

LOK SABHA DEBATES

LOK SABHA

Wednesday, May 23, 1990/Jyaistha 2,
1912 (Saka)

The Lok Sabha met at

Eleven of the Clock

[MR. SPEAKER *In the Chair*]

ORAL ANSWERS TO QUESTIONS

[English]

Rationalisation of Industrial Relations Laws

*944. SHRI MADHAVRAO SCINDIA:
Will the Minister of LABOUR be pleased to state:

(a) the main drawbacks identified in the process of rationalisation of the existing industrial relations laws;

(b) whether any timeframe has been laid down to complete the exercise and bring forward legislation before Parliament; and

(c) if so, the details thereof?

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN):
(a) to (c). A Statement is laid on the Table of the House.

STATEMENT

The main drawbacks in the industrial relations laws as identified by the National

Commission on Labour and various Committees include lack of provisions relating to recognition of trade union for the purpose of collective bargaining; multiplicity of unions; role of non-workmen in the functioning of trade unions; ineffectiveness of adjudication system, etc.

2. The subject was discussed at the 29th Session of the Indian Labour Conference on April 21 and 22, 1990. In pursuance of its recommendations, a bipartite Committee under the chairmanship of Shri G. Ramanujam, President, Indian National Trade Union Congress, comprising representatives of central trade union and employers' organisations has since been constituted on 8 May, 1990 to formulate specific proposals for a new Industrial Relations Law. The Committee has been requested to submit its report to the Government by 31 July, 1990.

SHRI MADHAVRAO SCINDIA: Sir, there have been moves in the past to provide for a compulsory recognition to Unions. At present, I believe, this is merely covered by a code of discipline, which governs it on the basis of a tripartite agreement between the Government, employees' associations and the Unions. But this is not binding by law nor is it necessarily binding on any individual employer.

May I know what is the attitude of the Government in regard to compulsory recognition of Unions to be made binding by law and whether such a provision is proposed to be made in the contemplated Bill on Industrial Relations?

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, if the hon. Member goes through

the reply, he would find it clearly stated there in that a decision to constitute a bipartite committee had been taken in the Indian Labour Conference held recently on the 21st and 22nd of this month. It has happened for the first time that the decision to constitute a committee has been taken in the ILC itself. Both sides have agreed to discuss the matter under the chairmanship of Shri Ramanujam, and he is supervising the whole matter. A time-limit has been fixed and the committee has to submit its report to the Government by the 31st July, 1990. In the meantime, the Government is considering to withdraw all those industrial relation laws which are controversial. We would take a final decision on the basis of suggestions we receive in this regard. Nothing can be said at this stage.

SHRI MADHAVRAO SCINDIA: Hon. Minister, it means that you do not have your own views in this regard. If you have same ideas, you should express and share them with us, so that we may be able to know your stand. We are not aware of your own views in this regard.

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, Scindiaji wanted to know as to what were the hurdles, what were the apparent drawbacks. In this connection, I would like to submit only this much that the trade union acts were enacted in 1926 and Industrial Dispute Act in 1947.

SHRI MADHAVRAO SCINDIA: I am referring to compulsory recognition.

SHRI RAM VILAS PASWAN: I am coming to that also.

All these acts were passed in 1926 and in 1947. Later in 1978 and 1988, it was on two occasions that Bills to that effect were introduced in the House. They were considered to be controversial; as it involved the matter of recognition, ineffectiveness of adjudication and direct reference. All these things came up. Now, under the present circumstances, when a bipartite committee has already been constituted which has met

once, I think it would amount to interference in the work of the committee, if the Government gives some advice on its own.

[*English*]

SHRI MADHAVRAO SCINDIA: Government is committed to introducing a Bill before the end of the Session, on workers' participation in management. It is understood that for workers' participation in management you are adopting the secret ballot procedure for choosing the representatives. But even today, for recognition of unions, the verification procedure is operative. This is dichotomy. As you know, the multiplicity of unions is the bane of trade unions. That is the inherent weakness. The secret ballot is the only solution. I would like to know from the Government what effective steps does the Government propose to take to remove the dichotomy, viz. that on the one hand you are using secret ballot procedures, or proposing to use secret ballot procedures for choosing a representative of the workers on management, and on the other, this verification procedures continues. What steps are you taking to remove this dichotomy, and to ensure adoption of secret ballot procedure for recognition of unions also?

[*Translation*]

SHRI RAM VILAS PASWAN: Sir, the Government is committed to choose the workers' representatives through secret ballot, and the Government is going to introduce a Bill seeking the workers' participation in management. This Bill seeks to make that provision. Recently a meeting of Parliamentary Consultative Committee was held and some more suggestions were given. An important suggestion that has been received is that in respect of recognition, a separate Bill should be brought forward in the House. It should make the provision of granting recognition to the trade unions through secret ballot. On the other day, when there was a discussion on the ministry, I had raised the matter with ShriKumaramangalam and an exhaustive discussion took place on this issue. So the matter is under the considera-

tion of Government. The Government is examining it.

[*English*]

SHRI A. K. ROY: Our discussion in the House should not be considered as an interference with the right of the Committee that has been formed under Mr. Ramanujam. We all desire to give our suggestions to enrich it, as we are not participants in that Conference. Two things are inter-related, as my colleague has said. One is the recognition of the representative union, for bargaining purposes; and the other is labour participation in management. Both aim at social justice and productivity. This is the common aim of both. I was told that the Ramanujam Committee will give the report by 31st July.

In this Session itself, the hon. Labour Minister wants to bring forward a Bill for labour participation in the Management. I do not know how these two things can be reconciled because both the things are common. Now I would like to give a suggestion. There should be one union for one industry. It is just like our Parliament. In Parliament, there are so many parties. We all come here according to our strength. The majority party forms the Government; the minority party sits in the Opposition. So long as we do not do that, that is one union for one industry, it is not possible to do it. There should be a proportional representation that is so many unions should be there. Then people will vote and in proportion of their votes, their representatives will be there. In this way, those unions which come in a majority in that proportion, they will participate in the Management. Does the Government have any such scheme or was such a thing discussed in the Labour Conference?

[*Translation*]

SHRI RAM VILAS PASWAN: Shri A. K. Roy is right. Two things require consideration first, there are a number of small trade unions under the banner of a trade union and the agreement is applicable only to those trade unions which have signed it. That is the

problem the trade union, as well as the management are facing at present. As per the existing laws, any person having the support of seven workers can form a trade union. But the Bill which was presented here in 1988 contained the provision of the support of 10 per cent of workers. There was also a suggestion of a bargaining council which may be having proportional representation of all the trade unions in it and any agreement signed by it and the conclusions arrived at ultimately should be applicable to all of them. All such proposals had come up. As I have already submitted that at this stage, it is very difficult for the Government to say anything in this regard. However, all these proposals are under the consideration of the committee.

SHRIMATI SUBHASHINI ALI: I would like to make a submission to the hon. Minister that a Bill in regard to the labour participation is proposed to be introduced in the House seeking to make the provision of electing the labour representatives through secret ballot. Though the Government intends to include the actual representatives of the labour for the purpose of their participation in management with a view to arrive at a settlement regarding the demands of the workers but real representatives of workers do not get an opportunity or do not have a say. So the very purpose of giving them participation in the management will be defeated and remain meaningless. I would like to make a submission to the hon. Minister that it is not a matter related to any committee but to the genuine interest of the Government. Is the Government going to accept the point of electing the representatives through secret ballot and granting recognition to the trade unions. Another issue related to the norms going to be adopted for selecting the representatives of trade unions to be sent to attend international conferences. For the purpose of participation in the proposed ILO conference scheduled to be held soon, representatives of only three central trade unions have been selected. In this connection, Central trade federation and other trade unions have not been consulted and no representation has been given to them be-

cause the matter was decided on the basis of verification. Hence, my point is whether the Government accepts the principle of selecting the labour representatives through secret ballot—be it in respect of management, international conferences or in selecting bargaining agents; if so, how long it will take to bring forward a Bill to that effect in the House?

SHRI RAM VILAS PASWAN: Even otherwise, when a person shifts his house, he takes a few days to clean and furnish the place. But Shrimati Subhashini has started objecting as to why everything has not been made tidy on the very first day. Now you must be aware of everything, you know the intentions of the Government. I have already stated that the Government is committed on the issue of secret ballot, they are prepared to hold election through secret ballot and whatever hurdles come their way will be removed through joint efforts. So far as the introduction of secret ballot is concerned, we can do that in the industry because in that case, we can make sure as to which of the trade unions are the representative trade union there and what is the number of workers represented by it, but in case of central trade unions, membership cannot be given through secret ballot paper, it will be open. Then how the whole matter can be sorted out through secret ballot? We should have more power in our hands because it will be like a general election. Assurances are given to give equal rights to the unorganised labourers, agricultural labourers on the pattern of trade unions on the basis of verification. In short, it would be like a general election if the process starts from verification, of membership to the recognition of trade union. It is not a simple thing, rather it is something very serious. But, as I have already stated, we are committed to accomplish the task and would hold consultations with all the concerned. Secondly, he has referred to ILO. I would like to submit that the Government has nothing to do wish it in any way. Ministry of Labour has nothing to do with this matter, they are not concerned as to who will represent in ILO. That is decided by the leader of the central trade union who sit together to decide

it, what do they say.. (*Interruptions*).... Please listen to me. It is not like that. The problem is that when something is in your favour, you do not give us bouquets, but when it is otherwise, you start grumbling. The criteria for selecting the leaders who would be participating in the Conference is the same. I had certainly said that there should be some change in the criteria, but when all the trade union leaders sat together, they prepared a list in which there are 5 advisors, 1 delegate and 6 representatives of central trade unions. Therefore, only 6 central trade unions can participate out of 10. A Verification Committee has been formed for the selection of members for 1989. But different trade unions claim to have higher representation. I.N.T.U.C., B.M.S., H.M.S. or C.I.T.U. etc. have their respective claims in respect of their representation in the conference. However in this situation, at our own end, we make the least interference in such internal matters of trade unions and want that they should themselves decide about their rights.

SHRI RAM NAIK: Mr. Speaker, Sir, on 8th of May, a bipartite committee was constituted under the Chairmanship of Shri Ramanujan to make their recommendations on this Act. A report of the said committee was brought out by the Press Trust of India. But the Bhartiya Mazdoor Sangh, which ranks 2nd among all the labour unions and the Hind Mazdoor Panchayat, which was once headed by Shri George Fernandes, were not included in the report. I would like to know whether this report is correct and if so, what are the reasons for not including the Bhartiya Mazdoor Sangh in it?

SHRI RAM VILAS PASWAN: So far as I know, B.M.S. has been included in the report. The question which was just now raised by Shrimati Subhashini Ali here, was also raised that day. Earlier, the Management wanted to include only 3 trade unions, but later it agreed for 6 unions. But now as it stands today there are 10 central trade unions. So which 4 of these unions will be left out? We have told that we would not be deciding it. Using our authority on them we said that all the central trade unions of I.L.C.

should be given the opportunity. I would like to inform the House that this delegation is to be headed by Shri Ramanujam and respective representatives on it are Shri Gopeshwar of I.N.T.U.C., Shri Homi Daji, Secretary, A.I.T.U.C., Shri Umraomal Purohit, General-Secretary, H.M.S, Shri Pratish Chandra, President, U.T.U.C., Shri G.Prabhakar, General-Secretary, B.M.S, Shri M. K. Pandey, Secretary, C.I.T.U. Shri P.D. Paliwal, President, T.U.C.C., Shri N. M. Barot, President, N. L. O. and Shri Jatin Chakravorty, General Secretary, U.T.U.C.

[English]

SHRI P. R. KUMARAMANGALAM: Mr. Speaker, Sir, right at the outset I would like to request the Minister through you, not to get too confused by the number of problems that would be brought to his notice, I am sure, by the officials and other interested parties regarding the difficulties to introduce the secret ballot. And he has also... (*Interruptions*)

MR. SPEAKER: Now life is burdened.

SHRI P. R. KUMARAMANGALAM: I do not think that he needs to get influenced and confused because they have got a beautiful technique of doing it, Speaker, Sir. You are aware of the technique.

Now, since he is very kind hearted and really interested in the working class, he should realise that the rested bureaucracy is not really interested. But leaving that apart, even the ILO issue could be solved very easily if he solves the secret ballot method of verification instead of going to the old technique. But, anyway I am not on that. I am on a different point. Today, if a worker is dismissed he cannot approach the civil courts to get a stay or any immediate relief. He has to go under the Industrial Disputes Act ultimately by reference to a Labour Court or a Labour Tribunal, where he cannot get interim relief while the matter is pending. So, ultimately till the whole case is over, he is helpless. Even if he wins in the Labour Court, you will find the Management goes and

appeal to the High Court or the Supreme Court and gets the stay. So the management under law today can get a stay from relief while the labour will have to wait until the whole case is completed in the Supreme Court, and ultimately die of a starvation. So, the present law provides no relief. I would like to find out from the Minister whether in the new I.R. Bill which he proposes to bring in after the Committee gives its report, would he provide for interim orders to be available for workers when they approach labour tribunals or court or whatever new judicial, quasi judicial authority that may be constituted so that the working class can get immediate relief?

[Translation]

SHRI RAM VILAS PASWAN: Sir, it appears that it is not I who is confused but it is Shri Kumaramangalam who has got confused. I have already said that the Government is committed to introduce secret ballot system. Nothing is left to be decided about it. It is only the framing of rules, which will be done under a new Act. So far as the Government is concerned, it is committed to that. The Government will introduce a Bill to that effect in the Parliament.

Your second point is regarding the procedural delay. It is true that whenever such an issue comes up, at first we try to settle it through reconciliations. If the matter is not settled that way, the Government has to be approached. Then the Government refers it for adjudication. The labourer whose services are terminated, has also to pass through all these procedural stages. It has also been suggested that the labour should have the right to approach the labour court directly. All these suggestions will be placed before the committee for their report on it by the 31st of July. Hence, it is not a matter of delay now. There is certainly no two opinion about it that there is enough of procedural delay in it and it should be expedited.

[English]

SHRI JANARDHANA POOJARY: Sir, I

am putting this question not in the interest of any party. I am putting this question in the interest of the labour and also in the interest of the nation.

Sir, there are a number of Unions sponsored and promoted by the political parties. They are interested in the rights and privileges of their parties only, not in the interest of the labour and also not in interest of the productivity. There is a participatory management in the Madras Refinery which is an exemplary one. There is only one union and they are working in the interest of the labour. In order to avoid all this confusion, will the hon. Minister incorporate this principle of participatory management of labour in the new legislation which he is going to bring forward?

[*Translation*]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, the hon. Member has said about discipline. According to that discipline, the largest union is given recognition. If there is a single union, it is something ideal. But I couldn't understand the question of the hon. Member. If there is only one union, it will get recognition and all the facilities as are admissible to such unions will be made available to it. So there is no problem in it. (*Interruptions*)

[*English*]

Revival Package for NTC Mills in West Bengal

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*945. SHRI MULLAPPALLY RAMACHANDRAN:
SHRI V. SREENIYASA PRASAD:

Will the Minister of TEXTILES be pleased to state:

(a) whether a Committee consisting of the Chairman of the National Textile Corporation and West Bengal Chief Secretary has recommended a revival package for 14 sick NTC mills in West Bengal;

(b) if so, the details thereof; and

(c) the follow-up action taken or contemplated?

THE MINISTER OF TEXTILES AND MINISTER OF FOOD PROCESSING INDUSTRIES (SHRI SHARAD YADAV): (a) to (c) . A statement is laid on the Table of the House.

STATEMENT

(a) Yes, Sir.

(b) The Committee Comprising Chief Secretary, Government of West Bengal and Chairman-cum-Managing Director, National Textile Corporation Limited, New Delhi formed in January, 1990 has recommended short term and long term strategies to be adopted for revival of the 14 textile mills of NTC in West Bengal. The short term strategies include the following:

- (i) All spinning/spinning departments of composite mills should work for three shifts and seven days;
- (ii) Weaving capacities should be reduced in phases by 20 to 25% and workers should be trained and redeployed in spinning section;
- (iii) Amalgamation of 14 units into 10 units must be made;
- (iv) Any surplus worker should continue to draw full wages till alternative arrangements are made for their redeployment;
- (v) Trade Unions/workers should accept workload norms in line with the standard workload norms; and
- (vi) A Tripartite agreement with the State Government, NTC and the Trade Unions covering the above