

**Shri Satish Chandra:** As regards vigilance and malpractices, the State Governments are fully aware of the problem. A strong enforcement organisation has been created, and I am quite sure that it will take care of the problem. Of course, there might be a little confusion in the beginning but the people will gradually become familiar with them, as they have become familiar with the coins. The real advantage, the real benefit of the changeover to the decimal coinage will be appreciated by the people at large when the entire process is complete and our weights and measures and the coins are all on metric and decimal system. During the transitional period, there may be some chances of malpractices, and the ignorant people may be deceived. But, by public co-operation, by the efforts of all of us, by suitable publicity that has been given, I think the chances for that will be reduced to the very minimum. They can be certainly reduced if all of us remain vigilant.

I have nothing more to say. The conversion tables have been widely distributed and more would be distributed, as was done when the metric weights were introduced in certain selected areas. The State Governments, the district authorities and the publicity organisations of the State Governments are taking suitable steps to that end.

As far as this Bill is concerned, its scope is very limited, i.e. the extension of the Act to the State of Jammu and Kashmir, and I commend it for the acceptance of the House.

**Mr. Chairman:** Motion moved:

"That the Bill to amend the Standards of Weights and Measures Act, 1956, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** We shall now take it up clause by clause. As there are no amendments, I will put all the clauses to the vote of the House. The question is:

"That clauses 2, 3, 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Clauses 2, 3, 1, the Enacting Formula and the Long Title were added to the Bill.*

**Shri Satish Chandra:** I move:

"That the Bill be passed".

**Mr. Chairman:** The question is:

"That the Bill be passed".

*The motion was adopted.*

14.07 hrs.

#### INDIAN TRADE UNIONS (AMENDMENT) BILL

**Mr. Chairman:** The House will now take up consideration of the Bill further to amend the Indian Trade Unions Act, 1926.

**The Deputy Minister of Labour (Shri Abid Ali):** I beg to move\*:

"That the Bill further to amend the Indian Trade Unions Act, 1926, be taken into consideration."

The Bill is short and non-controversial in nature. Of course, the important provisions will be much helpful for developing trade union movement in the country on a healthy, sound and self-supporting basis. The provisions which are contained in the Amending Bill were discussed in the Tripartite Conference more than once I think, and the amending Bill is brought forward on

\* Moved with the recommendation of the President.

the basis of the discussion and decisions which were taken there.

One of the suggestions is to fix the minimum subscription to be paid by any person desiring to become a member of the union. At present, in some States there is no uniformity in the provisions of their enactments for payment of minimum fee. In the areas where these Acts are not in force, the minimum subscription in some places is even to the extent of four annas a year. We want uniformity. We also want to ensure that the trade union organisations have enough of funds collected in the shape of trade union membership from their own members so that they need not depend on outside help. The absence of this provision was a weak spot in the trade union law of this country and this is intended to remove that.

Another amendment empowers the Registrar or his nominee to inspect the trade union records.

At present a large number of disputes are created on account of not maintaining account books, minute books and other required documents, papers and records. Also, mushroom trade union organisations are formed for the exploitation of the workers. The intention is to check this and help the unions to work on proper lines and to safeguard the interest of its members. It is not intended to interfere in the working of the trade union movement. Only in case of doubt wherever it arises or when a complaint is made by members with regard to these the Registrar will call for inspection of the required papers.

The next amendment is regarding applicants for registration ceasing to remain qualified to apply for registration. This has been the difficulty for a long time in some places that after the required number of persons had submitted an application some undesirable influence was brought on them so that either they withdrew their application—there are one or two such cases—or they were sent

away from employment. The objection taken was that those persons were not in the employment of the particular employer and therefore the registration of the union was not possible. So we are removing this difficulty on the basis of the amendment which has been provided for in the Bill.

Delays take place because according to the present Act all the powers are vested in the Registrar only. The Deputy Registrars or the Additional Registrars have no status so far as the law is concerned. The intention is to give them the power also. Another difficulty was that the Registrar's headquarters are situated at the headquarters of the State and unions existing in the interior or at the District headquarters have to come to the headquarters of the Registrar with regard to the various provisions of the Indian Trade Union Act. The intention is that these powers should be decentralised and the State Governments should be authorised to empower Deputy Registrars or Additional Registrars for this purpose so that trade unions in the interior also will be able to get their work done locally.

These are the main provisions of the amending Bill. It is not necessary for me to take more time of the House.

**Mr. Chairman:** Motion moved:

“That the Bill further to amend the Indian Trade Unions Act, 1926, be taken into consideration.”

There is a Government amendment.

**Shri Abid Ali:** I will move it at the proper time.

**Shri S. M. Banerjee (Kanpur):** I have given notice of some amendments but unfortunately I could not submit them in time.

**Mr. Chairman:** That is all right.

**Shri S. M. Banerjee:** Mr. Chairman, Sir, before discussing the various provisions of the Bill and the amendments of which I have given notice, I must express my surprise as to why a comprehensive Bill could not be brought forward. This is not my opinion alone. I would quote from a newspaper, *The Times of India* dated the 29th August, 1960, in which an editorial has appeared on this particular subject. I read certain passages from it for the information of the House. Writing under the heading 'Trade Union Bill' it says:

"It is becoming a habit with the Government to introduce one or two stray amendments to an existing Act and, when pressed with a list of more urgent changes, to say that it will soon introduce a comprehensive Bill. It was so with the recent Taxation Laws Amendments Bill."

Then, discussing the amendments as such it says:

"One of these prescribes a minimum membership subscription of 24 naye paise per month, which is a salutary provision."

As you know, this particular matter was discussed with the representatives of all the Central Trade Union Congresses at the Labour Conference. They almost unanimously agreed that this should be 25 naye paise. I am fully convinced that no trade union in the country can possibly prosper unless it has proper funds. Our trade unions in the country depend more on their strength than on the financial strength. So this is a salutary feature. There is no doubt about it. But a comprehensive Bill should have been brought forward which should have embodied the question of recognition. In this editorial it has been mentioned like this:

"But surely there are other more urgent problems concerning the trade unions. Most of them have low membership, are irregular in holding annual meetings

and fail to file statutory returns in time. They are further weakened by inter-union rivalries. Strong and healthy trade unions are one of the mainstays of democracy and the weakness of the unions has been one of the principal causes of the prevailing industrial disharmony in this country."

I would have welcomed this Bill wholeheartedly had it brought this amendment also.

**Shri Abid Ali:** I am sorry I did not hear the hon. Member. Had it brought what?

**Shri S. M. Banerjee:** Had it brought the question of recognition also. I want a comprehensive Bill.

**Shri Abid Ali:** We have no intention of bringing another comprehensive Bill at present. There is no item.

**Shri S. M. Banerjee:** Though such small amendments may be of a salutary nature, why can Government not bring forward a comprehensive Bill?

**Shri Abid Ali:** We have not got any such proposal.

**Shri S. M. Banerjee:** They should bring forward a comprehensive Bill which should cover all the aspects of the present Act of 1926.

Speaking on the various provisions of the Bill, I shall refer to my amendments. My first amendment is about the Additional Registrars. Here it is said that—

"The appropriate Government may appoint as many Additional and Deputy Registrars of Trade Unions as it thinks fit for the purpose of exercising and discharging, under the superintendence and direction of the Registrar," etc.

I could not distinguish between the Deputy Registrar and the Additional Registrar of Trade Unions. When you talk of the Additional Registrar it reminds me of the Additional Secretary recently created in the Government of India. The Additional Secretary is neither a Joint Secretary nor a

Secretary. He is something more than the Joint Secretary and something less than the Secretary. I do not know what this Additional Registrar is. There should be Deputy Registrars of Trade Unions who should have full power. They should be given all the powers of the Registrar of Trade Unions so that they may inspect properly and may function properly. I am opposed to having this Additional Registrar. I feel that this provision should be omitted.

Again, my second amendment is....

**The Deputy Minister of Labour and Employment and Planning (Shri L. N. Mishra):** What do you lose by this change?

**Shri S. M. Banerjee:** I do not lose anything. If it is a question of giving some employment to some people, it is a different thing. If by having this Additional Registrar you can solve the unemployment problem of the middle class, I am all for it. But I do not find any reason why there should be Additional Registrars as well as Deputy Registrars. When you cannot provide Deputy Registrars everywhere what is the use of having Additional Registrars? That is my submission. You have to consider this matter.

Another important amendment I have given notice of is about membership fee. Here it is said that—

"the payment of a subscription by members of the Trade Union which shall be not less than twenty-five naye paise per month per member."

I suggest that after the words "twenty-five naye paise" the words "or rupees three per annum" be added. The intention is that suppose we want to collect Rs. 3 at a time as the year's subscription. Now it may be that some Inspector or the Registrar of Trade Unions or his Deputy or the Additional Registrar, as the case may be, may raise an objection. So it should be clearly

mentioned here that Rs. 3 per annum may be paid. We do collect annual subscription. In our own union we do not collect it from month to month. We give the member a chance to give Rs. 1-8-0, which is the subscription at present, in a lumpsum and we collect it from his salary.

Then by another amendment I want that it should be provided that this shall not apply in the case of members of unions of agricultural workers and those employed in seasonal factories. My submission is only this. 25 nP per month is a very good suggestion. It has been accepted by almost all the central trade union organisations, but how will it be possible to collect this subscription of 25 naye paise per month or Rs. 3 per year from trade unions of agricultural workers who have not been favoured with even a minimum wage of Re. 1? So, it should be made clear that this will not be applicable to them. The same thing should apply to seasonal factories. If employees in such factories get work only for four or five months and are then laid off, what will happen to their unions? We want the unions to grow strong, but at the same time we also want to safeguard the interests of the members. Such unions will not be able to collect the subscription. The result will be that there will always be unpaid membership which will be a flaw when accounts are submitted to the Registrar. So, my amendment in this respect should be accepted.

My last amendment seeks to omit the words "and other documents" in line 37, page 2 of the Bill, as these words have not been defined anywhere. It is said that this was agreed to by the Central trade union organisations, but they actually agreed only to the word "etcetera". The Statement of Objects and Reasons states:

"That the Registrar of Trade Unions should have power to inspect the account books, membership registers, etc....."

[Shri S. M. Banerjee]

This 'etcetera', it was agreed, would mean only the minutes book. So, this should be made clear, and "minutes book" may be put in instead of the words "and other documents".

After all, there should be no secrecy in the functioning of the trade unions, but taking advantage of this, certain employers who do not want trade unions to function may call for even the names of the members of the trade union, their addresses etc., through the Registrar, in order to victimise them. I do not want to impute motives to any one, but employers might try to get through this source information that the unions do not want to give them. It will be difficult for any union to function if these undefined powers are given to the Registrar.

Fixation of this subscription is a good thing, but how to collect it? The difficulty is that no union, recognised or unrecognised, is allowed to collect it at the pay table. In some establishments in the public sector, some concession was given to certain trade unions, but later on that was withdrawn. So, I want a provision to be included that unions can collect the subscription, monthly or yearly, at the pay table. Otherwise, it will be difficult for the unions to collect this. Supposing there are 2,000 workers in a factory and there is no industrial estate; 1,000 of them live seven miles away from the place of work. What about collection? So, a provision may be made in the Bill itself, or this may be discussed further at the 18th Labour Conference with the representatives of central trade unions and some decision arrived at.

The hon. Deputy Minister has said that the Bill has been introduced to see that the unions function properly and effectively and grow stronger. If my amendments, which are non-controversial, are accepted, they will grow

stronger. After all, the cause is common, to help the workers.

**श्री रामसिंह भाई वर्मा** (निमाइ) : सभापति महोदय, जो बिल पेश किया गया है, उस का मैं समर्थन करता हूँ किन्तु समर्थन के साथ-साथ जो ट्रेड यूनियन एकट के अन्दर स्थायियाँ हैं वह भी श्रीमान के व्यापार में लाना इस समय मैं जरूरी समझता हूँ।

चूंकि आज देश के अन्दर श्रीद्योगिक विकास हो रहा है और श्रीद्योगिक विकास के साथ-साथ अगर ट्रेड यूनियन का विकास नहीं होता है और ट्रेड यूनियन स्ट्रोग नहीं बनती हैं तो यह देश के हित में भी नहीं है और उद्योगों के हित में भी नहीं है क्योंकि इस कमी को लेकर पूजीवाद पनप सकता है और अधिक से अधिक दुख देश की जनता और कंज्यूर्मस को उठाना पड़ता है। इसलिए यह जरूरी है कि जहां ट्रेड यूनियनों का विकास हो वहां उसी के साथ-साथ वे मजबूत हों और मजबूत वे तभी हो सकती हैं जब कि वे स्वतंत्र चलें और उनकी आर्थिक हालत सुधरती जाये।

इस बिल के अन्दर जो दो बातें रखती हैं उन दो बातों का मैं खास तौर से जिक्र करना चाहता हूँ और वे बहुत जहरी हैं। एक तो यह कि जो ट्रेड यूनियन चलती हैं उन के मैम्बर्स चन्दा बया देते हैं। यहां चन्दे की रकम बढ़ा कर ४ आने माह रखती रही गई है। मेरे स्थाल से तो यह भी कम है क्योंकि जो ट्रेड यूनियन मैं चलाता हूँ उस में कम से कम चन्दे की रकम ८ आने महीना मैं लेता हूँ और लगभग २ रुपये महीने तक है और जो मैम्बर बनते हैं वे सुनी मैं देते हैं लेकिन शर्त यह है कि वे ट्रेड यूनियने हों और वे एम्प्लाईज के और श्रमिकों के हित में चलती हों। उनका हिसाब किताब इतना स्वच्छ हो कि श्रमिकों को यह लगे

कि यहां चन्दा देने में उनका हित है। चन्दा न देने की गड़बड़ी और कठिनाई वहां पर पैदा होती है जहां श्रमिकों को विश्वास नहीं होता है और उन्हें ऐसा लगता है कि जो चन्दे की रकम हम देते हैं उस का उपयोग हमारे हित में नहीं हो रहा है और जब श्रमिक यह देखते हैं कि हमारे हित में नहीं हो रहा है तो वे चंदा देना बन्द कर देते हैं। लेकिन यह मैं अपने जाती अनुभव के आधार पर कह सकता हूँ कि जहां पर ठीक से काम होता है और उनके दिये द्वाएँ पैसे का मजदूरी और श्रमिकों के हित में उपयोग होता है वहां चन्दा न देने की कोई गड़बड़ी और कठिनाई पेश नहीं आती और वे सहृष्ट अपना चंदा यूनियन में दे देते हैं और ज्यादा से ज्यादा चंदा देने में भी नहीं हिचकते। जिस ट्रेड यूनियन में मैं काम करता हूँ उस में २२ हजार मजदूर काम करते हैं और सन् १९५७ में उसकी सालाना इनकम ७० हजार रुपये थी। और अभी जो उसकी इनकम है, वह लगभग २।।। लाख के करीब है। मेम्बर उतने ही हैं। २२,००० मजदूर इंडस्ट्री में काम करते हैं, जिन में से १८,००० मजदूर हमारे मेम्बर हैं। लेकिन उन से १९५७ में जो ७०,००० रुपये की रकम चन्दे से आती थी, उतने ही मेम्बरों से वह रकम डेढ़ लाख साल की आती है। क्यों आती है? हम उन का चन्दा बढ़ाते हैं, तो भी वे देते हैं। वे समझते हैं कि जो रकम वे हम को दे रहे हैं, उस का उपयोग हमारे हित में होगा। सही ट्रेड यूनियन चलाने वालों को इस बात पर एतराज नहीं होना चाहिये कि चन्दे की रकम क्यों बढ़ाई जा रही है। हम देखते हैं कि हमारे देश में यह भावना है कि खाना बना कर पहले ठाकुर जी को भाँग लगाया जाता है। थाली सजा कर ठाकुर जी के सामने क्यों रखी जाती है? हमारी देवियां, माताएँ और बहनें थाली सजाकर पहले पति और बच्चों के सामने नहीं रखती, बल्कि पहले वे उस को भगवान के सामने रखती हैं। वे जानती हैं कि भगवान उस खाने को खाने वाला नहीं है, हम ही

खाने वाले हैं। अगर भगवान खाने लग जाये, तो कोई देवी भगवान के सामने थाली रखने वाली नहीं है। यह एक मानी हुई बात है कि लोग मानते हैं कि जो वे चढ़ाते हैं, वह इसलिये कि वह उन्हें वापस मिल जाता है। अगर देवता चढ़ाये हुए को खाने लग जाये, तो देवता को कोई चढ़ाने वाला नहीं है।

मैं निवेदन करना चाहता हूँ कि मेरे साथियों ने जो चार आने चन्दे का विरोध किया है, वह ठीक नहीं है। जो लोग हमारी ट्रेड यूनियन के मेम्बर बने, वे विश्वास के साथ बने। जब हम पहले ट्रेड यूनियन में काम करते थे, तो हमारे विरोधी साथी बिना चन्दा लिये हुए मेम्बर बनाते थे। हमने चार पैसे से शुरूआत की, जब कि वे बिना चन्दा लिये मेम्बर बनाते थे। जब हम ने दो आने किया, तो उन्होंने ने एक आना चन्दा रख दिया। और उस में भी वे उधार मेम्बर बनाते थे। श्रीमन्, उधार में तो बहुत मेम्बर बन जायेंगे।

मैं आप को बताना चाहता हूँ कि मैं उज्जैन गया था और वहां की ट्रेड यूनियन वालों ने लाउड स्पीकर से ऐलान किया कि रामसिंह भाई यहां आ रहे हैं, फलां जगह आम सभा होगी और उन का भाषण होगा। जब लाउड स्पीकर से सारे शहर में ऐलान किया गया, तो दोपहर के टाइम कुछ आदमी मेरे पास आफिस में, जहां मैं ठहरा हुआ था, पहुँचे और मुझ से कहने लगे कि हमारे बोनस का क्या हुआ। मैं ने कहा कि तुम्हारे बोनस का क्या हुआ। कहां काम करते हो? उन्होंने कहा कि हम मिल में काम नहीं करते हैं, हम तो ठेला ढोते हैं, जब कोई बाजार में माल खरीदता है, तो पहुँचा देते हैं। मैं ने कहा कि फिर बोनस का सवाल क्या है? उन्होंने कहा कि हम विनोद मिल में माल ले कर गये थे, तो गेट पर हम से दस्तखत कराये गये कि इस एप्लिकेशन पर दस्तखत कर दो। हम इस को राम सिंह भाई को देंगे, जो कि तुम को बोनस दिलायेंगे। तथ्य यह है कि लाल झंडा यूनियन ने यह आन्दोलन चलाया कि मजदूरों

## [श्री रामसिंह भाई बर्मा]

को बोनस मिलना चाहिये और वह रामसिंह भाई दिला सकते हैं। इस लिये मिल के गेट पर छपे हुए फार्म ले कर खड़े हो ये और जो वहां आया, उस के दस्तखत ले लिये गये। जो ठेला ले कर वहां आया, उस के भी उस के भी दस्तखत ले लिये गये और उन का नाम मेम्बरों के रजिस्टर में लिख लिया गया। यह हाल हमारी ट्रेड यूनियन का चल रहा है। इस लिये यह निहायत जरूरी है कि मेम्बर चन्दा अच्छी तरह समझ कर दें। यह बिल बहुत लेट लाया गया है। द्वितीय पंच वर्षीय योजना में लेबर पालिसी के विषय में कहा गया है कि हमारे देश की ट्रेड यूनियन की हालत बहुत खराब है, उन की हालत सुधारनी चाहिये, उन की आर्थिक हालत सुधारने का एक ही जरिया होता है और वह यह कि चन्दे की रकम को, दर को बढ़ाया जाये। मेरी तो लेबर मिनिस्ट्री से यह शिकायत है कि उस ने बहुत देरी की, इस को द्वितीय पंच वर्षीय योजना के शुरू में रखना चाहिये था, क्योंकि यह तो ट्रेड यूनियन मूवमेंट को मजबूत करने की बात है।

रजिस्ट्रार को मेम्बरशिप, एकाउन्ट्स और मिनटबुक वर्गेरह-वर्गेरह देखने के जो अधिकार दिये गये हैं, मैं उस का समर्थन करता हूं, क्योंकि अगर हम ईमानदारी से काम करते हैं और सही मेम्बरशिप रखते हैं और कोई गलत काम नहीं करते हैं, तो हम को कोई भी कागज वर्गेरह दिखाने पर कोई एतराज नहीं होना चाहिये। हमारे कार्यालय में आ कर अगर कोई व्यक्ति कोई चीज देखता है, तो हमें अभिमान होता है। मैं अपने कार्यालय में चौबीस घंटे के लिये आदमी रखता हूं और हमारे प्राइम मिनिस्टर से ले कर देश-विदेश के, रशिया के कम्युनिस्ट वहां आये हैं। उन्होंने आ कर मेरे एकाउन्ट्स देखे, मेम्बरशिप देखी और मेरा कार्य देखा, तो उन को यह कहना पड़ा कि इतनी अच्छी व्यवस्था हम ने अपने देश में नहीं देखी। यह मैं कम्युनिस्टों

की बात कर रहा हूं और उन का यह लिखा हुआ मेरे पास है। मेरे कार्यालय के बारे में उन्होंने कहा कि आप के यहां जो व्यवस्थित कार्यालय है, वह हमारे देश में भी नहीं है। मैं भी उन के यहां की अवस्था देख कर आया हूं। वे सरकारी मकानों में डेरे डाले हुए हैं।

मैं यह निवेदन करना चाहता हूं कि अगर रजिस्ट्रार आ कर यह चौकिंग करता है कि हमारी मेम्बरशिप कितनी है, हिसाब सही है या नहीं, तो वह इस में कोई आवजेक्षण नहीं होना चाहिए। क्यों होना चाहिए? लेकिन आवजेक्षण उन को होता है, जो रास्ते पर खड़े हुए, रास्ते पर चलते हुए आदमियों के नाम लिख लेते हैं कि अनाज सस्ता करायेंगे, इस कागज पर दस्तखत कर दो और जो दस्तखत कर दे, उस का नाम उन के मेम्बरशिप के रजिस्टर पर चढ़ जाता है। वह खदान में काम करता है, मिल में काम करता है, कहां काम करता है, इस से उन लोगों को कोई मतलब नहीं है। ऐसे लोगों को आवजेक्षण हो सकता है कि रजिस्ट्रार को ये पावर्ज क्यों दी जा रही है। मैं तो मानता हूं कि देनी चाहिए।

मैंने पहले भी जिक किया था कि रजिस्ट्रार महोदय एक यूनियन के अफिस में पहुंचे और कहा कि अपनी मेम्बरशिप का रजिस्टर बताओ, तो जबाब दिया गया कि हमारे सेकेटरी साहब शादी में गए हैं। जब उन्होंने कहा कि अपनी एकाउन्ट्स बुक्स दिखाओ तो कहा गया कि हमारे कैशियर और एकाउंटेंट इन्दौर में मौजूद नहीं हैं। जब पूछा गया कि कब आयेंगे, तो बताया गया कि सात दिन के बाद आयेंगे, यानी सात दिन में तो सब कुछ नया बनाया जा सकता है। जब यह चीज हमारे सामने आई, तो हम ने रजिस्ट्रार को महसूस कराया कि इन का एकाउंटेंट और कैशियर एक ही आदमी है और आप को जो यह कहा गया है कि वह सात दिन में आयेगा और वह इन्दौर में मौजूद

नहीं है, वह अमुक मिल में अमुक डिपार्टमेंट में फिटर का काम कर रहा है और उस रोज भी और जिन सात दिनों के बारे में कहा गया है, उन दिनों में भी वह वहां हाजिर रहा।

मैं यह कहना चाहता हूं कि रजिस्ट्रार को जो पावर्स दी गई हैं, उस के लिए हमें कोई आबजेक्शन नहीं है, लेकिन आबजेक्शन यह है कि अगर रजिस्ट्रार जाता है ट्रेड यूनियन के प्राफिस में और उसे एकाउन्ट्स बुक नहीं दिखाई जाती है, उसे भेस्वरशिप रजिस्टर नहीं दिखाया जाता है, तो गवर्नमेंट कार्यवाही क्या करने वाली है? कुछ नहीं। जब तक उस में यह नहीं होता है कि अगर एकाउन्ट्स बुक, भेस्वरशिप रजिस्टर या मिनिट बुक, वा कोई दसरी मांगी हुई चीज नहीं दिखाई चई, तो अमुक-अमुक कार्यवाही की जायेगी, तब तक इस व्यवस्था का कुछ लाभ नहीं होगा। बिना कार्यवाही के गवर्नमेंट की प्रतिष्ठा को धक्का लगता है और फिर अधिकारियों को कोई गिनने वाला नहीं है। इसी लिए इस बात का विरोध किया जाता है कि यह न दिखाया जाये, वह न दिखाया जाये।

भेस्वरशिप के बारे में फिगर्ज समय-समय पर हाउस के सामने आए हैं। मैं कहना चाहता हूं कि जिस सैंट्रल आरगनाइजेशन एक्ट ने १६५२-५३ में अपनी भेस्वरशिप ६,७५,००० क्लेम की थी, उस की भेस्वरशिप २,१०,००० निकली। कुछ ही अरसा पहले आई० एल० ओ० में एक आबजेक्शन उठाया गया था और आई० टी० य० सी० वालों ने वह आबजेक्शन उठाया था कि हिन्दुस्तान में प्रतिनिधि संस्था और ज्यादा भेस्वरशिप वाली संस्था एटक है और इनटक के प्रतिनिधि आई० एल० ओ० में कर्यों भेजे। उंगे साहब ने कलकत्ता में यह स्टेटमेंट दिया कि हमारी पंद्रह लाख भेस्वरशिप हैं, जब कि इनटक की भेस्वरशिप पंद्रह लाख से कम है।

गवर्नमेंट आफ इंडिया की तरफ से इन फिगर्ज को बैरिफाई किया गया है। सन् १६५८-५९ के अन्दर उंगे साहब ने कलकत्ता के अन्दर स्टेटमेंट में क्लेम किया था कि उन के १५ लाख भेस्वर हैं, आई० एल० ओ० के अन्दर भी उन्होंने आई० एन० टी० य० सी० के विलह आबजेक्शन किया था, लेकिन उन्होंने गवर्नमेंट को जो स्टेटमेंट सबमिट किया कि उन की भेस्वरशिप क्या है, उस में उन्होंने बताया १० लाख ८६ हजार। वहां तो उन्होंने कहा १५ लाख और गवर्नमेंट को जो स्टेटमेंट दिया उसमें लिखा १० लाख ८६ हजार भेस्वरशिप (Interruptions).

और बैरिफाई करने के बाद जिस भेस्वरशिप को वे १५ लाख बताते और जो स्टेटमेंट सबमिट किया उसमें १० लाख ८६ हजार बतलाये थे वह निकली ५ लाख ७ हजार, यानी ५० परसेन्ट। उन के हाथों से ही कितना रिडक्शन हुआ, मैं इस को दिखला रहा हूं। इतना ही नहीं सन् १६५८-५९ के अन्दर.....

**Shrimati Parvathi Krishnan (Coimbatore):** This is irrelevant.

**श्री रामसिंह भाई वर्मा :** यह तो गवर्नमेंट के कागजों में है, या आप के घर में है। मेरी अपनी कही हुई बात नहीं है, न मैं अपने घर से लिख कर लाया हूं। तो सन् १६५७-५८ में जो क्लेम था १४ लाख का वह सन् १६५८-५९ में १० लाख का रहा और सन् १६५७-५८ में बैरिफाई करने से जो भेस्वरशिप ५ लाख ३७ हजार की निकली थी, वह सन् १६५८-५९ के अन्दर ५ लाख ७ हजार रह गई। यानी यह छिंगर्स नीचे जा रहे हैं, ऊपर नहीं जा रहे हैं।

**Shri S. M. Banerjee:** Is it relevant?

**Mr. Chairman:** The hon. Member has taken more than 15 minutes. I take it he has concluded.

**Shri Oza (Zalawad):** I welcome the Bill so far it goes.

**Shrimati Parvathi Krishnan:** Does he want it to go further?

**Shri Oza:** Yes, in a way.

This is a step forward in developing our trade union movement on healthy and sound lines. The amendments relate to many provisions of the original Act; some of them relate to administrative facilities while some others, as my hon. friend pointed out just now, to subscriptions.

We know that it is unfortunate that in this country our trade unions have not yet achieved maturity. Because the trade union movement has not yet achieved maturity, we have got so much industrial unrest which could have been avoided if our trade union movement had developed on proper lines. The provision for keeping 25 nP per month as minimum compulsory subscription will, to a certain extent, develop trade unions on healthy lines. I am against the proposed amendment of Shri S. M. Banerjee that the subscription should be collected annually. I am against it for more than one reason. Collection of subscription monthly will give an opportunity to the members to take lively day to day interest in trade union activities. Also, since the trade unions will have to collect subscriptions every month, they will be very active and alive to the requirements of the members. If they have to contact each other only once in twelve months, I think their interest will not be so much active as it ought to be.

We know today—it is very unfortunate—that members, the employees, take interest in the activities of the trade union only when they have some demands to be put before the employers or they have to resort to strike. Otherwise, their interest in trade union activities is lukewarm. Trade union activity does not mean that only some demands are to be put forward or vindicated. No. We know the objectives of healthy trade

unionism. We have to create a personality amongst the employees on healthy lines; we must make them very good citizens. There are so many other social problems also to be attended to. So unless the subscription is collected monthly, it will not be possible for the trade unions to take day to day interest in the activities of the members on the one side, and for the members to take interest in the trade unions, on the other.

**Shri S. M. Banerjee:** On a point of clarification. Suppose I am a member of a union and I want to pay my subscription annually instead of monthly. Does the hon. Member object to that?

**Shri Oza:** Yes, for this reason, as I have been saying, in that case there will be no contact with the trade union office regularly so far as the member is concerned. If it is paid monthly, the member will be able to take interest in the trade union activities; the trade unions also will be interested in seeing to the other side. So many questions and problems arise. If the subscription is to be paid once in a year, it is not a happy thing. So the payment of subscription monthly will induce the development of the trade union movement on healthy lines. I think on further consideration and second thought, the hon. Member will agree with me. I am sure he will.

As regards deducting subscription from the pay rolls, so long as the principle of recognition is not incorporated in this Bill—and we have no legal provisions for it—I think it will not be proper to do so. Again, my hon. friend will argue that the management is helping a particular union as against the others. I am sure he will come forward and say that subscription is forcibly collected at the table for a particular union. So, so long as that provision is not incorporated in the legislation, deduction of subscription from the pay

roll would not be a healthy thing. Let it be voluntary. The voluntariness will be taken away if at this stage subscription is collected on the table. Let the employee himself, of his own accord, choose the union to which he wants to go and pay the subscription.

**Shri S. M. Banerjee:** I was referring only to the public sector.

**Shri Oza:** Why distinguish between the public and private sector? The same charge will be levelled against the public sector also. The charge will be levelled that the management is boosting up a particular union by collecting fees arbitrarily through the clerks, through the cashiers. To avoid such a charge and also to maintain voluntariness, what I suggest is necessary.

**Shri S. M. Banerjee:** Government is a model employer. So we cannot level that charge against it.

**Shri Oza:** He has levelled the charge against the ideal employer. We have seen it in season and out of season. He always changes his mind whenever it suits him. He says that Government is an ideal employer. Yet he has been going on strike against the ideal employer. He gave the orders.

**Shri Rajendra Singh (Chapra):** He wants that Government should be an ideal employer.

**Shri Oza:** Let him say so. He has said that it is an ideal employer. On the whole, I welcome this measure. I oppose the amendments sponsored by my hon. friend. I congratulate the Ministry on this Bill, though it is a piecemeal legislation, for whatever it is worth. It goes a step forward in inducing the healthy development of trade union activity in this country.

**Shri Rajendra Singh:** The Bill remains inadequate in so far as the needs of the trade union movement to

become healthier and stronger are concerned. I am in agreement with my hon. friend and colleague there...

**An Hon. Member:** Which side?

**Shri Rajendra Singh:** On the other side. Also on this side. Sometimes we agree.

I am in agreement with my hon. friend that the provisions regarding the trade union movement are not adequate and in consonance with the speedy development of industrialisation in this country. We are trying to accelerate the speed of industrialisation in this country with the result that industries, right from heavy and basic industries to small industries, are coming up. Naturally, it demands of us that side by side with the growth of industries, there should be adequate growth of healthy trade union movement in this country also. Therefore, it was imperative that the Ministry of Labour should have come forward with a comprehensive Bill which would go, if not the whole way, at least an appreciable length, in meeting the needs of the situation. So far it has not done so; I deplore it. However, I hope that Government would see light, would see wisdom and in the not distant future come out with a more comprehensive Bill. Be that as it may, so far as this bill goes, I would just support what my other colleagues have said—I welcome it.

Some controversies have emerged even in this meagre and slender Bill. It is said that henceforth the Registrar and the Deputy Registrar shall be given power to probe also into the records other than the accounts and the membership registers. On this side the plea is that the trade union movement should have some autonomy, should have certain self-regulatory powers and certain powers of its own to keep the house in order, and Government should not interfere

[**Shri Rajendra Singh]**

in that. On the other side, the argument is that there are some mushroom growths of trade unions and certain undesirable manipulations and falsifications are indulged in. So, Government should be given enough powers to probe into the bona fides. If unions are honest and truthful and healthy they have nothing to fear about.

I feel it is not a simple controversy at least from the partisan viewpoint. There is weight on both sides and the weight lies in the fact that we are one—rather we are agreed—in words that the trade union movement in this country should be healthy and honest.

**Shri Abid Ali:** Government is not taking power.

**Shri Rajendra Singh:** But you are giving this power to the Registrar and the Deputy Registrar.

**Shri Abid Ali:** The trade union representatives also want it.

**Shri Rajendra Singh:** It is there in the Bill; you have developed it in your speech. It is quite irrelevant. There is no point in just raising a controversy. I hope you agree.

If there is one factor which has precluded the healthy development of the trade union movement in this country, I dare say, it is the projection of the government trade unions in this country which goes by the name of INTUC. (*Interruptions.*) As in the western countries, there are those company unions, those condemned unions which have stood by the capitalist interest, so, here in this country, we have the INTUC. It is nothing else than the projection of the Treasury Benches.

Even when all the eminent economists of this country agreed that there has been an erosion of 20 per cent. in the real income of the working classes and we demanded from the Government rather we requested

the Government to come down and meet the crying needs of the working classes, Government came with the firmness of power and sword. What was the policy of the INTUC in that connection? It not only extended moral support to Government but, at the same time, it acted as an agent provocateur of the Government.

**An Hon. Member: Blacklegs.**

**Shri Rajendra Singh:** Yes, blacklegs or whatever you call them. This organisation could never be condemned enough.

So far as the HMS is concerned, I would like to submit that we have no objection to a probe into all matters going into the trade union organisation. The whole difficulty is that the INTUC which projects artificial rivalry into the trade union movement will take advantage of the administrative powers and will try to blackmail. That is the fear. (*Interruption*). If Government can give an assurance that there would be no such blackmailing, I am sure—and I dare say confidently—that from the HMS side there cannot be any objection. Rather we would welcome it.

Again, there is the question of fees. I agree with my colleague there, that the fees prescribed are very very low. He has talked tall about his organisation and the funds of his organisation. But you may be aware also of the fact that the INTUC which is boasting of such a large fund because of the goodwill of the working classes takes money from international organisations like the ICFTU. I have information that the INTUC leaders, one and all of them, accept money from the ICTUF, and with this support they are enabled to keep, somehow or other, a facade of trade union activity.

**Shri Oza:** I may correct him. It is ICFTU.....

**Shri Rajendra Singh:** I said ICFTU. If you have not heard it, it is not my fault.

**Shri Oza:** It is false; it is totally wrong.

**Shri Rajendra Singh:** It is there on record. Nobody can deny that.

**Shri Oza:** Nothing. (Interruptions).

**Shri Rajendra Singh:** All right; you come out. I will show you the records.

**Shrimati Parvathi Krishnan:** The shoe apparently pinches.

**Shri Abid Ali:** Why not inside; why outside? (Interruptions).

**Mr. Chairman:** The hon. Minister may proceed.

**Shri Rajendra Singh:** I am not deliberately indulging in controversy; but on such a Bill passions are bound to be roused because we have to face them in the field and not only here. Naturally, as my hon. friend, Shri Ramsingh Bhai Varma, has tried to dig out something which is not relevant here, it has provoked me to say something which may not be very relevant, though it is relevant between ourselves. (Interruptions).

15 hrs.

The most important thing is the recognition. Registration is not so important as recognition, the continuance of recognition and the withdrawal of recognition. My experience is this. We had been functioning in two sugar mills in Bihar; and we had been in full control of those trade unions, ever since any beginning was made. One fine night, one man forms another union which does not have even a few members but the employer gives that union recognition and withdraws our recognition. Genuine bona fide trade union which enjoys the confidence of the majority should be given recognition without any inhibition or parti-

sanship. In practice, however, the INTUC union formed by such a person which represents nobody other than himself is given recognition overnight. How does the employer dare do it? He does it because he knows that no matter how much the Government brags about socialism it is ultimately of the capitalists and it would go to their aid, whenever looked for. That is our experience. If we want healthy growth of trade union movement which is not based on partisanship but on merits and fair play, there must be a Bill which regulates the recognition, continuance of recognition or its withdrawal on a uniform scale throughout this country.

My hon. friend, Shri Oza, says that there should not be table collection.

**Shrimati Parvathi Krishnan:** He is not there.

**Shri Rajendra Singh:** He may not be there but what he has said has to be taken into account. You may ignore him; I cannot. Those workers who have the willingness to give subscription to particular trade union would do it even in the office. Wherever there may not be compulsory subscription for the trade union membership, nonetheless, certain provisions, certain atmosphere is there so that the labour movement gets enough fund not only to conduct its internal affairs but to fulfil the greatest vision of the trade union movement which is just not merely a movement for increasing the wages and decreasing the hours of works but in fact a social movement for creating a moral society, a moral man and a moral instinct pervading the whole society. Therefore, in all humility, through you I would like to submit that some mechanism has to be brought about whereby the working class has to be initiated healthily in the trade union movement.

**Shri Abid Ali:** Can I ask for a clarification? There is a code for the purpose of recognition of unions. I want to know whether the unions about which he has made complaints just

[Shri Abid Ali]

now did apply for recognition under the code. What was the result?

**Shri Rajendra Singh:** It was brought before the implementation committee and that is under the thumb of the Labour Minister. What can that committee do?....(Interruptions.) I am not talking of the Labour Minister here but of the Labour Minister in Bihar. After the formation of that union, he himself went there to inaugurate it and asked them to give recognition to that union. The implementation committee was helpless. It is on the record. You know it much better than I but you are not simply coming forward here before the public.

**Shrimati Parvathi Krishnan:** Mr. Chairman, I welcome the Bill which the Minister has brought forward with all the reservations that may be there. The welcome feature is that we find the Government is gradually following the practice of putting into effect and implementing decisions that were unanimously taken in the various tripartite conferences. These decisions are stated in the Statement of Objects and Reasons. The Bill is being brought forward to give effect to the recommendations of the 16th and 17th Conferences. Earlier in this session, we had a Bill amending the Plantation Labour Act which also reflected the earlier discussions and recommendations of the industrial committee on plantations. This is an encouraging feature and I hope rather than going back on this new trend, the Ministry will think in terms of future of taking more and more action on such decisions and recommendations that are taken in consultation with labour. While this is being done, I agree with the hon. Members who have spoken on this point that as far as the trade union movement is concerned, there is a fundamental issue about the recognition of trade unions. This issue has been discussed in many conferences and has been put forward by many trade unions and the other central organisations. The AITUC has particularly emphasised again and again

that unless and until the principle of recognition of trade unions based on a secret ballot is accepted, the trade union movement is not going to get out of the difficulties which it is faced with today. Much as the Government may try to convince us and much as the hon. Minister may do in the various tours he performs throughout the country for reasons best known to himself and the organisation to which he is the godfather, whatever may happen, unless and until this issue of recognition of trade union by means of a secret ballot is undertaken, there is always going to be difficulty that is there today and the various forces that are rampant in the trade union movement and also those who are anti-labour in their general practice and general philosophy will have a free run in certain areas. It is in this background that I view this measure also, with these reservations.

Coming to the Bill itself, I agree with the hon. Member Shri Banerjee and the amendments that he has put forward. Why is that an additional registrar and a deputy registrar should be there, unless the Government intends that the additional registrar is to have powers similar to those of the registrar over a limited region in order to facilitate the routine work that is to be taken with regard to the powers that have been given under this Bill and the new points that are being introduced? There is some meaning in this. Otherwise, in my opinion, the deputy registrar is more than enough and it is not necessary to have an additional registrar as well.

It is necessary, with regard to subscription, that the question of the agricultural workers' unions and those of the seasonal factories should be taken into consideration and examined. The Minister knows; time and again the point has been put before him. He knows how difficult it is for these unions to work on a par, with more organised unions having more finances as far as their subscriptions and the financial obligations of the members

are concerned. Therefore, it is necessary that a protection should be given to them and such unions should not be penalised for the simple reason that a particular fee has not been collected by them which may not be possible, and there, as far as those unions are concerned, it should be whatever is laid down in the constitution of the union as the prescribed fee by that union to be collected from the various members.

Then, with regard to clause 9 in this amending Bill where it is laid down as to what is to be inspected by the Registrar, as far as I remember in the decision taken at the tripartite conference this phrase "other documents" does not exist. On the other hand, it is the minutes books that are listed there after the accounts books, registers and so on.

15.11 hrs.

[SHRIMATI RENU CHAKRAVARTTY in the Chair ]

This phrase "other documents", to my mind, is a phrase that is very dangerous, because there you are giving into the hands of the Deputy Registrar the rights of inspecting any paper that he may think fit and, therefore, you are there leaving a loophole for harassment of unions, for possibility on the part of the department to interfere in the internal working of the union. It is one thing to say that the registers of the unions should be inspected to see that their accounts are properly kept so that monies are not mishandled. The minutes should be inspected so that a check is there that the union is functioning properly as a trade union in the routine manner with the meetings being held regularly with decisions being taken and those decisions being taken in a democratic manner as prescribed in the constitution. But if you have this phrase "other documents", we have our fear whether this does not mean that you are giving very wide powers to the Deputy Registrar to interfere into the internal working of the union. It is not that we say that the unions should not

have this checking up done as regards their functioning as trade unions within the limitations that were decided upon at the tripartite conference. Therefore, why in the Statement of Objects and Reasons "minutes books" should appear as "etc." and why in the Bill itself the same "minutes books" should be changed into "other documents" is something beyond my comprehension. That is why I would appeal to the hon. Minister that those words should be changed and specifically it should be stated what other documents should be produced when the Registrar calls for them. I would not object if it says here "and other documents pertaining to the earlier ones"—that is relevant documents pertaining to accounts books, registers and minutes that may be concerned with the records on decisions that may have been taken in the union. Therefore, this, to my mind, is a very necessary amendment that should be accepted by the hon. Deputy Minister.

Next, there is no clear procedure that is indicated in this particular clause, the procedure whereby the Deputy Registrar will be calling upon the unions to produce their books; that is to say, Madam, where the procedure will be that the union is called upon to produce those books on a particular date what is the time that will be given. We know that in many of the rural areas where people are faced with difficulties, where the full-time working personnel that are there in the trade union may be few, sometimes it may be that the Deputy Registrar calls upon those people to produce the books at a particular time and that may be at a time when it may not be suitable. So what will be the procedure whereby you can ensure that the Deputy Registrar will take all those difficulties into consideration and will also see to it that the union office-bearers are given an opportunity, if necessary, to choose their time when they should go. If that clarification would be given to us either when the hon. Deputy Minister replies to the debate or, better still, if it could be done through the rules of procedure that are laid down, that certainly will

[Shrimati Parvathi Krishnan]

be helpful and will prevent any harassment, on the one hand, or any slip up or either side, on the other hand, or misunderstanding arising.

Now, Madam, in conclusion, I would like to stress once again that while this principle that seems to be operating today, the principle of as far as possible coming forward with these legislations after having consulted the trade unions and after having had a full discussion with them, this principle is a welcome one, and we hope that it will be extended further and further when such legislations are being brought. But, first and foremost, I would appeal once again that this question of the recognition of trade unions should be taken up very urgently and there should not be any room for this question of recognition being delayed or room for those elements who are working against it to go on as they are doing.

One of the points that I would like to refer is that Shri Oza while he was speaking waxed eloquent how it was very necessary that unions should collect their subscriptions every month because, according to him, it is through collection of subscriptions every month that the union officials and office-bearers can keep in touch with the members and with the membership of the union. This, to my mind, is a very strange argument. If it is only for the sake of collecting subscriptions that the union office-bearers and officials are going to move round, then I do not think there is very much of trade unionism that they are doing and all that they are doing is to go round and collect money forgetting other work. Today, in our developing economy the responsibility of trade unions reach far beyond just collecting subscriptions. We find that our trade unions have developed and we find that the membership is stable. It is because the trade unions have gone beyond the step only of collecting subscriptions. The trade union leadership has undertaken also the education of the working classes in the sense of having

their classes with regard to trade union legislation. There is a varied field of activity for the trade unions to do amongst the working classes. Therefore, this argument that the membership should be regulated by collecting fees once a month in order to ensure the leadership keeps in touch with the working classes betrays a complete bankruptcy on the part of those who work on that type of trade unions which can only keep in touch with the working class through the process of collecting subscriptions.

Therefore, I would appeal to the hon. Deputy Minister that he should accept the amendment moved by Shri Banerjee which seeks to include the annual membership. That has been adopted already by quite a few trade unions in the country. It has enabled them to remain financially stable and, at the same time, to take the trade union activity into more healthier spheres than just confining themselves to the financial aspect of it.

**श्री राम कृष्ण गुप्त (महेन्द्रगढ़) :** मेडम चेयरमैन, मैं मोजूदा विल का, जो ट्रेड यूनियन एक्ट को अमेंड करने के लिए पेश किया गया है, स्वागत करता हूँ। जैसा कि स्टेटमेंट आफ्र आवजेक्ट्स एंड रीजन्ज़ में कहा गया है, इस एक्ट को इस लिए अमेंड किया जा रहा है कि सोलहवीं और सत्रहवीं द्राइपार्टमेंट काफरेंसेज ने कुछ रीकमेंडेशन्ज़ की थीं और उन की रौशनी में इस एक्ट को अमेंड किया जा रहा है।

15:19 hrs.

[SHRI JAGANATHA RAO in the Chair]

जहां तक उन सिफारिशों का ताल्लुक है, मैं इस बारे में सिर्फ दो तीन बातें हाउस के सामने रखना चाहता हूँ। सब से पहला सवाल यह है कि और ज्यादा, एडीशनल और डिप्टी रजिस्ट्रार मुकर्रर किए जायेंगे। मह इस लिए किया जा रहा है कि ट्रेड मूनियन्ज़

के रजिस्ट्रेशन का काम आसानी से हो सके। आज हम देखते हैं—और जो दोस्त ट्रेड यूनियन मूवमेंट में काम करते हैं, उन को काफ़ी एक्स-पीरियंस है—कि हर स्टेट में एक रजिस्ट्रार होने से इस काम में काफ़ी दिक्कत आती है और एक मामली सी यूनियन को रजिस्टर्ड करवाने में काफ़ी अरसा लग जाता है। इस लिए ऐसा करने से काफ़ी फायदा होगा। जहां तक इसका सम्बन्ध है कि डिप्टी रजिस्ट्रार हो या डिप्टी मजदूर और एडिशनल रजिस्ट्रार दोनों हों, इसके बारे में मैं समझता हूँ यह कोई अधिक कंट्रोवर्सी का प्वाइंट नहीं है। लेकिन हमारी पालिसी यह होनी चाहिये कि अफिसर कम से कम कम हों। अगर कम से कम अफिसर रखे गए तो जो प्रोसीजर होगा वह सिम्पल होगा और मजदूर असानी से उसे समझ सकेंगे। आज हम देखते हैं कि बहुत से अफिसर संमुक्तर कर दिये जाते हैं उस सूरत में भी जबकि उनकी ड्यूटीज यकसां होती हैं और इससे काफ़ी नुकसान होता है। इस बास्ते मैं समझता हूँ कि माननीय मंत्री जी इस तजबीज को जरूर मान लेंगे। प्रेक्टिकल तौर पर ऐसा करने से कोई नुकसान होने वाला नहीं है। अगर किसी जगह पर एक डिप्टी रजिस्ट्रार और एडिशनल रजिस्ट्रार की जगह हैं, तो हम एरिया को डिवाइड करके दो डिप्टी रजिस्ट्रार मुक्तर कर सकते हैं और इससे कोई नुकसान होने वाला नहीं है। मैं आशा करता हूँ कि माननीय मंत्री महोदय इस तजबीज को मान लेंगे।

जहां तक इस बिल के मकसद का ताल्लुक है, मैं समझता हूँ कि इसको इसलिए पेश किया जा रहा है ताकि जो बोगस ट्रेड यूनियंस बन जाती हैं, उनको कुछ हद तक रोका जा सके। यह जो सिफारिश है, यह भी ट्रीपारटाइट कमेटी की है जिसमें हर शुप के रिप्रिजेंटेव थे। काफ़ी सोच विचार के बाद इन सिफारिशों पर अमल किया जा रहा है। मैं समझता हूँ कि इस बिल के पास हो जाने से काफ़ी हद तक बोगस ट्रेड यूनियंस पर रोक

लग सकती है। लेकिन मैं यह भी समझता हूँ कि इस मामले पर और अधिक विचार करने की जरूरत है। आज हम देखते हैं कि जहां तक लेबर क्लास, वर्किंग क्लास की सालिडरिटी, यूनिटी का सम्बन्ध है, वह तभी कायम रह सकती है जबकि ट्रेड यूनियनिज्म में राइबलिज्म न हो। यह बहुत खतरनाक चीज़ है और इसको अवश्य ही रोका जाना चाहिये। आज देखने में आया है कि यह दिन प्रतिदिन बढ़ती जा रही है। मैं यह नहीं कहता कि किस पार्टी या किस शूप की यूनियन बने। मैं तो यही कहना चाहता हूँ कि राइबलिज्म को रोका जाए। आप मुझ से इस बात में सहमत होंगे कि बहुत सी यूनियंस सिफ़ पोलिटिकल पावर हासिल करने के उद्देश्य से बनाई जाती हैं और साथ ही साथ इसलिए बनाई जाती हैं कि जो सरमाएदार हैं, जो एम्प्लायर हैं, वे मजदूरों को एक्सप्लायट कर सकें, उनके अन्दर डिसरप्शन पैदा कर सकें और इस तरह से नाजायज तौर से लाभ उठा सकें। इस तरह की बातों को रोका जाना चाहिये और इस तरह की बातें न हों, इस के बारे में हमें ज्यादा से ज्यादा ध्यान देना चाहिये। अगर हम मजदूरों को एक्सप्लायटेशन से बचा सके तो हमारा देश और ज्यादा तेजी से तरक्की कर सकता है। इस बात को मद्देनजर रखते हुए मैंने एक छोटी सी एमेंडमेंट दी है और मैं समझता हूँ उस पर अच्छी तरह से विचार किया जाएगा और उसको एक्सेप्ट कर लिया जाएगा। मेरी एमेंडमेंट यह है:—

Page 2, for lines 22 to 24, substitute:

"(ee) the membership and the payment of a subscription by members of the Trade Union which shall be not less than one-third of the total number of workers employed in a factory and twenty-five *naye paise* per month per member respectively;".

हमें देखना होगा कि हमारा मोबूदा ट्रेड यूनियन एक्ट किन हालात में बना था।

## [श्री रामकृष्ण गुप्त]

मौजूदा एकट जो है वह १९२६ में बनाया गया था और वह तमाम विटिश ला पर आधारित है। यहां भी सात या इससे ज्यादा सेम्बर एनरोल करके यूनियन को रजिस्टर करवाया जा सकता है। अगर किसी कारखाने में सात सौ के करीब मजदूरों का मजदूर काम करते हों, तो इसका मतलब यह है कि वहां पर सौ के करीब यूनियन्स बन सकती हैं। इतनी अधिक यूनियनें बनने नहीं दी जानी चाहिये। आज हमारा स्लोगन यह होना चाहिये "एक ट्रेड के लिए एक यूनियन"। यदि ऐसा हुआ तभी हम मजदूरों को एक्सप्लायटेशन से बचा सकते हैं। मैं विश्वास करता हूँ कि भेरी तजवीज पर गौर किया जाएगा।

यह ठीक है कि यूनियन्स को गाइडेंस मिले, उनकी मदद की जायें, उनको आगे लाने की कोशिश की जायें और जब तक मजदूर अपना इंतजाम, अपनी यूनियन का सब काम अपने हाथ में नहीं ले लेते हैं, तब तक मैं समझता हूँ उनका एक्सप्लायटेशन से बचाया नहीं जा सकता है। इनी चीज़ को महेनजर रखते हुये मैंने यह एमेंडमेंट दी है और इसको मान लिया जाना चाहिये। इसमें किसी ग्रूप या पार्टी का सवाल नहीं यह तो देश का सवाल है। हमें मजदूरों का एक्सप्लायटेशन से बचाना है। हमारे बहुत से दोस्त जो मजदूरों में काम करते हैं, वे जानते हैं कि बहुत सी यूनियन बैंगन होती हैं और इनका कारण यह है कि सात सेम्बर एनरोल करना कोई मुश्किल नहीं होता है। और जब इस तरह की छोटी छोटी यूनियन बन जाती हैं तो ज्यादातर वे एप्लायर्स के हाथों में खेलती हैं। इससे उनकी यूनिटी और सारिंडरिटी पर असर पड़ता है। इन सब चांडों को ज्यान में रखते हुये मैंने एमेंडमेंट पेश की है कि; हो स्वीकार कर लिया जाना चाहिये।

हनने तोसरी योजना बनाई है और उसको हन बामबाब करना चाहते हैं।

इसके लिये यह जरूरी है कि मजदूरों के एक्सप्लायटेशन को रोका जाए और उनकी यूनिटी और सारिंडरिटों का कायदा रखा जाये। यह तर्मी है। सकता है जब ट्रेड यूनियन मूवमेंट के अन्दर राइबलिज्म को रोका जाय।

**Shri Naushir Bharucha (East Khandesh):** Mr. Chairman, I think there is unanimity in this House that while these few clauses of the Bill do proceed on right lines they do not go far enough and that it is not desirable to bring in piecemeal legislation. As the House is aware, the Indian Trade Unions Act was enacted as far back as 1926, that is, nearly 35 years back. Since then this country has advanced industrially, economically, technically and otherwise, and yet, if we carefully scrutinise the Act we will find that no major and comprehensive amendment of the Act has taken place. It is obvious, therefore, that the Indian Trade Unions Act, 1926, has become outmoded, and a comprehensive Bill is required to cover many aspects of the problem which are not at present covered.

A few of the problems have been already referred to by hon. Members who have spoken before me, and I may enumerate them briefly. A comprehensive Bill should include provisions for minimum membership as a qualification for a union to apply for registration, to which my hon. friend has just now referred. It should also include principles governing recognition of the unions by employers. That should not be left to any convention or code. It should be definitely included in the text of the Act itself. Also, the provisions on the rights of registered trade unions and their liabilities require to be revised. In my opinion, also it is not enough that the Registrar should be given powers to inspect the documents and accounts alone; he should be given powers to launch prosecutions as is being done in the case of the Companies Act. Also, power should be reserved to the Registrar if

need be to have a special audit of the trade unions account taken, as we have recently introduced a new amendment in the Companies Act. It could be done here on the same lines. It is very necessary that some of the provisions of the Bombay Industrial Relations Act, which are salutary, should be satisfactorily incorporated in the new Indian Trade Unions Act. There should also be provisions for striking off defunct or irregularly working trade unions from the register. There are many other matters which require to be incorporated in the Act. The present Act, as I have said, is totally inadequate, outmoded and unsuited to meet the industrial and advancing requirements of our country. Therefore, I suggest that the Government should appoint a committee consisting of leaders of trade union movement and trade union congresses as well as certain people who are in the know of the working of the Act, and they should recommend how a comprehensive Bill should be framed and introduced and how the entire trade union movement so far as legislation is concerned should be placed on a sound footing.

Coming to the provisions of the Bill, I think there has been unnecessary apprehension with respect to the appointment of Additional Registrars. The Bill very clearly lays down that the local limits of these officers will have to be defined; and since it is the complaint that there is very considerable delay in the disposal of applications for registration of trade unions, it is very necessary that the number of registrars, whatever their designation, should be increased. Therefore, I do not find any fault with this clause.

With regard to the question of prescribing a minimum subscription every month, I think 25nP is the minimum that should be laid down. My hon. friend Shri Banerjee is labouring under some misapprehension when he tabled an amendment to the effect that it should be also Rs. 3 annually. So far as the text of this clause is concerned,

it does not preclude any trade union from collecting fees annually. All that the clause requires is that the payment of subscription by the members of the trade unions shall not be less than 25nP per month per member. How it is collected is immaterial, so long as the total collection comes to 25nP per month per member. To my mind, it seems there is some misunderstanding with regard to the language used in the Bill and I think that the point made by Shri Benerjee is also covered.

So far as the question of collection at the table is concerned, I am of the view that it should not be permitted. No doubt it might facilitate largely the work of trade unions. But those trade unions which are not in power will find that that particular power is being used by the employer to strengthen their own pet trade unions or for furthering those trade unions which are inclined to be in their favour. From that point also, I do not want to recommend collections at the table.

Coming to the final point which has created some sort of misunderstanding, clause 9 in the Bill provides for inspection by the Registrar of books, registers and other documents. The words 'other documents' have been qualified by the words 'relating to the trade union at its registered office'. I really fail to see why any trade union which is a genuine trade union whose accounts and documents are clear should be afraid of any inspection or audit. As I said, the powers of the Registrar should be enhanced not only to inspect the books but if necessary to order a special audit of the trade union accounts. I can tell you that the results will be very surprising and revealing. In numerous cases, subscriptions are regularly collected, but hardly any work is being done. The workers are being fooled and the subscription is used for purposes which are in contravention of the provisions of the Trade Unions Act. I, therefore, submit that the Government should consider the desirability of amending the Act to invest the Registrar with power to order a special audit, as we

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have done in the case of companies. If this can be done in the case of companies, why not in the case of trade unions? I really fail to see the reason.

So far as the fear expressed by my hon. friend who spoke a little before me is concerned, she said that the Registrar will interfere with the internal working of the trade unions. I really fail to see how the mere power of inspecting trade union accounts amounts to interference with the working of the trade union, because the Registrar is not given any power that he should give any directions as to how the work of the trade union should be conducted or how the accounts should be spent. What they are afraid of is that there may be some undesirable documents. Probably a trade union is receiving assistance from sources which it may not be in the interest of the trade union to disclose. Therefore, they are afraid that probably that revelation may come. That applies to all types of trade unions, whether they have this political affiliation or that.

Shri S. M. Banerjee: The words 'other documents' should be defined.

Shri Naushir Bharucha: It is not possible to define other documents for this reason that if other documents are defined by statutorily mentioning those documents, the trade unions will circumvent the particular clause by calling the documents something else. So, it is not possible to define. It is enough when they say "other documents relating to a trade union". It must relate to the official work of the trade union. This has nothing to do with any document which does not relate to trade union activities. So, the scope is sufficiently limited, since inspection relates to section 28 of the Act.

Shri S. M. Banerjee: As it is, they can see even the circulars.

Shri Naushir Bharucha: They can see even the circulars, because it is conceivable that circulars may contain

some sort of activity in contravention of the provisions of the Trade Unions Act. If a circular is to be circulated to all bodies or to other employees, why should it be concealed from the Registrar?

Shri S. M. Banerjee: They may be confidential.

Shri Naushir Bharucha: If they are confidential in that sense, the Registrar will keep them confidential, 'ut he must be entitled to know it.

So, my submission is, while the few and perfunctory amendments to the Act are in the right direction and should be accepted by the House, the broad fact remains that the Indian Trade Unions Act, 1926 has become out-dated, out-moded and requires very comprehensive amendment. I have indicated the lines along which it requires amendment and I hope Government will take that point into consideration.

Shri K. N. Pandey (Hata): Sir, I welcome the Bill on one ground that so far, unions in India were suffering because of shortage of funds and there was so much rivalry that some unions used to charge more subscription while there were some unions which asked the workers to become members of those unions even without any payment. So, such types of unions used to be in existence creating unnecessary rivalry and creating great confusion in the minds of the workers. By having brought this Bill, one thing is clear, nobody can become a member unless he pays 4 annas per month.

In this connection, I agree with Shri Banerjee, because so far as permanent factories which run for 12 months are concerned, they can collect the subscriptions monthly. But there are seasonal factories which close after a certain period. So, they cannot make any collection when the factory is closed. So, either they should pay 25 nP per month or Rs. 3 per year. I do not think there should be any objection from the side of the

Ministry to this or to the payment of the subscription in any other instalments. Suppose a factory has got 30,000 workers. Naturally, we have to increase the staff in order to prepare the register, collect the subscription and keep a proper account. So, if once it is done, it is enough. If it is to be done every month, that will create a lot of difficulties for the unions. So, I support this idea that there should be option to pay either 25 nP per month or Rs. 3 per year.

In the Statement of Objects and Reasons, it is said:

"Additional and Deputy Registrars of Trade Unions should be appointed wherever necessary so as to obviate delays in the disposal of applications for the registration of Trade Unions."

The idea is this. Suppose there is a factory and there is no union of workers there. Some people apply for the registration. There should not be any delay in that. But the difficulty arises in factories where there are unions and a new union comes for registration. How many unions are to be encouraged in this way? The Ministry should give proper consideration to this matter. If more than 2 or 3 unions come into existence, they go on putting forward fantastic demands in order to gain the favour of the workers, thereby creating industrial unrest in this country. It may appear that this does not require your proper consideration at this moment. But this question requires your proper consideration in due course, because unless you do something in order to discourage mushroom growth of trade unions, the problem will increase and it will not be solved.

So far as inspection of accounts and other books of the trade unions is concerned, I think this is a good clause and I really welcome it. The only objection that I have in this connection is that the Registrar has been authorised to see the accounts and other papers belonging to the trade

union. Some doubts arose in the minds of the hon. Members that the Registrar might see even the confidential papers. He will see only those papers belonging to the union and not those relating to the industrial dispute. If those confidential papers relate to the industrial dispute, the Registrar has no right to see them. If the intention is that the Registrar can see all the papers, then it is a dangerous provision. But I suppose the idea is that the Registrar should be authorised to see all the papers connected with the functioning of the trade union, that is to say, the membership, how the accounts are maintained, whether the funds are spent in a proper way for the benefit of the workers and so on. So, the Registrar should have full powers only for looking into those matters mentioned above. There is also the other side of the picture. Suppose some unions do not show the papers. What will the Registrar do? He cannot lodge a complaint against that union, nor he can de-register the union. These things are not provided for here, though they should have been provided. Of course, the INTUC is not afraid of these inspections, because we keep proper accounts. But one of my friends referred to the ICFTU. I may correct him by saying that ICFTU is an organisation to which both the HMS and the INTUC are affiliated, and this is a non-communist organisation in the whole of the world. It is not a capitalist organisation; it is not paying to the INTUC as it is not paying to the HMS. If it is paying to the INTUC, it is also paying to the HMS. It is not paying for one organisation only. (*Interruptions*) You were all silent when he was referring to it. Anyhow, I do not attach any importance to what he said, because that was irrelevant for the consideration of this Bill.

I have got one amendment to clause 5. Clause 5, which will be section 4(1) of the Act, reads as follows:

"For the removal of doubts, it is hereby declared that an application made under sub-section

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(1) shall not be deemed to have become invalid merely by reason of the fact that any person who signed such application has any time before the registration of the Trade Union under this Act, ceased to be a member of such Union."

Here reference has been made only to one person who has applied previously and has left. If he goes, the registration cannot be stopped on that ground. But suppose four persons go away after they have signed the application. Naturally, if a majority of the applicants go away, then the union cannot be registered. The purpose of my amendment is to provide that if a majority of the workers in the union withdraw their application from the registrar, naturally that union should not be registered.

Then, the 1926 Act has become outmoded and it must be amended in a proper way. A question was raised by one hon. lady Member about the recognition of unions. She was not present at Naini Tal when the representatives of the AITUC were present and when an agreement was arrived at between all the central organisations that the membership of each union will be verifiable and those who control 50 per cent of the total strength should be recognized. I think that should be followed by the Ministry.

The membership should be found out by verification. What is this secret ballot? Secret ballot means that everyone, whether he is a member of that union or not, can vote for the recognition of a particular union. Naturally, workers are more interested in not becoming members of those unions.

**Shrimati Parvathi Krishnan:** Then they would not vote.

**Shri K. N. Pandey:** Then the majority, who are non-members, favour that union which does not realise any

subscription or which does not have an opinion or idea about trade unions, because there are some ideological differences between unions and unions. In any country, this system of secret ballot is not good. If you want to find out the real membership, the papers are there and the registrar is there to inspect the accounts. So, the actual membership can be found out that way. If you are in a majority, naturally you will be recognized, and I have no objection to that. But if you are not in a majority, why do you want to be recognized by having recourse to secret ballot simply to create hooliganism in the factories: I am not in favour of that. Only a constructive line should be taken by the trade unions. Because, unless there is a constructive approach, industrial peace cannot be maintained in the factory.

In that respect, this is the first time that I am going to agree with Shri Bharucha that the registrar should have more power so that some action can be taken against the defaulter unions. That is all what I have to say, and I support the Bill.

**Shri Aurobindo Ghosal (Uluberia):** I welcome this Bill, because this Bill has been brought before this House based on the recommendations of the Indian Labour Conference. My first point is about the complaint that we have been experiencing difficulties in registration because, in our State especially, we know how the trade unionists are being harassed for getting their unions registered. Of course, nowadays it has been reduced to some extent but still, even now, we find that much delay occurs in registration, because, there are so many formalities of going through the constitutions. And the constitutions ought to be framed on the basis of the sweet will of the labour official.

**Shri Abid Ali:** There is a model constitution.

**Shri Aurobindo Ghosal:** We do incorporate some of those ideas in our

constitution. For that reason, it is being held up because the unions do not want to change it. And so, the registration is also held up for several months. That problem is still there. I also welcome the idea of having more registrars, because one plea was that because of the dearth of registrars we could not get registration quickly.

I welcome some of the other amendments also. I know the instance of the Metropolitan Insurance Employees' Union. As soon as the employees made an application for registration, before the registration the news was sent to the employers, we do not know by whom, and the employees who applied for the registration were dismissed. In that way, for about six months no union could be registered and those who applied for registration were dismissed. From that time we came to know that the labour registration office has got some contact with the employers, at least the big employers. So, they know beforehand when an application for registration is made. This is a point that has to be looked into seriously. Because our experience has been that the labour department officials do not look after the interests of the labour but they look after the interests of the employer. Though they are called labour officials, by the very nature of their job, the labour officials or officers of the Government Labour Ministry make contact only with the labour department of the employers. That way the labour officers are not wanted in any of these factories or mills or in any of the institutions because they do not look after the welfare of labour but look after the welfare of the employers.

Regarding subscription it has already been said by the previous speakers that the subscription should be of that amount with which now-a-days the expenses of the union can be met. Of course, I have got no objection about the increment in the amount of subscription. As regards

the difficulty that has been pointed out by Shri Pandey and by Shri Banerjee also about casual workers, I know that in some of the industrial establishments in Calcutta some seasonal work is there. Though the workers there are in the nature of permanent workers, still they do not get any wages for four or five months in a year. During the tea season the steamer companies have got about 100 or 200 clerks. The work is only for six or seven months in a year. Of course, class IV staff is also there. Naturally for them it will be very difficult to pay this subscription in full. So in their case some leniency should be shown.

As regards inspections what has already been pointed out by Shri Pandey and by Shri Banerjee also I support it. There are many things regarding industrial disputes which should not be circulated in the interests of peaceful and smooth working of the industry and the union. It will create bitterness between the employers and the employees if this is given out during inspection. Naturally that point is also to be taken into account.

One thing I have to submit as regards membership. In spite of inspection we find that sufficient inflation of the membership is there because sometimes these labour officers are influenced by the trade union officials or leaders. Those leaders specially belong to INTUC for which the labour officers inflate the membership of the unions. If the attitude of the Inspectors is not impartial, it is very difficult to get the real number of membership. We have found that in several unions though they have got a larger membership, still their membership is being cancelled on different pleas, whereas in several industries where the INTUC have got unions, we know even without a membership list and without raising a single farthing—they only maintain that so much amount is being realised and so much amount is being spent

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and these are shown without any funds their membership is being accepted by these Labour Inspectors. The real paying members of all other unions are not being given any recognition. Therefore the problem of recognition should also be looked into.

I also oppose the amendment suggested by Shri Pande because if it is accepted then when they know that some workers have made an application for forming a union these INTUC people with the help of the Labour Officers can intimate the workers, force them and take their signature attesting that they have not applied for registration of the union or that they are not members of that union. That always happens in the case of illiterate workers in mills and factories. So naturally I also oppose the amendment of Shri Pandey which means going against the spirit of the Bill in which it has been brought.

**Shri Prabhat Kar (Hooghly):** Mr. Chairman, Sir, so far as the provisions of the Bill are concerned I welcome them, but I want certain clarification from the hon. Minister regarding one or two points.

Clause 9 deals with the question of producing certificate of registration, account books, registers and other documents relating to a trade union at its registered office. I think the Registrar of the Trade Union is entitled to call for all the books for inspection which, if not properly kept, will entitle or give power to the Registrar to cancel the registration. Beyond that the Registrar of Trade Unions has got no right to interfere in a trade dispute. So the only book or the only item which he can ask for is the subscription register. It has been said in clause 6 that—

"the following clause shall be inserted, namely:—

the payment of a subscription by members of the Trade Union

which shall be not less than twenty-five *naye paise* per month per member;"

So beyond seeing whether the subscription has been paid, whether the registers are kept with the names of members, whether there are proper accounts and whether accounts are properly audited the Registrar of the Trade Unions has no right to look into the working of the trade union. It is not in his domain. Therefore giving him the power to call for all documents, I will say, will be interference in the working of the trade unions.

It has been said as to what can be the items which could be kept secret. I would say that in pursuing a trade dispute between an employer and an employee the correspondence between the central organisations and its affiliated union is a very important document which under no circumstances should be handed over or should be looked into by any other party because therein lies the strategy of the struggle in a trade dispute. Under no circumstances either the Registrar or the Deputy Registrar authorised by the Registrar of Trade Unions will have the right to look into certain documents. Therefore to say 'and other documents', unless it is specified, will perhaps give the Registrar the opportunity of asking for the production of documents relating to the trade dispute which, in my submission, the Registrar of the Trade Unions has no right to do. This particular thing must be very clearly stated by the hon. Minister as to what he means by 'other documents' because it has been mentioned here "inspect the certificate of registration, account books, registers, and other documents, relating to a Trade Union". Every piece of paper which is written by the union is a document relating to the trade union. Any letter written to the management is a document of the trade union. He cannot decide a matter relating to a trade union has

nothing to do with the pursuance of the trade dispute. Documents relating to a trade union include the letter written to the management, to the central organisation, circular issued to the old member for the purpose of either calling a strike or for calling off a strike or for organising any movement which, under no circumstances, can be handed over to the Registrar. The Registrar will have no right because they are not part of the documents which require his inspection and through that inspection if he finds that there is some discrepancy he will not have any right to take any action. If I write a strong letter to the management, the Registrar has got no right to cancel my registration if I conform to all the requirements of the law. So the production of the document relating to the trade union is such a wide power that unless it is specifically explained it should be deleted otherwise it will create complications and will be an act of interference into the functioning of the trade union about which the Registrar of Trade Unions has no jurisdiction up till now and which he cannot be given.

#### 16 hrs.

I could not understand Shri Banerjee's point. I am not a lawyer, but I think that the wording that "the payment of a subscription by members of the trade union shall not be less than 25 naye paise per month" does not preclude either annual or half-yearly payment, or payment of more than 25 naye paise. The only thing is that the subscription should not be less than 25 naye paise. It will not affect the registration whether it is collected yearly or half-yearly. The language used here seems to be quite clear, and I do not think any further clarification is required on this point.

Shri K. N. Pandey stated that steps should be taken to see that new trade unions do not come up. Everyone is interested in seeing that genuine trade unionism grows up, that there is no

rivalry between trade unions because that weakens the trade union movement, but how can that be stopped? Not by putting a clause here, but by a proper understanding of the trade union workers. Today we know full well the weakness of the organisations, we know that the employer interferes with the trade unions. In the Statement of Objects and Reasons, it is stated that it was decided at the Sixteenth and Seventeenth Sessions of the Tripartite Indian Labour Conference that, if the signatories to an application for the registration of a Trade Union were entitled to apply for its registration at the time of application, its registration should not be refused on the ground that any of the signatories has ceased to be a member of such Union. That means we visualise a situation where a member applying for registration of a trade union may be victimised. So, to say that a 15 per cent membership is being given, and that is the final thing would be completely wrong. If the Government can function after election through secret ballot, why is it not possible to get recognition assured through secret ballot? Once a union is recognised, this 15 per cent leadership will have the opportunity and also the power to impose its decisions on the rest of the 85 per cent of the workers, whether they are members of the union or not. It will enter into an agreement with the employer, and it will be binding on the remaining 85 per cent.

**Shri Naushir Bharucha:** It has been held by the Supreme Court that it can be done.

**Shri Prabhat Kar:** The Supreme Court is not the final thing. It is not a question of the law as it stands.

**Shri Naushir Bharucha:** There is no other way.

**Shri Prabhat Kar:** Today we can decide otherwise. If 15 per cent can impose their will on 85 per cent, why talk of democracy?

**Shri Naushir Bharucha:** What is the alternative?

**Shri Prabhat Kar:** Have a secret ballot, because the 15 per cent leadership will decide which union will enter into an agreement, and its decision will be binding.

**Shri K. N. Pandey:** May I ask one question? You are also doing that thing. For, what is the total membership of the four central organisations, taking into account the labour force in the whole of the country? And yet your decision is being implemented in the country.

**Shri Prabhat Kar:** Anyway, I do not want to go into that matter. The question is about the verification. I do not agree with all that has been said by the INTUC leaders. Let us leave that aside. I am only pointing out the principle. I am not against the INTUC or the AITUC. If, today, it is possible to impose a decision of the 15 per cent on 85 per cent, although they may not be members of that union, and although they may not be members of any union for that matter, why can it not be said that a ballot may be given to those persons on whom the decision will be binding to decide which union or unions will decide their fate? What is wrong with it? They can say through the ballot that this is the union which will represent us, and whatever this union does will be binding on me. But, today you are imposing, although you do not represent them, and they are not your members; neither are they organised.

**Shri Naushir Bharucha:** May I enquire from my hon. friend one thing, for, that was the point which I had taken up before the Supreme Court? If the secret ballot method is adopted, it is conceivable that not more than 30 per cent of the workers might turn up to vote, which means that 16 per cent will again impose their will on 84 per cent.

**Shri Prabhat Kar:** Not necessarily. For instance, if it is said that in the secret ballot only 30 per cent have

voted, and, therefore, this particular Government does not enjoy the confidence of the people, that would be a wrong thing. All possible efforts can be made to increase the voting, possibly, the voting can be held in the shops, and there is the possibility that 80 to 85 per cent of them will be voting. That will depend upon the procedure that you adopt. I am only pointing out the principle.

This is the only way by which you can stop the question of having parallel organisations and thereby creating union rivalries and thus weakening the strength of the working classes and at the same time strengthening the hands of the capitalists who have been exploiting the working classes for the last so many years and who are exploiting them even now taking advantage of this union rivalry.

In conclusion, I would reiterate that the provision relating to documents should be clarified, because I feel that unless that is clarified, it would be difficult for us to accept it.

**Shri Abid Ali:** It is very unfortunate that much of foreign matter has been imported into this discussion, resulting in heat which was uncalled for...

**Shri Rajendra Singh:** And light also.

**Shri Abid Ali:** This has happened particularly because some of the hon. Members who have spoken have very limited knowledge of the working of trade union organisations and others because of the fact.....

**Shri Rajendra Singh:** I may not be a bigger crook, but I have also some experience.

**Shri Abid Ali:** Does my remark fit in there?—....that they are opposed to some things, which they themselves do and then feel that this should go in a particular way, and when they do not succeed, they come and blame us.

My hon. friend who has just spoken has been talking about 15 per cent *versus* 85 per cent. My hon. friend from Jalgaon has rightly mentioned that there have been elections where a lakh of voters are registered, but only 20,000 come to vote; a candidate having 10,001 votes gets elected. So, it is only 10 per cent, and not even 15 per cent. But who stops the 85 per cent of the workers in a factory from organising their union and having recognition? As my hon. friend Shri K. N. Pandey has been telling us, according to the decision reached at the Naini Tal Conference, any union having 15 per cent or more membership is entitled to ask for recognition, and if there is more than one union, then the one which has a larger membership, and not the one which has 15 per cent membership, is entitled to recognition.

**Shri Rajendra Singh:** What is the safeguard against manipulation of membership?

**Shri Abid Ali:** That is fraud, and fraud should be treated that way and dealt with accordingly.

So the matter concerning recognition has already been discussed in Naini Tal and settled. Some Members who objected to it today did so because they are not aware of the correct position or they do not contact their leaders who attend those conferences. This is not our imposition. Government have not fixed 15 per cent membership for this purpose. In the Naini Tal Conference, representatives of all the four Central trade union organisations only—the employers did not exist there—were consulted and a unanimous decision was taken on the basis of which recognition applications are dealt with. So if my hon. friend has any complaint, he should go and tell his leader that he was wrong in agreeing to this procedure.

**Shri Prabhat Kar:** That is not the point at issue. I have not spoken on that. I know that particular issue

does not come within the purview of the Bill. It was Shri K. N. Pandey who pointed it out.

**Shri Abid Ali:** Then where was the need for that anger about 85 per cent, why 15 per cent only and so on?

**Shri Prabhat Kar:** That was about eligibility, enabling a union to go and ask for recognition. It is not a question of 15 per cent getting recognition.

**Shri Abid Ali:** This matter was discussed there in detail and a procedure laid down, that if there is one union and if it has 15 per cent or more membership, it is entitled to recognition; if there are two unions, the one having more membership is entitled to recognition. Then where is the question of ballot etc. I say that it is not my decision. It is not Government's decision. It is the decision of the meeting attended by the representatives of the four central trade union organisations, and we are following that decision. So if my hon. friend has any complaint, he should go and quarrel with the representative who represented him and not be harsh on us unnecessarily.

**Shri Rajendra Singh:** Here is the supreme power of the country sitting. Here we are making a proposition which will enable democracy to penetrate into the trade union movement. So those central trade unions do not come into the picture. Here is a proposal. It should be considered and decided on its own merit, not that something from outside should be imported. We are talking as Members of Parliament here.

**Shri Abid Ali:** I agree 100 per cent. There is no dispute on that score. But I was telling him, 'Do not blame me'. I was only requesting him, as well as the hon. Member from West Bengal, that they should take it up with their leaders. They wanted to create the impression that Government are doing something which is very bad. I was only explaining the

[Shri Abid Ali]

position, nothing more. (*Interruption*). I think I should not take note of the interruption.

**Shri Braj Raj Singh:** He should always take note of it.

**Shri Abid Ali:** A complaint was made that no facility was given for the collection of membership fee, that workers had to go long distances and all that. But that is provided for in the code. Employers should give facilities to recognised unions for the purpose of collection of trade union dues within the working premises.

**Shri Rajendra Singh:** Does it take effect in the public sector?

**Shri Abid Ali:** In the public sector, there is no complaint or difficulty. They are sufficiently liberal. The only difficulty is that the hon. Member does not exist there and has no voice there. Therefore, he is saying all this.

Now, much has been said about a comprehensive Bill. It has been said that the Act is outmoded and all that. These are the items of amendment brought in according to the view of those who have experience of the working of the trade union movement. They felt that these amendments were necessary. So these have been placed before Parliament for their consideration. In case there are other necessary amendments to be brought forward, if they are brought to our notice, certainly the needful will be done. But if an Act is old, it does not *ipso facto* become outmoded and we should bring another comprehensive Bill to replace it.

**Shri Naushir Bharucha:** I have indicated what is required.

**Shri Abid Ali:** Nobody tells us what exactly should be done. Only it is said that the Act is outmoded.

**Shri Naushir Bharucha:** The hon. Minister was not present when I spoke.

**Shri Abid Ali:** No, that is wrong. He had just begun when I came. Then I asked my hon. colleague, what he spoke just before I came. He said, 'Nothing particular'.

**Shri Naushir Bharucha:** May I state for your information that I had indicated what was necessary to be done.

**Shri Abid Ali:** That I heard; that was irrelevant again.

Therefore, to say that a comprehensive Bill should be brought and all that is, of course, worthy of consideration; but there is no basis or substance in it.

My hon. friend from Bihar has complained about Government taking powers. We are not taking any powers.

**Shri Braj Raj Singh:** Acquiring power.

**Shri Abid Ali:** It is the Registrar who is given power to decide. Somebody has to decide. It may be that my hon. friend becomes the Registrar and then he may have to decide. I have no objection to that. He acts there as a judicial officer. He decides these issues.

Much has been said about other documents. Certainly, I promise—and I invite suggestions from hon. Members—that whenever any Registrar asks a union to produce a document which has nothing to do with the subject-matter under investigation, they should refuse to produce those documents and seek our help to see that no harm is done to the union.

**Shrimati Parvathi Krishnan:** What is the harm if you specify the documents?

**Shri Abid Ali:** There are a large number of documents which one need not express. Supposing there is a request by members to convene a meeting and it is not convened. If

the members complain to the Registrar, he is entitled to satisfy himself whether a proper request had been submitted or not. There are such a large number of documents that it is not possible to mention them like that in the Bill. If you want a list, it would be very long.

**Shrimati Parvathi Krishnan:** But you have a phrase, 'pertaining to the functioning of the union'.

**Shri Abid Ali:** Yes; my friend spoke that everything in existence in the union is pertaining to the functioning of the union.

**Shrimati Parvathi Krishnan:** Functioning of the trade union and not the movement.

**Shri Abid Ali:** Therefore, the list cannot be drawn up. Therefore, the amendment has been worded in this manner. As I said earlier, where is the time for the Registrar to go about inspecting all the unions. He will not inspect all the unions. Whenever there is an occasion—either he must be in doubt about the proper working of a union or a complaint must be made to him—he will inspect the papers connected to the extent of the subject-matter of investigation and nothing more.

**Shri Prabhat Kar:** May I know whether it will be just as you are explaining now, and that no documents, other than those relating to the particular dispute, pertaining to the functioning of the trade union or the working of the trade union which can enable the Registrar to cancel the registration will have to be produced?

**Shri Abid Ali:** That is what I am saying. The Registrar will not ask for any other papers; he has no time (*Interruption*). What my hon. friend has mentioned will cover every paper in the trade union office. (*Interruptions*). Just now he is changing what he said in his main speech.

About Additional Registrars, there is no intention of appointing any new person. Additional Registrars do exist in some of the States; and the intention of the Bill is to empower them to perform the duties which are being imposed on them.

The hon. lady Member said that they should have regionwise jurisdiction. That is correct; it is our intention. Every Registrar, or Deputy Registrar or Additional Registrar, wherever they are, should have region-wise jurisdiction. There need not be any fear of opening new avenues for appointing these officers. The hon. Member has some doubt in her mind.

About seasonal factories and four anna membership. This matter was discussed in the conference that there should be four anna membership—per year.

**Shri Prabhat Kar:** Per year or per month?

**Shri Abid Ali:** Per month. My hon. friend has already clarified the legal position. It is not that I am agreeing or disagreeing with him. In case hon. Members have any difficulty....

**Shri Prabhat Kar:** You are not going to engage him as a lawyer. What is your opinion?

**Shri Abid Ali:** I should prefer that it should be collected monthly and not yearly. A situation is created at a particular moment and Rs. 3 are collected from the members and the person who collects it forgets all about that and sits at home. We do not want to encourage that procedure by any Act passed in this Parliament. I want that they should be very much alive to the needs of the workers and that they should go and meet the workers often and see that the union and its office bearers are working properly.

Much has been said about the INTUC. Perhaps my hon. friend who

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has made these remarks does not know the history of the trade union movement in this country. The INTUC was born 42 years back and most of the good and strong unions that exist in the country whether at Jamshedpur or Ahmedabad or Indore or Bombay—unions responsible to their workers and dutiful to them—are affiliated to the INTUC. It is very unfortunate that friends, not knowing the facts should come here and make charges without giving a moment's thought to what they are speaking.

I gave the figures about verification. Some reference was made to that. Is it not a fact that verification of trade union membership in this country is done according to the procedure adopted on the basis of a decision taken by the representatives? The procedure followed is:—A list is submitted by these trade union organisations every year. The INTUC sends its lists to all the other three organisations—Hind Mazdoor Sabha, etc. Similarly, the other unions send their lists to the other organisations respectively. Then there are objections raised. After objections are raised verification is conducted and the result of that verification is again communicated to these central organisations which raised the objections. Then a meeting of all the representatives of these organisations is held and these are explained to them. I am in the happy position, at least in this regard, that the figures which I have mentioned about membership of these organisations were unanimously accepted by the representatives of the four organisations. Therefore, to come here and say that membership is inflated or that it is bogus or that it is employer-controlled and so on—it is all very unfortunate. After knowing all these facts, I am sure the friends who have said all these things will—they will not be openly standing here and confessing it—in their own minds feel that they have done some injustice and will take some opportunity to do some penance for that.

बी लज राज सिंह (फिरोजाबाद)  
शीर्षसित करना चाहिये ।

बी लज राज सिंह : जो भी कीजिये वह आप के इमान पर है । हम पर तो न टालिये इस को, भाई ।

To come here and censure a mass of workers who have chosen to go the right path is not proper.

Some mention was made about some organisation taking monetary help from international organisations. I do not know whether the person who charged us like that or those who have supported him are themselves immune from that. It has all become public property. It was known to us even before but now everybody knows it.

A reference was made to the seasonal factories and the workers who are employed for shorter periods. My amendment does not compel them to pay subscription for all the 12 months. It is left to their option. What is, after all, Rs. 3 for a year to be paid to an organisation to take care of their requirements? It should not be grudged by anybody.

I do not think, Sir, there is any other point. With regard to the amendments which have been suggested, they will be dealt with at the proper time.

**Shri K. N. Pandey:** Supposing a seasonal factory closes after five or six months, how will the money for the rest of the period be recovered because the subscription is Rs. 3 per annum?

**Shri Abid Ali:** It is not necessary for the trade union organisations working for seasonal factories to collect subscription for all the 12 months. The union should have a clause in its constitution that the membership fee shall be four annas per month.

**Mr. Chairman:** The question is:

"That the Bill further to amend the Indian Trade Unions Act, 1926, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** We shall now take up the Bill clause by clause. There are no amendments to clauses 2 and 3 of the Bill.

The question is:

"That clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.

**Clause 4.—(Amendment of section 3).**

**Mr. Chairman:** There are some amendments to clause 4.

**Shri S. M. Banerjee:** I beg to move:

Page 1, line 21,—

Omit "Additional and". (3).

Page 2, lines 1 and 2,—

omit "Additional or" (4).

Sir, I have already spoken on them.

**Shri Abid Ali:** I have already opposed them and explained the reasons for it.

**Mr. Chairman:** I shall put them to the vote of the House.

*Amendments Nos. 3 and 4 were put and negatived.*

**Mr. Chairman:** I shall now put clause 4 to the vote of the House.

The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

**Clause 5.—(Amendment of section 4)**

**Mr. Chairman:** There is a Government amendment to clause 5.

**Shri K. N. Pandey:** I have also an amendment.

**Shri Abid Ali:** I beg to move:

Page 2,—

for lines 14 to 19, substitute—

"(2) Where an application has been made under sub-section (1) for the registration of a Trade Union, such application shall not be deemed to have become invalid merely by reason of the fact that, at any time after the date of the application, but before the registration of the Trade Union, some of the applicants, but not exceeding half of the total number of persons who made the application, have ceased to be members of the Trade Union or have given notice in writing to the Registrar dissociating themselves from the application." (8).

Sir, the amendment suggested by the hon. Member, Shri K. N. Pandey has been added in the main clause itself and it is sufficiently explanatory. I have nothing to say on it.

**Shri K. N. Pandey:** I am not moving my amendment.

**Mr. Chairman:** The question is:

Page 2,—

for lines 14 to 19, substitute—

"(2) Where an application has been made under sub-section (1) for the registration of a Trade Union, such application shall not be deemed to have become invalid merely by reason of the fact that, at any time after the date of the application, but before the regis-

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tration of the Trade Union, some of the applicants, but not exceeding half of the total number of persons who made the application, have ceased to be members of the Trade Union or have given notice in writing to the Registrar dissociating themselves from the application". (8)

*The motion was adopted.*

**Mr. Chairman:** The question is:

"That clause 5, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

**Clause 6- (Amendment of section 6).**

**Mr. Chairman:** Is Shri Banerjee moving his amendments to clause 6)?

**Shri S. M. Banerjee:** I beg to move:

Page 2, line 24,—

after "per month" insert—

"or rupees three per annum". (5)

Page 2,—

after line 24, add—

"Provided that this shall not apply in the case of members of unions of agricultural workers and those employed in seasonal factories." (6).

Sir, the hon. Deputy Minister has tried to explain this but I am not satisfied. For an agricultural worker who is not getting today even the minimum wage it will be a burden if you take Rs. 3 from such workers.

Then, again, there is the question of seasonal employment, as explained by my hon. friend Shri K. N. Pandey. There, it will be difficult for any trade union, whether it is the INTUC or the AITUC or any TUC to realise

subscriptions every month. The hon. Deputy Minister says that the subscription may be realised for the whole year. But where subscriptions could be realised only for four or five months, continuity of membership will not remain. That will be a very bad thing. These amendments are very harmless and they will not harm the Deputy Minister.

**Shri Abid Ali:** What I said was that payment of Rs. 3 per year by a worker will not be grudged provided the trade union officials themselves deserve getting that money. As things here stand, as was made out earlier, they work in such a way that the workers have no confidence in them and therefore they want to take protection.

**Shrimati Parvathi Krishnan:** May I clarify one point? In some of the seasonal factories, a large number of workers may be employed for three months or five months. How can you expect those who are employed only for three months in the year to pay Rs. 3 a year? This is a fact which is unknown to the Deputy Minister. I do not think he moves in those circles. Some of them earn Rs. 18 to Rs. 19 only, a month.

**Shri Abid Ali:** Not the total wage. It is the basic wage.

**Shrimati Parvathi Krishnan:** It is the total earning, because it is the composite wage. There is no dearness allowance in some of the industries even today. It is composite wage, and there is no dearness allowance, and the minimum wage is also not there in some of the industries. They get between Rs. 18 and 23 a month.

**Shri Abid Ali:** Please mention where Rs. 18 is given.

**Shrimati Parvathi Krishnan:** Between Rs. 18 and Rs. 23 in the coffee-curing establishments in Coimbatore. From that pay, it is impossible for them to subscribe; it is very difficult

for them to do so. When we say seasonal factories, it is true that there are some seasons where employment could be had for eight to nine months in the year. There, the collection of Rs. 3 a year may be a feasible proposition. But in some cases, there is a larger number when there is a flush, and a smaller number when the season is just beginning or when the season is tapering off. It is as a safeguard in such cases that we are asking that in such industries they should be exempted.

**Shri Abid Ali:** I do not know and therefore I asked whether it was a composite wage or basic wage, when it was said that they were getting only Rs. 18 a month. Still, if hon. Members have any information about that, I shall be glad to get it and consider the question.

**Shrimati Parvathi Krishnan:** I shall give it to you in writing.

**Shri Abid Ali:** Is Rs. 18 the total wage?

**Shrimati Parvathi Krishnan:** Total earnings.

**Shri Abid Ali:** I said that friends and representatives who were present at the meeting decided it. But it is not because that they have decided it that I am saying this; it is not that I am not agreeing to change. If a very strong case is made out, I shall be glad to accept the amendments. But no case has been made out. As I said earlier, Rs. 3 a year should not be a very great sum for a worker to pay—it should not be very difficult for him—to a trade union in case it deserves.

**Shri Warior (Trichur):** Among the coir workers in Alleppey, there are people who work one day in a week. How much can be collected from such workers?

**Shri Abid Ali:** Please mention the name of the company.

**Shri Warior:** The coir workers and cashew-nut workers in Alleppey, Shertallai, Quilon, etc. They work for one or two days in a week. How much can they pay?

**Shrimati Parvathi Krishnan:** If he will not face facts, one cannot help it!

**Shri S. M. Banerjee:** It follows logically. Let us not dispute each other's point. I may mention for your information and for the benefit of the House that after all, we command the confidence of the employees and that is why we have been elected to the Lok Sabha. Otherwise, we should seek a seat in the Rajya Sabha!

**Mr. Chairman:** I shall put amendments Nos. 5 and 6 to the vote.

*Amendments Nos. 5 and 6 were put and negatived.*

**Mr. Chairman:** The question is:

*"That clause 6 stand part of the Bill".*

*The motion was adopted.*

*Clause 6 was added to the Bill.*

*Clauses 7 and 8 were added to the Bill*

**Clause 9.—(Amendment of section 28)**

**Shri S. M. Banerjee:** I beg to move:

*Page 2, line 37, omit 'and other documents'. (7)*

I want that there should be some clarification of 'other documents'. Otherwise, it is of a very sweeping nature.

**Shri Abid Ali:** How is it to be defined?

**Shri S. M. Banerjee:** By writing in English, by adding some more sentences. In the Labour Conference, the word 'etc.' was defined and it was decided, that it should be 'minute books'. I want 'other documents' to be defined as, for instance, 'minute books'. Otherwise, it will be misused

[Shri S. M. Banerjee]

I can assure the Deputy Minister that the trade unions do not observe any secrecy. But there are certain documents which should not be open to the Registrar. He may misuse it.

**Shri Abid Ali:** Certainly things which should not be open to the Registrar should not be allowed to be inspected. About that I have no objection. He was mentioning about the lists. Even at present, the Registrar inspects the lists whenever there is an industrial dispute referred to him.

As for 'other documents', even in the meeting the decision was, as mentioned in the Statement of Objects and Reasons, the Registrar should have power to inspect "the account books, membership registers, etc." The word 'etc.' is also there. What we have done is, instead of 'etc.' we have substituted 'other documents'. As I said earlier, there will be instructions and if it can be provided in the rules, we will do it also. If that assurance is needed, I can say that if possible, we will provide in the rules that the Registrar should ask for only such documents which are relevant to the matter under investigation. He should ask for no other documents.

**Shrimati Parvathi Krishnan:** Why 'if possible'? Why not mention it in the rules?

**Shri Abid Ali:** If there are no rules to be framed in this connection, what can be done? I am not sure about it.

**Shri Naushir Bharucha:** This is already provided in section 28 of the Act itself and this is subject to the provisions of section 28. Section 28 says, only for the purpose of examining the returns made by these people and nothing else.

**Shri Abid Ali:** We are widening the scope of it.

**Shri Naushir Bharucha:** Even if you widen it, the clause says:

"For the purpose of examining the documents referred to in sub-sections (1), (2) and (3)....".

Sub-section (3) relates to section 28.

**Shrimati Parvathi Krishnan:** If it is not possible to include it in the Act itself, the Minister can give us an assurance that certain rules will be laid down for the procedure to be followed.

**Shri Abid Ali:** As I have said, either through rules or through instructions to be issued through the State Governments, the Registrar will be told that he should not ask for papers which are not connected with the subject-matter under investigation.

**Mr. Chairman:** The question is:

Page 2, line 37, omit 'and other documents'. (7).

*The motion was negatived.*

**Mr. Chairman:** The question is:

"That clause 9 stand part of the Bill".

*The motion was adopted.*

*Clause 9 was added to the Bill.*

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

**Shri Abid Ali:** I beg to move:

"That the Bill, as amended, be passed".

**Mr. Chairman:** The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*