

THE INDUSTRIAL DISPUTES  
(AMENDMENT) BILL, 1954

THE DEPUTY MINISTER FOR LABOUR (SHRI ABID ALI): Mr. Vice-Chairman, I beg to move that the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration.

The Bill before the House is to provide for payment of compensation to workmen in the plantation industry in the event of their lay-off. It is a short and simple Bill, but an important measure for the good of more than a million workers in plantations. As hon. Members are aware, a few months back Parliament passed the Industrial Disputes (Amendment) Act securing for workers in factories and mines payment of compensation for lay-off and retrenchment. The rate of lay-off compensation is 50 per cent. of the total of basic wage and dearness allowance payable to a worker.

In pursuance of the announcement made by the Labour Minister during the discussion of the Industrial Disputes (Amendment) Bill, 1953, in Parliament, the subject of payment of lay-off compensation to workers in plantations was placed before the Industrial Tripartite Committee on Plantations held at Calcutta in January last. The Committee recommended that the benefits relating to lay-off should be applied to the plantation industry also with effect from the 1st April 1954 subject to the condition that none of the provisions of the Act derogated from the effect of any statutory notifications issued by Governments or of any agreements or contracts entered into between the parties requiring the provision by employers of a minimum number of days of work, or wages or compensation to workers. I may mention here, that State Governments have fixed minimum wages under the Minimum Wages Act, 1948, in the case of plantation workers. The Government of Travancore-Cochin have issued a notification relating to minimum wages of plantation workers according to

which employers will provide work for their labour throughout the year failing which the workers will be given their minimum wage for the days on which they are involuntarily unemployed. Such notifications will not be affected by the provisions of the Bill.

The Bill before the House is intended to give statutory effect to the recommendation reached at the Calcutta Tripartite Committee meeting. The proposed legislation will have retrospective effect, that is, from the 1st April 1954. Plantation workers will have the benefit of lay-off compensation as also of the welfare provisions contained in the Plantations Labour Act from the same date, that is, the 1st April 1954.

As only one hour has been allotted for this Bill, I do not propose to take more time. I would commend the Bill for the sympathetic consideration of the House.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Motion moved:

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

SHRI S. N. MAZUMDAR (West Bengal): Mr. Vice-Chairman, this Bill is really a victory for the plantation labour movement, and I am glad that the hon. the Labour Minister has admitted in his Statement of Objects and Reasons that "in view of the insistent demand of plantation workers, the question of extending the provisions relating to lay-off benefits to them was placed before the meeting of the Industrial Committee on Plantations". And after the recommendations of the Committee, the Labour Minister answered, on a previous occasion on the floor of the House, that it was found that legislation was necessary to give effect to that and hence this legislation has been brought forward. I would have been very pleased if the Labour Minister or his Deputy had

accepted my amendment in December last when we were discussing the Industrial Disputes (Amendment) Act. Really the amendment which is proposed in this Bill is the same as the amendment I proposed to the Industrial Disputes (Amendment) Bill in December last. Actually, in reply to my amendment, the Labour Minister did not oppose it and he had no grounds or reasons which were at his disposal to oppose it. He simply said "For certain reasons it will have to be held over and placed before the Tripartite Conference". It was placed and it was accepted by the Tripartite Committee and now it is given to us in the form of a legislation. If this had been accepted earlier, the plantation labour would have benefited by it much. I had occasion, in the House, to point out previously that plantation labour in many districts of West Bengal, and in my district particularly, had to suffer from this lay-off. I know of cases where the people in the plantations had no work for full four, five, six months, and sometimes even for one year; they were even reduced to a state of starvation. Nothing was done, nothing could be done, because there was no legislation.

I find from the statement of the hon. the Deputy Minister that it is going to have effect from the 1st April. I request him to consider whether he could not accept the suggestion that instead of from the 1st April it may take effect from the date when the Industrial Disputes (Amendment) Act will have retrospective effect. It was from some time in October, I think. It was provided in the Industrial Disputes (Amendment) Act that the provision regarding retrenchment and lay-off will have effect from the 31st October 1953. However, if he could accept this suggestion, namely, give this the retrospective effect from the 31st October, that will really give some benefit to the poor plantation labourers.

In this connection, I would like to lay emphasis on some other point. It is not sufficient, particularly in the

case of labour in the plantations which are as yet like prisons and where the planters have their right of sway in that area, to pass a piece of legislation. The emphasis should be on the act of implementation and rest content. It is very important and I would like to say this with regard to plantation labour. The Plantation Labour Act came into force in 1954 after insistent demands from all sections of the plantation labour movement. Now it has been implemented, in many places it is implemented only in name, it could not work. I have reports from Darjeeling and Jalpaiguri that the planters there are resorting to various devices to defeat the provisions of the Plantation Labour Act. There is, for example, the provision of construction of houses for labourers. Under that plea repairs to existing houses have been stopped. They are telling the workers: "According to the Act, we are to build houses for you, so we are not going to repair your houses now". Previously, they were doing the repairs to their thatched houses, and now in view of the character of the monsoon in that area, these houses require repairs. But this being postponed, that is being avoided. They say to the plantation workers, "According to the Act, new houses will have to be built, repairs cannot be undertaken. You will have to live in the rain". In the last recess, I visited some of the gardens and I saw the condition of these poor labourers. This sort of device on the part of the planters was really harmful. The labourers were getting the impression that this Plantation Labour Act has come more as an evil to them, because it took away even the annual repairs to their houses that they were getting

Again, with regard to trade union rights, where there is a strong union the rights of labour are admitted. Where there is no strong union, what happens? I know of a case in the Darjeeling district. I shall give this case to the hon. the Deputy Labour Minister if he cares to go through it. There, the *chowkidars* of these plantations arrested the trade union organiser

[Shri S. N. Majumdar.]

and sent him to the *thana* for having organised the trade union. Can you imagine, in 1954 such things to take place? It was after this Plantation Labour Act was passed that a new trade union organiser was going there and he was arrested by the *chowkidar*, quite an illegal act. The planters sometimes organise *goonda* gangs who go about threatening the employees who take part in trade union work. If any labourer comes forward to organise the trade union, that poor man is victimized in many ways. The planters do not give or provide any legal loophole. When it was long known that the conditions in the plantations were undesirable for the labourers themselves, a Plantation Labour Act was passed. But the managers of these plantations, without leaving any legal loopholes, resorted to other means. Through their *goondas* and ruffians they victimized the trade union organisers. The Government say: "We have nothing to do", and wash off their hands. This is really a travesty of justice. This is really defeating the purpose of the Plantation Labour Act.

Again, there is no equal pay for equal labour introduced in the plantations. There are several categories of labour, males, females, adolescents. In cases even the male workers are paid according to the scale of female workers. When a particular pay was introduced for adolescents, when they grow into manhood they work heavily but they continue to get only the lower pay. There was an incident recently in a garden in the sub-division of Siliguri. Some labourers went to the manager for making demands for bonus. The manager fired on them and several workers were injured. Of course, the manager was ultimately arrested. I am pointing out this case now to show that it is not sufficient simply to pass this piece of legislation and remain complacent that we have done much and that we have applied this lay-off compensation to the plantation workers. The question of implementation is very necessary.

Secondly, in this connection, I would like to draw the attention of the hon. the Labour Minister to this. In the United Planters Association of South India, they have raised the question of losses, financial instability and many other things. We have suggested that there should be a thorough tripartite enquiry into the condition of the plantation industry. Government have, as yet, paid no attention to it. It was said that there was great demand for this enquiry. I can say that it was a demand which was backed by the entire plantation movement. What has happened recently? In Assam, the Assam Government has modified the award of the Labour Appellate Tribunal to the disadvantage of labour with regard to the giving out of ration on the plea that some of the gardens were uneconomic. The Assam Government has taken the initiative to modify that award. When this question was taken up—of the aid to uneconomic gardens—the Minister for Commerce and Industry evolved a theory that marginal or sub-marginal gardens are bound to be extinct and there is no use of helping them. But when the question of compensation to the labourers comes..

SHRI ABID ALI: Sir, on a point of order. I have been trying to understand if the hon. Member is saying anything with regard to the amending Bill before the House. What he has been saying is all irrelevant. I do not mind his saying all these, but it should have some bearing on the Bill before us.

SHRI S. N. MAZUMDAR: My friend is very conscious about relevance. I am trying to show him that the plantation labourers have been neglected for long; the Government have neglected them. I had suggested the provision in this Bill six months ago. If the Government had brought forward this Bill at that time, it would have given them much benefit. Even after passing this legislation, there is the question of implementation. There is the question of the attitude of the Government, the

Central Government and the State Governments, towards the question of plantation labour. Unless that is clear, nothing is going to benefit the plantation labour. The Plantation Labour Act was passed in 1951, but the implementation was left to the State Governments, and the State Governments completely shelved it. So, what is the guarantee that this piece of legislation also will not meet the same fate? Theoretically it may be there on paper, but if it is not going to be implemented, and if this aspect is not taken into serious consideration by the Central Government, what is going to happen? It will, no doubt, be implemented on paper. But in reality, the labourers will not get the benefit of this legislation. That is, Sir, what I was trying to impress upon the hon. Deputy Minister. But as I find that he has not the patience to hear these things on grounds of relevancy and irrelevancy I do not want to take much time of the House. But I support the Bill.

SHRI H. P. SAKSENA (Uttar Pradesh): Sir, it is a matter of joy for me to be supporting the amending Bill which has the interests of the poor labourers at heart. All that I say in this connection is only complementary to what my hon. friend, Mr. Mazumdar, has just said, because I recognise him as an authority and a leader in matters where the interests of the labouring classes are concerned.

I am not disposed to forgive the Labour Ministry for its omission in not including the plantation labour in the matters for which the Acts were passed in the years 1952 and 1953. If the lay-off compensation was thought necessary for the workers covered by the Factories Act or by the Mines Act, why was the case of the plantation labourers dropped out? Why did it slip the notice of the Labour Ministry? I have always thought that this age is the golden age for the labouring classes of India, for the very simple reason that two prominent and eminent veteran labour leaders are at the helm of affairs in the Labour Ministry, the

veteran Labour Minister as well as his deputy. Now, what better combination can be conceived of where the interests of the labouring classes would be safeguarded in a better manner?

(Interruptions.)

I am an optimist of optimists. And I expect every good and every benefit to come from the present Labour Ministry, even though my friend, Mr. Gupta, may deprecate the Ministers as well as their work.

My hon. friend, Mr. Mazumdar, wanted the work of the implementation of this measure to be done by the Government. I would humbly enquire from him, what is this labour leader and what is this entire paraphernalia of the unions for when they do not even take care of seeing that as soon as a measure is passed by Parliament, it is implemented by the Government? They should raise a storm; they should raise a hue and cry and should see that the implementation of the measure is resorted to without delay.

DR. R. B. GOUR (Hyderabad): Are you sure that the Home Minister will not interfere?

SHRI H. P. SAKSENA: So far as the payment of compensation from the 1st of April of this year is concerned, I am sorry I cannot go the whole hog with my friend, Mr. Mazumdar, and say that the payment of compensation should be reckoned from a very very distant date ...

SHRI S. BANERJEE (West Bengal): 31st October 1953.

SHRI H. P. SAKSENA: 31st October 1953 or any other voluntary date that this provision may be disposed to fix. Nothing like that. Speaking as I do from the Government benches, it is my duty to see whether the funds of the Government will permit all that big amount of money to be paid.

Now, this is a measure which does not require any commendation, which does not require any recommendation,

[Shri H. P. Saksena.]

from any quarter. I only hope that such omissions will not recur in future and things will be done at the proper time. It passes my comprehension—I again repeat—that such an important factor as the interests of the labouring classes was disregarded; not voluntarily. I admit, but involuntarily too such things should not happen. Therefore, I give my wholehearted support to this Bill.

Dr. R. B. GOUR: Mr. Vice-Chairman, I think the hon. Deputy Labour Minister will allow me not merely to shake hands with him on this occasion when he is piloting this Bill, but will also allow me to cross swords with him on this occasion.

The point is, that I would like to impress upon this House that the Government is taking this labour legislation very lightly. It is true that this legislation is a welcome measure. But this piecemeal legislation itself is a matter that must be taken into consideration by this House and by the Government. How long are they going to treat labour so lightly, and in fact so contemptuously? Today, problems have been posed before the Ministry, before the Government, by the trade union movement, the problems that require legislation. But the Ministry sometimes sleeps over them and sometimes wakes up too late. Perhaps, my hon. friend, the Deputy Labour Minister, will say that I am rather irrelevant, because things that are inconvenient to him are considered to be irrelevant. The question is this: Does he know that so many problems are there in regard to which he has promised legislation and in regard to which the Labour Officers have promised legislation? They always say "A comprehensive legislation is under consideration", but in reality nothing comes out.

Now, coming to this particular amendment regarding lay-off, I would like to draw the attention of the hon. Deputy Minister that this very amend-

ment of the Industrial Disputes Act is being missed by the soulless class, the capitalists.

The spirit of the amendment, the purpose of the amendment, is to see that the workers are compensated for involuntary unemployment. Let me remind the hon. Minister and let me also bring it to the attention of the House that this very provision of 'lay-off' is being used to victimise the workers, to force adverse working conditions on them.

SHRI ABID ALI: Should I withdraw it?

Dr. R. B. GOUR: This factor has to be taken into account. Here there is a factory in Hyderabad. The hon. Minister knows about it. That factory was not allowed to close down when it applied for closure before the Appellate Tribunal at Bombay. The Appellate Tribunal held that the arguments that they were giving were for reorganisation of the factory and that they could not be allowed to close the factory. Now, after the Ordinance about lay-off, after the amendment of the Industrial Disputes Act, the factory put up notice advancing precisely the very arguments. After four months of lay-off—the mill was closed on January 8th—now in Bombay they have taken the decision that the mill should be liquidated. After four months' lay-off, somebody else is to purchase it now, and that somebody will probably take another month to get the mill going. The purpose was really to make the workers accept greater work-load and make them accept wage-cuts and run the mill on lowered strength. That was the idea behind this move. (Pointing to Dr. J. P. Srivastava) Here of course there are certain people who belong to that great class, the capitalist class and they will certainly like me to define what a capitalist is. Here is the definition. A capitalist is one who misuses the social legislation of the country. Today, the workers are opposing rationalisation all over the industrial sector, particularly in the textile industry, but this lay-off is being used really to force

the workers to accept rationalisation. That is the real position. They will say, 'Yes, we want to lay-off the workers because there are stocks, and substitute workers are the first victims.' In fact, the entire trade union movement in the country is opposing rationalisation. But that is not to say that we are opposed to machinery. We are only against the replacement of men by machinery and their being thrown into the streets without alternative sources of employment. Let them have machinery, any amount they want, but let them also have at the same time expansion of industries. Without expansion of industries, this rationalisation would only mean an increase in unemployment. Here, this lay-off legislation is being used only to impose rationalisation on them. Even the I.N.T.U.C. is opposed to rationalisation. It is said that the Ahmedabad group have accepted rationalisation. I am sure the I.N.T.U.C. bosses here will try to challenge me. I see that my friend over there is staring at me. He would probably defend them.

12 Noon.

SHRI ABID ALI: Why should I not look at him?

DR. R. B. GOUR: I was talking of Mr Mukerjee. He is staring at me, and probably he would challenge me on this point. But I can tell him that the entire workers of this country, including those who belong to the I.N.T.U.C. are opposed to rationalisation. They all know that the employers are using this legislation which is meant to secure some benefit for them, for really imposing adverse conditions of work on the workers, for harassing the workers and bringing trouble to them.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Dr. Gour, as far as possible, let us not widen the issue.

DR. R. B. GOUR: Well, Sir, will the hon. Minister say that the spirit of this legislation is being implemented? Will he say that this legislation is

not being used to victimise the workers? Will he say that this legislation is not being used to harass the workers, to make the unions submit to adverse service conditions? I want answers to these questions from the hon. the Deputy Labour Minister.

SHRI RATANLAL KISHORILAL MALVIYA (Madhya Pradesh): Sir, I rise to support this amendment wholeheartedly personally and on behalf of my organisation, i.e., the I.N.T.U.C. While supporting the amendment, I would like to make some observations, and before I come to the points which I have got in mind, I would like to point out to my communist friend who has just spoken the proceedings of the Fifth Session of the Industrial Committee on Plantations held at Calcutta on the 30th and 31st January 1954. The A.I.T.U.C. was represented there by no less persons than Shri S. A. Dange and Shri Manoranjan Roy. All the three parties—the Government, the employers and the employees—were very well represented in this conference, and the proceedings which took place and the discussions which they had were very comprehensive on the issue of lay-off and also the other two aspects—the implementation of the Plantation Labour Act and the other the conversion of food grains concessions into cash. So, the decision of this conference has been implemented in the shape of this amendment. This is the spirit in which this has been done and which has been accepted by all the parties who were attending that conference. I will read out the resolution which they passed:

"Resolved that this Committee do recommend to Government that steps be taken to apply the provisions of the Industrial Disputes (Amendment) Act, 1953, relating to lay-off to the plantation industry with effect from the 1st April 1954, subject to the condition that none of the provisions of the Act shall derogate from the effect of any statutory notifications issued by Governments or of any

[Shri Ratanlal Kishorilal Malviya.] agreements or contracts entered into between the parties requiring the provision by employers of a minimum number of days of work or wages or compensation to workers."

So far as I see the spirit of this Resolution which was necessary for the Government to implement has been implemented in this amendment. There are criticisms which have been levelled and I think the Government will take note of them and will see that the spirit of this Resolution which has been agreed to by the employers themselves, by the Government and the workers will not be defeated; if from any quarters, specially the employers, an attempt is made to go against the spirit of the Resolution, I think ruthless action should be taken by the Government against them. Now I will just make a flying reference to the two issues which have been left over. The second issue of the implementation of the Plantation Labour Act has taken effect and now there remains the third issue with regard to conversion of food grains concessions into cash. It has to be seen that this is also given effect to as early as possible. So long as this is not implemented, I am afraid there may be attempts to defeat it. Of course, I am not working in the plantations and I don't know the conditions there. I am working in other industries and know the conditions there. Because, the resolution is there on this question also. A resolution has been adopted by that Conference and then before any action is taken by the Government, of course advantage is taken by the employers and they misuse such resolutions. So I would request the Government to take these factors into consideration and see that nothing adverse is done to the interests of labour pending the implementation of these resolutions. Of course, I have to point out that this amendment which has come today should have come towards the end of 1953 when the amending Act was passed by the other House and by this House also but it looks that a

committee of other industries was called and the committee which represented the plantation industry was not called at that time and the delay was due.....

SHRI S. N. MAZUMDAR: That was discussed at the Standing Labour Conference.

SHRI RATANLAL KISHORILAL MALVIYA: So it looks to me that some delay has occurred in applying this amendment to the Industrial Disputes Act to the plantation workers.

With these remarks, I again support the amending Bill.

SHRI B. K. MUKERJEE (Uttar Pradesh): Mr. Vice-Chairman, I also like to follow my predecessors who spoke regarding this Bill. That is to say, I also stand to support this amending Bill. While I support this Bill, I cannot but congratulate the Labour Minister and the Deputy Minister not only for bringing this Bill just now before this House but for the grand achievement as a consequence of which this Bill is presented before us today, i.e., while we are discussing the previous amendment to this Act, this question was brought before this House no doubt but the Labour Minister had in his mind that unless the Tripartite Conference or the Tripartite Committee on Plantation decides this issue, it is no use amending this Bill and then be confronted with the difficulty for implementation. Therefore, he did not bring this amendment then but he took action in this regard and called the meeting of the committee. The committee agreed to that, agreed to the proposal which the Labour Minister made to both the parties, labour and the employers and it is not an easy matter to get these planters' agreement to this sort of concessions being given to the workers and therefore I think we should congratulate the Labour Minister for that achievement to make these unbending employers, in particular in the plantation where the bulk of the employers are not Indians, but those who come from foreign countries

and that achievement is before us today. As a consequence we get this Bill today and I hope my friends on the other side also have got to congratulate the hon. Labour Minister on that achievement to make these people agree to these proposals.

Now, this conference which was referred to in this House was held in January this year and it is a consequential amendment and it is a very small Bill. I don't understand why the Government took such a long time, say 3 months to bring it before us and it provides for retrospective effect, in this Bill, from 1st April. The original intention of the Government, of the Labour Minister, was surely to bring this before this House much earlier than 1st April but for some reason or other they could not do it. For this I visualize, as some of my friends who spoke before me pointed out, that the labour does not get that sort of sympathetic attitude due to labour from anywhere. We don't go 'anywhere' but in this very House, we don't find that the labour matters get any consideration from the Members of this House even—not only on this side but from the Members on the other side also. You see it from the thin attendance of this House when we are discussing the lot of lakhs and lakhs of people in this country.

**SHRI GOVINDA REDDY (Mysore):** It is due to the Foreign Affairs debate in the other House.

**SHRI B. K. MUKERJEE:** That may be the reason but the labour does get a step-motherly treatment not only from the Members of this side but from the Members of the Opposition also. Therefore, this Bill was delayed but nevertheless the Bill provides for retrospective effect for the concessions to be given to the plantation labour. Now one question arises. My friend Mr. Mazumdar demands this concession to be given from the date when we amended previously—end of last year i.e., 1st October 1953. If the Labour Minister finds any difficulty in giving these concessions to the workers from

1st October 1953, I have a suggestion to make. The suggestion is this. The Labour Minister did not like to tread on a difficult ground because he did not know the mind of the employers in the plantation industry but he knows the mind of the plantation industry since January this year. So when they entered into an agreement with the workers on the one side and the Government on the other side, they are morally bound to implement whether there is legislation today or not, and that moral obligation the plantation owners must be made to discharge. That is my point. That is to say, instead of 1st April, I should like the hon. Labour Minister to amend this Bill and to give retrospective effect to the relief for workers who will be benefited by this concession from 1st January this year.

**DR. R. B. GOUR:** We accept your suggestion.

**SHRI B. K. MUKERJEE:** Thank you very much. I have just one point and I will press it. The suggestion made by my hon. friend from the Opposition—Shri Mazumdar—I am amending the same and he accepts my amendment, though it may be the first time in the history of the Opposition to accept any amendment from our side. I would request the Labour Minister to consider this matter very seriously. The Industrial Disputes Act requires many more amendments and that is not the demand of the workers alone in this country. Even the Ministry, I know, feels the necessity to amend this Act. But the Ministry also feels that instead of bringing in amendments to the existing Act, it would be better to bring before Parliament a consolidated Bill relating to all matters connected with relations between the employers and workers. But there may be delay in bringing up this consolidated Bill and the Ministry had time—three months—and even in this very amending Bill we should have got provisions to deal with the difficulties that come in the operation of the Act. I do not



[Shri B. K. Mukerjee.]

want to take up the time of the House by repeating many examples. I will give only one example. Take the word "worker" and its definition. This amending Bill should have defined this term properly so that we could know who will be benefited by this measure. There has been a lot of difficulty as regards the interpretation of this term "worker". In the absence of a proper definition of this term everybody who is entitled to, who want to be benefited by it, and whom even the Government want to be protected under this amending Bill may not get the benefit or the protection. Therefore, this term should have been amended or clarified in this very Bill. There are other provisions also which need amendments, but I do not want to take up more time of the House. I only request that the draftsmen may consider my proposal to give retrospective effect to this legislation from the 1st of January and then bring in as early as possible, if not another amending Bill, at least the consolidated Bill, consolidating all the matters relating to labour and the employers.

SHRI ABID ALI: Sir, I shall start with Shri Mukerjee, the last speaker. I may submit that the delay in bringing forward this amending Bill has not harmed the workers in any way, because, as I have already submitted, according to the decision arrived at in the tripartite conference it was stated that this benefit should start from the 1st of April and we have provided in the Bill that it will have retrospective effect. I hope, although Shri Saksena has said that he will not excuse this delay, after hearing me, he will feel that we are not in any way guilty of delay.

SHRI H. P. SAKSENA: I did not accuse you of delay but of neglect.

SHRI ABID ALI: Yes, for the omission in not including plantation

labour in the first amending Act. But according to the system that has been prevalent in this country for some years past, since these tripartite conferences are becoming effective and useful, the practice has been to place important items for consideration of the representatives of all the interests concerned and there decisions are reached and agreements arrived at and these are implemented through legislation. In the conference which was earlier held, when the lay-off and retrenchment items were considered by the tripartite conference, at that time the plantation industry was not represented, nor were the plantation workers represented directly at that conference. There the decision was with regard to other industries and not concerning the plantation industry, and we had to give a sort of assurance in that conference that the plantation industry will not be included unless we consult the tripartite conference of plantation industry, according to which my colleague the Labour Minister announced on the floor of the House that he was going to place this item before the plantation industry committee and thereafter appropriate action would be taken. According to the decisions arrived at at that conference, immediate steps were taken to convene a meeting and there, as my hon. friend Shri Malviya has said and also read extracts from the proceedings of the Plantation Committee which met in Calcutta, this particular decision also was arrived at unanimously. The Central Government and the State Governments also which are connected with this industry, were represented there. Industry was fully represented and also the workers, all sections of the workers were present and as my hon. friend Shri Malviya has pointed out. Mr. Dange, who represents my hon. friends on the other side who are so much disturbed, himself was a party to this agreement and to the decision that it should be effective from the 1st of April. Now,

after arriving at that decision unanimously at a conference at which all the interests concerned were represented, where also the sections of every interest were also represented, now to come here and say that it should be amended is not fair to.....

SHRI S. N. MAZUMDAR: But cannot Parliament suggest improvements to an agreement arrived at?

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): He is justifying the stand taken by Government.

SHRI ABID ALI: Certainly hon. Members are at liberty to suggest modifications; but we are bound by this decision.

SHRI H. P. SAKSENA: Yes, in honour bound.

SHRI ABID ALI: Certainly, but I am explaining the decision as it has been arrived at after deliberations at a conference in which all these parties were represented. Now, it is not open to us here to accept amendments contrary to agreements. I do not know how they feel that it is open to them to suggest these amendments. It passes my imagination at least.

SHRI H. P. SAKSENA: If you will permit me to interrupt for half a minute, Sir. I say that while I congratulate the Labour Ministry on.....

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Order, order, Mr. Saxena.

SHRI H. P. SAKSENA: No, Sir. I am not delivering a speech. I congratulate them on devising a method by which all the parties concerned here could come to an agreement, and I am looking forward to the day when the hon. the Deputy Minister or the hon. Minister for Labour will propose in this House common tripartite conferences and legislation by which these planters and other mill

magnates and capitalists will liquidate themselves, will agree to voluntary liquidation.

SHRI S. N. MAZUMDAR: Just on a point of information. At the Standing Labour Conference which was held in July in which the question of amendment to the Industrial Disputes Act was decided, all sections of labour were represented. Still the representatives of the I.N.T.U.C. introduced a similar amendment in the other House asking for the application of the lay-off compensation for the plantation labour. So I pointed out this point to the Labour Minister.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Both of you are right.

SHRI ABID ALI: In regard to the amendment referred to by the hon. Member, I might say that that point was not specifically decided. As I said, decision was taken in the case of other industries and plantation was left over. This was taken up in January, and was specifically decided in the January conference. It would not be proper, therefore, to consider its change after the unanimous decision of the conference.

I have tried to follow the speech of the hon. Member from Hyderabad about some mills there but could not appreciate it. He is a brave man. I appreciate his bravery to say that this legislation has been harmful to the workers although it is not correct. Perhaps the difficulty may be that he is too busy in this particular affair and that he does not know.....

SHRI B. GUPTA: He said that he had been harassed and abused by the employers.

SHRI ABID ALI: Perhaps the hon. Member's ear instrument was not working at that time. The workers have been immensely benefited, the trade union movement appreciates this legislation very much and hon.

[Shri Abid Ali.]

Members know the history of the labour troubles in the textile industry. Large numbers of workers were going to be retrenched before the Ordinance came into force. Lakhs and lakhs of workers were involved and when the Ordinance was issued, all these notices were taken back and peace was restored.

DR. R. B. GOUR: Sir, the point is that the hon. Deputy Minister should probably apply some "glasses" to his ears also.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): No personal references please.

DR. R. B. GOUR: It is not a personal reference, Sir.

SHRI B. GUPTA: I suppose there is need for an instrument for his head!

DR. R. B. GOUR: The point is that this piece of social legislation is being misused by the owners to bring pressure on the workers, and is used to crush the unions, to victimise the trade union movement. That is the point that I wanted to make and I wanted the Minister to give an assurance that he will not allow the capitalists to misuse this legislation.

SHRI B. GUPTA: I think the hon. Minister has heard that all right.

SHRI ABID ALI: Yes, I have heard it not today but for years and years I have been hearing these things. I am decided about it and I am determined about it and the hon. Members are also decided about it; they would not change and I need not change.

My submission was that the hon. Members were saying that this had been misused and that the workers had been harmed. About the suggestion of something being inconvenient for me, I may say that there is nothing inconvenient for me be-

cause our hands are clean; we are honourable persons and we act honourably and in the interests of the workers.

They have different ways of understanding things. When the hon. Member said that it was inconvenient, I only objected to it because papers connected with every subject were not with me. I was prepared for everything else relating to this Bill. If hon. Members bring forward other things which are entirely unconnected with the subject matter under discussion I cannot supply the information which they ask for. So I said that matters connected with the subject under discussion today need not be raised at this stage.

With regard to the question of arrest, etc., of the workers, certainly we do not like it. Of course, it is a matter of law and order. As we do not like the arrest of the workers by the *chawkidars*, we do not also like the arrest of the managers and the *chawkidars* by mischief-mongers. All this must stop. As I have been telling always, we want law and order to prevail; we want peace in the industry to prevail and nobody should arrest anybody except those who are authorised by law to act accordingly. That has been our submission always and on that, I am sure, they will also be one with me.

My hon. friend Mr. Mazumdar has been saying that this legislation is not being implemented. He also pointed out that somewhere the unions are weak. It is true that some unions are weak; at some other places unions are strong and effective. We quite appreciate that; the other day my hon. colleague the Labour Minister also said that mere passing of these laws will not be benefiting the workers but that these should be implemented fully and effectively. For that attempts are always being made. Good trade union workers

organise the workers on healthy trade union lines and where such workers are in the field they are certainly effective.

SHRI S. BANERJEE: What is your conception of "good trade union workers?"

SHRI ABID ALI: Good is good always and bad is bad. I need not give you an explanation.

SHRI S. BANERJEE: That means your trade union?

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Order, order. You need not answer these interruptions.

SHRI ABID ALI: Because he is an elder gentleman I should respect him.

What I was saying was that trade union was very necessary for the betterment of the workers. We are not satisfied with the mere passing of such legislation. We want that this should be effective. We appreciate that. As I was submitting, the trade unions should be healthy and effective and attempts in that direction are being made by those who have the interest of the workers at heart. But as it is repeated again and again, I submit that these friends who have not the interests of the workers at heart—they have something else, some other interest—to serve.

DR. R. B. GOUR: Interest of the bosses?

SHRI ABID ALI: They are angry when the workers are benefited and when the nation is progressing. We certainly want that the workers should be strong but we also want that the industry and the nation should also prosper as they are prospering.

DR. R. B. GOUR: And capitalists also?

SHRI ABID ALI: With that humble view, we are making our earnest attempts to march forward and I am sure that all those persons who are reasonably minded are convinced of it. The workers are also happy about it.

With these words, I request the House to pass this amending measure.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): The question is:

"That the Bill further to amend the *Industrial Disputes Act, 1947*, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): We shall now take up clause by clause consideration of the Bill. There are no amendments to clauses 1, 2 and 3.

Clauses 2, 3 and 1 were added to the Bill.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): The motion is:

"That the Enacting Formula stand part of the Bill."

SHRI ABID ALI: Sir, I move:

"That at page 1, line 1, for the words 'of our Republic', the words 'of the Republic of India' be substituted."

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Motion moved:

"That at page 1, line 1, for the words 'of our Republic', the words 'of the Republic of India' be substituted."

SHRI S. N. MAZUMDAR: Sir, I thought we passed some amendments—"in the Fifth Year of our Republic"—for some of the Bills this morning.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE). This is the correction now made.

The question is:

"That at page 1, line 1, for the words 'of our Republic', the words 'of the Republic of India' be substituted"

The motion was adopted.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE) The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI ABID ALI. I move that the Bill, as amended, be passed.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE) Motion moved:

"That the Bill, as amended, be passed"

SHRI B GUPTA. Mr Vice-Chairman, it was not my intention to speak at the third reading, but whenever I hear the Deputy Minister I cannot avoid being a little provoked, but I refrain from saying anything which would disturb him on this occasion when he has come with a Bill acceptable to us. But I would like to clarify one particular point. He has referred to the fact that an agreement was reached by the Government, the employers and the trade unions. We naturally stand by that agreement. We respect that agreement. At the same time we do not think that it is not in our power here, nor in our privilege, to suggest some improvements, but naturally whatever we may suggest, we hope, would also be taken in the spirit of that agreement because it seems that in such matters, if the approach on the part of the employers and the Govern-

ment is constructive, it is possible to reach certain agreements. That has been demonstrated in the Calcutta tripartite conference held in January this year. The time has not yet come to open our hose-pipe of congratulations on the hon. Ministers.

SHRI ABID ALI: That will be an unfortunate day!

SHRI B GUPTA. They have yet to go a long way before they can claim a shower of praise. There is yet much to their discredit. At the same time we realise the importance of the united efforts on the part of the centrally organized trade union organizations, especially the A.I.T.U.C. and the I.N.T.U.C. whose joint efforts made it possible for them to achieve this thing being now embodied in this Bill. Therefore, if I were to congratulate anybody on this occasion, I would congratulate these two trade union organizations for their united efforts, for we know it is in the unity of the trade union organizations that the strength of the working class movement lies. That congratulation undoubtedly goes to that effort whatever may be the divergences or differences yet existing in the organized trade union movement. As far as the Government is concerned, its attitude is revealed the moment the hon. Ministers begin to speak. Now, having yielded there at the tripartite conference, here comes the gallant Deputy Minister for Labour, a class which he has forsaken, to tell us, in his usual way, that we have something else in our hearts than the interests of the labourer. I would not like to answer this thing, but when the Minister began to say such a thing, well, people draw their conclusions. The working class draw its own conclusions and the 'boss' class, too, draw its own conclusions. As far as the conclusions drawn by the working class are concerned, I need not say what they feel about such things, such scurrilous statements made by responsible people placed in high positions, but as far as

the employers are concerned, they feel that they have got around them and with them such very true persons who would be always amenable to their advances and to their dictates, people who would try to malign the working class movement and thereby establish their *bona fides* with the boss class. Such a thing is not very helpful. Therefore, I would beg of the hon. Minister, especially those who are in charge of labour, not to make such insinuations. We know that they had been in the labour movement. These two gentlemen had been in the labour movement and also have had their time there. But the times have changed. Now I find it is under their regime that not merely the A.I.T.U.C. is suppressed but also the I.N.T.U.C. is also at times suppressed. A kind of parting of the way came about. It is our endeavour to bridge that particular gulf by joint and constructive efforts. We are trying that with good grace and with good faith and we hoped that it would be taken in that light. But here you see Shri Abid Ali Jafferbhair now by the grace of the Congress regime elevated to the position of a Deputy Minister, always takes the opportunity of having a fling at us in the Opposition. Now I can understand his disturbed and tortured conscience, but I cannot understand the Labour Minister holding the labour portfolio speaking about us in the way he has been trying to speak in this House for a number of times. I hope he will mend his ways.

Now we want to have a fair deal. The working class wants to have a fair deal and that is why they sit at the tripartite conference, explore all possibilities of negotiation and settlement so that the critical situation may be averted and so that keeping in view the broader interests of the people, agreements may be reached. Here we have come to give legislative effect to one of these agreements. It is a good

thing. But at the same time you must change your posture of mind. That is what I am asking. You must see that the measures that we pass here and the measures that go out of this House with the blessings of all Members of the House are not nullified and negated by the bosses in the factories, in the fields, in the plantations and in the mines. Past experiences point to that danger and that danger is very real, namely, that we pass laws here and it is these people who make them useless as far as the interests of the labour are concerned. Now he has said that the workers should not be arrested and he has in the same breath advised us that workers should also stop arresting unlawfully the managers, as if the workers in India are going about arresting managers. If it had been so, then many of these recalcitrant anti-social employers would have been somewhere else today. It is not so.

It is not the workers who are using violence, who are taking to unlawful methods. It is the employer class, the bosses, in particular the bosses in the plantations dominated by the British who are using this kind of unlawful and illegal method. It is pointless, therefore, to equate them with the workers because if you do so you are posing the question as if both are to blame equally. They are not to blame equally. The workers have no blame to answer for. It is the employer class, the planters, the coal-mine owners, the big money who are to answer such charges of unlawful activities. Now if all his years of long experience in the trade union movement have not taught him this simple lesson, I do not think that at forty-five minutes past twelve, that is to say, thirty minutes before the House adjourns, I will have ample opportunity to convince him of the truth. I hope, Sir, that he will try to adjust himself to the changed outlook and he will remember that renegacy is not al-

[Shri B. Gupta.]

ways a virtue even for the boss class. At times it becomes a vice for them and such a vice that it rebounds on the Government policy and harms the Government policy itself in so far as that policy is meant to be good and beneficial.

SHRI H. P. SAKSENA: Sir, it is not the ill-advised speech of the previous speaker which has provoked me to speak in the same way as the very presence and the appearance of my hon. friend the Deputy Labour Minister provokes my friend, Mr. Bhupesh Gupta, to abuse him and to vilify him.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): I am sure you won't abuse.

SHRI H. P. SAKSENA: I am not going to pay him back in his own coin, but I may inform the House that he perhaps thought that if he did not indulge in an attack like this his ammunition and his musketry will get cold and, therefore, he thought it proper to make use of that.

Now, Sir, it is not in the interests of labour to be fighting amongst themselves. I was just going to congratulate my friend Mr. Bhupesh Gupta when he had started speaking and when he put some constructive proposals and informed us that there was a happy sign of the A.I.T.U.C. and the I.N.T.U.C. coming together and working in agreement in order to raise the status of, and to gain absolute benefit for, the labouring class. That was a pleasant announcement that he made but then immediately after that he reverted to his old function of firing, and perhaps misfiring, at the Labour Ministry. I am not concerned with that because I am sure the Labour Ministry, consisting of two eminent labour workers, is pre-eminently fitted and would be able to take care of itself. But so far as this measure is concerned, good grace required that it should have been passed in the same graceful manner in which

it was started. I for myself look forward to the day when Socialism to which I am wedded will come by the voluntary liquidation of the moneyed classes for whom I have no love and no respect, and when wealth will be .....(Interruptions)—I ignore the interruptions.....equally distributed and there will be peace, prosperity and happiness reigning in the entire land

SHRI ABID ALI:

श्री आबिद अली : वाइस चेयरमैन (Vice-Chairman) साहब, मैं आनरेबिल (honourable) दोस्त भूपेश गुप्ता साहब का बहुत ही मशकूर हूँ कि उन्होंने आज कछ दिलपसन्द बातें कह दी हैं। लेकिन आनरेबिल सक्सेना साहब की जो उम्मीद है वह शायद पूरी नहीं होगी। जो कुछ उन्होंने आई० एन० टी० यू० सी० और ए० आई० टी० यू० सी० के सम्बन्ध में कहा उससे इस वक्त मेरी दिलचस्पी नहीं है। लेकिन एक उसूल है, एक सिद्धान्त है कि सच और झूठ का साथ नहीं हो सकता है। देशद्रोह और देशप्रेम दोनों एक साथ नहीं मिल सकते। मैं देशद्रोही हूँ या देशप्रेमी हूँ, ये दोनों चीजें हमेशा अलग अलग ही रहने वाली हैं। तो मेरी अर्ज है कि दिल बदल सकता है, लेकिन मैं अपना एक उसूल मुअय्यन कर चुका हूँ कि जब तक मेरे साथ देश प्रेम का सिद्धान्त है और उस आदमी के साथ देशद्रोह का है तब तक.....

DR. R. B. GOUR: Does he mean to say that A.I.T.U.C. is a traitorous organisation?

(Interruptions by several hon. Members.)

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): If you have got a point of order, you can raise it.

DR. R. B. GOUR: The hon. Deputy Minister for Labour said that the A.I.T.U.C. is a traitor to this country. He used the word "deshdrohi".

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): It is not a point of order.

SHRI B. GUPTA: A reference was made to the agreement. In that agreement it has been shown that there are certain parties who would sign it; one of the parties being A.I.T.U.C. and the other I.N.T.U.C. We congratulated both the parties. But the hon. Minister, irritated and excited, gets up and makes the foulest charges .....

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Order, order.

SHRI B. GUPTA: He said they were traitors to the country. He is making such a foul .....

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Please resume your seat.

SHRI ABID ALI:

श्री आबिद अली : मुश्किल तो यह है कि मेरे दोस्त सुनना ही नहीं चाहते हैं। सक्सेना साहब चाहते थे कि दिल बदले। लेकिन जो सुनने के लिये ही तैयार नहीं हैं वे क्या बदलेगे ?

मैं यह अर्ज कर रहा था कि इस वक्त मालक के अन्दर हम उनसे मिल सकते हैं, उनके साथ रह सकते हैं, उनके साथ काम कर सकते हैं ज्ञ कि उनके मन में थोड़ा बहुत न्याय हो। लेकिन जहां न्याय का जरा भी अंश नहीं है उनमें हम न्याय की उम्मीद रखें तो वह भी तो एक अन्याय की चीज हो जायेगी। अर्ज यह थी, सदर साहब, कि भाई भूपेश गुप्ता ने जो फरमाया वह मुझे बिल्कुल पसन्द है। मैं शुरू में कुछ कहता नहीं, मैं जब बिल (Bill) पेश करता हू तो उस वक्त बिल से जो चीजे सम्बन्धित होती हैं उन्हीं को कहता हू। उनका कहना

33 C.S.D.

ठीक है, मैं उन पर एतराज क्या करूं लेकिन जब वहस में दूसरी चीजें आ जाया करती हैं जो कि असम्बन्धित होती हैं और हमसे यह कहा जाता है कि हम मजदूरों को नुकसान पहुंचाते हैं, हम मजदूरों के दुश्मन हैं, हम मजदूरों के लिये ज़रा भी फिक्र नहीं करते हैं .....

SHRI S. N. MAZUMDAR: We never said that, but he is

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Order, order. Mr Mazumdar, I do not want any discussion.

SHRI B. GUPTA: Nobody said this, Sir. We seek your protection

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Now the hon. Minister is seeking protection, not you.

SHRI B. GUPTA: We have not said this.

SHRI ABID ALI:

श्री आबिद अली : हम क्या करें : ये लोग हमसे उम्मीदें किया करते हैं कि हम सब सुन कर बैठ जायें। हम इनको जवाब न दें। हम कभी यह न कहें कि हमने ये ये मजदूरों की खिदमत की है, हम यह चीज जो लाये हैं वह मजदूरों के फायदे के लिये लाये हैं। हम यह भी न कहें कि इस तरीके से मजदूरों ने फायदा उठाया है। उन्होंने यह कहा कि मैनेजर मजदूर को अरेस्ट (arrest) न करें। यह मैं बिल्कुल मानता हू कि मैनेजर (manager) वर्कर्स (workers) को अरेस्ट न करें। और यही बात होना चाहिये। मैंने कहा कि अरेस्ट करना पुलिस का काम है, अरेस्ट करना, किसी भी दूसरे का हक नहीं है। तो न मैनेजर वर्कर्स को अरेस्ट करें और न वर्कर्स मैनेजर को अरेस्ट करें, यह हम चाहते हैं।



[Shri Abid Ali.]

फिर यह कहा गया कि प्लांटेशन (plantation) में ऐसा ऐसा होता है। मैं प्लांटेशन की बात नहीं कर रहा था, मैं बात कर रहा था कलकत्ता की, जहाँ के लिये कहा गया कि वहाँ पर कारखानों में, बैंकों में और म्युनिसिपैलिटी (municipality) में अफसरों को बेकायदा अरेस्ट किया जाता है।

SHRI B. GUPTA: I dispute this thing, Sir. Nowhere did the Calcutta workers arrest them.

SHRI ABID ALI:

श्री आबिद अली : मैं अर्ज करता हूँ कि एक पीसफुल (peaceful) लाइफ (life) होनी चाहिये और हम मुक्त में सब जगह अमन, शांति और आनन्द चाहते हैं। अब ये जो गड़बड़ करने के लिये आते हैं वह कहते हैं कि सेपरेशन आफ ट्रेड यूनियन मूवमेंट (separation of trade union movement) होती है। मैं इस चीज को, सदर साहब, हमेशा कहता रहा हूँ कि ट्रेड यूनियन मूवमेंट का सेपरेशन कोई कर नहीं सकता है जब तक कि यह गवर्नमेंट (Government) यहां मौजूद है और यही गवर्नमेंट यहां रहने वाली है। अगर और किस्म की गवर्नमेंट आ जाय तो ट्रेड यूनियन मूवमेंट का सेपरेशन हो सकता है, लेकिन उसमें freedom of speech, freedom of writing and freedom of organisation है कहाँ? उन जगहों पर जहाँ कि ये लोग बांसुर बजते हैं गाना और नाच शुरू कर देते हैं वहाँ यह सब फ्रीडम (freedom) कहाँ है। हम यह चाहते हैं कि ट्रेड यूनियन मूवमेंट का सेपरेशन न हो।

(Interruptions.)

Sir, I am not yielding because there are only a few minutes left. Many things have been said and I must take note of all of them.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): The hon. Minister need not take note of all irrelevant things. He can just reply to the relevant points.

SHRI ABID ALI:

श्री आबिद अली : मैं यह अर्ज कर रहा था कि ट्रेड यूनियन मूवमेंट का सेपरेशन नहीं हो सकता है। लेकिन जो गलत चीजें ट्रेड यूनियन मूवमेंट के नाम पर होती हैं उनको हम बन्द करना चाहते हैं और उनको हम जरूर बन्द करेंगे। उसमें कोई छिपी हुई बात नहीं है, उसमें कोई परेशानी की बात नहीं है। इसके साथ ही साथ यह बात भी जरूर है कि जो शक्स ट्रेड यूनियन का काम करना चाहता है उसको हमारी तरफ से पूरा प्रोटेक्शन (protection) मिलेगा। आज हिन्दुस्तान में, चाहे सेंट्रल (central) गवर्नमेंट हो, चाहे कोई स्टेट (state) गवर्नमेंट हो, किसी की मजाल नहीं है कि कोई किसी ट्रेड यूनियन वर्कर को हाथ लगा सके।

SHRI B. GUPTA: You are shooting down workers.

SHRI ABID ALI:

श्री आबिद अली : जरूर शूट (shoot) करेंगे उन लोगों को जो लुटेरे हैं, डाकू हैं, खूनी हैं.....

AN HON. MEMBER: You can't even shoot.

SHRI ABID ALI:

श्री आबिद अली : मैं मेम्बर (Member) हूँ मिनिस्टर (Minister) हूँ, मैजिस्ट्रेट (Magistrate) हूँ, या जो

कुछ भी हूं, अगर मैं किसी को मारना चाहूं तो दूसरा जरूर खुद के बचाव के लिये मुझको मारेगा .....

AN HON. MEMBER: Sirpur Mills?

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Order, order.

SHRI ABID ALI:

श्री आबिद अली : तो मैं यह अर्ज कर रहा था कि अगर मेरे भाई, भूपेश गुप्ता साहब, यह चाहते हैं कि आयंदा से इस किस्म की बातें थर्ड (third) रीडिंग (reading) में या मेरे जवाब में न आया करें तो जिस प्रेम से उन्होंने मुझसे कहा है, उससे ज्यादा प्रेम और नम्रता से, बहुत ही आजिजी से, उनसे और उनके पीछे बैठे हुए दोस्तों से मैं अर्ज करूंगा कि जो चीज जेरे बहस हो उस सम्बन्ध में जो चीज आन कहना चाहते हैं, कहिये। कोई ऐतराज तो मैं कभी नहीं करता जो चाहें वे कहें। लेकिन अगर वे इस तरह की बातें कहते हैं तो आप से तर्क मोहब्बत मुझे मंजूर नहीं इसलिये कर्ज रखने का हमारे यहां दस्तूर नहीं। जो चीज आई, मैं फौरन उसे वापिस कर देता हूं। मैं किमी की चीज रखता नहीं हूं। अगर वे कोई चीज भेजेंगे तो मैं सूद के साथ, वापिस कर दूंगा। वे याद रखें, अगर वे चाहते हैं कि मैं उनको वापिस न करूं तो मेरे पास वे भेजे नहीं। मैं किमी का कर्ज नहीं रखूंगा।

मैं पहले ही अर्ज कर रहा था कि हमारे हाथ बिल्कुल साफ है। वे जरा ट्रेड यूनियन मूवमेंट को समझें कि वह क्या चीज है। ट्रेड यूनियन मूवमेंट के जमाने से ही नहीं बल्कि जब इन दोस्तों में से कुछ पैदा भी नहीं हुये थे तब से मैं मिल (mill) में मजदूरी कर रहा था।

SHRI B. GUPTA: That is a tragedy

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Mr. Gupta, please don't interrupt.

SHRI ABID ALI:

श्री आबिद अली : सदर साहब, मैं अर्ज कर रहा हूं कि वे मेरे बारे में कहते हैं कि मैं बदल गया हूं। बदल कैसे जाऊंगा? मैं बदल नहीं सकता। मेरी बनावट बड़ी मजबूती से हुई है, बड़ी मजबूती से ये पाये बन गये हैं और जब कि मैं मिल में काम करता था या जब कि मैं खुद गलियों में किताबें बेचा करता था, तब से मेरा मजदूरों के साथ ताल्लुक रहा है। जहां तक ट्रेड यूनियन मूवमेंट का ताल्लुक है, वह १९१३ से शुरू हुआ था। उस वक्त से ये हजरात जो हैं.....

(Interruptions by several Members).

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Order, order. Please speak one at a time.

SHRI K. L. NARASIMHAM (Madras): On a point of order. Mr. Vice-Chairman, I seek your protection from the abuses levelled against us by the hon. the Deputy Labour Minister. He has started abusing us.

SHRI ABID ALI: What is the point of order?

SHRI B. GUPTA: He is abusing us.

DR. R. B. GOUR:

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): If you are prepared to give, you should also be prepared to take. Let us take it in a sporting manner. What is there?

SHRI ABID ALI:

श्री आबिद अली : यह गैर मुमकिन है। मैं इस काउंसिल आफ स्टेट्स (Council of States) में बोल रहा हूं, मेरे जवान दोग्ग, डा० गौड़ साहब, मुझसे ज्यादा अच्छी जवान जानते हैं जिसमें मैं बोल रहा हूं और कोई गलत बात हुई तो वे चुप नहों

[Shri Abid Ali.]

बैठे रह सकते। इसलिये मेरे दोस्त जो हिन्दी नहीं समझ रहे हैं उनको थोड़ा कष्ट हो रहा है तो मैं यह अर्ज कर रहा था कि अगर ये हजरात यह चाहते हैं कि इन चीजों का जिक्र न आया करे तो वे भी जिक्र न किया करें। मैं भी वादा करता हूँ कि मैं भी नहीं जिक्र करूँगा। लेकिन अगर उन्होंने गलत चीजें बयान की तो मैं उन्हें सुधारने के लिये जरूर कहूँगा और उनकी चीजें वापिस कर दूँगा।

जहाँ तक मजदूरों का ताल्लुक है, वे इस बात को जानते हैं और उनको यह बात मालूम है कि हम जो कुछ कर रहे हैं उन तक वह पहुँचता है और वे उससे खुश हैं। हम भी उनके बीच में घूमते रहते हैं, हम भी उनके साथ बैठते हैं, बात करते हैं। मजदूर यह जानते हैं कि आज की जो हमारी गवर्नमेंट है, वह मजदूरों के फायदे के लिये, हिन्दुस्तान के फायदे के लिये और उद्योगों की उन्नति के लिये सब कुछ कर रही है और करती रहेगी। मगर उस तरफ की पार्टियों के लोग यह नहीं चाहते हैं कि हमारे मुल्क की उन्नति हो, वे तो यह चाहते हैं कि किसी तरह से मजदूरों पर मुमीबत आये। क्योंकि अगर मजदूरों पर मुमीबत नहीं आई और उनकी हालत ठीक रही तो फिर ये लोग निकम्मे हो जाते हैं।

(Interruptions.)

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Order, order.

DR. R. B. GOUR: I object to the word 'nikamma'. "Nikamma" is not a parliamentary word; the word "nikamma" is an abuse.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Please sit down.

SHRI ABID ALI: It means "useless". I am prepared to withdraw the word, if "useless" is unparliamentary.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Hon. Members will kindly cool down. They will have to maintain the dignity of the House. I am not conversant with the language.....

1 P.M.

SHRI B. GUPTA: That is our great misfortune. That is why he has chosen that language. I will also start speaking in Bengali and you will not understand it.

DR. R. B. GOUR: We are certain he has used the word "nikamma". "Nikamma" and "bekar" have two different meanings. Let my friends from the U.P. tell me.

SHRI H. P. SAKSENA: I will give you the correct meaning and interpretation. The word "nikamma" is derived from the root "kam". "Kam" in Persian and Urdu means 'work'. So, "nikamma" means 'which is not fit for doing work'. "Nikamma" is a word which is absolutely innocent, harmless, colloquial, and it is used daily. I will now quote a couplet in Hindi.....

(Interruption.)

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Order, order

SHRI H. P. SAKSENA:

श्री एच० पी० सक्सेना :

"इश्क ने ग़ालिब निकम्मा कर दिया,  
बरना हम भी आदमी थे काम के।"

"Ishq ne Ghalib nikamma kar diya  
varna ham bhi admi the kam ke."

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): In parliamentary discussions some measure of strong language is unavoidable. All words are not unparliamentary. With regard to the particular word that has been used, I myself do not know the language. I do not think that there is anything unparliamentary in the use of that word, from the explanation given by the hon. Shri Saksena. The hon. Minister will please continue. Please be brief.

SHRI ABID ALI.

श्री आबिद अली : खैर, मैं अब ज्यादा नहीं कहना चाहता। मैं खत्म कर रहा हूँ। मेरा यही कहना था कि मेरे ये भाई नाराज़ हो जाते हैं इसलिये कि हिन्दुस्तान तरक्की की तरफ जा रहा है। उनको बुरा लगता है इसलिये कि हम मजदूरों का काम करते हैं। उनको अच्छा नहीं लगता इसलिये कि उद्योगों की उन्नति हो रही है। लेकिन इसके लिये हम क्या करें? हम मुल्क को बनायेंगे, हम उद्योगों की उन्नति करेंगे, हम मजदूरों की खिदमत करेंगे, हम मजदूरों की हालत अच्छी बनायेंगे और वह चीज़ हम हासिल करेंगे जिसके लिये आज़ादी हासिल की गई है। मजदूर और सब लोग इस चीज़ को अच्छी तरह समझते हैं।

[For English translation, see Appendix VII, Annexure No. 320.]

SHRI B. GUPTA: The whole thing is that my hon. friend, the hon. Minister, I am afraid, does not understand English.

The VICE-CHAIRMAN (SHRI K. S. HEGDE): Let there be no aspersion.

SHRI S. N. MAZUMDAR: We did not attack the Government today. We were simply saying that the

plantation employers were misusing the provisions of this Act.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Order, order.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

#### MESSAGE FROM LOK SABHA

THE SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT BILL, 1954

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

"In accordance with the provisions of Rule 132 of the Rules of Procedure and Conduct of Business in the Lok Sabha, I am directed to enclose herewith a copy of the Salaries and Allowances of Members of Parliament Bill, 1954, as passed by the Lok Sabha at its sitting held on the 14th May, 1954."

I lay the Bill, on the Table.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): The House stands adjourned till 8.15 A.M. on Tuesday, the 18th of May.

The Council adjourned till a quarter past eight of the clock on Tuesday, the 18th May 1954.