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K. H. C.

INTRODUCTION

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

On May 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.

The AITUC is herewith publishing the decisions and recommendations of the Conference along with the memoranda papers that were supplied there as background material to help in the discussion and formulation of the question.

In August last year, the AITUC had published the conclusions and papers relating to the 15th Tripartite which had met in Delhi.

At Delhi, last year, the main conclusions embraced questions of wage policy, rationalisation, housing and Code of Conduct.

In characterising those conclusions, we had said:

"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."

We are reproducing this quotation from our preface to the last year's publication, in order to help in evaluating this year's tripartite results.

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

At Delhi in 1957, the Conference decided on a Wages 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, 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. 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 Wages Policy, the Millowners Association officially served notice of a cut of 33 $\frac{1}{3}$ 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 would 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 and 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 contented 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 was displeased with the Union and also refused to give bonus.

The Mill Mazdoor Union and the Anti-Unemployment Samiti composed of the 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 in the meanwhile give up the idea of the protest strike. The Samiti agreed and postponed the strike.

The Port and Dock^{workers}/~~s~~ 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 at Nainital met. The gains of Delhi tripartite in favour of the workers were being attacked by the offensive of the employers. In fact, they were set upon 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 wages-cost. But they did not demand wage-cuts in an open and direct manner. They knew the time was not ripe for them on the background of the Delhi decisions to make such a demand in this tripartite.

The workers' side did not accept the plea of a general crisis in the textile or any 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 were 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 ownmaking 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 real life 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 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 Commissioner has made its report.

The second subject which occupied 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 ~~six~~ 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 either parties or not. An Implementation Officer under the Government 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 on 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 by Government officers of each union 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 their 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.

But trade unions must not give up the fight for the ballot for ~~the~~ recognition. Verification is no substitute for ballot. Verification versus 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 Industrial 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 employer in the State Sector creates 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. *

It is to be seen that despite the crisis, the offensive

* 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 ESI in the matter of building hospitals came in for severe criticism.

As the conclusions show, some redress has been promised in this respect. O

For years, the AITUC and HMS were discussing the 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 1958, 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 a such a meeting. And it was held at Nainital on May 21, in which all the four TU centres' representatives participated.

There were hesitations, accusations, bitter recollections dug 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 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 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 in the next meeting.

And this should not be very surprising. Even in England and America, ~~with~~ 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 been 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 shall not be reversed.

The study of the Tripartite Conferences in the recent period and 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 scale and even collective agreements are arrived at.

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

No single trade union centre by itself can deal on a national scale 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 can 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.

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 its work and conclusions. All trade unions must carry out campaigns and take these decisions to the workers, explain all their advances and defects. The Code of Conduct, the Verification Procedures, the roll of memberships, 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 near at hand.

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AFTER THE CONFERENCE

The days after the Conference saw tremendous working class actions. The Conference discussed the textile closures and the problem of Premier Automobiles. Both remained unresolved. The Port & Docks Federation was invited for a discussion by the Transport Ministry and curtly dismissed.

The trade union decided to act. A call for general strike of all workers in Bombay, which was to have been called on May 19 but was postponed, was renewed. On July 25, 1958, the whole of Bombay City came to a standstill in defence of the Premier Automobiles, the unemployed textile workers and against the Labour Policy of the Bombay Government. Such a united General Strike, in which the workers of all trades and professions, of all political trends and all trade union centres joined had never taken place in Bombay in several years. A new class-conscious, trade union unity conscious, organised working class, including its intellectual wing came up to the fore on July 25, 1958.

The Port and Dock workers struck on June 16. The strike was complete. Eight workers were shot dead in the Madras Harbour on the very first day, while preventing blacklegs from entering the harbour by peaceful picketing. On the intervention of ~~the~~ Prime Minister Nehru, the strike was called off on June 25, 1958.

The Cotton Textile Inquiry Committee has reported. It proposes autonomous Corporations under the State to take over the closed mills, which are capable of production. It pleads for tax relief and financial help for the owners. It admits litigation and internal rivalries of owners as "one" of the causes of closures. And, furthermore, it wants reduction of the labour costs by rationalisation of the mills and

increased productivity.

The Committee sees no immediate measure to reopen the closed units and relieve the unemployed.

Its proposals for rationalisation lend the moral sanction to the owners to open an offensive on the workers. Though it proposes rationalisation under the safeguards of the Delhi Agreement, yet, the Committee's insistence on automatic looms (exports only?) will torpedo the Delhi safeguards and will subject the workers to greater exploitation.

The INTUC was given a seat on the Committee. It is interesting to note how the INTUC (Mr. Vasavada and others) has taken a double-faced attitude on this question. We quote below only two extracts from the Report:

"The Indian National Textile Workers' Federation, Ahmedabad, in its memorandum made it quite clear that it was not opposed to rationalisation provided it did not cause unemployment and the working conditions were such as would not create undue fatigue to workers and adequate shares in the gains of rationalisation was ensured to the workers. The Federation, however, was opposed to automation, particularly introduction of automatic looms in replacement of ordinary looms." (p.33)

This is in the written memorandum. But speaking orally the INTUC took a different view, which unfortunately did not remain oral but was recorded. It says on page 36,

"we have been informed in the oral evidence of the Indian National Textile Workers Federation, Ahmedabad, that even for the introduction of automatic looms, the labour would be ready and willing after some time if proper psychology was created. We feel that the Government as well as the trade unions should create a proper psychological climate within the country and particularly amongst the labour so as to facilitate introduction of automatic looms within a specific period."

Such is the outcome of the Committee on Textile Closures.

As far as the INTUC unions are concerned, there is no question of accepting wage-cuts or rationalisation.

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.

S. A. DANGE

New Delhi

August 2, 1958

ANNEXURE B.

(PRIVATE) AN AGREEMENT MADE this _____ day of _____ One thousand
nine hundred and fifty eight between HINDUSTAN MACHINE TOOLS
LTD., a Company incorporated under the Indian Companies Acts, 1913,
having its Registered Office at Jalahalli, Bangalore (hereinafter
called the 'Company' which expression where the context so admits
shall include its successors and assigns) of the one part and
HINDUSTAN MACHINE TOOLS EMPLOYEES' ASSOCIATION (Register No. 120)
duly registered under the India Trade Unions Act 1926 having
its registered office at 1623, First Floor, II Main Road,
Malleswaram, Bangalore 3 (hereinafter called the 'Association'
which expression where the context so admits shall include its
successors and assigns) of the other part.

WHEREAS the Company and the Association appreciate
that an increasing measure of association of the employees of
the Company with the management of the Company's work is desirable
and would help in promoting conducive to:

- (a) increased productivity of the Company for the general
benefit of the Company, the employees and the
country in general,
- (b) imparting to the employees of the Company a better
understanding of their role and importance in the
working of the Company and in the process of
production,
- (c) satisfaction of the urge of the employees for self-
expression, It is Hereby Agreed to between the
parties hereto as follows:

- (1) There shall be a Joint Council (hereinafter
called the Council) which shall be constituted
in accordance with the provisions contained in
Appendix 'A' to this Agreement. The Council
shall consist of ten members, five being
representatives of the Company and five of the
employees for the time being.

- (2) The Council shall endeavour:

- (a) to improve the working and living conditions of
the employees,
- (b) to improve the productivity of the Company.
- (c) to encourage suggestions from the employees,
- (d) to assist in the administration of labour
laws, rules standing orders and agreements
as between the Company and the employees,
- (e) to create in the minds of the employees a
live sense of participation in management, and
- (f) to serve generally as an authentic channel of
communication between the Company and the
employees.

- (3) The Council shall be consulted by the Company
on matters relating to:

- (a) the general administration of standing orders
of the Company and amendments thereto whenever
required,
- (b) the introduction of new methods of production
and manufacture involving re-employment of
men and machinery,
- (c) closure, reduction in or cessation of
Company's operations.

- (4) The Council shall also have the right to receive
information, diagrams and

- (b) the state of the market, production and sales programmes of the Company's products,
 - (c) organisation and general running of the Company,
 - (d) circumstances affecting the economic position of the Company,
 - (e) manufacturing methods and working processes of the Company,
 - (f) the annual balance sheet, profit and loss account and connected documents of the Company and explanations thereto,
 - (g) long term plans for expansion, re-deployment of men and machinery and other matters of like nature etc.,
 - (h) the general functioning of the association and
 - (i) such other matters as may be agreed upon.
- (5) The Council shall be entrusted with responsibility in respect of matters relating to:
- (a) administration of welfare measures,
 - (b) supervision of safety measures,
 - (c) operation of vocational training and apprenticeship schemes,
 - (d) preparation of schedules of working hours, breaks during working hours and of holidays,
 - (e) payment of rewards by the company for valuable suggestions received from the employees, and
 - (f) any other matter as may be agreed upon.
- (6) The working of the Council shall as far as possible be in consonance with the recommendations of the Seminar on Labour Management Co-operation, organised by the Ministry of Labour, Government of India and held at New Delhi on the 31st January and 1st February, 1958 more particularly stated in Appendix 'B' to these presents.
- (7) The arrangements in Clauses 2,3,4, and 5 above, will be on an experimental basis for a period of one year in the first instance and shall be amended or modified from time to time, if necessary, in the light of the experience of the parties to these presents.
- (8) The agreement shall come into operation the day and the year first above written. It shall continue for a period of one year and shall be renewed for such further term as may be mutually agreed upon between the parties hereto.
- (9) Notwithstanding anything herein contained either party to this agreement may terminate by giving to the other three months' notice in writing.
- (10) In case of any inconsistency among the provisions of this Agreement, Appendix 'A' and Appendix 'B' attached hereto, the provisions of this Agreement shall prevail over Appendix 'A' and 'B', and Appendix 'A' shall prevail over Appendix 'B'.
- (11) For the avoidance of any doubt, it is expressly agreed to between the parties hereto, that any policy, question, dispute or difference relating to wages of the employees or bonus or any consideration cash or kind payable to them which form the subject matter of collective bargaining or relate to the redress of individual grievances of the employees or the creation of new conditions of service shall be referred to the Council for its decision.

11/7. Shaktinagar, Delhi-6.
Dt. 8.5.1958.

Dear Sri Dange,

I hope what I have said in the enclosed statement regarding necessary changes in Industrial Disputes Act is of immense interest to workmen in particular and to others and therefore I think you may not mind this intrusion on your valuable time. What I have said is based on actual experience of over ten years.

I believe a Labour Conference is going to be held at Nainital on 19th to 21st. I believe you may also be there to lead the cause of workmen or in any case you may pass on to some one who may be there. In spite of all legislations the conditions of workmen is not happy. I have clearly stated the provisions which are being abused. Then certain classes like Managers have so far been entirely left out. I mean no protection whatsoever has been given to them. They have to toe the line of Management absolutely therefore. One way to help the labour may also be to take this class also with Trade Unions. It is not always correct that all the managerial class is always related to management. If this class is helpful the cause of labour can best be served, but they must also have some statutory protection, etc. At present neither they have PFund, Gratuity, Pension or any other protection either.

You are yourself so very able. You may easily appreciate the few points touched.

Yours Sincerely,

N. B. Sinha

PROPOSED AMENDMENTS IN INDUSTRIAL DISPUTES ACT.

Ch. I.

S.2(n)(~~vi~~ vi) "Any industry specified in the schedule -----"
The expression underlined above should be deleted. The reason is that the Govt. should take wider corrective powers. In any industry if the Govt. is convinced that it was an useful industry and the losses incurred or shown by its books of accounts were unjustified and due only to acts of commissions and omissions of the concerned management in furtherance of personal interests at the cost and sacrifice of employees, Govt. may declare it 'public utility service' for temporary periods.

If a careful and thorough probe is made, it may often be found that a Management closes down a profitable and good concern because the demands for bonus, increments etc. have increased and in certain cases because it is displeased with the workmen and wants to show its powers and prestige. The management can of course start the work again in a different name. It is the workmen who may have put in the best part of their life into service of the concern may suffer. Finding equally good service or the grade which they may have reached in that concern may be difficult if not impossible to find in another concern. Previously the courts held that there could be closure without retrenchment compensation. Now they have gone a little further and held that even bonafide closure must be accompanied by retrenchment compensation. The question, however, is whether after ten or twenty years of service of a man, it can be taken away on a paltry compensation of 15 days pay in a year. Sometimes closures are manouvered because of an animus against a few men but effective adversely against all. Sometimes concerns having three-four factories close a branch just because the men there were a bit inconvenient and the management could earn elsewhere. Unless the closure is absolutely justified (after a thorough search for causes and a complete peep into accounts) the Govt. should intervene and run the industry under its management supported by the staff without paying any compensation to the management. If after running it for 6 months or so the Govt. felt satisfied that the intended closure was for reasons other than just, it may continue for further periods. The very existence of such a provision may check frivolous decisions to close down.

S.2(K) Delete expression "Workman" everywhere and substitute it by expression "employee".

S.(KKK) Lay Off. In day-to-day working of at least small scale industries this clause is the most abused one by the managements. It is used as a tool to punish workers when ever the management is displeased at some demand or some behaviour of workers, it notifies that it had not got the raw material and workers would be laid off for a couple of days. It has also led the factory owners to reduce the number of workmen to below 50 to avoid having to pay any compensation at all. Only a check up of working strength of small factories may be made to ascertain the truth of it. In all factories in Delhi, if registers of 8 years from 1950 may be seen it will be found that number of workmen has very much gone down.

S.25(C) was put for the benefit of workers. At least $\frac{1}{2}$ the wages were desired to be paid to workmen under compelling circumstances of no work or stress. What employers now do is to make an excuse of stress and pay half wages to workers and punish them. In practice this clause is being used as a measure to keep the workers under control. It may be argued that production suffers and industrialists also lose. Such argument may be advanced by one who does not know the working of mind of the class of industrialists. Then they don't lose anything. What they lose in one way they gain in another. Then it is the concern which loses. Govt. loses in I. Tax. Their own profits are so many and in so many ways that they prefer to show their powers and crush the workmen and employees for ever and also gain in this way by perpetuating lower wages. Wages in Engg. industries alone may be examined and it will be found that not a single has been increased beyond the little minimum fixed for years together.

Therefore in (KKK) either the expression "raw material" be deleted or a provision under it put as below:- "After every act of lay off the management will..."

be won over) regarding the bona fide of lay off. and obtain a certificate to that effect and then alone provisions of 25(c) will be effective otherwise full wages will be payable to workmen even for periods of lay off"

AND

S.25(A)(a) should be completely deleted.

S.2(00) Retrenchment. As already said in another context, this provision is most abused. Wherever management wants to remove an employee without any rhyme or reason, he may give notice, pay a little compensation and ask him to clear out. Howsoever good record the employee may have, the slightest displeasure of management may cost him his service. As already said the industrialists donot pay from their pocket. Some courts are becoming wise about the tendencies of managements and only in last months LLJ, the Industrial Court of Nagpur in Vishwanath Pd Gupta vs. Burma Shell has vignonously criticised the provision of Retrenchment on these very lines. It has held " it is not permissible to terminate the services with notice or payment in lieu thereof without assl. Ing any reason-----The principle of natural justice on which Art. 311 of Constitution is based must atleast be applicable to persons employed in industries."

There must therefore be two categories of retrenchment. (1) In case of absolutely unavoidable causes or inevitable closures etc. where compensation as in 25(F) may be given. (2) In all other cases of retrenchment where penal and prohibitive compensation must be provided for. Involuntary liquidation of an employees services after three years of permanent service must be protected at all costs and if it has to be terminated it must be thoroughly compensated for.

S.2(S) WORKMAN. In this the word "Workman" be removed and every where where this expression occurs in the Act. In its place everywhere expression "EMPLOYEE" be put and the words "skilled or unskilled, manual, supervisory technical or clerical" be deleted.

The intention is to include every employee, be he of supervisor or managerial class also getting any salary. Why this right should be denied to anybody. If the person is so allied with management that he may not need it, he wont but the provision must be there for everybody.

Cls. (iii) & (iv) of S2 (S) may be deleted.

Ch. II. S.7 §3) add where Cl. (b) ends or "

Add (c) he is legally qualified and has occupied a Managerial post in any public & or private industry public or private sector for atleast 10 years.

Ch. VA -the heading should be amended as to read "Lay off, Retrenchment, Resignation & Retirement."

A Section must be added for gratuity, old age compensation as follows:-

Every employee in an industrial concern who has completed three years of continuous service will get on each completed year of his service whether at the time of his Resignation, Retirement or Retrenchment (besides retrenchment compensation) salary or wages equivalent to 2 months which he may have been getting in each of those years. At the end of every year the amounts falling due on account of employees shall be deposited by concerns in Govt. securities in the names of employees. The amounts that may have accrued for past years till now may be deposited within three years from the date this amendment Act comes in force.

Note:- The Provident Fund Act may be so amended as to include all employees getting any salaries (beyond 500/-also) with immediate effect.

May 15, 1958

To

The Minister for Labour,
Government of India,
New Delhi

Re. The invitation to U.K. and U.S.A.
'Ambassadors' representatives to the
Naini Tal Conference.

Dear Sir,

I understand that the representatives of the British and American Embassies have been invited to attend the 16th Indian Labour Conference at Naini Tal.

You are aware of the fact that objection to their presence was taken at the Naini Tal Conference in 1952 by almost all the Trade Union organisations there and particularly by the AIUC and the ILO. We were assured then that such invitations would be discontinued in future.

We found that these invitations were again renewed at the Delhi Conference last year and we again protested.

Now we find that these protests are not being heeded.

We object to the participation of these Embassies on political and moral grounds.

L. J. ...
These deliberations are an internal affair of ours between the Government, the employers and the workers. Why should representatives of Foreign Embassies be invited at these deliberations? These countries and their Embassies are certainly not "our thinking brains" on problems of labour-capital relations - are they? And if we have to benefit from "foreign" advice, why should it be confined only to Britain and America? Why not other capitalist countries? Why not the Egyptians or the Indonesians? Why not the Soviet Union and China? Or why not Yugoslavia? Why only U.K. and U.S.A.?

We, therefore, strongly object to their presence at the Main Conference.

It is derogatory to our dignity as an independent country and the dignity of our working class to conduct our deliberations, to discuss our differences and our policies under the "watchful" eyes and cynical smiles of the U.K. and U.S.A. Embassies.

Let us make it clear that if you had invited a trade union leader of the British TUC or the AFL-CIO from USA to advise you on labour problems, we would not have objected on political or moral grounds. At the most, we would have asked for other TU leaders also being invited. But in this case, we object to any Embassy representative being invited.

It is also to be noted that these Conferences are not of a public nature, in the sense that anyone or any press representative can attend. They are private deliberations, whose result and conclusions take the form of agreements and these are made public.

If the Government of India feels that it wants to take the "expert" advice of the British and the Americans on labour problems, it may do so in it

in its own departments, though even such a procedure is to our dislike. But it cannot force these Embassy representatives, calling themselves "Labour Attaches", on a Conference where the Trade Unions are invited and where the Trade Unions object to such invitations and to deliberations taking place in the presence of 'foreign Embassies' representatives and that of two most anti-working class Governments who openly oppose the socialism of the working class and attack trade union rights in their own countries. To invite the representatives of the Embassies of Governments which are violently anti-workingclass for participation in the deliberations of a Labour Conference called by the Government of India which swears by the philosophy of Socialism and protecting Trade Union and working class rights is certainly a strange thing to say the least.

We, therefore, request the Government to cancel these invitations or secure their withdrawal in any way they like, in pursuance of the promise made at the last Haini Tal Conference. If the Government is unable to do so, we will launch our protest in any way possible, inside and outside the Conference. The forms of it will depend on the needs of the situation and may include our withdrawal from the Conference. We are writing to you in advance so that you may not say that we had not raised the question before.

Yours Faithfully,

(B.A. Dange)

General Secretary.

May 15, 1958

To

Pt. Jawaharlal Nehru,
Prime Minister,
Government of India,
New Delhi

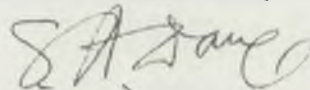
Dear Sir,

Re. The participation of U.K. and
U.S.A. Embassies in the Tripartite
Labour Conference

I wish to draw your attention to the following important matter raised in my letter to the Labour Minister, of which I am sending you a copy.

I request your intervention because this is not a matter only for a particular Ministry in the day-to-day execution of routine matters. This is a matter of political and moral standpoint.

Yours sincerely,



(S. A. Dange)
General Secretary.

Encl. 1

June 26, 1958

Dear Nandaji,

The Press Information Bureau of the Government of India supplied us a copy of your speech which was delivered to the Tripartite Labour Conference at Nainital on May 19. This copy omits from the speech as it was delivered to us in the conference, a very material statement of yours.

The copy of your speech made available to us at the conference itself and which you read out, contained the following statement in para 4, on page 3:

"A specific point arose that a union which was refused recognition could not be made answerable for failure to go through the prescribed procedure before recourse to direct action since these facilities were not available to it. The point was conceded and this unsatisfactory position has to remain till a method is evolved for settling claims for union recognition. With this elucidation. . . ."

This particular paragraph has been omitted in the Press Information Bureau's version supplied to us and other organisations. I wonder if this omission was made in consultation with you, after you delivered the speech or whether it is the editor exercising his own judgement in the matter.

The omission is not of an ordinary character in so far as it takes away from the trade unions a very important right about which certain

page two

argument and correspondence had been going on between you and the trade unions.

You were good enough to elucidate the point to the satisfaction of trade unions but it seems somebody disliked this elucidation and hence omitted it from the copy circulated to the organisations. I would therefore like to know whether this portion stands as part of your speech or has been omitted with your consent.

If it is omitted, I would consider it a serious matter because the trade unions would be materially affected by that omission under the Code of Discipline. I hope you will restore the omission when the Government of India publishes the proceedings.

We for ourselves take it that that paragraph stands in as much as it was delivered in the open session of the conference by you. I hope you will not allow somebody else to change your opinions and assurances after you have delivered them to the trade unions in a conference.

There are one or two other changes ~~also~~ but they are of a very minor character and do not matter very much for us or anybody else, since they contain no new positions on your part.

With regards,

Yours sincerely,

S.A. Dange
(S.A. DANGE)

Shri Gulzarilal Nanda,
Minister for Labour & Employment,
Government of India,
New Delhi.

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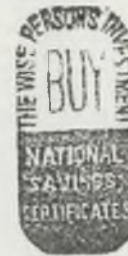
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INDIAN POSTS AND TELEGRAPHS DEPARTMENT

No.



Received here at _____ H. _____ M.

X QL NEW DELHI V 12 STE

SHRI S A DANGE 9 KOHINOOR ROAD BOMBAY DADAR

---CONTINUATION MY YESTERDAYS TELEGRAM (n) HOPE YOU WILL DROP

CONTEMPLATED ACTION IN VIEW OF THE COMING DISCUSSIONS

--GUSZARILAL NANDA---

12/12
V.M.S.
6/6

The sequence of entries at the beginning of this telegram is--class of telegram, time handed in, serial number (in the case of foreign telegrams only), office of origin, date, service instructions (if any) and number of words.

For any enquiry respecting this telegram,

- 7 AUG 1958

No. LRI-17(12)/58
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

.....

From

Shri A. L. Handa,
Under Secretary to the Government of India.

To

All State Governments and Union Territories.

Dated New Delhi, the

Subject:- Recognition of Trade Unions.

- 6 AUG 1958

.....

Sir,

The State Government are aware that the question regarding voluntary recognition of trade unions by employers was discussed during the Labour Minister's Conference and the Indian Labour Conference held at Nanital in May, 1958 and it was agreed that certain conventions should be evolved for voluntary recognition of trade unions by employers and the following criteria for such recognition were suggested:-

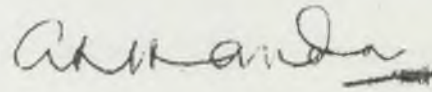
- (a) Where there was more than one union, a union claiming recognition should have been functioning for at least one year after registration; (where there was only one union, this condition would not apply)
- (b) The membership of the union should cover at least 15% of the workers in the establishment concerned. Membership would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the date of reckoning;
- (c) A union might claim to be recognised as a representative union for an industry in a local area if it had a membership of at least 25% of the Workers of that industry in that area;
- (d) Where there were several unions in an industry or establishment, the one with the largest membership should be recognized;
- (e) A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment had a membership of 50 per cent or more of the workers, it should have the right to deal with matters of purely local interest, such as, for instance, handling of grievances pertaining to its own members. All other workers who were not members of that union might either operate through the representative union for the industry or seek redress directly.
- (f) When a union has been recognized, there should be no change in its position for a period of two years.

(g) In the case of trade union federations which were not affiliated to any of the four central organisations of labour the question of recognition would have to be dealt with separately.

(h) Only unions which observe the Code of Discipline would be entitled to recognition and the procedure for recognition should form a part of the Code of Discipline.

I am to request that necessary steps may kindly be taken to get the above decisions of the Nainital Conference implemented and this Ministry informed of the action taken by 1st October 1958.

Yours faithfully,

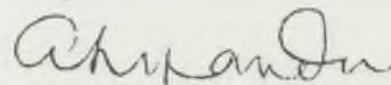


(A. L. Handa)
Under Secretary.

Copy for information and necessary action to all Employing *Ministries of the Government of India and all employers Organisation, viz:- Employers Federation of India, Bombay House, Bruce Street, Bombay-1. (2) All India Organisation of Industrial Employers, Federation House, New Delhi-1. (3) All India Manufacturers Organisation, 4th Floor, Cooperative Insurance Building, Sir Ferozsha Mehta Road, Fort, Bombay-1.

Copy also forwarded to the General Secretary of the Four Central Organisations of Labour viz., (1) the All-India Trade Union Congress, 4, Ashok Road, New Delhi, (2) the Indian National Trade Union Congress, 17, Janpath, New Delhi, (3) the Hind Mazdoor Sabha, Servants of India Society's Home Sandhurst Road, Bombay-4, (4) United Trade Union Congress, 249, Bow Bazar Street, 1st Floor, Calcutta-12.

Copy to Chief Labour Commissioner, New Delhi, Research Division, Ministry of Labour and Employment and to E&I Section.



(A. L. Handa)
Under Secretary.

*Ministries of Finance (E.A. Deptt.) (Rev. Deptt) Health, Food & Agriculture (Department of Agriculture, (Department of Food), Irrigation & Power, Commerce & Industry, Works, Housing and Supply, Iron & Steel, (Department of Iron & Steel, Department of Mines and Fuel), Transport, Communications (Department of Communications), Railways and Defence.

No. RD-163(3)/58
GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the August, 1958

From

Shri K.N. Nambiar,
Deputy Secretary to the Govt. of India.

To

The Secretary,
All India Trade Union Congress,
4, Asaok Road,
NEW DELHI.

Subject:- Tripartite Conference for considering labour
problems in the public sector.

Sir,

I am directed to refer to your letter dated the 30th July, 1958, and to say that certain preliminaries are being settled in connection with the holding of the above conference. It is hoped that it will be possible to call the conference at an early date.

Yours faithfully,



(K.N. Nambiar)
Deputy Secretary.

29.8.58

July 30, 1958

The Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Proceedings of the Indian Labour
Conference, 16th Session

Dear Sir,

In the "Summary of Proceedings of the Indian Labour Conference, 16th Session, Mainital" circulated along with your letter No.RD.168(3)/58, we find that there is no mention about the Tripartite Conference on the Public Sector to be convened by the Labour Ministry, as was promised by Shri G.L.Nanda, Union Labour Minister, at the 16th ILC.

Will you kindly clarify the position at your earliest?

This letter is with further reference to the talk the undersigned had with Shri B.N.Datar, Dy. Secretary, on the 29th inst.

Yours faithfully,

Vmo
30/7/58
(K.G.Sriwastava)
Secretary

16 OCT 1958

Government of India
Ministry of Labour and Employment

.....

No. IR. IV. 19(1)/58. Dated New Delhi-2, the

From

Shri Teja Singh Sahni,
Deputy Secretary to the Government of India.

To

The Secretary,
All India Trade Union Congress,
4 Ashok Road, New Delhi.

Subject:- Tripartite Conference for considering labour
problems in the public sector.

.....

Sir,

I am directed to refer to your letter No. 174/PS/58,
dated the 4th October 1958 and to say that no date has so far
been fixed for the proposed tripartite conference on labour
in public sector. The matter is under consideration and a
further communication will be sent to you as soon as a
decision is taken.

Yours faithfully,

Teja Singh Sahni
15/10/58 ✓
(Teja Singh Sahni)
Deputy Secretary