

**CORRECTION OF ANSWER TO
U.S.Q. No. 2437 DATED 28-3-61**

The Deputy Minister of Defence (Shri Raghuramaiah): In reply to part (c) of Unstarred Question No. 2437 for 28th March 1961 by Shri Muhammed Elias|Shri S. M. Banerjee, regarding Employees of I.A.F. Station Chakeri, I had *inter alia* stated as under:—

"The appeals were incomplete in certain respects and were returned to the individuals for re-submission. The revised appeals have since been received and are under examination."

2. The portion of the answer reproduced above needs revision. The correct version should read as follows:

"The appeals had to be examined in detail and considered exhaustively by the Air Force authorities at the Unit level; subsequently, these appeals were referred to the appellate authority at the Command level and the under examination."

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12.02 hrs.

MOTION FOR ADJOURNMENT

ALLEGED PREVENTION OF REPRESENTATION OF GRIEVANCES BY CERTAIN P&T UNIONS

Mr. Speaker: I have received a notice of an adjournment motion from Shri Rajinder Singh and others which reads as follows:

"Serious situation arising out of the latest instructions from the D.G.P. & T. preventing the staff and the Union from representing their grievances even informally and thus contravening the right of representation both individually and collectively especially in the absence of any machinery and delay in the introduction of the Bill governing Trade Union relations in Central Services."

There cannot be any adjournment motion relating to the delay in the introduction of the Bill governing trade union relations in Central Services.

So far as the other thing is concerned, have any such instructions been issued preventing the staff from representing their grievances even informally thus preventing their right of representation?

Shri Tangamani (Madurai): May I make a submission? On the 21st of this month, the hon. Minister of Labour met at a meeting two representatives of the Unions—Shri Anjaneyalu and Shri Ramamurthy—both employees. Now, subsequently, when the employees wanted to meet in Calcutta, they were told that a certain circular had been received from the DG, P&T. The newspaper report says that the Labour Minister discussed with these two employees the question of expediting the recognition and the introduction of Whitley Councils. I would like to know whether the circular which was sent or supposed to have been sent was after the 21st, in which case there appears to be a change of policy. I would like to know from the hon. Labour Minister what his attitude to the negotiating machinery of these employees is because more than ten months have passed without any suitable machinery at any level.

Mr. Speaker: That is not the subject of the adjournment motion.

Shri Tyagi (Dehra Dun): Is it a communist trade union?

Shri Rajendra Singh (Chapra): No, Sir.

Shri S. A. Dange (Bombay City—Central): This is preventing the employees from ventilating their grievances even to the officers; it is carried on to such an extent that a circular has now been issued by the DG to the lower officers that if any news appeared even in a newspaper about the grievance, the editors should be visited by these officers and asked to divulge as to who wrote the letter and if the editor shows unwillingness then it should be brought to his attention that it is not in the interest of

[**Shri S. A. Dange**]

healthy journalism to decline to do so. A witchhunt about the expression of discontent of employees is going on to a very serious extent because if editors are also going to be followed like this, what will be the position? If the open expression of certain grievances which the officers are not willing to take notice of appears in the Press, and if they are sought to be prevented, this would be may I call it, Sir—MacCarthysm in India. And if discontent will not be openly ventilated; it will go underground. Will the hon. Minister look into this and not pursue the employee for a thing that has appeared in the Press? That is apart from the question whether informal discussions with officials are going to be prevented.

Mr. Speaker: I have got very great respect for the words of the hon. Leader of the Communist Group. I am to dispose of the adjournment motion. On what authority does he say that this kind of witch-hunting is going on?

Shri S. A. Dange: I have got a copy of the circular issued by the DG. It is No. 10-1/60-SR dated at New Delhi the 17th April, 1961 from the Office of the Director General, P&T, New Delhi to all heads of circles and all administrative officers, etc. The subject is "Publication of objectionable news and letters by Union Members and other Employees in the Press". It says, *inter alia*:

"If action is contemplated it may also be seen if efforts may be made to induce the editor to preserve the relevant papers in his office so that authorship may be proved. If some Editor does not like to comply with the request, it may be tactfully explained to the editor that his paper may also be interested to ensure that a person who sent matters for publicity does not disown authorship."

If tactful explanations come from the Government officers, we know what it means.

The Minister of Transport and Communications (Dr. P. Subbarayan): Sir, this is a matter which concerns me. As a matter of fact these unions were derecognised. The hon. gentleman was ascertaining that they were not communist controlled. As far as we are aware, they are completely communist controlled and . . .

Shri Rajendra Singh: That is not the point at issue.

Mr. Speaker: He is only answering the points raised.

Shri S. A. Dange: Shri Ramamurthy is one of the responsible officers of the federation; he has nothing to do with communism; in fact he may even be anti-communist.

Dr. P. Subbarayan: You may assert so; I do not accept that.

Mr. Speaker: Let them belong to the communist group or the non-communist group. The main point here is: have any instructions been issued by the DG, P&T, preventing any member of the staff from having access to any of the authorities for legitimately representing his grievance? That is the only point. I do not know whether any action may be taken independently; that is another matter altogether. No employee should normally be prevented from ventilating his grievances in the proper manner before the parties from whom he can seek redress. That is the point here.

Dr. P. Subbarayan: That has not been taken away at all. What we say is this. They cannot come as representatives of the federation concerned. If there are individual grievances, our officers are willing to listen to what is said and also try to find out a remedy for it.

Shri Nath Pai (Rajapur): Mr. Speaker, it is very regrettable that we are being confronted with a situation like this. On the one hand, we were assured that the Government were opening negotiations with people who are the recognised leaders of the unions with a view to ascertaining their views on the proposed legislation which will be recasting the basis of recognition of the unions: These negotiations were being held last week and the indications pointed out that the negotiations were satisfactory. In the meanwhile, we get this bombshell and the Deputy Director General takes it upon himself to make it clear that these negotiations are meaningless and these negotiations are with individuals only. It is an extraordinary situation. On the one hand, we get an assurance from responsible Cabinet Ministers; they say that they want to know their views; they want their co-operation and help so that the legislation may be got through.

On the other hand, there is a very senior official who is presumably a responsible officer, who issued the instructions which are contrary and negative. Who makes the policy in this department? Is it the Ministry or the Cabinet or is it formulated by mere civil servants? If the talks are to be treated with seriousness, we must know this. What is happening is this. At a certain stage, you have also told us, "Let us not bring such matters here". You have told us more than once. But you have also told us: "If there is any such thing"—that is, if there is any matter like the present one—"let it be brought to me". We must know whether the negotiations conducted by the Cabinet Minister with a view to bringing about a reconciliation between the trade union movement and the Government employees are on a sound basis, are genuinely meant and honestly meant, and whether they want to see that these negotiations come to a successful fruition, or whether they take it that it is something different to talk and it is

something different in regard to taking action and so on. We should like to know what is the position. Therefore, it becomes a very serious matter.

Dr. P. Subbarayan: I am grateful to the hon. Member for his long speech. As a matter of fact, naturally he is concerned with it. I can understand it. But all that is done is, individual members can make any complaint they like, but not as a union. We will not recognise them as representatives of any union which has been de-recognised. That is all there is in it. There is no difference between the Government and the public servants.

Several Hon. Members rose—

Mr. Speaker: Dr. Melkote.

Dr. Melkote (Raichur): My own experience has been of a different type altogether. Here is a member of a union recently formed which has not participated in the strike and which has not been derecognised, but which is not permitted interviews by the officers, whereas members of a derecognised union who participated in the general strike are being permitted to interview the officers. It needs 15 per cent of membership for any Federation to get recognition. But before that, every union, within six months of its formation and before recognition, has a right to represent matters to the employer. It has a constitutional right which is being denied.

This is a matter for the hon. Minister of Transport and Communications to deal with.

Dr. P. Subbarayan: That is the other side of the question. As there are no unions in existence and till some union is recognised, we are treating them both alike. Only the employees who are concerned will be recognised and be given interviews; not as representatives of any union.

Shri Rajendra Singh: I can say that this is not a question (Interruptions)—I am not a Communist—

Mr. Speaker: Order, order.

Shri Rajendra Singh: The question is not one which is, so to say, Communist and anti-Communist. The question is one which concerns the fundamental right of trade unions and trade union activities in this country. There is nothing on the statute nor is there any rule to the effect that if a strike is resorted to by a union, that union will be automatically derecognised. But for the last ten months, we are suffering because of the derecognition. Even the informal channels which are open to us to negotiate and settle the disputes have been denied to us. This is one aspect.

The worst of it is this: firstly, the people who are aggrieved, for some reason or other, have a right to go to the press and ventilate their grievances in any manner they like, provided it is legal. The ventilation of grievances in the newspapers, to my mind and I hope you will also agree is perfectly legal and legitimate. Therefore, if an employee goes to the press, then, does it lie in the mouth of the Ministry or any of the civil authority to say that they would not be persuaded to allow the grievances of the employees to be printed in the newspapers? Are we functioning as a democratic State or as a State which our Communist friends would like to have in this country?

Some Hon. Members rose—

Mr. Speaker: Order, order. I have allowed the leader of the group to state the facts. I cannot go on calling every hon. Member. I have heard sufficiently about this matter. The simple point here is this. There are two matters: prevention of representation of legitimate grievances by the staff and prevention of the unions from representing grievances. So far as the staff is concerned, the hon. Minister has just said that the instructions do not contain any prohibition or do not ban any individual member of the staff from making

representations to the legitimate authorities. So far as the union is concerned, I have got a copy of the order or instruction issued. A copy has been sent to me by Shri Braj Raj Singh. I find, as the hon. Minister said, that there cannot be any question of any informal discussion with anyone who is supposed to represent a derecognised union. Of course, any recognised union has got a right to meet the officers or the executive, and it has got a right—they can claim it as a matter of right—to make representations.

The other question is, when a union has been derecognised, whether it ought to be re-recognised or not. Until it is re-recognised there is no union on behalf of which any person can come and make a representation. Therefore, individually, one can make a representation. So far as that aspect is concerned, that right has not been taken away. The right of any officer or any employee to make representations to a senior officer or other officers under whom he works and who can remove or redress the grievances, has not been taken away. Shri Dange has read out the other portion of the letter which has been cut off from the copy that has been sent to me, and that is about persons going to the newspapers to the editors and others, and about the request made to the newspapers to see that such approaches are not made and so on. But that does not form the subject-matter of the Adjournment Motion. I do not know how far, instead of making a direct representation—which channel is always open—it is open to an employee to rush to the press and ventilate the grievances. That is not the subject-matter of the Adjournment Motion. I cannot decide off-hand whether any person has got such a right or whether any violation of the right can be brought up here, for the purpose of redress, by way of an Adjournment Motion. I do not want to commit myself one way or the other so far as that matter is concerned. Whether

anybody can go to the press, when it is open to him to make representations directly, is another matter which does not arise from this Adjournment Motion.

So far as the staff is concerned, it is still permissible, under the instructions, for any employee to make representations to his superior or senior officers. So far as the union is concerned, those unions which have been recognised are still recognised. The staff can go, on behalf of the union, and make representations. So far as the derecognised unions are concerned, I cannot allow the Adjournment Motion. So long as they are not recognised, there is no union on whose behalf anybody can speak to the authorities. I disallow the Adjournment Motion.

Shri Nath Pai: Sir, your ruling is very correct, but I may submit in all humility, one point which is very urgent. A circular like that is undermining the negotiations which are being held by casting a grave doubt about the authenticity. We are interested in the success of those negotiations. We want to collaborate in order to see that those negotiations come to a successful end. But here is an authority of the Government which casts a grave doubt, and if I may be permitted to use the word, this is, perhaps unwittingly, an effort to sabotage those negotiations. We are interested in seeing that the negotiations towards a settlement succeed.

Mr. Speaker: He is reading too much into it.

Dr. P. Subbarayan: I can even inform the hon. Member that I have received the very Shri Ramamurthi, of whom Dange talked, and also Shri Anjaneyulu, but in their individual capacity and not as members of the federation.

Shri S. A. Dange: May I point out that in the very circular which, Sir, you have got; and about which the Minister says that an employee has

the right to approach and negotiate, it is said that the Directorate did have talks with them but they had a talk with them as "private citizens" and not even as employees. One or two interviews were granted to some persons "in the capacity of private citizens and no minutes of the discussion have been recorded." It is so clear. So, where is the contradiction?

Mr. Speaker: It is a loose expression. (*Interruption*). Order, order. A private citizen, as opposed to one who comes in the capacity of the representative of a union—that is all

Shri Indrajit Gupta: (Calcutta—South West) If an employee happens to be an officer of a derecognised he can also come in.

Dr. P. Subbarayan: A private citizen can also be an employee.

Mr. Speaker: As an employee, he can go and talk to the authorities. It is clear. If there should be a doubt even about that aspect, I should allow the Adjournment Motion. But, as I understand from the hon. Minister's statement and also from my reading of the order, it is clear that whoever might be a member of the staff, whether he belongs to any party or no party, he can take individual action. I do not know whether any particular person who is an employee can be an active member of any political party. It is for the hon. Minister to consider. It is not for me to dispose of that point.

I am only concerned with this point: there is absolutely no ban against any person who is in the employ of the Government, whether in the P&T or any other department, approaching the head of the department or other officers to whom normally they look for redressing the grievances in their capacity as employees. The private capacity here does not take away the capacity as an employee. Every man in the street cannot go to the Director-General of the Posts and Tele-

[Mr. Speaker]

graps and ask him for restoration of employment. That only means, private as opposed to being associated with a union. So far as drecognised unions are concerned, it is a matter for the hon. Minister and the hon. Members or any person who was the head or who was attached to the union to discuss. The P & T Director-General is not going to prevent the hon. Minister from talking to them, whatever might be the orders. So far as the derecognised unions as such are concerned, the person has no right by himself to represent the union.

I thus dispose of the adjournment motion. No consent is necessary.

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12.22 hrs.

CALLNG ATTENTON TO MATTER OF URGENT PUBLIC IMPORTANCE

DISCHARGE OF PRIMARY TEACHERS IN ORISSA

Shri Chintamoni Panigrahi (Puri): Under Rule 197, I beg to call the attention of the Minister of Education to the following matter of urgent public importance and I request that he may make a statement thereon:

"The discharge of about 300 primary teachers in the Puri district of Orissa".

The Minister of Education (Dr. K. L. Shrimali): According to information received from the State Government the facts of the case are as follows:—

For the year 1960-61 3,500 posts of primary school teachers in all were sanctioned by the State Government under the second plan scheme for opening new schools and for appointment of additional teachers in the existing primary schools throughout the State. Out of total number of 3,500 posts, the allotment to Puri District came to 352 posts. Out of this number the District Board, Puri were allotted 117 posts, 11 of which were for

new schools to be opened in 1960-61, 8 for appointment as additional teachers in old schools opened under plan schemes and 98 for appointment as additional teachers in old school existing before the plan period. As against this allotment, the District Board authority appointed 224 teachers inspite of the advice given by the Director of Public Instruction that they should not appoint more than the teachers allotted to them. In appointing the teachers the Special officer, District Board, took his stand on certain provision of the Local Government Act which empower the District Boards to appoint teachers for schools directly managed by the District Boards. But the appointments of teachers in dispute were made in stipendiary schools which are institutions aided by the Government and not in schools directly managed by District Boards and were, therefore, irregular.

The appointment of teachers by the District Board was thus contrary to the pattern prescribed by the State Government for appointing teachers in the new institutions and additional teachers in old institutions. The selection of teachers was also irregular and not carried out according to the existing Government procedure of selecting teachers through the Selection Committee.

When the District Board Schools came under the State Education Department as a result of abolition of District Boards, unauthorised appointments of 224 teachers were cancelled under the direction of Director of Public Instruction and instead, 98 teachers recommended by the Selection Committee were ordered to be appointed.

However, the Selection Committee would be free to consider any of the teachers whose appointment orders have been cancelled for appointment in the year 1961-62 if they are found suitable.

Dr. Samantsinhar (Bhubaneshwar): May I know for how long the teachers were in the service of the district board schools?