which could extend to imprisonment for one year and a fine of \$1,000 or both.

In Britain, there is no legal prohibition with regard to the right to strike, but civil servants who go on strike render themselves liable to disciplinary action, which would include dismissal without the right of reinstatement.

In France, from the beginning of the present century, it has been established that civil servants have no right to strike.

In Japan, strikes and slow-downs are prohibited in public corporations, national enterprises and local public enterprises. Those who violate the provisions against strike forfeit their rights under the law and subject themselves to dismissal. That dismissal is in addition to disciplinary action. Leaders guilty of violating this provision are subject to penalties. Recently, the Japanese Government punished 12,400 postal workers for going on strike.

SHRI BHUPESH GUPTA: Where is Mr. Kishi?

SHRI M. H. SAMUEL: He was also struck off. The punishment included the suspension of 186 leaders. In Germany, article 33 of its Basic Law is interpreted as forbidding civil servants to strike.

Now, in India, Rajasthan has got a law forbidding strikes by Government servants.

Well, Sir, my time is up, and I do not want to go any further into this matter.

I will conclude by saying that we have accepted socialism as our goal; we are working for a socialist pattern of society. Trade unionism under capitalist ownership . . .

SHRI BHUPESH GUPTA: Trade unionism under capitalist owners.

SHRI M. H. SAMUEL: Trade unionism as a complementary . . .

SHRI BHUPESH GUPTA: That is there; we have got one—the INTUC.

SHRI M. H. SAMUEL: Sir, trade unionism as complementary to capitalist ownership is outmoded in a country like ours where there is a growing and insistent demand for the

[Shri M. H. Samuel.]
extension of public ownership. In the evolving state of our society towards socialism in which Government servants form a large part of the middle-class, with the proletariat only on the outer fringe,—strikes become still more unnecessary.

Therefore, Sir, while I plead that strikes in Government services should be banned for public good, it is not necessary and in fact it would be a contrary and retrograde step, as Mr. Dave has said, to ban strikes in private employment.

Thank you.

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, when this Resolution was moved by the hon. Member, I at once enquired as to what the position with regard to this matter was. Although some Ministers were present—two of them I still see before us—none spoke.

SHRI ABID ALI: We will speak when our turn comes.

SHRI BHUPESH GUPTA: They might as well say that it is a non-official Resolution and the Government's position would be known at a later stage.

Now, Sir, matters like this are not so lightly discussed, because it will be known now to the world that a Member of the Congress Party led by Shri Jawaharlal Nehru moved a Resolution here in Parliament to ban all strikes.

SHRI ABID ALI: Democratic party.

SHRI BHUPESH GUPTA: How comfortable or uncomfortable the great leader, Shri Jawaharlal Nehru, will feel is not for me to say.

SHRI ABID ALI: Don't say.

SHRI BHUPESH GUPTA: But the world will know that the door is wide open in the Congress Party for its

Members to bring forward such Resolutions which are Fascist in character, and sponsor them from the Government side, with the Government keeping quiet.

Now, Sir, I was reminded of the Weimar Republic in Germany after the First World War. That is how things began to develop, not that the strike was banned. It was done after Hitler came to power, but not before that. This kind of thing was sponsored and ultimately it led to Fascism. (Interruption). I know that the Government has lost its head and everybody knows that. But I do not think it has become so insance . . .

SHRI ABID ALI: Your Government?

SHRI BHUPESH GUPTA: Do not lose your head, because you have lost enough already. I know that some would not lose. But the Government has lost its head.

SHRI ABID ALI: On that side, not on this side.

SHRI BHUPESH GUPTA: Sir, I am referring to Government as a collective body. I am not referring to any individual. The Government has lost its head, and yet I do not think it has become so insane as to accept a Resolution of this kind being moved. Of course, it will be talked out, but the strategy behind the whole Resolution is to put across these ideas, sound the country and see how it reacts. If a Resolution of this kind were brought today from the Treasury Benches, shall we say, by the Labour Minister or the Prime Minister or anybody, there would be millions of people demonstrating in the streets all over the country against a Resolution of this kind; I know it. But nevertheless, Sir, they have brought forward this Resolution. It is the beginning of that ideology of authoritarianism which may lead to Fascism, if not checked in time. Anyway, Sir, they have defamed the Constitution; they have defamed Parliament and they have defamed their party by moving

this Resolution and, what is more, they have defamed their Third Plan, because for the sake of Plans these strikes are to be banned. A great disservice has been done to the cause of the Plan because the working people all over India will know that there are some at least in the Congress Party who think in terms like these.

Mr. Deputy Chairman, strike, as everybody has said, is the right of the working class people. Without it collective bargaining becomes meaningless. Even in the other House, Sir, when the Prime Minister was making his speech, he had to acknowledge this as a very valuable weapon and he had to say so many things about strike as a whole. (*Interruptions*).

MR. DEPUTY CHAIRMAN: Conveniently he does not hear you.

SHRI BHUPESH GUPTA: I do hear it, but it is a question of time. Sir, according to this Resolution every strike is to be banned. Therefore, collective bargaining must go, the I.L.O. conventions must go and, Sir, the various tripartite and other agreements must go. This is their position. I do not say that everybody shares that view, but the point is that there is at least one amongst them—there may be others also—who has the courage to get up on the floor of Parliament and sponsor a Resolution of this kind, because after all, Sir, when we speak here, we speak to a big audience. Sir, much has been said about the machinery but his Resolution does not contain any such thing. Even if it contained such provisions, it would have been an atrocious Resolution in all circumstances. It would be an atrocious Resolution with or without all the provisions he was talking about when he made his speech.

Yes, the working class people of our country function in the public and the private sectors. The previous speaker after making a speech, has disappeared. He read out a speech and dis-

appeared. I wish he was here to listen.

SHRI ABID ALI: He is not present always.

SHRI BHUPESH GUPTA: He will come back to hear you. He mentioned so many things. In Great Britain strike is permitted and in other countries also a strike is permitted. He did not mention as to what are the scales of pay, how the wage question is treated of the Government employees, what are their real wages, whether in the last 13 or 14 years the real wages are falling instead of rising whereas the profits and the national income, the overall income, are rising, etc. Such things have to be said.

SHRI ABID ALI: Where?

SHRI BHUPESH GUPTA: You do not know anything.

SHRI ABID ALI: Is he the spokesman of any foreign Government here?

SHRI BHUPESH GUPTA: He would not comprehend anything. I am addressing you, Sir. About the U.S.A. mention was made but I would have liked to know from the hon. Member here who spoke as to what had happened to their real wages, how the wages are treated of the Government employees, what are the prices there, how the price-line is held, what are the relations between the real wages and the prices, etc. All these things should have been mentioned and if there were a position like this where the real wages remained at the level of 13 years ago and the prices had risen by 4 times, and the value of the rupee or the currency had declined by 29 per cent., at least in France, millions of people would have come out in the streets, Government or no Government. Such is the position. Do you know how the crash came in France in 1936 when a certain Government behaved in that manner representing 200 families? It was not a question of law. The French working people, in Marseilles and in the

[Shri Bhupesh Gupta.]
city of Paris—we were in that part of the world then—came out in the streets to protest against this and they had their way. Even the working classes, in the period of depression, in the U.S.A. compelled President Roosevelt to come out with his New Deal and give some palliatives and thus save the situation. Everyone knows that there have been strikes in the public sector as well as in the private sector with a view to defending the interests of the working people. He was mentioning Japan. The interesting part of it was that when Kishi wanted to fight this strike, he had to quit and six million people struck. Do you want a situation like that in this country when millions of people will have to strike?

SHRI SHEEL BHADRA YAJEE (E.har): May I know what has happened in the last Central Government employees' strike in India?

SHRI BHUPESH GUPTA: There may be strikes in some headquarters and elsewhere but there will be no strike as far as you are concerned. You will be on the Government side unless you change the Congress benches. Why bring in all that? You come to our country. For the last 13 years, the working people have patiently been waiting for the Government to give them a fair deal and as far as the Government employees are concerned particularly Grade III and Grade IV, the much-maligned people, they have behaved in the most patient manner, the like of which we have never found. In 1947, the First Pay Commission came and made certain recommendations and also recommended how the D. A. should be raised, for 20 points a rise of Rs. 5 or so. That you have not implemented. Even so, they waited and only after giving the strike notice, they got some concessions. The Government employees gained that way some minor, little, concessions. Even this time they would not have behaved in this

manner in the matter of scales of pay unless and until the working people or the Government employees had come out even on a partial strike of this kind and so many people participated.

As far as the private sector is concerned, they are allowing them to make enormous profits, the like of which the capitalists have never known under the British. 'The rich has become richer' is the utterance made by Mr. Gadgil who is Governor now and it is admitted by even members opposite. If you see the index of profit, you see an increase of 4 or 5 times and in some cases a phenomenal rise in price. If you see the productivity of labour, that has gone up but if you see the chart of real wages and the pay bill as a whole, you find, collectively speaking, that the wage bill remains more or less static. There is no substantial improvement in it. Therefore, the intensity of exploitation is growing, profits are growing, productivity has gone up due to the hard work and sacrifice of the labouring people but the wages have not gone up and they have been pegged at the 1947 level. Recently, a survey was conducted in Asansol by the Indian Statistical Institute at Calcutta. They found out that the condition of real wages was more or less the same as or even less than what it was in 1947. They live in the same condition but crores of rupees are being made by the coal and iron industries, as well as the engineering industries in that area. As far as the Government employees are concerned, yes, they work for the public good. The Government machinery today is a huge machinery and it is bound to grow with the expansion of the public sector and the expansion of the State's activities. They create wealth directly. It is not merely that all of them are clerks who create indirectly wealth but there are workers who directly are raising the wealth of the country and increasing the wealth. Are they getting their shares? There are the

men who are running the railways. The railways produce wealth in the country. They are the life-lines for our industry and commerce. Are these railwaymen getting a fair deal? Are they not entitled to have a little share in the rising income and earnings of the railways? Here, of course, the profits come back to the State but how is the State using it? The State uses it again for the advancement primarily of the capitalist class. The class character of the State must be borne in mind. Yes, it is the public sector but the public sector is so managed and handled that the money that comes is utilised primarily in the interests, when it comes to the basic question, of the exploiting classes. Therefore, the railwaymen have to work hard, the postmen have to work hard, the clerks in the offices work harder and their families are denied so that they can produce more wealth, they do better work in order that the State could run in the interests of the exploiting classes. That is the position today. Leave alone corruption, leave alone the wastage and squandering of funds, leave alone the fat wages that are given to the Secretaries of the Government of India, who get Rs. 4,000, and all the money spent in certain other ways. I am not concerned with them; what I am concerned with is the basic question.

Here is the present situation. The prices are rising. Shri Morarji Desai, in his Budget speech, said that there had been a rise of nearly 20 per cent. over a period of time. Actually, if the price index is taken into account, the retail price index, the price-rise will be much higher. What we have seen is the entire price. It is not as the capitalists say—and they do not say it now—that the wage increase or increase in the earnings leads to a rise in the prices. Rather the wages lag behind the galloping prices. That has been the position. It is inherent in the capitalist system in the country. It has been simply outrageous, this discrepancy between the real wages on the one hand and the rise in prices on

the other. If you take away the right to strike, what will happen in the private sector? It is the capitalist who will gain and it is the capitalist who will carry on all kinds of exploitation and the working class will be broken. Whatever you may say by way of proposals to remove disparities in income, it will grow because the very weapon with which, or with the threat of which the working people compel the exploiting class to make minor concessions at least, will be taken away and in the State Sector also, the same thing will happen. Whether it is a steel mill in the State sector or in the hands of individuals, it earns profit. There again the working class will be denied their due share. They do not get their full share at all but some little increase which they may secure otherwise, they would be denied. We shall be heading for an authoritarian, much more unjust and oppressive, society and if this thing is allowed to develop, well, we may say whatever we like, but even this system, with its limited rights and liberties, will not exist. Does the hon. Member realise that this Resolution resembles precisely the policy statement on labour of President Ayub Khan of Pakistan? In the Indian Parliament we are discussing exactly what President Ayub Khan is doing. He said that India would follow, and today these gentlemen are following him. I strongly oppose this Resolution. It is highly objectionable. It is revolting and objectionable, and it is most regrettable that the Congress Party should allow one of its Members to come out with this type of Resolution . . .

SHRI ABID ALI: It has nothing to do with the party, Sir. A Member of the party is moving it.

SHRI BHUPESH GUPTA: . . . a reactionary Resolution of this kind.

SHRI SONUSING DHANSING PATIL (Maharashtra): Why should Mr. Gupta take upon himself the burden of finding out the chastity of the Members of the Congress Party.

SHRI BHUPESH GUPTA: Is it "chastity" you said? I cannot defend it because you live in sin. How can I defend it?

SHRI K. K. SHAH (Maharashtra): Mr. Deputy Chairman, for the reasons that this Resolution could have been thought of, Mr. Dave and Mr. Gupta should search somewhere else. Had it not been for the fact that the right to strike was taken to its absurd limit when the Government employees were called upon to strike, such a situation would never have arisen. Sir, it is universally recognised that trade-unionism has come to stay; nobody doubts it. It is true that it is a valued right, and my friends opposite ought to remember this before it is too late. I would like to remind them that they have always been too late. Even when they thought of the linguistic division of the country they forgot that they were making workers fight against workers. When they differentiated between Gujarati workers and Maharashtra workers, they forgot that they were making the workers fight against each other. The same thing is going to happen here. When you are thinking of collective bargaining—it is a valuable right no doubt—you are forgetting that collective bargaining will also be resorted to by the unemployed. I beg of you to rise above party considerations. Let us dispassionately consider this question. You are aware, Sir, that 8 million people are unemployed and there are 20 million people who are under-employed. Dulles used to say that strength was necessary in the comity of nations, for example, the United Nations Organisations. He always used to say that he would talk through strength. In that case, the other party must develop strength before he is able to talk. Then, the unemployed must develop strength; the under-employed must develop strength to talk before they are able to talk. Do not mix up issues and say that this Resolution is opposed to trade-unionism. It is not. It is an attempt to focus attention on a very important development in this

country, that is, in spite of efforts made on all sides, unemployment is rising and prices also are going up. I am happy you mentioned those facts, but you have to look at these things in the correct perspective. Will collective bargaining solve this question or will it add to unemployment?

SHRI BHUPESH GUPTA: Collective *hara-kiri*.

SHRI K. K. SHAH: I would request you to consider this question. I am appealing to your senses.

SHRI ABID ALI: Has he any?

SHRI K. K. SHAH: Please rise above party considerations and look at this question. The time has come when the unemployed will develop strength and tell you, 'You are working for eight hours. Allow us to work for four hours, and you can work for four hours.' Do you want a situation of that type? I am very sorry you misunderstood the entire thing. It is true that both the public sector and the private sector are mentioned, but why don't you look at the Resolution this way? He realises what the situation is developing like and, therefore, he says this. It pained me considerably when Mr. Dave said that the right of collective bargaining was of greater importance than the successful implementation of the Third Five Year Plan. If, for a little period of five years, this right of collective bargaining is held in abeyance, if, in the interests of the nation, in the interests of the unemployed, this right is suspended . . .

SHRI ROHIT M. DAVE: Where is the period of five years mentioned?

SHRI K. K. SHAH: It says " . . . with a view to enabling the successful implementation of the Five Year Plans, . . . ".

SHRI BHUPESH GUPTA: Five Year Plans.

SHRI K. K. SHAH: It may be one Plan; it may be two Plans.

SHRI BHUPESH GUPTA: It may be three Plans.

SHRI K. K. SHAH: Till unemployment goes. It is true that collective bargaining should be there in a country where there is free economy, but we are trying our best to see that the free economy is restricted that the free exercise of economic strength is restrained. We are building up a public sector. What does it mean? When we are trying to develop a public sector, it means that we are trying to remove the disparities. Had it not been for the fact that there are wide disparities in the country, nobody would have thought of building up a public sector because the public sector means that the Government, instead of being an arbitrator between two groups, becomes one of the groups. When you talk of collective bargaining in such circumstances, it is against your own representatives. In a democracy, the Government represents the people. If you allow a particular party to be in power by your own vote, and if you are having a public sector, do you want to fight your own representatives who are in Government when you are employed in the public sector? In a free economy, in the private sector, where there are two people, one who wants to pocket everything and the other who is exploited, who is not allowed to share the profits, where the profits are not utilised for purposes of building up the economy of the country, then there is scope for a strike, and there the right to strike is a valuable right. In a democracy it is not always possible to remove disparities but our country is differently situated. We are wedded to the creation of a welfare State; we are wedded to a socialistic pattern of society; we are wedded to the removal of disparities; we are wedded to increasing the basic amenities. Are these not sufficient guarantees to satisfy anybody who takes a dispassionate view that in these circumstances, resort to strikes will mean

additional burden on the whole country? I do not hold any brief for the private sector. Even if it were possible to build up the economy of this country by taking away what a few of them have got, I would not have any objection, but see how far Government have gone. I understand something about the taxation structure. Eighty-two per cent. is the maximum of income-tax; 33 per cent. of the earnings on the basis of a 6 per cent. return is the wealth tax. It comes to 115 per cent.

SHRI BHUPESH GUPTA: You are mixing up the two.

SHRI K. K. SHAH: I am just pointing out the efforts that are made to mop up the profits that are made by the private sector. I do not hold any brief for the private sector, but I am merely pointing out that efforts are made . . .

SHRI BHUPESH GUPTA: Just one point. If 115 per cent. is the taxation taken from the capitalists, then the Tatas and Birlas should be waiting near Parliament House for doles.

SHRI K. K. SHAH: It comes out of their capital. It takes time, a period of ten years. The high prices bring about appreciation in capital but that appreciation in capital is also taxed on the basis of income-tax. Then there is the expenditure tax. If he spends Rs. 25,000 on the marriage of his son, he has got to pay an equal amount.

SHRI BHUPESH GUPTA: He spends that sum all right, but the tax is not paid.

SHRI K. K. SHAH: If somebody is able to evade, that does not prove anything. You will please agree with me—and I request you to reconsider your attitude towards this—that efforts are made on all sides to remove disparities. In spite of all that, we are building up the public sector because we want to show that, as far as possible, those industries

[Shri K. K. Shah.]

which are basic industries, which are likely to control the remaining industries whereby the means of production can be controlled, are brought within the sphere of Government. Thus, the means of distribution can be controlled. If, in spite of all these efforts, if the number of the unemployed goes up, it is nobody's fault.

It is nobody's fault because

4 P.M. we are adding about 2 per cent. every year. Every year we have to find work for about 3 to 3½ million additional people. If this is the situation, to think of resorting to indirectly pressure upon the Government to give up their object of enlarging the public sector. Please bear with me when I say that by taking up this stand and by taking it to its logical conclusion you are bringing indirectly pressure upon the Government to give up its stand on public sector. Is that intended by you or by anybody in this country, when such vast disparities are still persisting in spite of all efforts, that the effort to build up the public sector should be hampered? Therefore, my appeal to you is, please reconsider the position. It was said that every strike is not a political strike. Are you quite sure that every strike is not a political strike?

SHRI BHUPESH GUPTA: Are you quite sure that every strike is a political strike?

SHRI K. K. SHAH: Maybe, there may be an exception here and there in the private sector. But I have all along been pleading so far as private sector is concerned. Why do you sit tight on the provident fund? Why don't you ask the Government that the provident fund may be invested in purchasing shares. Those who are in charge of the factories should be told that shares may be purchased from the provident fund of the workers and slowly and gradually in a period of ten years the workers will be—leave aside the question of sharing in the management—ultimately as their provident fund goes up controlling the

shares and the industry concerned. Instead of taking up an attitude which is likely to bear fruit and which will promote the cause of the worker, why do you take up this attitude? Therefore, when the charge is made against you—excuse me, 'you' means the Communist Party—that you are interested in creating trouble but you are not interested in devising ways and means of removing trouble . . .

SHRI BHUPESH GUPTA: Mr. Shah is a very wise and clever person but where did he get his wrong economics from?

SHRI K. K. SHAH: If I could borrow from you, I would have. But I have heard you enough and after hearing you I am confirmed in my opinion. If I have not heard you, probably I would not advance these arguments. Therefore . . .

SHRI BHUPESH GUPTA: I am sorry if I had provoked so much ignorance.

SHRI K. K. SHAH: To my mind ignorance is responsible for the many statements made by them on the floor of the House. Let us not go on like this. We are lawyers like . . .

SHRI BHUPESH GUPTA: You are a great capitalist.

SHRI K. K. SHAH: Do you want to deflect me? You will not be able to do that. My time is only 15 minutes and every minute that you take from me . . .

SHRI BHUPESH GUPTA: I have no objection if he gives you more time.

SHRI K. K. SHAH: No; I do not want to have more time because if I get more you will also get. Sir, my friend, Mr. Dave argued that only 10 per cent. of the strikes that took place were in the public sector. Whether it is 10 or 15 or 20 per cent., the fact that there is the possibility of a strike is itself enough to raise

a question which should trouble us on both sides. It is true that the country is groaning under rising prices; it is true that the middle class is unable to bear these burdens; I have no doubt whatsoever of that. It is true that the real wages, in view of the fact that the prices have gone up, have gone down. But who is responsible for it? Have the Government made efforts to meet this situation? And if the Government are really making efforts to meet the situation, if it is a national danger, if it is a national calamity, then surely irrespective of party considerations everybody is in honour bound to help the Government. Therefore, I take this opportunity of requesting my friends; these are national calamities. Let us rise above party considerations and meet the situation in the right way instead of encouraging strikes and promoting differences between ourselves.

श्री राम सहाय (मध्य प्रदेश):
उपसभापति महोदय, यह प्रस्ताव जो हमारे सामने आया है, उस में पंचवर्षीय योजना का जिक्र है। लेकिन मैं समझता हूँ कि अभी हमारे देश में जो स्ट्राइक हुआ, उसी को देखते हुए सदन के सम्मुख यह प्रस्ताव लाया गया है। इस प्रस्ताव में स्ट्राइकों पर बैन करने के संबंध में जो बात कही गई है, सिद्धान्ततः वह बहुत अच्छी मालूम होती है। हम इस प्रस्ताव को स्वीकार करें या न करें, लेकिन हम उस सिद्धान्त से, जो सिद्धान्त इस प्रस्ताव में निहित है, उस से इंकार नहीं कर सकते हैं। अभी श्री गुप्त जी ने फरमाया था कि अगर वह प्रस्ताव सरकार की ओर से लाया गया होता, तो सारे देश में सड़क सड़क पर इस के बारे में मुखालिफत नज़र आती। लेकिन मुझे ताज़्जुब होता है कि वे इस प्रकार की बातें कहने का कैसे साहस करते हैं, जब कि पिछली बार जनता ने बिल्कुल, स्पष्टतः, यह बता दिया कि वह स्ट्राइक से किसी भी प्रकार सहमत

नहीं है, उस के बिल्कुल विरुद्ध है। इस तरह की बात कहना बिल्कुल बेकार सी बात है।

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

पिछली बार जब स्ट्राइक हुआ था तब सारे देश में रिस्पांसिबिल से रिस्पांसिबिल आदमी ने, बड़े से बड़े आदमी ने, छोटे से छोटे आदमी ने, देश में हर प्रकार के कार्य करने के लिए अपने आपको आह्वान किया। हर एक आदमी यह चाहता था कि देश में जो लोग स्ट्राइक किये हुए हैं, उनकी जगहों पर काम करे। वैसे जैसा कि श्री शाह साहब ने फरमाया, देश में इतनी बेकारी फैली है कि जितने लोगों ने देश में पिछली बार स्ट्राइक किया था उनकी जगह पर दूसरे लोग काम करने के लिए तैयार थे। लेकिन उनकी आवश्यकता महसूस नहीं हुई। श्री भूपेश गुप्त ने आर्डिनेंस के खिलाफ जो बातें कही और गवर्नमेंट ने जो ऐक्शन लिया, उस पर जनता की ओर से किसी प्रकार का कोई दुर्लक्ष्य नज़र नहीं आया, बल्कि सब ने आर्डिनेंस की ओर सरकार ने जो कदम उठाये उनकी प्रशंसा की। इस प्रकार की बातें कहने से कोई नतीजा नहीं निकलता है, वे चाहे अपनी पार्टी या अपने कुछ साथियों का समर्थन प्राप्त कर लें या उनका इन बातों से दिल बहला लें; लेकिन असल जो बात है, उसको वह छिपा नहीं सकते हैं। जब हमने देश में प्रजातंत्र की स्थापना कर ली है और सोशलिज्म को मान लिया है, तो इस प्रकार के स्ट्राइक होने की सदैव सम्भावना हो सकती है।

इस तरह की चीजों को रोकने के लिए देशों में कानून बनाये जाते हैं, फिर भी उन्हें नहीं रोका जा सकता है। इसलिए मेरा मुझाव है कि गवर्नमेंट इस बात पर अवश्य विचार करेगी। मैं ने तो इस संबंध में एक प्रस्ताव रखा था, मगर वह नहीं आ सका।

[श्री राम सहाय]

मेरा निवेदन यह है कि जितने भी गवर्नमेंट्स के डिपार्टमेंट्स हैं और विशेषकर वे डिपार्टमेंट्स, जिन में टेक्निकल काम होता है, उन में कुछ जनता के आनरेरी वर्क्स को ट्रेड किया जाय। जब भी देश में इस तरह का स्ट्राइक हो, या इसी तरह का कोई दूसरा मौका आये, तो इन लोगों को काम में लगाया जा सके। अगर हम इस प्रकार का थोड़ा सा समर्थन जनता से प्राप्त कर लेंगे, जनता को इस प्रकार से इकट्ठा कर लगे तो, मैं आप से निवेदन करता हूँ कि स्ट्राइक करने वालों का तमाम साहस क्षीण हो जायेगा। वे इस प्रकार की बातें करने का कभी साहस नहीं करेंगे। इस तरह से यह एक बात है, जिसकी ओर मैं सरकार का ध्यान विशेष रूप से आकर्षित कराना चाहता हूँ।

दूसरा निवेदन मेरा स्ट्राइक कराने वाले नेताओं से है कि वे इस बात पर विचार करें और सोचें कि हम जब कोई नारा बुलन्द करते हैं, तो उस के द्वारा मजमा इकट्ठा कर सकते हैं।

श्री श्रीजभद्र याजी : लास्ट स्ट्राइक में वह नहीं हुआ।

श्री राम सहाय : दवा बेचने वाला भी सौ पाँच सौ का मजमा इकट्ठा कर लेता है। तब हमारे देश के नेता, चाहे वे किसी भी पार्टी से संबंध रखते हों, आसानी के साथ कभी भी और किसी भी कार्य के लिए दो चार हजार आदमियों का मजमा इकट्ठा कर सकते हैं। इस तरह के मजमे को इकट्ठा करना जहाँ आसान है, वहाँ उस को कंट्रोल करना उतना आसान नहीं है। हमारे राष्ट्रपिता महात्मा गांधी जी ने जब सत्याग्रह का काम शुरू किया था और जब उन्होंने देखा कि किस प्रकार नेता जनता का मजमा इकट्ठा कर लेते हैं मगर उस को कंट्रोल नहीं कर पाते, तो

उनको इस बात पर दुःख हुआ। आज उसी तरह के अनप्लेजेंट सीन स्वतंत्रता प्राप्त करने के बाद देश में देखने में आते हैं। आज कल यह देखने में आते हैं कि जब किसी के द्वारा मजमा इकट्ठा किया जाता है, तो उस में हमेशा तोड़ फोड़ का काम नज़र आता है। तो जब भी देश में इस प्रकार के स्ट्राइक होते हैं तो यह देखने में आता है कि उस से रेलवेज को नुकसान पहुँचता है, बसेज को नुकसान पहुँचता है, तमाम शहर वालों को नुकसान पहुँचता है, देश के उत्पादन को नुकसान पहुँचता है, सरकार को नुकसान पहुँचता है और हर प्रकार से नुकसान ही नुकसान नज़र आता है। इस तरह के स्ट्राइक्स से किसी को लाभ नहीं पहुँचता है, बल्कि नुकसान ही ज्यादा होता है। हमारे विरोधी भाइयों को यह बात अच्छी तरह से समझ लेनी चाहिये कि इस तरह के स्ट्राइक से न देश का लाभ होगा और न ही जनता का लाभ होने वाला है। हमारा कॉन्स्टिट्यूशन इतना अच्छा है कि अगर जनता किसी बात को उचित नहीं समझती, तो वह सरकार को बदल सकती है। लेकिन इस तरह के स्ट्राइक कराने से हमारे भाई देश और जनता का ही नुकसान करेंगे। इस तरह के कार्यों से वे देश का कुछ बिगाड़ नहीं सकते हैं। कुछ समय के लिये वे अपने आपको इस में कामयाब समझ लें, लेकिन असल में वे कामयाब नहीं हो सकते हैं। तो मेरा यह निवेदन है कि इन सब बातों पर गम्भीरतापूर्वक विचार करने की आवश्यकता है।

अब आप ही देखिये कि जब इस तरह का स्ट्राइक किसी जमात द्वारा किया जाता है, तो उस से देश को ही नुकसान पहुँचता है। सम्भव है, उसके फलस्वरूप किसी व्यक्ति को या किसी जमात को कुछ लाभ पहुँच जाय, लेकिन वह क्षणिक लाभ हो सकता है, मुकम्मल नहीं हो सकता है। लेकिन यह बात निश्चित है कि जब

कभी स्ट्राइक शब्द का इस्तेमाल किया जाता है, तो उस से देश को ही नुकसान होता है। इस चीज को कभी भी बर्दाश्त नहीं किया जा सकता है। इस चीज को रोकने के लिए जितनी भी शक्ति हमारे पास है उस शक्ति को उपयोग में लाकर ऐसे उपाय किये जाने चाहियें, जिस से कि भविष्य में इस तरह की बातें देश में न होनी पावे।

इस प्रस्ताव में प्राइवेट और पब्लिक सेक्टर दोनों की बात कही गई है। मैं समझता हूँ कि इन दोनों के बारे में भी किसी अच्छे मिद्दान्त के लिए कुछ कानून बनाये जायें। कुछ इंडस्ट्रीज के लिए कानून बनाये गये हैं, उन्हें बालाये ताक पर रख कर कुछ लोगों को देश में वबंडर नहीं करने देना चाहिये। इस प्रकार की स्थिति देश में आती ही रहती है, उस से हमें विचलित होने की आवश्यकता नहीं है। किस तरह से इन बातों का हमें मुकाबला करना चाहिये, यह बात अवश्य देखनी चाहिये। मैं समझता हूँ कि गवर्नमेंट का इस बारे में दृढ़ निश्चय है कि वह सिविल सर्विस में, पोस्टल डिपार्टमेंट में, रेलवे इत्यादि में स्ट्राइक को कभी भी बर्दाश्त नहीं करेगी और मेरे खयाल से कभी बर्दाश्त नहीं करना चाहिये।

अब आप ही देखिये कि इस स्ट्राइक से कैसे बेहूदे नज़ारे देखने में आये। मिलिटरी में काम करने वाले एक वर्ग ने किस तरह की उच्छृंखलता और उददंडता दिखाई। अगर इस तरह की उददंडता सारे देश में फैली, तो इस से सारे देश को हानि हो सकती है। जब हमें विदेशों से अपने सरहदों के बारे में झगड़े का अन्देशा है, जब वह एक तरह से एग्रेसन किये हुए हैं, तब इन सब बातों को सामने रख कर अगर हम स्ट्राइक की बात सोचते हैं, तो यह कितनी नासमझी की बात है। इतिहास में बहुत कम ऐसी बातें देखने को मिलती हैं कि जब देश के ऊपर बाहरी

हमला होता है, तो हम अपने यहां स्ट्राइक जैसी बातें करें। छोटे छोटे कुटुम्बों में भी जब बाहरी मुश्किलान आती हैं तो वे अपने आपस के झगड़े भुला देते हैं। लेकिन अफसोस है कि हमारे नेता कहे जाने वाले कुछ ऐसे व्यक्ति हैं, जो अपने को बड़ा काबिल समझते हैं, बड़ी काबिलियत का दावा करते हैं, बड़ी सख्या को चलाने का दावा करते हैं, इस प्रकार के नुकसान पहुंचाने वाले कार्यों में फंस जाते हैं। इस लिए मेरा यह निवेदन है कि जहां तक स्ट्राइक का संबंध है, गवर्नमेंट को अवश्य ही निश्चयात्मक रूप से कोई ऐसा सख्त कदम उठाना चाहिए, जिससे इस तरह के स्ट्राइक भविष्य में देखने को न आयें।

मैं यह समझता हूँ कि जब कभी इस तरह का मौका आया तो देश के हर व्यक्ति का यह कर्तव्य होना चाहिये कि वह इस बात को देखे कि स्ट्राइक को किसी तरह का बढ़ावा न मिलने पावे। मैं ने तो पिछले स्ट्राइक में यह देखा कि बहुत से जिम्मेदार लोगो ने अपने आप को बिना लिहाज छोटे-छोटे कामों को करने के लिए अपनी सेवाएं दे दी। मैं ने अपने प्रदेश के मुख्य मंत्री, कांग्रेस के अध्यक्ष और पार्टी के सेक्रेटरी से यह कह दिया था कि खलासी से नीचे तक के काम से लेकर ऊपर तक जितने भी काम हों, उन्हें करने के लिए तैयार हूँ। मैंने ही नहीं, बल्कि देश के बहुत से लोगो ने स्ट्राइक के जमाने में अपनी सेवाएं देने के लिए अपने आप को तैयार रखा। मेरा यह निवेदन है कि इस तरह की भावना को हमें प्रोत्साहित करना चाहिये, ताकि जब कभी भी ऐसा मौका आये, तो देश की जनता अपनी सेवाएं देने को तैयार रहे। इस के साथ ही साथ मैं सरकार से यह भी निवेदन करना चाहता हूँ कि वह स्ट्राइक को रोकने के लिए सख्त सख्त कदम उठाये ताकि वे फिर न होने पावें।

SHRI RATANLAL KISHORI LAL MALVIYA (Madhya Pradesh): Mr. Vice-Chairman, Sir, I regret, I cannot wholly support the Resolution. All the same it reflects the anxiety of millions of people in the country who have seen the effects of the Central Government employees' recent strike. I have said about it previously and I would not like to repeat my arguments, but it is my firm conviction that the recent strike was not a trade union strike but a political strike. I have said that the one or two demands which were put forward were outside the purview of the Pay Commission, and they were the real weapons which were used for leading the strike. I have also said that the slogans uttered in the streets, in public meetings and in processions clearly demonstrated that the strike was a political one and not a trade union strike. All the same, now after the strike is over, we are thinking over the whole situation in a calmer moment. Therefore, we should be very cautious in respect of either taking action against the strikers or deciding on the future course of action. I may submit, Sir, that even before the strike the General Secretary of the Indian National Trade Union Congress, Mr. Vasavada, had met the Prime Minister and had urged upon him that the recommendations of the Pay Commission should be accepted as an award and that there should be no delay in their implementation. This delay should not have been the ground for the strike as the Government were taking action for their implementation, and I see that Government are vigorously making efforts to expedite the implementation of the recommendations of the Pay Commission.

Coming direct to the point, if strike is totally banned as recommended in the Resolution, I doubt very much whether that will serve the purpose for which the Resolution is meant. The delays which are made in the implementation of awards and settlement of disputes both in the private and the public sectors are very many.

They frustrate the workers, they demoralise the workers, and they induce them to go on strike. There does not remain any alternative to them except to go on strike. I may give two instances, one from the public sector and the other from the private sector. There was an award in 1947 according to which the workers of a public sector undertaking, colliery workers, were to get some differences in wages. That point remained pending. In 1956 a decision was taken by the Government and wages had to be paid. A slight lacuna again cropped up and till today—it is only a matter of a couple of thousand rupees or so, not much—they have not been paid. In the private sector I am still fighting the cases in the Supreme Court for wages which accrued to the workers in 1947. Sir, I do not say that strike is the only alternative. But if strike is banned, then I think a difficulty will be created especially in the private sector and the workers will suffer. I would, therefore, submit that strikes should be made superfluous. In this respect I will cite before you, Sir, the decisions of the Working Committee of the Indian National Trade Union Congress which are the views of the majority of organised workers about strikes. I would like to get them recorded here for the consideration of this honourable House which will also serve as my reply to the Resolution brought forward by my friend, Mr. Tumpalliar. I would only read relevant portions from the resolution:

"The Committee notes that the Government is thinking of evolving methods of settling industrial disputes and banning strikes in essential services. In this connection the Committee wants to point out that in a large public sector as ours, industrial disputes are bound to arise from time to time. If these disputes are not settled in time, the public sector will suffer irreparable damage. It, therefore, becomes the duty of the Government to see that proper, amicable industrial relations

are maintained between the Government and their employees, if the public sector is to flourish. The only way of maintaining healthy industrial relations is to create a machinery to settle disputes, which may be used by either party without any difficulty or loss of time. Faith will have to be created in the minds of the workers that the machinery is effective and to get their grievances redressed they need no more go on strike. Mahatma Gandhi's method of settling disputes is well known in this country and has proved its effectiveness. When parties differ efforts should be made to iron out these differences by negotiations; if negotiations fail the disputes should be referred to arbitration and arbitrator's award should be binding on both the parties. There should be no unilateral modification of an award. If a dispute is not referred to arbitration, if there is inordinate delay in securing the award of the arbitrator, or if the award of the arbitrator is not implemented then only can workers call out a strike. The Committee very strongly feels that this method of settling disputes should be introduced in the public sector. The Committee is gratified to note that the indications are forthcoming from governmental quarters that the Government are thinking of accepting this Gandhian method of settling disputes. The Committee urges upon the Government to give legal sanction to this method of arbitration and make it compulsory for both parties to submit their disputes to arbitration and implement its award."

Further, to make strikes superfluous, the Committee has said:

"The Committee further desires to point out to the Government that once the principle of arbitration is accepted by them, workers will have no interest in resorting to strike, which will then be naturally superfluous. The Government will have, then, to make it a rule to recognise

only those unions which have put their faith in the machinery for settling dispute as created by such a law. The Committee is of the opinion that once the workers are assured that justice is available through peaceful means they will not go on strike and invite unnecessary hardship."

Sir, I think the position is made very clear. This is the view of the majority of organised workers. In view of this the only alternative in such a situation as has cropped up in the country is to make a law providing for compulsory arbitration. There is provision for arbitration, but then it has got to be made more effective (especially so far as Government services are concerned. This law should be placed on the Statute Book, and I hope that, while Government are thinking of framing a new law in place of the Ordinance they will keep these suggestions in view.

Now, Sir, I will have to say a word about Mr. Bhupesh Gupta's speech. He has been abusing the Government and the capitalists day in and day out, inside and outside this House. Sir, I would like to submit that in the economy of a country like ours situations will arise when Governments will have to take several measures. I am submitting a few extracts from the agreement which the Communist Government of Kerala, when it was in power, made with Messrs. Birla Brothers. I want to know what would have happened had that agreement been implemented and that company come into being. The credit for having enacted innumerable laws during the past ten years—so many laws have not been enacted in any other country during the last fifty years—goes to the Labour Ministry of our Government and not a single enactment has affected the interests of the workers. Every law enacted is for the welfare of the workers and we are progressive so far as labour legislation is concerned. The agreement made by the Communist Government is retrograde and offers proper reply

[Shri Ratanlal Kishorilal Malviya.]
to Mr. Bhupesh Gupta. I would read
out some portions of that agreement
which was arrived at by the Com-
munist Government of Kerala with
Birla Brothers:

"1. That it is the right and res-
ponsibility of Company to maintain
discipline and efficiency in the plant,
and to hire labourers and to dis-
charge them for any cause which
to them appears just, and to relieve
labourers from duty on account of
inefficiency or lack of work or other
valid reasons."

There is no retrenchment compen-
sation, no relief, and the labour has
been completely left in the hands of
the employer. Again, it says:

"It is the right of the Company
to make such rules and regulations
from time to time, for the purpose
of maintaining discipline, order,
safety of effective operation of the
Company's work and to require
compliance thereof by labourers."

So, the law which was to be pro-
mulgated there was the law of the
Company and not of the State. Every-
thing was handed over to the em-
ployer. Further,

"Bonus will not be related to the
Company's profits or earning but
where found necessary by the Com-
pany will only be related to and paid
on efficiency and productivity,
according to schemes which may be
formulated by the Company from
time to time."

Sir, the right to claim bonus was
snatched away from the hands of the
labour and the labourers were to be
the tools of the employer.

SHRI SHEEL BHADRA YAJEE:
Was this an open agreement or tacit
understanding between the Birlas and
the then Kerala Government?

SHRI RATANLAL KISHORILAL
MALVIYA: It was an open agreement

signed by both the parties. Further,
it goes on:

"The Government further cove-
nants that the Company observing
and performing the several func-
tions and stipulations indicated
herein shall peaceably hold and en-
joy the land, premises, liberties and
powers granted in pursuance of this
agreement without any interruption
by the Government or any person
rightfully claiming to act for them.
Government at all times shall
endeavour to bring about cordial
relationship between management
and labour and in the case of any
dispute involving harassment of the
management"

—not of the workers—

"and/or any other illegal act re-
sulting in interruption in produc-
tion, take timely and positive steps
to prevent such occurrences."

This is the agreement which the
Communist Government made with a
capitalist. Can there be anything more
shameful for a Government than this
agreement? Can there be anything
more reactionary than this agree-
ment? Those who talk of the
shameful and reactionary nature of
this Resolution, should themselves
hang their heads in shame in the face
of such an agreement with a capita-
list.

SHRI K. L. NARASIMHAM (Andhra
Pradesh): Mr. Vice-Chairman, I
rise to oppose this Resolution which is
very reactionary in its contents and
very dangerous in its implications. I
have just heard Mr. Malviya going out
of the way and bringing in the old
Kerala Government here and its agree-
ment with Birla Brothers.

SHRI SHEEL BHADRA YAJEE:
Are not strikes banned in Communist
China and U.S.S.R.?

SHRI K. L. NARASIMHAM: Mr.
Malviya himself forgot that I.N.T.U.C.
led the strike against that Government
to pull it down and his organisation was

a party for organising a general strike in that State along with the Christian Church and others. This was done to pull down a Government established there by law. He also forgot about their agreements with various employers. I do not want to take much time in quoting those agreements. Mr. Malviya knows where he stands.

Sir, the Resolution before the House is self-explanatory. The mover of the Resolution suggests that strikes by workers in the private and the public sectors should be banned by law and the reason given for that is that it is to enable the successful implementation of the Five Year Plans. This is the reason which he has mentioned. While moving his Resolution, he has failed to point out how the strikes prevented the success of the Plans. On the one hand, he and the party to which he belongs claim that they are implementing the Plan successfully and that there are no hindrances; at the same time, this Resolution suggests that there should be a ban on strikes for the successful implementation of the Plan. He has not explained how one section is imposing its will upon the other by which the community at large is suffering. He says that the affected section should not have the right of having this weapon of strike in its hands. That was his main contention while introducing this Resolution.

I submit that the rights of the worker—the right to associate, the right to bargain and the right to strike—are considered fundamental rights. These rights are recognised.

SHRI SHEEL BHADRA YAJEE: Where? There is no provision like that anywhere in our Constitution relating to the right to strike.

SHRI K. L. NARASIMHAM: Everywhere. These strikes are recognised everywhere. But only my friend who has been changing his party daily does not want to understand things. If only he reads his speeches of five

years back, he will understand where the rights are. Today he might have forgotten those things. But I have not forgotten them.

These fundamental rights have been recognised by no less an organisation than the International Labour Organisation and by the Geneva Conventions. These Conventions are ratified by our Government and by the Governments of all the other countries. These Conventions have recognised them as the fundamental rights of the workers and now the mover of this Resolution wants to take away those rights from the workers. He wants to ban this fundamental right of the worker to strike work, which is an important weapon by which the worker or his association or his union can successfully bargain against the exploitation of his employer whoever he may be. The worker sells his labour power to an employer whoever he may be—whether it is the Government or a private employer—and by using that labour power, the employer gets values produced. The values produced are the direct result of the labour of the worker and it is appropriate, justified and reasonable that the worker should ask for his share in the results and also for proper living conditions. That is the fundamental democratic right of every worker. When that is questioned, when that is denied to him and when that is taken away from him, the only weapon in his hand is to combine with others and say that he will not sell his labour power. That is strike. Strike is the process of stopping the sale of his labour power by coming out and causing cessation of work. It is his fundamental right to say that he will sell or not sell his labour power and nobody can put a ban on that right.

The mover of the Resolution said that so many things were done by this Government—code of discipline, tripartite machinery, workers' participation in industry, social security schemes, etc. etc. I humbly ask the mover of the Resolution to state where

[Shri K. L. Narasimham.]
the code of discipline is implemented. I know in Andhra Pradesh the code of discipline is violated by all employers. They talk about the code of discipline as their right to attack the workers.

SHRI SHEEL BHADRA YAJEE
Violated by the C. P. I. also.

SHRI K. L. NARASIMHAM: I am talking of the code of discipline where the employer and the workers agree to adhere to it.

SHRI SHEEL BHADRA YAJEE:
What about the C. P. I. labour unions?

SHRI K. L. NARASIMHAM: I do not know why the C.P.I. is haunting my friend's mind so much that he forgets what he is talking and at what time he is talking.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): No personal remarks please.

SHRI K. L. NARASIMHAM: I am sorry. It is not my intention to make any personal remarks but I would request . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Please avoid personal remarks.

SHRI K. L. NARASIMHAM: It is nothing personal. I only request the hon. Member to allow me to express my views.

SHRI SHEEL BHADRA YAJEE: I am asking his opinion about fundamental right to strike in China and Soviet Russia since they are following China and Soviet Russia.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Let him continue, Mr. Yajee.

SHRI K. L. NARASIMHAM: I will explain it if the hon. Member wants to know and hears me patiently. There the worker has the right to strike though he may not use it. Why should he use it when he knows that he is the master of the industry? When he manages his own industry and his own Government, why should he use that right? I wish my hon. friend gets his information by reading or by knowing more about those countries, or at least he should request the Government to allow him to go there and see for himself what obtains there.

Now, Sir, I come to the tripartite decisions and the workers' participation in management, etc. Let us see why the Central Government employees went on strike. It came along because the tripartite decisions to which the employers, the workers and the Government were parties were violated by the Government. Whereas the Government agreed to accept the need-based minimum wage, it was not implemented by them at all. Even the principle of minimum wage, as fixed by awards and accepted by employers, is not being implemented in practice. What is the worker to do when these things are not implemented? The ideas and sentiments expressed here are laudible but when they are not implemented in practice, it results in that particular section of the community rising up and asking the Government to implement it. Instead of implementing it, the Government tries to suppress them by law or by coercive methods. It will naturally result in stoppage of work and a general strike. So, I submit that the Government is responsible for the Central Government employees' strike. They did not care to give them a real wage. It has not implemented its own promises. It has not implemented even the principles accepted by it. All these things resulted in a general strike. For this the Government has to think over a hundred times.

Now, as a solution they are suggesting a ban on strikes, and ban not only in the public sector but also in the private sector. I say this is a dangerous move which will logically drive the workers to a position where their trade union rights will be taken away from them. Such a logic is evolved by persons who have no belief in the people, who do not believe in people's co-operation, who do not believe in the people's role in the implementation of our Plans or in seeing that these Plans succeed in the interest of the country as a whole.

Coming to the other point, my hon. friend, Mr. Dave, has pointed to you just now the reasons why strikes are happening. What is the reason? The reasons are manifold. The workers are denied their minimum wage. They are made to work longer hours. They are not even given the right of negotiations in some cases. Take, for instance, the Jamshedpur strike. What was the reason for that strike? The majority union was not recognised. To enforce their right of recognition the workers had to resort to a one-day strike which subsequently developed into a strike in all the departments. What was the reason for the bankmen's strike? It took place because the Government failed to appoint a Bank Commission. To get their grievances settled in time, the bankmen were forced to resort to strike. What was the reason for the port and dockworkers' strike? It came about because the Government failed to implement the Chaudhuri Committee's Report.

Therefore, Sir, you will see that the workers in our country and anywhere in the world go on strike when their conditions of work are miserable. They go on a strike as a last resort to see that they are not deprived of their amenities. To see that production continues uninterruptedly you have to come to a solution by settling these things quickly and see that trade disputes are settled amicably at a proper level by giving no room for

the worker to think in terms of use of this last weapon, namely, the strike.

Sir, the mover of the Resolution, while explaining his Resolution, stated that the public are not sympathetic to strikes. He also stated that our economy does not permit strikes. I do not understand what he means by the words "the public are not sympathetic to strikes". When it is an unreasonable strike sometimes public do not support it. When the public are not at all sure why the strike is launched, sometimes the public are confused. But I am not able to subscribe to the view that strikes in general are not supported by the public or that strikes in general hamper the economy of the country.

Now, what is the picture of the country's economy at the fag end of the Second Five Year Plan? We see that production has gone up, profits have gone up, prices have gone up. The real wage of the worker is coming down. The workers' condition is miserable. Take, for example, the case of industrial housing in the States. You will see that it is in arrears and you will find that the workers' conditions is daily deteriorating and the disparity, instead of narrowing down, is widening. The rich are becoming richer. That is the present economy. Monopolistic groups are being formed. They are bringing pressure on the Government to see that the Government adopts policies in their favour. Sir, even this Resolution has been brought forward to bring pressure on the Government to see that authoritarian steps are taken to see that the employers' profits are safeguarded in all possible ways. For these reasons I strongly oppose this Resolution. At the same time I wish to bring it to the notice of the Government not to fall a prey to the pressures of those persons who think on these lines and lead the country to a stage where the working people in general take it as a

[Shri K. L. Narasimham.]
challenge to themselves. Sir, for the successful implementation of the Plan public co-operation is absolutely necessary and that co-operation can come only when the Government recognises their rights and safeguards their interests. I, therefore, strongly oppose this Resolution and I will also appeal to the House to reject this Resolution which will not at all be in the interests of the implementation of the Plan.

Lastly, Sir, Mr. Malviya has read out to us the resolution of his organisation—the INTUC. If you read the lines of that Resolution, you will find that they have never suggested any ban on strikes; they have only suggested compulsory arbitration and if an arbitrator's award is not implemented, then the worker must have the right to strike. That is his view. I do not subscribe to the proposition of compulsory arbitration in all cases.

Lastly, Sir, the trade union movement which wants the public sector to develop is using this weapon, the weapon of strike, in such a sparing way that it does not hamper the growth of the public sector. And, Sir, when the public sector is managed in such a way that the condition of the worker is miserable, the public sector workers are forced to go on strike and that too for a minimum number of days so that their voice is felt. (*Time bell rings.*) Therefore, Sir, I request the House to reject this Resolution so that such ideas are not allowed to grow in our country.

श्री पा० ना० राजभोज (महाराष्ट्र) :
उपसभाध्यक्ष महोदय, यह प्रस्ताव, जो सदन के सामने आया है, बहुत अच्छा है।

श्री भूपेश गुप्त : अच्छा है ?

श्री पा० ना० राजभोज : क्यों नहीं अच्छा है ? बहुत अच्छा है। इससे आप

लोग खत्म होने वाले हैं, इसीलिये आपको दुख होता है। ऐसा ठहराव मैं भी लाया था, लेकिन वह आया नहीं। हमारी पार्टी के श्री तुम्पलीवार इसे लाये हैं, इसलिए हमें आनन्द होता है। कम्युनिस्ट पार्टी और सोशलिस्ट पार्टी के लोगों को इससे ज़हर दुःख होता है और वे रोते हैं। उनकी पोलिटिकल डेथ हो चुकी है, हो रही है और हो जाएगी। इसी वास्ते वे चिल्लाते हैं, रोते हैं और इसका विरोध करते हैं। किसी न किसी ढंग से उनका रेजोल्यूशन आ जाय तो अच्छा रहता है और हमारी पार्टी का आ जाय तो बुरा रहता है। यही कम्युनिस्टों की नीति है और वे यह नीति रूस और चीन से पा रहे हैं।

तो जो रेजोल्यूशन तुम्पलीवार जी लाये हैं, वह बहुत अच्छा है और उसका समर्थन करने के लिये मैं खड़ा हुआ हूँ। हमारी सरकार ने बहुत अच्छी तरह से अपना दृष्टिकोण हमारे सामने रखा है। इन लोगों का जो कार्य है, जो कृति है, वह विरोध करने वाली है, चिल्लाने वाली है, लोगों को बहकाने वाली है और असंतोष फैलाने वाली है। इसलिए हड़ताल के सम्बन्ध में सरकार ने जो स्टेप लिया है वह बहुत अच्छा है। मुझे डर लगता था कि सरकार स्टेप लेगी या नहीं। इसी वास्ते यह जो रेजोल्यूशन आया है, वह ठीक है।

दूसरी बात यह है कि हड़ताल करना हमारे भाइयों का हर वक्त का तरीका बन गया है। रेल तथा पोस्ट और टेलीग्राफ डिपार्टमेंट का काम व्यवस्थित ढंग से चल रहा था, लेकिन उसमें जो असंतोष पैदा हुआ उससे मुझे दुःख होता है। मुझे भी उस समय पोस्ट आफिस में दो चार दिन काम करने का मौका मिला।

SHRI BHUPESH GUPTA: In which post office did you work?

श्री पा० ना० राजभोज : हमारे कांग्रेस के लोगों ने सब जगह जाकर जहां कम्युनिस्ट और सोशलिस्ट पार्टी के नेता श्री एम० एम० जोशी आदि ने असन्तोष पैदा कर रखा था, उसको शान्त किया। आम हड़ताल यशस्वी होने का नतीजा यह हुआ कि वह शान्तिपूर्ण नहीं रही। दोहरे में दंगल हुए और अन्य जगहों में भी थोड़े थोड़े हिंसा कार्य हुए। हड़ताल पूर्ण यशस्वी होती तो बर्तोज नहीं होते। दूसरी बात यह हुई कि इससे मजदूर आन्दोलन को, ट्रेड यूनियन को बड़ा खतरा पहुंचा। भारत में सिर्फ २० लाख के द्रीय कर्मचारी हैं जिनका प्रश्न द्वितीय पे कमिशन को हल करने के लिये, विचार करने के लिये या उस पर लिबरल करने के लिये सुपुर्द किया गया था। किन्तु भारत में केवल सरकारी कर्मचारियों की मेजरिटी नहीं है। यहां खेत मजदूर हैं, ग्राम पंचायतों से लेकर कार्मिशन तक कंब्रवैरी स्टाफ रहता है, जिसमें झाड़ू वाले भंगियों का समावेश होता है तो इन लोगों के लिए कहां कमिशन नियुक्त किया गया है? जहां तक हमारे विरोधी दल के भाइयों का सम्बन्ध है, उनकी हालत यह है कि "बगल में छुरी और मुंह में राम"। यही कारण है कि ये बहुत मीठी बातें बोलते हैं।

श्री शीतभद्र याजी : वे समझे नहीं।

श्री पा० ना० राजभोज : वे सब समझते हैं। तो बहुत से ऐसे मजदूर हैं जिनको शन्दी जगहों में काम करना पड़ता है और स्लम में रहना पड़ता है। किसानों को वर्ष में दो तिहाई दिन काम नहीं रहना। तो खेतों में काम करने वाले और दूसरे मजदूरों की हालत बहुत खराब है और उनके मुकाबिले में ट्रेड यूनियन के मजदूरों और सरकारी कर्मचारियों की हालत बहुत अच्छी है और उनको अधिक अच्छा करने का काम उनके ही हाथ में है। रेड-टेपिज्म खत्म करके, ज्यादा छट्टियां न ले के यदि वे काम करें तो उनकी ही हालत

अच्छी हो सकती है। हड़ताल से उनकी हालत अच्छी नहीं हो सकती है। जब मैं यह कहता हूं तो इसका मतलब यह नहीं है कि मैं सरकारी कर्मचारियों के खिलाफ हूं। सरकार भी उनके खिलाफ नहीं है क्योंकि वे भी सारे समाज के एक घटक हैं। हम सारे समाज की उन्नति करना चाहते हैं। किन्तु मेरे कहने का उद्देश्य यह है कि हड़ताल तो अन्तिम उपाय है और यह उपाय देश की आज की हालत देखते हुए इस्तेमाल करना गलत है। हमारी जो तृतीय पंच-वर्षीय योजना आ रही है, उसमें हमें बहुत बड़ा काम करना है। हम जो समाजवादी समाज लाना चाहते हैं, वह हम कैसे ला सकते हैं? क्या हम समाजवादी समाज, असन्तोष पैदा करके, हड़ताल करके, लोगों को बहका करके, अंधेर नगरी और चौपट राजा में ला सकते हैं? हमारे भूपेश गुप्त जी बैरिस्टर हैं और वे बहुत अच्छा बोलते हैं। मेरी उनसे प्रार्थना है कि वे रूस और चीन की बैरिस्टरी न करके अपने देश के लिये काम करें और द्वितीय पंच वर्षीय योजना को सक्सेसफुल बनाने की कोशिश करें।

और भी कई प्रकार की बातें हैं, लेकिन बहुत कम टाइम दिया गया है।

SHRI BHUPESH GUPTA: We are prepared to sit here for half an hour more, because it is a great entertainment.

श्री पा० ना० राजभोज : हम बोलते हैं तो आपको इतना दुःख क्यों होता है? मैं भी एक वर्कर हूं। मैं तो बार्न कम्युनिस्ट हूं और आप किराये के कम्युनिस्ट हैं। मैं जिस कौम में पैदा हुआ हूं वह बहुत गिरी हुई कौम है। इसलिये हम चाहते हैं कि समाजवादी समाज की रचना हो। मैं भी पहले गाली देता था, किन्तु बाद में मेरी समझ में आ गया कि देश की उन्नति गाली देने से नहीं होती है, देश की उन्नति अशान्ति पैदा करने से नहीं होती है, बल्कि देश की उन्नति कांस्ट्रक्टिव काम करने से होती है, शान्ति

[श्री पा० ना० राजभोज]
रखने से होती है। हमारे भाई यह समझते हैं कि हड़ताल के बिना उनका जीवन नहीं रहेगा।

SHRI BHUPESH GUPTA: Sir, I suggest a television machine be fitted here.

श्री० पा० ना० राजभोज : मैं जानना चाहता हूँ कि रूस में क्या कंडिशन है ? वहाँ यह कहा जाता है कि यदि सरकार के खिलाफ बोलोगे तो जीभ काट डालेंगे। लेकिन हमारे यहाँ सब डेमोक्रेसी का पूरा लाभ उठाते हैं। इसीलिये हम चाहते हैं कि Public sector, Government and Semi-Government employees should not have a right to strike.

इंग्लैंड, जापान, अमेरिका, जर्मनी आदि देशों में प्राइवेट इंडस्ट्रीज के वर्कर्स जो हैं उनके लिये ऐसा नहीं है। Right to strike is recognised in democratic countries. मेरा कहना यह है कि वैसे हमारे देश में कानून है, लेकिन कानून होते हुये भी कुछ लोग इल्लिगल स्ट्राइक करवाते हैं। इसी लिये प्राइवेट सेक्टर में भी स्ट्राइक की मनाही होनी चाहिये। हमें यह समझना चाहिये कि देश के हित में हमारा हित है। जब हमारे दिल में ऐसी भावना पैदा हो जायेगी तो जो भी देश के हित में कानून होगा उसके पक्ष में हम अपनी राय देंगे। हमें देश में उत्पादन बढ़ाना है और सब लोगों की आर्थिक स्थिति को ठीक करना है और सचमुच देश की सम्पत्ति बढ़ा के फिर उसका बंटवारा समाजवादी ढंग से करना है। इसलिये देश के हित में कामगरों और मजदूरों के हकों पर कुछ न कुछ अंकुश लगाना सरकार का कर्तव्य हो जाता है। साथ ही साथ ट्रेड यूनियन वर्कर्स को भी अपने कर्तव्य का पालन करना चाहिये।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Rajbhoj, your time is up.

श्री पा० ना० राजभोज : पांच मिनट और मिल जायें। अभी मेरी सब बातें खत्म नहीं हुई हैं।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): No extension please.

श्री० पा० ना० राजभोज : दो मिनट में खत्म कर दूंगा।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You must wind up now.

5 P.M.

श्री० पा० ना० राजभोज : स्ट्राइक का अधिकार कामगरों को नहीं देना चाहिये क्योंकि राजनीतिक दल जैसे कम्युनिस्ट पार्टी है, सोशलिस्ट पार्टी हैं। ये राइट स्ट्राइक पर भरोसा न करते हुए भी उनको स्ट्राइक करने के लिये प्रेरित करते हैं जिसका उत्पादन पर और देश पर बड़ा बुरा असर पड़ता है। यह ठहराव ट्रेड यूनियन एक्टिविटीज को जो लोग बुरे ढंग से चलाते हैं उनको सीधे रास्ते में लाने के लिये बड़ा प्रभावशाली सिद्ध होगा। केन्द्रीय सरकार और राज्य सरकारें कामगरों के हित के लिये बहुत से कानून बना रही हैं जिससे उनको अधिक सिक्यूरिटी मिली है लेकिन विरोधी दल की ओर से कामगरों को गलत रास्ते पर ले जाने का और सरकार को बदनाम करने का बड़े जोर से प्रयत्न हो रहा है। उपसभाध्यक्ष महोदय, लेकिन..... (time bell rings) लोकतंत्र में ड्यूटीज एंड राइट्स साथ साथ चलने चाहियें। जब दोनों का पालन सच्चे दिल से होगा तब लोकतंत्र सुदृढ़ होगा। यही मेरी प्रार्थना है।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The House stands adjourned till 11 A.M. on Monday, the 29th August, 1960.

The House then adjourned at two minutes past five of the clock till eleven of the clock on Monday, the 29th August, 1960.