

जहाँ जहाँ इस स्कीम का विस्तार कर है वहाँ हम अधिक स्टाफ लायेंगे। इनके लिए जो मकान बनायेंगे उन पर भी खर्च करेंगे। साथ ही साथ हमको पेंशन देनी है, ग्रेज्युटी देनी है। इसके लिए भी फंड का निर्माण करेंगे। इसके साथ साथ सिफारिश यह भी है कि मेंटीनेंस, रिपेयर्स वगैरह पर भी फंड लगाएं। अर्थात् इन सब को देने के बाद जो पैसा फंड में है वह इन्हीं की सुविधा के लिए आने वाले दिनों में, सविध्य में लगाया जाएगा।

Lock-out in Hindustan Pilkington Glass Works

*628. SHRI INDRAJIT GUPTA
SHRI GEORGE FERNANDES:

Will the Minister of INDUSTRY be pleased to state :

(a) Whether Hindustan-Pilkington Glass Works Ltd. factory at Asansol has been under lockout since May 1980.

(b) Whether the Association of Hindustan-Pilkington Glass works Ltd. in representation to Government had stated that if the factory was not opened by 10 March, 1982, it would be too late to save this unit and its 1600 employees.

(c) Whether Government of India have been in touch with the West Bengal Government in this matter, and

(d) the steps being taken to have the factory opened immediately ?

THE MINISTER OF INDUSTRY AND STEEL AND MINES (SHRI NARAYAN DATT TIWARI) : (a) Yes Sir.

(b) A few representations (including some from Hindustan, Pilkington Glass Works Ltd., Head Office Employees Union and Hindustan Pilkington Glass Works Ltd. Officers and Supervisory Staff Association) have been received for taking over the management of Hindustan Pilkington Glass Ltd.

(c) and (d). It has been suggested to the State Government of West Bengal to Advice the State Labour Commissioner to resolve the labour-management dispute so that lockout is lifted and production resumed. Since the lockout is a labour management problem, it has to

be dealt with by the State Government who are already seized of the matter.

SHRI INDRAJIT GUPTA : Sir, next month we will complete two years of the lock-out of this factory. Labour is a concurrent subject. If this was not a lock out but a strike then we would have heard a different song sung by the Minister. The employers chose to lock-out the factory and it is now going to be two years and we are being told that it is due to labour dispute which has to be settled but the State Government. Assuming that the State Government has not been able to do anything so far is it the attitude-I want to know of the Central Government that this factory which was set up in collaboration with the Pilkington Brothers of U. K. with the latest type of technology can remain closed like this indefinitely and the Government's responsibility is limited to saying that we have asked the State Government to settle the labour dispute ?

Sir, during Question Hour we try to seek information and he should not try to conceal the real state of affairs by relegating it to labour-management problem. He knows that it is not that. He knows that Thapars and Somanis have been very much connected with the whole affair and today it is they who want to reopen the factory on terms more profitable. In this respect I would like to know the many communications which passed between the Centre and the State for re-opening this factory as a viable unit. I would like to know what steps has the Government taken ?

SHRI NARAYAN DATT TIWARI : As I have mentioned in my reply, Sir, this is primarily a matter to be dealt with by the State Government. Conciliation proceedings have not yet been wound up. There were three discussions at three different points of time. It is upto the State Government to take action under Industrial Disputes Act. The song is being heard also by the West Bengal Government. It is primarily they who are responsible for any industrial dispute that arises within their jurisdiction. We did have a letter from the Chief Minister of West Bengal in 1980 narrating the failure of the conciliation proceedings till the time the new management had taken over and we had advised the Chief Minister to carry on the negotiations as a way has to be found out but we are not directly concerned with this question.

SHRI INDRAJIT GUPTA : Sir, I am sorry the Minister continues to repeat that all this prolonged closure of a major industrial unit is due to labour-management dispute. If that had been so is it conceivable when a company is

closed due to labour-management dispute a big business house like Somanis has taken over the management of this factory in August 1981 and have managed to acquire 50 per cent of the controlling shares from the Pikington Brothers, U.K., viz. at Rs. 6.42 lakhs for shares of the value of Rs. 64.20 lakhs. It is not a fact that in 1981 a report was submitted by the Inspectorate of the Company Law Board? Sir, the Company Law Board's own Inspectorate pointed out this closure was not due to any labour-management dispute but it was due to the fact that these people were ruining the unit at that time and Thapars had deliberately siphoned off the money and the funds of this company and they wanted to make this undertaking a sick undertaking. Have they not stated these critical remarks in their report? Has the Central Government not got anything to do with it? Is it not the Central Government's concern? Is it not a fact that the Central Financial Institution, the banks, the LTC, National Insurance Company etc. together are holding nearly 22% of the equity shares of this company and it is the Central Government's concern? How can the Central Government relegate the whole thing to the status of a small labour-management dispute? He says, the State Government has started conciliation proceedings and so on. Is it not a fact that the financial institutions have been recommending that you should take steps to see that this factory is opened as early as possible and the Government can even become the largest shareholder if it moves properly in the matter.

SHRI NARAYAN DUTT TIWARY : Sir it is correct that S.K. Somani purchased 28% of the shares, by purchasing 5,05,125 equity shares of Rs. 10 each and 13,700 preference shares of Rs. 100 each in 1981. This was with the knowledge of the State Government. The difficulty was this. The proposal which the new Management made, for acceptance by the trade unions, was not acceptable to these Trade Unions. There were three conditions which the New Management wanted to be accepted by Labour. One was, head office personnel in Calcutta to be transferred to Asansol for avoiding duplicate work without any extra payment there were proposals like closure of un-economic departments like box shops and timber yards and readjustment of excess manpower, accepting revised workload and productivity and manning pattern norms and assuring guaranteed production. These three main conditions were stipulated by the new management. But these were not acceptable to the Trade Unions. But I think there is still scope for negotiations.

If the hon member can exercise his considerable influence with the West Bengal Government, so that both the parties can come to the negotiating table taken.

SHRI INDERJIT GUPTA : He has not answered the question that I asked about the Central Financial Institutions which together are holding 22 per cent of equity share. Can the Central Government wash its hands of its responsibility in the matter? In fact those institutions have recommended to the Government that they should move forward and see to it that Government becomes the largest shareholder and also see to it that this unit can be run viably and opened as early as possible.

SHRI NARAYAN DUTT TIWARY : I do not recollect having received any such recommendation but I will certainly look into it.

SHRI INDERJIT GUPTA : They are published in the Press every day.

SHRI KRISHNA CHANDRA HALDER : This was one of the biggest glass factories in Asia earning crores of foreign exchange. It has got a long history. Myself and many members of the House met Dr. Chanana and Shri Tiwariji, we have given representation. Last time we met them on 30th March, and submitted representation dated 29th March. I met the hon. Minister and I told him that West Bengal Government are trying their best to re-open this factory. The Chief Minister of West Bengal himself negotiated and recommended for take over. But Mr. Somani backed out from their earlier position. He mentioned 3 points to which the Unions did not agree and so on. Actually myself and Mr. Haradhan Roy, MLA of West Bengal, have submitted Memorandum many times and we have pointed out how this unit can be made viable within a short time. Comrade Indrajit Gupta has said that Government institutions are holding 22 per cent of the share and if Grindlay Bank's share can be added, it can be more than 28 per cent. The Government of West Bengal, all the Trade Unions and I myself am one with this are of the opinion that immediately the Central Government should take over this institution.

Sir, the Prime Minister has mentioned that this year has been declared as a "Productivity year". So, in the interest of production and productivity and in the national interest, I would like to know whether the Central Government will take over the Hindustan Pilkington Glass Ltd., as early as possible.

SHRI NARAYAN DUTT TIWARI : There is no such proposal of taking over this Unit. (Interruptions).

SHRI KRISHNA CHANDRA HALDER : Nineteen workers died of starvation several workers have committed suicide. this is the position in the factory. (*Interruptions*).

SHRI NARAYAN DATT TIWARI : Under the new policy of taking over sick units the administrative Ministry must be satisfied that the Unit can become viable in a reasonable period of time and such a step is in the public interest and then the banks and the financial institutions should recommend that despite their efforts it may not be possible to prevent the industrial unit from becoming sick and with their efforts it is unlikely to revive this undertaking. Then only we consider this proposal. It is correct that the financial institutions have a share of about 22% in this undertaking. But we have not received any proposal as such. The hon. member, Shri Indrajit Gupta, has said that they have recommended. But I have not received such a proposal. I will however look into it.

SHRI INDRAJIT GUPTA : Are there any Government nominees on the Board of Directors? Even that you have not done.

MR. SPEAKER : It is all right.

SHRI KRISHNA CHANDRA HALDER: He has not answered my question.

MR. SPEAKER : He has said that there is no such proposal.

SHRI SAMAR MUKHERJEE : Sir, I also represented the case of the same unit several times and the latest reply that I have received from Mr. Tiwari is dated 31st March, 1982 in which he has stated "I am having the matter examined". I do not know whether he has written that knowingly but it is the reply signed by him. The Chief Minister of West Bengal in his letter of 9th July 1980, after the lock-out wrote a letter to Dr. Chanana. However, he at that time, categorically stated in the letter that there were agreements with the management and all the three Trade Unions. The agreement was entered in to in the presence of the Chief Minister. The management retreated from that position. I would like to quote here from the letter of the Chief Minister :

"I might mention in this connection that on 28th May, 1979, the parties entered into a tripartite settlement and the issues relating to manning a abolition

and absorption of contractors' labour and casual temporary labour were agreed to be left over for bipartite and, if necessary, after two months, for tripartite negotiation. It was also agreed that the parties would improve production for mutual benefits."

After that the Chief Minister has stated it is evident that the management has some other motive and objective. The motive is not for running the factory, and as they have some other motive the Chief Minister recommended—

"It is necessary that in the face of the attitude of the management and the present state of the Union to consider taking over of the Unit by the Central Government u/s 18AA of the industries (Development and Regulation) Act, 1951. In the circumstances I would request you to kindly have the matter examined urgently and arrange for necessary take over of this Unit."

This letter was dated the 9th July, 1980. Since that time, this management is Mr. Somani is in the management — is closing the units one after another. This is the position. This is another letter which was written to the Chief Minister, Mr. Jyoti Bosu, by the three Unions together. It is a very serious matter. They have enclosed a copy of the letter addressed to Mr. H. L. Somani. They have said that Mr. Somani has decided to close Bombay Office., Delhi Godowns.

Several member of staff including ladies have been transferred. (*Interruptions*). These are the developments. Employees of the Calcutta Office have been transferred to Asansol where lock-out has been declared. Bombay Office has been closed; godown in Delhi has also been closed. This shows that the management is not interested to open this factory. That is why, they insist that Government should intervene and take over the management, otherwise there is no hope of running this factory. I had personal talks with the Chief Minister. He told me that the management was not at all interested to run the factory. That is why, intervention of the Government is very essential. I want a categorical answer from the Muinister. I represented him personally about this matter. He told me that he was discussing with the Finance Minister and would see to this matter. His reply is with me....(*Interruptions*)**

MR. SPEAKER : Let him reply. This would not go on record. I have

not allowed this. Why should you talk without my permission? The Hon. Member has already put the question. He has read out the relevant portions also.

SHRI NARAYAN DATT TIWARI : I must congratulate the hon. Member for his easy accessibility to the Chief Minister's letters. Then, he must also be aware of the reply that the Minister of State for Industries gave to the Chief Minister of West Bengal on November 21, 1980, in which to it was made very clear that as regards the lockout declared by the management, he might kindly advise the Labour Commissioner to resolve the labour management dispute so that the lock-out was lifted, production resumed and normalcy was restored. It makes the position very clear.

SHRI KRISHNA CHANDRA HALDER : The Prime Minister is here, I would request her to intervene in the matter to take over.

SHRI CHINTAMANI PANIGRAHI : Everyday, we hear in this House that the various industrial units are becoming sick in West Bengal and they want that the Central Government should take them over. In case the Government becomes sick and the industries also become sick, why should the Central Government not take over the Government also? (*Interruptions*).

MR. SPEAKER : No, no.

SHRI INDRAJIT GUPTA : Will you allow us half-an-hour discussion on this?

MR. SPEAKER : Give me something in writing.

Functioning of Administrative Tribunals

*629. **SHRI XAVIER ARAKAL :** Will the Minister of HOME AFFAIRS be pleased to lay a statement showing :

(a) how many Administrative Tribunals are functioning in India; which are these tribunals and where they are functioning;

(b) what are the proposal as far as the setting up of the tribunals envisaged in Part XIVA of the Constitution are concerned; and

(c) the details, if any?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH) : (a) The administrative Tribunals are functioning in Andhra Pradesh, Assam, Bihar, Gujarat, U.P., and Rajasthan as per the information available with the Government of India.

(b) and (c). The proposal relating to the establishment of administrative Tribunals under the Central Government is still informative stage as various legal and administrative aspects of establishing such Tribunals are under examination.

SHRI XAVIER ARAKAL : In part (a) of my question, I have asked information on three points, how many administrative tribunals are functioning, which are these tribunals and where they are functioning. The answer, as is evident, is very incomplete. The procedures in normal courts are time-consuming. For example, at present, in the Supreme Court alone, there are over 22,664 cases pending excluding the administrative and miscellaneous petitions. Similarly, in the High Courts, over 6,79,162 cases are pending. Over one lakh of under-trials are there.

If you refer to Article 323(a) of part XIVA of the Constitution, there is a provision to have Administrative Tribunals for the Central Government servants also. Now, I would like to know what further steps is the Government taking to have these Administrative Tribunals as far as Article 323 (a) relating to recruitment and service conditions of the public servants is concerned?

SHRI P. VENKATASUBBAIAH . Sir, there are Administrative Tribunals in U.P., Rajasthan, Bihar, Gujarat, and Assam. They have been set up by an Act of State Legislature to deal with service matters such as seniority, promotion, confirmation, fixation of pay etc. The appeal against the findings of the Administrative Tribunals lies before the High Court and the Supreme Court. These Tribunals come within the administrative control of the respective States and the Central Government has no jurisdiction over these.

The Administrative Tribunals in Andhra Pradesh was set up an Order of the President under Article 371(d) of the Constitution in the year 1975. This is the only Administrative Tribunals which is functioning under the jurisdiction of the Central Government to go into the service matters and promotions and that is what the Hon. Member has stated.