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Mr. M. R. Masani's speech in the course of the discussion on the Central Government Employees' strike and the Ordinance - in the Lok Sabha on August 8, 1960.

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Mr. M.R.Masani (Ranchi-East): Mr. Chairman, I thought that, after the speech of Shri Asoka Mehta which set a very good tone for our discussion, we should go out of our way to avoid recrimination and, as far as possible, ascertainment of the guilt of various parties. I would, therefore, like to start by considering the fundamental principles which bear on an occasion like this.

It appears to me that the tragedy which we are discussing is, like all real tragedies, not a clash between right and wrong, but between right and right. There are two kinds of right principles or logic which have come into collision on an occasion like this. On the one side, the Fundamental Rights in our Constitution give every citizen the right of freedom of association and the right to deny his labour. These are very sacred rights and any attempt to deny them must be very carefully considered and very carefully limited.

Pandit K.C.Sharma (Hapur): Not to apply to Government.

Shri M.R.Masani: I will come to that. Let the hon. Member be a little patient.

Similarly, the Directive Principles of our Constitution lay down certain economic policies like giving everyone a living wage; and certainly, as Shri Asoka Mehta argued, the erosion of the real wages of low-paid employees is something that we should do everything possible to avert. These are the principles - the right of freedom of association and the right to strike, which distinguish a free man from a bonded slave, and also the right to certain minimum standards.

On the other hand, there is another equally valid principle, and that principle is that of the normal functioning of a community. The British phrase has it, 'The King's Government must be carried on', and in our own country, the President's Government must proceed, and anything that disrupts the normal, ordered life of the community or of society has to be eschewed. From this, the corollary follows that our civil services and State employees - I am talking of the civil services proper, the Secretariat establishment, and not of industrial workers - must be immune from political influence or political affiliation. From that also follows a corollary that their associations and unions, when recognised, should be confined to those who belong to these vocations.

So here there are two principles or two logics coming on this occasion into violent conflict. We should try to understand each point of view and find out how much merit there is in those who espouse these respective points of view.

Now, there is one party in this country, one body of people in this country, about whom we are all unanimous there can be no criticism, and that is the common people of our country. The common people of our country have, as everyone has said so far, rallied in defence of the normal functioning of the community and the carrying on of the President's Government. It does not mean that the public condemned the strikers' economic demands or that they did not find justice in them. But it did mean this - that on this particular occasion, public opinion asserted itself overwhelmingly behind those whose duty it was, for the time being, to maintain the ordered existence and survival of the community. So at least there is one party who are the real victors, to whom our congratulations go, and they are the common people of India.

Now, so far as the protagonists to the dispute are concerned, the Government and their employees, as I said the other day, each had a principle which they followed; but they were not able to check these from coming to a collision.

So far as the employees are concerned, their case is that their real incomes had been eroded by a constant process of a rise in prices. Shri Asoka Mehta has made out that case clearly and I will not cover that ground. It cannot be denied that they had a valid claim to compensation to maintain their real incomes, not to ask for more money but at least to be safeguarded that what they got in 1947 would be the

real wages they would continue to get. What is the root cause of this difficulty?

The rise in prices followed from governmental policy, ^{which has been} It followed from the pattern of planning to which this country has been led during the past decade. This pattern of planning has built in it, has inherent in it, inflation. This has been pointed out from the very beginning of the Second Plan by a number of people like Professor Shenoy who dissented from his colleagues in the Panel of Economists to point out that if this Plan was sought to be put through there would be a rise in prices and inflation. This warning was ignored by Government. This warning was repeated on the floor of this House by many of us from 1957 onwards. By deficit financing, by excessive taxation, by the imposition of excise duties on the necessities of life, by the obsession with capital incentive projects like steel plants to the neglect of the wants of the community, this Government has almost deliberately set in motion a process of inflation.

The employees who are low paid come before the Government and ask for compensation. Is it fair, the employees say, to ask others to be generous rather than those who like Government themselves are rich and powerful? There is no denial that the employees' basic demand of 100 per cent compensation is justified in principle.

Similarly, who has created this enormous class of underpaid civil servants? It is alleged that three clerks today do the work of one clerk could do perfectly satisfactorily in our Secretariat. On whom does the burden lie of creating this huge army of under-paid and under-worked people? If one clerk had been there, he could have been paid much more. You have today three under-paid and under-worked clerks. The entire responsibility for this enormous rise in civil expenditure, which one Finance Minister after another has been unable to control, this expansion of bureaucracy which far exceeds anything that Professor Parkinson ever dreamt about, is again the responsibility of the Government of the day. So, this is the economic root cause of the strike and the responsibility must lie squarely on the shoulders of the Government.

Then, we come to the immediate crisis. Faced with this demand Government appointed a Pay Commission. The Pay Commission made its report and, as the Home Minister has pointed out, with some modifications, those recommendations were accepted. But, the Pay Commission, if I may point out, is not a judicial tribunal. The Pay Commission was an advisory body. Its terms of reference asked it to take into account not only the justice of the employees' claims but all the political and economic factors that go into the making of governmental policy. And, like men of affairs, like practical men, although they saw the justice of what the employees were entitled to, they also saw the practical difficulties in the way of those demands being met. And so they tried to reconcile the conflicting points of view.

The point I am making is that the reference to the Pay Commission which the Home Minister rightly called "a high-power body" was not a reference to a judicial tribunal whose award would be binding. There is a very big difference between these two things.

I am making this point because I was very happy to hear from the Home Minister this morning that, at long last, Government have agreed that in their disputes with their employees, where necessary, they will bow to the rule of law. Hitherto, they were arrogant enough to behave like Louis the XIV and say "L'etat c'est moi", 'I am the State'. I have heard Ministers of this Government say that they would not go to arbitration because government itself is the law. That is perfectly all right when the Government is a judicial body. Certainly, it has the sovereignty of law. But, when Government becomes an employer, when the Government opens factories and runs railways, then, it ceases to be sovereign and it becomes like any other employer: somebody whose duty it is to conform to the norms of civilized society. I am very happy that, at long last, three years too late, they have bowed to this principle after this very hard knock, which all of us have had to suffer.

In this very House, three years ago, on behalf of the Independent Parliamentary Group to which I then belonged, I moved an amendment, a simple amendment saying that before a strike is declared unlawful, Government should agree to refer it to arbitration or adjudication. To my regret, the hon. Minister of State, who is sitting opposite, refused to accept that amendment on the plea that Government could not

accept arbitration. Everything must be left to their discretion, to their wisdom as to what they would do in the end. This is what led to the strike. If, in that Bill, a clause for arbitration had been put in, I make bold to say that there would not have been the strike in the last few weeks. However, let us be glad that, as Shri Asoka Mehta put it, faced with a major catastrophe, the consciousness of the rightness of what Gandhiji used to call the rule of law has been at long last accepted by Government in their disputes with their employees. It is a great advance for Government and the employees and for our country as a whole.

Now, this is the position. I have said what needed to be considered from the employees' point of view. Now, let me say a word from the other side. I think that, on the eve of the strike, when certain concessions were made which amounted, as far as I understand, to the linking of wages with prices in principle, 50 per cent neutralisation of the rise in the cost of living and an agreement to go to arbitration, as I understand it, in respect of the balance, I think, at that point, any strike became unjustifiable. And I am very sorry that my hon. friends who led that strike did not at that moment reconsider the position and realise that the interests of the workers of the country would not benefit by imposing a strike on the country when so much had been gained and so little remained to be obtained. I believe, therefore, that the strike was thoroughly ill-advised and unjustified. I do feel this - that those who led that strike did not give enough weight, as the Home Minister put it this morning, to the enormity of the peril to the country and the problems it would create. I think, at that point, statesmanship and good leadership would have lain in resiling from the strike and progressing further with negotiations. After all, leadership consists in guiding followers right and not in doing what, at the moment, might be popular with them. I do feel that the leaders of the strike, at that moment, resorted to that very well-known Leftist weakness of tailism, they followed the followers without correcting them and giving them a proper lead.

When the Ordinance was passed - and I agree that an Ordinance is a lawless law; we have been brought up on that phrase when the British Government passed its Ordinances - we had to bow to the rule of law. We did always say that they are lawless laws. When Parliament was not in session and the law which had been passed had lapsed, they had to bring up this Bill in the form of an Ordinance. Assuming all that, and that an Ordinance goes against the spirit of the rule of law because Parliament had no chance to sit over it, I still say that the duty of the strikers and their leaders at that point was to have called off the strike. In a democracy we have to bow to the law whether we like it or not, whether for the moment we believe it is fair or not. I do feel that the leaders of the strike failed in their duty at that point of time in not bowing to it, accepting it for the time being and trying to argue against it and trying to change it when Parliament met. Then, I think their position today would have been immensely superior before the House and the country, in appealing to Parliament to reject this Ordinance and give them justice. I think the fact that they went on strike and that Shri Bharucha's motion has come at the end of a strike that was called off, a strike that had failed because the people of this country would not go along with them, has done their cause no good.

I would like to conclude by stating what appear to be certain valid conclusions that follow. [We were told by the Home Minister this morning that Government propose to ban strikes of government employees. Or, did he say civil services? (Interruption)] It is very important - the word he used - and the category of servants. I would like to make a respectful suggestion that before we put in this word in the Bill that is to come before us, we should examine it carefully on merits. It is an important thing to distinguish between different classes of government employees. One rule or one yardstick will not serve for different categories of government employees. I am sure the Labour Minister is aware of the international legislation on this subject. [There are civil servants proper who work in the Secretariat; they are one category. There are workers in essential enterprises, who are another. And, then, there are the normal common industrial employees of Government, and particularly of a Government that barges unnecessarily into producing things. These employees, the third category, are no different from any other private employees and no attempt should be made to distinguish between the ordinary industrial employees of government and those who work in other factories. But in the case of the

First two, civil servants and the essential services, I think the Government would be entitled to come before us with a set of proposals distinguishing them from normal employees and limiting their rights but also defining the procedures by which alternative remedies could be given to them.

Shri Naushir Bharucha: You do not want to ban strikes?

Shri M.R. Masani: I do not want the banning of strikes. I would come to it later. In regard to the recognition of associations or unions of the first two categories of people, Government would have every right to say that membership and leadership should be limited to the actual employees and that outsiders, whatever their political affiliation - even Shri Kashinath Pandey - should not be allowed to lead them. That follows from what I said earlier - that civil servants must be immune from political affiliation or interference.

Thirdly, in regard to the banning of strikes about which Shri Bharucha is anxious, I would like, in the spirit of what Shri Jayaprakash Narayan has said, to try to avoid a resort to such a ban. I believe it is legitimate in a democracy to ban strikes in a very limited sphere like the essential services.

In this connection, may I say that I hope the Prime Minister was misquoted this morning when it was reported - I hope wrongly or inaccurately reported - that he told a Congress Party meeting that he for one had never criticised the Soviet dictatorship for banning all strikes by all workers? Once we ban strikes by all the workers we become a totalitarian dictatorship and cease to be a free society. I do believe the Government have no such intention. Therefore, let us limit the truncating of the right to strike to essential services and civil servants proper. In regard to these, I would prefer Shri Jayaprakash Narayan'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. There could no longer be a strike once compulsory arbitration or voluntary arbitration is agreed to.

I would 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 parties. Once it is done, it is obvious that the right to strike has been forsworn and abjured and therefore, a legal ban may or may not be necessary. If it is, let it be a formality but let it follow rather than precede the other remedies. I advanced the proposition three years ago and I am glad it is being accepted. 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 legalise strikes in these limited spheres of activity.

Lastly, may I say that I think what we need now is the healing touch. We do not need a war of vindictiveness. I am glad to see from the speech of the hon. Home Minister that that spirit is completely lacking. The same spirit should be shown on this side because the losers quite often are more vindictive than the winners and therefore what Shri Asoka Mehta said to those benches applies as much to those who sit on this side of the House. In the larger interest of the country, we should consider the proposals which the Government bring before us to see that there is no repetition of this kind of incident, but I say that this incident is one which could have been avoided if three years earlier the same spirit that now animates the Government benches had been available.
