



THE WORKING CLASS

MONTHLY JOURNAL OF THE CITU

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Scrap The Bonus Ordinance

Comrade Jyoti Basu, Vice-President CITU has issued the following statement to the Press

THE ORDINANCE ON BONUS PROMULGATED BY THE President of India is a direct attack on the right of bonus of the workers and nullifies all the gains they have won through bitter struggles all these years.

The reduction of minimum bonus from 8½ to 4 percent and other provisions of the Ordinance underline acceptance by the Government the proposals of the representatives of the employers on the Bonus Review Committee. These measures will add hundreds of crores of rupees into the coffers of the employers when the real standard of living of the workers is continuously falling.

The Ordinance will deprive lakhs of workers employed in companies which have shown losses in their balance sheets. The new element of basing minimum bonus on average profitability over the last 4 years will virtually result in declaring nil bonus by majority of the companies. Moreover this step blatantly rejects the concept accepted by the Supreme Court that bonus is a deferred wage to bridge the gap between the present below subsistence wages and the "Living Wage". This measure will give a green signal to the companies to further manipulate their balance sheets and show losses to deprive even those workers who will get a paltry bonus this year. The Ordinance is therefore virtually withdrawing the right of the workers to bonus.

The claim of the Government that the minimum bonus had been raised from Rs. 25/- to Rs. 90/- for non-adults and from Rs. 40/- to Rs. 100/- for adults will not hoodwink any worker since most of the workers were already getting a higher bonus than that amount.

The bonus commission awarded minimum bonus to workers irrespective of profit or loss in view of the prevalent low rate of wages. Now the Ordinance seeks to replace the

LONG LIVE NOVEMBER REVOLUTION

concept by linking bonus to productivity. This will only mean that unless the workers add to the already high profitability of companies they will not be paid additional bonus, a position which was unitedly opposed by all the Central Trade Unions earlier. This new concept will deprive all additional claims of workers for every increase in productivity and thus favour only the employers. It will also give a handle to the employers to increase the workload on the workers and intensify their exploitation. By limiting the exgratia payment to employees in banks, insurance, port

and docks and other companies the Government has imposed a bonus cut on these employees.

The Public Sector managements have been asked by the Government not to enter into negotiations on bonus with the unions and the Government has usurped the right to determine the quantum of bonus for these workers throwing overboard all norms of collective bargaining.

The CITU rejects the argument of the Government that this step was necessary to check the inflation and boost the economy. The fabulous profits earned by various companies

and the reduction in their wage costs has been noted by the Reserve Bank studies.

The CITU therefore demands that the Ordinance should be withdrawn forthwith and 8½% should be declared as the minimum bonus irrespective of profit and loss and without any ceiling. The employers should be directed to pay whatever higher quantum over and above the minimum they paid last year and honour the longterm bonus agreements signed with the unions....

CITU Condemns Execution Of Spanish Patriots

Five urban guerrillas, patriotic revolutionaries of Spain, were executed by firing squad of Franco's fascist regime on 27th September last after a sham trial by a military tribunal.

The brutal repression on

workers and people by the fascist regime, culminating in the execution, triggered off a storm of protest and condemnations from people all over the world. Thousands of people including workers demonstrated before the Spanish embassies in France, Italy, United Kingdom, Sweden, Portugal and other European countries, condemning the execution. In Brussels, demonstrators set fire to the Spanish embassy and in Lisbon the embassy was ransacked. In Spain itself, thousands of people came out on the streets in silent procession to protest against the execution.

Defying the brutal repression of the fascist regime, more than one lakh Spanish workers throughout the country responded magnificently to the call given by the Trade Unions and overseas organisation of Spanish

workers for a 48 hour general strike from September 29 in protest against the execution. The strike was completely successful and paralysed the factories, and schools and colleges, shops, markets and eating houses remained closed.

Jyoti Basu, Vice-President, CITU has sent the following telegram to the President, Govt. of Spain in Madrid, condemning the execution and congratulating the Spanish workers for their heroic protest strike :

“STRONGLY DENOUNCE EXECUTION OF FIVE URBAN GUERRILLAS AND BRUTAL REPRESSION ON SPANISH WORKERS AND PEOPLE PROTESTING AGAINST THESE MURDERS STOP CONGRATULATE SPANISH WORKERS FOR HEROIC COUNTRYWIDE PROTEST STRIKE”.

CITU Demands Judicial Enquiry

Comrade Jyoti Basu, Vice-President CITU has addressed a letter to Shri P. C. Sethi, Chief Minister, Government of Madhya Pradesh, Bhopal on October 13, 1975, demanding a judicial enquiry regarding the sad demise of Shri Bhairav Bharati, prominent CITU leader of Nagda, at Indore Hospital on 18th September 1975.

Nature And Extent Of Mass Poverty In Asia

In the report of the Director General (Report I Part 1) issued by ILO Office at Geneva which was discussed in Eighth Asian Regional Conference, Colombo, September-October 1975, important facts are placed regarding the nature and extent of mass poverty in Asia. The report states that poverty is wide spread in the region. It outlines the following causes of mass poverty in this region—low income per head, relatively low rates of

with some qualification (—this being difficulty in estimating national income in different countries, different methods of computing national income and different price level existing in different countries. Therefore, conversion of figures in national currencies into U.S. Dollars may not be too accurate. So comparison between different countries can hardly be accurate and precise; nevertheless it definitely presents certain picture.

be noted is that there are very wide variations in countries rates of increase in income per head over the period 1963-73. In India and Pakistan, income per head in 1973 was even lower than in 1970, in Bangladesh income per head in 72-73 may have been 25 per cent lower than 1969-70. In Afghanistan, Burma and Nepal, also countries with very low incomes per head, little progress has been made in recent years. The report states, “—in several of the important countries with the greatest needs, progress has been slowest and the prospects of improvements are uncertain”.

An idea of the nature and extent of mass poverty in some selected countries in Asia can be had from the following table.

From the table, it is evident that hundreds of millions of people are living in abject poverty in countries in which the average income is a multiple of \$50 or \$75.

By collecting data for some indicators of mass poverty e.g. the state of food consumption, health services and the state of health and education measured by life expectancy and primary, the report gives some revealing facts. In Bangladesh, Afghanistan, Indonesia, Philippines and Thailand, the actual average diet met between 80 per cent and 90 per cent out of the requirements only in 1969-71. Medical services are inadequate in many countries. The number of inhabitants per physician is nearly 50 thousand in Nepal and more than 20,000 in Indonesia and Philippines and

Level and growth of real output

Country	GNP 1971 (US Dollars)	1963-73 Growth of GNP per capita Annual average rate	
		1963-68	1968-73
Afghanistan	80	-0.6	1.6
Bangladesh	70	2.6	-2.4
Brunei	1370	-1.6	3.4
Burma	80	0.6	2.0
Fiji	470	1.4	3.2
Hongkong	900	6.1	5.6
India	110	0.5	0.6
Indonesia	80	2.8	4.2
Iran	450	7.9	9.2
Malayasia	400	2.0	3.4
Pakistan	130	4.0	1.4
Singapore	1200	6.3	8.9
Sri Lanka	100	2.6	0.8
Thailand	210	5.2	2.2

economic growth, high rates of population growth and highly unequal distribution of what little resources remain for raising average levels of living.

The following table gives rough estimate of extent of incomes. Of course it should be remembered that the figures of the GNP per capita or income per head should be interpreted

Above figures for some countries have been quoted.

It will be seen from the table that some of the most populous countries like Bangladesh, India, Indonesia, and Pakistan have low incomes, whereas relatively high incomes per head prevails in a number of small countries, Burma, Fiji, Honkong, Malaysia and Singapore. Another thing to

Mass poverty in selected countries in Asia, 1969 (incomes in US dollars of 1971 purchasing power)

Country	1969 GNP per capita	1969 Population (millions)	Population below US \$50		Population below US \$75	
			Millions	Percent of total population	Millions	Percent of total population
Burma	72	27.0	14.5	53.6	19.2	71.0
Sri Lanka	95	12.2	4.0	33.0	7.8	63.5
India	100	537.0	239.0	44.5	359.3	66.9
Pakistan						
& Bangladesh	100	111.8	36.3	32.5	64.7	57.9
Thailand	173	34.7	9.3	26.8	15.4	44.3
Republic of Philippines	233	37.2	4.8	13.0	11.2	30.0
Malaysia	323	10.6	1.2	11.0	1.6	15.5
Iran	350	27.9	2.3	8.5	4.2	15.0

Figures corrected as in United Nations : 1974 Report on the world social situation (E/CN.5/512 Add. 3 of Jan. 1975), P. 10. Source : Ahluwalia, Op. cit, P. 12.

Afghanistan. The inevitable consequences of poor medical services and inadequate diet is a short life expectancy. Average life expectancy in Nepal, Afghanistan is 40 years or even lower whereas in Australia, Japan and New Zealand, there is a physician for every 800 to 900 inhabitants and the average life expectancy is over 70 years.

Another dimension of mass poverty is lack of even elementary shelter. In 1971, Bombay had half a million shanties. One lakh people lived on the streets. Even to maintain the present standard each year, 8 to 10 dwellings must be constructed every year for thousand population, assuming a usable life of 30 years for urban housing. But in many countries of the region, the current construction rate is less than 3 per thousand. It is estimated that in 1970-80, 55.6 million dwellings will be required in India

(against 18.6 million during 1960-70), 13.2 millions (4.7 millions) in Indonesia, 15.5 millions (5.0 millions) in Pakistan and 7.9 million (4.2 millions) in Sri Lanka, but in these countries only a quarter of requirements were met in 1960-70.

The report also identifies with some precision what groups of the population constitute the mass of the poor, and it is found that the large majority of the poor are found among the rural population. The report states "Taking the arbitrary but dreadfully concrete definition of absolute poverty" as annual income per head below \$50, it has been estimated that more than 80 percent of the poverty is found among the rural population of the world. About three-quarters of this rural poverty, affecting about 400 millions people, is concentrated in Asian countries, especially India, Indonesia, Bang-

ladesh and Pakistan. But on a less massive scale, rural poverty is widespread in several other countries as well.

The ILO advisory committee on Rural Development identified more specifically the following groups of rural poor.

"—Landless labourers (including groups of plantation workers) i. e. wage earners without sufficient means of subsistence other than their low paid labour. Often for short seasonal periods only, it has been estimated, that there are more than 60 millions such workers in the four countries mentioned above alone :—Small farmers, peasants and share-croppers "who try hard to eke out a meagre living from little portion of land and who are by no means better off than the rural wage earners". These groups

(Contd. On Page 10)

The Doctrine Of Loss Of Confidence

A serious encroachment on security of service of a worker is the doctrine of no confidence of the employer in his workmen. So long, lack of confidence or faith was relied upon in resisting the plea of reinstatement, and regrettably the courts accepted such plea too often. Thus, in rather a recent case, namely between Chembur Co-op Industrial Estate Ltd. v. M. K. Chhatra and another, (1) the Supreme Court held that the charge against the workmen concerned was not at all proved. But, holding so, the Supreme Court did not proceed to pass the only reasonable order, namely, order of reinstatement. The Court set aside the order of the Tribunal reinstating the workman and said that, as "he had clearly forfeited the confidence of the employers", they did not feel justified in ordering reinstatement.

To say the least, this order of the Supreme Court is a little difficult to understand in view of its clear finding that the charges against the workman were not proved.

In an earlier case, though decided in the year 1975 itself, the employer was bold enough to put forward the case of loss of confidence. In the case of L. Michael V. Johnson Pumps Ltd. (2), the appellant's service was terminated without giving any reason. It was challenged by the appellant in a proceeding before the Labour Court, stating that the order of termination was in

flagrant violation of elementary principles of natural justice. Though, in its written statement, the Management said that no dismissal was involved and therefore no enquiry was necessary, it ultimately took the Labour Court into confidence and said that they had terminated the services of the appellant because he had misused his position by passing on important and secret informations about the affairs of the company to certain outsiders.

The Labour Court accepted the contention of the Management and declined to give any relief to the employee. The matter came in appeal to Supreme Court which was heard by three learned judges. The judgement of the Court was delivered by Krishna Iyar, J.

In course of the judgement, the Supreme Court extracted the observation of the Labour Court in dismissing the case of the workman. "According to the management, as there was no proof with it for this suspicion, it could not proceed against him departmentally and in the circumstances it was considered desirable to terminate his services by passing an order of discharge without any stigma attached to it". Justice Iyer, therefore, formulated the question, "...was loss of confidence a legal label affixed by the management to eject the workman, there being no other legal method of accomplishing their wish to remove him for misconduct?"

The Judge correctly observed

that the manner of dressing up an order does not matter and the Court will lift the veil to view the reality or substance of the order.

The counsel for the company sought to rely upon the case of Sudder Office (3), where the Supreme Court had held that the management had the right to terminate the service of its employee simpliciter under the terms of contract, where there was no lack of bonafide, unfair labour practice or victimization. But, as Justice Iyer pointed out, even here it was held by the Court that "If the termination of service is colourable exercise of the power vested in the management or as a result of victimization or unfair labour practice, the Industrial Tribunal would have jurisdiction to intervene and set aside such termination... the Tribunal has ample jurisdiction to go into all the circumstances which led to the termination...".

The learned Judge, however, refused to read into the earlier judgement the recognition of any "new defence mechanism to protect termination of service simpliciter, namely, loss of confidence". Nor did Justice Iyer persuade himself to accept that the case of Air India Corporation (4) had given judicial approval to the 'no confidence' doctrine propounded by the employer. In that case, special reference was made to the suspicion regarding the employee's private conduct with air hostesses. Justice Iyer distinguished that case by observing, "Not that the loss of confidence was exalted as a ground

but the special circumstances of the case exonerated bad faith in discharge simpliciter”.

Thereafter the learned Judge proceeded to observe that it was futile to contend that “colourable exercise of power lost validity and loss of confidence has gained ground”. The Judge also observed “Loss of confidence is no new armour for the management; otherwise security of tenure, ensured by the new Industrial jurisprudence and authenticated by a catena of cases of this court, can be subverted by this neo-formula. Loss of confidence in the law will be the consequence of the loss of confidence doctrine”.

Of course, Justice Iyer qualifies his judgement in the matter by saying subsequently that “in a reasonable case of a confidential or responsible post being misused or a sensitive or strategic position being abused, it may be a high risk to keep the employee”, but he does not spare any effort to point out that the question of loss of confidence is essentially one of fact and cannot be mere subjective feeling without any relation to any objective set of facts. He said, “such belief or suspicion of the employer should not be a mere whim or fancy. It should be bonafide and reasonable. It must rest on some tangible basis and the power has to be exercised by the employer objectively, in good faith, which means honestly with due care and prudence. If the exercise of such power is challenged on the ground of being colourable or malafide or an act of victimiza-

tion or unfair labour practice, the employer must disclose to the Court the grounds of his impugned action so that the same may be tested judicially”.

This judgement of the Supreme Court delivered by Justice Krishna Iyer will no doubt be of use for trade unionists and workers.

But trade unionists are now a days being more seriously concerned with the orders of Tribunals affirmed by the Supreme Courts to the effect that, even though orders of dismissal or termination are malafide and not sustainable, the workers may not

be entitled to reinstatement if the employers allege lack of confidence. This is tantamount to taking away with one hand what is given by the other and constitutes an unhealthy unbalance in industrial jurisprudence and requires to be remedied.

- (1) 1975 Lab. I.C. 1214=
A 1975 SC 1725
- (2) A 1975 SC 66
- (3) (1971) 2 LLJ 620=1972 Lab. I.C. 1262 (SC)
- (4) (1972) 3 SCR 606=A 1972 SC 1343

Arun Prokas Chatterjee

Operational Profit Of Leading Companies

TABLE I

Company	Profit		Percentage increase
	1973 in lakhs	1974 in lakhs	
Duncan Brothers	78.3	92.1	18
Dunlop India	598.9	813.5	36
Goodyear India	71.3	372.0	422
British Paints	40.9	59.3	43
Herdilla Chemical	210.5	585.2	178
Escorts	374.2	537.2	44
Hyderabad Asbestos	225.8	336.4	49

TABLE II

Company	Profit		Percentage increase
	1974 in lakhs	1975 in lakhs	
Indian Hotels	102.3	148.5	(+) 45
Jayashree Tea	201.6	483.2	(+) 140
Gwalior Rayon	1432.7	2514.2	(+) 76
Indian Tobacco	1080.1	1074.0	(-) 1
Colour Chem	345.5	386.5	12
Larson & Toubro	586.5	775.4	36

Review Of Implementation Of Tenancy Legislation In India

“The 1961 Census revealed that about one quarter of the cultivated land in the country was under tenancy, open or concealed. In all probability even now about one-fifth of the land is under tenancy. And in certain regions the incidence of tenancy may be as high as 40%. Even after two decades of tenancy reform, the position of tenants, particularly of sharecroppers, continues to be precarious in several parts of the country. Insecure tenures have not merely resulted in the perpetuation of social and economic injustice, but have also turned out to be formidable stumbling blocks in the path of the modernisation of Indian agriculture”.

These are some of the remarks made by Sri P. S. Appu, Joint Secretary of the Planning Commission, in the preface to a well-documented study conducted by him on Tenancy Reform in India. We reproduce below some extracts from this study relating to implementation of Tenancy Legislation in the country.

“All States have enacted legislation for regulating the rent payable by cultivating tenants. Fair rent has been fixed at levels not exceeding those suggested in the plans in all States except Punjab, Haryana, Jammu & Kashmir, Tamil Nadu and the Andhra area of Andhra Pradesh. In Punjab and Haryana fair rent is one-third of the gross

produce. In Jammu & Kashmir, for tenants of landowners holding above $12\frac{1}{2}$ acres, fair rent is one-fourth of the gross produce for wet lands and one-third for dry lands. However, in the case of tenants of land-owners who own less than $12\frac{1}{2}$ acres of land, fair rent is one half of the gross produce. In Tamil Nadu fair rent is 40% of the gross produce for irrigated lands, 35% where irrigation is supplemented by lift irrigation and $33\frac{1}{3}\%$ in other cases. In the Andhra area of Andhra Pradesh the maximum limit has been put at 30% of the gross produce for irrigated land and 25% for dry land.

“The procedure prescribed under several tenancy laws for the fixation of fair rent is rather protracted. In a few states, the procedure has, however, been simplified by providing for fixation of fair rent in multiples of land revenue. Thus in Madhya Pradesh, fair rent has been fixed at 2-4 times the land revenue depending upon the classification of land. In Gujarat and Maharashtra, fair rent is not to exceed one-sixth of the gross produce or 3 to 5 times the land revenue, which ever is less. In Rajasthan, fair rent is fixed at one-sixth of the gross produce, and in case of cash rents, at twice the land revenue assessment. Experience has shown that the most satisfactory arrangement is to fix fair rent in multiples of land revenue, and where for any reason, it is not

feasible to do so to fix specified amounts for different classes of land in different areas. It has been found that the provisions regarding fair rent are effective only in respect of tenants who actually enjoy security of tenure. This is so because where there is no security of tenure, the tenant who asks for the fixation of fair rent faces the risk of immediate ejection. Even where the law provides for security of tenure it is extremely difficult for tenants to claim successfully tenancy rights because most of the leases are oral and informal. At the 1961 Census it was estimated that about 82% of the tenancies in the country were insecure. Since 1961 there has been significant improvement in the conditions of such insecure tenants only in a few areas. Hence the majority of the existing tenants have not derived much benefit from the provisions in the tenancy laws for fixing fair rent. This assessment is supported by the author's personal observations in different parts of the country. Though the Bihar Tenancy Act fixes the landowners' share at 25% of the gross produce, the writer knows from his personal experience spread over a period of two decades in the State that the sharecroppers invariably have to hand over one-half of the gross produce to the landlords. In the course of field visits in the Bala-sore District of Orissa in March, 1972, it was observed that there also the share-croppers were giving 50% of the produce to the landowners. Even in a village not far from Calcutta where the

peasantry was politically conscious, it was found that the share-croppers were giving one-half of the produce to the landowners. All the share-croppers knew that under the law they were required to hand over only 25% of the produce to the landowners. On being questioned the share-croppers said that if they insisted upon their rights under the law and refused to hand over one-half of the produce to the landowners, they would be thrown out of the land and the administration would not be able to protect them. There were many people in the village willing to take up cultivation of the land and share the produce' with the landowners in the ratio of 50:50. It is not only in Eastern India that the produce continues to be shared between the share-cropper and landlord in the ratio of 50 : 50. In a village situated only about 20 miles from Bangalore it was observed that the share-croppers were invariably giving one-half of the produce to the landowners though under the law the maximum rates of rent were 20 to 25 percent of the produce. Some share-croppers were even ignorant of the provisions of the law. These facts go to show that the provisions regarding fair rent have remained largely unimplemented in most parts of the country as far as share-cropping tenants are concerned.

"The second important guideline laid down in the first three Five Year Plans was that tenants should be accorded permanent rights in the lands leased in by them subject to a limited right of

resumption to be granted to landowners. In accordance with this guideline laws have been enacted in most of the States for conferring security of tenure on tenants. The degree of protection actually available to tenants in any particular area depends upon the following important factors :

- a. Definition of the term "Tenant".
- b. The circumstance in which landowners are allowed to resume tenanted land for personal cultivation.
- c. Definition of the term "Personal Cultivation".
- d. Provisions for regulating "Voluntary Surrender" of tenancy and
- e. Status of land records.

Definition of the term "tenant"

"Persons who cultivate the land of others on payment of rent in cash or kind are treated as tenants in all the tenancy laws in the country. In some States the status of tenant has not, however, been accorded to share-croppers who pay rent by the division of the produce. In Uttar Pradesh, it has been laid down that "any arrangement whereby a person is entitled to a right merely to a share in the produce grown on the land in consideration of such person assisting or participating with the tenure holder in the actual performance of agricultural operation is not a lease". Thus, share-croppers (locally known as 'Sajhis') are not treated as tenants in that State. In West Bengal, on the abolition of Zamindari, landlords were not allowed to resume lands held by

raiyaats or under-raiyaats. Share-croppers (known as Bargadars in West Bengal) were not, however, treated as under-raiyaats and no protection was extended to them until July 1970 when the West Bengal Land Reforms Act was amended to accord limited protection to 'Bargadars'. In the other States the definition of the term "tenant" is wide enough to include share-croppers also. The bulk of the insecure tenancies in the country are informal crop-sharing arrangements. The first necessary step in affording protection to the share-croppers is to amend the tenancy law, where necessary, to bring them within the definition of the term "tenant".

Right of resumption

"On the abolition of zamindari in Uttar Pradesh and West Bengal landowners were not allowed to resume any tenanted land and the then existing tenants were given permanent and heritable rights in the lands that they had been cultivating. As already pointed out, in both the States share croppers were not, however, treated as tenants and, therefore, the landlords could, under the law, resume all the land cultivated through share-croppers.

"A limited right of resumption was allowed to landowners in all the other States. In Gujarat, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Karnataka, Orissa, and Rajasthan landowners were allowed to exercise the right of resumption within a limited

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Trade Unions in Sri Lanka Fight For Nationalisation of Plantations

The Joint Committee of Trade Union Organisations of Sri Lanka have been agitating for some years past for nationalisation of Plantations. The JCTUO, in its meeting held in March last, specially called for immediate nationalisation of Plantations owned by Pelmadulla Holding Company, a British owned concern, the ownership of which was recently changed through the operations of the London Stock Exchange. The shares of Pelmadulla Holdings Ltd. were purchased in London by 3 Arabs and 2 Hongkong Chinese in January last. This transaction was carried through in order to by-pass the consistent demand by the working class for taking over of this concern. The estates under this company cover 10372 acres; and it not only owns tea plantations but also rubber and it is also said that they have a valuable sapphire lode buried in them.

The United Front Government of Sri Lanka decided to take over this Pelmadulla holding; and this was a timely action taken by the Government in the interest of the Country. The JCTUO hailed the United Front Government for this timely decision. Thus, the attempts by a British-owned concern to avoid nationalisation by transferring its ownership was foiled by continuous agitation of the working class.

The plantation sector occupies a very important place in the overall economy of Sri Lanka.

The output of this sector directly contributes around 15-18% of the total production of goods and services (the Gross domestic product) in the economy. If the various economic activities that are directly or indirectly dependent on or sustained by this sector (e.g. transport, banking and trade) are also taken into account, the contribution of the plantation sector to GDP would go up to about 30%. This sector accounted for around one-third of the total value of agricultural and industrial production in the country in 1974; the export of plantation products earned a foreign exchange income of Rs. 2500 million or 70% of the total export earnings in that year. The export duties on plantation products and the Tea tax contributed Rs. 763 million to the Sri Lanka Government revenue in 1974 and this was equivalent to 16% of the total Government revenue in that year. About 850,000 persons are engaged in the cultivation of tea, rubber and Coconut lands, and if the number engaged in processing activities is added, the number engaged in plantation sector would go upto about one million persons. This represents about a quarter of employed persons in the country. These facts clearly illustrate the dominant role of the plantation sector in the economy of the country. Therefore, the State take-over of the plantation sector is very vital to the planned economic development of Sri Lanka. Economic

planning can be meaningful and effective only if the commanding heights of an economy are under direct State control.

Not only the trade unions led by the JCTUO, but every single political party represented in the National State Assembly has gone on record in open debate in favour of estate nationalisation.

Dr. Colvin R. De Silva, Minister of Plantation Industry who belongs to Lanka Samasamaj Party has said, "Nationalisation in this case will be a veritable act of the whole nation —taking into the Nation of what in fact is its own, a taking back by us of what was historically snatched away from us! Why should it await the convenience and the supposed good will of the snatchers themselves and the terms they put forward?" The press is also agitating for it. But the foremost role in agitating for nationalisation has been taken by the trade unions.

The JCTUO held a delegates Conference in July last, more than 3200 delegates from every branch of the constituent unions and federations of the JCTUO attended. In the Conference, it was decided to pursue the demands for the nationalisation of Company-owned estates and banks. To focus the attention of the Government and the country, it was decided unanimously to organise a mammoth public meeting on 28th August. The Conference highlighted the urgent need to redeem the pledge given by the U.F. Government to the working

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Mass Poverty In Asia

(From Page 4)

have land at their disposal, but too little to be adequate for a subsistence income equivalent to about \$50 per year per household member. It has been estimated that there are 26 million tenants and share-croppers in this position in Asia".

Regarding urban poverty, the report states that it is not limited to self employed. "It extends to substantial numbers of unskilled, casual wage earners in both the formal and informal sector, in small and medium factories, ports and construction sites etc.

Such is the extent and nature of mass poverty as revealed in the report-

Fight For Nationalisation

(From Page 9)

class on 29th January up on which the JCTUO decided to call off the token strike that was scheduled for 31st January. The Conference demonstrated the firm resolve of the working class of Sri Lanka to be on the political field in order to bring about a radical transformation of the society.

Though the UF Government have taken some steps in this direction and carried out part nationalisation, much remains to be done. In all 500 estates are involved and even the Minister for Plantation Industry is of opinion that it is practicable to nationalise all the estates. The public demand is that there is no reason whatsoever for any further delay in this matter.

The trade unions are determined to continue their battle for nationalisation. The JCTUO

GREETINGS TO THE WORKING CLASS AND PEOPLE OF U. S. S. R.

On the occasion of the Fifty Ninth Anniversary of the Great November Revolution, which established the first Proletarian State in the world, the CITU sends its warmest fraternal greetings to the working class and people of the U. S. S. R.

Under the leadership of Lenin and Stalin the working class and people of the U. S. S. R. built within a short period a powerful Socialist economy free from the periodic crisis and the perpetual scourge of unemployment and poverty which are characteristics of the capitalist countries. This enabled the U. S. S. R. to play the decisive role in defeating Nazi Germany and its allies, in the Second World War.

These historic achievements of the U. S. S. R., inspired the working people throughout the world and in particular the colonial people struggling to free themselves for freedom from imperialist bondage.

The end of the 2nd World War saw the emergence of more

socialist states covering the third of the world. Today when the whole capitalist world is passing through an acute economic crisis with millions without jobs, the Socialist countries have demonstrated the superiority of the socialist system, where continuous development takes place in all fields of human activity.

Imperialism, pushed back, is seeking new manoeuvres to halt the historical march of socialism and the complete rout of capitalism.

The CITU considers that the unity of the Socialist camp, together with the unity of the working class and the toiling people to fight against exploitation and oppression throughout the world can deal the final death blow to capitalism and imperialism. It hopes that the present rift in the Socialist camp will be overcome soon leading to the speedy recovery of Socialism all over the world which alone will ensure for mankind, durable peace.

has been demanding of the U.F. Government to implement nationalisation and its other promises to fight reaction. The JCTUO has pointed out that the only way to fight reaction is by the speedy implementation of the Government's declared policy of nationalisation, thereby depriving the capitalists and imperialists of their centres of economic power, and mobilising the working class and the masses in support and defence of the Government.

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Mills Facing Crisis

According to Economic Times: The textile industry is passing through a crisis. Already two mills in Uttar Pradesh have stopped production. Almost all the 103 government owned mills are deeply in the red. The spinning mills in the south are virtually reaching their limits of holding capacity. Quite a few mills in the private sector in Bombay are shaky and have been able to keep their looms going only by distress selling.

Stocks of cloth and yarn with the industry have been piling up. From 2.44 lakh metric bales in May, cloth stocks with the mills at the end of September were 3.18 lakh metric bales, that is, about 470 million metres, which works out to about 40 days' production.

They had more than doubled cloth prices during the boom period 1973-74, so much so that during the recessionary period after September 1974 the meagre reduction of 15 to 20 per cent, offered by the mills on the peak prices, was hardly enough to induce consumer demand.

In December 1974 many mills jacked up their prices to the old levels thereby starting a second and more acute phase of demand recession.

Even though mills have lately been selling at prices lower by 15 to 25 per cent compared with their last contracts, the offtake by the wholesalers has not been encouraging.

CITU Convention On Bonus & Flood Relief

A Convention of representatives of CITU unions was held on September 30 last at the Muslim Institute Hall, Calcutta at the call of the CITU—West Bengal Committee. A large number of delegates attended the convention, which was presided over by Md. Ismail, President, CITU—West Bengal Committee.

At the outset the convention expressed its condolences at the death of Com. Bhairab Bharati, Trade Union leader of Madhya Pradesh while under detention in jail under DIR.

Moving the main resolution on Bonus, Monoranjan Roy, General Secretary, West Bengal State CITU, called upon the working class to send telegrams to the Prime Minister demanding withdrawal of the Ordinance on Bonus promulgated by the President.....

Addressing the convention Jyoti Basu, Vice-President CITU,

said that the effect of the ordinance will only be to take away the hard-won rights of workers to Bonus and add crores of rupees to the coffers of the employers.....

He also appealed to the workers to donate liberally to the Flood Relief Fund of the CITU.

Surid Mullick Chowdhury, Vice-President of CITU also addressed the convention.

By another resolution, moved by Shanti Ghatak, the Convention condemned the execution of five revolutionary patriots of Spain by the Fascist regime of Franco, and paid glowing homage to their memory.

The Convention expressed concern at the intensification of closures, lock-outs, lay-off and retrenchments by managements taking advantage of the Emergency, and demanded immediate stoppage of these attacks on the working class

National Consultative Committee for Steel Industry Meets

The National Consultative Committee for Steel Industry which was held on September 1, 1975, was inaugurated by the Union Minister for Steel. He wanted the Committee to discuss all subjects related to the industry and held out a production target of 75 M.T. of Steel in the country at the end of the Century. The representatives from INTUC, HMS and AITUC supported the stand of the Government.

Com. Jibon Roy, representative of Hindusthan Steel Employees Union, Durgapur raised the question of constitution of the Committee. The Central Organisations to which the reco-

gnised unions at the plant level are affiliated, have been given a place except the CITU. Similarly, although the MSIL union have been given a place in the Committee, representatives from Alloy Steel Plant Durgapur have not been included. Besides, the Union in the Sales Organisation, though recognised, has not been given a place. Such discrimination is not conducive to better the labour administration relations.....

He urged upon the Union Minister to consider these points and to do away with the discriminatory attitude and victimisation of trade union workers in Steel industry.

FOR A NEW INTERNATIONAL LABOUR STANDARD

1. The Centre of Indian Trade Unions welcomes the decision of the International Labour Organisation to undertake an in depth review of the ILO Conventions and Recommendations and the procedures of promoting and supervising their application. The CITU also thanks the ILO for giving it an opportunity to express its views on various issues involved in the review which was long overdue. The CITU proposes to give a brief reply to the questionnaire issued in this regard and highlight some of the experiences of the existing standards so that conclusions emerge for improvement in the prevalent situation. We, however, do not propose to reply to each of the questions separately but to explain our views in general on some of the most important issues involved in the study of the problem. We have carefully studied the memorandum prepared by the ILO in this respect and have given our comments on the suggestions made in it.

2. Since the foundation of the ILO in 1919 immediately after the First World War, 140 Conventions and 148 Recommendations have been adopted so far. They relate to basic human rights, labour administration, employment policy and human resources development, industrial relations, general conditions of employment, employment of children and young persons, employment of women, occupational safety, health and welfare, social security, Migrant workers, seafarers, indigenous and tribal populations, social policy (general) and plantations. Though the topics covered are comprehensive in nature, the peculiar position in which ILO is functioning to-day makes these conventions no more than pious declarations. The total number of ratifications of these Conventions is only 4000 which means on an average less than 30 countries have ratified each of these conventions. Some countries have ratified only 25 to 35 out of 140 Conventions. Even some important Governments have not yet ratified basic Conventions relating to right to organise and Freedom of Association. Such a state of affairs does not seem to be encouraging after more than 55 years of the existence of the ILO.

Non-Implementation Of Conventions

3. The matters become still more worse when we consider the non-implementation of these Con-

ventions by the Governments who have accepted them. The Memorandum prepared by the Governing Body has correctly posed the question: what has been the world impact of this standard—setting work? It has also given a reply which further indicates the real state of affairs. It states, "In the first place, it is self-evident that the ratification of Conventions does not in itself provide a sufficient indication of the actual effect of standards. Ratifications may simply confirm a state of affairs which was already in existence. On the other hand, a ratification does not necessarily mean that the Convention is implemented in practice" (para-2). We therefore appreciate the efforts of the ILO to study in-depth the working of these standards and hope that adequate steps will be taken so that the standards will genuinely protect the interest of workers and curb the unfair labour practices prevalent in various countries. We would like to emphasise this point because the question relating to non-implementation of an accepted Convention at times reach scandalous proportions. To quote just one instance, one of the less developed countries has not yet implemented the Convention relating to forced labour though it was accepted during the foreign rule as early as in 1930. Can there be more appropriate example of ineffectiveness of the ILO standards, one may ask?

4. One of the basic thing that needs serious consideration in this connection is that the workers and the trade unions should have more say in supervising the implementation of these conventions. Some machinery with full participation of genuine representatives of workers should be evolved at national as well as international level to ensure full implementation of these Conventions. Such a machinery will also act as a moral pressure on the Governments to ratify Conventions not accepted by the Governments of certain Countries. Here the question of representative character of the trade unions participating in this work will arise. At present the final say in nominating the workers' representatives to the ILO rests with the Govern-

ment. Though there is provision that there should be consultation between several trade union organisations with a view to arrive at a consensus, it is either not attempted or Government characterises an organisation or group of organisations favourable to it as representatives of workers so that non implementation of the Conventions is not highlighted in the ILO forum. When the Governments can carry forward their policy of sending only nominees which favour them, the tripartite character of the ILO is at stake and naturally such delegates are not expected to assert themselves for the workers' rights. Though at times even such delegates do criticise that Government but it is only to show their independence. We do not want to say that this is a general rule but there are examples of this type and ILO should have some built-in machinery to stop such practice in the interest of safeguarding the concept of the International standard itself. Therefore the supervisory machinery of workers representatives must ensure that genuine workers representatives participated in it. If this principle is accepted, methods can be devised to determine genuine workers representative. Had this provision been there in the ILO Constitutions, the implementation of the existing Conventions and Recommendations would have been far better.

5. We do not consider that by merely asking periodically more detailed reports from the Governments there would be much improvement in the matter. A Government which is not serious about implementing a Convention will not find it difficult to prepare detailed reports explaining its viewpoints on imaginary difficulties. Hence this system will not have far reaching impact on the dilatory methods adopted by the bureaucracy in non-implementation of international standards. We would suggest that there should be provision that the ILO should also ask for reports from trade unions so that it can verify correctness of the claims of the Government. In this regard also, there should be a provision to get reports from all the existing major

trade union central organisations and not only those whom the Government considers as "representative". Perhaps this procedure may help in improving the situation though in a limited way. We also feel that the four yearly interval suggested in para 84 would be rather a long one and suggest that the present arrangement of reporting once in two years and other provisions may continue.

International Labour Code —A Bulky Document

6. It is true that the number of Conventions and Recommendations have become so big that it is not an easy task to keep a watch over their implementation. Perhaps in the past ILO laid more emphasis on setting of standards than their implementation. Formulation of new Conventions have at times made earlier Conventions obsolete. The present International Labour Code has become a bulky document and it is necessary to reframe it. However, while doing so the following safeguards should be undertaken.

- a) No existing protective clauses should be deleted.
- b) The Governments, which accepted the earlier Conventions, should be persuaded not to give up their commitment to the earlier provisions on the plea that the newly drafted standard is not acceptable to them.
- c) The drafts of the new standards should be widely circulated and comments of trade unions etc. should be obtained before they are finalised.
- d) In the name of simplifying the Conventions they should not be made more vague. On the contrary they should be more elaborate, making their evasion difficult. While we appreciate the necessity of making the ILO Conventions compact, we also consider the need for improving them and making them more meaningful to the workers.

7. We are of the opinion that setting up of new standards should not be considered as merely an administrative matter. The basic thing, that should be taken into account, is the change in concept of old industrial relations. Whatever new machinery is created and however nice it may be, unless it has a specific social purpose it would not

be able to function effectively. One has to admit in this connection the fact that despite passing of half a century since the foundation of ILO, the concept of master and servant relations in many countries has not changed in any appreciable manner. Whatever labour legislation might have been passed in some countries in pursuance with the standards laid down by the ILO, the workers in some countries are still being treated as second class citizens and their trade union rights trampled underfoot. Workers in developing countries are therefore particularly interested in implementing the already framed standards in full than in framing of new standards.

8. New standards no doubt give an opportunity for trade unions to fight for their implementation if the Governments accept them and for prevailing upon the Governments to accept them if they have not done so. Therefore wider consultation with trade unions will help in preparing better standards. We however have emphasised the earlier point only to underline the great vacuum created by non-acceptance of the earlier standards. If the task of framing new standards is left to the same apparatus, we are afraid, the fate of these standards may not be different. Therefore we feel that the aspect of planning of future standard-setting should not be viewed in isolation from the aspect of their adequate implementation.

9. We therefore, agree with the proposal for a review of the existing standards which alone can be the basis for future standard setting. We suggest that for the purpose of this review, the following factors should be taken into consideration.

a) Whether the Conventions and recommendations formulated by the ILO fully take into account the aspirations of the workers. This could be seen from various demands raised by the trade union movement in different countries;

b) Whether, the Conventions are too general in nature that their formal acceptance does not make much impact on the legislative enactment of the Government.

c) Whether the standards give guidelines in sufficient details so that the objective of adopting the standards are clearly underlined.

d) Whether the standards leave any loopholes

which create a basis of its ineffective implementation.

e) Whether the standards are worded in a language which would be understood by the workers.

f) Whether the standards are couched with several proviso clauses which virtually make the provision ineffective.

We have already expressed our views on the Conventions which have become obsolete. The Conventions, which need improvement, should be studied by taking into account the rising expectations of the working class the world over and new texts should be prepared accordingly.

10. Since the present standards are not adequate enough, it is necessary that they are drastically modified to provide additional genuine rights to the workers. The Freedom of Association and protection of the Right to Organise Convention 1948 (No. 87) and Right to Organise and collective Bargaining Convention states, "The extent to which the guarantees provided for in this Convention shall apply to armed forces and the police shall be determined by national laws and regulations". This clause thus instead of making a categorical statement leave everything to the national laws. Instead of giving specific directive on the question it only maintains status quo in the matter. In some countries these sections have acquired this right but in several others they are not permitted to form organisations. It is necessary to make uniform practice and what is available to this section in some countries should also be made available in all the countries. In some countries sporadic outbursts of these sections due to deteriorating economic conditions have taken place in recent times and they desire some protection from erosion in their living standards.

Recognition Of Trade Unions

11. Regarding industrial relations, the Conventions do not provide for recognition of trade unions by the employers. Frequently employers recognise trade unions of their own choice or at times even take interest in forming company unions. The Governments are also not free from this evil, with the result that collective bargaining is denied to the workers. It has also led to the creation of the phenomenon of multiplicity of trade

unions. In some countries the Governments have laid down certain procedures for recognition but they are generally bureaucracy-oriented and heavily loaded in favour of organisations supporting the Government. It is, therefore, necessary to evolve democratic norms for granting recognition to unions who genuinely enjoy confidence of the mass of workers. We, therefore, feel that the question of recognition should be decided by secret ballot of the workers employed in the factory or unionised workers in the factory. Unless an international standard is formulated on this question, the right to collective bargaining will not be effective in many countries. If necessary a new Convention may be drafted on this question.

12. Another aspect, that deserves ILO's attention, is the question of signing collective agreement by unions and employers without consulting mass of workers. If the agreements are ratified by the General Body meeting of the workers they get more sanctity and workers also implement the agreements consciously. However, at present in many cases the agreements are signed behind the back of workers and quite often workers stand to lose. It also happens that despite signatures of the unions, the agreement is rejected by the workers. There are cases when cent per cent strikes were organised spontaneously by the workers against such agreements. We would, therefore, request the ILO to consider this aspect and make necessary modifications in the existing instruments, so that legal steps are provided to ensure ratification of agreements by the General Body of Workers before they are signed by the union leadership.

13. We are giving here only some suggestions for consideration. On similar lines, the ILO instruments should be strengthened so that the interests of the workers are duly protected. We do not visualise that ILO should do the work what actually should be done by the trade unions. We only stress here that ILO should inject new orientation in to the concept of standards so that changing world realities are reflected in these standards.

14. It has been the experience of the trade unions that the Governments which do not take adequate care to implement the accepted Conventions and do not take positive steps to accept pro-

gressively more and more Conventions, will not give any importance to the Recommendations. "It is" states the ILO memorandum, "perhaps unfortunate that Recommendations should be so widely regarded as second class standards" (Para 46). Though Conventions and Recommendations are considered to be guides for national action, in practice a small number of countries pay attention to this concept. The very fact that many Governments do not send regular reports on the steps taken by them to implement the Recommendations, throws enough light on the present state of affairs. The paragraph 43 of the Memorandum states "...it must be recalled that the aim of international labour standards is not to obtain uniformity of legislation and practice but to establish international minimum level of social protection" while doing so, the standards are brought down to the minimum and to a vast number of workers they do not provide benefit. Among those who are supposed to benefit from these standards, many are excluded due to Governments non-acceptance of the standards and very small section really gets benefits out of them. In order to change the situation, it is necessary to make modification in the approach and ILO should play a positive role in extending facilities which are available to workers in advanced countries to workers in backward regions, though in stages. At least in respect of trade unions rights, safety, conditions of work etc, ILO should play a positive role in this respect and take suitable measures so that the new standards will reflect the real urge of our working class.

15. The model codes, Codes of practices, model texts for national legislation are not free from the shortcomings prevailing in the Conventions and Recommendations since they are also based on the limitations imposed by the general approach of the ILO on these questions. Such drafts may be helpful in the matter of industrial safety and health and occupational diseases. However, general suggestions for improvement which we have made for ILO Standards, are also applicable to these model codes prepared by the ILO. Since improvement in these codes can be easily done there should be no difficulty in undertaking them without any further delay.

16. As a principle, universally accepted stan-

dards are always useful. The question of regional standards is posed sometimes by certain quarters in order to bring down the norms set by the ILO still further, on the plea that the existing standards are too high and certain regions cannot implement them. If in principle, the concept of regional standard is accepted, then there would be a tendency to bypass the universally accepted standard and to advocate a substitute regional standard. Therefore, except under certain pressing circumstances which are also agreed to by Trade Unions, ILO should not encourage the adoption of regional standards. If, however, certain countries can evolve higher norms than those advocated by the ILO, there should be no difficulty in encouraging these tendencies. Further, if there are certain problems which are applicable to only a particular region, then also a regional standard can be adopted. However by and large the concept of regional standard should not be considered by the ILO for the purpose of adoption of standards on issues of general nature.

Reports On Unratified Conventions

17. Under article 19 of the Constitution of the ILO, the Governing Body asks for Reports on unratified Conventions and Recommendations. However, the Governing Body decides to ask for report on one or two such instruments every year considering their importance and current interest. A cursory view of the replies given by some Governments gives us an impression that they are of general nature and do not necessarily indicate actual progress done in the matter. According to the present system in general the ILO normally does not go beyond asking for information or making further enquiries. Knowing this limitation of the ILO some Governments satisfy themselves by giving evasive replies which do not benefit workers in any manner. If the ILO sends the replies of the Government to various central trade unions functioning in the country and publish the comments of trade unions on the replies of the Government also, then there will be some check on the Government in giving evasive replies. We would like to make another suggestion that after making the conventions and recommendations compact it should not be difficult for the ILO to cover some more unratified instruments so that gradually Governments could be persuaded to

accept them. This would also strengthen the hands of the trade unions in their campaign for ratification of certain Conventions and Recommendations by the Governments in their countries. We therefore feel that there is need to alter the general approach followed in this respect in the light of comments given above.

18. The procedure for supervision, according to us, is most crucial in the whole gamut of the ILO standards. As the ILO memorandum puts it "What matters is that ILO instruments result in effective measures at the national level for the benefit of those whose well-being they are intended to protect and promote". (para-80). The Reports, which some of the Governments are sending to the ILO are of a formal character, and even at times they are not submitted in time. Sometimes the question of inadequate staff is advanced as plea for delay in sending the Report or not sending it at all. In reality some times there is nothing much to Report. According to us the present supervisory machinery is highly inadequate. The Reports of the ILO practically summarise what the Government of a particular country has stated. It does not contain much analysis of the actual advance made in the direction of implementation of a certain Convention. As we have noted earlier, in the absence of adequate reports from the trade unions, the publication of onesided report does not really serve the purpose of effective supervision of the implementation of the Convention. In the absence of Reports from both sides the Committee of Experts which is responsible for giving its comments is also unable to judge the situation objectively. As the ILO Memorandum notes, "In the final analysis, the impact of the Committee of Experts' comments will however depend on the kind of response they evoke from Governments" (Para 90). If the Committee's comments are ignored by the Government the committee at times may find itself helpless in the matter.

19. The Application Committee of the Conference, a tripartite body of the ILO constituted to supervise the implementation of the Convention, has not enough time to go through all the comments of the Expert Committee and hence it has to go through a limited number of comments. The ILO

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Review Of Implementation

(From Page 8)

period, and in all those States the prescribed period has ended. The landowners enjoy a continuing right of resumption in Assam, Bihar, Haryana, Punjab, Tamil Nadu and West Bengal (in West Bengal in respect of land leased to 'Bargadars').

"In a few States the landowners were permitted to resume land right upto the ceiling limit, while in others the maximum area that could be resumed was fixed well below the ceiling limit. Thus in Assam, Bihar, Haryana, Orissa, Punjab and Rajasthan the landowners were allowed to resume land upto the ceiling limit, whereas in the other States the maximum area that could be resumed was fixed below the ceiling limit.

"In several States the law provided for a minimum area of land to be left with the tenant on the landlord being allowed to exercise the right of resumption. In Kerala, Orissa, Gujarat, H.P., Maharashtra, Karnataka and Tamil Nadu the law provides for one half of the tenanted land being left with the tenant. The Bihar Law provides that in the case of a landowner having land in excess of the ceiling area, on resumption, 5 acres or half the area leased, whichever is less, shall be left with the tenant. In West Bengal the area to be left with the bargadar is one hectare or the actual area under cultivation, whichever is less. In Assam, Punjab and Haryana a minimum area of land is to be left with the

tenant until alternative land is allotted to him.

"Special provisions have been made in respect of small holders in Bihar, Jammu & Kashmir, Karnataka, the Vidarbha and Marathwada areas of Maharashtra, and the Telangana area of Andhra Pradesh. Under the Bihar law a small holder has been defined as person holding not more than 5 acres of irrigated or 10 acres of other land. In Vidarbha a small holder is one who holds 7 to 40 acres of land and in Marathawada one who has 2 to 24 acres of land. According to the Jammu & Kashmir law, a land owner whose monthly income does not exceed Rs. 500/- is allowed to resume upto 3 standard acres of land. In the Telengana area of Andhra Pradesh a small holder is one who has 1.3 to 20 acres of land. Under the Bihar Law a tenant of a small holder cannot acquire occupancy rights and hence such tenants enjoy no security of tenure. In Karnataka a continuing right of resumption has been accorded to landowners holding less than 4 standard acres of land. Under the laws Governing the other areas referred to above small holders were allowed to resume the entire area leased out to tenants.

"There is no special provision regarding defence personnel in the laws of Rajasthan and West Bengal. In Punjab and Haryana even in the case of land owned by defence personnel, the tenant should, on resumption by the landowner, be left with 5 acres

until alternative land is allotted to him. In the other States defence personnel returning to civilian life have been allowed to resume tenanted land without being required to leave any minimum area with the tenant.

"Most of these provisions regarding resumption of tenanted land were made in accordance with the recommendation in the Second Five Year Plan. In course of time it was found that even the limited right of resumption granted to landowners resulted in all tenures being rendered insecure and the tenants being harassed. Even where a limit was put on the area that a landowner could resume, he could threaten to exercise his right against any of his tenants. Thus, all tenancies were rendered insecure. Where tenancies are oral and informal, even a provision as in the Maharashtra law that the right of resumption should be exercised in strict chronological order beginning with the latest tenancy, is of little avail. For, in a situation in which it is extremely difficult to prove the very existence of tenancy itself, it is almost impossible to prove the date of its commencement. The experience of the last few years has also shown that tenancies came to be created on land ostensibly resumed for personal cultivation. Keeping these facts in view the Fourth Five Year Plan recommended that all tenancies should be declared non-resumable except in the case of landowners who are serving in the defence services or suffer from a specified disability.

Personal Cultivation

"In every tenancy law the term 'personal cultivation' has been so defined as to include cultivation through servants or labourers provided they are remunerated in cash or kind, but not in crop share. No tenancy law made even personal supervision an essential requirement; supervision by any member of the family will do. Strangely enough such supervision need not be exercised by residing in or near the village where the land is located. The suggestion made by the Second Plan that when a land owner was allowed to resume land for personal cultivation he should also be required to put in personal labour in cultivating the land was incorporated only in the laws of Manipur and Tripura. The term 'personal cultivation' having been defined in this loose manner, absentee landlords have had no difficulty at all in showing that they have been 'personally cultivating' their land. And as was to be expected the tenancy laws have not resulted in any appreciable reduction in the incidence of absentee land-ownership.

Voluntary Surrenders

Legislative and administrative efforts made in the years since independence to extend security of tenure to tenants have been frustrated to a large extent by "voluntary" surrender of tenancy rights by tenants. Many a land owner has successfully circumvented the tenancy laws and regained possession of tenanted land by 'persuading' his tenants

to give up tenancy rights "voluntarily". The persuasion was, of course, often accompanied by threats and in some cases, even the use of brute force. Most of the "voluntary" surrenders were anything but voluntary. It is small wonder that living as they do in conditions of social and economic bondage, the tenants easily succumbed to the pressures applied by the landlords. When it was realised that such "voluntary" surrenders tended to defeat the aim of tenancy legislation, the following suggestions were made in the Third Five year Plan for regulating voluntary surrenders :

- a. Surrenders should not be regarded as valid unless they were duly registered with the revenue authorities ; and
- b. even where the surrender was held to be valid, the land owner should be entitled to take possession of land only upto his right of resumption permitted by law.

Later it was found that even these suggestions did not go far enough. For, the land owners would continue to engineer "voluntary" transfers as long as they could regain possession even of small areas of tenanted land. It became clear that surrenders could be effectively checked only if it was ensured that the land owner would have no incentive at all to coerce the tenants into surrendering tenancy rights. Accordingly, it was suggested in the Fourth Plan that no land

owner should be allowed to regain possession of surrendered land and that the Government should have the power to allot such land to eligible persons.

"The suggestions made in the Third and Fourth Plans are yet to be acted upon by several State Governments. No provision for regulating surrenders has been made in Haryana, Punjab, Tamil Nadu and Uttar Pradesh. As far as Uttar Pradesh is concerned, as long as 'Sajhis' are not treated as tenants, the incorporation of any provision for regulating surrender of tenancies will be of no avail. Provision has been made for the scrutiny of surrenders by the Revenue authorities in Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Tripura and West Bengal. However, the suggestion made in the Fourth Plan that all surrenders should be in favour of the Government only has been acted upon only in Gujarat, Himachal Pradesh, Kerala, Orissa, Karnataka and West Bengal. Thus, in several States the provisions made for regulation of surrenders are inadequate and ineffective.

Land Records

"The existence of correct and up-to-date records of tenancy rights is a pre-requisite for the effective implementation of tenancy laws. A person will be able to prove that he is actually a tenant only if his name is inscribed in the record of rights. Though the importance of build-

ing up and maintaining correct and up-to-date land records has been emphasised in the Five Year Plans, the fact remains that in large parts of the country no record of tenancy exists, and in areas where such records exist they are invariably incomplete and out-of-date.

“In the States of Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Maharashtra, Punjab, Rajasthan and Uttar Pradesh the land records are expected to be kept up-to-date through annual revision. Though the names of the tenants are required to be entered in the relevant village records, as a matter of fact, several names remain unrecorded. In many cases the tenants do not insist on their names being recorded because of the danger of being evicted. Considering that the tenants are weak socially and economically, that they are obliged to the land owners in many ways and that in the context of the ever increasing population pressure there is keen competition to lease in the available land, such an attitude on the part of tenants is not at all surprising. Another reason for not recording the names of tenants is that the subordinate functionaries of the Revenue Department often act in collusion with the land owners. In many areas the annual revision is done in a perfunctory manner with the result that it serves little purpose. Thus even in areas where the records are required to be kept up-to-date, they are far from being complete or reliable.

“In States like Andhra

Pradesh, Assam, Bihar, Karnataka, Karala, Tamilnadu, Orissa and West Bengal there is no system of annual revision of record of rights. (Recently Tamil Nadu and Bihar have enacted laws laying down the procedure for preparation of record of rights and according presumptive evidentiary value to such records). The records are usually brought up-to-date only during resurvey and settlement. As these operations are usually done at very long intervals, the records remain out of date most of the time. Even when resurvey and settlement are undertaken, not much care is taken to record the names of tenants.

“The absence of correct and up-to-date records of tenancy has been one of the main reasons for the unsatisfactory implementation of the enacted tenancy legislations. No significant improvement in the position can be expected unless this weakness is removed.

Conferment of rights of Ownership on Tenants

“The policy prescription in the Five Year Plans was that in respect of non-resumable land the landlord-tenant relationship should be ended by conferring rights of ownership on tenants.

“There is no provision in the tenancy laws of Tamil Nadu or of the Andhra area of Andhra Pradesh for conferring rights of ownership of tenants. Sharecroppers, in Uttar Pradesh and West Bengal, cannot acquire rights of ownership in the land they cultivate. In Rajasthan, the

tenants admitted to tenancy after 1961 have no security of tenure nor are they entitled to rights of ownership. Tenants of landlords who own land below the ceiling limit are not entitled to rights of ownership in Bihar, Punjab and Haryana. All the other States have enacted laws for the conferment of rights of ownership on tenants.

“No estimate is available for the country as a whole of the total number of tenants who were entitled to purchase ownership rights under the various State laws, of the number of cases still pending and of the number of tenants who have been ejected from their lands in accordance with the law. Such figures are, however, available for the State of Maharashtra where the land records were in a better shape. A committee set up by the Government of Maharashtra in 1968 for the evaluation of land reforms reported that out of the 26 lakhs of tenants who were entitled to purchase ownership rights, only about 3.75 lakhs had acquired ownership rights by the time the Committee submitted its report. (Since then the figure has gone up to 11.18 Lakhs.) The Committee also reported that “in most of the remaining cases the tenants lost the right to cultivate the leased land which returned to the owners”. M. L. Dantwala and C. H. Shah who studied the implementation of the Bombay Tenancy and Agricultural Lands Act, 1948 (with amendments) in 36 villages spread over two districts of Maharashtra and one district of

Gujarat have listed the following nine reasons for the tenant losing the chance to acquire rights of ownership :

- (i) his name does not appear in the village records, or
- (ii) his land falls in the exempted category, or
- (iii) his tenancy has been already terminated for his default, or
- (iv) he has surrendered his interest in the land to the landlord, or
- (v) the landlord has resumed land for personal cultivation or for non-agricultural use (so that only a part of the land can be claimed by the tenant), or
- (vi) he does not appear before the Tribunal at the time of hearing, or
- (vii) his tenancy right is not established, and his case is, therefore, dropped, or
- (viii) he declares his unwillingness to purchase the land or
- (ix) he defaults in the payment of the purchase price.

“Dantwala and Shah found that in the villages of Maharashtra covered by the study, for every two cases of effective purchase there was one case of ineffective purchase because of the absence of the tenant at the time of enquiry or his unwillingness to purchase the land or his default in the payment of purchase price. In their view the reason for such a large proportion of ineffective

purchases was that the land would revert to the landowner when the purchase became ineffective. The landlords, therefore, had every reason to exert pressure on the tenants and make the purchase ineffective. It should not be forgotten that many more tenants lost the land under their cultivation for some of the other reasons listed in the previous paragraph. Even when all the cases are disposed of, probably not more than 50% of the tenants who were entitled to purchase rights of ownership would acquire such rights in Maharashtra.

“M. B. Desai’s study of the implementation of the tenancy abolition law in the former Bombay area of Gujarat revealed that out of the 10,45,305 tenancy cases that existed on 1.4.1957 only 8,90,758 cases has been disposed of by 1.4.64. In 3,14,838 cases existence of tenancy was denied. Tenants declined to purchase ownership rights in 56,503 cases and in 41,183 cases tenants dropped out of the proceedings after having applied for ownership rights. By 1.4.64 tenants had been permitted to purchase ownership rights in 3,95,111 cases. Out of these in 45,900 cases the purchase was eventually declared ineffective as the tenants failed to pay the purchase price. (According to the latest information available, there were in all 12.97 lakh tenants and ownership rights have been purchased by 7.73 lakh tenants). After considering all aspects of the matter Dasai came to the following conclusion :

“The results of tenancy abolition, however, were not as expected. About half the area previously under tenancy passed into the ownership of their respective erstwhile tenants. About 12 per cent of the land held by 9 per cent of the tenants continued under recognised tenancy. A little over 2 per cent of the lands of tenants slipped from them in default of payment of compensation amounts. The rest were the cases in which the tenants either denied tenancy, surrendered their lands to the landowners or kept away from the hearings of the tribunals and, therefore, missed of their volition to be owners of the land they cultivated on lease. Thus, a sizeable tenantry escaped ownership under tenancy abolition”.

“Adequate data are not available for a similar assessment of the implementation of the laws in the other States.”

Real Wages Increased by 22 Percent in Five Years

According to Trade Unions of Romania, quarterly journal published by the Central Council of the Trade Union Confederation of Romania (No 3—1975), during 1971-1975 the real wages of the working people in Romania increased by 22 per cent. The five year plan in 1970 initially envisaged a rise in real wages by 20 per cent.

The journal noted that while the wages were increased the prices of some essential articles were brought down making this rise in real wages possible.

CITU Memorandum To ILO

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memorandum itself observes, "The result of its discussions is largely determined by the spirit in which they are conducted and by the degree of familiarity of the participants with ILO standards and procedures". Para 98). It has also been observed that frequently the issues cannot be clinched because of differences of appraisal. Here also the major weakness arises because the entire discussion is based on only the Reports sent by the Governments which are quite often one-sided and tend to underestimate the whole situation. The discussion in the plenary session of ILO also suffers from the same shortcoming which cannot be overcome by merely increasing the days of the Conference.

Examination of Complaints

20. We strongly feel that there is most pressing need to review the entire procedure of examination of complaints sent by the unions to ILO. If the ILO merely forwards the complaints to the Government concerned and refers back the observations of the Government concerned to the union with some nominal observations it cannot serve the purpose for which the complaints are filed by the trade unions. The matters are not enquired into in detail or no independent enquiry is made unless the issue is of extreme importance from the point of the Governing Body. The very fact that since 1961 the ILO appointed independent bodies only in 9 cases (three of which are still under examination), goes to show how the ILO is unable to play effective role in dealing with such complaints. It is also worth noting that during the last 14 years, Commissions of Inquiry were appointed only in 4 cases. We do not agree with the observation in the memorandum of ILO that the present procedure meets the needs. We are of the opinion that Commissions of Inquiry should be appointed whenever complaints of serious nature are launched particularly relating to Freedom of Association etc. It is however the experience of trade unions that complaints of serious nature are not pursued by the ILO simply because the Government denies the existence of the

issue raised by the trade unions. This practice enables the Governments to go ahead in a non-chalant manner while the workers are without protection from the blatant violation of the international standards.

21. In many countries, there are no tripartite committees to supervise the implementation of the ILO Conventions ratified by the Governments. There is also no machinery to advise the Government which Conventions should be further ratified. Formation of such Committees may help in improving the matters to some extent if the workers representatives on these Committees are nominated on the basis of actual strength of the central trade unions and not on the basis of extraneous considerations shown by the Government. This machinery will only be complementary to the International machinery set up by the ILO.

Strengthen Freedom of Association

22. The most important ILO standard relates to the Freedom of Association and it is necessary to have a separate machinery to ensure implementation of this Convention. Acceptance of any other Convention by a Government is meaningless if it does not ratify the Freedom of Association Convention. It is high time that the ILO takes special steps to persuade such Governments to ratify this Convention within a specific period. Due to the attitude of some Governments, the Committee on Freedom of Association specially established by the Governing Body of the ILO is unable to function effectively. The memorandum prepared by the ILO notes.

"...the complaints are communicated to the Governments in question so that they may submit their observations. In certain cases, if a doubt or contradiction exists or if it appears useful to inform the complainants of the observations of the Government the substance of these observations is communicated to them for their comments, or certain questions are put to them. If this is done, the Government receives the text of the comments or replies of the complainants so that it may, as defendant put forward its point of view last.

These rules follow the normal principles of all proceedings but sometimes result in delays, *either because Governments delay in submitting their observations—or even in certain cases fail to do so—or because their reply is incomplete so that the Committee has to request further information, or because the committee decides that the reply should be communicated to the complainants. Independently of the delays, the committee has some times found it impossible to reach conclusions when faced with contradictory statements by the parties*". (Para 116)

23. No further comment is necessary to substantiate the argument we have been stating here. It is no wonder that the matters cannot be improved by merely referring them to the Governing Body. Even the ILO provisions of sending a representative of the Director General to visit the country within the framework of the direct contact procedure has been resorted to only thrice so far. All this shows the inadequate operation of the present machinery of which the workers and trade unions are the victims. When the contradictory statements are received by the ILO it can make its own investigations to find out the real state of affairs.

However this is normally not done. The Con-

ventions thus remain on paper while trade unions rights continue to be suppressed. The ILO thus virtually plays the role of silent spectator to these developments. Therefore it is expected that the Committee will view the suppression of trade union rights with grave concern and take drastic measures so that the Governments are prevailed upon to show respect for the International standards. We would suggest the ILO should give maximum publicity to the non-implementation of the Convention on Freedom of Association so that world public opinion is made conscious of these issues.

24. We would therefore request the Committee to give serious consideration to the views expressed and suggestions made in the memorandum so that the ILO standards are made effective and a procedure is evolved to improve upon them continuously keeping in view the experience of the implementation of the Conventions.

25. The CITU would be extremely happy if the Committee would give an opportunity to its representatives to express its views in person and further clarify the points mentioned in the memorandum.

SEN-RALEIGH "AGREEMENT"

The Sen-Raleigh Company, Kanyapur (West Bengal) reopened on 1st October 1975 after an agreement signed by the management with the INTUC and AITUC unions. Sen-Raleigh Employees Union (CITU) did not sign the agreement. Union Government took over the management on 8th September last.

According to the agreement "The workmen who have attained the age of 55 will retire from the Company's services on one month's notice or wages/salary in lieu of notice". The services of workmen "found unsuitable" between 50 to 55

years of age will be terminated. It is estimated that 300 workers are likely to be affected by these clauses.

The agreement further provides for freeze in wages and salary for one year. The incentive bonus will be reduced by 50 per cent. The management will be able to increase the production from 1250 cycles to 1400 cycles per day despite reduction in workers.

It was the contention of the management that to enable it to produce the cycles economically the following saving in wage costs was necessary.

Retrenchment of 300 workers	21 Lakhs
Reduction in Supervisory Staff	10 Lakhs
Wages freeze	6 Lakhs
Reduction in production bonus by 50%	11 Lakhs
Reduction in welfare expenses	8 Lakhs
	Lakhs

The management hopes to save Rs. 12 lakhs on freight and Rs. 12 lakhs due to technical development. Thus the total reduction in costs would work out at Rs. 80 lakhs.

The price of Sen-Raleigh Cycle has been increased approximately by Rs. 7 with effect from 16th August 1975.

The "agreement" will be valid for a period of three years.

Kerala Newsletter

Bonus Struggle

In Kerala bonus is generally paid in August-September on the eve of Onam festival.

This year, the management wanted to take advantage of the present situation and wanted to reduce the quantum of bonus and the workers resisted this offensive.

In textile industry a tripartite meeting was called under the chairmanship of the State Labour Minister. The management of the following mills proposed reduction in the quantum of bonus varying from 4% to 13% compared to what was granted last year.

1. Bhagawati—Chittor, 2. Premier-Palghat, 3. Cannanore Madras Cotton Spinning Mills, 4. Western India Cotton, 5. Thiruvepathi, 6. Co-operative Spinning Mill, 7. Trichur Cotton Mills, 8. Vanaja (Nattika), 9. Rajagopal, 10. Calicut Madras Mills, Chelambra, 11. Kathai, Ernakulam, 12. Ashok, Ernakulam, 13. G. T. N. 14. Chakhola, 15. Kerala Spinners, Alleppey.

The Labour Minister after hearing both sides announced certain figures which were still less than what the workers received in 1974. This created grave resentment amongst the workers. Workers of the four mills in Alwaye Zone unitedly resorted to a protest action for one hour and in Thiruveppathi mill, work stopped for four days. Ultimately the workers could wrench some more amount as bonus and also advance in some

cases. But the fate of the workers in the Government owned textile mills was worse.

In other industries, wherever the workers resorted to united action and collective bargaining, they could fare better. In Western India Plywood, Sudarshan Co., Karunagapalli Range Toddy Tapers, Quilon Tiles, Premier Cables etc., the workers could get more than what was given to them in 1974 to a varying degree from 1% to 3%.

Here too, in the Government owned industries the quantum of bonus was reduced. In Government plywood, Punalur, Titanium, Metropolitan Electrone Corporation, Vijaya mohini etc. the bonus was reduced even to the extent of 50% compared to what was granted in 1974.

In the Plantation industry, the Government announced the bonus unilaterally without consulting the labour.

In the coir spinning zones, the CITU alone had to raise the slogan of bonus last year and secure the same, though AITUC INTUC and UTUC refused to join the struggle or even opposed it. But this year, the State Labour Minister took initiative and directed that a sum of Rs. 40/- should be paid to the workers as bonus. Many owners refused to pay this amount and the workers were forced to resort to agitation.

Attack on the Plantation Workers

The management of Maladi Tea Co. in Vandiperiyar entered into an agreement with the union on June 28 to confirm 328

Thousands Laid-off In Delhi Area

Thousands of workers in Delhi and the industrial area of Faridabad and Ballabhgarh have been retrenched or laid off since the emergency was promulgated. Despite government warnings to industrial undertakings not to retrench workers, the services of more than 5,000 workers in Faridabad alone have been terminated.

Nearly 90 per cent of small scale iron foundries in Faridabad have closed down as a result of the recessionary situation, it is learnt. Thus, hundreds of people have been thrown out of work, especially casual and unskilled labour which formed the majority of the work force in these foundries.

Clerical and middle management staff is also being dismissed in many concerns, often on flimsy grounds. One company has resorted devising cushioned exit for its staff by offering attractive monetary incentives for those who are prepared to leave. The scheme is euphemistically termed as a 'voluntary separation' scheme.

temporary workers. But within a fortnight i.e. on July 8, they unilaterally cancelled the earlier agreement and finally threw these 328 workers out of job from July 14.

The management of Valadi Estate (Malayalam Plantation) of Vandiperiyar retrenched 9 workers from July 15.

The management of Chinnalar Group Estate belonging to A.
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Tamil Nadu Newsletter

United Action Against Bonus Ordinance

All the Central Trade Unions, CITU, INTUC, AITUC, HMS, HMP and followers of DMK and ADMK decided to unitedly protest against the retrograde bonus ordinance. Representatives of these organisation who formed a joint committee met at Coimbatore on October 7, and decided to observe a token general strike on October 24, throughout the State.

Workers Gain.

The 1½ month old strike of the workers of Arowput Co.,

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Pinwall Co. has refused to honour its earlier agreement of confirming casual workers in permanent jobs.

There is also a concerted effort by the planters of Peermedu, Pambanar and Elappara areas to increase workload by increasing working hours, quantum of work and duties etc. in violation of the existing agreements. The owners of cardamon plantations of Udumbanchola taluk have also resorted to same methods. This has created wide-spread resentment amongst the workers.

Increasing Unemployment

As per the report of the Director of Employment Exchanges, Kerala, dated 31st July, the number of unemployed registered in the employment exchanges in Kerala has gone up from 5,78,886 in July 1974 to 6,57,457 in July 31, 1975.

Villupuram was withdrawn after the workers secured a wage increase of Rs. 35/-per month and withdrawal of all repressive measures taken by the management during the strike. The settlement came about in a tripartite discussion held on September 20, in which Com.C. Govindarajan, Secretary of Tamil Nadu State Committee of CITU represented the Workers.

The Workers of Best & Co., a wing of Best & Crompton Eng. Co., secured a big gain under the leadership of the CITU. The workers conducted a strike for 110 days in 1968 against the repressive measures of the management when 84 employees were retrenched. K. M. Sundaram, AITUC leader who was

President of the Union, accepted a settlement with the retrenchment. When the retrenched workers desired to take recourse to legal steps, he refused help and even withheld the papers. The retrenched workers approached Comrade V. P. Chintan and other CITU leaders who helped them in their case which started from the Labour Court but went upto Supreme Court due to management's dogged refusal to accept the court verdict. Ultimately by a decision of the Supreme Court, these workers not only got back their jobs but also back pay for all these years which came to about 25 thousand rupees per head. Comrade V. P. Chintan has now been elected President of the Union.

D.A. Formula For Central Government Employees

The Government announced their decision on D.A. on August 23.

Firstly the Government has prescribed a lower rate of D.A. than what was decided by the Third Pay Commission. This has brought down the percentage neutralisation from 100 to a varying range from 89 to 83 for those drawing upto Rs. 300. Thus the principle of cent per cent neutralisation which was being voiced during the past two decades, which had to be accepted by the Third Pay Commission for the low paid employees, has received a set-back. The employees in the pay range between Rs. 400-900 suffer most because in their case the reduction in the rate of neutralisation is between 13 and 20 per cent. An employee drawing Rs. 900

now have got only 50 per cent neutralisation. The real wages of the employees have thus been reduced to a great extent.

Secondly, the decision covers only upto 312 points of the Consumer Price Index. In fact on August 23, price-index had reached to an average 320 points and one more slab of D.A. had become due. Although the Staff side demanded a decision on the next slab, the Finance Minister Stated that a national formula was being finalised and the next increase would be granted accordingly.

Lastly the entire arrear dues of the employees on account of D. A. have been impounded by the Govt. The amount deposited in the P. F. will not be withdrawable even after 31-3-77 except as a part of final withdrawal.