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Report on Tripartites

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REPORT ON TRIPARTITES

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Tripartite bodies—conferences and committees—representing employers, workers and Government were formed in India during the Second World War in 1942, on the pattern of the ILO. The purpose, as of the ILO, is to discuss issues concerning labour round the table, for arriving at agreed conclusions. These conclusions nonetheless are in the nature of recommendations to the Government, leaving them, however, a free hand either to accept them or reject them. This is the only forum where the organised working class is consulted by the Government and the employers at national (and now at State) level on our issues.

In all these committees, the dice is loaded heavily against the working class as the representation to the three constituents is equal and it becomes very difficult to get anything passed by majority. Unanimity though difficult is the best way of working it.

The task of these tripartite committees is made still more difficult because of division in the working class. The representation for the workers is divided (now according to verified membership) among the four central TU organisations. Very often, they do not see eye to eye on various issues, though lately on some of the issues —may be from different angles—worker representatives in these tripartite committees have agreed on some issues. In a way, this is the only platform where representatives of the four central TU organisations in the country sit side by side in a discussion on their issues.

Till the 14th Indian Labour Conference, except the one which discussed 'industrial truce' in 1948, none others merited any special attention. The conferences were used to announce labour policy of the Ministers and, if at all, to listen to what others have to say. The character of the Indian Labour Conference (ILC) changed from the 15th ILC held in July 1957 at Delhi. This conference, for the first time discussed wage policy, code of discipline, rationalisation, etc., and arrived at a unanimous understanding. This was carried forward in the 16th ILC and the functioning of its various sub-committees and industrial committees have been utilized by the workers' representatives to arrive at agreements on national level either on problems relating to a particular industry or on general issues.

A short note on the various tripartite conferences and committees which took place during the years 1958, 1959 and 1960 and the important decisions taken is attached to this report. This will give an idea of the positive gains achieved, the points which were accepted but not yet implemented and the harmful suggestions which came up in these meetings against working class interests and which were opposed successfully by the workers' representatives. Also published here, as *Appendix I*, are extracts from AITUC publications evaluating the work of the 15th, 16th and 17th ILCs. AITUC representation in the various tripartite bodies during the years 1958-1960 is listed in *Appendix II*.

In these meetings, our main job was to suggest items and discuss points in the furtherance of working class interests, express opinions and sometimes support good suggestions coming from the Government (may be as a result of our earlier mass agitations, etc.) and oppose stoutly the retrograde measures brought forward either by the Government or employers (or sometimes suggested by our sister TU organisations).

The work in the industrial committees requires concrete study of the subject matter. The experience of the working in various centres of industry, theoretical knowledge and knowledge of the industry and its technique are essential to be effective in these committees. Continuity of our representaion on such work is also helpful. Along with experienced comrades, new cadres should be trained in this work as advisers, as this is one of the important aspects of work in the TU movement in this phase.

No doubt, there are serious defects in the working of these tripartite committees. There is no written constitution and procedure and mostly the proceedings are conducted on the basis of conventions and the expediency of the occasion.

One of the biggest defects is that there is no machinery to check up and make Government act even on agreed decisions. Delay is often abnormal. Also, when Government is the employer, it is still more difficult to get the decisions implemented. Though there are representatives of the various employing ministries and State Governments in these conferences and the Cabinet Minister (with joint responsibility) presides over it, often these ministries are in actual practice found not agreeing with the decisions and flouting them.

Nonetheless, an agreed decision of the tripartite gives us a good basis for putting mass pressure and, if necessary, to conduct agitation from below for getting it implemented. It helps us to get mass support for our demand.

Another difficulty is that except the ILC and the Standing Labour Committee (SLC), other committees do not meet at regular intervals. Here also, our representatives on these committees should take initiative in sending points of agenda and emphasising necessity of meetings. Instances of the non-functioning of other tripartites can also be raised in the ILC and the SLC.

The Code of Discipline and the Inter-Union Code of Conduct are the products of these tripartite bodies. These have become quite important in today's TU functioning and should therefore be discussed thoroughly.

There has been an understanding that by agreeing to the Code of Discipline, the AITUC or the trade unions have imposed upon themselves certain obligations. What is actually true is that certain obligations and procedure of conducting trade disputes have been codified and we have ourselves agreed to abide by them

But we have, however, insisted that the whole basis of industrial relations today, as at any other time—be it the Code of Discipline, productivity, struggles or anything else—is based on recognition of the union which has got the backing of the majority of workers. Therefore, in the Code of Discipline, we have put certain conditions:

— Asked Government to ensure recognition of trade unions. We have not yet succeeded in getting accepted the method of ballot for determining which union has got the backing of majority of the workers. But another method of *detailed verification* of membership has been worked out and recognition of the trade unions is an integral part of the Code of Discipline.

— Where the employers refuse to recognise the union or negotiate with it, the union is not bound by the Code of Discipline.

— The Code of Discipline will also apply to the Public Sector or where the Government (Central as well as State) is the employer

These assurances were given in the 16th ILC (Nainital, 1958) and then only the Code of Discipline was ratified by us.

There are, however, a number of drawbacks in the working of the Code of Discipline. These are, mainly:

1. While the Code is binding on all unions affiliated to the central TU organisations, a number of employers, irrespective of their affiliation to the central organisation of employers, refuse to accept the Code. Some such cases from Punjab only have been so far referred. From other centres, wherever such instances are noticed, this should be reported to the E&I Machinery and the AITUC.

2. In some States, attempts have been made to impose legal sanction for alleged violation of the Code. The Code of Discipline is a voluntary agreement and should remain as such. Therefore, any attempt to insist on acceptance of the Code as a precondition for getting unions registered, refusal to refer cases to adjudication for alleged infringement of the Code, non-intervention in strike struggles by Government for the same reason, etc., should be opposed.

3. The "sanctions" for breach of the Code of Discipline, as they are suggested now, are one-sided. These will have very adverse effect on the trade unions and the workers but not so on the em-

ployers. It is for this reason that at the last meeting of the Standing Labour Committee, we opposed the proposal to frame "additional" sanctions (including grant of powers to Government to impose penal sanctions) for breach of the Code. We stressed that unless effective sanctions for breach of Code by employers are worked out and implemented, the Code is likely to be worked out against the working class.

4. The Implementation Machinery is often found prejudiced against the workers' case. It is also seen on other occasions that this body is helpless when faced with a defaulting employer. This is nothing unusual and even in the absence of the Code, we have to fight such manifestations.

The inquiry in the two cases, of which the report has been made available, i.e., in the case of Premier Automobile strike and Bombay Central strike of July 25, 1958, and the Calcutta Tramway strike, clearly shows the tendency to apportion blame to both the employer and the union, but more against the trade union. In the case of the Calcutta Tramway Strike Inquiry and then the Munnar Plantation Strike Inquiry, we insisted that assessors from the trade unions and employers' organisations should be taken on the inquiry body. Experience shows that these assessors should first agree on the factual data before the inquiry, otherwise only certain facts, to bring home a particular conclusion, are taken into consideration while other important and relevant facts are not brought on record or just ignored. Examination of the State Ministers, whenever they had anything to do with the strike, will also be necessary.

In the year 1958, we referred to the E&I Machinery of the Union Government, 35 cases of breach of the Code of Discipline. In about six cases, their help was useful.

In the year 1959, only 18 cases were referred by us, out of which only in five cases fruitful results were achieved.

In the year 1960, 20 cases were referred and three were settled.

It will be clear from the above that utilisation of the Code of Discipline in workers' interests has yet not gone into the consciousness of our organisers. Surely there have been many more cases of violation of the Code of Discipline but which have not been reported. In the State sphere, some more cases might have been referred but still the overall picture will remain the same. In some States, the E&I Machinery and Committees have been formed late and, therefore, we may not have been able to avail of them in the years 1958 and 1959 and in the case of Bombay State (Maharashtra) upto July 1960. Reporting of these cases in requisite details is an additional paper work for which our unions are not very well equipped and this is one reason for the negligence. But this is not all.

Complaints against us for breach of the Code, both from Government and employers, are much more. Unions should be prompt in repudiating the false charges which are often made against us.

Otherwise, the impression is created that delay is intentional. Also unions must avail of the opportunity, when the Labour Inspector or the RLC visits them for inquiry into cases of violation of the Code. Lack of interest in this often makes us appear guilty in these inquiries. Our complaints should be specific (and not general) and with as much detail as possible. Reports should be made to the State level E&I Committee in State-sphere cases and if no action is taken, the Central E&I Machinery should be approached.

The Code should be used by the Unions, wherever we are in majority, to immediately apply for recognition under its provisions and keep papers ready for the detailed and spot verification of membership.

The Code can also be used to report on all cases of non-implementation of labour enactments, awards and agreements.

Under the Code, unions can maintain the usage and conventions of the union regarding collection of union dues, holding of meetings, etc.

Employers' interference in union affairs, their unilateral actions and unfair labour practices constitute a breach of the Code and should be reported.

If the employers refuse to negotiate, representations should be made immediately to the State or Central I&E Machinery and in case, they fail to redress the grievances within a reasonable period, the obligations under the Code will not remain binding on the union

The Code enjoins on the employers to have a Model Grievance Procedure in the establishment which will guarantee settlement of individual cases within a period of 90 days in all. Therefore, the setting up of the Grievance Procedure and its implementation should be insisted upon.

For the first time, the obligations of the employers have been codified and unions should make full use of it to see that these are implemented by them. Otherwise, cases should be reported to the E&I Committees and machinery.

In some of the Public Sector undertakings, some adverse changes have been made in the Code of Discipline. This should be resisted.

In Public Sector undertakings, the unions and federations should inform the Labour Ministry of their willingness to abide by the Code of Discipline and force the employers to agree to it. Initiative has to be taken by the trade unions in this regard.

Even where the Code of Discipline has not been accepted by the employers, the unions should send report to the State/Central Implementation Machinery, if there are instances of breach of the Code.

Now, in almost all States, E&I Machinery has been set up. These should be made full use of. We must insist that the E&I Committees meet at least once in three months.

The Code of Discipline can be utilised both by the employers and unions against defaulters, even though it is recognised that difficulties in the way of the trade unions and workers are greater

and more numerous. Employers have powers otherwise also. The task at the moment is to see that the Code is not allowed to be made an instrument of the employers to victimise our unions but is used by the unions to discipline the arrogant employers and to secure recognition of unions and workers' rights.

The Code of Conduct is, for all practical purposes, a dead letter. No meeting of the representatives of the four central TU organisations has been held since July 1959 (at the time of the 17th ILC). This meeting was also inconclusive.

It is no doubt true that the Government itself as an employer and as Government, has violated tripartite decisions. Both the Government and the employers try to emphasise only such parts of the decisions of the tripartite and the Code of Discipline as bind down the workers to certain obligations and repudiate others which bind them and are helpful to the workers. Nonetheless, it would not be correct to ignore the fact that these tripartites are still the only platform on which the workers, employers and Government can meet and discuss issues on a national level. Not all their decisions are always anti-working class. Some positive gains for the workers also are achieved through the tripartites and the edge of anti-working class moves of the employers is many a time blunted through discussion at these tripartites. The struggle to turn these tripartite bodies to the advantage of the workers is hard enough but nonetheless worth fighting for.

TRIPARTITE MEETINGS IN 1958-1960 AND IMPORTANT DECISIONS

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During the period since our Ernakulam Session, three tripartite Indian Labour Conferences were held, the 16th, 17th and 18th. The 17th and 18th Sessions of the Standing Labour Committee were also held during this period.

The 16*th Indian Labour Conference* met at Nainital on May 19 and 20, 1958. The Conference had important items on the agenda and deliberated on the large number of closure of units, particularly textiles and the resulting unemployment. The question of textile closures had assumed serious proportions at the time. The AITUC pointed out at the conference that in most of the closures in the textiles that were on record, the main reason was not trading loss. The main reason was fraudulent transactions on the part of the owners, quarrels among them over the share of the booty, the effects of which matured into closures. Only a minority of the closures were due to financial stringency or trading losses, which, however, were not indicative of a general crisis, as yet, in the economy.

Our stand was later explained in our publication, *Sixteenth Tripartite* thus:

"The AITUC refused to share the burden of the capitalist crisis. It refused to lend countenance to any schemes of wage cuts, because it is not the function of trade unionism to help capitalism out of the crisis of its own making and its system. The function of trade unions is to resist the onslaught of the crisis and defend the workers. It may succeed, it may not, in the given condition. But in principle, at least, it must tell the workers what it all means."

The conference decided to appoint a Committee on cotton textile closures. (The Committee presided over by D. S. Joshi, Textile Commissioner, submitted its report two months later.)

The conference also adopted recommendations providing for two months' notice to be given by management before resorting to closures, steps to facilitate taking over of closed units by Government and for removal of lacunae in the provision for lay-off compensation.

The second subject which claimed the largest attention at the conference, next to closures, was that of industrial relations.

The Code of Discipline was formally ratified by all parties at the Nainital Conference. Our two conditions that the Code should apply to Public Sector where Central or State Governments themselves are employers and that the case of failure of negotiations by the employers, the provisions of Code of Discipline will not be binding on the Union were accepted by the Union Labour Minister. The Code, as finalised, also provided for recognition of trade unions which satisfy the stipulated criteria. The Conference recommended measures to make the work of evaluation and implementation of labour enactments, awards, agreements, etc., more effective. Agreeemnt was reached at the conference to revise the procedure for verification of membership of trade unions. The proposal made by the AITUC to provide for ballot to determine the representative character of the union was, however, not accepted. The new method of verification, though not fool-proof, does plug a number of loopholes in the earlier procedure. It is a step forward since now the lists of membership of the central TU organisations are exchanged and objections are allowed to be raised.

The conference also discussed the position relating to Works Committees and adopted recommendations for improving the working of the ESI scheme, for raising the rate of PF contribution from 6¼ to 8⅓ per cent and to provide for that the employment limit of 50 persons or more prescribed under the E.P.F. Act should be reduced to 20 persons or more and that employees in commercial establishments should also be covered.

The conference rejected the proposals for 'Union shop' and 'check-off' put forward by the Bihar Government. The conference rejected a proposal brought by West Bengal Labour Minister to put statutory ban on strikes in hospitals and it as decided that a convention should be established whereby the staff would not go on strike provided that an effective machinery for the speedy redress of their grievances was set up by the employer.

A day after the conference, there was a meeting of the delegations from the four central trade union organisations, convened by the Union Labour Minister. An 'Inter-Union Code of Conduct' was adopted at this meeting.

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The *17th Indian Labour Conference* met at Madras in July 1959. The conference discussed mainly industrial relations, works committees, service conditions of domestic servants, and pay roll savings scheme.

On the question of industrial relations, several attempts were made at the conference to put more curbs on trade union rights, permit the officialdom to interfere in the day-to-day running of the unions, ban formation of new unions which were not to official lik-

ing. Due to the opposition of the worker delegates, such attempts did not succeed as the Government wanted.

One such move was to give wide powers to the Registrars of Trade Unions. It was decided that Registrars should have powers to inspect the account books, membership registers and minute books of the trade unions to verify the correctness of the annual returns

No agreement could be reached on the proposal to revive the Labour Appellate Tribunal. The conference adopted a recommendation that "increased recourse should be had to mediation and voluntary arbitration and recourse to adjudication avoided as far as possible. Matters of local interest not having any wider repercussions should, as a general rule, be settled through arbitration." The conference also approved the "Model Principles for Reference of Disputes to Adjudication."

It was agreed to set up a small tripartite committee to examine the material on Works Committees and draw up guiding principles.

The conference held that it was not feasible to adopt any legislative measure for the regulation of the service conditions of domestic workers. The proposal for setting up a special employment office in Delhi for domestic workers was accepted.

The conference adopted a recommendation on Pay Roll Savings Scheme. The proposal was made by the Government that workers should authorise employers to deduct monthly from wages, certain amounts of money to be deposited in the Small Savings Scheme. The AITUC opposed this move.

As we characterised it in our Working Committee held in August 1959, "on the whole the Madras Tripartite was not an advance but in fact a slight retreat for the working class. It could have been more serious but for the opposition shown by the trade unions."

Among the general recommendations at the conference was that "proposals involving any new major point of policy or principle should generally be undertaken (by Government) after consulting the Indian Labour Conference or the Standing Labour Committee."

A committee of the conference met in Delhi on September 5 1959, to finalise the conclusions and also reached agreement on representation at tripartite conferences, etc. The meeting also took up the remaining items of the agenda of 17th ILC and considered a proposal for de-linking PF benefits from gratuity for granting exemption under EPF Scheme. The employers insisted and the Government agreed that it should be considered later in the light of the proposals contained in the Report of the Study Group on Social Security

The Delhi meeting also recommended that the present system of payment of compensation in a lumpsum as in the Workmen's Compensation Act, 1923, should be replaced by a system of periodical payments, as far as practicable. It was agreed that the rates of compensation should be raised, the ESIC should be made the agency for disbursement and that the scope of the Workmen's Compensation

Act might be extended so as to cover persons drawing wages upto Rs. 500 a month.

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The 18*th Indian Labour Conference* met in Delhi on September 24 and 25, 1960 with five items on the agenda, among which were: (1) Industrial Relations in Public Sector; (2) Industrial Accidents; (3) Sanctions under the Code of Discipline; (4) Extension of the Scheme of Joint Management Councils; and (5) The extent to which tripartite decisions would be binding on the parties concerned.

The conference, however, could discuss only one item: Industrial Relations in the Public Sector and that too, particularly on the Central Government employees' strike of July 1960.

The AITUC in a memorandum on this subject, circulated to the delegates, charged the Government of India with breach of the Code of Discipline in dealing with the strike, both as an employer and as Government. The AITUC demanded an inquiry into the strike under the Code; restoration of the recognition of the employees' unions and associations; and opposing the proposed bill to ban strikes and "outsiders" insisted that it should first be discussed in the Indian Labour Conference, before introducing the same in Parliament.

There was virtual unanimity of opinion among the worker delegates when they expressed themselves against the Government's move to deny trade union rights to its employees. Even some of the employer delegates and State Government spokesmen opposed the move to ban strikes in "essential services" and ban outsiders.

Sri Nanda, Union Labour Minister who presided over the Conference, assured the onference that views expressed in the Conference will be conveyed to the Cabinet.

STANDING LABOUR COMMITTEE

The 17th Session of the Standing Labour Committee met in Bombay on October 28 and 29, 1958.

The Committee had quite a heavy agenda which mainly dealt with aspects of industrial relations in general, legislation to regulate working conditions in road transport industry, amendments to Industrial Disputes Act, etc.

The conduct of the strike by the Kerala plantation workers in October 1958 was raised by the INTUC delegate at the Committee meeting. He sought to accuse the AITUC for conducting an unjustified strike. This allegation was shown as baseless by the AITUC delegate and it was pointed out that while the workers had resorted to a perfectly legitimate strike, the INTUC had betrayed them, striking a secret deal with the management. The Committee decided that an inquiry should be held on the strike from the context of the Code of Discipline.

On the question of evaluation and implementation machinery,

the Committee recommended that Implementation Committee in the States should be fully representatives of all parties concerned. In an effort to reduce litigation, specially appeals to the High Court and Supreme Court, it was demanded that an analysis of the cases of appeals made after the abolition of Appellate Tribunal, to High Courts and Supreme Court against industrial awards should be undertaken by the Centre and State Governments in their respective spheres. Also that there should be Screening Committees of the employers and workers' organisations which should go through the cases with a view to reduce the number of appeals to High Court and Supreme Court.

No agreement could be reached in respect of hours of work, spreadover and payment for overtime work, on the proposed legislation for regulating working conditions in road transport industry. It was decided in the light of discussions in the Committee that the matter should be examined further and a decision reached by the Central Government.

Workers' representatives opposed the proposal to grant exemption to factories re-starting under new ownership after closure from the provisions of the E.P.F. Act.

On ESI Scheme, it was decided that a Committee should be appointed to review the working of the Scheme and that the extension of the Scheme to the present coverable population should be completed by the end of the Second Plan. The Mudaliar Committee was appointed later and its report has been submitted.

The Committee also agreed to refer the proposals for amendment of the Industrial Disputes Act to a small tripartite committee.

There was a proposal to fix superannuation age for industrial workers. The Committee felt that since the question was closely related to that of retirement benefits, this should be considered along with proposals relating to an integrated social security scheme.

The Committee reviewed the progress of workers' participation in management and felt that units which had volunteered to set up joint management councils but had not done so, should set up these councils without further delay.

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The 18th Session of the Standing Labour Committee was held in Delhi on January 5 and 6, 1960.

At this meeting, the AITUC delegation made a statement outlining the series of instances of non-implementation of tripartite agreements by the Government. The statement cited the letter of the Union Finance Ministry to the Central Pay Commission declaring that decisions of the tripartite conferences are not binding on Government. The AITUC delegation also stated that as a protest against the Government policy on tripartite decisions, the delegation would stage a walk-out. However, the AITUC delegation did not walk-out of the meeting on the assurance of the Union Labour Minister

that all the points raised in the AITUC Statement would be discussed in the Committee.

Following discussion, the Committee came to the following conclusion:

"While it was agreed that the conclusions|agreements reached at tripartite bodies did not have the force of law, the same were morally binding on the parties concerned in the sense that they were under an obligation to make every effort to implement them or get them implemented."

On the proposed legislation for setting up Wage Boards, the Committee was not in favour of the proposal to place Wage Boards on a statutory footing for the present. It was considered that the parties concerned should implement the unanimous decisions of the Wage Boards. If, however, it was found that the parties had failed to do so, Government should take steps to give effect to the recommendations statutorily, if necessary.

There was a preliminary exchange of views on the draft proposals on Labour Policy for inclusion in the Third Five Year Plan.

The Committee could not come to any agreed conclusion on the proposal to revive the LAT.

The proposal to amend the Code of Discipline to provide for specific period of notice for strikes and lock-outs was not agreed to. It was decided that this proposal should be deferred pending a review of the working of the Code.

The consensus of opinion in the Committee was not in favour of amending the Industrial Disputes Act, Sec. 24(3), to provide "a lock-out declared in consequence of an illegal strike or strike declared in consequence of an illegal action, shall not be deemed to be illegal." It as agreed that the panalties under the law for non-implementation of awards, etc., should be enhanced and made more deterrent by making such non-implementation a continuing offence. The relevant labour laws should also contain specific provisions to enable speedy recovery of claims.

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The Standing Labour Committee met twice later to discuss the draft proposals on Labour Policy for inclusion in the Third Plan—on March 10 and 11, 1960 and April 26-27, 1960, and submitted its views on labour policy for consideration by Government.

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There were smaller tripartite meetings, of committees set up by the Indian Labour Conference and Standing Labour Committee, during this period.

The sub-committee on workers' participation in management and Code of Discipline set up by the 15th Tripartite was convened

thrice. The meeting on March 14 and 15, 1958 finalised the Code of Discipline, which was later ratified at the Nainital Conference held in May of the same year. The committee finalised the Model Grievance Procedure at its meeting on September 19, 1958. The sub-committee was convened again more than an year later, on December 6, 1959, to consider a "Code for Efficiency and Welfare" proposed by the Union Labour Ministry. No agreement was reached at the meeting for formulating the "Code for Efficiency" and it was decided to collect data regarding various aspects of productivity and efficiency problems. It was also stressed that more intensive efforts should be made to secure better observance of the Code of Discipline by all parties.

The tripartite committee set up to examine amendments to the Industrial Disputes Act met in Bombay on January 1, 1959 and came to certain conclusions. Suggestions for amendment of the Act, agreed at this meeting, were sent to the Union Labour Ministry but the Ministry has not moved in the matter till now.

TRIPARTITE CONFERENCE ON PUBLIC SECTOR

A tripartite conference on Public Sector Industries (Corporations and Companies excluding Banking and Insurance) was convened by the Ministry of Labour and Employment, at New Delhi on January 21, 1959. The AITUC, at the conference, as well as earlier, criticised the exclusion of many sections of Public Sector employees such as P&T, Railways, Defence, Banking and Insurance, etc. The conference decided that the Code of Discipline should be made applicable to Public Sector Industries, with certain clarifications made at the meeting.

It was agreed that preliminary steps for creating the necessary atmosphere and for education should be taken for progressive introduction of the scheme of workers' participation in management in public sector industries.

In regard to Works Committees, it was decided that the matter should be examined in the light of suggestions made in the conference and on the basis of equiry reports and placed before a future session of the Indian Labour Conference.

It was agreed at the conference that employers and employees in the Public Sector should be represented in the Indian Labour Conference. Details were to be worked out.

Industrial Committees :

COALMINING

Tripartite meetings were convened quite often in relation to the disputes in coal mining industry, since the 25th Session of the AITUC.

The Coal Award Implementation Committee met at Dhanbad on February 6 and 7, 1958 The Committee proved to be a failure in resolving the disputes and no agreement could be reached because of the adamant attitude of the employers (The issues had to be taken up in subsequent tripartite meetings and at a tripartite meeting held on June 9, 1959, these were referred to arbitration The Arbitrator gave his award on December 30, 1959)

Following the Chinakuri colliery disaster in February 1958, the Government of India convened a tripartite Steering Committee on Safety in Coal Mines The Committee met in Delhi on March 17, 1958 Subsequently the first Conference on Safety in Mines met at Calcutta on August 5 and 6, 1958 The conference recommended a number of measures to improve safety in mines, some of which have been incorporated in the Mines Act, since amended The Second Session of the Conference on Safety in Mines was held at Dhanbad on January 29, 1959 The AITUC delegation walked out of this conference protesting against the scandallous manner in which the inquiry into the Chinakuri disaster was conducted

Tripartite meetings of Coal Mining Interests were convened on August 3, 1958 and May 29, 1959 and at these meetings the period of operation of the Coal Award was extended, by agreement, by one-year periods

Meetings of the Industrial Committee on Coal Mines were convened twice during this period

The Sixth Session of the Industrial Committee met in Delhi on February 21, 1959 The AITUC delegation at this meeting drew the attention of the Committee to the glaring defects in the report of the Chinakuri Court of Inquiry and accused the Mines Department, the Court of Inquiry and the Andrew Yule Company (employers of Chinakuri mine) of collusion and suppression of the truth.

The Committee, among others, decided that "no new category of work should be brought under the contract system". A two-men committee was appointed to carry out a study and report on contract labour (This Committee could not produce its report in time and the Government appointed a Court of Inquiry, in 1960, on this question)

It was decided to constitute sub-committees on Standing Orders in Coal Industry, water supply in coalfields and for discussing general problems concerning workmen in coal industry

Recommendations were adopted on pit-head baths, creches works committees, inclusion of mahs, sweepers, etc within the coverage of Coal Mines P F Scheme, on Gorakhpur Labour Organisation, etc

The sub-committees of the Industrial Committee had four meetings in all The sub-committee on Standing Orders which met at Calcutta on March 12, 1959, could not come to agreed conclusions (The matter was referred to the Labour Ministry and the Standing Orders were finalised by the Ministry in mid-1960) The sub-com-

mittee on "general problems" met in Delhi on April 15 and 16, 1959 but there was no agreement on issues. It was decided at the next meeting of the committee held in Calcutta on June 9 and 10, to refer the 31 issues of dispute to arbitration (referred above). The sub-committee on water supply in coalfields met in Dhanbad on August 19, 1959 and made some general recommendations on the subject.

The Seventh Session of the Industrial Committee on Coal Mining was held on April 28, 1960. The workers' representatives made strong criticism of the failure of the Government and employers to implement the previous recommendations of the Committee. Among these were:

(1) *Abolition of contract labour*: It was decided to constitute a Court of Inquiry.

(2) *Continuance of Gorakhpur Labour Organisation*: At a tripartite meeting held on August 9, 1959, it was agreed that the Gorakhpur Labour Organisation will be abolished but its recruitment function will be taken over by the Employment Exchange organisation. Later, an Informal Committee of the Parliament had a detailed inquiry on this subject and have made certain recommendations. This report, it was agreed, should be circulated.

(3) *Revision of Standing Orders for the Coal Industry*: The Government assured that the Model Standing Orders would be published within three months.

(4) *Water supply in coalfields*: This question is to be examined *de novo* at the next meeting of the Industrial Committee, when some definite proposals could be formulated.

The Seventh Session generally approved the recommendations of the Miners' Boots Committee. (This Committee had finalised its report after a meeting held on November 4, 1959, at which representatives of employers and workers' organisations were invited.)

At this session, the Government and employers proposed that the Coal Award, as amended by the Arbitrator's Award, should be extended for a period of three years. This was opposed by the workers' representatives who demanded constitution of a Wage Board in the coalmining industry. It was agreed that the case for constituting a Wage Board may be considered at the next meeting of the Industrial Committee.

The workers' organisations criticised the undue delay in holding the meetings of the various committees set up on the recommendations of the Safety Conference and in particular, Committee on Prevention of Dust in Coal Mines.

The Committee also considered the draft amendments of the Mines Act, 1952 arising out of the recommendations of the Safety Conference.

The workers' representatives raised the question of gratuity

and old age pension for miners and urged that it should be considered independently. The Government, however, took the stand that this could be considered only along with the Integrate Social Security Scheme recommended by the Study Group on Social Security.

PLANTATIONS

The 8th Session of the Industrial Committee on Plantations met at Shillong on January 21, 1958. The Committee discussed the question of closures of plantations, wage board, amendment to the Plantation Labour Act, ratification of the Code of Discipline, etc.

On the question of taking over neglected and exhausted gardens closed down by management, the Government maintained that the Industries (Development and Regulation) Act could not be extended to plantations for legal difficulties and the matter should be left with the State Governments. The Workers' representatives, however, pressed for central legislation to deal with such cases.

On the question of Wage Board and Code of Discipline, subcommittees were to consider the issue.

The sub-committee met in Delhi on April 25, 1958 and agreed to ratify the Code of Discipline. The Code was however amended to provide for seven days' notice, for strike or lockout. No agreement could be reached on housing or on wage board.

Tripartite committees on plantation bonus (for W. Bengal and Assam plantations for the years 1957 and 1958) met at Calcutta on November 11, 1958 and later at Delhi on December 2, 1958. No agreement could be reached after discussions. The discussions dragged on and at a later stage, it was possible to reach bipartite settlements on the dispute, as a result of the discussions at the Bonus subcommittee meeting held in Calcutta on October 24, 1959.

The 8th Session of the Industrial Committee on Plantations met at Calcutta on October 23 and 24, 1959. The Committee recommended the constitution of a Wage Board for the Plantation Industry. The Committee also discussed the employment position in plantations, housing, etc.

The decision on Wage Board was subsequently reviewed by the Committee at its meeting in Delhi on April 27, 1960. It was decided to set up three Wage Boards—one each for tea. coffee and other plantations.

A third meeting of the 9th Session of the Committee was convened in Delhi on August 30, 1960, to consider the proposal for amendment of the Tea Districts Emigrant Labour Act and the situation arising from the decision of employers to wind up the Tea Districts Labour Association and to close down all their recruitment and transit depots. The meeting adopted recommendations on these two questions.

The Committee was convened again, in a fourth meeting, at

Calcutta on November 9, 1960, to consider a Government proposal to set up a National Tribunal instead of Wage Boards for the plantation industry. This proposal was rejected by the workers' representatives and the Committee reiterated its earlier decision to have three Wage Boards. But as against three members from workers' and employers' side on the Boards, it was decided to have two members each only.

JUTE

The Industrial Committee on Jute was convened for the first time on August 1 and 2, 1958. The Committee considered four items: closure of jute mills, rationalisation, reduction in the employment of women and wage board.

It was agreed that in all cases of transfer resulting from rationalisation or closure, six week's notice would be given and that State Government should be notified eight weeks in advance. Certain other safeguards were also agreed upon and a Special Committee on Rationalisation was to be constituted.

The Committee agreed generally that a Wage Board would be "the most appropriate machinery for reviewing the question of wages in the jute industry" but a decision on this was deferred. It was decided that the W. Bengal Government should conduct an inquiry into causes of reduction of employment of women.

The Special Committee on Rationalisation reached agreement at a meeting held on September 30, 1958 and laid down certain conditions for *bona fide* closures.

The Second Session of the Industrial Committee on June met at Calcutta on December 11, 1959. Agreement was reached at this meeting to set up a Wage Board for the industry. The Wage Board was constituted in September, 1960. The AITUC was given one of the two seats for workers' representatives. Our nominee on the Board is Indrajit Gupta, M.P.

MINES OTHER THAN COAL

The first meeting of the Industrial Committee on Mines other than Coal was held in Delhi on April 17-18, 1958. The Committee approved a draft Metalliferrous Mines Regulations and recommended constitution of the Manganese Mine Labour Welfare Fund. The proposal to constitute Welfare Funds for workers in iron ore and other mines, put forward by the AITUC, was not accepted by the Government.

The Committee also recommended that the Minimum Wages Act should be extended to cover all mines,—iron ore, manganese, limestone, clay, etc.

CEMENT

The third session of the Industrial Committee on Cement met in Delhi on August 2, 1960, nearly six years after the 2nd session.

In spite of the long period since the last session, it was found that certain main recommendations of that meeting have not yet been implemented. This was particularly so on the question of abolition of contract labour, which was to be abolished by June 1956. Similarly, the report of the Central Tripartite (Technical) Committee appointed at the last session was pending adoption by the Industrial Committee. Employers pleaded at the fourth session that they should have some more time to examine the report.

On the question of work-load studies in cement factories, the workers' representatives pointed out that the Government resolution that the Wage Board's recommendation regarding wage increase in the second phase may be implemented after workload studies are completed was absolutely uncalled for.

It was proposed at the meeting that the period of operation of the recommendations made by the Wage Board should be five years. Workers' representatives opposed this proposal and wanted to make it not more than three years. The Government wanted the period to be five years also providing for review at the end of four years.

A central machinery was to be set up for clarification and interpretation of the Wage Board's recommendations, the composition of which was to be decided by Government.

The AITUC delegation at the meeting pointed out that the employers were not implementing the recommendations of the Wage Board. (This has remained so till the time of writing this report).

OTHER TRIPARTITES ON INDUSTRIAL MATTERS

Two other tripartites on industrial matters were held during the period under review. One was the tripartite meeting on Automatic Looms held on December 22, 1958. The AITUC did not participate in this meeting but sent a note, stating its views. A tripartite conference on petroleum dispute was convened by the Union Labour Minister in Delhi on January 19, 1959. The meeting did not help to appreciably improve the situation.

NATIONAL COUNCIL OF TRAINING IN VOCATIONAL TRADES

During the last three years, two meetings of the National Council of Training in Vocational Trades were held— on May 12, 1958 and on August 29, 1959. The Council mainly discussed problems of apprenticeship training in India. In view of the unsatisfactory response from employers in the matter of apprenticeship training, the Council has urged compulsory legislation for this purpose. A subcommittee of the Council met in Delhi on June 6, 1960 and made recommendations on procedure for conducting trade tests under the National Apprenticeship Training Scheme, period and courses for the training, etc.

CENTRAL COMMITTEE ON EMPLOYMENT

The Employment Advisory Committee which did not meet for over five years was replaced by the Central Committee on Employment in 1959. So far, the Central Committee met twice—in May 1959 and in September 1960. At the September 1960 meeting, the AITUC representative urged the immediate attention of the Government to the problem of unemployment due to closure of factories and displacement of women in industry. Sub-Committees were set up to study and report on these two subjects.

MINIMUM WAGES CENTRAL ADVISORY BOARD

The reconstituted Minimum Wages Central Advisory Board met on August 2, 1960. The AITUC boycotted this meeting as a protest against the Government stand on tripartite decisions, particularly that of the 15th Indian Labour Conference on need-based wages, as revealed in the Pay Commission's Report.

The Minimum Wages (Fixation and Revision) Committee had three meetings during this period.

CENTRAL IMPLEMENTATION & EVALUATION COMMITTEE

This first meeting of the Central Implementation and Evaluation Committee was held in Delhi on September 20, 1958. This meeting recommended screening of cases by central organisations of workers and employers before appeals are preferred against awards in High Courts and Supreme Court. Government should attempt to bring about out-of-court settlement on those cases in which appeals were pending. The Committee recommended that neutral auditors may be associated as technical experts and assessors to help Industrial Tribunals. It was decided to inquire into the Calcutta Tramway Strike from the context of the Code of Discipline. The Committee stressed that the E&I Machinery should take preventive action too, rather than confining itself to post-mortem examination of industrial disputes.

The second meeting of the Committee was held on August 13, 1959. This meeting discussed the report on the Premier Automobiles strike. Certain observations made in the report were criticised by the workers' representatives as wholly irrelevant and anti-labour. The Union Labour Minister, who presided, agreed to discuss these points with representatives of the HMS. The Committee also made an analysis of appeals against awards in the Supreme Court, etc. It was agreed that voluntary arbitration should be encouraged. Following criticism about the composition of State level E&I Committees, it was decided that Committees at State level should also be as representative as the Central Implementation and Evaluation Committee.

In the third meeting of the Committee held on April 25, the re-

port on Premier Automobiles strike was further discussed. The AITUC representative referred to certain objectionable remarks made in the report. It was decided that the matter would be separately discussed with the AITUC. The Committee held that the management of the Chapui Khas colliery has violated the Code.

The fourth meeting of the Committee which met in Delhi on October 14, 1950, mainly discussed the Report on Calcutta Tramway strike. The AITUC representative objected to the conclusions of the report. The decision on the recommendations of the Report was, therefore, postponed pending consideration of the basic question as to what strikes constitute a breach of the Code. The Committee also decided to proceed with the inquiry into the Kerala plantation strike of 1958.

TRIPARTITE COMMITTEE ON WORKS COMMITTEES

A small tripartite committee on Works Committees was set up by the Union Labour Ministry in 1959. The Committee met only once in November 1959 but came to certain conclusions as to what should be the functions of the Works Committees. The AITUC representative on the Committee objected to the hapazard study of the problem and the hasty decisions arrived at.

COMMITTEES ON MINES' SAFETY

A tripartite committee on safety education and propaganda was set up by the Union Labour Ministry in 1959. The committee had three meetings early in 1960 and finalised its report on the subject on July 27, 1960. Among other recommendations, the Committee has suggested the constitution of a National Mines Safety Council.

Another Committee, the Standing Safety Advisory Committee, has also been set up by the Union Labour Ministry.

STEERING GROUP ON WAGES

The Steering Group on Wages which was set up in 1957 has had four meetings since, and has made some progress in compilation of data relating to wage structure, replacement costs, etc. The Group initiated surveys on labour costs and material utilisation in jute, cotton textiles, cement and sugar industries; depreciation and replacement costs in industry; absenteeism in coal mines; effect of increase in industrial wages on farm prices, etc.

PLANNING COMMISSION'S PANEL ON HOUSING

The central TU organisations are represented on the Planning Commission's Panel on Housing. A meeting of the panel was held in Delhi on September 28, 1960 and the problem of housing was discussed in some detail.

CONFERENCE ON LABOUR RESEARCH

A tripartite conference on Labour Research was convened in Delhi on September 22, 1960. The conference considered proposals for coordinating labour research. It was decided to set up a Central Committee for Coordination of Labour Research.

SEMINARS

Seminars on Labour-Management Cooperation were held twice during this period—on February 4, 1958 and on March 8 and 9, 1960. The Seminars helped formulation of schemes for joint councils of management to be established in undertakings. It has now been decided to form a tripartite Committee on Labour-Management Cooperation.

A seminar on sharing of gains of productivity was held in Delhi on October 6 and 7, 1960.

Under the auspices of the WHO and ILO, a Seminar on Occupational Health was held in Calcutta in November-December 1958.

DEVELOPMENT COUNCILS

The AITUC has representation on only seven Development Councils, out of over 14 such bodies constituted by the Government of India. The AITUC has representation on the Development Councils for (1) Internal Combustion Engines and Power-Driven Pumps; (2) Bicycles (3) Automobile and Ancillary Industries (4) Oils and Soaps (5) Food Processing, and (6) Electric Fans, Electrical Equipment, Batteries, etc., and (7) Leather products. Except one or two, most of these Development Councils did not have much activity.

INDUSTRIAL BOARDS

The AITUC is also represented on the Tea Board, Rubber Board as well as the Regional Advisory Board on Salt. At the few meetings of these Boards held during this period, the AITUC representatives have actively participated.

The AITUC declined to nominate a representative on the Central Advisory Council of Industries as a protest against discriminatory policy of the Government when constituting the Licensing Committee of the Council.

Appendix I

ILCs IN 1957—1959 — AN AITUC ASSESSMENT

We are publishing below the evaluations made by the AITUC about the 15th, 16th and 17th Sessions of the Indian Labour Conference which met in the period, 1957 to 1959. The evaluations were made as 'Foreword' written by S. A. Dange, General Secretary, to AITUC Publications on the Fifteenth and Sixteenth Tripartites and in a resolution adopted by the AITUC Working Committee at its Delhi meeting (August 1959) on the 17th Indian Labour Conference.

FIFTEENTH INDIAN LABOUR CONFERENCE

(Extracts from *Foreword* by S. A. Dange to AITUC Publication, *Tripartite Agreements — What Are They?* — August 1957).

The Indian Labour Conference met in Delhi on 11th and 12th July 1957. It had nine subjects on the agenda. But the items which attracted widest and most serious attention were four: Wages Policy, Rationalisation, Housing and Discipline.

Since all these subjects have been the cause of major disputes, strike struggles and Tribunal awards in the recent past, the conclusions of the Conference are being discussed all over the country.

All trade union workers want to know the exact nature of the agreements arrived at. The workers in the whole country are on the move in defence of their interests. High prices, high taxation, high profits of the big monopolies are now moving millions who are suffering under their burden, to demand a wage rise. Workers are demanding a quick and full implementation of Tribunal awards, which have granted rise in wages, bonus payments and other benefits. The implementation has been held up by the employers, who are taking recourse to the Supreme Court to secure the stay or reversal of the awards that concede the workers' claims. The Governmental agencies are also partners in this game. Their hostile attitude on the Pay Commission is sufficient evidence.

Hence the workers have evinced keen interest to know if the decisions of the Labour Conference will be of any help to them and whether they mark any change from previous policies....

In the Labour Conference, no vote is taken to arrive at decisions. When, on any point, discussion reveals a general agreement, the secretariat of the Ministry of Labour embody the consensus of opinion in a draft as agreed conclusions or recommendations.

The general feeling among trade union circles is that the agreements constitute some advance on previous positions in favour of the working class, in the matter of rationalisation, wages policy and housing. The employers and Government would like to emphasise the conclusions in regard to principles of workers' discipline. They think the workers' side, particularly the AITUC, has accepted some "novel, unprecedented" obligations. Both are likely to make an attempt to elaborate the conclusions of this item alone into an instrument to force the workers to give up the right to strike, the right of direct action and spirited defence of their interests.

It has to be remembered, however, as was emphasised and clearly pointed out at the Conference by the workers' side, that *all the four items are an integrated whole and all-in-one form* the basis of the new turn that everyone has to take in the interests of the country and the people as a whole, particularly of the vast multitude of the working people.

In order to give the whole a living expression in concrete practice so as to benefit not the monopolists but the country and the working people, the trade union movement has to become strong, united and vigilant. Otherwise, even the best agreements and laws are turned into their opposite if the people are not vigilant and particularly when the State is not in the hands of the working masses and refuses to throw its weight on their side.

It is too early to say anything about the effect of these agreements. The experience of the workers alone will reveal the truth. In the meanwhile, let us all study them and try to work them out in all their true meaning and spirit with the sincere wish for the good of all.

SIXTEENTH INDIAN LABOUR CONFERENCE

(Extracts from *Foreword* by S. A. Dange, to AITUC Publication, Sixteenth Tripartite—August 1958)

The Sixteenth Tripartite Indian Labour Conference met in Nainital on May 19 and 20, 1958.

On 21st morning the Conference of Central Trade Union Organisations, convened by the Labour Minister at the request of several trade union organisations, met to discuss questions of trade union rivalries and the way to overcome their evil effects....

In August last year, the AITUC had published the conclusions and papers relating to the 15th Tripartite which had met in Delhi; whose main conclusions embraced questions of wage policy, rationalisation, housing and Code of Conduct.

This year's tripartite was meeting in a very different climate than last year.

At Delhi in 1957, the Conference decided on a Wage Policy which decreed immediate efforts to establish a minimum wage and fair wage in all organised industries. It emphasised the appointment of Wage Boards for that purpose. Wage Boards for Textiles, Sugar and Cement were coming up. Wage Boards for Jute, Iron & Steel, etc., were being pressed. Rationalisation was brought under control and the anarchic intensified robbery of workers' labour power through rationalisation was slowed down in some areas. A Code of Conduct, voluntarily accepted, came into existence to govern the vital problem of strike conduct and trade union relations between the employer and the worker.

At that very time, we posed the question: How will these take shape—for or against the workers? How will the State and employers behave?

The answer was not long to come. At the end of the year, there was talk of recession, crisis of the Five-Year Plan, etc. In March 1958, the Federation of Chambers of Commerce launched an offensive. The textile millowners and others demanded a halt to the Wage Boards and the demand of the workers for wage increase. Closures of factories on this or that excuse increased. And in July 1958, one year after the Delhi decisions on Wage Policy, the Bombay Millowners Association officially served notice of a cut of 33 1|3 per cent in the dearness allowance of textile workers. The Bombay Government took over the running of one textile mill on the express understanding that wages would be cut by one-third, the cut to be restored if and when profits came. Some of the INTUC leaders in the mofussils of Bombay had begun to sign agreements of wage-cuts "in order to halt closures and the misery of unemployment."

In iron & steel, despite its high profits, monopoly of production and markets, an assured demand and vast governmental subsidies and loans, demands for a Wage Board and wage increase in terms of the Delhi conventions were rejected. The employers led by the vast octopus power of the Tatas, helped by the INTUC union in Jamshedpur and Burnpur, hurled all their forces against the workers. Jamshedpur, which was being paraded by Government as a "model of employer-employee relations" and a place of "highly paid and contended" workers, despite acute increase in cost of living, staged a most disciplined and peaceful protest strike of one day on May 12, 1958. The Tatas, who had never faced a strike here in thirty years, were enraged. Provocations followed. And the most astounding thing took place. The Government of India sent troops and an army commander flew to Jamshedpur. To fight what and against whom —nobody knew. Hundreds of workers were arrested.

In Bombay, one of the biggest motor engineering works, the Premier Automobiles, was locked out because the employer disrecognised the Union and also refused to give bonus.

The Mill Mazdoor Union and the Anti-Unemployment Samiti composed of representatives of all central TU organisations except the INTUC, had decided to launch a one-day General Strike in the city on May 19, to protest against Bombay Government's Labour Policy, the closure of textile mills and the Premier Automobiles.

The Labour Minister Shri Gulzarilal Nanda, intervened and called the representatives of the Samiti from Bombay to come to the Nainital conference to discuss the problem of closures and meanwhile give up the idea of the protest strike. The Samiti agreed and postponed the strike.

The port and dock workers were getting agitated over the refusal of the Government to implement the Choudhary Commission's Report. The insurance employees were concerned about their bonus demand. The Pay Commission was yet sitting in deliberations.

It was in the context of such a crisis that the 16th Tripartite met at Nainital. *The gains of Delhi tripartite in favour of the workers were being attacked by the offensive of the employers. In fact, they were set on reversing the whole trend of the economy as preached by the Plan.*

Naturally, the general discussions were dominated by the problem of closures and unemployment. The employers pleaded for relief in taxes and reduction in wage-costs. But they did not demand wage-cuts in an open and direct manner. They knew the time was not ripe to make such a demand in this tripartite with the Delhi decisions in the background.

The workers' side did not accept the plea of a general crisis in the textile or any other industry. The AITUC, in fact, showed that in most of the closures in the textiles that were on record, the main reason was not trading loss. The main reason was fraudulent transactions on the part of the owners, quarrels among them over the share of the booty, the effects of which matured into closures. Only a minority of the closures were due to financial stringency or trading losses, which, however, were not indicative of a general crisis, as yet.

The AITUC refused to share the burden of the capitalist crisis. It refused to lend countenance to any schemes of wage-cuts, because it is not the function of trade unionism to help capitalism out of the crisis of its own making and its system. The function of trade unions is to resist the onslaught of the crisis and defend the workers. It may succeed, it may not, in the given condition. But in principle, at least, it must tell the workers what it all means.

The employers denied that there were frauds, except perhaps here and there. We, however, named the concerns where fraudulent transactions were a proved fact.

In the end, it was decided to appoint a Committee on the cotton textile closures. By the time we are writing, the Committee presided over by Mr. D. S. Joshi, Textile Commisioner, has made its report

The second subject which claimed the largest attention, next to

closures, was that of industrial relations. We need not go into all the items that were raised. The big memorandum on this question posing the eight points raised under this head and the main conclusions are there in this volume. On all these points, *the conclusions are such as are helpful to the workers and constitute a step forward from the past positions.*

Evaluation Committees are coming into existence, whose function it is to find out if enactments, awards, agreements, etc., are being observed by both parties or not. An Implementation Officer under the Goevrnment of India is already functioning. This certainly is a step forward. Formerly, it was nobody's concern to see if an award or agreement or law was really being given effect to. Only a strike or dispute could reveal a grievance in the matter. It is now open to all trade unions to approach this new machinery to apprise the Government about the failures or violations on the part of the employer or the Government.

The machinery is not a tribunal, nor has it powers to provide a remedy and cure the situation. Still it can be made into a forum, after going through which, the way to trade union action becomes clearer.

Another question on which an advance is made is that of verification of membership.

For representation on Committees or for recognition, the AITUC has demanded that the unions' strength in case of rivalry be judged by ballot.

The Government and the employers put verification of membership of each union by Government officers as the best instrument to measure trade union strength. We have rejected this position because in a situation, where the Government and the employers throw all weight on the side of the INTUC, the trade union strength of their rivals cannot be truly measured by membership rolls and their verification by Government officials.

In Nainital, the verification procedure has been liberalised. The findings of officials, which were the final verdicts previously can now be challenged. This is a gain.

The trade unions must not give up the fight for the ballot for recognition. Verification is no substitute for ballot. Verification vs. Ballot still remains a point of struggle in the trade union field.

In the field of trade union recognition there has not been any real advance. The Government still refuses to legislate for compulsory recognition of trade unions, because it hopes to achieve this for the INTUC by an understanding with the employers.

But the continued weakening of the INTUC, its failure to win greater support for the working class and the growing strength of the rivals of the INTUC has made the Government reconsider its previous blank cheque of recognition to the INTUC. The modifications suggested on this question in States where the Bombay Indus-

trial Relations Act applies are worth noting. Our trade unions must use this advantage to strengthen their positions.

The Nainital Conference tried to rationalise the position regarding Works Committees and several other Committees which were springing up in the factory. It has also tried to lay down a common procedure and practice on grievances which are not of a very general character. This procedure, if given effect to, will also cure a part of the headache of the unions on individual grievances.

In this, the employers in the State sector create the largest difficulties. They will neither work out honestly, democratically and expeditiously the functions of the Negotiating Machinery that exists under the terms of recognition nor will they adopt a democratic grievance procedure at the unit levels to deal with grievances. One has to see how far the Nainital discussions will change the situation both in the State and the private sectors.

The Conference did well to reject the Bihar Government's proposals for a completely controlled trade unionism of "union shop and check-off," which is purely an American practice which in the Bihar Government's draft has been made worse.

The problem of the Employees' State Insurance and the serious defects still persisting in its working to the detriment of the workers was discussed. The failure of Governments and the ESIC in the matter of building hospitals came in for severe criticism. As the conclusions show, some redress has been promised in this respect.

It will thus be seen that despite the crisis, the offensive of the employers and the lack of a united trade union movement, the 16th Tripartite could not be turned against the workers and nullify the gains of the 15th Indian Labour Conference. In fact, on a number of points, it registered an advance, however slight it may be, as shown above.

But Nainital this time had quite a new feature unprecedented in trade union history.

For years, the AITUC has been pleading that the central trade union organisations like the INTUC, HMS and UTUC should sit together and decide to eliminate unhealthy rivalries, even if they could not merge and unite. Many a time, on certain issues, the AITUC and HMS adopted joint platforms and did joint actions, as for example in the National Working Class Rally of March 27, 1957, in which the UTUC also joined.

But all had never sat to discuss elimination of rivalry and certain common norms of behaviour towards each other and within themselves.

This time, the Labour Minister, Shri Nanda, took the step to call such a meeting. And it was held at Nainital on May 21, in which representatives of all the four TU centres participated.

There were hesitations, accusations, bitter recollections dug up from past history, hard words, even flare-ups. Unity? No and

never, said some. Nothing, absolutely nothing in common with the horrid AITUC to agree—said some.

At last, after hours of sitting together by itself and getting used to it, some common things, common to all, did emerge. They are embodied in a separate draft printed here.

The AITUC proposals as such were not accepted. But agreement on certain vital aspects of inter-union conduct did emerge. All those eight points deserve intense study and understanding by all unions. Not only study but loyal observance also.

Above all, item three i.e., democratic functioning of trade unions, demands the greatest adherence from all, including the unions of the AITUC.

It is interesting to note that a question was asked as to what is the meaning of "democratic functioning" in this Code.

It is still more interesting to note that it was decided that each TU centre send its own meaning of the clause and that a common agreed meaning be arrived at at the next meeting.

And this should not be very surprising. Even in England and America, with biggest membership and huge funds, the meaning of democracy in trade unions does not sometimes appear very clear. We here, after all, are not so "advanced" as they are. But perhaps just for that reason, democracy should be easier for us! Any way, we are going to discuss and decide.

It will thus be seen that the 16th Tripartite this year was an advance on last year and had this unique feature of discussing TU unity, since we all broke up into rivals in 1946. It took us twelve years to come to a round table to discuss rivalries—thanks to the unity movement and to the Labour Minister, Shri Nanda. We hope this step will not be reversed.

The study of the Tripartite Conferences in the recent period, especially of Delhi and Nainital, present some very important conclusions for the trade union movement in our country.

These tripartite bodies, their Standing Committees and the Industrial Committees attached to them are becoming a sort of National Forums, where industrial and working class problems are discussed on an all-national or all-industrial level and even collective agreements are arrived at.

The decisions on Wage Policy, Rationalisation, Recognition, Social Insurance and so on, or the agreements on Tea Bonus, Coal Award, etc., are quite new features in capital-labour relations in the industrial field in our country.

No single trade union centre by itself can deal on a national level with any industrial or trade union problem. No single employers' body can. No single State Government also. The Central Government by its very national character and lend such character to any problem. But by itself, it cannot handle it.

The Tripartite has now become a body, which can bring the

State, the employers and all the trade unions to a common forum and deal with problems on an all-national level. Agreements embracing whole industries can be made on a national level, in which TU rivalries and employers' competitions can both be accommodated. And these agreements are concrete—not mere conventions as of the ILO.

In view of this, it is incumbent on all our trade unions to study the work of these Tripartites more carefully and to take greater interest in their work and conclusions. All trade unions must campaign for them and take these decisions to the workers, explain all their advantages and defects. The Code of Conduct, the Verification Procedures, the roll of membership, the Grievance Procedures, Works Committees, the Implementation Officers and Committees, the Code of Inter-union Relations—are all new instruments *with two edges.*

Our opponents can use them against us if we are not active and organised. At the same time, we can use them to our benefit also.

For this, new methods of functioning of union offices become a necessity. More intellectual cadres, correct reporting and observance of trade union practices are the need in this situation. The difficult situation cannot be overcome until in the end, we achieve full TU unity and full TU recognition. But that is not yet clear at hand

There is talk of the crisis in the economy advancing. The employers are planning to solve their crisis at our cost. We cannot allow it. We cannot allow the economy to be held at ransom by the threats of capital whether Indian or foreign. There is talk of war and suppression of the rising peoples of the Asian countries. But our national economy must go forward, our living standards must also rise. If capital opposes, we fight it.

The great weapon in the fight is working class unity. The conclusions of the Tripartites are useful in this fight.

Study them and work on them.

SEVENTEENTH INDIAN LABOUR CONFERENCE

(Resolutions adopted by the AITUC Working Committee which met in Delhi on August 8-10, 1959).

The Working Committee of the AITUC notes that the 17th Session of the Indian Labour Conference held at Madras in July 1959 has made no appreciable headway in arriving at tripartite agreements on the many pressing problems faced by the trade union movement.

The Delhi and Nainital tripartites have undertaken the task of

evolving general conventions and principles affecting such vital problems as rationalisation, minimum wage, closures, recognition of trade unions, the Code of Discipline, etc.

It was but natural that a review of these conventions in their actual working should have formed an important part of the 17th Madras Tripartite.

But the review presented by Government was sketchy and unsatisfactory and failed to nail down the essential fact that the Code had not been worked in its proper spirit by the employers, that recognition of trade unions and collective bargaining which are the foundation pillars of industrial relations had made little progress under the conventions of the 15th and 16th Tripartite Conferences.

The 17th Madras Tripartite was scheduled to give concrete shape to some of the conventions of the previous tripartites. The main principles of the Code of Discipline to be effective must find a legal body in the Industrial Relations Law of the country. As such, all the main ideas of those conventions in the matter of recognition, conciliation, appeals, quickness of decisions, verification, ballot, etc., were bound to raise questions for clarification and where the law and the conventions conflicted, demand harmonisation. As such, the Madras Tripartite had to function more as a Committee on Industrial Relations Law and clarifications and rulings than ever before.

But it is unfortunate that the concretisation and clarification of the conventions was being attempted in such a way as to put more curbs on trade union rights, and permit the Government officialdom to interfere in the day-to-day running of the unions, ban formation of new unions which were not to their linking or obstruct their growth. The State Governments, particularly of M.P. and Bihar were seen to be keen in introducing laws so as to strengthen the Government-sponsored and employer-approved unions of the INTUC and disarm the workers in their struggle for better life.

In spite of this, the trade unions reacted sharply to the demand to permit the Registrar of Trade Unions to decide whether he should allow a new union to be formed or not. There was also reluctance to allow powers to Government to sit in *prima facie* judgement over the nature of disputes and the nature of the unions who defended them before such disputes were taken up for adjudication. Despite the fact that the Government's policy was to favour the INTUC through all these measures, their very draconian look made even the INTUC wince at them. Hence the attempt to load the conventions and the law against the workers and the unions of the left, though not completely defeated was blunted to a large extent.

As a result of the protest of workers and unions that many trade unions and their officials sign agreements without reference to the workers concerned and even their own executives (as was particularly seen in Jamshedpur), the Government had put on the agenda a proposal that the draft agreements be exhibited on the notice boards of the factory and any objections raised by workers

be given consideration. If passed, this would have introduced some amount of democratic functioning in those unions which are run bureaucratically. The AITUC endorsed this proposal. It proposed that all agreements made by a union must be submitted for ratification at least to the executive of the union, let alone the general body of workers.

But all these suggestions, including the most modest one on the agenda were opposed by all the three Centres in a most vehement manner.

The AITUC holds that in conditions of rivalry of unions, the best way to measure which is representative of workers and commands support of the majority is to take a ballot of all the workers or of all the membership of the competing unions pooled together for the ballot. The Kerala Government had put a provision for ballot in their Industrial Relations Bill, which was put before the Tripartite by the Government of India.

The INTUC opposed the ballot The HMS, however, supported ballot along with the AITUC. But the conference as a whole would not accept it. Verification is no substitute for the ballot and the AITUC will continue to campaign for the ballot.

The Committee takes a grave view of the fact that the 17th Indian Labour Conference could not make any headway in the matter of recognition of trade unions. Curiously enough, official thinking on this question had been more on how to effect derecognition rather than provide guarantees for compulsory recognition of trade unions.

The Working Committee also notes that attempts are being made, as was evident at the Madras Session of the Indian Labour Conference, to enact legislation in the different States on the lines of the notorious "Bombay Industrial Relations Act," impose further curbs on trade union rights and exercise greater Governmental control on the functioning of trade unions. Though the attempts in this direction made at the 17th Indian Labour Conference were, in the main, defeated, the Working Committee warns the workers and trade unions to be ever vigilant on this question and thwart every measure contemplated by the Government to curb democratic trade unionism and impose Government-sponsored unions of the INTUC on the working class.

On the whole the Madras Tripartite was not an advance, but in fact a slight retreat for the working class. It could have been more serious but for the opposition shown by the trade unions. The AITUC in its Statement at the Madras Tripartite, described the situation since Nainital, in the following words:

> "The labour Minister, Mr. Nanda, has personally intervened in the coal disputes and in the Banking dispute. But such interventions while securing temporary relief, do not make up for a policy as a whole. They become only benevolent exceptions to a

bad labour policy, which does not allow urgent questions of life of the workers to be resolved in their favour as a natural result of a correct policy.

"The promises made at Nainital and perspectives held before the workers have been belied for the most part. Where small fulfilments have been shown, they had to be extracted by prolonged suffering and struggles of the workers.

"This not only shows the labour policy of the Government in actual practice, it also shows that what is called *'planned development'* has no plan unless all these retrenchments, closures, victimisations, and lock-outs are a part of the *'plan'* of the Government and the employers for better development of the profits of the gentlemen of enterprise."

It is necessary to act more unitedly to change the situation in favour of the workers

Appendix II

AITUC REPRESENTATION AT TRIPARTITES (1958—1960)

INDIAN LABOUR CONFERENCE

16th Session (1958)—S. A. Dange, General Secretary; Ranen Sen, Vice President, K. T K. Tangamani, Secretary, and S. M. Banerjee

17th Session (1959)—S. A. Dange, General Secretary, K G. Sriwastava, Secretary; Homi Daji and Renu Chakravartty

18th Session (1960)—S. S. Mirajkar, President, P. Ramamurti, Vice President, Indrajit Gupta, Secretary; K. G. Sriwastava, Secretary; M. Kalyanasundaram, and S M Banerjee

STANDING LABOUR COMMITTEE

17th Session (1958)—Dr. Ranen Sen, Vice President; and P. Ramamurti, Vice President.

18th Session (1960)—Dr. Ranen Sen, Vice President; and K. G. Sriwastava, Secretary

(T. B. Vittal Rao and Y. D. Sharma represented the AITUC in the meetings of the Standing Labour Committee which considered the Labour Policy in Third Plan—in March and April 1960)

SUB-COMMITTEE ON WORKERS' PARTICIPATION IN MANAGEMENT AND CODE OF DISCIPLINE

Meeting in March 1958 —K. G. Sriwastava, Secretary
Meeting in September 1958—K. G. Sriwastava, Secretary
Meeting in December 1959—Indrajit Gupta, Secretary.

SUB-COMMITTEE ON AMENDMENTS TO I.D. ACT.

Meeting in January 1959 —V. G. Row and Subramanyam.

TRIPARTITE CONFERENCE ON PUBLIC SECTOR

January 1959 —S. A. Dange, General Secretary, M. S. Krishnan and Shafique Khan.

TRIPARTITES ON COAL INDUSTRY

1. Coal Award Implementation Committee (February 1958) —Kalyan Roy
2. Steering Committee on Safety in Coal Mines (March 1958) —Kalyan Roy
3. Conference on Safety in Mines
   (August 1958) —Kalyan Roy
   (January 1959) —Kalyan Roy
4. Tripartite Meetings of Coal Mining Interests (August 1958 and May 1959) —Kalyan Roy
5. Sixth Session of Industrial Committee on Coal Mines (Feb. 1959) —T. B. Vittal Rao and Kalyan Roy
6. Seventh Session of Industrial Committee on Coal Mines (April 1960) —T. B. Vittal Rao and Chaturanan Mishra
7. Coal Mines Labour Welfare Fund Advisory Committee —Chinmoy Mukherjee and B. N. Tewary (since 1960)
8. Committee on Safety Education and Propaganda (1960) —P. K. Thakur
9. Standing Safety Advisory Committee —Prasant Burman

INDUSTRIAL COMMITTEE ON PLANTATIONS

8th Session (1958) —S. A. Dange, Parvathi Krishnan, Monoranjan Roy

9th Session (1959) —Monoranjan Roy

INDUSTRIAL COMMITTEE ON JUTE

1st Session (1958) —Indrajit Gupta, Ghanashyam Sinha and J. V. K. Vallabha Rao

2nd Session (1959) —Indrajit Gupta

Industrial Committee on Mines Other Than Coal (1st Session—1958)	—M. C. Narasimhan, T. B. Vittal Rao, N. K. Bose, Nakul Guha and Amarlal Sharma
Industrial Committee on Cement (3rd Session—1960)	—N. Satyanarayana Reddy, G. S. Dharadhar, and Sadhan Mukherjee
National Council of Training in Vocational Trades	—Vithal Chaudhari (till 1959) Nihar Mukherjee (from 1960)
Central Committee on Employment	—S. G. Patkar
Minimum Wages Central Advisory Board	—N. Satyanarayana Reddy
Minimum Wages (Fixation and Revision) Committee	—Indrajit Gupta
Central Implementation and Evaluation Committee	
—First meeting—1958	—B. D. Joshi and T. B. Vittal Rao
—Second meeting—1959	—B. D. Joshi and Satish Chatterjee
—Third meeting—1960	—K. G. Sriwastava
—Fourth meeting—1960	—Somnath Lahiri and K. G. Sriwastava
Tripartite Committee on Works Committees (1959)	—Ram Sen
Steering Group on Wages	—K. T. K. Tangamani (1958-59) M. K. Pandhe (1960)
Planning Commission's Panel on Housing	—Homi Daji
Conference on Labour Research (September 1960)	—M. K. Pandhe
Seminar on Labour-Management Cooperation	
—February 1958	—Ali Amjad
—March 1960	—M. S. Krishnan
Development Council on Internal Combustion Engiens	—T. R. Ganesan
Development Council on Bicycles	—Niranjan Dihider

Development Council on Automobiles	—M. D. Mokashi
Development Council on Oils & Soaps	—Kallat Krishnan
Development Council on Leather Products	—A. C. Nanda
Development Council on Food Processing	—G. R. Khanolkar
Development Council for Electric Fans, etc.	—P. Balachandra Menon
Rubber Board	—Rosamma Punnose
Tea Board	—D. P. Ghosh
Regional Advisory Board for Salt	—T. N. Siddhant, D. C. Mohanty
National Productivity Council	—Satish Loomba, N. K. Krishnan and Phani Bagchi
Central Board for Workers' Education	—Vithal Chaudhari
—Committee for Audio-Visual Propaganda (Workers' Education)	—M. K. Pandhe
Board of Trustees, Employees' Provident Fund	—Sudhir Mukhoti
Employees' State Insurance Corporation	—S. Y. Kolhatkar
Medical Benefit Council of ESIC	—Hrishi Banerjee