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26th AITUC Session

SUBJECT

~~DEV COUNCIL FOR BICYCLE~~

1963

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26TH SESSION OF THE AITUC

(Coimbatore, January 1961)

ON

- ★ Works Committee
- ★ Negotiating Machinery
- ★ Whitley Council
- ★ Labour Participation In Management

By

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ON

* Labour Participation in Management

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* Works Committees

.....
* Negotiating Machinery

.....
*** and

* Whitley Councils

The Scheme of Labour Participation in Management was first mentioned in the Second Five Year Plan in our country. Experts were sent from India to Yugoslavia and some West European countries to study the functioning of Works Councils and such other bodies. A Seminar was held in 1957 on this subject.

The necessity for such an experiment - whatever might be its content - arose more with the stress on industrialisation in our country in the Second Five Year Plan. What actually the bourgeoisie want under this slogan is workers' consent in maintaining capitalist production relations based on private profit and their cooperation with the factory management in its methods of exploitation so as to blunt and minimise workers' struggles against them.

The organised working class is therefore opposed to such slogans and schemes. In France, when de Gaulle made such a scheme compulsory through statute, the French TU movement rejected and opposed it.

Workers can and do manage enterprises in a socialist society because there they are in power in the Government and production is not done for private profit.

A question may then be asked: can such a scheme be approved in a nationalised undertaking which is not run for private profit and should not the organised working class participate in it?

The public sector enterprises are run on no better principles than those of the private capitalists though herein the profits go to the State. The public sector, as it present run, helps in the main to build up State capitalist economy and hence has no socialist approach either towards the workers or the people. It is mostly advised or influenced by big financial interests, except in a few cases such as Bhilai Steel, etc. That is why it is in the public sector which is excluded from the scheme of labour participation in management, viz., railways, defence factories, P&T, LIC, ports and docks, etc.

The subjects which these councils can deal with exclude the most vital parts of management and cover only the following:

- i) to improve the working and living conditions of the employees;
- ii) to improve productivity;
- iii) to encourage suggestions from the employees;
- iv) to assist in the administration of laws and agreements;
- v) to serve generally as an authentic channel of communication between the management and the employees; and
- vi) to create in the employees a live sense of participation.

The managements both in the Private Sector and Public Sector would not allow the workers "to interfere" with their bureaucratic structure of management, with questions of finance and profits, or wages or prices, etc. Hence workers have not liked and shown enthusiasm for this Scheme.

What is the attitude of the AITUC towards this Scheme?

The AITUC does not believe there is any possibility in capitalist society for real labour participation in management. Nonetheless, the situation in our country is such that whatever machinery is available and can be utilised for the defence of workers' interests, the AITUC should participate in it. We must specially try to utilise, to whatever extent possible (it is limited no doubt) in Public Sector enterprises to fight bureaucratic management and have a check on the wastages and corruption.

Generally, employers in both the sectors insisted on experimenting this scheme only through the unions of the INTUC. In Hindustan Machine Tools, Ltd., Bangalore, where an independent union arrived at an agreement on labour participation in management, it was allowed to function only in the sphere of improving the condition of the canteen and raising productivity. When the union and the management clashed on the problem of wages and production norms, the scheme came to an end.

The break came because the union gave a Charter of Demands at which the Managing Director took offence. One of our plantation unions in W.Bengal also has an agreement on labour participation in management but its experience is not known.

The AITUC rightly pointed out long ago that before any such schemes of participation in management are thought of, the mechanism of Works Committees should be fully developed. The Works Committees should be established everywhere, they should be elected democratically and allowed wider scope. After raising it again and again in the 15th and 16th ILCs, in the 17th ILC (1959), it was decided to set up a tripartite sub-committee to discuss the functioning of Works Committees and suggest amendments to the laws and rules on the question.

Provisions regarding Works Committees are very loose in the Industrial Disputes Act and Rules. Its scope is not properly defined. It cannot discuss any subject which affects the industry as such. Elections are totally left to the sweet will of the management. The Chairman who is generally the manager has too wide powers. Constituencies for the election are not clearly defined with the result that these are changed by the employers the way it suits them, and nobody, not even the Government, can interfere in it. The procedure of the meeting is not fixed. And last but not least, there is no guarantee that even the agreed decisions of the Works Committee will be implemented.

In some plants, Works Committees are doing useful work as far as organisation of canteens and sports are concerned but they are not in a position to discuss the problems of personnel, wages, hours of work, victimisation, etc.

Even with the above defects, the AITUC has tried to function in the Works Committees and through the elected representatives of workers, make use of them to defend and further the workers' interests to the extent possible. But it has been our experience that whenever the elections to the Works Committees, the representatives of the AITUC line of thinking or its unions get a majority, the management sabotages their work or refuse to allow them to work. In some regions or industries where the AITUC is strong, the Government and management dissolve or refuse to establish Works Committees.

In U.P., when the Government found that the Works Committees are not fulfilling the purpose for which the employers wanted them to utilise, they have suspended all Works Committees since 1950. Representation to the Union Government has led to no result.

In certain other centres also, the State Government representatives have taken the same view in practice though no Government order as such withdrawing Works Committees has been issued.

In the BIR Act region and in Tisco, Jamshedpur, the Works Committee is nominated by the 'representative' unions and therefore it is always in the hands of the INTUC.

In Public Sector (viz., in the NCDC - coalmines owned by the State and in the Chittaranjan Loco Works), the officials intervene in the Works Committees right from elections and in their day-to-day functioning and therefore make them absolutely ineffective.

The tripartite sub-committee has come to certain conclusions in which the scope of Works Committee has been restricted in the name of defining it and the chairmanship of the Works Committee is given solely to the employers, instead of allowing workers' nominees also to be the Chairman on alternate occasions. Our representative on the tripartite sub-committee has submitted a note of dissent against the manner in which the sub-committee functioned and the decisions were taken.

The report of the sub-committee will come up for discussion in the next SLC or ILC.

The AITUC demands that following steps should be taken for the efficient functioning of Works Committees:

1. Works Committees should be allowed to discuss all issues concerning the plant. Agenda from the workers' representatives in the Works Committee should be accepted and this should not be left to the discretion of the Chairman.
2. Election of Works Committee should be by all workers and with no reservations for anybody. The voting should be by cumulative method. The system of nomination to the Works Committee should be totally abolished. The election should be conducted by the State/Central Labour Relations Machinery except when the employer and the TUs agree to conduct elections by themselves.
3. Chairman and Secretary's post should be changed from amongst employer/worker representatives alternately.
4. Procedure regarding conduct of meetings should be clearly defined; workers' representatives should be given off time to do Works Committee work from their duty hours and it should be paid by the factory. They be given facility to move about the factory in connection with their work. Works Committee members should not be victimised for their work or expressions of opinion in connection with Works Committee.
5. Implementation of at least unanimous decisions of the Works Committee be ensured through legislation.

* * *

A system of Standing Negotiating Machinery has been in force or was introduced during this period - specially in Public Sector, in the railways, defence and P&T departments to discuss issues with the unions of the employees. It was usually a three-tier system, the topmost being with the Ministry/Railway Board, middle with the heads

of departments at regional levels and the lowest one with the immediate head at local level. In the Negotiating Machinery, the representatives of the workers' organisations had a bipartite talk with their employers. The Machinery had no statutory authority but were based on mutually agreed constitution or conventions.

The Negotiating Machinery was a form of recognition of the Federations of the employees by the employers. Certain facilities in connection with its work were given and the procedure of representation in writing and through interviews was channelised.

Though the Industrial Disputes Act is applicable to industrial workers in the railways and defence, it was in fact never applied in practice when disputes arose, specially on the question of referring issues to adjudication and tribunals. It was a moot question as to what was the next step when an issue remained unsettled at the top level negotiating machinery. No doubt, the workers were free and entitled to give strike notice and resort to the last weapon in the armoury of working class. Attempt to have any kind of settlement through a third party in such cases was resisted by the Government as an employer as well as Government. Labour Relations Machinery of the Government was helpless in the case where the State is an employer. This has been clearly borne out in the case of the recent strike of Central Government employees. A provision ~~ix~~ made in the Constitution or rules of the Negotiating Machinery that unsettled cases will be referred to Tribunal has never been adhered to. In the Railways, the one-man Tribunal (Shankar Saran Tribunal) was not able to deliver the goods, due to the obstructive attitude of the railway administration.

Another big drawback in the functioning of the Negotiating Machinery (except perhaps in P&T) was that it did not meet regularly or even as provided in its constitution. It was the sweet will of the Minister or the Chairman that prevailed in the matter and in the defence department, often it met only once a year.

The representatives of the employing Ministries often came to these meetings without any prepared viewpoints or material for discussion and decision on the points on the agenda. As a result, a number of items were kept pending and then it took them a long time to come to a final decision.

Non-implementation of the agreed decisions of the Negotiating Machinery was another constant headache.

Despite the above drawbacks, the Standing Negotiating Machinery with its accompanying facilities which conferred on the otherwise unrecognised unions and Federations a de facto form of recognition, were fully utilised by the trade unions. It is because of this that withdrawal of this machinery from the AIRF, AIDEF, NFPTE and other Central Government employees' unions after the July 1960 strike has created a serious situation for the unions.

Government is now considering to introduce WHITLEY COUNCILS for workers employed in Government services and State enterprises. It is said that they will be of a kind suited to Indian conditions or Indian brand of Whitleyism. Until the rules are published, it would be futile to discuss its effects here.

Nevertheless, we may bear in mind some of the salient points of difference which exist in our country as against the United Kingdom, with regard to Whitleyism:

1. In U.K. there are Staff Associations embracing a particular category of service or trade or particular department. Membership of the organisations overlap in the sense that an employee may be member of the craft union as well as a departmental association, etc.

In India, there are no craft or category-wise unions worth the name (though in railways, we do hear some names off and on in newspapers). We have industrial unions and federations, embracing the whole industry.

2. In U.K., recognised and unrecognised Staff Associations have some sort of understanding among themselves on election of Staff Council representatives at national and departmental level.

In the Indian conditions, as they exist today, there is no possibility in the near future, of all Central Government employees' unions and federations coming together and forming a united organisation. In fact, the INTUC is busy disrupting the TU organisations and setting up rival unions and is getting help from the ruling party and the Government.

3. In U.K., these Staff Associations are permitted to have outsiders and even elect them to the Whitley Council. These Associations can get themselves affiliated to any TU centre or political party.

In India, there is talk of elections to the Whitley Council but only employees will be permitted to contest elections. The Central Government employees are debarred from taking part in "politics", which means that they cannot be member of any political party or organisation, cannot attend or participate in any political meeting or cannot stand for election to the legislature or even a local municipal council. In fact, they are debarred from any public activity frowned upon by Government.

4. Whitleyism applies to only non-industrial employees of the Government in U.K.

5. Decisions taken by the Council are given effect to and do not await sanctions of ministers, though Parliament has a right to veto them. In U.K., the officials of the Ministry take decisions in the Council.

6. There is no ban on the right to strike in U.K.

The idea of Whitley Councils was first mooted in India by the Royal Commission on Labour appointed by the British Government in 1929. The idea then was to avoid recognition of unions and kill the growing mass trade union movement which was mainly led by the left-wing political leaders.

In Great Britain, the Whitley Councils could not be an alternative to the trade unions because trade unionism there is strongly entrenched in the working class, is united and of old standing.

But when the Government employees formed their Civil Service Associations and Staff Associations, and showed sympathy with the 1926 General Strike which shook the Government, the Tories banned these associations from joining the British TUC and offered the Whitley Councils as a media of regular consultation and in fact, collective decisions. The Whitley Councils there presumed the existence of service associations.

In India, the Second Pay Commission has revived the subject. The Commission has proposed Whitley Councils for the Government employees, both industrial and non-industrial.

The Commission accepts the fact that nearly half of the over two million employees are organised in their Associations, most of them having the character of all-India organisations. These organisations, such as NFPTE, AIRF, AIDEF, etc. do negotiate with the Government, some have Negotiating Machinery and thus possess a form of recognition and collective bargaining.

What additional advantage will the Whitley Councils as proposed give these unions and associations?

Will the officials functioning there on behalf of the Government take decisions and will the agreement be binding and carried out?

Will they have a wider character than is enjoyed by them through whatever machinery existing today?

Will they be expeditious or be turned into another set of Tribunals with all dilatory processes?

Will Government accept arbitration on all issues not agreed upon and will that machinery be satisfactory?

The Government proposals ban outsiders and right to strike. It offers in its place compulsory arbitration. It also offers an advantage that all the associations and unions of all services and sectors will be centralised through a Centralised Whitley Council.

But, unless the above questions are cleared, it would not be advantageous to accept any kind of Whitley Councils. They must not lead to the loss of present advantages and the death of the organised TU movement. But an integration to a higher stage can be considered.

COMMON MARKET - WHAT IT IS

1. Article by SAD
2. Article by RPD
3. Questions & Answers - Labour Research, London
4. W.Germany and ECM - -do-
5. Institutions of the ECM in last 13 years - M.K.Pa
6. India and ECM - Some Opinions
7. African Reactions
8. For & Against in Britain
9. Reactions in other countries
10. Accra Conference
11. Meeting of Heath with ECM, Macmillan with Kennedy
12. Direction of Trade (India)
13. Contradictions in a nutshell (Newsweek report to be summed up)
14. Farm Deadlock

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1. Quote the article in ECM Constitution which shows the aims not only economic but political
2. Statement of Holstein on the same
3. Morarji Desai in Parliament
4. Commerce in India

(SECOND PAGE)

AGAINST LABOUR

1. Kennedy's Appeal to AFL-CIO to keep down prices
2. AFL-CIO complaint re. export of capital and unemployment
3. Pay Pause in Britain

A major development is the attempt of the Governments concerned and the Corporation to change-over from the Panel System to the Service System at a number of places. The changeover is being effected in the face of clearly expressed opposition of the workers and in gross violation of the unanimous recommendation of the Indian Labour Conference session at Nainital, that workers should be consulted as to which system they prefer.

The Mudaliar Report has made a scathing criticism of the working of the Panel System and has recommended the setting up of polyclinics, each having Panel doctors and at least two Service doctors, one of whom should be a lady doctor. This suggestion will be worth considering provided the polyclinics are equipped with X-ray plants and are combined with diagnostic centres and specialised treatment.

Workers have been demanding revision of the scale of contribution by raising the exemption limit, reducing the percentage charge and by making the actual earning instead of average earning the basis of calculation. The Mudaliar Report has recommended that deduction should be made on monthly averages on a slab system, instead of the present method of computing on weekly averages.

At present, workers are contributing more than the employers. For example, in the year ending 31.3.60, workers' share of the contribution was Rs.4.08 crores and that of the employers Rs.3.18 crores. The proposal of the Labour Ministers' Conference to enhance the employers' contribution from 1-1/4% to 3-1/2% in implemented areas has not been enforced though in principle, the Corporation has accepted it. If this is done, the decision about building hospitals and clinics can be more speedily implemented and medical and sickness benefits improved. At the same time, the genuine demand of the workers, about reduction of their share can be easily met. Of course, this is not a precondition for construction of hospitals, etc., since Rs.18 crores has already accumulated in the ESIC's Reserves.

A recommendation made by the Mudaliar Report which merits full support of the workers is regarding provision for industrial housing. The report points out that unless adequate housing facilities, with the provision for playgrounds, schools, etc., are provided, a health scheme loses much of its benefits. The suggestion is made that permission for new industrial ventures should not be given unless a satisfactory method and provision for housing for labour is also forthcoming. Besides, the dual control exercised by State Governments and the Corporation causes hindrance to the efficient working of the Scheme.

The AITUC, therefore, demands:

i) Immediate extension of the scheme to all registered factories, including the seasonal factories;

ii) Immediate extension of the scheme to families of insured workers with provision for full medical benefits including hospitalisation.

iii) Immediate construction of hospitals in all major centres and adequate reservation of beds in places where there are no ESI Hospitals.

iv) Raising of the employers' contribution to the statutory limit of 4-3/4% in implemented areas.

v) No changeover from panel to service system or service to panel except with the prior approval of workers.

vi) Implementation of the recommendations made in the Mudaliar Report regarding provision of polyclinics and industrial housing.

vii) Waiting period of two days for payment of cash benefit should be dispensed with.

viii) Increase in the cash benefit to 75% from 50% and increase exemption limit from Re.1 per day to Rs.100 per month.

ix) The scheme should be extended to employees drawing Rs.500 per mensem instead of the present level of Rs.400.

x) Right to continued employment in cases of partial and partial-permanent disablement, as also in cases of workers who have recovered from serious and prolonged illnesses like T.B., etc.

xi) The provision for cash benefits available at present to T.B., Cancer, etc. patients, should be extended to cover cases of other prolonged malignant and chronic illnesses and of injuries received outside employment.

xii) In units where existing benefits are as good or better than those under the Scheme and workers ask for exemption, such exemption should be granted.

xiii) Adequate representation to the AITUC in the E.S.I. Corporation, Standing Committee of the Corporation, the Regional Boards and local committees under ESI; abolition of the present discrimination made against the AITUC.

The AITUC further demands that industrial employees of the Central Government should be provided with the same medical facilities and benefits as are available to non-industrial employees, as have been recommended by the Second Pay Commission.

II. PROVIDENT FUND.

The Employees' Provident Fund Scheme, as on 31st March 1960, covered 27 lakhs of workers in 45 industries.

The Employees' Provident Funds Act has recently been extended to cover all factories employing 20 or more workers as against the earlier limit of 50 or more workers, and to motor transport undertakings and mica mines, as well. This concedes in part of the demand of workers to bring within its purview all registered factories and transport companies.

Provision has also been made in the Act to raise the contribution to 8-1/3% instead of the previous 6-1/4%. But it has been deprived of much of its practical value by making it dependent upon the so-called "financial capacity" of each industry.

The AITUC, therefore, demands that:

i) The Employees Provident Funds Act should be extended to all registered factories, all transport undertakings, all shpps and establishments, cinemas, hospitals, hotels, etc.

ii) The rate of contribution should be compulsorily raised to 8-1/3%.

iii) Benefit should be extended to employees drawing upto Rs.1000 per mensem.

iv) No exemption to newly-established units.

v) Interest should be at 4% and in both exempted and non-exempted factories.

vi) No forfeiture of the employers' contribution in case of workers dismissed or discharged from service.

vii) Extension of the Scheme to seasonal factories and works-charged staff.

viii) ~~Simplification~~ Simplification of the procedure for granting of recoverable loans from the Provident Fund; no restriction on such loans.

ix) Adequate representation to AITUC in the Board of Trustees of the Employees Provident Fund.

III. MATERNITY BENEFITS.

The Maternity Benefit Bill 1960, now referred to the Select Committee of Parliament has some good provisions. These are: (a) The benefit period is retained at six weeks before and six weeks after confinement; (b) the cash benefit is fixed at a sum equivalent to the average daily wage or 75 nP whichever is higher; (c) in addition, a bonus of Rs.25 will be given at the time of confinement; (d) depending upon the doctor's report, full wages will be paid for one month.

The rate of cash benefits is too low and should be a minimum of Rs.2 per day. The bonus, meant as lump sum relief is also low and should be raised to at least Rs.100 and period should be reduced to 150 days.

In the Bill, the State Governments have been empowered to extend the provision of the fact to commercial establishments.

While these provisions are good, they do not go far enough. At the same time, the Act has certain retrograde features:

(a) Only those workers who are in continuous employment for 240 days in the 12 months before the date of confinement will be eligible for benefits. This qualifying period should be reduced to 150 days, as in the existing provisions of the Kerala Act.

(b) The State Governments have been empowered to exempt seasonal factories. Such exemption should not be permitted and the minimum qualifying period should be waived in the case of seasonal workers.

IV. GRATUITY.

Gratuity is a benefit to be given to the workers at the time of retirement in a lump sum for past services rendered and for the retirement period. This is quite different from other benefits like Provident Fund, which is in the nature of compulsory saving with incentive. This view has been expressed by the Madras Industrial Tribunal. The AITUC demands that a legislation should be brought fixing gratuity at the rate of one month's wages for every year of service.

V. WORKMEN'S COMPENSATION:

It is necessary to have suitable and long-overdue amendment of the Act to dispense with the waiting period of three days, enlarge the schedule of occupational diseases, simplify the procedure for establishing the disease and double the present rates of compensation.

VI. UNEMPLOYMENT BENEFIT:

There must be statutory provision for an employment relief scheme, which should be drawn up after full consultation with the workers' organisations.

ON TRADE UNION AND DEMOCRATIC RIGHTS.

The 26th Session of the AITUC takes a serious view of the mounting attacks on democratic trade union rights.

The repressive machinery of the state is being used more and more ruthlessly against the working class, peasantry and the common people and their organisations. Railway workers of Dohad, Steel workers at Jamshedpur, Port & Dock workers, Engineering and other workers at Fāridabad and common people demonstrating against high prices in Calcutta and Punjab have had to face bullets in police firings and many workers have lost their lives.

A new and disturbing development is the use of the army, intended for the defence of the country, against the workers struggling for their lives. In Jamshedpur and other places the army was utilised in defence of the interests of the owners of the factories with a view to overawe the workers by display of brute force and armed might.

In a number of states security proceedings under Sec. 107 Cr.P.C. are launched against trade union leaders and active workers. It is noteworthy that in overwhelming number of such proceedings, comrades proceeded against have been discharged, which proves beyond doubt that such proceedings are being resorted to with the sole object of harassing the trade union leaders and militants and paralysing the trade union activities.

On the eve of struggles of workers, the police frequently arrest and detain the activists with a view to behead the struggles. In many centres, TU leaders are falsely implicated in cases on charges of murder, loot, arson and conspiracy.

Preventive detention, which no democratic country resorts to in peace-time, has become a normal feature in India and is widely used during struggles of workers. During the last struggle of Central Government employees, it was widely resorted to. The Act itself has become virtually a permanent statute, having been continuously given new leases of life by means of extensions for three-year periods.

Freedom of speech and assembly is totally denied to workers going on strikes by prohibitory orders under Sec. 144 Cr. P.C. In Delhi, directly administered by the Home Ministry of the Government of India, there is a permanent ban on processions and meetings in the main thoroughfares and centres of Old and New Delhi. Even where no prohibitory orders are in force, the right to hold meetings is severely curtailed by misuse of provision of the City Police Act,

Townships and the areas of the state undertakings, such as the Railways, H.M.T., Neiveli Liganite Project, Rourkela, Durgapur and Bhilāi steel plants, etc., are declared the private property of the undertaking concerned and no meetings are allowed

in the areas where workers live. Moreover many undertakings such as Chittaranjan Railway Workshop, Port & Docks, etc., are declared 'prohibited areas', and no access to works is allowed to ~~these~~ trade unionists. Similar situation obtains in the collieries and Jamshedpur.

Thus the vast number of workers in the State undertakings and collieries, who are engaged in producing goods and services so very vital to our economy, have been reduced to citizens without any right whatsoever.

Collective bargaining is the basis of the trade union movement. This right which is recognised in all civilised countries, is being reduced to a mockery by recognising unions in which the majority of workers have no confidence and entering into agreements with them. Such agreements are being sought to be enforced on the entire workers. The worst offenders in this regard are the State and Central Governments.

The State and Central Governments encourage and abet the private employers in their refusal to recognise and enter into ~~agreement~~ negotiations with majority unions. Cases have been known, where the employers themselves start unions and enter into the so called agreements with them with a view to bypass the legitimate demands of the workers, represented by their militant unions. Such agreements are ~~enforced~~ entered into even after awards of tribunals have been obtained by the workers. Despite such glaring unfair labour practices, Government not only does not intervene, but often encourages and at them.

The Government and the employers have been consistently refusing to accept the only correct method of deciding the representative capacity of the unions by means of a ballot.

The State and Central Governments practise discrimination against the unions affiliated to AITUC. Not only are they denied adequate representation on committees and other bodies but the Labour Department is utilised to deny even normal conciliation and adjudication to the affiliates of the AITUC. Cases are not rare when even registration of unions is not given or is indefinitely delayed simply because the sponsors are suspected to have affiliation with the AITUC.

Victimisation of trade unionists has become a common practice. Thousands of Central Government employees have been dismissed, discharged, demoted or victimised in other ways. Sec.4(a) and 4(b) of the Central Government Servants' Conduct Rules, under which employees could be arbitrarily dismissed is being resorted to widely. In the Private Sector, the provisions of the Standing Orders "that acting in a manner subversive of the management is punishable", is being widely resorted to for arbitrary dismissal and victimisation of trade union activists.

Plans are aff

Plans are afoot to deny the right to strike to large sections of the Central Government employees and place a ban on 'outsiders' in their trade unions. The M.P. Government has enacted a ~~xxx~~ law under which strikes by its employees has been banned.

The right to peacefully picket has been made non-existent by misusing various provisions of the criminal law. But at the same time full protection is given to goondas, blacklegs and strike-breakers.

Thus, the state machinery is being utilised to deny the working class democratic and trade union rights and to obstruct the growth of an independent and militant trade union movement.

The 26th Session of the All India Trade Union Congress demands:

- (1) Repeal of Sec. 107, 151 and other preventive sections of the Cr. P.C. as well as the Preventive Detention, M.P. Essential Service & Public Security Acts.
- (2) The amendment of the City Police Act and the Police Code
- (3) Repeal of the Sec. 4(a) and 4 (b) of the Central Government Employees' Conduct Rules and similar provisions of the Railway Establishments Code and the Standing Orders; repeal of the Safeguarding of National Security Rules.
- (4) All Government employees who fall in the category of 'workman' under the Industrial Disputes Act should ~~xxx~~ have the right to form the trade unions.
- (5) Right to hold meetings and access to workers for trade unionists ~~xxx~~ in all colonies of workers and townships.
- (6) Recognition of trade unions on the basis of Secret ballot of all workers of the undertaking concerned.
- (7) An end to discrimination against the AITUC and its affiliates.

The 26th Session of the AITUC calls upon all trade unions and workers, irrespective of their affiliation, to mobilise their ranks and all democrats against these attacks on democratic and trade union rights.

The AITUC is confident that with unity and determination, these attacks can be repulsed and trade union and democratic rights can be safeguarded.

The 26th Session of the AITUC decides to celebrate May Day 1961 as 'Trade Union and Democratic Rights Day'.

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26th Session
of the
All-India Trade Union Congress

.....
Aituc Nagar, Coimbatore (January 5 to 12, 1961)

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Conf/3

January 6, 1960

PRESS COMMUNIQUE

ILO DIRECTOR GREETES AITUC SESSION

Shri V.K.R.Menon, Director, International Labour Office (ILO), India Branch, today addressed the 26th Session of the All-India Trade Union Congress.

Shri Menon greeted the Conference on behalf of the Director-General, ILO, Geneva, as well as on his own behalf and wished the conference all success.

The ILO, Shri Menon said, has a membership of 95 countries and he hoped within a year, the figure would reach 100. The ILO has no power of sanctions but with its tripartite character, the workers, employers and governments having equal representation on it, the ILO has been able to render valuable service.

He conveyed his warmest greetings to the delegates and said that he would watch with close interest, the successful outcome of the Conference.

Shri S.S.Mirajkar, President, AITUC, thanked Shri Menon for his participation in the AITUC Session and for his message of greetings on behalf of the ILO.

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Shri S.A.Dange, M.P., General Secretary, AITUC, addressed the AITUC Session today, presenting his report. (Summary of Shri Dange's report has been separately circulated).

Among the messages read at the Session were from: the All-China Federation of Trade Unions, Peking; and from the General Confederation of Labour, Paris. (Texts circulated separately).

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Earlier, the 26th Session paid its homage to V.Chakkarai Chettiar, former President of the AITUC. Following is the text of the Condolence Resolutions adopted:

COMRADE CHAKKARAI CHETTIAR

The 26th Session of the AITUC expresses its profound grief at the demise of Comrade V.Chakkarai Chettiar, the former President of the AITUC. Comrade Chakkarai Chettiar had served in the Indian trade union movement for nearly four decades, being one of the founders of the very first organised trade union in India, the union of textiles workers in Madras City. He stood by the Indian working class through thick and thin all these forty years. While the AITUC faced severe repression in the years 1947 to 1952, Comrade Chettiar, in spite of his age, stood by the AITUC and tried to preserve

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the unity of the Indian workers. Comrade Chettiar was a profound scholar, respected by the people of India, particularly of Tamilnad and a devout Christian. He was an asset to the AITUC at a period when the AITUC had to face attempts at disruption. The 26th Session pays its homage to the memory of Comrade Chakkarai Chettiar and pledges to carry forward the great traditions of militant trade union movement which he consistently upheld."

The Session also adopted the following condolence resolutions:

"The 26th Session of the AITUC mourns the death of numerous workers and trade union members, who have lost their lives in firings and attacks by police and employers in various parts of the country during the last three years. These include two Hindustan Aircraft workers of Bangalore; 3 workers at Jamshedpur during the 1958 strike; 5 at Madras during the All-India Port and Dock strike, 4 workers of Chandanathope and Munnar; four workers at the Rihand Dam, two at Katihar jute mills, 5 at Faridabad and 5 railway workers of Dohad during the recent Central Government employees' strike. The AITUC pays homage to the memory of all these martyrs and pledges to defend the interests of the working class for which they gave their lives.

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"The 26th Session of the AITUC deeply mourns the sad and premature demise of Com. Shankarlingam, a bold and fearless fighter in the cause of the working class and of the railway workers in particular.

"Com. Shankarlingam who was an assistant foreman in the Central Railway workshop in Bombay, was dismissed from service in 1952 for his trade union activities. He took a foremost part in organising the G.I.P. Railwaymen's Union, of which he was the General Secretary for a long time. For his union activities, he was arrested and detained thrice, once in 1940, then in 1950 and again during the recent strike of Central Government employees.

"In his sad demise, not only have the railwaymen lost a great friend and fighter, but the entire working class of our country has lost a valiant leader.

"The AITUC pays its homage to the memory of Com. Shankarlingam and conveys its condolences to his bereaved family."

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"The 26th Session of the AITUC expresses its profound grief and indignation at the death of Comrade Hassan Nasser in mysterious circumstances while under detention in Lahore Fort. It is reliably reported that Com. Nasser, an active trade unionist and political worker of Pakistan was tortured to death and the Pakistan authorities connived at concealment of his body which was not even handed to Com. Nasser's relatives for burial.

"The AITUC unequivocally condemns the brutality and repressive methods of the Pakistan Government which resulted in Com. Nasser's tragic death at an early age. This Session pays respectful homage to his memory as a courageous fighter for the working class who fell at his post, in the difficult conditions of military dictatorship."

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CONDOLENCE RESOLUTIONS (CONTD.)

"The 26th Session of the AITUC expresses its deep sorrow at the deaths of Comrades P.D'Mello, Bombay dock workers' leader; Binode Mukherjee of Bihar; Nanubhai Desai of Gujerat; Gaddam Babiah of Singareni coalfields; Somnath Dave of INTUC; M.V.Wadhavkar of Bombay engineering; Badal Dev of Jamshedpur; Sisir Roy, General Secretary of UTUC; Krishna Chatterjee of Colliery Mazdoor Sabha, Asansol; A.Dass of Praga Tools, Secunderabad, and other leaders and organisers of the working class movement who have passed away since the last session of the AITUC. It also regrets the passing away of Shri Feroze Gandhi, a sincere friend of democratic and progressive causes in Parliament."

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"The AITUC records its profound grief at the passing away of outstanding leaders of the world working class movement like Harry Pollitt, Chairman of the Communist Party of Great Britain; Wilhelm Pieck, President of the German Democratic Republic; Lai Jo-yu, Chairman of All-China Federation of Trade Unions, Aneurin Bevan of the British Labour Party and trade unions and Aissat Idir of the Algerian Trade Unions who was tortured to death by the French colonialists. The working class of India salutes the great contributions of these comrades to the cause of international proletarian solidarity, national independence, peace and socialism and resolves to carry forward the noble causes to which they devoted their lives."

Dr. A. R. MENON

This 26th Session of
the AITUC deeply mourns
the demise of Dr. A. R.
Menon, a fearless fighter
for freedom ^{and} a close
friend of the working
people. The Session
specially recalls his
great service to the
working class and the
people of Kerala while
he was a minister in
the Communist Ministry
of Kerala. The Session
sent its ^{warm} sympathy to
the bereaved family.

Resolution Resolution of Contract workers:

workers employed by contractors are the most heavily exploited section of workers. They are not paid occupational wages paid to similar workers directly under the principals. There is no security of tenure, no leave with wages, no continuous work and none of the facilities under the various labour laws. Very often the contractors are men of straw not capable of meeting the liabilities under the provisions of law. Recently contract system is being introduced even in organised industries such as textiles, chemicals, metal works etc. Therefore ~~it is imperative that workers~~ The principals control the workers through the contractors while denying employer - employee relationship and thereby escape the liabilities under various labour legislations. Therefore it is imperative that ~~contract~~ workers under contractions should be protected by legislation. This conference demands that central legislation should be enacted prohibiting contract system in organised industries, mines and all work of a permanent nature. Where contract system is permitted the workers employed by the contractors should be deemed to be workers under the principals and they should be made liable to the workers under their contractors in respect wages, working conditions and all facilities due to them under various laws.

G. Samuel, Salem.

On Wage Boards

The needs of the 2nd Five Year plan and the mounting pressure of demands made by the organized working class for countrywide standardization of the working and wage conditions, compelled the Govt to agree to set up Wage Boards. The 15th Labour Conference in 1951 took the decision for setting up Wage Boards in 9 industries.

This decision of the Labour Conf was a great moral victory for the working class. Its acceptance by the owners & the Govt means their submission to do away with the anarchy in classification, wages, standardization ⁱⁿ work & nomenclature prevailing in the respective industries.

Having been forced to accept this demand by the force of circumstances, every effort is however being made by the Govt, by the Wage Boards & the owners to deprive the workers of the actual benefits that would arise therefrom. The following villains are indicative

of these efforts.

i - The 15th Labour Conference had decided to set up Wage Boards in 9 industries. Even though 4 years have elapsed since then, the Govt have set up Wage Boards only for 3 industries. The Wage Board for Jute has been only very recently set up. The demand for Wage Board of the workers in Engg, Iron + steel + Chemicals is being stoutly opposed.

ii - Though the decision to set up Wage Boards was a collective decision of the 3 parties, the Govt, owners + workers, the Govt has been persistently refusing to seek the opinions of the concerned unions, or the recommendations of the Wage Boards, before finally granting their sanction to them.

iii - The decisions of the Wage Boards, which have been so far published, have been far from satisfactory. They have more often thrown their weight in favour of the owners than in favour of the workers. In some cases, as in the awarded

of the Cement Industry, the Govt have made the recommendations more out of sympathy + in favour of the owners.

iv - one of the commonest things by which the workers interests are adversely affected, is to drag on the inquiries over an unduly long periods. The Cement Wage Board was set up on 2nd April 1958. Its recommendation was placed in submission to the Govt on 3rd Oct 1959 while the Govt took four six months to announce its decisions thereon, by 1st March 1960. The Textile Wage Board was set up on 30th March 1957. It conveyed its recommendations to the Govt on 27th Feb 1959, while the Govt announced its final decision thereon, one full year thereafter, on 2nd March 1960. The Wage Board for Engan was set up on 26th Dec 1957, + its only in Nov 1960

i.e. nearly 3 years after its Constitution being set up, they have submitted their recommendations to the Govt. The Govt's decision on these are yet awaiting & judging by past experience may take anywhere from 6 months to one year.

v - these recommendations arrived are after such a long period an - - - - - effect to, not from the date the dispute was referred to these Boards, as is normally the practice with all Tribunals, but from a subsequent arbitrary date, more near the date of Govt's decisions than ours. This practice adversely affects the working class.

vi - All the 3 industries, Cement, Paper & Sugar for which Wage Boards decisions have already been announced, are well known for their flourishing prosperity & huge

profits. The sugar industry in particular
 built on the softness of the Nation, stands
 out as a significant case. The Wage Boards
 themselves have commented on this propensity.
 viz, they have, while accepting the principles
 of the new board wage as evolved at the 15th
 Labour Conference, refused to concede the
 same to the workers, under one excuse or
 the other. In the case of the Cement & Textile
 Wage Boards, it is the "Caparity" to pay which
 is the major argument, while for sugar, it
 is the so-called danger of upsetting the agrarian wage
 norms, which forms the lame excuse.

vii - The Wage Boards have recommended
 a min wage of B. 94.00 for the Cement
 industry; B. 85 for the Sugar Industry,
 and an flat increase of B. 8.00 + B. 6.00 in private
 wages to the textile industry; these wage

standards though a slight improvement in the present wage levels, fall far too short of the actual requirements. - see recommendation, further to deduct from the above low wages, money values of certain Concessions & facilities enjoyed by the workers, tends to further depress this already low wage.

viii - The principles of classification & awarding of skills are faulty, even by accepted standards of classification, as expressed in the awards of various Tribunals, and as existing in some of the prevailing agreements. One immediate consequence of this faulty classification, apart from the new Confusion & anarchy that it has given rise to, has been that it leads to a further

depression in wages, due to the fact that
wages in higher skill are paid in lower
categories. The differentials for skills are
likewise fairly & grossly in violation against
the interests of the workers. A wage differential
of B of P. M., between an unskilled worker
& a semi-skilled worker, as in the current
industry, is a case in point.

ix - one of the worst features of the wage
board recommendations so far announced,
is the permission granted to the respective
industries to increase the prices of their
commodities. Not only has there been an
increase unilaterally, but it is also in vi-
olation against the interests of the workers &
the consumers, by making the consumer pay
more & paying his interests against the claims
of the workers.

On the 26th Session of the AITUC
The report is a satisfaction in the limited
advances made in the workers living
& working conditions as a result of
these recommendations & particularly
their recommendation to link up D.A.
with the Cost of living, Warns the Govt
& the Wage Boards, against the continuation
of these anti-working class
policies. The AITUC calls upon the
W.C. to unite & organize even more
strongly & fight determinedly to
secure in full measure, the benefits
of their initial victory.

~~Dhruv~~

On Tripartites and Code of Discipline.

This 26th Session of the A.S.T.U.C. notes that the workers have been able to get some advantages from the Tripartites, and its various industrial committees, such as in the matter of wage boards, national agreements on industries, norms of need based minimum wage etc.

This conference, however, views with great concern, ^{the} repudiation and non implementation by the Govt. of India and various State Govts., of the conventions and decisions of the Tripartites e.g. the decision on Minimum wages etc.

Since the Code of Discipline was accepted by the A.S.T.U.C. with the ~~understanding~~ ^{understanding} that it hope that it would be able to impose J. Relations and help speedy settlement of disputes! But the experience of past years show that though the unions of the A.S.T.U.C. have tried to their best to adhere to the code, the employers have been grossly violating it and the Govt. is ^{in some other} ~~convinced~~ ^{convinced} at these violations, by refusal to effectives function the implementation machinery. ~~On the other hand the implementation~~

It is clear that
workers do
check these
violations when
effective sanctions
against the employer

ON DISARMAMENT & PEACE

The 26th Session of the ATNC once again reminds the working class of the grave dangers of nuclear warfare + ^{mass} destruction which threatens the world in the absence of effective measures for universal disarmament. No country, however distant it may be from the actual theatre of war, can any longer consider itself safe from ~~the~~ the ^{terrible effects} of nuclear weapons. India is no exception to this truth.

Although the forces of peace ^{& socialism} in the world are today strong enough to halt + defeat the imperialist warmongers, the ATNC recognises that this possibility can only become a reality provided the working people in every country actively take the cause of Disarmament + Peace into their hands, maintain sharp vigilance, + campaign determinedly for disarmament.

The ATNC warmly greets the historic initiatives taken by the Government of the USSR at the UNO, as well as outside it, for securing agreement on a comprehensive plan for total + universal disarmament under strict international supervision + control. The

* The AITC further considers it vitally necessary to expose the US imperialists' efforts to arm + instigate the aggressive forces of West for more military arm + to keep Japan subjected to an Asian base for military adventures in the Pacific area. The Indian workers must raise their voice of protest against these + other policies which are a grave danger to world peace.

practical proposals put forward in this regard by Premier Nikita Khrushchev have held up before the people of ~~the~~ ^{all} ~~countries~~ ^{countries} a great new hope for humanity - the hope of a world without arms, in which peaceful economic competition between the capitalist + socialist systems ^{can} replace the present arms race + ~~the~~ ^{the} ~~marvels~~ ^{marvels} of modern science ~~to~~ ^{can} be harnessed for plenty + prosperity instead of for war.

However, the imperialists, led by the USA, ^{as yet} refuse to respond to the positive approaches of the USSR + other Socialist nations, reject scornfully the peaceable initiative of the Afro-Asian group in the UNO, decline to resume disarmament talks without laying down certain ^{obstructive} preconditions, + continue their policies of cold war + aggression.

This Session of the AITC, therefore, calls upon the trade unions + workers of India to carry out more effective, systematic, + broad-based mobilisations, in unity + cooperation with other peace-loving forces of our country, for unmasking + isolating the imperialist warmongers, compelling them to agree to disarmament, + strengthening the India Government's policy of peaceful coexistence + for Afro-Asian solidarity against war + colonialism.*

The AITC heartily welcomes the decision

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of the Secretariat of the World Peace Council
to hold the next session of the Council
in Delhi in March, 1961, + calls upon
all trade unions + workers to take all
steps to ensure the success of the
Council meeting which is taking place
at a momentous hour of world history.

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R e s o l u t i o n

ON SOCIAL SECURITY

The Indian trade union movement has been all along demanding a comprehensive social security system without any contributions from the employees. Except for the Workmen's Compensation Act and certain provisions for lay-off, closure and retrenchment benefits under the Industrial Disputes Act, such social security as is there, is on the basis of payment by workers as well as contribution by employers. Thus, so long as the worker pays and is in employment, he can claim sickness, medical and a few other benefits. Even these schemes are full of defects and the AITUC, though welcoming such meagre provisions, as have been enacted, has all along been pointing out the various defects and demanding changes.

I. EMPLOYEES' STATE INSURANCE SCHEME:

The Study Group on Social Security appointed by the Government of India suggested in its Report made in January 1959 that some of the existing schemes of social security should be integrated and that the P.F. scheme should be converted into a pension scheme. Though welcoming some of the suggestions in principle, in view of the bitter experience of the unsatisfactory working of the ESI Scheme and the continuous refusal to concede legitimate demands of the workers, to extend the scheme to the families, to construct separate hospitals for insured workers, to reduce workers' contribution and to remove administrative defects, the AITUC at its General Council meeting in January 1960 declared its unwillingness to agree to the suggestion till confidence was restored by fulfilling these demands.

Since then restricted medical benefits to families of insured workers have been extended in a few centres in nine States out of fifteen where the Scheme has been so far implemented. This, in principle, concedes a longstanding demand of the workers but early steps must be taken to cover families in the case of all workers in the remaining States also, and particularly in Maharashtra and West Bengal which together account for nearly nine lakh insured workers.

The arrangements for the treatment of families are, however, far from satisfactory and this is true of the panel system areas as well as the service system areas.

Dr. A.L. Mudaliar, the one-man commission, appointed by the Government of India to report on the working of the ESI Scheme has expressed against the extension of the scheme to families so long as suitable improvements have not been made for the treatment of insured workers themselves. This argument is weighty but the legitimate demand of workers for extension of medical benefits to families should not be held back on this plea. As a matter of fact, inclusion of families will increase the pressure for rapid improvement of the scheme.

The position with regard to provision of hospitals continues to be very unsatisfactory. Separate hospitals are being

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constructed in some major centres like Kanpur, Madras City, Bangalore and Bombay, while annexes or wards have been provided at Delhi, Hyderabad, Nagpur and Coimbatore. The number of beds provided is extremely inadequate. The Mudaliar Report has sharply noted this failure and has advocated priority for this work.

A major development is the attempt of the Governments concerned and the Corporation to changeover from the Panel System to the Service System at a number of places. The changeover is being effected in the face of clearly expressed opposition of the workers and in gross violation of the unanimous recommendation of the Indian Labour Conference session at Nainital, that workers should be consulted as to which system they prefer.

The Mudaliar Report has made a scathing criticism of the working of the Panel System and has recommended the setting up of polyclinics, each having Panel doctors and at least two Service doctors, one of whom should be a lady doctor. This suggestion will be worth considering provided the polyclinics are equipped with X-ray plants and are combined with diagnostic centres and specialised treatment.

Workers have been demanding revision of the scale of contribution by raising the exemption limit, reducing the percentage charge and by making the actual earning instead of average earning the basis of calculation. The Mudaliar Report has recommended that deduction should be made on monthly averages on a slab system, instead of the present method of computing on weekly averages.

At present, workers are contributing more than the employers. For example, in the year ending 31.3.60, workers' share of the contribution was Rs.4.08 crores and that of the employers Rs.3.18 crores. The proposal of the Labour Ministers' Conference to enhance the employers' contribution from 1-1/4% to 3-1/2% in implemented areas has not been enforced though in principle, the Corporation has accepted it. If this is done, the decision about building hospitals and clinics can be more speedily implemented and medical and sickness benefits improved. At the same time, the genuine demand of the workers, about reduction of their share can be easily met. Of course, this is not a precondition for construction of hospitals, etc., since Rs.18 crores has already accumulated in the ESIC's Reserves.

A recommendation made by the Mudaliar Report which merits full support of the workers is regarding provision for industrial housing. The report points out that unless adequate housing facilities, with the provision for playgrounds, schools, etc., are provided, a health scheme loses much of its benefits. The suggestion is made that permission for new industrial ventures should not be given unless a satisfactory method and provision for housing for labour is also forthcoming. Besides, the dual control exercised by State Governments and the Corporation causes hindrance to the efficient working of the Scheme.

The AITUC, therefore, demands:

i) Immediate extension of the scheme to all registered factories, including the seasonal factories;

ii) Immediate extension of the scheme to families of insured workers with provision for full medical benefits including hospitalisation.

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iii) Immediate construction of hospitals in all major centres and adequate reservation of beds in places where there are no ESI Hospitals.

iv) Raising of the employers' contribution to the statutory limit of 4-3/4% in implemented areas.

v) No changeover from panel to service system or service to panel except with the prior approval of workers.

vi) Implementation of the recommendations made in the Mudaliar Report regarding provision of polyclinics and industrial housing.

vii) Waiting period of two days for payment of cash benefit should be dispensed with.

viii) Increase in the cash benefit to 75% from 50% and increase exemption limit from Re.1 per day to Rs.100 per month.

ix) The scheme should be extended to employees drawing Rs.500 per mensem instead of the present level of Rs.400.

x) Right to continued employment in cases of partial and partial-permanent disablement, as also in cases of workers who have recovered from serious and prolonged illnesses like T.B., etc.

xi) The provision for cash benefits available at present to T.B., Cancer, etc. patients, should be extended to cover cases of other prolonged malignant and chronic illnesses and of injuries received outside employment.

xii) In units where existing benefits are as good or better than those under the Scheme and workers ask for exemption, such exemption should be granted.

xiii) Adequate representation to the AITUC in the E.S.I. Corporation, Standing Committee of the Corporation, the Regional Boards and local committees under ESI; abolition of the present discrimination made against the AITUC.

The AITUC further demands that industrial employees of the Central Government should be provided with the same medical facilities and benefits as are available to non-industrial employees, as has been recommended by the Second Pay Commission.

II. PROVIDENT FUND

The Employees' Provident Fund Scheme, as on 31st March 1960, covered 27 lakhs of workers in 45 industries.

The Employees' Provident Funds Act has recently been extended to cover all factories employing 20 or more workers as against the earlier limit of 50 or more workers, and to motor transport undertakings and mica mines, as well. This concedes in part the demand of workers to bring within its purview all registered factories and transport companies.

Provision has also been made in the Act to raise the contribution to 8-1/3% instead of the previous 6-1/4%. But it has been deprived of much of its practical value by making it dependent upon the so-called "financial capacity" of each industry.

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The AITUC, therefore, demands that:

- i) The Employees Provident Funds Act should be extended to all registered factories, all transport undertakings, all shops and establishments, cinemas, hospitals, hotels, etc.
- ii) The rate of contribution should be compulsorily raised to 8-1/3%.
- iii) Benefit should be extended to employees drawing upto Rs.1000 per mensem.
- iv) No exemption to newly-established units.
- v) Interest should be at 4% and in both exempted and non-exempted factories.
- vi) No forfeiture of the employers' contribution in case of workers dismissed or discharged from service.
- vii) Extension of the Scheme to seasonal factories and works-charged staff.
- viii) Simplification of the procedure for granting of recoverable loans from the Provident Fund; no restriction on such loans.
- ix) Adequate representation to AITUC in the Board of Trustees of the Employees' Provident Fund.

III. MATERNITY BENEFITS.

The Maternity Benefit Bill 1960, now referred to the Select Committee of Parliament has some good provisions. These are: (a) The benefit period is retained at six weeks before and six weeks after confinement; (b) the cash benefit is fixed at a sum equivalent to the average daily wage or 75 nP whichever is higher; (c) in addition, a bonus of Rs.25 will be given at the time of confinement; (d) depending upon the doctor's report, full wages will be paid for one month.

The rate of cash benefits is too low and should be a minimum of Rs.2 per day. The bonus, meant as lump sum relief is also low and should be raised to at least Rs.100 and period should be reduced to 150 days.

In the Bill, the State Governments have been empowered to extend the provision of the Act to commercial establishments.

While these provisions are good, they do not go far enough. At the same time, the Act has certain retrograde features:

(a) Only those workers who are in continuous employment for 240 days in the 12 months before the date of confinement will be eligible for benefits. This qualifying period should be reduced to 150 days, as in the existing provisions of the Kerala Act.

(b) The State Governments have been empowered to exempt seasonal factories. Such exemption should not be permitted and the minimum qualifying period should be waived in the case of seasonal workers.

IV. GRATUITY

Gratuity is a benefit to be given to the workers at the time of retirement in a lump sum for past services

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rendered and for the retirement period. This is quite different from other benefits like Provident Fund, which is in the nature of compulsory saving with incentive. This view has been expressed by the Madras Industrial Tribunal. The AITUC demands that a legislation should be brought fixing gratuity at the rate of one month's wages for every year of service.

V. WORKMEN'S COMPENSATION:

It is necessary to have suitable and long-overdue amendment of the Act to dispense with the waiting period of three days, enlarge the schedule of occupational diseases, simplify the procedure for establishing the disease and double the present rates of compensation.

VI. UNEMPLOYMENT BENEFIT:

There must be statutory provision for an unemployment relief scheme, which should be drawn up after full consultation with the workers' organisations.

Release of Long Term Political prisoners

This 26th session of the AITUC views with great concern the continued incarceration of a number of T.O., Kisan & political workers for over 10 years particularly in the States of Madras ~~and~~ West Bengal; ^{Bihar} + Madhya Pradesh.

In Tamilnad comrades K. Balakrishnan & ~~members~~ members like C. B. Balan are among those ~~who are~~ still languishing in jail along with 10 other comrades in Madurai, Coimbatore & Cuddalore jails.

In West Bengal, ^{+ Bihar} they include Panna Das Gupta, Kansari Haldar, ~~Gajjan Malhotra~~, Anwar Ali, ^{Sachin ~~Ban~~ Gupta} ~~Sachin Ban~~, Manik Hazra, ^{Ushahin's mirrors} ~~Sachin Ban~~ + Badi Alam & others.

This conference is firmly of view that the continued detent of these public workers is nothing but an act of political vindictiveness on the part of the Govt. This conference ~~also~~ demands immediate release of all these public workers or least before January 26 1961 so that they could take their rightful place in the public life of their own country.

Proposer KTK Tangavel
Secy Krishna Kumar
Anandhi Das
Joddy + Gopali

Sachin Ban /
Badi Alam

Draft Resolutions

O N G O A

The 26th Session of the AITUC reiterates the demand of the Indian working class for the early liberation of Goa, Daman and Diu and the return of these territories to the motherland. At a time when colonial liberation is on the order of the day and the United Nations Organisation as a whole is unanimously committed to the ending of colonialism, the continued existence of the Portuguese possessions on Indian soil is more an anachronism than ever before.

The AITUC pays homage to all the martyrs who gave their lives for the liberation of Goa and all those freedom fighters who are languishing in Salazar's jails. The AITUC is confident that the day is not distant when not an inch of our country's soil will remain under foreign domination.

The AITUC urges upon the Government of India to take all possible steps, inside and outside the UNO, to complete the liberation of Goa. The AITUC also demands that the former Portuguese possessions of Dadra and Nagar Haveli, now liberated by their inhabitants, be fully integrated in the Indian Union without further delay.

O N A L G E R I A

war
The 26th Session of the AITUC extends its fraternal greetings to the heroic people of Algeria who have been conducting their armed struggle for national liberation for over six years against the military might of the French imperialists backed by their NATO partners.

The war of national independence, waged by the Algerian people, despite terrible sufferings and sacrifices, is a just war and an integral part of the worldwide struggle for banishing colonialism from the face of the earth. It is, therefore, the duty of all those who cherish freedom, democracy and peace to support the cause of Algeria's freedom and express active solidarity with it.

The AITUC greets the formation of the Algerian Provisional Government led by Premier Ferhat Abbas as a historic landmark in the successful development of the Algerian struggle. It is conclusive evidence of the failure of the imperialists to beat down the victorious upsurge of the national liberation forces, despite all their modern weapons and overwhelming military superiority.

The AITUC demands that the French Government abandon its slogan of a "French Algeria", order an immediate cease-fire and open negotiations with the Algerian Provisional Government for concrete implementation of the principle of national independence which must be unconditionally recognised.

The AITUC urges upon the Government of India to reinforce its good work in the UNO on this issue by extending diplomatic recognition to the Algerian Provisional Government - a step which would give tremendous moral and political support to the cause of Algerian independence and help to expedite its realisation.

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The AITUC is proud to be a member of the International Trade Union Committee for Solidarity with the Workers and People of Algeria. This Session calls upon the AITUC unions to intensify their work of mobilising all sections of the Indian working class in manifestation of support for the national liberation struggle of the heroic Algerian people.

O N C O N G O

This Session of the AITUC views with grave concern the deterioration in the Congo situation, which has resulted in the total suppression of the Congolese Parliament and of the elected Lumumba Government by the armed violence of pro-Belgian agents led by Col. Mobutu. Thus, the national freedom of the Congolese people and the sovereignty of their new-born Republic are sought to be wiped out by the Belgian colonialists who had earlier been forced to recognise the independence of their former empire of Congo.

The AITUC expresses its indignation at the manner in which the flag of the UNO has been permitted to shield the crimes and atrocities of the Belgian imperialists and their agents against the Congolese people, including the brutal arrest, torture and illegal detention of Premier Lumumba. The NATO Powers who command the majority in the organs of the United Nations have not only succeeded in crippling the Lumumba Government and the Congolese Parliament; they have encouraged the come-back of the old colonialists by conferring UN recognition on President Kasavubu while denying it to Mr. Lumumba's representatives. They have even suppressed the official report of the UN General Secretary's representative, Shri Rajeswar Dayal, which was known to be strongly anti-Belgian.

The Soviet Union and other socialist countries in the UN have stood firmly for Congo's independence and against foreign imperialist intervention in the garb of the U.N.

The AITUC considers these events in Congo, culminating in the establishment of the Belgian-inspired military dictatorship of Mobutu, as a serious threat to the independence and sovereignty of all Afro-Asian nations. The AITUC declares its firm support for the patriotic ideas, democratic principles and lawfully elected authority symbolised in the person of Premier Lumumba. It calls upon the workers and their trade unions to mobilise in solidarity with the Congolese people and to demand the early fulfilment of the following:

- 1) Release of Mr. Lumumba and all political prisoners from detention;
- 2) Creation of conditions for reconvening of the Congolese Parliament;
- 3) Immediate and unconditional withdrawal from Congo of all Belgian personnel without exception;
- 4) Disarming of the armed gangs of Mobutu by the U.N. forces.

.../...

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to have
blamed the
Belgian
imperialists
for the Congo
situation

and the
Afro-Asian
states

#

The AITUC protests against the high-handed treatment which Col. Molante has been allowed to mete out to the personnel of several countries in the U.N. Contingent in Congo, including intimidation and manhandling of Indians, Ghanians and others.

O N C U B A

The 26th Session of the AITUC sends warm fraternal greetings to the Government and people of Cuba whose revolutionary actions have sounded the death-knell of Yankee imperialism in the Latin American continent.

The working people of India have been enthused and inspired by the bold measures of the Castro Government for defence of Cuba's national sovereignty, consolidation of her national independence and democratic reforms aimed at liquidating the grip of feudal landed interests and foreign monopoly capital over the Cuban economy. In particular, the nationalisation of U.S.-owned oil refineries, sugar estates and factories, and banks, has dealt a mortal blow at the basic sources of imperialist plunder and has shown the way forward to other under-developed countries faced with similar problems.

The AITUC strongly condemns the frantic attempts of the U.S. imperialists to bully and intimidate the heroic people of little Cuba and their revolutionary Government into submission. Threats of military intervention, economic boycott, breaking-off of diplomatic relations, provocative naval manœuvres, employment of agents trained in subversion and sabotage, slanderous propaganda about Communist 'infiltration', etc., are some of the familiar weapons being brandished by the desperate rulers of Washington.

The AITUC is confident that all these conspiracies and attacks will crumble against the rock-like unity and determination of the Cuban people, and the Cuban revolution will march forward in triumph. The AITUC assures the people and Government of Cuba of the firm solidarity and support of the Indian working class and calls upon the United Nations Organisation to ensure the safeguarding of Cuba's independence and sovereign rights.

Draft ResolutionsO N L A O S

The 26th Session of the AITUC takes serious note of the aggression launched against Laos in recent weeks by military forces of the SEATO alliance at the instigation of the United States. The reactionary Governments of Thailand and South Vietnam have openly intervened against the independence and sovereignty of Laos and have plunged the country into a bloody civil war aimed at overthrowing the lawful Souvanna Phouma Government which stands for a policy of neutrality and peaceful coexistence.

The military measures taken by the USA through the agency of the SEATO Council to destroy the independence of Laos constitute a flagrant violation of the terms of the Geneva Conference. The International Supervisory Commission on Laos, appointed by that Conference, has long been paralysed by imperialist obstruction and pressure. Under cover of its inactivity, the USA has carried out a vast military build-up in South Vietnam and Thailand in order to intimidate and attack the peace-loving States of North Vietnam, Cambodia and Laos. The present intervention in Laos is in pursuance of this carefully prepared plan of aggression. It is a grave threat to peace and to the national independence and sovereignty of all countries of the South East Asian region.

The AITUC holds that the most urgent need of the hour, in order to check hostilities in Laos and bring about a peaceful settlement, is to revive and immediately reconvene the International Supervisory Commission consisting of Canada, India and Poland. The civil war conditions should not be made an excuse for the Commission's continued inactivity. A firm and joint stand by Canada, India and Poland in favour of an early meeting of the Commission would help to overcome U.S. obstructive tactics on this question. A great responsibility therefore devolves upon the Government of India to take the initiative for a speedy settlement consistent with the terms and obligations of the Geneva Conference.

The AITUC pledges full support to the Laotian people and their heroic struggle against foreign intervention and aggression. The AITUC demands that the armed personnel of the USA, South Vietnam and Thailand be unconditionally withdrawn from Laos, whose national independence and sovereignty must be guaranteed.

ON RECENT EVENTS IN NEPAL

The 26th Session of the AITUC views with serious concern the recent developments in the neighbouring State of Nepal brought about by the King's coup against the democratic constitution of that country. Parliament has been dissolved, and its members taken into custody and all political parties have been declared illegal.

The AITUC considers all these to be developments in a reactionary direction. After the prolonged period of feudal rule under the Ranas, the Nepalese people had taken the first

steps towards a constitutional monarchy, based on an elected Parliament and responsible Ministry. This was a welcome advance, which is now sought to be reversed by the reactionary forces led by the King. The clock of democracy has been put back and this cannot but be regretted by the working people of all countries.

The AITUC hopes that the workers of India will pay heed to the tragedy in Nepal and draw appropriate lessons from it. Our trade unions must train the workers to be vigilant and to act in time so that the enemies of Indian democracy may never be permitted to attempt similar reactionary manoeuvres or coups in our country.

ON RACIAL DISCRIMINATION IN SOUTH & EAST AFRICA

The 26th Session of the AITUC expresses its strong protest against the continuation of the barbarous racist policies of "apartheid" and suppression of the political, economic, social and human rights of the coloured populations of South Africa and the neighbouring British colonies of East and Central Africa.

Despite repeated protests and condemnatory resolutions adopted in the UNO, the arrogant White rulers of these countries, themselves a small minority lording it over the vast majority of native African and domiciled Asian populations, are persisting in their fascist policies and methods. All democratic and civil liberties are suppressed, parties, mass organisations and journals declared illegal; and tens of thousands prosecuted and imprisoned, or detained without trial.

The civilised world has witnessed with horror and indignation such recent crimes as the beating to death of 32 Africans in the Hola detention camp and the massacres in Sharpeville where men, women and children were shot down indiscriminately.

The AITUC is happy to note that the united front of the African and Asian (who are predominantly Indian) people of South, East and Central Africa for their common rights, for racial equality and against the theories and practices of "White supremacy" is daily growing stronger. This unity, defying all attempts at racial disruption, is the surest guarantee that the people to whom these countries rightfully belong, shall achieve victory in their struggle for self-determination, national independence and democratic rights.

The AITUC proclaims its firm solidarity with the people of South and East Africa in their just struggle and demands the immediate release of Jomo Kenyatta, the great nationalist leader of Kenya, Makhan Singh and other political and trade union leaders and all those who are imprisoned in this region for their political activities or beliefs. The AITUC urges upon the Government of India to take more vigorous steps inside and outside the UNO to hasten the isolation and defeat of the White racists and colonialists.

ON WEST IRIAN

The 26th Session of the AITUC strongly condemns the continued occupation of West Irian by the Dutch imperialists. West Irian rightfully belongs to Indonesia; the Dutch have seized and held it to serve as a base for their militarist and subversive actions against the independence and national sovereignty of Indonesia. The AITUC demands that West Irian be restored without delay to the Republic of Indonesia and all Dutch personnel be withdrawn immediately.

ON ADMISSION TO UNO

The 26th Session of the AITUC demands that the People's Republic of China be forthwith admitted to membership of the UNO. The workers of India condemn the imperialist manoeuvres of the USA and its satellites which have so far deprived the Peking regime of its rightful seat in the UN and denied it recognition on one pretext or another. The Chiang Kai-shek clique which illegally occupies China's seat has rightly been described by the Indian representative to the General Assembly as a "gate-crasher". In the interests of world peace, and as a matter of right, People's China should be admitted to the UNO without further delay.

The AITUC also demands admission to the UNO of the People's Republic of Mongolia which has similarly been deprived of its rights.

ON YOUNG WORKERS

The 26th Session of the AITUC draws the attention of all unions to the fact that as industrial development advances in our country, the number of young workers employed in various trades and enterprises is growing substantially. Further, the composition of the working class is also being affected by the entry into it of young skilled technicians and intellectual workers drawn from the educated middle classes. These young workers constitute a militant and conscious section which has a vital role to play in industrialisation and in the trade union movement. At the same time, tens of thousands of working youth in unskilled jobs and sweated occupations are terribly exploited and deprived of their legitimate right to adequate wages, education and rest.

The AITUC holds that special efforts must be made to draw the young workers actively into the trade union movement - a task which has been sadly neglected so far. Such special efforts are necessary because of the peculiarities of the young workers' service conditions and their special needs and psychological make-up. In many enterprises, the capitalists are trying planfully to win over the young workers by ideological propaganda and by involving them in so-called "welfare" and recreational activities, which would keep them away from the militant trade union movement.

The AITUC calls upon all Unions to take serious note of this situation and to pay due attention to the problems of young workers. Their special demands for vocational and technical training facilities, for proper terms and conditions of apprentices and their full absorption into regular jobs, for increased employment opportunities and a minimum wage, adequate rest, etc., should be carefully studied and formulated by our unions. Organisational of cultural activities such as libraries, gymnasiums, sports, etc., should also be attempted wherever possible.

The AITUC hopes that all Unions will pay more serious attention in future to the young workers along the lines indicated above and strive for success in organising them.

ON VICTIMISATION OF CENTRAL GOVERNMENT EMPLOYEES

The 26th session of the All-India Trade Union Congress expresses its grave concern for the state of affairs that still persists with regard to the question of reinstatement of victimised Central Government employees following their great strike in July, 1960.

Thousands of employees have not been taken back to their jobs as yet and many who have been taken back have either lost continuity of service or have suffered demotion and degradation causing loss of Rs.75/- to Rs.100/- per month. Due to the unlimited powers which the Departmental heads have been allowed to exercise by the Government, vengeance and personal prejudice in most cases decide quantum of punishment that is meted out to the employees. It is due to this exercise of personal grudge and inhuman treatment that led to the suicide of employees in Calcutta and other/ places in utter frustration. Not only the actions of departmental heads in most cases border on inhumanity, often such actions can only be described as criminal.

The main issue namely linking of P.A. with prices on which the Central Government employees had to resort to strike, is in fact the demand of all industrial workers of the country. It is the failure of the Government to hold the price-line that has aggravated the situation and created a crisis compelling employees to strive for obtaining at least a minimum safeguard against offsetting of their income against soaring prices. The Government of India which crushed the justified struggle of employees through sheer use of force, is still pursuing a policy of victimisation, contrary to all assurances.

para
Criminal cases which had been instituted against many employees and their sympathisers including many M.Ps and M.L.As are still going on and despite the lapsing of the Draconian Ordinance, even now maximum punishment is being awarded. Thousands are being discharged, thousands are departmentally prosecuted and stand suspended. *and many more*

The nefarious move that was attempted by Government following the strike to ban strikes through legislation in so-called essential services has been held back due to the amount of resistance put up by the working class throughout the country. Yet unions have been de-recognised and trade union functioning has almost become impossible due to transfers of trade union leaders and interfering in activities of trade unions by boosting INTC unions.

This session of the A.I.T.U.C. demands the immediate withdrawal of all cases and remission of sentences where awarded in connection with the strike; immediate reinstatement of all employees; forthwith stoppage to all harassment

and punitive measures which are being meted out to employees by various departmental heads; adoption of specific and effective steps by the Government to hold the price-line and restoration of recognition of those unions which have been de-recognised.

The A.I.T.U.C. reiterates its call to the working-class of the country to strengthen itself through unity and consolidation irrespective of any affiliation and differences. It is all in trade union unity that alone can defend the working-class and take it forward in fulfilling its tasks towards the country and its own class. This is the task of the day and it has got to be accomplished with all vigour and energy.

Resolution on closures:

Resolutions

27

In ~~recent times~~ ^{the last few years} industrial concerns and establishments, big and small, have been closed as a result of which workers have been thrown out of employment. The Management take shelter under the fundamental rights guaranteed under the Constitution and there seems to be no remedy. Many closures are malafide with a view to spite the workers or eliminate the Trade union. They are re-opened under a different sign board and the workers are refused re-employment on the plea that the Concern had been sold or leased or otherwise transferred to some other Management and some records are created to give it an appearance of a bonafide action. This offensive of the Management ~~has to be~~ cannot be tolerated.

Therefore, this conference demands that the workers should be protected by central legislation providing for the following procedures and rights.

1. If the owners of any business intend to cease their business they should give notice of the same to the workers and the Government.

2. The owners should have the option of selling the concern ~~to~~ as a going concern to any one willing to purchase the same.

3. The workers should be given the option of forming themselves into a Co-operative Society and taking over the concern paying a reasonable compensation to the owners which may be fixed by the Government or other person authorized by the Government.

4. The owners should be permitted to close the business only if ~~to~~ no one comes forward to purchase the concern and the workers are not prepared to take over the concern.

Such legislation will ^{not impinge on} ~~preserve~~ the fundamental rights of the owners and at the same time protect the interests of the workers.

This conference calls upon all workers and Trade unions to agitate for this until victory is won.

G. Samuel.

Tamilnad.

~~Accepted~~

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ON YOUNG WORKERS

77

The 26th Session of the AITUC draws the attention of all unions to the fact that as industrial development advances in our country, the number of young workers employed in various trades and enterprises is growing substantially. Further, the composition of the working class is also being affected by the entry into it of young skilled technicians and intellectual workers drawn from the educated middle classes. These young workers constitute a militant and conscious section which has a vital role to play in industrialisation and in the trade union movement. At the same time, tens of thousands of working youth in unskilled jobs and sweated occupations are terribly exploited and deprived of their legitimate right to adequate wages, education and rest.

The AITUC holds that special efforts must be made to draw the young workers actively into the trade union movement - a task which has been sadly neglected so far. Such special efforts are necessary because of the peculiarities of the young workers' service conditions and their special needs and psychological make-up. In many enterprises, the capitalists are trying planfully to win over the young workers by ideological propaganda and by involving them in so-called "welfare" and recreational activities, which would keep them away from the militant trade union movement.

The AITUC calls upon all Unions to take serious note of this situation and to pay due attention to the problems of young workers. Their special demands for vocational and technical training facilities, for proper terms and conditions of apprentices and their full absorption into regular jobs, for increased employment opportunities and a minimum wage, adequate rest, etc., should be carefully studied and formulated by our unions. Organisations of cultural activities such as libraries, gymnasiums, sports, etc., should also be attempted wherever possible, *like the All-India Youth Federation, in cooperation with democratic youth organisations.*

The AITUC hopes that all Unions will pay more serious attention in future to the young workers along the lines indicated above and strive for success in organising them.

Draft Resolution

ON SCHEME FOR LABOUR PARTICIPATION IN MANAGEMENT

The 26th Session of the ALL-India Trade Union Congress has considered the scheme for labour participation in management which the Government is trying to introduce in several industries. The Session notes that though the Government has been urging that this scheme be introduced, very few employers have undertaken it. It is mostly in some public sector enterprises that such a scheme is being experimented. The AITUC is of the opinion that this much-trumpeted scheme has found very little enthusiasm among the employers, both in private and public sectors.

Even in those places where the scheme had been introduced and experimented, it is observed that it has not worked well. While very limited rights have been conferred on the workers, very few benefits accrue to them. In particular, the experience of the Hindustan Machine Tools Ltd., where this scheme was introduced and where the trade union wholeheartedly cooperated, is significant. As long as the workers did not demand a share in the profits and gains which accrued out of the implementation of the scheme, so long the management welcomed it. But the once the workers raised their legitimate demands, the management grew furious and shelved the scheme. From the little experience of this scheme, this Session of the AITUC is of the opinion that the scheme for labour participation in management is not meant either to improve the working and living conditions or improve the standards of living of the workers. It is meant more to get the cooperation of the workers for increased production and increased profits and as such, there cannot be real participation in management. It is only in a socialist society where the working class is in power and where production is done not for profit can there be real participation in management, with the workers managing the enterprises.

This Session is of the opinion that, nonetheless, the situation in our country is such that whatever machinery is available and can be utilised for the defence of the workers' interests, the AITUC should participate in it. It believes that we must specially try to utilise to whatever extent possible in public sector enterprises to fight bureaucratic management, have a check on the wagtages and corruption and defend the interests of the workers.

Mohd S ; M.S. Khimman

Programme of 26th Session

JANUARY 6, 1961

1. Condolence Resolutions -
 - ~~Chakkarai Chettiar~~
 - ~~VI - Martyrs - Firing~~
 - ~~- Com. Shankaripam~~
 - ~~III - Com. Hassan Nasser~~
 - ~~- World leaders~~
 - ~~- Com. Shankaripam~~
 - ~~- World leaders~~
 - ~~- Hassan Nasser~~
2. Greetings from ~~Brother Sugiri, Secretary, WFTU~~
Mr. Menon, ILO
3. Translations *China, France, Com. S. in Madras*
4. Messages *5*
5. Greetings from Shri V.K.R. Menon, Director, ILO, India Branch
6. Report by S.A. Dange, General Secretary.

*See pass Com. mingul
for final drafts
adpter*

Condolence Resolution

ON DEATH OF COMRADE HASSAN NASSER

The 26th Session of the AITUC expresses its profound grief and indignation at the death of Comrade Hassan Nasser in mysterious circumstances while under detention in Lahore Fort. It is reliably reported that Com.Nasser, an active trade unionist and political worker of Pakistan was tortured to death and the Pakistan authorities connived at concealment of his body which was not even handed over to Com.Nasser's relatives for burial.

The AITUC unequivocally condemns the brutality and repressive methods of the Pakistan Government which resulted in Com.Nasser's tragic death at an early age. This Session pays respectful homage to his memory as a courageous fighter for the working class who fell at his post, in the difficult conditions of military dictatorship.

Condolence Resolution

COMRADE CHAKKARAI CHETTIAR

The 26th Session of the AITUC expresses its profound grief at the demise of Comrade V. Chakkarai Chettiar, the former President of the AITUC. Comrade Chakkarai Chettiar had served in the Indian trade union movement for nearly four decades, being one of the founders of the very first organised trade union in India, the union of the textile workers in Madras City. He stood by the Indian working class through thick and thin all these forty years. While the AITUC faced severe repression in the years 1947 to 1952, Comrade Chettiar, in spite of his age, stood by the AITUC and tried to preserve the unity of the Indian workers. Comrade Chettiar was a profound scholar, respected by the people of India, particularly of Tamilnad and a devout Christian and he was an asset to the AITUC at a period when the AITUC had to face attempts at disruption. The 26th Session pays its homage to the memory of Comrade Chakkarai Chettiar and pledges to carry forward the great traditions of militant trade union movement which he consistently upheld.

To
President
AgTUC.

Council,

Please move a

condemnation resolution
on the brutal ^{assassination} ~~state~~

of ~~Council member~~

this Japanese socialist
leader, who was shot

A.

Dam 19

Practicals

CONDOLENCE RESOLUTIONS

I

(5) The 26th Session of the AITUC expresses its deep sorrow at the deaths of Comrades ~~Chakrasai Chatterjee, former President of the AITUC~~, P.D'Mello, Bombay dock workers' leader; Binode Mukherjee of Bihar; Nanubhai Desai of Gujerat; Gaddam Babiah of Singareni coalfields; Somnath Dave of INTUC; M.V.Wadhavkar of Bombay engineering; Badal Dev of Jamshedpur; Sisir Roy, General Secretary of UTUC; Krishna Chatterjee of Colliery Hazdoor Sabha, Asansol and other leaders and organisers of the working class movement who have passed away since the last session of the AITUC. It also regrets the passing away of Shri Feroze Gandhi, a sincere friend of democratic and progressive causes in Parliament.

II

(2) The 26th Session of the AITUC mourns the death of numerous workers and trade union members, who have lost their lives in firings and attacks by police and employers in various parts of the country during the last three years. These include two Hindustan Aircraft workers of Bangalore; 3 workers at Jamshedpur during the 1958 strike; 5 at Madras during the All-India Port and Dock strike, 4 workers of Chandanathope and Munnar; four workers at the Rihand Dam, two at Katihar jute mills, 5 at Faridabad and 5 railway workers of Dohad during the recent Central Government employees' strike.

The AITUC pays homage to the memory of all these martyrs and pledges to defend the interests of the working class for which they gave their lives.

III

(6) The AITUC records its profound grief at the passing away of outstanding leaders of the world working class movement like Harry Pollitt, Chairman of the Communist Party of Great Britain; Wilhelm Pieck, President of the German Democratic Republic; Lai Jo-yu, Chairman of All-China Federation of Trade Unions and Aissat Idir of the Algerian Trade Unions, who was tortured to death by the French colonialists. The working class of India salutes the great contributions of these comrades to the cause of international proletarian solidarity, national independence, peace and socialism and resolves to carry forward the noble causes to which they devoted their lives.

Mr. Bevan of the British Labour Party
and trade unions

Condolence Resolution

(3)

COM. SHANKARLINGAM

The 26th Session of the AITUC deeply mourns the sad and premature ~~death~~ demise of Com. Shankarlingam, a bold and fearless fighter in the cause of the working class and of the railway workers in particular.

Com. Shankarlingam who was an assistant foreman in the Central Railway workshop in Bombay, was dismissed from service in 1952 for his trade union activities. He took a foremost part in organising the G.I.P. Railwaymen's Union, of which he was the General Secretary for a long time. For his union activities, he was arrested and detained thrice, once in 1940, then in 1950 and again during the recent strike of Central Govt. employees.

In his sad demise, not only have the railwaymen lost a great friend and fighter, but the entire working class of our country has lost a valiant leader.

The AITUC pays its homage to the memory of Comrade Shankarlingam and conveys its condolences to his bereaved family.

within

On victimisation of Central Govt. Employees

In 26th Session of the All India Trade Union Congress expresses its grave concern for the state of affairs that still persists with regard to the question of reinstatement of victimised Central Government employees following their great strike in July 1960.

Thousands of employees have not been taken back to their jobs as yet and many who have been taken back have ^{either} lost continuity of service, ^{or have suffered demotion and degrading assignments} Due to the unlimited powers which the Departmental heads have been allowed to exercise by the Government, Vengeance and personal prejudice in most cases decide quantum of punishment that is meted out to the employees. It is due to this exercise of personal grudge and ~~barbaric~~ inhuman treatment that led to the suicide of ^{employees} Rajeev Chatterjee in Calcutta and ^{other} places.

↓
Rs 250000
per month

Not only the actions of departmental heads in most cases border inhumanity, often such actions can only ^{be} described as criminal.

The government of India which crushed the ^{justified} struggle of employees through sheer use of force, is still pursuing a policy of victimisation, ^{namely} contrary to all assurances linking of DA with prices

The main issue on which the Central Government employees had to resort to strike, is in fact the demand of all industrial workers of the Country. It is the failure of the government to hold the price line that has aggravated the situation and created a crisis compelling employees to strive for obtaining at least a minimum safeguard against offsetting of their income against soaring prices.

at work.

The number criminal cases which had been instituted against the many employees and their sympathisers including many MPs and MLAs are still going on and despite the lapsing

of the Draconian Ordinance, even now

maximum punishment is being awarded. Thousands are being discharged, thousands are departmentally prosecuted or stated suspended. The nefarious move that was attempted

by government following the strike to law strikes through legislation in so-called essential services has been held back ~~through~~ ^{due to the amount} of resistance put up by the working class throughout

the country. ~~But that alone is not enough.~~

Yet scores of unions have been derecognised and trade union functioning has almost become impossible due to transfers of T.U. leaders and interfering in activities of trade unions by INTRU unions

this session of the ATUC demands the immediate withdrawal of all cases and remission of sentences where awarded in connection with the strike; immediate reinstatement of all employees; forth with stoppage to all harassment and punitive measures which are being meted out to employees by

various departmental heads; and adoption of specific and effective steps by the government to hold the price line and restoration of recognition of those unions which have been de-recognised.

The ATUC ~~is~~ ^{calls} ~~upon~~ ^{reiterates its} the working class of the country to strengthen its eff through unity and consolidation irrespective of any affiliation and differences. It is all-in trade ~~unity~~ union unity that alone can defend the working class and take it forward in fulfilling its tasks towards the country and its own class. This is the task of the day and it has got to be accomplished with all vigour and energy.

and common people demonstrating against the Army in Calcutta on 15/10/47

This 26th session of the A.I.T.U.C takes a serious view of the mounting attacks on democratic trade union rights.

The repressive machinery of the state is being used more & more ruthlessly against the working class and Peasantry and the common people and their organisations. Railway workers at Dohad, Steel workers at Jamshedpur, Post & Dock Workers, Engineering and other workers at Faraidabad have had to face bullets in police firings & many workers have lost their lives.

A new & disturbing development is the use of the army, intended for the defence of the country, against workers struggling for their lives. In Jamshedpur, & at other places the army was utilised in defence of the interest of the owners of the factories with a view to overawe the workers by display of brute force & armed might.

In a number of States Security Proceedings under Sec. 107 V.P.C. are launched against trade union leaders and active workers with the sole object of harassing them and paralyzing the trade union activists' activities. It is noteworthy that in overwhelming number of such proceedings the convicts proceeded against have been discharged, which proves beyond doubt that such proceedings are being resorted to solely with the sole object of harassing the trade union leaders and militants and paralyzing the trade union activities.

Whenever during struggles on the eve of struggles of workers, the price frequently arrest and detain the activists with a view to break the struggles. In many cases, trade union leaders are falsely implicated in cases of murder on charges of murder, loot, arson and conspiracy.

The hated 'Preventive Detention Act' has been extended to a further period of three years.

Thirteen years after independence, the hated Preventive

Preventive Detention Act, which no democratic country regards as in peace-time has become a normal feature of India and is widely used during struggles of workers. During the last struggle of Central Govt employees, it was widely resorted to. The Act itself has become virtually a permanent statute, having been continuously given new leases of life by means of extensions for three year periods.

The right of Freedom of speech and assembly is totally ~~denied~~ ^{denied} to workers going on strike by Prohibitory orders under Sec 144 Cr.P.C.

In Delhi, directly administered by the Home Ministry to the Govt of India, there is a permanent ban on processions and meetings in the main thoroughfares and centres of Old and New Delhi. Even where no Prohibitory orders are in force, the right to hold meetings is severely curtailed by misuse of the provisions of the U.P. Price Act, requiring licence for the use of loud-speakers.

The Townships and areas of the State undertakings, such as the Railways, HMT, Bhamburda Naveli Shipyard Project, Rourkela, Durgapur & Bhilai steel plants etc, are declared the private property of the Company concerned and no

meetings are allowed in the areas where work is live. ~~Some~~ However many undertakings such as Chittaranjan Ry workshop, PWD & PWD are declared 'Prohibited areas', and no access ~~is even~~ allowed to workers ~~is even~~ allowed to trade unionists. Similar situation obtains in the Colliers and Jamshedpur.

Thus the vast number of ~~workers~~ workers in the State undertaking and colliers, who are engaged in ~~the~~ producing goods and in services so very vital to our economy, ~~are totally deprived of~~ ~~democratic and rights,~~ ~~the working terms~~ have been reduced to citizens without any rights whatsoever.

Collective bargaining is the basis of the trade union movement. This right which is recognized in all civilized countries, is being reduced to a mockery, by recognizing ~~to~~ the majority of the workers have no confidence and entering into agreements with them. Such agreements are being ~~forced~~ forced on the entire workers. The worst offenders in this regard are the State and Central Governments.

The State and Central Govts ~~do~~ encourage and abet the private employers in ~~their~~ refusing their refusal to recognize and enter into negotiations with majority unions, ~~despite~~ ~~the~~ cases have been known, where the employers themselves start unions and enter into so called agreements with them with a view to by-pass the legitimate demands of the workers, represented by their militant unions. Such agreements are entered into even after awards of tribunals have been obtained by the workers, ~~as~~ despite such glaring ~~attempts~~ unfair labor practices. Govt has only dog nor

intervene, but often encourages and conciliates at them.

The Govt and the employers have been consistently refusing to accept the only correct ~~fair~~ method of deciding the representative capacity of unions by means of a ballot.

The State and Central Govt practice blatant discrimination against the unions affiliated to the AITUC. Not only are they denied ~~proper~~ adequate representation on committees & other bodies, but the Labour Department is utilized to deny even honest conciliation and adjudication ~~proceeding~~ to the ~~union~~ affiliates of the AITUC. Cases are not more when even registration of unions are not given or are inordinately delayed simply because the sponsors are suspected to ~~be~~ have affiliation with the AITUC.

Victimisation of trade unionists has become a common practice. Thousands of Central Govt employees have been ~~not~~ dismissed, discharged, demoted or victimised in other ways. ~~In some private undertakings,~~ Sec. 4(a) and 4(b) of the Central Govt ~~except~~ servants' conduct Rules, under which employees could be arbitrarily dismissed is being resorted to widely. In the private sector, the provision in the Standing order "that acting in a manner subversive of the management is punishable" is being widely resorted to for arbitrary dismissal of ~~trade uni.~~ and victimisation of trade union activists.

Plans are afoot to deny the right to strike to large sections of Central Govt employees and place a ban on "outsiders" in their trade unions. The M.P. Govt has

already enacted a law under which strikes by its employees has been banned.

The right to peacefully picket has been ~~been~~ ^{been made} non-existent by ~~means of~~ ^{misusing} various provisions of the criminal law. But at the same time full protection is given to goondas, blacklegs and strike-breakers.

Thus, the state machinery is being utilized to ~~against~~ to deny the working class ~~is~~ ^{to} democratic and Trade union rights and to obstruct the growth of an independent and militant Trade Union movement.

The 26th session of the All India Trade Union Congress demands:

- 1) Repeal of Sec 107, 151 and ~~preventive~~ other preventive sections of the Cr P.C. as well as the Preventive Detention Act ~~etc~~ M.P. Essential Service ~~Act~~ & Public Security Act.
- 2) The Amendment of the City Police Act and the Police Code ~~and the~~
- ~~3) ~~Further Trade Union and democratic rights~~~~
- 4) Right to hold meetings and access to workers in all workers' colonies and townships.
- 4) ~~An end to the discriminatory Recognition of Trade Unions on the basis of Secular habit of workers in the undertaking concerned, and~~
- 5)

(4) All Govt employees who fall in the category of 'workmen' under the Industrial Disputes Act should have the same to form trade unions.

3) Repeal of Sec 4(a) & 4(b) and similar parts of the Central Govt Employees Conduct Rules and similar Provisions of the Pw Establishment Code and the Standing orders; Repeal of the National Safeguarding of National Security Rules.

5) Right to hold meetings and access to workers for Trade unionists in all colonies & workers & townships

6) Recognition of Trade unions on the basis of secret ballot of all workers of the undertaking concerned

7) An end to discrimination against the AITUC and its affiliates.

The 26th session of the AITUC calls upon all trade unions and workers, irrespective of their affiliation, to mobilize their ranks and all democrats against these attacks on democratic and trade union rights.

The AITUC is confident that with unity and determination, these attacks on fundamental rights can be repulsed and trade union and democratic rights can be safeguarded.

The AITUC 26th session ~~calls upon all affiliates~~
decides to celebrate the C. May Day 1961 as
"Trade Union and Democratic Rights Day"

- * -

~~Apparatus
Scandal - U.P. - Pol. Workers - Kisan organisations
Raj -
Suggestion - May Day - Dem. Rights - Propaganda
Kisan Org.
Kisan - No Right - Part Dem Rights.~~

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ON CENTRAL GOVT. EMPLOYEES.

This 26th session of the AITUC expresses its grave concern on the continued victimisation of Central Govt. Employees following their great strike in July 1960, contrary to all assurances held out by the Govt. of India.

Thousands of workers have not been taken back, many others have been dismissed discharged or suspended and many others have been deprived of continuity of service, demoted, to or punished by way of stoppage of increments.

The total monthly loss in many terms comes to the figures of over Rs 7,50,000. Punishment has been left to the unfettered discretion of departmental heads, who are in many cases motivated only by personal grudges. Already some employees have, in utter frustration, been forced to commit suicide in Calcutta and other places.

Criminal cases against employees and T.U. leaders including many M.P., and MLA are still pending in courts.

At the same time the Govt. has made its intention known to ban strike in essential Govt. services and to ban the entry of so-called outsiders in their unions. Unions who participated in the strike have been de-recognised while difficulties are created in the way of ~~xxxxxx~~ T.U. functioning of these union conscious efforts are being made to disrupt the unity of the employees by bolting IITUC union.

Linking of D.A. to cost of living index with adequate neutralisation --- the main issue of the strike --- is in fact the demand not only of the Central Govt. employees but of all industrial workers and employees in the country. This demand is being insisted and the workers deprived of a good part of their money wages by continued rise in prices.

This session of the AITUC demands that i) victimisation of all employees should be stopped. All those dismissed, discharged or suspended be reinstated immediately, and all departmental actions in the shape of punitive transfers, demotions, stoppage of increments etc withdrawn.

- ii) Withdrawal of all pending cases, and remission of sentences.
- iii) Recognition of unions who have been deprived of it be immediately restored and all unions be allowed to function normally.
- iv) Attempts to have strike in essential services and all place restrictions on entry of outsiders in their unions be immediately stopped.
- v) Adequate steps be taken to hold the price line, and to neutralise price rise by ~~xxxxxxxxxxxx~~ linking D.A. to cost of living by sufficient neutralisation.

The AITUC expresses its solidarity with Central Govt. Employees and their unions and calls upon all workers to raise a united voice against victimisation, for withdrawal of cases and remission of sentences, for the defence of the T.U. rights of Central Govt. Employees, and for the early realisation of their genuine demands regarding D.A. It is confident that the solidarity and unity of the Centra

ON ORGANISATION OF

ON NATIONALISATION OF PRIVATE AIRLINES.

The 26th Session of AITUC notes with regret the delay in complete nationalisation of private non-scheduled airlines and urges upon the Government of India to nationalise all private air lines without any further delay to guarantee that no employee will be retrenched at the time of nationalisation.

ON THE FAILURE OF N.C.D.C.Ltd.,

The 26th session of the AITUC emphasises its deep concern over the failure of the National Coal Development Corporation, a public sector under-taking to achieve the ~~the~~ plan target of coal production.

A target of 60 million tons of coal production was fixed in the 2nd Plan. But the Coal industry as a whole will not reach beyond 52 million tons at the end of the 2nd five year Plan. This means that the coal industry as a whole has failed to achieve the Plan target. But the failure of the N.C.D.C., which is mainly responsible for the production of coal in the public sector is greater and more deplorable. This necessitates enquiry into the affairs of the N.C.D.C. so that the same story is not repeated in future.

In the opinion of the AITUC the main reasons of the failure of the N.C.D.C. are as follows:-

- i) Absence of advance planning
- ii) bad maintenance of machineries as a result of which nearly 50% of the newly purchased machines are idle in the main producing centre
- iii) groupism among the officials
- iv) discriminatory cadre policy
- v) favouritism in the appointment to the supervisory and executive posts.
- vi) some of the key officials being under the influence of big contractors who themselves are big coal mine owners
- vii) ~~all round~~ corruption and lethargy
- viii) careless and anti-labour policy of the officials towards the key production workers in respect of their ~~xxxx~~ scales of pay, promotion, categorisation, housing, water supply, light, medical facilities etc
- ix) discrimination against the majority union i.e. coal workers union has not been recognised even after its majority following was proved in the verification done under the code of discipline
- X) frequent breakdowns in the newly created washeries

at Nargali where some times 50% of the working hours were lost and which also seriously affected the production for a considerable period of times in the biggest collieries of the area.

It is well known and ~~xxxxx~~ even admitted by the NCDC that the labour in general have cooperated with the management and similarly the coal workers union (AITUC) which is the majority union in the main NCDC centre has extended all cooperation for production and as a result of which the Giridih group of collieries were able to earn profit after nineteen years of continuous loss, but even then the NCDC has not only carried on the anti-AITUC policy but has ~~xxx~~ refused to form joint production committee for stepping up production.

The administrative bearocracy is so power minded and anti labour that they do not form works committee in general and wherever they are formed under pressure from labour they are not allowed to function and thus even in the old collieries, there is chronic lack of trials and working faces and non provision of other necessary working facilities and there is no forum for discussion for the same with the management.

In the collieries producing grade III coal, the output has been artificially restricted to less than half of the capacities on the ground that there is no market for grade III coal. Though it is well known that grade III coal is required in the country. This shows how the NCDC serves the interests of private sector at the cost of its own under production and heavy costs. The cost of production is also very high in the NCDC due to the above reasons.

The whole matter has been brought to the notice of the NCDC and the Ministry of Steel, Mines Fuel repeatedly, but to no effect.

The Ministry of labour and Employment is also continuing its discriminatory ~~xxx~~ policy towards ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ AITUC union. It never refers the workers demands and disputes to arbitration or adjudication, however genuine the cases may be. There are some 30 conciliation failures reports pending before the Ministry of Labour for last two years which under model principles of references are fit for reference to arbitration but the same is being denied. The model grievances procedure has also not yet been accepted by the NCDC.

Under such circumstances, it is high time that the Govt. of India constitute a parliamentary enquiry committee to go into the matter.

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