

Dalvi Building,
Parel, Bombay-12,

The Chairman,
National Commission on Labour,
NEW DELHI.

Dear Sir,

The Commission has issued it's Questionnaire to elicit views of interested parties on matters arising out of it's Terms of Reference. The All India Trade Union Congress, the premier Organisation of the Indian working class, to which this Organisation has the privilege to belong will make it's detailed submissions on the various questions framed by the Commission. But we would here take this opportunity to say a few things on certain matters arising out of the present legislation governing industrial relations, which are heavily impinging on us.

We are an organisation of the city's textile workers formed in May 1928. During the four decades of it's existence, it has fought many a battles of the textile workers and won for them a number of rights and concessions.

In our opinion the present legislation governing industrial relations whether the Industrial Disputes Act of the Union Government or the Industrial Relations Act of the State Government is framed with an anti-working class objective. The whole system of this legislation seeks to make the growth of good strong democratic trade unions impossible, keep the workers divided, help only the Company Unions to grow, help to delay settlement of disputes, help the employers to attack the workers with ease and make strikes almost impossible.

If trade union movement has grown in the past two decades, it is in spite of this body of legislation, framed to make it subservient to the interests of the employing class. The inherent strength of the working class and the healthy class out-look and confidence that it acquired in it's early struggles has enabled it to withstand the powerful onslaught launched against it through the medium of these laws on industrial disputes and relations.

It is notable that no law on industrial disputes and relations existed prior to 1929. The first law on industrial disputes came in when the employers wanted to launch a powerful attack on workers' wages and introduce rationalisation and when the workers began to resist doggedly and successfully. The powerful strike struggles of 1927, 1928 and 1929, the great upsurge of trade union movement with mass membership, functioning factory committees and cadres and the recognition that the employers had to grant to these bodies moved the then British Government to bring in the Law on Trade Disputes in 1929. And when the Law failed to break the movement, they attacked the unions and the struggles they led with all the forces at their disposal, including illegalisation of unions, conspiracy cases, and mass victimisation of trade union cadres.

The same spirit pervaded the legislation of the Bombay Congress Ministry of 1937, and the present BIR of 1947 continued the legacy to the further detriment of the working class and the trade union movement.

That is the genealogy in short and the parenthood of the various State and Union Acts governing industrial relations.

In our opinion any system of legislation governing employer-employee relationship must stem, first and foremost, from the compulsory recognition of the trade unions by the employers. Where there are more than one trade unions in a plant or industry, the one enjoying the support of the majority of workers would be entitled to recognition. Further, this support of the majority would have to be assessed not through "a verification of membership" as at present but through a ballot of workers.

We further feel that the whole machinery of conciliation or adjudication provided under today's legislation should be entirely scrapped. All disputes should be settled through bi-partite discussions. We stand for this method of settlement of disputes both on a plant level or on industry level. If the dispute is not resolved through these discussions the parties can go in for a voluntary arbitration ^{to the arbitration} to be acceptable to both. In order that these discussions should be fruitful, the right of strike of the trade unions must be absolutely unfettered. There can not be any illegalisation of strikes or victimisation for participation in it, under any conditions.

We therefore emphasise that any industrial legislation, to be helpful has to base itself on these two pillars viz. recognition of right of workers to be represented by a Union of their choice and recognition to collective bargaining.

Though we insist that the right to strike should be unfettered, we can not agree to a "right of employers" to impose a lock out. Because the two are on an entirely different footing. The first stems from the workers' right to live, the latter can not be agreed as it would be according to a right to the employers to starve the workers.

We would further suggest that the law should provide for compulsory ratification of agreements entered into by the leadership of a Union by it's General Body, before these can be enforceable.

We are opposed to any modification of an award so as to be prejudicial to the working class.

As regards the code of Discipline it has not helped the workers any way. It's crux was recognition of the Unions. Instead of accepting this, the employers have sought to utilise it to bind down workers, and restrict their actions. Instead of upholding the spirit of the Code, the Government Implementation Officers are concerned with it's various technicalities. As a result the vast mass of the workers today and the trade unions loyal to their interests have become increasingly cold towards the Code.

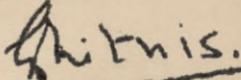
We have not gone into other questions of wages and D.A. here. But we would record here that this industry which was helped to survive against foreign competition by the Swadeshi movement of the people has today become a centre of the most anti-people interests. The industry which has been in existence for over a century now has ^{yet} to give it's workers a 'minimum wage' in terms of the unanimous recommendation of the 15th Session of the Indian Labour Conference. Even the first Central Wage Board for the Cotton Textile Industry was led to express it's regret that "even after a century's existence the industry is unable to pay a need-based wage" And this in spite of the super profits it garnered during the two world wars, which led the ex-Union Minister for Labour, Shri Khandubhai Desai to demand it's immediate "nationalisation without compensation."

We would request the Commission to kindly give us an opportunity to appear before it to elaborate these and other points.

Thanking you,

October 18, 1967.

Yours faithfully,


for General Secretary.