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The Government Employees' Strike

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The Joint Council of Action which consists of representatives of various federations of government employees issued a call for a token strike on September 19, 1968. They made a number of demands chief among them being the merger of dearness allowance with pay and for a need-based minimum wage. Government offered to refer all their demands except the demand for a need-based wage to arbitration. The Joint Council of Action rejected the offer. Thereupon Government through an ordinance declared the strike illegal and warned that serious action would be taken against those who participated in the strike. About this time a large number of democratic trade unions decided not to join the strike on September 19. The only unions to respond to the strike call were those controlled by the Communists, the Samyukta Socialists and the Praja Socialists. But most workers belonging even to these Unions ignored the call to strike. The strike was a failure.

The Joint Council of Action though nominally presided over by a member each of the PSP and the SSP is in reality controlled by the Communists. It was obvious that the democratic leaders in the Joint Council of Action were merely pawns in the Communist game.

Immediately the winter session of Parliament convened on November 11, certain Opposition Parties moved a motion of no-confidence, which though couched in the familiar formula

The President's Government must be carried on

M. R. Masani

Now that both sides have had their impassioned spokesmen, it is perhaps time that we had a slightly more detached and objective look at the situation that we are discussing. We on these benches find that we are in the face of a clash or a seeming clash between two of the important values in our Democracy. The first of these is the right of the worker to deny his labour and the right to strike which are considered to be Fundamental Freedoms which only Fascist and Communist regimes dare to deny. The other value is the maintenance of the social structure. In Britain they say that "the Queen's Government must be carried on." In India the President's Government must also be carried on. We have to maintain our social organism in a normal, peaceful way without allowing it to be disrupted in any fashion. In the situation that we have gone through, these two principles clashed and hence all the excitement and discussion.

Now, this morning, we on these benches abstained from associating ourselves with this motion of no-confidence in the Government. I think we owe it to the House to explain why we, with regret, have had to dissociate ourselves, as the major Opposition Party in this country, from other groups on this side. We did it because of two basic reasons.

Empty Ritual

One is that we feel that too many motions of no-confidence at the beginning of every Session become an empty ritual — an empty ritual that loses much of the spontaneity and the feeling that should be behind it. The result of that, or one of the manifestations of it, was something that irritated my friends quite rightly, namely, the empty Treasury Benches. That itself shows how you can devalue censure motions as you devalue the currency, and we see how the Prime Minister and others are getting accustomed to this. That is one reason why we felt that we would not associate ourselves with this kind of move.

The other was that, although the motion was moved without giving any reasons, we had the benefit of seeing the original motion tabled by the hon. mover of this motion. It had eight grounds and we found ourselves not very happy or in agreement with several

of a bare statement that the House had no confidence in the Council of Ministers was primarily intended to condemn the Government for its handling of the strike.

The Swatantra Party's Group in Parliament declined to support the Motion and abstained. Why?

Before we answer this question, it might be interesting to recall that eight years ago, in August, 1960, the Lok Sabha similarly debated a strike by Government Employees. Then it was an indefinite strike which lasted five days. That strike too was unsuccessful. The main demand then was for increased dearness allowance. The Swatantra Party at that time also opposed the strike but was very critical of the Ordinance and its indiscriminate use by Government. Speaking during that debate, Mr. Masani pointed out that the demand for increased dearness allowance was a direct consequence of the ruinous economic policies of Government which had led to rise in prices and an erosion in the real incomes of the employees as a result of inflation.

On the issue of strikes by Government Employees, Mr. Masani observed:

“... let us limit the truncating of the right to strike, to essential services and to civil servants proper. In regard to these, I would prefer Sri Jayaprakash Narain's approach—trying to get an agreed formula for arbitration—if you like, compulsory arbitration as in Australia, because we know compulsory arbitration automatically prevents a strike... I suggest to all concerned, including those who led the Government Employees to agree to the principle that all disputes between them and the Government should be justiciable and should go to a tribunal of some kind, chosen with the consent of both the Parties... You cannot deny a man the right to deny his labour unless you give him the right to a judicial recourse. Once this has been accepted, you can illegalise strikes in this limited sphere of activity.”

What Mr. Masani and Mr. Dandekar said during the No-Confidence Motion debate on November 11 and 12, 1968 was not different. They reiterated the point that if Government Employees could not be allowed to go on strike they should have the right of arbitration.

It would have been very easy to obtain cheap popularity by joining the opposition chorus and denouncing government. But then the Swatantra Party is a responsible opposition Party which believes in constitutionalism and the rule of law. There was no doubt that the strike was a communist manoeuvre. The Communists have always made irresponsible demands knowing full well that such demands will not be accepted as they are not feasible in the context of our economic situation. In the resultant dissatisfaction that is generated the Communists derive the maximum benefit. Confusion and chaos are the breeding ground for communism and September 19, 1968 was a “dress rehearsal” by the Communists in their grand design for chaos and confusion at a later date when the country would be “ripe” for their kind of “revolution”. Therefore, the Party's Group declined to support the motion and abstained.

The fact that the Swatantra Party opposed the strike does not mean that the Party does not understand the problems of Government Employees.

As Rajaji observed:

“There is no gainsaying the fact that the grievance of the non-gazetted employees of the Central and State Governments are manifold and their demands for their need-based increase in salaries are reasonable.”

But the Swatantra Party is convinced that the problems raised by the employees of Government involve issues of economic policy—a field in which the Swatantra Party has repeatedly adjudged the Government guilty.

the only exception being the demand for need-based minimum wage which was included in the lists of demands formulated by all organisations. The other Departments and Ministers of the Government adopted a similar attitude. Any reasonable or responsible leadership would have regarded this as a fair enough compromise and, dropping the idea of the strike, would have begun immediate talks for securing in concrete terms the rest of the demands either through negotiations or through arbitration."

It is for these reasons that we think that the strike was unjustified. It was a politically-motivated strike and the Government was perfectly right in dealing with it the way it did.

Need-based Wage

Now I might be asked: "Why should not the demand for a need-based minimum wage be referred to arbitration?" It is a perfectly legitimate question and I think both the Government and those who agree with me have an obligation to explain why the need-based minimum wage cannot be referred to arbitration like any other. Our present plight is such that we are far from being able to meet the needs of our people. We suffer from a bankrupt economy created by the economic policies of a bankrupt government. We are stagnating today. (*Interruption*) My logic is this. If we were to pay a need-based wage to any categories of our employees, whether Central, State or otherwise, the already deficit budget would have to be stretched still further and hundreds of crores of rupees of further deficit financing would become necessary, and these gentlemen who join me in shouting against inflation would be creating the very inflation against which we have resolved to set our face. Also, it would be a deception of those very people whom these gentlemen profess to serve because by giving them a need-based wage you would be giving them a depreciated rupee, taking away with one hand what you are giving with the other. It would lead to massive deficit financing and inflation which will ruin further the economy of this country.

Finally, this is not the proletariat in our country. The Central Government employees are undoubtedly an under-privileged part of our society and should be getting a fair deal, but they are by no means the poorest. There are millions of people in this country who would envy the salary or wage which the Central Government employee gets today. There are landless rural labourers, there are millions of our small peasant farmers whose standard of living is undoubtedly poorer still. We cannot, therefore, favour a vocal and

of the eight grounds which were found to be controversial. I think the mover himself said that he would like to focus attention on the events of 19th September. That being the case, we felt that we could not associate ourselves with a motion that sought to condemn the Government for the way they handled that particular situation.

Strike Unjustified

We believe that the strike on the 19th September was unjustified. We believe that it was a political manoeuvre masquerading or camouflaging itself as an industrial dispute.

Mr. Nambiar: Absolutely false and irresponsible.

Mr. Masani: We say that because once the strike was declared illegal there is only one duty for any law-abiding citizen and that is to obey the law . . .

Mr. Nambiar: It was a lawless law, a jungle law.

Mr. Masani: We cannot associate with a violent breach of the law or defiance of the law, once it is the law of the country. The way to deal with the situation was to come to the House and amend the law. That is why, Mr. Deputy Speaker, we cannot join with these gentlemen. We believe, on the other hand, that this government which is weak, this government that yields to pressures and appeases pressures, for once did the right thing. For once it showed courage in maintaining law and order. We believe that for once they did something on which they had the country behind them . . . (*Interruption*).

Mr. Piloo Mody: Sir, Why not keep a little law and order here?

Mr. Masani: A very reasonable compromise was offered. Some days before the strike took place a reasonable compromise was offered to the leaders of the strike. Unfortunately, they rejected it. I shall read an article by a veteran trade unionist of this country, a man who has given more of his service to the working class than many of my noisy friends on this side. I am reading an article in *Opinion* by Mr. V. B. Karnik. (*Interruption*). He is senior to these gentlemen in his service to the working class of this country and he has served the working class without entering politics. He has this to say:

"The immediate cause of the strike was the refusal of the Government to refer to arbitration one demand, namely, the demand for a need-based minimum wage. The Government had agreed, in the course of the talks that preceded, to negotiate or refer to arbitration all other demands. For example, the All India Railwaymen's Federation had formulated twenty-eight demands. The Railway Board agreed to settle or refer to an *ad hoc* tribunal twenty-seven out of twenty-eight demands,

crying for this reform in the trade union structure for ten or twenty years. Political outsiders should be excluded and the union should belong to the workers themselves. I am very glad that the Government has now announced that they will not recognise these unions unless they belong exclusively to the workers.

Let me now come to another side of the scene — certain long-term aspects of this matter which, however, point in another direction.

The question that arises is as to who is responsible for creating this large army of underpaid civil workers. Who has indulged in Parkinson's Law and created an army of people in the Secretariat and Government establishments who cannot be paid the wages to which they are entitled? It is the Government; it is their policies over the last twenty years that have created a large body of underemployed, underpaid Government employees. For this the Government is squarely responsible. If they had restricted the number, if they had shown some consideration for the taxpayers in their Budgets, we would have had a smaller number of Government employees getting a much better wage and they would not have had to face the situation which they have done.

Similarly, what is responsible for creating a situation where the Government of this great country cannot pay its employees what would be considered a decent, humane wage? There again, it is the Government's economic policies which have led this country to stagnation, bankruptcy and collapse which have created this situation. For this the Government must squarely be held responsible.

Distinction between Government Employees

We have some time to define our attitude to restricting the right of Government employees to strike. As I said earlier, we believe that the right to strike is a Fundamental Freedom. Only the Communists and other enemies of freedom deny that right when they are in government although they may shout themselves hoarse over it now. (*Interruption*) But the question arises in what situation and under what circumstances the right to strike can be denied. Now, it is perfectly clear that the members of the Armed Forces of the country cannot enjoy the right to strike. It is also clear that the members of the police force cannot enjoy the right to strike nor the members of the civil service, (*Interruption*) who have to carry on the President's administration. But a distinction has to be made between these Government officials and the commercial employees of Government. When the Government becomes an employer, when it starts factories, runs airlines and railways and supplies post and telegraph services, then Government has to be-

small minority at the cost of the big majority of our toiling masses.

I welcome the withdrawal of the recognition of the so-called central federations which had been holding the working class till now to ransom. These are small minority groups led by the Communists and other politicians who have been enjoying a closed shop and have been denying the masses of Government workers the representation to which they are entitled because a promise was made to these federations that they would have a monopoly of representation. They have been misusing the monopoly all these years and I am very glad that this monopoly has been broken at last.

Mr. Umanath: What about Tata's monopoly?

Mr. Sheo Narain: Sir, you should help the speaker.

Mr. Masani: I do not need any help.

Mr. Nambiar: Bring in the normal situation outside and then normalcy will be here. Cancel victimisation. That is the only remedy for normal conditions in the Lok Sabha. Take it from us. Otherwise you cannot proceed.

Dr. Sushila Nayar: They must stop victimisation of speakers.

Mr. Umanath: Stop victimisation of workers outside.

Mr. Nambiar: There is no mincing of matters. If you want normalcy here, bring normalcy outside. If there is not normalcy outside, there will be no normalcy here. Let them take it from us. We are ready for it. We are game for it. Bring about normalcy outside, then there will be normalcy here; otherwise everything will be abnormal here in this country.

Mr. Piloo Mody: I hope you have seen a very good exhibition.

Mr. Masani: I have dealt with these gentlemen for thirty years and I can manage them still. I do not mind ... (*Interruption*)

Mr. J. M. Biswas: Let him only say when he is joining the Cabinet.

Mr. Masani: I am not joining the Cabinet.

Sir, I also want to welcome the announcement by Government ... (*Interruption*)

Mr. Piloo Mody: Sir, you better make up your mind who you want to hear.

Mr. Deputy Speaker: Shri Nambiar will please keep quiet for the time being.

Salutary Decision

Mr. Masani: Sir, I was going to say that another step on which I congratulate the Government is that they have decided not to recognise Unions unless they belong to the employees themselves and exclude outsiders from their leadership. Many of us have been

events that happened in the capital, in Indraprastha Estate, to which a reference has been made earlier by Mr. Kunwar Lal Gupta and others.

Mr. Nambiar: See the photos.

Mr. Masani: I do not have to see anything you produce. I have read the documents to the extent they are available. There is no doubt in my mind, on the basis of the Deputy Commissioner's Report and also the Report of the non-official Inquiry Committee to which I shall refer, that there was a gross abuse of authority and there was excessive violence used by the Police in that particular incident.

Mr. M. L. Sondhi: Murder.

Mr. Masani: I would first read the conclusions of the Deputy Commissioner's Report. He says:

"My conclusions are:

- (i) Shri M. K. Kaw and Shri Mohinder Singh did not handle the situation outside 'Y' building tactfully at 1 p.m.
- (ii) It was not necessary for the police to enter the 'Y' building at about 3 p.m.
- (iii) The decision to send the police force inside the building was entirely that of Shri Mohinder Singh and none else, and was taken without any consultation with Shri M. K. Kaw.
- (iv) The above-mentioned decision was taken in disregard of the clear and unequivocal instructions of the IGP and DC given from the former's Control Room and repeated to him by the IDG (R) who was present on the spot.
- (v) The officers and men of the police force had not been told of the objective to be achieved by the entry of the police inside the building nor were they briefed. The responsibility for the same is also that of Shri Mohinder Singh.
- (vi) The police indulged in unprovoked beating of innocent persons and wanton acts of destruction."

There was a non-official Committee that also went into this matter a little later because of the refusal to have a judicial inquiry. The Committee consisted of two members, Mr. Sarjoo Prasad, a former Chief Justice of the Rajasthan and Assam High Courts, and Mr. Purshottam Trikamdas, a senior Advocate of the Supreme Court and a Member of the International Commission of Jurists, whom I happen to know over my whole life time as a distinguished lawyer, who believes in the spirit of the Rule of Law, who is entirely unconnected with the elements who were behind the strike and who believes that individual liberty is the supreme good. The conclusions to which this Committee has come are, in all respects, the same as those of the D.C. except that they do not agree with

have like an employer and when the Government becomes an employer, it has to behave like a good employer. It cannot talk of its sovereignty. It cannot behave like Louis XIV saying: "*L'état c'est moi*" and refuse to submit to arbitration and say: "If an arbitrator gives an award against me, I will change it to my own convenience". It is, therefore, important that we learn to discriminate between different categories of Government employees. We cannot take away the right to strike of the commercial employees of Government or even others without giving them an alternative means of redress. What is the alternative to the denial of labour or the right to strike? I suggest that that alternative is the Rule of Law, the right to go to arbitration or to adjudication.....

Mr. Nambiar: That was not given.

Mr. Masani: ... to have a tribunal to which to appeal and to be bound by the verdict of the tribunal even if it goes against Government. My hon. friend says that was not given. It was given in all cases except in respect of the need-based wage.

Mr. Nambiar: Why?

Mr. Masani: I will explain. The need-based wage is not an issue in an industrial dispute (*Interruptions*) I don't yield; I refuse to yield. You can answer me later on. I am saying that the need-based wage cannot be referred to arbitration. You may as well refer the Budget of the country to arbitration; you may as well refer the country's international policy to arbitration! You cannot refer the basic economic and political issues facing this nation to arbitration. Those are political and economic issues which this Parliament and the people of India will decide in a democratic manner. What you can refer to arbitration are specific industrial disputes. It is the specific industrial dispute which is referable to arbitration. Therefore, I say, when we deal with the Bill that will come before us to replace the Ordinance that has been passed, we will take our position and we shall discuss the matter in detail and we will see that the right to strike is not taken away unless the right to arbitration and adjudication is given.

This is the stand I took in this House on 8th August, 1960, when I opposed the Bill brought forward by Mr. Jawaharlal Nehru and his Government to outlaw the Central Government employees' strike without agreeing to go to adjudication or arbitration. All these noisy gentlemen then supported the amendment which I moved against the Government! They are not going to gag us here. They can do it in Prague if they want to.

Indraprastha Incident

There is another topic which I would like to deal with before I conclude and that is the unfortunate

Token Strike or Dress Rehearsal?

N. Dandeker

Mr. Speaker, Sir, just as we had feared, the debate on this motion has degenerated into a set of intolerant speeches (*Interruption*).

Mr. Speaker: Order please. Let us hear him.

Shri N. Dandeker: Mr. Speaker, Sir, just as we had feared the debate on this motion has degenerated into a set of intolerant speeches, concerning a very serious matter (*Interruption*).

Mr. Speaker: Order, order.

Shri N. Dandeker: I hope these gentlemen on my left will show us the same indulgence that we extended to their leaders when they spoke. Now, Sir, the debate, as I said, has descended into a most intemperate kind of discussion concerning matters of very grave importance, namely the central government employees' strike, call it a token strike, or a substantive strike, or whatever it was supposed to be. Both for the Government as well as for those who went on strike, as well as for the public too, it was an extremely serious matter. But unfortunately the debate, as it has proceeded, has taken a turn which was most unfortunate. On the other hand it has been sometimes raised to a level, as was done by Acharya Kripalani to whose speech one listened with rapt attention.

By the mere choice of a "one-line" motion to censure Government it has also enabled some speakers on the government side to resort to cheap jibes at the Opposition Parties by saying that there was nothing else they could find to censure Government with. It has also enabled some speakers, particularly on this side of the House to obscure the issues, sometimes relating to the strike itself, or to side-track the problems by debates relating to the need-based wage and matters of that kind.

I must, therefore, begin by reiterating our position on my side. In the first place, we maintain—and we have said this over and over again—that strikes by public servants, as distinguished from strikes by those employed by government in their industrial undertakings—are altogether impermissible (*Interruptions*).

An Hon. Member: Hey Sheo Narain! (*Interruptions*).

Mr. Speaker: Will the Hon. Member resume his seat? Someone shouted 'Hey Sheo Narain'. Let them settle it

the attempt of the other report to exonerate the two senior officials, Mr. Tandon and Mr. Kaw, who happened to be on the spot. They have said that they are not satisfied that the blame can be cast on the junior officers and they believe that these two people also were responsible for what happened and, in fact, they say that Mr. Kaw was actually seen assaulting innocent people. There is a conflict of findings between these two scrutinising bodies on this particular point as to where the responsibility lies, but both agree that something very horrible happened. In the light of that, the non-official Inquiry Committee has come to the following conclusion:

"We think that the incidents pre-eminently call for a thorough judicial inquiry since they affect certain basic principles of the administration, namely, the safety and security of loyal government servants, the control and discipline of the police and the co-ordination and respect which one department of the Government should have for another."

Judicial Inquiry

I believe, Mr. Deputy Speaker, that a judicial inquiry should be used very sparingly like motions of no-confidence and that neither of them should be made cheap, as the motion today has been made. But there are occasions when, in order to restore public confidence, in order to bring the guilty to book, it becomes necessary that a Tribunal, in whose independence and capacity there should be no doubt, should go into incidents concerning large numbers of civil servants who were loyally doing their job on a day when they could very well have gone on strike if they had listened to those elements; on such occasions certainly there should be a judicial inquiry. I think Government have blundered egregiously in refusing to face the facts on this matter. I would even now appeal to the Prime Minister and the Home Minister to reconsider this matter. I am speaking as one who supports their handling of the strike, but when they do not agree to have a judicial inquiry into the matter, I feel I must vigorously part company with them and dissociate myself from the stand taken in this matter.

For all the reasons which I have given, we on these Benches will abstain from voting when this motion is put to the vote.

quite clearly, strikes by public servants, as distinguished from strikes by workmen in the industrial employment of Government, are, we think, entirely impermissible. They do no good to the employees themselves. They hold the entire government to ransom, and what is worse, they completely disorganise the entire civil life of the population. I think in this connection Acharya Kripalani was very graphic. But I would merely mention the dimensions of the problem.

Something like 2.5 million employes, had they all gone on strike, would have held up the life and labours and all that goes with it, of 500 million people of this country. It is not permissible. We cannot allow half a per cent of the population to hold the Government to ransom or the public to ransom until the Government pays the forfeit they demand.

Precisely for that reason, our position secondly is this, that it is essential that in the organisation of Government and its relations with its own employees, there must be compulsory procedures for the settlement of disputes. We cannot have this thing going on and on and on, employees making demands, a considerable part of them perfectly legitimate, Government going on negotiating with them, nobody knowing exactly where they are, and Government then declaring that they have the final word on the subject. There is urgent need that there must be made available procedures of a compulsory kind, the results of which would be binding both on the Government and on the employees.

Police Excesses

Thirdly, Sir, we cannot in any event countenance, regardless of whether the strike was proper, or whether it was improper, whether the Government was right etc.—regardless of all these considerations we cannot possibly countenance excesses in the enforcement of law and order such as were committed in Delhi and other places, just as we have refused to countenance the *total inactivity* by the police in States like West Bengal last year, and in Kerala during the course of the last year and this year.....(*Interruptions*). The police have a duty to perform, and that duty they must perform and should not refrain from performing, and that duty they must perform without resort to excesses. It is difficult and often unpleasant duty. I will not say that sometimes a little excess here or there would not happen. But the kind of happenings of which there have been a great many of graphic description here,—the kind of happenings at Indraprastha Estate, the kind of happenings in Pathankot, Bikaner and elsewhere,—are not the sort

between themselves first! Someone has shouted as if it is a market place. This is the Parliament of the country. I expect Hon. Members to behave better. Sometimes it is all right. But frequently resorted to, it becomes indecent. May I request all to observe dignity? I was listening to the speech of Shri Ramamurti before coming here and while being here and I saw that it was heard with great respect and patience. Here is theSecretary of the largest Opposition Party and Deputy Leader of the Party speaking, and speaking for the Opposition. It is not just Shri Thirumala Rao who is speaking now (*Interruptions*). It is not as if some member is speaking for the Congress Benches. If that was so, I could understand (*Interruptions*).

Shri Randhir Singh: Shri Thirumala Rao is our Deputy Leader.

Shri Sheo Narain: Do not be so cheap about our leader. If you give me ten minutes, I will pay him back in the same coin.

Mr. Speaker: In the case of the Deputy Leader of the Congress Party, the ruling Party, I can understand. But they are not allowing one of their own Opposition Party Leaders to speak.

Shri Jyotirmoy Basu: His is a subsidiary of the ruling party. It is isolated.

Mr. Speaker: They are the biggest Opposition Party in the House, 45 strong. Whether they are isolated or the hon. Member and his Party is isolated, is not my business.

Shri Jyotirmoy Basu: They go to Rajasthan with Bengal's money and fight elections (*Interruptions*).

Mr. Speaker: They have 45 members here and they have all come elected.

Shri Balraj Madhok: Can the hon. Member make remarks like this? He may have got elected with Chinese money or Communist money. He does not represent the people. He has no faith in this Parliament. He does not know how to behave (*Interruptions*).

Shri Viswanatha Menon: Who the hell is he to shout like this? (*Interruptions*).

Mr. Speaker: All the hon. Members of this House are elected. Nobody is nominated or something like that. All are elected by the people from different constituencies, whether it is Rajasthan, Punjab or Bengal or Naxalbari or anywhere else. Therefore, let us not belittle one another.

Shri Hem Barua: Why Naxalbari?

Mr. Speaker: That is also one section of view, whether he likes it or not. I would appeal to all to observe restraint.

Swatantra Position

Shri N. Dandekar: I would like to begin by briefly restating my Party's position in this matter. Firstly and

Token Strike, I could have understood, if only some odd civilian officers here and there were chosen deliberately for the expression of a token hostility, animosity or antipathy, whatever you may like, to the decision of the Government. But what kind of a token strike was this? Was this not a strike extending to the railways, a strike extending to the vital communications, a strike that was known to be extending to all systems of communications and transport vital to the life of this country, vital in carrying on the day-to-day business of the people, vital to the defence of the country? I am *not* prepared to accept that kind of strike as a "token strike". I am, therefore, not prepared to criticise the Government for refusing to accept it as a token strike. I think when strikes by public servants extend to the life-line, to means of communications and transport, they are nothing else but dress rehearsals for many worse things to follow. Indeed, if the Government had not refused to regard this as a token strike and had taken it lightly, they would not be deserving of the right to govern because they may not take risks of that kind when it looked like a dress rehearsal for a major operation.

Secondly, Mr. Joshi asked: was it necessary to declare by Ordinance this exercise as illegal? It has been argued, and I know this is correct because I was myself a public servant once, that there exist Rules of conduct whereby going on a strike or persuading anybody to go on a strike are matters in respect of which disciplinary action could be taken by the Government against its employees. But this was not a question of taking disciplinary action here and there. This was a case of a deliberate,—so as far as the Government could make out, a deliberate, calculated and well thought out attempt to put the whole country and also the machinery of Government out of operation. Indeed, even if you accepted it that it was a token strike to put everything out of operation for only 24 hours (*Interruptions*).

Shri Nambiar: Why not arbitration? It is said that it was a calculated attempt. It was calculated because they did not want arbitration.

Shri N. Dandekar: Even in those circumstances, Mr. Speaker, I again have no doubt whatever that the Government had necessarily to provide itself with the appropriate preventive machinery to deal with the matter.

Shri Nambiar: They had done it. It is their responsibility.

Was the Strike 'Popular'?

Shri N. Dandekar: The third point that was made by Mr. Joshi was whether this strike was popular? popular in the sense, whether a majority of the Gov-

of excesses that anybody with any decent sense of values can possibly tolerate.

Whitley Council Procedure

Having said that, let me turn to matters of some importance. Let us attach some importance to the merits of the problem at issue instead of showing a good deal of mere heat or sentimental emotionalism or partisanship about all this. Turning, as I said, to some points of importance that were raised during the debate, I would like, first of all to commend what Mr. Nath Pai said about the importance to be attached to the institutions of Government themselves. Referring to the matter of procedure, to which I also referred, I would like to emphasise the importance which Mr. Nath Pai attached to what is called the Whitley Council procedure. The Whitley Council procedure has worked admirably abroad. There is no reason why this should not work equally well here provided the appropriate temper and the appropriate willingness to compromise were present on both sides. I say *both* sides because I am aware of the complaint which Mr. Nath Pai was making that there is a certain temper still, though not very much, among officials that they are not prepared to compromise, that they are not prepared to come with the right temper to these negotiations. But equally I may say that the attitude, as far as I can make out, of those who were negotiating for the workers,—not of the workers or employees themselves but of those negotiating for them was also utterly uncompromising, but what I wish to emphasise is the importance of the point made by Mr. Nath Pai that whatever the procedure,—if it is Whitley Council, let us have Whitley Council, if it is adjudication, let us have adjudication, if it is arbitration, let us have arbitration,—but the approach to these matters in regard to their substance as well as the temper with which one approaches them is of the greatest importance; and I would therefore suggest that there is a good deal in what he said that is worth noting by Government.

Then, Sir, Mr. S. M. Joshi described very graphically the course of events that eventually culminated in what is described as a token strike. I do not know whether the account that he gave us in detail was accurate; but I would certainly say it was very plausible. I think there is a responsibility cast on the Home Minister when he replies to clear the air in respect of these matters.

Token Strike?

Some points of substance were also raised in Mr. Joshi's speech to which I must briefly refer. He said, and many others said, that it was a "token strike". A

tee on Fair Wages reported upon this very difficult problem of appropriate wage levels. They said there was such a thing as "minimum wage" below which the wages must in no circumstances be allowed to fall, and in case an employer could not pay a minimum wage, he had no right, no business—he may work by himself if he liked,—but no right to employ any person who may get a wage which was less than the minimum wage that one should pay. Then there was a concept of the "living wage" that enabled a person and his family to live decently. Let me put it in its extreme simplicity; it is simply this: a living wage is a wage that will enable an ordinary family to live with some decency as to the day-to-day living with some assurance against the hardships of life and so on. And they say that in between these two,—the minimum wage and the living wage — there should be a wage level called the "fair wage" for which you should strive to work; that one could work on a fair wage. They said that all the exercises in wage determination must be concerned with assuring the employees that they do not fall below a minimum wage; and if possible they should try and raise them to the level of the living wage; and sometimes in between there should be a level of which one could say it was a fair wage, having due regard to the numerous requirements such as the capacity of the particular unit to pay and having regard to productivity, profitability and so on. There is a whole list about these determinants: six to seven determining factors which they said would have to be taken into account in determining the fair wage.

Then in 1957, there was evolved a concept, not just of minimum wage, but of a minimum need-based wage, a very useful concept. I will not go into the details of it. The details have been often narrated and frequently debated. But there is also one proviso to it which says that for anyone who is unable to pay a minimum need-based wage, the burden is on *him* to establish why he cannot pay the minimum need-based wage. I do not think anybody here would quarrel with that concept as a concept. You may have difficulties about the details of computing the minimum need-based wage. The minimum need-based wage may vary from place to place, from region to region and from time to time. But the concept that there is such a thing as minimum need-based wage below which if possible we should not go; and that if you do go below that the burden is on you to justify doing so, is not a concept with which we can quarrel. What Mr. Dange pointed out was that article 43 of the Constitution not only required a minimum need-based wage to be paid but the effort of the policy should be to strive and strive hard in the direction

ernment servants, or the public as a whole, were for it or against it. I do not know how all the public servants felt about the matter. But I have had the opportunity of speaking to a large number of public servants about the strike; that was when the strike was threatened. And they were all terribly anxious and they were all hoping that there would be no strike. I have no doubt whatsoever . . . (*Interruptions*) that for a large majority of them it was not going to be a popular exercise. The word 'popular' to me means also how the public at large viewed this transaction. What was the public view on this matter? I have not met anywhere any responsible or ordinary members of the public, any common man, or ordinary men or business men, who thought that this was a nice thing to do, that this was the only thing left for the public servants to do. I would like to go on record that this was not a popular strike so far as the public were concerned.

Shri Nambiar: Which strike did you support in your life?

Shri N. Dandekar: Finally, about the police excesses, various reports have been read. Mr. Masani read from certain reports. I have with me a report made by the District Magistrate here as well as by a former judge, Mr. Sarju Prasad. I am accustomed to reading official documents with a good deal of calm imperturbability. And I cannot help feeling that here there is a matter which undoubtedly required a very careful judicial enquiry, because the degree of excesses, the kind of excesses, the absence of any necessity for any excesses of that kind—all that sort of thing—make it perfectly clear to me that in a situation like this, where a large number of public servants are involved and where the excesses of this kind against them are involved, there is no doubt about it that there has to be, and should be a judicial enquiry. Only a judicial enquiry will bring out what the matter was and where it now stands.

Now Sir, within the few minutes left to me, I will turn to some more fundamental points that were made so ably, that were made with such persuasive eloquence though not with a great deal of validity of argument, by my friend Mr. Dange. I listened with great respect to his speech yesterday, when he expanded this concept of the need-based wage and also the question of the capacity to pay.

Need-based Wage

If the House will have some patience with me, I would like to devote very briefly, a few minutes, to these concepts like the minimum wage, the fair wage, a living wage and the need-based wage. It was in 1949 when a Committee called the Commit-

how best they can strive towards it. I say it is their duty then to assure their employees that that is their objective. The extravagancies of Government not only have been, but continue to be, so great and the cost of living so high that today even if an increase of a mere Rs. 5 was to be given in the pay of every employee of the Central Government, the State Government and the Municipal and Local Government, the bill would be of the order of Rs. 70 to 75 crores.

The Cost of Prohibition

When I say this, there came to my mind those moonbeams of lighter lunacies that were exhibited at Goa, the most dazzling of them being the undertaking of Mr. Morarji Desai that he would pay 50 per cent of the cost of indulging in the stupid exercise of enforcing prohibition in seven years' time. The Prime Minister, who was present, did not contradict him. A quick calculation shows that it would cost something like 135 crores. If Government has got that kind of money to throw away, I am not prepared to listen from them the story that they cannot pay, no more than I would be prepared to listen to a similar story from an industrialist. If I looked at his income and expenditure and if he said he could not pay a need-based minimum wage but had money to indulge in extravagant fads, I would ask him ten thousand questions before I accept it. I am not saying this theoretically. I had the good fortune to appear before the wage board for the cement industry in 1958. I told them the workers were entitled to receive a need-based wage; but as these gentlemen were also looking into our account, I also satisfied them that we cannot afford it. So I said to them: you make up your mind and if we have to pay, it must come from a rise in the price of cement, i.e. the consumer has to pay. But we did not say that we would not pay. But what this Government says is: we will continue with our stupid policy of extravagance; we will undertake to make good 50 per cent of the loss due to enforcement of prohibition; but we cannot afford a need-based wage. The Prime Minister was present and I must assume that this statement was made with her prior approval because she did not contradict it despite its being such an important matter.

If there is that sort of money available and if the State Government can also afford to bear the remaining 50 per cent of the loss on prohibition, that is to say, if something of the order of Rs. 250 to 300 crores can be cheerfully drained away for this exercise in futility called prohibition, then, I am not prepared to accept the Government's case that they cannot pay a need-based wage to its employees. (*Interruptions*).

Mr. Speaker: You must now conclude.

of a living wage which, as I said, is at a higher level still.

Having said that, Mr. Dange went further and this is where I begin to say that his case was invalid. In the first place, the Minimum Wage Body — the 15th Labour Conference as a matter of fact, — was expressly concerned with wage levels in industry; and here I make no distinction, between industrial employees of the Government and the industrial employees in the private sector.

Two Yardsticks

They are all industrial employees. There is no reason why there should be separate yardsticks for the two. But expressly these concepts were applicable to industrial labour, *not* to Government employees. Secondly, at the earliest opportunity, — I think it was before the Second Pay Commission, — when a clarification was sought from Government as to whether they have accepted this and whether it applied to Government employees in general, Government quickly reacted and said, "no". At the same time, having said this and because I would like to put the record straight, I must add that Government have never accepted that they were bound by it even for their industrial employees.

But I say that Government ought to be striving towards it. Mr. Kripalani made an important point that these white-collared workers in Government service are far more severely ground between the nether stone of rising prices and the upper stone of increasing indirect taxes and they have no supplementary income. The ordinary industrial worker has the good fortune of having a wife who perhaps earns a little; and may be also a grown-up son to assist him. But the white-collared workers have suffered increasingly for the last 15 years. Thanks to the utterly misguided and fundamentally wrong economic policies of Government and the utterly fantastic and extravagant expenditure of Government, like indulging in vast public sector enterprises with no money, it has not been possible for Government to finance these extravagancies except by measures which have brought about, on the one hand, rising prices and, on the other, increasing indirect taxes, with the result that these poor people, the white-collared brigade, have been the worst sufferers. Therefore, it is not enough for Government to say that they do not accept this particular concept of the need-based wage, that they would do what they can, but they will not allow anybody to go into this question as to what should be the need-based wage at Madras, Delhi, Calcutta or Timbuctoo the Government cannot claim that. It is for them to go into this question at leisure and see

Shri N. Dandekar: Now, Sir, I want to come to a close. As I said, it is unfortunate that this censure motion should have degenerated as it did into on such a serious subject at such a low level. As stated by Acharya Kripalani a strike by public servants is not permissible; and it could not be accepted even if all that they insisted upon was a machinery for the settlement of a dispute. Let there be no doubt about it. Mr. Dange was right only to the extent that he urged that when the need-based minimum wage has been accepted as a principle by Government for industrial workers, there was no reason why it was unacceptable as a concept equally valid for Government servants. If there was no capacity to pay, I can quite understand that for it only means it will take time to reach that objective. If there was no capacity to pay these people Rs. 15 or 10 or even 5 extra per month, I can understand that too. But if there is capacity to drain down Rs. 250 to Rs. 300 crores per annum for prohibition, then I am bound to say that the Government's case is not only invalid but also dishonest.

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