

PAPERS LAID ON THE TABLE**(1) REPORT OF THE INDIAN GOVERNMENT DELEGATION TO THE 35TH SESSION OF I.L.C.****(2) CONVENTIONS AND RECOMMENDATIONS ADOPTED AT THE 35TH SESSION OF I.L.C.****(3) STATEMENT INDICATING ACTION PROPOSED TO BE TAKEN BY THE GOVERNMENT OF INDIA CONVENTIONS AND RECOMMENDATIONS REFERRED TO IN (2).**

THE MINISTER FOR LABOUR (SHRI V. V. GIRI) : Sir, I beg to lay on the Table of the Council a copy of each of the following papers:—

- (i) Report of the Indian Government Delegation to the thirty-fifth session of the International Labour Conference held at Geneva in June, 1952. [Placed in the Library, *see* No. S-198/53.]
- (ii) Conventions and Recommendations adopted at the thirty-fifth session of the International Labour Conference in June, 1952. [Placed in the Library, *see* No. S-199/53.]
- (hi) Statement indicating the action proposed to be taken by the Government of India on the Conventions and Recommendations referred to in (ii) above. [Placed in the Library, *see* No. S-200/ 53 J

**THE INDUSTRIAL DISPUTES
(AMENDMENT) BILL, 1953—
*continued.***

SHRI B. K. MUKERJEE (Uttar Pradesh) : Mr. Chairman, yesterday I was giving an account of the circumstances and the conditions under which this new method of torturing the working class people came into being. Sir, during the war period when these lay-offs were found necessary there were controls operating in this country and the factories could not get all the materials—raw or finished—including power coal as easily as they can get them today. At that time these

were, in certain cases, not within the control of the managements of those factories. Therefore they had to resort to these methods during those days. But those conditions under which these factories were working during the war years are not present today. There can be no stoppage of work in any factory due to shortage of material or coal. If low production is due to the slackness or the go-slow policy of the workers, the Government can easily see that. Those conditions which were insurmountable during the war years can easily be surmounted today, if the industries plan in that way and feel that the workers are partners in the industry along with the management. Even in those days, when layoffs were found necessary because the conditions operating in this country were not within the control of the mill managements, they voluntarily offered compensation to the workers if there was any necessity for stoppage of the factories. There was a voluntary decision by the mill owners themselves, about compensation to be paid to the workers and the Government or the Labour Ministry had not to come in and intervene in the matter. And, Sir, what was the amount or the rate of compensation these mill owners themselves decided to pay to the workers in the event of any unfortunate stoppage of a factory. They decided to pay them 75 per cent, of their wages. And that was not influenced by any outside agencies such as trade unions or local or Central Governments. The mill owners themselves decided to pay 75 per cent, to the workers. On an aggregate if a mill used to be closed for 2 months out of 12 months, the workers used to get 75 per cent, of their wages. And they were not even required to go to the mill at the appropriate time and sign the muster-roll. In this Bill we find that both the period and the rate of compensation have been reduced. Personally I do not grudge this reduction because I feel this is the beginning of this kind of relief being offered to the workers in cases of forced unemployment but I was afraid particularly when I heard some Members of this House speaking

[Shri B. K. Mukerjee.] on behalf of the employers. I have great doubt if the Government wanted to help the industrialists by reducing the rate of compensation and duration of the compensation. But I have no doubt in my mind that this compensation of 50 per cent, of their wages and for 45 days in a year will be easily paid to the workers by the employers. We have therefore to proceed very cautiously and try to draft this legislation in such a way that it may not be very easy for the employers to avoid payment of the relief which this Bill seeks to offer to the workers. Security of service and security of income are the two very vitally important questions not only for the workers but for every body. The workers should not be kept in any state of uncertainty about their employment and income. It is in the best interests of the State and the country and the employers themselves not to keep them in uncertainty because uncertainty is apt to make the workers inefficient and consequently the production cannot reach that level which is expected from the workers of the factory. It is therefore essential that the workers must be sure of their position in the factory, *i.e.*, their service must be secure and if there is a chance of involuntary unemployment, they must be sure of some sort of compensation during the days of their unemployment. If these two concessions, which this Bill seeks to provide to the workers, are gladly and "very easily given by the employers to the workers, we will not have to go to the Industrial Courts for decisions and waste our time as the Courts, as many of the hon. Members have stated before, take a long time to decide the cases of the workers. Now, a worker who is laid-off for a month goes to the employer for his relief or compensation and the employer denies to pay him. He has got to approach the Government—the appropriate Government, *i.e.*, the State Government. Of course the State Governments may or may not take any action. That is a different question but if the State Government wants to take any action

under the present law, the case has got again to be referred to the Adjudicator or Board of Conciliation or whatever it may be, and as the employers have plenty of money to fight the poor workers, they will go up to the High Court for delaying the payment and the worker who has nothing to fall back upon when he is forced to be unemployed, cannot wait for such a long time—2 or 3 years—to get a decision and then get the relief from the employer. Therefore my suggestion is that we have got to word this amending Bill in such a way that it may not be possible even for a lawyer to avoid the payment of the compensation that this Bill seeks to afford to the workers in case of forced unemployment. In case the Government can make the employers follow this piece of legislation with a good spirit, then the workers will surely play the game, which the mover of this Bill, the Labour Minister, wanted them to play. The workers will give appropriate production and they will be honest people too, but I have got to impress upon the Members of this House and the Government that no law can be per-fact unless the people for whom legislation is made want to follow it in a good spirit. Because always there can be found loopholes in the law but if they have got a national spirit, if they have got the spirit to obey the law of the land, then there is no chance to find out any loophole in the legislation. But the class which we have got to deal with, *i.e.*, the employers of this country are not a set of People who feel that this country is theirs and the people who work in their factories are their brethren. Their treatment of workers in most cases is worse than what it used to be in America with the slaves.

SHRI C. G. K. REDDY (Mysore):
Hyperbole.

SHRI B. K. MUKERJEE: So whether the Bill before this House can be amended now or not. Government can take action to train the employers. The employers require more training than the workers in their trade. These employers need training to obey the laws of the land so that they may not try

to find loopholes in the law and thus prevent the workers from getting their hard-earned remunerations.

There was an argument advanced on behalf of the employers that the concessions or the compensations or the gratuities, whatever they may be called, if paid to the workers will automatically be borne not by the industry but by the consumers, as if the employers alone have any sympathy for the consumers. I do not know what is meant by the term "consumer". We have got in this country about one per cent, who can be styled as employers and the rest ninety-nine per cent, of the people in this country are consumers and workers. They are the wage-earners and they will have to pay for these concessions, if it is true as was argued by the representative of the employers that it will automatically be borne by the consumers. Then the workers themselves are ready to pay. But when this was introduced during the war years, when the employers themselves decided to pay compensation to their workers in the event of forced unemployment, they did not consider the question of the consumers then. Why did they not consider the question of the consumers then? Now when the Government propose a measure like this, they come forward with their arguments that this cannot be borne by the consumers. But the consumers were there all these years. The consumers are there today also. During all these years they voluntarily paid the workers 75 per cent, as compensation but as the Government have brought a measure now that the workers are to be paid only 50 per cent, of their wages there is this argument brought forward that this cannot be borne by the consumers. Here, I would like to ask one question of the employers. During the days of forced unemployment of the workers, whether the managing director, other directors and other staff are paid or not? Even if there was no production, the managing director got Rs. 3,000 per month and his wife got Rs. 2,000 per month just to avoid having to pay income-tax. So in the name of his wife, he

got Rs. 2,000. The industry and the consumer could pay all this. The managing director, the other directors and their wives all get these big sums. Why should they get it? When they get it, why should they grudge the payment of this paltry amount to the workers? The argument of the representative of the employers seems to be fallacious.

SHRI C. P. PARIKH (Bombay): It j-not.

SHRI B. K. MUKERJEE: I will presently prove it. He says that in case a mill is unable to run, they sell the mill. They talk of managements. But if a mill is unable to run, then it means the machinery is old and should have been replaced. They should replace the machinery. What about the depreciation fund that is supposed to be created for replacing these items of machinery? Why was this depreciation fund looted by the managers and the managing directors? On this they owe an explanation to this country. If they feel that they run the industry for the nation, for this country, then in that case, they owe an explanation to us. Where has that money gone? The employer says: there is no fund, there is no reserve, there is no depreciation fund and yet we find that the machineries are old now and they cannot work. So the money was not used for getting new machinery. Then where has all this money gone? According to the employers' representative here, we heard him say yesterday that 5 per cent, of the gross earnings is kept by the mills as depreciation fund. If the depreciation fund comes to 5 per cent, that means after every 20 years of running the industry, after 20 years of working the mill, the machine could be replaced by a new and improved one. But even after 40 years, we find the same old machine there, and there is no fund left for running the mill. Where has the money gone? Where has all that amount gone? We have got a right to ask them the question as to how they used all that money. Therefore, I say, their argument is fallacious. They claim to be experts and they also want that the

workers should be experts like them.

[Shri B. K. Mukerjee.] But as a labour leader and as one interested in safeguarding the interests of labour our hon. Minister Shri Giri cannot advise our workers to follow suit, that they must follow the employers in this matter. We cannot ask the workers to do that. All that they want is their just dues. They will be contented only when you pay them whatever is their due.

Regarding the lay-off, there are two questions. This Bill provides for two types of reasons for a lay-off. One consists of reasons over which the mill owners or the employers have no control. The second category covers reasons over which the employers have full control if they plan out well ahead. This Bill says:

"on account of shortage of coal power or raw materials or the accumulation of stocks or the breakdown of machinery or for any other reason".

When they started this new method of torture for the worker, they only confined themselves to those causes over which they had no control. The employers had no control over several things because all sorts of controls were operating then in this country. The mills could not get coal or raw materials in time. Therefore they were compelled to stop working the factory for a short period. And even in 1946 when the Industrial Standing Orders Act was passed, and the model standing orders were framed, I do not find in those model orders of the Government of India these items "accumulation of stocks or for any other reasons".

There are two types of model standing orders. In the model standing orders issued by the U.P. Government I find that they have made a distinction between these two cases. One is the case in which the employer has no control and, as examples of that, they have mentioned breakdown of machinery, fire or civil commotion, things over which the employer has no control. In such cases they could stop working for two days. For clos-

ing the mill for two days the employers have to give two days' notice. In cases where such notice could not be given, two days' wages have to be paid to the workers. For the second category of stoppages, that is, for trade reasons, if they have to stop the mill for such reasons, they can do so only for six days in a month and not more. If such stoppages amount to more than six days, the employers have to pay. It was visualised that they could stop the mills for trade reasons but not so, often as they may be required to stop the working of the factory for causes over which the management has no control. Now, I have got to make it clear to the Government that if this gives a power to the employers to stop their mills for reasons over which they have got control then it will give the employers added power to deal with workers as they like. Now, Sir, it is not unknown to our Ministers that the employers will not tolerate any trade union movement functioning in industry and anybody taking a lead in the formation of trade unions is victimised by the employer. Even for that victimisation they have got to take shelter under so many new devices and this will be an addition to their old devices, if you permit them to close or to lay-off "for any other reason" or for trade reasons. The case of trade reason is a very simple thing. There may be a profit of 5 per cent, but the mill management may want 10 per cent, as profit and so they may not sell the sugar but hold on the stocks till everybody has exhausted his stock. They will then send the sugar to the market and get a profit of 10 per cent. If an employer feels like that and acts; in that way, the mill will not work for a full year. Instead of a year's working, the mill may produce the quantity in 6 months to sell the stock during the year and instead of 5 per cent, they earn 10 per cent, profit. The employers do not lose anything but the workers certainly will lose and the country will lose. But, if they have sincerity in them, if they are really honest in their expressions that they run these industries not for themselves but for the country and for the people of this

country, then they will not grudge the workers getting something. When the mills are not working the subsistence allowance provided for the workers is very little but the entire remuneration which is drawn by the managing agency or ~ie managing directors is a heavy burden.

There is another point and that is retrenchment. They said that this Bill has been brought before this House too hurriedly by the Congress Government which has been in office for the last five years, if they could wait for these five years why should they not wait for another five years? That was the argument put forward on behalf of the employers' representative. On our side, we have got to say that not only this * legislation but the future one, that is the Industrial Relations Bill, should also be brought forward in this session. We implore the Labour Minister to bring that Bill before this House as early as possible so that he can give all the concessions that he has in mind for the workers of this country. I have got no doubt in my mind that the Labour Minister—I have had the honour and privilege of working with him for the last 30 or 32 years, I know him very well he has got in his heart sympathies for the workers—wants to bring the Bill but there are some hitches, perhaps, of which we have got no knowledge. But on behalf of the workers we request him to bring that Bill as early as possible. The future Bill will be a consolidated measure, consisting of all the labour legislations. This amending Bill will form merely a section of that Bill. So, we need not go into the details about the provisions which have been drafted but certainly I have got to state that the arguments regarding retrenchment advanced on behalf of the employers are fallacious. I do not know whether my hon. friend, who was speaking on behalf of the employers, had no knowledge of the fact, that this is not the first occasion we have discussed the aspects of retrenchment. The Government of India circulated a long questionnaire not only to the labourers and their organisations but to the employers and their organisations as well to which

replies were received. I will now try to show what replies came from the All India Manufacturers' Organisation, Bombay dated the 26th September, 1952. Before doing so, I would read out the question in reference. "Question No. 81: Employers should not be allowed to effect retrenchment in establishments in any circumstances without having to submit the matter to adjudication." That is the question. The reply that came from the All India Manufacturers' Organisation to this question is this: "Yes". The first thing is 'yes'. Immediate retrenchment is necessary sometimes for—

- (i) reasons beyond the employers' control, such as shortage of raw materials, accumulation of stocks, changes in market conditions, breakdown of plant and machinery etc.; and
 - (ii) economy and introduction of rationalisation measures which can be planned ahead.
- For the former, employers should have full and free scope to retrench under certain conditions as may be laid down and in case of the latter, retrenchment is to be done by agreement to be made between the employers and the employees within a stipulated period. "Retrenchment should be effected by one month's notice or by payment of a month's wages in lieu of notice. Gratuity may also be paid as additional inducement under certain terms and conditions as previously settled for each industry. It should further be noted that when retrenchment compensation is paid no gratuity should be claimed." This is the reply sent by the Employers' Organisation on the 20th September 1952. This is not a new thing. My friends representing the employers are perhaps thinking that the question of retrenchment and compensation for retrenchment was never discussed. The question was discussed. It was decided by themselves, not only here in this reply which I was quoting, but, as I said before, the employers voluntarily came forward for payment of compensation to the workers.

MR. CHAIRMAN: There are a large number of speakers. You have taken nearly one hour both yesterday and today.

SHRI B. IT. MUKERJEE: I shall soon finish, Sir.

In this connection the question of retrenchment comes and it was proved that the question of retrenchment is not new and retrenchment is always resorted to by the employers not for the sake of the industry but to avoid the workers who, in their opinion, are not desirable. That means that those workers who take an active part in trade union activity are not desirable, in their opinion, for employment in an industry. Therefore to get rid of those people they resort to this retrenchment. But in the case of retrenchment also there should be a stipulation—as the definition does not give that stipulation—that in case of retrenchment, for a stipulated period, the management should not be permitted to recruit new men to work in the place of the retrenched workers. What they call retrenchment today is not retrenchment but it is replacement of workers. Instead of replacing the parts of the machine with the funds they create for the purpose, they replace the operatives of those parts of the machine. That is the difference, Government has got to see that these replacements are not encouraged even at the cost of payment of compensation.

As regard's the Bill I will raise only one very basic point. In the proposed new Chapter VA in Act XIV of 1947 there is an Explanation added to section 25A. The words used in section 25A are 'industrial establishments' and the expression 'industrial establishment' has been defined in the Explanation under section 25A, and in defining so it has been so worded that it means that these 'industrial establishments' mean only factories. A factory has been defined in the Factories Act and 'industrial establishment' is defined in the Explanation here and if we go by the wording in the Factories Act It says, "any premises where ten or

more persons are employed" as per 2(m) (i) of the Act or "twenty or more" persons per (m) (ii) and that is called a factory. When such is the case I do not know how we can have "in which less than fifty workmen" in sub-section (a) of the proposed section 25A. If as in the Explanation 'industrial establishment' means a factory as defined in the Factories Act, then in sub-section (a) of the proposed section 25A it should be 'less than ten' in place of 'less than fifty'. Otherwise I think there is an anomaly. I do not know how to avoid this anomaly. If we are governed by the Factories Act then it should be ten workers only—not fifty. But if we do not want this we have got the definition of this term industrial establishment in the Payment of Wages Act. In the Payment of Wages Act this term 'industrial establishment' has been defined and there we find that factories are also included in that. If we go by the definition given of this term 'industrial establishment' in the Payment of Wages Act, then we find we can cover by that term all the workers, the motor-drivers, the tram-drivers, the planters and so on, to whom references were made in this House by the previous speakers, and the factory workers are also there. So I want a clarification for this. If we go by the Factories Act we have got to take away the limit of 'less than fifty workmen' but if we go by the term 'industrial establishment' then we have got to expand the scope of operation of this Act.

Also I want another clarification in respect of another provision that has been made. When an employer refuses to pay compensation to any worker, the Worker himself has got the right to apply to the appropriate Government that is, the State Government. But there is nothing in this Bill to show how the State Government can recover the dues unless there is a proceeding against that employer and unless there is a decree obtained against him.

Only one more point I have got to stress and it is this. We are all thankful to our hon. Minister for Labour for bringing this legislation before this House, though it is very belated. We do

not want to delay it any further. We want to pass it as early as possible because the working class population outside this House are anxious for this therefore we need not go into the details of these draft amendments so minutely just at present, but we must insist on the Government to bring the future legislation for which everybody outside is very anxious and this Bill is a part of that legislation. I am not opposed to most of the amendments that my friends have tabled, but as amendments will mean delaying the matter I would request them not to press the Government to accept their amendments just at present. Instead every Member of this House who has any sympathy for the workers and who knows the employers of this country a little bit will insist that further legislation must be brought forward not at a future date but—I want to impress—in this session itself.

SHRIMATI SAVITRY NIGAM (Uttar Pradesh):

श्रीमती सावित्री निगम (उत्तर प्रदेश):
अध्यक्ष महोदय, इंडस्ट्रियल डिस्प्यूट्स अमेंड-

[Industrial Disputes

(Amendment) Bill]

स्वागत करने के लिये खड़ी हुई हूँ। आप यह न समझें कि पार्टी की सदस्यता के कारण और सरकार के प्रति वफादारी के कारण मैं ऐसा करने पर मजबूर हुई हूँ। यह बात नहीं है कि मैं इस बिल की धाराओं से पूर्णतया संतुष्ट हूँ। जो आजकल के मजदूरों की स्थिति से परिचित हैं और जिन्होंने उनके बीच काम किया है वे जानते हैं कि इस बिल के द्वारा उनको जो राहत मिलने वाली है वह बहुत ही कम है और इससे उनकी दीनहीन कष्ट दशा में कोई विशेष परिवर्तन नहीं लाया जा सकेगा। किन्तु इस बिल का समर्थन करके जो कृतज्ञता प्रकाश मैं करना चाहती हूँ उसका मुख्य कारण यह है कि थोड़ा मिलने पर कृतज्ञता प्रकाश करने से अधिक मिलने की संभावना कहीं अधिक बढ़ जाती है। इसके

साथ ही साथ हमें अपनी आवश्यकताओं को संयमित करने तथा देने वाले की सामर्थ्य का अंदाज़ लगाने का भी पूरा पूरा अवसर मिल जाता है जिससे कि समझौते का मार्ग बड़ी आसानी से निकल सकता है। इस बिल की अनेक प्रकार से आलोचनाएँ हुई हैं और आलोचनाएँ होनी भी चाहियें किन्तु कुछ मांगने के पूर्व देने वाले की सामर्थ्य का अनुमान लगा लेना बहुत जरूरी है।

श्रीमन्, आज सरकार और श्रम मंत्री महोदय के सामने जो मजदूरियाँ हैं, वह भी किसी से छिपी नहीं हैं। उनके सामने किसी एक वर्ग विशेष का या व्यक्ति विशेष का ही हित नहीं है बल्कि उनके सामने तीन वर्ग विशेष या तीन व्यक्ति विशेष हैं जिनका उन्हें बराबर बराबर ध्यान रखना है। एक ओर देश के पूँजीपतियों और उनकी पूँजी का पूरा पूरा सहयोग लेकर देश के औद्योगीकरण को आगे बढ़ाना है और देश के निर्माण-कार्य को पूरी मांयता देनी है, दूसरी ओर उन मजदूरों के हितों का भी ध्यान रखना है जो आज गरीबी और आर्थिक कठिनाइयों के कारण नाना प्रकार के कष्ट झेल रहे हैं, जो कि न केवल गरीबी और सामाजिक कुसंस्कारों के कारण ही अनेक प्रकार के कष्ट झेल रहे हैं बल्कि जो पूँजीपतियों के अन्यायों का भी शिकार हो कर तरह तरह के कष्ट पा रहे हैं। इसके साथ साथ नई नई पैदा हुई राजनैतिक पार्टियाँ भी उन्हें तरह तरह की तकलीफों, कष्टों और मुसीबतों में फंसाया करती हैं। तीसरी ओर सरकार को निर्माण से सबसे ज्यादा अधिक सम्बन्धित जनता का भी ध्यान रखना है, जिसकी सुख व सम्पन्नता देश के औद्योगीकरण और अधिक उत्पादन पर ही निर्भर है। अतः किसी भी एक व्यक्ति के लिये इन तीनों दिशाओं में पूरा पूरा इंसोफ़

[Shrimati Savitry Nigam.]

करके तीनों को पूरी तरह संतुष्ट करना कितना मुश्किल और कठिन काम है, आलोचकों को आलोचना करने के पूर्व इस बात का भी अपने मन में अनुमान लगा लेना उचित होगा।

श्रीमन्, यदि सभी अपने अपने स्वार्थों को थोड़ा थोड़ा कम करें और देश की वर्तमान परिस्थितियों और कठिनाइयों का थोड़ा थोड़ा अंदाज़ लगाकर स्वार्थ के स्तर से थोड़ा सा ऊंचा उठने की कोशिश करें तो निस्संदेह मिलमालिक और मजदूर मिल कर एक ऐसे समझौते का मार्ग निकाल सकते हैं जिससे कि शायद भविष्य में ऐसे बिल का कोई अधिक उपयोग करने का अवसर ही न आये और इसकी विशेष आवश्यकता ही न रह जाय। सरकारी कानूनों से अधिक हृदय के कानूनों का मानने और उनके प्रचार करने की आवश्यकता भी कम नहीं है। यदि मिल मालिक थोड़ीसी उदारता बरतें और यह सोचें कि उनकी सारा लक्ष्मी मजदूरों के सहयोग पर ही आश्रित है तो शायद कम्पेनसेशन [compensation] देने में भी उनको उतना अधिक कष्ट या कठिनाई का अनुभव न हो, जितना कि उनको अक्सर होता है।

श्रीमन्, इस विधेयक की मुख्य मुख्य कमियों के विषय में भी अवश्य ही मैं कुछ कहना चाहूंगी। इस विधेयक की धारारें कुछ इतनी क्लिष्ट हैं कि इससे वकीलों और नकली नेताओं को बिचौनी करने का अच्छा खासा अवसर मिल सकता है। इंसफ की सबसे बड़ी कमी यह होती है कि वह मंहगा होता है, धाराओं की क्लिष्टता के कारण किसी अंतिम निर्णय पर पहुंचने के लिये अदालत में अवश्य ही जाना पड़ेगा और अदालतों में किस प्रकार इंसफ मिलता है और कितना मंहगा होता है तथा केवल धनी लोगों को ही इंसफ मिलने में आसानी होनी है, यह किसी से छिपा नहीं है। इसलिये यदि

कुछ अमेंडमेंट्स (amendments)

के द्वारा इन धाराओं को क्लिष्टता को दूर कर दिया जाय तो मैं समझती हूँ कि मजदूरों को लाभ हो सकेगा और वे आवश्यकता पड़ने पर मिल मालिकों से पूरा पूरा कम्पेनसेशन आसानी से प्राप्त कर सकेंगे।

श्रीमन्, आपको पता है कि जब कभी सीधा समझौता होने में कठिनाई आती है, तो नई नई राजनैतिक पार्टियां मजदूरों का खूब शोषण करती हैं और समझौता होने में इतनी देर लगा देती हैं कि बेचारे मजदूरों में इतना दम नहीं रहता कि वे ज्यादा इंतजार कर सकें और नतीजा यह होता है कि समझौता होने की आशा ही छोड़ बैठते हैं।

दूसरी सबसे बड़ी कमी इस बिल में यह है कि इस विधेयक का लाभ कुछ ही वर्गों तक सीमित कर दिया गया है। विशेष कर चाय-बागानों के मजदूरों, छोटी छोटी फैक्ट्रियों (factories) के मजदूरों, पत्रकारों, प्रेस में काम करने वाले कर्मचारियों तथा मोटर और ट्रामवे कम्पनियों (motor and tramway company)

के कर्मचारियों को, जो कि सबसे ज्यादा पूंजीवादी हथकंडों के शिकार होते हैं, उनको ही इस विधेयक के लाभ से वंचित करके सचमुच बड़ी भारी भूल की जा रही है। मुझे पूर्ण आशा है कि या तो जो अमेंडमेंट्स मूव (move) किये जायेंगे, उनको मंजूर करके या एक दूसरा विधेयक ला कर के सरकार इस बात की कोशिश करेगी कि इन मजदूरों तथा कर्मचारियों के हितों की रक्षा हो और इन लोगों को मिल मालिकों के अन्याय से बचने के लिये कोई न कोई मार्ग निकल सके क्योंकि यह बात सबको अच्छी तरह विदित है कि बड़ी बड़ी मिलों के मालिक अपनी प्रतिष्ठा के भय से काफी इंसफ बरतते हैं और जो उचित कम्पेनसेशन होता

है, उसको उदारतापूर्वक देने को तैयार हो जाते हैं इसलिये कि उनकी प्रतिष्ठा केवल एक ही कार्य में लाभ नहीं पहुंचाती बल्कि उनके जो और उद्योग होते हैं उन पर भी असर होता है और उनको लाभ पहुंचता है। अतः वे ऐसे अन्यायपूर्ण काम नहीं करते, जिससे कि मजदूरों का अधिक शोषण हो लेकिन छोटी छोटी फैक्टरियों के छोटे छोटे मालिक खास तौर पर इतना शोषण करते हैं, तरह तरह के हथकंडों से मजदूरों के हितों की इतनी हत्या करते हैं और मजदूरों को इतना अधिक नुकसान पहुंचाने की कोशिश करते हैं कि उसका अंदाजा नहीं किया जा सकता है। इसलिये, श्रीमन्, उन लोगों का भी ध्यान रखना अति आवश्यक है और मैं आशा करती हूं कि या तो संशोधनों को मंजूर करके या कोई नया विधेयक ला करके इन लोगों को भी उचित रूप से लाभ पहुंचाया जायेगा और उनको भी इस बिल के अन्तर्गत लाया जायेगा।

इसमें संदेह नहीं कि यह विधेयक मजदूर वर्ग में एक नई आशा का संवार करने वाला है, लेकिन इस विधेयक का उचित उपयोग उभी समय हो सकेगा जब कि मजदूर भी बड़ी समझदारों के साथ इसका लाभ उठावें और नई नई बनने वाली राजनैतिक पार्टियों के नये नये नेताओं के भड़काने में न आवें क्योंकि ये राजनैतिक पार्टियां लाभ की कौन कहे, इन बेचारे भोले भाले मजदूरों को हानि ही अधिक पहुंचाती हैं। अच्छा हो कि ये राजनैतिक पार्टियां अपने दलगत स्वार्थों के लिये काम करने के बजाय मजदूरों में जो सामाजिक और शिक्षा सम्बन्धी कमियां हैं उनको दूर करने में लग जायें। यदि वे ऐसा करेंगी तो सर्वमुक्त मजदूरों के प्रति उनकी बड़ी सच्ची सेवा होगी और वे मजदूरों के जीवन में सुख व सुविधा लाने में बड़ी भारी सहायता दे सकेंगी।

इसके अतिरिक्त विशेष कर मजदूर नेताओं को इस बात पर भी विचार करना चाहिये कि वे मजदूरों की कार्यक्षमता को भी बढ़ाने की कोशिश करें क्योंकि आज देश निर्माण के पथ पर तेजो से चल रहा है और जिना ही अधिक हम अपने देश का उत्पादन बढ़ाएंगे उतना ही अधिक संसार की दौड़ में हमारा देश तेजो से आगे बढ़कर अन्य देशों का मुताबिका कर सकेगा। इसलिये हमारे मजदूर नेताओं को इस पहलू पर भी गौर करना चाहिये कि हमारे देश में मजदूरों की कार्यक्षमता कितनी कम है। जहां हमारे देश में एक मजदूर एक समय में केवल दो या चार करवों को देख पाता है वहीं और देशों के मजदूर एक साथ एक समय में २० या २१ करवों को देख लेते हैं। हमारे यहां से काफ़ी अधिक उनका काम का समय है। श्रीमन्, यह सभी को पता है कि जब अन्य मुल्कों ने औद्योगीकरण किया और अन्य मुल्कों में जब औद्योगिक क्रान्ति हुई तो उन देशों के निवासियों को, मजदूरों और मिल मालिकों को कितना त्याग करना पड़ा था, देश के हितों के सामने अपने हितों को कितना न्योछावर करना पड़ा था। यदि हम भी उन आगे बढ़े हुए मुल्कों के मजदूरों का अनुकरण करें, तो निस्संदेह हम एक ऐसे समकाली और सहयोग की भावना मिल मालिकों और मजदूरों में उत्पन्न कर सकते हैं कि वे अपने-अपने हितों को रक्षा करते हुये भी देश हित को सर्वोपरि रख कर देश के उत्थान में पूरा सहयोग दें और उत्पादन का अर्थ से अधिक बढ़ावें।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करती हूं।

[For English translation, see Appendix VI. Annexure No. 72.]

SHRI V. VENKATARAMANA (Andhra): Mr. Chairman, I rise to welcome this Bill even though it is belated. Everybody was hoping, and more so the workers, that when Shri Giri became the hon. Shri Giri, they would be benefited and that their interests would be safe-guarded during this period. Sir, while I was a student in the high school I used to hear so many stories: I used to hear songs and gramophone songs as to how the hon. Mr. Giri championed the cause of the labourer; and it is no surprise *now*. Sir, that people and especially the workers honed for a better piece of legislation to be piloted by him. We have been expecting a comprehensive legislation for safe-guarding the interests of the labourers. We can understand the limitations of the hon. Minister, whatever may be his feelings. We are glad that he has come out with this Bill which is some sort of an insurance against unemployment that is facing the country.

There are many discrepancies and anomalies in the Industrial Disputes Act which have to be dealt with immediately. There are so many troubles in the settlement of disputes. I may bring home to the hon. Minister that on various occasions, the workers of the Scindia Navigation Co. at Vizag represented their grievances to him, and in one instance, the worker has been still struggling hard with the company for two years and his case has not been settled till now and it is pending in the High Court and before the Labour Tribunal. I request the hon. Minister to bring a comprehensive legislation to simplify the procedure of settling disputes in a more quick and more easy way and to settle all the disputes with less expense.

Coming to the complaint of the capitalists who have been criticizing the Bill, I may say that it is the inherent nature of the capitalists to criticize such legislation. It is the inherent nature of the capitalist to safeguard his own interest at the cost of the other classes. During the course of discussion yesterday, one of the hon. Members—I do not know his name—

said that if the capitalists or the industrialists had not been there, there would not have been industries at all. This reminds me of a proverb which is popular in our parts. I will first express it in Telugu and then in English:

Nenu lekapote neku pendli ayyede kadu daniki bharta samadanam ila-guna cheppenu nevu puttakapote: nee ammane pendliade vadini.

In English, it means: If I were not born, you would not have been married, that is what the wife says. The husband replied: If you were not born, I would have married your mother.

If this capitalist society did not exist, it does not mean that the entire society would not exist. If they do not exist, I hope the entire humanity will be saved.

[MR. DEPUTY CHAIRMAN in the Chair. J-]

Coming to the Bill, I request the hon. Minister to study and try to adjust the things, if possible. In section 25C (b) it is said: "if during any period of twelve months, a workman has been paid compensation for fifty-five days:—and during the same period of twelve months he is again laid-off for further continuous periods of more than one week at a time, he shall, unless there is any agreement to the contrary between him and the employer, be paid" for all the days during such subsequent periods of lay-off compensation at the rate specified in this sub-section". Sir, I feel it is better that compensation should be paid for all the days for such lay-off.

In section 25E (iii) the words "if such laying-off is due to a strike or slowing-down of production on the part of workmen in another part of the establishment", should be deleted. If there is any trouble in some part of the establishment. I do not find any reason why a workman in another department should be victimised.

Clause 25F (b). I request the hon. Minister to enhance the rate of gratuity or compensation so that the-workers' interest may be safeguarded—

With the hope that the hon. the Labour Minister would bring forward a comprehensive legislation to protect the interests of the workers, I support this Bill.

SHRI C. G. K. REDDY: Sir, at this late stage of the debate it is not my intention to express the general dissatisfaction with which we at least view this Bill. That has already been expressed not only by my section of the opposition but others also even from the Congress benches. But, Sir, I should like to dwell on the principles which I feel underlie this piece of legislation and also the consequences that may arise out of such legislation.

Now, Sir, we had only two dissident voices, if I am correct, from this House representing naturally the industrialists section of the country. One set of opinions was expressed by my hon. friend, Mr. Parikh, and I shall try to deal with the points which he raised as I think fit. But the other set of opinions expressed by a very well-known industrialist owning a pretty big share of the industrial activity of this country is something that came as a surprise even to me, although I do not expect anything better from that section of the people in this country.

Sir, he went on to suggest that what is happening in Pakistan under certain circumstances should also apply here. He said, Sir, that not only should we not pass this kind of legislation but we should even try to go back so that the industrialists will be given a free hand to deal with labour and industry as they think fit. I do not know, Sir, whether the friend who expressed this opinion, and expressed it on behalf of quite a number of industrialists who feel in the same manner in this country, thought that he was living in the year 1953 or 1853. I thought the industrialists all over the world including those in India had accepted more or less the change of the times and the tone of the times and the principles underlying the conditions that are obtaining all over the world. I would only warn this House, the Minister concerned and also the Government, that this is not a thing which has

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come as an accident, but this is a point of view which is propagated deliberately, purposefully and extensively all over the country. They have been telling us not this year but for the last 15 or 20 years that unless Indian industry is given a free hand to do what it likes, industrialisation in this country cannot progress even to a little extent I should only ask such friends who feel in the same manner and who think in the same manner as to what the record of Indian industry has been during the last 30 or 40 years.

It is a very good argument, a very convenient argument and an argument which we, before we got our independence, accepted for our own purposes that so long as the Britishers were there, they were not able to operate in the country's interests, in the industry's interests and in the people's interests. We accepted it at that time for certain purposes of our own—certain political purposes—but there is not very much logic in that, because before we got our independence the industry in this country had been having quite a number of advantages which were non-existent in many parts of the world. There have been so many reliefs given, and so much protection given to the industry under the pressure of public opinion in this country. Even during the British time industry and the industrialists of this country enjoyed advantages during the last 30 or 40 years which no other set of industrialists in any other country had ever enjoyed or had indeed dreamt of enjoying. Not even in the beginning of industrialisation in Britain did the industrialists of Great Britain get so many advantages as our Indian industrialists got even under the British Government some 30 or 40 years ago.

What is the record of those industrialists? What is the record of those industrial magnates? With very few limited exceptions—I probably could count them on my fingers—what is their record? Did they avail themselves of those advantages and try to build up their own industries? Did they try to—

[Shri C. G. K. Reddy.] put the country on the road towards industrial progress? Their record, Sir, would make every one ashamed who can see the details of that record. They are, Sir, those same industrialists who want not only that this piece of legislation should not be passed, but they also think in terms of going backwards, and they believe and they want the country to believe that unless the industrialists are given a free hand, not only in the matter of laxity of the income-tax law so that, they can dodge the tax that is rightfully due to the Government, but also in the manner in which they propose to deal with labour and in the manner in which they propose to deal with the justifiable rights and just rights of labour in the country, industrialisation cannot progress even to a little extent.

Then, Sir, there is another point of view which I think needs a great deal of serious consideration. The point of view expressed by my friend, Mr. Parikh, is a point which arises out of certain fundamental things. He has warned the House that the consequences of this Bill would affect adversely the general consumer in this country. He has tried to point out that if this Bill were passed, the cost of production would increase and the consumer would have to pay for it. On those things which he said I fully agree with him that the consumer is going to be penalised by this legislation. I agree with him entirely that the cost of production is going to rise. But I do not agree with him in his conclusion that the only answer to those things is to drop this legislation.

First of all, Sir, so far as this legislation is concerned, it is not a thing that is being given as a sort of benefit or as a sort of reward or as something that is coming as charity from any section of the people much less from the Government. I believe, and the whole world has come to believe, and even the so-called conservative section in the world has come to believe, that a sense of security, so far as the future is concerned for all the people, must be assured; otherwise, not only would social complications arise but also eco-

nomie complications. Even the industrialists and even the so-called capitalists and the financiers outside this country do recognise that unless the main factor of production, the human factor of production, namely labour, is assured of a sense of security for the future, it would not be possible for them even to make profits. That has been accepted. So it does not come as charity. It is a thing which ought to have been given as soon as the industrial revolution started elsewhere, and certainly as soon as the first industrial unit started here in this country.

After all, Sir, it is an accepted principle that the workers who, in my opinion, are the main factor of production, who in others' opinion are certainly a factor of production, if not the main factor of production, should be given, in the interests of production, in the interests of industry, in the name of justice and in the name of humanity, the minimum return, namely, that out of what they produce they should be assured of a fair share.

Having accepted that, I should explain why I agree with certain things that were pointed out by my hon. friend, Mr. Parikh. And before I try to discuss those, I may also say that while agreeing with him, I am not in a mood very much to congratulate either the Government or even the Labour Minister for this piece of legislation. I am firmly of the conviction that there can be no such thing as a half-hearted measure; there can be no such thing as a middle course. Either you have to accept the whole of a particular kind of economy or you have to accept the whole of another kind of economy. A mixed economy cannot work, it has not worked. The so-called Keynesian theory may have worked under particular circumstances, under particular conditions, in a particular period of time and in a particular country. But it will not work for all times.

This is an attempt to succumb to pressure—and I know that the hon. Labour Minister must have struggled

during the last two years, ever since he took up office, before he could even get his Cabinet to accept this principle. I am sure that he had to use all his influence or his persuasion and perhaps threat too—whom knows?—to see that this legislation was accepted by Government. It has been accepted because the Government of the day feels that it has to succumb to popular pressure, the pressure from outside, a pressure which is not confined to this country, a pressure which has been released some years ago all over the world and to which Governments greater, bigger and more strong have succumbed long ago. Now a thing which has come because they were threatened by certain circumstances cannot be accepted at its face value. The other consequence of that is this that when you accept it as an isolated thing, as a part from another world altogether, from another economic world altogether and try to fit it in with your other policies which do not make a complete whole of this legislation, you are bound to fail and you are going to fail and as my hon. friend Mr. Parikh pointed out, I know that the consumers are going to be penalised. I know that those units of production which are not anywhere below the normal, those which are very much above the marginal units will not suffer, they may perhaps in their own interests—not in the interests of the country because I don't believe that the primary consideration of any industrialist, however big he may be, however good he may be, however honest he may be, is anything but his own interest, the primary interest—see to it that the cost of production does not rise. They will try to minimise it or they will cut into other factors of the cost of production so that they may accommodate this legislative measure. But I know this that those marginal and sub-marginal units of production will have to collapse on the basis of this legislation if they did not increase the price and if they increased the price, and Government will have to agree to an increase of price as they have time and again on one plea or other. As in the case of the soap industry or any other industry, there are 2 or 3 units of production

which are well above the margin, which are making enormous profits, which are prepared to make less profits but Government does not allow those units to reduce the price because if they reduce the price, then the other units of production will go out of production completely. It has happened in the case of soap. Messrs. Lever Bros.—whatever we may say about it, and I detest the very idea of Lever Bros, which is a part of a world monopoly operating in my country—is prepared to reduce the prices. Are we going to agree to the reduction of prices of Lever Bros. products when we know that in consequence of that action many of our companies, including Tomco perhaps, will have to be shunted out of operation? We will not do that. So in 2 or 3 months I know what the consequence of this measure is going to be. I know that the industrialists—at least those units of production which are just near the margin or some which are below the margin—will bring their cause before us, will tell us, "If you want us to accommodate this, we have to close down or you have to allow us to increase our prices."

I would like to ask the hon. Labour Minister as a Member of the Cabinet, what would be the Cabinet's decision in that matter? For the sake of industry in this country, for the sake of industrial progress in this country, he himself will not be a party to a decision which will go against the increase of price. He will have to do it and what will happen? The weight of this legislation will fall on the shoulders of the consumer—of that I have no doubt. I have no doubt in my mind that in 2 or 3 months whatever the burden of this legislation would be, it is going to be shared by the general consumer in this country.

AN HON. MEMBER: Thank you.

SHRI C. G. K. REDDY: After having accepted Mr. Parikh's argument, I would say that

THE MINISTER FOR LABOUR (SHRI V. V. GIRI): I don't accept it.

SHRI C. G. K. REDDY: The hon. Minister thinks that I am going against his principles. I am not. I am coming to that.....

SHRI V. V. GIRI: Nothing will happen.

SHRI C. G. K. REDDY: I agree about the consequences. Very good, I believe it will happen. If it does not happen very good. It will not happen only if the hon. Minister has enough influence in the Cabinet to see that the Government of India and the Cabinet

SHRI V. V. GIRI: Wait and see.

SHRI C. G. K. REDDY:follow an integrated policy of which this is merely a piece.

If he has been able to persuade the Government to accept this only as an isolated piece of legislation, a sure consequence would be what the hon. Mr. Parikh indicated and I feel that the Government of India today does not follow an integrated policy. It is pulled in two directions at the same time, all the time, every day, year in and year out so long as the Congress Party is in power. So long as this Government lasts, it will be pulled in two directions. One day the hon. Labour Minister will come and give them this piece of legislation and on another day the Commerce Minister will justify the action that he has taken in such and such circumstances. He will ask, "In those circumstances, what could I do? To save the industry I had to do it."

Now this raises a very important principle—a very fundamental issue as to what we should do. Are we for the sake of the inefficiency, ineptitude, incapacity, and dishonesty sometimes of a large section of industrialists in this country, going to penalise the whole country merely for the sake of justice that ought to have been done some 50 years ago in my opinion? I would say that the consumer may take it for 2 or 3 months but he will not take it for all time. Another labour legislation will come—it will have to come and even the Government and the hon. Labour Minister will have to accede to the pressure that is coming from outside. They have to give in to that

pressure and they will bring in another piece of legislation and that piece of legislation again will increase the costs if the Government, as I believe, do not follow an integrated policy of which these pieces of legislation are merely a part and not an absolute whole. Then, what would happen is, another law must eventually come.

I welcome this Bill in one sense because I know that the consumer in this country, the common people, will not tolerate more and more rise, frequent rise, even in the name of labour legislations. It is easy for the industrialists of this country to go on telling the people—they have been telling them since 1947. We ask them, "Why have you taken 30 per cent, more?" They say, "We are paying labour more, because of Central labour legislation, because of State labour legislation limiting hours of production and enhancing the rates of wages. Therefore our costs have gone up and we are going to raise it." They have been making a case out of it year in and year out. The question as to whether they have raised it in accordance with rise in the cost in labour is a debatable question. Whether they have strictly kept to that prorata, or they have taken it as an excuse or opportunity to increase the price of goods a little more is a debatable question but whatever it is, it is going to rise. I welcome this measure because the consumer who will be burdened more and more by these labour legislations will not take it and he will force this Government. So far he has not been able to force it. He will force the Government to see that they follow a sane and integrated policy. If they try to satisfy two diametrically opposite interests, two interests always against each other as they are, at the same time, then they will fail. The people of the country, the general consumers, Mr. Parikh thinks, are going to be penalised. I also think they will be penalised for some time, but at last they will force the Government to see that they follow one path or the other. In that way I welcome his Bill and in that way I agree with the analysis of Mr. Parikh; but I do not accept his conclusion.

First of all, even if it means penalising the consumer, it is a charge on the people of India. Even if it means that the consumer will have to pay more, it is the responsibility of the whole nation to see that our workers are well-paid and well secured, without which we cannot think of more industrial progress or better products from their labour. Therefore, even if it means that, you accept it as just. If you agree with those who think that it is not just, who think in that outmoded way of having a sub-marginal existence for the people' so that you can always keep them on a starvation level and always keep the workers under your mercy, then I have nothing to say. But if our people have improved and have departed from these out-moded theories and wish to confer minimum justice, I would say that even if the people have to be penalised, the people of India will have to bear it, because we have no business to retain within ourselves a section of our people who work night and day to produce comforts and all the services that we need everyday and get so little in return. So on that basis it is a just measure. And in another way and from another point of view I welcome it, not because it satisfies me. It falls far below my satisfaction. I wish it had gone much further and I have already given notice of amendments to this Bill. I also feel that in some cases or in some respects it has departed from existing facilities that some workers in this country are enjoying. I feel that in some cases the workers are going to lose by this measure. In spite of all that, although it falls below my satisfaction, I welcome it because either the Government will have to reform itself or it will have to fall. I know the Government is going to fall.

SHRI RAMA RAO (Andhra): Are you sure ?

SHRI C. G. K. REDDY: because it is incapable of being reformed. Therefore, I welcome this measure because the people will soon urge on the Government to accept an integrated policy and to move with the times themselves. When advising others to

move with the times, the Government itself ought to move with the times. And if they do not move with the times, what happened before in history will happen to this Government also. They will be left behind the times. They will be left behind on the road.

After having said that much, I will just dwell upon one or two aspects of the Bill, although I hope to have an opportunity of doing it during the stage of moving the amendments. I am dealing with these few aspects now only because I wish and I request the hon. Minister for Labour to consider them so that he may be ready to justify the deletion or the addition of certain things which I point out in this Bill. So far as one or two amendments are concerned, those are regarding certain rates of compensation that ought to be paid and there may be two points of view.

But there is one question which I would like him to clarify even when winding up the debate at this stage. It is about the last clause before dealing with the repeal of the Ordinance. It is stated here:

".....but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter."

This occurs in sub-clause (2) of Clause 25-1. But as the House is well aware, in many industries, because of certain favourable conditions and the enormous profits they make, cases have been taken before adjudicators, and in many cases more facilities have been awarded to labour. In some cases compensation ranging up to 60, 70 and even 75 per cent, have been given by adjudicators' awards.

I would like to know from the hon. Minister for Labour what is to be the effect of the existence of these words— "but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter." Will they

[Shri C. G. K. Reddy.] not be outside the scope of adjudicators and tribunals? That would mean that those workers who due to the circumstances of a particular industry or a particular unit, due to the particular conditions obtaining in a particular industry who could get awards from tribunals and adjudicators ranging up to 75 per cent, would now be precluded from that benefit, and they would get only the 50 per cent, that is proposed in this Bill.

MR. DEPUTY CHAIRMAN: Read the proviso.

SHRI C. G. K. REDDY: I have read the proviso but still I find that the point needs clarification because.....

MR. DEPUTY CHAIRMAN: I think the proviso gives the clarification.

SHRI C. G. K. REDDY: I do not think so, for I do not see the meaning of these words when it is stated here:

"For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provisions of any other law for the time being in force in any State in so far as that law provides for the settlement of industrial disputes."

That is, more or less, the proviso for sub-clause (1) and then in sub-clause (2) it goes on to say:

".....but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter."

From that point of view, we would like to know what the experts of the Government think, what is the legal view on this matter, because as far as we can make out, it would mean that everything except the rights and liabilities referred to would be under the existing laws either here or in the States; but so far as they relate to lay-off and retrenchment, they shall be governed by the provisions in this Chapter and this Chapter alone. If I am mistaken, I have noth-

ing else to say. But if I am not, then I feel the hon. Minister would be committing a grievous wrong in the case of certain people who will be denied certain rights, on the plea of giving certain rights to others in other parts of the country. Therefore I would like to have clarification on this matter before we come to the clause by clause consideration of this Bill.

PROF. G. RANGA (Andhra): Mr. Deputy Chairman, I welcome this Bill, but for reasons different from those of my friend Mr. Reddy who has just now preceded me. It is not because I look at it in a pedantic manner and think that this Government which has been pledged to introduce this Bill will naturally be forced by the logic of events either to confess failure to look after the interests of workers or to do many other things, that I welcome it. But I welcome it in itself because it is good. It is a good gesture. My hon. friend was not prepared and several others also were not prepared to consider it as a gesture, but I consider it as a gesture and for this reason—it does not matter which party comes into power, whether it is my party or Mr. Reddy's party or any other party except the Communist Party, under the present circumstances—I consider that if we are to carry our people with us in a willy-nilly fashion, in a democratic manner and in a non-violent manner, then necessarily we have got to take these things one by one, not all together as we tried to do when we were passing, the Constitution, and bring forward here a sort of a consolidated Bill or legislation and then say, "This is our total Bill, this is our total Bible for all the industrial workers on this side and all the agricultural workers on the other side and all the other different classes."

4 P.M.

That is not the practical way of doing things and we cannot do it. I agree with my hon. friend Mr. Reddy in declaiming against and condemning this Government because it is not able to go much farther than it has.

gone today. It is not able to consider the interests of the workers as of greater importance than those of the industrialists and the capitalists. It is not yet able to develop such an integrated industrial and economic policy as to harmonise the interests of the different sectors of industry itself in a just manner, that is the cottage industry, the small scale industry and the large scale industry and also the cottage industry workers, agricultural category of workers and among the workers too, the different categories of them. But, at the same time, as my hon. friend himself has recognised it and rightly so, it is a fact that today through this Bill my hon. friend, the Minister for Labour, is establishing a precedent in our industrial relations and legislation. Instead of asking the workers to go into a contributory system of social insurance however partial it may be, he is asking the employers themselves to be the sole contributors to this scheme. That in itself is a good thing. I thought it was going to be noticed and nobody can deny this fact that the industrialists alone have got to pay for this bit of social insurance. Then there is the point in regard to which somehow there has come to be an agreement between these two friends, Mr. Parikh, on behalf of the industrialists and my friend here, that the consumers are going to pay or are likely to be made to pay. I do not believe that the consumers are likely to have to pay. After all, let us look at things as they are today. In what market are we living? Is it the sellers' market or is it the buyers' market? If it is the sellers' market, I am sure this Bill would not have been brought forward here.

SHRI C. P. PARIKH: In both the markets.

PROF. G. RANGA: In both the markets? May be one market for Mr. Parikh and another market for the others but certainly today the industrialists are not having the upper hand. The manufacturers can-

not have the upper hand. We are going through a process, a growing process of trade recession, if not depression and I shall not be surprised if during the next one or two years we were to be faced with a much more serious economic depression than what we are suffering from today.

SHRI O. SOBHANI (Hyderabad) :J I hope not.

PROF. G. RANGA: Under the circumstances even if the industrialists were to be anxious to penalise our consumers for this modicum of social insurance they would not be able to succeed, and that is why I am not able to agree with the proposition that the consumers are going to be made to pay for this scheme. Supposing, and that is where I agree with my hon. friend Mr. Reddy, the consumers could be made to pay for a scheme like this, if not today may be two or three years later, will it not be good? It will be good. It will be the duty and it is the duty of the consumers themselves, it is the duty of the nation as a whole to see to it that at least the minimum of social insurance is afforded to the workers. It is subject to this qualification 'that the first responsibility for providing this social insurance should be shouldered by the industrialists themselves. It is just a matter of accident that on behalf of the industrialists only one gentleman has come forward.

SHRI C. G. K. REDDY: Not one, but two.

SHRI S. N. MAZUMDAR (West Bengal): Another gentleman came forward.

PROF. G. RANGA: May be two, but their real strength is not represented by these two. Their real strength is represented by the tripartite conference where they got one-third and very much more also because the hon. the Labour Minister is not the representative of the whole of the Government but can only be one of the many Ministers in this Government. Therefore, to this ex-

[Prof. G. Ranga.] tent, the one-third that is represented by the Government cannot very well be considered to be representing the labour alone. It would be there to safeguard not only the interests of the workers but also to see to the interests as well as the satisfaction of the industrialists. That is their real strength and it is because of their consciousness, of their real strength, that my hon. friend Mr. Parikh was able to come over here to this House and put in such a strong plea and not because he is concerned or that his concerns are going to suffer but because he is here representing the whole of this class of people.

SHRI C. P. PARIKH: No.

PROF. G. RANGA: Consciously or unconsciously my hon. friend is the representative, he is a type, he is a piece of the big timber and that timber's mettle has got to be tested. Sir, the Government has got to shoulder its responsibility and it is in this direction, the direction of the industrialists, and the Government having failed till now to come forward to shoulder the responsibility of providing social insurance, that in this country the society as a whole and the industrial system as a whole has failed in its duty and unfortunately left our workers to shift for themselves. I am sure no one in this House will dissent from what my hon. friend the Minister for Labour said day before yesterday when he pleaded in such eloquent terms for even this minimum of protection for our industrial workers in this country. We are all in favour of providing this protection but how are we to provide it? Are we to be satisfied with this? We cannot be satisfied with this. Would the hon. Minister himself be satisfied with this? He would not be satisfied also and he is not satisfied with this but nevertheless he comes forward with this thing now. If we are to make a distinction between the hon. Minister and the Government as a whole then cer-

tainly we would like to congratulate the hon. Minister but we would not be in a position to congratulate the Government as a whole for the simple reason that this is a thing with which they are coming forward today, in 1953 whereas even as early as 1913 the British Government had offered a much better and much bigger social insurance for its own workers except for this difference that there it was a contributory system whereas here it is a non-contributory scheme. But, even by 1913, they had instituted the old age pensions in that country. We do not have it even today. They had the provident fund for almost all the workers in their country and the Provident Fund Act was before us the other day and we were able to see that the majority of the workers in this country have not yet been given the benefit of the provident fund. Only yesterday, it was contended by several of our hon. Members and it was admitted by the Deputy Minister that certain categories of workers have not yet had the benefit of the Minimum Wages Act and even of the Payment of Wages Act in the industrial sector. Such is the parlous condition of public assistance or public treatment so far as our industrial proletariat is concerned and it is in this condition that this Bill comes to us and, to a drowning man what a straw is, to a thirsty man what a drop of water is, that is how we are obliged to accept this as a drop of nectar and for having had the good luck and also the moral courage to bring forward even this little bit at this stage, I wish to congratulate my hon. friend the Minister for Labour.

Sir, I am glad that this has been brought as an amendment to the Industrial Disputes Act and the reasons were given by my hon. friend Mr. Dave. To the extent that it does good, it is good and where it is not able to cover the risks that are being run by our own workers because it is brought within the ambit of the Industrial Disputes Act, it would be

open to our workers and their unions to take their cases to the tribunals and also bring into motion the conciliatory machinery and other machinery that could be brought into existence and that are being brought into existence by the operations of the Industrial Disputes Act. Therefore, only up to these two stages, whenever a lay-off takes place, whenever a compulsory retrenchment takes place, this Bill seeks to come with the minimum of protection. But then I am not satisfied, my hon. friend the Minister for Labour himself is not satisfied for this reason that in its very limited scope of social insurance to the workers who are employed in those concerns where more than 50 workers are being employed, he should have insisted or he should at least have taken the power into his own hands, into the hands of the Government to extend it to such other concerns and such other industries where he may find it possible because of their financial condition and other sources, even though they are employing less number of workers. Sir, for a long time we have been asking for what is known as diffusion of industries instead of centralization of industries or concentration of industries and it has taken place especially in a particular sector of the textile industry where there are power looms. These mill industries.....

MR. DEPUTY CHAIRMAN: It is a larger issue, I think.

PROF. G. RANGA: I am not going into details but then it has been distributed and a large number of concerns have come into existence where less than fifty persons have come to be employed and they are going concerns. I do not see any reason why the benefits of this thing ought not to be extended to the workers employed in those concerns, and therefore if at all it is possible for my hon. friend to suitably amend * it now so much the better, or to come back to it again at the earliest possible time. I would like him to consider :this and give the benefit of this Bill

to those people who are employed in those smaller concerns also.

Then, Sir, it is being stated by my hon. friends here that this is too much, and I was shocked to read that one of the Members, or rather one of the leaders of the National Planning Commission himself is of the opinion that the hon. Minister is going too far ahead and there is too much of this labour legislation in this country. He should have known that during the last one year and six months people have been wondering why it is that Mr. Giri, who has been a labour leader throughout his life, has not been bringing in any legislation in their interests and beginning to think that he has become so much remiss in his own duty to provide more and more protection for industrial labour and so on and I was wondering, having known him for so long, possibly that he was trying to help these people from behind the scenes instead of coming to this Legislature with more and more proposals of legislation, because so much of legislation we have had placed on our statute book during the last six years, ever since we have become free, and yet it has not been implemented, particularly the one regarding minimum wages for agricultural labour. I would like to know in how many States it is being implemented and if it is being implemented it must be coupled with or it must be strengthened by the fixation of minimum prices for agricultural produce. These two things are not being done. Therefore what is the earthly use of having more and more legislation, and when the hon. Minister comes forward at long last with this piece of legislation, here is the National Planning Commission's doyen who finds fault with him. So no wonder my hon. friend Mr. Reddy was saying, "This Government has got many tongues." Which tongue, I would like to know, is really voicing the real will—not merely the intention—the real will to do and to stand by the workers. Is it the voice of my hon. friend the Labour Minister or is

[Prof. G. Ranga.] it the voice of the National Planning Commission? Well, some day, if not today, some day or other—the sooner the better—Government will have to make up their mind and if they wish to strengthen and stand by the hon. the Labour Minister, then they must take the country into their confidence and tell us so. Otherwise, I may tell you, I may warn the House that we may have a Labour Minister but the Labour Minister would only be a name and nothing more and this Government would only be the instrument or the voice of my hon. friend, Mr. Parikh, and his friends and all those people who are behind them in the National Planning Commission. (*Interruption.*)

I am pleading for that. If they would co-operate with me at the time of the next polls and place their resources also at our disposal, it might be possible for us to gain more power than what we have today here as well as in the other legislatures.

Sir, here is the story of Great Britain as to how they have progressed. In 1914 they provided unemployment insurance to 2,500,000 people. That was 30 years ago and it was 2,500,000. I would like to know whether this thing is going to be extended to at least as many people here in this country, and we are coming to it 30 years thereafter. The total amount of benefit that we would be providing today would be nothing when compared to what is being provided in England. Three years ago in England 21,500,000 came to be insured against unemployment. Then, Sir, it has also become possible for our employers to criticise the Government and its Labour Ministry for trying to go 'too far ahead' and so on, just because the State has not taken up the responsibility so long of helping our people in this country to stand on their own feet.

Only the other day I was putting in the plea for the handloom weavers. Ten million of them are there

] and they are starving today and they are selling away their own personal possessions and household utensils in order to keep themselves alive and we are finding it very difficult indeed to persuade the Governments in the different States to come to their rescue and provide doles, doles including public assistance. In England you will be surprised, Sir, to see that this public assistance is a very big item and what happened, Sir? It was in 1910-1911, when they realized their responsibility in this direction, to a much lesser extent than at present, that they spent twenty million pounds. It was 30 years ago. Now ! they are spending in 1949-50, 322 million pounds. You may consider it to be rupees and even then see the magnitude of it. Then when you come to community services it was 42 million pounds then, and about 30 years thereafter it is 703 million pounds. Then comes insurance where the workers also has got to make a contribution. They spent nothing then. They began to spend in 1920-21, 30 years ago, 41 million pounds. Now, Sir, they are spending 378 million pounds. In 1947-48 it was made a compulsory thing.

Now these are comparative figures—Now what, do you spend today? What do the local Governments spend on 'community services' and on 'public assistance' except by way of famine relief? Is it not better to spend it in this manner than by way of famine relief?, and the English people have found it in their experience that this is better. On 'community services' how much are we spending? Of course, the Government now is spending very much more than the Government under the British. They are spending very much more every year than what the Government had done within a decade when the British were there, and this Government deserves all credit for this. But that is not enough. We are not satisfied with it. Therefore be prepared to make that contribution. It is not really credit-worthy for the representatives of the industry here in this

country that they should come forward and think of raising their voice against this measure. There are two classes of people—the landlords, and the capitalists and the industrialists. Although the landlords were as much exploiters as the capitalists and the industrialists, they had the decency to keep mum when the legislation for abolition of landlordism came up here in this country in a serious fashion, although they had resisted it long enough. But here are these gentlemen trained in the phraseology of the modern world, in the ideologies of the modern world who do not wish to read the signs of the times, who wish to come and throw in warnings galore at this most moderate Government and at its most reasonable Minister, the Labour Minister.

SHRI K. S. HEGDE (Madras): It is rearguard action.

PROF. G. RANGA: My real complaint about our Government is not that it is not going forward but it is not going forward enough, quickly enough, rapidly enough just because it allows these gentlemen to pull it from behind and it pays heed not only to their advice but to their threats from time to time. Look at the statement's of our own Prime Minister. When he looks at all the suffering people in our country he is all fury and you would think that a live volcano was bursting and then when he goes back to his own office and finds himself before all these people generally coming forward with all the tinkering of the present age and its ability to express itself he crumbles to pieces. And that is where the paradox is growing in this country—Most unfortunately for us, the most revolutionary-minded man, the most liberal-minded man, the most kind-hearted man is obliged now, in this country, to be written off in our history as a failure just because of the reactionary nature of these gentlemen. If they are not going to behave themselves and march along with the times and help our own Prime Minister in this country and the State Governments to go forward as rapidly as possible,

God alone can help these gentlemen. It is not the Socialist Party which is going to come into power; it will not be my party; it will be some other party who will be dealing with these people and talking to them in a manner which they would not like, in a manner which they would not understand today.

DR. RADHA KUMUD MOOKERJI (Nominated): I would like at the outset to congratulate the hon. the Labour Minister on his ability in having brought forward a piece of fairly non-controversial legislation 1 on a subject which bristles with difficulties. I also appreciate the manner of his approach to this problem. He has been studying these problems in consultation with the interests concerned and he has held many meetings with them, and this piece of legislation is really based on an agreement entered into between the representatives of the employers and workers who met together under the auspices of the Standing Labour Committee. Therefore I think his approach to the solution of the industrial problem is most democratic and¹ to that extent he deserves congratulation. But I wish first of all to clear up some doubts that have arisen in my mind with reference to certain points.

My first point is this—whether these retrenchment proposals have been agreed to at the tripartite meetings or whether these proposals are his own innovations.

I also find that the word 'gratuity', which finds a place in the Statement of Objects and Reasons, is not at all referred to in the body of the Bill. I do not know whether he has adopted a different term for what is connoted the term 'gratuity.'

SHRI S. P. DAVE (Bombay): It has been changed to compensation.

DR. RADHA KUMUD MOOKERJI: My third point of doubt is this. Does this Bill which provides for some remedies to unemployment and to retrenchment put any limit to the salary of the workmen who are

[Dr. Radha Kumud Mookerji.] brought within the purview of this Bill? Is it meant that a workman who earns Rs. 750 per month as his wages will also be able to take advantage of the benefits contemplated in this Bill?

Now, I have, however, certain fundamental considerations to urge before the Minister for Labour who is in charge of this important portfolio. From the point of view of certain fundamental considerations affecting industrial relations in this country, I think that this piece of legislation is a sort of a half-way measure. It does not meet the full requirements of the situation. We are all agreed that we stand up irrespective of all party considerations for the supreme objective of the industrial development of the country as providing a solution of the problem of mounting unemployment in the country. If we are really all aiming at the industrial development of the country, what is the best way to achieve this result? Now, this measure, for instance—it is undeniable—levies a tax upon industrial production and according to my friend Mr. Parikh, this tax will be cleverly shoved on to the shoulders of the consumers. It adds to the cost of production. The point that I wish to urge is this. Why not have a regular scheme whereby the real interests of industrial development will be safeguarded by reference to the cost of production? I find that the representatives of labour—of course, I do not take any brief here for any party, either capital or labour—but I find that there is needed a sort of a scientific view which can go into the fundamental aspects of the question of industrial development. Labour is rather prone to think that what it expects to get by way of wages and remuneration has no relationship with the output of labour. In my opinion the most fundamental point affecting industrial development in this country is how to relate the wages of labour to its output. Labour must recognise that it is after all their handiwork that is the source of

their earnings in the shape of wages, in the shape of bonus, in the shape of gratuities and in the shape of compensation. I therefore suggest that we must go into the roots of the problem of industrial disputes and industrial development and the only way in which we can really arrive at a scientific scheme by which the interests of industrial development will be assured for ever is by putting an end to all disputes between capital, labour, management and entrepreneur. Let these four parties sit together and find out which factor contributes how much to the general output. As regards labour, it is the most important factor in industry. Labour must understand that it is after all its output that is the source of wages that labour can earn, or the compensation that labour can demand. Therefore, I should think, Sir, that this fundamental question of industrial development must be gone into first.

SHRI S. P. DAVE: Does it also apply to the employers?

DR. RADHA KUMUD MOOKERJI: I wish to have a regular budget made of the contributions which will be made by the different factors involved in industry, namely, capital, labour, management and entrepreneur and also Government. All these parties can sit together round a table and once and for all assess and appraise the value of the contribution which each factor makes to industrial development. Now, I do not know in what way" you can escape this. Labour must not fight shy of this fundamental proposition, that is, to relate the wages of labour to output. That is the most fundamental point. My idea is that we should proceed in a scientific manner towards the solution of these sociological problems.

In this connection I am wondering what my esteemed friend Mr. C. G. K. Reddy meant when he said that he did not understand the term 'mixed economy'. I think students of Economics know that nothing but mixed economy is prevailing all over the world. Even in this country the

Planning Commission has clearly stated that it relegates to the sphere of private enterprise about 42 industries and as regards nationalisation it is reserved for some of the bigger projects like river valley projects etc. Therefore it is a very good synthesis of the two opposed principles of private enterprise and nationalisation. Now the best example of a successful mixed economic system is presented by U.S.A. In U.S.A. you will find the most scientific and harmonious combination of these two opposite principles of private enterprise and nationalisation. And the result is that U.S.A. is the only country in the world which is able to produce enormous surpluses in every field of production, whether it is agricultural or industrial. In fact, U.S.A. is beating hollow the record of any other country in the world as regards its production both in the field and in the factory. I should therefore think that we should not proceed in a mere dogmatic manner to deal with such a complex subject as industrial development which involves so many factors. What I mean to say is this that we must proceed in a scientific manner. When any such measure is brought forward we must judge it with reference to its effect upon industry, whether this measure will be an incentive to industry or whether it will act as a drag on industry.

Our industrial development is at a very low ebb. Industry all over India is able to employ only 30 lakhs of workers. This is not a very creditable achievement when you consider that the population of the country is 36 crores and two-thirds of the population are on land. The soil is unable to bear any further pressure of population. Therefore, where is the surplus agricultural population to go unless you are ready beforehand, ready to absorb these people, with your industrial enterprise? Our country is seriously lagging behind other countries especially in heavy industries. Therefore, every such industrial measure or legislation should be judged ultimately in the

light of its effects upon the industry which it is meant to serve.

Some of my friends who are in actual industries say that this is a measure of taxation which the industry will not be quite able to bear and if the cost of production is increased by this Act, the result will be that the consumers will have to pay the tax in order to bolster up the industry. I think the more straightforward way of dealing with these complex industrial disputes and problems would be to give to each factor its due, to assess the type of contribution of each factor made to the industry for its development and there must be a committee which will be able to adjudge between the different claims and obligations of the various parties to the industry.

I now come to my last point. You must contemplate the increasing use of labour-saving machinery without which no industrial development can be achieved in order to protect certain weak factors in industrial development.

MR. DEPUTY CHAIRMAN: We are not concerned here, Dr. Mookerji, with industrial development; we are concerned with industrial disputes.

DR. RADHA KUMUD MOOKERJI: Industrial development is connected with industrial disputes; so that I feel that all parties are now agreed that they should not kill the goose that lays the golden eggs.

AN HON. MEMBER: Labour?

DR. RADHA KUMUD MOOKERJI: Whatever it may be. My last point is that you must contemplate the use of labour-saving machinery. As this introduction of labour-saving machinery in order to improve the quality and quantity of our production comes on, there would be a case for retrenchment. How would you apply the cases of compensation where the workers are thrown out of employment by the greater need of introducing labour-saving machinery for the purpose of achieving the

[Dr. Radha Kumud Mookerji.] industrial development of the country in which all parties are equally interested. It is after all the industrial development of the country which is the main instrument by which we are going to solve the problem of unemployment. These general considerations, Sir, I have been tempted to argue before the Minister for Labour, and the Minister for Industry; and therefore, I think these fundamental considerations should also be taken into account whenever these measures of piecemeal legislation are brought before the House.

MR. DEPUTY CHAIRMAN: Mr. Rath, please be brief.

SHRI B. RATH (Orissa): Mr. Deputy Chairman, the amending Bill wants to add certain provisions to the Industrial Disputes Act, 1947; and I feel that it is the dual mind in the Labour Minister which has resulted in bringing about such a piece of amending legislation which wants to solve the problem of the workers who are either laid-off or retrenched, but it will really not solve their problem. So also, his attitude during the last two years towards the industrial disputes in this country has resulted in making the labour department which was already callous towards the working class in India more callous, because, according to Mr. Giri's plan, he does not believe in either compulsory adjudication, or arbitration or conciliation. He wants the employer and the employee to sit round the table and solve their differences and thus bring about industrial peace in the country. The result of his policy has been, as is found, that employers have become more arrogant and the working classes have become more

MR. DEPUTY CHAIRMAN: Dissatisfied?

SHRI B. RATHmore taxed by the employers, and the Labour Department sits and takes its own time to see that either the labourers become exasperated so that the police machinery of the State turn on them, or the working class submits to the

whims of the industrial magnates and continues to live like that for some time. This has been the result, and I will place a few facts before you.

Of course, I cannot agree with the hon. friends who have spoken before me and who have criticized the Member of the great Planning Commission, the Member of the most progressive industrial community, Mr. Parikh. I congratulate him, Mr. Parikh, because he has succeeded in doing his own work; he has succeeded in making himself the target of attack by all the labour leaders here; and these labour leaders have failed to properly analyse the Bill as it is here. That is to his interest; he has attacked the Bill knowing fully well that if this Bill is accepted in one or two or fifteen cases, the workers may get compensation for lay-off, but in the majority of cases, Mr. Parikh and his friends can successfully avoid the issue and can fight out the cases in such a way as they have done in the past to see that the labourers are not really benefited. He is very sure about it. That is why he has started to criticise the Bill, at the same time giving out to his brothers in industry, from the very floor of Parliament, that here is a chance to reap more benefit, to get more profit. He has started the slogan: Consumers must be taxed. I congratulate him for the game that he has started today, in his own interest. I will request my friends here to be very careful not to go by his words but to look at his intentions. He is really not opposed to the Bill. He welcomes the Bill. He opposes the Bill because he wants to start a new game. That must be properly understood.

Now, Sir, before I come to the Bill, I would like to point out that in Kanpur the Swadeshi Mill had a complement of about 11,000 workers working. And suddenly the mill decided to close down the third shift throwing 3,000 workers out. When that mill started, it started with an initial capital of Rs. 52 lakhs. And in the five years time we find that its capital has come to about

Rs. 2,04,00,000 because the profit each year is being ploughed back and it is being added to the capital. So we find that the capital of this Swadeshi Mill has come to over Rs. 2 crores and in seven years (1945-51) it has made a profit of about Rs. T96 crores. And, Sir, we find that Mr. Parikh is fighting for such industrialists who overnight decided to retrench 3,000 workers for whom the labour leaders belonging to all the political organisations in the country including the Congress are fighting, but without any success. Then, Sir, we find another great industry known as Lodna Colliery in Bihar which decided—after knowing that an agreement had been reached—to reduce the working days from six to five, making Saturday a holiday, thus making almost 16 per cent, of the workers unemployed or by reducing their wages by 16 to 20 per cent. Now, our Labour Department is fighting shy of solving this problem. And they have goaded the workers to go on strike from the 16th of November. "Then, Sir, we come to another industry in Ujjain, Madhya Bharat. That is Nazarli Mills. There we find that the mill has closed itself completely. It wants to take some time and see as to what is happening. After making the workers completely exasperated it will say, "All right, come on the terms we give and work here; you will get no retrenchment benefits; you have to be put on daily wages." I request therefore the hon. the Labour Minister that at least the Labour Act that is there already must come to the quick aid of the workers in the industry. But unfortunately we find that that is not happening. Take the case of insurance employees. Are they not agitating for the last so many months for the setting up of an All-India Industrial Tribunal? The insurance companies have got their business in different States. Do they not come within the category of an all-India organisation? Why does our Chief Commissioner for Labour go and advise them to have different tribunals? But I say that there is some purpose behind

all these things. If all the insurance company employees put up a joint fight, their strength will be greatly increased. That our Labour Department does not want. It wants that they should fight separately, so that in the tribunals in different States they will get different awards and as such the minimum benefit will be derived by them. Sir, some few days back we found that our most progressive employers—the Baroda Municipality—wanted to retrench a number of workers on some grounds which were not accepted by the High Court. Ultimately the workers had to get a verdict from the High Court. Then, Sir, in another case—the famous case of Mr. N. N. Bhattacharya—we find that the Chief Labour Inspector of Patna writes in paragraph 31 of the report which he submitted to the Regional Commissioner (Central)—this letter was sent some time.....

MR. DEPUTY CHAIRMAN: What is that letter, Mr. Rath?

SHRI B. RATH: I will not go into the whole letter.

MR. DEPUTY CHAIRMAN: You should not refer to it. How did you get that letter?

SHRI B. RATH: It is a letter which has been obtained publicly because the copy of the letter was requested for by Mr. N. N. Bhattacharya—this is a printed copy—to be used in a case before the High Court, and as such this copy was given to him by the Government of India. Ministry of Labour; Office of the Labour Inspector, Patna; No. LIP-Insurance/I. C. Enquiry/1122242-C; Bhattacharya, ex-employee of New India Assurance Company of Patna.

MR. DEPUTY CHAIRMAN: If you are reading from it, you will have to place it on the Table.

SHRI B. RATH: I am willing to place it on the Table. So, Sir, it has been obtained in a very legitimate manner and in which it has been said "..... I am of the opinion that the

[Shri B. Rath.] New India Assurance Company was not justified in removing Mr. Nagin-der Nath Bhattacharya from service
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MR. DEPUTY CHAIRMAN: That is an insurance company. What have we got to do with the insurance company? It is not an industrial establishment. It is wholly irrelevant.

SHRI B. RATH: No, Sir. I will come to that.

MR. DEPUTY CHAIRMAN: That is a different matter. You have to confine your remarks to the present Bill.

SHRI B. RATH: I am confining myself to the present Bill. I am talking of an industry as defined in the Industrial Disputes Act, 1947. I demand that these cases must be looked into, because my main grievance against the Government is that during the last two years they have failed to implement the Act itself, and as such the Bill which they are bringing forward now may be implemented in the same way. Sir, the Advocate General of Bihar gave his opinion that the matter must be moved in the Supreme Court and.....

MR. DEPUTY CHAIRMAN: It is thoroughly irrelevant so far as this Bill is concerned. I do not allow you to proceed any further on that.

SHRI B. RATH: I submit that I am relevant so far as the question of retrenchment is concerned.

MR. DEPUTY CHAIRMAN: Any reference to the insurance companies is irrelevant so far as this Bill is concerned. I have given the ruling. Please proceed on this Bill.

SHRI B. RATH: Now, when we find that the workers are not getting proper justice at the hands of the Ministry, I would request the hon. Labour Minister to somehow find

out ways to improve the present working of the machinery under the present Act itself before he brings in his own legislation which will embody his own principles. All that is existing today must be implemented. That is my demand. Secondly, with respect to this Bill, I have great doubt about its working and I would submit that I am not satisfied with this Bill. Why should there be so many definitions to bring in industrial establishments? Why should it not apply to other industries as defined in the Industrial Disputes Act itself? Why should another definition be brought into the body of the present Bill? I hope that this definition about 'industrial establishment' would be changed. At least the hon. Minister should move an amendment saying that he omits this Explanation and say wherever there is 'industrial establishment' he will make it 'industry' so that it will apply to the industries as defined in the Industrial Disputes Act itself, instead of saying that "unless it is a factory having more than 50 workers etc.". which is really cumbersome. Now I have given other amendments about which I am not going to speak at present but I want to point out here that in clause 25(f) we find the conditions precedent to retrenchment of workmen and it says:

"No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until so and so"

and then we find in the next clause the procedure for retrenchment which says:

"Where any workman in an industrial establishment who is a citizen of India, is to be retrenched etc."

Here we find 'industrial establishment' although this clause connects to 25F. I therefore submit that:

""industrial establishment" should be changed to 'industry' as has been done in 25F. Otherwise the whole thing becomes incongruous. In one place we confine it to 'industry' and in another place we say 'industrial establishment'. If we leave the definition as it is, there will surely be trouble from industrialists, who will try to use one against the other and try to take away the whole purpose of payment of compensation to retrenched personnel. Since the Deputy Chairman is anxious to close the debate, I feel that I will be getting ample opportunity on the amendments which I have given and so I will not now take much time of the House but I would appeal to the Labour Minister at this stage to consider one think that not only we have given amendments but other friends from the Congress Benches also have given amendments. In order to take "the minimum time of this House I would suggest that since no section is satisfied with this Bill, as would be evident from the speeches that have 'been made, it is better that in the second stage at least before we take up the clause by clause discussion, those persons who are interested in this Bill should sit together, take up the amendments and the Bill and try to argue with the Minister as to the necessity of various amendments and try to improve the Bill further so that it does give real benefit to the workers. That will also reduce our discussions here and save the time of the House. If we are interested in that, I think my suggestion would be accepted by the hon. Labour Minister.

SHRI KANHAIYALAL D. VAIDYA:
<(Madhya Bharat):

श्री कन्हैयालाल डॉ० वैद्य (मध्य भारत) : उपाध्यक्ष महोदय, इस बिल (Bill) का मैं हृदय से समर्थन करता हूँ। जो वाद विवाद यहां इस बिल पर हुआ है, उसमें तीन बातें महत्वपूर्ण हैं। वह हैं : १. मजदूर, २. उद्योगपति और ३. सरकार।
108 C.S.D.

मजदूरों के विषय में एक खास बात है, जो हमें ध्यान में रखनी है और वह यह है कि के स्वतंत्रता बाद जब हमारा देश आजाद हुआ तो हमारे देश के मजदूरों ने इस देश की आर्थिक स्थिति को बनाने में, उद्योगों की स्थिति को बनाने में और राजनैतिक और औद्योगिक शान्ति बनाय रखने में क्या काम किया है ? इस दृष्टि से अगर हम मजदूरों के काम कि देखते हैं तो मैं समझता हूँ कि मजदूर हमारी सरकार के सहानुभूति के पात्र हैं और उनकी मदद करना हमारी स्वतंत्र सरकार का पहिला फर्ज होना चाहिये।

जहां तक मजदूरों का सम्बन्ध है आजादी मिलने के बाद उन्होंने हमारे देश में उत्पादन को बढ़ाया। हमारे देश में उद्योगों में जो उत्पादन बढ़ा है वह हमारे देश के मजदूरों के उस काम करने की तत्परता और लगन का ही नतीजा था।

इसके साथ ही साथ एक कारण यह भी है कि हमारे मजदूरों ने औद्योगिक शान्ति को भी बनाये रखने में काफी मदद दी जिसके कारण भी उत्पादन में वृद्धि हुई। स्वतंत्रता प्राप्ति के बाद पहिला इतिहास जो इस देश का है अगर उसको देखें तो हम देखेंगे कि इस प्रकार की औद्योगिक शान्ति पहिले इस देश के अन्दर नहीं थी, जिस तरह कि स्वतंत्रता प्राप्ति के बाद उद्योगों में आजकल है। राजनैतिक स्थिरता और आर्थिक स्थिरता के कारण उद्योगों में स्वतंत्रता प्राप्ति के बाद दिन प्रति दिन उन्नति होती रही है, जिसका मुख्य कारण यह था कि हमारे देश के मजदूरों का चरित्र एक आदर्श चरित्र रहा और ऐसे मजदूरों की सहायता करना हमारी सरकार का परम धर्म है।

दूसरी तरफ अगर आप उद्योगपति को देखें तो मैं यह कहने के लिये तैयार हूँ कि स्वतंत्रता प्राप्ति के बाद जिस तरह जनता

[Shri Kanhaiyalal D. Vaidya.]

उनसे अपेक्षा रखती है उस तरह से उन्होंने अपने कर्तव्य का पालन नहीं किया। मैं यह निश्चित रूप से कह सकता हूँ कि माननीय श्रम मंत्री श्री गिरि जी इस बिल के द्वारा मजदूरों का जो संरक्षण कर रहे हैं, अगर हमारे देश के उद्योगपति समय को देखते हुये अपने कर्तव्य का पालन करते, तो शायद आज इस बिल को लाने की आवश्यकता ही नहीं होती। लेकिन हमारे देश के उद्योगपतियों ने, इस देश की सरकार की जो नीति स्वतंत्रता प्राप्ति के बाद रही, उसका अनुचित लाभ उठा कर, उनको जो संरक्षण दिया था, उस संरक्षण का उन्होंने अनुचित लाभ उठाया और देश की जनता के प्रति अपने कर्तव्य का पालन नहीं किया।

स्वतंत्रता प्राप्ति के बाद जो प्रमुख उद्योग हमारे देश के हैं, जिन उद्योगों का जनता से बहुत कुछ सम्पर्क है, अगर उनका इतिहास देखा जाय तो यह कहने में किसी को संकोच नहीं होगा कि उनका इतिहास उनके काले कारनामों से भरा हुआ है। कपड़ा उद्योग की ही काली कहाती लीजिये जिसमें आपको भ्रष्टाचार और चोरबाजारी की ही कहानियाँ सुनने को मिलेंगी। इतिहासकार जब स्वतंत्रता प्राप्ति के बाद का इतिहास लिखेंगे तो देश के उद्योगपतियों की लूट और भ्रष्टाचार द्वारा यहां की गरीब जनता का लूटा जाना लिखने से कभी नहीं भूलेगे। इस प्रकार की जो कृतियाँ हमारे उद्योगपतियों ने इस देश की जनता के ऊपर की हैं उसके बाद में समझता हूँ कि इस सदन के अन्दर उनके द्वारा इस प्रकार की दलीलें देना कि जिससे जनता का और शोषण किया जाय और यह कहा जाय कि अब समय आ गया है कि उपभोक्ताओं के ऊपर इस कानून के द्वारा कुछ और टैक्स (tax) लगाया जा रहा है, चीजों की कीमत बढ़ाई जा रही है, अनुचित है। मैं माननीय मंत्री का ध्यान उद्योगपतियों की

इस बात की ओर दिखाना चाहता हूँ और कहना चाहता हूँ कि आज हमारे देश की आर्थिक स्थिति बहुत खराब हो रही है, देश की गरीब जनता इस स्थिति में नहीं है कि वह अधिक इस प्रकार शोषण और लूट की व्यवस्था को, जो उद्योगपति इस देश में चोरबाजारी और दूसरे धन्वों द्वारा चला रहे हैं, बरदाश्त कर सके। अगर इस प्रकार की नीति फिर दुहराई गई तो देश में वास्तव में एक महान् आर्थिक क्रान्ति होगी और उस आर्थिक क्रान्ति में जो अनिष्टकारक तत्व इस देश के अन्दर भ्रष्टाचार और दूसरी तरह से जनता को परेशान कर रहे हैं, उनका भविष्य हमेशा के लिये अन्धकारमय हो जायेगा।

सरकार का कर्तव्य जनता की सेवा करना है और इस कानून द्वारा वास्तव में उन मजदूरों को कुछ संरक्षण देने की चेष्टा की जा रही है। मगर मैं आपको बतलाऊँ कि इस देश के अन्दर ऐसे बहुत से लाखों मजदूर हैं जो कि छोटे छोटे उद्योगों में लगे हुये हैं मगर उनको ओर अभी तक ध्यान नहीं दिया गया है। मैं जिस प्रान्त से आया हूँ वहां पर मैंगनीज (manganese) की बहुत सी खानें हैं और छोटे छोटे उद्योगपतियों ने निजी नामों पर बड़े बड़े खदानों पर कब्जा कर रखा है, इन खानों में हजारों मजदूर छोटी छोटी टोलियों में अलग अलग काम करते हैं, और मालिकों द्वारा उनका पूरा शोषण किया जाता है और उनके लिये कोई व्यवस्था इस प्रकार की नहीं है कि उनको किसी प्रकार का संरक्षण मिले। उनको किसी प्रकार की अपनी यूनियन (union) नहीं है, न किसी प्रकार का कोई संगठन ही है, जिससे कि वे अपनी मांगों को पूरी करा सकें। उनको किसी प्रकार का लाभोश भी नहीं दिया जाता है। आज भी इन मजदूरों का शोषण वहां पर हो रहा है, वे लोग दिन रात एक करके अपने

मेहनत से देश की धन दौलत को बढ़ा रहे हैं मगर उनको अपना पालन करने के लिये रोटी और कपड़ा भी अच्छी तरह से नहीं प्राप्त हो रहा है ।

अभी हमारे एक माननीय विरोधी सदस्य ने उज्जैन की एक मिल के बारे में कहा था । मैं भी उसी प्रान्त से आता हूँ और मुझे उसके बारे में ज्ञान है । उस उज्जैन की नजरबली मिल में करीब ८०० मजदूर काम करते हैं, मगर आज उन ८०० मजदूरों के परिवार वाले करीब ६ महीनों से भुखमरी का सामना कर रहे हैं । उन लोगों ने केन्द्रीय सरकार और मध्य भारत की सरकार के सामने कई बार इस बात की मांग रखी और निवेदन किया कि मध्य भारत तथा केन्द्र की सरकार इस मिल को चलवाये मगर आज तक उनकी मांग पूरी नहीं हो सकी । जो कानून आज हमारे सामने है वह कानून पहले नहीं था, जिससे कि उन मजदूरों को किसी प्रकार का संरक्षण मिल सकता । इस संरक्षण के अभाव के कारण करीब ६ महीने से ८०० परिवार भुखमरी के शिकार हो रहे हैं । मैं समझता हूँ कि इस कानून के बन जाने के बाद जो कुछ व्यवस्था इसके अन्तर्गत होगी, उसके द्वारा हमारे श्रम मंत्री जी सबसे पहले उन मजदूरों की ओर ध्यान देंगे जो कि इस समय भुखमरी की हालत में पड़े हुये हैं । और इस मिल को जल्द चालू कराने की व्यवस्था करेंगे ।

[THE VICE-CHAIRMAN (SHRI B. C. GHOSE) in the Chair.]

5 P.M.

जहाँ तक मजदूर की स्थिति का प्रश्न है, उसको सुधारने का हमारी राष्ट्रीय सरकार का पहिला कर्तव्य है क्योंकि हम अपने विधान द्वारा देश में एक ऐसे वेल्फेयर स्टेट (welfare State), जनकल्याणकारी

राज्य की स्थापना करना चाहते हैं जिसमें कोई भी आदमी भूखा न रहे, कोई आदमी गंगा न रहे और कोई बेकार न रहे । सरकार को आज देश के अन्दर बहुत सी समस्याओं का सामना करना पड़ रहा है, लेकिन वह मजदूर, जैसा कि मैंने पहले कहा, जिसने इस देश के उत्पादन को बढ़ाया, जिसने औद्योगिक शान्ति को बनाये रखा, जिसने इस देश की राजनैतिक और आर्थिक स्थिति को सुधारने में एक बहुत बड़ा योग दिया, उसे हमारी सरकार भुगतान नहीं सकती और न शोषण करने वाले उन पूँजीपतियों और उद्योगपतियों को, जिन्होंने अनेक विधियों से इस सरकार को, शासन को, बदमान करने में और जनता की स्थिति को गिराने में व उसको लूटने में अपनी शक्ति लगा कर अपने औद्योगिक धन्यों और व्यवसायों को जो कुछ भी पनपाया, वह अनुचित रतन देना । दुर्भाग्य से इस कानून में केवल उन कारखानों या मिलों के लिये व्यवस्था है, जिनमें ५० आदमी काम करते हैं, जहाँ इससे नीचे आदमी काम करते हैं, उनके ऊपर यह कानून लागू नहीं होगा और इसलिये वे लोग इसके लाभ से वंचित रह जायेंगे । पहिला मुझसे जो कुछ मित्रों ने पेश किया है उसमें उन्होंने मांग की है कि जिस कारखाने में २०-२२ आदमी काम करते हैं वहाँ पर भी यह कानून लागू किया जाय । मैं जानता हूँ कि नीचे के सदन में बहुत से सुधार इस कानून के अन्दर माननीय श्रम मंत्री ने स्वयं अपनी ओर से पेश किये और उनको मंजूर करा के बहुत कुछ संशोधन किये हैं । मैं फिर उनका ध्यान इस बात की ओर खींचना चाहता हूँ कि यदि इस सदन में वे इतना और मुझसे मंजूर कर सकें कि २० व्यक्तियों तक के कारखानों के ऊपर भी यह कानून लागू किया जाय या अगर वे बाद में इस प्रकार की योजना या व्यवस्था इस बिल में रख सकते हों तो मुझे विश्वास है कि उन

[Shri Kanhaiyalal D. Vaidya.]

छोटे छोटे कारखानों में लगे हुये लाखों लोगों को बहुत लाभ पहुंचेगा जो कि आज शोषण के जाल में फंसे हुये हैं और जिनको कोई रक्षण नहीं मिला हुआ है ।

मैं माननीय श्रम मंत्री का ध्यान उन सरकारी कर्मचारियों की ओर दिलाना चाहूंगा जिनके मुकाबिले मजदूरों की हालत बिल्कुल गई बीती है । स्वराज्य के बाद इस देश के मजदूर और आम जनता यह अनुभव करती है कि यदि वास्तविक स्वराज्य मिला है तो इन सरकारी कर्मचारियों को । आप जरा देखिये, मुवह १० बजे से लेकर एक बजे तक वे काम करते हैं और बाद में एक घंटे की खाने की छुट्टी लेते हैं । एक तरफ तो उत्पादन बढ़ाने के लिये हमारी सरकार मजदूरों से बात करती है और श्रम का महत्व बतलाती है, दूसरी तरफ उनको वह सब सुविधायें प्रदान नहीं करती जो कि उनके लिये बहुत जरूरी हैं । सरकारी नौकरों को सरकार सब प्रकार की सुविधायें देती है, उनको छुट्टियां देती है, और वेतन, भत्ते, पेंशन (Pension) और प्रोविडेंट फंड (Provident Fund) आदि की व्यवस्था करती है । मगर दूसरी ओर मजदूर का नकशा देखिये कि उसको कितनी राहत मिलती है ?

इस कानून में एक बात रखी गई है कि अगर उत्पादन में कमी होगी तो अपने मजदूरों को निकाल देने की स्थिति में मालिक होंगे । मैं बड़ी अदब के साथ निवेदन करना चाहता हूं कि मेरा मिलों के विषय में कड़ा अनुभव है । मैं पार्ट "बी" स्टेट (Part "B" State) के उस हिस्से से आता हूं, जहां रियासती राजाओं के राज्य थे और जहां मजदूरों के अधिकारों की जो व्यवस्था है, उसके अन्तर्गत उनकी कोई देखभाल नहीं होती थी और जहां अब भी उद्योगपतियों की मनमानी चलती है । अगर इस तरह से

कानून के अन्दर व्याख्या हुई तो उत्पादन की कमी का प्रश्न उद्योगपति या मालिक मजदूर के सिर पर डाल देंगे, क्योंकि कई मिलों का मेरा अनुभव है और जो इन व्यवसायों के सम्बन्ध में जानकारी रखते हैं उन्हें मालूम है कि उत्पादन में कमी कैसे होती है ? उदाहरण के तौर पर कई माल के खातों से अगर सूत कच्चा निकला तो वह टूट जाता है और कपड़ा पूरा तथा ठीक नहीं बनता है और जब नहीं बनता है, तो उन उद्योगपतियों को यह कहने का मौका मिल जाता है कि तुमने तो इतना काम बिगाड़ दिया और उत्पादन में कमी हो गई, इसलिये हम तुम्हें नहीं रख सकते हैं । कहने का मतलब यह है कि कानून में इस तरह की गुंजाइश रह गई है कि उसमें यह नहीं स्पष्ट है कि उत्पादन कम होने के क्या कारण होंगे ? औद्योगिक झगड़ों के ऐसे मामलों में मजदूरों को अधिकार होगा कि वे अदालत के सामने इस तरह के प्रश्न रखें और अदालत उसकी जांच करके निर्णय दे । किन्तु वास्तव में जहां तक कानून का सम्बन्ध है, इसमें यह व्यवस्था स्पष्ट रूप से होनी चाहिये कि अगर मालिकों की तरफ से या उद्योग पक्षों को जो लोग चला रहे हैं उनकी तरफ से कोई उचित कारण नहीं प्रस्तुत किया गया, तो उस हालत में मजदूरों को ही रक्षण दिया जायेगा । जहां तक उद्योगपतियों का सम्बन्ध है, वह तो खर्चा बचाने के लिये लोगों से बौगुना काम करने को कहेंगे ही और हटाये हुये आदिमियों की जगह दूसरे नये आदमी रख लेंगे जिससे पुराने मजदूर सब सुविधाओं से वंचित कर दिये जायें । यह उनकी एक चाल हो सकती है जिससे मजदूर लोग रक्षण नहीं प्राप्त कर सकेंगे । मेरा निवेदन है कि मजदूरों को तो हमें रक्षण देना ही है । देश के अन्दर हम अपने राष्ट्र के प्रधान मंत्री श्री जवाहर लाल नेहरू जी के सपने को पूरा करने जा रहे हैं और

चाहते हैं कि यहां पर एक राष्ट्रीय, सामाजिक और आर्थिक क्रान्ति को पूरा करें। हम उनसे उम्मीद करते हैं कि जो कानून सरकार हमारे सामने रख रही है उससे वे औद्योगिक प्रगति के साथ साथ मजदूरों को, किसानों को तथा शोषित जनता को मुक्ति दिला सकेंगे। जो लोग हमारी सफलता में संदेह करते हैं उन्हें आने वाला युग बतावेगा और इतिहास साक्षी रहेगा कि उनकी शंकायें निर्मूल थीं।

इन शब्दों के साथ मैं इस बिल का हृदय से समर्थन करता हूँ।

[For English translation, see Appendix VI, Annexure No. 73.]

SHRI KISHEN CHAND (Hyderabad): Mr. Vice-Chairman, we have been discussing this Bill for nearly two days and I find that a large number of hon. Members have only criticised this by using invectives against the industrialists and the capitalists but have not made concrete suggestions as to how this problem can be solved. I maintain, Sir, that it is the birth right of every worker to get full employment and we have got to devise measures that in the cycle of trade and industry if depression comes in and certain workers are laid-off from employment, provision is made so that they continue to get their full wages even in the period of lay-off. By the examples quoted by the hon. Members one may be driven to the conclusion that in the next few months in this country there would be total unemployment, that almost all the factories are going to close down and we have got to solve this gigantic problem of total unemployment.

I submit, Sir, that there are only 25 lakhs of workers employed in organised industries and if we take the present figure of unemployment or lay-off, it does not exceed 3 per cent. It is only a question of finding employment for this 3 per cent, of workers who are going to be laid-off. It is not that all this 25 lakhs of workers are going to be unemployed. It is only a question

of 75,000 or 80,000 people who will be unemployed. What happens is that if one particular factory closes down in one area, another factory in some other area starts working a third shift and therefore it is the accumulated effect of the whole industry which should be considered. Various other industrial countries with much larger industrial production and consumption than our country have had to face this problem. In the United Kingdom and the United States of America, the unemployment figure has reached upto 10 per cent, but I think in the present state of our industry our unemployment figure will never exceed more than 3 or 4 per cent. The problem was solved in the U.K. in 1924 by an unemployment contribution from the Government Exchequer. The other method adopted in industrial countries is that of insurance for the particular industry which is going to close down or which is feeling the depression from competition, and which may not be able to pay the full unemployment wages to the workers. But, if we have an insurance scheme so that every worker is insured against unemployment and is guaranteed full wages for the period of unemployment, it will mean a burden of nearly 3 per cent, on the industry. Mr. Parikh has pointed out, on a rough basis, that in the cost of production of any industrial product, the labour charges are about 25 per cent. So, if we have this 3 per cent additional labour charge, it will mean less than 1 per cent, increase in the cost of production. One per cent increase in the price of the product can be easily overcome by economies in the remaining 75 per cent of the cost of production. The raw material takes 50 per cent. Is it possible that by better use of the raw material we can save that 1 per cent, so that the consumer has not got to pay extra price. Therefore, I will suggest to the hon. Minister that instead of having this sort of lay-off contribution by the industries, it will be far better if all the industries are asked to insure all their employees against unemployment and that they pay

[Shri Kishan Chand.] this 3 per cent, of the wage bill to the insurance company. If that method is followed, there will be no question of complication that the worker will have to go to the employer and ask for a lay-off contribution. He will automatically get it from the insurance company. I submit, Sir, that there are certain fundamental rights of every one. He must be insured against unemployment; he must be insured against sickness and he must be insured against old age. By that I mean, Sir, that every worker is entitled to get some sort of pension or gratuity or provident fund or whatever you like to call it.

The hon. the Labour Minister has been bringing labour legislation piecemeal and on another occasion I had submitted that this type of 1 per cent. or 2 per cent, charges on industry are very irritating and greatly add to the cost of production. If, instead of that, we have one charge of, say, 124 per cent, from which we can meet the contribution for provident fund, the unemployment charge, the sickness insurance premium, etc., the industry will know definitely that they have got to pay 124 per cent, of the wages of the worker to the insurance company. Therefore, they can draw UD a scheme so that this additional expenditure on labour is distributed and economised in other items of expenditure and the cost of production on the whole does not go up. That should be the method of approach. This type of individual contribution by a particular industry for the lay-off period will not solve the problem. I am, therefore, once again suggesting to the hon. Minister to adopt the method of insurance.

SHRI D. D. ITALIA (Hyderabad): Mr. Vice-Chairman, it gives me great pleasure to support the Industrial Disputes (Amendment) Bill and I congratulate the hon. the Labour Minister. Mr. Giri, for introducing this Bill for the benefit of the workmen and to give relief and provide for payment of compensation to the labourers in the event of lay-off and retrenchment.

I had no intention in the beginning of speaking on this Bill as many of the Members have already approved and supported this Bill but as some of the hon. Members here criticised the capitalists and the industrialists I thought it my duty to stand up and speak a few words.

There is a vast difference between the capitalists and the industrialists. Some of the persons are lucky enough who are born in rich families and that way get huge amounts without any effort of theirs and they spend that money not wisely and also not for the benefit of the country. I think that such persons are no doubt to be blamed but you must not blame all the capitalists. As far as the industrialists are concerned, they are not all capitalists because many of the industrialists borrow the money from outside and come forward to establish an industry. With their intelligence and hard labour they establish an industry and thereby earn for themselves and contribute to the country. They also support the labourers.

I would like to give you one instance. The great Sir Jamshedji Nusserwanji Tata was born in a poor Parsi family.' He, by his foresight, established many industries in India, such as textiles, iron and steel, oil, hydro-electric schemes and ' many other things. No doubt, he has earned a huge amount and he has benefited the country very largely, increased the wealth of the country and also employed a vast number of labourers in all these concerns. He has provided for their amenities, has built schools, hospitals and also houses, etc. Do you think that "such industrialists are to be blamed? Not at all, because, after all, he has done a great thing for the country. We must not forget that the prosperity of the country entirely depends upon its industries and commerce. Countries like America, Japan and Germany have advanced due to the vast industrial enterprises there. So, every well-wisher of the country

must always encourage the industrialists and not discourage them in any way. I do not, for a moment, deny that the industrialists have a great part to play in this world. They know their difficulties. They know the signs of the times and cries of the day and they have already adjusted themselves to the wishes of the people as they know well that it is hard to pull on with unsatisfied workmen in this world. So I think the Government must come forward with such Bills, as was suggested by some of my friends, like unemployment insurance, insurance against sickness, etc. Also the Government must contribute something towards the burden that an industry has to bear.

Some of my hon. friends have said that this Bill must apply to all the industries, whether small or big, but I think Government is wise in exempting the small scale industries in which less than fifty persons are employed as small scale industries cannot bear the burden and automatically they will have to close down if such an unbearable burden was imposed on them. The factories will close down, the labourers will have to suffer and the industry will also suffer.

With these few words and once again I support whole heartedly this Bill.

THE VICE-CHAIRMAN (SHRI B. C. GHOSE): Diwan Chaman Lall, do you want to speak? The hon. Minister wants to speak at least from ten minutes to six.

DIWAN CHAMAN LALL (Punjab): The hon. Minister may begin his speech.

SHRI V. V. GIRI: Sir, after the First Great War, Mr. Bernard Shaw was asked a very pertinent question. He was asked: What was the highest and the biggest casualty? He replied, "truth". I am however very happy to say that that casualty is not to be found in this hon. House, but, there is another casualty that I might name and that is the casualty of 'exaggeration', casualty of over-estimation.

I am grateful to all sides of the House for the very illuminating and constructive speeches of the hon. Members and I must straightaway say that in the matter of exaggeration two speeches appealed to me most; one from my esteemed friend, Mr. Parikh, who said that the effect of this Bill, when passed into law, will be that the workers will become the masters and- owners of the industry and the employers will become temporary occupants and on the other side, my friend, Mr. Manjuran, told us that it is a most reactionary Bill and that this would lead to retrenchments and lay-offs and therefore it is a dangerous Bill. But I agree with most of the hon. Members on both sides of the House when they have stated frankly that this is a very modest measure. I would go a step further and say that it is a very, very, very humble measure: indeed a very very modest measure. At the same time I may say also that it merely touches the fringe of the Directive Principles adumbrated in our Constitution. Luckily for us, the Fundamental Rights are the right to live, the right to work and all other social amenity measures that would protect an individual from the womb to the grave. If there is one person in this country who is striving his utmost in order to reach these objectives, one must say it is the hon. the Prime Minister. I am Very glad therefore that the different sections in the country today, to whichever party they may belong, are very-critical and the proof of the pudding is in the eating. The recent debate on the unemployment problem for the last several days in the House of the People will prove this. Members belonging to the Right, to the Left, to the centre with one voice, with one mind feel that the problem is a difficult problem, that the problem can only be attacked if there is co-operation between all parties treating the unemployment problem as the enemy of this country. And no wonder, therefore, both in that House and in this House as well Members

[Shri V. V. Giri.] talked a great deal about unemployment insurance and so forth. I am absolutely certain that these discussions, that these heart-searchings, will not go in vain, and I assure you, speaking for myself and the Government, we are equally anxious and I want the co-operation of every one of the different sections of this House to redeem our pledge by dealing with this problem of unemployment.

I consider that this Bill is a modest Bill no doubt, but, for the first time in the history of this country, we have tried to think in an active manner as to how to attack these social ills, the ill of starvation that is facing this country. If an industrial worker, Sir, is told this evening that from tomorrow he will have no work, he will be retrenched, in my humble view—I held that view always during the last 35 years—it is better for him to commit suicide at that very spot rather than go and tell his wife and children that from the next day they will have no house to live in, no clothes to wear and no food to eat. If you take that aspect, every worker in this country, every industrial worker, realises up to this day the troubles and tribulations that he will have to face in the moment of immediate and unexpected retrenchment, which will drive the wolf to his door. Therefore, considering from that point of view, I feel, that this is a good beginning made in the history of our country to make the worker feel that he is not a mere animal but a human being, to whichever category he may belong, rich, poor or beggarly, that he can also live with a sense of self-respect, that he can go to his family and tell his family that though he is retrenched he and they can live a few months, with one meal a day at least, and that he will go round and find out employment for himself after a time.

[MR. DEPUTY CHAIRMAN in the Chair.]

That is the wonderful part of the provisions in this Bill so far as industrial workers are concerned. I feel none can be satisfied—myself more

than anybody else—unless we can assure not only the industrial worker, not only the mine worker, not only the workers in the field, but every human being that he can have these fundamental rights to which, he is entitled that they are guaranteed to him. That would indeed be a proud day for everyone of us and we should all strive for it.

I would like to proceed to another part, namely, the part where we are told that the industry will go to rack-and ruin, that there is going to be terrible economic trouble, if the Bill becomes a law. I do not apprehend anything of that character. Nothing will happen. At the most I am bound to say in all humility that this Bill when it becomes law will be a pointer to the employers not to resort to light-hearted retrenchment. There is the deterrent which will make the employers feel that they must set their house in order, that they must run their industry in a careful manner, that they must secure the cooperation of the workers and their organisations. Retrenchment may sometimes be necessary but luckily, there are courts which will look into it—whether there is necessity or otherwise for retrenchment and—

I therefore it is in one way a pointer to the employers to be very careful, to be very wary and not think light-heartedly of retrenchment. Because it has been my unfortunate experience as a labour leader and agitator, and as a Minister, that when the economics of industry are thought of the employer takes into consideration the question of retrenchment always.

That is avoided by this Bill. It is only by the moral standard that is established by this legislation that I test whether the legislation is an effective one or not. I am one of those who do not believe in labour laws. I believe and I assure my friend when I say that I attach great value to agreements between workers and employers. Agreements when understood and arrived at are more abiding, more permanent than laws. Laws can be enacted provided agreements are reached, laws are—

nothing more and nothing less than agreements arrived at by the parties. Then they are of a very permanent and abiding nature. That has been always my view of things.

I tell you when we began the trade union movement, there were no laws. My friend Diwan Chaman Lall will assure me that we never depended on laws. We depended on our integrity, we depended on our strength, we depended on the strength of our trade unions, we depended on the justice of our cause and we approached these trade disputes in the Gandhian way believing in the maxims of non-violence and truth. I am sure he will assure the House when he gets up some time later that we had a huge lock-out at Kharagpur in the year 1928 when some of you must have been children. At that time Diwan Chaman Lall was the President of the United Trade Union Congress. There was at that time only one organisation representing workers. For four months a lock-out was declared in Kharagpur of 16,000 railway workers on the issue of retrenchment. In those days there were no laws so much to protect us except section 144 at the front, section 144 at the back and section 144 at the sides with the bureaucracy ready to pounce upon us.

SHRI S. N. MAZUMDAR: Section 144 is still there.

SHRI V. V. GIRI: Of course, it is still there. But we know the difference. That does not matter.

Let me tell you that we kept all the 16,000 workers united by the mere strength of public opinion behind us, by the justness of our cause, while we fought the lock-out. We threatened a strike if the lock-out was not settled; at the same time we were in touch with the bureaucracy in Delhi. Chaman Lall, Andrews, Joshi and many others helped us including Mahatma Gandhi. Some of us went and settled the matter in such a way that the 16,000 workers got four months' full lock-out wages and the success was due, not to the laws that

protected us, but to the strength of our organisation. I therefore agree with my friend Mr. Dave when he rightly said yesterday that the workers and their leaders now merely depend on the laws; the laws will never protect them. It is the strength of your trade union movement that will see and insist on the laws being implemented in a proper manner. If I may humbly advise those friends who are interested in the cause of the workers in this country, let them organise their trade union movement on a very democratic basis, try to put the issues before the workers and before the country, have public opinion behind them and then have the laws to support them. I am absolutely certain they will produce greater results.

Now, I go on to lay-off, Sir. For the first time in the history of this country at the Standing Labour Committee of the Indian Labour Conference parties representing workers, parties representing employers, parties representing the State Governments and the Central Government met together, discussed this question at great length and I said, let the employers' representatives and the workers' representatives sit together. I even jocularly said that I would lock them in so that they may come to some conclusions. That was an affectionate way of telling them to come together; not the way in which my hon. friend said that the employer was there threatening at every step and therefore he came down. Nothing of the kind, I assure you. And pray, who are the parties? I would like to read out just the names of the labour representatives at that conference. They were, Mr. Dange representing the All-India Trade Union Congress, Mr. Harihar Natb Shastri and Mr. Vasawada, representing the I.N.T.U.C., Mr. Dinkar Desai, representing the Hind Mazdoor Sabha and Mr. Mrinal Kanti Bose, representing the U.T.U.C. My friend Mr. Chaman Lall knows every one of them. These leaders would certainly not betray the workers. If they

[Shri V. V. Gin.] betray the workers, then I may say everyone of us may betray the workers. I assure you, Sir, that they, as old and tried trade unionists, believed that an agreement between the parties, however insignificant, was most desirable and whatever its results, they were worth having, rather than somebody imposing their will on the workers or the employers. That is the basis of the agreement. Personally I feel that this agreement is a very moderate agreement, that this agreement has taken away certain rights, as Mr. Reddy says; this agreement has taken away some rights which the workers had, but remember this—not that the agreement is sacrosanct or that people would not commit mistakes—that we must see the mettle of the men that represent the workers, who sat with the employers' representatives and came to this conclusion. They wanted that this measure, which is the first of several social security measures, should begin rather by an agreement than by a difference.

My hon. friend, Mr. Sinha, and various other friends, referred to another agreement of this kind that existed during the time of the war, but I assure you, Sir, that that was 'no agreement; it was a voluntary scheme and even that—for your information, Sir, I assure you—most of the employers did not accept and it had not been put into operation. Therefore, an agreement of this character could be, and should be, respected. My hon. friend, Mr. Mazumdar, asked me today why there was so much delay, if an agreement had been arrived at, to put it into execution. The ready reply is this. The two parties, the employers' and the workers' representatives, when they came out with the agreement to the Tripartite Conference to report to us—because I never wanted that I should be there or any of the representatives of the Provinces to be there—I was asked, 'Why were all these Labour Commissioners sitting there?'—the Labour Commissioners

were not there—they were the parties themselves who came to this Conference; and coming from the Conference the next day, both the parties desired that the agreement can only be put into effect if I gave the assurance that the public sector will take equal responsibility with the private sector and the representatives of labour, and agree to provide the same benefits to these people also. I could not, straightaway, tell them because I was only a Labour Minister; I had to report the matter to the Cabinet, to those others who are employing Ministers, and it took time to discuss this matter threadbare before we could come to the conclusion that we should respect the agreement that had been arrived at between both the parties and that we should welcome it. Sir, that is the reason why, if there has been any delay, that delay occurred.

My hon. friend Mr. Mazumdar asked another question. Similar questions were put in the other House, and there probably I had no occasion to reply to them; he asked my explanation as to an allegation made that I promised to the employers that I would carry out their wishes with reference to section 33.

SHRI S. N. MAZUMDAR: I understand that some of the employers made that allegation.

SHRI V. V. GIRI: Ail right; I take it from you. Sir, this is not correct. You will remember that in an answer with regard to the comprehensive labour legislation, *viz.* the Industrial Relations Bill, which I promised to bring before Parliament, a questionnaire, containing 115 questions of an all-embracing character, was issued after I took up office because I wanted to know the views of different parties, workers, employers, and know the public opinion regarding industrial relations. We had a Tripartite Conference at Naini Tal last year at which we discussed threadbare all the questions and this was one of the important questions considered at that Conference. After the Tripartite Conference was

over, different views were expressed regarding various subjects relating to industrial relations. We had then what is known as the Seven-Man Committee set up. It consisted of those leading gentlemen representing workers and employers, almost the same gentlemen. The idea was to go deeply into the discussions that had taken place at Naini Tal and if possible, come to broad based agreements or understandings—I would call them understandings—on the various issues involved. Section 33 was one of these; all the parties expressed their views on that very vexed matter. A Labour Ministers' Conference was called—State Ministers' Conference—to explain to them what had taken place at the Tripartite Conference and in the Seven-Man Committee. So far as section 33 was concerned, there were very constructive views put forward by both sides. I always feel in life that there are not only two sides to a question but also a third side if we have the power and imagination to understand the implications of the various proposals and see whether something cannot be brought about which might satisfy the spirit of things and which will not hurt in any way anybody. It is possible always in big issues; if we have a careful mind—I will put it like that—and carefully discuss all aspects of the matter, I tell you there is always something by which we might restore harmony and satisfy all parties. If that is what is stated as a promise, then I do not say anything about it. Nothing is settled; the views of the parties are there in the matter of section 33 and yet the matter has to be discussed. That is all I can say at the present moment.

So far as the comprehensive legislation is concerned all the stages have been gone through. I am not sorry for the little delay that has been occasioned in the matter. For instance, I was, individually, always of the view and am still of the view—even those who believe in adjudication agree with the view though they may say it is not practical, and they

may be right—that agreements may be arrived at, disputes can be settled across the table and industrial disputes can be settled without adjudication. What did we do before adjudication? We used to do that. Therefore, I laid emphasis on conciliation, the settlement of disputes at the level of the industry much more than an adjudication. I have not been properly represented because I said that this must be a gradual proposition. But let me tell you this. As I have said, I do not feel myself humiliated for these things. That is what has been told by the Father of the nation. He has said, "If you commit a mistake, admit it." If we commit a mistake, there is nothing wrong about it. On the other hand, our reputation is enhanced when we honestly confess that we have committed a mistake. At the same time I may tell you that the Labour Relations Bill which was introduced by my esteemed colleague Shri Jagjivan Ram in the last Parliament, would have been passed but for the dissolution of that Parliament. At that time the Hind Mazdoor Sabha and the A.I.T.U.C. were set against adjudication because they said that adjudication takes away the liberty of the workers to negotiate and settle disputes in the manner in which they like to do it, and therefore it is an attack on the fundamental right of the workers, namely, the freedom of association. And in fact it was styled as the blackest of the Bills that ever came into existence. But when I came back to India after remaining in Ceylon for some time, I thought that there were some people who agreed with my point of view, because I honestly felt that that was the right way of doing things, believing in the British method of trade unionism. But unfortunately at the Naini Tal Conference when we put this proposition, the H.M.S. and the A.I.T.U.C. said that adjudication must continue. The employers began to say, "Mr. Giri, you are doing wonderful things in objecting to this adjudication and standing for conciliation." It is sometimes very difficult

rShri V. V. Giri.] to be in that company. But certainly I do not mind being in that company because I hold the scales even and I am trying to do things honestly. I felt that the employers were not showing as much sympathy as I expected. But I had reason to feel in some cases that merely they wanted to escape adjudication and refuse conciliation. I have the greatest faith in human nature. Otherwise I would not have come to any agreement. And even now I say that I have faith in human nature and I always feel that I can find a mean between any two opposing propositions. Anyway, I am glad that my friend Mr. Mazum-dar and my friends on this side of the House have demanded an explanation as to why there has been so much delay. But let me tell you that I did well in digesting within myself the views of the different parties. I have almost eaten my words when I say in all humility, but not humiliation, that clause 10 of the Labour Relations Bill introduced by my esteemed friend Mr. Jagjivan Ram stands. It took time for me to digest some of these propositions, and that I thought was good, but there was some delay. On the other hand, without disclosing any secrets I am now trying to see whether we can evolve a Bill that is good for the country. I have, Sir, given sufficient explanation about the delay which occurred in bringing forward the Industrial Relations Bill for which I am really very sorry. But I assure my hon. friends that it may be in cold storage, but when it comes out, it will come out in all freshness. That is all that I have to say in explanation of my conduct for the delay.

Now, Sir, I shall reply briefly to the main points raised by the hon. Members in their speeches. Under this Bill we are seeking to make provision for payment of compensation to the workers in the event of layoff and retrenchment. The Industrial Disputes Act, 1947 is not being amended in any other respects. That being so, I feel that this would be an inappropriate occasion to bring within

the scope of the Act working journalists and contract labour. In saying so I hope I will not be misunderstood as lacking in sympathy either for working journalists or for contract labour. The case for inclusion of these categories certainly deserves serious consideration, but that I submit should be considered when we are extending the scope of the Act. There are several other categories of employees who should also be similarly covered. We shall certainly consider those matters as soon as we are in a position to undertake a general amendment of the Industrial Disputes Act.

6 P.M.

In this connection I may have to give an explanation to many friends about my acts of commission and omission, about the working journalists and the P.T.I., employees whose cases have been brought to the notice of this House during the course of the last session. I will say that Bennett Coleman and Company's employees suffered a shock on account of the closing down of the *Times of India* paper in Calcutta. Adjudication was applied for by the workers and naturally the subject was raised whether working journalists come under the definition of 'workmen'. No doubt there was a short-notice-question in which the hon. Prime Minister had also taken part and he expressed sympathy for the working journalists but felt there were difficulties at present for their inclusion in the definition of 'workmen'. Therefore, I, who has been a negotiator all my life, who believes in understanding, who believes in curtailing differences between workers and employers, have the faith that I can bring the warring elements together and get some relief. I must say in this connection and I must acknowledge my gratitude to Mr. Devadas Gandhi who also put forward the point of view of the working journalists in that case and later I also contacted the management and I am:

obliged to the management for taking my view of things, namely, that whatever the verdict of the adjudicator may be, what is applicable to the workers would also apply to the working journalists. I am thankful to that Company for taking the right view of the matter. In the matter of the P.T.I. in this House when somebody raised the question for a half-an-hour's discussion, I also told my friends who were interested in the matter that there were certain difficulties because P.T.I. is an organisation that has its existence in various States and therefore for the Government of India to intervene may be difficult apart from other difficulties of a technical nature. I suggested when the P.T.I. Employees' Central Organisation representatives came to meet me that they should apply in every State for adjudication but I said, "Do not rush in for adjudication which will result in bitterness between you and your employers. Ask the management of the P.T.I. to meet you, place your demands in a reasonable manner. Let the demands be just and if they refuse, go to the next step of applying for adjudication and then see what happens." They followed these methods, they took my advice and again I must say that the P.T.I. authorities whatever they may do ultimately, I do not know,—the Managing Director, Mr. Goenka, Mr. Devadas Gandhi, Mr. Parulekar—all of them met me once or twice and they stated that they would place all matters before me and in all probability it will also be possible for the organisation of the P.T.I. Union to meet the employers later and let us see what happens and if nothing happens, let us again invent new methods of making parties arrive at settlements and so on. But I assure you that does not mean that the working journalists will not be brought under the purview of workers. Luckily, the journalists are the most vocal people in the world and because of that they are able to make everybody hear what they say but what about those poor technical workers and others about whom no-

body says anything? Not only the working journalists have to come under the purview of the Act but there are very many people.....

PROF. G. RANGA: Large numbers.

SHRI V. V. GIRI: Large numbers of people in different places who will also have to be brought under the purview of the Act. Therefore it is better that while we as Government are vigilant to do our best, we should also be vigilant to see that all the people that must come under the definition of 'worker' should be included if possible, and as I have said, I am anxious to bring comprehensive legislation when matters are settled. At that time all things—from China to Peru—can be investigated, can be discussed *ad nauseam* and included in the comprehensive legislation. Even this Bill which is a part of the bigger Industrial legislation to follow. That is the time when I would beg of you to go into all aspects and then try to mend and amend in the best manner possible and try to adjust matters. Let us at this time try to push this Bill and make it law and very soon when the comprehensive Bill comes in, certainly this Bill, a part of it, can be adjusted.

Then I come to the question of plantation labour which was not covered by the present Bill. Questions were asked why plantation labour was not covered by the Bill or why the Plantation Labour Act has not been brought into force. I should like to point out that plantation labour has been excluded only from the provisions relating to 'lay-off' but not from the provisions relating to retrenchment benefits. The word 'industry' occurring in section 25F certainly includes the plantation industry as it is covered by the definition in clause (j) of section 2 of the Industrial Disputes Act. As for bringing into force of the Plantation Labour Act and also for extending the provisions relating to 'lay-off' to plantations, we hope to be able to consult the parties at an early date.

rShri V. V. Giri.] Let me tell you that the hon. Prime Minister is as anxious as myself and yourselves to see that justice is done to the plantation workers. You will kindly note right or wrong, that the planation passed through some bad phase but I may tell you that I told at the Tripartite Conference that it could only be temporary for everybody—workers and everybody—feared that some depression had come over the industry. It was at that time that we met at this Tripartite Standing Committee meeting in July and everybody said, "Keep it off". Someone asked me a very pertinent question in the other House, "Where is it to be found that they all agreed to keep it off?" I say it is a gentleman's agreement and nothing more and I cannot get out of that gentleman's agreement. At the same time, my sympathy, my support and my enthusiasm in the cause of the plantation worker is as good as that of any of you and I shall try to do justice to those lakhs of workers who deserve our support.

Another hon. Member enquired how retrenchment compensation would be calculated and whether the average pay mentioned in clause 25F was the average of the earnings throughout the service of the workman or whether it was the average of the three months wages immediately preceding the retrenchment. The term 'average pay' is defined in clause 2, where it has been stated that 'average pay' means the average of the wages payable to a workman, in the case of monthly paid workman, in the three complete calendar months preceding the date of retrenchment. I think the meaning is quite clear and that is, that the average must be calculated of the wages payable during the three complete calendar months immediately preceding the date of retrenchment. The question of calculating the average of wages paid over a period of years does not, therefore, arise.

A point was made out that when a vacancy occurred, especially after retrenchment, the retrenched per-

sons must be re-employed according to the order of seniority. Hon. Members must have noticed that the intention is to give some discretion to the employers to depart from the rule "Last to come, first to go" in the matter of retrenchment and consequently it would be in line with this policy to give some discretion to the employer even in the matter of re-employment. I am sure that most employers would value the skilled and experienced persons. Moreover, it would be difficult in practice to enforce the order of seniority as many workmen might have left the place and might not turn up at the time the vacancy arises. I feel that, so far as the question of reemployment of and preference to retrenched workmen is concerned, the situation will be met. Here I would like to make a submission. You always think that the law must protect you. But in matters of this character where the question of some discretion comes in, it is the trade union that must be in touch with the workers and employers and they should see that the right thing is done. Otherwise, let us have a fascist regime or rule, tie finite rules and no trade unions and then go ahead. But my feeling is that we will be doing a great injustice to the cause of trade unionism if we do not allow trade unions to function and to enforce decisions to the satisfaction of the workers and that is my only reply and if I am on the other side I would accept it.

Referring to the agreement relating to lay-off, one hon. Member referred to what he called threats held out by the employers which I have already mentioned. I may assure him that the persons who accepted the agreement included representatives from all the four Central organisations of workers and they accepted it obviously because those representatives felt that a concession by agreement was very valuable. The same Member criticised the provisions restricting lay-off compensation to 45 days even when, according to him, the layoff period might be prolonged, extending over 150 days or more. I

would invite his attention to clause (b) of the first proviso to section 25C and to the second proviso to the same section. He thought that if after the period of 45 days the employer does not retrench the workmen concerned, he must continue to pay the lay-off compensation for subsequent periods. A question was also asked whether point 11 of the agreement was applicable and whether it was a fact that none of the matters relating to layoff and retrenchment, could be referred to conciliation or adjudication. Matters for which specific provision has been made in the Bill cannot be referred for conciliation or adjudication. For instance, since RDecific provision has been made for the quantum of lay-off compensation or retrenchment compensation, no conciliation or adjudication is permissible in regard to the quantum of payment. Where, however, there are complaints of non-implementation or wrong implementation of the provisions of the Act or there are differences regarding the application of the Act, there would naturally be an industrial dispute which could be referred for conciliation or adjudication.

An hon. Member emphasised the rights of the workers by trying to make out that the provisions of the Bill might cause more harm than good, that they might increase occasions for lay-off and retrenchment and that this followed from the fact that the Industrial Disputes Act has given rise to an increase in labour litigation. He did not, however, tell us whether he would much rather not have this Act at all. It may be that the volume of labour disputes has gone up in recent years but I do not know whether that can be attributed to the Industrial Disputes Act itself. Labour has, in recent years, become conscious of its rights. It is not prepared to tolerate conditions which it tolerated some years ago. I would attribute the increase in labour disputes to this awakening on the part of labour and not to the machinery which has been set up to settle

disputes. Similarly, I would not accept that a law providing for lay-off or retrenchment compensation will result in an increased lay-off or litigation. On the other hand, I have always held that the Act will be a deterrent and that it will prevent lay-off or retrenchment for inadequate reasons.

Another hon. Member suggested that we should have placed our proposals relating to retrenchment compensation before a tripartite conference. Many Members have referred to that. I may assure him that proposals relating to retrenchment were placed before the tripartite conference on several occasions before the framing of the Labour Relations Bill. The prolonged negotiations then undertaken and subsequently also at the Indian Labour Conference at Naini Tal showed us the extent to which we could expect agreement on the subject. There was a fundamental difference between the employers and the workers on the right to retrench labour, the former demanding full and unfettered liberty and the latter insisting on stringent safeguards. We felt that there was no point in submitting the same issue to yet another tripartite conference. On the other hand, the provision relating to lay-off had not been placed before any such conference in recent years and that was why we specifically brought it before the Standing Labour Committee. It was not as if the provisions relating to retrenchment escaped our attention when we convened the last session of the Standing Labour Committee.

A Member made certain calculations of retrenchment benefits, what an average mill might be called upon to pay in the event of complete closure and also made a suggestion that it would be necessary for every establishment in future to build up a compensation fund. I agree with him that a wise employer would in future build up reserves for the purpose just as he now builds up reserves for the replacement and modernisation of machinery. Similar suggestions have been made by my

[Shri V. V. Giri.] friend Mr. Singh and others of a very

- constructive nature.

A question was asked whether, where an establishment went into liquidation, it would be necessary for the first employer to retrench his workers or he would merely lay them off pending assumption of charge by the new employer. I do not think I should at this stage try to interpret the law in its application to specific

circumstances. That will inevitably take me to various other laws like

- the Companies Act, the Contracts Act, etc. Broadly speaking, when the employment offered by an employer comes to an end at some stage, that would amount to termination by

the employer of the services of the workman and hence fall within the definition of 'retrenchment'. Whether the service of a workman under an employer is terminated or not is a question of fact which is to be decided with references to the circumstances of each case. The same Member enquired why the law relating to lay-off and retrenchment has not been combined and applied to a few industries on the analogy of the Provident Fund Act. I am afraid there is no comparison between the two, lay-off and retrenchment benefits and warding off of the effects of immediate unemployment, and I do not think that there is any justification for limiting these benefits to a few industries. There were criti-

- cisms that workmen in seasonal factories and in establishments working intermittently would be left out. I do not claim that the provisions relating to lay-off are wholly satisfactory, but in the absence of a fuller agreement between the parties we have to go slow in these matters. I hope that the scope of this measure will gradually be extended by agreement or otherwise.

SHRI H. P. SAKSENA (Uttar Pradesh): So nothing for seasonal workers?

SHRI V. V. GIRI: We shall ask the parties to meet and to complete agreements. If they don't do so we are here.

One hon. Member enquired whether retrenchment compensation permissible under this Bill would be in addition to any superannuation gratuity payable by the employer. I think there is no doubt about this. The Bill only makes the payment of retrenchment compensation compulsory. It does not seek to regulate the gratuity payable. If, therefore, gratuity is otherwise payable, the provisions of this Bill will not authorise its discontinuance.

My friend, Mr. Reddy, asked me specifically to give an explanation on the point that he raised. I can only say this regarding Mr. Reddy's point. It is true that, hereafter, if compensation for lay-off and retrenchment cannot be secured by mutual agreement between the employers and the workers, the quantum of benefits will be regulated by the provisions contained in this Bill. Governments may not refer disputes relating to this to adjudication, but no legislation can ever prevent agreements between the parties. This legislation also safeguards the rights acquired under existing awards. I may tell Mr.

that when we were referring disputes relating to lay-off and retrenchment to adjudication, by far the large majority of the awards adopted standards which were by no means more generous than those laid down in the Bill. It may be that in a very small number of cases tribunals granted something more but those were exceptional cases. On the other hand when these disputes were left to adjudication a very large number of workers, especially unorganised workers were unable to press their cases before the various authorities sufficiently strongly as to secure even a reference for adjudication, and did not get any benefits at all. Would it not be better to protect such a large number of unorganised and helpless workers even if in that process a very small minority of workers might hereafter not be able to enforce standards in excess of those which are considered reasonable for various industries in general? I would say that the amount of good which would be

accruing by this Bill far exceeds any slight harm which might unconsciously be done to a negligible number of workers.

SHRI C. G. K. REDDY: If I may interrupt, may I ask if this was also the result of agreement, whether the employers and labour agreed to this that this should be done? Did they want that it should be kept out of court?

SHRI V. V. GIRI: I can only say this that it will not preclude the employers and workers entering into contracts or coming to agreements. That will not be a matter for adjudication.

I thank the various Members of this House, through you, Sir, for the very patient hearing that they have given me. I must say, the debate in the House on the first reading has been conducted in such a manner that I learnt many good things and forgot many bad things and I am grateful to all sections of the House for the way in which they helped me to understand the various problems. Nothing is a last word on the subject, especially of legislation. Many loopholes there are; and they may exist, but let us, on a legislation of this character, which is a new one, know by experience the merits and the defects, emphasise the merits and remove the defects and as I have said, when the comprehensive Bill on Industrial Relations comes up, it will be up to the Members and up to the organisations to see how the whole thing can be put on a proper basis. I do hope that by that time those industries for which this Bill has no application, so far as lay-off is concerned, will also get into touch with the other side and try to come to agreements. All these we can discuss when the comprehensive Bill comes up.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by the House of the People, be taken into consideration."

The motion was adopted.

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MR. DEPUTY CHAIRMAN: We shall take up clause by clause consideration of the Bill tomorrow.

MESSAGES FROM THE HOUSE OF THE PEOPLE

I. THE RESERVE BANK OF INDIA (AMENDMENT AND MISCELLANEOUS PROVISIONS) BILL, 1952

II. THE TRAVANCORE-COCHIN HIGH COURT (AMENDMENT) BILL, 1953

SECRETARY: Sir, I have to report to the Council the following messages received from the House of the People, signed by the Secretary to the House:

I "In accordance with the provisions of Rule 115 of the Rules of Procedure and Conduct of Business in the House of the People, I am directed to enclose herewith a copy of the Reserve Bank of India (Amendment and Miscellaneous Provisions) Bill, 1952, which has been passed as amended by the House at its sitting held on the 28th December, 1953".

II

"In accordance with the provisions of Rule 148 of the Rules of Procedure and Conduct of Business in the House of the People, I am directed to inform you that the House of the People, at its sitting held on the 8th December, 1953, agreed without any amendment to the Travancore-Cochin High Court (Amendment) Bill, 1953, which was passed by the Council of States at its sitting held on the 9th April, 1953."

I lay the Reserve Bank of India (Amendment and Miscellaneous Provisions) Bill, 1952, on the Table.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 1-30 P.M. tomorrow.

The Council then adjourned till half past one of the clock on Thursday, the 10th-December, 1953.