

COMMITTEE OF PRIVILEGES

FIRST REPORT

SHRI HARINATHA MISRA
(Darbhanga): I beg to present the First
Report of the Committee of Privileges.

12.20 hrs.

CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE

SITUATION ARISING OUT OF REPORTED
LOCK-OUT BY PUBLIC SECTOR UNDERTAKINGS
IN BANGALORE.

श्री कृष्ण प्रताप सिंह (महाराजगंज) :
अध्यक्ष महोदय, मैं अबिलम्बनीय लोक
महत्व के निम्नलिखित विषय की ओर
संचार मंत्री का ध्यान दिलाता हूँ और प्रार्थना
करता हूँ कि वह इस बारे में एक वक्तव्य
दे :—

बंगलौर में सरकारी क्षेत्र के चार उप-
क्रमों द्वारा घोषित की गईं दक्षिण
तालाबंदी से उत्पन्न स्थिति ।

PROF. K. K. TEWARY (Buxar):
I had given a privilege motion against
Mr. Bosu. He had criticised the Parlia-
ment. It came out in *New Delhi*....

MR. SPEAKER: I have sent you the
information.

PROF. K. K. TEWARY: I have not
received any information....

MR. SPEAKER: You will get it. No-
thing will go on record.

PROF. K. K. TEWARY: **

MR. SPEAKER: I have given my
ruling. Nothing is going on record.

PROF. K. K. TEWARY: **

MR. SPEAKER: I have told you it
has not been allowed. I have given
my ruling already that it is not admitted.

PROF. K. K. TEWARY: **

MR. SPEAKER: Nothing is going on
record without my permission.

In order to provide more time for the
Motion of No-Confidence on the Council
of Ministers, if the House agrees, we
may dispense with the lunch break today.
I hope you will agree to it.

to return herewith the Finance Bill,
1981, which was passed by the Lok
Sabha at its sitting held on the 29th
April, 1981, and transmitted to the
Rajya Sabha for its recommendations
and to state that this House has no re-
commendations to make to the Lok
Sabha in regard to the said Bill.'

(ii) 'I am directed to inform the Lok
Sabha that the Coal Mines Labour
Welfare Fund (Amendment) Bill,
1980, which was passed by the Lok
Sabha at its sitting held on the 23rd
December, 1980, has been passed by the
Rajya Sabha at its sitting held on the
7th May, 1981, with the following
amendments:—

Enacting Formula

1. That at page 1, line 1, for the word
'Thirty-first' the word 'Thirty-second'
be substituted.

Clause 1

2. That at page 1, line 4, for the figure
'1980' the figure '1981' be substituted

I am, therefore, to return herewith
said Bill in accordance with the pro-
visions of rule 128 of the Rules of Pro-
cedure and Conduct of Business in the
Rajya Sabha with the request that the
concurrence of the Lok Sabha to the
said amendments be communicated to
this House."

COAL MINES LABOUR WELFARE
FUND (AMENDMENT) BILL

AS RETURNED BY RAJYA SABHA WITH
AMENDMENTS

SECRETARY: Sir, I lay on the Table
of the House the Coal Mines Labour Wel-
fare Fund (Amendment) Bill, 1981, which
has been returned by Rajya Sabha with
amendments.

ASSENT TO BILL

SECRETARY: Sir, I also lay on the
Table the Appropriation No. (4) Bill,
1981, passed by the House of Parlia-
ment during the current session and
assented to since a report was last made
to the House on the 3rd April, 1981.

SOME HON. MEMBERS: Yes.

AN HON. MEMBER: What about dinner ?

MR. SPEAKER: That we have decided. You will have a sumptuous dinner.

12.22 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

THE MINISTER OF COMMUNICATIONS (SHRI C.M. STEPHEN) : Over 1 lakh employees of Central Public Sector including HAL, BEL, BEML, ITI, ECIL, Bharat Dynamics Ltd., and Mishra Dhatu Nigam Ltd. spread over various units located in Bangalore, Hyderabad and other places in the country went on strike beginning on different dates, starting from 26th December, 1980 over their demands for parity of pay scales and conditions of service with BHEL employees. During the strike, discussions were held by the Management with the Unions in an effort to call off the strike. The government had made a final offer of increasing the wages by Rs. 25/- p.m. with effect from 1-1-1981, a lump-sum of Rs. 700/- and extension of the existing agreement upto 31-12-1982. Some of the Unions, like ITI, Rae Bareilly and HAL of Lucknow have signed agreements as indicated above and returned to work. The other Units have unconditionally called off the strike towards the middle of March and returned to work between 12th and 15th March, 1981.

Since then, the labour in these Undertakings has been by and large peaceful until recently. Although production has not yet been normalised. On 17-4-1981, the Executive Committee of the JAF decided to resort to agitational activities in case no Tripartite meeting was fixed for negotiating a settlement with the workers. Following this decision towards the end of last month, some JAF leaders led by Shri Michael Fernandes and representatives of the Unions of these Undertakings resorted to hunger-strike at a point outside the Vidhan Soudha. As a consequence of the hunger-strike by the JAF leaders the labour situation had been deteriorating in all the Undertakings except HMT since 4-5-1981.

Demonstrations continued to be held by the workmen in almost all the Undertakings. All the employees of the Railcoach Division of Bharat Earth Movers Ltd. (BEML) and ITI located in Bangalore left work *en masse* after punching in their entry cards on 4-5-1981. This practice was repeated by workmen in BEL and HAL on 5-5-1981. On 5-5-1981, there was also breach of peace in HAL when

some people armed with iron bars and lathis broke open the factory gate and assaulted some officers. Some JAF leaders were arrested by the Police on the 5th night as a precautionary measure.

On 6-5-1981, the labour situation deteriorated further. The workmen of HAL and Railcoach Division on BEML did not report for duty. The buses which had gone to pick up workmen, returned empty. Some of the buses of HAL and ITI were taken over by unruly workmen into the city and used for collecting volunteers and stones etc. with the intention of disturbing peace in various parts of the city. Heavy picketing also took place at the factory gates of HAL and BEML. Breach of peace was reported in various parts of the town. It is reported that Shamiyana at the function presided over by the Chief Minister of Karnataka was burnt down by the agitated workmen. They also burnt down 10 to 12 vehicles belonging to Public Sector Undertakings and the State Government.

The Managements of HAL, BEML, BEL and ITI, taking into consideration the gross acts of violence, intimidation and other conditions indicated above and apprehending bodily harm and damage to company property decided to lock-out their production units w.e.f. the mid-night of 6th/7th May, 1981.

श्री कृष्ण प्रताप सिंह : उपाध्यक्ष महोदय, सार्वजनिक प्रतिष्ठान के लगभग एक लाख कर्मचारी 77 दिन की लम्बी हड़ताल के बाद मार्च में अपने काम पर वापिस आए और पुनः एक छोटी सी अवधि में बंगलौर के चार प्रतिष्ठानों में हिंसक उपद्रव की घटना शुरू हुई। सरकार की ओर से जो एक एग्रीमेंट हुआ, एक समझौता हुआ, जिस समझौते के अनुसार ये श्रमिक काम पर वापिस आए उसका पूर्ण विवरण इस प्रतिवेदन में नहीं है। मैं जानना चाहता हूँ उस समझौते में कौन-कौन से मद्दे थे और किस बिन्दु पर आपका समझौता हुआ था जिससे सार्वजनिक क्षेत्र के कर्मचारी वापिस आए थे ?

दूसरी बात यह है कि बंगलौर में पुनः जब विधान सभा के सामने सार्वजनिक प्रतिष्ठान के कर्मचारियों का अनशन शुरू हुआ तो फिर सरकार की ओर से कोई समझौते का प्रयास किया गया या नहीं ?

[श्री कृष्ण प्रताप सिंह]

तीसरी बात यह है कि अगर सरकार की ओर से प्रयास किया गया तो उसका पूर्ण विवरण क्या है? और फिर पूरे शहर में एक दंगे का दृश्य जो उपस्थित किया गया उसके पीछे क्या किसी निहित स्वार्थ-सिद्धि करने का उद्देश्य है जिससे कि आज वहाँ की स्थिति इतनी भयानक है कि सरकार को बाध्य होकर लोक-आउट करना पड़ा है? मैं यह भी जानना चाहूँगा कि लोक-आउट करने का जो नियम है, लेबर लाज में, उसका अनुपालन किया गया है या नहीं? इसके लिए उनको समय पर नोटिस दिया गया है या नहीं? सारे नियमों का पालन करने के बाद लोक-आउट किया गया है या उसके पहले किया गया है?

SHRI C. M. STEIHAN : My hon. friend stated that about one lakh workmen were involved in this. Taking all the companies together all over the country the number will be a little above one lakh. But the total number of workmen involved in the lock out is 47,000. It is not one lakh.

As I stated in my statement the workers in different enterprises were on strike from 26th December onwards and they withdrew the strike.

A question was asked whether there was an agreement and whether the agreement has been violated. I must clarify that there was no agreement at all. The workmen withdrew strike on their own and of course, we welcomed that gesture on their part. They came back to work.

As far as Managements are concerned and the Central Government is concerned, there was no agreement. There was no undertaking on our part. There were people, quite a number of workers, who were under suspension. On our own, to restore normalcy, we took all actions. All workers including temporary workmen who kept away from duty were taken back to work to restore normalcy. When they reported for duty, we offered Rs. 600/- returnable. Because for a long time they have been out of work on strike workmen in some factories accepted all the Rs. 600/- and in certain other workmen accepted Rs. 550/-. It may be just that do not accept what is offered by us. They have their own decisions. Subsequently they asked for more money because they were in difficulties and the Government on its own ordered an additional payment of Rs. 200/- recoverable

with the result that in certain factories, Rs. 800 have been disbursed and in certain other factories, Rs. 700 have been disbursed.

It was expected that normalcy would be restored. The union leaders met me and telling me—I was there in Bangalore when the Prime Minister passed that way and a memorandum was presented—that they are asking the workers to restore normalcy. They assured that here also. But I must report to the House that it was a case of continuous go-slow. In the period they came back to work, we got production only to the extent of 30 per cent. 70 per cent of production was not forthcoming. It was practically as if no production was forthcoming at all. The difference between the period prior to the withdrawal and after the withdrawal is that, prior to withdrawal, the strike was without wages and, after the withdrawal, the strike continued in a different form with a liability for us to pay wages. This is all the difference. Normalcy was not restored and the production was cut down to 30 per cent. This is the position that has come to.

As I said, as there was no terms of agreement on which the strike was withdrawn, there is no question of violation of that also taking place. A question was asked whether after the hunger-strike any effort was made by us to modify the sentiments of union leaders. I should say, the hunger-strike is not a trade union action. It took place there in the Vidhan Sabha premises and it is a matter concerning the State Government.

SHRI JYOTIRMAYI ICSEU : (Diamond Harbour) : How?

SHRI C. M. STEIHAN : You can ask the question; your turn is there.

The Vidhan Sabha premises is beyond us. There is nothing we could do about it. Our position has been clarified repeatedly. Whatever offer we made earlier, that offer remains.

Some of the companies have signed the agreement; some of them have not signed the agreement. I would like to say further, before other friends start putting the questions, that upto June, 1981, there is our agreement in force and that tripartite agreement, the conciliation agreement, has to have its full course. In the meanwhile, another company, the EHEL, signed an agreement. They want parity with that. It is a very fundamental question. That tripartite agreement is in force. Merely because somewhere else an agreement

is signed, if we are going to revise it, then there will be no end to it. Therefore, the Government have a very fundamental position that the agreement will have to go through the entire period.

Alternative proposals were made and they are before them. They have not been withdrawn. It is open to the workmen to accept that as some other factories have already accepted and signed that. This is all I would say.

SHRI INDERJIT GUPTA (Basirhat) : What about lock-out ? You please read the calling attention. It refers to the lock-out. He has not said a single word about it.

SHRI C. M. STEPHEN : I am sorry; that question was asked.

The position is that there is a situation of continuing go-slow and continuing a demonstrations and unrest prevailing. Then, on a particular day, as I said, on 4-5-31, the workmen *en masse*, after punching, leave the factory and keep away. The next day, we sent out our buses. We have got a large number of buses, about 107 buses from HAL, 85 buses from ITI, a large fleet of buses. What happened? The buses were virtually hijacked; the buses did not come back. The buses were filled up with other people and the drivers were forced to drive the buses and with stones and weapons they went round, damaged the buses and a violence was created. We could not get the buses back one or two days.

The position being that the workers did not come back, go-slow continuing, the buses being hijacked, violence having been perpetrated, the factory functioning had to remain under the shadow of an outbreak of violence which was threatening and gathering momentum, it became impossible for the factories to function any further. This walking out by the workmen was completely illegal. Under those circumstances we had no alternative but to declare a lock-out. The managements felt that they had no alternative but to declare a lock-out in order to safeguard the life of the staff and the safety of the property.

These are the circumstances under which the lock-out was declared.

SHRI JYOTIRMOY BOSU : Sir, I do not know why this calling attention to be replied has to be diverted to a person who is the last man in our list. This appears to be the main disease with the Government.

MR. DEPUTY-SPEAKER : This is a decision of the Business Advisory Committee. You cannot comment on this.

SHRI JYOTIRMOY BOSU : I am asking why cannot the Labour Minister when he is sitting in the House reply to the calling attention.

MR. DEPUTY-SPEAKER : On behalf of the Government, anybody can reply.

SHRI JYOTIRMOY BOSU : Why Business Advisory Committee ? I am asking a straight question that why this labour issue involving public sector undertakings has to be replied by Hon. Shri C. M. Stephen, whose voice we are not particularly fond of hearing ? We would rather like to hear Shri Tiwari who can understand the mood of the House and the persons here. (Interruptions). This is true.

MR. DEPUTY-SPEAKER : To this also, he will reply.

SHRI JYOTIRMOY BOSU : The question is "Does this Government care for any credibility ?" Do they have any credibility ? This Government has no credibility and the Government which has no credibility is not worth sitting in power. You go to the polls just now. You will see what the result is. On 12th March. (Interruptions) Kindly bring the House to order. I appeal to you. On 12th March. (Interruptions).

MR. DEPUTY-SPEAKER : You have created a situation. Therefore, you cannot ask me to keep the House in order ? It is all right.

SHRI JYOTIRMOY BOSU : On 12th March, 1981, the workers called off the strike. On what understanding and with what expectation and hope, they called off the strike ? It is because they were told that there is a democratically elected Government. There is a Government which talks about Welfare State and Socialistic Pattern and all that. It is because they were told that there would be loss of production of Rs. 155 crores. They called off with that expectation that talks would be started.

[Shri Jyotirm.y Bosu]

and resumed and a better and fair deal would be extended to them. That was the basis on which they withdrew.

I would, therefore, like to ask the Government and the Cabinet which has the collective and individual responsibility, would you give us an assurance now on the floor of the House that you would sit immediately, without making it a prestige issue, with the workers' representatives, the trade union leaders, so that the poor workers and their families are not made to face a serious hardship in these days when survival has become a problem and the stoppage of production which comes to more than Rs. 2 crores a day at the present moment—it was Rs. 2 crores a day in December—would not continue further. The present value would be Rs. 240 crores with the inflation that is galloping all around. I do not know the exact figure. I must confess that. But I understand that with all the public sector undertakings that are involved in it, it would be around 75,000 persons.

Mr. Stephen, do you know that 7 fasting leaders, when they were peacefully fasting in protest against the Government's attitude, fasting in protest against the betrayal of the so-called democratically socialistic type of Government, were whisked away forcibly and arrested? What was the charge? Do you know the charge was attempt to commit suicide? When their families are starving, when 3,70,000 stomachs are starving, suddenly, Shri Gundu Rao's Government, under orders from New Delhi—a decision was taken here after consultations—immediately took recourse to that action. Seven persons' lives must be saved because they attempted to commit suicide. They were whisked away. It is nothing but gun-boat politics. You want to terrorise them. By terrorisation, Mr. Stephen, you have never been near a productive unit in your life time. You do not know that production cannot be brought about by Danda. That is what is exactly happening. You confess that production has come down, because a starving worker cannot give production. This is what the capitalist countries even, understands and that is why precisely, the industrial workers in developed capitalist countries are not made to starve. They respect Agreements, and he is given enough so that he can remain in good health and run the wheels the next day. You do not understand this because you have no relation

in productivity; you have never worked for them.

The life of one of the seven persons arrested is in a serious condition, and all the trade union leaders including the INTUC president, one of your successors—I do not know how you could become president of the INTUC, a labour organization; this, I have never understood—Mr. Dara, have condemned unequivocally. It is an utter display of vindictive attitude, an attitude through which you make him work—bonded labour, serfdom, the man is starving, there is no job, he is told, 'If you want one meal a day, you work; otherwise you get out.' He would rather go behind the bars.

I am very distressed to hear that, at their instance, at least 125 arrests have taken place. Again I repeat that the entire decision was taken in New Delhi, and armed with the decision, Mr. Gundu Rao went back to Karnataka and did this.

It was a 77-day old strike last time. Even if you take it at the production value at the factory gate, Rs. 154 crores were lost. And what was the total amount that they are wanting—Rs. 25 crores a year. The production is worth Rs. 720 crores a year, at the rate of Rs. 2 crores a day roughly. They were wanting only Rs. 25 crores. I have visited the public undertakings. These are very specialised areas. These units are so efficient that they are exporting their finished goods to foreign countries. Almost all of them are involved in it, and they are going to give a call for bandh for one day—I am not giving any threat, but I am cautioning you—if you do not immediately sit across the table. Mr. Stephen if you really had any genuine sympathy for the workers at any time in your life-time after becoming a Minister, no, it can never remain—please see that you sit across the table and settle it. It is agonising. It amounts to a breach of promise because the Agreement that they had entered into, they are trying to wriggle out of. And who are trying to wriggle out of this? The autonomous public sector undertakings are saying that the Government has not cleared. The public sector undertakings are autonomous corporations. How can they take

shelter by saying that the Government is not clearing those things. They accepted Rs. 500 for an unskilled worker and these workers are only wanting an increase of Rs. 42. I would like to know how they view it with the rise in the cost of living index that has been recorded. Am I to understand after the visit of Mr. Mac Namara, the World Bank President, who had to approve the Sixth Plan document, and with L.K. Jha and that variety coming into the area of economics as super Finance Minister—Mr. Venkataraman, your Super Finance Minister, Mr. L.K. Jha—they are giving prohibitory orders to the Government that no concession will be given to the working class. We would like to know categorically from the Government. (Interruptions). Let the Minister clearly assure the House because the concern of the House is the property of the country—that they will immediately sit across the table and discuss things and decide things so that the workers can go back to their work and do the full production with a satisfied mind.

SHRI C. M. STEPHEN : I am afraid no new point has been put forth....

MR. DEPUTY-SPEAKER : I think, Mr. Jyotirmoy Bosu also assured you that there would not be go-slow.

SHRI C.M. STEPHEN : calling for an answer. I have already stated the background of the existing Agreement. And everybody is bound by that agreement. The difficulty arose because the trade union leaders wanted to draft into the agreement the benefit of another agreement which was ironed out outside and later in 1980. They just wanted to draft it into that agreement. We say this is an agreement which is inviolable and which has to run through the whole course. If the other position is accepted, no tripartite agreement will have any validity and there will be no stability at all and nobody can be given higher wages anywhere. Immediately a demand will come, 'Raise my wages also' and this will go on and enhancement of wages for units which are deserving enough will become difficult. Therefore we have taken up the position that that is not possible. This is a fundamental question as far as labour relations are

concerned. The demand of the Unions in effect is a demand which will undermine the fundamental position in which the labour relations have got to be built up.

When they made the demand, we made an offer. The agreement is concluding in June 1981. Let us extend it by 1 1/2 years, that is, upto December 1982 and in return we offered Rs. 700 as lumpsum payment and Rs. 25 per month and together it comes to Rs. 1300. It is not a Rs. 42 increase ; it is an increase of Rs. 70, for each worker for the period right upto 1982 December. Mr Jyotirmoy Bosu spoke about an increase of Rs. 42. But Rs. 700 plus this Rs. 25 per month for these 18 months—you just calculate—comes to Rs. 1300 per worker from sweeper onwards and it works out to Rs. 70 per month. After 1982 December, new negotiations can be talked about and new agreement can come in.

It was this offer which was rejected and the strike was going on, on. When the strike was going on, the policy of the Government was very clear. We did not impose any lock out. We did not declare the strike illegal. We paid them the salary which was due to them although the strike was on. We called them back to the factory and paid them the salary that was due to them. We do not arrest a single worker. We did not take any rough measure against the workers. They were allowed to continue their strike. When we were sitting quiet, we made this offer. Finally the Central Labour Minister called a conference and in that conference this offer was made and when they said that under the existing agreement they are entitled to the drafting of the provisions of the BHEL into this agreement we made this offer. There was a difference of opinion between the government and the workers on the interpretation of the agreement. We said, we do not stand by it. We said we are prepared to refer this matter to a Board of Arbitration. We said we will refer the matter to arbitration. If you do not want that, we will refer the matter to a single arbitrator. If you reject it, we refer the matter to a Board of Arbitration where your representative will be there, our representative will be there and High Court Judge will preside over the Board and let them interpret this clause and whatever interpretation they give, we will implement. They rejected that. They are not prepared for that. From that it is very clear that

[S hri G. M. Stephen]

they were not confident about the interpretation they were giving and the demand they were raising. They were not prepared to go before an arbitrator at all. It is in those circumstances that we said that whatever offer has been spelt out, has been spelt out for the last time and nothing more can be given. We do not believe in collective bargaining in the matter like a fish market. When the Government takes up a position, the Government offers what is best available and with the utmost solicitude to the interests of the workers this offer is made. That is why this offer, as I explained, would amount to Rs. 70 per month. We offered a payment of Rs. 700 for each worker returnable for the period for which they were out of work, Rs. 700 as lumpsum payment, Rs. 25 per month and extension of the agreement for 1 1/2 years upto December 1982. So, Sir, we offered Rs. 1300 per worker. Maybe the higher echelons will be getting only the same as a sweeper will be getting. We treated the sweeper also in the same manner as a person of the higher echelons and we offered Rs. 1300. It is this offer that was rejected and they came back to work. I must make it absolutely clear that there was no agreement, no understanding and no meeting. They came back to work and when gates were opened, they came back to work and whoever came back, they received the amount and started the work.

Mr. Bosu said that production was not forthcoming because they were starving the workers. Sir, they were being paid, they were paid Rs. 800 when they came back so that they should not be starved. And after receiving Rs. 800/- they cut down the production to 30% Well, Sir, the public sector units are run not necessarily for profit alone. We run the public sectors only for the products. For the Communication, their products are necessary; for Defence, the production is necessary. It is the production that is wanted and it is this production which is being cut down without any provocation on our side. The single sin that we committed was our insistence that the agreement should remain unaltered. We stand by that agreement. This is the position we have taken. Burning of buses injuring of the people and killing of people or this sort of thing is not good. The strike was going on. They offered *rail roko* it was mustered up and now, they are going to take up the relay hunger strike. Well, Sir, it is left to them.

As far as the management is concerned, we have got a clear idea of the interest of

the workers. Commercial aspects will also have to be taken into account. This must be clearly understood. We run the factory for production. Starving the production if they expect the generosity from us, disappointment will only be the result. This is the strong position that we are taking. We are not going to budge from this. The factory has to run according to capacity and according to productivity. The money will be paid accordingly. H.M.T. is giving us a fairly good production and the H.M.T. workers will be treated accordingly. If the production is not forthcoming, money cannot be paid. This should be absolutely clear.

MR. DEPUTY-SPEAKER : Shri Agarwal.

SHRI SATISH AGARWAL (Jaipur). Mr. Deputy-Speaker, Sir, from the statement the hon. Minister for Communications has made in response to the calling attention notice that we have tabled, I would like to seek clarifications from him and ask certain questions which are simple in nature to which I expect his forthright replies.

Is it not a fact that there is a Nodal Department known as the Bureau of Public Enterprises in the Ministry of Finance who coordinates and monitors all these wage increases and the industrial disputes? If so, why did the Bureau of Public Enterprises not have a uniform policy with regard to the particular establishment? According to the established policy you should have a discussion with all these people.

Is it not a fact that when the previous strike was withdrawn, an appeal was made by the Chief Minister of Karnataka and by leaders of various political parties, ruling as well as the Opposition, in the Karnataka Assembly that once the strike is called off unconditionally, then the resumption of talks will take place and negotiations will start after two weeks of the calling off of this strike. If so, why the talks are not re-started? What is the difficulty that in spite of the assurance and the appeals made by all political groups in Karnataka and the specific assurance given by the Chief Minister, Shri Gundu Rao, why negotiations were not resumed for arriving at a broad settlement? Had this been done, my feeling is, this unfortunate situation would not have arisen. The only point at this particular moment is: whether Government is in a mood to re-start negotiations for arriving at any settlement with the Union leaders. If so, by what time. That should be made clear.

SHRI C. M. STEPHEN: Well, Sir, there is a nodal Unit in the Department of Finance which is a co-ordinating these things. When we formulate the general policy, they are very much in the picture. Even now, the general policy today is that enhancement of wages will be according to the capacity of that unit and according to the production that the unit is giving. This is the general policy and, I think, I am right there. This is the general policy which has been formulated. According to the production, the wage determination will be made. And this will be the main consideration for determining the wage pattern and this is the policy of this Nodal Department. It is on that basis that I made the statement on the floor of this House. About the Chief Minister's appeal, yes, there was an appeal by the Chief Minister. That was a result of the Resolution passed by the Karnataka Legislative Assembly. We know how all these things happened. Things were stuck up. The strike had to be withdrawn and, therefore, the local MLAs and different parties have got their own responsibility. They assisted to withdraw the strike. They came out with the appeal and the workers listened to that. There was no appeal to us. There was an appeal to the workers and the workers responded and they came back. If I remember correct one of the provision in that was when the strike is withdrawn and normalcy is restored negotiations can start in a favourable atmosphere. This was the statement as I read. The strike was withdrawn but normalcy was not restored. Normalcy was not restored in the sense that production was cut down to 30 per cent. The strike continued within the factory. Strike outside the factory was withdrawn. Strike inside the factory continued.

As far as negotiations are concerned we have never said that negotiations will not take place. We are available for negotiations. Doors are open for negotiations. The management have indicated to them. They are available for negotiations and signing of the agreement with each unit. Each unit can meet the management concerned and start negotiations. Instructions have been issued and managements have informed them also. But I do not know what exactly are the sort of negotiations they want. If an idea came in that negotiations on JAF level must take place well, Sir, the industrial law does not know this JAF business. Labour, management and the workers will negotiate. For some people coming together and saying "negotiate with all of us together" is a concept which we cannot approve of particularly in the light of the policy that I have stated that the wages will differ from unit to unit and according to the

production they are giving to us. Therefore, negotiations with such a body which pre-supposes payment on a uniform level, that sort of negotiations will not be possible. In each unit the Union can meet the management and negotiations can take place. Everything is sorted out and doors are open. I use the Floor of this House to make an appeal to the workers concerned and the union leaders to come back to the negotiating table unit by unit and management by management and say what they can. Our basic position is very clear. The basis on which negotiations can start are clear. Doors are not closed. Doors are open. Doors of each factory's management office are open for the unions to go in and negotiate.

SHRI INDRAJIT GUPTA (Basirhat): Sir, this Government has created a new record. This is the first time to my knowledge in the public sector where factories of this importance and this magnitude—four of them—have been locked out. In the public sector over the years many times industrial strife as taken place in many places—sometimes some disturbances have also taken place—but never before have they followed in the steps of the private sector and imposed a blanket lock out on four factories. This is a new thing. If the history of industrial relations in India comes to be compiled this will constitute a new landmark. This is just for the record that I want to say. Sir, they have set new records in many things including defying Supreme Court in LIC bonus case. Day after day I went on saying here, do not defy Supreme Court. Do not violate the agreement. They would not listen.

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They would not listen. The bulldozer has to go ahead. And ultimately the Supreme Court caught them by the ear and pulled them up. In this case also, I know, you are the Government in power; your Managements are there with you, your police is there with you. Don't try to bulldoze these workers, because, they may also learn some lessons, but you will also learn some lessons. So, please listen to me. This public sector cannot be run in this way. Three of these locked-out units are under my friend Mr. Shivraj Patil who from beginning to end, has not had a single word to say on the subject. And the fourth factory which is locked out comes under my friend Mr. Stephen. He has become the advocate for all the factories combined. Anyway, he is most welcome to have it. Now, Sir, a number of red herrings have been drawn across the trail by him in his reply. If I go into all those things it will take a

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very long time. His point about the issue of parity with BHEL is old mutton, dead mutton. Even at the time negotiations were held here in Delhi, not with a separate union, but with the JAF—at that time it was the JAF with which you held negotiations in the Labour Ministry—and I was present there also. They have stated this clearly, as long ago as January or February “We have given up this demand of parity with BHEL. For the sake of settlement we are prepared to give up this demand.” Now, here again, months after this, in order to mislead the House, and mislead public opinion, this whole bogey is being made that they want parity with BHEL and so on. I cannot go into all that now, and that is not the issue at stake just now. It was said that arbitration was offered and they did not agree to arbitration. Why did they not agree to arbitration at that time? Because the workers saw that, let alone an arbitrator, in another public sector unit, that is, the LIC, you were not prepared to abide even by the Supreme Court's decision. That is what was happening at that time. And they said to us, here are people who defy even the Supreme Court; what is the good of our agreeing to go in for an Arbitration Award with them? You spoiled the whole ground for arbitration. Arbitration could have taken place, if you had not simultaneously done what you had done in the case of the LIC. Then you said production has been brought down by 30 per cent after the strike was withdrawn.

SHRI C.M. STEPHEN : 70 percent.

SHRI INDRAJIT GUPTA : I challenge it. I challenge Mr. Stephen to produce the figure for the month of April, that is, last month and compare it with the production figure of April 1980 or April 1979. I challenge him especially in his own factory, the ITI. I challenge him to produce the April production figure. That is why I say that he is misleading the House. Production was much better than even last year. And the workers had gone back to work with bitterness in their hearts. That also I have said here many times. You cannot just run public sector with workers who are embittered who are on strike for 77 days and Government was not willing to come to any kind of settlement with them. Anyway, this is past history. The strike was over 8 weeks ago. It is true they went back to work with out any settlement, without any agreement. And why did they go back? It is a fact that Mr. Gundu Rao, along with leaders of all political parties in the Karnataka Assembly told them : “If you withdraw the strike, it will strengthen our hands and we will try to persuade the Central

Government to open a dialogue with you. This is why they went back to work. Now when they approach Ministers here in Delhi, they go on saying; “We know nothing about it. Have you got a written assurance? Where is that assurance? We know nothing about it.” Well I cannot do anything in that case, if this is the way you want to behave here.

I find that in yesterday's *Hindu* there is a big heading. ‘I can only plead with the Centre.’ says Gundu Rao. Yesterday he said and this been quoted extensively in the *Hindu*.

“Mr. Rao said he had taken every step to impress upon the Government of India the urgency of the matter and he was also looking forward to a sympathetic response from it. He would leave no stone unturned in that direction.”

This is what he has written in a letter to the leaders of the political parties.

“The Chief Minister said he had only promised that he would use his good offices with the Central Government to persuade it to explore the possibilities of resolving the dispute.

The suggestion which he made and to which all the Opposition leaders had agreed was that the leaders should call off the strike so as to create a peaceful atmosphere to enable the Centre initiate step in this direction.

Mr. Gundu Rao said no doubt two months had elapsed since the understanding was reached that the strike should be called off. But then it was for the Government of India to consider the matter and the State Government has absolutely no control over it.”

This is quite clear. What was the understanding on which they went back? Now, in his statement also which I have read out here to day, he says that since the withdrawal of the strike labour in these undertakings have been by and large peaceful until recently. This is the first sentence of his second paragraph. So, he had said that until something happened very recently, everything was peaceful. There was no trouble. It is in his statement. I would like to point out that during this whole period, times without number, it was being pointed out through representations, through memoranda, through letters that the workers are getting restive, and some dialogue

with them had to be opened so that some settlement to the dispute can be got around the table. You could have stated about your own case which you are stating here with so much vehemence. But why should you rule out any kind of dialogue with your own workers after the strike has been withdrawn? I find that even these Unions of the H.M.T. which are recognised unions, which are affiliated to the INTUC, have written letters. I have got copies of the letters written to Mr. G. Ramanujam, General Secretary of INTUC on 12th of last month by the H.M.T. Watch Factory Employees' Union. What do they say in that letter? They say that after a lapse of one month, the stalemate still continues. The workers are disillusioned. The Union has not been able to live up to its assurance made in the belief that the INTUC would lead the working class of Bangalore. The workers are restive. They were also writing. They were also saying "please do something, tension is developing all over the country". Here is another letter written by the Indian National Metal workers Federation to Charanjit Chanana, Union Minister for Industry. It is stated here "any attempt by the Management to victimise the workers or to delay negotiations and honourable settlement on their demands will be most unfortunate which may frustrate the workers and may lead to loss of faith in democratic and peaceful methods." So warning was given not only by us but also the unions which are affiliated to Mr. Stephen.

Then, Sir, as he has pointed out quite correctly, they decided to go on hunger strike, some method by which this frustration and restiveness of the workers can be ventilated. So, they started peaceful hunger strike by few individual leaders. Incidentally, in regard to that hunger strike, the position is not what he has been trying to make out. It is not only in Bangalore people are on hunger strike but in Hyderabad people are on hunger strike, in Kalamasari HMT Factory, people are on hunger strike and here three topmost leaders are on hunger strike here at a stone's throw from this building. Mr. M. S. Krishnan, President of the Bharat Electronics Ltd. Union is on hunger strike. Today is the tenth day and Mr. Ananda Reddi who is the President of the Hindustan Aeronautics Union is on hunger strike here and Mr. Ugravel who is the Secretary of the I.T.I. Employees' Union is on hunger strike here. Ten days have passed. What is their demand at the present moment? Their only demand is that there should be a dialogue as they were led to believe at the time of the withdrawal of the strike that there would be. Instead of that, what has happened is that all these hunger strikers were

rounded up there. Naturally after duty hours workers were coming in, demonstration to the place where their leaders were hunger strike and perhaps administration got nervous that if thousands of workers collect there every day, it will be bad. So, they decided to remove the hunger strikers dead at night. Naturally, the workers got infuriated. I am sorry that these incidents have taken place but, of course, if bus burning and stone throwing is bad in Bangalore. It is certainly equally bad in Calcutta. Nobody says a word about that if burning buses is bad in Bangalore it is good to burn buses in Calcutta? Nobody said a word about that when it happened, a few days ago. On the one hand, this cautious attitude on the part of the Government week after week, refusing or even indicating that any sort of talk would be held and then, on the other, rounding up all these people in this way has provoked the workers, no doubt. I do not say that having got provoked, they should do these things, but you must understand the background in which this has taken place. I find that a question was asked in this House by Prof. Madhly Dandavate on 8th April which was replied to by Shrimati Ram Dulari Sinha. Part (c) of the question asked: "Whether negotiations would be recommended to settle the issues arising out of the strike", to which the reply was: "The question of recommencing of negotiations has been left to the parties concerned."

Now, one of the parties concerned, that is the workers' side, has said that they are prepared to sit down and talk unconditionally without any particular conditions. What is the other side doing? This is the kind of industrial relations you want to develop in this country. I do not understand this at all. What I would like to end up by saying is this. It is of course, up to you, if you want to continue to have a confrontation in some form or the other you are welcome to do it, but Mr. Stephen, you are an old trade union leader and you should not develop this capitalist mentality towards workers that because they have been on a long strike necessarily they must be down and out so that you can steam roller them. I can tell you, these young workers of these public sector units in Bangalore are not the old type workers, you should know that. These are all young boys, who have come newly into the industry. They are the first generation of workers, their fathers were never workers. They come from middle class background and they are well educated. They are not the type of people to take these things lying down. At the cost of the public sector, if there is a confrontation, it is not going to help anybody.

I would just ask my question. He, of course, said something right now at the end which he did not say earlier. The management of the various undertakings have

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been directed, to start talks with the respective unions. I know that two days ago, a high officer of the Bharat Electronics had sent a message to somebody here in Delhi saying that the management feels that they can sort out things across the table but no direction has come from Delhi yet. What is the idea? Anyway, now the factories are locked out, a thing which has never happened before in the public sector. I would like to know whether you consider it a matter of prestige that you should not sit with the JAF, though you have sat with them earlier. You should consider it, otherwise you can give direction clearly to the management of the respective factories or call the representatives of the workers—and they are all recognised unions—and start a dialogue with them. Then, all the hunger strikes, lock-outs and everything can be resolved. Then, we can see what happens whether the agreement has to be extended or not, or what is to be done, rather than going headlong for this kind of development which will lead to a catastrophe. I would like to know from him, whether he would really, seriously and sincerely try to normalise the situation by opening a dialogue. That is the only demand; they have not demanded rupees, annas and pies

SHRI C.M. STEPHEN : Sir, I have, think already answered this question in a very elaborate manner. I said negotiations were taking place continually. It was never resolved; and unit by unit negotiations can be had. There is no prestige about it. Nothing at all.

SHRI INDRAJIT GUPTA : The Minister called them. Isn't it ?

SHRI C.M. STEPHEN : That is all right. But I want to make one thing absolutely clear. The point is that we have spelt out the terms on which this matter can be resolved. Calling the Unions again for negotiations may be interpreted that we are offering them something more. I do not want to be in for having committed a breach of trust or having cheated them. They are having hunger strike. Things are going on. If you want me to call them for negotiations, each management has been instructed they are free to negotiate. But now, if I call them, then the hunger strike is withdrawn and if I do not make any fresh offer, then they will ask why did not call us? Calling itself means you are prepared to give us something more. Now that you are not giving us anything, it means you have cheated us into withdrawing the agitation and a breach of trust has been committed. The same charge is levelled against the Chief Minister of Karnataka. I do not want to take it. I must make it absolutely clear that we have offered the most liberal

concessions. That is what I said. The extension of the agreement upto 1982 end, Rs. 1300 per worker, every body getting on an average about Rs. 70/ worth of rise per month. These are the liberal terms that we have offered. After all, we have also suffered. For five months we have had no production, we cannot take away money from somewhere and pay them. The public sector occupies a position of trust. We hold it in trust for the nation. We cannot be prodigal in the matter of Management. Therefore, five months period of non-production has reduced our capacity considerably.

The position I can generously take is only this, although the capacity has been cut down by the non-availability of production, I still stand by the offer that we have made and the money which we have committed to make available. This is the position that I can take, Sir.

If dialogue is necessary that can be called, but let this House bear witness to the fact that calling a dialogue does not mean offering higher terms. Terms will be according to the capacity of the units concerned. I should not be accused of having committed a breach of trust or having cheated the people into this position. This I have got to clarify. I can offer the concession as I have stated.

Well, Sir, this is the only point that was raised. I do not want any confrontation. Government does not want any confrontation. HMT is a public sector unit having units all over the country. All the units are working giving us full production and normal production. ITI has its units not only in Bangalore, but also elsewhere working and getting absolutely normal production. HAL has its units else where work is going on and we are getting fairly good production. In Bangalore, these four factories have been obstructing and cutting down the production and these scenes are being created. If a dialogue is needed it is available.

PROF. MADHU DANDAVATE (Rajapur): If you allow me for a minute, Sir.

MR. DEPUTY SPEAKER : Professor, you cannot interrupt.

PROF. MADHU DANDAVATE : He has yielded, Sir.

MR. DEPUTY SPEAKER : Even then you must take my permission first. Even then I cannot tolerate. One point, when one person is speaking, all other need not. We can take the business according to the rules.

PROF. MAHDU DANDAVATE : Sir, my question to him is for clarification. If you had announced that you were prepared

to resume negotiations, even on whatever you had offered on that basis you are going to resume negotiations, even the hunger strike would not have started. I have visited all the hunger strikers at Bangalore on 29th and they had categorically said that their hunger strike is only for the resumption of negotiations. And if you had clarified this position, there would have been no hunger strike and there would have been no demonstration at all. Even at this stage please clarify it.

MR. DEPUTY SPEAKER: In calling Attention we do not allow other Members. Let this not be a precedent. As a special case Mr. Danlavate has been allowed.

MR. C.M. STEPHEN: Sir, for the information of my friend, Prof. Madhu Dandavate and the House, I may say that the information was orally conveyed to the different union leaders that they must come and discuss and finalise the arrangement. It was also put in the papers. An advertisement was put forth in the papers for the information of everybody. If any worker or any union wanted any negotiations, wrote to us and sought an interview or negotiation, there is no case of a refusal of that. No such letter came to us either. I am not very sure about that. There is no question of refusal of that taking place.

This is the position. This has been the position. It was announced, it was conveyed to them. Negotiations were taking place at tripartite and bi-partite levels. It was never the case that negotiation had broken off. But the terms were there. It was announced. 'You pleased come and finalise this agreement'. That was there. That was not the provocation for this hunger strike and all that.

MR. DEPUTY SPEAKER: Now next item Personal explanation by Minister, Mr. C.P.N. Singh

13 21 hrs.

PERSONAL EXPLANATION BY MINISTER

THE MINISTER OF STATE IN THE DEPARTMENTS OF SCIENCE AND TECHNOLOGY AND ELECTRONICS AND ENVIRONMENT (SHRI C.P.N. SINGH): I am taking the opportunity to refute in clear and unequivocal terms personal charges and insinuations made by Shri K. P. Unnikrishnan during the debate on the Demands for Grants of Ministry of Defence on my personal conduct in my then responsibility as Minister, in the Ministry of Defence with regard to the sales

of Centurian tank spares and proposal for the sale of Centurian tanks

It was during the Janata regime in December 1977 that 90 obsolete Centurian tanks were sold. The proposal for the sale of remaining 190 Centurian tanks, was initiated by the predecessor regime in November, 1979. The enquiry for the sale of the tanks, also included enquiry for sale of spares and ammunition. This was widely circulated. It elicited some offers which were considered by an Inter-Disciplinary Committee headed by the then Secretary (Defence Production).

Having been informed that the tanks sold in 1977 did not reach Spain, it was proposed in consultation with the Ministry of External Affairs to take all possible precautions to ensure that the tanks do not find their way to a country which is politically unacceptable. Since the offer of M/s Ferro-Import was considered the most acceptable, was proposed to seek necessary guarantees in case the offer of M/s Ferro-Import was to be accepted.

The papers were put up to Hon. P. M. and finance Minister as required and their directions were fully implemented. The sale was deferred; I, in my then called off the negotiations on 3.6.1980 for the sale of the remaining Centurian tanks.

Offers were invited for sale of spares along with tanks and ammunition. Since there was no worth-while offer for spares, the Negotiating Committee recommended re-invitation of bids for sale of spares separately. All the bidders who had submitted offers for tanks and/or spares were invited to submit their offers. The bid of M/s Levy Auto Parts Co. of Canada was the only one fulfilling the conditions laid down regarding earnest money deposit and End User country. There was no prescribed price; the sale was to take place on the basis of the highest acceptable offer. The initial offer of M/s Levy Auto Parts Co. was \$900,000 for 5000 tonnes of spares. On negotiations, they agree to lift only 3000 tonnes within the same amount. Their revised offer for the entire 5000 tonnes was \$1.1 million. It was decided to sell only 3000 tonnes for \$0.9 million. The sale was against an import licence issued by the Government of Canada. Their High Commissioner informed that the re-export from Canada would need their Government's approval.

When the initial offer of M/s Levy Auto Parts. Co. was considered by the Negotiating Committee, a view was expressed and duly recorded in the minutes that it was on the low side. It was precisely for this reason that the likely scrap