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ADDITIONAL MEMORANDUM

TO

THE NATIONAL LABOUR
COMMISSION

(1968)

HAMDARD (WAKF) LABORATORIES

DELHI 6

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To,

The Secretary,
National Labour Commission,
New Delhi.

Dear Sir,

Commission's
appointment
hailed.

We are glad to learn that in December, 1966, the Government of India appointed this Commission to review among other things, changes in the condition of labour since Independence, the existing legislative and other provisions intended to protect the labour, to assess their working and to advise how far these provisions have served to implement in the field of labour the directive principles of the State policy embodied in the Constitution.

Study groups
and teams.

2) We understand that the Commission has set up 37 study groups/committees to study specific subjects and labour problems of some important industries.

Evidence in
labour
matters.

3) The Commission has now started going round different states for recording evidence and in the completion of its task, we hope, the Commission will no doubt give due consideration to the points raised by us.

Powers of
Commission
and its terms
of reference.

4) The Commission is sufficiently high-powered to inspire confidence of the public, the employees, the employers and the Government and its terms of reference are sufficiently wide to cover all sectors of economy, such as, industry, agriculture, mines and plantation etc.

Commission
and Hamdard
Dawakhana.

5) We, in this establishment, shall, however, like to express our views and place them before the Commission only in one or two matters which are uppermost in our minds and which are of far reaching implications and consequences. These are matters which can make or mar the future of India.

Growing Indiscipline and lawlessness in India.

6) But before we do so, we consider it necessary to mention that the situation in India today is not quite happy and practically in all nooks and corners, indiscipline and lawlessness have raised their ugly heads. Of late, such instances have become more numerous and more frequent and their intensity is also increasing day by day.

Economy in bad shape.

7) Our economy is in bad shape and we do not seem to realise that the well-beings of the labour as well as of all other sections of the community is dependent on the general state of economy. The success of labour policy during a given period is determined by developments in the economy during that period.

Recession and industrial unrest.

8) So far as the year 1967 is concerned, it witnessed recessionary trends and tendencies. The index of industrial production showed an increase of only 1.4 % during the nine months of January — September 1967, over the last year. There was a "slow-down" in the agriculture-based industries such as cotton textiles, sugar and wheat-flour etc. There were production "cut-backs" leading to a further decline in the utilisation of capacity in most of the industries.

Price Level.

9) The general price level rose in 1967 by more than 15 %. This is the highest ever increase in a single year. The index of wholesale prices rose by 8.7 % in 1965, and 13.7 % in 1966.

It shot up by 15.4 % in 1967.

The index reached an all time high in October, 1967 when it stood at 221 (1952-53 = 100).

Survey of Economic situation.

10) The deterioration in the economic situation of the country was the result, principally of ill-conceived and unimaginative labour policies.

11) The economy received a severe and serious set-back in 1967. In West Bengal, industrial unrest led to "Gheraos"

and as a result, the country lost 9.92 million man-days in 1967 on account of strikes and lock-outs.

Calcutta in grip of Gheraos.

According to the statistics on "Gheraos" prepared by the Home Department, Government of West Bengal, 915 such demonstrations took place within the period from March to August, 1967. Of these, 319 took place in Calcutta and 596 in the districts.

12) The United Front of West Bengal and the Rastriya Sangram Samity jointly gave a call to workers to observe a general strike and hartal on the 22nd, 23rd and 30th November, 1967 in protest against the dismissal of the United Front Government. The public transport was suspended.

Meetings without results.

The Labour Minister, Government of West Bengal called a meeting of representatives of industries and workers on 11th December, 1967 and another on 21st. December, 1967. The employers and representatives of employees affiliated to Indian National Trade Union Congress and Hind Mazdoor Sabha were present. This meeting, however, was boycotted by unions controlled by the Rashtriya Sangram Samity.

Durgapur and its losses.

There was considerable labour agitation when the Labour Minister visited Durgapur on 9th January, 1968 in connection with the observance of the Labour Welfare Day. The Police had to use tear-gass and fire several rounds to disperse the violent crowd which had assembled there defying the Order under Sec. 144 or Cr. P.C.

Bihar and its labour troubles.

13) The labour situation in Bihar remained disturbed to a great extent during the year 1967. There were a number of instances of "Gherao" in Chhota Nagpur District and many companies had to close down following strikes and violent demonstrations. A "Gherao" also took place at a factory situated in Jamshedpur. As a result, a number of establishments had to close down.

Colossal loss of time and money.

It is estimated that the total man-days lost in Bihar are one million during the period from January to September, 1967.

Staggering loss due to strike in Public Sector.

14) The Labour situation in Hindustan Steel, Rourkela was very badly disturbed and a few cases of ugly demonstrations and abrupt stoppages of work have been reported. It is estimated that the loss caused to the steel plants by labour unrest and illegal strikes amounts to Rs. 3.4 crores.

In Maharashtra.

15) In Maharashtra there were a number of strikes in 1967 specially during the period between January to October. The engineering industry was the main victim. The number of strikes there took place is 241 of which 8 lasted for more than 2 months and 21 between one and two months. An equal number of strikes lasted for 16 to 30 days.

The Maharashtra Government has estimated that 1.54 million man-days were lost on account of these strikes.

In Madras and Kerala.

16) There was a large number of strikes and demonstrations in Madras and Kerala. The workers mostly behaved in an irresponsible and indisciplined manner.

The number of work-stoppages in Madras is 117 involving 62,341 workers and the number of man-days lost is 4,06,000.

As regards Kerala, as many as 113 strikes took place involving 22,967 workers and resulting in loss of 3,54,000 man-days.

Strikes on Railways.

17) About 500 fire-men of the Southern Railway went on strike from 25th July, 1967 and about 2,000 workers of the Chitaranjan Locomotive Works observed a token strike on January 16, 1968.

Strikes in Railways during 1967 accounted for a loss of 36,114 man-days and 2,819 man-days during the period from 1.1.1968 to 15.2.1968.

Strikes in
Defence
establishments.

18) The strikes have now spread out even to Defence establishments and during 1967, four such strikes took place.

The Aircraft Technicians of the Indian Airlines Corporation went on strike in the 3rd. week of January, 1967 and the Air India Pilots from June, 1967.

As many as 675 technical staff in the Engineering Department of the I.A.C. Bombay went on strike on 11.8.1967. 500 technicians of Air India also went on strike in sympathy.

Over 200 workmen employed by the Air India, Bombay went on strike from 6.11.1967 to 27.11.1967.

About 1,500 non-technical employees of the Indian Air Lines in New Delhi remained on strike from January 15, to January 20, 1968 over the management's objection to holding meetings in the office premises during working hours.

Strike in
Government
undertakings.

19) About 1,000 workers of the Government of India Press Faridabad went on strike on 17.8.1967.

Workers of the Government of India Press at New Delhi and Faridabad went on strike from 22.11.1967 to 30.11.1967 and again on 16th December, 1967. The number of workers who took part in the strikes is about 4,000.

Strike in
private
sector.

20) The situation became so difficult that the Chairman of Tata Iron & Steel Co. Ltd. made statement, in the following terms which has aroused considerable interest:-

"We pointed out that the conditions as they existed today, the growing labour indiscipline in industry, the gheraos and other forms of coercion and disorder tolerated by the Government, the continued threat of action inimical to the interests of the steel company and to the beautiful and efficiently run city of Jamshedpur, hardly provided the assurances and encouragement required to induce private enterprise including Tata's to invest further moneys in Bihar when the same investment could be made more profitably and safely in other States enjoying more stable and propitious conditions."

Criminal
trespass and
police indif-
ference.

21) In some cases the workers committed acts of criminal trespass and since the Police failed to take any action, the matter was taken by the management to the High Court.

Madras High
Court
Judgment.

In this connection it would be interesting to quote from the judgment of the High Court of Madras in case of Chalpark Company Ltd. and Commissioner of Police:-

"The petitioner does not dispute that the stay-in-strike commenced by the workmen is legal; but it is contended that the workmen have no right to stay in the factory premises after the closing hours and their continuance in the factory premises after the closing hours is unlawful. The entry by the workmen into the factory premises during working hours is lawful. Their stay in the factory premises till the closing of the working hours is also lawful. But I am of the view that the striking workmen have no right to remain in the factory premises after working hours and their remaining in the premises after having entered lawfully is unlawful and it will amount to trespass. It is not in dispute that the factory premises belonged to the petitioner. It is the property of the petitioner. The working hours of the factory are between 8 a.m. and 5.30 p.m. on week days and 8 a.m. to 1 p.m. on Saturdays. But virtue of relationship as employer and employees, the employees have got a right to enter the factory premises at the commencement of working hours and stay and work during working hours and leave at the closing of working hours. Either before or after the working hours, they have no right to occupy the property of the employer. The employees can stay and strike only during the working hours, when they can stay and work. As the employees are entitled to work during working hours, they can refuse to work only during working hours, while they stay and strike. After the closing hours, the employer has to close the factory and make arrangements for the protection of the property. The employer is entitled to possession and protection of his property. The act of the striking workmen in remaining after the working hours will amount to seizure and holding of the building, preventing the use of the premises by the employer in a lawful manner. The employer is practically deprived of his property when the workmen remained in the factory premises after working hours. Therefore, for the workmen remaining in the factory premises after the working hours is unlawful and will amount to trespass."

Stay-in-
Strike and
management's
right to
evict
strikers.

The learned Judge came to the conclusion that the striking workmen had committed the offence of criminal trespass and formed themselves into an unlawful assembly by remaining after working hours in the factory premises and according to

the learned Judge:-

"The respondents have got various measures in giving relief to the petitioner. They can direct the striking workmen squatting within the factory premises after working hours to disperse and remove them from the premises of the factory. As already stated, under Sec. 127, Criminal Procedure Code, the Officer-in-Charge of a Police station may command any unlawful assembly likely to cause disturbance of the public peace, to disperse. In this case, if the petitioner and the willing workmen had resisted the striking workmen remaining after working hours, in the factory it would have resulted in a breach of the peace. This is a fit case where the respondents can take action under S. 127(1) Criminal Procedure Code. They may arrest the striking workmen as cognizable offences are disclosed and investigate and file chargesheets, if there is a prima facie case. It is a matter for the Police in this case to decide what they should do and what course they should adopt in order to give an effective relief to the petitioner."

Relationship between labour and Capital and responsibility of the State.

22) At the end the learned Judge observed that the capital and labour should contribute equally for its development and progress and the rights and interests of both the employer and employees should be protected. But, if they transgressed the bounds of law and create an atmosphere likely to affect law and order, which are the foundations of the civilized society, the Police should not lag behind to do its statutory duty of taking appropriate action contemplated by law. The learned Judge issued a warning:-

"Otherwise, there will be chaos and confusion in the country affecting the normal avocations of people. The powers and duties of the police are directed, not to the interests of the public, but to the protection and welfare of the public."

Police inaction condemned by Mysore High Court.

23) Similarly, the High Court of Mysore has held that as soon as an order of suspension or dismissal is made, the right of the workmen to remain in the premises comes to an end and their continuance on the property of the management with the avowed object of excluding the management from the use of the factory and preventing supervisory staff and other willing workmen by intimidation and threat of violence, from attending

to the duty attracts the relevant provisions of the Indian Penal Code relating to a criminal trespass and wrongful restraint.

The Division Bench of the Mysore High Court in case of Mysore Machinery Manufacturers Ltd. and State of Mysore has further observed:-

"What they have to consider in situations of this type is to ascertain from the facts placed before them as to whether those facts give reasonable grounds for believing commission of cognizable offences or threat of commission of such offences being held out by the workmen. If they come to the conclusion, as the present facts have left no doubt in our mind, that there are reasonable grounds for believing that cognizable offences are being committed, they have to act and exercise such of the powers vested in them under the law as would meet the particular situation. It is further stated in the counter-affidavit that no offence was committed by the workmen and that there were no individual complaints from the willing workmen at the hands of the dismissed workmen. The management has prayed the Commissioner of Police by the application dated 13th April, 1967 for immediate relief of getting the factory premises cleared from the grip of the dismissed workmen to facilitate their running the factory. It does not appear from the attitude adopted by the management that they are interested in prosecuting the dismissed workmen. All that they seem to be concerned with is to have such facilities at the hands of the law as would enable them to work out their factory and protect the interests of such of the workmen as are willing to work in the factory. The fact that there are no individual complaints from the willing workmen does not detract the tenability of the action prayed for by the management. We are, therefore, unable to appreciate the passive attitude adopted by the respondents in the present case."

"Gheraos" and Police inaction.

24) Labour unrest in certain states took the militant form of "Gherao" which is physical encirclement of managerial and supervisory staff by workers in order to secure fulfilment of their demands under duress. This is often accompanied by violence. The Police inaction aggravated the situation in a number of concerns which had to close down.

"Gheraos" are illegitimate.

25) The legitimacy of "Gheraos" as a technique of trade union action was called in question and most of the State Labour Ministers who met in conference in Delhi in May, 1967 expressed their disapproval of "Gheraos" in emphatic terms.

"Gheraos" and
Standing
Labour
Committee.

26) The situation was considered by the Standing Labour Committee constituted by the Government of India, Ministry of Labour and Employment, in May, 1967 and the Committee recorded its disapproval of all coercive and intimidatory tactics including "Gherao" (wrongful confinement) for resolving "industrial disputes".

27) However, the representative of the All India Trade Union Congress was not prepared to endorse the disapproval of "Gherao". The representative of the United Trade Unions Congress also had his reservation while condemning wrongful confinement, he would not condemn "Gherao".

Famous and
historical
Calcutta High
Court Judgement.

28) In September, 1967, the Calcutta High Court delivered its famous judgment in the Jay Engineering case and held that the "Gherao" at the companies' office was unlawful and that the Labour Minister had acted without jurisdiction in giving directions to the Police in this connexion.

"Gheraos"
illegal.

Delivering judgment in this case, the Chief Justice, Shri D.N. Sinha of the Calcutta High Court quashed the circulars of March 27, and June 12, 1967 relating to industrial disputes especially "Gheraos" issued by the state Government and directed the executive authorities not to give effect to them.

29) The judgment said:-

"the Labour Minister has no power or authority under the law to give directions to the Police before taking action, where such an offence has been committed. The action the police or magistrate shall take under such circumstances is provided for in the Criminal Procedure Code and the relative Police Acts. By executive fiat, such procedure cannot be altered or supplemented or varied."

"Gherao" and
what it is.

30) The Court defined "Gherao" and observed that it is not an offence as such but where it is accompanied by confinement, restraint or other offences, the fact that it is done by members

of a trade union and used as an instrument of collective bargaining gives rise to no special treatment or exemption from liability under the law. In such cases, the "Gherao" would be illegal.

No immunity,
no impunity.

31) As regards immunity of the labour from civil and criminal liability under the Trade Union Act, the High Court observed that "any act of violence which amounts to the commission of an offence, is never excused. It is, however, a mistake to think that the rights acquired by labour are unrestricted. As long as the state permits industry to be carried out by the employment of private capital, it has to respect the conditions under which such capital can be deployed and has to look after the interest of both labour and the management."

Plain admission
of facts.

32) The Ministry of Home Affairs, Government of India painfully admits that in the year 1967 certain peculiar aspects of administration of law and order came to notice. It would be relevant to quote here from the Annual Report of the Ministry for the year 1967-68. In para 128, it is stated:-

"It was noticed that in the course of these agitations there was a complete stoppage of train movements either due to or out of apprehension of physical obstruction by those supporting such general stoppage of work. On certain occasions, complete suspension of railway services was brought about by large mobs squatting on railway tracks without any attempts being made by the State authorities to remove the obstruction. There were cases also of suspension of other services performed by the Union agencies, such as internal civil aviation as a result of the unwillingness of the State government concerned to provide Police protection to the staff connected with such agencies. Similarly Central Government Offices, industrial undertakings and plants were compelled to close because the assistance of the State authorities was not forthcoming. Personnel who were desirous of attending to their normal duties were unable to do so without real risk of physical injury from the volunteers of organisations which had sponsored the stoppage."

Review of
Government's
Labour Policy.

33) Strangely enough this has happened inspite of the fact that the labour policy of the Government aimed at producing a perfect harmony and preventing industrial strife and friction.

It would be useful to review in retrospect the labour policy of the Government:-

a) First Five Year Plan - (1951-56) :

The Plan was ushered in 1951 and it laid great emphasis on harmonious relations between capital and labour for the realisation of the targets in the industrial sector. The plan stated that:-

"Peace in Industry has a great significance as a force for world peace."

b) The Second Five Year Plan (1956-61) :

The Second Plan was framed in the background of the famous "Avadi Resolution" of the Indian National Congress which called for the establishment of a "socialistic pattern of society", and objective which was later endorsed by Parliament. The creation of an Industrial democracy and the expansion of the Public sector came to be regarded as necessary for attaining the social and economic objectives. The Plan reiterated that, "for the development of industry, industrial peace was indispensable".

Code of Discipline and its observance.

In 1967, the Code of Discipline was adopted for industry at the tripartite conference voluntarily by representatives of employers and employees with a view to create a better atmosphere in industry. The Code did not succeed to a great extent in reducing the number and extent of work stoppages. However, there was a slight improvement in the industrial relations but this remained for a brief period only.

c) Third Five Year Plan - (1961-66) :

The Third Five Year Plan was launched in 1961 and it endeavoured to keep alive the spirit of the Code of Discipline.

Plans and our Labour Policy.

The Chinese aggression in October, 1962, however, created an awakening of a patriotic fervour amongst all sections of employers and employees which culminated in passing the Industrial Truce Resolution (1962).

Under this Resolution, both the parties took a pledge to remain peaceful and to put in efforts to increase production during the period of emergency. But soon after the end of the hostilities the short-lived harmony gave way to discord and the year 1964 registered a peak number of disputes involving a loss of 7.3 million man-days.

External aggression and labour unity.

In 1965, the country faced yet another external threat and the industrial workers once again put patriotism above all and rallied together for the defence of the country, bringing the toll of industrial disputes down to the minimum during that year.

However, the situation deteriorated rapidly in the year 1966 and the number of man-days lost again pushed up to a staggering figure of 10 million.

Demonstrations in Delhi.

13) In Delhi itself, we have had a fairly large number of demonstrations, agitations, strikes and work stoppages. They are too fresh to need any repetition and can be easily recalled to mind.

a) In April, 1967, students of the Ayurvedic and Unani Tibbia College sealed the dispensaries and stores attached to the College Hospital to protest against what they called "inadequate facilities". The Principal went round the Dispensary with keys in hand and hoards of students following him, opening the locks one by one and thus undoing and negating his efforts.

b) Again, in April 1967, the Delhi Policemen went on a lightening strike and nearly 700 of them demonstrated outside

the residence of the Union Home Minister. They were arrested for defying the Prohibitory Order under Sec. 144 Cr. P.C.

Incitement and motivation by politicians.

The Lt. Governor, Shri A.N. Jha blamed political interference for this trouble. According to Shri Jha "the agitation would have subsided long ago but for the active incitement by certain political elements". Shri Jha made this observation at a meeting of the Delhi citizens called by him on 20.4.1967 to discuss the Police strike and the general strike threat in sympathy thereof. The Lt. Governor drew attention to the disastrous political implications of political infiltrations in the Police force or for that matter, the Defence forces. He said:

"It is the duty of every patriotic political party to see that politics and politicians steered clear of the two. What kind of security was the nation to expect from men who were themselves susceptible to political or partisan pressures".

Teachers and strikes.

c) In February, 1968 the teachers of Delhi schools went on strike when the annual examinations were near at hand. The situation was grave and tense and the students were placed at their tender mercies. The Delhi Administration dealt with the strike swiftly and firmly and suspended about 1,100 teachers of Government Schools, 1,602 of Delhi Municipal Corporation's Schools and about 400 teachers of the schools under the control of the New Delhi Municipal Committee. Besides the services of 910 temporary teachers were terminated. The Delhi Municipal Corporation and the New Delhi Municipal Committee took similar action in the cases of 1,050 and 346 teachers respectively.

Students on politics.

d) In November—December, 1967 students of the Delhi Colleges and University participated in anti-English Agitation. Cars with English number plates were obstructed and damaged. English sign boards on shops, offices, buses were burnt down, smeared and removed. About 200—300 students, many of them from outside, held the campus to ransom and indulged in arson and

intimidation with impunity as the Police could not enter the campus without permission of the Vice Chancellor. On 12.12.67 a bus near Maurice Nagar was burnt down. Following a high level meeting on the night of 12.12.1967 the Vice Chancellor of the Delhi University decided to close down the University and all its affiliated colleges till return of tranquillity and peace.

Work stoppages and heavy losses.

35) The industrial unrest in India has been increasing from year to year as would be evident from the following tables:-

Year.	No. of stoppages (in thousand).	No. of mandays lost (in lac).
1926 ..	128	.. 11
1936 ..	157	.. 24
1941 ..	359	.. 12
1946 ..	1,629	.. 7
1957 ..	1,630	.. 64
1964 ..	2,151	.. 77
1966 138

Political obsession.

36) The workers are committing more and more acts of violence, intimidation, trespass and indiscipline on account of their political involvement. Far from doing their jobs and concentrating on increasing their efficiency and productivity and utilising capacity in giving their best to the management, they divert and channelise their attention, their skill and their energies in agitations, demonstrations and congregations fathered and spear-headed by the political parties. This is done under the guise of several reasons, such as language and religion etc.

Peaceful solution of problems.

In a large country of our size, there will always be problems which agitate people in one part or the other. We have a political system in which all these problems can be

brought up for dispassionate consideration by representatives of the people. Reasoned debate and persuasion are the only ways of democratic functioning and violent agitations, in the streets and in the factories only weaken the democratic system and undermine the foundation of national unity.

Agitational approach.

It is a matter of deep regret that there should be such demonstrations by industrial workers and students etc. over such extraneous issues in certain parts of the country. In this way the over-riding objective of the Government's language policy to strengthen the country and to promote the integration of our people, while providing full opportunity to all sections of the community for self expression and cultural development, is defeated.

Hopes for economic recovery.

All our hopes for economic recovery and further growth depend mainly on orderly functioning of our democratic institutions, the hard work of our people, their sense of self discipline, the productivity of our labour and the maintenance of industrial peace.

Legitimate trade unions and others.

37) Trade Unionism - pure and simple - concerned exclusively with the welfare of labour is recognised all the world over as a legitimate means for the redress of workers' grievances. But what we have seen lately is trade unionism super-imposed with politics and that too of a particular brand whose programme is to fight in the fields and the factories with no provision for compromise or negotiations. Violence and defiance of law and authority is their creed. Lawlessness and violence are their instruments and they instigate the workers to settle all issues by force and coercion under promises of affluence.

Trade Union movement and political domination.

38) The trade unionism in India at present bristles with party politics and the overt and covert party affiliations of every union have vitiated the trade union atmosphere. Most unions are headed by a coterie of members directly attached to one political party or another and are run more on party lines than for the benefit of the employees whom they are supposed to serve and represent.

An illustration of this is given below:-

Political hue and colour exposed.

A union of a reputed mercantile firm in Dalhousie Square in Calcutta having strength of nearly 800 employees immediately on the installation of the United Front Government passed a grandiloquent resolution which was sent to the then Chief Minister, Shri Ajoy Mukerjee and it was in the following terms:-

"This meeting hereby unanimously resolves to send its warmest greetings to the newly formed non-Congress Ministry of the Government of West Bengal and congratulates the people on the crushing defeat inflicted upon the previous anti-people regime."

It is evident that the sentiments expressed in this resolution are partisan and reflect the political leanings of the members of the union.

Foreign study teams and their findings.

39) We frequently hear of teams of experts coming in India from England, Germany and Russia to diagnose the ills of our economy and to prescribe remedies. But a critical and dispassionate probe traces bulk of the troubles to lack of internal cooperation and violent quarrels between members of rival trade unions of different political persuasions.

Fault lies with men and not with machines.

There is no denying the fact, for example, that our steel plants are the most modern - the pride of the latest technology of the three foremost steel-making countries of the world. If they are not running efficiently and economically today, we should not be taken by surprise when we are

told by the expert study teams that the fault is not of the machines but of the men.

When operating them it is so, surely, not all the technical wizards of the world will be able to ensure a peak, efficient and economical performance so long as the basic cause of the malady is not cured.

Politics and its baneful effects on Trade Union movements.

40) Outsiders and political motivation, and rival unionism are baneful for industrial relations generally. In the context of the public sector undertakings these have added greater relevance because of the large labour force employed in them and of the inadequate arrangements available for grappling with labour problems thrown up by such a force. Mere recognition of the existence of rivalry or of the need to remedy the situation is not sufficient to secure a lasting solution to the problem. It is rewarding to ascertain the root cause of the rivalry.

Need for a careful and dispassionate probe.

41) Our Government should arrange for a somewhat extended study of the history and growth of industrial relations in the country and there is no reason why it must not hit upon the political trade unionism and not an economic one, which is root cause of all these troubles.

Responsibility and apportionment of blame.

It is no use blaming any one party for this state of affairs or blaming one party more than the other. Each one of them has built up its own brand of unionism for using it for its own purposes. The working class has no doubt benefitted from the bargain. If it kept aloof from the politicians it would have benefitted more. Many instances of strikes, slow-downs and violence can really be traced to rivalry between unions of different persuasions. It is the exclusion of outsiders from the unions which would mitigate evils of rivalry. But rivalry, as now

experienced in the country, is essentially a political problem which can and must be solved at the political level only. It is for the politicians to take note of this fact and to find a solution if they wish to avoid its baneful effects on the industry. If industry is made the battle-ground for opposing ideologies, surely, it cannot play its due part in the proper development of the economy and the whole country will suffer.

Glaring and proved example of political interference.

42) The fact of interference by the politicians in the Police affairs has been highlighted by the Punjab Police Commission in its report. The Commission has observed:-

"The evidence led before the Commission has disclosed that members of political parties, particularly of the ruling party, whether in the legislature or outside, interfere considerably in the working of the Police for unlawful ends.

We have been told that politicians accompany complainants to Police Stations and try to influence the Station House Officer to take down reports implicating innocent persons against whom the complainant has enmity. There are politicians who are touts of the Station House Officer or the Assistant Sub-Inspector and they grease their palms for this purpose".

Late Shri Mehar Chand Mahajan, formerly Chief Justice of the Supreme Court, was the Chairman of the Commission in which were 15 members.

Delivering his address at the 10th Convocation of the Xavier Labour Relations Institute in Jamshedpur on "Problems of Industrial Peace" during this year, Shri Naval Tata, a noted industrialist and a member of the National Labour Commission, has observed that industrial peace in the country can be preserved only by isolating such extraneous motivations of strikes. According to him, politicians have contaminated industrial relations by exploiting trade unions and giving them a political twist. Shri Tata has added that most of the "work-stoppages" in the country, organised for ostensibly economic reasons, are actually motivated by politics or by

trade union rivalry. He is convinced that Indian trade unions can never acquire inherent strength, self-respect and independence without going through the process of collective bargaining.

What our
leaders say
about poli-
tics and
trade unions.

44) The Union Minister of State for Defence Production has also recently called upon all political parties to keep aloof from country's trade union movement. But even today influence of political parties on the policies and actions of National Trade Unions is clearly discernible.

All pervading
effects.

45) Today, practically every trade union, national or regional - is mixed up with one political party or another. The result is that even when the workers have genuine grievances, their expression as well as redress suffers from a political bias in favour or against it. Neither workers nor employers realise that they are partners in a common venture. Largely because of the political elements that guide or misguide the workers they tend to ignore this fact and do all sorts of things which are deplorable.

Origin of
Trade Unions
and their
links with
political
parties.

46) The history of the trade union movement in India shows that it was born simultaneously with the mass political movement for attaining independence from the British rule. Evidently, the leaders thought that the freedom movement could not succeed without the active support of workers. At that time, the primary driving force was "nationalism". The Communists, as an independent factor, emerged much later on the scene. Naturally, it were outsiders from the political field who took the initiative in forming Unions and channelising the urges of the industrial workers into them.

Trade Unions
and political
advancement.

The introspection also points to another conclusion that except in the case of a few leaders like Shri N.M. Joshi and Mahatma Gandhi, they were motivated by ulterior aims.

For most of them, it was a means to achieve the goals of the political movement of which they were an essential part and parcel. The consideration which dominated and influenced them to join the trade union movement was "political" and the welfare of the labour was only "incidental".

Deflection
from the
right path.

47) Though the Mahatma initiated trade unions "to help workers to help themselves" and had no ulterior motive or a trade of political opportunism, or exploitation in his role as a "union organisor" yet since 1947 even the "Gandhi Unionists" have been drawn into the vortex of politics.

48) For a variety of reasons, the workers could not participate in leadership for a long time. So, the power and influence in the trade unions remained largely in the hands of outside leadership. Policy and decision making remained the special pre-rogatives of the leaders drawn from outside - mostly from politicians.

Political
influence
and its
effects.

The influence of politics on the trade union movement is so powerful that workers usually join a party which is capable of delivering the goods swiftly and fully. If a leader is successful in advancing their fortunes, the workers will follow him and join his party. But they will abandon him if he fails in redeeming his assurances and compares unfavourably with his rivals. For this reason, the importance of outside leadership as the connecting link between trade unions and political parties has been heightened further.

Political
parentage.

49) Here it would be relevant to mention that the Indian National Trade Union Congress was born in the background explained by Shri Gulzari Lal Nanda, former Home Minister of India, who at that time was the General Secretary of the H.M.S.S. Shri Nanda stated that the attempts to foil the Communist in the A.I.T.U.C. had failed because the Communists

had resorted to "multiplying bogus unions and bloated returns of membership".

True aims and objects.

Shri Nanda added that the A.I.T.U.C's. violent opposition under the leadership of the communists, to the Industrial Disputes Act, 1947 and the Bombay Industrial Relations Act of 1947 ran "directly counter to the declared policy of the Indian National Congress" and that it was necessary to establish a new central trade union organisation.

50) The late Sardar Patel who was the driving force behind the establishment of the I.N.T.U.C. at a meeting at his residence stated that the A.I.T.U.C. was "devoting all its energy to oppose and weaken the Congress".

Trade Unions and political contributions.

51) It also appears that political parties have been making financial contributions to the trade unions and there have been transfers of funds from one to the other in devious ways. In twenties, direct financial contribution from Communist party organisation abroad to party organisers in the trade union field in India are reported to have been made. Two sums of Rs. 20,917/- and Rs. 14,101/- are said to have been sent to the Communist leaders in Bombay by the Textile Central Committee in Moscow. According to Shri M.R. Masani, former General Secretary of the Swatantra Party, all these monies came from party sources in Moscow although the name of the donor is shown as Textile Central Committee.

Ruling party unions and others.

52) Moreover, a union affiliated to the ruling political party is considered to be more resourceful and helpful in getting demands of the workers conceded more easily and in a fuller manner than those belonging to the opposition. In this connection it is pointed out that in the course of a

note submitted to the Labour Panel of the Planning Commission in 1956 the H.M.S. declared:

"One of the principal causes of stagnation and frustration in labour today is the obstinate refusal of the Government to permit workers to freely choose their own bargaining agents, to build up their own organisations without official interference and its refusal to exercise elementary administrative fairness and impartiality as between various trade unions. The Government continues to show the most flagrant favouritism to I.N.T.U.C. unions, gives the I.N.T.U.C. disproportionate representation on tripartite bodies and virtual monopoly in I.L.O. Conferences and Committees. The administrative and even the law and order apparatus of the Government is freely used to disrupt and crush non-I.N.T.U.C. unions..... Such favouritism and interference in trade union matters undermines the very foundations of industrial peace and negates progressive labour policies.

It is idle for Government spokesmen to deny the favouritism shown to the I.N.T.U.C. Instances can be cited from every industry and state....."

Substance in allegations of favouritism.

53) This appears to be correct in-as-much as the I.N.T.U.C. made rapid and substantial progress in its membership and it would be relevant to give figures of its membership during three years compared with figures of membership of A.I.T.U.C. to provide a basis for comparison:-

Name of Organisation.	M E M B E R S H I P.		
	1958-59	1959-60	1962-63
I.N.T.U.C.	10,23,371	10,53,386	12,68,339
A.I.T.U.C.	5,07,654	5,08,962	5,00,967

State Government and its labour policy.

This is also borne out by the fact that the industrial unrest in the state of West Bengal after the last general elections grew in its proportion and momentum when the United Front Government was in power and it encouraged indiscipline and 'Gheraos' directly and indirectly. The labour disturbances were more pronounced in as much as 237 cases of strikes involving about 93,000 workers and resulting in a loss of about 22 lac man-days during the year 1967. At the same time there were 175 cases of lock-outs involving over 55,000 men result-

ing in loss of over 27 lac man-days. The number of 'Gheraos' that took place is 1,000 or so.

Labour situation in Kerala.

Similarly, the situation of labour in the state of Kerala is far from satisfactory. Work-stoppages are on the increase and 'Gheraos' are an order of the day. The managerial staff and officers were intimidated, beaten and assaulted. They were kept under 'Gherao' and deprived of even basic amenities of life for a couple of days. Only last year the Birlas had sunk Rupees two crores in the State to set up a staple fibre factory in Kerala.

Unreasonable demands force shifting of Industrial Establishment.

The workers raised demands involving huge and recurring financial implications and since the management were not in a position to concede the demands, the negotiations broke down. The management held a number of meetings with the state Chief Minister in March this year to explain their point of view and their ability and capacity which did not justify payment of huge sums involved in acceptance of demands of workers. The response of the Chief Minister was unsatisfactory and this has set Birlas thinking of shifting the factory to another state where the industrial climate may be favourable and peaceful.

Unions and their strength.

54) The number of unions in India has been growing at a terrible speed from year to year. The table below will give an idea of the speed at which the unions have grown and the increase in their membership:-

Year.	No. of Registered Trade Unions.	Membership.
1927-28 ..	29	100,619
1932-33 ..	170	237,369
1937-38 ..	420	390,112
1942-43 ..	693	685,299
1947-48 ..	2,766	1,662,929
1952-53 ..	4,934	2,099,003
1957-58 ..	10,045	3,015,052
1962-63 ..	11,817	3,680,856
1963-64 ..	11,868	3,920,408

Political affiliations and trade unions.

55) Our political climate is changing so fast that even during one year since the last General Election governments in various states have changed more than once and since the trade union movement is firmly controlled by politicians, these changes on the political scene have exerted a considerable influence on it.

It is common experience that each politician on changing his loyalties and allegiance from one group to another, or from one party to another takes the workers, who are members of the trade union of which he is the office bearer, with him. The turn-coat politicians are thus making the trade union movement also a turn-coat.

Detailed study and conclusions.

56) Those who changed their political allegiance did so only for their personal interest and goaded by an urge for self advancement and self aggrandisement irrespective of firm loyalties: cum philosophies, creed and policies. This view is based on a study recently made by the Ministry of Home Affairs, the findings of which are interesting and revealing.

57) The study of the Home Ministry has further brought out the painful and startling revelation that every single case of collapse of state governments since the general election has been the direct result of defections. The dominant characteristics of defections has been their promixity in point of time to rise and fall of Governments.

Political changes.

58) Upto the elections in 1967 only one party was in power at the Centre and in the States except Kerala, Madras, Bihar, West Bengal and Orissa.

After the elections in March 1967 governments in various states were formed and reformed, made and unmade and remade and in some states the situation became so

uncontrollable that it became almost impracticable to reconcile claims and counter-claims of parties to form a stable government. Disturbed by this phenomena President's rule had to be imposed in certain states such as Haryana, West Bengal and U.P. to give efficient governments to the states.

Haryana is again in the throes of election but the situation around is fluid, full of crises and unprecedented situations are arising, creating knotty and vexatious problems involving legal implications and constitutional niceties.

The above facts will show that the political situation has been in the melting pot and it has not taken any firm or final shape and in such a state of affairs it is easy to imagine the adverse effect that it has had and shall have on the trade union movement, linked as they are closely and intimately.

59) In such a fast changing political climate, the industrial unrest is bound to grow.

Government and its discriminatory attitude.

60) So far as the Government is concerned, it has already had a bitter taste of several instances in recent years of the nature and extent of the impact of the trade unions political involvement in their relations with the government as an employer:-

Strikes and government Departments.

a) In 1948, a political party attempted to convert a labour dispute involving the All India Railwaymen's Federation and the state owned railways into an armed insurrection against the government. The government rose to the occasion and swiftly suppressed the uprising and disrupted the trade union movement. The union leaders involved in insurrection attempt were arrested and jailed.

Government servants as pawns on political chess-board.

b) In August, 1957, the trade union organisations of Central Government employees in the Post & Telegraph, Civil Aviation, and Incometax Departments etc. alongwith a few other services, threatened to go on a "nation-wide" strike.

The government immediately came out with the charge that a certain political party was fomenting the strike and was actively behind it and "the government servants were being used as pawns in a political game."

Negotiations fail.

Since its efforts at persuasion and strong anti-strike public opinion failed to bring about a withdrawal of the strike notice, the Government quickly and successfully introduced in the Lower House of the Parliament a Bill called the "Essential Services Maintenance Bill" which armed the Government with power to prohibit an strike in the "essential services". Also, the Government promulgated an ordinance banning strikes in "essential services".

As a sequel, the unions called off the strike at the last moment.

c) In July, 1960, the Joint Council of the Central Government Employees, representing several unions in the field, issued a strike call.

Politically motivated strikes.

Pt. Nehru, then the Prime Minister of India declared that it was "an attempt at upsetting civil authority by means other than democratic". He also said that the strike would be a "dangerous blow to our country", and that there were some people who "really welcome the weakening of our country".

The President of India promulgated an Ordinance similar to the one promulgated in 1957 declaring the strike to be illegal.

Delhi gets its share.

e) The strikes by the policemen in 1967 and the teachers of Delhi during the current year are also the instances in

point. The Lt. Governor has clearly stated that but for political interference, the Police strike would have subsided and that the strike by the teachers was also motivated by political considerations.

The malady
and the
cure.

61) From the above, it would be evident that the country is suffering from a serious malaise which has been diagnosed and the remedy for which it is not difficult to find and apply. Our Government has sincerely tried to eliminate causes of disputes by passing various laws and laying down norms for wages and conditions of work. Since disputes do persist, Government had also provided a machinery for adjudication by Industrial Tribunals. The machinery is an unfortunate legacy of a measure adopted during the Second World War by the then British Government and is being continued in order to preserve within their reach the power to intervene in support of the workers in industrial disputes. The tone and status of the machinery have unfortunately deteriorated as a result of political patronage indulged in the constitution of Tribunals by the Government.

The problem
and its
solution.

The real solution to the problem of ensuring industrial peace rests on identifying and isolating motivations for the strikes and eliminating the underlying causes rather than treating the superficial symptoms.

Evading the
issue.

It is singularly unfortunate that during all these years we have not faced the real facts and have tried only to gloss over them. For political reasons, Government does not wish to probe deep into this malady and the employers, who are really concerned with maintaining industrial peace, cannot afford to displease Government and are often forced to "buy" peace at all costs. Without question, most of the

industrial unrest is politically motivated and it takes place in an atmosphere of intense "inter-union" and "intra-union" rivalry.

Self-deception.

Since we seem to ignore these basic facts, we readily deceive ourselves by passing welfare legislation and setting up adjudication machinery for settlement of industrial disputes by tribunals in the hope that we can ensure lasting industrial harmony. Naturally, the disputes have not abated.

Size of the industrial force.

A very interesting feature of our industrial order is that so small a percentage of the total working force consists of industrial employees. By the rather generous reckoning of the 1961 census 43 % of the population is working and 7.9 % of this 43 % constituted the "industrial work force". Out of a total population of more than 450 millions and a voter population of 240 millions, industrial workers in the proper sense of the term are perhaps no more than 12 millions. Nearly three quarters of them work in small factories and workshops and only 3 or 4 millions may be said to work in really large Western-style factories. And yet on account of political influence, they exert an influence on our public life, which is out of all proportion to their numbers. Preoccupation with political actions result in the neglect of the methods of collective bargaining, of in-plant functioning and of contact of leadership with the rank and file. The outsiders are ambitious and while they have every thing to gain, they have nothing to lose. Rival unionism has led to unrealistic competition among competing unions which has made an honest and realistic negotiation or a settlement very very difficult. The disadvantages of union rivalries are far more than the benefits and the destructive aspects of the competition overshadow and outweigh the constructive aspects.

Structural
disunity.

The trade unions have been deprived of their structural unity on a staggering scale on account of political involvement, and multiplicity of unions has struck at the very roots of the labour solidarity in India. It is clear that the Indian trade union movement has developed to be neither "free" nor "independent".

Labour
unrest.

62) So long as the trade union movement in India is not freed from political and outside leadership the labour unrest shall persist. It shall go on assuming proportions and dimensions of an alarming nature and give rise to more and more agitational approach, pressure and coercive tactics, intimidatory and violent methods etc.

In his address to the Nation on the eve of Republic Day 1968, the President — Dr. Zakir Husain expressed his concern over the growing lawlessness when he made the following observations:

"The first deadly pitfall is violence. Violence is the very negation of the true spirit and temper of democracy and should be totally eliminated from our national life as a method of finding solutions to problems. I regret to say that we still have to find an answer to our present tendency to take individual political issues to the streets. Unruly demonstrations which often lead to the breaking of the law and not infrequently to tragic loss of life, cannot be accepted as the way of settling what are often complex issues.

The second serious pitfall is indiscipline, indiscipline in the political parties, indiscipline in our deliberative bodies, indiscipline in our educational institutions. Democracy allows full freedom of discussion but once after discussion, a consensus is reached or a majority decision taken, it has to be honestly and cheerfully implemented."

From the above it would be evident that we are passing through a critical economic and political phase and the currents and under-currents of instability and displacement are so strong and powerful that it is difficult to

check their advancement. It is apprehended that unless timely and effective action to curb these tendencies is taken we shall soon be involved in the midst of an economic chaos and disorder of its worst kind.

The number of man-days lost during the last year, the number of "Gheraos", the number of work-stoppages, strikes and lock outs, the number of cases of physical and mental torture, of criminal **trespasses**, of industrial unrest, of strife and disharmony during the year 1967 and also since the beginning of this year is very shocking and alarming. It is patent even to the meanest of intelligence that this political instability will, beyond any shadow of doubt, have its implications of a very grave nature on the trade union movement in India. And we have traced this unusual and undesirable phenomena of industrial unrest to the dominating and deleterious effect of politics on industrial workers in India.

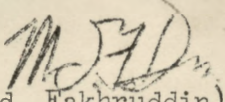
If we sincerely want to survive from the present ordeal, if we want our economy to pick up and if we want scarcity conditions to be overcome, if we want that the price level should be brought down and above all if we want that the standard of living of our teeming millions should be raised and raised quickly and substantially, we have to necessarily put our heads and hearts together to deeply and dispassionately probe into the causes for the prevailing unrest and the only irresistible conclusion would be that they are the result of involvement of our industrial workers into politics and nothing else. This is the only plain, simple and straight forward finding which shall be arrived at, no matter however much unfavourable and unpalatable it may appear to be.

Having diagnosed the cause of ailment, the remedy should follow automatically and the correct remedy, in so far as we can see, is to free our trade union movement from political clutches, trammels and trappings.

Let us allow the workers to develop a soul of their own, let us allow them to breathe fresh air. Let us free them from political contamination and pollution. Let us allow them to lead a life of their own choice, of their own free will. Let us allow them to avail of their right to bargain with their employer collectively and settle the score without any outside guidance, direction or pressure. Our trade union movement has completed over fifty years and it has come of age since long. It is now mature and wise enough to stand on its own legs. It is fully competent to take care of itself without any protection and cushions. It is only this that it will become independent, self confident and successful in matters of bargaining with the employers.

We therefore suggest that the Commission may be pleased to make necessary recommendations to the Government to this effect and we further request that we may be given an opportunity to explain our views to the Commission personally to illustrate our point more vividly for which purpose a suitable appointment may kindly be made.

for and on behalf of
Hamdard Dawakhana (Wakf) - Delhi.


(Mohd. Fakhruddin)
Divisional Manager
Administration.

15.5.1968.