

twentyfirst
TRIPARTITE

Papers relating to 21st Session of the Indian
Labour Conference (New Delhi, July 1963)

● Analysis of working of Industrial Truce
Resolution

With a Foreword by:

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Foreword

THE TWENTYFIRST TRIPARTITE MET IN DELHI ON 13 JULY. It sat only for one day and finished its work. What was the conclusion?

The conclusion was a very brief one—that the Labour Minister would appoint a committee to look into the implementation of the Truce Resolution.

The conclusion was stated orally. So there is not even that much of a written resolution.

It has been the practice in the Tripartite Conferences that at the end of a Conference, a committee nominated by all the three parties frames the decisions of the conference, which are then issued as agreed conclusions.

There was no such committee and no such communique this time. A one-line conclusion, orally stated by the Chairman, was enough. Why was it so? Because the Government, the employers and the INTUC failed to get what they wanted from the Conference.

These three wanted to get two things done: *One*, reiteration of the Truce Resolution; and, *two*, support to the Compulsory Deposit Scheme. They failed in both.

Reason of their failure was not only the opposition of the AITUC. The Government, employers and the INTUC had taken it for granted. But they were rather surprised to see the Hind Mazdoor Sabha (HMS) and the UTUC also taking almost the same positions. The tactics of the employers and the INTUC to isolate the AITUC as the only dissident and then condemn it, did not succeed. In fact, the whole trade union wing except the INTUC, who had totally identified themselves with the employers in this Conference, opposed the CDS and the reiteration of the Truce Resolution as it is.

Does not the conclusion to appoint a Committee to look into the implementation of the Truce Resolution *imply* that it is reiterated? It does not. Because all the three TU organisa-

tions declared their reservations and departures from certain parts of the resolution.

The AITUC particularly made a categorical declaration that it is not prepared to reiterate the Resolution, as it is and refused to support the CDS and surcharges.

The Truce Resolution was adopted in the conditions of October-November 1962, when an invasion on our country was taking place. The conditions of hot war do not exist now, though the state of emergency is not terminated by Government.

Even then, the AITUC, foreseeing that Government and the employers would try to prolong the application and the obligations of the Resolution, had put forward its amendments and its reservations at the time of the November meeting itself.

In the present situation, while the AITUC accepts the obligations from the needs of defence and development in general, they must not be of the character of the period of invasion and actual war but of comparative peace-time and which are usually valid and necessary for any developing country.

The need for defence and development in present conditions do not call for a blanket ban on strikes, as has been put in the November Truce Resolution. The AITUC does not accept that clause any more, as conditions do not warrant its continuation any more.

Both the employers and the Government have failed to observe one of the most vital conditions of the Truce Resolution—that the price-line would be held and would not lead to a fall in the real wages of the workers.

But in actual practice, both the employers and the Government not only failed to hold the price line, they, in fact, helped to raise prices and depress the real wages. Government did it by imposing taxes on essential commodities, by permitting speculation, by failing to ensure supplies and enforce emergency on the big hoarders and suppliers of foodgrains, sugar, etc. The employers did it as part of the exploiting class, participating and aiding in that process. So, when the basic condition of the Truce was violated and continues to be so violated, there can be no talk of reiterating that resolution.

So the AITUC made it clear that in view of the worsening conditions of the wages of the workers, there was discontent, and strikes were bound to take place. The AITUC would not desert the workers in their struggle to protect their interests. It would lead them.

Hence it did not want to hypocritically reiterate the resolution as it is in the Conference and then break it in actual practice.

The HMS and UTUC more or less said the same thing.

The trade unions had observed the Resolution in all its fullness. The greatest failures were of the employers and the Government on all the essential points of the resolution. The materials placed before the Conference amply bore out this conclusion.

Next to the strike, the second most important item of the Truce Resolution was voluntary contributions to the Defence Fund and savings.

The workers had fulfilled their duty in this too. But the employers had not. With rising prices and taxes, the workers' capacity to save had vanished, if at all it was there before.

The free hand which the Government had given to the speculators, the hoarders and monopolists showed that the emergency had ceased to exist for everyone except the workers. Hence, in sheer self-defence, they stopped giving free Sunday or overtime work. The contributions to the National Defence Fund had ceased to be a voluntary patriotic duty but was being converted into a compulsory blackmail in the name of the country, by the employers and Government officials.

The workers resented this imposition and its new form—the CDS and surcharges.

The Government, the employers and the INTUC tried to make out that the CDS is already implied in the Truce Resolution and those who oppose it are violating an undertaking. This argument was suggested in the opening address of the Chairman.

This statement called for a strong protest from the AITUC, the HMS and the UTUC. At the end of the argument, the Chairman had to accept that the acceptance of the CDS does not follow from the acceptance of the Truce Resolution. It took a whole day's argument to come to an obvious conclusion.

The Truce Resolution spoke of voluntary contributions while the CDS is a compulsion by law.

We stood by our refusal to accept the CDS and, of course, we were told that as it is a law, we should be ready to face the consequences of not complying with the law! Well, the workers and the trade union movement is always mindful of that position. In fact, to struggle against unjust compulsions is the very criterion of trade union existence. Otherwise, it would not be capitalism and we would not be trade unions.

While monopolists in food, sugar, cloth, etc., are running away with ill-gotten profits, we are saddled with falling wages and scarcity, to be crowned with compulsion to save in the name of national defence! What alternative is left to the worker, except to struggle against this injustice?

Therefore, the AITUC made it clear to the Conference that it would not reiterate the Resolution as it is and specially with regard to the blanket ban on strikes. At the same time, we would observe due restraint in the matter of strikes and utilise all other methods of settling our grievances where possible.

Secondly, we had no capacity to save and hence we would have to refuse to accept the CDS.

Thus, on both these questions, the Government, the employers and the INTUC could not get the Conference to any agreed conclusion. They failed because the major part of the TU movement as represented in the Conference by the AITUC, HMS and UTUC, knowing the condition and mood of the workers, refused to toe the line of the Government and the employers.

Hence, at the end of the Conference, there was that brief formula—a committee to look into the implementation of the Resolution.

That was the net outcome of the 21st Tripartite—the failure of the employers and the Government to fulfil obligations to the nation and the people was seen. The workers' fulfilment of their duty was also seen. The attempt to exploit the workers and the national emergency, to utilise the need for defence and development, for the benefit of a handful of monopolists by securing the workers' consent to the Truce Resolution as it is, was foiled.

There was one hopeful by-product of the Conference. The State Sector representatives agreed to give arbitration in their disputes with the workers. Let us wait and see which of them does it in practice.

The trade unions did not merely denounce. They showed the alternative path of nationalisation of the big monopoly interests, and of democratic control to fulfil the needs of the country and the people. To achieve this, the trade unions and workers must unite.

15 July 1963

S. A. DANGE
General Secretary, AITUC



1. Industrial Truce Resolution

Following is the text of the Resolution on Industrial Truce adopted by the Joint Meeting of Employers and Workers held on 3 November 1962. —EDITOR.

RESOLUTION ON INDUSTRIAL TRUCE

(Adopted by the Joint Meeting of Employers and Workers held on 3 November 1962)

REALISING THAT A GRAVE EMERGENCY HAS OVERTAKEN THE Nation on account of the Chinese aggression and the need has arisen for taking urgent steps, in every direction, to prepare adequately for the defence of the country, and repelling the invasion of its territory, the Joint Meeting of all Central Employers' and Workers' Organisations, held today, November 3, 1962, resolves that no effort shall be spared to achieve maximum production, and managements and workmen will strive in collaboration in all possible ways, to promote the defence effort of the country and reaffirms their pledge of unstinted loyalty and devotion to the country. Towards these ends, the following steps shall be taken:

I. CLIMATE

It is important that a suitable climate should be created and preserved for ensuring sustained effort and resolute action in pursuance of the aforesaid aim. Both sides should exercise restraint and forbearance, so that nothing is allowed to come in the way of their single-minded and concerted endeavour, in support of the defence of the country. Positive steps should

be taken to promote constructive cooperation between management and workers, in all possible ways.

II. INDUSTRIAL PEACE:

(i) Under no circumstances shall there be any interruption in or slowing down of production of goods, and services.

(ii) In respect of their economic interests, both workers and employers will exercise voluntary restraint and accept the utmost sacrifice, in an equitable manner, in the interest of the Nation and its defence efforts.

(iii) There should be maximum recourse to voluntary arbitration and adequate arrangements should be made for the purpose. If necessity for a reference to adjudication arises, the processes connected with it should be completed with the utmost promptness.

(iv) The industries mentioned in the First Schedule to the Industrial Disputes Act, 1947, and such other industries as may be considered necessary, e.g., petroleum and its products, chemicals, etc., may be declared as public utility services under sub-clause (vi) of clause (n) of Section 2 of the Act.

(v) All complaints pertaining to dismissal, discharge, victimisation and retrenchment of individual workman, not settled mutually should be settled through arbitration. For this purpose, the officers of the Conciliation Machinery may, if the parties agree, serve as arbitrators. Dismissals and discharges of workmen should, however, be avoided as far as possible.

(vi) The Labour administration at the Centre and States should be streamlined so that grievances and disputes are settled promptly and cordial industrial relations are maintained.

III. PRODUCTION

(i) All impediments in the way of better and fuller utilisation of men, machinery and materials should be removed. There should be no idle plant capacity or waste. Managements should exercise the maximum economy in their operations.

(ii) To maximise production, establishments should work, wherever possible, extra shifts, extra hours or on Sundays and holidays by mutual agreement. Full cooperation should be

extended by all in this respect. All advantages accruing to the industry arising out of the extra effort of the workers should go to the consumer and/or be made available for defence efforts.

(iii) Absenteeism and turnover should be discouraged and reduced to the minimum. Negligence of duty, careless operation, damage to property and interference with or disturbance to normal work should be denounced by the unions. Similarly, any lapse on the part of the Managements that contravenes the spirit of the defence effort should be condemned and put right forthwith.

(iv) Technical and skilled personnel in short supply should be switched over to emergent work having a bearing on defence. Simultaneously steps should be taken to increase the supply of technical and skilled personnel through apprenticeship and other training programmes.

(v) In the production drive, the well-being and health of the working class should not be ignored.

IV. PRICE STABILITY

(i) Every effort should be made to ensure that prices of industrial goods and essential commodities are not allowed to increase.

(ii) To ensure supply of essential commodities at fair prices to the working class, steps should be taken, whenever necessary, to organise Consumers' Co-operatives in each unit and in industrial areas.

V. SAVINGS

(i) The imperative necessity of increasing savings in the larger interest of the country should be brought home to workers and managements and arrangements to facilitate greater savings should be provided forthwith.

(ii) Workers may be persuaded to contribute to National Defence Fund and/or invest in Defence Bonds every month an amount equivalent to at least one day's earnings. Managements also agree to contribute liberally towards National Defence Fund and/or invest in Defence Bonds; the basis of their contribution will be settled in consultation with Government.

2. Amendments to Truce Resolution Proposed by AITUC

The Resolution on Industrial Truce was adopted at the Joint Meeting of Workers and Employers, convened by the Union Labour Ministry on 3 November 1962, without detailed discussions. Some of the clauses as they were formulated in the Draft resolution were faulty and it was felt that while there has been considerable over-emphasis on workers' obligations under the Truce, corresponding obligations by employers and Government were underrated. More serious, however, was the blanket ban on strikes, and the absence of the provision for protecting real wages. The AITUC therefore wrote to the Union Labour Minister, immediately after the Joint Meeting, calling the attention of the Government to these aspects. We are publishing below text of the letter sent on 3 November 1962 after the meeting as well as the letter proposing the amendments which the AITUC wanted to be incorporated in the draft Industrial Truce Resolution. —EDITOR.

I

DEAR NANDAJI,

The AITUC attended the consultations and the Tripartite as per your invitation today. But the results of the meeting will not be very much to the liking of the workers, though they will agree with the general policy of doing everything for production to meet the national emergency. The reason is that too many burdens have been put on the workers and the unions have been asked to do things which are not altogether

in their power. If the employers and the market prices behave as they always do, things will be impossible to manage the way everyone desires.

The AITUC in its consultations pointed out these things and also suggested two most vital amendments.

These were on the same line as was explained by me to the Prime Minister in my letter of 24 October wherein I myself suggested calling of the Tripartite.

May be due to the hurry and emergency of the situation, a proper consultation was not possible. But I feel that our amendments should have been incorporated.

In the meeting itself, as the usual procedure of the tripartites could not be followed, we could not obviously raise all these questions there and had to remain silent.

The AITUC had no opportunity to say anything in the meeting as regards its amendments as, after your short speech, the meeting terminated almost abruptly. I do not know if the other TU organisations had anything to say or not.

The two vital things that require mention here are that the resolution puts a blanket ban on strikes, irrespective of what the employers do. Secondly, no clear protection is assured to the workers against rise in prices and fall even in the present level of real wages which is low enough.

I feel that the Conference should have given time to this. The emergency of the situation should not have prevented more careful consideration of such vital decisions.

By writing this, I am not trying to give up our responsibility towards the needs of defence of the country, but I am only stating that this resolution, without the modifications we suggested, leaves the workers very much unprotected, which itself is likely to reflect on the defence efforts, which they want to put in.

When this question is taken concretely at the State levels, our State TUCs are being asked to once again emphasise those aspects which we communicated to you just before today's Conference, asking for those vital modifications referred to above.

I will be sending you a copy of the circular I am issuing to our State Committees. We have agreed in general to the policy but in its working out in concrete, the resolution is not

only weak but, I am afraid, it will be very much used against the workers. I hope Government will call another Tripartite, after gaining some experience, in the next one or two months, of the working of this policy resolution, to remove its defects which to my mind are extremely serious. In the meanwhile, the Standing Labour Committee should be called to work out the concrete application of the general policy adopted.

Let us all hope, however, that the situation will so develop for the whole country that this state of emergency will end before long.

With regards,

Yours sincerely,
S. A. DANGE

II

After the preliminary discussions with the Union Labour Minister in the forenoon of 3 November 1962, S. A. Dange, General Secretary, AITUC, wrote the following letter to G. L. Nanda, the Minister for Labour and Employment, proposing certain amendments to the draft resolution on industrial truce:

DEAR NANDAJI,

In the brief consultations with you today, we have agreed in general with the draft you gave us. The Secretariat of the AITUC considered the draft in detail and it would like you to make the following modifications. So please see that the necessary amendments are made as they will then enable the workers and trade unions to do their duty better.

(1) In Section I(i), under the heading "Industrial Peace", the first sentence should be re-drafted as follows:

1. Extracts from the draft resolution to which amendments were proposed by the AITUC are given below:

Section I(i): "Under no circumstances shall there be any interruption in or slowing down of production of goods and services."

Section II(iii): "Absenteeism and turnover should be discouraged and reduced to the minimum. Negligence of duty, careless operation, damage to property and interference with or disturbance to normal work should be denounced by the unions immediately. Similarly any lapse on the part of the Management staff that contravenes the spirit of the Defence effort should be condemned and put right forthwith."

'There should be no interruption in or slowing down of production of goods and services.'

(2) In Section II (iii) under the heading "Production", the second sentence should be omitted and the third sentence should be amended to apply to labour as well as management staff.

(3) In Section V, under the heading "Price Stability", the following should be added:

'Any increase in prices of essential commodities should be neutralised by adequate Dearness Allowance, so that existing real wages do not fall.'

Yours sincerely,
S. A. DANGE

3. Agenda of the 21st ILC*

- 1 Action taken on the main conclusions/recommendations of the previous session.
- 2 Review of the working of the Industrial Truce Resolution.

* In the pages that follow, papers relating to Item 2 have been reproduced first. There was no discussion in the Session regarding Item 1 of the agenda. —Editor.

4. Chairman's Speech

The main policy speech at the 21st ILC, on behalf of the Government, was made by the Chairman of the Conference, G. L. Nanda, Minister of Labour and Employment. We are reproducing below the full text of the Chairman's speech, —EDITOR.

THIS SESSION OF THE INDIAN LABOUR CONFERENCE HAS BEEN convened hurriedly for a special purpose. We have to keep that purpose in view constantly and to bring to bear on the consideration of issues before us the constructive approach which has been the normal feature of our discussions in the past.

I shall give you a brief review of the circumstances which have called us together now. We are meeting for the first time after the Conference held on 3 November 1962 at which a Resolution on Industrial Truce was adopted unanimously by all the participants. They realised that a grave emergency had overtaken the nation on account of the Chinese aggression. The Resolution expressed the immediate and spontaneous response of the employers and workers to the call of the nation and their determination to take urgent steps in every direction in order to prepare adequately for the defence of the country and to repel the invasion of its territory. Stress was laid on the importance of creating and preserving a suitable climate for ensuring sustained effort and resolute action in pursuance of the aforesaid aim. It was agreed that under no circumstances there should be any interruption or slowing down of production of goods and services. There should be maximum recourse to arbitration and adequate arrangements should be made for the purpose. It was resolved that no effort should be spared to achieve maximum production and all impediments in the way of a fuller and better use of men, machinery and materials should be removed. The Resolution enjoined that

every effort should be made to ensure that prices of industrial goods and essential commodities are not allowed to increase. The imperative necessity of increasing savings in the larger interests of the country was emphasised and it was decided that this should be brought home to the workers and the managements and arrangements to facilitate greater savings should be provided forthwith.

The Industrial Truce Resolution, passed immediately in the wake of the declaration of emergency, spread a wave of enthusiasm throughout the country. It became an outstanding symbol of the spirit of solidarity of the Indian nation. A profound change occurred in the climate of industrial relations. Disputes almost vanished and the spirit of cooperation prevailed in all sections of the industry. The number of man-days lost declined abruptly in the month of November 1962. In December, January and February, the monthly rate of loss of man-days was about a sixth of the monthly average of the corresponding period of the previous year which itself was a remarkably good period from the point of view of industrial peace. This stretch of four months constitutes the most peaceful period in the industrial history of India.

In other respects also the response was very heartening. The anxiety of the working class to bring about the maximum increase in production for the sake of defence expressed itself in the numerous offers to work long hours and on Sundays and other holidays. There is testimony that the workers in the defence undertakings put in extra hours and worked hard to the limit of their endurance. It soon became evident, however, that the workers could make their best contribution in support of the defence of the country by cooperating in increasing the volume of production and raising the level of productivity throughout industry. About 1,100 enterprises in the public as well as the private sector have been selected for special attention in this matter. Over 800 Emergency Production Committees are working at the enterprise level, where, through labour-management collaboration, continuous efforts are being made to improve efficiency of operation and secure a progressive increase in production.

There was naturally a marked accent on price stability in the text of the Industrial Truce Resolution. It was foreseen that

the scale of spending on account of defence will inevitably increase from month to month and there would be a considerable diversion of resources to meet defence requirements. Pressure on the limited supplies available for the community would thus mount up and we might be faced with a rising level of prices. This was to be resisted by all means at our disposal. It was decided that, among other measures, consumer cooperatives should be organised in each unit and in industrial areas. The business community pledged itself solemnly to maintain the price line and abstain from taking advantage of any scarcity that might develop. It also resolved to take concerted action to secure full implementation of the pledge. The markets behaved exceptionally well during the first three months after the onset of the emergency. The all-India consumer price index which is based on commodities normally consumed by the working class stood at 134 (1949=100) in October, 1962 and went down steadily to 129 in February, 1963. The wholesale price index moved down from 130.1 in November, 1962 to about 126 in January and in February, 1963.

A programme for setting up consumers' cooperatives was accepted by Government. In pursuance of this, 1,863 new primary stores and 89 central stores have already been organised. The Labour Ministry took upon itself the task of establishing cooperative stores in the mining areas. At present 119 such stores are functioning there for the benefit of the miners. In addition over 51,000 fair price shops have been opened in different parts of the country of which nearly 1,900 have been established during the last two months. The offtake through these agencies has been increasing during recent months.

The call for savings evoked a gratifying response from the working class and in a large number of establishments they made voluntary collections for the Defence Fund, and/or investment in Defence Bonds. In some cases workers even parted with their gold ornaments.

I am sure you will share with me the keen regret that this happy state has not lasted in its fullness. The spirit generated by the emergency has waned somewhat. There is sliding back in several directions. There is a setback in the peaceful climate of industrial relations. An upward swing has become

visible in the number of disputes and work-stoppages. Complaints of violations of the terms of the Truce Resolution have started coming in. It has been urged by the organisations of workers that taking undue advantage of the situation created by the emergency, the managements are riding roughshod over the workers' legitimate claims and interests. They point out that the number of cases of dismissals and discharges has gone up and the degree of redress through arbitration, promised by the Resolution, is not obtainable. The answer which immediately comes to the mind is that we should restore that sense of urgency and recapture the shining spirit of the earlier days. There can be no other course open to any one of us. The processes of mutual consultation and the tripartite arrangements for the purpose should be strengthened and made more effective. The instruments by means of which we watch and secure implementation may have to be given a keener edge. The question of stronger sanctions under the Code of Discipline will now have to be faced. At the same time, I would plead with you that the picture of the present conditions should not be painted in worse colours than the facts warrant. In the matter of disputes and man-days lost, it must be kept in mind that even in the worsened conditions, the situation is incomparably better than the experience of the period before the acceptance of the Truce Resolution. Even in regard to the progress of arbitration, the record is much better than in the past. Of the cases which failed in conciliation in the Central sphere, 25% were settled by the method of arbitration and if we are to exclude cases settled otherwise or considered unfit for adjudication, the proportion comes to 46%. An encouraging feature is that the position has been improving in this respect from month to month. It should be possible to obtain similar results in the State sphere also. I may refer in this context to the Conference of representatives of Public Sector Undertakings which was held here on the 11 July 1963.² There was frank and full discussion of the problems which have emerged. The conclusions reached at this Conference will, I hope, lead to a remarkable improvement in the labour relations in this sector.

2. See Appendix.

The question of the price level is naturally exercising the minds of the people of the country, including the working class. A rising trend in the prices of certain commodities has again asserted itself. The wholesale price index has shown an upward trend since March 1963. Since then there has been a rise of 6% in wholesale prices. In the preceding months, the index had dropped from 130 in November 1962 to 125.8 in December and remained more or less steady upto the end of February 1963. The net position now is an increase of 3.5% in price level since the declaration of the Emergency. The major part of the rise (i.e. 2.6% out of the 3.5%) is traceable to food articles, chiefly rice, sugar and gur, caused primarily by the smaller crop of rice and decrease in the production of sugar.

In respect of sugar, controls were re-introduced from 17 April 1963 leading immediately to a certain amount of confusion and suppression of stocks. Unconscionably high prices had to be paid by the consumers in certain areas. It must be acknowledged that our administration too in these places did not exhibit a high standard of efficiency in dealing with the problems of distribution which arose. The situation has now improved and we can observe a downward tendency in the price of sugar and gur. The increase in the price of rice is sought to be explained on the ground of diminished supply. The question will naturally be asked: what meaning is then left in the pledges and professions of the trade to observe voluntary restraint in checking the rise in prices? Does that mean that one can remain honest only when there is no temptation to be overcome? Would it mean also that the community must reconcile itself to the operation of controls, with all their disagreeable features, because the trade cannot resist the lure of gain, whatever the circumstances may be? I hope this is not so. Controls of a certain kind are inseparable from the processes of planned development. I am not, however, enamoured of any minute regulation of the personal life of the individual. This should be avoided as far as possible, specially when large masses are concerned. But there may be occasional shortages. The more welcome course in such cases would be the autonomous control exercised by the organisations of the business community. If that fails, the vulnerable sections of

the people cannot be left to the tender mercies of the market forces and the State has to step in with measures of controlled distribution. The Food and Agriculture Minister has already made it clear to the dealers of foodgrains that if there is no immediate change for the better, he will be compelled to have recourse to rationing. Such controls once applied have to be enforced by all the means at the disposal of the Government. The more enlightened element in business and its organised agencies are expected to assist in the operation of controls so that reliance on legal sanctions may be reduced to the minimum. Organised social action in which labour may well participate can render very valuable service in this field.

The question of consumer stores has an intimate bearing on the consideration of the problem of prices. As an enduring defence against the risks of exploitation by anti-social elements, we must succeed in arranging for distribution through collective channels on a large enough scale to ensure a real check on any undue rise in retail prices. Consumer stores, preferably cooperative, must be organised rapidly. Fair price shops also have to be pressed into service to the extent necessary. I am arranging a very early review of the activity for setting up cooperative stores, in order that steps may be taken without delay to remove whatever is now obstructing the progress of such stores in the country. It is intended that efforts in this direction should be stepped up as much as possible. You will recall that a scheme for setting up consumer cooperative stores was adopted at the last Session of the Indian Labour Conference. This should be regarded as a vital programme both by the trade unions and the employers and the machinery of the State should render all such help as may be needed.

We had before us, in the early days of the emergency, an inspiring spectacle of workers vying with one another and making larger contributions for defence out of their meagre earnings. Now we hear calls for agitation to oppose payments that may be due under the Compulsory Deposit Scheme. This Scheme will evidently facilitate the implementation of an undertaking which has already been embodied in the Truce Resolution on behalf of the workers. The Resolution states that "arrangements to facilitate greater savings should be provided forthwith" and adds that "workers may be persuaded to

contribute to National Defence Fund and/or invest in Defence Bonds every month an amount equivalent to at least one day's earnings." The Compulsory Deposit Scheme does not go any further than this. The Scheme covers 27 to 30% of the workers employed in factories, mines and plantations. These are workers whose earnings are Rs. 1,500 or more per annum. It will be conceded that the resources which the Scheme is expected to provide are indispensable for meeting the requirements of the country's defence—a purpose the fulfilment of which all the members of the Conference must be keen to ensure. I feel certain that the Scheme embodies a very sound approach to the problem of mobilisation of a part of the needed resources in a country like ours. If it is felt that the Scheme may be improved by modifying some of its features, this matter can certainly be taken up for consideration, but nothing should hold up the implementation of the Scheme immediately as it stands.

We have to keep in mind that the Chinese menace is a stern reality still. Who does not believe in his heart that it is so, whatever may be the point of view regarding the continuance of the state of emergency? It is my earnest plea that the pattern of conduct of each one of us should conform to this hard fact of the situation. This is the demand of our patriotic urges. This should also be the criterion for judging the propriety or permissibility of any course of action which may come up for consideration in this Conference.

5. General Review of Truce Resolution

The main document circulated officially at the 21st ILC was the Memorandum on "Review of the Working of the Industrial Truce Resolution". In this chapter, we are reproducing the first part of the memorandum reviewing the working of the Resolution in general. The footnotes and sub-headlines have been added.—EDITOR.

THE INDUSTRIAL TRUCE RESOLUTION WAS ACCEPTED BY ALL central employers' and workers' organisations in November, 1962. It placed some responsibilities both on employers and workers to maximise production, maintain industrial peace, ensure supply of essential commodities at fair prices and augment savings during the emergency. Government were also required to streamline their labour administration. The extent to which the various obligations under the Truce have been honoured by the parties has been reviewed, clause-wise. (See Chapter 6)

WORKERS' COMPLAINTS REGARDING TRUCE VIOLATION

Of late, complaints have been made by the workers' organisations that the Truce Resolution is not being implemented faithfully by employers.

The HMS has expressed dissatisfaction 'over the signal failure on the part of a large number of employers to live up to the commitments undertaken by them under the Truce Resolution', and has called for a review of the working of the Resolution.

The AITUC has resolved that 'the Truce Resolution from its inception was utilised by employers both private and State

to the disadvantage of workers. Yet the workers showed restraint and made great sacrifices for the country'. In its view the continuation of the Truce was no longer necessary to fulfil the tasks of development and defence; in fact, it was hampering the growth of normal industrial relations and was leading to irritation and unrest among workers and employers. It, therefore, demanded that Government should call a special meeting of the Indian Labour Conference to discuss the present situation and to review the working of the Truce Resolution with a view to its termination.

The INTUC also feels that the Industrial Truce Resolution has worked 'rather one-sidedly' and the employers' undertaking to resort to increasing use of the machinery of voluntary arbitration generally and invariably in the case of dismissal and discharge has not been implemented though labour has faithfully kept up its undertaking not to go on strike even under normally justifiable circumstances. It has suggested that to make the Truce Resolution a live force in industrial relations with specific reference to machinery of voluntary arbitration, Government should take effective steps under the Defence of India Rules.

The Employers' Federation of India has also cited a number of instances of violation (mostly strikes) of the Truce by the workers and the All India Organisation of Industrial Employers has reported two cases.

To get an idea of the extent of non-implementation of the Truce Resolution and to determine what further action was required to be taken to ensure its better observance, the Union Labour Minister requested the central employers' and workers' organisations in March 1963 to send details of specific instances of violation of the Truce Resolution. After repeated reminders, replies have been received from two Central Employers' Organisations (Employers' Federation of India and All India Organisation of Industrial Employers) and three Workers' Organisations (AITUC, HMS and UTUC). The All India Manufacturers' Organisation and INTUC³ have not yet reported any case

3. Subsequent to the circulation of this memorandum, the INTUC and the AIMO had submitted some complaints. See Chapters 7 and 8.

In all 236 complaints (some of which had been reported earlier to the Central I&E Division) have been made—14 in the Central Sphere and 222 in the State Sphere. These complaints of workers' organisations relate to 141 managements—10 in the Central Sphere and 131 in the State Sphere. 40 complaints are against workers and 196 against employers; in addition, 6 complaints have been made by two workers' organisations against the Government of Rajasthan and Delhi Administration and two against the Industrial Tribunal, Delhi. Majority of the complaints concern employers in Delhi, Punjab and West Bengal. Most of the complaints against employers pertain to lay-off and retrenchment, non-implementation of awards, agreements etc., closure, reduction in shifts, unilateral action, unfair labour practices, discharges and dismissals and refusal of voluntary arbitration. Against workers, the complaints mostly relate to strike, non-cooperation in working extra hours, etc. The complaints relating to State Sphere were forwarded to respective State Governments for investigation and comments. As the majority of cases were reported during May and June, 1963, they have not yet been finally investigated. (A statement giving the complaints and the position about those which have been investigated is given in Chapter 7)

GOVERNMENT'S CONCLUSIONS REGARDING WORKERS' COMPLAINTS

From the review made in the subsequent notes and the cases reported by the central organisations in response to the Union Labour Minister's letter, the following broad conclusions can be drawn :

(i) Working of the Truce Resolution

The Truce Resolution has generally worked well. Its impact was well-pronounced in the first few months, but thereafter it started tapering off. Recently, the Truce has been broken in several major cases and the industrial relations situation seems to be deteriorating. This is reflected in the following figures of mandays lost owing to work-stoppages :

NUMBER OF MANDAYS LOST (IN THOUSANDS)

Period	Central Sphere	State Sphere	Overall Position
1962			
Monthly average for the first ten months (January to October, 1962)	46.5	553.1	599.6
November	3.0	118.5	121.5
December	1.0	29.0	30.0
1963			
January	0.7	40.0	40.7
February	1.4	32.6	34.0
March	4.9	116.3	121.2

N.B.: The figures are provisional.

(The above figures do not include some of the major work-stoppages in Indian Explosives Factory, Gomia, Indian Refineries, Barauni, Marmagao and Bombay Ports, Punjab Cloth Mills, Buckingham & Carnatic Mills, etc., which took place recently.)⁴

(ii) Increase in Industrial Production

It can be claimed that the Truce Resolution which requires workers and employers to work extra shifts, extra hours or on Sundays and holidays has contributed to an overall increase in industrial production. The following figures bear this out:

CRUDE INDEX OF INDUSTRIAL PRODUCTION (COVERING 200 INDUSTRIES) (1956=100)

1962 July	148.2
August	150.2
September	146.6
October	148.2
November	159.7
December	163.6
1963 January	164.4

The establishment of a large number of Emergency Production Committees in individual units is a welcome development

4. Actually since March 1963, there has been a marked and sharp increase in the mandays lost. It is estimated that in May, in Bombay alone, the figure would come to about 75,000. Some of the important strikes since March 1963 are detailed in Appendix III.

of the Truce Resolution. It is hoped that through these Committees, the tempo of production would not only be maintained but accelerated.

(iii) *Workers' Contributions to Defence Efforts*

The contribution of workers to defence effort in the form of donations, extra work and restraint on direct action has been commendable. Apart from numerous individual cases of donations to the Defence Fund and the resolve to work on rest days, the spirit shown by some parties in settling out of court their long-pending cases is noteworthy. In the context of such sacrifices, the recent opposition to Compulsory Deposits Scheme by a section of workers is surprising. As explained in para (vii) below, the Compulsory Deposits Scheme is in line with the provisions of the Truce Resolution and the objection to it is not justified.

(iv) *Prices*

Some voluntary restraint was exercised by the parties in respect of their economic interests. This decisively helped in lessening pressure on prices and keeping them stable during the first few months of the emergency. The impact was not, however, sustained in subsequent months. While the consumer price index at 131 in April, 1963 was lower than that in October, 1962 (134)—though it was 2 points higher than the lowest (129) reached in February, 1963—the wholesale price index reached almost the same level in April, 1963 as in October, 1962; it had touched a low figure of 125.8 in December, 1962. Since April, the wholesale price index has risen; in the second week of June, it was about 4 points higher than in April, 1963. The table on page 27 indicates the trend of wholesale and consumer price indices.

The rising trend of wholesale prices, which is bound to be reflected in consumer prices also, is obviously a cause for concern. The matter needs consideration as for the success of the Truce Resolution, it is of utmost importance that prices should be contained. A number of consumers' cooperative stores for industrial workers have been set up since the emergency but, in consideration of the dimension of the problems, much more remains to be done. The State Governments, the employers'

and employees' organisations have a far more positive role to play in this regard than has been done hitherto.

	Index Number of Wholesale Prices (1952-53=100)	All-India Consumer Price Index (1949=100)
1962 July	129.6	132
August	131.1	133
September	130.5	133
October	129.9	134
November	130.1	133
December	125.8	131
1963 January	126.0	130
February	126.6	129
March	127.2	130
April	129.7	131
May	132.1	—
June (15th)	133.7 (Provisional)	—

(v) Demand for Termination of Truce Resolution

The extent of infringement of the Truce Resolution is not so large as to warrant a demand for its termination. The Resolution has not in any way hampered the growth of normal industrial relations as alleged by AITUC.

(vi) Lapses of Employers

There have been lapses on the part of both employers and workers. The main lapses on the part of employers are:

(A) RETRENCHMENT, LAY-OFF, DISMISSAL AND DISCHARGES:

The employers have not lived up to their obligations in regard to retrenchment, lay-off, dismissal and discharge of workmen. While each case of retrenchment and lay-off would need close examination to ascertain the extent to which it could have been avoided, particularly during the emergency, it is clear that the restraint required of employers under the Resolution has not been strictly observed. In the case of dismissals and discharges too, the employers have not implemented adequately the provision of the Resolution according to which these should have been avoided as far as possible during

the emergency. Of the 288 cases of industrial disputes in the Central Sphere from November 1962 to 31 May 1963 in which conciliation failed, 71 were in respect of dismissal of workmen. Even if it is claimed that some of the dismissals were justified, it can be argued that these could have been either avoided or held in abeyance during the emergency. It is these cases of dismissals of individual workmen that have exposed employers to the charge of victimisation and utilisation of the emergency for getting rid of certain workmen.

(B) VOLUNTARY ARBITRATION :

In the matter of voluntary arbitration, the lapses on the part of employers are more pronounced, particularly in the State Sphere where in only 101 cases out of 2582 where conciliation failed, arbitration was agreed to by employers. Some of the State Governments have reported that the employers do not yet favour the settlement of disputes through arbitration. In the Central Sphere also, the employers did not agree in a number of cases to refer the disputes relating to dismissal and retrenchment of individual workmen to arbitration.

(C) DONATIONS TO N.D.F. :

In the matter of donations to the National Defence Fund or making available for defence effort all advantages accruing to industry out of extra efforts of workers, the attitude of employers has not been unreserved. One of the central employers' organisations has demanded consideration of the subject *de novo*.

(D) BANK EMPLOYERS :

It is surprising that bank employers had doubts about the applicability of the Truce Resolution to them. Some banks said that they were not a party to the Truce Resolution. When the matter was taken up with the Indian Banks' Association, it agreed to accept the Truce with a few clarifications regarding limitation of period for raising disputes, selection of arbitrators from a panel of retired judges and continuance of voluntary contracts between bank employers and employees. The Associa-

tion has been informed that these clarifications are not necessary.

(vii) *Lapses of Workers*

The main lapses on the part of the unions are:

(A) WORK STOPPAGES:

By resorting to work-stoppages, the workers in some units violated the provisions of the Truce Resolution. Though the Resolution requires that under no circumstances should there be any interruption in or slowing down of production, some unions did not honour fully their obligations in this regard and strikes were resorted to even in industries which have been declared public utility services. Some of the recent major work-stoppages were unfortunate and the unions cannot escape responsibility for them.

(B) COMPULSORY DEPOSITS SCHEME:

The recent opposition by a section of workers to the Compulsory Deposits Scheme is not in keeping with the letter and spirit of the Truce.⁵ The Resolution requires that the imperative necessity of increasing savings in the larger interests of the country should be brought home to workers and managements and arrangements to facilitate greater savings should be provided forthwith. It also calls upon workers to contribute to the National Defence Fund and/or invest in Defence Bonds every month an amount equivalent to at least one day's earnings. The Compulsory Deposits Scheme is thus in line with the requirements of the Truce Resolution. As persons earning less than Rs. 1500 per annum are not to be covered under the Compulsory Deposits Scheme, a large section of the workers would be excluded. Again, persons already saving 11 per cent of their income by way of contribution to provident fund, life

5. When the question of CDS was posed in the ILC, only the INTUC from among the workers' organisations lent its support to the Scheme. The AITUC, HMS and UTUC vehemently opposed. At the end of the Conference, the Chairman, G. L. Nanda, agreed that the CDS was not an obligation of the workers under the Truce Resolution and therefore, opposition to it does not constitute a violation of the Truce Resolution.—EDITOR.

insurance premia, and Cumulative Time Deposit Scheme and earning Rs. 1,500 or more but less than Rs. 3,000/- per annum, are not to be covered under the Scheme. Some workers might, therefore, go out of the Scheme under this Clause. Thus only a small percentage of industrial workers would be covered under the Scheme. In their case too, the contribution would not be more than a day's earnings. The deposits would be available after five years in a lumpsum with interest which should be welcome to workers. The opposition to the Scheme is, therefore, uncalled for.

In this connection, it has been suggested by a Central Workers' Organisation⁶ that to enable workers to save 11 per cent of their earnings and thereby get exemption from the Compulsory Deposits Scheme, the rate of provident fund contribution by employers and workers should be raised in all industries to 8 per cent. While the suggestion is for consideration of the Conference, it may be stated that in coal mines and five other industries, viz., cigarettes, electrical, mechanical and general engineering products, iron and steel, paper other than hand made paper, and cement, the rate of contribution to provident fund both by employers and workers is already 8 per cent. These industries cover about 10.7 lakh workers. With a view to enhancing the rate of provident fund contribution, in other industries, an enquiry in respect of twenty industries which had completed five years of their coverage on the 1st April, 1962, is in progress.

The need for observing faithfully the provisions of the Truce Resolution cannot be over-emphasised. The emergency today is as much there as before. It does not brook any slackening in defence efforts. The Conference may, therefore, like to impress upon the central employers' and workers' organisations the necessity of ensuring that their members follow the provisions of the Truce Resolution in their true spirit. They should make every endeavour to avoid the lapses which occurred inadvertently or otherwise in the past.

6. Hind Mazdoor Sabha. This suggestion was also put forward by the UTUC.

6. Review of Truce Resolution

— Clause-wise

In this chapter, the parts of the Government's Memorandum reviewing the working of the Industrial Truce Resolution, clause-wise, are reproduced. Originally, the review was separately done for the Central sphere and State sphere. For the sake of convenience, the clause-wise review has been combined to give a complete picture of both the Central and State sphere. The period under review is from November 1962 to May 1963.—EDITOR.

THE INDUSTRIAL TRUCE RESOLUTION ADOPTED BY CENTRAL employers' and workers' organisations in November 1962, lays down certain obligations both on employers and workers to maximise production and maintain industrial peace during the emergency. The extent to which the various clauses of the Resolution have been implemented is reviewed in this note; the analysis is based on the cases brought to the notice of the Central I&E Division from November 1962 to 31 May 1963.

I. CLIMATE

Clause I of the Industrial Truce Resolution requires managements and unions to exercise restraint and forbearance and promote constructive co-operation between them to ensure sustained defence effort.

(A) CENTRAL SPHERE

To comply with this requirement, the central employers' and workers' organisations publicised the Truce Resolution among their constituents and exhorted them to act according

to its spirit. It was also widely publicised by Central and State Governments; about 5 lakh copies of the Resolution were distributed by the Central Government to managements and unions.

The Truce Resolution brought about a climate favourable to the mutual settlement of disputes. The Central I&E Division received a number of instances where managements and unions exercised restraint and took positive steps to promote cooperation between them. In 23 cases of threats of direct action in the Central Sphere, the Division intervened and averted the situation. Two cases of threats of lock-out by employers were also averted. A few typical instances of steps taken by employers and workers to settle their disputes amicably are mentioned by way of illustration; they are by no means exhaustive.

- A dispute arose between a management and a union regarding payment of return railway fare as per Coal Award. After the adoption of the Truce Resolution the union suggested that a sum of Rs. 500 be set aside against full and final settlement of all claims and sent to National Defence Fund. The management agreed to it and a long pending dispute was thus resolved.
- A mine owner invited the union to discuss and settle mutually all their outstanding disputes.
- A union withdrew its complaint against a management which had been accused of engineering an assault on its General Secretary.
- In respect of a complaint of non-payment of retrenchment compensation to workers, a management arrived at a settlement with the union and conciliation proceedings were dropped.
- A Port Workers' Union decided not to pursue its disputes during the emergency.
- All the unions in gold mines pledged that they would not resort to any action which might impede production.
- The workers of a public sector undertaking decided not to press their demands and to strive for increased production.
- Another union in a coal mine withdrew its complaints against the management from the Tribunal.

The atmosphere generated by the Truce Resolution also enabled out-of-court settlement of two chronic cases which had defied solution for long. In one case where litigation over the implementation of an award was going on since 1954, the persistent efforts of the Division were rewarded; the parties came to a settlement which provided payment of arrear due to workers amounting to Rs. 5 lakhs. In another case the management of a colliery was successfully persuaded to withdraw its writ petition in a High Court and settle its dispute out of court, the settlement provided for payment of a sum of Rs. 12,000 to the workers.

(B) STATE SPHERE

All States/Administrations have reported⁷ that the Truce Resolution has created a favourable climate for maintaining industrial peace. There have been several cases in which employers and workers composed their differences and strike notices were withdrawn. With the declaration of Emergency there has been a greater consciousness among the workers and employers to strive for increased production by avoiding work-stoppages. The State Governments have also taken necessary steps to ensure implementation of the Truce Resolution. For instance, the Implementation Officer, Orissa, convened a Conference of the Field Officers of Industrial Relations Machinery and explained to them the significance of the Truce Resolution. At the time of registration of a new union the State Government sends a copy of the Resolution to it. In Madhya Pradesh, the State Government sent to the employers and unions 4,000 printed copies of a pledge condemning Chinese aggression and assuring their whole-hearted support for increasing production. In West Bengal the State Labour Advisory Board ratified the Truce Resolution. The State Government sent

7. The State Governments/Administrations were requested to send reports on the working of the Truce Resolution in their States/Territories. Reports have so far been received from only 14 States/Territories (Andhra Pradesh, Delhi, Gujarat, Himachal Pradesh, Kerala, Madhya Pradesh, Madras, Manipur, Mysore, Orissa, Punjab, Tripura, U.P. and West Bengal). The analysis in this note is, therefore, based on these and other reports sent by the State Governments and Administrations. In some cases information has been received up to February 1963 only.

printed copies of the Resolution to all employers' and workers' organisations. The State Labour Minister also discussed the implementation of the Truce Resolution with the representatives of the Chamber of Commerce and Unions which gave an assurance that the Truce Resolution would be honoured in proper spirit. In Madras also, the State Labour Minister convened a Conference of employers' and workers' representatives and exhorted them to comply with the provisions of the Truce Resolution strictly. In Delhi meetings of employers and workers' representatives were held wherein it was unanimously agreed that there should be complete avoidance of work-stoppages and agitational approach during the Emergency and every effort should be made to increase production. In U.P., the representatives of employers and unions unanimously affirmed their faith in the Truce Resolution. In Mysore, a conference of employers' and workers' organisations unanimously adopted a 'Code of Behaviour' evolved on the model of the Truce Resolution. It created a new awakening among employers and employees and there was no strike in the major concerns during November, 1962 to March, 1963. In Gujarat, the efforts made by the State Government to publicise the Truce created a favourable climate for its implementation and there was encouraging response from employers and unions. In Kerala, the State Government emphasised upon the employers and workers the need to step up production by giving up all activities which would hamper production. In Maharashtra, the State Government set up an Industrial Relations Sub-Committee under the chairmanship of the State Home Minister to deal with industrial disputes and productivity. The Labour Minister, Assam, convened a meeting of employers and workers which decided that there should be no work-stoppage during the Emergency, that strict discipline should be maintained, that at least one extra hour should be worked every day and that disputes and differences should be settled by negotiations and voluntary arbitration. In Bihar, besides the resolve of employers and workers to observe the Truce Resolution, a notable development was an agreement between the State Branches of INTUC and HMS to maintain status quo with regard to the existing unions, to desist from registration of a new union where a union of one of the organisations was

already functioning and to refer differences over representative character of the union to an Arbitration Board.

II. INDUSTRIAL PEACE

Clause II (i) of the Resolution requires that under no circumstances shall there be any interruption in or slowing down of production of goods and services.

The central workers' organisations called upon their affiliates not to resort to work-stoppages. The advice seems to have been followed seriously only during the first three months of the adoption of the Truce Resolution but thereafter the healthy effect started waning. In March 1963, there was an appreciable increase in the number of mandays lost. The following figures bear this out:

	No. of mandays lost (in thousands)
1962	
Monthly average for the first 10 months (January-October)	46.5
November	3.0
December	1.0
1963	
January	0.7
February	1.4
March	4.9

The position regarding non-observance of this clause of the Resolution by employers and workers is indicated below:

(i) *Strikes*: During November 1962 to May 1963, 85 cases of strikes were reported to the Division, one of which was not found correct on enquiry. In 64 of these, unions were found responsible and the breaches were brought to their notice; seventeen of these related to unions affiliated to INTUC, 7 to HMS, 6 to AITUC, 26 to independent unions and 8 to more than one union. Of the remaining 20 cases, in 6 the striking workers did not belong to any union, in one, the work was stopped due to the shortage of detonators, in two, amicable settlements were reached, and the remaining 11 cases were under investigation. Most of the strikes were, however, of short duration and did not involve a large number of workers.

(ii) *Go-slow*: Four cases of go-slow by workers were reported. In one of these the breach was established and brought home to AITUC. In another case of alleged go-slow, the union concerned refuted the charge; the RLC (Imp) however brought about a settlement. The remaining two cases were under investigation.

(iii) *Lock-outs*: Seven cases of alleged lock-out were reported. Three of these were not found to be cases of lock-out and the matter was settled amicably. In another, the management lifted the lock-out and agreed to pay the workers' dues for the period of stoppage. In another case a union wrote to the management that for some weeks about 200 workmen were not allowed to work; at the intervention of the Division the dispute was settled. In one, the question of lock-out being in dispute was referred to adjudication and one was under investigation.

(iv) *Closure*: The Division recently received one complaint of closure of a shift; it is under investigation. The Central Industrial Relations Machinery, however, received a case of closure in the ilmenite mines of Travancore Minerals in Kerala. In all 1,170 workers were retrenched on the closure of two plants from 31 December 1962 and 28 February 1963. These plants remain closed as there has been no improvement in the market situation.

(v) *Retrenchment and lay-off*: The Central Industrial Relations Machinery received cases of 94 units where 9,730 workers were affected by retrenchment. It also received cases of 404 units where 25,926 workers were affected by lay-off. The Central I&E Division, however, received only 22 complaints of retrenchment and lay-off since November, 1962. In 8 cases, the retrenchment or lay-off was due to accumulation of stocks, shortage of detonators, etc., — in some of these the managements provided alternative employment — 7 were settled to the satisfaction of unions concerned, 3 were not substantiated on enquiry, and 4 were under investigation.

While it is unfortunate that closures and retrenchment took place in some cases, it is not possible to say how far these were justified unless each case is studied in detail. In some

cases, however, as mentioned above, retrenchment and lay-off were beyond the control of the managements.

B. STATE SPHERE

The following figures of mandays lost owing to work-stop-pages in State sphere show the significant impact of the Truce on industrial relations during the first few months of the post-Truce period. The figure for March 1963, however, shows that the healthy effect is diminishing.

Month	No. of mandays lost (in thousands)
1962 Monthly average for January-October	553
November	118
December	29
1963 January	40
February	32
March	116

(i) *Go-slow*: Reports received from 14 State Governments and Administrations show that there were 11 cases of go-slow — 2 each in Andhra Pradesh, Madhya Pradesh, Mysore, Orissa and Punjab and 1 in Madras. 3 cases were not substantiated on enquiry; in 5 normal production was restored at the intervention of State Government authorities, 2 were under investigation and in one, the action has not been intimated by the concerned State Government.

(ii) *Lock-outs*: Four cases of lock-out, 2 each in Kerala and Tripura were reported. In Kerala, one lock-out lasted for 9 days and the other for 3 days; the reasons in the two cases were labour unrest and management's inability to concede the workers' demand for wage revision. In Tripura, the lock-outs were on account of financial difficulties; the matter is under investigation of the Administration.

(iii) *Closure*: Eight State Governments/Administrations reported 102 cases of closure, 85 of which were in Mysore, 4 each in Kerala and West Bengal, 3 each in Delhi and Madhya Pradesh and 1 each in Punjab, Orissa and Tripura. Most of the closures were on account of adverse trade conditions, accumulation of stock, shortage of yarn, etc. Only one of these cases

relating to Bengal Nagpur Cotton Mills, Rajnandgaon, was of major consequence as it involved 2,300 workers; in all other units the number of workers affected was small. In Gujarat, 73 establishments had threatened closure of certain shifts or departments on account of accumulation of stock or financial difficulties. The State Government convened a joint meeting of the representatives of the employers of textile industry in Ahmedabad and persuaded them not to resort to closure. As a result, the position gradually improved and normal conditions were restored.

(iv) *Retrenchment and lay-off*: The State Governments/ Administrations have reported 200 cases of retrenchment involving 6,482 workers and 469 cases of lay-off involving 41,913 workers. The reasons for these retrenchments and lay-offs were mostly accumulation of stock, shortage of raw materials, slackness in business, etc. State-wise position of these cases is as under:

States	Retrenchment		Lay-off	
	No. of cases	No. of workers involved	No. of cases	No. of workers involved
1. Andhra Pradesh	9	91	6	3,530
2. Delhi	32	243	26	907
3. Gujarat	—	—	5	—
4. Kerala	20	527	16	2,272
5. Madhya Pradesh	1	—	—	—
6. Madras	26	389	26	2,100
7. Mysore	8	—	6	—
8. Orissa	4	1,213	2	41
9. Punjab	20	108	26	694
10. Tripura	2	8	—	—
11. Uttar Pradesh	33	3,232	297	27,998
12. West Bengal	45	671	60	4,371
Total	200	6,482	469	41,913

Clause II (ii) of the Resolution requires managements and unions to exercise voluntary restraint and accept the utmost sacrifice in the interest of the nation and defence efforts.

The requirement of the Resolution in this respect is in general terms and it is difficult to assess precisely the contribution by

the parties. One development, however, needs mention. In Andhra Pradesh, there has been notable improvement in the settlement of disputes by mutual agreements; with the intervention of the Industrial Relations Machinery, mutual agreements were effected in 37 cases without going in for conciliation. In Bihar, the Labour Minister himself brought about settlements in 8 out of 12 cases pending in High Court or Supreme Court. In Delhi, 33 out of 47 cases pending before the Industrial Tribunal were compromised by the parties. In Gujarat, the State authorities succeeded in settling some important disputes regarding wages, bonus, implementation of the Salt Committee's decision, etc.; 35 such cases were withdrawn by the parties from the Labour Court and were settled by the State authorities. In Madras, the I&E Committee decided that the Committee's Secretary might take up cases for out-of-court settlement. In Mysore, a general trend has been noticed among the parties to settle their disputes mutually. In West Bengal, the practice of settling disputes out of court has not made much headway but the State Government hope that with their sustained efforts the parties would be persuaded in future to eschew litigation to a larger extent. State-wise position of the cases settled out of court as reported by the State Governments/ Administrations is as under :

States	No. of cases where out-of-court settlement was	
	attempted	successful
1. Bihar	23	11
2. Delhi	5	2
3. Madhya Pradesh	107	10
4. Mysore	125	13
5. Rajasthan	64	9
6. U.P.	148	18
Total	472	53

III VOLUNTARY ARBITRATION

Clause III(iii) of the Resolution requires that there should be maximum recourse to voluntary arbitration, Clause II (v) further lays down that all complaints pertaining to discharge, victimisation and retrenchment of individual

workmen, not settled mutually should be settled through arbitration.

A. CENTRAL SPHERE

In the Central sphere, the officers of the Central Industrial Relations Machinery have been instructed to suggest to the parties in each case of failure of conciliation proceedings to accept arbitration either by them or by any other person. The Chief Labour Commissioner has also laid down a procedure to be followed by the officers if they are chosen as Arbitrators. In the public sector the employing Ministries were requested to impress upon the undertakings under their control the need to observe the arbitration clause of the Truce Resolution.

The information regarding acceptance of voluntary arbitration by parties from November 1962, to May 1963, is as follows:

Total number of cases of failure of conciliation for which information is available		288
(1) No. of disputes in which parties agreed to arbitration in cases relating to—		
(a) retrenchment, discharge and dismissal	16	
(b) other disputes	41	57
(2) No. of disputes settled mutually by parties after failure of conciliation		16
(3) No. of disputes not considered fit for adjudication and, therefore, presumably not fit for arbitration		70
(4) No. of disputes which have been referred to adjudication after suggestion for arbitration was turned down by employers		67
(5) No. of disputes under examination by CLC or Ministry		78
		<hr/>
	Total	288

Of the 67 cases in which employers did not agree to refer disputes to arbitration and which were subsequently referred to adjudication, 23 related to dismissal, discharge and retrenchment of individual workmen. It is only in these cases that the employers can be held responsible for violation of the Truce. The Division has already pointed out the infringements to the concerned employers and their Central Organisations with the request that these should be avoided in future. In some cases, the Central organisations informed the Division that they had advised their affiliates to abide by the Truce. In one

case an employer of a mica mine gave an assurance to abide by the arbitration clause in future. In another case the management offered to settle a dispute with the union even after it was referred to adjudication. In another case the management intimated that they were negotiating with the union to draw up an agreed panel of arbitrators to settle their disputes by arbitration. It would thus be seen that the initial resistance of employers to accept arbitration is gradually wearing down. In any case, there is a definite improvement in this respect over the pre-Truce position when settlement of disputes by arbitration was rather an exception.

B. STATE SPHERE

The State Governments have brought home to the representatives of employers and workers the need to settle their disputes through arbitration. In Assam it was decided to set up voluntary arbitration boards, at district level, to dispose of cases referred to them within a period of thirty days. In Andhra Pradesh, response to arbitration has not been very encouraging. In Delhi a list of arbitrators has been circulated to parties. In Madras at a conference of employers' and workers' organisations it was unanimously agreed that all disputes affecting individual workers should be referred to the State Labour Commissioner or his Assistant Labour Commissioner for informal arbitration. Of the 62 disputes referred to him he has given decisions in 24; these have been accepted by the parties. In Mysore the State Conciliation Machinery has been requested to impress upon the parties to accept arbitration but it has not yet become popular with the employers. In other States, such as, Madhya Pradesh, Orissa, Punjab and West Bengal the Conciliation Officers have been asked to act as arbitrators wherever the parties so desire. In West Bengal though the State Government have prepared a panel of arbitrators which includes ex-judges, adjudicators, employers' and union leaders and independent persons; the method of settling disputes through arbitration has not yet found favour specially with employers. In Orissa also, arbitration clause has not been generally implemented by employers. In Kerala, the State Industrial Relations Board decided that on the failure of conciliation, all minor disputes should be

referred to Labour Commissioner for arbitration and a conciliation-cum-arbitration board be set up to deal with major disputes. Statewise break-up of the cases where parties agreed to voluntary arbitration during November 1962-April 1963 is as under :

States	No. of cases where parties were asked to accept arbitration	No. where arbitration was accepted
1. Andhra Pradesh	31	1
2. Delhi	121	19
3. Kerala	N.A.	4
4. Madhya Pradesh	7	—
5. Madras	75	8
6. Maharashtra	21	6
7. Mysore	57	1
8. Orissa	26	3
9. Punjab	93	8
10. Tripura	4	—
11. Uttar Pradesh	971	48
12. West Bengal	1,176	3
Total	2,582	101

N.A.: Not Available.

IV. PUBLIC UTILITY

Clause II (iv) requires declaration of certain industries as public utilities under the Industrial Disputes Act.

A. CENTRAL SPHERE

The Government of India has already declared coal mining, hospitals under their authority and banks as public utility under the Industrial Disputes Act.

B. STATE SPHERE

The State Governments have declared a number of industries as public utilities. (A list of these industries is given in Appendix I.)

V. DISMISSALS AND DISCHARGES

Clause II (v) requires that dismissals and discharges should be avoided as far as possible.

A. CENTRAL SPHERE

The I&E Division received 37 complaints of dismissal, discharge, suspension and victimisation of workers during November, 1962 to May, 1963. The position of these complaints is as follows :

(1) Not established on enquiry	7
(2) Complaints of general nature where specific instances were called for from the union but not received so far	10
(3) Complaints withdrawn or settled mutually	15
(4) Under investigation	5
Total	37

The above figures do not indicate that there has been any widespread infringement of the Resolution in this respect in the Central sphere.

B. STATE SPHERE

The extent of discharge and dismissal of workers reported by State Governments/Administrations is as under :

State/Administration	No. of cases
1. Andhra Pradesh	100
2. Delhi	163
3. Gujarat	222
4. Kerala	35
5. Madhya Pradesh	3
6. Madras	173
7. Maharashtra	138
8. Mysore	122
9. Orissa	19
10. Punjab	164
11. Tripura	3
12. Uttar Pradesh	526
13. West Bengal	475
Total	1,943

VI. STREAMLINING OF LABOUR ADMINISTRATION

Clause II (vi) of the Resolution provides that labour administration at the Centre and States should be streamlined for prompt settlement of grievances and disputes.

(A) CENTRAL SPHERE

At the Centre, the task of ensuring compliance of the provisions of the Truce Resolution has been entrusted to the Central I&E Division. The State Governments were also requested to ensure compliance of the Resolution by their Implementation Units, and to streamline their labour administration. At the Centre, special efforts have been made to eliminate delays and to ensure promptness in handling the work pertaining to inspection, disputes, strikes, etc. All cases of work-stoppages in the Central sphere are reported telegraphically to the I&E Division to ensure immediate action. The officers of the Central Conciliation Machinery have been instructed to dispose of the cases received by them within one month instead of 2 months as was the practice earlier. On the basis of a case study of failure of conciliation reports, the Chief Labour Commissioner's organisation has issued instructions to its officers for quick disposal of cases. It also keeps a close watch over the performance of each officer so that the disposal of cases is not delayed.

B. STATE SPHERE

The State Governments and Administrations were requested to ensure compliance of the Resolution by their implementation units, and to streamline their Labour Administration. In Andhra Pradesh, detailed instructions have been issued to Conciliation Officers to ensure compliance of the provisions of the Resolution. In Kerala, the State Labour Minister convened a conference of the State Government Officers. It was decided that the Officers should contact the employers and workers and persuade them to implement the Resolution. In Madhya Pradesh, the Implementation Unit deals with the implementation of the Resolution. In Mysore, the Implementation and Evaluation Unit deals with the cases of breach of the Resolution and takes appropriate preventive action to prevent labour troubles. In Orissa, the task of ensuring compliance of the Truce has been entrusted to the State Labour Directorate and all Field Officers have been instructed to finalise the conciliation proceedings as expeditiously as possible. In Punjab, steps have been taken to ensure that the Field Officers are alert in the performance of their duties and attend to the workers' grievan-

ces and disputes forthwith. In Uttar Pradesh, a meeting of the Regional Labour Officers was convened to discuss the steps necessary for streamlining the conciliation machinery. Detailed instructions were issued to them in the light of the decisions taken at the meeting. In West Bengal also, the Conciliation Officers have been asked to remain alert, eliminate delays and ensure promptness in handling disputes. They have been asked to settle disputes or dispose them of otherwise as expeditiously as possible, preferably within one month of the date of receipt of the complaint.

VII. MEASURES TO STEP UP PRODUCTION

Clause III (i) requires that all impediments in the way of better and fuller utilisation of men, machinery and materials should be removed. There should be no idle plant capacity or waste. Managements should exercise the maximum economy in their operations.

CENTRAL SPHERE

To ensure implementation of the production part of the Industrial Truce Resolution and to recommend measures for increasing productivity and reducing costs, a Central Emergency Production Committee has been established. Similar committees has been established in each State. Emergency Production Committees are being formed at the enterprise level also. 592 such Committees have already been formed and the movement is rapidly growing. Special attention is being paid to selected industries in this respect. A beginning has been made with the cement industry; a meeting for this industry was held on 13 May 1963 under the chairmanship of the Union Labour Minister. Other industries which are expected to be taken up are fertilizers, engineering, textiles. Master lists of enterprises within each State have been built up. The lists are gradually being revised and increased. The lists include defence and other enterprises which are related to the economic strength of the country. It is intended to concentrate Emergency Production Committee work at these enterprises. Selected private and public sector enterprises have also been included in the Master List. To render assistance to indivi-

dual enterprises, a Technical Arm of Specialists of the ILO, National Productivity Council, Institutes of Management (also some from Private Sector) has been built up. Technical assistance would be rendered in the field of productivity and other connected aspects, on request. Specialists of the Technical Arm have already rendered assistance to four Enterprises.

Enterprises are being encouraged to pay special attention to production, productivity, absenteeism, reduction of costs, SQC, Inventory Control, etc. on which Special Notes have been sent out for use of the Emergency Production Committees. In order that work study should receive increasing attention, Conferences on Productivity (of which Work Study formed the central theme) were arranged at Delhi, Bombay, Calcutta, Madras and Bangalore. Mr. Russel Currie, internationally well-known Specialist on Work Study was specially brought over from U.K. for this purpose. Whenever enterprises have brought to notice any major impediments standing in the way of maintaining or achieving increased production, these have been taken up with the authorities concerned. A special appeal to increase production by 50% and make every effort to reduce costs has been sent out to a large number of enterprises. The response has been encouraging. At the same time, difficulties like shortage of raw materials and power have been frequently brought to notice. On the whole, labour and management have been cooperating fully in the Emergency Production Committee work. It is growing and increasing attention is being paid to it by Labour and Management.

VIII. WORKING OF EXTRA SHIFTS, EXTRA HOURS AND ON REST DAYS

Clause III(ii) provided that all establishments should work, wherever possible, extra shifts, extra hours, or on Sundays and holidays by mutual agreement.

(A) CENTRAL SPHERE

The Central Labour Organisations appealed to their members to work on weekly rest days, additional shifts and extra hours. The West Bengal Pradesh National Trade Union Congress claimed that in West Bengal, workers contributed by

working extra hours and on rest days to an overall increase of 30% in production. Several instances of additional work put in by workers have been reported. For instance, in accordance with the decision taken at a meeting convened by the Coal Controller, most of the mines belonging to major employers worked on Sundays during November, 1962. The officers, staff and workers of a Government Press worked on a holiday without remuneration. The officers and staff of a public sector concern decided to work one hour extra on all working days and half a day every Saturday. The civilian employees of a Defence workshop donated a total of 9,030 manhours to boost up production. The workers of another public sector concern worked voluntarily for an extra hour each day without wages from 1 to 10 November 1962; in another public sector concern the workers worked on a holiday to increase production.

To enable establishments to work on weekly rest days and holidays, Government exempted all coal mines from the relevant provisions of the Mines Act in so far as these restricted the weekly hours to 48 and provided for compensatory days of rest. Defence factories, E.M.E. Workshops, factories in Naval Dockyard and other factories producing defence requirements or essential supplies have been exempted from the provisions of the Factories Act which deal with weekly hours of work, weekly rest days, compensatory holidays, daily hours of work, spreadover and annual leave with wages.

Eleven complaints were received from unions alleging that the managements were not willing to work on rest days or extra hours. Eight of these were not established on enquiry. It was, in fact, found that certain unions were themselves opposing 7 days' work in the beginning. Later on with the turn of events, they extended their co-operation. In two cases, it was reported that the managements were not willing to work on rest days on the plea that machines had to be repaired on these days; one of these cases related to a mine which was to close in a couple of months and in the other the concerned central employers' organisation was requested to advise the management to work on rest days, as far as possible. In the remaining one case, the management was persuaded to work on a rest day.

In four cases the managements also complained that the

workers were opposed to work, on rest days. In one of these the complaint was not found correct, in two the unions did object in the beginning to extra work but subsequently they agreed and in one the breach was established and brought home to the union concerned which admitted that the workers had been misled.

(B) STATE SPHERE

To ensure implementation of the production part of the Resolution and to recommend measures to increase productivity and reduce costs, Emergency Production Committees have been set up at State and Unit levels on the pattern of Emergency Production Committee set up at the Centre. 592 Emergency Production Committees are at present functioning at unit level.

The central workers' organisations appealed to their members to work on weekly rest days, additional shifts and extra hours. Some of the State Governments relaxed the provisions of the Factories Act to permit such extra work. A number of cases of extra work by workers and employers has been reported. The West Bengal Pradesh National Trade Union Congress, has claimed that by working extra hours and on rest days workers in West Bengal contributed to an overall increase of 30% in production. The workers of Heavy Electricals Ltd. Bhopal, resolved to work on Sundays and to contribute the overtime wages to the National Defence Fund. The workers of a rolling mill decided to work on all Sundays. HMT and BEL introduced third shift and also worked on holidays. There may be several other such instances.

IX. UNFAIR LABOUR PRACTICES, UNILATERAL ACTION, ANTI-TRADE UNION ACTIVITIES, ETC.

Clause III(iii) requires that negligence of duty, careless operation, damage to property and interference with or disturbance to normal work should be denounced by the unions. Similarly any lapse on the part of the management that contravenes the spirit of the defence effort should be condemned and put right forthwith.

(A) CENTRAL SPHERE

(a) *Unfair labour practices, harassment, etc.*: Twentyseven complaints of unfair labour practices, such as, assaults by managements' men, refusal to give employment to certain workers, were received. Eleven of these were not found correct on enquiry; nine were settled—in 3 of these the employers accepted the breaches on their part—in one the breach was brought home to the concerned employer, one was *sub-judice* and five were under investigation. Against the workers, the Division received 5 cases of unfair labour practices, such as, misbehaviour, interference to normal work and instigating workers not to accept wages; 2 of these were established and the breaches were brought to the notice of the parties concerned,—in one of these the concerned organisation condemned the action of the workers—one was settled, one is *sub-judice* and one was under investigation.

Twelve complaints relating to acts of violence, non-peaceful demonstrations, etc., were also received against the workers. Two of these were not found correct on enquiry, in 8 the infringements were brought to the notice of the unions and their central organisations and two cases are *sub-judice*.

(b) *Harassment by managements*: Ten cases of harassment of workers by managements were received. Six of these were not established on enquiry, one was vague and the union could not cite any specific instance in support of its contention; two were settled and in one, the breach relating to conversion of pick miners from piece-rated to time-rated workers was established and brought to the notice of the concerned central organisation and it was requested to get the irregularity rectified. The matter is in correspondence with it.

(c) *Discrimination and anti-trade union activities*: The Division received seven complaints relating to alleged discrimination by managements, refusal to grant leave to union members, boosting up a rival union, etc. Five of these were not substantiated on enquiry, one was settled mutually and one was under investigation.

(d) *Unilateral action*: Eight complaints regarding unilateral change in the service conditions of workers were reported.

Four of these, were settled, in another where the management asked certain trolley-men to work as ordinary mazdoors without due notice the breach was pointed out to the management. Two were not substantiated on enquiry and one was under investigation.

(B) STATE SPHERE

Only two States (Madhya Pradesh & Orissa) have reported 3 and 14 cases respectively of unfair practices; 2 of these were settled, one was under investigation and in 14 the action taken has not been indicated.

Five cases of unfair practices (one each from Orissa and West Bengal and 3 from Punjab) by workers were also reported; in 4 of these, the State authorities took appropriate action against the concerned unions and in one the action taken has not been indicated.

Only one case of unilateral action by an employer was reported by the Government of Madhya Pradesh; it was settled at their intervention.

X. SUPPLY OF SKILLED PERSONNEL

Clause III (iv) requires that technical and skilled personnel in short supply should be switched over to emergent work having a bearing on defence. Simultaneously, steps should be taken to increase the supply of technical and skilled personnel through apprenticeship and other training programmes.

(A) CENTRAL SPHERE

To meet the needs of defence establishments and other industries engaged in defence production, accelerated programmes for the training of craftsmen have been started. Training is being arranged at the Industrial Training Institutes and Centres in different States by starting 3rd shift and also at other technical, and engineering colleges and poly-technics where facilities are available. Arrangements have been made for the training of about 50,000 persons during the course of the year. All trainees who are willing to be enrolled as comba-

tants on completion of training will be given a stipend of Rs. 25/- per month and if they are posted outside their home State for training, they will get a stipend of Rs. 40 per month besides free hostel accommodation. It has since been decided to train enrolled soldiers from August 1963 in limited trades and at selected places and in all such cases no stipend would be paid to them. Short-term courses have also been organised for the training of Wireless Operators and Radio Mechanics. The question of continuance of civilians under the short-term course to meet the needs of the industries engaged in defence production is under consideration. Close liaison is also being established within the industry for initiating apprenticeship training programmes under the Apprentices Act.

The Federation of Indian Chambers of Commerce and Industry and Punjab & Delhi Chamber of Commerce have advised their constituents to accord facilities to their employees to join the Territorial Army and Lok Sahayak Sena. The wages of these employees would not be affected during the period of training and where the civil pay of these employees exceeds the military pay and allowances the employers would make good the difference. The Federation also offered the services of their technical, administrative and managerial personnel for any of the public sector projects being mobilized for defence work.

(B) STATE SPHERE

In Madhya Pradesh a short-term accelerated training programme was started for training artisans in various technical trades, to meet the demand of defence forces and establishments. In Punjab the State Government propose to set up 11 new institutes and to increase the seating capacity of the existing ones to create an additional capacity of 4,424 seats.

To meet the growing demand of craftsmen in U.P., 14 new Industrial Training Institutes with a sanctioned capacity of 1,440 seats were started. In addition, 712 seats were added in the existing institutes. Special training courses for wireless operators, radio mechanics and motor drivers were also started. Information regarding the steps taken by other States is not available.

XI. WELL-BEING AND HEALTH OF WORKING CLASS:

Clause III(v) provides that in the production drive the well-being and health of the working class should not be ignored.

(A) CENTRAL SPHERE

While relaxing the provisions of the Mines Act to allow working of extra hours and on rest days adequate safeguards for the well-being of the workers were provided by requiring that no person shall be employed on more than one weekly day of rest out of every six weekly days of rest. It was also provided that the workers should be given compensatory days of rest after the expiry of the period of exemption. Provision was also made under the Factories Act to give compulsory holiday in lieu of weekly holiday and for accumulation of earned leave with wages if it was refused.

(There is no report relating to States in respect of implementation of this clause—Editor)

XII. PRICE STABILITY

Clause IV(i) lays down that every effort should be made to ensure that prices of industrial goods and essential commodities are not allowed to increase.

(A) CENTRAL SPHERE

The question of price stability is a larger issue concerning the whole community. The Government of India has constituted a high level committee to keep under close scrutiny the current price trends.

The employers' organisations have also taken measures to ensure price stability during the Emergency period. The All-India Organisation of Industrial Employers has set up Price Vigilance Committees in four zones to increase production of essential commodities and maintain the price line. The Zonal Committees pay particular attention to the production and prices of certain essential commodities, such as, food-grains, sugar and gur, cotton and woollen piece goods, footwear, paper,

coal, coke, cement, drugs and pharmaceuticals. The All-India Manufacturers' Organisation formed a Citizens' Vigilance Committee and Fair Trade Practices Boards at State, Regional and District levels. The Vigilance Committee supervises the work of these Boards. Each participating member has to take a pledge to maintain the price level of the products manufactured or distributed through normal trade channels and to maintain an economic price level. The Boards publish the names of participating members, supervise their activities, and investigate the complaints made by the consumers. The progress made by these Committees and Boards has not yet been reported.

(There is no report from States on this clause—Editor)

XIII. CONSUMERS' COOPERATIVES

Clause IV(ii) requires the organisation of consumers' cooperatives in industrial areas and in each unit to ensure supply of essential commodities at fair prices to the working class.

(A) CENTRAL SPHERE

The programme for setting up a large network of consumers' cooperative societies is being implemented by the Ministry of Community Development and Cooperation in so far as the general consumers in the country are concerned and by the Labour Ministry in so far as cooperative societies for industrial workers are concerned. Before these schemes were formulated, there were about 7,000 consumers stores in the country, although most of them were not working satisfactorily. The new scheme for general consumers visualises the establishment of 200 wholesale stores with about 4,000 primary societies affiliated to them. The scheme of the Labour Ministry is on the lines of that adopted by the 20th Session of the Indian Labour Conference and is for the establishment of consumers' cooperative stores in all industrial units employing more than 300 workers. Smaller industrial units will be covered by the general scheme of the Ministry of Community Development and Cooperation and they can also group themselves together to organise a cooperative society. The two schemes are being

implemented in an integrated manner. 83 wholesale cooperative societies have been registered so far for channelising credit and supplies and making bulk purchase for the primary societies. These wholesale societies are common for cooperative societies set up under both the schemes. There is also a Co-ordination Committee of the two Ministries to consider common problems.

The Labour Ministry's scheme has been widely publicised and cooperation of all the central organisations of employers and workers has been invited. Discussions have also been held by officers of the Labour Ministry with the Labour and Co-operation Department officers of all the State Governments for speedy implementation of the Scheme by contacting all the managements in their areas for making available the promised assistance to the society.

Even though there has been agreement in general terms about organising the societies, it will be seen that the managements have not generally come forward in sufficient numbers to implement the scheme expeditiously. The scheme provides for share capital participation in each cooperative store by the management to the extent of Rs. 2,500 and a working capital loan of Rs. 10,000 besides facilities like office accommodation, managerial assistance, etc. Besides passive assent, more active interest and cooperation by the managements of all establishments is necessary for the organisation of these societies immediately.

To help the workers in purchasing their shares to become members of these cooperative societies, the Employees' Provident Fund and the Coal Mines Provident Fund Organisations have relaxed their rules to provide for non-refundable advances being taken by the workers for purchase of these shares.

In so far as coalminers are concerned, 100 consumers' cooperative stores are now running in the various coal fields. The assistance to these societies on the usual scale is being given by the Coal Mines Labour Welfare Fund. A wholesale store has also been opened in Dhanbad to feed the primary societies of the Jharia coal field. Similar wholesale stores are also being set up in Raniganj and Madhya Pradesh. For mica mine workers also, 3 cooperative societies are being opened in Rajas-

than, 4 in Andhra and 12 in Bihar with assistance from the Mica Mines Welfare Fund.

To assist these cooperative societies and the Managements, the following steps have also been taken at the Central level :

(a) Cooperatives have to make bulk purchase of foodgrains during the harvest season. Some established cooperative societies are already doing this in the main food markets. The State Governments have been requested both by the Ministry of Community Development and Cooperation and the Ministry of Labour to register the consumers' cooperative societies as Government fair price shops.

(b) To help the wholesale societies in obtaining bulk supplies at wholesale rates from manufacturers, negotiations have been completed in respect of textiles, drugs and medicines (May & Baker, Glaxo, Smiths Stanistreet, Calicut Oil Factory and Geoffrey Manners). Negotiations have also been finalised with manufacturers of toilet preparations, electric bulbs, biscuits, confectionaries, etc. The State Governments have also been requested to avail of the facilities offered by Hindustan Salts for purchase of salt from the company. Discussions with Government factories are also in progress and the Government Soap Factory, Bangalore, and the Government Oil Factory, Calicut, have so far favourably responded. The Indian Oil Co. is already making supplies of kerosene oil to the cooperative societies and nearly 65 per cent of the total sales of kerosene manufactured by the Indian Oil Co. is now being routed through cooperative societies.

(c) For facility of bulk transport of foodgrains, etc., from the bigger markets to the godowns of cooperative societies, the Railway Board has been requested to give priority in the allotment of railway wagons to cooperative societies.

(d) Consumers' cooperatives could hitherto import only 14 items of consumers' goods on import licences issued by the Import Controller. The other items had to be purchased by them from private traders. The proposal was made to treat the cooperatives at par with other established importers in respect of consumers' goods now permitted for import into the country and as a result, rules in this regard have been liberalised accordingly.

(e) The State Governments have also been requested to make preferential allotments to cooperative societies in the matter of scarce items like cement and c.i. sheets for the construction of their godowns.

(f) Under the Labour Ministry's scheme, the managements have been called upon to furnish financial assistance to the cooperative societies. The question of income-tax concessions for these items of expenditure was taken up with the Ministry of Finance who have agreed to deduct for purposes of income-tax any assistance given by the managements which is of a non-loan nature i.e., which the managements are not entitled to get back at a future date.

(g) Steps are being taken to increase the staff of State Governments for audit and supervision purposes due to the large number of cooperative societies now being set up.

(h) All the State Governments have appointed a wholetime Joint or Deputy Registrar of cooperative societies to look after the organisation of consumers' cooperatives for both the general public and industrial workers.

The following statement gives the number of new consumers societies functioning in the country as reported up-to-date :

Cooperative Societies for Industrial Workers in the States & Union Territories	318
Cooperative Societies for Industrial Workers in the Central Government undertakings	247
Cooperative Societies in coal mines	100
	(one Wholesale store for Jharia already registered and one each for Rani-ganj & Madhya Pradesh to be set up)
Cooperative Societies in mica mines	19
	(will be registered shortly)
Central Stores so far registered to which primary cooperative societies for Industrial Workers will also be affiliated	83
Number of primary societies set up for the general consumers under the scheme of the Ministry of Community Development & Co-operation	848

(B) STATE SPHERE

The State Governments were requested to organise co-operatives in large number. They have already taken steps in this direction.⁸

XIV. SAVINGS

The operative part of clause V(i) requires that arrangements to facilitate greater savings should be made.

Since deductions from the wages of workers for Defence Fund were not permissible under the Payment of Wages Act, 1936, the legal difficulty has been removed by an appropriate provision under the Defence of India Act. Likewise the Minimum Wages (Central) Rules have also been amended to permit deductions from workers' wages for contribution to Defence Fund.

8. A lot of emphasis being put by the Government on starting consumers' cooperative societies in industrial units as a means not only of pegging prices but of actually bringing them down. However, actual progress is so little that any impact on the price level can be simply ruled out. As a matter of fact, the reverse is the case. Prices in these stores are totally dependent on the market prices prevailing and hence price rise is reflected in the prices of commodities obtaining in the stores. For, supplies to these stores have to depend upon the open market where speculation is rife.

Figures made available by the Government in the papers circulated at the 21st Indian Labour Conference show that out of 1191 units employing more than 300 workers in various States, consumers' cooperative stores were established in only 318. Out of these, only 104 were running at a profit and 54 needed immediate revitalisation. Units employing less than 300 workers have not been taken into account.

In the Public Sector units, 247 such stores were functioning out of which railways alone accounted for 178.

Comment is superfluous. Tackling the huge question of pegging prices and bringing them down through these stores is patently out of question. It is not only that the number of such stores is inadequate. The problem of running these stores efficiently is vital. Then, as noted above, supplies for these stores have to depend upon speculative market.

Short of State trading in foodgrains and physical controls, there is no way which will even remotely bring about some semblance of stability in the price line. To bring prices down, even more drastic measures would be needed.—Editor.

XV. CONTRIBUTIONS BY WORKERS AND EMPLOYERS

(a) Contribution by workers :

Clause V(ii) lays down that workers may be persuaded to contribute to the National Defence Fund and/or invest in Defence Bonds every month an amount equivalent to at least one day's earnings.

(A) CENTRAL SPHERE

This provision has been generally implemented by workers. Numerous cases of contributions by workers have been reported. A few of these are mentioned by way of illustration.

- According to the All India Bank Employees Association, the bank employees contributed over Rs. 7 lakhs to the National Defence Fund.
- The Choona Shramik Kalyan Kosh contributed about Rs. 10,000.
- The officers and the staff of the India Security Press, Nasik, contributed Rs. 19,435.
- The employees of Bombay Telephone Workshop worked on a Sunday and contributed the earnings amounting to Rs. 5,594 to Defence Fund.
- The employees of the Ordnance Factory, Bhusawal, contributed Rs. 14,888.43 during one month.
- The employees of another Ordnance factory, Dehu Siding contributed Rs. 10,000.65.
- By the end of March, 1963 the employees of High Explosives Factory, Kirkee donated Rs. 18,356.67.

From the reports received in the Central I&E Division and those appearing in the press, the contribution in cash by workers to the National Defence Fund has been magnificent.

(b) Contributions by employers :

Clause V(ii) also requires that managements should contribute liberally towards National Defence Fund and/or invest in Defence Bonds. Clause III(ii) further requires that all advantages accruing to industry out of the extra effort of the

workers should go to the consumer and/or be made available for defence efforts.

In accordance with the above requirements, two central employers' organisations—All India Organisation of Industrial Employers and All India Manufacturers' Organisation—recommended the following basis for donation to the National Defence Fund by their members:

(i) In the case of industrial companies, 5% of the assessable income;

(ii) In the case of industrial companies which have no assessable income, 3% of the gross profit;

(iii) In the case of non-industrial companies like banking, insurance, trading and investment companies 5% of the gross profit after making provision for taxation.

(These payments are to be made on the basis of the last published balance sheet).

The All India Manufacturers' Organisation also recommended that wherever the workers of any organisation volunteer to work an extra day in a month and contribute that day's wages to the Defence Fund the management may make contribution according to the above formula or elect to contribute an amount equivalent to such day's wage bill. The Employers' Federation of India has not issued any specific direction to its members in this regard but has stated that a large number of its members are also members of the Federation of Indian Chambers of Commerce & Industry which in conjunction with All India Organisation of Industrial Employers has laid down the above formula.

The figures about actual contributions by employers are not available. The All India Organisation of Industrial Employers has, however, claimed that 'business houses have been or/are making contributions on the basis of the formula recommended by the Federation of Indian Chambers of Commerce and Industry and even on a most conservative reckoning their contributions on this basis would amount to Rs. 15 to 16 crores. It has also contended that the misconception that the entire contributions by the business community are from the profits of their companies is only partly correct as contributions by

companies mean contributions by shareholders who, by and large, belong to well to do classes.

With regard to implementation of clause III(ii) which requires that all advantages accruing to industry out of the extra effort of the workers should go to the consumer and/or be made available for defence efforts, certain suggestions were forwarded to the Central Employers' Organisations for consideration. In reply, AIOIE intimated that its Committee has considered the matter and decided that other conditions being favourable and provided the workers' attendance was normal, if industry made profits on account of such extra work the net retained profits *i.e.*, after allowing for taxation be paid to National Defence Fund. The EFI has, however, suggested consideration of the question *de novo*.

B. STATE SPHERE

This provision has been generally implemented by workers. Numerous cases of contributions by workers and employers have been reported. A few of these are mentioned by way of illustration:—

- Workers, staff and management of Delhi Cloth Mill contributed Rs. 1.19 lakhs.
- The workers of Simpson Group of Industries donated till November 25, 1962 about Rs. 1 lakh.
- The workers of Indian Iron and Steel Company and Indian Standard Wagon Company, Burnpur, contributed their one day's wages amounting to Rs. 1.4 lakhs.
- Workers' contribution to Defence Fund by the end of February, 1963, in Rajasthan was Rs. 2,93,271.85; the employers' contribution amounted to Rs. 9,36,316.10.
- In Madhya Pradesh contribution to National Defence Fund amounted to Rs. 1.5 crores.
- In Punjab the employers and unions contributed Rs. 91,000 by working extra hours besides other contributions.
- In Andhra Pradesh Rs. 8.99 lakhs and 3,475 grams of gold were contributed to NDF by employers and workers.

- Workers of textile industry in Kanpur donated Rs. 3.75 lakhs to NDF.
- In Kurla, the management of Tata Oil Mills, Burmah Shell, ESSO and Caltex have contributed Rs. 30 lakhs, 20 lakhs, 10 lakhs and 5 lakhs respectively. Employees in other establishments contributed Rs. 8.7 lakhs.
- The Mill workers in Bareilly contributed Rs. 2.44 lakhs to National Defence Fund.
- The workers of Burn & Co. Calcutta contributed about Rs. 40,000 by working on Sundays.
- The employees of Dunlop Rubber Co. contributed Rs. 49,000 by the end of April, 1963.
- Workers, staff and officers of M/s. Kesoram Industries and Cotton Mills contributed Rs. 43,500 by the end of March, 1963.
- The B.E.S.T. employees contributed Rs. 21,140 during one month.
- The staff and workers of Magna Mill Co. Ltd., Jagatdal voluntarily contributed Rs. 17,973 to Defence Fund.⁹

9. This list is very incomplete. Workers in all States paid large sums to the NDF and invested in Defence Bonds on the appeal of the AITUC and other TU organisations. Workers in all States and industries worked overtime and on holidays and weekly-offs to increase production. The earnings of these days were donated to NDF in marked contrast with the employers who did not donate even part of the profits of the extra production. On the appeal of the TU organisations, workers increased production during normal working time, thus raising the level of productivity.

Another point worth noting is that the employers have made donations to NDF out of corporate funds and not from their personal incomes whereas the workers' contributions came out of their meagre personal resources, which would otherwise have met some essential personal or family requirement. It has also been noticed that in several cases, contributions from out of workers' wages have been lumped together in company contributions to NDF.

It is difficult to compile a complete list of all the ways in which workers donated not only money but their skill and labour power for defence purposes and for increasing production for civilian consumption. However, the list given above by the Government is not only incomplete but so incomplete as to be misleading. —Editor.

7. Workers' Complaints About Breaches of Truce

Memoranda on the specific complaints about breaches of industrial truce resolution by employers and workers were circulated at the 21st Indian Labour Conference. These were based on the complaints received from the central organisations of employers and workers, by the Union Labour Ministry. We are publishing below the specific complaints made by the organisations and the comments by the Labour Ministry, wherever they are so given as on June 30, 1963. The Ministry's comments are printed in italics, within brackets, after each specific complaint.—EDITOR

1. CASES REPORTED BY AITUC

(1) Kolar Gold Mines Undertaking (Mysore Mine)

(i) On the pretext of economy, the management stopped Sunday work for the surface sanitary staff with effect from April 7, 1963.

[The management gave notice under Rule 34 of I.D. (Central) Rules, 1957 proposing to stop Sunday work from April 7, 1963 on the ground that it had been suffering continuous loss. The concerned union raised an industrial dispute. The R.L.C. (C), Madras held conciliation proceedings and brought about a settlement on April 12, 1963 according to which parties agreed to effect reduction of 50% of the total strength of sanitary department for Sunday work for a period of four months from May 1, 1963. The Vice-President of Mysore Mine Workers' Union agreed to this arrangement.]

(ii) The timing for attending the roll call for the workers has been stressed and if any worker happens to be late even for

five minutes his service card is marked accordingly. This is against the past practice and involves harassment to workers.

[(ii) The system of marking late attendance is in vogue for long. In practice, the management give 5 minutes grace time after the roll call. The workers are allowed to work even if they come 20 minutes after the roll call after obtaining an assurance from them for punctual attendance in future. This was confirmed by the Vice-President of Mysore Mine Workers Union. The punctuality in attendance has been tightened up since the declaration of Emergency with a view to stepping up production. The system is, therefore, neither against the past practice; nor does it involve harassment of workers.]

(2) Hindusthan Steel Ltd.

(i) The management have decided to extend the contract system in Rajhara, Nandini and Hirri mines in violation of the recommendations of the Industrial Committee on Mines other than Coal.

[(i) It is found that the bulk of requirements of ore of the Bhilai Steel Plant are met by direct labour. In view of the rapid expansion of the plant however the demand has often to be met at short notice and it has sometimes been met through contractors. The management have, however, safeguarded the interests of contractors' workers and ensured that the prescribed wages, leave with wages, wages for national holidays, overtime wages etc. are correctly and fully paid to them by contractors. The management have also ensured provision of welfare measures, such as, supply of drinking water and lavatories for workers. Despite these safeguards provided by the management the question of abolition of contract system is being actively considered by the appropriate section in the Ministry.]

(ii) As the Samyukta Khadan Mazdoor Sangh demanded abolition of contract system the raising contractors under the B.S.P. are organising physical violence on union activists. Assaults were organised on them on January 5, February 17, 25, 1963.

[(ii) The incidents of assault on Shri Ishwar, a raising worker on January 5, 1963 and on Shri Nair on February 17, 1963

are subjudice and action under the Code can be taken only after the courts' findings are available.

As regards the incident of February 25, it is found that there was a scuffle between Shri Indal Prasad and the employees of Shri Sabarwal, a contractor, on account of the formers intervention in a quarrel between two workers over the ownership of blasted stones. Shri Indal Prasad admitted this fact during the enquiry; he has since compromised the case with Shri Sabarwal and no dispute exists at present.

A.I.T.U.C. was informed of the position of all these cases in April, 1963.]

(3) Delhi Transport Undertaking

(i) The management of D.T.U. have declined the suggestion of the D.T.U. Workers Union to withdraw the appeals filed by them against awards and settle the disputes by mutual agreement. At a meeting held on February 28, 1963 between the representatives of D.T.U. and the union the former expressed that it was difficult to comment on the union's suggestion for an out-of-court settlement as the issues involved basic principles.

(ii) They also expressed doubt whether the Code of Discipline had been ratified by the management and said that the matter would be brought to the notice of the Chairman, Delhi Transport Committee.

[The Division received a complaint from the D.T.U. Workers Union in this regard and requested the Labour Commissioner, Delhi and the appropriate Ministry of enquire into the matter and advise the management of D.T.U. to settle the dispute out of the court. The Labour Commissioner, Delhi is now seized of the matter.

The position regarding the acceptance of the Code by the management of D.T.U. has also been explained to the Labour Commissioner, Delhi, and he has been asked to take up the matter with the concerned authorities.]

(4) Birla Cotton Textile Weaving and Dyeing Factory, Delhi.

(i) The management has been refusing to negotiate with the Kapra Mazdoor Ekta Union on the question of rationalisation.

(ii) The management had earlier agreed with the unions regarding the mode of payment of bonus since 1959, but took advantage of the Emergency and paid bonus unilaterally without consulting the union and in contravention of the 1959 agreement. According to the agreement disputes arising out of it were to be referred to arbitration but the management have not agreed to it.

(iii) The management had been guilty of working the mills during rest intervals without any benefit to the workers. These were reported to the Factory Inspector but no action has been taken.

(iv) The management has been making changes in the shifts detrimental to the workers and were not allowing weekly holidays and festival holidays to the workmen.

(5) *Kanodia Hosiery Mills and*

(6) *Jain Textile Weaving and Dyeing Factory.*

(i) They have been resorting to gross anti-labour practices by terrorising the workers and refusing to attend to their grievances.

(ii) They have also laid off their workers and reduced their wages.

(iii) The Labour Relations Machinery has generally failed to help in the settlement of disputes and the working of the Factory Inspectorate is highly unsatisfactory.

(7) *Delhi Cloth Mills, Delhi.*

The management have been taking undue advantage of the emergency to wreck the union by victimising and threatening violence against the functionaries of the Kapra Mazdoor Ekta Union. The union workers have been implicated in false cases and union representatives excluded from Factory Defence Committee. A complaint in this regard was made to the Union Labour Minister.

[During November, 1962 charges and counter-charges were made by the management and the Kapra Mazdoor Ekta Union against each other. Shri B. D. Joshi of AITUC and the General Manager of the Delhi Cloth Mills discussed the matter with Shri R. L. Mehta on November 24, 1962. Both the parties were

advised to exercise restraint in their letters to each other. The Labour Commissioner, Delhi, Deputy Commissioner and Chief Commissioner also discussed the matter with both the parties. As a result of the intervention of the Ministry and Delhi Administration both the parties agreed to settle their pending issues by mutual discussion. No further dispute was raised after this arrangement. AITUC was informed of the position on May 22, 1963.]

(8) Swatantra Bharat Mills, Delhi

The management have refused to discuss the outstanding grievances of the workers on the plea that the Emergency ruled out such discussions though negotiations on some of the items were in an advanced stage. When the union requested the management to resume negotiations they replied that in view of the Emergency raising any controversial issue was likely to cause disturbance to industrial peace and, therefore, the discussions could be resumed after the Emergency was over.

(9) Indian Refineries Ltd., Barauni

(i) The management terminated the services of two workmen, Sarvashri Balram Sinha and V. K. Pandey on December 31, 1962 without assigning any reason.

[The disputes regarding these cases were referred to adjudication on April 13, 1963.]

(ii) On January 23, 1963, the services of Shri G. M. Sarkar were terminated. These were cases of victimisation.

(iii) The management unilaterally decided to increase the working hours from 48 to 54 hours a week.

(iv) When the workers protested against it, the leading trade unionists were victimised.

(10) Hindusthan Steel Ltd.

In all the three plants at Durgapur, Rourkela and Bhilai, the management have begun retrenching workers classified as "Nominal Muster Roll" and "Work-Charged" though they have put in over three years of service and should have been brought into the regular rolls of the Projects long ago. While these workers were being retrenched, fresh recruitments were going on at the same time in the different plants.

[The Implementation Officer, M.P., has reported that the management of Bhilai Steel Project has neither retrenched any 'Work-Charged' employee nor has it retrenched any 'N.M.R.' employee who has put in three year service. Only about 50 N.M.R. employees who were engaged for three months for the work of white washing etc., were retrenched. Comments of the I.Os. of Orissa & W.Bengal are awaited.]

(11) Hindusthan Steel Ltd., Durgapur Steel Project.

The services of Benoy Kumar Lahiri, Joint Secretary, Hindustan Steel Employees Union were terminated by the management without assigning any reasons. This being a case of victimisation of a leading trade unionist was in breach of the Truce Resolution.

[The State Government examined the case and came to the conclusion that the dismissal of Shri Lahiri did not involve any malpractice or victimisation by the management.]

(12) Calcutta Silk Manufacturing Co. Ltd. Khardah (W. Bengal).

(i) The management retrenched 60 workmen (skilled weavers) arbitrarily on the ground of shortage of electricity.

(ii) The management retrenched on November 19, 1962, two other workmen by partly closing down the design department on the plea of market shortage, without prior approval from the Government. A tripartite agreement was reached to re-employ them on March 14, 1963, but the management have not implemented the agreement in full.

(iii) While a dispute is pending before the Industrial Tribunal regarding wage structure, etc., the management reduced the piece rate wages of weavers on February 20, 1963.

(iv) The management issued 60 charge-sheets and suspended 15 workmen, without any inquiry, and deducted wages for 800 working hours in between November 7, 1962 and March 31, 1963.

(13) Bangeswari Cotton Mill, Rishra, West Bengal

(i) The management closed 'C' shift in November, 1962, retrenching 400 workers. 100 workers were further retrenched from after shifts.

(ii) The management dismissed five union activists on November 1, 1962. The joint conferences held by the State Assistant Labour Commissioner ended in failure.

(iii) On December 9, 1962, the management dismissed another worker, Shri Nemaï.

(iv) On February 9, 1963, the management charge-sheeted four more workers and dismissed them from March 1, 1963. The management was asked by the Assistant Labour Commissioner to reinstate the workers but they declined to do so.

(v) The management charge-sheeted four workers between 8-3-1963 and 19-3-1963 and they are still under suspension.

(vi) They also laid-off three workers from January 3, 1963 to March 21, 1963 although the work on which they were employed has been resumed.

(vii) About 7 months ago, over one hundred workers were given annual earned leave. But they have not yet been paid for the same. A complaint was made to the Factory Inspector but it has had no result.

(viii) The bonus payable to workers before Durga Puja of 1962, has not been paid.

(ix) The management have increased the workload unilaterally in various departments. In particular, the work load has been doubled in the Carding Department.

(x) 25 Badli workmen who were made permanent some time ago, have now been retrenched.

(14) *Bauria Cotton Mill, Howrah*

(i) The management arbitrarily increased the work load. While the dispute was under conciliation, the management continued reduction of workmen and increase in work-load afresh.

(ii) They sealed 50 looms on or about March 18, 1963.

(iii) They discharged 67 workers since the dispute was taken up in conciliation.

(15) *Employers in tea plantation industry, Jalpaiguri Dt., Bengal*

The Zila Chabagan Workers' Union in a memorandum dated March 30, 1963 to the Labour Minister, W. Bengal,

copy to Union Labour Minister, reported concrete cases of violation of Truce Resolution by 18 employers. The complaints related to suspension, eviction and forced retirement of workers, intimidation and coercion, withdrawal of facilities, unilateral increase in workload etc.,

[In all there were 28 complaints.]

(16) *Roneo Ltd., Calcutta*

The management retrenched 34 employees in December, 1962 on the plea of deterioration in their repair work business, due to import restrictions. The management's claim was not substantiated on facts, as their quota was increased by 2½% when the retrenchment took place. The retrenchment was illegal and mala fide. The dispute has been referred to adjudication.

(17) *Indian Iron & Steel Co. Ltd., Burnpur*

The management have not implemented the interim recommendations of the Central Wage Board for Iron and Steel Industry in respect of their employees in Kulti, though interim relief was paid to the employees in Burnpur from December 1, 1962.

[The question whether the recommendations of the Wage Board apply to the Works is not clear. The Board would consider the matter at its next meeting.]

(18) *Indian Standard Metal Co. Ltd., Bombay*

The management retrenched 15 workers with effect from April 1, 1963, though they were working continuously for three years.

[The State Government have reported that the complaint was earlier considered by the State Personnel Management Advisory Service and it was found that the retrenchment was due to shortage of orders from customers. The management however gave an assurance that the retrenched workers would be given preference in employment as and when occasion arose. The union withdrew its complaint.]

(19) *Praga Tools, Secunderabad*

The management retrenched 19 workers on February 20, 1963, in violation of an agreement dated December 10, 1962,

which they had entered into with Praga Tools Workers Union.

[The State Government are seized of the case and have taken up the matter with the management.]

(20) Medical Department, Government of Andhra Pradesh

(i) The employees have been denied weekly off, despite Government Orders. At Guntur General Hospital the benefit of one day's off in a month which was available to employees was withdrawn since December, 1962, on the plea of Emergency.

[The State Implementation Officer has reported that the dispute relates to Employees' State Insurance dispensary and has been settled.]

(ii) The Secretary of the Guntur Branch of the Andhra Pradesh Medical Employees Union was discharged from service despite Emergency.

[The union secretary was discharged from service on grounds of proved misconduct. He has now preferred an appeal to the State Director of Medical Services.]

(21) Closure of Cashew Factories in Mangalore

(i) Six cashew factories in Mangalore have been closed down causing unemployment to 3,000 workers. Two factories of M/s. U. Narayana Mallya & Sons were closed from January 7, 1963 laying off 50 workers. Two factories of Swasti Cashew Industries Ltd. were closed from November 5, 1962 laying off about 950 workers. Two of Yekanath Cashew Industries, Kulshekar, were closed from November 22, 1962, laying off 65 and 920 workers respectively.

(ii) The management have not paid lay-off compensation on the plea that the State Government have not declared each factory individually as non-seasonal. The State Government have failed to intervene and ensure continuous production and employment for the workers.

(22) Bagalkot Cement Co. Ltd., Bagalkot, Mysore

(i) The management terminated the services of 10 Khalasis on December 31, 1962. The State Labour Department has not taken any action though it was approached a number of times. The I&E Division was also approached but it informed that the State I&E Officer was looking into the matter. The dis-

charged workers who had come from far away places are now starving with their families.

(ii) The management have refused to re-employ 60 workers who were allegedly involved in an illegal strike in May, 1956 but were later acquitted by the court on February 28, 1963. The State Labour Department to which the case was referred has not taken any action.

[The State Implementation Officer has reported that the Khalasis were retrenched after due notice under the Industrial Disputes Act on the ground that their services were not required. The dispute has however been taken up in conciliation.

It is reported that a large number of workers indulged in stone throwing causing injury to persons and damage to property and cases were filed in court. The workers have not reported to the Implementation Officer, about their acquittal. It is also reported that no case regarding the reemployment of the workers was referred to his office.]

(23) *Electro-Metallurgical Works Ltd., Dandeli*

Since September-October, 1961, 125 workers were affected by manganese poisoning and were being treated by ESIC and other Government doctors. They were granted leave by the management on the recommendation of the ESI doctors. The State Government referred these cases for examination to the Medical Board, the latter took six months to examine the cases. The Medical Board did not properly diagnosed the cases. On the basis of the report of the Medical Board and ESIC the workers approached the management for employment. They, however, refused to employ 40 of them. Representations to the State Labour Department have not proved fruitful.

(24) *P.W.D., U.P.*

The Assistant Engineer III, P.W.D., Bulandshahr, terminated the services of Dharampal, a work-charged employee, illegally though he was not the appointing authority.

(25) *Amitabh Textile Mills Ltd., Dehra Dun*

(i) The management taking advantage of the Emergency refused to implement an agreement of August, 1962-according

to which they had agreed to revise the wage structure of the workmen to bring it at par with Saharanpur wages after the implementation of the Wage Board recommendations. Recently, the management entered into an agreement with a minority union in violation of the earlier agreement with the Textile Mazdoor Union.

(ii) The Office Secretary of the Premnagar Branch of the Union was wrongfully dismissed on February 7, 1963.

(iii) The management charge-sheeted and warned a number of workers including the Union's President who did not attend to work on the day of mourning of the death of Dr. Rajendra Prasad. As the management could not substantiate any of the charges during the enquiry, the workers were reinstated after 24 days of suspension.

[According to an earlier report of the State Implementation Officer the Agreement had been fully implemented. However, he is enquiring into the matter again.]

(26) *The Cochin Malleables (P) Ltd., Trichur*

(i) In violation of a long term agreement with the AITUC Union dated June 28, 1962, the management affected (a) wage cut in time-rate, (b) reduction in incentive rates, (c) change in the condition of service in the Smithy shop resulting in the suspension of the whole shop, (d) dismissal of 19 workers, (e) employment of contract labour and giving manufacturing jobs to free lance jobbers, (f) suspension pending enquiry of 18 workers, resulting in their being kept out for the last two months and (g) non-setting up of a grievance procedure.

[The State Implementation Officer has been requested to send an early report. Shri Warriar, M.P. who represented this case was informed by L.M. on June 6, 1963 that while the Implementation Officer has been requested to look into it and take appropriate action under the Code, he may advise the union to approach him to expedite action.]

(ii) The management is also guilty of non-remittance of contributions to the ESI and EPF.

(iii) The union conducted a ballot for staging a strike but has kept it in abeyance pending enquiry by the State Labour Minister and the Central I&E Division.

(27) *Radha Krishna Mills, Narghat, Mirzapur*

The management of mills and its branches (Phool Chand Seksaria and Jai Hind Textiles, Narghat, Mirzapur) closed one shift on 16-1-62 without notice resulting in unemployment of 35 workers. The State Regional Conciliation Officer who visited the factory, on representation, threatened the workers that they would be arrested if they took any action to protest against the retrenchment during Emergency. The management have split up their mills into three units to avoid payment of excise duty. The Central Excise Department and the Textile Commissioner have not taken any action against illegal action of the management.

(28) *Vaikundam Estate, Kalial, Kanyakumari, Distt. Madras*

(i) The management are not implementing labour laws, such as, Plantation Labour Act. They are not keeping muster roll for the temporary workers and are not issuing wage slips to workers.

(ii) The management have not implemented two agreements of (a) May 28, 1958 and (b) May 26, 1955 regarding wage increments and gratuity.

(29) *Jayavilas Handloom Factory and Indravilas Handloom Factory, Sivagiri*

The management did not provide work for 19 days in a month. When Conciliation proceedings were initiated by the District Labour Officer on 12-3-63, the management's representatives did not attend. They also ignored the suggestions made by the District Labour Officer to improve the employment situation.

(30) *Parvathi Mills Ltd., Quilon*

The management refused to accept arbitration to resolve a dispute regarding annual bonus for the year 1961-62. There was a strike for 87 days by the workers led by AITUC, UTUC and INTUC. After the Truce Resolution was adopted the State Government tried to refer the dispute to arbitration but the management did not agree. Later the dispute was referred to adjudication.

[Non-acceptance of arbitration regarding a dispute over payment of bonus cannot be considered to be a violation of the Truce Resolution. In any case as the dispute has been referred to adjudication, there should be no grievance now in this regard.]

(31) Employers in Cashewnut Industry, Kerala

The employers of cashew industry deducted contributions for the Employees' Provident Fund to the tune of Rs. 8 lakhs but did not remit them to the R.P.F.C. Despite this misappropriation Government did not take any action against the employers. On the other hand Government have obliged the employers by postponing the date of implementation of the scheme from October 1, 1962 to April 1, 1963.

[Government exempted a certain class of Cashewnut factories from the operation of the Act for six months which did not have retirement benefits in the form of provident fund or gratuity or old-age pension on September 30, 1962. This decision was taken on the representation of the industry after consultation with the State Government and other concerned authorities.]

(32) Maharaja Shri Ummaid Mills Ltd., Pali

The State Government convened a tripartite meeting on October 23, 1962, regarding a dispute over payment of bonus by the management. It was agreed that the management would pay one month's pay as bonus before Diwali and the dispute as such should be referred to a Special Tribunal. Later, the union leaders were arrested under Defence of India Rules and the State Government taking advantage of the new situation has gone back on their assurance to refer the dispute to a Special Tribunal. A settlement is now being tried with the INTUC Union at the back of the AITUC-Union. While Truce Resolution requires speedy disposal of disputes, there was no Industrial Tribunal in Rajasthan for nearly six months.

(33) Dalmia Dadri Cement Ltd., Dadri

(i) The management were to pay bonus for 1961 by the end of December, 1962 but they paid it only on March 4, 1963 after the union threatened direct action.

(ii) The management have violated an agreement of June 15, 1962 in respect of designating Shri Om Prakash as Clerk and have persisted in this violation despite the intervention of the Labour Inspector, Bhiwani.

(34) *Employers in Textile Industry, Amritsar*

(a) *Khanna Silk Mills (P) Ltd., Amritsar*

The management terminated the Award of the Industrial Tribunal regarding gratuity scheme though they could not legally do so.

(b) *Vijay Woollen and Silk Mills, Amritsar*

The management terminated the settlement regarding paid festival holidays and paid casual leave in November, 1962.

(c) *Model Woollen and Silk Mills, Verka, Amritsar*

The management retrenched 127 workers without notice though the mill had defence orders. Some of the retrenched workers were recalled after a few weeks and the mill is now working overtime. This shows that there is no need for retrenchment which was resorted to only to cause a break in the workers' services.

[It is reported that the management had engaged the workers, for a specified period upto November 30, 1962 and their services were terminated after the expiry of the period. The allegation that the workmen were removed to cause a break in their services is not therefore correct.]

(d) *Brajesh Woollen Mills, Amritsar*

(e) *Kumar Weaving Factory, Amritsar*

(f) *Dalip Weaving Factory, Amritsar*

(g) *Raj Weaving Factory, Amritsar*

(h) *Khanna Handloom Factory, Amritsar*

The managements of these mills declared closure in November, 1962.

[Enquiries revealed that the textile industry in Amritsar was in a grip of severe depression which resulted in the shrinkage of employment in the form of retrenchment, lay-off reduction in working hours etc.]

(i) In most of the small-scale woollen mills in Amritsar

(7 cases of C.L. Woollen Mills, Bombay Woollen Mills etc. were mentioned), there have been retrenchment, reduction in working hours and lay-off.

(j) In most of the big and small art silk mills in Amritsar (names of 32 mills were mentioned), there have been retrenchment and lay-off for long periods.

[Woollen industry also faced difficult problems. Woollen yarn was frozen under Government orders and defence orders were mainly placed with three composite units. The small scale woollen units were facing shortage of yarn; the supply of yarn issued by the Textile Commissioner could hardly keep the units busy for 4 weeks in a year.

The artificial silk units were also facing slump because of the paucity of purchasers. Earlier orders were cancelled and RRs were dishonoured. As this caused accumulation of stocks with the manufacturers they adopted various methods to reduce production. There was, therefore, shrinkage of employment.

The circumstances of closure etc., were beyond the managements' control.]

(k) Bombay Woollen Mills, Amritsar

(l) Simplex Woolex Woollen Mills, Amritsar

The management effected large-scale retrenchment on March 20, 1963.

(m) Prabhat Finishing Mills, Batala Road, Amritsar

The management terminated the services of workers and made them piece-rated on March 16, 1963, despite opposition. Some workers who refused to accept piece-rates were turned out.

(35) Universal Screw Factory, Chhcharta, Amritsar

The management laid off the workers and did not provide them with work on grounds of alleged slow-down. On enquiry by the State Government the management's charge proved incorrect.

(36) Bidi Factory of Bastiram Narayandas Maheshri, Sangamner, Maharashtra

The management closed the factory on March 20, 1963, without notice and rendered 125 workers unemployed.

(37) New Bhopal Textile Mills, Bhopal

(i) The management are not paying wages to workers according to the Payment of Wages Act. Wages for January, were paid on February 23 and that too at the intervention of the State Governor. The wages for subsequent months are in arrears.

(ii) The management sealed 100 looms since February in the Weaving Section.

[The wages for February and March have already been paid. However, the State authorities are seized of the problem and are taking appropriate legal action against the management.]

[It is reported that the management started 20 looms from February 6, 1963 and intended to restart the rest but could not do so because of heavy absenteeism, etc.]

(38) Standard Iron Works, Surat

The management declared closure on February 1, 1963, thereby rendering 75 workers unemployed. The union approached the State Government for taking steps to reopen the factory but no action has been taken in this regard.

[It is not correct that the State Government did not take any action. They held a series of discussion with the parties to settle the dispute. As their efforts to persuade the management not to close the factory did not succeed they have appointed a Court of Enquiry under the I.D. Act to enquire into the reasons for closure and connected matters.]

[EDITOR'S NOTE: On items 4-6, 8, 9, 12-16, 21, 23, 25, 27-29, 32-36, the Labour Ministry's comments were: "Comments of the State Implementation Officer are awaited."]

2. CASES REPORTED BY H.M.S.

1. South Joyramdanga Colliery, Asansol: The management discharged 4 workers on 22.11.62. They also refused to agree to arbitration. This case was brought to the notice of Conciliation Officer (C), Asansol on 24.11.62.

[The Conciliation Officer reported that the complaint was not justified. The workers were never stopped from work and they themselves absented from duty. The union never demand-

ed reinstatement of the workers, but only payment of their dues as they were reported to be working in other Collieries. This was done and H.M.S. informed of the position. A demand for arbitration did not arise.]

2. India Government Mint, Calcutta: The management has introduced several changes in service conditions in an unilateral manner. In spite of requests from the Calcutta Mint Workers Union, the management has refused to discuss these issues or settle the same in any other way. Representation by union is dated 28.12.62.

[As the union's complaint dated December 28, 1962, was not received earlier, H.M.S. was requested to send a copy. It was received by I&E Div. on 22.5.63. The Ministry of Finance with which the matter was taken up has intimated that the Mint Master sent a reply to the union on the 7th March, 1963 wherein he explained the position about all the points raised by it.]

3. Lock-out by Quarries at Shivrajpur, Gujarat: Employees in various quarries at Shivrajpur have formed a union, Panchmahal District Employees Union. The employer knowing the activities of the union, decided to take a rough attitude and declared a lock-out from the 1st March, 1963. About 1700 employees are affected by the lockout.

[An enquiry revealed that quarries and crushers at Halal Pavagadh area were closed from the 1st to 11th March, 1963, due to holi festival and accumulation of stocks. When this closure was announced by the employers on 1.3.63 most of the workers left for their native places. The quarries were to start work on 12.3.63 but the workmen did not present themselves for work. At a meeting held on 14.3.63 by the Govt. Labour Officer, it was agreed that the union representatives would advise the workmen to report for work on 15.3.63. The workers did not turn up on that day and came to the quarries only on 18.3.63; work was started from that day. The union's allegation that the employers were not taking back the workers was not found to be correct. H.M.S. was informed of the position on May 17, 1963.]

4. Oil & Natural Gas Commission: (i) The Commission has not implemented standing orders as certified on 15.9.1962.

Payment of travelling expenses and other amounts due to the workers are withheld without any reason.

[(i) In September, 1962, H.M.S. Union complained to C.L.C. about non-implementation of the standing orders in the projects of the Commission. C.L.C. took up the matter with the Commission, which informed the union on 22.9.62 that copies of the certified Standing Orders had been forwarded to all concerned in the Commission for implementation. No further complaint was received from H.M.S. in this regard.

[No complaint regarding withholding of travelling expenses was also received. H.M.S. was requested on 16.4.63 to send specific instances of non-implementation of standing orders and non-payment of travelling expenses, etc. to workers. The Commission was also requested on 16.4.63 to send its comments on these allegations. A reply from H.M.S. is still awaited. However, the Oil & Natural Gas Commission has asked its Western Region Office to look into the matter. Its reply is awaited.]

(ii) Recognition of the Oil & Natural Gas Commission Employees Mazdoor Sabha is pending for about two years. Complaint regarding the recognition is pending with the Central Implementation and Evaluation Division.

[(ii) It was in May, 1962, that Oil & Natural Gas Commission Employees Mazdoor Sabha sent to the Division a copy of its letter addressed to the Commission claiming recognition. The Division took up the matter with the Commission. While certain clarifications were being sought from it, Emergency was declared and the verification work was suspended. The case was reviewed in March, 1963, when the verification work was restarted. As the Commission has projects falling in both Central and State spheres it was found necessary to consult the State Government concerned. On receipt of their approval verification was ordered in April, 1963. The verification is in progress.]

(iii) Employees entitled to permanency under rules are not confirmed. This case has also been referred to the Central I&E Division.

[(iii) The Oil & Natural Gas Commission has not framed any regulations on the lines of the Central Civil Services (Tem-

porary Service) Rules as it is governed by the O.N.G. Commission Act. It is however considering the question of creation of non-pensionable permanent posts for its employees and a decision is likely to be taken shortly. Thereafter, the employees will be confirmed against these posts on the basis of their seniority, suitability, etc.]

5. *Bharat Sugar Mills Ltd., Bihar*: There are several grievances which include pending demands and complaints regarding non-implementation of settlements and awards, which are pending before the Labour Commissioner for several months. *Bharat Sugar Mills Labour Union, Sidhwalia* wrote about these grievances on 31.12.62 to the Labour Officer at Patna. In spite of repeated reminders and representation, no action has been taken in this case.

[In January, 1963, H.M.S. sent to I&E Div. a copy of its letter to Implementation Officer Bihar. The Imp. Officer was requested to intimate facts and action taken. The Hind Mazdoor Sabha was also requested to advise its affiliate to contact him for further action. The State I.O. has reported that at the intervention of the State Implementation Machinery the parties settled their disputes out-of-court and cases were withdrawn from Patna High Court and Industrial Tribunal. The situation in the Mills is peaceful H.M.S. was informed of the position on June 11, 1963.]

6. *National Sheet & Metal Works (P) Ltd., Calcutta*: This company had declared a lockout in September, 1962. As a result of intervention of the Labour Commissioner the lock-out was lifted on 19.11.62. The company laid off the workmen from 27.12.62. This case was referred to the Labour Commissioner on 30-12-62, by the National Sheet and Metal Mazdoor Union, Calcutta.

[The State Implementation Officer has reported that at the intervention of the State Conciliation Machinery the dispute was settled amicably. The workmen who were laid off on 27.12.62 resumed work on 10.1.63 and were paid 50% of the wages. The union confirmed on January 24, 1963, that it had no grievance in this regard.]

7. *Orissa Cement Ltd., Rajgangpur*: The management had agreed to refer certain disputes to voluntary arbitration. In spite

of this agreement, the management refused to sign the agreement. This case was referred to the Labour Commissioner on 29.12.62.

[The State Implementation Officer reported that according to a settlement dated 18 April 1961, the Orissa Cement Mazdoor Sangha was debarred from raising any industrial dispute in respect of any of the terms of the settlement. It was also debarred from raising any demand, which was likely to impose financial liability on the management. Nevertheless, the Sangha served a charter of demands some of which were covered by the settlement. The dispute was taken up in conciliation. After failure of conciliation proceedings the Sangha insisted that the entire charter be referred to arbitration but the management were agreeable to refer to arbitration only such of the items as were not covered by the settlement. H.M.S. was informed on 2 May 1963, that this stand of the management was not in violation of the Truce Resolution.]

4. Paper Products Ltd., Thana (Maharashtra): The management signed a settlement with the Transport and General Workers Union, Thana, to refer the dispute regarding classification to arbitration. The management has now refused to sign the agreement. The case has been referred to the Commissioner of Labour, Bombay.

[The State Implementation Officer's report is awaited.]

5. Mohini Sugar Mills Ltd., Warisaligunj, Bihar: The management has illegally withheld about 50% of arrears due to the workmen on account of implementation of the Sugar Wage Board Report. There are several other complaints regarding non-implementation of settlements. The Mohini Sugar Mills Workers Union, Warisaligunj sent a representation to the Ministry of Labour & Employment on 27.12.62.

[The State I.O. was requested to intimate facts and action taken. The HMS was also requested to advise its affiliate to contact him for further action. The State Implementation Officer reported in May, 1963, that the disputes had been referred to adjudication. Enquiries into cases of violation of settlements and awards have also been completed and the matter would come up before the next meeting of the State

I&E Committee, HMS was informed of the position on 11 June 1963.]

6. Bihar Sugar Works, Pachrukhi: The management has decided to close the factory following the decision of the Patna High Court abolishing the system of sending workers on compulsory leave. The Bihar Sugar Workers Union made representation on 22.2.63.

[HMS reported about the threatened closure on 27 February 1963. The matter was taken up with the State I.O. who intimated on 22.3.63 that the State Govt. was taking necessary steps to avoid the closure. The State I.O. later reported that on account of coal shortage certain workers were laid off in February, 1963. However, at the intervention of the State authorities the management procured coal and work has started; lay-off notices were withdrawn. HMS was informed of the position on 11 June 1963.]

7. Ruby Industries, Bombay: The management terminated the services of 8 active workers of the union and retrenched 85 workmen. The workmen suggested that these cases should be referred to arbitration, but the management did not agree. When this case was reported to the State Labour Commissioner he did not advise the management to refer it to arbitration.

[The Division had no previous papers on the complaint. The State Implementation Officer was requested on 3.4.63 to enquire into the complaint and send a report. His report is awaited.]

8. Kalinga Industries Ltd., Chaudwar, Orissa: The management has discharged the General Secretary of the Kalinga Industries Workers Union, has suspended 10 workmen and several workmen have been charge-sheeted. In spite of repeated attempts by the union to arrive at an amicable settlement, the management has persisted in its anti-labour activities. Intervention of the Implementation and Evaluation Division has not proved fruitful.

[The State Implementation Officer reported on 12.4.63 that on the question of discharge of the General Secretary, the State Conciliation Officer was yet to give his decision on the management's application filed under the I.D. Act for approval of its action. The State Implementation Officer has been

requested to intimate the latest position regarding this case. His reply is awaited.

[The dispute regarding the suspension of 10 workmen was resolved at the intervention of the Conciliation Machinery. Though the workers were found responsible for absenting themselves but at the intervention of the State authorities the management did not take action against them; the union gave an undertaking that workers would not do so in future. The allegation that the intervention of Conciliation Machinery was not fruitful was not, therefore, justified.]

3. CASES REPORTED BY U.T.U.C.

1. M/s. Kalyanji & Mavji Co., (Murlidih Colliery)—M/s. Bengal Coal Co. Ltd., P.O. Mohuda, Dhanbad: The Raising Contractor has retrenched 300 permanent miners. The principal employer has refused to give them any alternative employment though it has employed 400 new men.

[In February, 1963, the Division received copy of a letter addressed to the management by Hindustan Khan Mazdoor Sangh stating that the management had stopped more than 200 miners from work. At the Division's intervention R.L.C. (Imp.) held a joint meeting on 8 April 1963 and brought about a settlement to the union's satisfaction. The management agreed to give preference to local men, as far as possible, in giving employment. The facts about the present complaint are being ascertained.]

2. Listed employers of chipping and painting workers, Calcutta Dock Labour Board: (i) At a joint meeting with the unions the employers agreed that one Sirdar/Serang will be booked per each two tindal/mate booked and the Sirdar/Serang of D category being not requisitioned, one Sirdar/Serang of D category will be booked irrespective of the number of workers requisitioned. The employers are not, however, abiding by the agreement.

(ii) The Calcutta Dock Labour Board decided unanimously that while commencing Pool Booking of the listed workers the status quo in respect of wage, benefits and other conditions of service shall not be disturbed. Despite repeated representations

the employers are not rectifying the position regarding denial of uniform wages and festival advance to listed workers.

[Regional Labour Commissioner's report is awaited.]

3. *Bihta-South Bihar Sugar Mills*: The management have illegally locked out 200 permanent employees with effect from 12.2.63.

4. *Ranchi Indiamax Ltd.*: The management have illegally terminated the services of 5 workmen on account of their trade union activities and refused to settle the dispute by arbitration.

5. *Patna Small Scale Industries Corporation*: The management has withdrawn the privilege of weekly holiday with wages with effect from 1.4.63.

6. *The Patna Electric Supply Co. Ltd., Patna*: The management assured the workmen in writing that they would implement the Tribunal's award of 13 August 1962 regarding revision of wage structure and actually started fixing the workmen in the Revised Scales of Pay. But as soon as Emergency was declared and Truce Resolution was adopted the management taking undue advantage of the situation filed an appeal against the award.

7. *M/s. Sakti Press, Calcutta*: In a dispute regarding dismissal of Lakshman Ch. Das and Haragovinda Ghosh the union agreed to arbitration but the management did not. The disputes ought to have been referred to adjudication at least but these are pending.

8. *M/s. Annapurna Metal Works, Tiljala, Calcutta-39*: (i) In cases of dismissal of Bimal Sen and Jagdish Prasad Singh the disputes were filed in September, 1961. (ii) In another case of dismissal of Khora Rauth and Nathuni Mahato conciliation took place on 7 August 1962. The union agreed to arbitration in both the cases but the management did not. These cases have not yet been referred to adjudication.

9. *M/s. Basanti Binding Works, Calcutta-9*: A charter of demands was submitted to the management. Three conciliation meetings were held during July to September, 1962 but the management refused to attend any of them and raised objec-

tions about the representation of the workers by the union. The union satisfied the Conciliation Officer about its representative character but the disputes have not yet been referred to adjudication.

10. *Dr. S. K. Burman (Dabur) P. Ltd., Calcutta-29*: (i) The management have deliberately violated the terms of an agreement by withholding payment of Holi bonus to workers. A conciliation meeting was called on 6.5.63 but in spite of conciliation machinery's recommendation the management have flatly refused to pay bonus: (ii) The management have deliberately been harassing the workers by dismissal and discharge of 9 workers during the pendency of a Tribunal and an Arbitration. The workers are also being harassed by lodging false complaints with the local police and getting them arrested. This deliberate move of the management is for crushing legitimate and normal trade union activities.

11. *M/s. Peareylal Workshop Private Ltd., New Delhi*: The management withdrew without notice the benefits conferred on their workmen by the Industrial Tribunal's Award about one year back with regard to supply of uniforms to chaprasis, chowkidars, sweepers etc. and dangries to certain categories of workmen. It was done in violation of section 9A of the I.D. Act. It has led to great unrest amongst the workmen and they may have to go on strike to regain their hard won benefits.

12. *M/s. Delhi Motor & Cycle Co., New Delhi*: For about one year the management used to pay Rs. 10 each as conveyance allowance to 14 workmen who are now transferred to Shahdara workshop from New Delhi workshop. Though the workmen have to spend much more than this amount they demanded restoration of Rs. 10 per month only. The management did not agree to accept arbitration agreement as suggested by the Conciliation Officer II, Delhi though the union was agreeable to do so.

13. *M/s. Federal Motors (P) Ltd., New Delhi*: The management is a habitual offender in the implementation of awards and orders of Authority under Minimum Wages Act. Recently the Directors were penalised for non-implementation of an award

with regard to bonus for 1960-61. The order of Minimum Wages Authority dated 10.1.1961 for paying minimum wages to Ram Narain and Satya Narain has not yet been implemented. The workmen have to approach the Minimum Wages Authority for every month's wages. As no effective step is being taken by the Labour Deptt., the workmen are thinking of resorting to direct action.

14. *National Electrical & Engineering Corporation :*

15. *Honeymoon Electricals, and*

16. *Rama Electric Works, New Delhi :*

These three companies are practically one and the same and run under the direct control of Shri A. R. Vanjani. They have kept three names only as an outlet for their unfair labour practices.

(i) Recently National Electricals and Engineering Corporation retrenched 3 workmen while the work is being done by 3 new hands. Some work has been transferred to Rama Electrical Works of which the proprietor has been named Shri Ram Chand who is the brother-in-law of Mr. Vanajani and who has been all along a supervisor of National Electrical and Engineering Corporation and Honeymoon Electricals.

(ii) Rama Electric Works have dismissed one workman and indefinitely suspended two since 11.2.63 without any justifiable grounds and without trying to prove any guilt of theirs.

(iii) Honeymoon Electricals have retrenched three workmen without any justification.

The managements have done so in the wake of a charter of demands which is pending before the Conciliation Officer.

17. *Hindusthan General Industries Ltd., Delhi :* (i) The management have developed a regular practice of turning out workmen without notice and then accusing them of absenting when the cases are taken up by the C.O., Delhi. The names of such workmen are Sarvashri Shiv Darshan, Shyam Sunder, Bhura Ram, Moti Lal, Swarath, Devendar Singh, Ram Swarup, Raghbir Singh, Desa Singh and many others. The management have been harassing and victimising the workmen on some plea or the other.

(ii) Further, they first appoint the workmen for three months and then they compel them to accept fresh agreement for employment though their nature of work is permanent. Contrary to the solemn promise made before the Labour Commissioner, Delhi, the management have been sticking to their policy of showing the workmen as temporary by breaking their service at intervals of three months on permanent nature of work as stated above.

18. *Indian Refrigeration Industries, New Delhi*: The management appoint the workers for three months and then compel them to accept fresh contract of employment. Thus they have been indulging in unfair labour practice by turning out a large number of workmen from service on some plea or the other, immediately after the emergency.

19. *Rama Hing Co. Delhi*: The management turned out 15 workmen from service unjustifiably immediately after the declaration of the emergency as they were demanding privileges of Delhi Shops and Establishments Act, 1954. New workmen have been engaged by the management and the cases of old workmen are still pending before the Conciliation Officer, Delhi.

VIOLATION OF INDUSTRIAL TRUCE BY THE APPROPRIATE GOVERNMENT AND CONCILIATION MACHINERY

20. *Peareylal Workshop (P) Ltd.*: An industrial dispute about reinstatement with continuity of service of Shri Santokh Singh, workman is pending for about one year with the Conciliation Officer though there is no possibility of any settlement due to the adamant attitude of the management. The Conciliation Officer has not taken expeditious action in this dispute.

21. *Inder Motor Service*: Taking undue advantage of the helplessness of the workmen during the emergency the appropriate Government refused to refer to adjudication a dispute regarding general demands.

22. *United Sheet Metal Industries*: 11 workmen, as represented by the Engineering Employees' Union, Delhi filed an

application u/s 33-2(b) of I.D. Act, 1947 but these are pending for the last about 9 months. The workmen have been put to untold harassments and sufferings as no expeditious step has been taken by the administration to dispose of the case.

23. *M/s. John Tinson & Co. Pvt. Ltd., New Delhi*: The union filed a statement of claim on 3.10.1962 but the case (No. 465 of 1961) is still pending.

CASES NOW PENDING BEFORE THE INDUSTRIAL TRIBUNAL, DELHI

24. *M/s. Spraylac Paints Corporation*: Arguments on preliminary issues in a case between the management Vs. Shri Ram Dhiraj concluded in December, 1962, but no decision has so far been taken. There is great unrest amongst the workmen.

25. *M/s. Delhi Cloth Market Trust Committee*: In a dispute between the management Vs. their workmen arguments on preliminary issues concluded on or about 30 January 1963 but no decision has so far been taken.

26. *United Sheet Metal Industries, Delhi Vs. Their workmen—Application U/S 33(2)(b) of the Industrial Disputes Act, 1947, for approval of 11 workmen's dismissal, pending before the Conciliation Officer II, Delhi*: The case has been pending since 17 August 1962, before the said Conciliation Officer and there is no knowing when any decision would be given by the Conciliation Officer, Delhi. The workmen have been kept under suspense. In the meantime, Mistry Yakub (one of the eleven dismissed workmen) aged about 50, who was the foreman of the Company, died allegedly as a result of the indignity and blows he had suffered at the hands of the management. The General Secretary of the Union, Shri Sushil Bhattacharya, has been compelled, under the above-mentioned tragic circumstances to give ultimatum to the Labour Commissioner, Delhi.

27. Factory Inspectorate at Delhi has practically, ceased to function (for workers) during the emergency:

(i) *Delhi Motor & Cycle Co., Vs. Abdul Ghani*: a case of imposition of fine unjustifiably. Complaint made to C.I.F. on the 23 October 1962, but no reply upto this date.

(ii) Premnath Motors Workshop Pvt. Ltd., New Delhi, Vs. Their workmen: Re: Shri Agha Aziz, Sant Ram, and Shri Dalchand: Refusal of the management to allow privilege leave and ultimate forfeiture of leave due in excess of 30 days. Complaints made on 13.6.62, 30.6.62, 2.7.62 and 10.12.62. There is no knowing of the fate of the complaints.

[NOTE: On item Nos. (3) to (25), the Ministry's comment is: "State Implementation Officer's report is awaited."]

4. CASES REPORTED BY AFFILIATES OF INTUC

1. Port Khalasis Union, Visakhapatnam: (i) Delay in settlement of demands and slow conciliation proceedings; (ii) Union demands arbitration.

2. Praga Tools, Hyderabad: Dismissals and victimisation of 37 workers. Arbitration not available.

3. Tripura Cha-Mazdoor Union, Agartala: (i) Harendra-nagar, Benodini and Durgabari Tea Estates (Payment of wages to labourers is irregular); (ii) Workers of Mohanpur Tea Estate are not being paid their wages for the last six weeks: (iii) Lilagarh and Ludhua Tea Estate (arrear of wages not paid).

4. Forms Press Shramik Union, Calcutta: Services of Nand Lal Ghosh, rotaryman, terminated while dispute about promotion of rotaryman to post of Automatic Machinemen (Rotary) was under conciliation proceedings.

5. Terai Cha Bagan Karmi Sangha, Taipoo Tea Estate, P.O. Baghoogra: Dismissal of workmen without any reason.

6. Bangodaya Cotton Mills Mazdoor Union, Agarpara, P.O.: Unlawful suspension of workers on a plea of low production.

7. Glass Factory Mazdoor Union, Asansol: Dismissal order of Hindustan Pilkington Glass Works, Ltd., Asansol against Shri C. P. Shahi, were held irregular by Tribunal. Instead of implementation of award, the management has gone in appeal to the High Court.

8. Govt. of India Press Industrial Workers Union, Calcutta-5: Arbitrary changing of Hand Book rules for selection

of Learners on Linotype and Monotype machines, has created great unrest.

9. *Ganges Printing Mazdoor Congress, Howrah*: Victimization of the members by the management of Ganges Printing Co. 45, Rajnarayan Rai Choudhry Chat Road, Sibpur, Howrah.

10. *Colliery Mazdoor Union, Asansol*: (i) Arbitration refused by Management of Bright's Rana Colliery, P.O. Charanpur in respect of dismissal of 8 workers, in spite of persuasion by the Conciliation Officer; (ii) 500 workers laid-off in Parbelia Colliery.

11. *Asansol Iron & Steel Workers Union, Kulti*: Non-payment of Rs. 20 as interim relief recommended by Iron & Steel Wage Board.

12. *Santragachi Press, Calcutta*: Unfair labour practices. Favourtism in the matter of promotions.

13. *Hindustan Steel Project, Durgapur*: Non-payment of interim relief as recommended by the Steel Wage Board to work-charge and muster-roll employees.

14. *Durgapur Project*: Non-payment of interim relief as recommended by the Coal Wage Board.

15. *Hindustan Cables Ltd.*: Non-payment of ad-hoc ex-gratia as agreed between the Board of Directors and the union. Termination of services of a large number of workers. Arbitration refused.

16. *Dhakeshwari Cotton Mills, Asansol*: Non-payment of provident fund deposits for the last 8 years. Irregular payment of wages and unfair labour practices in the matter of union activities.

17. *Sen-Raleigh Cycles Ltd., Asansol*: Illegal discharge of union active workers. Unfair labour practices. Interference in union activities.

18. *Indian Standard Wagon Ltd., Burnpur*: Non-payment of interim relief as recommended by the Steel Wage Board.

19. *Krishna Engineering & Foundry Ltd., Asansol*: Unila-

teral termination of the agreement ratified by the Industrial Tribunal.

20. *Caltex Oil Co. Ltd., Calcutta*: Company refused arbitration despite State Government's insistence.

21. *Hindustan Development Corporation, Calcutta*: Dismissal of 2 workers. Arbitration refused by the employer despite insistence of the State Government.

22. *Disargarh Power Supply Co. Ltd. and Shivpur Power Supply Co. Ltd.*: Non-implementation of provision to raise provident fund contribution to 8% and interference in trade union activities.

23. *Riga Chini Mill Mazdoor Sabha, Riga (Muzaffarpur)*: Pending demands not settled including non-implementation of Sugar Wage Board recommendations.

24. *Gaya Cotton & Jute Mills Labour Union, Bageshwari, Gaya*: Arbitration not being accepted by the management.

25. *Ekra Engineering Workers Union*: Illegal lockout by the Factory Manager.

26. *Kiriburu Workers Union, Kiriburu*: Wages of workers reduced.

27. *Indian Explosives Ltd., Gomia*: Unfair labour practices and interference in trade union work by the management.

28. *Mental Hospital, Kankee*: Unfair labour practices. Increments of workers stopped arbitrarily.

29. *Bihta Sugar Mill*: Management threatens closure. Wages not paid.

30. *Sindri Fertilizers*: Non-implementation of the Second Central Pay Commission's recommendations. Unfair labour practices and interference in union activities.

31. *South Basra's Pure Kujma Colliery, Jharia*: Non-payment of outstanding dues of workers.

32. *Pearl Cycles, Delhi*: Illegal lock-out. Compensation denied to workers.

33. *Birla Cotton Spg. & Wvg. Mills, Delhi*: Unfair labour

practices bypassing union, making bargaining impossible. Arbitrary rationalisation.

34. *Burmah-Shell Ltd., New Delhi*: Non-implementation of the agreement. Payment of dues delayed.

35. *Kandla Port*: Unfair labour practices. Non-payment of overtime.

36. *Baroda Engineering Workers Kamdar Mandal, Raopur, Baroda*: Management of Shakti Engineering Works not paying wages regularly. Also laying off workers.

37. *Musaliar Industries, Quilon*: 26 factories and 14,000 workers. Wages for over one month and maternity benefit dues for a period of over three years lying in arrears for the last 4 months.

38. *Indian Cashew Trading Co., Kundara*: Wages arrears and maternity benefits in arrears despite repeated reminders.

39. *Southern India Cashew Co. Kundara*: Wages arrears and maternity benefits in arrears despite repeated requests.

40. *Cashew Employers in Quilon Distt.*: Non-implementation of awards in spite of judgement of High Court supporting the award. Non-implementation 3 years long.

41. *Sujir Ganesh Naik & Co. Quilon*: Non-implementation of awards in favour of Cashew Mazdoor Congress.

42. *Electrical and Allied Industries, Kundara*: Demand for revision of wages remain unsettled in spite of many agreements for revision as back as 1960. Neither arbitration nor adjudication afforded.

43. *Cashew Industries in Kerala — (Non-seasonal question)*: Withholding ruling on the question of non-seasonal character of cashew establishments, as per provision in the Industrial Disputes Act and in spite of repeated demand by labour from the year 1958. Consequently large-scale lay-off of workers taking place from year to year without payment of any compensation.

44. *Plantations in Kerala*: Large-scale dismissals and victi-

misations being reported from Tea Estates by different managements.

45. *Thomas Stephen & Co. Ltd., Quilon*: A workman suspended for two weeks. When union intervened challenging the suspension, fresh enquiry ordered and dismissal imposed on the same charge.

46. *Central India Electric Supply Co. Ltd., Katni*: Arbitration denied.

47. *Nepanagar Vidyut Karmchari Sangh, Nepanagar*: Dubious role of the management in matter of promotion to most of chagemen grade II.

48. *Steel Workers Union, Bhilai*: Complaint regarding non-implementation of conciliation settlement.

49. *Hira Mill, Ujjain*: Closing the Mill — Threatened by employers.

50. *Buckingham & Carnatic Co., Madras*: Demotions and illegal lock-out.

51. *Karnatic Cooperative Textile Mills*: Mill closed.

52. *Engineering Construction Corporation (subsidiary of Larsen & Toubro), Madras*: Non-implementation of agreement and malafide retrenchment.

53. *C. P. Syndicate (P) Ltd., Nagpur*: Arbitrary dismissals. Arbitration refused.

54. *Nundydroog Mines*: Unfair labour practices. Overtime not allowed.

55. *Rashtriya Mill Mazdoor Sangh, Amalner*: Threat of closure of Pratap Mills.

56. *The Gangpur Labour Union, P.O. Birmitrapur*: Non-payment to the workers by the management of Bisra Stone Lime Co., Birmitrapur. Also changing working conditions unilaterally.

57. *Hindusthan Steel Workers Association, Rourkela*: Hindustan Steel Management denied any knowledge of Industrial Truce and refused to assure implementation.

58. *Government of India Press, Faridabad*: Unfair labour practices: Favouritism in the matter of promotions.

59. *Bhakra Nangal Project*: Unfair labour practices and non-implementation of settlement.

60. *Asia Electric Co. Mazdoor Union, Phagwara*: Delay in referring the union demands to arbitration.

61. *T.I.T. Karmachari Sangh, Lohar Bazar, Bhiwani*: Breach of Award/Factories Act and Industrial Disputes Act by the management.

62. *General Labour Council, Faridabad*: Non-payment of wages by Wearwell Cycle Co. and lay-off of workers.

63. *Sugar Mills, Gangapur*: Unfair labour practices. Harassment of trade union officers.

64. *Rashtriya Mill Mazdoor Congress, Pali*: Bonus, other demands i.e. P. leave and casual leave etc., delay by management to settle.

65. *Man Industrial Corporation Mazdoor Union, Jaipur*: The management is adopting unfair labour practices.

66. *The Nilgiri Dist. Estate Workers Union, Coonoor*: One worker Shri Narayanaswamy has been dismissed in Parkside Estate, Coonoor.

One worker Shri Yesudian has been dismissed in Katary Estate, Kullacombai P.O.

One worker Shri Moideenkutty Maistry has been dismissed in Barwood Estate, New Hope P.O.

67. *INTUC-Pondicherry State Council, Pondicherry*: Modern Electric Industries, Pondicherry—workers suffering lock-out unlawfully imposed by management—Local labour department not rushing to the aid of workers.

68. *Chini Mill Mazdoor Sangh, P.O. Gauri Bazar*: Deliberate delaying tactics to settle demands of workers by the management of British India Corporation, Kanpur.

69. Chini Mill Mazdoor Union, Shamli: Chargesheet and harassment of workers by the management.

70. U.P. Roadways Employees Union, Aminabad, Lucknow: Non-implementation of the Motor Transport Act 1961.

71. Pilibhit Mazdoor Union, Pilibhit: Breach of settlement by management of Wastiram & Sons.

72. Railway Licensed Porters Congress, Lucknow: Railway authorities refuse to entertain grievances of porters.

8. Employers' Complaints About Breach of Truce

Cases reported to the Union Labour Ministry by the Employers' Federation of India (EFI), All-India Organisation of Industrial Employers (AIOIE) and the All-India Manufacturers Organisation (AIMO) as detailed in the memoranda circulated at the 21st ILC are reproduced below. The Ministry's comments on the cases are given in italics, within brackets.—EDITOR

I. CASES REPORTED BY EMPLOYERS' FEDERATION OF INDIA

1. Zila Printing Press, Calicut of M/s. Pierce Leslie & Co. Ltd.: The workers refused to work overtime on 12 November 1962.

[The Implementation Officer, Kerala, has reported that his enquiries showed that the workers belonging to Kozhikode Press Workers Union (AITUC) refused to work overtime on account of non-payment of overtime wages. However, at the intervention of the State Conciliation Machinery the workers resumed overtime work from 20 November 1962. The case will come up before the State I&E Committee.]

2. The Cochin Malabar Estates Ltd. (Chemoni Estate) Trichur Dist.: The workers resorted to intimidation, threats, etc., on 3 December 1962.

[The Implementation Officer, Kerala, has reported that an enquiry showed that the General Secretary of Palappilly Rubber Estates Labour Congress and some non-worker members trespassed the factory compound during working hours. No

evidence was, however, available that there was intimidation, etc.; the union completely denied the charges. The matter would come up before the State I&E Committee.]

3. Volkart Bros., Cochin: The workers resorted to illegal strike on 29 December 1962, 21-24 January 1963 and 27 February 1963.

[The Implementation Officer, Kerala, who was requested to send facts reported that no complaint was received by him in this respect. He has been requested to enquire into it now and take appropriate action under the Truce Resolution. The complaint is under investigation.]

4. The Midland Rubber & Produce Co. Ltd., (Arnakal Estate), Vandiperiyar: There was a lightning strike on 19 February 1963.

[The Implementation Officer, Kerala, reported that there was a cessation of work on 19.2.63, on the refusal by management to provide employment to certain workmen, on account of late attendance. This incident infuriated the workmen to leave the field en bloc on the instigation of local leadership. The management conducted an enquiry into the misconduct of the leaders of the workmen and suspended them for varying periods from 2 to 4 days in accordance with the provisions of standing orders. The South India Plantation Workers' Union (INTUC) contended that the workers were denied employment. The case will come up before the State I&E Committee.]

5. Radhika Mills Ltd., Coimbatore: There was a strike on 21 January 1963; 6. The Kasthuri Mills Ltd., Ondipudur, Coimbatore: Workers resorted to a stay-in-strike on 25 November 1962.

[The State Implementation Officer, Madras, has reported that the union in both the cases was responsible for breach of the Code. The breach was brought to its notice and it was advised to avoid such breaches in future.]

7. Firestone Tyre & Rubber Co. of India Ltd., Bombay: There was illegal stoppage of work on 9 January 1963.

[The State Government have reported that as the unions (Bombay Labour Union and Firestone Tyre Employees Union)

denied responsibility for the strike without notice, the parties were called for discussion. The union, however, asked for more time to produce evidence. The matter is at present under investigation.]

8. Indian Oxygen Ltd., Bombay: There was a stoppage of work on 3 December 1962.

[The State Government have reported that the workers struck work over the sudden demise of a worker in the company premises. The union could not stop the workers from the work-stoppage. The State Implementation Officer discussed the matter with the parties when the management desired that it need not be pursued.]

9. Swadeshi Mills, Kurla (Bombay): (i) We had started working the new mercerising machine in November, 1962. The Rashtriya Mill Mazdoor Sangh asked the workers not to work on this machine and also threatened the willing workers. A few loyal workers were, however, persuaded to run the machine and have been running it till today in spite of the protests and threats from the union. If these loyal workers had not helped us to run the machine, the German Erector would not have any other way to know whether the machine was properly erected or not. It may also be noted that this machine was stopped because we refused to accede to the union's demand for a higher wage than Rs. 65. In fact, this wage of Rs. 65 is already more by Rs. 20 than the wages paid by any other mill in Bombay. (ii) In February, 1963, the Sangh asked the drawers and reachers working on sample sorts to refuse to work on these sorts until they were paid an average wage, in spite of the fact that there are standard rates fixed under the Award for the same. Accordingly, the workers stopped working on these sorts. Thereafter, in sympathy with these workers the rest of the workers in the department also struck work. They restarted work after a couple of hours, when the union Secretary advised them to do so.

[The State Government with which the matter was taken up have reported that no such complaints were received by the State I&E Officer. They are, however, taking up the matter with the concerned union.]

10. M/s. Caltex India Ltd., Delhi: The workers resorted to an illegal strike on 17 November 1962.

[The strike took place over the suspension of Shri Sharma, Joint Secretary of the union. The Implementation Officer, Delhi, intimated that as a result of his efforts the management reinstated Shri Sharma. The dispute was, therefore, settled.]

11. E.F.I. reported on 28 June 1963, 25 cases of strike during the period from 25 November 1962 to 3 June 1963 in the mills affiliated to Southern India Millowners' Association, Coimbatore.

[These cases were referred to the State Government for investigation and comments.]

2. CASES REPORTED BY THE ALL INDIA MANUFACTURERS' ORGANIZATION

1. Lallubhai Amichand Private Limited, The Dun Aluminium Factory, Tardeo, Bombay: There was a comprehensive settlement valid up to December 1965 signed between the management and the Bombay General Kamdar Union on 12 January 1963, before the Conciliation Officer. This settlement covered all the demands of the workmen and in spite of this, the Engineering Mazdoor Sabha affiliated to the Hind Mazdoor Sabha, held demonstrations and processions, threatened to go on strike and put up a fresh charter of demands.

2. Kalina Metal & Engineering Works, Kalina, Santacruz (East), Bombay-25: There was a subsisting settlement valid up to 1965 and signed with the workers' union before the Conciliation Officer. This settlement covered almost every item including bonus. The workmen joined the Engineering Mazdoor Sabha, a counterpart of Hind Mazdoor Sabha in February 1963, and put up a fresh charter of demands. The workers adopted "go slow tactics" under the advice of the union which resulted in a fall in production upto one third of the previous averages. They continued to follow the sit-down strike for about 12 days without any notice and justification. They started also indiscipline and subversive activities by which heavy losses were incurred every day, which consequently led the manage-

ment to declare a closure. The annual manufacturing capacity, it may be noted, was about Rs. 10 lakhs worth goods which remained idle.

3. *The National Rayon Corporation Ltd., Mohone, Kalyan* : The Rayon Mazdoor Union affiliated to INTUC, instigated the workmen to resort to acts of sabotage, indiscipline, rowdism and absenteeism in concert, which amounted to illegal strike. Consequently the situation had deteriorated to such an extent that the Company had no option but to declare a lock-out from 12 May onwards and the same was lifted when the Government referred the dispute for adjudication on 20 May 1963.

4. *Bombay Potteries & Tiles Ltd., Pipe Road, Kurla, Bombay* : Despite the modernised plant set up in the factory, the workers led by the Bombay Mazdoor Sabha (HMS), instead of raising the present quantum of work, did not even give the normal production. The production that is now given is much less than the production that is given by their sister concerns, Pursuram Pottery Works, Saurashtra, and the others, though the wages paid to them here are comparatively higher. It was agreed to by the union in a joint meeting with the representatives of the management to settle the issue by giving 50% increase in company's production (norms of workload) and to increase to equal or lesser extent their earnings by giving a rise either in basic wages, D.A. or as Production Bonus. Union went back and withdrew their promise.

3. CASES REPORTED BY ALL INDIA ORGANISATION OF INDUSTRIAL EMPLOYERS

1. Delhi Cloth Mills, Delhi and Swatantra Bharat Mills, Delhi—Anti-national activities of Kapra Mazdoor Ekta Union in dissuading workers to increase production by working on holidays, etc.

[Comments made by the Labour Ministry: "As a result of the persuasive efforts of the Delhi Administration, both the management and the union agreed to settle their disputes amicably and to approach the Labour Commissioner, Delhi, if

any of the disputes could not be settled mutually. AIOIE was informed of the position on 24.12.62”]

2. The Central India Electric Supply Co., Katni—Allegation against Central India Electric Supply Workers' Union, Katni—Refusal to accept the Industrial Truce Resolution, unilateral termination of an award without giving it a trial, personal assault on the Technical Director of the Company by the workers.

3. The Perfect Pottery Co., Ltd., Jabalpur—Allegation against the Pottery Workers Union, Jabalpur—Go-slow tactics, stay-in strike.

4. Lallubhai B. Patel & Co. Private Ltd., Sagar—Allegation against Bidi Karamchari Union, Sagar—Go-slow tactics, threat to strike.

5. Hukamchand Stone Lime Co., Katni—Allegation against Choonna Mazdoor Congress, Katni—Strike, personal assault, attempt to sabotage the railway track.

6. Satna Cement Works, Satna—Allegation against Satna Cement Mazdoor Union—Strike for three days.

7. Dyer's Stone Lime Co., Ltd., Katni—Allegation against Choonna Mazdoor Congress, Kymore—Resistance against raising funds for NDF and contribution to ESI; unauthorised meetings in the factory premises.

8. Murugan Mills Ltd., Coimbatore—Allegation against INTUC union—unlawful stay-in-strike from 1 a.m. on 2.6.63.

9. Shri Hari Mills Ltd., Ondiputhur—Allegation against National Textile Workers Union—Illegal stay-in-trike from 12 noon of 11.6.63.

10. Lotus Mills Ltd., Podanur—Allegation against INTUC union—Strike in protest against suspension of two workers after enquiry, from 7 a.m. on 13.6.63 to 12 noon on 15.6.63.

9. Note on Action Taken on Decisions of 20th ILC

At the 21st ILC, a note was circulated by the Union Labour Ministry detailing the action taken by Government on the main conclusions and recommendations of the 20th Indian Labour Conference. Here we are reproducing the main conclusions and recommendations of the 20th ILC. The notes on action taken by Government are printed after each item in italics.—EDITOR

1. GENERAL

During the course of the general discussions the Conference considered the question of security of employment of workers in the context of certain judicial decisions according to which Industrial Tribunals, while adjudicating on cases of dismissals of individual workers, could only go into the question whether the principles of natural justice had been observed, whether there was victimisation or whether there was mala-fide action on the part of the employer. State Governments and workers' representatives were of the view that this was not adequate and that in such cases, Tribunals should be empowered to consider fully the merits of the case and the propriety of the punishment inflicted and give their award in the light of their findings. The employers' representatives, however, felt that the existing provisions of the law were quite adequate and that no change in the existing legislation was called for. The Chairman agreed with the views of the State Governments and labour representatives, and stated that the matter would be further examined including the question of the need for any amending legislation.

1. It is proposed to amend the Industrial Disputes Act to empower Tribunals to consider the merits of the case and to impose lesser punishment or wherever necessary, to direct reinstatement in cases of dismissal and discharge. It is proposed to introduce a Bill for this purpose soon.

2. ACTION TAKEN ON THE MAIN CONCLUSIONS OF THE PREVIOUS SESSION

(i) Provident Fund Schemes.

It was clarified by the Chairman that the question of enhancement of rates of contribution in respect of industries other than the four mentioned in the Statement, would be gone into by similar technical committees. This would also cover the textiles and cement industries.

2(i): Under the Employees' P.F. Act, 1952, as amended with effect from 1.1.1963 the rate of contribution has been enhanced to 8% with effect from 1 January 1963 in the case of four industries, viz., cigarettes; paper other than hand-made paper; electrical, mechanical or general engineering products and iron and steel, as recommended by the Technical Committee. The enhanced rate in the above industries applies to factories employing 50 or more persons. The Act, as amended, also empowers the Central Government after making such enquiry as it considers necessary, to enhance the rate to 8% in any establishment or class of establishments. The enhanced rate has also been applied from 1.4.1963 to cement factories employing 50 or more persons. The question of similar increase in the case of 20 other industries which completed 5 years of coverage under the Employees' P.F. Act on 1 April 1962 is under consideration.

(ii) Abolition of Contract Labour.

(a) Several complaints were made that the principles regarding the abolition of contract labour, agreed to at the 19th Session of the Indian Labour Conference, were not being observed. The Conference reiterated that the principles already agreed to at its 19th Session should be strictly adhered to by all the parties. It was also agreed that reports on the progress

of abolition of contract labour should be obtained periodically, both in respect of the private and the public sector.

(a) The State Governments were requested to take necessary action to implement the recommendation and furnish quarterly progress reports. These are being received. The progress achieved so far is rather slow. The Governments of Kerala and Orissa are of the view that, without central legislation, abolition of contract labour system cannot be effected. Mysore Government have stated that abolition would be a slow process. The Government of Maharashtra hold the view that initiative for abolishing contract labour in manufacturing industries will have to be taken by the Central Government. The employing Ministries are also taking action to give effect to these recommendations.

(b) It was urged that legislative action might be necessary. The Chairman stated that a Draft Bill incorporating the principles of the Supreme Court judgment would be drawn up and circulated to all the parties concerned as early as possible.

(b) A working paper intended to serve as the basis for the proposed legislation has been prepared. It proposes abolition of contract labour where necessary and its regulation elsewhere on the principles laid down in the Supreme Court judgment. It has been seen by the Ministry of Law and they are prima facie satisfied about the constitutionality of the measure. The next stage would be the preparation of the draft bill and its circulation to all State Governments, Union territories, and organisations of employers and workers for eliciting their opinion.

(c) Some of the workers' representatives pointed out that the information regarding action taken on tripartite conclusions, was in many cases inadequate because many State Governments had not sent their replies. It was urged that the State Governments should be more prompt in furnishing the requisite information.

(c) This recommendation has already been brought to the notice of State Governments/Administrations for compliance.

3. REVIEW OF THE WORKING OF THE CODE OF DISCIPLINE IN INDUSTRY

(i) In the course of discussion on the subject there were

frequent references to cases of refusal by the employers to (a) recognise unions, and (b) agree to refer disputes to arbitration. It was agreed that a full note summarising the points and suggestions made in the Conference in this regard should be prepared and circulated to all concerned.

(i)(a) A note containing details about the cases of refusal by employers in recognising unions was circulated to the concerned central workers' organisations viz., AITUC, INTUC and HMS. (b) It is proposed to circulate the note covering (b) at the next session of the Standing Labour Committee.

(ii) The Conference also reiterated the position that recognition was one of the basic ingredients of the Code, and failure to accord recognition to unions which satisfied the criteria for such recognition as laid down in the Code, should be considered a serious violation of the Code.

(ii) The recommendation was brought to the notice of State Governments/Administrations, employing Ministries and Central Organisations of Employers and Workers for their guidance and necessary action.

(iii) As regards arbitration, it was agreed that readiness to refer disputes to arbitration was an important requirement of the Code. Whenever conciliation fails arbitration will be the next normal step, except in cases where the employer feels that for some reasons he would prefer adjudication, such reasons being creation of new rights having wide repercussions or those involving large financial stakes. However, the reasons for refusal to agree to arbitration must be fully explained by the party concerned in each case, and the matter brought up for consideration by the Implementation Machinery concerned.

(iii) According to the revised instructions issued to the officers of the Central Industrial Relations Machinery, the Conciliation Officers are required to ask the parties whether they would agree to the reference of disputes to arbitration in the event of Central Government regarding the dispute as fit for adjudication. If the parties do not agree to arbitration, the specific reasons for the same have to be recorded by the Conciliation Officers.

(iv) To assist employers and trade unions, Central and State Governments would constitute, in consultation with the Central Employers' and Workers' Organisations, panels of arbitrators and make the list of names available to the parties. Governments would also set a ceiling on the fees which could be charged by the arbitrator, per case and per day.

(iv) A panel already existing was circulated to the State Governments, Employers' and Workers' Organisations who were requested to suggest alterations and additions, if any, in the panel. A revised list is under preparation in the light of suggestions received and the same will be circulated to the parties concerned. All the State Governments except Orissa have also constituted similar panels; the Orissa Government has not yet felt the need for the compilation of such a panel.

The Conference recommendation concerning the fixation of a ceiling on the arbitrators' fee, was circulated to the State Govts. and Administrations who were requested to consider the desirability of fixing such a ceiling. Kerala, Maharashtra and Madhya Pradesh and the Tripura Administration have fixed fees to be paid to arbitrators. Assam, Rajasthan and the Delhi Administration have stated that they would keep the recommendation in view while fixing such fees. West Bengal feel as the arbitration cases are few, the question may await till arbitration becomes a popular mode of settlement of disputes. The Madras Govt. do not consider that any ceiling need be prescribed as rules already exist for the fixation of fees in consultation with the Arbitrator and the parties concerned. Also, usually the Industrial Tribunal or Labour Court are chosen as Arbitrators in which case no fee is payable. The Punjab Govt. too do not consider it necessary to fix any scale of fees. The Govt. of Mysore do not think it possible to lay down any uniform scale of fees as it would depend on various factors, like the importance of the question, complication involved, status of the arbitrator, his experience, etc. As regards the Central sphere it has been decided that as and when an occasion arises the arbitrator's fee would be fixed taking into account the recommendations made by the Indian Labour Conference.

(v) Minor disputes might be referred to a single person for

arbitration. In cases which were more complicated, each party would nominate one arbitrator, and the two arbitrators could select an umpire, if necessary. Whenever necessary the services of the Presiding Officers of Industrial Tribunals might be made available for purposes of arbitration.

(v) It is proposed to amend the Industrial Disputes Act to provide for the appointment of an Umpire in cases contemplated in the recommendation.

4. WORK-STOPPAGES FOR REASONS OTHER THAN INDUSTRIAL DISPUTES

There was a brief discussion on the subject. The Chairman expressed the view that labour organisations should discourage such work-stoppages.

4. The recommendation has been brought to the notice of the Central Organisations of workers for compliance.

5. RIGHTS OF RECOGNISED UNIONS UNDER THE CODE OF DISCIPLINE VIS-A-VIS UNRECOGNISED UNIONS

A. It was agreed that unions granted recognition under the Code of Discipline should, for the present, enjoy the following rights:

(i) to raise issues and enter into collective agreements with employers on general questions concerning the terms of employment and conditions of service of workers in an establishment or, in the case of a Representative Union, in an industry in a local area;

(ii) to collect membership fees/subscriptions payable by members to the union within the premises of the undertaking;

(iii) to put up or cause to put up a notice board on the premises of the undertaking in which its members are employed and affix or cause to be affixed thereon notices relating to meetings, statements of accounts of its income and expenditure and other announcements which are not abusive, indecent or inflammatory or subversive of discipline or otherwise contrary to the Code;

(iv) for the purpose of prevention or settlement of an industrial dispute—

(a) to hold discussions with the employees who are members of the union at a suitable place or places within the premises of office/factory/establishment as mutually agreed upon;

(b) to meet and discuss with an employer or any person appointed by him for the purpose, the grievances of its members employed in the undertaking;

(c) to inspect, by prior arrangement, in an undertaking, any place where any member of the union is employed;

(v) to nominate its representatives on the Grievance Committee constituted under the Grievance Procedure in an establishment;

(vi) to nominate its representatives on Joint Management Councils; and

(vii) to nominate its representatives on non-statutory bi-partite committees, e.g., production committees, welfare committees, canteen committees, house allotment committees, etc., set up by managements.

B. The rights referred to above would be without prejudice to the privileges being enjoyed by the recognised unions at present, either by agreement or by usage.

A & B: The conclusions were brought to the notice of State Govts./Administrations, employing Ministries and Central Organisations of Employers and Workers for necessary action.

C. The question of grant of special casual leave to office-bearers and release of employees to work as full time union functionaries was briefly discussed. It was, however, decided to defer these questions for full considerations at a future tri-partite meeting. The organisations agreed to send full information regarding the existing practices on the subject of rights and privileges of recognised unions.

C. The recommendation was circulated to all the organisations of employers and workers on 5.9.1962, with the request to send information on the subject. Replies have since been

received from EFI, AIOIE, AITUC & HMS. INTUC & UTUC have not yet sent the required information. Final reply from AIMO is also awaited. On receipt of replies from all the organisations the matter would be placed before a future meeting of Indian Labour Conference or Standing Labour Committee.

D. The question of rights and privileges of non-recognised unions was deferred for future consideration.

D. The conclusion has been noted.

6. AMENDMENT OF THE CODE OF DISCIPLINE BY IMPOSING RESTRICTIONS ON HUNGER STRIKE

(i) The Conference reiterated the view that hunger strikes should be avoided by all means. It was not, however, considered necessary to amend the Code for the purposes of banning hunger strikes. The workers' representatives also agreed to discourage hunger strikes as a means of settling disputes. It was urged that in extreme cases when the workers have exhausted all other means of redress, a strike would be preferable to a hunger strike.

(ii) The Central and State Governments should take all possible steps to ensure that workers and unions may not be compelled to resort to hunger strike out of sheer desperation.

(iii) The Chairman announced that the Central and State Governments were of the view that hunger strikes should be completely ignored.

6. The conclusions were brought to the notice of all State Govts./Administrations, employing Ministries and Central Employers' and Workers' organisations for guidance and necessary action.

7. CLARIFICATION OF CLAUSE 2(III) OF THE MODEL PRINCIPLES FOR REFERENCE OF DISPUTES TO ADJUDICATION

While referring disputes to adjudication under Clause 2(iii) of the Model Principles, Government should not determine the date from which the award of the tribunal should be operative.

7. The conclusion has been noted for guidance.

8. ADDITIONAL MEASURES FOR PROTECTION AGAINST VICTIMISATION AND REFERENCE OF CASES OF VICTIMISATION TO ARBITRATION

The subject was partly covered during the general discussion and it was agreed that it should be further considered at the next meeting of the Standing Labour Committee.

The matter was accordingly considered at the 20th Session of the Standing Labour Committee held in October 1962. It was decided that cases of alleged victimisation should be referred to arbitration to the utmost extent possible. Where there is no arbitration such cases should ordinarily go for adjudication. Before, however, adjudication is resorted to in such cases, there should be more effective screening.

8. The Standing Labour Committee recommendations have been communicated to the interests concerned and the Chief Labour Commissioner for compliance. The Chief Labour Commissioner has issued necessary instructions concerning screening of cases.

9. AMENDMENT OF SECTIONS 79 AND 80 OF THE FACTORIES ACT TO PROVIDE FOR THE RATE OF PAYMENT FOR THE PERIOD OF LEAVE ACCORDING TO THE WAGES OF NORMAL POST HELD AND FOR GRANT OF LEAVE ACCORDING TO EXIGENCIES OF WORK IN A FACTORY

Consideration of the subject was postponed to the next meeting of the Standing Labour Committee. The matter was accordingly placed before the Committee at its 20th Session (New Delhi, October, 1962). The proposal for amending section 79 was not accepted. As regards Section 80, it was decided that specific cases of difficulty should be brought to the notice of Government for considering the matter further, if necessary.

9. The matter was brought to the notice of the parties concerned, who were requested to communicate specific cases of difficulty. The AIOIE have drawn attention to certain difficulties being experienced by some employers. The matter is being examined in consultation with the Chief Adviser, Factories.

10. AMENDMENT OF SECTION 2(OO) OF THE INDUSTRIAL DISPUTES ACT SO AS TO CHANGE THE DEFINITION OF THE TERM 'RETRENCHMENT'

In pursuance of the Conference decision the matter was placed before the 20th Session of the Standing Labour Committee (New Delhi, October, 1962).

The instances of retrenchment in coal mines cited in the Memorandum were not really cases of retrenchment but of retirement and invalidity. The question of providing for benefits in such cases should be examined further.

10. The matter has been examined. The rate of provident fund contribution in the coal mines has been enhanced recently. The question of gratuity is also under consideration by the Coal Wage Board set up recently. It is proposed to examine the matter further in the light of the recommendations of the Wage Board.

11. AMENDMENT OF SECTION 25 FFF OF THE INDUSTRIAL DISPUTES ACT SO AS TO PROVIDE FOR PAYMENT OF FULL COMPENSATION IN THE CASE OF CLOSURE OF AN UNDERTAKING ON ACCOUNT OF EXPIRY OF LEASE, LICENCE, OR EXHAUSTION OF RESERVES

According to the Conference decision, the matter was considered at the 20th Session of the Standing Labour Committee (New Delhi, October, 1962).

(a) The proposal for amending the Act to provide for payment of full compensation in cases of closure on account of expiry of lease or licence was accepted by the Standing Labour Committee. It, however, recommended the question of covering cases of closure due to exhaustion of reserves should be considered, in the first instance by the Industrial Committee on Coal Mines and Mines other than Coal.

(a) It is proposed to amend the I.D. Act providing for the payment of full compensation in cases of closure on account of expiry of lease or licence.

(b) The question whether the money set aside for the purpose of paying such compensation could be treated as deductible

item of expenditure for purposes of income-tax would be examined.

(b) *The conclusion regarding exemption from income-tax of the moneys set aside for purpose of paying compensation is under consideration in the Ministry of Finance (Deptt. of Revenue).*

12. AMENDMENT OF SECTION 10(B) OF THE INDIAN TRADE UNIONS ACT, 1926 SO AS TO EMPOWER THE REGISTRARS TO CANCEL THE REGISTRATION OF A TRADE UNION, THE EXECUTIVE OF WHICH HAS BEEN FOUND TO HAVE VIOLATED ITS REGISTERED RULES

Consideration of the subject was postponed to the next meeting of the Standing Labour Committee. The matter was accordingly placed before the Committee at its 20th Session (New Delhi, October, 1962). The Standing Labour Committee decided that the Registrars need not be given very wide powers. The State Governments would examine the difficulties experienced by them in this regard and formulate, in consultation with the State Labour Advisory Committees proposals concerning the specific types of violations for which Registrars might be given powers to cancel registration. The subject should thereafter be considered at a subsequent session of the Standing Labour Committee or the Indian Labour Conference.

12. The State Governments have been requested to examine the matter and furnish proposals. Replies from the Governments of Andhra Pradesh, Bihar, Kerala, Maharashtra and Punjab, and the Administrations of Himachal Pradesh and Tripura have been received. The other State Governments have replied that the matter will be discussed first in the State Labour Advisory Boards and then their suggestions will be forwarded to the Central Government.

13. AMENDMENT OF SECTION 33 OF THE INDUSTRIAL DISPUTES ACT, 1947, TO EMPOWER TRIBUNALS TO ADJUDICATE UPON THE APPLICATION MADE BY EMPLOYERS TO DISMISS A WORKMAN

The item should be considered at the next session of the Standing Labour Committee.

The matter was accordingly placed before the Standing Labour Committee at its 20th Session held in October, 1962. Consideration of the proposal was deferred.

14. REPRESENTATION OF THE PUBLIC SECTOR ON INDIAN LABOUR CONFERENCE AND OTHER TRIPARTITE COMMITTEES

(i) The principle of participation by the representatives of the public sector undertakings in tripartite conferences and committees was agreed to. These representatives would, however, form part of the Government delegation for the present.

(ii) The conclusions of Conferences and Committees would apply equally to the Public Sector including the employing Ministries.

14(i) *The conclusion has been noted.*

(ii) *The decision has been brought to the notice of the interests concerned.*

15. RECORDING OF CONCLUSIONS OF TRIPARTITE CONFERENCES AND COMMITTEES

The existing practice of drawing up only the conclusions of tripartite meetings should continue. It was also agreed that the conclusions of such meetings should be drawn up by drafting committees, as at present.

15. *The recommendation has been noted.*

16. QUESTION OF PERMITTING OBSERVERS TO ATTEND THE INDIAN LABOUR CONFERENCE AND OTHER TRIPARTITE BODIES

It was agreed that requests for permission to attend as observers or visitors should be considered on merit, and permission given wherever possible, subject to availability of space and other facilities.

16. *The recommendation has been noted for guidance.*

17. APPOINTMENT OF A TRIPARTITE COMMITTEE TO REPORT ON WAGE TRENDS DURING FIRST AND SECOND PLAN PERIODS

It was decided that the report of the Mahalanobis Committee should be awaited before considering the question of appointment of the proposed tripartite committee.

17. *The recommendation has been noted.*

18. PUBLICATION OF NEW SERIES OF CONSUMER PRICE INDEX NUMBERS FOR INDUSTRIAL WORKERS

It was agreed that the subject would be placed before the next session of the Standing Labour Committee.

18. *The position stated in the Memorandum placed before the Standing Labour Committee was noted.*

19. SOCIAL SECURITY—REVIEW OF THE WORKING OF THE EMPLOYEES' STATE INSURANCE SCHEME

Consideration of the subject was postponed to the next meeting of the Standing Labour Committee. The matter was accordingly placed before the Committee at its 20th Session which recommended that a tripartite Committee should be set up to go into the matter and suggest what modification or change in the structure and organisation of the Employees' State Insurance Corporation would be necessary to ensure more satisfactory functioning of the scheme.

19. *A tripartite Committee has accordingly been set up to review the working of the Employees' State Insurance Scheme and to recommend measures to ensure a more satisfactory functioning of the Scheme.*

20. WORKERS' EDUCATION—QUESTION OF ALLOWING SOME TIME-OFF TO THE WORKERS ATTENDING UNIT-LEVEL CLASSES

In accordance with the Conference decision, the matter was discussed at the 20th session of the Standing Labour Committee (New Delhi, October 1962).

The proposal that the workers should have some time-off for attending unit-level classes organised under the Workers' Education Scheme was approved. At least half of the time required for the purpose would be granted by the employers from the employees' working time.

20. The decision has been communicated to the employers' and workers' organisations as well as to the Director and Regional Directors under the Central Board for Workers' Education for necessary action.

21. DEFINITION OF NATURAL WASTAGE OR SEPARATION AS CONTAINED IN THE RECOMMENDATIONS ON RATIONALISATION ADOPTED BY THE 15TH SESSION OF THE INDIAN LABOUR CONFERENCE HELD IN 1957

In accordance with the Conference decision the matter was discussed at the 20th Session of the Standing Labour Committee (New Delhi, October 1962). It was decided that the term 'natural wastage or separation' should include (i) death, (ii) superannuation (iii) invalidity caused due to accident, and (iv) resignation.

21. The definition has been brought to the notice of the interests concerned.

22. ORGANISATION OF CONSUMERS' CO-OPERATIVES IN THE INDUSTRIAL SECTOR

The proposals made in the memorandum on the subject were accepted.

22. A note indicating the progress of action taken in regard to organisation of consumers' co-operatives has been separately placed before the Conference.

10. 21st I.L.C. —A Review

The proceedings of the 21st Session of the Indian Labour Conference were reviewed in an article in the Trade Union Record (20 July 1963) by Satish Loomba, Secretary, AITUC. The text of the review is reproduced here.

IN HIS OPENING REMARKS AT THE 21ST SESSION OF THE Indian Labour Conference, Union Labour Minister G. L. Nanda said: "This session of the Indian Labour Conference has been convened hurriedly for a special purpose." He then went on to point out what that was and listed the following factors: "There was naturally a marked accent on price stability in the text of the Industrial Truce Resolution." He observed: "The business community pledged itself solemnly to maintain the price line and abstain from taking advantage of any scarcity that might develop. It also resolved to take concerted action to secure full implementation of the pledge." "The question of the price level is naturally exercising the minds of the people of the country, including the working class... The wholesale price index has shown an upward trend since March 1963. Since then there has been a rise of 6 per cent in wholesale prices."

Regarding workers' contribution to production and NDF, G. L. Nanda said: "Disputes almost vanished and the spirit of cooperation prevailed in all sections of the Industry.... In other respects also the response was very heartening. The anxiety of the working class to bring about the maximum increase in production for the sake of defence expressed itself in the numerous offers to work long hours and on Sundays and other holidays

.... The call for savings evoked a gratifying response from the working class and in a large number of establishments they made voluntary collections for the Defence Fund, and/or investment in Defence Bonds. In some cases workers even parted with their gold ornaments." But now the figures of mandays lost due to strikes which had fallen to a paltry 34,000 in February 1963 had shown a rapid increase in the subsequent months (March 1963 — 1,21,000); and lastly, opposition was being expressed to CDS in marked contrast with the eagerness with which workers had contributed to the NDF. Admittedly, all these problems are important and did require immediate discussions among all concerned.

The INTUC had taken a stand of sabotaging tripartite at all levels by refusing to sit along with the AITUC. However, when now this game could no longer be continued, their Working Committee, meeting on the eve of the ILC declared that so far as they were concerned, the main purpose of their participation in the Conference would be to attack and expose the AITUC. It is significant that this press release while concentrating fire on the AITUC, had nothing to say about the violation of the Truce Resolution by the employers, the soaring prices or any of the problems of the working class.

In this approach, as indeed on many of the matters during the conference itself, there was no difference between the spokesmen of monopoly bourgeoisie, Naval H. Tata, and the spokesmen of the INTUC. Tata inadvertently let the cat out of the bag when he remarked that the ILC had been convened to discuss the role of the AITUC vis-a-vis the CDS, etc.

In marked contrast with their stand in November 1962, the HMS refused to join this unholy alliance. The HMS and UTUC adopted a standpoint which was nearer the AITUC. Thus the Conference showed a line-up between the monopoly bourgeoisie and the INTUC leadership on the one side, and the three TU organisations, which the INTUC would like to deprive of representation in all tripartites as per its Jaipur resolution, on the other.

It is in this background that the deliberations and decisions of the ILC have to be viewed, and it is a measure of the deter-

mined and principled stand put up by the AITUC, backed by the HMS and the UTUC, that the Conference had to concede many vital points raised on behalf of the workers.

II

The only agenda before the conference was a review of the working of the Industrial Truce Resolution and generally of the labour situation in the country. As such, there was only a plenary session in which speeches were made on behalf of the constituent organisations.

INTUC LINE

S. R. Vasavada, General Secretary of the INTUC, true to the ICFTU-inspired line which he propagated at the Jaipur Session of the INTUC, confined his speech to two points only. Firstly, he lashed out at the Public Sector and made out a case against the Government for their failure to keep repeated promises that voluntary arbitration would be adopted as a method of resolving disputes in the Public Sector.

His second point was regarding CDS and while pledging full support to the scheme, he characterised it as essential for the defence of freedom and democracy and expounded on its "character-building" aspects. He proposed that the ILC should officially support the scheme and to overcome lacunae and administrative defects, a statutory advisory committee might be set up.

G. Ramanujam (INTUC) let loose an intemperate attack on the CPI and the AITUC. Finding that S. A. Dange's speech had sharply posed the questions facing the working class and had put the representatives of employers and the Government on the defensive, finding that the INTUC game of isolating the AITUC had boomeranged and it was the INTUC and not the AITUC which was isolated among the TU organisations, he tried to divert the entire discussion through his unseemly remarks.

However, Ramanujam was effectively silenced by the sharp retorts of Dange and when the latter declared that the AITUC delegation would walk out, Ramanujam was sharply pulled up

by the Union Labour Minister. Apart from this, the only point made by Ramanujam was his affirmation that the Industrial Truce Resolution had worked fairly well and his support to Tata's suggestion that the Industrial Truce resolution should be a permanent feature of the labour policy, at least for a number of years.

Trying to answer Dange's point about compulsion being used to collect deposits. Ramanujam made the rhetoric suggestion that if that was the objection, the name could be changed from Compulsory Deposit Scheme to Defence Deposit Scheme. This, he said, should overcome all opposition to the Scheme!

Kashinath Pande, the newly-elected President of the INTUC, revealed the real intentions of the INTUC to establish a monopoly in trade unions, when he opposed the question of independent unions like banks, insurance, etc., and suggested that these organisations were really responsible to no one. The rest of his speech was confined to a weak, unintelligent and purposeless attack on the AITUC.

The performance of the INTUC spokesmen clearly showed that they were not concerned at all with the real conditions of the working class. Not one of them had anything to say about the gross violation of the Truce Resolution by the employers — a fact acknowledged even by the memorandum circulated by the Labour Ministry. They kept quiet about the lay-offs, retrenchments and closures which have been a marked feature of recent months and have resulted in the loss of thousands of mandays in spite of the demands of the emergency. They had nothing to say about victimisation, dismissals, increase in workload, rationalisation, or wage-cuts. For them, the price rise does not exist. All that mattered to them was attack on the AITUC, support to the CDS and criticism of the public sector for failure to accept arbitration as a mode of solving disputes. Needless to say, they found ample support in these from the spokesmen of the employers.

III

THE EMPLOYERS SPEAK

The chief spokesman of the employers was Naval Tata.

Nettled by the brilliant speech of S. A. Dange, he indulged in cheap gibes and attempted a feeble controversion of Dange's arguments. The measure of the profound wisdom which he propounded can be had from his reply to Dange's cogent reasoning for abandoning the CDS, the income-tax surcharge on lower income brackets and the unjust tax measures and having recourse to nationalisation of banking, oil and import-export trade. "Let Mr. Dange sit down with a pencil and paper," he declared. "Let him work out the total saving by these measures of nationalisation and find out how much each one of the country's population will get if it is divided among them." "Mr. Dange will fail," he prophesied, if power were transferred to him.

Apart from such pearls which he cast in plenty to the applause of the employers and the INTUC, Naval Tata clearly and firmly declared that prices could not be checked. According to him, massive defence spending was bound to have an inflationary effect. He welcomed the CDS as a measure which will help in mopping up some purchasing power and thus tend to keep prices lower. "But," he said, "normal prices cannot be expected in abnormal times such as the present."

For receiving better wages, he advised the workers to turn to schemes of productivity and rationalisation and not to Wage Boards. He ridiculed the emphasis being put on voluntary arbitration and criticised the functioning of Industrial Tribunals and Labour Courts which were giving contradictory decisions. He hit out at inter-union rivalry and blamed it for many of the ills.

He pleaded for the private sector being allowed to function freely, untrammelled by the restrictions placed by the Company Law Administration.

H. P. Merchant, another spokesman for the employers, asked for a total ban being put on strikes. Both he and Naval Tata claimed that the Truce Resolution had worked well and asked for its continuation.

The private employers thus supported the INTUC as regards continuation of the Truce Resolution, both claiming that it had worked well but none explaining why the work stoppages

were increasing, of late, and why even the Labour Ministry was forced to point out the enormous number of lapses on the part of employers. While the INTUC ignored the price rise, the employers declared that prices were bound to rise even further. The employers cleverly raised the question of inter-union rivalry, thus backing the INTUC demand of monopoly of TU representation. Both lent wholehearted support to the CDS.

K. B. Mathur, speaking on behalf of the public sector managements, declared that the public sector enterprises accept the principle of voluntary arbitration as a mode of settling disputes and will carry out all their obligations under various labour laws and tripartite agreements. This was in marked and refreshing contrast with the provocations, and evasive belligerent speeches of the gentlemen of the private sector.

IV

THE WORKERS' CASE

In a brilliant and fighting speech, S. A. Dange put forward the workers' case.

He began by pointing out that there were certain common, immediate objectives—defence and development. These were the most insistent demands not only of the working class but of the country as a whole.

What were the main items on which the working class was called upon to do its duty? Contributions to NDF? We paid. The AITUC unions collected huge sums. We worked on Sundays and overtime. Strikes and stoppages? Figures collected and placed before the conference by the Ministry of Labour show that this was the most peaceful period in India's industrial history. Figures also show how production increased and how productivity increased. "That," Dange said, "is the story of the working class".

"What," he asked, "is the story of the employing class and the State and Central Governments?" Was it a very happy feature that in the period of emergency, prices were rising, real wages falling and Government was totally unable to check

them? And when wages were falling, Government says: "Save more."

The working class is not opposed to saving for development. But when taxes are imposed, prices are rising and wages are falling, do the workers have any capacity to save?

It is said, the feeling of emergency has been killed. Now, who has killed this feeling? Normalcy was restored when elections were held. Elections, however, may be said to be an obligation imposed by the Constitution. Forward trading was stopped on 29 November. Last month it was restored. If normal conditions can exist for speculators who gobble wealth, why not for the working class who creates wealth. Take gold. In essence, we support gold control to stop smuggling. But has that happened? The open speculative bullion market still goes in.

We are prepared, Dange said, for fulfilling our duty to the people and the country's defence, in the sphere of production. But where does it all go?

We are opposed to CDS. "Does it mean that I am against giving money for defence", he asked. We are told that in the Truce Resolution, we accepted the obligation of raising voluntary contribution to NDF. We are now told that the CDS is nothing but the translation of that objective. But the CDS is persuasion by compulsion. Since persuasion is impossible in the context of falling wages, compulsion is brought in.

So there are preconditions if you want our cooperation. Either bring about a 20% fall in cost of living or raise the wages. Then we may be able to save and pay 3 per cent compulsory deposits.

We are asked to put forward constructive suggestions for the purpose of saving for defence. Here are my suggestions. The Life Insurance Corporation (LIC) is an institution which has large funds as a result of savings paid in the form of premia. Why is 22 per cent of this saving invested in stock exchanges? People's money is invested to support the stock market, which means, a few speculative employers. But what about support to my living? If ten speculators become bankrupt, defence will not suffer. We propose that you stop supporting the speculators

and divert this money for defence. Thus you will save Rs. 30 crores per year.

Our second constructive proposal is: nationalise the banks. The Planning Commission has had a proposal before it for quite some time regarding control of money investment. This means control of banks. At least, in the emergency, let banking be taken over by the State. Thereby you can obtain Rs. 75 crores. And, secondly, you will also control all the shady transactions.

Our third suggestion is: nationalise foreign trade. Through under and over invoicing and manipulations, all sorts of shady transactions are made and money is swindled. By nationalisation of foreign trade alone, you can get Rs. 100 crores.

But will the Government do this? "You," Dange said, "want your pound of flesh from the working class, but will not take the tons of flesh from the fattening gentlemen."

If the Government does not take these steps, it will have an adverse effect on the people. The employers and Government are destroying the morale of the country.

Therefore, on behalf of the working class, the AITUC demands that these preconditions to any type of industrial peace must be observed. "Every measure," Dange declared, "which creates discontent in the rear, is helping the Chinese."

Dange declared that in conditions like the present, strikes were inevitable. And when strikes take place, the AITUC will not desert the workers but will lead them.

Parvathi Krishnan, AITUC delegate, concretely exposed the violations of the Industrial Truce Resolution by the employers. Controverting Tata's point about inter-union rivalry, she reiterated the AITUC stand of recognition of unions on the basis of secret ballot of workers. She summed up the preconditions for industrial peace as 20 per cent fall in prices, pegging of prices at that level, withdrawal of CDS and nationalisation of banks, oil and import-export trade.

On behalf of the HMS, Manohar Kotwal made it clear that reiteration of the Truce Resolution in the present conditions was:

not possible. Employers had indulged in large-scale violation of the same and the Government had done nothing. In the Public Sector, conditions were no better.

The CDS was no commitment under the Industrial Truce Resolution. The commitment under the resolution was voluntary. But if the Government were to treat voluntary commitment as compulsory, workers will in future be shy of making any commitments. He suggested raising the rate of PF to 8 per cent and making the enhanced rate applicable to both the workers and the managements.

As regards prices, he vigorously pleaded for physical controls. More fair price shops and consumer cooperative stores were not enough unless physical controls were introduced.

Durga Bagchi speaking on behalf of the UTUC also declared that prices must be controlled before savings could be thought of. He gave concrete examples of the misuse of the Industrial Truce Resolution by the employers and expressed the opposition of his organisation to the CDS.

V

Thus the INTUC-employer game of isolating the AITUC was blown sky-high. The aim of the Labour Ministry, firstly to get a reiteration of the Industrial Truce Resolution and secondly to get the support of the conference for CDS was also not achieved and it seemed that the conference faced an impasse.

In these circumstances, G. L. Nanda came forward with the clarification that the ILC was concerned only with the working of the Industrial Truce Resolution and therefore the CDS was outside its scope. He agreed that CDS does not follow from the commitment undertaken voluntarily by the working class in the Truce Resolution to maximise savings. He agreed that if prices shoot up, a situation will arise when savings would be impossible. Hence in order to discuss the whole position, not only regarding CDS but also regarding prices, he proposed that a small committee should be formed which would meet at least once every month and observe the working and implementation of the Truce Resolution.

As regards prices, he agreed with the urgent necessity of controlling prices. He did not agree with the reasoning of Naval Tata that price rise was inevitable and warned the employers that if prices continued to rise, a situation may arise in which they will hurt themselves. He suggested that a network of fair price shops and consumer cooperatives should be started and, if necessary, physical controls should be introduced. However, he had no answer to Dange's query as to how it would be possible to procure cheap grain for these shops without State trading, as private capital controlled all the wholesale trade.

Thirdly, as regards the Industrial Truce Resolution, he agreed that it is not possible to avoid strikes under all circumstances. Conceivably there might be conditions in which workers would be forced to go on strike. But these could be avoided by prompt references of cases to adjudication. When it was pointed out that references are being denied in many States, elsewhere truncated demands are referred, or *mala fide* references are made, he again declared that speedy references in all cases on all the demands will have to be guaranteed if strikes are to be avoided.

He suggested therefore that this matter may also be left to the consideration of the above-referred committee.

VI

What were the net results of this session? To evaluate these correctly, the circumstance in which it was called and the alignment of forces, as noted above, have to be kept in mind.

Viewed in this context, it can be said that the AITUC successfully foiled the effort to isolate it. The brave words of the INTUC at the Jaipur session that it alone represents the workers of India suffered an ignominious debacle. It was shown before all that it was not the INTUC leaders but the AITUC which really represents the true interests of the workers. But for the dogged and principled stand taken by the AITUC, and the stand taken by the HMS and the UTUC which on the two essential points about prices and CDS was the same as AITUC's, the INTUC-employer combine would have been

successful in their game of whitewashing the black deeds of the profit-greedy employers during days of national emergency, concentrating fire on the public sector, committing the workers to the onerous CDS and the income-tax surcharge on the lower income groups, a reiteration of the same Truce Resolution and agreeing to a total ban on strikes.

As it was, valuable commitments have been extracted from the Government regarding prices, right to receive speedy untrammelled adjudication and the application of all laws and agreements to the public sector. And, above all, the Truce Resolution is not reiterated as it was in its bald form with a blanket ban on strikes. All the three TU organisations made it clear that the old commitment could not ever hold valid. Whether these gains can be translated into actual action and how much of these can be really won, depends upon the strength and the urgency with which the working class movement takes up these demands. However, thanks to the INTUC game of concentrating fire on the AITUC, the conference could not discuss in detail the violation of the Truce Resolution by the employers and the way in which national emergency has been utilised for private plunder. But the memoranda material circulated to the conference by the Government makes that abundantly clear.

11. Conclusions of the Standing Committee

The Government of India set up a high-level tripartite Standing Committee, as per the statement made by the Union Labour Minister at the 21st ILC in his concluding speech. The committee consists of one representative each of the employers' organisations (EFI, AIOIE and AIMO) and workers' organisations (AITUC, INTUC, HMS and UTUC). The first meeting of the Standing Committee was convened in Delhi on 5 August 1963. Following is a note on the conclusions of the Standing Committee, prepared by K. G. Sriwastava, the AITUC nominee on the Committee. —EDITOR.

THE STANDING COMMITTEE OF THE 21ST SESSION OF THE Indian Labour Conference met in New Delhi on 5 August 1963 to discuss the general labour situation since the last ILC meeting. The Committee discussed in detail the phenomenon of rise in prices of essential articles in the recent period, which is one of the main causes of industrial unrest. Certain decisions were taken, which if implemented promptly and effectively, will go to remove to some extent the anxieties of the working class.

S. R. Vasavada, General Secretary, INTUC, had issued a statement on 1 August 1963 for linking D.A. with consumer price indices in all private and public sector industries. The AITUC and the UTUC immediately supported this demand and also demanded that the rise in D.A. should fully neutralise the rise in cost of living. It was also urged that the index figures should be revised to truly reflect the actual rise and fall in costs of living.

G. L. Nanda, the Union Labour Minister, agreed with this demand and stated that we should progress towards linking D.A. with consumer price indices in the industries which are not covered and carry forward the decisions of Wage Boards already announced in certain industries.

At the Standing Committee meeting, the TU representatives pointed out that the price statistics collected by Government inspectors to calculate the consumer price indices are faulty. They demanded that data on prices which is being collected should not be the "controlled" prices as fixed by Government but the actual prices paid by the consumers in the open market. It was agreed that the TU representatives will be taken into confidence and consulted in computing the consumer price index. Wherever there is complaint about the incorrectness of the price statistics, the official concerned and the TU representatives can have a physical verification on the spot. In Bombay, the Maharashtra Labour Minister, M. G. Mane and S. A. Dange will go on surprise checking of prices.

In order to provide the working class with articles of daily use, specially food articles at reasonable prices, it was agreed that in all concerns where more than 300 workers are engaged, stores will be opened by the employers *within four weeks*. Consumer cooperative stores of workers will also be encouraged and the civilian labour officers and others will help the trade unions to get these societies registered under the Cooperative Act, without any delay. The Labour Officers will consider this as one of their main work during this period. Payment of Wages Act will be amended wherever necessary to enable the employer to deduct the cost of supplies from wages, on being so authorised by the worker. Employers will provide accommodation for these stores and also money for initial investment. Government will provide foodgrains and other articles at subsidised rates.

Steps will also be taken to open fair price shops and such stores in industrial localities. In townships like Tatanagar, Modinagar, Birlagram, Dalmianagar, etc., where employers control not only industries but even civic life, it was agreed that immediately these shops and stores should be opened.

For workers engaged in construction work which is to continue for six months or more, such stores will be provided.

G. L. Nanda warned the employers that if the trading community does not cooperate in this and resorts to hoarding, profiteering or blackmarketing, appropriate action under the Defence of India Rules will be taken against them.

The Union Labour Minister will write letters to the Chief Ministers and the Labour Ministers of the States to give this programme a priority and explain this to the trade unions and employers' representatives in similar meetings at State level. Such tripartite Standing Committees should be formed in each State, without any delay. These should be presided over by the Labour Ministers.

It was reiterated that the Compulsory Deposit Scheme does not flow from the Industrial Truce Resolution. However, this Committee may discuss proposals for its modifications, if brought forward by the participants.

The threat of general strike in Bombay was discussed. It was agreed that the Maharashtra Labour Minister will call a tripartite meeting at the State level to discuss issues there. The Action Committee of the AITUC unions in Bombay had precisely demanded this in its letter to the Chief Minister of Maharashtra State.

As regards the bonus issue of textile workers of Bombay, the Maharashtra Labour Minister informed that the representative union under the BIR Act is studying the latest balance-sheets of the employers and will put up its demand shortly. He also stated that the AITUC will be informed of the position officially.

The proposal to set up Central and State Arbitration Councils was postponed for consideration at the next meeting of the Standing Committee at the request of the employers, who wanted time to examine it in more detail.

The representatives of the trade unions were willing to wait and watch implementation of these decisions.

S. A. Dange, K. G. Sriwastava and S. G. Patkar attended the Standing Committee meeting on behalf of the AITUC.

APPENDIX I

LIST OF INDUSTRIES DECLARED PUBLIC UTILITY BY THE STATE GOVERNMENTS/ADMINISTRATIONS

<i>State</i>	<i>Industries declared as Public Utility</i>
(1) Andhra Pradesh	(1) Air Transport (2) Cement (3) Motor Transport (4) Sugar (5) Oxygen and Acetylene (6) Textiles (7) Inland Water Transport (8) Iron & Steel (9) Hospitals and Dispensaries.
(2) Assam	(1) Hospitals and Dispensaries (2) Road Transport (3) Flour, rice and oil mills (4) Air Transport (5) Inland steamer service (6) Ghat establishments engaged in trans-shipment, storage, loading and unloading and stocking of goods ancilliary to the Inland Steam Vessel Service.
(3) Bihar	(1) Sugar (2) Air Transport (3) Rajye Transport Corpora- tion (4) Iron & Steel (5) Coke (6) Oxygen and acetylene (7) Bihar State Road Transport Corporation (8) Fire Brigade (9) Cement (10) Cotton Textile (11) Hospitals and Dispensaries (12) Food Stuff.
(4) Delhi	(1) Cotton Textiles (2) Fire Brigade (3) Air Transport, public carriers, stage carriers and D.T.U. (4) Flour Mills, Cold Storage and refrigeration plants (5) Dairy products, hydrogenated oils, manufacture of edible oils and canning and preservation of fruits and vegetables (6) Hospitals and Dispensaries (7) Goods Transport.
(5) Gujarat	(1) Transport for the carriage of passengers or goods by land (2) Transport for the carriage of passengers or goods by water (3) Fire Brigade Service (4) Transport for the carriage of passengers or goods by air.
(6) Kerala	(1) All the ten industries mentioned in the First schedule of the I.D. Act except coal and defence establishments (items 4 and 8).
(7) Madhya Pradesh	(1) Hospitals and dispensaries (2) Fire Brigade (3) Trans- port industry for carriage of persons or goods by air (4) Iron & Steel, Cement etc. as are covered by the M.P. Industrial Relations Act.
(8) Madras	(1) Motor Transport Service (2) Air Transport (3) All Labour at minor ports (4) Cement (5) Cotton (6) Sugar

- (7) Iron & Steel (8) Hospitals and Dispensaries (9) Fire Brigade (10) Dal mills and mills producing flour used as food stuff (11) Rice mills and mills producing oil used as food stuff (12) Milk and milk products.
- (9) Maharashtra (1) Air Transport (2) Road Transport (3) Workshop Formen etc. (4) Milk Scheme (5) Kolhapur Municipal Transport.
- (10) Manipur State Transport.
- (11) Mysore (1) Sugar (2) State Road Transport Corporation (3) Air Transport.
- (12) Orissa (1) Iron & Steel (2) Hospitals and Dispensaries (3) Air Transport (4) Road Transport (5) Textiles (6) Hindustan Steel Ltd.
- (13) Punjab (1) Motor Transport (2) Cement (3) Cotton Textiles (4) Hospitals and Dispensaries (5) Sugar (6) Air Transport (7) Fire Brigade.
- (14) Rajasthan (1) Transport (2) Cement (3) Cotton Textiles (4) Fire Brigade (5) Air Transport.
- (15) Tripura (1) Transport Service (2) Air Transport.
- (16) Uttar Pradesh (1) Sugar. The State Government stated that so far as the U.P. Industrial Disputes Act is concerned, the provisions in regard to strikes and lockouts are the same in public and non-public utility service. Not necessary to declare any new industries as public utility.
- (17) West Bengal (1) Fire Service (2) Oxygen & Acetylene (3) Iron & Steel (4) Hospitals and Dispensaries (5) Air Transport (6) Transport (7) Coke Oven and By-Products Plant (8) Rice Mills (9) Passenger Bus Service (10) Inland Water Transport (11) Tramways (12) Food Stuff Industries (13) Sugar (14) Flour Mills (15) Canning and Preservation of Fruits and vegetables (16) Oil Industries (Hydrogenated) (17) Bakery Products.

APPENDIX II

CONCLUSIONS OF MEETING OF HEADS OF PUBLIC SECTOR UNDERTAKINGS

The meeting of heads of public sector undertakings held in New Delhi on 11 July under the chairmanship of Union Labour Minister G. L. Nanda, resolved that as far as possible, disputes would be settled by recourse to voluntary arbitration.

It was agreed that disputes, arising out of dismissals, discharges and retrenchment of workers, should be avoided as far as possible and where there were such disputes, they should be settled quickly.

The meeting also agreed that there would be no reluctance in referring disputes to adjudication, if such a course was recommended by the State Government concerned or the Ministry of Labour. References from one ministry to another or to and from the undertakings on labour matters should be expeditiously dealt with, it was urged.

G. L. Nanda had, earlier, expressed his disappointment at the slow progress in regard to reference of disputes to voluntary arbitration. He pointed out that there was no need to go to courts and that litigation could be usefully cut down to the minimum.

It was suggested at the meeting that the services of the conciliation officers could be utilised as arbitrators to settle disputes quickly.

Another decision taken at the meeting was to streamline the grievance procedure in public sector undertakings so as to cut down delays. Where there was no established grievance procedure, one should be laid down and where there was one already, it should be followed.

Both the Union Labour Minister and the Minister for Steel and Heavy Industries are reported to have stressed the need for setting up more joint management councils in public sector undertakings to facilitate the participation of labour in management.

The Union Labour Minister is also reported to have impressed upon the heads of public undertakings that while the interests of the workers should be safeguarded as much as possible, the general tone of discipline in the undertaking should not be allowed to be undermined.

The meeting discussed the question of creating more cooperative societies for industrial workers and the workers' education programme.

The Labour Minister said that workers could withdraw money from their provident funds for investment in shares of cooperative societies. The meeting decided to set up a three-man committee to consider the lines on which such societies could be developed rapidly in public sector undertakings.

In regard to workers' education, the meeting agreed that this programme should be expanded. It was stated during the discussion that a regional centre for workers' education would be set up at Bhilai in the near future.

—*National Herald*, 12 July 1963.

APPENDIX III

A NOTE ON SOME IMPORTANT STRIKES SINCE MARCH, 1963 BUT PRECEDING THE 21ST I.L.C.

1. **BARAUNI STRIKE**—Mass resignation of 1,000 technical workers employed under the contractor firm—Bridge & Roof Co. on April 1—led by INTUC.
10,000 workers of IRL and contractors (other than Bridge & Roof) began on April 15—led by AITUC. Strike withdrawn on May 6. Issues in both cases—reduction in working hours, victimisation, increase in wage rates.
Police fired on Barauni workers on June 16, killing three. Brutally attacked the day after workers had forced a sub-contractor to withdraw retrenchment notices.
2. **GOA DOCK STRIKE**, May 23 to June 3—4,000 workers. Settlement reached on pool scheme, providing for safeguards and consultation with the union. No victimisation. 204 workers arrested were released.
3. **BUCKINGHAM AND CARNATIC MILLS**, Madras—Strike in spinning department on June 11. In Engineering Department from June 2. Both strikes were against agreements the HMS union (recognised by management) had signed with the company providing for increase in workload, etc. Strike supported by all unions (INTUC, AITUC, DMK, Independent) except HMS. Lockout lifted on June 21. Workers resumed duty by 24th.
4. **E.M.C., CALCUTTA**—Strike since June 10, demanding settlement of demands on the agreed formula of the State Labour Commissioner dated 3rd May. Workers demanded in a memorandum to Prime Minister the take-over of E.M.C. as a unit for defence production. Strike continues.
5. **BHIWANI TEXTILE STRIKE**—1,100 workers—general strike since June 12—demand for implementation of Wage Board recommendation on wage increase. Strike call given by INTUC, supported by AITUC union. On July 6, Punjab Government enforced Wage Board recommendation by action under DIR—the first such case under the Emergency laws.
6. **BOMBAY PORT FLOTILLA CREW'S STRIKE**, June 26 and 27—demanding reference of dispute to adjudication—called off on intervention of Union Shipping Minister. 1,800 workers involved. Strike immobilised port operations.
7. **STRIKE OF BOMBAY PORT TRUST FIRE SERVICE WORKERS**—180 workers since June 23. Called off on June 27.
8. **GOVERNMENT OWNED RUBBER PLANTATIONS, KALADY, KERALA**—Prolonged strike in May—500 workers arrested.
9. **BHADUA COLLIERY**—NCDC, Bihar—600 workers—Lockout declared by management on May 27—issue of mechanisation and safeguards for old workers—work resumed on May 30.

10. TELCO, JAMSHEDPUR—Rear Axle Plant of Auto Division—May.
11. INDIAN EXPLOSIVES, GOMIA, BIHAR—Strike launched by HMS on May 11. 24 workers including Basavan Singh, HMS President arrested under DIR. Govt. did not deal with HMS union since formerly the INTUC had the recognised union. Strike called off unconditionally on May 20.
12. NATIONAL RAYON, BOMBAY—5,000 workers—lock-out by management on May 15.—Govt. prohibited lock-out on 7th day and referred bonus dispute to adjudication. The Chief Executive-Officer of the company fired on workers on July 9, injuring three.
13. STRIKE OF BOATMEN AT TRIVANDRUM—May—PSP-led strike of boatmen at Valiathura pier, Trivandrum. Strike lasted over 15 days—wage demands.
14. LUCKNOW ROAD TRANSPORT—50 drivers and conductors went on a sit-down strike on May 25 protesting against police excesses and apathetic attitude of Transport Department towards workers' security and welfare.
15. BANARAS ROAD TRANSPORT—All conductors and drivers of city and rural buses of U.P. Roadways in Varanasi went on 12-hour strike on June 26, in protest against police highhandedness.—About 250 workers involved.
Similar token strike by transport workers at Ballia—for 9 hours on May 18.
16. STRIKE IN BROADWAY HOTEL, DELHI—25th May.
17. DHUVARAN PROJECT, GUJARAT—1,000 workers of Lummus Co., American contractors—strike since April 11—restoration of wages and other facilities demanded. Company refused arbitration. It was a prolonged strike.
18. BANK STRIKE—Kanpur—Hindustan Commercial Bank—200 workers in H.O. and six local branches in Kanpur—two hour strike on June 14 in protest against decision of Bank management to recruit probationary officers from outside, and against non-payment of bonus.
19. STATE BANK, BOMBAY—80 cashiers of State Bank, Bombay—on July 1—protesting against discontinuance of double-check system—increase in workload.
20. EAST BHUGGADIH COLLIERY—400 workers—May 26.
21. 600 TAILORING WORKERS of Bombay on strike for over a month.—May.
22. SANKEY ELECTRICAL STAMPINGS LTD., Bombay—1,500 workers—sitdown strike—June 1963—HMS-led—protest against INTUC union's agreement with management and demanding recognition of HMS union.

23. STRIKE IN PURE DRINKS (COCACOLA), Bombay — over two weeks — June.
24. IAC Freighter pilots strike, Calcutta, May 8.
25. SERAMPUR WATER WORKS — Strike from May 10 to 14. Seven workers charge-sheeted.
26. DURGA MILL, KADI, GUJARAT — Strike in June — non-payment of wages for two months.
27. BHARAT WOOLLEN MILLS, CALCUTTA — Spontaneous strike — April — protest against arrest of union leaders under DIR and against revision of piece-rates.
28. HUTTI GOLD MINES STRIKE from July 8 to 20 — DA demand, etc.
29. MODI FLOUR MILLS, PATIALA — 50 workers — strike for ten days — June.

APPENDIX IV

LIST OF WORKERS' REPRESENTATIVES WHO PARTICIPATED IN THE 21ST INDIAN LABOUR CONFERENCE

ALL-INDIA TRADE UNION CONGRESS

1. S. A. Dange,
General Secretary, AITUC
2. Parvathi Krishnan,
Vice-President, AITUC
3. K. G. Sriwastava,
Secretary, AITUC
4. Satish Loomba,
Secretary, AITUC

INDIAN NATIONAL TRADE UNION CONGRESS

1. Kashinath Pandey, M.P.,
President, INTUC
2. S. R. Vasavada,
General Secretary, INTUC
3. G. Ramanujam,
Vice-President, INTUC
4. G. D. Ambekar,
General Secretary,
Rashtriya Mill Mazdoor Sangh (INTUC)

5. Kali Mukherjee,
President, INTUC Bengal Branch
6. A. N. Buch,
General Secretary, INTUC Gujarat Branch
7. N. K. Bhatt,
Assistant Secretary, INTUC
8. A. P. Sharma,
Organising Secretary, INTUC
9. Gopeshwar,
Asansol Iron and Steel Workers' Union (INTUC)

HIND MAZDOOR SABHA

1. Manohar G. Kotwal,
General Secretary, HMS
2. Bagaram Tulpule

UNITED TRADE UNION CONGRESS

1. Durga Bagchi,
Secretary, UTUC
2. Jatin Chakravorty,
Secretary, UTUC

Addenda

GOVERNMENT'S NOTE ON CONCLUSIONS OF TWENTYFIRST TRIPARTITE

The official version of the conclusions of the Twentyfirst Indian Labour Conference drafted and circulated by the Union Labour Ministry a fortnight after the Conference contained certain errors. The Ministry made certain amendments to its earlier draft after the AITUC drew its attention to the inaccuracies. The final draft was received from the Ministry very late and hence could not be included in the main body of this publication. The document is therefore being put as an addenda. Also included in this addenda is the official version of the conclusions of the Standing Committee of the 21st ILC which met in Delhi on 5 August (also see page 127).—EDITOR.

INDIAN LABOUR CONFERENCE

(21st Session, New Delhi, 13 July 1963)

Main Conclusions/Recommendations

Item 1: Action taken on the Main Conclusions/Recommendations of the previous Session

The statement of action taken placed before the Conference for its information was not discussed.

Item 2: Review of the Working of the Industrial Truce Resolution

There was a general discussion on this item and the participants had an exchange of views and experience on the working of the Truce Resolution. Summing up the general consensus of opinion in the Conference, the Chairman observed that the Industrial Truce Resolution had, by and large, worked well. There had been instances of its violation by certain parties. But these should not be made a ground for similar lapses by other parties. What was needed was effective steps to ensure a more satisfactory working of the Truce Resolution. He announced that a high level Tripartite Standing Committee would be constituted to supervise the implementation of the Industrial Truce Resolution in all its aspects. The proposed Committee would consist of the Union Labour Minister as its Chairman, and a representative each of the four central organisations of workers and of the three employers' organisations represented on the Indian Labour Conference. The Committee would meet at frequent intervals and would be free to go into any matter connected with the successful implementation of the Resolution.

The question of price stability was highly important. The Government, he assured, were fully aware of this problem and would do their utmost, including the introduction of physical controls, when found necessary, to ensure that there was no undue rise in prices. Meanwhile, the effort should be in the direction of setting up, as rapidly as possible, consumers' co-operatives and fair price shops, particularly in centres having a large concentration of workers. The employers and their organisations could, particularly, play an important role in this direction.

With regard to arbitration, the Chairman said the principle of voluntary arbitration had already been accepted, and urged that there should be greater recourse to arbitration in the settlement of disputes, particularly in cases relating to dismissals, discharge, etc.

It was necessary that workers' grievances should be attended to expeditiously and delays avoided to the utmost extent possible. To ensure this, the administrative machinery at the Central and State level should be streamlined and strengthened to the extent practicable.

Referring to the Compulsory Deposit Scheme, he explained that it did not arise out of the Industrial Truce Resolution itself. However if there were cases of practical difficulties or any proposals for its modification, these could also be gone into by the proposed high level Committee being set up to consider any matter connected with the successful implementation of the Resolution.

CONCLUSIONS OF THE FIRST MEETING OF THE STANDING
COMMITTEE ON INDUSTRIAL TRUCE RESOLUTION HELD
AT NEW DELHI ON 5 AUGUST 1963

Item I. General Labour Situation in the Country

1. To arrest the rise in prices the following steps should be taken :

(i) All industrial undertakings employing more than 300 workers should set up Fair Price Shops within 4 weeks. Employers' Organisation would immediately issue a circular to all their members to ensure that this is done. Any difficulty faced in this respect would be brought to the notice of the concerned Government by managements. Both Central and State Governments would afford all facilities for the opening of Fair Price Shops.

(ii) In so far as controlled commodities are concerned, Government would ensure their supplies to the Fair Price Shops of the industrial undertakings.

(iii) The managements would convert the Fair Price Shops into Consumers' Cooperative Stores as soon as possible.

(iv) The Labour Welfare Officers appointed in the undertakings would be allowed to undertake the work connected with the organisation and working of the Fair Price Shops/Consumers' Cooperative Stores.

(v) The names of undertakings which do not set up Fair Price Shops within 4 weeks would be reported to the concerned central employers' organisation for necessary action.

(vi) Strict action should be taken under the Defence of India Act/Rules against those who indulge in profiteering or black marketing.

(vii) Fair Price Shops/Consumers' Cooperative Stores should also be set up by contractors in each construction project where a sizeable number of workers are employed.

(viii) Fair Price Shops or Consumers' Cooperative Stores should be set up by employers in the townships or housing colonies of workers administered by them.

(ix) The unions would take steps to organise and run Consumers' Cooperative Stores in workers' colonies. Instructions would be issued by Government or the concerned authorities to help unions to get their Stores registered without difficulty.

(x) Fair Price Shops/Consumers' Cooperative Stores would be given the facility of deducting the cost of goods given on credit from the wages of the workers.

2. In the light of the proposed steps to ensure supply of consumers' goods at fair prices to industrial workers, it was felt that there was no justification for continuing any agitation; the workers' organisations would try to call off the proposed agitation/strikes.

3. The State Governments would be requested to consider the desirability of setting up a high level Committee to supervise the working of the Industrial Truce Resolution and to review the labour situation from time to time in their States.¹

4. The new series of All-India Consumer Price Index Number would be finalised early. As far as Maharashtra State is concerned the State Government hope to finalise their indices within a month.

5. The question of linking dearness allowance with the Consumer Price Index Number would be examined in detail.

Item II. Composition and Functions of Tripartite Arbitration Boards

The item will be taken up for discussion at the next meeting.

1. Following the understanding reached at the Standing Committee meeting, the Maharashtra Government called a tripartite meeting on 16 August 1963 when the AITUC, the Hind Mazdoor Panchayat and the HMS through their separate Action Committees had already called for a total general strike in Bombay on 20 August.

Contrary to the understanding of 5 August meeting, the subject of the revision of the old index was ruled out of consideration by the presiding Labour Minister M. G. Mane, on which the AITUC delegation walked out.

On 18 and 19 August, the Maharashtra Government called another tripartite for consultation of the question of the revision of the old index to which the present D.A. rates are linked.

Government agreed to appoint an Expert Committee to report on the question within two months. Government has announced the Committee. But the text of the terms of reference is not yet at hand. (25 August 1963)