

**Mr. Speaker:** I will try to clarify it if only hon. Members will allow me to do so. The hon. Minister ought to say that though the decisions had been taken in June 1963, the Government received those reports just now or two months or one month ago, something like that, to explain it.

**Shri Surendranath Dwivedy (Kendrapara):** When was it received?

**Shri B. K. Malviya:** I will verify and let you know.

**Some Hon. Members:** Ah!

**Shri Nambiar (Tiruchirapalli):** The cat is at least out.

**Mr. Speaker:** Opinions on Bill. Shri Shree Narayan Das... Absent.

12.17 hrs.

#### RELEASE OF MEMBER

(Shri Priya Gupta)

**Mr. Speaker:** I have to inform the House that I have received the following letter, dated the 29th November, 1964, from the Superintendent, Sub-Jail, Katihar:

"I have to inform you that on the 25th November, 1964, Shri Priya Gupta, Member, Lok Sabha, along with 14 other Satyagrahis, was sentenced to imprisonment till 4.30 P.M. on the 26th November, 1964, under B.M.P.O. Act and was sent to this Sub-Jail in the evening of the 25th November, 1964. He was released at 4.30 P.M. on the 26th November, 1964, after the completion of the sentence."

**Shri Nath Pai (Rajapur):** Will the Home Minister please take some interest in this fact that an hon. Member of this House arrested in September for an offence whose total punishment amounted to less than 24 hours was incarcerated in prison for nearly three months? Does not he think that there is a moral obligation on him to look into this matter so that petty officials

do not go on exercising their vendetta in this way?

**Mr. Speaker:** The House will now take up further consideration.....

**Shri Nath Pai:** Sir, Shri Nanda has something to say. It is not a party matter.

**Mr. Speaker:** How can he say anything just at this moment? The hon. Member has brought it to his notice and now he will consider it.

**Shri Nath Pai:** I am sorry, Sir, I was a little agitated, but you had once been good enough to direct the Government to look into this particular case and see how and why he was being kept and how far the allegation of his being shuttled from prison to prison was true. You have already directed this is not the first time.

**Mr. Speaker:** The Home Minister will kindly look into it.

**The Minister of Home Affairs (Shri Nanda):** Yes, Sir; it will be looked into.

12.19 hrs.

#### INDIAN TRADE UNIONS (AMENDMENT) BILL—Contd.

**Mr. Speaker:** The House will now take up further consideration of the following motion moved by Shri D. Sanjivayya on the 3rd December, 1964, namely:—

"That the Bill further to amend the Indian Trade Unions Act, 1926, as passed by Rajya Sabha, be taken into consideration."

**Shri Ranga may continue his speech.**

**Shri Hari Vishnu Kamath (Hosangabad):** How much time remains for this?

**Mr. Speaker:** Only 15 minutes were taken the other day; 2 hours and 45 minutes remain.

**Shri Ranga (Chittoor):** Mr. Speaker, Sir, I would like to suggest that instead of following the present policy of recognising only one union in any workshop or enterprise after ascertaining which particular union enjoys the largest degree of support from amongst the workers, it would conduce to the welfare of workers and sound unionism as also better production and a greater degree of co-operation between the employers and the employees, if the Government would follow the policy of recognising all such unions as are formed to represent more than a prescribed minimum of workers employed therein, either considering the total number of workers employed therein or a minimum percentage of workers employed therein. Then less complications will arise than at present owing to the fact that political parties have found it necessary to take interest, not indirectly but directly, by organising their own party-wise unions in these workshops, factories and enterprises. It is now too late to expect the political parties, such of them as have interested themselves directly with the trade union affairs, to give up their practice. But one thing can be done that whenever Government as well as the employers wish to deal with workers, they should be prepared to look upon trade unions on the workwise basis and that would help them, I think, towards better relations between employers and employees. I have in mind this particular instance of Rourkela where there was some trouble. If such a policy had been pursued, I am sure there would have been a greater sense of satisfaction among the workers and different sections among them and it might have been possible for Government to avoid the challenge of go-slow movement. Similar advantage could have been derived if, for instance, in Bhopal they did not confine their recognition only to one union within which there was some trouble.

**Shri A. P. Sharma (Buxar):** In every party and trade union there is trouble. There is trouble in your party also.

**Shri Ranga:** I have not denied that. My hon. friend must take a little more trouble to follow what exactly I am saying. I have not accused any political party nor I have denied the right of any particular party to interfere in any trade union affair. I am only suggesting the method by which it will be possible for Government as well as society to get better results from our workers through their productive efforts and to achieve better relations between employers and employees.

I would also like them to take decisions industry-wise for each industry. It was suggested for many years that there should be standing labour committees on a tripartite basis in order to ease the relations between employers and employees. Unfortunately, not enough has been done. I know that Whitley Councils are supposed to have been organised. But I do not know whether Government has succeeded even in this direction. I would like Government to explore the possibility of constituting industry-wise these tripartite councils or standing committees on which there would be representation not only for one union in each enterprise but for all the recognised unions in any one industry. If they would follow this policy, or at least if they make an experiment on these lines, I feel sure that it might be possible for them to avoid go-slow process troubles and these stay-away strikes. Surprise strikes create bad relations between employers and employees.

Having said this, I would also like to suggest that it is not proper for the Government to insist upon such a period of waiting before any worker who has come to be castigated for so-called moral turpitude is allowed to represent the workers and plead for them. It is easy to say that all those who have been condemned for moral turpitude should be banned from trade unionism for some time. We must first of all be quite sure that there is no impropriety in making this kind of castigation against the workers' leaders and workers' organi-

[Shri Ranga]

ers. It is only too well known that in many cases the employers as well as others who are interested manage to get genuine trade unionists also convicted for so-called moral turpitude and afterwards keep them away from trade unionism for a long period or for the prescribed period. Therefore, I would like Government to give a fresh consideration to this particular matter. At the same time, I should not be understood as encouraging such trade union leaders as do indulge in moral wrong, corrupt practices and improper activities and in that way cheat the workers as well as the society as a whole. I am only anxious that in view of the fact that quite a number of genuinely honest trade unionists also come to be castigated wrongly for moral turpitude, the period suggested in the Bill should not be so long but it should be at least halved.

With these words, I have pleasure in supporting this Bill.

**Shri A. P. Sharma:** I rise to support this Bill wholeheartedly. As a matter of fact, I am surprised why Government have been so late in bringing forward this amending Bill because in my opinion it has been long overdue. While supporting this Bill, I would like to make a few observations.

I entirely differ from my hon. friend Shri Ranga who has found fault with certain unions who by their merit and their potential strength in the industry have attained recognition, and has pleaded for recognition of unions on a different basis. In this connection, I would like to say that trade unionism is a specialised subject, and anybody and everybody cannot trade in trade union affairs. But there are certain people who like to trade in the affairs of the country in every sphere, and particularly, certain politicians trade in this trade unionism taking it as a casual work, or as a source to advance their own political activities. They indulge in casual activities of

trade unionism, and naturally such trade unionists working in a casual manner will find difficulties in the trade union work, because as I said earlier, trade unionism is a specialised work and a regular work and it should not be dealt with in a casual manner.

I have no doubt in my mind that most of the people who would oppose this amendment will be those who try to take undue advantage of the trade union activities in this country. Any person who has not the moral background or who is charged for certain activities which can be considered as immoral has got no right to continue in the trade union movement. That is why the Central Standing Labour Committee have given their firm support to this amendment. I do not quite know, how my hon. friend has pointed out just now that certain honest, genuine and real trade union workers are also being victimised and they are made to suffer on account of certain reasons. If these cases are genuine, such people must not suffer. But we have seen in the trade union field that whenever there is any difficulty in the country, there are certain so-called trade unionists who try to exploit those difficulties. Take, for example, the food situation. When there is a cry to produce more food, when there is a cry for proper distribution of food, there have been people in the country who have been interested in encouraging the workers to go on strike. They have really precipitated strikes in certain places, I should say illegal strikes. With a view to exploit these difficulties, they intentionally forget the country's difficulties and exploit those difficulties for their political purposes; with a view to see that the people of this country suffer, they make the workers behave in that way. In such circumstances if people like to treat the trade unions as a platform, as a stepping stone for their success either in the political or other fields, they certainly are not genuine trade unionists.

**Shri Nambiar** (Tiruchirapalli): It applies to the INTUC also.

out of the trade unions. I support the motion.

**Shri A. P. Sharma:** No, no. If INTUC has got any philosophy before it—let him look into its constitution—it is that it will never sacrifice the interests of the workers. The interests of the country are paramount to the workers.

It will certainly advise the workers to subordinate their interests to the larger interests of the country. We have done that all along. In fact, as Shri Nambiar himself knows, when the country was in a most difficult situation, and when others gave call for a strike, INTUC had the proud privilege of opposing such a strike, making it an absolute failure.

**Shri Nambiar:** Question.

**Shri A. P. Sharma:** He will always question it. The interests of the country have to be decided by somebody. We have always maintained that the Prime Minister or Parliament should be the supreme authority to decide what constitutes the interests of the country. Once the Parliament or the Prime Minister has decided that a particular thing is in the interests of the country, nobody in the country, including the workers, has the right to go against that. On the other hand, we in the INTUC have said.....

**डा० राम मनोहर लोहिया** (फर्रुखाबाद).  
पार्लियामेंट कद्दो, प्रधान मंत्री कयों कहते हो ।

**Shri A. P. Sharma:** I said Prime Minister or Parliament. I have said Prime Minister, because he is the spokesman of Parliament.

Under these circumstances, I would like to make it absolutely clear that such a Bill was long overdue, and only genuine, honest and sincere trade union workers, in the words of Shri Ranga again, should find a place in the trade union movement and not those who are out to make a career

**श्री सरजू पांडेय** (रसड़ा) : अध्यक्ष महोदय, यह जो बिल सदन के सामने उपस्थित है इसमें यह व्यवस्था की गई है कि ऐसे लोग जिन्हें मारल टर्पीट्यूड में सजा मिल चुकी हो व ट्रेड यूनियन की कार्यकारिणी में नहीं रह सकते । मैं इस सुझाव का विरोध करते हूँ ।

अभी माननीय सदस्य ने भाषण दिया । मैं जानता हूँ कि हमारे देश में कांग्रेस पार्टी के कुछ लोग मजदूर वर्ग को पूरी तरह से भ्रष्ट करने में लगे हुए हैं । यह उनका पेशा बन गया है कि मिल मालिकों के पैसे के बल पर उनके फायदे के लिए ट्रेड यूनियनों आरगोनाइज करें और उनको रजिस्टर करावें ।

**श्री अ० प्र० शर्मा** : जैसा कि केरल में हुआ ।

The AITUC had made an agreement in Kerala for twenty years.

**श्री बीनेन मट्टाचार्य** (सेरामपुर) :  
जैसा केरल में हुआ वैसा तो कहीं नहीं हुआ ।

**अध्यक्ष महोदय** : माननीय सदस्य पार्लियामेंट को बाजार न बना लें ।

**श्री सरजू पांडेय** : देश में मजदूरों के आन्दोलन को स्वतन्त्र रूप से चलने देना चाहिए । लेकिन जैसा कि अभी रंगा साहब ने फरमाया मजदूरों का आन्दोलन ठीक प्रकार न चलने देने की सब से बड़ी जिम्मेदारी कांग्रेस पर है । वे मजदूरों को अपने हित में इस्तेमाल करते हैं और चाहते हैं कि वे मिल मालिकों के हित में काम करें। उन्होंने कहा कि जिस समय देश पर संकट था तो एक दल ने मजदूरों की हड़ताल करा कर संकट को बढ़ाया लेकिन मैं उनसे पूछना चाहता हूँ कि किस प्रकार मिल मालिकों ने देश के संकट के नाम पर मजदूरों का गला काटा है ।

[श्री सरजू पांडेय]

कानपुर में लक्ष्मी रतन मिल है, जो कि यहां के एक माननीय सदस्य की है। उसमें आज तक कोई मजदूर संगठन कामयाब नहीं हो पाया क्योंकि मिल के गुंडे कार्यकर्ताओं के सिर तोड़ देते हैं और मजदूरों से जबरदस्ती यूनियन का चन्दा वसूल किया जाता है। मजदूर देश की रीढ़ की हड्डी हैं, अगर उनकी मांगों के लिए मिल मालिकों से लड़ना अपराध है, तो इस हालत में कोई मजदूर संगठन कायम नहीं किया जा सकता और उस अवस्था में देश में प्रजातन्त्र कैसे कायम रह सकता है।

मैं ऐसे बहुत से मामले जानता हूँ बम्बई के और कानपुर आदि के जहाँ मजदूरों को लालच देकर अपनी ओर मिलाया जाता है और उनसे मिल मालिकों का लाभ कराने की कोशिश की जाती है।

इस बिल में यह व्यवस्था है कि अगर अदालत किसी व्यक्ति को मारल टरपीट्यूड के लिए सजा कर दे तो वह ट्रेड यूनियन की कार्यकारिणी का सदस्य नहीं रह सकता। हमारे देश में कानूनी तौर पर जिसको अदालत अपराधी घोषित कर दे उसको अपराधी मान लिया जाता है चाहे उसने अपराध किया हो या न किया हो। और इसके अतिरिक्त कानूनी न्याय कोई भगवान का न्याय तो नहीं है। आदमी से गलती हो जाती है। इसके अलावा आपको मालूम है कि इस देश में आजकल अदालतों का क्या हाल है। इसमें गरीब आदमी को न्याय नहीं मिल सकता क्योंकि उसके पास वकीलों के लिए और सफाई पेश करने के लिए पैसा नहीं होता। इस अवस्था में मिल मालिक किसी भी कार्यकर्ता पर मामूली जुर्माना लगा कर उसको सजा करवा सकते हैं। और जिसको इस प्रकार सजा हो जाएगी उनको ट्रेड यूनियन की कार्यकारिणी की सदस्यता से वंचित कर दिया जाएगा।

फिर इसमें सजा की कोई अवधि भी नहीं दी गई है। चाहे उसे दो दिन की सजा हो जाए या पांच बरस की सजा हो जाए, परिणाम एक ही होगा। इस व्यवस्था के कारण ईमानदार आदमियों को संगठन से अस्थानी से अलग किया जा सकेगा। उधर वालों को तो इसमें सजा हो नहीं सकती। वे लोग तो अदालतों तक पर दबाव डालते हैं और लोगों को छुड़वा तक देते हैं। इसमें केवल विरोधी पार्टियों के लोगों को ही मिल मालिकों के पैसे के बल पर सजा करायी जाएगी। और इन लोगों के इस तरह सजा करा देना लोगों के बाएं हाथ का खेल होगा चाहे वे अपराधी हों या न हों। इसलिए मेरी मंत्री महोदय से प्रार्थना है कि इस बिल को वापस ले लें और मजदूरों को इस बात का अवसर दें कि जो आदमी दरअसल उनके हित में काम करता है उसे वह चुनें और अपनी कार्यकारिणी में रखें। आपको मजदूरों पर विश्वास होना चाहिए कि वे रूढ़ी आदमी को नहीं चुनेंगे। इसलिए मेरी प्रार्थना है कि इस बिल को वापस लिया जाए और जिसको मजदूर उचित समझते हैं उनको उसे चुनने का मौका दिया जाए।

श्री यशपाल सिंह (कौराना) : अध्यक्ष महोदय, इस पर काफी देर से बहस हो रही है। यह बिल तो बहुत अच्छा है और मैं इसका स्वागत करता हूँ। लेकिन इसमें से दो चीजें हटायी जाएं।

एक तो साल के बारे में है जो आपने इसमें रखी है। मेरा सुझाव है कि या तो आप शाका सम्बन्ध रखें या जैसा पहले था वसा रहने दें।

दूसरे इसमें मारल टरपीट्यूड की बात कही गयी है। इसकी कोई ठीक परिभाषा नहीं है, इसलिए यह पता नहीं लगेगा कि किसे मारल टरपीट्यूड कहा जाएगा और

किसे कह देंगे कि यह मारल टरपीट्यूड में नहीं आता। इस सम्बन्ध में कोई डेफिनेट प्राविजन होना चाहिए कि जिस व्यक्ति को इस सिलसिले में सजा हो चुकी हो या जिसने इस तरह का दुर्व्यवहार किया हो, वह मारल टरपीट्यूड की डेफिनीशन के अन्तर्गत आयेगा। अगर ऐसा नहीं किया जाएगा, तो सरकार किसी को भी मारल टरपीट्यूड के अन्तर्गत ले लेगी। यह बहुत वेग टर्म है। इसको कोई भी डिफाइन नहीं कर सकता है।

**Shri Nambiar:** Better oppose the Bill.

**श्री यशपाल सिंह:** मैं सिगरेट पीना, धूम्रा फँकना मारल टरपीट्यूड समझता हूँ, लेकिन मेरा एक मेहमान जब मैं वेद पढ़ रहा हूँ, वेद भगवान् पर धूम्रा फँकता है और वह उसको मारल टरपीट्यूड नहीं समझता है। यह बड़ी वेग टर्म है और यह वर्कर्स को तंग करेगी। वर्कर्स को परेशान करने के लिए यह वेग टर्म रखी गई है। इसको निकाल देना चाहिए।

जो मिल-मालिकान देश के करोड़ों रुपये लूटते हैं, जो पैरासाइट हैं, वे तो मारल टरपीट्यूड में नहीं आते हैं और एक शरीब वर्कर मारल टरपीट्यूड में आ जाता है, यह बात समझ में नहीं आती है। हम तो यह कहते हैं कि जिन लोगों पर मारल टरपीट्यूड का आरोप हो, उनको ट्रेड यूनियन क्या, उनको कहीं भी स्थान नहीं मिलना चाहिए? जब तक यह वेग टर्म नहीं निकाल दी जायेगी और मारल टरपीट्यूड की कोई डेफिनेट डेफिनीशन नहीं दी जायेगी, तब तक यह बिल सिर्फ वर्कर्स को तंग करने के लिए रहेगा।

जरूरत इस बात की है कि मारल टरपीट्यूड की सही व्याख्या की जाये। क्या व्याख्या है? जिस मारेलेटी और नैतिकता को मैं मानता हूँ, उसमें विषय का ध्यान करना भी पाप समझा जाता है। हमारे दादा

मर्यादा पुरोत्तम भगवान् राम ने कहा था कि स्वप्न में भी विषय का ध्यान करना पाप है। लेकिन हम लोग विषय के बारे में हंसी करते हैं, मजाक करते हैं और उसको पाप नहीं समझते हैं।

इस लिए माननीय मंत्री जी से मेरा साग्रह निवेदन है कि वह इस बिल में मारल टरपीट्यूड की एक डेफिनेट डेफिनीशन रखें और जो भी व्यक्ति, चाहे वह मिल-मालिक हो और चाहे पालिटोशन, चाहे वर्कर हो और चाहे एग्रीकल्चरल या इंडस्ट्रियल लेबर हो, उसके अघोन पकड़ा जाये, उसके खिलाफ मारल टरपीट्यूड साबित होगा। वह डेफिनीशन सब के लिए बराबर होनी चाहिए।

अन्त में मैं यह कहना चाहता हूँ कि अगर मारल टरपीट्यूड की कोई डेफिनेट डेफिनीशन दी जायेगी तभी यह बिल आगे चल सकेगा।

**Shri Oza (Surendranagar):** Sir, while welcoming the Bill so far as it goes, I would make certain observations. Industrial labour, we all know, forms a small percentage of our working population. What have adopted perspective planning under which we want to industrialise our country and shift the population from the primary sector to secondary sector. We are making massive investments but the percentage of the shift in our population from the primary to the secondary sector has not been much. This is because rationalisation is going on both in the existing factories and the new techniques are adopted in the new plants. Sometimes rationalisation is discreet; sometimes it is indiscreet.

Here comes the field of the labour unions in our country. Though the industrial labour occupies a small percentage of our population, it occupies a very strategic position in fields other than agriculture and so we cannot afford to ignore this aspect of the trade union movement. We all feel that the trade union movement has not developed on healthy and

[Shri Oza]

sound lines. They are exploited for political reasons and the unions are not run thoroughly and mainly for the benefit of the union workers. To obviate this, I suppose the Labour Ministry has a scheme for training the workers and it has opened several centres where employees are themselves trained in the working of the trade unions. I wish this is expanded qualitatively and quantitatively because only then we will be able to develop trade union activities on healthy and sound lines.

What is the stage of trade union affairs at present? According to the Indian Labour Statistics 1963, we find that the unions have increased from 4623 registered unions in 1951-52 to 11,175 in 1963. The index being 100 for 1951-52, in 1960-61, the index stood at 240. Despite this increase, we are faced with a sorry state of affairs as out of these 11,175 unions only 6,829 unions submitted returns; nearly 40 per cent of these unions are not submitting returns to the registrar; they are paper unions. Therefore, I welcome this Bill. I am not at all prepared to accept that healthy trade unionism will be affected if you resort to this legislation. Today the labourers are exploited on the one hand by the employers because some of them are not organised; some labour is not still covered by the trade union activity for so many reasons; they are not strong enough to take care of themselves. On the other, there have been mushroom trade unions growing in this country. Some fellow gets some workers' signatures and gets it registered as a trade union and misappropriates the funds. So, it is but fair that we should have such stringent legislation. The House should also remember that the income of the trade unions has risen from 50.84 lakhs in 1951-52 to Rs. 1.46 crores in 1960-61. It is not a small amount. I do not think by this legislation the workers are going to suffer really. On the contrary, everyone would agree that the accounts of the unions have got to be

properly maintained. We should see that the ignorant and illiterate labourers are not exploited by those who pose as trade union workers.

I have tabled an amendment because I find that the amendments that have been brought by the Government are not going to be effective at all, as, to bring a person before the court of law and prove the charge of misappropriation and or moral turpitude and secure a conviction, is a very difficult job. I wish the Ministry had put before us some figures whereby we can know how many of these people had been hauled up before the court of law and how many of them have been convicted. We will find that it is a very meagre percentage, not even one per cent, with the result that this legislation will be only a paper legislation. If you want to counter the activities of such people who have chosen to indulge in the trade union activities not for the purposes of workers or employees but for their own political ends or other pecuniary gains, we must amend the Bill in the form in which I have proposed to amend it. When my turn comes, I would like to speak a few words on the amendment. With these words, I welcome the Bill.

**Mr. Speaker:** Shri Achuthan; he said he wanted to speak in Malayalam. He has given me a copy of the speech that he wants to make. I am calling him. He does not stand.

**An Hon. Member:** On the Demands for Grants.

**Mr. Speaker:** Oh; That is all right. Shri Dinen Bhattacharya.

**Shri Dinen Bhattacharya:** Mr. Speaker, Sir, I cannot welcome or support this Bill. On the other hand, I would say that the Labour Ministry, as it is at present, is suffering from, so to say, jaundice. At any time, when it comes with any legislation or proposal, it is seen that it always tries

to find fault with the workers. The other day, when the Industrial Disputes (Amendment) Bill was discussed, I referred to this aspect. This time also, I would say that the Ministry has forgotten the very history of our trade union movement. Trade unionism in our country is a voluntary organisation. In the British days, trade unions were dealt with like conspiracy by the British Government. It is by the struggle and sacrifice of the workers . . .

**Shri A. P. Sharma:** Certain trade unions were also parties to that conspiracy.

**Shri Dinen Bhattacharya:** Of course, they were proud of it. It was part and parcel of our national movement, and the whole of the working classes were organised by the trade unionists. Even the renowned national leaders participated in the trade union movement and you must not forget it. Here, some legal compulsion is brought into the trade union organisations. Certain provisions have been brought in which look very simple at first sight. Anybody who is convicted for any criminal offence will be debarred from taking part in any trade union activity. It looks a very simple thing but what is taking place in the field of trade unionism in our country? Almost all the employers—you will find very few exceptions—including the Government undertakings, always think that anybody who is active in trade unionism, who is an active trade unionist, is an enemy of the concern or the undertaking where he is building up trade unions. So, they always try to victimise such persons. I say with definite proof in my hand that even in Durgapur steel project which is a Government undertaking, even simple trade unionism is not allowed. In the private sector also, the same thing is followed.

Here, in the Bill, the amendment is to the effect that if anybody is convicted he will not be allowed to be elected in any trade union committee. I know how the employers try to oust

the trade union leaders from the factories. That is why, one of the features in our trade unions is that a particular worker or a particular employee who is in employment does not dare to take a leading part in the trade union activities. For a very simple reason and on very trifling issues, the employers try to victimise the workers.

Take, for example, the jute mills. What happens there? If a worker just takes out some waste jute from inside the factory for the purpose of his fuel, he may be caught there at the gate and sent to the thana and a case may be launched and two witnesses may be produced in the court on behalf of the employer and the worker may be convicted with imprisonment for one or two days or for a week.

**Shri Sham Lal Saraf** (Nominated—Jammu and Kashmir): Why could he take it?

**Shri Dinen Bhattacharya:** Because of poverty; because you do not give them a proper wage. I say definitely he does not steal, to build up some wealth for himself. Those who have got experience of the jute mills will realise that the waste jute is thrown aside in the factory; it is not used for any production purposes. If any worker takes it and uses it as fuel, a criminal charge may be brought against him and he may be convicted.

**An Hon. Member:** Why does he take it?

**Shri Dinen Bhattacharya:** He is poor. You are wasting it and he is using it.

**Mr. Speaker:** Order, order. Shri Dinen Bhattacharya will continue to address the Chair.

**Shri Dinen Bhattacharya:** Because that particular worker thinks that if he takes that jute he can save his fuel. But for that reason he may be debarred, if this amendment is passed, from taking part in the trade union activities of his trade union.

## (Amendment) Bill

[Shri Dinen Bhattacharya]

A plea has been taken by the Government that it has been recommended by the Standing Labour Committee. I say with definite proof that it was not discussed in the tripartite body; it was brought in a general form; it was not specified there; what moral turpitude is and what legislation is going to be brought forward and so on was not discussed there. But it is pleaded here that the Standing Labour Committee recommended the bringing in of such a legislation.

In this connection, I take the opportunity of asking the Government as to what steps they have taken about the other recommendations by the Standing Labour Committee, such as need-based minimum wages. It was recommended long ago that the workers in our country should be given such wages by which they can meet their needs. What positive steps have the Government taken to see that the workers get the need-based minimum wages? What about the recognition of trade unions and what about such things as fair-price shops or subsidised shops? Especially these days when the price of essential commodities has gone up, what steps are the Government going to take with regard to the opening of those shops? I request the Minister not to take such a plea as the one he has taken. If they are serious about it, if they are sincere about it,—namely, the recommendations of the Standing Labour Committee—let them come with a legislation which may bring some good, which will be really a welfare measure, to the workers. Bring that legislation first and then bring these things which are of a minor importance and which could be brought in later on.

So, I request the Government not to press this sort of legislation which will put a bar in the development of trade unionism in our country. Let the workers have their own choice in the matter of election of their trade union leaders. The moral standard of our workers is not so low that they would elect a person who is a real thief or who is suffering from some

other moral degeneration. Do not think that our workers have gone down to such an extent that for their own organisation, which is built for their own welfare, they would bring such leaders in the organisation who are suffering from these types of disqualification. Let the workers choose their own leaders. That should be the attitude of the Government.

13.00 hrs.

I would request the hon. Deputy Minister to look into the other amendment which he has brought about age-limit. What is the age-limit in the Factories Act? It is 14 or 15 years. Under this Bill, in a factory where only boys of 15 or 16 years of age are working, they may be debarred from becoming office-bearers and they can have no union at all. For instance take the biri workers or rope-makers. There are so many factories and so many undertakings where only boys of 14 to 17 years are working. What will they do? Nobody is working there who is above 17. In that case, they will not be allowed to form any union. It is contradictory to the Factories Act. So, I do not think there is any reason to bring this sort of amendment barring persons who are below the age of 18 from becoming office-bearers of a trade union. Where there is no worker above 17 years of age, they will not be allowed to form any union, because there is nobody who is above 17 who can be elected to the Executive Committee. So, this age-limit is unnecessary and it will rather create difficulties in many places in forming unions.

With these words, I oppose this amending Bill vehemently. I would request the Government to reconsider their decision and to bring a full-fledged amendment of the Trade Unions Act to remove the real lacunae which were discussed several times in the Standing Labour Committee's tripartite bodies and to move with the spirit and with the intention that the workers may develop their own

organisation on a voluntary basis. Government should not try to impose any legal bar on the trade union organisation. It will not develop, but it will be a hindrance to the development of trade union movement in this country. With these words, I oppose the Bill.

**श्री हुकम चन्द कछवाय (देवास) :**

अध्यक्ष महोदय, मैं इस बिल का हृदय से स्वागत करता हूँ और समर्थन करता हूँ। मजदूर क्षेत्र में अफसर शब्द के स्थान पर पदाधिकारी शब्द बहुत अच्छा है और यह होना चाहिये। कलेन्डर का भी मैं समर्थन करता हूँ। कलेन्डर को मान लेने से उस के प्रचलित होने में कुछ समय जरूर लगेगा लेकिन वह प्रचलित हो जायेगा। लेकिन इस के साथ मैं मुझाव दूंगा कि इस कलेन्डर को भारतीय कलेन्डर के हिसाब से रक्खा जाये।

जहां तक मजदूरों के स्तर का सम्बन्ध है, उस के लिये जो व्यवस्था की गई है उस का मैं स्वागत करता हूँ। उस के पीछे जो उद्देश्य है वह बहुत ठीक है, परन्तु मालिकों के द्वारा जो अनेकों प्रकार के केस मजदूर व मजदूर कार्यकर्ताओं पर लगा दिये जायेंगे, नये-नये प्रकार के केस चल जायेंगे ताकि उन का भविष्य बिगड़े, इस पर हमें विचार करना होगा और उस के लिये मैं उदाहरण देना चाहता हूँ कि जो मजदूर यूनियनों ऐसी हैं जो कि पावर में है, जो कि शासन दल या कांग्रेस के द्वारा चलाई जाती हैं, उनके अन्दर बड़ी धांधली होती है, और उस पर गम्भीरता से विचार करना चाहिये। हाल में ही, सब को मालूम है, यमुनानगर गोपाल पेपर मिल में जो मजदूरों का आन्दोलन हुआ उस में मजदूरों की मैजिस्ट्री एक ओर थी, परन्तु वहां पर प्रधान पंजाब प्रदेश के और कांग्रेसी सदस्य थे। वे यूनियन को चाहते नहीं थे। नतीजा यह हुआ कि अनेक मजदूरों के ऊपर झूठे मुकदमे चलाये गये। सब के सब लोग कोर्ट में बरी हुए। जिन लोगों ने आई०एन०टी०

यू०सी० की ओर से गवाही दी उन पर कोई मुकदमा नहीं चला। लेकिन जिन लोगों पर मुकदमे चलाये गये वे बरी हुए तब भी आज तक वे काम पर नहीं लिये गये। मजदूरों के जीवन के साथ खिलवाड़ करने के लिये इन चीजों का उपयोग किया जाता है कई स्थानों पर।

बहुत सी मूनियनों मजदूरों को राजनीतिक क्षेत्र में नहीं लाना चाहती, परन्तु शासन द्वारा ही, कांग्रेस दल के लोगों के द्वारा ही मजदूरों को राजनीतिक क्षेत्र में घुसेड़ा जाता है। उदाहरण के तौर पर चुनाव के दिनों में इन कार्यकर्ताओं को चुनाव का प्रचार करने के लिये उपयोग में लाया जाता है और मालिकों पर दबाव डाल कर उन को तनख्वाह दिलाई जाती है। यहां पर भी बहुत से मजदूरों के नेता बैठे हैं, वे अपने चुनावों में मजदूरों का उपयोग करते हैं और उनसे कहते हैं कि तुम हमारे लिये प्रचार करो। इस सम्बन्ध में मैं माननीय मन्त्री महोदय का ध्यान दिलाऊंगा कि जिन कारखानों में मजदूरों के चन्दे का पैसा मालिकों द्वारा काटा जाता है उन पर विशेष रूप से विचार करें। ऐसा नहीं होना चाहिये। यह दुर्भाग्य की बात है कि मध्य प्रदेश में अधिकांश यूनियनों ऐसी हैं जिन का चन्दा कारखाने के मालिकों द्वारा तनख्वाह से काट लिया जाता है। मैं इसका घोर विरोध करता हूँ और ऐसा नहीं होना चाहिये। पिछली बार हमारे श्रम मन्त्री ने आश्वासन जरूर दिलाया था कि ऐसा नहीं होगा, लेकिन उसका कितना पालन होगा, यह हमें देखना है। इस सम्बन्ध में सरकार को इस बात की गारण्टी देनी चाहिये कि मालिकों की ओर से कोई ऐसी बात नहीं होगी जिनसे यूनियन चलाने वाले वर्कर्स का भविष्य बिगड़े। यदि वह ऐसा आश्वासन दे, तभी मैं समझूंगा कि सरकार इस बारे में सजग है, नहीं तो मैं इस बात को इस रूप में मानूंगा कि जो अच्छे कार्यकर्ता लोग हैं उन पर झूठे मुकदमे चला कर सरकार यूनियनों के काम पर प्रतिबन्ध

[श्री हुकम चन्द कछवाय]

लगाना चाहती है और जो अपने वर्कर्स हैं, आई० एन० टी० यू० सी० के वर्कर हैं, मजदूर महाजन के वर्कर्स हैं उनकी मदद करना चाहती है जबकि ऐसा नहीं होना चाहिये। मैं समझता हूँ कि मालिकों की ओर से जो हरकतें होती हैं उनके बारे में मन्त्री महोदय उत्तर देते समय अवश्य कोई न कोई आश्वासन देंगे।

**Shri K. N. Pande (Hata):** Sir, while supporting the Bill, I want to say a few words about the speeches made by some Members. The main amendment of this Bill is that a person shall be disqualified for being chosen as an office-bearer, if he has been convicted by a court in India of any offence involving moral turpitude and sentenced to imprisonment. In a democratic set-up, any person who is sentenced to imprisonment has got a right to place all that he wants to say before the court. He may produce evidence in support of his contention. After the court is satisfied that he is guilty, the court may award a sentence of imprisonment. I was hearing the speeches made by some hon. Members. According to them, a sentence can be manipulated by anybody and the court may be made to award a sentence against anyone.

This is not a proper thing to say. After all, the person concerned, who has been sentenced, has the right to go to Supreme Court.

**Shri Nambiar:** It is very costly. Where is the money?

**Shri K. N. Pande:** That is correct. But only because there is a difficulty nobody can be given a free licence to do anything he likes. Everybody has to work under a discipline and also under the moral pressure or legal pressure that is at the moment in force in the country. Therefore, I do not agree with the idea that has been expressed. If a person is found guilty or having been found guilty if

he is sentenced to imprisonment, he should be debarred from taking any office in the trade union field. Otherwise, often a man having no place in the society may come in the trade union field and become a secretary or president of a trade union. The office-bearers of a trade union have to deal with cases which involve lakhs and lakhs of rupees. While negotiating a case which involves so much money, no faith can be put in a person whose sincerity or honesty is doubtful. Therefore, such a person should not be allowed to be the president or any office-bearer of a trade union. As such my hon. friends should not oppose this Bill.

On the other hand, there is an amendment before the House tabled by my hon. friend, Shri Oza. I am fully in agreement with that. There are so many people, who after becoming the secretary or president of a trade union take away money from the union fund and still manipulate to remain in office for some more time and create terror in the minds of the workers so that nobody can oppose them. The other day I was talking to a very senior Member of this House. The apprehension in his mind is that in case the matter as to whether a person should remain in the trade union or not is left to be decided by the executive committee, the executive committee may manoeuvre and oust anybody from office. It is true. But in the constitution of the trade union also there is a provision that nobody can be expelled unless he has been given a charge-sheet and also an opportunity to defend his case. When such a provision is there, a person who consumes the money of the trade union should not be allowed to remain in the union any longer. If you want you can create a proviso that in case a person is ousted from office by the decision of the executive committee the Registrar may examine the case. If he also approves of the action then his expulsion should be considered as final and he should not be allowed to remain in the trade union.

My hon. friend, Shri Sarjoo Pandey, whenever he speaks, makes sweeping remarks against Congress people and also against INTUC. Unfortunately, in his constituency there is no factory except one opium factory.

श्री सरजू पांडेय : जानकारी तो मुझे  
है चहिये मेरी कांस्टीट्यूंती न हो ।

**Shri K. N. Pande:** I think his mind is very much influenced by the atmosphere of opium and therefore he makes such sweeping remarks against Congress people.

**Shri Nambiar:** Sir, according to the hon. Member not only Shri Sarjoo Pandey but all the people of his constituency are under the influence of opium.

**Shri K. N. Pande:** That constituency is represented by my hon. friend, Shri Sarjoo Pandey, and therefore, we can judge what is the condition there.

Sir, I am also a Congressman, but I am not in favour of such dishonest persons holding offices in the trade unions, taking into consideration of importance of functioning of trade unions. It is not in the interest of the workers to have such people.

श्री हुकूम चन्द कछवाय : अगर प्रधान  
ही बेईमान होगा तो क्या करेंगे ?

**Mr. Speaker:** We should not behave in the same manner as the hon. Member who is under the influence of opium.

**Shri K. N. Pande:** Sir, hon. Members are in the habit of making unnecessary interruptions. As I told you earlier, I am a Congressman but I work in the trade union field also through the INTUC. I am not at all in favour of a dishonest person being allowed to remain in the trade union field.

With these words, I support the Bill.

**Shri Mohsin (Dharwar South):** Sir, I rise to support this amending Bill. As a matter of fact, I though this would be a non-controversial Bill.

**Mr. Speaker:** It is not difficult to create controversies in anything.

**Shri Mohsin:** I was surprised to see that there was opposition from certain quarters of this House for a Bill like this which disqualifies certain persons from becoming members of the executive committee. This is not a new provision. Such a kind of provision is there in many enactments. As far as I am aware, the Panchayat Bill provides that persons who are convicted for moral turpitude cannot become members of panchayat committees for a particular period. In certain municipal enactments also we find such provisions. In my State, Mysore, there is a provision stating that a man who is convicted and sentenced to imprisonment for moral turpitude cannot become a member of a municipality or a municipal corporation. Therefore, this principle has been adopted in so many enactments and this is not a new thing appearing in this Bill.

**An Hon. Member:** What about Members of Parliament?

**Shri Nambiar:** Sir, a very valid question has been put as to whether Members of Parliament can be of that type?

**Mr. Speaker:** That can be discussed when the Representation of the People Bill is taken up.

**Shri Mohsin:** Sir, I am of the opinion that those who hold responsible posts or those who are posted in responsible places should fulfil the requirement. I am of the opinion that this clause should be there in other enactments also. This provision is more needed for the members of the executive committee of trade unions.

[Shri Moh Sin]

It is a common experience to see that office-bearers of trade unions or members of their executive committee often play with the money received by way of subscriptions from the workers. Very often you find instances of misappropriation. It is advisable to see that such persons do not remain in office any longer. This Bill only seeks to debar them for a certain period whereas I am personally of the opinion that they should be debarred for ever. Here the provision is only for five years thinking that there will be some change in his thinking and he may mend his character after some time. Therefore, some chance is given in this Bill for the person concerned to mend his character and become qualified for holding a responsible post. This is a very salutary provision and I do not know why my Communist friends have opposed this. This applies to all the parties. It does not exclude Congressmen, Jan Sanghis or SSP men. Many political parties are working in the trade union movement. There is the INTUC, the AITUC and other trade unions. It does not make any distinction between this party or that party. Merely because this clause is being enacted, my Communist friends should not be afraid that it is to their disadvantage. It only means that such men may be more in their party—I do not say that—otherwise why should they be afraid of people convicted for moral turpitude being excluded from being members of the executive committee of trade unions? I do not know. I am only saying that people may infer that such people are more in their trade unions than in others.

**Shri Nambiar:** Records prove.

**Shri Mohsin:** Further, this is an age where people of doubtful integrity and doubtful honesty should be kept out of any kind of power, whether it be political power or non-political power. I would not make any exception even to the Ministers. Our Communist friends always shout against corruption whenever they discuss any subject under the sun.

**श्री सरजू पाण्डेय :** खुद ट्रेजरी बैंक में और मिनिस्टर्स में आधे आदमी उन में रुखा पाये हुए हैं।

**Mr. Speaker:** Shri Pandey should not prove the allegations made against him.

**श्री सरजू पाण्डे :** अध्यक्ष महोदय मेरा कहना ता यह है कि उन में बहुत सारे मिनिस्टर्स भी ऐसे बैठे हैं जिन को कि सजाएं हो चुकी हैं।

**अध्यक्ष महोदय :** वह मॉरल टरपी-चूड न हैं माननीय सदस्य बैठ जायें।

**Shri Mohsin:** Why should there be any opposition to the inclusion of this clause in this Bill? Here I may say that I am myself the President of a trade union, the textile workers' union. If I am convicted of any such offence, I should be out of that union, rather than remaining in power after conviction.

**Shri Nambiar:** God forbid.

**Shri Mohsin:** Secondly, my hon. friend, Shri Bhattacharya, said something about the age limit. 18 years is the age when a person attains majority, which is the age of understanding also. We cannot expect a person below the age of 18, who has not reached the age of understanding to head a trade union, or be a member of the executive committee or be an office bearer of a union. We do not want our workers to be led by children or men of immature understanding. I do not understand why my Communist friends want to be led by men of immature understanding. It is only when a person attains the age of 18 that he begins to understand something about public matters and trade unions. How can a person understand something about the welfare of workers unless he has attained at least the age of 18? I do not know why my Communist friends have opposed this provision about the age limit of 18, when it is beneficial for

all. As it is a non-controversial Bill, I hope it will be voted unanimously.

**Shri N. Sreekantan Nair** (Quilon): Mr. Speaker, I cannot support this Bill, though it has been reported to have been approved by the Standing Labour Committee, of which I am a member. The statement of the hon. Minister is not correct because it was not fully approved by the Standing Labour Committee. It was only a conditional acceptance. I was present at that meeting; so was Shri K. N. Pandey. When Shri Nanda used to participate in the meetings of the Standing Labour Committee and other Tripartite Committees, he used to skip over the guild opposition of members on matters concerning both labour and capital. We did not resist it because we always felt that as long as he was Labour Minister he would utilize the situation in such a way that it would never harm labour. Therefore, we allowed him such small liberties.

13.25 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Here I want to point out that the term "moral turpitude" is a very vague term. Therefore, it has got to be properly defined. Not only that. We pointed out at that Standing Committee meeting itself that unless and until there is a provision preventing employers convicted for moral turpitude from running an industry, there should be no bar on such people becoming office-bearers of trade unions, because we want equal treatment for both capital and labour.

Much has been said here about moral turpitude and punishment for that. Just two weeks prior to my becoming a Member of the First Lok Sabha, I was let out of jail in connection with a trade union case. The charge against me was that I had committed dacoity in the matter of 160 coconuts and two bottles of milk. But for the fortunate chance and my good luck of the presiding officer of that court, the first

class magistrate, feeling ashamed of such a charge being brought against me, I would have been convicted for dacoity. Though the prosecution had adduced evidence in support of the charge, the magistrate rejected it because he knew that during the twenty years prior to the charge, I had served in jail for more than six years in our freedom struggle; only he felt ashamed; not the prosecution nor the witnesses—If I was coming out of jail for having committed dacoity just two weeks before I was elected to the first Lok Sabha, the position would not have been different. This is the normal state of affairs in the trade union front.

As has been pointed out by other hon. Members, any employer who has sufficient influence can cook up a case against a trade union worker or office-bearer. Of course, if there are lucky chances like mine, the accused may escape scotfree. Otherwise, it will result in conviction on an issue involving moral turpitude. At that time I was a member of the presidium of one of the four central trade unions in India and yet I was charge-sheeted and prosecuted. I escaped conviction only because of my luck. These are some of the facts which my hon. friends should bear in mind before they give support to this legislation. Of course, people at the top of trade union movement like Shri Pandey or Shri A. P. Sharma will not be affected by this Bill; but what about smaller fries, even in INTUC? Will not the influential employers try to get them convicted for moral turpitude, either by hook or by crook, if they come in their way, of course, in the discharge of their legitimate trade union activities?

Then, I repeat the consensus of opinion about this provision was conditional, definitely conditional, at the Standing Labour Committee meeting. When the notes on the 21st Standing Labour Committee were distributed, this point was also made plain, though it was not made as plain as it should have been.

**Shri Nambiar:** But the hon. Minister has asserted that it has come as a result of the understanding at the Standing Labour Committee meeting.

**Shri N. Sreekantan Nair:** I will read the relevant portion of the proceedings sent by Government:

"The proposal was agreed to. It was, however, suggested that the term 'moral turpitude' should be clearly defined."

This itself is not a correct statement. It was also conditional upon its application to employers also who are convicted for moral turpitude. Though these were the two conditions, one of them seems to have been omitted. At that time we did not take it very seriously because Shri Nanda is a trade unionist who knows all the ins and outs of the trade union movement, who feels for the working class, who understands the cause of the workers, who will not take any step which will impair the cause of workers. Now though the present Labour Minister is a sincere person, he does not seem to understand the implications of this legislation. I would advise him not to bring in legislation of the nature in a hurry. By so doing, he may placate this or that State Government or employer, but he would be losing the confidence of the working class, which will jeopardise the successful functioning of his Ministry for years to come, perhaps for all times to come, which I do not want to happen.

As has been pointed out, several questions were decided at the 21st session of the Standing Committee. For example, there was the question of amending the Industrial Disputes Act to allow tribunals to go into the merits of individual dismissals. In the notes which have been circulated for the next, 22nd Standing Labour Committee, which will take place in the next two or three days, it is stated that it was decided not to proceed with it. At the last meeting of the Standing Labour Committee, representatives

of employers throughout India, including public sector undertakings, representatives of various trade unions and Government representatives were present, and in that meeting this suggestion was made. Now it is stated in the note which has been circulated that it was rejected. Who rejected it and under what authority? Is it proper to be guided only by the opinion expressed by the Legal Department of the Ministry in these matters? It is a very important matter on which all of us felt so deeply, including the representatives of INTUC, AITUC, HMS and UTUC and yet it is stated in the note which has been circulated that it has been rejected.

Then, coming to the amendment of section 33, making it compulsory for the establishments to open co-operative stores or fair price shops, in the note it is stated that legislation will be taken up during this session. Yet, no such legislation has been taken up so far. It is really pitiable that even on matters which have been decided by the Standing Committee no action is taken to give effect to them by way of legislation. I am constrained to say that this shows a bias in favour of the employers and against the trade unions. I am sorry that the Minister is taking up this attitude. He is becoming ineffective. If he does not look to the real interests of the workers, if in fact he goes to injure the cause of working class, it augurs no good to him or to the country.

**Shri Sham Lal Saraf:** Sir, I have heard all the speeches delivered on the Bill that has been brought forward by the hon. Minister of Labour. After hearing some of the speeches, particularly of my hon. friend, Shri Sreekantan Nair, I am reminded of a very recent case in my part of the country. There is no doubt that in certain cases vested interests do appear at the top of trade unions which have hampered the progress of the trade union movement

in the country in all respects and our attempt, of all of us whether on this side or on that side, should be to see that there is a pure and honest trade union movement all over the country.

As Shri Sarjoo Pandey has said, in certain cases some individuals become so strong by getting support either from this quarter or from that quarter that it is practically impossible to remove them howsoever bad a reputation they might have or however bad things they might have done. Therefore something has to be thought about as to how to stop such nefarious practices in the trade unions. But, at the same time, as has been pointed out by my hon. friend, Shri Nair, otherwise also things have to be seen very carefully.

In my State there is a particular mill where there is an organised trade union movement and the trade union leaders there have done pretty well. Personally I also had to do something with those people as the Minister of Labour and Industries. Somehow somebody high-up in authority did not look eye to eye with the working or the thinking of that trade union. About six months back one day all of a sudden there were charges levelled that some of them had said that they would put the entire mill to fire. Within minutes police and a magistrate arrived. There was a summary trial and a summary disposal—and many other things happened—with the result that to this day the entire thing is in jeopardy. Because the case has gone to the High Court and it is *sub-judice*, I would not like to add more to it.

Bringing this Bill on the statute book may be good, but there are certain things about which we have to be very clear. Certainly, such persons or groups or influences that do not contribute to the well-being of the trade union or of the trade union movement, that do not

really allow things to go in a proper manner should be stopped. I am not very clear whether this will stop that or not. I would like the hon. Minister to make it very clear when he replies.

The honest trade union workers, very valiant trade union workers, howsoever I may differ with them in some respects, should not be interfered with. This may not be used as a pretext for interfering with their work because then the result will be that we will be far from achieving what we all, whether belonging to one party or to the other party, want to achieve. Therefore we should be very, very clear about it. Maybe, some one or two hon. friends may have spoken with some prejudice or with some exaggeration. But I would respectfully submit that the hon. Minister would bear in mind both the arguments and reply to them. If he can satisfy us well and good; otherwise, I will certainly submit that this Bill may be dropped at the moment and later on another suitable Bill may be brought forward.

**Shri Indrajit Gupta** (Calcutta South West): Mr. Deputy-Speaker, Sir, I have been listening very carefully to this discussion here. I think, this Bill is very ill-advised. It is going to create more problems than it claims that it will be able to solve. I am not, of course, aware of the detailed position regarding what happened in the Standing Committee meeting where this was discussed, but even if there was some general consensus in favour of it, although my hon. friend, Shri Sreekantan Nair, has clarified the position, I am opposed to it. I am not interested in what happened at the Standing Committee meeting. Why is the whole thing sought to be put on the moral plane? I feel that this argument of moral turpitude is a completely bogus one, if I may say so.

A trade union is an organisation of a section of the people in our society,

[Shri Indrajit Gupta]

that is, the working class; it is nobody else's organisation. It is a class organisation. Some of my hon. friends opposite do not like the use of the word "class" but, after all, when the INTUC organises unions of workers it is in order to protect and defend their class interest. I would say that the fact whether a responsible officer of the union is behaving in a moral or immoral manner has ultimately to be decided by that class whose organisation he claims to represent that is, moral or immoral in relation to whether he is discharging his duty as protector of their interests. Can this matter be solved by legal means?

There are so many people and organisations of trade unions who may be indulging in or who may be known to indulge in various types of activities which can never be brought before a court of law. They may never be convicted of a specific offence in terms of law. I take it that by "moral turpitude" which has no precise legal definition what is sought to be put on the statute book is anybody who is convicted in a court of law particularly for any criminal offence. Then what about all these people, various people and organisations, who are behaving in this way? Somebody may say that it is AITUC that is doing it; I may say that it is INTUC that is doing it. But that is not the point. The point is that there are certain types of activities which can never be brought before the court of law, yet they are certainly immoral.

My hon. friend, Shri Saraf, gave some instance of an incident which took place in his State where there was some rumour of fire being set to some mill.

**Shri Sham Lal Saraf:** There was an allegation.

**Shri Indrajit Gupta:** But we have had a recent example where fire did

take place—I mean in the Heavy Engineering Corporation, Ranchi—and that fire has resulted in very serious damage. Subsequently, another fire has taken place in August which, an ex-Director of that concern in a public statement has said, is also due to sabotage. There is a report of a commission of inquiry by a High Court Judge and in that there are some remarks and some strictures about the way the union or certain groups of union officials there have behaved.

Here is a public sector project. The taxpayers of this country are paying for that. It is a vital strategic project which will, if it succeeds, certainly take a very revolutionary step forward in strengthening the basic industrial base of this country. Who is going to find out or probe or convict or prosecute those people there who have been guilty of some activities which for factional reasons went to the stage of fire destroying national property? You can never convict anybody. So, those people will remain the office-bearers of the union; nobody can touch them.

A few months back—I do not know; I do not have first-hand knowledge, but from newspapers this is what one has gathered—there was a fight or rather an unseemly squabble between two groups in some union in Indore, between one gentleman who used to be a Minister and another gentleman who once used to be a Member of this House. The trade union leaders went to the court. There were charges and counter-charges and all sorts of things. Even, it is reported, physical violence was resorted to by one group against the other and so on. What can you do about these things. I do not understand that.

Suppose, there is a leader of a union, say, a President or a Secretary. He is supposed to be the representative of the workers. Suppose, everybody knows that he is also being

paid by the employer, the employer supplies him with a motor car and with a house to live in. I do not wish to give any names, but I can cite such an instance, a very well known instance, in this country. You cannot convict him of moral turpitude. He has not committed any criminal offence, but he is supposed to be the representative of the workers. The workers themselves say: वह मालिक की गाड़ी में घूमता है। The employer has supplied him with a car and with a house.

Just now I forget the name of that colliery—it came up in this House about a year ago; it is situated on the border of Bengal and Bihar—where there was a squabble between two groups of people claiming to be union leaders about whether that particular union should be affiliated to the Bengal group or to the Bihar group. That squabble went to such an extent that production in that mine suffered and it was closed down. Is that moral or immoral or what is it? How are you going to convict or catch anybody in that case. So, my point is that this type of a legislation will never solve the problem. On the contrary, you have to take the technical view of it, the people being convicted in courts. I say, you cannot ignore the basic fact that these unions are involved in a struggle against the employer, whether you like it or not, whatever be the complexion of the union. There is no single union in this country which at sometime or the other does not have to say, "Let us resort to a strike". My friends of the INTUC cannot say that their unions have not gone on any strike. They cannot survive otherwise. The strike is an expression of a struggle for the removal of certain grievances and for certain demands. Naturally, the employer is interested in defeating that strike. It is commonsense. These things happen particularly in colliery areas, the coal-belt areas or in some other backward areas.

**An hon. Member:** Even in advanced areas,

**Shri Indrajit Gupta:** In these places—everybody knows it—sometimes there are officials who are in collusion with the local managers. Who does not know it? My hon. friend the Labour Minister knows what complaints he gets from Asansol and Raniganj coal areas where even employers hire goondas to attack union leaders and then get charges of all sorts framed up against them. It is not as though it is on an abstract moral plane. There is some concrete situation prevailing. There is a struggle going on and if such a provision is made, I am afraid, it is liable to so much abuse of a dangerous character that there is no safeguard whatsoever against it. All sorts of petty things may be framed up. I have in mind an instance about which the hon. Minister may be interested in knowing it. Early this year, 5-6 months' strike went on in Calcutta in the Jay Engineering Works. A large number of leading workmen who are officials and the executive members of the union are still being prosecuted by the police under various sections. Many of them have been served with charge sheets. Some of the charges in the charge-sheets are common with the offences with which they are charged in courts also. I find one or two instances where very senior workmen who have been in the factory practically since its inception and who are office-bearers are charged with things like pickpocketing somebody's pen or stealing somebody's watch. Some incident is referred to where there were 500 or 600 workers who had gathered at a place and there was some sort of fracas going on—nobody could make out who was there or not—and the charges are brought against these people saying, "you have taken away somebody's pen or you have stolen somebody's watch." I do not believe that these charges are true. They are all connected. One or two people like this may be convicted in a court on these petty grounds and then according to this law they will be guilty of moral turpitude and they have to be removed from the union.

[Shri Indrajit Gupta]

Now, Sir, the best part of it is this. Three or four days ago—the newspapers have reported extensively on it—the General Manager of the Jay Engineering Works, Shri B. S. Agarwal, was fined by the Collector of Customs, Calcutta, as he was found to be guilty of gross under-invoicing and illegal imports from Japan. The Collector of Customs imposed a fine of Rs. 50,000 on the General Manager of that firm. But nothing happened to him in the sense he was not stopped from doing so and he is a man who signed a strike agreement with me on the 27th of May, the day when our former revered Prime Minister died. So, this is the position. The workers may be convicted for having stolen somebody's watch or somebody's pen and they may be brought within the purview of the mischief of moral turpitude and in the case Mr. Agarwal who is fined Rs. 50,000 by the Collector of Customs for having defrauded this country of foreign exchange, nothing happens.

**Shri Nambiar:** That is not moral turpitude. He is an angel.

**Shri Indrajit Gupta:** And he has signed any number of documents with us later on. This kind of a Bill will not serve the purpose. I agree with my hon. friend Shri Oza's amendment that if somebody is found guilty of mismanaging or defalcating the funds of the union, he may be removed from the union. I would be the first man to say that he should be kicked out. But what I say is that even this amendment is unnecessary. His amendment says that if the trade union by a resolution make it clear that a certain person has misappropriated its funds, then he will be debarred from being an office-bearer of the union. What I am saying is, if the union is prepared to pass that resolution, why should that trade union elect him at all. The union will not elect him as an office-bearer. I do not think that this is an opportune time or the issue for bringing forward the Bill of

this kind. Why should we try to teach everything to the workers? If they know that a particular man has been convicted in a court for something very serious or they know that he is indulging in some other activities which are certainly of an anti-moral or anti-social character, can we not relay, by and large, on the good sense of the workers themselves? Why have we been going in for all these codes of conduct and the codes of discipline? This is an issue which belongs, in my view, to the province of the courts. These are not the things which can be imposed by law. If they are imposed by law, then I am afraid, it is likely to lead to very serious repercussions and a lot of troubles in future. With these words, therefore, I oppose this Bill.

**Shri Heda (Nizamabad):** Mr. Deputy-Speaker, Sir, the Bill has been necessitated by certain development in the trade unions to which even those Members who are opposing the Bill have referred to. Today, as I have made a reference in my earlier speech on the other occasion, certain leadership has started monopolising their position and they do so not by democratic or rightful methods but by indulging in the violence and creating an atmosphere of fear and intimidation. While we are very keen to see that the labour is given proper wages, proper amenities and proper respect to them, at the same time we cannot allow an atmosphere to be created where intimidation works very hard on the mind of the people and the production is made the casualty. When production suffers, the entire nation suffers including the labour class itself. Therefore, this Bill has become very necessary.

The passing of this Bill will have rather a restraining influence over both the parties, I mean, on the courts as well as on the trade union leadership. The courts now will be knowing that convicting any trade

union leader or any worker will be very harsh after the passing of this Bill. Therefore, whenever the cases go before them, they will give more thought to them. Otherwise, what generally happens is, as some of the Members have stated, that in certain cases where the violence has broken and some stringent measures are taken, a group of persons are charge-sheeted and they are brought before the magistrate and the magistrate also feels that in order to control the situation and create a better atmosphere it is necessary that some conviction takes place. Therefore a group of persons are charge-sheeted, tried and convicted. It is not so easy to say that every individual member of the group who was charge-sheeted or convicted has been responsible for the crime that has been alleged against him. It was rather rather very harsh. But, I think, this Bill will give a further thought to the judiciary and they will consider whether the convictions are rather very harsh.

At the same time, it would also have a restraining influence over the trade union leadership itself. They would now know that once they are convicted, moral turpitude would be easily established and that they would be debarred from the trade union life itself. Therefore, they will think twice before they indulge in these anti-social activities.

I can understand if they adopt certain tactics like go-slow or sit-down or shouting-while-attending-to-machines processes. But when they start pelting stones not on the factory, not on the Manager but even on the living quarters, and in certain cases it has been found out that they even took an aim on children of Managers and others, these are the activities that are very much objected to.

When I say this, I am not having in mind any particular type of trade union. I am fully aware that anti-social elements are in existence in the INTUC, the AITUC as well as

the other unions. So, that has nothing to do with any particular union as such. That has something to do with the trait or character of the men and of the leaders and of the workers who organise these things. The tendency to monopolise has grown so strong that I think that it would be worth-while if the Labour Ministry takes a little trouble to find out which leadership had been in existence in a particular union and for how long. If such a study is made, I am sure it will be found out that to oust any leadership from the trade union activity is almost an impossible task. They monopolise their position by resorting to undesirable means, and, therefore, this provision has become very necessary.

But as some hon. Members have stated, the term 'moral turpitude' is a very vague term, and it has not not been very clearly defined.

**Shri Nambiar:** It has not at all been defined.

**Shri Heda:** There are vague definitions about it...

**Shri Nambiar:** Not in the Bill.

**Shri Heda:** It cannot be defined in the Bill, of course. I would only say that it is not very well defined. Therefore, I would like to make two suggestions in this regard. One of them is that there should be a minimum punishment only after which this provision to debar should apply. For instance, if somebody is convicted for six months or more, then only this provision should apply and not in the case of convictions resulting in lesser punishments. Something of that type should be put in in this Bill.

I would also like to make a suggestion in regard to the age-limit which has been put at 18 in this Bill. In my opinion, that is a very small age-limit. I would submit that there is no need for putting in any age-limit in this regard. For, after all, there is some procedure by which

[Shri Heda]

somebody becomes an executive member or president or secretary. Therefore, generally, only mature and experienced people who are able to guide the workers are elected. Therefore, either there should be no age-limit specified, or the minimum age-limit should be put at 21.

With these words, I support the Bill.

**Shri Muthiah (Tirunelveli):** Mr. Deputy Speaker, I support the Bill. The Indian Trade Unions Act was first passed in 1926 and it was amended in 1960. This Bill seeks to make an important amendment.

According to the parent Act, a person who was convicted of an offence involving moral turpitude was not debarred from becoming an office-bearer of a registered trade union. The present amendment makes provision for debarring a person who is convicted of a serious offence involving moral turpitude in a court from becoming the office-bearer of a registered trade union. I submit that this amendment is an important one. For, an office-bearer of a trade union has to be a man of perfect honesty and integrity. He must be unimpeachable and should be above board. An office-bearer, whether he be President or treasurer or secretary, of a trade union, has heavy responsibilities in regard to the trade union. The office-bearers of a trade union have to submit annual returns to the registrar, showing the receipts and expenditure, the assets and liabilities and, they should be honest and should not make false entries, and they should ensure that the returns are correct. An office-bearer of a trade union has to be a very honest man; he should be a man of integrity and a reliable man. Further, the office-bearers have to manage the funds of the union properly. Every registered trade union has funds of its own, and it collects subscriptions from the members and also collects donations from the public; sometimes, it acquires immovable and movable

properties. Some trade unions have a lot of funds, and those funds belonging to the workers of the particular industry or trade have to be managed in a very efficient manner, and that requires persons of absolute integrity.

Nevertheless, sometimes we hear of cases of misappropriation. Therefore, persons who are convicted of offences such as cheating or misappropriation or theft or violent activities should never be permitted to be office-bearers of a trade union. The office-bearers of a trade union have got such heavy responsibilities that they should be men of wisdom, who would be always vigilant and watchful in respect of the rights of the workers entrusted to their care, who would be above corruption, and who would not allow themselves to be swayed for any consideration from the employers. They should see that they do not instigate the workers to proceed on unnecessary strikes, because we do know that strikes sometimes are instigated by certain people for their own political ends, and such strikes do a lot of damage to the industry concerned, besides affecting production and also affecting the workers and the public at large. Therefore, the office-bearers should be men of responsibility; they should be incorruptible, and they should see that the interests of the workers are served and the interests of the country are also saved.

Mahatma Gandhi started a trade union for textile workers in Ahmedabad in 1920 or so, soon after his return from South Africa, at the beginning of his political career in India. That was a model union based on ahimsa or non-violence. He emphasised that the workers in any trade union should be as much conscious of their duties to the industry or to the trade and their duties to society and to the country as of their rights.

So, I plead that this amendment is essential in the interests of trade and industry and in the interests of the country at large and the workers.

**Shri Nambiar:** I would request the hon. Minister to consider this point that this was not agreed to by the tripartite standing labour committee. My hon. friend Shri N. Sreekantan Nair has already explained that position. There is even a circular issued which has stated that the term 'moral turpitude' should be well defined. But, unfortunately, no definition of the same has been given in the Bill. It could very well have been defined. Further, it has been stated that a definition has to be resorted to in some legal books about it. That means that the term has to be decided by a court when any case comes up before it.

I find from the *Law Dictionary* the following definition of the term 'moral turpitude', and it reads thus:

"that element in personal misconduct in the private and social duties which a man owes to his fellowmen or to society in general, which characterises the act done as an act of baseness, villainess or depravity and contrary to the accepted customary rule...."

Anybody can interpret this in any manner found necessary. We do not want the trade union law to be placed at the mercy and sweet will of a judge who tries a case involving a moral turpitude affair in a different atmosphere. It is when the case is before it that a court decides an accused to be guilty of an offence involving a moral turpitude and not when that particular man is going to be elected an office-bearer of a trade union. The two things take place at different levels. To say, therefore, that because at particular moment a judge opines that the man was guilty of moral turpitude, and

hence, he has to be convicted, therefore, at a later stage the man cannot be elected to any office in a trade union is an argument which does not contain sound logic.

14.00 hrs.

Take, for instance, trade unions of the plantation labour. I do not know whether the hon. Minister has gone to any plantation area such as in Devicola-Peeramedu. There the workers work at above 10,000 feet above the sea level in very extraordinary situation. There only the jungle law prevails, and nobody knows what a worker can be done with by the officials or by the Government.

It is impossible. I have seen life there. Life is very strange there. There any employee can be accused, a case brought up against him and conviction secured. To say that because of that he cannot become a member of a trade union is meaningless. It is contrary to the very conception of trade union activity in this country. In the guise of 'moral turpitude,' which as I showed, is a very vague term, to debar an active worker from trade unionism is something which the Government is doing on behalf of the employer. The employers have got several methods to tackle the trade unions, and today they are using this forum also to tackle trade unions, to see that those whom they do not like do not come into the trade unions at all.

Therefore, it is immoral on the part of this House to legislate like this on a question of moral turpitude which is an undefined term in law and to allow the poor worker to suffer at a later stage. Therefore, I strongly oppose the idea of bringing this legislation today.

The hon. Minister argued that there is a consensus of opinion in the standing committee on labour, which is disputed. Therefore his very argument for bringing this legislation for-

[Shri Nambiar]

ward is knocked down. I think he must reconsider this matter.

Even in the Rajya Sabha when our elders discussed this question, I am told that the hon. Shri Sapru, an eminent lawyer, opposed this saying that it is not right or reasonable to bring in such an amendment. Therefore, it is a moral question

Some hon. Members opposite tried to put it as if we Communists on this side do not want this to be included because we indirectly encourage this sort of crime. It is a wrong interpretation to put on our activities. On the other hand, we want to see high standards of behaviour in trade unions, but not at the point of the pistol of a law of this nature or a penal clause that you want to teach trade unionism to workers. Workers know how to choose their office-bearers. This amendment covers not only the office-bearer but a member of the executive as well. That means, they want to keep the membership of these bodies as their closed preserve, for their yes-boys, good boys whom they want to keep. If anywhere a particular employer does not like that particular boy who is a trade unionist, he will foist on him a charge and get him convicted; there is no remedy against such a proceeding.

Hon. Members opposite said that the affected party can go even up to the Supreme Court—as if going to the High Courts or the Supreme Court is a child's play. Who does not know that thousands of rupees are required to go to the Supreme Court? Who can purchase justice at the hands of the Supreme Court unless he is prepared to shell out thousands of rupees. It is all very easy to say that access to the courts is open, but small trade unions of sweepers or building workers or plantation labour, workers who are very backward cannot collect and spend thousands of rupees to go to a court. To say that one can purchase

justice at the hands of the Supreme Court and therefore, one must accept any sort of condition imposed for being an office-bearer of a trade union is something very silly.

Hence I find no justification and no argument, reason or logic or morality on the part of Government to bring this legislation. After all, it is a hurried piece of legislation. There are many more important points concerning labour and labour-management relations requiring attention. It is not this one which requires so much of urgent attention. This could have been thrashed at the tripartite table and an understanding reached. Instead, this has been proceeded with very hastily. I openly accuse the Government of supporting the villainous type of employers whom they want to favour by bringing forward this legislation and seeing that the poor labour's interests are jeopardised in the country. Yet this Government call themselves a party or Government which want to usher in socialism. Socialism cannot be brought by these methods, by doing harm to the common interests of the workers in the guise of some moral complaint of this nature. Therefore, this is not the type of legislation which will be supported by the working class. So better withdraw this legislation rather than face the anger of millions of workers in this country.

**Shri Subbaraman** (Madurai): Government have brought forward this amending Bill with a view to improve matters relating to labour organisations. Many members have spoken, most of them in support of the Bill while a few, most of them Communist, have spoken against it.

Representatives of the people should be above board; they should be free from the charge of moral turpitude. It is therefore that when members are elected to local bodies, they have a provision disqualifying the candidates if they have been convicted of moral turpitude. I think there are such

provisions in the laws governing Assembly and Parliamentary elections. If not, it is only proper that such a provision should be brought in here also.

Labour is a great force. As the country develops, with so many industries coming up, naturally labour unions also develop. There should be proper leadership to guide labour. As one of the previous speakers pointed out large amounts of money come under the control and management of union office-bearers and so the people at the top of such unions should be honest and loyal to the unions.

Members opposite attacked Government saying that these amendments have been brought in to suppress labour organisations and their leadership. One even went to the extent of characterising it as a sort of compulsion. However, if Government decides or says that one should not steal or makes false entries, one should not say it is a matter of compulsion. Another hon. Member suggested that these amendments are brought in as if by the employers. This Government is for the whole country; perhaps they are more for labour than for the employers. So there is no reason to suspect the *bona fides* of the Government and say that these amendments have been proposed to prevent labour unions developing in the natural course.

If any persons are found guilty, there are courts. Courts are not such institutions which can be influenced in any way. All cases are tried and only justice is rendered. Of course, if we do not have faith in Courts there is no meeting ground and no case to talk about. As long as Government are bound to protect the interests of labour, they have to see that labour unions are guided and led by proper people.

One of the qualifications for being an executive member and office-bearer is that one should be above 18 years of age. If one has to advise, if one has to be in a position to negotiate and understand the other side's point of view, one should be at least 18 years of age. If the limit prescribed was 21 years, it would be better. But in the case of labour, they have reduced the age limit. There should not be any objection to that.

One hon. Member pointed out that there are certain places where only younger people work. Such institutions are very very few.

In most of the factories, there are only adult workers, who are more than 18 years of age. Even if there are a few institutions where people below 18 years of age are working, they can have a smaller committee with people who have attained 18 years or more. I may also point out that workers below 18 years are called children, and they are not allowed to work full time.

It has been suggested that the term "moral turpitude" is vague. I also agree that it should be defined.

There are small amendments for changing "officers" into "office-bearers", and the accounting year from "March" to "December." These are quite necessary.

I therefore support the Bill.

**Shri V. B. Gandhi** (Bombay Central South): This is a simple Bill, and should deserve the wholehearted support of this House.

What this Bill seeks to provide is that persons convicted of offences involving moral turpitude should be disqualified from being office-bearers or becoming members of the executive committees of trade unions, or even from remaining office-bearers or members of the executive committees. Ordinarily, one should have

[Shri V. B. Gandhi]

felt that a Bill of this kind was unnecessary, for no decent people would like to have persons convicted of offences involving moral turpitude to represent them. But from all we know, in the context of conditions in this country, such a Bill is very desirable.

It is necessary that some such elements, that is to say persons convicted of offences involving moral turpitude, should be isolated or that a sort of de-contamination should be undertaken.

This Bill has been brought forward in an eminently reasonable frame of mind. There is a desire to avoid extremes. This disqualification which is provided in this Bill is going to be for a limited period, a period of five years only. It is also clear that the Standing Labour Committee has approved the proposal in this Bill, and I say this, Shri Sreekantan Nair and Shri Nambiar to the contrary notwithstanding because it is very clear not only from what the hon. Minister of Labour and employment has said on the floor of the House two days ago, but also from what actually happened there. I am not, of course, one of those persons privileged to know exactly what happened on the inside, but we can judge from the information placed before the House. Here, the Minister has informed us that the Committee not only accepted and approved the proposal, but wanted Government to go even further. The Committee would have preferred that the disqualification should not only apply to the members of the executive committee, but also that it should be extended to ordinary members: that is say, ordinary members also should be disqualified from continuing to be members. But as I said, the Ministry, in its desire to be reasonable and moderate has stopped short of going to the extreme and I think it is a matter of wisdom and moderation.

We in this country, as you know, believe that we are trying to evolve a philosophy of our own in respect of labour relations; we believe that there should be constant consultation and concurrence of all concerned, Government, employers as well as employees or labour.

I do not want to deal with the point that moral turpitude is something which changes from time to time or that it has not been defined. We agree, of course, that the concept of moral turpitude does change from time to time; we also agree or admit that it has not been defined in any statute. Still the fact remains that at any given time, the current idea or concept of moral turpitude is fairly well understood by people. Also, a definition of it is not necessary because similar provisions have already been inserted, and have been there for a number of years in several other statutes. There is no good reason why we should express any lack of confidence in the competence of our Judges to decide the issues on their individual merits.

**Dr. M. S. Aney (Nagpur):** They are not competent to decide.

**Shri V. B. Gandhi:** One serious objection that has been raised is that if we have such a provision in this Bill, we shall be interfering with the free choice of the men that trade unions would want on their executive committees. We know from long years of experience what value to attach to this freedom of choice in such elections: we know how elections can be manipulated; we know how clever people can always manage to keep themselves in positions of power in these unions. This can happen even in countries where people are more literate, where people are used to think for themselves. In a country like the USA, we have all heard of the Hoffa phenomenon. If these things can happen in such countries and in such communities it is all the

greater reason that we should have a proper provision to ensure that men of doubtful character shall not take possession of the trade union movement.

**श्री सिंहासन सिंह (गोरखपुर) :** उपाध्यक्ष महोदय, सदन के सामने जो विधेयक है, उसके भाव से कोई विरोध नहीं है। लेकिन मुझे यह देख कर बड़ा आश्चर्य हुआ कि इस विधेयक के विषय में मजदूर वर्ग में काम करने वालों में एकमत नहीं है। इस सदन में मजदूर वर्ग से सम्बन्धित दो पार्टियाँ हैं, जिनमें से एक ने इस विधेयक का अनुमोदन किया है और दूसरे ने विरोध। जब ये दोनों ही दल मजदूर वर्ग के हित से ही प्रेरित हैं, तो उनमें इस प्रकार की भिन्न भावना क्यों है, यह बात मेरी समझ में नहीं आती। हर एक मजदूर दल का मूल उद्देश्य तो यही है कि मजदूरों की भलाई और लाभ हो। इस अवस्था में मैं नहीं जानता कि इस बात का क्या कारण है कि एक दल विशेष इसका समर्थन कर रहा है और दूसरा इसका विरोध कर रहा है।

इस विधेयक में जो "भारल टर्पोट्यूड" शब्द रखा गया है, उससे किसी को एतराज नहीं हो सकता है। जो व्यक्ति समाज के विरुद्ध कोई आचरण करने पर किसी दण्ड विधान के आधार पर दंडित हो, उसको ऐसी संस्था में रहने का कोई हक नहीं है, जिसके द्वारा समाज की सेवा होती हो। लेकिन इस सम्बन्ध में कोई अवधि निश्चिन् नहीं की गई है कि एक दिन के लिए दण्डित हो, दो घंटों के लिए दंडित हो या साल भर के लिए दंडित हो।

**एक माननीय सदस्य :** पांच साल।

**श्री सिंहासन सिंह :** उस प्राविजन का अर्थ यह है कि दंडित होने के बाद कोई व्यक्ति पांच साल तक कार्यकारी समिति का सदस्य या कोई और आफिस वियरर नहीं हो सकेगा और पांच साल के बाद वह हो सकता है।

इस बिल का उद्देश्य यह है कि दो प्रकार के व्यक्ति किसी ट्रेड यूनियन की कार्यकारी

समिति के सदस्य या अन्य पदाधिकारी नहीं हो सकते—एक तो अठारह बरस से कम उम्र का व्यक्ति और दूसरा भारत टर्पोट्यूड के अपराध में दंडित व्यक्ति।

जहां तक उम्र के प्रतिबन्ध का प्रश्न है, यह बात तो स्वतः सिद्ध है कि अठारह साल की उम्र कम है और उस उम्र का व्यक्ति परिपक्व बुद्धि का नहीं माना जा सकता है। रिप्रेजेंटेशन आफ दि पीपल्ज एक्ट में वोटर बनने के लिए न्यूनतम उम्र इक्कीस बरस रखी गई है। यद्यपि कोई व्यक्ति ग्राम समाज में वोटर नहीं है, लेकिन अठारह बरस की उम्र में वह किसी ट्रेड यूनियन की कार्यकारी समिति का अधिकारी या सदस्य हो सकता है। समझ में नहीं आता कि किस विचार से यह संशोधन लाया गया है। डिस्ट्रिक्ट बोर्ड और दूसरी लोकल वाडीज के लिए इक्कीस साल की उम्र रखी गई है। पंचायत एक्ट में तो यह व्यवस्था कर दी गई है कि तीस बरस से पहले कोई प्रमुख नहीं हो सकता है। लेकिन जहां तक आई० एन० टी० यू०सी० और इसी प्रकार की दूसरी बड़ी संस्थाओं का सम्बन्ध है, कोई भी व्यक्ति अठारह बरस की आयु में, जब कि कानून के अनुसार वह नाबलगियत को पार करता है, उन का अधिकारी हो जायेगा। मैं यह जानना चाहता हूँ कि इस स्थिति में यह अठारह बरस की सीमा क्यों रखी गई है।

गवर्नमेंट आफ इंडिया एक्ट में यह व्यवस्था थी कि अगर किसी को दो बरस की सजा हो, तो वह किसी विधान सभा का सदस्य नहीं हो सकता है। इसी प्रकार रिप्रेजेंटेशन आफ दि पीपल्ज एक्ट में यह व्यवस्था की गई है कि अगर किसी को दो बरस की सजा हो, तो वह विधान सभा या लोक-सभा का सदस्य नहीं हो सकता है। लोकल एक्ट्स में भी यह व्यवस्था है कि अगर किसी को छः महीने या एक बरस से ज्यादा सजा हो, तो वह सदस्य नहीं हो सकता है। लेकिन मुझे यह देख कर आश्चर्य हुआ कि है कि ट्रेड यूनियन का अधिकारी बनने के सम्बन्ध में कोई अवधि नहीं रखी

## [श्री सिंहासन सिंह]

गई है और यह संशोधन भी उन मन्त्रियों की तरफ से पेश किया गया है, जिनका ट्रेड यूनियन से बहुत सम्बन्ध रहा है। श्री मालवीय हाल ही में ट्रेड यूनियन के प्रमुख थे और श्री संजीव्या कांग्रेस के अध्यक्ष रह चुके हैं और बड़े दस हैं।

इस विधेयक में सजा की कोई अवधि न देने का परिणाम यह होगा कि किसी को कभी भी अलग किया जा सकता है। जिन माननीय सदस्यों ने इस विधेयक का समर्थन किया है और जो ट्रेड यूनियन मूवमेंट से सम्बन्ध रखते हैं, वे भी किसी समय अलग किये जा सकते हैं। अब तक जितने कानून हैं, उनमें किसी व्यक्ति को किसी अधिकार से वंचित करने के लिए छः महीने से दो बरस तक कोई अवधि रखी गई है, लेकिन इस विधेयक में ऐसा नहीं किया गया है।

इस समय देश अन्न के सम्बन्ध में एक बड़े विपत्तिकाल से गुजर रहा है। अखबारों में आया है कि मद्रास में गल्ला उतारने के सम्बन्ध में हड़ताल हो रही है। एंसेंशल कामोडिटीज (एमेंडमेंट) बिल इस सदन के सामने आने वाला है। उसमें अन्न के होर्डिंज की सम्मरी ट्रायल का प्रोविजन किया गया है। जो ट्रेड यूनियन वर्कर्स देश की खाद्य समस्या को हल करने में बाधा डालेंगे, उनको एंसेंशल कामोडिटीज (एमेंडमेंट) बिल के अनुसार सजा होगी। ऐसे लोगों को भी ट्रेड यूनियन की कार्यकारी समिति के सदस्य या अन्य पदाधिकारी बनने से डीबार किया जा सकता है। जो बिल इस सदन के सामने आने वाला है, उसमें कोई व्यवस्था की जा सकती है।

जहाँ तक "मारल टर्पीट्यूड" का सम्बन्ध है, अभी तक लोकल एक्ट्स में यह डिफ़ाइन्ड था कि ताजीराले-हिन्द की फ़लां फ़लां दफ़ा

में जुर्म करने वाले मारल टर्पीट्यूड के मुजरिम समझे जायेंगे। चोरी, रेप, डकैती, दफ़ा 409 के अश्लील जुर्म, पर्जरी आदि मारल टर्पीट्यूड समझे जाते थे। लेकिन अगर झगड़ा हो जाये, तो वह मारल टर्पीट्यूड नहीं है। मैं समझता हूँ कि अगर इस कानून में इस बारे में यह दर्ज कर दिया जाता कि फ़लां फ़लां जुर्म मारल टर्पीट्यूड माने जायेंगे, तो सब लोग समझ जाते कि अगर हमने यह अपराध किया, तो हम डीबार हो जायेंगे। लेकिन ऐसा नहीं किया गया है। मारल टर्पीट्यूड में तो खिच कर कोई भी चीज आ सकती है।

लेबर का राइट है काम करने का, प्रोड्यूसर का हक है चीजों को पैदा करने का और कन्ज्यूमर का राइट है चीजों को पाने का। कन्ज्यूमर कहता है कि मेरा हक है चीजों को पाने का, वे मुझको नहीं मिल रही हैं और प्रोड्यूसर कहता है कि हम दे रहे हैं। ट्रेड यूनियन का वर्कर कहता है कि हमको तनख्वाह मिले, तो हम काम करेंगे। प्रोड्यूसर और कन्ज्यूमर के बीच में लेबर आ गई। इस तरह बीच में आना और काम रोक देना मारल टर्पीट्यूड में आ जायेगा। कानून के मुताबिक मजदूरों को स्ट्राइक का हक है। या तो उनको स्ट्राइक के हक से डीबार कर दिया जाये और या सब राइट्स को डिफ़ाइन कर दिया जाये कि प्रोड्यूसर, लेबर और कन्ज्यूमर का क्या क्या राइट होगा।

जब तक इन राइट्स का डेफ़िनीशन न हो, इस बिल में "मारल टर्पीट्यूड" का शब्द रखना मेरे ख्याल में ठीक न होगा। जो भी कानून हम पास करें, वह समाज के हित को दृष्टि में रख कर करे। अगर हम किसी वर्ग-विशेष के हित को दृष्टि में रख कर कानून पास करेंगे, तो वह उचित नहीं होगा।

में मंत्री महोदय और इस सदन से अपील करूंगा कि वह इस विषय पर फिर से विचार करें। आखिर कोई हिमालय तो नहीं गिर रहा है, कोई दुनिया तो नहीं गिर रही है। अगर ऐसी अवस्था आ गई हो, अगर जरूरी हो, तो चाहे इस बिल को पास कर दिया जाये। चूंकि यह सदन में आ गया है, इसलिये यह प्पास हो ही जायेगा। लेकिन कम से कम क्लज में इसका प्राविजन कर दिया जाये।

**Shri A. S. Alva (Mangalore):** Mr. Deputy-Speaker, Sir, I support this Bill. The way in which some of the Members had strongly opposed it makes it appear as though the trade unions are staffed with executive officers and other officers who have been convicted of moral turpitude. But I may submit that anybody who has got the interest of the trade unions in mind should support the Bill; it should not be open to any adventurer who gets a conviction for moral turpitude and who is imprisoned to man a trade union.

A suggestion has been thrown that it is easy to get a person who is opposed to the management convicted by a court. But I would like to say that the trade union movement has taken root in this country and it may not be possible for any manager of an institution to have an office-bearer convicted easily. The impression is given as though straightway, if an accusation is made against any such person, the court will be too anxious to convict the office-bearer. After all, it will be clear that if an employer or his friends join together and manufacture evidence and go to a court, the court will see the interested nature of the evidence and throw out the case.

I do not say that everyone who goes to jail or who might have offered satyagraha or violated any of the police regulations will not come under the category of persons convicted for

moral turpitude. Moral turpitude is a well-defined term, and it varies according to the different circumstances. You may take the ordinary meaning of the term. If a person who leads the trade union as an office-bearer is an undesirable person, if the people shun him, certainly he is not a person who should lead the workers.

Shri Nambiar was so vehement that he went on saying that in the upper regions of Devikulam and all such out-of-the-way places the office-bearers could easily be got convicted by these employers. That is not correct. My submission is that whether it be the INTUC or the AITUC or any other union, they are sufficiently organised and they will see that such a conviction is not got on false evidence.

And surely, the Government also cannot be accused that they are behind the employers. As a matter of fact, the Government is always ready and willing, whenever any question arises between the employer and the employee, it takes the side of the underdog. They want to see that justice is done and that the employer, on account of his influence and wealth, does not oppress the workers.

So that, I do not see any objection for this simple Bill which wants to keep out of trade unions, adventurers, persons who have been convicted of moral turpitude and who are likely to mislead the workers. Because, after all, these office-bearers and the executive of the trade unions, they lead the labour. As a matter of fact, most of the labourers are uninformed and by themselves they do not know their own rights, and it so happens that a certain percentage of the office-bearers could be from outside the actual workers. The difficulty in our country is that labour has not sufficiently advanced so as to have their own office-bearers; they are not people who actually work. If they are made office-bearers, surely they will have the interests of their

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respective unions. But unfortunately what actually obtains in this country is that these office-bearers are mostly adventurers who are not really interested in the workers, I am not referring to all but some of them—who are not really interested in labour, who have nothing to do with labour. They just joint the trade unions out of a sort of adventure and then they raise all sorts of difficulties. This must be put a stop to. And for this purpose certainly this Bill is very timely, and I do not think there will be any objection to it from responsible quarters.

Then, as regards the age, surely no one would seriously think that anybody who is below eighteen years of age should be permitted to be an executive or an office-bearer of any union.

So I give my full support to this Bill.

**The Minister of Labour and Employment (Shri D. Sanjivayya):** Mr. Deputy-Speaker, I am grateful to the hon. Members who have taken part in this discussion.

Firstly, let me deal with the point raised by my hon. friend Shri Sreekanth Nair—unfortunately, he is not in the House now. He began to argue that this question was not given a final shape in the Standing Labour Committee. I shall just quote what happened in the Standing Labour Committee:

**“Chairman:** About Item No. 9, I think all are agreed”.

**Several Delegates:** Yes, yes.

**Shri Srivastava:** I am not agreeing to Item No. 9. When people convicted of offences involving moral turpitude become managing directors, company directors and even ministers, why should it be there? (Interruptions).

**Chairman:** Let us not create heat in the House. This is a sober House.”

**Shri Hari Vishnu Kamath:** Which one is that?

**Shri D. Sanjivayya:** The Standing Labour Committee.

**Shri Hari Vishnu Kamath:** Not this one.

**Shri D. Sanjivayya:** This is much more.

Then Mr. Srivastava says, “Moral turpitude should be defined first”. On that he agreed to this. Therefore, the Resolution was carried.

But we also attempted to define moral turpitude”. In fact, we consulted the Law Department, and they tell us that it is not possible to define “moral turpitude”. (Interruption). We have consulted the Law Department, and they say it is very difficult to define “moral turpitude”. And in no Act so far has “moral turpitude” been defined.

**Shri Shinkre (Marmagoa):** Then why put in something which cannot be defined?

**Shri D. Sanjivayya:** In fact, I can refer to a number of enactments in which this expression occurs. For instance, the Companies Act disqualifies a person who is guilty of an offence involving moral turpitude from being appointed as a director. Then, in the Employees State Insurance Act, the Agricultural Re-finance Corporation Act, the Unit Trust of India Act, the Wakf Act, the Employees (Provident Fund Scheme) Act, in all these enactments this expression finds a place, and it is not defined.

But “moral turpitude” is by and large well understood in our country. People who are convicted of theft, robbery, embezzlement, misappropriation

tion, all these offences, are supposed to have been convicted of offences involving moral turpitude.

**Shri Hari Vishnu Kamath:** I am sorry to interrupt the flow of thought and word from the Labour Minister. But I believe you will agree that when the Minister is speaking on an important measure like the Trade Unions Amendment Bill, which affects millions of people in the country, there must be quorum in the House.

**Mr. Deputy-Speaker:** The Bell is being rung.—Now there is quorum. The hon. Minister may continue.

**Shri D. Sanjivayya:** Coming to the hon. Member, Prof. Ranga, who initiated the debate on this Bill, I would like to answer some of the points he has raised. No doubt he has traced the history of the trade union movement and how various political parties in this country have been taking interest in the trade union movement. I should congratulate Prof. Ranga and his party on having taken a decision not to organise another trade union with their support.

**Shri Hari Vishnu Kamath:** The Swatantra Party has no trade union.

**Shri Nath Pai (Rajapur):** That is a party of free enterprise; they have nothing to do with labour.

**Shri D. Sanjivayya:** He claims to be one of those initial founders of the trade union movement in this country, and with his exit from the Congress organisation he lost touch with it, and later on when he entered the Swatantra Party, that Party did discuss this question as to whether another trade union organisation should be started by them and on the advice of their founder-leader, respected Rajaji, they have taken a decision not to organise any trade union. That is why I thought I should take this opportunity of congratulating him. I am one of those who believe that political parties should not exert their influence so far as the trade

union movement is concerned. It is better always—(Interruption).

**Shri Hari Vishnu Kamath:** What about your own party?

**Shri D. Sanjivayya:** All parties, including the parties to which the hon. Members there belong. So, that is why I was saying that we have started a new scheme called the workers' education scheme, the idea being that the leadership of the trade union movement should be provided by the workers themselves.

Shri Ranga raised a very valid point why one or two particular trade unions should not be recognised. In fact, in the year 1958, the Indian Labour Conference adopted a code called the code of discipline. According to the code of discipline only one union should be recognised and that too after verification of the membership and that too after declaring that a particular union is a representative union. In fact, in some places some difficulties arose, especially the difficulty which was pointed out by the hon. Member Shri Ranga, namely, the difficulty that arose with the Bhopal Heavy-Electricals. But the difficulty is not on account of the clarity with regard to the code of discipline but on account of the existence of a different labour relations Act in the State of Madhya Pradesh. I have also noticed certain provisions of the Madhya Pradesh Labour Relations Act to be not in conformity with the code of discipline. Therefore, we have taken up this question with the State Government of Madhya Pradesh to see that they amend their Act so that their Act may be in conformity with the code of discipline which is applicable all over India.

**Dr. M. S. Aney:** What is the position today?

**Shri D. Sanjivayya:** The position today is that we have written to the Madhya Pradesh Government and we have not yet received any reply. I

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hope and trust that the State Government of Madhya Pradesh would certainly take into consideration these points and amend their Act.

Then he also referred to certain internal dissensions of the INTUC. I do not deny it, there are some dissensions and in a similar way in other trade union organisations also there might be dissensions, whatever it be, it is our duty to see that such dissensions are not allowed to exist and the trade union movement should not suffer on account of the internal dissensions.

**Shri Hari Vishnu Kamath:** Do you propose to heal those dissensions?

**Shri D. Sanjivayya:** Certainly to the extend possible. Then, Shri A. P. Sharma who spoke on the Bill gave his wholehearted support to the Bill. I know he is a seasoned trade union leader. (*Interruption*). Is he not? Probably he feels that the trade union movement should be led by people of high integrity and unquestionable honesty.

**Shri Nambiar:** He was not seasoned the other day, when he refused to support the inclusion of railwaymen in that amendment.

**Shri Bhagwat Jha Azad** (Bhagaipur) It only shows that Congressmen judge things on merits.

**Shri D. Sanjivayya:** Whether he spoke on the Payment of Wages Act or on the Indian Trade Unions (Amendment) Bill, he has considerable experience, and he feels that undesirable persons should not be associated with trade union movements. In fact, the Standing Labour Committee, as I said earlier, wanted that all such persons should be debarred from becoming even ordinary members of the trade union, put the Government after some consideration felt that it is enough if they are debarred from becoming office-bearers and members of the executive committee. Then Shri Sarjoo Pandey who spoke

on the Bill generally supported the Bill. Then Shri Yashpal Singh indicated that the calendar year should be according to our Indian custom. Probably when such a calendar is introduced for the purpose of general administration in this country I have no doubt whatsoever in my mind that the Labour Department also would certainly take into consideration the change suggested by the hon. Member.

Then again, Shri Yashpal Singh wanted a clear definition of moral turpitude, which point I have already answered. Shri Oza has tabled an amendment and in support of his amendment, he spoke at length and he has given several figures to show how trade unions are not properly functioning, as to how many of them are submitting returns to the Registrar of Trade Unions, and so on. It is our duty to see that the trade unions function, and it is only with that object in view that we have brought forward this Bill. He suggested that if a member of a particular trade union organisation is expelled by the organisation if he commits certain embezzlements, he should not be allowed to continue there. If the particular union or organisation comes to know about the activities of such a member, it would certainly take care to see that he is not elected once again.

**Dr. M. S. Aney:** Are you accepting the amendment of Shri Oza?

**Shri D. Sanjivayya:** No, no. Coming to the points raised by Shri Dinen Bhattacharya, I would like to tell him that we have no prejudice against the labour or working classes as such. In fact, in the position in which the Labour Ministry exists, it has to keep a sort of balance between the employers and the workers. Whoever goes wrong, we have to point out such wrongs to the persons concerned, whether they are workers of employers, and see that industrial peace is maintained in this country

which alone would be responsible for increased production in our country.

He again supported Shri Srikantan Nair that this was not discussed. It is not correct. It was discussed and a decision was taken in the Standing Labour Committee. Then, Shri Kachhavaiya also referred to a change in the calendar year which point I have already dealt with. He referred to the incident in Yamunanagar. I know that incident very well. I do not want to go into the merits of that particular case. In fact, this particular question comes within the State sphere and it is for the State Government to settle them. All that we can do in a case of that type is just to advise the State Government if they need such advice.

Shri K. N. Pande generally supported the Bill but he felt that the amendment tabled by Shri Oza is a good one and should be accepted. Coming to my hon friend Shri Heda, he made a very good point that there are certain trade union leaders who indulge in violence, whether they belong to the INTUC or to the AITUC, and that it should not be encouraged. I entirely agree with him. But he felt that this conviction alone should not be taken into consideration unless a period of imprisonment is prescribed, namely, six months or one year. When we considered it in the Ministry, we thought that imprisonment for six months at least should be taken into consideration. But after deep consideration and thinking, we felt that after all if a person is convicted of an offence involving moral turpitude, it does not matter whether he is convicted for a day or for six months or for two years. Moral turpitude is moral turpitude, and therefore, he should be debarred.

**An Hon. Member:** What about Ministers?

**Shri D. Sanjivayya:** There is a new code of conduct proposed by the hon. Home Minister.

**Shri Dinen Bhattacharya:** That is a code; that is not law. He has only proposed a code.

**Shri D. Sanjivayya:** Shri N. Sreekantan Nair spoke at length, again disputing the fact that a clear decision was taken in the Standing Labour Committee. Shri Saraf quoted an instance to show how the workers would be subject to unnecessary harassment.

**Shri N. Sreekantan Nair:** I was reading out the report circulated by the Ministry.

**Shri D. Sanjivayya:** I have gone through the verbatim report of the proceedings of the committee. In fact, Shri Nair was present in the Standing Labour Committee meeting and when conclusions were arrived at, he did not raise his voice.

**Shri N. Sreekantan Nair:** I raised this objection and it was at my instance that this condition was placed.

**Shri D. Sanjivayya:** During the debate naturally points for and against would be urged. But ultimately when conclusions are to be reached if anybody has any doubt or any objection to the conclusions that were going to be reached, certainly he should get up and say that he is not in favour of that conclusion. But I have gone through the verbatim report and there is no such thing.

**Shri N. Sreekantan Nair:** Then, how is it incorporated in the report circulated by Government?

**Shri D. Sanjivayya:** He felt that innocent workers might unnecessarily be harassed on account of this. He quoted certain instances as to how certain innocent workers were accused of theft or pickpocketing, etc. It is not as though a mere accusation or levelling of a charge by an employer against an innocent worker that is going to decide the issue. It has to go before the court and evidence has to be produced. After all,

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no court will convict a person unless the guilt is proved to the hilt. Even if there is any doubt, the benefit of the doubt will go to the accused. Courts would certainly do justice. Whatever may be said of courts, in this country of ours we have great faith in judicial impartiality.

Shri Nambiar who spoke very vehemently felt that this Bill should be withdrawn. He thinks that the Government is against the working class as such and strongly in favour of the capitalists. I do not know how relevant it was when he referred to one particular point, namely, that this Government has taken the decision to establish socialism and how it could do it with this kind of attitude. I would like to tell him, if this Government could nationalise insurance, impose wealth-tax, expenditure-tax, death duty....

**Shri Shinkre:** How much could this Government collect by way of these taxes?

**Shri D. Sanjivayya:** ...if this Government could abolish zamindari, pass legislation with regard to protection of tenants, etc., how can anybody say that this Government will not be capable of establishing socialism?

**Shri Indrajit Gupta:** What about company donations?

**Shri D. Sanjivayya:** Shri V. B. Gandhi generally supported the Bill. One or two members pointed out that this age-limit of 18 should not be there and it should be raised. In fact, we have bodily lifted this clause from the original Act and put it there. There are certain other enactments in which it is described that those who attain the age of 18 will be considered as adults. Keeping that in view, we have not changed the provision in the original enactment.

Shri Shankar Alva, Shri Sinhasan Singh and others supported the Bill.

I do not think there are any other points which need to be answered. If any hon. Member has any apprehension in his mind that this is intended with a view to remove inter-union rivalry, he is thoroughly mistaken. That is not so. We have to achieve that objective in some other way or by some other Act.

I hope hon. Members would give their support to the various clauses in the Bill.

**Shri A. S. Saigal (Janagir):** Has the attention of the Government been drawn to the unrest which is prevailing in Madhya Pradesh, especially in the Heavy Electricals and other places, on account of the disparity in the labour laws prevailing in M.P.?

**Mr. Deputy-Speaker:** It has been referred to; the hon. Member was not here.

The question is:

"That the Bill further to amend the Indian Trade Unions Act, 1926, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** The House will now take up clause-by-clause consideration. There are no amendments to clauses 2 to 4.

The question is:

"That clauses 2 to 4 stand part of the Bill."

*The motion was adopted.*

Clauses 2 to 4 were added to the Bill.

**Clause 5--(Insertion of new section 21A).**

**Shri Dinan Bhattacharya:** I beg to move:

(i) Page 2, line 6, for "eighteen" substitute "sixteen". (1).

(ii) Page 2, lines 8 and 9, for "imprisonment, unless a period of five years", substitute "imprisonment for a period of more than two years, unless a period of two years". (2)

**Shri Oza:** I beg to move:

"Page 2, after line 10, insert—

"(iii) he has in the opinion of the executive committee of the Trade Union, expressed by an appropriate resolution in this behalf, mismanaged the funds of the Union." (3).

**Shri Nambiar:** Sir, this is a very controversial point. The Minister misquoted rather deliberately from the proceedings of the Standing Labour Committee. Here is the circular dated 2nd January, 1964, Government of India, Ministry of Labour and Employment No. so and so, item 9 of which reads thus:

"Item 9: Amendment of the Indian Trade Unions Act to prevent persons convicted of offences involving moral turpitude functioning as officials of registered trade unions.

The proposal was agreed to. It was, however, suggested that the term "moral turpitude" should be clearly defined."

**Shri D. Sanjivayya:** I answered that point, he was not here then

**Shri Nambiar:** It is not a question of answering it. The understanding reached by the tripartite body was that, subject to this condition that moral turpitude will be clearly defined, this was agreed to. To say that this was agreed to in an unqualified manner and to bring in a legislation without a proper definition of moral turpitude would be going against the wishes of the tripartite body. It is misleading the House to say that this was

agreed to. If one portion of it is accepted and the other part is put down, it is not acting according to the decisions of the tripartite body. Here we are made to think that there was agreement reached between the labour, the employer and the Government sitting together and taking a decision. The Minister says he could not get a definition and so, he could not bring it forward in the Bill. He has argued that moral turpitude was loosely put in in other legislations also. There is a difference. There moral turpitude was attached to the qualifications of Board of Directors to be appointed, whereas here, if he is convicted of moral turpitude, he is debarred at least for a period of five years, from becoming a trade union official. After five years, you can bring in another case against him and put him in prison. Therefore, greater weight has to be attached to moral turpitude in this legislation when compared to others. For instance, in the Food Corporation Bill, on page 4 it is said:

"...if he has or has been convicted of any offence which in the opinion of the Central Government involves moral turpitude..."

15 hrs.

The other day a question was raised as to why "in the opinion of the Central Government" should be there? It was suggested that the words "moral turpitude" alone are sufficient. The argument put forward by the hon. Minister, Shri Subramaniam—I will stand corrected if I am wrong, and I hope the proceedings of the House will bear me out—was that in the days of our national struggle many of us were convicted and moral turpitude might have been one of the aspects taken into consideration then; therefore, to totally ban all those persons or persons connected with them from becoming directors of the Food Corporation was wrong. Therefore, when that question came up about the appointment of directors in the Food Corporation he could stretch his

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argument to that extent and then say that moral turpitude must be qualified by putting in the words "in the opinion of the Central Government". In such an important issue where crores and crores of rupees are involved he wants to bring in the words "in the opinion of the Central Government". But in the case of trade unions even that qualification is not there. This is a clear case of impartiality—I mean partiality.

**Shri D. Sanjivayya:** What he said is correct.

**Shri Nambiar:** This is a case of partiality. I said "impartiality" because for the Government they accept anything and when it comes to the question of labour they reverse the method. This is not fair. It is not fair to quote the tripartite conference and argue in favour of the Government when on another occasion a member of the same Cabinet has argued in a different manner. It shows that they are serving for the time and for the purpose for which they require certain arguments. They are not following a set principle or policy. When it is a question of labour they think they can use any stick against them.

That is why I said that with this policy we cannot achieve socialism. After all, this socialism is for him whom? Is it for Tatas, Birlas and the Singhanias? It is for the ordinary man in the street, the poor workers, the peasants. If for them socialism means this sort of treatment, then it is not socialism at all. Therefore, I strongly urge that the hon. Minister who has misled the House must withdraw from that position and he should not press his point.

**Shri Bhagwat Jha Azad:** Does the hon. Member want that persons convicted of moral turpitude should be promoted as office-bearers?

**Shri Nambiar:** I do not say so. I only say that there should not be two

sets of rules, one which applies to the Ministers and directors and another which applies to trade unions. There cannot be any justification for that. Why do you say in the Food Corporation Bill "in the opinion of the Central Government"? At the same time, the hon. Minister accused that Shri Sreekantan Nair kept quiet. The other day also Shri Sreekantan Nair raised his voice against this. He stands by his shouting. He agreed to a certain thing on a certain condition whereas it is the Minister who is going back upon his previous commitment.

**Shri D. Sanjivayya:** It is not correct.

**Shri Oza:** Sir, I have heard with great attention the arguments advanced by hon. Members who participated in the discussion against the amendments proposed, particularly the amendment that I have sought to move. I must admit that I have not been able to appreciate those arguments. In the first place, they should have realised that this amendment is sponsored not for encouraging the victimisation of the trade union workers at the hands of employers. It is recognised in this country that our trade union activity is very weak, that those employees who have joined trade unions are not properly trained, they are not vigilant and conscious of their rights and they require to be protected. On the one hand, they should be protected against the employers and, on the other, as I have pointed out during the general discussion, against bogus trade unions, leaders, against people who have chosen to undertake trade union activity without any proper background, without any missionary zeal. The poor workers require to be protected against these persons. It may be that one in thousand may be caught and convicted because of the employer. To concoct a charge involving moral turpitude is not easy.

**An Hon. Member:** What is moral turpitude?

**Shri Oza:** About moral turpitude, as has been pointed out by previous speakers, judicial expression is very clear. Go to any court of law and no judgment will differ from another about what is meant by moral turpitude. Bring in any case and all judges will be agreed as to whether it involves moral turpitude or it does not involve moral turpitude. It is free from all doubts. I think those hon. Members who raise doubts about it are harbouring a false sense of fear.

What I am saying is, this amendment is to protect the employees from unscrupulous trade unionists. My hon. friend, Shri Gupta asked, suppose a manager mismanages the funds of a company does he not go scotfree? But the employer is there to take care of himself. He will remove him. But the trade union members, as I pointed out, are not conscious of their rights and they have not got so much courage. Sometimes this is abused by the trade union leaders. Therefore, they require to be protected. This amendment is for the protection of the employees, those who are members of trade unions. As I said, 40 per cent of the trade unions are not giving returns of their affairs to the Trade Union Registrar. The money involved, as I said, is Rs. 1,46,00,000 which is collected by trade unionists. These funds require to be protected.

I congratulate the Government for having brought this Bill. I wish my amendment could have been accepted. I am myself not feeling happy about the wording of my own amendment and I am not going to press it. But, as I pointed out in the beginning, it is difficult to bring home the charge to the point of conviction and hold the trade union leader guilty. Therefore, if the Trade Union Registrar is given the power to find out whether a trade union official has misappropriated or mismanaged union funds and then to remove him, it would be more helpful. But as the wording of my amendment is not good I do not press for it.

**Some hon. Members rose—**

**Mr. Deputy-Speaker:** The hon. Minister.

**Shri Shivaji Rao S. Deshmukh** (Parbhani): Sir, I want to say something.

**Mr. Deputy-Speaker:** He has not moved any amendment.

**Shri Shivaji Rao S. Deshmukh:** Sir, I think the rule is not so rigid. The clause as it stands has to be put to the vote of the House. Therefore, you cannot be so rigid that only those who have tabled amendments can speak on the clause. I have a few remarks to offer on the point raised by Shri Nambiar.

Sir, the question of moral turpitude is not raised only in the Trade Union Act but it is raised in various other Acts. I agree with my hon. friend, Shri Oza when he says that so far as judicial pronouncements are concerned it is very clear as to what moral turpitude is. But I must submit for the consideration of the House that there is a judgment of the Maharashtra High Court pronounced by distinguished jurists of the standing of Shri Chagla to the effect that every penal conviction attracting sentence involves moral turpitude. Where for moral turpitude the net can be spread so wide, I think it is reasonable to expect that what constitutes moral turpitude should be defined. I should say, though it is a difficult job it is not an impossible job. **Therefore,** when the Labour Conference demands that moral turpitude should be defined, I think there is enough justification for demanding it because otherwise you expose a man to a charge which is almost impossible to define. I think the ends of justice demand that moral turpitude should be defined if at all we are to be fair to the employees and also to the employers. I only want the Minister to make an attempt to see that it is defined in a satisfactory way.

**Shri D. Sanjivayya:** I would not have risen to say anything at this juncture but for the charge levelled against me by the hon. Member, Shri

[Shri D. Sanjivayya]

Anandan Nambiar, that I am trying to mislead the House. I would have to repudiate that charge stoutly. On the other hand, I have stated the correct position. The conclusion of the Standing Labour Committee is what I have stated. Of course, a suggestion has been made that "moral turpitude" should be defined. I have in fact answered that point. We tried our best to define "moral turpitude". We consulted the Law Department but they could not find a definition.

**Shri Nambiar:** Then this could have been postponed.

**Shri D. Sanjivayya:** I have quoted so many enactments in which this expression "moral turpitude" has been used without defining it. My hon. friend Shri Shivaji Rao S. Deshmukh, who argued in favour of the amendment, himself argued against it by saying that it is very difficult to define it and further in judicial circles it is very well known what it means.

**Mr. Deputy-Speaker:** Does the hon. Member, Shri Bhattacharya, wants his amendments, Nos. 1 and 2, to be put to the vote?

**Shri Dinen Bhattacharya:** Yes.

**Mr. Deputy-Speaker:** I am putting amendments Nos. 1 and 2 to the vote of the House.

*Amendments Nos. 1 and 2 were put and negatived.*

**Mr. Deputy-Speaker:** Does Shri Oza want his amendment to be put to vote?

**Shri Oza:** No, Sir. I would like to withdraw it.

*Amendment No. 3 was by leave withdrawn.*

**Mr. Deputy-Speaker:** The question is;

"That clause 5 stands part of the Bill."

*The motion was adopted.*

*Clause 5 was added to the Bill.*

*Clause 6 was added to the Bill.*

*Clause 1, the Enacting Formula and title were added to the Bill.*

**Shri D. Sanjivayya:** I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill be passed."

**Shri Dinen Bhattacharya:** Mr. Deputy-Speaker, the reply of the Minister in which he has given some explanation is not at all convincing. It is a pity that the Labour Minister while introducing a labour legislation says that Government do not know what is moral turpitude.

**Shri D. Sanjivayya:** I said that it is very well understood; not that we do not know.

**Shri Dinen Bhattacharya:** Having heard his speech here as a Member of Parliament I have come to the conclusion that the Labour Minister is placing the trade unionists at the mercy of certain officials on their arbitrary decisions. Suppose a trade unionist is convicted in a certain concocted case in a court of law for a day. Take the case of our hon. friend, Shri Priya Gupta. Any day any railway official can say "you are convicted for such and such offences; so, you are not allowed to function as a trade unionist". Then what will happen to the trade union activities of Shri Priya Gupta? So, I want Government to reconsider their stand on this matter. They should enact a legislation on the basis of the true spirit of the understanding arrived at the meeting of the Standing Labour Committee. One member of the Standing Labour Committee, Shri Sreekantan Nair, has categorically denied the statement given

by the hon. Labour Minister that such a decision was taken at that meeting. He says that certain conditions were attached to that decision, but they have not been looked into.

Coming to the age limit, under the Factories Act the minimum age limit is 15. Therefore, if you want to raise the age limit here, you must change the provisions of the Factories Act also. In the context of the situation prevailing in our country, there are certain factories which engage people of the age group 15 to 17, for example, bidi workers ropemakers and even agricultural labour. Do you want to debar them from their normal trade union activities? That is the question. The answer which has been given by the Minister is not at all satisfactory. So, I would request him again to reconsider his decision....

**Shri D. Sanjivayya:** The clause has been adopted, after rejecting the amendment.

**Shri Dinen Bhattacharya:** ...and bring such a legislation which will cover workers engaged in all fields of work.

**Shri K. N. Pandey:** I am not at all sorry for having supported this Bill, because in my opinion the trade unions can thrive only if they are functioning at a proper level on a fair basis. People of doubtful character should not be allowed to occupy any important post in the trade unions. Therefore, I do support the Bill.

I was also present at the meeting of the Standing Labour Committee. As the hon. Member, Shri Sreekanth Nair, stated there was the suggestion that the term "moral turpitude" should be defined. But, as the hon. Minister has stated, it is very difficult to define it. Still, I think free pass should not be given to people who can misuse that power. My only fear is about the misuse of that power. Otherwise, I am hundred

per cent in favour of the proposition that only honest people should be allowed to function as office-bearers of trade unions. Because, trade union officials have to deal with cash amounting to lakhs or crores of rupees. If dishonest people are put in charge of trade unions, they will misappropriate money or commit fraud. Therefore, such people should not be allowed anywhere near trade unions. At the end I would again request the hon. Minister to bear in mind the suggestion that this clause should not be allowed to be misused. Therefore, some check should be provided in dealing with this clause and nobody should be given a free hand to misuse it.

**Shri Sreekantan Nair:** I am very sorry to note the attitude of the hon. Minister. In future it will make it very difficult for the tripartite bodies to take any decision. That is all what it comes to.

**Shri D. Sanjivayya:** What can I do? I have quoted it verbatim.

**Shri Nambiar:** I have also quoted it verbatim.

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed".

*The motion was adopted.*

15.20 hrs.

**\*DEMANDS FOR SUPPLEMENTARY GRANTS (KERALA), 1964-65**

**DEMAND NO. X—DISTRICT ADMINISTRATION AND MISCELLANEOUS**

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 100 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges