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REPLY TO THE QUESTIONAIRE
OF
NATIONAL COMMISSION ON LABOUR
(Govt. of India)

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Submitted by :

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(IFITU)

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(BY COURTESY OF INDIAN FEDERATION OF INDEPENDENT TRADE UNIONS)

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CHAPTER I.

RECRUITMENT AND INDUCTION

National Commission of Labour is the 2nd of its kind in India. The first such commission was set up by the British Government and submitted its recommendations in 1931 and was known as the Royal Commission of Labour.

The recommendations of the Royal Commission of Labour left their imprint on Government's Labour policy for a long time.

"We are writing at a time when circumstances, both economic and political, are exceptional. In the economic sphere India, in common with any other country, is facing a period of stress. Indian industry is involved in the general depression, and many of the industries with which we are concerned are facing serious difficulties which, we hope, will soon be surmounted. With orderly progress in India, her industry should have a great future." It was thus that the first such commission of labour opened its chapter on recommendations. The situation in India today is interestingly similar in many respects.

Since the report of the Royal Commission, India has marched long ahead. Before we come to the questionnaire of National Commission it is our duty to find out how far India has been able to implement the recommendations of the first commission. According to us it would have been better had there been a question to begin with as to how far the recommendations of the first commission have been implemented. In this long questionnaire that question does not find a place.

The questionnaire starts with recruitment and induction, goes on to conditions of work, trade unions and employers' organisation, inter-relations, wages, incentive schemes and productivity, social security, Labour legislation, rural and unorganised labour and Labour Research and Information.

We would try to cover these questions as far as practicable.

RECRUITMENT.

Now a days labour is generally recruited through employment exchanges only. In some of the industrial establishments where the unions are strong there are agreements by which dependants of retired workers are given employment, according to seniority. This employment to workers' dependants is nowhere cent percent, but covers only about 40% of the total new requirement. To quote an example is the Associated Battery Makers (Eastern) Ltd. with its workshop at Shyamnagar, 24-Parganas, West Bengal.

Employment through advertisement and examinations are done in higher categories, specially clerical and supervisory.

The present recruitment system is not satisfactory because

- (i) employment exchanges are corrupt and they send the names only when they receive necessary consideration money and
- (ii) in registering the names also employment exchanges in such big cities as Calcutta are adopting foul means and much of provincialism, sectionalism, regionalism, and communalism distort the chances of fair recruitment of able-bodied and skilled personnel. The present recruitment method is not satisfactory because almost all the workers working in different industries and establishments want that their dependants must be given preferences in recruitment. This demand is gaining ground from day to day and is sound in principle as it gives more satisfaction to existing employees and better employer-employee relations are the basic needs of the day. There is no question of labour in short supply in any category of employment. There is widespread unemployment in almost every category of employment. The question in this respect has no base.

Similarly the question of mobility of labour is beside the point. Lack of mobility does not arise in Indian situation. Indian Labour is ever mobile. From the far-flung districts of Bihar, U.P., Andhra, Orissa, etc. thousands of labour spontaneously migrate to places of employment. Our Ports, mines, plantations, and textile industries are living examples of the all India character of Labour employment coming from East and West and North and South. So the lack of mobility does not affect supplies in any category of labour, rather too much mobility of labour from various parts of India and concentration of the same in the highly industrialised sectors like Calcutta and the surrounding belt and Bombay create a new type of problem—a feeling of denial of employment to local population.

Industrial labour is migratory only so far as the above-mentioned aspect is concerned. And that raises one serious problem—the problem of employment of local people. This again has been causing a dangerous type of jealousies encouraged by various State Governments and political parties fanning local prejudices for the purpose of catching votes. The problem is becoming basically a political problem.

CASUAL LABOUR

Recruitment of casual labour and maintaining them as casual labour as such for years on end is a scourge of the present society. Employment of casual labour is an advantage to those employers who are called profit-sharks. It can never be an advantage to good employers who want healthy employer-employee

relationship for the establishment. Employment of casual labour is of no advantage to labour. Wheresoever the system of casual labour has existed there have been series of long-drawn struggles for de-casualisation. The largest number of casual labour was originally in the Ports and docks of India. By long struggles leading to the enactment of Dock Workers' Regulation of Employment Act, 1948 and the schemes made thereunder, the de-casualisation of dock labour has been on the up-swing. But still about 50% of Port and Dock labour remain casual and various struggles leading to long, long stoppages of work have been the result. The next largest number of casual labour is in the building and construction Industry. That has also been the centre of long and serious struggles of labour. At present the Parliament of India is about to enact a law about their de-casualisation. Our Labour Ministry has recently pointed out to the dangerous tendency of the plantation owners to their increasing tendency to employ more and more casual labour.

Roughly speaking wheresoever there are contractors there is casual labour. Like labour in organised factories, contractor-labour is also coming to its own. Trade Unions are coming up with massive bargaining power and as a result of struggles of all these trade unions casual labour is being transformed into regular monthly paid labour. Of course, employers even in factories have the habit of doling out work to contractors from time to time, specially the moment the union concerned is a bit less vigilant. And these contractors start employing casual labour.

Casual labour may be employed only for a work of casual nature and should not be employed in any other sector.

For new construction work of railways or dams or new projects, for a small period of time there may be some justification for employment of a minimum number of casual labour but arrangements should be so made that they can be absorbed on completion of work in the regular economic fabric by avoiding new recruitments to vacancies caused by natural wastage and extension of work. During the small span of casual work a certain number of minimum benefits like canteen, regular hours of work, overtime work at double pay, regular and correct payment under the supervision of Payment of Wages Act Inspectors, Maternity benefits for women labour etc. etc. should be legally provided.

Discrimination in the matter of recruitment on grounds of caste, community, region, language, sex or religion or any other anti-national and antisocial ground cannot be justified under any circumstances.

Study leave is granted to employees only when they are selected under workers' education scheme of the Govt. of India Labour Ministry. Despite various recommendations and provisions for the training of workers, there is actually no existing programme for such training of workers either on the job or outside the place of work. Different engineering concerns take apprentices. That is all.

PROMOTION

Promotion to the next higher grades within the same basic category must be on the basis of seniority. Promotion from one category to another category which requires better skill etc. should be on the basis of seniority-cum-trade test. The formula so long followed in various sectors of life as seniority-cum-merit is proved to be a defective formula as it has resulted in denial of merit to the meritorious and giving promotion to favourites terming it as a promotion on seniority-cum-merit. Therefore the word merit should be knocked out and such promotions should be on the basis of seniority and trade-test. Where no trade-test is required as the promotion is in the same trade, promotion should be strictly on the basis of seniority.

Similarly recruitment to posts on higher levels should be made from the existing employees only, so long as they are available. Naturally the term higher level is a very vague term. Certain higher levels of work may require additional craft or managerial qualifications. Even then, employees having the qualifications should be given first preference. There should be no limit to this.

There are certain spheres of promotion where tests are held for promotion but without any justification. For example for promoting Accounts clerks in Railways from Class II to Class I, examinations are held which are called as Appendix II examinations. It has been invariably seen that Class II clerks are carrying out these jobs of Class I Accounts Clerks to the satisfaction of all without any mistake or demerit. The same clerks are called upon to appear in the examination and pass the test. On failing to pass the test they are not allowed promotions. But the irony of the fact is that they have carried out their jobs well to the satisfaction of all. Similarly for promoting Class I Accounts clerks to the post of Accountants, Appendix III examinations are held. Here also the same story is repeated. Class I Accounts Clerks carrying out the job of Accountants from month to month to the satisfaction of all are made to sit in this examination and failing in the exams., they are not promoted. This system of tests is not only unjust but highly detrimental to the legitimate promotion of hands satisfactorily carrying out the job. Such tests are not tests for promotion but hindrance to promotion and must go.

We have lots of instances in other sectors of life where tests are nominal just to bypass the claims of others and select the favourites for various considerations. Such tests also should go. In such cases promotions should be given strictly on the principle of seniority in efficient carrying out of the job in officiating capacity either temporarily or on leave reserve basis. Then there are tests of dubious character also. We know about tests where 60% marks are given for personality at the time of interview. This is in vogue in South Eastern Railway for the promotion of Train Examiners. For the purpose of testing a technical job 90% of the mark should be given for the technical qualification. That may be called a technical test. Lastly, the testing authority should be a

proper authority to do proper justice in test. That can be done only by presence of persons of integrity, not connected with local prejudices. Unless and until this is done Tests instead of giving a lift to merit, lead to favouritism and create rancour and legitimate dissatisfaction and unrest in the ranks of labour.

Moreover tests must be appropriate to the jobs required. Upto now irrelevant factors are brought in tests. Neither workers nor their unions are afraid of proper tests. As tests are coloured and beside the point, the movement grows for promotion according to seniority.

CHAPTER II.

CONDITION OF WORK

It is true that condition of work in factories, mines and plantation etc. are at present regulated by corresponding enactments.

SAFETY AND WELFARE

It is similarly true that the provisions are more violated than implemented with particular reference to safety. About welfare amenities, they are available not because of those enactments but because of the existence of strong unions. Where such unions are absent, welfare amenities are only in name. Take for example canteen facilities, they vary from factory to factory and from establishment to establishment. The cause of this variation is the existence or non-existence of a strong trade union with a first class bargaining power.

Safety measures are regularly violated by the management and accidents occur leading to death or serious incapacitation of workers. This is because the prosecuting authorities, the so-called inspectors are corrupt. Secondly, workers have been given no right to prosecute the defaulting employers. Unless and until unions and workers are given the legal right to prosecute defaulting employers and unless and until deterrent punishments are provided for such defaults, safety provisions cannot be implemented. We are very much worried and rightfully worried about the violation of safety provisions in Docks,

Engineering Industries and Textiles. Therefore we submit that more deterrent punishments should be provided under the law for defaulting employers and unions at least should be given the legal right to prosecute such employers before the Court of Law.

The weekly-off as provided in the Factories' Act is an off without pay. It should be statutorily provided that the weekly-off should be a paid off as has been provided under the Central rules of the Minimum Wages Act.

The annual leave with wages under the factories Act is too little keeping in view the advances scored in India. It should be raised to at least to the amount of leave, available to Central Government employees. This discrimination in the matter of leave by any provision is thoroughly unjustified and obnoxious.

The list of occupational disease should be increased especially in printing and Battery-making industry.

Overtime payment should be uniformly made double the ordinary rate inclusive of the Dearness allowance in every factory and establishment. Work on holidays should also be taken as overtime work and paid accordingly.

The most important step to be taken immediately should be the training of workers in safety and welfare measures while safety devices should be modernised and brought upto date.

Secondly the basic welfare measure which does not brook any further delay is the supply of proper housing conditions where the worker can live in happiness with his family. This item has been most neglected during these 20 years of freedom. The biggest industry in West Bengal namely the Jute industry has not built a single house for the workers during these 20 years. They had built some houses before we started independence movement in right earnest. And the number of houses remains the same today. So the Engineering concerns. In the central sphere specially in the Dock yards the authorities have been so slow and unwilling to build the houses for the workers that one crore and five lakhs of the allocated money for building quarters under the Calcutta Port commissions were returned to Central Exchequer from the first plan allotment.

WORKING HOURS

About the hours of work it is high time we should reduce the number of working hours and start the 4 shift system of 6 hours each. This would not only mean more rest to existing employees and thereby improve their health but it would also absorb a large number of the unemployed into proper, healthy industrial activity. In a country like India where the number of the unemployed runs to millions the continental system of 8 hour shift necessitated by shortage of labour does not fit in. Moreover almost in every sphere of industrial activity some form of incentive schemes or payment by results is already in force,

under different denominations. Somewhere it is called incentive scheme, at other places it is called production bonus and at certain other places it is called piece-rate. In many sectors it is enforced as contract work.

As a result of contract work specially in the Calcutta Port where about 50,000 workers are employed, about 50% of the working time is being regularly lost for the last 3 years. Why then should we fight shy to accept the formula evolved and introduced by extra-legal voluntary arrangement between labour and employer? Why not straight away we start 6 hours' shift and bypass the loss of working time and working potential.

Similarly in all other sectors where incentive schemes are already enforced workers are being paid much less than what is due to them. If only justice is done by giving the existing workers their legitimate dues, the introduction of 6 hrs. shift would not mean any loss in earnings to the existing workers but would mean a tremendous help in the shape of employment of all their unemployed dependants.

The introduction of 6 hours shift would reduce not only the dead weight from the existing employees of their unemployed dependants but would also reduce various crimes generated by millions of the unemployed.

Lastly, the totality of national wealth would be increased in the shape of an increase of at least 25% of total output by the induction of fresh young men in newly started shifts. So from all these social, economic and political considerations we submit that the working hours per day should be reduced from 8 to 6 and 4 shift system should be introduced. This is naturally with regard to employments where there are 3-shift systems at present. Our submissions are basic and fundamentally remedial. Though revolutionary in form, it is reformist in content and therefore should be sponsored.

HOLIDAYS

About National Holidays we are not aware of any difference from region to region. About festival holidays there are differences not only from region to region but also from establishment to establishment within the same region. Offices in Calcutta enjoy larger number of festival holidays than their production centres. Workers working in Calcutta Dock-yard under the Calcutta Port Commission and the Calcutta Dock Labour Board enjoy more festival holidays than the workers in the industries of the surrounding belt. Moreover within the same establishment of Calcutta Dock Labour Board registered workers enjoy more festival holidays than the listed workers. Workers who are neither listed nor registered are denied festival holidays. All these discriminations have no justification. This only means that where the workers have a higher bargaining power they enjoy more festival holidays and where the workers have less bargaining power or are less effective, the number of festival holidays is smaller.

This is another example of the jungle law in force. This is another example of the unwillingness of the employers to concede anything on their own. As a matter of grace or justice, we demand that the number of festival holidays throughout the country should be the same. While doing so the total number of existing festival holidays in the concerns and industry where it is the highest now should not be reduced. The whole country should be brought up and nobody should be brought down. It would be a irony of fate to bring some down with a view to raise others up. The meaning of proper justice is to raise all upto the highest festival at present.

The question of regulating conditions of work in employments other than in factories, mines, and plantations is already covered in our reply to the question of decasualisation of casual labour. De-casualisation has been only partial; it should be total and complete.

Despite all the acts, regulations etc., one sector of employment has no regulation. That is the *sector of domestic servants*. There is an ILO convention about domestic servants. There was a strong agitation of domestic servants a few years back all over India and particularly in Delhi for some regulation of work, payment and leave. But upto now nothing has been done by the Government in this respect. A *legislation* conferring some security to their employment, minimum wage, minimum annual leave, weekly off etc. is an immediate necessity without which their conditions of life and work cannot be made human.

CHILD-LABOUR

The incidence of employment of child labour is relatively high in plantations, small hotels and domestic services, as well as in small motor garrages. In plantation there is some regulation. Regulation in hotels is observed in its violation. There is really speaking no regulation in the employment of children apprentices in garrages and domestic services. Appropriate regulations are highly needed in these sectors.

CONTRACT-LABOUR

We have already covered existing arrangements regarding regulation of conditions of work of contract labour and labour employed by contractors in the Dock and building and construction industry. So far as contract labour and labour employed by contractors in other sectors are concerned there is no particular regulation regarding their conditions of work. Real improvements in the conditions of work of contractor labour lies for the abolition of contract labour and their absorption in the establishment as regular labour. Maintaining contractor labour and seeking their improvement of conditions of work is a contradiction in terms. Contract-labour system is a scourge inherited by our society from old feudal and imperialist days of exploitation of labour. Earlier the system is abolished, the better for us all.

FIELDS OF EMPLOYER-EMPLOYEE CO-OPERATION

Safety and well-fare provisions are the provisions in the implementation of which the Trade Unions and employers' organisation can jointly play a useful role. Though not second, the industrial sector where joint ventures should be introduced is the sector of job-evaluation and value-fixation of units of work. Similarly in the question of promotion of workers there should be Joint Committees to look after the fact that justice is not denied to incumbents. Only in one statutory benefit workers have a say now-a-days; that is the canteen. Safety provisions are also statutory provisions but workers have no real say in the matter. There should be joint work between trade unions and employers' organisations in the institution of safety devices, for the training of workers about safety devices etc. etc.

The existing rate of accidents is very high in the docks and is really high in engineering concerns. These have been due primarily to the violation of safety measures by employers and due to the Inspectors under the Act meant to supervise the execution of the safety measures being corrupted by defaulting employers. Moreover the existing safety devices in certain spheres are out-moded and have not kept pace with the innovations in industrial activity.

SAFETY—TRAINING, DEVICES ETC.

There should be regular training programmes with a special emphasis on safety not only for the benefit of new entrants but also for all workers as there have been no such real training programmes for anybody in the past. After these training programmes are executed properly, there should be regular refresher course for those who are already trained and continue in employment. The course should be organised by the Labour Ministry in cooperation with the existing trade unions, recognised or unrecognised. On the issue of safety the question of recognised unions is beside the point. Safety is necessary for all including the industry itself and therefore total cooperation of all should be sought for the purpose. The above covers question No. 20, 21 and 22 also. Under the slogan of "expanding industry and advancing technology involving a faster tempo of production" there should be no dilution of the implementation of the existing provisions under the Factories Act, Mines Act, etc. On the other hand stricter and more up-to-date provisions and thorough implementation with labour having a say should be enforced.

The talk of difficulties in procuring safety equipments in the installation in industrial establishments is only talk to avoid the basic duty of the employer and expresses utter callousness on behalf of the employers about health of the workers in particular, and industry at large.

The supply of safety-equipment to workers has never been adequate. On one pretext or another employers have been defaulters in this respect. In some backward places and with reference to a very minority of backward workers there has been reluctance on the part of workers to use safety equipment. These workers should be taught the need of it. The cooperation of the unions should be sought in this respect and everything would be alright.

CHAPTER III.

TRADE UNIONS AND EMPLOYERS' ORGANISATION.

Simultaneously with the development of Trade Unions and workers' struggles for the just and legitimate demands employers also thought it fit to build up their own organisations. It would be interesting to learn that the employers' organisation, "Indian Jute Mills Association" is a trade union registered under the Indian Trade Unions Act.

As struggles in factory level failed to produce necessary results, workers learned to build up industrial unions and started struggling on industrial planes. Pre-second world war period saw historic strikes of jute workers and cotton textile workers involving the entire industry in Bengal, Bombay, Kanpur, etc.

With the maturity of the needs of the trade union movement rifts in all India Trade Union organisations were healed up and one Indian Trade Union Centre was evolved by the year 1938.

War and the needs of winning the war brought a major political disruption in the All India Trade Union centre during the war.

After independence the Congress Party in power wanted its own wing in the trade union movement. Taking advantage of certain mistakes of the then A.I.T.U.C. leadership it created a Trade Union Centre under the direct guidance and control of the Congress Party.

After that, another brand of ultra-leftism created further rift in the old trade union centre.

In this way more and more rifts in the central trade union organisation was caused by eagerness of political parties to have their own trade union centre under the guidance and control of their respective political parties.

Thus so far as one All India Trade Union organisation or Federation is concerned, the situation today beggars description. At present there are more than half a dozen Indian Federations of trade unions.

Similarly, while efforts were made to build up one Federation of various unions operating in the same industry, political wire-pullings went on to disrupt these Federations also. So even for the minimum common demands of workers, in India today there are more than one Federation of Trade Unions working in the same industry or trade.

Not only national politics but also international politics had its full say in this pattern of development of trade unions.

To sum up: *it is politics of various brands, national and international, that has contributed to the disruption and diversification in the trade union movement and in the development of the present pattern of trade unions.*

Secondly, employers throughout the world have always a fancy of having trade unions in their own unit or industry toeing their lines. Indian employers had the fancy too. So they squandered money right and left to disrupt the Trade union movement and for creating unions that would run at their beck and call. For the disruption and diversification of the trade union movement of India this role of employers occupies a predominant part, specially after independence.

LEGISLATIONS VIS-A-VIS TRADE UNIONS

Legislative provisions have actually helped the growth of trade unions in a smaller enterprise and in backward areas. Where Industry was well developed and there were concentrations of hundreds and thousands of labour like Calcutta, Bombay, Nagpur, etc. etc., it was the developed trade unions and their struggles that led to legislative provisions. First, there were struggle, workers' struggles leading to major achievements and after that, there were legislations giving stamp on those major achievements and bringing the benefits of these struggles to the doors of every worker, howsoever unorganised he might have been. It is pitiable that even after legislative provisions were on the statute book workers in the unorganised sectors did not reap any benefit ipso facto. It was only when they were organised in big trade unions and could marshal their collective power for implementation of legislative provisions that the fruits of legislative provisions were brought to their door. Hundreds of instances can be multiplied to prove these facts.

Even in today's India there are many areas where workers are enjoying more than what is provided in the statute book. So all these statutes begin with a rider that the provisions are the minimum or they do not do away with additional benefits enjoyed by workers anywhere. So on one side there have

been forward workers' movements that have helped in evolving legislative provisions for the benefit of workers as a whole. On the other side there have been legislative provisions that have helped trade unions in reaping the benefits of legislative measures in hitherto unorganised sectors.

The Modus-operandi of trade unions have really not changed during the last decade. After independence, as a result of the Industrial Disputes Act and its various amendments and rules made thereunder efforts were made from the Government side to bog down trade unions within the four-wheels of the office of the Labour Commissioner, Labour Inspector, Industrial Tribunals, Labour Courts, etc. Some over-enthusiastic employers as well as trade unionists took further advantage of article 226 of the Constitution of India and brought in the atmosphere of litigation to the maximum in the trade union movement. But this aberation of the legalistic trade union movement was manifest for a decade specially in backward areas and less organised sectors. Where the workers were well-organised they never travelled the laybrinth of litigants' roads. They had the power and they knew the art of how to bargain and when to hit and they used their power in masterly fashions. Unions in the ports and docks of India and Central Govt. undertakings were in the lead in this period to win their demands by classical means. In the recent past, mass movements and class movements on an ever increasing scale have torn asunder the legalistic twists of the trade union movement given by the Congress Government in power. Of course more and more concentration of wealth in the hands of the few, the evergrowing rapaciousness of the profit-sharks, the ever-deepening economic crisis have thrown everybody on to the streets. Hungry stomachs have no patience demanded by the legalistic process. Changing times have over-thrown the old rulers and pushed the people onward to extra-legal struggles. Thus the modus-operandi, rather injected by the Congress Party in the Trade Union movement—the Modus-operandi of legal experts in trade unions, was very short-lived and trade unions as before have come up in their classical forms and modes of operation.

During the last decade the attitudes of trade unions and employers organisations towards each other and their attitude towards Government have undergone various changes.

There was a time when trade unions and employers' organisations were at loggerheads. During this period as Trade unions have learnt, so employers' organisations have also learnt real lessons. Trade Unions are no more idealistic as before, nor employers' organisations are any more as allergic to the very idea of trade unions as before. Generally speaking it may be safely said that they have learnt to quarrel as well as to settle disputes. This has in particular taken place in organised industries and with regard to organised trade unions.

Before independence the trade-unionists thought of nothing to gain from the Government. After independence for a long period the generality of trade unions looked to Government as their only resort to see that justice is done to workers. But step-motherly attitude demonstrated by the Government towards non-Congress trade unions, special governmental favours being shown to company-sponsored or Congress-sponsored trade unions and utter callousness of labour ministry officials towards just and legitimate demands of unorganised workers, etc. etc. have brought a change in the fundamental attitude in those trade unions who depended much on Government as the third party helping to disseminate justice. At present not only trade unions connected with various opposition parties but also the Government-sponsored and company-sponsored trade union centre—INTUC has taken an attitude of "struggle and win" even towards their Government. The INTUC-sponsored Railway Trade Union here for the first time in history declared a token strike in railways. So to sum up : during the decade under review trade unionists and employers' organisations including the Government which is the biggest employer in India are becoming slowly and slowly more objectivists than subjectivists, more realists than ideologists and dogmatists.

The traditional role of trade unions/employers' organisations to secure protection and to advance the interest of their respective members is not only traditional but is also real and generated by their own composition. These organisations are organisations for collective bargaining in the interest of their respective members. The national objective of establishing a socialist society may be national but is not the objective of the capitalists and profit-sharks and cannot be so by the very fact of their existence. The objective of achieving planned economic development, of course, is a common national objective. So trade unions and employers' organisations should learn how to cooperate in achieving planned economic development. Employers should take into confidence leaders of workers about planned economic targets, etc. and seek their co-operation. Workers in turn also, when so approached, should extend co-operation. This is a truism and like all truisms both false and true. However we may wish, how-soever the planners wish or how-soever the ministerial set-up be benevolently disposed of, employers including Government as employers do not take the workers into confidence. They are more afraid of their so-called trade-secret. Naturally any step taken from the employers' side for increasing output or removing wastage or developing the efficiency and productivity of labour is taken with suspicion by labour, both organised and unorganised.

It is a question of attitude and charity must begin at home. So the Government as the biggest employer must change its attitude towards workers, take workers into confidence and be ready to share with workers the benefits reaped in the process of planned, economic development.

THE NEEDED CHANGE OF ATTITUDE

The world production process is guided by certain basic economic considerations. India cannot be outside this process, producers as well as enterprises. It is a fact that India has fulfilled three plans. It is further a fact that these planned developments have enriched people, but only a very few and that also at the top-most of the top. The workers, the real producers have not been given their due share of the economic development. So the first change in attitude should come from the employers' side delivering to workers their share of the fruit of development. Let the employers first change the attitude towards labour and only then they may expect the workers to change their attitude towards the employers or the planned economic development. This is the basic change necessary for cooperation of efforts and share of benefits of labour by the workers also.

The fields of activity in which trade unions and employers' organisations may play an independent role is unification of productive forces and enterprises and culturing spirit of cooperation between organised labour and organised employer. *Employers' organisations, trade unions and the Government shall have to cooperate for the good of India in increasing production, removing wastage, dealing justice to labour, and setting in motion in right earnest the basic welfare of labour, in particular housing (for everybody) and health. If the Commission can introduce this much, according to us, it would have done much for at least two decades to come.*

TOWARDS A BETTER SOCIETY

Trade unions have helped a lot in the evolution of a better society, called a welfare State and in the evolution of the objective of the socialist society for the State. It is the urge of trade unions that has led to planned economic development (whatsoever is there in the country). Employers' organisations upto now have tried to retard this process and obstruct the same. Even in the planned development of India they have always put obstacles and cooperated only when the particular sector of development has added to their rapacious profit needs.

CONFERENCES AND RESOLUTIONS—JUST A BEGINNING

Workers represent their views and discuss their affairs with Government and other public authorities and attends their conferences sending in memo-

renda etc. This system is really no system. It may be said as the beginning of a system. This conference, tripartite or bipartite, should lead to not only, goody goody resolutions like the 15th Indian Labour Conference, it should also take steps for the implementation of these resolutions. Discussions during the last decade have been too many to be numbered. Similarly tripartite or bipartite decisions arrived at in Conferences have not been few. There has been little difficulty in holding conferences. But the real difficulty has been a difficulty of implementation. So the commission is to suggest concrete steps which would result in implementation of decisions. That is the improvement needed in the present system of communication. Of course there are many occasions when workers' view points had not been given due consideration. Their suggestions and memoranda have led to the increase of weight of the Waste paper boxes. What is further needed is an attitude of giving chances of implementation to the suggestions submitted by trade unions after cool consideration.

Employers' organisations can contribute towards maintaining a high level of employment by not resorting to retrenchment and trade unions can do the same by fighting against retrenchment tooth and nail. The concern of the Government should be to help the unions to fight retrenchment and to create more and more employment in place of retrenchment. Rationalisation or innovation must lead to more rest and expansion of productive activity and must not be allowed to kill the productive forces themselves by retrenching labour. By the simple method of leave-reserve in all sectors of life and activity and by immediate filling up of natural wastage vacancies, a good deal may be achieved.

Question No. 33 again raises the issue already covered. The real question is a question of attitude. Employers upto now have tried to bypass or brush aside the submissions of labour. Employers' organisations must learn not to behave so any more. They must learn to sit with representatives of labour and thrash out problems and be ready for necessary adjustments in the process. Only that change of attitude would lead to more and more bipartite consultation and produce results, thus reducing the areas of conflict between employers and employees.

OBLIGATIONS—EMPLOYERS AND WORKERS

Obligations undertaken by the organisations of employers and workers at the National level are generally not implemented by their constituents. There are not effective sanctions against non-compliance with those obligations. The only sanction is moral. And moral sanction is no sanction for the present-day *the material world.* The question of any sanction being used in recent years against defaulting employers therefore does not arise. First, sanctions have got to be evolved. Then deterrent punishments should be incorporated for non-compliance with the obligations undertaken at the national level. The classi-

cal example in this connection is non-compliance by the Government of India itself, about obligations of implementing the 15th Indian Labour Conference decision regarding the need-based wage. As a result of this non-implementation there was a national strike in railways and other Central Govt. undertakings. The Govt. itself brutally suppressed the strike and did not take any further step for the implementation of the obligation. Sanction cannot be enforced against anybody when Govt. as the biggest employer does not implement the obligation undertaken at the national level. In the absence of any sanctions so many codes and in particular the Code of discipline by the Labour Ministry went with the wind.

So the real sanction would be change of attitude in the Govt. itself to start implementing obligations at the national level and forcing other constituents to implement obligations undertaken by them. That is the way to make sanctions effective.

Question No. 37 is covered by my answer above to question No. 36. The responsibility of All India organisations of employers and workers should be to see that decisions reached at the national level are implemented by their constituents. Implementation of voluntary agreements etc. should be made in right earnest by various sanctions against defaulting members.

TRAINING

Training of management personnel is already there. What is needed is the education of the trained personnel with the objectives of the society and its aims, the change in behaviour needed in the present day development etc. etc. This is lacking. The all India organisations of employers should introduce these elements in the training of their management personnel. One is surprised to find in the questionnaire the responsibility of Organisations for providing guidance to constituents or helping to settle in industrial disputes in constituent units or improving the efficiency of industry. We think these are embodied in their constitution. The question of implementation of those provisions is also laid down in their constitutions. They should be qualified for discharging these responsibilities and cannot be dedicated by a third party sitting above them. They have to fulfil these obligations for which they have been constituted and naturally they would do it democratically.

TRADE UNIONS—CONSTITUTION AND FINANCE

Most of our trade unions are industrial unions. They were first organised by a number of workers belonging to the industry and holding a general meeting and coming to the decision of constituting the trade unions who are organised on industry basis or establishment basis. They are also constituted by the workers belonging to the factory or the establishment in the same abovementioned pro-

cess. In the last so many years the constitutions which those unions are following are model rules for a registered union evolved by the Registrar, trade unions. The common objectives of all of them are to advance the common interest of labour including their working and living conditions.

The officers who man the trade unions are elected by the Annual General Meeting of the union. Most of them are paid only allowances which are neither a living wage nor a minimum wage as the unions demand for the generality of the workers. It may be safely called that the officers though whole-timers are not adequately paid as whole-timers.

A trade union gets new members by canvassing with the help of volunteers, by persuading and appealing to workers in mass meetings at the factory gates or at convenient places. There are occasions when a special philip or spurt is given to trade union membership by wining some living demands. Although rules entitle the executive committees of the unions to reject membership applications but upto now we have not come up with instances when such membership applications were rejected. Applications are accepted on payment of subscription. Unions compete for membership by formulating better demands and by shouting and struggling for the implementation and fulfilment of the same.

By some of the methods mentioned above for enrolments of members of trade unions, trade unions encourage members to interest themselves in the conduct of union affairs. Only such steps have achieved results upto now.

The activities of the trade unions, are conducted first of all, by formulation of demands, secondly by submitting the same to the proper authorities and thirdly by building up movement and struggles for the fulfilment of the above mentioned demands.

Now a days over and above submitting the charter of demands to the employers, the unions bring the matter to the notice of Labour Commissioners on failure of bipartite discussions. Labour Commissioners then sometimes take necessary steps for conciliation under Industrial Dispute Act. On other occasions unions are to resort to other legal and extra-legal methods for the fulfilment of the demands. The policy of the union is decided either by the decision of the Executive Committee of the union or by general body meetings. For implementation of the policies so decided generally the office-bearers of the union are responsible. Rank and file do influence the formulation of the policies on many occasions, specially by raising new and new demands and by pointing out new and new difficulties experienced in the day to day work.

There are many occasions when rank and file have influenced the formulation of the policy by revolting against a bad policy followed by the office-bearers of the union, by undertaking unofficial strikes, stoppages of various types, etc.

There is no close-shop prevailing in our country as it is against the fundamental rights guaranteed in the Constitution. Some unions have tried to introduce the policy from time to time but they have been baffled in the past for various difficulties. In Indian conditions the close-shop policy will work against the interest of labour.

Unions do not have enough income to fulfil their role in promoting members' interest. Generally they live from hand to mouth. There may be about a dozen unions who have enough fund at their command. Otherwise for the implementation of every policy unions have to resort to special drive for membership or donations. The only step that the unions take for augmenting their resources is the education of workers about the necessity for becoming members and having as much membership subscriptions as is essential for running the trade union on a sound, economic footing. No statutory provision can serve this purpose save and except the minimum membership to be made at least Rs. 12/- a year entitling unions to be registered.

The question No. 46 is wrongly conceived. There are no reasons against increasing members' subscription but there are more reasons and justifications for increasing members' subscription. Otherwise unions cannot maintain their role as independent bodies for fulfilment of their functions.

"Check off" is obnoxious. The whole thing should be voluntary. Employers deducting dues from pay and handing over the deduction to the union would mean employers having a hand in the union. But if the system is any how enforced the benefit should go to both recognised as well as unrecognised unions. Registration of a trade union is not obligatory.

Unions generally have no fund to help workers in unemployment, sickness or personal injuries. They help workers during this period by forcing employers or persuading employers to help the workers in sickness or injury as compulsions under agreement or the law of the land. Sometimes some unions pay very small amount to workers rendered unemployed. Retrenched workers are given the benefit of retrenchment as enjoined under the Act.

Really there is nobody to help the purely unemployed in the present day Indian situation. In certain specific spheres unions are able to gain from employers the right to employment of eligible dependants in case of the member's death in work or a member's retirement after completion of full period of work. These rights enjoyed at many places have been circumscribed by introduction of employment through employment exchanges.

TRADE UNION—LEADERSHIP AND MULTIPLICITY

The fact is that the entire pattern of trade union development in India is more or less the impact of the political parties. Where employers have failed to mould the trade unions in a particular fashion, they have cleverly got it done

through political parties. Only in recent past there has been a strong tendency in trade unions to rise above political parties. This has also the most important objective of raising the unions' bargaining power by healing the rift caused by the political parties. Our trade union centre is the trade union centre whose aim is to free unions from the impact of political parties, to liberate unions from the disruption caused by the splitting activities of political parties and combine unions on a purely trade unionist level just to restore their maximum bargaining power.

Outsiders have influenced trade unions upto now. Not only in bringing about trade unions where there was none but also on helping trade unions to move in a particular way, not only in creating disputes and giving shape to disputes but also in solving them to the betterment of labour and industry. By "outsider" here we understand one who has never been employed in the industry or trade. Because discharged or dismissed or victimised workers developing as trade union leaders are strictly speaking not outsiders but are the real leaders growing up from the rank-file of workers. These worker-leaders (wherever they have been produced) are the sheet-anchor of strong mass trade unions. Naturally their influence on the trade union movement is immense.

The internal leadership of the union should be built up democratically by regular elections on departmental level, unit level as well as industrial level. Neither the Government nor the employer should be allowed any hand in the election of union leadership, in the functioning of the internal democracy of the union.

The existing legislation about registration of trade unions or conciliation of disputes does not encourage multiplicity of trade unions. Multiplicity of trade unions is brought about by political parties pulling workers in different directions. Vested interests also try to disrupt the proper union of workers. Sometimes wrangling and petty jealousies amongst different sections of the working people, because of their backwardness and nonmaturity of understanding also disrupt. The remedial measures against multiplicity of trade unions would be therefore :

- (a) Education of workers ;
- (b) Stopping employers from meddling in trade unions ;
- (c) Selfimposed discipline of political parties to have the maturity of not disrupting existing trade unions and rather pulling their resources for unifying trade unions.

So no legislation will be of any help. History is the greatest teacher and history will teach everybody. The Intra-Union Code of Conduct adopted in 1958 has played no role in regulating intra-union relations or avoiding intra-union rivalries. Generally the jungle law of survival of the fittest has played the only effective role in regulating relations. Again we would repeat that no code would be of so use in this sphere.

The only advantage of a registered trade Union under the present circumstances is the right to represent the workers in a proceeding under the industrial dispute Act. Moreover a registered trade union has to absorb certain minimum obligations under the rules which legally protect the right of the workers in the trade union to a certain extent.

Provided powers are not used in a partisan way or adequate safeguards are also made to block the functioning of the Registrar in a partisan way there is one very important aspect in which powers of the Registrar, Trade unions, could be enlarged with advantage. That power would be the powers of settling and deciding small disputes cropping up for the functioning of the trade unions and taking over the question of recognition of unions with the employers.

There has been in the recent past some change in the attitude of employers towards recognising trade unions in areas where trade union functioning has been effective. So the contributory factor towards this change in the attitude of employers has been the effective functioning of the trade union. The code of discipline in industry has not contributed in any way towards securing recognition for trade unions.

The existing provisions under the code of discipline in regard to the recognition of a union are unnecessarily cumbersome. So they have not helped in any fashion the subject of recognition of unions. The provisions regarding the procedure for verification are defective. The procedure is more formal than material, more arbitrary than appropriate and the provisions do not include a very important procedure, the procedure of balloting. The only answer is important in this respect—the procedure should be the procedure of deciding the right of contesting trade unions by secret ballot.

Question No. 58 is very appropriate in the sense that these provisions of the Indian Trade Unions Amendment Act 1947 were never implemented. The non-implementation of the provisions was politically motivated. The only suggestion in this respect would be not Bombay industrial relations nor any other amendment of the Indian Trade Unions Act, but emphatic and immediate implementation of the provisions of the Indian Trade Unions Amendment Act 1947 for the matter of recognition of unions.

Industrial Unions :

Industry-wise unions are really unions which can effectively bargain for workers not only by its number and financial power but also by its power of total withdrawal of labour in case such a necessity arises and in case employers become recalcitrant. There should be no difficulty in the recognition of industrial unions as many industrial unions in India have already been recognised without any extra difficulty. Plant level unions should deal with questions particularly affecting the plant. The industrial union should deal with the question affecting the entire industry. That would be how the conflicts

if any between the plant level union and industrial union will be solved. But the real solution is the negation of plant-level and encouragement of industrial unions.

Bargaining Agent :

Provided the union represents the overwhelming majority of the workers in a plant or in an industry there is no difficulty in recognising the union as the sole bargaining agent. Disadvantages crop up when minority unions are made the sole bargaining agents. Instead of obtaining disadvantages, by recognising the majority union as the sole bargaining agent, the State will reap advantages and advantages all along the line.

Secret Ballot :

The question No. 61 shall be answered by an effective "yes" in the present democratic age. Secret ballot alone can democratically decide the representative character of the union for purposes of granting recognition. When a union is accepted as the sole bargaining agent in the proper, democratic way as submitted above, there would be really no question of having other unions in the same establishment, provided employers and political parties do not poke their nose in creating rifts in the established unions and provided of course if the union itself functions democratically. But if inspite of ensuring all the abovementioned conditions, other unions remain in the establishment, they should have the right of settling such disputes concerning their members as are not of any general nature. Strictly speaking they should have the right of only representing and settling individual cases.

Categorical Unions :

Categorical unions started emerging after the first Central Pay Commission report. The Pay Commission while reaching its conclusions had really neglected a number of important aspects and legitimate problems including proper justice to particular categories of labour. Specially those categories which were not vocal before the first Pay Commission days or were not effectively represented in the then Trade Unions were neglected in the matter of the Pay Commission's recommendation. That neglect and denial brought into existence a spurt of activities for the most of those categories of labour. Categorical councils and unions started coming up. The Trade Unions did not behave well with the categorical organisations. Instead of absorbing them on a democratic basis the then unions started fighting against them trying to weaken and destroy them. The result was further and further isolation and more and more independent development of categorical unions.

The only way to solve this problem is to recognise the unions on a new footing with categorical unions or councils as departmental wings. A positive step has been taken in this connection in the re-organisation of Indian Post and Telegraph Unions. That has produced results. The same procedure or method should be adopted with regard to other sectors.

Employers should extend all types of facilities at and near the work places for allowing meetings of unions, for collection of subscriptions etc. Only one thing has got to be observed in this respect. This should not bring about any dislocation of actual work. So the right time for this should be during launch hour or other type of intervals.

The Government Employer :

The attitude of the Government as employer towards trade unions beggars description. It is now admitted by all concerned that the Government instead of becoming the ideal employer has become the worst employer, not only in non-implementation of labour laws but also in not granting recognition to proper, effective trade unions. Further the Government as employer has been victimising trade union leaders throughout the period. The result has been a total, top to bottom rift between the Government and its employees. With the change of the Congress Government in the majority of the States of India, a new situation has arisen in which the new Non-Congress Government are adopting or better attitude towards their employees. But the irony of the past, the bitterness between officers and men created in the process has vitiated the entire atmosphere so much unless and until more experiences are gained by both sides and the situation is a bit more stabilised, proper employer-employee relation between Government and their employees would not materialise.

CHAPTER IV

INDUSTRIAL RELATIONS

The Criteria :

The criteria for determining the effectiveness or otherwise of Government's industrial relations policy should not only be determined by its success but should also be determined by the amount of social justice conceded to the people. In terms of this criteria the working of the Government policy since independence can be said to be as frustrative and defeating the very some purpose for which it was claimed to be enforced.

Legislation a window-dressing :

About legislation our Government has never been poor. On the other hand, it may be safely said that there was a plathora of labour legislations within a very short period. The difficulty arises with regard to the implementation of these legislations. After a prolonged experience the people started feeling that legislations were made for window-dressing and never for implementation.

Prevention of Disputes :

Let us take for an example the provision of prevention of disputes under the Industrial Disputes Act. It would require the activity of a series of research scholars to research out whether the Government has ever been able to prevent any big dispute. It may be wisely said that the era since independence has been an era of volcanic eruption of disputes. During this period strikes not only effecting the well-being of the Indian people were allowed to occur and then allowed to continue but also strikes affecting the Central Government and its various undertakings continued erupting from period to period on various dimensions and for varying periods. This far, for prevention of disputes.

Settlement of disputes :

Now about settlement. Lots of industrial disputes during the period were settled in the conciliation proceedings or through the intermediary of tribunals. The industrial tribunals were really landmarks in the progressive implementation of social justice. But they were halting and this limited zigzag advances were often allowed to be violated by powerful employers, as the violators generally were allowed to go scot free.

But in this sphere of settlement of disputes also the provisions were not allowed to be effective so far as Government employments were concerned or in sectors where the Government was the employer. Of course the first Pay Commission, the Second Pay Commission, Gajendragadkar Commission and similar such commissions helped in settling a number of serious disputes. But it is a sorry spectacle when one finds that major issues affecting millions of labour and their future were settled not by this conciliation machinery but by the impact of a nation-wide strike like the All-India Ports and Docks strike or by the failure of a nation-wide strike like the Central Government Employees' Strike. To sum up : *the legislative provisions for settlement of industrial disputes were implemented in a half-hearted fashion, were implemented only when sufficient coercion or pressure was applied by the struggling millions for implementation.*

Again we would repeat that it is not a question of paucity or insufficiency of legislative measures but it is a question of attitudes. I would boldly submit

that where Government was the employer the entire machinery of the Labour Ministry for implementation of Labour Laws or for conciliation of disputes was not allowed to function in an independent fashion. In the States it was said that one Branch of the Government that is the Labour Ministry could not sit on judgment on other Branches of the Government. In the Central sphere the employing Ministries were more or less powerful Governments by themselves like the Railway Board or the P. & T. Deptt. or the C.P.W.D. Labour Ministry could not do anything against any of them. Thus the real solution would be to allow full power to Labour Ministry and full momentum to the labour ministry machinery to work in the same fashion as it acts against small employers because in our bitter experience the functioning of the Labour Ministry with regard to big employers has also been halting like its functioning vis-a-vis the employing Ministries. of the Government.

Industrial conflicts—its pattern, its cause :

Question No. 76 relates to quantity and not to quality. Qualitatively industrial conflict and its patterns are the same as before independence. Quantitatively it has assumed bigger, and sometimes monstrous shapes. The necessity of industrial conflicts of course emerged from energisation of social, economic and political factors. The industrial underdogs could not remain the same submissive force after freedom as before freedom. Nor the social backwardness could remain inarticulate. Independence and elections based on adult suffrage brought a new sense, an awakening about their rights and a new determination for fighting for their rights in the under-privileged working world. The self-same factors brought the socially backward workers to the arena of 'fight and advance'.

Of course the fruits of freedom were monopolised by monopolists. Backed by their effective representatives in the State Machinery the monopolists were reaping fabulous profits. This led to the more and more concentration of wealth in the hands of the few and simultaneous concentration of poverty on the other side among the working masses. This brutal economic process of reaping rapacious profits within the smallest period of time possibly in utter disregard of all social and moral factors, was the *objective cause* for intensifications of industrial conflicts. Other factors branching off as offshoots of the abovementioned main economic factor contributed to further intensification of industrial conflicts.

The healing touch :

The only significant factor, and not factors that has resulted within our knowledge in improving industrial relations to a certain extent is the factor of a changed attitude in a section of employers towards labour,—about give and take, live and let live. This has found expression in evolution of *proper pro-*

duction bonus schemes and sharing of due profits bonus with a sportsman spirit. Associated Battery Makers (Eastern) Ltd. in Shyamnagar, Dist. 24-Parganas, West Bengal, may be cited as one of the example. In the midst of gheraos, strikes and demonstrations of around workers and employers have co-operated in increasing out-put and earnings, in increasing more and more facilities to the workers, etc. etc., inspite of the fact that the union have also learnt a little and by the introduction of proper rate or incentive schemes or contract work evolved through voluntary effort of workers and employers on Board the Ship and agreeing to proper distribution of bonus and implementation of labour welfare measures enunciated by the Government of India may be cited as another example.

THE DETERMINING FACTOR

But let us not forget that in both these sectors, one small, and the other a very big one, the change in the situation has been brought about by long-drawn massive, though patient struggles involving thousands of labour. Thus *it is not a question of stipulating some significant factors, but it is a question generating a change of attitude through long-drawn effective struggles and settling down to work and live in peace like the USSR and the U.S.A.*

Some questions and special question No. 69 bring out answer which only repeat what have been said already. Such questions are overlapping, so the answers are bound to be overlapping. The real cause of industrial unrest since independence has been the profit-motive of rapacious multi-millionaires. This has found expression in artificial and callous rationalisation and retrenchment leading to thousands of workers to swell the rank of the unemployed. So from that angle rationalisation and retrenchment have been one of the big causes of industrial unrest since independence.

Secondly, the same profit-motive of business houses works while artificially raising the prices of essential commodities needed by workers. Adequate compensation in the shape of additional, proportionate increase in the emolument of labour was not forthcoming from the side of employers. So the next item of industrial unrest was the rising cost of essential goods and the denial of employers to give extra money to workers to meet the rising cost. Thus the struggle for Dearness Allowance was another item on the agenda of industrial unrest.

The third item in this respect has been absence of increasing necessary employment potential in the implementation of the plans to meet the rising needs of the Indian society. Instead of creating more employment for the growing masses of the country people at the helm of affairs started condemning the growing humanity itself.

Of course there have been various other local and social factors also. Some times social factors mingled up with economic factors and became socio-economic factors.

The question is not only how to minimise their impacts but also how to negate the same. If instead of taking fundamental steps for negation of the factors, only ameliorative measures are only adopted for minimising effects, the effects instead of being minimised and reduced will become voluminous, uncontrollable and result in the total social revolution.

Remedial steps:

The first step that should be taken in this direction would be to stop all types of automation processes or innovations which result in retrenchment or employment potential. Secondly, the rising cost spiral must be put a stop to and the workers should be given a philip to make their wage a living wage. Thirdly, our plans should be employment oriented. The purpose of the plan should not only be to produce more but also to give more and more employment to more and more people and devise ways and means for distribution of the benefits of the plan amongst the vast masses of the people of India. Only that would bring a spurt in economic activities by increasing not only the total national output but also the purchasing power of the people. That would be the only way to avoid the crisis of our economy, in production, in the market.

Intra-Union rivalry :

Question No. 70, the question of the impact of intra-union rivalry on industrial relations has already been dealt with above. Intra-union rivalry has been mainly caused by employers, private or Government, to disrupt the ranks of labour to reduce their bargaining power. Naturally conscious and organised labour has always hit back against such efforts and that had its impact on industrial relations in the shape of distorting power relations, in the shape of employers and employees running a race of getting at each other's throats.

Question No. 71 again brings in the question of prevention of industrial disputes and present arrangements and their improvements. Present arrangements are in fact, nil. In spite of the legal provisions being there we repeat that the Labour ministry conciliation Machinery should be geared up and dynamically motivated to take appropriate steps in time to do justice to labour. It is not only a question of keeping up the machinery, but also of activating the provisions under a dynamic, social-justice-oriented leadership at the top. Only when that is done there will be real improvement. Under even the present rotten set-up of things when V. V. Giri was the labour Minister there was prevention of many disputes. After him the motive powers in the top

were changed. Thus disputes were not prevented but were allowed to germinate, multiply and lead to national disasters. So it is a question of motive-power at the top and gearing up of the machinery with the same motive power and allowing it to have its full course without late or hindrance.

The fact finding enquiries in the past have only been some sops or rather safety valves to delay justice to labour. They produced results. They supplied facts and figures for agitation of labour movement and intensification of worker's struggles. That quite contributed to the growth of trade unions, conflicts, struggles, etc., leading to their victory or defeat. But it would be wrong to say that those enquiries in any way improved industrial relations.

INDUSTRIAL RELATIONS WITH OR WITHOUT UNIONS

Question No. 73 raise a basic issue. Can there be any industrial relations without the existence trade unions? 'No' is the only answer. In a capitalist society in which we live, you work, thrive or go down the employers do not care. They want profits, unlimited profits, without any consideration. They are called profit-sharks. Workers who join the unions are really poor people thrown out of their village-homes by ruthless exploitation, running about in search of any employment for a pittance. It is only the unions which give them voice—the power to demand justice, proper wages for work done, proper working and living conditions and proper share in the profits made. In the absence of trade unions there is only one way movement—exploitation of labour and massing of profits. This cannot be called any industrial relation. Industrial relation must be a two-way movement. That is done or rather that starts only when the unions come into existence and start demanding justice. Where the union is strong approximate justice is done. There is some satisfaction in labour and there is industrial relation which we call good. Where the union is weak, still a voice is raised for labour and employers think twice before running roughshod. Where the union is non-existent, employers simply loot.

RECOGNITION OF UNIONS

Recognition of Proper unions, Good arrangement for dealing with individual and collective grievances and strengthening real bipartite consultative arrangements are promoting and can only promote more and more industrial harmony.

Like industrial relations industrial harmony has a relative meaning. Industrial relations cannot be all peace. So industrial harmony also cannot be all peace. Neither of them visualises the situation of a grave-yard. Industrial society is a stage where men move with very ambitious desires and ideals, sometimes in opposite directions. The task is to harmonise social forces practically with different aspirations, ideas and emotions in a relative equilibrium,

in a situation where they can cooperate together, build together and enrich themselves with the greatest good to the greatest number. This is possible on the fulfilment of the above three conditions properly. Disputes there would be; troubles there would be; we must be ready to face the conflicts and adjust ourselves into a higher though complicated harmony based on social justice. That would be industrial harmony.

Question No. 75 has already been answered while we answered not only question No. 30 but some other questions too.

THE ROLE OF LABOUR OFFICERS

Labour/Personnel Officers have played their limited roles in preventing disputes and improving employer-employee relationship, harmonising or otherwise, to a certain extent. The powers of these poor officers are too limited to be mentioned. They have really no power to concede anything to labour. The institution of labour/Personnel Officer was researched out as buffers to absorb shocks. When there was no labour/Personnel officer the management had to face rebellious labour demanding justice. Now the poor Labour/Personnel Officer is there to absorb shocks, to be beaten or be abused sometimes by both sides, that is the irony of their existence. Either they should be given power to concede real demands of labour or it may be safely said that the institutions of labour/personnel officers has been played out.

The only proper arrangement for proper communication between workers and management at the plant level is the existence of the really representative trade union and management agreeing to deal properly with such a trade union. Managements do not delegate any of their real authority to anybody to concede anything in dealing with employees. They have only delegated authority, some authority to their labour/Personnel Officers to deliver disciplinary measures against labour. They are specialists in dealing with personal matters. But they are hedged and hemmed in by various considerations which run counter to the problem of delivering real justice to labour. Our managements are full of small, small Hitlers who more or less want to do everything themselves and do not allow their labour or personnel officers to do anything on their own. So they pick up specialists, the so-called specialists who can efficiently toe their lines which are generally outmodated, antiquated and anti-labour.

Standing Orders:

There has been no provision upto now for reaching an agreement between employees and management in drafting standing orders. Standing orders have been drafted by managements and enforced on the basis of model standing orders which are generally employer oriented. The question of agreement

between employees and management in this respect has not been allowed to arise in the past. There is the law which only gives a right to trade unions to appeal to the authority for certification of standing orders against some measures. That authority again upto now has only respected such appeals by just filing them and allowing certificates to the drafts proposed by employers in general. Therefore the employment standing orders Act 46 and the standing orders formulated under the Act serve the simple purpose that at least there are some written standing orders by which the fate of workers is regulated. It is just like the writing down of the Roman Law. It serves no other purpose. Really it does not serve the interest of the workers against cleverly manipulated and formulated disciplinary actions which are really arbitrary and ill-motivated. Only certain forms are observed like the idolatry of the backward people. There is no content, no real content and so no justice in the real sense of the term.

Naturally therefore the procedures prescribed under the model standing orders in dealing with discipline require certain fundamental modifications and only then you can ensure some justice to labour. The modifications should include the right of the workers to be represented by representatives of the registered trade union to which they belong in the enquiry with right of examination of documents and cross-examinations of witnesses ; the enquiry proceedings should be carried out and written in the local language and there should be a provision of appeal to a real independent authority.

Moreover the list of offences should be amended and there should be statutory provisions for payment of subsistence allowance during the suspension period pending enquiry—the subsistence allowance being half of the wages earned during work.

Most probably the model grievances procedure evolved under the code of discipline was not implemented like the code of discipline itself. So really it was not given any chances of serving any party. The rest of the question No. 82 has been covered by our answer to question No. 81.

Grievance Arbitration :

Trade unions demand a system of grievance arbitration. Employers' organisations refused to do anything with it. By the idea of grievance arbitration they feel like the corrosion of their powers as employers. A proper system of arbitration, according to us, would improve labour-management relations by doing justice to labour or by at least appearing as justice being done.

There is no arrangement for really training trade union personnel in industrial relations save and except the small arrangement made by the Labour Ministry, Government of India in the workers' training scheme. So far as the existing facilities for training management personnel are concerned we do not

feel ourselves to be in a position to submit anything. That is employers' jurisdiction.

COLLECTIVE BARGAINING

The system of collective bargaining is prevalent only in highly organised sectors. This has grown remarkably during the post independence period. The pre-independence period was nothing but the period of naked play of supply and demand.

Company-Unionism :

In the post independence period employers played a dirty game in sponsoring Company unions and bypassing real independent unions of labour. So in this period also collective bargaining, though introduced was distorted in the system of bargaining with company-sponsored unions and imposing such agreements on the majority of labour smarting under injustice. This resulted to a series of unofficial strikes, strikes launched by the real union bypassed in the process of collective bargaining etc., etc.

The reply to question No. 86 is already ingrained in our earlier reply for deciding the representative character of union where more than one unions operate, by secret ballot.

Question No. 87 expresses an idea which is already in vogue and on the basis of which labour policies of the Center and State Governments have been framed. No employer bargains with a real trade union unless and until the union has sufficiently built up its strength and forces the employer to collectively bargain.

Adjudication and justice :

Adjudication similarly sometimes protects the weaker party and reduces fights and industrial conflict—it is true. But it is also true that the adjudication system as prevalent in the country provides an arrangement by which justice is too much delayed to be called justice at all. So organised trade unions having the good of labour at heart bypass the present adjudication system. In this respect I would quote instances of unions forcing hands of employers to reach agreement by bipartite negotiation even in the subject matters already referred to adjudication.

In Calcutta Docks the question of bonus had been referred to tribunal. That is what the totally inefficient Labour Ministry, Government of India could do. But we could persuade the employers to reach an agreement on the subject not only for the year under adjudication but for the year next too. The adjudication system as such was something to be taken into consideration some 10 years

back. But at present organised trade unions abhor the system to be of any use. They take it rather to be a safety valve for employers to delay payments and to delay so much that payments when made have their real and relative value substantially reduced in the name of doing justice. The much delayed justice of the present adjudication system, really deals injustice and not justice to the workers. It constitutes a real conflict in the present-day industrial conflict.

Collective bargaining? Yes. Adjudication? No.

Thus while answering question No. 87 we have replied to question No. 88 also. To repeat : collective bargaining should be accepted as the only means for safeguarding industrial peace in the years to come and not adjudication. When collective bargaining fails let there be a trial of strength or arbitration.

Justice—the aim :

There is nothing in this world which can ensure the so-called industrial peace in an absolute fashion. Mahatma Gandhi, apostle of non-violence also did not like peace of the grave-yard. Peace with justice sometimes demands conflict also when parties are not ready to do justice. In such cases conflicts are welcome to bring justice and remove injustice. The main aim is or should be enshrinement of justice and not conflict or negation of conflict. Life is full of conflicts. This is true for the individual as well as for the collective. Conflicts for bringing justice help progress and enrich life of the individual as well as of the collective. Moreover, if a happy settlement is reached after the conflict is over, the loss that comes to the nation as a result of the conflict is more than compensated by added enthusiasm and added productive efforts of all parties to production. So industrial conflict is bad when it is generated by evil motives. Industrial conflicts become good when it is generated by good motive. Industrial conflict is bad when the result is defeat and frustration. Industrial conflict becomes good when the result is victory and dawn of justice. Of course industrial conflict must be avoided but to avoid industrial conflict injustice should not be tolerated. Industrial conflicts can be avoided and justice can be restored or brought about by willing partners wedded to the principle of doing justice. That requires a change of attitude specially a change of attitude of the employers. Workers have not been unjust towards employers or industry or to the country from the beginning of human history. It is the profit-sharks who have been unjust. Guided by the absolute principle of profit and more profit and more and more profit, these profit-sharks thrive on the prevalence of injustice and are at the rest of all types of industrial conflicts. To bring about a change in the attitude of all employers, society must make positive arrangement for curbing the profit-sharks. Once that is done other things follow more or less easily.

Limits of collective bargaining :

Question No. 89 is too technical. In our humble experience of more than 30 years of trade union life we have found that all areas of difference can be resolved by collective bargaining. It is also a fact that in spite of our good intentions some demands are settled by collective bargaining while others are referred to adjudication. So no fixed rule can be framed for settling demands which can be settled by collective bargaining and demands which ipso facto should go to adjudication for settlement. Really the role of adjudication has been played out in independent trade union life.

Question No. 90 is answered in our question No. 89 as there can be no limit to collective bargaining under the condition imposed by planned development or unplanned development. The framer of the question must be ready to answer a question as to whether there is any plan in planned development to improve the living and working condition of workers. If the planned development has a plan for the same how there can be limits of collective bargaining because only through the instrumentality of collective bargaining this aspect of the plan can be fulfilled. Moreover planned development is a very tricky and slippery idea. It is as vague as possible. What is tricky and vague in its conception—itsself cannot put any limit on life. Just as employers or enterprisers aim at more improvement so workers also organised under effective trade unions plan and move for improvement and more improvement. Limitation of course there is in the process of this struggle for improvement and more improvement. That limitation is never caused by planned development or otherwise but that limitation is the limitation imposed by the general economic and political, cultural and social development of the country.

JOINT CONSULTATION

Answer to question No. 91 is an effective "yes". Trade Unions are really pillars of democracy. Collective bargaining and joint consultation help more and more in strengthening these pillars of democracy.

Works Committee :

From the above to come down to the question of works committee is like dropping from heaven to hell. Works Committee have really served no effective purpose for securing and preserving amity and the relations between employers and the workmen. In most of the places they do not function at all. Where they function they function for very small and petty purposes. Let us not forget that the purpose behind creation of Works Committee was to bypass the real effective unions of labour. Where such unions exist and where such unions have got collective bargaining arrangements with employers what will the Works Committee do? Almost all points are settled by negotiations be-

tween the union and the employers in such places. Where such unions exist but employers do not agree to reach solutions through negotiations, Works Committees become baffled in the midst of the big conflict between the organised trade union and the unwilling employer. Last of all, the powers of the Works Committees are too limited and the function of the Works Committees are so far and few between that even where parties agreed to make the works Committees functioning they cannot deliver any real goods. So the real factors that have militated against the proper functioning of Works Committees are (1) very limited powers of the Works Committee and (2) unwillingness of employers to discuss and reach conclusions on subjects vital to labour, in meetings of Works Committees.

Answer to question No. 93 would be in the negative. No representative of organised Trade unions would agree to any proposal of the functioning of a Committee which bypasses the union. Naturally therefore any list of functions is of no help whether it is evolved by Indian Labour Conference or even by the Parliament of India. Unions and strong unions are a world by themselves. They do not allow any reduction of their power. The only honourable way to retreat would be to do away with the very idea of works Committees and allow proper effective trade unions to grow and allow proper employer-employee relations to develop through the pressure of collective bargaining between the union and the employers.

The above answers question No. 94 also. Fortunately or unfortunately our unions operate any sectors and territories where the pet dogma of Joint Management councils and emergency production committees have not been experimented. Compared with India's industrial sector, they are a few drops in the ocean jealously wished by an erstwhile Labour Minister who has gone with the wind leaving these councils without their patron.

THE PROFIT-SHARING

The only profit sharing that we have found in life is the question of bonus when bonus issue is settled by bipartite negotiations between management and employees. They do improve relations between management and employees. The question of co-partnership schemes is floating somewhere in the air, which is neither here nor there. We leave it to idealistic philosophers to vegetate on such schemes and answer question No. 96.

WORKERS' PARTICIPATION IN MANAGEMENT

Workers' participation in the management by making the workers shareholders is in a very elemental, experimental stage. It is very difficult to pass opinions on the same on such a stage. The idea is good. The idea is welcome

and workers have shown their readiness in some sectors of life to become partners by purchasing shares. But such shareholding has not given them any adequate voice in running the establishment. It has only made them shares of dividends. In the present Socio-economic development of the country and in the immediate future that can be visualised, workers can effectively participate in running the establishment by means of organised effective trade unions and by successful collective bargaining. After all why do you intend them to be partner and what is the real undermeaning of the co-partnership in management? There is the question of improvement of production, reducing wastage etc. This can be done by proper framing of production bonus schemes in which workers are given due return for their extra labour and extra output. The question of removing wastage is effectively solved by proper consultation of labour and management. Similarly linking up bonus with increased profits without any limitation of 20% would make them more interested in seeing that the factory makes more profits. When these serve the purpose why particular love for the dogma of "workers participation in management". Somebody would say that the word participation in management raises the respect of the worker in himself as well as in others. But well-paid and satisfied workers are more respectful and more respected as they are in really developed and socialist countries.

CONCILIATION

The present conciliation process has served without giving satisfaction to the parties to a dispute. Labour says, "it is too slow", bad employers say "it is coercion"; so where is satisfaction to parties? But it has served a purpose of watering down or reducing industrial conflicts and giving some justice to the under-dog. Thus far, and no further.

The biggest major disputes that has been settled recently through the conciliation machinery is the All-India Bank Employees' disputes. In that sense it has played a pivotal role in maintaining industrial peace in banks. But that has also been impossible because of the heavy bargaining power of the Bank employees' organisation. Further, the conciliation machinery has solved also minor disputes in other sectors. But the Government to-day is the biggest employer in the country. We are not aware of the conciliation machinery playing any role in solving any major disputes between the employees and employers in the Governmental sector. Moreover the attitude of the conciliation machinery towards the Government as employer has been very hopeless. The conciliation machinery has not been very effective with regard to big employers also like Tatas and Birlas. Under the circumstances it would be wrong to state that the machinery has played a pivotal role in maintaining industrial peace. The machinery has really been useful with regard to bringing to terms small employers. So far, good. Nothing more.

The Conciliation officers should be given powers of adjudicators. Only then they can be of any use in future. The Conciliation officers should also be given the moral backing and the power to prosecute defaulting employers. Only then they can be effective.

Conciliators have been made arbitrators in disputes by their colleagues in certain sectors and they produce results. This experiment should be continued. Arbitrators cannot be named. Arbitrators are appointed only when parties to the dispute agree to the arbitrator not otherwise.

ADJUDICATION

The criteria for assessing the suitability of the present system of Adjudication should be its effectivity in giving justice to labour as speedily as possible. So justice and speed should be the main criteria. The present system has lacked speed. Moreover, wherever the bosses were big like the Government or Birlas and wherever labour could not muster enough strength to create real troubles. This machinery was not available. Thus the system has played a very limited role in maintaining industrial peace. But nobody is going to suggest the abolition of the system. We want reforms, effective reforms.

As stated before, to make the Adjudication machinery much more effective, full powers should be given to go into evidence in all cases including dismissal and discharge and the adjudicator should be legally empowered to give findings in cases of discharge and dismissals also wheresoever there has been perversity of justice or victimization in any shape or form. In so many words, *the adjudicators should be given legal powers to challenge the findings of employers in disciplinary cases also like the first Appeal Courts.*

The present arrangements for referring the disputes to adjudication are not satisfactory. First of all, there is delay in conciliation and then further delay in recommending the matter to Government for reference and then further, in Government's gazetting the same. Secondly, in many cases references have not been to the satisfaction of Unions. Thus many disputes remain unsolved because of not being referred to adjudication. Under the circumstances, either all the items of disputes not resolved in conciliation should be automatically referred to Tribunal or Unions should be given the right to approach the tribunal on their own when they feel that the disputes are vital and require solution by adjudication. But *the present system of referring items to Tribunal on the eve of a strike or in the process of a strike just to declare the strike illegal is highly objectionable and should be done away with.*

Question No. 105 is too technical for Trade Unionists to reply. Industrial Tribunals must be constituted of persons of high integrity with the sense of social justice That much we demand. The rest is to be done by the Govern-

ment, this ministry or that ministry, this department or that department, does not matter.

Question No. 106 is already answered above.

No more labour appellate Tribunal, but a labour bench of the High Court would help in the expeditious settlement of disputes.

The only remedial measure to relatively reduce the cost of adjudication would be a ban against legal practitioners' participation in adjudication proceedings, in any shape or form.

Toning up the implementation machinery with powers to deal with deterrent punishments on defaulting employers can only ensure full and speedy implementation of awards and agreements.

CODE OF DISCIPLINE

Nobody laments for the withering away of the code of discipline. Keenly it has served no purpose. It only restrained good Unions for a period to demand justice with effective means. Employers and Government in particular as employer excused everybody in violating the provisions of the code. So the provisions have gone with the minister for the provision!

VOLUNTARY ARBITRATION

Voluntary Arbitration is the best method for solution of unsettled disputes and naturally for the advance of industrial relations. Naturally therefore, in all collective agreements voluntary arbitration should be provided for solution of unsettled disputes or interpretation of the clauses in the agreement. But again the hitch arises on the issue of selection of arbitrators. The only constructive suggestion in this sphere should be to select a panel of arbitrators in advance, i.e., before disputes crop up and unsettled disputes should be referred to any of the panelled arbitrators for arbitration. Voluntary arbitration should be preferable to adjudication in all areas of industrial disputes. Adjudication is litigation and is not only costly, but also is a dilatory process. Moreover in selection of arbitrators workers' side has also a voice. They have no voice in appointing adjudicators. For all these considerations voluntary arbitration is always preferable to adjudication.

My answer to above demands that I should answer in affirmative the first part of question No. 114.

About the composition, procedure and subjects for arbitration, I have already submitted that the parties to the disputes should agree in advance to a panel of arbitrators. Unsettled disputes should be referred to them. The procedure should be, as flexible as sound, common sense demands.

All the professional groups cited in question No. 115 may provide good arbitrators. It would all depend on the subjects to be arbitrated. If the subjects to be arbitrated are technical ones, technicians should be the arbitrators; if the question is academic, academicians may be brought in; where strict legal interpretation is sought, lawyers should be useful; businessmen and trade unionists would be good arbitrators where the question of cash give and take is involved. But businessmen would be very bad arbitrators when the question of social justice is involved. For social justice, lawyers and trade unionists would be more preferable. Thus the selection of the group of arbitrators would depend on the subjects to be arbitrated upon.

The expenses of arbitration should be met by employers. That has also been the practice upto now within our knowledge whensoever parties agreed to get unresolved matters arbitrated upon.

STRIKES AND LOCK-OUTS

In a democratic country every citizen should be free to work or not to work. Nobody is a bond slave. So, just as workers have the right to join any employment when the conditions of employment are suitable to them, so they have the right to give up employment when conditions become inimical to their interests.

From this right emerges the right to stop work in search of better service conditions. Therefore, in a democratic society there should be no restrictions on workers' right to strike. Secondly, strike is a type of weapon, it produces best results when it is effectively used, when the employers are eager to get certain work done urgent. The stipulation of a notice restrains the workers from hitting unjust employers at a movement that would produce the best results. This notice business helps only employers to make prior arrangements for black-legging and declaring a lockout or getting the urgent work done during notice period and thus wearing out the workers in a long-drawn strike. In our ample experience we have not found really any restriction on employers. Whenever they have decided to declare a lockout, they declare a lockout just to victimize workers. Workers declare a strike to get justice. To treat strike and lockout on the same level therefore is wrong. It has been so done upto now as the labour ministry was pro-employer. Moreover, when workers declare a strike they inflict a punishment on themselves. Most of them earn from day-to-day and live. So when workers go on strike, they go on starvation too. But when employers declare a lockout, they deny employment and thus the right to work and live to able-bodied, efficient workers. This is a type of punishment they impose on the workers, rather they have a right to impose on the workers without any fault or offence being proved. It is a type of collective punishment ever condemned by all good men in society. So justice demands

that this right of employer to declare a lockout is ill-conceived, anti-human and anti-social, and therefore should be taken away. It should be legally enjoined on them to pay the wages of workers whenever they have the luxury of declaring the lockout.

STRIKES—REGULATED AND UNREGULATED

Unions are now being registered under model rules framed by the offices of the Registrar of Trade Unions. All these model rules provide for processes to be gone through before giving a call for strike. This procedure has been helpful in preparing the workers thoroughly for a strike. Strike is not a joke. It is a life and death question for the workers. Therefore, Trade Unions having interest of workers at heart go on strike only when they feel that the strike would be successful. For a successful strike thorough preparation is essential. Therefore, not only the let-down procedure but also something more is observed in practice. But life is ever creative. Things occasionally happen all on a sudden. Under those circumstances observance of technical procedure is not allowed by life and naturally by history. Under those circumstances, like English people, workers and their unions muddle through. Only such cases no notice is given to the employers before a strike. Otherwise nowadays, it has been a practice with the unions to serve a strike notice before going out on strike. But lockouts are declared and veritably declared without any prior notice. They generally come like a bolt from the blue.

STRIKE-PERIOD WAGE

In my knowledge wages for the strike period were given during All India Port and Dock Workers' strike in 1958, not by calling it a strike period wage but by considering this period as leave with pay or without pay as the case may be accordingly as due leave is available or not. Similarly in one case of lockout that is in Shammagger Factory of Associated Battery Makers (India) Limited, lockout period pay was paid for five days out of seven days not as lockout period pay but as *ex-gratia*.

VICTIMISATION

Unions seek to prevent victimization of their members by a stipulation in the agreement that there will be no victimization as a result of strike. Unions seriously prevent victimization without even by stipulation by powers to hit back. When such powers are absent, victimization takes place and Unions run about the conciliation machinery, to negate victimization. They succeed when they are powerful, they fail when they are weak.

UNOFFICIAL STRIKES

There are many instances of workers going on strike without the sanction of the Union. These instances are caused generally by employers high-handedly acting against the workers without any prior notice. Only in rare cases workers go on strike without sanction of the Unions when conditions of work and existence become unbearable and the workers have a taste of their collective power and when the union is either pocketed by the employer or it does not pay any heed to the democratic and legitimate desires of the working people.

STRIKE-PERIOD NEGOTIATIONS

During a strike really for a period all connections between trade unions and management are torn asunder. For a period there is a trial of strength. Then the weaker side starts moving either by direct approach or through the conciliation machinery of the labour department or through medium of some powerful political persons playing the role of mediators. These are the ways by which unions and management keep in touch with each other during a strike and these are the connections or media to reach a settlement.

THE ROLE OF GOVT. LABOUR MACHINERY IN STRIKES

The role of Government machinery in such cases is unpredictable. Sometimes, the Government Machinery starts moving after the strike takes place. Sometimes the Government machinery to move even an inch even when there is a long-drawn strike and even when after a long-drawn strike both the parties have reached bi-partite settlements. Such a situation arose in Calcutta Docks when there was a strike of chipping and Printing workers for 52 days in the year 1962. After 52 days' strike there was a bi-partite settlement. The Government Labour machinery refused to register their settlement as a valid agreement. But as a result of settlement there was a substantial wage increase of workers and workers resumed work and employers implemented the agreement. All these happen because the Government machinery is politically motivated and that political motivation had been upto now a bias against non-congress trade unions and a dangerous desire of wrecking non-congress trade unions by wearing them out in long-drawn troubles. The first thing, therefore, needed is to free the Government labour machinery from any such bias and actuate it with a motive of early settlement of disputes and dealing justice to labour. If that machinery functions properly the question of illegal strikes would not at all arise. So far as Governmental intervention in illegal strikes is concerned, we have already stated that they should intervene in favour of labour not to defeat the strike but to solve the disputes involved in the strike on the basis of natural and social justice. Otherwise we do not want any

Governmental intervention. The notorious example of the anti-labour Governmental intervention in a legal strike has been its intervention in the Central Government Employees' strike of 1966, when a duly notified legal strike was brutally suppressed by illegal means. Only employers and anti-labour elements can agree to such Governmental intervention in strikes.

GENERAL CONFERENCES—DECISIONS AND IMPLEMENTATION

Tripartite Committees like the Indian Labour Conference, standing Labour Committee, Industrial Committees etc. etc., have helped in mutual understanding of the problems of labour and the problems of management to a certain extent. They have also helped in evolving through mutual discussion acceptable arrangements and agreements to a certain extent from time to time. But pardon me to repeat that the sanctity that should have been attached to the decision of such a conference was not allowed to be attached by the employers in general and by the Government as the principal and the biggest employer in particular. We have already mentioned about the decision of the 15th Indian Labour Conference regarding need-based minimum wage and the fight of Central Government employees for the implementation of that decision. We are all aware how the struggle was brutally suppressed by the Government itself and we are further aware how the Finance Ministry came into the scene to throttle the unimously agreed need-based wage in the Indian Labour Conference where Labour Ministry, Govt. of India was itself a party. Under the circumstances the tripartite committees and Conferences played a very limited role so far as implementation of mutually agreed decisions are concerned. They played a good role in making decisions. But decisions without implementation are not decisions.

CENTRAL GOVT. RESPONSIBLE FOR PUBLIC SECTOR

Answer to question No. 125 would be in the affirmative. There is no reason why the Central Govt. should not be made responsible for industrial relations in public sector undertakings under the control of the Central Government.

STRIKES AND PUBLIC UTILITY

Question No. 126 begs a question again and again. Work-stoppages cannot be avoided by any statutory provision, special or ordinary. Work-stoppages can be avoided only when labour is given due justice and only when there is good employer-employee relation. These are brought out not by provisions but by practice of social justice. Public utilities are generally accepted as something apart from the industrial sector. This is true as public utilities serve the public directly. But really all industries now a days serve the public. The

logic that is used to safeguard public utility against the stoppages can be effectively used to safeguard all industries against stoppages specially in an undeveloped country aiming to develop itself and surpass developed countries within a very short period of time. But all trade unions should agree that we are thereby landing ourselves in the field of a dangerous logic which cuts at the very root of democracy. All dictators have talked like that and denied trade union democracy. Once you start digging at the trade unions' rights somewhere there is no end to it. So this effort for a differential treatment between public utility and non-public utility for the purpose of curtailing trade union rights would not be liked by any trade unionist and would not be liked by anybody who has democracy at heart. We would repeat workers are not bond-slaves, they are and remain free citizens of a free country, in public utility as in non-public utility.

Question No. 127 would be replied only by repetition of what has been said above. The industrial conflicts should be minimised not only in public sector and co-operative sector but also in private sector. That should be the end of a sound human society. The same method by which we can reduce industrial conflicts in private sector should be used for the public sector and the co-operative sector. What are the ingrediants that reduce conflicts? They are justice and good employer-employee relation. They cannot be by-passed. Bypassing the same and aiming to minimise the industrial conflicts is trying to live in a fool's paradise.

Thus we have answered question No. 128 also. Why there should be any differential treatment between public sector and private sector? Now-a-days both the sectors are making profits. Profits are produced by hard work of labour and also management. It is the producers who should have first right over the profit. Management has always reaped lion's share of the produce of labour in both sectors, private as well as public. Similarly labour has been denied justice in both the sectors private and public. It would be wrong to say public sectors' benefit go to the public in general. Our experience says it has not gone.

PUBLIC SECTOR AS MODEL EMPLOYER

Not only that public sector is to work as a model employer. Charity should begin at home. When the public sector misbehaves it encourages private sector to misbehave. Public sector misbehaving does not also allow the Government to tighten up private sector. Therefore there should be no differential treatment between public sector and private sector. Lastly in this connection we have to submit with deep regret that persons entrusted upto now in dealing with public sector have been most inefficient callous bureaucrats. Over and above that they have been highbrowed and try to ride rough-shod

over the legitimate and just grievances of workers. These little Ceasars have brought suffering to labour, distorted the quality and quantity of production and also damaged the good name of the public sector. Now a days public sector has become a matter of derision amongst all sections of the people. Where is the soul that does not condemn the Railway Catering Department? We have not yet found the man who has not condemned the State Transport service specially in West Bengal. So it is not a question of putting public sector at an advantage against labour but the real question would be of putting public sector in its proper form by putting persons in management who are dedicated and actuated by a better ideology to serve the nation by better production and to see that social justice is never denied to labour at any stage.

THE SMALL-SCALE SECTOR

The answer to question No. 129 is both yes and no so far as the first part of the question is concerned. So far as the second part of the question is concerned, this is the sector where industrial relation machinery has come down with its full force, not because the workers have better bargaining power but because the conciliation machinery of the Government can show its effectiveness without any loss of face or incurring of wrath and anger from people higher up. Brow-beating both employers and labour, the Government conciliation machinery really rules this small-scale sector.

CHAPTER V

WAGES

We have already submitted that the *naked law of supply and demand has been in operation in full force in our industrial economy*. Millions of unemployed, both unskilled and educated, have swarmed the labour market. Naturally therefore both of them adversely affect the level of wages of unskilled labour. Graduates swarming the office for the job of a peon have become more or less a general rule in the big cities of India. So the wages of unskilled labour remain as low as possible.

AGRICULTURAL VIS-A-VIS INDUSTRIAL SECTOR

Relationship between wages in agricultural and other unorganised sectors on one hand and wages in industry on the other is just a relationship that exists between heaven and hell. First trade unions were born and organised in the industrial sector and specially in that sector of India it was relatively more organised. These unions and their struggles brought progressive development in the earnings and working conditions of labour in industrialised sector.

Unorganised sectors are completely at the mercy of the wolves. Organisations in the midst of agriculture-labour are only just coming up. But they are too dispersed and too disconnected because of our middle peasant economy. Because of the same weakness in economy and organisation the bargaining power of agriculture-labour is also too limited. Moreover the price of agricultural products have not only not grown on a par with the growth of the prices of industrial goods but also a wide, unscientific difference has been maintained between the prices of agricultural products and the prices of industrial products. Paying capacity of the industry always circumscribes the payment of labour. All these have, therefore, contributed to the worse wage condition of agricultural labour and labour in unorganised industries compared with the wage level of industry.

Question No. 132 is very interesting. The rediculously low wages in agriculture and unorganised industries have been allowed to influence wages in industry adversely upto now. Specially when industrial labour launched a struggle for improving their wages they have always been afraid of their strike being broken by the hordes of abnormally low-paid agriculture-labour and labour in unorganised industries. That has been the result of naked operation of the law of supply and demand in labour market. The only way to stop this bad impact of unorganised labour on the struggle for improvement of wages of industrial labour is to organise the unorganised labour and the agricultural labour and to fight for a living wage for workers in these sectors of life. No commission, no recommendation of a commission, no provision of any state can be of any use. Minimum wages Act was applied in agricultural sector also. But what happened? It took the wages prevalent and gazetted. It did not bring about any real improvement. This low wage should not be allowed to influence the struggle for raising wages in industry. But that would be a truism only, neither here nor there.

The existing level of wages has been a result of the traditional mode of wage settlement. Collective bargaining has played a role only in a very small sector keeping in view the total industrial development of India. Awards have played a major role in settling wages in big industries like Engineering, Jute, Mining, Plantation and Banks. If bonus is accepted as payment of deferred wage then awards have played a much bigger role in contributing to the formulation of the present level of wages because bonus awards have covered much wider region like sugar etc.

MINIMUM WAGES

The minimum wage must also provide for housing. Like food, housing is a basic necessity and the problem of housing has become the most difficult problem in the industrial sectors of India. The fair wages Committee considered that minimum wage must provide not merely for the sustenance of life but also for the preservation of efficiency of the workers. Efficiency of the worker cannot be preserved without rest after work. No rest after work is possible without a house to rest therein. So queerly enough for the purpose of minimum wage no measure for housing was provided.

THE FAIR WAGE

The definition of fair wages itself proves that the lower limit of the fair wage was not fair wage at all but was minimum wage. This is wrong. *Minimum wage can never be considered as fair wage at any point of life.* The fair wage must be higher than the minimum wage even in its lower limit. That modification is logically essential in the formulation of the definition of a fair wage. Similarly the fair wage clause introduced an item which very adversely affected labour in its collective bargaining in raising its wages. This concept was the concept of prevailing rates of wages in the same or similar occupations in the same or neighbouring localities. As a result low paying units acted as a break in the struggle for further lifting up wages in units where the workers had a better bargaining power and better employer-employee relation. So this concept of prevailing rates of wages etc. should be done away with from the concept of the fair wages. Similarly the question of the level of national income and its distribution has not helped workers in any way in their struggle for the improvement of wages and raising minimum wages to a fair wage level. According to us the two limites, (1) the productivity of labour and (2) the place of the industry in the economy of the country are enough for consideration of conceding a fair wages limit. The fair wages in its upper limit must mean saving wages also. Otherwise the fair wage does not become fair at all.

The difficulties in implementing the formula have been really the difficulties created by obstructive tendencies of employers not to concede the minimum wage to labour under varieties of arguments. Otherwise according to us there have been no difficulties with wage-fixing authorities to quantify the minimum wage.

NO WHITTLLING DOWN

In other words, any attempt to further whittle down the need-based minimum as recommended by the Indian Labour Conference would be resisted by the entire labour force. The need based minimum is already a minimum below which nobody could go and therefore was accepted as the minimum. So

the question of a phased programme for implementing the need-based minimum is a question inspired by these employers who are even now not ready to implement the agreement reached in the 15th Indian Labour Conference. Let there be no illusion of this item that any such attempt would be opposed by the entire working class.

THE ROCK-BOTTOM

The minimum wage is the minimum wage, absolutely essential for the existence of a worker as a human being in its lowest existence as it ensures only for the bare sustenance of life and for the preservation of the efficiency of the worker. These two considerations are the most minimum for all, whether industrial sector or non-industrial sector.

NO RETREAT

Question No. 137 appears to be as naughty as question No. 136. No modification which is a retreat from the accepted minimum would be proper or just or logical. If there is any proposal to improve the minimum in the real sense that would be good. We have also submitted our suggestions for improving the same in answers above.

THE NATIONAL MINIMUM

The national minimum wage has already been fixed in the Indian Labour Conference. So the question of working it out in practice is begging a question already settled. The National Labour Commission should take the agreement reached in the 15th Indian Labour about the need-based minimum wage as the National minimum wage. So it will save its own time. Any other method would be wastage of time and energy.

Now a days the prices of consumption goods do not vary substantially from one industrialised sector to another industrialised sector. Now a days queer things are happening. Consumption goods are cheaper in bigger cities and costlier in smaller cities or Muffassal towns. So the little loigc that was logically used for fixing a low level of wages for workers in places more or less away from Calcutta, Bombay, Madras and Delhi, does not hold good any more. Further, our economy is developing. It means that the process of industrialisation and its consequences are further bridging the gap of prices between Metropolitan towns and undeveloped parts of India. By the time the Commissions submits its report and by the time the recommendations of the commission are going to be implemented, whatever differences there are even today will be further minimised. These variations will be eaten up by the economic process let loose

in India and need not worry the Commission for fixing up the National Minimum Wage.

Question No. 140 has already been answered above in our suggested modification in the definitions of minimum and fair wages. If those improvements in the definitions are accepted according to us there would be no need of any further change in the definition of the living wage.

DEARNESS ALLOWANCES

Wage-revision?—Yes.

D. A.?—No.

The very idea of Dearness Allowance smacks of some type of deception. Experienced trade unionists are of opinion that this concept was advanced from the side of employers to deprive labour of their legitimate dues due to rise in the cost of living index. Justice demands that there should be proper revision of wages from time to time as the prices go up. The theory that price may go down has no strong base. On this so-called theory of inability of employers to revise wages according to rise in cost of living because prices may fall and then the workers would resist to a proportionate reduction in their wages has only resulted in regularly depriving the workers adequate compensation for the rise in prices. Prices do stabilise for a period not by coming down really speaking but rising up. The illusion created by a temporary fall in prices is soon torpedoed by a sudden steeper rise. At best the workers may agree to a quarterly examination of the question of the rise in wages due to rise in prices. But it is high time that the so-called deceptive concept of Dearness Allowance should go and there should be a revision of wages according to rise in prices every quarter.

Question No. 142 is already answered in our answer to question No. 141.

REGIONAL INDEX NUMBER AND MONTHLY FREQUENCY

Question No. 143 arises when our submission in answer to question No. 141 is not accepted. In case the commission is determined to perpetuate the concept of Dearness Allowances, without prejudice to what we have stated above, we would like that regional index No. should be preferred and the frequency at which revision should be made should be monthly.

To do justice over rise that takes place, *each point* in rise should be compensated. This is simple. There is a rise in the price index. There should be a proportionate rise in the Dearness Allowances.

Question No. 144 is based on a theory that workers should also sacrifice to a certain extent for the rise in prices. This demand on workers who are drawing starvation level wages is thoroughly unjust and antisocial. Workers are in

no way responsible for the rise in price. As a result of the rise in prices money-bags gain a lot. There is no reason why workers should add to this anti-social game of money-bags by sacrificing their rise in wages due to rise in price. Therefore the amount of compensation for the rise in prices should be cent percent. This is also happening throughout the world where there is a bargaining power of the working class or where there is social justice enshrined in the State.

Question No. 145 is another subtle way of denying the workers the opportunity of maintaining even the starvation wage level on the plea of the capacity of an industry or a unit to pay. There is a rise in price. Wages should have risen proportionate to the rise in prices just to maintain their starvation level existence. In this connection the question of the capacity of the industry to pay is *irrelevant*.

The same principle would apply to the areas/activities where part of the wage is paid in kind.

FRINGE BENEFITS

The term Fringe Benefits is simultaneously a very vague term, as well as a very dangerous term. For the answer of this item it would have been better if the question-setter had defined as to what he means by Fringe benefits. We Trade-Unionists are interested in benefits, *real benefits*. All real benefits are in turn fundamental benefits. Any benefit, according to the employers, means something adding to production-costs. How-so-ever we may try to argue there could not be any benefit real which does not add to production-costs. If Fringe benefits mean temporary benefits for a very small period of time even that would add to production costs. If the benefit is very small it affects production cost in a very small way. How far Fringe Benefits would effect production costs would depend on the quality and quantity of Fringe benefits. According to us the typical Fringe benefits would be an increase in canteen facilities or a small increase in the number of days of casual leave or in the list of festival holidays, etc. etc. Can any of these or all of these taken together be a substitute for higher money earnings? No, never. Thus no Fringe Benefits can be a substitute for higher money-earnings.

WAGE DIFFERENTIALS

Present wage differentials generally speaking have not been worked out on a scientific basis. They have been the result of the jungle law of supply and demand or at best due to the greater bargaining power of some categories occupying strategic points in the unit cleverly using their power and bargaining for the rise. Only in Railways after the First Pay Commission, a Tribunal was set up for classification and categorisation and they did some work in assessing skills, etc. for categorisation. The Engineering Tribunals, one after another, avoided

this issue and finished their work by announcing some grade revisions. Wage Boards, one after another, were more interested in doing some justice on the basis of some socio-economic data and guide lines. Fixing wage differentials by a thorough examination of degree of skill strain of work, mental and physical strain, hazards of work and fatigue are technical jobs and require more detailed study and proper application of trained minds to the problem. This was not done. Barring railways, another Herculean effort was made in the working of major parts of India. That was done by the classification and categorisation committee under JeeJeeBhoy. Only recently by an agreement we have referred this matter to the arbitration of an Engineering expert with regard to a particular factory, the Shyamnagar factory of Associated Battery Makers (of India) Ltd. Thus it will be found that wage differentials within our knowledge do not appropriately reflect the considerations mentioned in the report of the Committee of fair wages.

The existing system of Dearness Allowance has never compensated the wage differentials. Under the slab system a particular amount has been paid to all persons coming within the slab; differentials have been of no consideration.

CLASSIFICATION AND CATEGORISATION

Present arrangements about wage differentials can be rationalised only in the following ways:—

(1) mutually agreed technical arbitrators to impartially decide as to what types of work are unskilled, heavy manual, semi-skilled, skilled, leading skilled, highly skilled, skilled supervisory and highly skilled supervisory. Similarly it would be good technical work to decide hazards of various types of occupation as well as varieties of mental and physical strain involved in varieties of work and workout the proper compensation for *hazards* as well as *strain*.

(2) Secondly what we have submitted in reply to the questions regarding trade unions, allowance and its various off sets should be kept in view.

METHODS OF WAGE-FIXATION

The best methods of wage fixation would be through collective bargaining and that too in all sectors. Collective bargaining failing due to the lesser bargaining power of the workers or due to hot-headedness of the employers wage fixation should be done through Wage Boards properly representing the parties concerned and the *recommendations* of Wage Board should be made *statutorily binding*. Even then Wage fixation through adjudication has got to be retained in unorganised sectors and in sectors where very small number of workers are involved.

In collective bargaining for Wage Fixation the *principal emphasis* should be led on *agreement* between parties engaged in collective bargaining. Naturally therefore if the parties are national in character the agreement would be national,

like the All-India Bank Agreement. If the parties involved represent only one industry in a region, the agreement would be regional in character and would cover that particular industry in the region. So on and so forth.

Trade Unionism or the system of collective bargaining demands a lot of common sense and pragmatism. *This pragmatism in the present day world should have to be made dynamic.* This attitude of dynamic pragmatism would demand naturally some local adjustments for local needs. They have to be met and satisfied.

TRIPARTITE WAGE BOARD

Tripartite Wage Fixation Boards produced positive results in shaping the Wage structure through consultation and agreement of parties on the Board in a large number of industries. They have benefited people more than adjudication awards. This was expected. And this expectation has been fulfilled. Only poor working journalists are in trouble. That is also because both the parties on the Board could not reach mutually acceptable wage revisions due to the die-hard attitude adopted by employers. But this exception only proves the rule that Wage Boards have been a more proper instrument than the adjudication machinery for shaping the wages structure in an industry.

Question No. 154 has already been answered so far as its second part is concerned in our answer to question No. 151 wherein we have submitted that recommendations of Wage Boards should have a binding character of a statutory nature. So far as the first part of the question is concerned we would submit that representatives on the Wage Board should be nominated keeping in view the *proper representation of the workers* involved, that is, no political bias should work in the mind of the nominating party i.e. the Government at the time of nominating workers' representatives. Moreover Wage Boards should be composed of persons who at least for the tenure of the Board should be *whole-timers* i.e. they should devote full time to the work of the Board and thus alone the work of Board can be expedited. In our humble experience the functioning of the Wage Boards has been too slow. Sometimes years have elapsed—so many years that the Chairman had to go because of infirmity arising out of aging and a new Chairman had to be appointed and the Board goes on pretty jolly. This has been really atrocious. This has particular reference to the Engineering Wage Board.

WAGE POLICY

Fair Wage vis-a-vis return to Capital

It is very unfair to demand from labour when labour demands justice. It is a demand on him when he is called upon to answer for development of

industry, capital formation return to entrepreneurs etc. etc. These are quite different questions to be answered by different agencies differently constituted in the social sector. It is really unfair because whenever labour has demanded fairness in fixation of wage all these questions have been brought in just to bypass the question of fair wage. For development of industry and for capital formation etc. industrialists adopt various means and various measures. These are their own techniques evolved through their own experience and ups and downs of life. These are questions not relevant at all to the question of fixation of Fair Wage to Labour. Industry has developed in India and is developing from day to day and will go on developing for years and years. So capital formation has taken place and is taking place by leaps and bounds. Return to entrepreneurs has gone in Goalior Rayon to more than 300% (three hundred per cent) profit in a year. What has been denied up to now is Fair Wage of Labour. Fair wage should be determined on the basis of Fair Wage Clause unanimously evolved through tripartite media in the year 1948 and should not be allowed to be hedged in by all these extreme and irrelevant considerations.

THE CONSUMER ?

Similarly the question of the consumer being left behind is also a very interesting question. After all who are the consumers? The generality of workers constitutes the largest number of consumers. For goods that are meant for exports, citizens of another country and amongst them also the generality of workers are consumers. So this criticism is a bogus middle class criticism of bygone days. This criticism is another criticism just to bypass the fulfilment of the obligations of a Fair Wage.

PROFITS-PRICE-WAGE

We have always tried to take an integrated view of policy in regard to Wages, income and prices? Because we have taken such a view therefore we are demanding rise in wages to compensate the rise in prices. It is the responsibility of the State to primarily have this integrated view and take necessary steps for proper co-ordination between wages and prices. That has been lacking. As a result, profiteers have been given a long rope on building their sky-high profits by artificially raising prices. The objective and scope of such an integrated view of policy should be to take effective steps to check these profit-sharks.

Planned development in our country has led to development but the fruits of development have been monopolised by a selected view. Hazari Commission's Report brings out this sad picture. The policy to be followed in this connection should be the policy enunciated by Hazari Commission for the control and negation of machinations of multi-millionairs. That should be done

first. If that is not done nothing else can help our country in proper planned development. The trick of using the plea of planned development for the purpose of denying Fair Wage to labour has been played out.

WAGE-FREEZE

In this connection the suggestion of a policy of "Wage Freeze" is not only anti-social and anti-human but also suicidal as it would amount to strikes and industrial conflicts so voluminous as were never seen. By the time we are drafting this reply, the leader of the theory of Wage Freeze has already surrendered to the volume of public opinion in the country. So the question is dead.

MODE OF PAYMENT

Agricultural workers are paid their wages in kind. In certain places Building and Construction workers also are paid part of their wages in kind. But this is a very obnoxious system and the earlier it is done away with, the better. Any suggestion to extend it, is reactionary.

TIME-SCALE FOR THE UNSKILLED

Unskilled workers are mostly paid on time-scale. Only in some places where contractors deal out loading and unloading work on sub-contract, the system of piece-rate payment is also to be found among unskilled workers. We would favour extension of time-scale payment to all types of unskilled workers because that would be the only way to ensure minimum wage payment for unskilled workers.

INCENTIVE PAYMENT

Question No. 161 has a third "which takes into account productivity changes." This third item is not very clear. Does it mean payment of production bonus or payment by results or incentive payment for intensive production? If the answer is in the affirmative, then this should also be considered as wage, and the wage packet should construe one total whole, the entire earnings, the basic wage plus the Dearness Allowance plus incentive payment. These three components are already in operation in all those sectors where some form or other payment by results is in force. Generally it is found in Engineering concerns, certain basic departments of Textiles and in the Docks. It is found in some form or other in Mines and plantations too.

To make this operative in general, a datum line should be worked out which would give the worker concerned a minimum wage. *Extra performance over and above the datum should be paid at double the ordinary rate.*

ADMINISTRATION OF THE MINIMUM WAGES ACT

The administration of the Minimum Wages Act, 1948 is to be considered both satisfactory and not satisfactory. First of all its good aspects are that at least minimum wages have been notified and denial of notified wages gives a legal opportunity to the workers for realisation of his wages through the machinery of Minimum Wages Courts. So far good. The main disadvantages which are rather difficulties experienced in its implementation, have been the practice of the Government in modifying prevalent wages as minimum wages and even in notifying less than the prevalent wages as minimum wages. That was wrong. Before such notification of the prevalent wages as the wages to be notified, it should have been properly examined to find out whether they provide for the bare sustenance of life as well as for preservation of efficiency of the worker etc., as embodied in the definition of Minimum Wages in the Fair Wages Committee Report, 1948. This was not done, and what was much below the minimum wage was notified as minimum wage. Secondly the inspectors under the Act did not act really under the Act for the enforcement of the notified wages etc., unless and until certain Unions took up the problem and brought about an effective agitation for the implementation of notification. In this respect also we have found the Government as employer as one of the worst paymasters. To draw a typical example would be the discriminatory wage payment between male and female labour doing the same type of work under the Maharashtra State P.W.D. All representations having failed to end this discrimination, the matter went to court and the court gave a decision for ending this discrimination between men and women as it was against the express provision of the Constitution of India. The Maharashtra State P.W.D. in anger started retrenching women labour.

The first suggestion for removing difficulties in implementation would be proper examination of the present minimum Wages and bringing them in line with the definition of Minimum Wage aforementioned.

The second suggestion would be strengthening the inspectorate under the Act with full powers to enforce implementation in all Sectors, private and public.

The third suggestion in this respect would not be a suggestion but an appeal to employers either Government or private to change their attitude and to accept the obligation of the Minimum Wages Act and implement the same in a sportsman spirit without forcing the Union to decide the matter in the streets.

BONUS

The scheme for payment of annual bonus embodied in the Bonus Act is not satisfactory, because first of all the limitation of 20% as maximum Bonus is thoroughly unjustified and has acted as a break against labour getting more

in those sectors where exorbitant profits allow labour a higher percentage. As a result of this in one Factory at least i.e., The Associated Battery Makers (India) Limited, Shamnager, 24-Parganas, West Bengal, more than 10 lakhs of Rupees have accumulated as set-on money during the last three years, after payment of 20% Bonus and nobody knows what to do with the set-on money because we do not visualize a bleak picture in those sectors where employer-employee relations are good and production is profitable.

Secondly, the Bonus Act is silent about what to do with the set-on money if the workers continue to get 20% bonus successively for more than four years. So over and above raising the limitation of 20% to at least 30%, there should be a provision of distribution of set-on money as Ex-gratia after an interval of two years when it is found that the set-on money is further increasing in the third year.

Thirdly, the minimum Bonus provision is good but too little as Rs. 40/- is nothing to-day. A minimum bonus therefore should be at least one month's wages or Rs. 100/- whichever is higher.

In the future system of remuneration for a predictable time to come Bonus payment would occupy a very important place in the scheme of payments. This is the only payment when paid well, in time, and without much hitch, the workers feel their own part and role in production and it offsets a part of the debts incurred by workers because of low-level of wages. Sometimes, it permits the workers to observe their festivals happily as a part and parcel of society.

CHAPTER VI

INCENTIVE SCHEMES AND PRODUCTIVITY

Steps have already been taken to introduce a system of payment by results in industries where the system could be applied. These steps have been taken sometimes unilaterally by the employers and sometimes as a result of tripartite discussions and in certain cases as a result of a Tribunal Award. They are in vogue in important departments of textile factories, in the generality of the Engineering concerns, in docks, plantation and mines.

THE GUIDING PRINCIPLES

Incentive schemes already enforced are guided by the principle enunciated in question No. 166 excluding the last item, that is, all incentives are present financial incentives. Non-financial incentives as suggested are of no value if realities of the situation are kept in view. Job-satisfaction and job-status are purely psychological food. Workers are interested in material food. They come to factory and join the service and fulfil their jobs for material gains. Like employers involved in production process for profit workers have willingly become mainly interested or rather solely interested in material incentives. And

material incentives are financial incentives. Money, more money is the craze of the society in which we are in. It is money and more money that creates status not only for employers but also for the workers. So if the workers are interested in money and more money, there is nothing objectionable in the present day world. Pardon us to submit that the very idea of non-financial incentives smacks of an effort to deprive the worker of the legitimate financial incentives as he has been deprived all along the line of his legitimate rights and dues. Of course the craze for money and more money for employers is a purely money craze. But money and more money for workers is to meet the basic minimum obligations as a human being and as a family man. Therefore financial incentives are the only incentives that energise them to the maximum. But this maximum energization may have adverse effect on his health and also may reduce the job potentials of a unit or an industry and thereby hard hit the unemployed waiting for employment. In a country like India where the number of unemployed is increasing from day to day, month to month and year to year a limit should be imposed on the maximum energisation of the man in unemployment.

As already submitted there should be datum line which should be fulfilled to bring the minimum wage. The datum line should be such which could be fulfilled without extra efforts. Surpassing of datum line should be paid on overtime rates. Of course there should be provision for the normal wages of the worker when circumstances are beyond his control do not allow him to earn an incentive. Not only a work study should be undertaken with the co-operation of workers for evolution of incentive but the restudy of the existing schemes should be undertaken to find out whether the existing datum line is high or not and where the datum line is high it should be brought down. That datum line would be mutually agreed level of efficiency.

THE QUALITY OF PRODUCTION

Quality of production naturally should be protected but now a days in the name of inspection of quality of production managements are denying the workers their due payments by unfair means. That is happening generally in textiles. So there should be some protection for the workers also against such unfair deal of the management in declaring a quality below quality when it is not below quality. Thus these disputes about quality should be settled by joint inspection and not unilateral inspection by management.

RESPECTIVE ROLES OF FORCES IN PRODUCTIVITY

In raising productivity the respective roles of labour, management and Government vary from time to time, sector to sector and state to state. They cannot be fixed arbitrarily and uniformly for all time to come and to cover all sorts of circumstances.

THE PRODUCT OF PRODUCTIVITY

Anything produced more than what was produced under the normal production process should constitute the gains of extra productive effort. They should be allocated to different factors of production but the major share should go to labour. So the major gains.

PRODUCTIVITY TECHNIQUES

Since independence productivity has grown but that has never been matched with wage increases. We hope to supply you with supporting statistics at the time of giving the evidence. Certain offices in Calcutta tried to experiment with productivity techniques introduced by Ibecon. That created complication and had to be abandoned. Some other industries employed the same concern for introducing new productivity techniques and unnecessarily spent thousands of rupees. These techniques only increased workload of labour without any additional increase in his earning. The so-called productivity techniques introduced within our knowledge were so-called economic techniques resulting in increasing workload without any additional gain to labour. Naturally therefore labour resisted. Sometimes this resistance was broken by brutal methods and labour surrendered. Sometimes labour had the way and the so-called techniques had to be abandoned.

Institutions of awards for outstanding work is good. It is an honour given to merit. Only those far it improves the psychological atmosphere for greater productivity.

Where labours' earnings are bad, there is more absenteeism. Naturally therefore that adversely affects productivity. As such what to speak improve productivity. Labour turn-over becomes good and even with sickness workers do not take sick leave but work where work brings good earnings. So good earnings are the basic factor to reduce absenteeism. Good production bonus scheme and attendance allowance contribute a great deal to negate absenteeism.

Question No. 173 is already answered. It is material incentives for improving the standard of living of the workers and his family that supply the motive force for workers for successfully working incentive schemes.

Go slow, work to rule and unions' ban on overtime create just the opposite climate. These are weapons in the hands of the workers for bringing sense to recalcitrant employers. Naturally they are not means for improving productivity but they are weapons to reduce productivity to bring the employers to their senses.

RATIONALISATION

By rationalisation we have seen or felt or suffered retrenchment due to innovation or automatisisation. It has also increased workload of labour without any adequate compensation. It has further increased the number of unemployed and thereby reduced the family earnings of the workers. Rationalisation or retrenchment without tears remain something on the air. It always produced tears, and permanent torrents on tears. Therefore the recommendations of the 15th Session of Indian Labour Conference for regulating the process of rationalisation have not helped labour in any way. It has come to such that the Trade Union movement as a whole has decided to oppose all types of rationalisation in every sphere of activities. No amendment would be of any help. Rationalisation should be fought tooth and nail.

AUTOMATION

Question No. 176 is being answered today by the Insurance Employees on all India scale by opposing automation with the last drop of blood. The idea of automation does not fit in the Indian soil. It works well in those countries where there is shortage of labour, not surplus of labour.

PRODUCTIVITY COUNCIL

National productivity Council have been made grounds for discussions and seminars. They might have created some psychological change in the outlook of some leaders of labour and industry. Whether that has generated enthusiasm among employers and workers in increasing productivity, it is difficult to say. One thing can be safely said that the Council and its activities are still to reach the workers.

CHAPTER VII

SOCIAL SECURITY

Social Security Schemes stabilize employment and thereby industrial relations. But they do improve industrial relations only when they come into existence as a result of by-partite negotiations and consultations. They stabilize employment but do not improve industrial relations when employers oppose introduction of the same and the scheme have to come into existence as a result of legislation or award. Everybody would agree that this scheme

have got to come. Employers who also agree in a sportsman-spirit to voluntary Provident Fund Schemes through bi-partite negotiations. But recalcitrant or die-hard employers have got to be tackled only by legislative measures.

The convention of minimum standards of social security adopted by the International Labour Organization have been partially implemented in India.

Old Age benefits also vary from industry to industry and from area to area and sometimes from unit to unit. There are certain industries where both Provident Fund and Gratuity benefits are available. But in the biggest industry in West Bengal, i.e., the Jute Textile industry since Provident Fund Act was implemented, gratuity and pension have been done away with.

Recently in the Railways optional pension has been introduced in lieu of provident fund. There are services where Provident Fund, gratuity and pension—all are available. So these benefits are unevenly distributed depending on the bargaining power of labour or the social attitude of employers.

Employment Injury benefits are available according to the Workmen Compensation Act or E. S. I. Scheme or as in Calcutta Docks as injury leave with full pay paid for four months and then with half pay for the next period.

Maternity benefits are available under the Maternity Benefits Act.

Like employment injury benefits, invalidity benefits and survivor's benefits are available under Workmen Compensation Act on death of the worker arising out of injury in course of employment.

Medical care is too little to be described. There is generally dispensary treatment. After great struggles we could have a hospital for Dock workers only in Calcutta under the Calcutta Dock Labour Board, and there is another hospital for Port Commissioners' workers under the Calcutta Port Commission. Before the war there was only one hospital at Kamarhati for about three hundred thousand workers engaged in Jute and accessory hospital. This hospital has recently been taken over by the Government of West Bengal under E.S.I. Schemes. That is all in the Eastern side of India. The conditions of the rest of India need not be described as there is little to be described.

Thus one will find that the scope and coverage of each one of the benefits mentioned above is not only not adequate but should be given priority for their introduction. Amongst them Medical care and in particular extension of upto-date and proper hospital facilities should get the top priority. Next to that should be gratuity and pension.

Unemployment benefit is a very big issue for a country like India. If our suggestion regarding six hour shift is adopted that will be a real contribution towards real benefits to the unemployed.

Only a national health insurance scheme can help the widely scattered unorganized millions called artisans, small shop-keepers, traders, etc.

The E.S.I. scheme as implemented upto now have made us lose all confidence in the implementation of schemes under the present state of affairs. The schemes had a very wrong start. It was wrong to force the workers to part

with a part of his wages as contribution towards the scheme. The workers in India is on a starvation level of wage. This forced contribution farther reduces his starvation wage and thereby instead of insuring him for health, causes starvation and starvation disease. Secondly the waiting period under the scheme has unnecessarily victimize workers in so far as he has not paid a single pie for the waiting period. It is this waiting period business which leads to unfair practice in the shape of increasing the number of sick pays for receiving the sickness insurance relief and tending to increase absenteeism where there was not. Thirdly there is neither proper arrangement of medical examination nor treatment. If it is a question of well treating te worker for his sickness, then the E.S.I. Scheme has been a total failure. E.S.I. Scheme has helped the worker to take easily sick leave when he wants it. That is a thing which may be called a morality generated by a rotten scheme of the state. My humble experience says that whereas good production bonus scheme workers do not take to absenteeism under E.S.I. Scheme as they loose more than when they gain. So one remedy is the introduction of good production bonus scheme. The other remedy in this respect would be to do away with the waiting period and the worker should be entitled to sickness benefit even if he is sick for a single day.

Answer to question No. 184 is a bit difficult. How is one to distinguish between the Corporation and the State Government? The institution is not bad, it is the persons who lead the institution and the ideas which guide these leaders of institution.

Workers have been already forced to contribute a part of their starvation wage towards E.S.I. Scheme. This has itself been wrong in a country like India. Workers are already contributing their share to the Provident Fund. After all these, one fails to understand the import of the question No. 185. For gratuity and pension, it would be atrocious to suggest any contribution from workers. In one word, the benefits should come from the state and the employers. In both the sectors, workers contribution are already larged. Workers also pay taxes. But employers contribution contain a share of workers because employers' contributions are from products produced by workers.

Question No. 186 presumes too much in the shape of either a pension or a pension or a Provident fund-cum-pension scheme. Pension and Provident Fund are not contradictory terms. Neither one militates the other. They are complimentary. One should compliment the other. There should be provident fund. Over and above, there should be pension also. Under both circumstances gratuity should continue.

The retrenchment benefit that is available now is only 15 days' wages per year of service with a minimum of 45 days' wages. This is too little. This should be doubled. It should be one month's wage per year of service with a minimum of 3 months' wages. To start a new life or to seek a new employment in these hard days, this much is essentially necessary.

CHAPTER VIII

LABOUR LEGISLATION

From the trend of our Memorandum one would automatically conclude that we are more in favour of collective bargaining than in favour of legislation. Our experience is that unless there is a strong trade union even legislated amenities are not available for workers. A strong Trade Union leads to effective collective bargaining also. Legislations are essential for helping unorganized sectors. Legislations have become sometimes a very stumbling block in the path of further progress in developed sectors. We have already pointed out that the limitation imposed by Bonus Act about maximum bonus available for workers. Therefore, a balance should be worked out between legislation and collective bargaining. Too much legislation creates an atmosphere of litigation only and make the trade union field or the industrial sector a thriving ground for legal practitioners.

We have already stated that the most important factor that is affected the proper and effective implementation of various labour laws is the absence of proper inspectorate with deterrent powers for implementation. The second important factor in this respect has been the weakness of trade unions. Of course, there is the third factor which will remain for a long time to come is the unwillingness of the employers to concede anything unless and until they are forced by other forces.

But it would be wrong to suggest that the laws have failed to achieve the purpose-objective for which they were enacted. The truth lies in half way. Some of the purposes have been achieved. Nobody would deny that the Payment of Wages Act has helped the progress to a great extent. Decasualization in the docks has been brought about by the Dock Workers' Regulations and Employment Act and the schemes made thereunder. Similarly the Minimum Wages Act has served the largest number of unorganized workers. But a lot remains to be done. That would be done by the inspectorate proposed and the growth of trade unions. There is no short cut.

These provisions have helped a very little in implementing the directive principles of State policy on labour matters as embodied in the constitution. Already we have mentioned above that even the provision for equal pay for equal work for both men and women has been violated by a number of State Governments in the P.W.D. Sector.

The health and strength of workers, men and women have not yet been secured as directed in the directive principles. The provision of the E.S.I. Scheme for given only very, very fringe benefits so far as the protection of health and strength of workers is concerned in big and organised industries the abuse

of child labour has stopped. But in the small shops where hundred and thousands of children are employed, the abuse continues. So the abuse of child labour continues amongst domestic servants. In plantation the abuse has been reduced to continues even though reduced. So far as the directive regarding citizens not being forced by economic necessity to enter avocation unsuited to their age or strength is concerned, this is observed in its violation. That is what is called little employment and under employment which preponderate in the present day Indian society. The State has not yet secured for its citizens the right to work nor there has been any effective supervision for the same. Right to primary education has been considered. The hungry children instead of being sent to primary school are being employed in Tea stalls and domestic services. There is no public assistance in case of old age. There is some assistance in cases of retrenchment but no assistance for the unemployed. Sickness and disablement are provided in a limited way under E.S.I. schemes or the Workmen's Compensation Act.

Maternity relief has been made available long before the directive principles or evolved under the then maternity benefit Acts. I hope we are correct when we say that such Act was adopted in Bengal under Govt. of India Act, 1935. There is no maternity benefit for cultural labour or domestic services.

Securing just and humane conditions of work is a matter which was started under various provisions of the Factory Act and take workers Act long long before the directive principles were enforced. After the directive principles some improvement in the conditions of work was brought under the Mines Act. This is far about the provisions. But these provisions are mostly violated because of corrupt inspectorate authorised to look after the implementation of these provisions. Result is increasing number of accidents and partial and total disablement. Further result is the increase in the growth of occupational diseases. Scheduled and not scheduled.

Thus inspite of directive truce the right to work has not been secured. We are still in the era of minimum wage or at best in a very small number of sectors of fair ways. Corroded by the ever rising spiral of cost of living indices when inadequate compensation for the rise. Because such in human conditions, workers are more interested to work overtime and to forego leisure. There have been cases of strikes and Gheraos on the demands of continuance of overtime work when the management wanted to do where that overtime work, for economy or for efficiency. The clerical sector tries to meet the rise by extra earnings through secondly employment in the leisure hours. Thus legally assured leisure remains no leisure. When such is the situation one can clearly understand the problem of social and cultural opportunities or social and cultural life of the workers. There are some social and cultural in modern arrangements. There are some yearly or half yearly functions of the same but the real social and cultural functions that the workers have an opportunity to enjoy are the age old religious festivals days. There ends everything.

We are small fries. We have no right really speaking to criticise any principle in the situation but after these years of the implementation of the provision of the constitution and specially its directive principles one could be bound to submit that promotion of cottage industry on individual or collective basis in rural areas has neither been here nor there. Cottage industries are collapsing under the impact of competition of mass scale machine factors. Concentration of wealth for the few hands and not big towns combined with economic distress of various types and draught and flood and pestilence are operating villages and bringing more and more darkness in the rural areas. Hydro-electric projects has not been able to dispel this quota of growing and accumulating Himalayan darkness. Villages and villagers are being uprooted. They are swarming the towns just to reduce the bargaining power of the employed workers or just to increase his liabilities. The entire State machinery has accelerated this process of ruination of the villages and swarming of the towns. Under the circumstances the directive principle for the State securing to endeavour conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities, is crying in wilderness with nobody to lament.

The only improvement that we may suggest in existing arrangement would be to take over the directive principles one by one and honestly and wisely take steps for its implementation. The reality is, we do not like principles. Such principles have been announced in our mother land since the dawn of human civilization and reiterated again and again by saints, philosophers, political and cultural workers. There has been no problem about finding out principles. The problem has always been the task of implementation of some of the principles which would bring light where there is darkness and hope where despondency and frustration predominate. While answering question above we have already submitted concretely the measures that are essential for implementation. Further repetition would be bare repetition.

The present constitutional arrangements are good. We neither want centralisation or more de-centralisation. We want some implementation. We want the Ministries to look after honest and sincere implementation of these provisions. Powers are there, central as well as concurrent. These powers must be effectively and expeditiously used for the benefit of labour.

International Labour Conventions have helped a lot on the progress of Labour Legislation in India. The constitution of India has been always helpful in the implementation of this international labour convention. The workers of India would be ever thankful to the I.L.O. for its convention on the de-casualisation because the laws were speedily framed on the basis of the convention. Similarly the convention regarding Women underground or child labour have really helped the weak and the unorganised.

Q. 198.

There has been no over legislation. There has been really neglected in implementation of legislations.

Everybody feels that existing labour laws should be consolidated and codified.

The voluntarily approach is good as an approach. That produced. But the code of discipline and industrially truce legislation have been total failures in serving labour in any form because the employers were allowed to violate the same and with impunity. Thus the policy of voluntary approach though good would have been better provided Governments should have taken up seriously the problem of stricter implementation of the decisions and dealing deterrent punishment on recalcitrant employers. This policy of voluntary approach must be continued for the interest of labour and for the interest of democracy but must be armed with deterrent powers for tackling with recalcitrant employers.

Question No. 202 stands already answered in our answers to various question above. Though repetition but it would be correct when we would say that the enforcement of Labour Legislation in public sector has been neglected too much. The interesting thing is that though not legally exempted the public sector has been behaving upto now, as if exempted and has been violating various provisions of labour legislation with impunity.

Now submitted above the public sector should not be allowed to claim any exemption from the obligations under Labour Legislations. There is no rationale for claiming such exemption. Any claim for exemption smaks of feudalistic spirit and approach.

Employees and their dependants in the public sector are generally denied the political right of joining political party or working for a political party. The worst, such denial operatei in the railways and the P. & T. They are not justified in any way. Under our constitution there cannot be two classes of citizens.

CHAPTER IX

RURAL AND UNORGANISED LABOUR

The remedial steps taken by Government about improving the social status on rural labour in the hirerhcy have been effective to some extent. The pressure of industrialisation has been much more effective in cutting above route of social disabilities. We are not aware of any remedial steps taken by Government about improving the economic status of the rural labour force save and except the half hearted implementation of minimum wages Act amongst agricultural labourers. A broad based programme for the promotion of productive employment in rural areas is essential. This has got to be framed by the Planning Commission and the State Govt. Organised labour is always ready to help them with concrete suggestion provided such help is sought. Upto now neither the Planning Commission nor the State Govts, have ever cared to seek such usggestions. It would be proper for the National Commission of Labour to make a specific recommendation to the effect. Because

this broad based programme would vary from area to area depending on the existence of various factors of production as well as the market. Any suggestion of a nature at this stage would be no use.

The suggestions of the I.L.O. in this respect are good and appropriate. The only item that does not arise should not be allowed to operate in India is in question No. 207(c) that is labour intensive methods. All these suggestions are feasible in the Indian context minus what is stated above. In answer to question No. 208 we can only submit due emphasis that the protective labour provisions of the present labour legislation must be unanimously applied to unorganised and small industries also in rural/organised areas. For this implementation two things are essential:

(1) The development of trade unions in these sectors. These are coming up, slowly but steadily; (2) better organisation of the implementation machinery of the Labour Ministry. This has not been done. This should be done immediately. The Govt. is already taking steps for some regulation of contract labour. Contract labour is generally used as cheap labour. Contractors thrive on fleecing labour. Certain employers are in the habit of handing out work to contractor for making the work cheap. The regulations principles if properly implemented would be the real remedy to do away with such cheap labour employment. More over the Government also should use its good offices to do away with employment of contract labour where the work can be handled departmentally or by the management of a firm doing work of a permanent nature. In this respect what is more important is the role of trade unions.

The difficulties in the implementation of a minimum wages in 1948 in rural areas have got to be overcome and by stricter and deterrent methods on behalf of the implementation machinery of the Labour Ministry. Of course we are aware of the fact that unless Trade unions come up for its proper form with fighting capacity implementation would always be theoretical. But even for trade unions to properly operate the implementation machinery must be framed with deterrent, factory powers.

While ending this chapter we submit our total opposition to the proposal of emerging of implementation of minimum wages Act for agricultural labour with legal village or block development staff. The implementation should be done by Labour Ministry.

CHAPTER X

LABOUR RESEARCH AND INFORMATION

There is no base to the allegation or feeling that a good deal of unproductive work and unnecessary duplication are undertaken on account of implementation or administration of Labour laws. The step that is needed is stricter enforcement of these requirements.

Another enquiries going on to remove inadequacies, incorporations and difficulties in proper compilation of all India Consumer price index No. That

committee we hope will produce good results and the commission will try to help in its work by the recommendations of that Committee.

There should be compilation of consumer price index No. for every region of the country for the purposes of wage fixation. Otherwise all India consumer price index will not be able to do justice to labour for the purposes of wage fixation in the compilation of indices of the items essential for workers' existence should be taken into consideration and necessary items should be given proper weight. Unnecessary luxury items should be excluded from the list of articles of which average is worked out. The present compilation appears to be based on arbitrarily picking up of some samples here and there.

The present collection and compilation of data for measuring industrial unrest in the country are not enough. There should be item stating the issues in world and another item stating the steps taken for averting or solving the dispute. In the absence of these two vital items simple compilation of statistics of works stoppages as done now becomes aimless and purposeless. The purposes of such statistics collection should be to advise ways and means for averting such stoppages by concrete steps. Another purpose may be to find out the causes and to take steps was that causes are removed. These two purposes can be served only by accepting our suggestions in the compilation of the statistics regarding work stoppages.

There should be statistical data in respect of works stoppages not only due to industrial disputes but also due to reasons other than industrial disputes. That would serve both the workers and the nation as a whole.

It is true that there is collection of labour statistics only with regard to economic aspects of workers' life. It is wrong to think that the workers are honest with an inert economic item of society. Workers formed a very vital element of our social set up. So the social and socialist aspects, included upto now have got to be taken into consideration for a total understanding of the workers life as well as for a proper understanding of the social development or a good stage of the development in which our society is. Only on the basis of that type of scientific understanding we can take proper steps for further progress and development of our society. For better comprehension of labour problems it is essential to understand what type of educational opportunities are open to workers and their children. It is further essential to see what cultural activities are available for workers and their families. Unless and until these are comprehended we can neither understand the motive power of workers existence and can neither take and nor can we take proper steps for the total development of the worker as a human being.

Similar statistics with regard to rural labour should be separately collected, compiled and made available for the country.

Only law knows what arrangements for research and studies in the field of labour are. Labour workers have to start overtime almost from a *scratch* and move on their own. Sometimes some scholars are seen meeting us, collect-