

CHAPTER 7

FINDINGS, SUGGESTIONS AND CONCLUSIONS

In this chapter, an attempt is made to present in succinct the results of the study based on the hypothesis formulated in the first chapter relating to the French industrial relation system existing at Pondicherry during the French regime, the impact of India's independence and the system prevailing during the transition period. In order to arrive at findings, a study of the existing system has been attempted in the fifth chapter by highlighting the continuation of the influence of the French system at Pondicherry and certain drawbacks in the existing system in the sixth chapter.

Two sets of hypotheses were formulated for the purpose of studying the industrial relation system developed during the French regime and to compare that system with the one existing at present, which is more or less akin to the system existing in the remaining part of the country. The first set related to the industrial relation system, as it existed at Pondicherry until the independence of India in 1947, the impact of India's



independence on the industrial relation system and the system that prevailed during the transitory period. The second set relates to the study of industrial relation system existing at present. Several sub-hypotheses had to be formulated with a view to study the simplicity of the mechanism, the efficiency in the working system, the expediency with which the settlements were arrived at, the technique adopted to settle the disputes and the equitable principles applied by the tribunals to render justice under the French system.

The main objective of the present thesis is to study the industrial relation system as it existed at Pondicherry during the erstwhile French regime with a view to project the Pondicherry model as relevant to the present needs. The study is made with the theoretical framework set forth in Chapter One. The study is comprised of three parts. In the first part, historical background of Pondicherry as a great potential for trade, commerce, and industry, has been analysed. Existence of a good port, availability of craftsmen and more so with the civilized people living in and around Pondicherry, existence of factories had made Pondicherry as one of the important trading places in the entire coromandel (East Coast) region. This is the reason why Dutch, Portugese, and French, competed against

each other to occupy Pondicherry in the sixteenth and seventeenth centuries. Interland trade, inland trade, and international trade, were carried out from this place. Pondicherry was chosen as the capital by French because of its wide and varied potential. The study in this part relates to the earlier situation existing at Pondicherry mainly based upon the evidence available in the Tamil literary works and from the diaries of the Greek travellers. The second part relates to the industrial relations system adopted by the French by extending French labour laws through Arrêtés and Décrets to the overseas territories, including Pondicherry. Owing to the paucity of required data and documents, the study was confined to the settlement machinery and the mechanism adopted to settle the dispute. It was also felt that the above factors are more relevant to India. In the second half of this part, the position prevailed during transitory period has been examined. In the third part, the study was made about the mechanism adopted after the Indian laws have been extended to Pondicherry from 1 October 1963. An effort has been made to study the present position prevailing at Pondicherry by examining some of the statutory provisions and also continued French experience adopted by the judges trained in the French system for

settlement of labour disputes. Though there is not much to speak about the growth of trade unionism at Pondicherry, as there were only three textile industries to reckon with, the settlement mechanism which was in the pattern existing in France contributed for the smooth industrial relations. An attempt has been made to fit into this theoretical framework the empirical data and facts relating to settlement of labour disputes, growth of trade unionism in Pondicherry and draw inferences and conclusions.

7.1 Findings

The study revealed that the existing industrial relation system which has been conceived on British pattern existed prior to India's independence is not suitable to our present needs. The system, which was to take care of the war situations by giving absolute power to the Government to interfere in labour disputes is not conducive to maintain industrial harmony and peace. The basic approach to borrow the concepts from the British statutes which were enacted to deal with different contextual problems and to incorporate in our statutes without analysing the situational context is not correct. The changes brought about in England in labour matters after India's independence may not be relevant to Indian context and cannot be

adopted. The British model is not suitable to our country and India must necessarily adopt a new model.

India and Pondicherry which was ruled by French for more than 150 years and which is now a territory of India have a common base. The people are from the same common origin and living in the same socio-economic conditions. The application of French labour laws with modifications whenever necessary, in Pondicherry during French regime had given rise to a new model of industrial relation system based on following assumptions:

(a) The industrial disputes which are of individual characteristics must be distinguished from collective disputes, which are having larger social dimensions affecting social interests. The industrial tensions can be reduced and industrial harmony can be increased by adopting different strategies and methods at grass-root level to redress the grievances of the individual worker.

(b) The industrial disputes are to be distinctly classified into individual disputes and collective disputes and separate mechanism and machinery must be provided for settlement of these disputes.

(c) Industrial disputes being technical in nature, the

persons who are well-versed in labour matters should be associated with the settlement mechanism. Expert advice should be sought for proper planning of settlement of collective disputes, which involve not only the interest of the parties but also the society's interests as well.

(d)The personnel involved in the process of settlement of industrial disputes are properly oriented to understand the psychology of the human resources involved.

(e)Equitable approach in preference to pure legalistic approach in settlement of industrial disputes shall pave way for better industrial relations and help to render justice to the parties.

(f)Settlement of industrial disputes through collective bargaining/collective conventions instead of compulsory adjudication would help to maintain cordial relations between the employer and employees.

(g)The basic concepts used in the labour statutes must be simple, lucid, exhaustive and convey a definite meaning.

(h)The Industrial relation system requires simple, expeditious, effective and trusted set of procedures for dealing with collective disputes as well as

individual grievances.

- (i) The system cannot work with efficiency unless the personnel handling the system are made accountable for their acts and deeds.

The study revealed that when India has to look up for an alternative model, some of the important features of the Pondicherry model may be considered relevant to be adopted by India for the following reasons:

- (a) Trade unionism in India has not been strong and effective. Multiple trade unions existing on political lines have not been successful in protecting the interests of all workmen. Moreover, the concept of voluntary trade unionism has been accepted in our country, which has given freedom to individual worker not to be a member of any trade union, if so desires. The socio-economic conditions of the worker in India do not permit him to be involved in a long drawn industrial conflict. Basically, a worker seeks help of the co-workers or union, when ^{he} feels that he is helpless. Even a trivial problem is likely to achieve larger dimension, when the same is taken up by the trade unions. Most of the individual disputes are related to rights of individual worker involved and
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they can be clearly distinguished. Due to the adversary system followed in our country, delay in disposal of cases are quite obvious and settling the individual disputes separately at the branch level or floor level would help in avoiding delay. It is therefore justifiable to adopt the classification of industrial disputes, as individual and collective, as treated in Pondicherry model.

(b) The nature of the individual disputes and collective disputes would be distinct. Individual disputes may involve only legal issues but collective disputes involve the interests of the society as well. It is therefore necessary to have adequate, efficient and separate mechanism to settle the collective disputes as well as individual disputes. The machineries at present provided in India have not been geared properly to handle labour disputes, which are of technical nature. As such, French model of 'Council of Prudhommes' would be relevant to India.

(c) In our country, we have failed to understand labour matters are of more technical in nature and can not be dealt with effectively with the legal acumen. The 'Pondicherry model' wherein the collective disputes when could not be reconciled at the first instance are



referred to 'Consultative Committee for Works' and the advice of the expert is sought, would be relevant to India.

(d)The personnel involved in the process of settling the labour disputes are not properly oriented in our country. The system of appointing the representatives of the workmen and employers to the committee for reconciliation, as followed under the 'Pondicherry model' may be relevant to our country, as they would be more committed to the purpose for which they are appointed.

(e)It is an admitted fact that some of the basic concepts used in our labour legislations have given rise to confusion and some of them like industry, industrial dispute, have lost the original meaning due to varied interpretations by the courts. The definition like worker or workman has led to multiplicity of proceedings at the cost of the workman. As such, it is very necessary to adopt simple and exhaustive definitions to explain the basic concepts, as done under the French system that existed at Pondicherry.

(f)Labour by and large are uneducated. Complicated and cumbersome procedures are beyond the mental reach of the

workman in India. Most of the time is spent in fulfilling the procedural formalities and the same is required to be avoided in order to achieve expeditious disposal of cases.

(g) The British system, which has been inherited by our country has provided immunity from liability of accounting for the acts and deeds committed during the discharge of official^{duties} and the presumption is that all official acts have been done properly. The burden of proof is shifted to those who allege otherwise. The above situation has led to laxity on the part of the officials handling the labour matters. It is therefore submitted that provisions found in the 'Pondicherry model', wherein acts and deeds of the personnel are properly monitored and failures to discharge the duties efficiently would attract penalty, are worthy of emulation in our system.

The study also revealed that the pension scheme, which was a unique measure introduced during the French regime for the benefit of the workers after retirement mainly with a view to save them from starvation-death could have been continued, as it had indirectly helped in maintaining cordial relation between the employer and employees.

Having had a good friendly relation between the Government of India and the Government of France, a smooth transfer of the territory was effected and Pondicherry became the territory of India by virtue of the agreement entered into between the two countries. The agreement strives to preserve the cultural and educational heritage of the French. It is in this perspective, it would have been appropriate to permit the continuation of the industrial relation system that existed during the French period so that, Pondicherry could have been a 'sociological laboratory' wherein legislative experiments could have been made to work out a good industrial relation system for our country.

Before concluding the thesis, it is submitted that due to paucity of materials and also due to the fact that very a few industries were established at Pondicherry during the French regime, a deeper study encompassing the entire gamut of industrial relation could not be made. It is therefore suggestedd an attempt may be made to take up further studies in this area by taking clue from the texts cited in bibliography.

It is no doubt that the industrial relation system existed at present in our country is meant to suit the war needs and to establish governmental control over the industrial relations. The present situation has proved that the system has become virtually redundant and requires modifications. The Industrial

Relation System that existed at Pondicherry during French regime was simple, effective and could strike a balance between industrial harmony and peace on one hand and protection of workers' interest on the other hand. Pondicherry being a part of territory of India, it would be relevant to adopt the system experimented successfully for more than 150 years with modifications, wherever necessary. It is therefore concluded that the experience gained during the French period can be profitably used in bringing proper legislative measures, so that labour disputes can be settled more effectively and expeditiously through simple mechanism and better industrial relation can emerge to achieve progress in industrial production vis-a-vis national economy of our country.