

**MEMORANDUM**

SUBMITTED TO

THE CHAIRMAN AND MEMBERS OF  
THE NATIONAL COMMISSION ON LABOUR

BY

THE REPRESENTATIVES OF  
THE ALL INDIA TRADE UNION CONGRESS IN MYSORE STATE

AT BANGALORE ON 23-10-1967.

Sirs,

We are glad that after 20 years of Independence the Government of India has appointed the National Commission on Labour to review the present conditions of labour and to suggest remedial measures to implement the directive principles of State policy in the Constitution on labour matters.

The Commission is also called upon to take into account the national objectives of establishing a socialist society and achieving a planned economic development. We are constrained to state at the outset itself that the objective cannot be achieved without a radical change in the policies pursued by the Central and State Governments run by the Congress Party and so long as the capitalist path of development of our economy is carried on under the leadership of the monopoly capitalists and the landlords.

Our views on some important aspects concerning labour are as follows :-

**1. RECRUITMENT**

(a) **Casual Labour** :- After the introduction of certain beneficial social security measures and legislations, the Employers have resorted to the Unfair Labour Practice of engaging large percentage of workmen as 'Casual Labour' to do work of a permanent nature in order to deprive such workmen getting benefits, amenities etc., available under labour laws. Further, a considerable percentage of workmen are employed to do work of a permanent nature without entering their names in any of the rolls or registers maintained by the Employers and not even considering such workers as 'Contract Labour'. This practice is prevalent mostly in Plantations, Hotels, Beedi etc.

(b) **Contract Labour** :- Engaging labour through contractors to perform work of a continuous and permanent nature is mostly prevalent in Ports, Beedi and Plantations. The Employers have been resorting to this practice in increasing measure with the only object of evading labour laws and depriving workmen getting any sort of benefits etc., under any of the labour legislations.

(c) **Child Labour** :- In utter disregard of Labour laws the Employers in Hotels, Plantations, Beedi, Silk etc, are employing child labour.

We suggest that the above mentioned uncivilised and semi-feudal methods of employing labour could be ended by suitable modifications in labour enactments and effective implementation of the enactments.

**2. CONDITIONS OF WORK**

Though hours of work are fixed in various enactments of the Government, the Employers are treating with contempt these enactments. In Beedi, Hotels, Plantations, Silk and even in some Cotton Textile Mills the workmen are made to work 10 to 14 hours a day. In many cases they are not given weekly offs also.

A feeling has grown among the workers that no improvement could be made in regard to the enforcement of the Factories Act, Plantation Labour Act, Shops and Commercial Establishment Act etc, with the existing labour and administrative machinery in our State. In view of this, we feel that the Commission should make such recommendations which will enable the mass of workers to get the benefits of the labour enactments.



### 3. CONCILIATION AND ADJUDICATION

The existing conciliation machinery is defective and ineffective. The Conciliation Officers should be invested with powers of a quasi-judicial nature. Many of the Conciliation Officers not only lack integrity but also have no conception of the principles of social justice.

There is inordinate delay in fixing up conciliation and then the conciliation proceedings are dragged on for a few months and there after some more months are taken up by the Government in passing orders of either rejection or reference for adjudication, and after reference is made years roll on before the Labour Courts and Industrial Tribunals. As such, the workers and the Trade Unions are losing faith in the effectiveness of the conciliation and adjudication machinery.

We suggest that :

- (1) The Labour Department should be equipped with adequate trained staff,
- (2) It should be made mandatory that the conciliation proceedings should conclude within 30 days from the receipt of the complaint from the workmen or the Trade Unions.
- (3) The workers and the Trade Unions should have the authority to refer disputes to Labour Court or Industrial Tribunal without the intervention of the Government after failure of conciliation,
- (4) In relation to discharge, dismissals etc., the adjudicators should have the power to decide on the merits of the case by taking evidence.
- (5) In all cases of awards of reinstatement, the Employers should be prohibited to approach the High Courts in the nature of writs. (a dispute concerning 219 workmen discharged by the Management of Ramkumar Mills in Bangalore in 1957 and ordered to be reinstated by the Industrial Tribunal is still pending in the High Court of Mysore).

### 4. STRIKES AND LOCK-OUTS

The bad service conditions and the Unfair Labour Practices, violation of labour laws with impunity and victimisation of Trade Union functionaries by the Employers are some of the main causes for the workers to resort to strikes. Now, the workers are not getting wages for the strike period. They must get wages in all justified strikes.

The employers, as a measure of coercion and intimidation resort to lock-outs with a view to brow-beat the workmen.

We suggest that the Employers should by law be prohibited from declaring lock-outs under any circumstance and those Employers who violate this should be given deterrent punishment.

### 5. WAGES

The recommendations of the Cotton Textile Wage Board is not at all implemented in our State except in one or two mills. Even in modernised and standard Textile Mills the total monthly wages are as low as Rs.40 to Rs.50. In Hotel Industry the wages are as low as Rs. 10 to Rs. 15 per month even in a city like Bangalore. In Cashew Industry the wages are Rs. 35 to Rs. 40 per month for majority of workmen. In Plantations, the wage rates recommended by the Plantation Wage Boards which now prevail have not been fixed in accordance with the norms laid down for determining Fair Wages by the Wage Boards and are far below the rates of Minimum Wages that should have been fixed under the Minimum Wages Act. Wages in Public Sector Industries are very much less than the wages earned by unskilled workers in some of the Textile Mills, Banks, Insurance etc.

We suggest that a National Minimum wages of Rs. 250 per month be fixed based on 1966 consumer price index number to enable the workers to have at least a bare subsistence.

### 6. DEARNESS ALLOWANCE

Except in a few Textile Mills and Tile Factories in Mangalore, the dearness allowance is not linked to the price index number. Even in Public Sector Industries in Bangalore D.A. is not linked to the consumer price index number. As a result there is erosion in the wages of the workers due to ever increasing prices of articles of daily consumption.

We suggest that the dearness allowance should be linked to the consumer price index number and should be fully neutralised.



## 7. TRADE UNIONS

Workers should have the democratic right to become and continue as members of Trade Unions of their choice and the Employers should be prevented in interfering with this right of the workers and also from organising stooge unions. Representative capacity of the Trade Unions has to be determined on the basis of the elections to be organised through secret ballots.

## 8. IMPLEMENTATION OF LABOUR LAWS, AWARDS ETC.,

The Labour Department in our State is pleading its helplessness when the Employers refuse to implement labour laws under one pretext or the other. The workers in our State are not getting statutory benefits like lay off wages, bonus, leave with wages etc. To go to Courts and seek redress it takes years.

We suggest that Special Labour Courts region-wise, should be constituted, only to deal with the implementation of labour laws, awards etc., with full powers for its execution.

We have given above our views on only some of the matters that have a direct bearing on the labour policies pursued by the Central and State Governments. Even though there are limitations to improve in a big way the conditions of labour under the present socio - economic - political set-up, we believe that by streamlining the administrative apparatus, by reducing red-tapism, by preventing the Police authorities from interfering in labour matters and industrial disputes and by efficient and effective functioning of the labour department, some improvements can be made.

No. 50-A, Arcot Srinivasachar Street,  
Bangalore-2.

Dated : 23rd October, 1967

Yours faithfully,

1. (Sd.) S. Suryanarayana Rao,

2. (Sd.) B. N. Kuttappa,  
Vice Presidents,

Karnataka Pradesh Trade Union Congress  
(State Unit of A. I. T. U. C.)

and Members of the General Council of A.I.T.U.C.

3. (Sd.) B. Narayana,  
President,

South Kanara Tile Workers' Union, Mangalore.

4. (Sd.) P. Ramachandra Rao,  
President,

The Casheanut & Allied Workers' Union,  
Mangalore.