

Mr. Speaker: The hon. Member has also used the term 'otherwise'.

Shri T. T. Krishnamachari: In the course of our experience it has been found that the terminology used in section 4(1) which the hon. Member has read does not cover all possible methods by which foreign exchange can be acquired. For instance, if a person earns foreign exchange as a gift or as a donation, how will the hon. Member find a place for it? Even though the courts might in a particular case say that the term 'otherwise' is rather vague, how else can we provide for such cases? Cases of gift, donation or benefit in a trust etc., are the main things which have to be included, and this is what this particular provision really means.

Mr. Speaker: The question is:

"That clause 5 stand part of the Bill".

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 to 24, clause 1, the Enacting Formula and the Title were added to the Bill.

Shri T. T. Krishnamachari: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

16.47 hrs.

INDIAN TRADE UNIONS (AMENDMENT) BILL

The Minister of Labour and Employment (Shri D. Sanjivayya): I beg to move:

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

This is a very small Bill. The Indian Trade Unions Act, 1926 provides for the registration of trade unions and in certain respects defines the rights and liabilities of the registered trade unions. Under section 4 of the Act, any seven or more persons of a trade union can form themselves into an association and ask for registration under the Trade Unions Act but the provisions of the Act do not debar any convicted persons, especially those who are convicted of offences involving moral turpitude.

This was brought to the notice by one State Government, and they felt really annoyed that persons convicted of offences involving moral turpitude began to represent several trade unions in various courts under the Workmen's Compensation Act, authorities under the payment of wages and other Allied Acts. So, this amendment was placed before the Standing Labour Committee at its 21st session held in Delhi on 27th December, 1963. The committee agreed that an amendment to the Indian Trade Unions Act might be proposed to debar such persons from becoming even members, but Government later on considered that it might not be desirable to debar such persons from becoming ordinary members of the trade unions, but it would be sufficient if we debarred them from becoming office bearers or members of the executive committee of such trade unions.

So, accordingly, this amendment is proposed. Taking advantage of this, we have proposed one or two other amendments. They are very innocuous. For instance, the term 'Officer of a trade union' is used in the Indian Trade Unions Act. We want to replace this term by the term 'office-bearer'.

The other one relates to the submission of accounts. At present Trade union returns are to be submitted by the end of 31st March every year. But most of the labour statistics correspond to the calendar year, i.e. 1st January to 31st December. So we thought it would be desirable to amend the Indian Trade Unions Act so

that the returns of every trade union may be on the calendar year basis instead on the financial year basis.

There is another small amendment proposed to delete the word 'Indian' from the title of the Act, because every Act passed by Parliament is an Act which relates to India.

These are the amendments. I commend the Bill for the consideration of the House.

Mr. Speaker: Motion moved:

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

Shri Ranga (Chittoor): I am glad that this Bill is brought before the House. It gives us an opportunity to raise a few points concerning the general position of trade unionism in the country.

The House is well aware of the fact that there are many types of trade unions all over the country, and an all-India scale and state-scale also, and they are all functioning in most factories rivalling with one another for the loyalty and support of the workers and claiming to serve them. But in the course of their activities, they find themselves very much at variance with one another and this works to the detriment of the workers' interests.

We came to know only recently that even though only the INTUC was recognised in the Bhopal factory, there were workers organised in another union and the workers within INTUC itself were at sixes and sevens with each so other, so much so that the working of the factory came to be very seriously affected—to the detriment of national industrial development.

These things are happening in various other centres also. For instance, in Rourkela, there was one union recognised. There were other unions

also which claimed to be more representative of the workers than the recognised union; yet the management recognised the other union. So much so that first there were short notice strikes and afterwards they settled down to what is called go-slow obstructive activities. There also—it is a state enterprise—the country has come to lose very heavily due to fall in production.

Similar things are happening in very many other areas also. For a long time it has been on the board whether it would be in the interest of the workers to have political parties interesting themselves in trade unionism and developing the unions as per their political tenets. At one time, there was only one union for the whole of India, the AITUC. Then, as you know, it split. Afterwards, there was another rival union. With great difficulty, the late Shri N. M. Joshi, and Shri Giri and others tried their best with success to bring about union between these two unions. But during the war, the AITUC pursued such a policy which hurt the feelings of patriotic Indians. Therefore, quite a number including myself took the lead in bringing into existence the Indian National Trade Unions. My hon. friend, the Home Minister, Shri Nanda, co-operated with us and played a very important role in developing INTUC. When we were bringing it into existence, we thought that there would be only one union. At that time, we were not completely free; there would be only one union which would be all inclusive and so there would be no need for any controversial politics as between one union and another. Unfortunately or naturally, after we became free, we have come to develop our public life in India on different lines, as opposed to those when we were trying to be free. There are various political parties, one rivalling with the other but there was no reason why the rival political parties should have entered into the labour field and begin to play their rival politics among the workers but

* [Shri Ranga]

unfortunately it has come to be so. There is the Hind Mazdoor Union, the INTUC and the AITUC. I do not know whether there are any other All India Trade Union organisations. All these are so confusing for the workers and detrimental to the workers; these are not conducive for the development of healthy trade union movement. We have seen how these rivalries come in the way of not only the welfare of the workers but also in the progress that we should make in industrial development and industrial production. So, when some of us broke away from the Congress and began to organise ourselves into the Swatantra Party, we had also occasion to think about this matter, whether we should also begin to have a separate trade union, a separate labour organisation. We came to the conclusion, under the wise guidance of Rajaji, that it would be best for us not to enter into the labour field as a political party. That is the reason why we have not so far organised any All India trade union organisation. I think it is a good thing that we had taken this decision and stuck to it although from various States, quite a number of our workers who had been interesting themselves in the welfare of labour have been pressing us to bring into existence another labour organisation.

What I would like to say on this occasion is this. It is not enough to have merely this kind of an enabling which allows any seven workers to form themselves into a union. Why do they want to get into the unions? In order to approach their employers in an organised and systematic and disciplined manner and make their representations and formulate their demands and obtain redress for their grievances and satisfaction of their demands. If they are to succeed in this direction, surely the unions must be enabled and helped to be recognised. For a very long time, in this country and in other countries also, it has been one of the demands of workers that when a union comes

to be organised, registered and continues to function in a systematic manner, it ought to be recognised, if there were to be two or three or four, they should be recognised. There are practical difficulties. . . (Interruptions.) The minimum may be prescribed, say, 10 per cent or 25 per cent or 500 workers in a factory of 5,000; if it satisfies that minimum, that union should be recognised and if some other union also succeeds in enlisting as many members, if not more, in that factory on that basis, that union ought to be recognised also, all the 3 to 4 of them. There is no harm if there were to be more than one union. There is no reason why one particular union should alone be recognised on the basis of the so-called majority.

17 hrs.

If this question of majority were to be accepted for the recognition of a union, what is likely to happen is that the administration, whoever may be in charge of it, would put its finger in the pie and you cannot prevent it. They will play mischief; they can play mischief in the election also and in the counting of votes. In the end, they may say that such and such a union does not obtain the majority or does not enjoy the confidence of the majority of the workers and the other union has the majority, and therefore that union alone is going to be recognised. In fact, it is a well-known fact that on very many occasions, our friends of the communist party who are functioning in the AITUC had complained against the manner in which the Government is supposed to have favoured the INTUC union in very many workshops and very many factories by gerrymandering in the election and procedures of recognition and so on. Whether there was truth in it or not is another matter. (Interruption). There must have been some truth in some of those allegations. Anyhow, one thing is clear. Things have happened in such a manner that even within the INTUC there is no peace at all; just as there is no peace

