

RAJYA SABHA

Friday, 4th March 1955

The House met at eleven of the clock, MR. CHAIRMAN in the Chair.

MEMBER SWORN

Shri Govind Ballabh Pant (Uttar Pradesh).

PAPER LAID ON THE TABLE

FINAL ORDER NO. 23 OF THE DELIMITATION COMMISSION, INDIA, REGARDING SAURASHTRA

THE MINISTER FOR LAW AND MINORITY AFFAIRS (SHRI C. C. BISWAS): Sir, I beg to lay on the Table a copy of Final Order No. 23 made by the Delimitation Commission, India, under section 8 of the Delimitation Commission Act, 1952, in respect of the State of Saurashtra. [Placed in Library. See No. S-56/55.]

RESULT OF ELECTION TO CENTRAL ADVISORY COMMITTEE OF THE NATIONAL CADET CORPS

MR. CHAIRMAN: Shri Hriday Nath Kunzru being the only candidate nominated for election to the Central Advisory Committee of the National Cadet Corps, I hereby declare him to be duly elected to be a member of the said Committee.

ALLOTMENT OF TIME FOR CONSIDERATION OF THE APPROPRIATION BILL, 1955

MR. CHAIRMAN: I have to inform Members that under rule 162(2) of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I have allotted two hours for the completion of all stages involved in the consideration and return of the Appropriation Bill, 1955, by the Rajya Sabha, including

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the consideration and passing of amendments, if any, to the Bill.

RESOLUTION RE APPOINTMENT OF COMMITTEE OF M.Ps. TO ENQUIRE INTO COMPLAINT ABOUT INTERFERENCE WITH TRADE UNION RIGHTS IN PLANTATIONS

MR. CHAIRMAN: We now take up Mr. Mazumdar's* Resolution which was moved on 10th December 1954.

SHRI S. N. MAZUMDAR (West Bengal): Mr. Chairman, the other day when I moved this Resolution, I just said that I shall explain the reasons as to why I attached so much importance to it that I demanded an enquiry to be made by the Members of Parliament. Sir, we find that interference by the managements with the workers' trade union rights is common in all sectors of the industry. But plantations are the worst affected in this respect. That is why I have thought it very necessary to demand an enquiry. And I shall, Sir, give you the reasons as to why this has been considered to be so important by me.

Now, Sir, I shall first give you a very short background of the whole question. As you know, Sir, the plantations, till recently, were like feudal castles of the plantation owners. The condition of labour was very poor. Labourers worked like slaves. This condition persisted for a long time, and even now this condition has not been completely obliterated or liquidated. One of the main reasons why this condition still persists to a considerable extent is the idea of the Government that plantations being the private property of the planters, the Government should not interfere in it. This idea was religiously followed by the British Government, and the hang-over on this idea is not still extinct from the Congress Government, and from the minds of some of the Ministers, because in the discussions before this House, when

*For text of Resolution, *vide* col. 1164 *infra*.

[Shri S. N. Mazumdar.]

this question cropped up, some of the Ministers also expressed the view that these are private estates and the Government cannot allow anybody to interfere in anybody's private property. But, Sir, let us consider the nature of the private property. There are hundreds and thousands of acres of land quite far away from ordinary human habitation, and thousands of helpless labourers have been uprooted from their homelands and taken there for the profit of the owners, and the conditions in which they were kept there for a long time are also very well-known from the time of the Royal Commission on labour and from the time of investigations by the Rege Committee. This particular feature was very strongly commented upon, and I shall, Sir, give you a short quotation from the Rege Committee Report. It runs as follows:

"Any tendency at combination among workers is jealously watched by the Superintendents who view with disfavour the contacting of their workers by outsiders. In the large majority of estates, outsiders, other than friends and relatives of labourers, have to take previous permission of the Superintendents before they can enter the precincts of the estates, especially if such outsiders come with the purpose of organising the workers in trade unions. There have been instances when such outsiders were severely manhandled at the instigation of the Superintendents. Many Superintendents affirm that they have no objection to the workers forming themselves into trade unions, so long as the unions are led by the workers themselves. But they would not tolerate outsiders to lead the workers. Even the legislative recognition of the right of registered unions to employ outsiders and to include them in their executive has not helped to remove this prejudice against the outsiders from the minds of the planters. If the workers in plantations are left to their own devices in the matter of

organisation, not for another fifty years can we see a trade union coming up. Perhaps it is this confidence that is at the root of the planters insisting on the preclusion of outsiders."

And then, Sir, I shall also give you a ^{quotation} question from the Report of the Royal Commission. The Royal Commission remarked as follows:

"The endeavour to dictate to unions on the subject of their officers or leaders is equally shortsighted and unwise. We have referred to the great difficulties confronting the movement which made the employment of a proportion of outsiders inevitable. In some cases, victimisation, and more frequently the fear of it, gives an additional value to the outsiders."

Now, Sir, these are only very moderate remarks as compared to the conditions which prevailed, and to some extent still prevail in the plantations. Now, Sir, the plantation labour movement started and made headway in the face of these conditions, and it had to pay a heavy price, it had to pay a very heavy price in the shape of sufferings and sacrifices by a large number of workers, who dared to raise their voice for their elementary trade union rights, or for their elementary demands. They were beaten up by the hirelings engaged by the managements, and were also driven out from the plantations which were practically their homes. Their belongings were thrown out, and thousands went to jail, and the trade union organisers, particularly in Bengal, were prosecuted and convicted for trespass. But later, of course, in the face of movements being started, the conditions changed. The authorities first used to take the side of the planters in upholding the sanctity of their property, but later on, better senses dawned on them in the face of the movement, and the cases of trespass were not usually entertained. Now, Sir, as a result of this movement, the Plantation Labour Act was enacted in 1951, but it was not

implemented. Till the other day, the Plantation Labour Act was held in abeyance, but the trade union movement went on. And I can say, Sir, that the conditions which I have described were not only applicable to the unions belonging to the A.I.T.U.C., but also to the unions belonging to the I.N.T.U.C. Any union in the plantations had to face similar operations and restrictions. And that is why, Sir, in most of the matters, particularly affecting their trade union rights, we have been able to speak with one voice.

Now, Sir, I shall not go into the long story, but I shall give you certain examples, certain typical examples, to show how even now the trade union activities are being interfered with. I shall concentrate mainly on the examples which occurred after April 1954, since when some provisions of the Plantation Labour Act have been implemented.

One of the provisions of the Plantation Labour Act authorises the State Governments to frame rules regarding the right of access of the public to the workers' residential quarters. The Royal Commission also recommended that there should be right of access to the public to the workers' quarters, and this is very essential for exercising trade union rights. We do not demand that we should be allowed to go into the factories or the Managers' bungalows or offices and hold meetings there. What we want is the right to go to the workers' quarters and organise them into trade unions, and this is being interfered with.

I shall tell you about the different forms in which this interference comes. These forms range from crude and open interference, i.e. illegal interference, to subtle interference. Crude interference means that, if the unions try to hold meetings, the Manager sends his chowkidars or his other hirelings to beat up the union organisers, to snatch away the union receipt books, and push them out of the gardens. These things still persist, though after long agitation because of

the strength of the trade union movement and also because these things were discussed in Parliament and the various tripartite conferences, this open and crude interference is falling off. But still these things persist.

Then, there is another form, i.e. victimising the trade union workers in a subtle and indirect manner. Of course they do not say that they are victimising them because of their trade union activities, but they do so under different excuses, and it is here that the Government has a function to fulfil. The whole picture is known and there is no controversy about it. It would be dereliction of duty on the part of anyone to say that they are not victimised for trade union activities.

SHRI H. P. SAKSENA (Uttar Pradesh): May I, with your permission, Sir,.....

SHRI S. N. MAZUMDAR: If he has got any questions to ask, I will satisfy him at the end of my remarks.

One of the forms is that the trade union organisers are victimised under the pretext of the violation of standing orders. We have such standing orders in the plantations. From Dehra Dun I have received a memorandum. There in some of the tea gardens, it is clearly mentioned in the standing orders that it will be an offence to hold meetings. These gardens are Raipur, Mohkampur, Udiya Bagh, Herbertpur, Goolrich, Harbanswala, Arkedia and Ambiwala. In these gardens it is incorporated in the standing orders themselves that meetings are prohibited within the plantations. It is a wonder of wonders that these standing orders are certified. Now, I wish to say something about these standing orders. Under the Industrial Employment (Standing Orders) Act it is provided that, when the employers frame these rules or standing orders, those standing orders should be sent to the Labour Officers or Labour Commissioners for certification. The Labour Commissioner will send a copy of these standing orders

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to the union in the factory or plantation, and if there is no union, then to the workmen themselves in a proper manner, so that they can give their objections, and then only these standing orders are certified. At the time when these standing orders prevailing now in plantations all over India were first framed, there were practically no unions in the plantations, and these standing orders were unilaterally drawn up, and there was no attempt to get the opinion of the workmen. Maybe in some cases some paid agents of the employers gave their opinion, but generally these standing orders were certified without taking the consent of the labourers there or their representatives, but these orders still persist. And now the planters, since April 1954, in most cases are victimising the trade union workers in the name of these standing orders. So, it is the first and foremost duty of the Government and particularly of the Labour Minister to see that these standing orders are scrapped and a new set of standing orders are framed, and they should be certified only after consulting the unions or the labourers.

Then, there is another form of victimising the labourers. Supposing the labourers in a deputation meet the manager to ventilate their grievances, then the manager after a few days dismisses them on the ground of insubordination. Even though people might argue that this is not victimisation for trade union activities, these are clear cases, *prima facie* cases of victimisation for trade union activities, and it is to these cases that particular attention should be given. Otherwise, what happens is that these things are reported to the District authorities or Labour Departments. They completely ignore the whole thing. One characteristic of the labour legislations which have been passed is that they are very good for the labourers but the implementation side is weak. The implementation is left actually to the goodwill of the management or the employers or the owners. If, after the award of the Labour Officers or Labour Commissioners, they refuse to do any-

thing, the Labour Officers or the Commissioners cannot do anything. They can refer the matter to the Tribunals but the Tribunals take years and years. There have been cases where the Labour Commissioner or the Labour Officer has asked the representatives of the management to meet him in order to open conciliation proceedings but the representatives did not turn up. In such cases the Labour Officer or the Labour Commissioner is completely helpless. He cannot enforce his decision.

Then, there is another form of harassment with the connivance of the police. The police still maintain their old mentality. Suppose in a particular garden the trade union organisation is very strong and has succeeded by their industrial action and gained some of their demands. Immediately what happens is that complaints are lodged by the management under section 107 or some such section against the leading workers. They have to go to the police stations or to the courts and spend a lot of money on defence. In this way the harassment continues. Then they create provocations by way of the hirelings of the management engineering some sort of quarrel or dispute or incident, and then after that incident has occurred, the police interferes and persecutions take place. These are the various forms

Before I give the samples, I shall submit some other points which the Government should immediately take up. Regarding the standing orders, they are not permanent ones. Section 5 of the Industrial Employment (Standing Orders) Act provides that standing orders will be certified after the opinion of the representatives of labourers has been obtained. Section 11 of the same Act provides that the duration of the standing orders, unless there is an agreement between the management and the labourers, will be six months. The standing orders which are prevailing in the plantations are more than six months old. They are continuing for years. It is high time they are scrapped.

I will give you only the typical examples. My friends who will speak after me will take up the rest. I went to the plantations in the South in the Annamalai area. There I found that the management refuses permission to hold meetings in the gardens, or in some cases, they grant permission under such conditions that they practically nullify the whole thing.

I myself went through the file or correspondence with one particular Union and what are the conditions? You will not be allowed to use any mike. When the police is willing to allow the use of the mike, the management dictates the condition that you will not be allowed to use the mike. You will have to finish the meeting in one hour, you will not take out any procession, you will not criticise the management and staff. These are the conditions which are made by the management. There I saw with my own eyes leading workers who were beaten, assaulted by the hirelings and there were cuts in their heads and they were admitted to the hospitals but then nothing has been done afterwards. The police completely ignores all these things. There are many instances which I would have been able to give you if I had the time. At many places where the trade union workers hold a meeting inside a place, the police comes at the instance of the management and arrests the union leaders. When the matter goes to court, the court quashes the proceedings. It may be argued that the court does not accept the case. But why should the police behave in this way at the instance of the management? I must mention to you a case that happened in the Darjeeling district after the implementation of the Plantation Labour Act. A trade union organiser went to hold a meeting in a tea estate in Takda and the British manager of the estate said 'I don't care a fig for your Plantation Labour Act or for your Constitution. I will not allow you to hold a meeting here.' These are the cases. Then I shall mention some cases of provocation. Recently in Jalpaiguri district in the tea gardens there were two inci-

dents—one in Bagatpur tea estate where 150 labourers were arrested. It started in this way—that the hirelings of the management wounded one of the trade union organizers and when he went to the Thana to report, his diary was not accepted but when the manager filed a counter-case, the police came to arrest these people and they arrested them and mal-treated them. Then the other workers protested and as a result the police went away at that time without executing the arrest but later they came back in larger numbers to wreak vengeance, whereas the first case was against 15 people, now they arrested 150 persons. I heard personally from the workers the complaints of maltreatment at the time of arrest. Another case happened in the Moraghat tea estate where the Union happens to be associated with the Indian National Trade Union Congress—Rashtriya Mazdoor Sangh. There firing has taken place. Why? What are the incidents that led to it? The workers placed their demands before the management and there were some altercations and then on a complaint from the management, the police filed a case and went to arrest the workers and the other workers said that they must all be arrested and they offered Satyagraha there—they lay down before the police truck but the satyagraha itself was taken as an occasion to tear-gas them and later on they were fired upon on an allegation of violence. Now when we know the conditions prevailing in the plantations, when we know the attitude of the management, why is the police acting in this way? Why will it not accept the complaints of the Trade Union Workers, the complaints of the Organizers but will go there at the behest of the management? In the Terai garden there was no trouble when the Trade Union workers expressed their grievances. Do you know what their demands were? They were for the implementation of the facilities to which the labourers are legally entitled, the demands which were agreed to by the representatives of the planters in the last tripartite conferences but which were not being implemented. They are not being paid

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the minimum wages. There are many such cases where the planters go on violating the provisions of these Acts and they go on committing illegal acts with impunity. There the authority does not move. The law and order machinery does not move but when the workers decide that they should observe a token strike and go to present an address to the manager to present their demands, immediately on receipt of a telephone call, from the management armed police is posted in the gardens. In Terai there was not a single incident from the workers but a police case was started against the Trade Union workers and armed police used to go to the gardens at the phone call of the managers. I myself have seen this in one case. I went to hold a meeting of workers. Then I wanted to see the manager and sent my card. I found the manager's bungalow being protected by armed police. When I went there, there were a few people. The workers were following us in a procession no doubt but they were behind and when we went there, we found that the bayonets were clicked, boots were clicked by the armed police and they put on their rifles as if anticipating an armed attack. However I sent my card and the manager saw me of course but he did not agree to implement the demands and later on the whole matter was referred to conciliation.

MR. CHAIRMAN: Now I will place the motion before the House.

SHRI S. N. MAZUMDAR: So I request the House to take into consideration all these things. I have not demanded that you should accept my words as such but to enquire into the whole thing, to institute an enquiry. If an enquiry is instituted, that will show the reality and the Government itself will know the things and then it will help the conditions of the workers in the other industries also where they are equally affected

MR. CHAIRMAN: Resolution moved:

"This House is of opinion that a Committee consisting of members of Parliament should be appointed to enquire into the complaint by certain labour organisations in the plantations about interference by the management with their right of trade union activity."

The Resolution is now open for discussion. Mr. Saksena.

SHRI H. P. SAKSENA (Uttar Pradesh): Mr. Chairman, the information that I wanted to have from my hon. friend, Mr. Mazumdar, was whether the conditions were similar and identical in the plantations owned by the foreigners and by the Indians or they were different.

SHRI S. N. MAZUMDAR: In this matter, they are the same.

SHRI H. P. SAKSENA: Mr. Mazumdar has given us a very heart-rending picture of the conditions under which our labour in the plantations is working. I recall to my mind the condition of the indentured labour that used to obtain in our country or the labourers who went to foreign countries and the most uncivil and shabby manner in which they were treated in the most sub-human conditions. If our socialistic pattern of society has to have any meaning, it is time that we should come forward to look after the conditions of labour in various plantations. I do not have any personal knowledge to assess the veracity of the statements made by my hon. friend, Mr. Mazumdar, but even if half of the stories related by him are correct, I am sure it is a case for serious consideration, examination and final decision. My humble advice to my hon. friend Mr. Mazumdar who is a great trade union leader will be to start by teaching labour to be law-abiding. There are no grounds and no place for *satyagraha* at each and every stage under the existing conditions.

I admit it is an uneven and unequal fight, with big managements and powerful persons on the one hand and

the poor, defenceless and resourceless labour on the other. But then our labour should have the conviction and the assurance that the entire governmental machinery is on the side of labour. That is what socialism actually means and I am sure the Government will never falter and will never fail in discharging this duty most conscientiously.

May I with very great respect submit to my hon. friend, Mr. Mazumdar that every dispute has got two sides to it? It cannot be, Sir, that the entire blame, the 16-annas-in-a-rupee blame, lies on the shoulders of the employers and nothing on the side of labour. Maybe, as I have already submitted it is an unequal fight, maybe that the labour is to blame only to a very little and insignificant extent. All the same, there must be something wrong on both sides to the dispute.

Sir, as I understood from the speech of my hon. friend, it was only last year in April, that the Plantation Labour Act was enforced and this time of less than one year is a little bit too short a period to judge of the results in all their bearings. It may be that matters have improved not in all aspects, but only in some aspects. Therefore a little bit of patience is required and a lot of education of the labour. They should be taught, in the first instance, to be law abiding and they should rigidly follow the rules so that the entire blame may always lie on the shoulders of the employers and never on the employees. This is my humble advice to him. It should be very easy and it should be very proper to organize labour on that score.

Sir, if the story regarding access to the workers is actually true, it is something very abominable and it should be put a stop to at once. I say, everybody has got the right to have access to the workers, their quarters, to see them, ask them questions, and to organize them for trade union purposes. If this is disturbed by the employers it is a very serious matter and I hope and trust that Government will see to it as early as practicable.

Sir, as I have said, we should make rapid strides in the matter of socialising the conditions in our country and labour is one field where a beginning in right earnest must be made. Unevenness in our social life has got to be removed and it has got to be removed very, very quickly. There are disparities all over our social life, and it is but meet and proper that these disparities should be removed. A beginning has to be made not only in one direction but in the entire field and the Labour Ministry has got to engage itself seriously in this matter. Everyone has got a duty to perform, for at each and everybody's doors there are disparities. Therefore it is up to us, whether we are Members of Parliament or not, to see to it that these disparities are removed. Socialistic pattern of society is not a phrase that will work magic. Work on these lines will have to be done before these disparities are removed.

With these words, Sir, although I do not support the Resolution, I still feel that something must be done in this direction in the manner Government thinks proper. I do not know the mind of the Government. I have never been *persona grata* with it. Still I find and I feel that this is a case wherein the Government must step in and carry justice, justice which is badly demanded and needed in the plantation labour, to their doors.

Thank you, Sir.

PROF. G. RANGA (Andhra). Mr. Chairman, I wish to stress the very well balanced speech and remarks made by my hon. friend, Shri Saksena. He said he was no *persona grata* with the Government, but his seems to have been a really effective and constructive treasury bench speech.

We all of us, I am sure, have very great sympathy for the plantation labour in our country, including the Ministers themselves. Theirs is a tale of woe and it has been a long one, from the days of Bankim Chander who wrote some two very moving novels about their sufferings, right down to the days

[Prof. G. Ranga.]

of the Labour Commission and various social reformers have tried to come to grips with this problem and the Government and also the public workers in our country were anxious that something very effective should be done in order to protect the interests of this labour, to protect them also from the vagaries and also the social evils and evil habits of the management.

It is a notorious fact that this inaccessibility, this refusal of the management to give access not only to trade union workers but even to social workers who want to help plantation labour, has become a chronic habit with the management. Even in those days of the Labour Commission which enquired into this matter, some of the planters had the temerity to refuse permission to some of the members of the Labour Commission and their associates.

THE MINISTER FOR LABOUR (SHRI KHANDUBHAI DESAI): The Royal Commission of 1931?

PROF. G. RANGA: Yes. And Mr. B. Shiv Rau who was one of their associate commissioners was actually prevented by one of the planters of the Nilgiris from going there along with the Commission, from visiting some of those plantations. From that time onwards, things do not seem to have very much improved.

One thing is clear and that is that plantation labourers are one of the sections of the labour in our country which are more or less unorganizable because of the peculiar conditions in which they are obliged to work and live, so far away from ordinary habitation of most of our people in our country. In England, in regard to such so-called unorganisable people, who are helpless to help themselves, some means has been found to help them and that is by means of trade boards. I would like the Government seriously to consider the advisability and the possibility of organising these trade boards off their own bat, and if necessary with legislative sanction, on which both the

employers and the employees will be equally represented.

It would have the right to regulate the conditions of employment and working of labour in such industries so that even if the plantation labour, or portions or sections of that, happen to continue to be unorganisable and helpless, there would be these Boards to look after their interests. It is true, Sir, that anyone who has the courage to think of organising these people has to undergo quite a number of risks, sometimes amounting to risks of life. It has happened in the past when several trade union workers were dealt with very shabbily indeed by the planters in various parts of India. Now, that may be one of the reasons why some workers of one section of our public workers have been able to reach them while others have not been able to make as good an effort to serve those people but that ought not to be allowed to prevent the Government from doing its best to enable these people to have the right to exercise their right of organising themselves into trade unions. I feel, therefore, that one of the best way out of this difficulty would be for the Government to organise what I have suggested, i.e., Trade Boards. You may call them by any name you like; in England they call them Trade Boards but here you may call them by any name you like nevertheless, Government should take the initiative and should play an active role.

A good portion of the plantation labour in Assam has migrated from Andhra and from Orissa. A very good percentage of those people have had to go from Jeypore and other tribal areas because their own social conditions were not very happy and they were involved by the recruiting agents or *kanganis* into going to Assam. Once they went over to Assam, it became more or less impossible for them to go back again to their own homes for various reasons, one of them being the indebtedness of these people incurred earlier in order to liquidate their old debts at home and their dependence on

the *kanganis* and later upon the employers. Consequently, these people are obliged to live in huts or hutments or even camps owned by the planters and they have no opportunity of going out of them without the permission of the planters. They have to pay rent and this is being deducted from out of their wages. These people are not encouraged or even allowed to go to the nearby towns or markets. Markets are supposed to be provided by the planters themselves and these people are obliged to make all their purchases from the markets so organised by the employers. If some of them have the courage to go out of the plantations to the markets outside, from that time onwards they become suspects. They suffer from many other difficulties and these are all narrated in the Labour Commission's Report. Therefore, if my hon friend Mr Saksena is not willing to accept most of the complaints made by my hon friend Mr Mazumdar, it does not matter so far as the House is concerned because the House has got before it an authenticated Report of the Commission and the Commission's Report has not been challenged by the planters of today or of that day. That Report is enough condemnation of the system of recruitment, the system of employment and the system of treatment of labour in the plantations. Therefore, Sir, there is a strong case for the Government to decide upon playing a very active role. They need not be squeamish about themselves taking the initiative in organising these people and stationing some of their own officers either as Labour Protectors or as Welfare Officers on these plantations and giving them the statutory right to go into any one of the plantations any time they like. It should be clearly understood and the right should be given by legislation, if necessary, that whenever any worker or group of workers give anything in writing in the complaint book placed in the plantations or in any other book that may be placed there, that they would like the Welfare or the Conciliation Officer to go into that plantation and listen to their representations, the duty should be cast on the plantation to place that

paper, at the earliest possible opportunity, before the Conciliation Officer or the Welfare Officer—or, whoever he may be—and to give that officer every possible opportunity and facility of going over there, of listening to the representations of the labourers and of taking the necessary remedial action. In doing so, Sir, Government should take care to see that these officers are kept completely independent of the good-will of these planters. Unless Government are willing to play such an active role, I am afraid, Sir, the tale of woe of the plantation labour is not likely to come to an end and their life is not likely to be placed at least on the minimum level of free human beings in our country.

MR CHAIRMAN: Mr. Desai. He is not winding up for the Government but is only intervening in the Debate.

SHRI KHANDUBHAI DESAI: My object in intervening in this Debate is to clarify certain points which have been raised by some of the previous speakers. I have been listening very carefully to the three speeches made here. I am reminded of the fact that they were probably placing before this House the conditions in the plantations as they prevailed about a generation back. I wish our friends had been acquainted more with the situation that exists today, and particularly the gradual and rapid improvement in the conditions of the plantation labour that has been brought about during the last seven years. I myself, in my non-official capacity, had an occasion to go, about four years back, to Assam and I must say that when I went to Assam and went over those plantations, I had experienced not much difficulty.

PROF. G. RANGA: You would not; as an M P you may not experience any difficulty.

SHRI KHANDUBHAI DESAI: I had been able to hold large meetings; processions were arranged and I had been able to explain, both to the plantation labour as well as to the employers the new situation that has been created.

[Shri Khandubhai Desai.]
after Independence. The year before last, again in my non-official capacity, I went over to the Annamalai Hills. There were, of course, some difficulties in some plantations but I found that a change had come over. As far as trade union activities are concerned, the House will be glad that out of about a million workers working in the plantations, about 4½ lakhs of workers today are members of one organisation or the other. Now, these developments in the trade union organisation have come over during the last six years or seven years and this means that the planters also have changed their approach and outlook. I do know, as a trade union worker, that about ten years ago all plantations were more or less closed fortresses. Nobody could go there.

SHRI S. N. MAZUMDAR: Many are even now. Where the Union is weak, these are still closed fortresses.

SHRI KHANDUBHAI DESAI: When our friends complain about the Unions being weak, it is for the trade union and social workers to work among them.

SHRI S. N. MAZUMDAR: You let them work.

SHRI KHANDUBHAI DESAI: I personally feel that whereas there was no union whatsoever about ten years ago, now more than 40 per cent. of the workers are able to join some unions during the last seven years. This means that obstruction from the planters does not exist.

(Interruption)

MR. CHAIRMAN: Wait, let him finish.

SHRI KHANDUBHAI DESAI: If you compare the figures of the membership in the trade union movement even in factories, the figures in regard to the plantations will give you comparatively favourable results.

The total number of workers organised even in all other factories is also roughly 40 to 50 per cent. Practically

the same percentage of organisation you will find in plantation labour. Now, Sir, there was the difficulty of access to the plantations for the trade unionists or any public workers. This has been engaging the attention of the Government. It is true that the condition of plantation labour was bad. It is also as much true that that condition had been considerably improved during the last seven years and in order to ameliorate that condition further, the Plantations Labour Act was passed about three years back, but owing to the slump in the tea industry the Act could not be implemented as we anticipated to do. The Act is now going to be implemented from the 1st of April 1955 and three stages have been set down. The first stage is just now under implementation. The second stage will come soon. But I say that the interests of the plantation labour are as much near to the heart of the Government as to that of anybody else and we will see that the Plantations Labour Act is implemented as early as possible.

As for the Resolution that a Committee should be appointed, the Committee need not be appointed because all the facts regarding plantation are before the Government. Also we have instituted a tripartite committee of employers, employees and the Government which is holding continuous sessions from year to year. There is the standing committee also appointed and the whole Act as has been passed is being implemented not only gradually but as quickly as possible. We also propose to hold the meeting of the Plantation Standing Committee in the near future and when all the regulations have been passed we will see in what way we can implement the Act as early as possible. With regard to the various conditions obtaining in the plantations my colleague will be able to place before you in detail the question of housing and the question of other welfare measures, for example, the question of good drinking water and a particular regulation which will put an end to the inaccessibility of the public workers to places where the

workers are housed I may read out before the House the regulation that is being implemented and that is that the employer shall not deny to the public free access to that part of the plantations where the workers are housed. This is a regulation. Now all the regulations have been sent to the State Governments for their approval and I have no doubt that we will be able to get their approval very soon and these regulations will be promulgated as early as possible.

Now under these circumstances I believe that the question of the plantation labour is under our active consideration, not only active consideration but all the defects that have been pointed out by Mr Mazumdar are being rectified very quickly and therefore there is no reason for setting up any committee whatsoever at the same time. Compared to the trade union movement in the country I am satisfied with the growth of the trade union movement in the plantation labour during the last few years. That movement is going strong and there is the legislation which of course will aid to a certain extent but there is nothing like a trade union organisation among the workers themselves. Even if we here were to pass a legislation, that legislation will be only on the statute book but it would not be implemented unless it is backed up by a strong trade union organisation. So those persons interested in the labour movement should try to be more and more in touch with plantation labour and enlighten them with regard to whatever good things we have been able to do during the last seven years so that they can take advantage thereof.

At this stage with these few general remarks I would request Mr Mazumdar to withdraw his Resolution. Whatever he has in view, possibly the Government is more keen than even himself to ameliorate the condition of plantation labour.

SHRI N C SEKHAR (Travancore Cochin) Sir I am very much surprised to hear the Minister for Labour

making certain remarks particularly striking his confidence in the improvement of the lot of the estate workers.

[MR. DEPUTY CHAIRMAN in the Chair.]

The hon Member Mr Mazumdar, has already narrated certain stories as to how the estate workers have been treated by the planters as well as by the police department as the former are hand in glove with the police department. Now the Minister says that since the Government is taking proper measures to improve the lot of the estate workers this House need not take any decision to appoint a committee to investigate into the alleged offences against the workers. Sir, the Minister said that since the achievement of our independence, that is, during these seven years, no difficulties have been encountered by trade unions to organise the estate labourers in the estates. That is not a fact. Now the workers, for example, in Wyanad, Travancore Cochin and Nilgiri areas actually face not only little difficulties but tremendous difficulties in organising their labour unions. For example at Chittahalle in Coorg Government research is going on—I think it is managed under Government supervision—and there the workers have a union. The secretary of the union one day went to that estate to talk to the workers there but the very Government who profess to have been doing better things to improve the condition of workers have disallowed that secretary to enter that estate. The private estate-owners did not allow any trade unionist to enter their estates and what is surprising is that the Government also here did not allow the general secretary of a union organised on an all India scale to enter the estate colony, to talk to the workers who are members of that trade union, not only not allowed but he was arrested later by the police with the connivance of the research station superintendent under whose supervision that estate is managed. This took place just recently.

Instances of attacks on trade unionists and trade unions in Travancore-Cochin estate areas are innumerable.

[Shri N. C. Sekhar.]

This attack is concentrated not upon a particular section of unions but it is concentrated on all unions including I.N.T.U.C. of which the Minister was once the President. Even that I.N.T.U.C. is being attacked. For instance in 1952 in Pasumalai I.N.T.U.C. workers were attacked by the management for the simple reason that the I.N.T.U.C. leaders led the workers to the manager's house to demand rice which was stopped then. Even the I.N.T.U.C. union was attacked there.

A number of workers were attacked very recently at Cherwalli which is managed by the Malayalam Plantations owned by Harrison & Crossfield. Sir, the workers were attacked not only by the police but also by a set of other kind of people organised by a combination of estate-owners supported by the police. That took place on the 6th of last month. That was reported to the Government and the police have proceeded against certain leaders who had led that gang to attack the workers.

Then the Minister said that 40 per cent. of the workers are organising themselves into trade unions and there is no obstruction. That is not correct and it is not true and it is quite contrary to facts. Of course the workers have joined the unions but it is not because of the favours shown to workers by certain people that the workers came to join; it is the situation which forced them to organise themselves. It is true to some extent that after our independence, these seven years, the estate-owners, particularly the foreign estate-owners, feel nervous to some extent out of their fear of what Government will do if they behaved towards the workers in the same way they were doing all the time. That is true.

12 NOON But at the same time this condition gave some courage to the workers to organise themselves. This is a fact. We admit that but again there is concerted action on the part of the estate-owners against these organised workers. So also even in estates owned by other British plant-

ers, i.e., T. R. and T. estates this attack is going on daily. In protest against such action something like 50,000 workers struck work in these estates last month. That is why now since even the Minister is not prepared to say that it is merely wild allegation against the plantations, we want that a Committee should be appointed to enquire into the matter. But the Minister is not in favour of appointing a Committee for this purpose but he wants us to have some confidence in him that he would take necessary measures to check such things. But that won't do. Since these charges have come from all over the land, particularly Assam, Darjeeling, Nilgiris, Wynad and Travancore-Cochin estate areas—these are the biggest estate areas in our country—where about one million workers are employed, it is the duty of the Government—as they themselves profess it is their duty to bring about equal distribution of wealth among all, owning classes as well as the producing classes—to appoint such a Committee to investigate into these matters to find out whether such high-handedness on the part of the estate-owners is going on against the interests of the workers, against the universally accepted principle of trade unionism and then take necessary steps in the light of that enquiry. That is our request. It is not a request from merely a particular section—the Communists. It is the request of all sections of people irrespective of political faith.

Sir, I invite our hon. Labour Minister, Shri Khandubhai Desai, to come to our Travancore-Cochin estate areas and see for himself. I am also prepared to go along with INTUC leaders who would follow him to show that such and such things took place and are taking place even now so that they may study the conditions on the spot. Or let the Deputy Minister come and see. But he need not come there as he once went to Mattancherry to organise a rival union. He can come along with us and study the situation and verify whether the facts that we are placing before you are facts or

not. If you want I am prepared to give you copies of all these representations and memoranda that have been sent to the Labour Commissioner, the State Minister and all that. Sir, this is the wish of the working class; it is the request of the working class; it is the need of the working class; it is the demand of the working class, particularly those employed in these estate areas that the Government should take steps to investigate this highhandedness on the part of the estate-owners against the workers and to see that something is done to ensure to the workers their trade union rights to organise themselves. Sir, certain planters, when they are approached, say, 'We are not prepared to conciliate with you; we are not going to implement even those regulations that are already in force in estates.' This is the position. Certain estates are building new lines, but not as quickly as they should. You just go to the T. R. and T. which is owning 3,300 acres employing something like 3,000 workers; they are not having a single creche. The same is the case in certain other estates like Cheruvalli etc. I have had the opportunity to visit these estates last month soon after the last session was over and I studied the conditions there and that is why I can boldly assert that such things are still prevailing in those estates. As I said, many of them are not even prepared to implement the Plantation Labour Act. On the contrary the planters are taking concerted action against trade union movement itself so that the workers for something like 80 to 90 demand the implementation of the Act. Sir, let me ask. Has the Madras Government formulated regulations to implement the Plantation Labour Act? No. Has the Travancore-Cochin State formulated its regulations to implement that Act? No. Why should they take so much time to frame the necessary regulations to implement the Act? It is only to give opportunity to those cut-throat employers—excuse me for having used that word against those people who have been fleecing the workers do not come together and years—to deprive the workers of their

legitimate rights. Sir, this is not a wild allegation. Such things are happening there and we wanted to bring it to the notice of this House and through this House to the notice of the Government. I know since we are not in a majority, according to the Minister's wishes this Resolution may be rejected but even so the fact will remain that such conditions do prevail there so that the necessity and justification for appointing such a Committee to go into this matter is still there and it is for the Government to take necessary measures. Sir, with these words, I conclude.

डा० श्रीमती सीता परमानंद (मध्य प्रदेश) :

उपाध्यक्ष महोदय, आज मैं जो हिन्दी में बात कर रही हूँ उसका विशेष कारण यह है कि हमारा देश में जो कामदार लोग हैं उनको यहां की बातें हिन्दी में समझने से पता चलता है कि उनके बारे में पार्लियामेंट या सदन में कुछ न कुछ जरूर होता है। मैं इस रिजोल्यूशन को जिसका सम्बन्ध "प्लांटेशन" से है, पूरा सपोर्ट नहीं देती हूँ किन्तु इसके जो आखिरी शब्द हैं

"interference by the management with their right of trade union activity".

उनका समर्थन करती हूँ। इसका कारण यह है कि मजदूर क्षेत्रों में इस तरह की दिक्कतें रहती हैं। मैं इस सम्बन्ध में आपके सामने कुछ कहना चाहती हूँ। हमारा देश में जितने भी प्लांटेशन हैं, वे शहरी क्षेत्र से बहुत दूर हैं और वहां पर मजदूरों की, कामदारों की जैसी स्थिति होनी चाहिये, फायदा के मुताबिक जो स्थिति उनकी होनी चाहिये, वैसी नहीं रहती है। इसके विपरीत शहरों के नजदीक जो खदान क्षेत्र हैं उनमें मजदूरों की स्थिति उतनी खराब नहीं है जितनी कि दूर में रहने वाले मजदूरों की।

मजदूरों और कामदारों के लिए जितने भी फायदे अभी तक पास हो चुके हैं, उनका पूरा पूरा फायदा मजदूरों को ट्रेड यूनियनों, द्वारा दिलाने में नहीं होता है। ट्रेड यूनियन द्वारा मजदूरों को फायदा दिलाने में जो दिक्कतें

[डा० श्रीमती सीता परमानन्द]
मैनैजमेंट द्वारा डाली जाती हैं वे मैं आपके सामने कहना चाहती हूँ। इस सम्बन्ध में, मैं अपने यहां के मजदूरों की हालत के बारे में कुछ कहना चाहती हूँ। अच्छा होता कि श्री मालवीय जी, जो कि मध्य प्रदेश के आइ० एन० टी० यू० सी० के अध्यक्ष हैं, जिनको वहां के मजदूरों के बारे में पूरा ज्ञान है, आपके सामने कुछ कहते। किन्तु उनकी अनुपस्थिति में, मेरा यह कर्तव्य हो जाता है कि मध्य प्रदेश के मजदूरों की जो तकलीफें हैं, उनको माननीय मंत्री जी के सामने रखूं।

आज परिस्थिति यह है, मैनैजमेंट ट्रेंड यूनियन के कामों में दखल देता है। जिन ट्रेंड यूनियनों के कार्यकर्ता लोग अपने मजदूरों को फायदा दिलाने में काफी कार्य करते हैं, रीजनल लेबर कमिशनर के सामने मामले रखकर दिक्कतों को दूर कराते हैं, कारखाने के मालिक दूसरी जगह उनकी बदली कर देते हैं, या कोई कारण निकालकर उनको सजा दे देते हैं, रिडक्शन कर देते हैं या फिर उनको काम से निकाल देते हैं। तो यह जो कार्यवाही होती है उसके लिये मंत्री महोदय को यह बातें मालूम नहीं हैं ऐसा नहीं है। उनका तो शुरू से ट्रेंड यूनियन मूवमेंट से सम्बन्ध रहा है और वह इन सब बातों को अच्छी तरह से जानते हैं। परन्तु सदन में अगर ये सब बातें उनके सामने रखी जायेंगी तो उनके बारे में तुरन्त कार्यवाही करने के लिये उन्हें जरा सपोर्ट मिलेगा और उनकी पुष्टि होगी। मुझे यह कहना है कि दो तीन मार्ग उसके लिये रहते हैं। एक तो मैनैजमेंट को लिखना, लेकिन एक क्षेत्र में तीन चार यूनियन जब होती हैं तो मैनैजमेंट को यह बहाना कहने को मिल जाता है कि किस को रिकगनाइज करें और किस को न करें इसलिये किसी को रिकगनाइज करना ठीक नहीं समझते। दूसरा स्टेप यह होता है कि रीजनल लेबर कमिशनर को लिखना। वहां भी दूरी मजदूरों की मांगों के पीछे ज्यादा ताकत नहीं होती, उनकी मांगों ज्यादा ताकतवर नहीं

होने से वे भी जवाब भेज देते हैं कि यह तो अन्दरूनी मामला है इसलिये हस्तक्षेप नहीं करना है। अब तीसरा मार्ग इंडस्ट्रियल लेबर ट्राइब्युनल के पास पेश करने का है। मंत्री महोदय का ध्यान इस बारे में मैं इस तरफ खींचना चाहती हूँ कि उनके पास दो या तीन हजार पेंडिंग केस हैं और उनके पास पर्सनल इतना कम है कि मैनैजमेंट वाले समझते हैं कि इसमें कम से कम दो तीन साल तो लग ही जायेंगे और उससे पहले कुछ नहीं होगा।

श्री आर्बिब अली : किस विभाग में ?

डा० श्रीमती सीता परमानन्द : कोयला खदान में।

श्री उपसभापति : यहां मतलब प्लांटेशन से है।

डा० श्रीमती सीता परमानन्द : मैं यह बताना चाहती हूँ कि जो मैनैजमेंट ट्रेंड यूनियन एक्टिविटीज में इंटरफीयर करना चाहते हैं वह कैसे करते हैं।

श्री उपसभापति : यह रंजाल्युशन प्लांटेशन लेबर के बारे में है।

डा० श्रीमती सीता परमानन्द : वह तो मैंने पहले ही हिन्दी में बता दिया है।

MR. DEPUTY CHAIRMAN: We are not concerned with the coal mines here

डा० श्रीमती सीता परमानन्द : मैं इस रंजाल्युशन के जरिये यह कहना चाहती हूँ कि यह जो इंटरफीयरेंस विध दि राइट्स आफ ट्रेंड यूनियन एक्टिविटी की बात है वह सभी जगहों में कामन है।

MR. DEPUTY CHAIRMAN: Please confine your remarks to the Resolution in question. Any remarks about coal mines would be quite irrelevant.

डा० श्रीमती सीता परमानन्द : तो मैं इस वन्त यह कह रही थी कि जितना वक्तव्य मैं

कहा गया है कि प्लांटेशन में यह परिस्थिति है शायद वैसी परिस्थिति नहीं है तो भी जो कुछ है उसकी हमें तलाश करनी चाहिये और उसके साथ साथ मैं यह भी कहूंगी कि अगर मंत्री महोदय इसके लिये कोई इन्क्वायरी कमेटी बनायें तो वह दूसरी तरफ की चीजों के बारे में भी जांच करें। वह सभी क्षेत्रों में जायें और देखें। रजोल्युशन के आखरी दो सेंटेंस में जो बतलाया गया है उसकी जांच करने की जरूरत है लेकिन मैं कहती हूँ कि ऐसा तो नहीं होगा कि मंत्री महोदय केवल इसी के लिये इन्क्वायरी कमेटी बनायेंगे और बाकी क्षेत्रों के लिये दूसरा रजोल्युशन लाने की जरूरत पड़ेगी। इसीलिये मैं समझती हूँ कि वह इस बात को बेलकम करेंगे कि यह सब क्षेत्र के लिये हो।

श्री एस० एन० मजूमदार : आप एक तरमीम पेश कीजिये कि कॉल माइंस को भी इसमें ले लिया जाय।

डा० श्रीमती सीता परमानन्द : जो भी किसी प्रकार का रजोल्युशन आता है और जब कोई जांच की जाती है तो वह जांच पड़ताल सभी क्षेत्र में करनी चाहिये।

अभी दो तीन रिमाकर्स का एक दो स्पीकरों ने उल्लेख किया। उसके बारे में एक दो शब्द कहना चाहती हूँ। अभी कहा गया कि मंत्री महोदय का जब किसी क्षेत्र में दौरा होता है तो उसका मतलब यह होता है कि जो पार्टी आज पावर में है यानी जो कांग्रेस पार्टी है उसकी यूनियंस को दृढ़ करें। उनको दृढ़ बनाने के लिये उनका दौरा होता है उनको पुष्टि देने के लिये उनका जाना होता है। ऐसी बात का कहना मजदूरों में गैरसमझी को फैलाना है।

श्री एस० एन० मजूमदार : ऐसा नहीं कहा गया था। आप गलत समझीं हैं।

डा० श्रीमती सीता परमानन्द : गवर्नमेंट किसी न किसी पार्टी की तो रहेगी ही और जब एक पार्टी रहेगी तो यह स्वाभाविक ही है कि मंत्री

महोदय का जब उधर जाना हो तो वहाँ जायें और उससे उस यूनियन की प्रतिष्ठा बढ़ेगी। इसका मतलब यह नहीं होता कि वह इस उद्देश्य से ही उस क्षेत्र में जाते हैं। इस तरह का वक्तव्य देना मजदूरों में जानबूझ कर एक गैरसमझी फैलाना है और बेजा असर डालना है।

मैं तो कहूंगी कि ट्रेंड यूनियन एक्ट का.....

SHRI N. C. SEKHAR: If she is making any remarks about me, let her speak in English.

MR. DEPUTY CHAIRMAN: It is all right. She is finishing it.

डा० श्रीमती सीता परमानन्द : इसका मतलब यह होता है कि जल्दी हिन्दी सीखें।

तो मैं यह कहूंगी कि ट्रेंड यूनियन एक्ट का चैप्टर २ (ए) और २ (बी) इस हाउस से पास हो चुका है लेकिन उसका नोटिफिकेशन न होने से इम्प्लीमेंटेशन नहीं हो रहा है। मैं कहूंगी कि उसका जल्दी नोटिफिकेशन करें ताकि मैनेजमेंट के ऊपर कार्यवाही करने का यूनियंस के हाथ में एक शस्त्र रहे.....

MR. DEPUTY CHAIRMAN: We are not concerned with the Trade Union Act now.

DR. SHRIMATI SEETA PARMANAND: "Interference by the management with their right of trade union activity" I am talking of that.

MR. DEPUTY CHAIRMAN: I am sorry, Madam, it is quite irrelevant.

DR. SHRIMATI SEETA PARMANAND: With regard to interference by the management with the rights of the trade union activities even in plantations, this particular clause if it is passed will be a sort of control on the managements' acts, because the trade

[Dr. Shrimati Seeta Parmanand.]
 mions will be able to launch prosecution and fine them to the extent of one thousand rupees. So, even in plantation areas, this particular Act, to which I am referring—which has been passed but which is yet to be notified—will be a great help in curtailing their interference in the management.

Thank you, Sir.

SHRI K. C. KARUMBAYA (Ajmer and Coorg): Mr. Deputy Chairman, I come from the plantation area. Coorg grows a lot of coffee, pepper, cardamom and rubber. I have first-hand knowledge of the labour question, but I am not a planter myself. For the last thirty years at least I have been working for the uplift of the labour class and the Harijans and I have got first-hand knowledge. I do not know much of the conditions prevailing outside Coorg, so I confine myself more to the labour question in Coorg. From the previous speakers I understand that the conditions they were placing before us were before seven years, before Independence.

SHRI N. C. SEKHAR: It happened last week, in your own State.

SHRI K. C. KARUMBAYA: I am coming to that. In Coorg the plantation labourers are looked after very well. They are given lines, houses better than those of ordinary middle class people. They are provided with latrines; they are given schools in every two or three miles; both the Government and the planters have constructed and they have been running either private or Government schools. They have got dispensaries and ladies when they confine are granted maternity leave for two months. There is provision for giving milk to the children of the labourers till they attain the age of three or four. And so, various facilities have been given for the last four or five years. Day by day and year by year they have been increasing a lot of facilities. I know my friend Mr. Sekhar for the last thirty years from our jail life. I have been extend-

ing to him an invitation to come to Coorg and see the labour conditions in Coorg. He has promised and I hope that he will come and have a look personally at the labour condition that is prevailing in Coorg. To every question, unfortunately there are two aspects. But our friends always represent only one aspect of the question. The other aspect they do not represent. They did not represent the other side of the case which was referred to some time back. Of course, it is *sub judice*, and therefore we should not discuss it, but still, for the information of my friends, I can say a few words, so that the investigation might not be prejudiced. A police constable and a Gorkha guard were assaulted by the friends of the so-called leader a few days back, and the police went there to investigate that case, and then, having known that the police party would go there to investigate the case, some arrangement had been made to be labour them and beat them. And so, the leader of the whole show, to whom Mr. Sekhar has made a reference, has been arrested, and the case is under enquiry. But unfortunately we find that they do not tell us the other aspect of the question i.e. the assault on the Police constable. Always they instigate them to go on strike asking for more pay and all that. I may tell you, Sir, that the planters, at least in Coorg, have been very considerate for the last four or five years. Before we got independence, I, as a public worker, had no entrance to any estate. Now they have been asking us to go there and see the conditions personally. But our friends on the Opposition benches say that they are not allowed to go there, and they are not allowed to know the conditions. I should say, Sir that that is not true, at least with regard to the labour conditions that are existing in Coorg. So, it is not that a committee to enquire into these things is very essential at this stage. If the conditions have not improved somewhere, it is not due to the necessity for some legislation, but it is due to the individuals or the groups of the people living there. And therefore, Sir, I say that a commission at this stage is not necessary, and I oppose it.

SHRIMATI PARVATHI KRISHNAN (Madras): Mr. Deputy Chairman, in the very limited time that is there at my disposal, I would like to bring to the notice of the hon. Minister, and of the hon. Members of the House, a few very telling examples of the manner in which legitimate trade union activity is being hindered by the employers. The hon. Labour Minister was at great pains to tell us something when he visited plantations, and when he had the honour and the pleasure of addressing a few meetings, and how he was given full freedom to do so, and so on and so forth. I do not deny, Sir, that there are certain pockets in the plantation areas where trade union activity is allowed up to a point. But, Sir, as the saying goes, one swallow does not make a summer. In an area like Valparai, where there are 40 estates, a majority of them extending to about 1,000 acres or so, if in one or two estates the trade union activity is allowed, and does go on, that does not mean that the overall condition is such that a situation now exists where legitimate trade union activity can grow and can flourish. Sir, the position there is that, by and large, the land belongs to the estate-owners themselves. The extent of revenue land is very limited there, and therefore, if trade union activity is hindered by the owner, if permission to hold meetings is not given, then the trade union workers are hampered and are completely paralysed as a result of permission not being given. My hon. colleague, Mr. Mazumdar, has already given an overall picture of the various types of hindrances that are there in the way of trade union activity in the plantations. And I would like just to draw the attention of the hon. Members to one or two examples. For instance, one of the weapons that are used by the employers when a trade union is coming into being is to dismiss immediately those workers who might be in the forefront of that trade union activity in that particular estate.

Let me give, Sir, two examples of dismissals that have taken place in the Valparai area. In Sholayar estate,

which is under the management of Birla Brothers, May-Day was celebrated last year, that is, in 1954. Now it is well-known that May-Day is a day that is celebrated by workers throughout the world as a day of solidarity of the international working class. And it has been recognised throughout this country. In many areas, red flags are always being hoisted wherever the working class is there. And particularly where the organised working class is there, it is celebrated almost as a holiday. And as a result of the workers in this estate, the Sholayar estate, hoisting the red flag, six workers have been dismissed by the management. And, Sir, in dismissing these workers, they have not only shown that they do not want any trade union activity to grow, any spirit to grow amongst the workers of building of a trade union, but they have also flouted the existing labour laws. The hon. Labour Minister was at great pains to show how in seven years a great advance has been made, how in seven years various conditions have been created, not only in the plantations, but throughout the country; how in seven years various laws have come into being, and so on and so forth, which are helpful to the workers, and will enable the trade union movement to progress and grow. But he must remember that while these laws are there on the Statute Book, there is the bounded duty of the Government also to see that these laws are implemented not only by the workers, but also by the managements. When a management takes action against a worker, when a dispute is there before a tribunal, then it is an illegal act. But to this day, in spite of the complaints that have been put forward by the union before the labour authorities, these six workers continue to be dismissed, and they have not had any redress in respect of their grievances. Similarly, Sir, there are any number of examples, not in that particular estate only, but in estates throughout Valparai.

And I would like to come now to the other aspect of it, the aspect of

[Shrimati Parvati Krishnan.] refusal to hold meetings, because, Sir, the Deputy Labour Minister who is now noting down some points, whenever any question of trade union activity in the plantations has come up has always been at great pains to stress again and again that legitimate trade union activity is allowed. I do not know anything about illegal trade union activity. Well, Sir, if a request for permission to hold a meeting is not legitimate, then, of course, we will have to review the whole dictionary, the whole Oxford dictionary. But, Sir, when we have requested for permission—not only our union, not only the union that is affiliated to the All India Trade Union Congress, but also those unions that are affiliated to the I.N.T.U.C., or to the Hind Mazdoor Sabha, in certain States—it has been refused, or if permission is granted, then various conditions are laid down, which, of course, make it quite clear that the permission is purely one to keep the letter of the law and at the same time, going completely against the spirit of the law. Let me therefore, Sir, take up your time in reading the copy of permission granted to a union to hold a meeting in one of the estates.

This is how the permission reads:

“Dear Sir,

We are in receipt of your letter of the 28th instant and have no objection to your holding a meeting at the Karamalai bazaar on the 17th January 1954 after 10 A.M. provided you give us a written guarantee that it will be purely a trade union meeting and that it will have nothing to do with politics.

We would also ask for your assurance that at this meeting nothing derogatory will be spoken either about the management or the staff.”

Now, when workers want to hold meetings, when workers wish to put their demands before the management, it is obvious that the management will have to face criticism, it is quite

obvious that the actions of the management will come in for criticism. It is quite obvious that permission of this type is given so that those in the Government who want to hold back the trade union movement will be enabled to say that, “Permission was given to hold the meeting, but you would not agree to the conditions. Therefore it is obvious that you wanted to do something very illegal or very illegitimate.” It is a wonderful argument but it is an argument that cannot satisfy any right-thinking person and an argument which is not going to help us in getting industrial peace or in keeping the workers satisfied.

Now, I would like to draw the attention of hon. Members here who might not be aware of what is happening and also of the Government who in this case happens to be the culprit that in Valparai there are cinchona plantations under Government management. There a notice is there—a memorandum of the Director—saying that one particular union cannot hold meetings inside. In this estate you have discrimination. A union with a membership of 900 out of 2000 workers is not to be given permission to hold meetings, whereas another union which is a paper union, a breakaway from the really active union of the I.N.T.U.C., has been given permission. The I.N.T.U.C. union there, on account of internal quarrels, family quarrels, has split up. The joint family had broken up and partition was taking place. There, the daughter who has no rights of property is given permission to hold meetings, but the son who should have inherited the property and who has a large membership behind him does not get permission. The A.I.T.U.C. with its membership of 900 is not given permission. Is this not also interfering with the trade union activities of the workers? How is it that this kind of thing happens where the Government is the management? All these matters have to be looked into.

Lastly, Sir, I would just like to say one thing. It really pained me to

hear the Labour Minister adopting such a step-motherly attitude towards plantation labour. I am sure that there is not a single one of those present here who does not, when he gets a headache or when he gets tired on account of the fire from the opposition benches, go into the Central Hall, pays four annas or six annas and gets a nice cup of tea or coffee, and gets some relief from it. But does he ever pause to think that behind the relief that he gets is the toil and the sweat of the labour of the plantation workers? Does he realise that behind that cup of tea there is the plantation labour woman who has to walk ten miles a day, ten miles up the hill and ten miles down the hill, whether it be in rain or in the sun or cold or heat? She plucks the leaves which finally take the shape of a refreshing cup of tea. These women continue today to remain in the same condition as before and they will continue to remain in the same condition. You may put any legislation on the Statute Book, you may pass any labour laws, you may have your Minimum Wages Act, the Maternity Benefits Act, etc., but so long as the trade union movement is not allowed to grow, so long as the trade union workers are not allowed to tell them what their rights and privileges are, these will remain only paper rights and the employers will continue to get greater and greater profits in spite of the fact that these rights and privileges have been provided for in your Acts. They will be of help only for propaganda purposes. I know—I work amongst these workers—that there are hundreds of cases of women workers who are not even aware of the fact that they can get maternity benefits. There are many cases like this because this is a very backward section of labour. The hon. Minister may say that maternity benefits are there but what is happening in actual practice is that the trade union workers are not allowed to approach the workers and educate them. That education you don't give to them. I can tell you many cases where women workers are not aware of the fact that maternity benefit was

due to them. Sir, every single penny which comes to the workers' family—after all, we draw our daily allowances and we know that every single rupee that we get means something to us and so we can understand—means something to them. Therefore, Sir, I would appeal to the Members of this House and to the hon. Minister to appoint this Committee to go into the whole matter. I do realise that there is another side to the matter. Nobody denies it, and that is why the Resolution asks for a body of public spirited men and women, a body of people who are devoted to public work and to the service of the people, to look into the matter and help the Government to have a picture, an overall picture of the conditions in the plantations, with no strings attached to that picture; it is only a public spirited body of men and women who will be able to go there and judge the conditions there and enable the Government to come to conclusions which will really be advantageous to the labourers in the plantations.

PROF. A. R. WADIA (Nominated): Mr. Deputy Chairman, I felt deeply impressed by the very modest way in which Mr. Mazumdar moved his Resolution. I think there is a considerable amount of force behind his modest request for the appointment of a committee—more or less an impartial committee—consisting of Members of Parliament to go into the whole question. He does not say that all the complaints that he has made must be taken at their face value. He only wants that an enquiry committee should go into them. I personally felt very sorry at the reply given by the hon. Minister. We expected something better from one who was so intimately connected with the labour movement in the country. The conditions today may not be what they were seven years earlier. May be they have become better during the last seven years, but nobody will say that things are as they should be, and it is that aspect that ought to impress us and it is that aspect which we ought to consider. I see that the Government is not in a mood to accept

[Prof. A. R. Wadia.]
 this modest proposition. I think that it would redound to their credit if they do accept this modest proposition, but even if they are not prepared to accept it, I would humbly submit that Mr. Mazumdar should be given a chance to give a full account of the examples that he has in mind and which unfortunately due to want of time he has been unable to place before us, before the Labour Minister who can then refer them to the Committee to which the hon. Minister referred. Anyway, I should be very sorry if the planters or anybody outside this House get the impression that there is any section of the House which is interested in whitewashing this party or that party. It is from that standpoint, in the interest of our own fair name, that I would press for the acceptance of this Resolution, or I would demand that full opportunity should be given for the Standing Committee to go into these complaints as impartially as possible.

SHRI B. K. MUKERJEE (Uttar Pradesh): Mr. Deputy Chairman, I am very sorry that this Resolution was moved by my friend Mr. Mazumdar who is not a bitter type of Member of the Party to which he belongs and he has got, no doubt, intimate knowledge of the plantation labour particularly. I am sorry that he has been misguided in placing this Resolution. As for myself, who is intimately connected with the labour, I cannot agree with him and therefore I have to oppose this Resolution. The opposition is mainly on two grounds. The first is that not only Mr. Mazumdar but the various other speakers also narrated the awful tale of the plantation workers and most of the people who have any knowledge or anyone who is a trade union worker in this country, will not disagree with that tale. As there is no difference of opinion between the Mover of this Resolution and those who are opposing this Resolution, where is the necessity for a committee to go into the matter? There is absolutely nothing to enquire into in this matter.

SHRI S. N. MAZUMDAR: The Labour Minister's speech is itself a justification for a Committee to go into it.

SHRI B. K. MUKERJEE: I am coming to it. Secondly, as there is no dispute, there is no need for a Committee to go into the question of grievances of the workers. Then he says in the last portion of his Resolution that the planters are interfering with the trade union activities in the plantations. I am sorry to inform him that he has no knowledge of organised labourers in any other industry except plantations. Not only in this country but in all other countries, everywhere, the workers who are organised today had to face this sort of difficulty in the beginning. In our country too, if we take other industries, say the textile industry, they are well organised in this country but they had to face this sort of trouble in the beginning. We cannot expect a trade union of the type that U.S.S.R. is having. We want a trade union organisation to stand on the legs of the workers. They are not to be spoon-fed either by the employers or by the State. This should be the first conception of a trade union but unfortunately what we find is quite different. He says that certain labour organisations raised a voice or lodged a complaint. I am not aware as to with which authority they lodged a complaint, whether they lodged the complaint with the employers or with the State Governments or with the Central Government. He was silent about that matter and therefore I understand that they lodged the complaint with the employers themselves who are opposed to them. In the matter of trade union activities, we are to deal with two parties. One is the employer and the other is the workers. The workers want more concessions and the employers don't want to surrender their rights. So there are two warring parties. Now he demands of the more powerful warring party to concede all the rights demanded by the weaker party but instead of that, he will be well advised to go and organise the workers

and ask them to stand on their own legs. He should ask them to stand on their own legs and to organise a genuine trade union not influenced by any political party in the country. Now I am sorry to say that all our trade union organisations are influenced by political parties and if they have anything to do with politics, they cannot be genuine trade unions. Therefore I request my hon. friend, the Mover of this Resolution, to go to his own constituency and ask the workers to stand on their own legs—neither to go to the employers nor to the Government for any help to form their trade unions. I would have welcomed this Resolution had it come from the previous speaker—Mrs. Parvathi Krishnan—because it is the right of the women, because they are the weaker sex to go, and cry before the elderly people or to those who have power, but I am sorry to see how Mr. Mazumdar was made up.....

SHRI AKBAR ALI KHAN (Hyderabad): Sir, I don't think it is proper for my hon. friend to observe in regard to the ladies that they go and cry before the men.

MR. DEPUTY CHAIRMAN: Anyway, there is no objection from the ladies.

SHRI R. P. N. SINHA (Bihar): May I request the hon. Member to talk a little less loudly because some people have weak hearts.

SHRI B. K. MUKERJEE: I am sorry I was disturbing a friend of mine who has trouble with heart and when I particularly mentioned about the weaker sex, he was more affected, I think. Now what is the benefit of a Committee of enquiry? Everybody knows that after the enquiry is conducted and recommendations made, the Government will go into the matter and if there be any need, Government will come out with legislation to protect the interests of the workers. That is the desire but we are well advanced in this country as far as

labour legislations are concerned. Both the speakers from that side narrated that we have legislations but the implementation is not properly done according to the spirit of the legislation, though according to the letter the implementation is correct. Now we are going to add one more legislation if there be need and that legislation will deal with particularly the plantation labour. As the plantation labour is housed in the plantation area—or the estate as they call it probably—the legislation cannot help under the present conditions, unless the demand comes for the nationalisation of the entire estates.

If we agree that all private property should belong to the State, that will be all right. But the employers of the plantations are the owners of the land as well as the houses there on the land and unless we demand that.....

SHRI S. N. MAZUMDAR: But are they allowed to flout the law even on their private property? Can they do that even inside their own houses.

SHRI B. K. MUKERJEE: The property is private property.

SHRI S. N. MAZUMDAR: But does the arm of law, not reach a person even in his own house? Can he break the law inside his own house?

SHRI B. K. MUKERJEE: Law and order position is quite all right and it applies not only to labour but to all. And law and order is looked after throughout the country by the respective States and they maintain the law and order in the plantation estates also. Of course, there may be difficulty as to the interpretation of law and order, and some may say that it is not properly maintained. It may be stated that the police, for example, favours the planters. But that is not due to any defect in the law. It is in the implementation of the law that there is defect. Therefore, we cannot as trade unionists enter inside a factory or inside the workers' place. That is why for collecting subscription or for holding meetings, we do not go to any industrial areas.....

SHRI S. N. MAZUMDAR: Nobody has asked for that.

SHRI B. K. MUKERJEE: You can ask for the nationalisation of all these tea estates and then the whole estate will belong to the people.

DIWAN CHAMAN LALL (Punjab): Sir, I do not want to interrupt my hon. friend; but I would like to know from him whether it is his thesis that these tea estates, because they are privately owned by private companies, possibly registered in Great Britain, therefore, the workers have not the right to hold any meeting, any trade union meetings in those areas? Is that his contention?

SHRI B. K. MUKERJEE: No, my contention is that because the estate belongs to them and they are the owners of the land and of the houses there, there is no park or any public ground, or meeting place there. So when they have to hold any meeting, it has to be done on private premises. Therefore, permission is required for that and when this permission is granted, certain clauses are inserted in that permission also. So to avoid all these things, we should have a public place so that these activities can be done not on private places.

DIWAN CHAMAN LALL: Therefore, my hon. friend is justifying this Resolution by saying that there are these restrictions. These are the very restrictions this Resolution is seeking to put an end to. Therefore my hon. friend is justifying this Resolution.

SHRI B. K. MUKERJEE: No, no. How is that? There are no two opinions about that. I am only asking that the same end could be achieved by asking the Government to nationalise all these tea estates.

MR. DEPUTY CHAIRMAN: The time is over, Mr. Mukerjee, you have taken more than fifteen minutes.

SHRI B. K. MUKERJEE: I have only to deal with one more point which

was raised by Mr. Mazumdar, and that is about the standing orders. I would like to point out that if the unions are properly registered, they have the right to go to the proper authority for the revision of the standing orders; the trade unions have got that inherent right to go to the proper authority.

DIWAN CHAMAN LALL: Mr. Deputy Chairman, I am grateful to you for allowing me a few minutes. I want to clarify the position in regard to a point or two raised in the debate that has taken place on this Resolution. The last speaker raised an issue which, to my mind, seems to be of paramount interest, not only to us here in this House, but to the trade union world.

SHRI AKBAR ALI KHAN: But it was irrelevant to the Resolution proper.

DIWAN CHAMAN LALL: My learned friend here tells me that it is irrelevant to the Resolution. That is exactly what I was coming to. It was so, as far as a major portion of the remarks of the hon. Member were concerned. What we are discussing here in this Resolution is a very limited matter, that matter being that certain complaints have been received from certain labour organisations in the plantations about interference by the management in their right to conduct trade union activities. It is, therefore, a limited matter. It does not refer to the demands of the workers or their conditions of service and so forth. It refers to a specific matter, to complaints that have been received of the employers not allowing ordinary trade union activities to be conducted in those tea plantations. Now, if that is true, it is a matter for serious enquiry. But that enquiry cannot be held by Members of Parliament. It is an enquiry which has to be held by the Administration itself, by the Ministry itself, and I am very

glad my hon. friend there seems to have suggested that this matter will be enquired into by the Ministry. There is, however, a second method of enquiry into this matter which as I said, is a very serious matter, and that is by the Standing Committee attached to the Ministry. And I do stress on my hon. friends on both sides that a meeting of the Standing Committee should be called for the purpose of discussing this specific complaint. We are all agreed, and I take it that my hon. friend the Deputy Minister is also agreed, that if the complaint is genuine, it is a serious matter and must be looked into and put an end to, if the complaint is actually a justifiable complaint. We are all agreed on this point, because we have got to a stage now—if hon. Members will give me credit for knowing something about the trade union movement—we have got to a stage now when any restrictions of this kind which were in existence from 1920 right up to 1930 and 1931 when the Royal Commission on Labour reported, should not be there. I myself have travelled far and wide as a member of that Commission throughout the tea estates everywhere in India. And I have found that this complaint which is now being placed before the House in the shape of this Resolution was a valid complaint in the plantations, in plantation after plantation that we visited. And I think if the hon. Members will only look into the report of the Royal Commission on Labour, they will come to a proper understanding of this matter.

AN HON. MEMBER: That was long ago.

DIWAN CHAMAN LALL: Yes, it was long ago, in 1930. But what is being suggested now is that that complaint is still there and if it is there it is the duty of my hon. friend to look into this complaint, not as a roving commission of hon. Members of Parliament going all over the country looking into the general complaint. My hon. friend should get this specific complaint that has been placed before the House looked into and assist Mr.

Mazumdar to come to a correct understanding regarding this complaint. The principle, I think, is acceptable to all of us and it is now a matter of pure detail. Certain complaints have come from certain places. We cannot, as Members of Parliament, go on a roving commission, looking into these complaints. It is the duty of the Ministry to do so and the Ministry should function, in the first instance, through the Standing Committee. Do I take it that my hon. friend the Deputy Minister agrees to this?

THE DEPUTY MINISTER FOR LABOUR (SHRI ABID ALI): I will explain the position.

DIWAN CHAMAN LALL: He should look into these complaints and my suggestion is that I am going to request Mr. Mazumdar to withdraw his Resolution on an assurance being given by the hon. Deputy Minister that these complaints will be looked into (a) by the Ministry and (b) by the Standing Committee attached to the Ministry. If the complaints are valid, then it is a serious matter for concern by all of us.

In our Constitution, Sir, article 19 lays down certain directives, certain laws on the subject, which were not valid until the Constitution was adopted. There were cases in the olden days, of tea planters who were made honorary magistrates, given magisterial powers in their own areas and the result was that no trade union activity could flourish. Gentlemen 1 P.M. who know something about it, probably remember the well known case; one of my Secretaries who accompanied me to one of those Tea plantations with the object of creating a trade union organisation there was spirited away overnight and a few days later found himself in Rangoon. He was placed on a steamer and he found himself in Rangoon, spirited away by the tea planters. The history is a very serious history of past misdeeds of those who were in possession of these plantations and, therefore,

[Diwan Chaman Lall.]

any complaint that today arises, many years after those incidents, is a matter for serious concern.

I referred you to the Constitution and article 19 says: "All citizens shall have the right....."—and my hon. friend who spoke last would be kind enough to listen to what I am going to say in regard to the Constitution in reference to the remarks that he himself made: "(a) to freedom of speech and expression". Therefore, to hold meetings is their inherent right anywhere: "(b) to assemble peaceably and without arms". Of course, if my hon. friends want to assemble with the intention of not assembling peaceably then they are out of court.

SHRI S. N. MAZUMDAR: I have not demanded that.

DIWAN CHAMAN LALL: My hon. friend says that he did not demand that. He will have to face the law courts of my hon. friend the Home Minister even if he demands such a thing. The third thing is "(c) to form associations or unions". This also is an inherent right. Nobody, not even a person who has got a thousand acres of land which is his property but which happens to be a plantation where thousands of workers work, has the right to prevent the formation of an association or a trade union. If he does so, he is violating the Constitution and certain things follow therefrom.

The last thing is "(d) to move freely throughout the territory of India". That is where my hon. friend who spoke last probably did not realise that there is a fundamental right guaranteed to every citizen of India that he can move about freely, no matter where it is, even if it happens to be a plantation.

SHRI B. K. MUKERJEE: May I point out that the question does not relate to the formation of trade unions? The trade unions are there but there is interference with the trade union rights and activities.

MR. DEPUTY CHAIRMAN: It is time, Mr. Mukerjee.

SHRI S. N. MAZUMDAR: Mr. Mukerjee, with his distrust of lawyers is, today, arguing like a Police Court lawyer, if I may say so.

MR. DEPUTY CHAIRMAN: Will you take more time, Mr. Chaman Lall?

DIWAN CHAMAN LALL: No, Sir, only one minute more, with your permission.

To indulge in trade union activity, one has to hold meetings and so on and it is unthinkable to me how anybody could indulge in trade union activity, sitting quietly either in his own hut or sitting here on the floor of this House. Therefore, it is necessary that we must look at it from the point of view, first of all agreeing to the principle—we must agree to the principle—that this is wrong, and secondly, finding a way out of it. So, I appeal to my hon. friend Mr. Mazumdar, on an assurance to be given by my hon. friend the Deputy Minister, to withdraw his Resolution.

MR. DEPUTY CHAIRMAN: You can reply at 2-30 P.M., Mr. Abid Ali. The House stands adjourned till 2-30 P.M.

The House, then adjourned for lunch at five minutes past one of the clock.

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

THE DEPUTY MINISTER FOR LABOUR (SHRI ABID ALI): Sir, I am in entire agreement.....

SHRI AKBAR ALI KHAN: I wanted to say something. Sir, and I have nothing very much to add to what has already been said and I entirely agree with the proposal that Diwan Chaman Lall has given. In fact I was also thinking on those lines and I want to suggest to Government to accept the proposal of Diwan Chaman Lall. That is all I have to say.

THE DEPUTY MINISTER FOR LABOUR (SHRI ABID ALI): I was submitting, Sir, that I am in entire agreement with what has been said by my hon. friend Diwan Chaman Lal with regard to this matter and there can be no dispute that the workers must have unfettered trade union rights. It is not a concession to them but it is their fundamental right which the Constitution has given to them, and it is our duty to make it possible for them to enjoy it, and do all that is necessary to assure them that no interference from any quarter would be tolerated. So keeping this in view, I may request my hon. friend Shri Mazumdar to withdraw his Resolution because to pass such a Resolution the House should be satisfied that a *prima facie* case has been made out for appointment of a parliamentary committee. Shri Wadia said that there is no harm in appointing such a committee but there should be a *prima facie* case made out for the appointment of a committee; it would not be a reasonable proposition to appoint the committee simply because an hon. Member feels that there should be a committee of Parliament.

I have been moving about sufficiently in these plantations. A friend from that side complained—and also a lady Member—that I go to organise rival trade unions. It is very unfortunate that they have such a feeling.

SHRI N. C. SEKHAR: For inaugurating that union.

SHRI ABID ALI: When I go there the workers do gather and I address them and tell them what is their right and what we are doing and what they should do as good workers and good citizens. I have gone to the remotest parts, to some of the places which have not even been visited by any trade union worker. The residential quarters of the workers near the road are generally in a satisfactory condition but their *chals* about 20, 25 miles away from approach roads are in a very unsatisfactory condition. I go to such places, meet the workers in their own quarters and talk to them individually

and whatever defects I see I explain them to the employers and I try to seek redress as far as possible. In the Plantation Labour Committee which was held in Ooty last year, I impressed upon the employers the necessity of allowing unfettered access to the workers' quarters through the roads which are private property. I am at one with the hon. Members here who have said that we should not tolerate the old system under which these thousands of acres, which are of course owned by the planters, and the workers working in them were kept isolated from the rest of the population. I am, Sir, also of the view that the workers in the plantations should have some standard of trade union organisations and should have some privileges as are enjoyed by those outside the plantations. As for their housing conditions, Sir, some hon. Member has mentioned that these are not satisfactory. I agree with him that in some of the plantations the conditions are, I should say, horrible, and for that very purpose we have got this Plantations Labour Act and the rules thereunder which have been framed. Even when the Plantations Labour Act was not brought into force, an agreement was reached in the industrial committee on plantations that at least 8½ per cent. of the housing requirements of the workers should be met every year so that within a short time all the workers may be able to get decent houses. Not that the workers have not got houses now. As a matter of fact in some of the plantations the housing condition is not so bad as in Annamalai to which reference was made. The hon. Lady Member said something about Vallappara. I have visited that estate also. I have visited Annamalai, Wynad, Munar and Vallapparai as well, not only after coming into office here but also before that. I felt at that time, even last year, that there were some restrictions on the movements of trade union officials in some of the southern estates. The position has improved very much now. Some of the hon. Members have been saying that the conditions now are the same as in pre-independence period. About that this

[Shri Abid Ali.]

small paragraph I may read: "Once labourers arrived in the plantation, the low wages, poor living conditions and bad treatment by the employers disillusioned them. Desertions were frequent but the deserters were flogged mercilessly if caught. There was no labour movement as we have today."

This was the position in pre-independence period. My hon. colleague, the Labour Minister, gave the details about the conditions and the trade union rights which the workers are now enjoying—and compared with the 1931 position to which some of the hon. Members have made a reference, the position now is much better although not perfect. The breach of law is there both in the plantations and in the plains. Trade union workers have got some difficulties not only in the plantations but in the plains also.

SHRI B. B. SHARMA: Is there no defect in the trade union leaders also?

SHRI ABID ALI: Yes, I am coming to that. I may mention that so far as strikes are concerned, there were only 23 in the plantations in 1954. The managers were assaulted six times and were confined on seven occasions by the workers last year. Now this is a thing which gives a handle to the management to become more harsh and the efforts which are being made by those who believe in genuine trade union movement are thus hampered. I may request the hon. Members opposite, as has been suggested by some friends from this side, that trade union movement should be entirely separate from other matters, particularly politics. Of course for some hon. Members it may be that they will say that politics and trade unionism are the same thing. So far as they are concerned I have...

SHRI S. N. MAZUMDAR: What is exactly meant by it? What is exactly the contention of the hon. Deputy Minister? Is it that members of political parties should not participate in trade union movements?

SHRI ABID ALI: No, Sir. I have been myself connected with political organisations for 40 years and I was a trade unionist for the same period, since 1913, but I never exploited the workers for political purposes through trade union organisations. I will work in trade unions for supporting workers' claims, for their uplift through a good trade union organisation.

SHRI S. N. MAZUMDAR: This is a matter which may be said by us also. I request the hon. Deputy Minister not to go into these things because nobody says the trade union movement should be exploited for political purposes. But there are charges and counter-charges from both sides. So I think it is better not to go into these things but come to the real facts.

MR. DEPUTY CHAIRMAN: I remember you also made such allegations that the Minister was visiting establishments just to support their own organisation.

SHRI N. C. SEKHAR: I did not make any allegation.

SHRI ABID ALI: The hon. Member Mr. Sekhar said that I use the platform for organising rival trade unions.

SHRI N. C. SEKHAR: It is a fact.

MR. DEPUTY CHAIRMAN: Then you take the other remark of the Minister also in the same light.

SHRI ABID ALI: With regard to Standing Orders, of course I admit that these Standing Orders were framed long ago but, Sir, I have been trying to search out whether we have received at any time any request for revision of the Standing Orders. There are some difficulties for revising the Standing Orders; that I admit. But I may say that in the Bill which we are bringing forward to amend the Industrial Disputes Act there will be a provision which will make it more easy to revise the Standing Orders. Even as it is a trade union

organisation of the workers can ask for the revision of the Standing Orders and the State Government can make a reference to the Tribunal if a case is made out for a revision.

SHRI S. N. MAZUMDAR: But the West Bengal Government at least has not done it.

SHRI ABID ALI: In case any State Government has not conceded such a request, although their decision is final still we can be approached and if the demand is reasonable, our good offices will be available for referring the case to a tribunal.

Some remark was made that the tribunals took long time. Yes; it is true that in some cases there has been delay. But we have a democratic form of Government. The tribunals are available and if the Awards of the tribunals are not being implemented by the employers, then we are here to prosecute such recalcitrant employers. I assure the hon. Members that if cases where employers are not implementing the Awards of Tribunals are brought to our notice, we will certainly be helpful.

So far as the reasons given for the appointment of a Committee are concerned, as I said no *prima facie* case has been made out. No complaint has been received with regard to Himachal Pradesh, Bihar, Tripura, Assam, Coorg and Uttar Pradesh. Only two complaints were received with regard to Madras and they are being enquired into. They were of a.....

SHRI S. N. MAZUMDAR: From West Bengal complaints were made.

SHRI ABID ALI: I am coming to West Bengal, Sir. From West Bengal three complaints have been received, one of which has been found to be exaggerated. In the other the Union could not substantiate the charges of interference with trade union rights and in the case of the third there was no proof about the allegations that

were made. This is the position so far as we are concerned and I do not see any case for the appointment of a Committee. I request the hon. Member that apart from these, if there is any specific instance in which there has been interference with trade union rights of the workers, that may kindly be brought to our notice. We are very anxious ourselves that such cases should be brought to our notice and I assure the House that we will take very strong action, provided of course some proof is forthcoming.

About the Tripartite Committee, we hold the meeting every year regularly and I promise that if specific cases of interference with trade union rights by the employers are mentioned, certainly we will place them on the agenda of the Committee which we propose to hold shortly but they should be accompanied with the necessary details because in a Committee we cannot have only a general sort of discussion. It should be specific and if such a note is received we will send it on to the Members of the Committee and that will be discussed in the full Committee.

Mention was made with regard to red flag. I do not know how the carrying of a red flag is a fundamental right under the Constitution or how its obstruction can be said to be interference with trade union organisation.

SHRI S. N. MAZUMDAR: But why should it be obstructed?

SHRI ABID ALI: Leave it aside, Sir. I was not going into such details. Of course, I have respect for the red flag when it is on the Russian or the Chinese Embassy but when it comes as a rival to my flag, certainly I have contempt for it.

SHRI S. N. MAZUMDAR: Sir, if the hon. Minister goes into all these, I shall plead for more time to answer all these things.

SHRI ABID ALI: I assure the hon. Members that we will not allow any

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interference from any quarter so far as trade union right of the workers is concerned. We want them to have free passage from public road to their quarters and we also want that they should have their privilege to hold trade union meetings within the plantation areas; not only to have a trade union but a trade union of their own choice. I also have assured the House that if any specific case is brought to our notice we will go into the details with all earnestness and if a note is sent to me for placing the item before the Plantation Labour Committee, that will also be done. With this assurance I hope the hon. Member will withdraw his Resolution and will not risk its rejection.

SHRI S. N. MAZUMDAR: Mr. Deputy Chairman, I am sorry I have to disappoint the Deputy Labour Minister because I am not going to withdraw my Resolution. I can however give him an alternate suggestion. My friend Mr. Wadia said that my demand is a very modest one. I can place a still more modest demand before the hon. Minister. Let there be a public enquiry into this matter. If the Government is prepared to accept that, then only I can think of withdrawing my Resolution; otherwise not. I will tell you why a public enquiry is needed. If a public enquiry is made into the whole thing by a Committee, the facts which will come out in that enquiry will arm the Government itself, will equip the Government itself and will give some direction to the Government as to how to move in this matter. Sir, it is due to the results of the Reports of the various Enquiry Committees that public opinion has been focussed on conditions of different sections of labour, particularly on plantation labour. Even now focussing of public attention is very necessary not only in the sense of ventilating grievances in Parliament but in bringing out real facts. Because as I have said there are various types of interference with trade union activities which my hon. friend the Deputy Minister seems to miss. There are various cunning devices resorted to by

employers to deprive the workers of trade union activities and these are things which require a thorough enquiry. I know departmental action is there. What are they? In Standing Labour Committees general things are discussed.

What happens actually before the Standing Labour Committee and before the Tripartite Conference is this. When these things are brought up on paper everything looks all right. Even the representatives of the planters will not say that they want to interfere with the trade union rights. They will say that there is no obstruction and in order to show that there is no obstruction they will allow not only Mr. Khandubhai Desai, before he was a Minister, but also Mr. Dange to go to some gardens. But it is not Mr. Khandubhai Desai or Mr. Dange who actually does the work of organising the labour there on the spot. But the real thing is that the trade union workers who are employees there or the trade union organisers who go there from outside are the persons who have to face the brunt of the whole thing. In this matter, the very outlook of the local authorities, the Police, the District authorities and the State Government is not also completely clear to say the least. The Deputy Minister said just now that there must be proof of interference with trade union activities. But, Sir, the planters are very clever. They do not say: "I dismiss you for trade union activity", but some other pretext is employed. By a public enquiry on the spot, by enquiring from the workers and all concerned, it can be found out that it has been due to trade union activities.

SHRI ABID ALI: That can go to the Tribunal.

SHRI S. N. MAZUMDAR: As regards the Tribunal, I have said that it will take a long time. And it is not one particular case. These things have been happening over a large number of areas, in a number of gardens. In this connection, I would like to clear one confusion which had arisen. I

have not said that the conditions in the plantations are the same as they were seven years before. I only said that as regards trade union rights the conditions which existed previously exist to a large extent in many gardens. The plantation labour movement itself has earned some victories and I know that as a result of their struggle, conditions have changed even as regards trade union rights. In the north India gardens we have established the right of holding meetings in the gardens and the courts now do not entertain any case of trespass. Still what happens? Where the labourers are organised, we can hold meetings. Where the labourers are not organised, they do not even know of the trade union rights; they do not even know of what has been sanctioned to them by the Government or the Tripartite Committees or Conferences. The planters go on acting in their old way, even denying the minimum wages which have been granted to the workers. When the trade union organisers know and press for them, they are beaten and victimised. Sir, here I have a telegram from the Secretary of a registered Union. He went to a garden, Meenglass in Dooars. The European Manager himself came and finding that the Police would not take the case, asked the Secretary to leave and asked the chowkidars to disperse the meeting. In another case, the European Manager said: "It is true that you have access to the residential quarters of the workers, but you have no right to go over my road." So, how will the trade union organisers be able to go to their residential quarters without using the road? Sir, there are various devices adopted. There is one complaint from Tripura. I do not know whether the Central Government had received it, but certainly it was submitted to the State Government. Here I have one particular instance which I wish to mention. The management of Simnachheri and Brahmakunda Tea Estates told the organiser: "If you associate with the Union, you will be discharged." They did not give it in writing. That is the whole trick. The D. I. B. officers visited them. There

are other examples also. Sometimes the managers or their officers who as yet do not know the legal position commit crude mistakes. Here in my file I have some complaints. In one instance a notice was served on the president of a meeting saying: "If you hold a meeting in the factory premises and without permission and you pass such demands which are against the Standing Orders, you will be dismissed." This sort of crude victimisation is resorted to. The majority of them take recourse to standing orders, to harassment. They drive trade union organisers out from the gardens. So, the main question is that it is not only the question of access to the gardens. Those people who live there, as you know, the plantation workers mostly in north India have actually cleared the forests and actually that is their home. They have been uprooted from their original homeland. They have been living in the plantations for generations. So, if one fine morning he is dismissed, an eviction notice is served on him and in case of failure to comply with the eviction notice, he is driven out bodily with his bag and baggage and family outside the garden, that means that he not only loses his job, but he loses his home also. He is banished. So, these things go on even now.

The hon. Minister has suggested that the specific cases should be placed before the authorities and they will enquire. They enquire in the old way, with the technicalities, in the hardened way, that there has been no interference with trade union activities. But the real facts should be seen as to what are the devices which are being adopted by the planters to defeat trade union organisations and trade union movement. As I said, this is a disability from which the trade union organisers from all sections suffer. He has said that as regards standing orders no complaints had been received. I do not know whether the Central Government has received any.

SHRI ABID ALI: No demand had arisen.

SHRI S. N. MAZUMDAR: But I know, Sir, personally of several

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Unions who have submitted this demand. Among the demands submitted to the Deputy Labour Minister of West Bengal, one is for revision of the standing orders. That has been pending for a long time. It is admitted theoretically. My whole complaint is this: that on paper everything is all right. Due to the exercise of public opinion, due to the strength of the plantation labour movement, some concessions have been obtained, some changes have been made. But where the Union is not strong, where there is no trade union movement, there the labourers do not even know of it, it is there in those gardens that conditions still prevail as before and in those gardens where Unions exist they had to organise that Union and maintain it at heavy sacrifice. So, my point is that what is on paper is not being implemented and for the implementation of this particular thing, a heavy sacrifice, a serious struggle, has to be conducted by the labourers. Why is that necessary? These things require an enquiry and a thorough enquiry at that. How many minutes more have I, Sir?

MR. DEPUTY CHAIRMAN: Five minutes more.

SHRI S. N. MAZUMDAR: So, Sir, I shall have to wind up. The hon. Deputy Minister has said that no *prima facie* case has been made. Within the short time at my disposal I have not been able to give you a number of cases which I have here, but I shall give him all these cases as to how the provisions of the Act have been defeated. I am thoroughly disappointed by the speech made by the Labour Minister. It was quite unexpected. The Labour Minister actually has spoken in a manner which white-washes the sins of the planters. I do not know whether the Labour Minister has assumed the function of white-washing the sins of the planters. He said that the conditions had changed after Independence. The plantation labourers' lot has been improved. There are so many laws. The Government is looking into their

complaints. There is no necessity of an enquiry. I am afraid, from his speech, that the line the Labour Minister is going to follow will lead to the liquidation of all genuine trade union movement

SHRI ABID ALI: Andhra has shown that.

SHRI S. N. MAZUMDAR: I do not quite like to go into that. It is unfair when I have only five minutes left to ask me go into it. I have not made it a party question. This a question of how they interfere with the trade union movement. Even if the hon. Deputy Minister consults his colleagues in the I.N.T.U.C. which work in the plantation labour movement, they will give almost the same facts which I am giving to him. Therefore, I do not like to go into these controversial points. But I am disappointed by the speech of the Labour Minister. I am not so much disappointed with the speech of the hon. Deputy Minister for Labour, he only said: "I shall go into those complaints if you will refer them to me." I do not expect more from him. His was one of the standard speeches from Government Benches. I shall refer the complaints to him. I do not say nothing can be done. Something can be done if he looks into those complaints.

SHRI ABID ALI: And help the workers to have unfettered trade unions.

SHRI S. N. MAZUMDAR: Regarding the standard of speech coming from the Government Benches, the Labour Minister's speech was a complete departure from the whole stand. That is my point. However, unfortunately within the short time at my disposal, I have not been able to convince the Deputy Labour Minister that a *prima facie* case exists for an enquiry. I cannot help it. But, Sir, if he takes into consideration not only what I have said but also what has been said

by many of the hon. Members in this House, then he should at least agree to this. Let there be a public enquiry into the whole thing. If there is a public enquiry by any duly constituted committee—let it not be a committee of Parliament Members—if that committee goes into the whole thing, it will collect a lot of material. That will focus public attention on the various complaints. That will arm public workers, social

workers, trade union workers, whether they belong to a particular party or not with sufficient facts, with sufficient knowledge of the conditions obtaining there. It will give the Government also sufficient material to prepare some legislation. Sir, I can withdraw this resolution only if a public enquiry is instituted, otherwise not. I am not going to withdraw this resolution only on the assurance that a departmental enquiry would be made, or some standing committee would be appointed for the purpose. I know the standing committees. I know the procedure of these committees. In the standing committees, these things will be taken up in a very circumscribed manner on specific complaints, and the question of all these technicalities will arise there. That will defeat, Sir, the very purpose of this resolution. As I have already said, Sir, I do not ask that all these things should be accepted on their face value, but I have tried to draw the attention of the House and of the Government to the necessity of an enquiry into the whole state of affairs in the plantations, so that things may come to light and steps may be taken accordingly.

MR. DEPUTY CHAIRMAN: The question is:

"That this House is of opinion that a Committee consisting of members of Parliament should be appointed to enquire into the complaint by certain labour organisations in the plantations about interference by the management with their right of trade union activity."

The motion was negatived.

RESOLUTION RE ENFRANCHISEMENT OF DISPLACED PERSONS WHO HAVE COME OVER FROM PAKISTAN AFTER 25TH JULY 1949.

MR. DEPUTY CHAIRMAN: Then we take up the next resolution. Shri S. N. Dwivedy is not here.

SHRI B. C. GHOSE (West Bengal): Sir, I have been authorised by Mr. Dwivedy to move the Resolution on his behalf.

SHRI GOPIKRISHNA VIJAIVARGIYA (Madhya Bharat): If the mover of the Resolution is not here, let it be taken up afterwards, because other movers are here.

MR. DEPUTY CHAIRMAN: According to the rules, if a Member other than a Minister, when called upon, is absent, any other Member authorised by him in writing in this behalf may, with the permission of the Chair, move the Resolution standing in his name. So, he has been authorised to move it, and I have permitted him to move.

SHRI B. C. GHOSE: Sir, with your permission, I want to move this Resolution with a small amendment in the date. Where it is said "January, 1950," I want to substitute "25th July, 1949."

Sir, on behalf of my friend, Shri Dwivedy, I move the following Resolution:—

"This House is of opinion that Government should immediately take necessary steps for the enfranchisement of displaced persons who have come over to India from Pakistan after 25th July, 1949."

Sir, I shall not take much time of the House in elaborating this resolution, for the proposal embodied in the resolution is so eminently just that I believe that I have merely to narrate the facts to convince not only you, but the whole House, of the undoubted merit of the case that I am sponsoring today. Now, the position is this. Under article 5