CHAPTER V

WORKS COMMITTEES VIS-À-VIS WORKERS’ PARTICIPATION IN MANAGEMENT:
SOME FADS AND FOIBLES
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A. INTRODUCTION

An 'industry' signifies a collective enterprise where employers and workers engage in a co-operative endeavour to produce goods or provide services to the community at large or for a section of the community.

In an industry, trade unions are formed to channelise workers’ protests, grievances and demands and for the realisation of the legitimate aspirations of the working class. Workers have constantly fought for better working and living conditions and against social and economic inequalities.

Trade Unions are no longer an anathema in a democratic polity. Today, trade unions have come to symbolise workers’ right to organise, to put forth their demands collectively and to resort to industrial action, that is, strike, if their just, fair and reasonable demands are not accepted by their employers.¹

Trade Unions, today, are no longer content with their demands for, *inter alia*, better wages, better working conditions, for social security benefits. They wish to have a voice in the decision-making process in the industry. They resent their employers’ unilateral impositions. They want to be heard when their

employers decide about matters which affect their working lives. Here is the manifestation of the workers’ desire to join hands with their employers in the managerial prerogative process of decision-making. That is, the workers would like to have not only ‘a say in’ but also ‘a right to decide’ and the ‘power for effective implementation of decisions’ over matters that affect them.

Trade Unions, today, would not accept the view that “labour” is “a commodity”, a mere “factor of production” and “a cog in the wheel”. It should be acknowledged that ‘labour’ is not only an integral but also the indispensable part of an industrial establishment. With the aid of improved science and technology, one may contemplate the installation of labour saving machineries to earn more profits but it would be foolhardy to envisage the total elimination of the work-force. This integral part of industry, that is ‘labour’, as human beings with emotions, needs and aspirations need to be handled delicately. The feeling of being left out or ignored on account of the employer’s unilateral decisions would not augur well for the industry. The consequent negative attitude on the part of the labour leads to job alienation, destroys workers’ urge for self-expression and annihilates their enthusiasm at the work place. This, inevitably, would affect

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production and productivity at their places of employment. Therefore, in the realm of Labour-Management Relations, one should heed the remarks of Clarence Francis:

You can buy a man’s time, you can buy a man’s physical presence at a given place; you can even buy a measured number of skilled muscular motions per day or per hour. But you cannot buy enthusiasm, initiative, loyalty; you cannot buy the devotion of hearts, minds and souls. You have to earn and solicit these.  

This can be achieved by providing an opportunity to the workers a justifiable share in the management and decision-making process in matters that affect the worker’s vital interests. So, when we speak of “Workers’ Participation in Management”, the “primary emphasis [is] on the human element and … on the assumption that a worker is more than a pair of hands”.  

In this Chapter, a bird’s eye view of “Participative Management”, “Forms and Levels of Workers’ Participation in Management”, the government’s resolve in involving the trade unions in the decision-making process in the industrial environs of the country and a critical analysis, in the light of judicial decisions, of the statutory provisions relating to the constitution, duties and power of the

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“Works Committees” would be dealt with. Thereafter, would follow suggestions to improve the machinery of the Works Committees.

B. "PARTICIPATIVE MANAGEMENT": AN OVER VIEW

In the annals of Labour Laws, ‘Workers’ Participation in Management vis-à-vis. Industrial Democracy’ is “a resounding phrase bridging the past and future”. Because, “[i]t echoes the millennial vision of nineteenth century thinkers while heralding the evolution of new forms of industrial organization under twentieth-century pressures”. Through this admirable medium, the adorable idea of ushering in a socialistic pattern of society is envisioned. Our Constitution as well as the various Five Year Plans do also emphasise its importance in the area of industrial relations.

“Participative Management” may be described but cannot be easily defined since it is difficult to assign to the phrase a particular, concrete or unassailable meaning. The meaning of “Participative Management” depends upon who is speaking- the dogmatist or the ideologist, the syndicalist, the social scientist or the psychologist. Thus, “Participative Management” may embrace or take in its fold

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8. Ibid.

"sharing of a portion of management’s power with workers".  
It may mean participation to achieve "distributive social justice".

Participative Management “involves democratic functioning of the work unit and implies an amount of egalitarianism”. Conceptually, “it is composite connoting the right of workers to intervene in ... [the] managerial [affairs] of the [industry], as ... equal partners in the decision-making process...” which would ultimately usher in Industrial Democracy. Here, the remarks of Shri. V.V.Giri, the late President of India, are apposite: “Political democracy will remain formalistic and legalistic if it is not supplemented by industrial democracy”.

“Participative Management” promotes harmonious relations in an industry since it “satisfies the psychological needs of [the workers] for independence and equalitarianism” and provides the “incentive to arouse [their] motivation [to give out] their best”. Further, it “affords a means of self-realisation in work by

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10. Ibid.
11. Ibid.
13. Id., at 245, 246.
14. Supra note 1 at 515. According to Ramanujam, “political democracy is not an objective in itself ... but only the means to economic democracy which will remove unjustified disparities in incomes, earnings and ensure economic and social justice”. Further, he emphasised that [i]ndustrial democracy is one of the [vital] means for achieving economic democracy. See Ramanujam, G., The Honey Bee Towards A New Culture In Industrial Relations 107, 108 (3rd ed., 1985).
15. Supra note 9 at 161, 162.
eliminating the feeling of futility, isolation and consequential frustration". More importantly, "Participative Management" furnishes a strong impulse of "belonging and commitment" to the industry which should contribute to greater production and productivity. Thus, "Participative Management" should be regarded as a great aid:

(i) in promoting increased productivity for the greater benefit of the enterprise, the employers and the community;

(ii) in giving employees a better understanding of their role in the working of industry; and

(iii) in satisfying the workers' urge for self-expression, thus leading to industrial peace, better relations and increased production. 

Industrial activity, as stated earlier, is a co-operative endeavour and meaningful cooperation would be advantageous to the partners in production. It may be pointed out that 'co-operation' between capital and labour serves two ends. They are: "one economic and the other moral and social; the former to ensure increased production and the latter, increased recognition of the importance of ... human element in industry". This aspect assumes greater significance and becomes "more imperative in the planned economy of a socialist state".

17. Ibid.
18. Ibid.
The forms and levels of Workers' Participation in Management "are influenced by the perspectives developed and the goals cherished by the given industrial system and would be evidently ... conditioned by the peculiarities of [the] socio-economic structure and composition of the society concerned." 20

"Participative Management" can be secured and promoted through meaningful, bonafide "Collective Bargaining", "Joint Management Councils", "Joint-Decision-Making", "Consultation and Information Sharing", "Co-partnership", "Co-ownership", "Participation in Equity Capital", "Participation on Supervisory Boards", or in the "Works committees" constituted voluntarily or as per the dictates of a legislative enactment.21

In the United States, collective bargaining was for a very long time an extremely versatile and adaptable instrument of joint action between unions and managements.22 "Participative Management" has found expression through 'Joint Consultation' in United Kingdom.23 However, it should be mentioned that where institutionalized collective bargaining had gained sufficient grounds as a powerful

19. Ibid.
20. Supra note 12 at 247.
21. Kameshwar Rao G., "Workers' Participation in Management", supra note 5 at 211, 247. See supra note 9 at 162, 163. See also supra note 3 at 223, 228.
weapon ... in U.S.A. and U.K., participation has been looked at as unnecessary and was given only reluctant support, since harmonious relationship, and shared responsibility had already been built up through the collective contracts.\(^{24}\) In West Germany "Participative Management" goes by the name "co-determination".\(^{25}\) In Yugoslavia, it is practised through "Workers' Councils".\(^{26}\) In Sweden, as in Yugoslavia, the basic socio-political culture tends to promote social ownership of property; therefore, whatever situation prevails in Yugoslavia is, by and large, present in Sweden too, in respect of "Participative Management".\(^{27}\) In the Israeli model of "Participative Management", the members of Kibbutz are themselves the owners in deciding the managerial functions.\(^{28}\) In France, various forms and methods of "Participative Management" have been tried including "profit sharing", "joint consultation", "joint-control", "joint-management", "joint-committees", "enterprise committees".\(^{29}\)

\(^{24}\) *Supra* note 12 at 253.


\(^{26}\) Sethi, K.C., "Participative Management: Lesson From Yugoslav Experience", *supra* note 3 at 122. See Van Dusen Kennedy, *ibid*; Editors Introduction, *supra* note 3 at xix. See also Badruddin, *id.*, at 97.

\(^{27}\) *Supra* note 12 at 253.

\(^{28}\) *Id.*, at 255.

in addition to enterprise committees, there is also provision for workers participation in boards of management organised on a tripartite basis.30

The programme of 'workers' participation', to be effective and meaningful, in the Indian context, should not take the form of labour participation in the sharing of ownership on the specious plea that "only ownership would motivate labour to bring out the best from it...."31 Because, when thousands of workers own a tiny fraction of the equity capital, it is doubtful how far it will motivate them.32 Further, most of the public sector undertakings have proved to be unprofitable and workers investing in such companies will naturally be denied any dividend on their shares which ultimately would be a dis-incentive for the workers and cannot motivate them.33 Ironically, such ownership does not confer any right on the workers but would only be burdensome.34 More importantly, most of the trade union representatives are against the proposal of labour being asked to participate in the equity capital.35 However, while companies incurring losses may welcome participation, profit-making companies will oppose it though labour

30. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. Ibid.
will welcome it. Thus, "[w]here there are givers, there will be no takers and where there are takers, there will be no givers". On the other hand, in the light of Kamani Experience, it is rather impossible to even think of having industries in the form of 'Worker Cooperatives'.

Whatever machineries of workers' Participation in Management which have been developed and proved to be successful in U.S.A., U.K., West Germany, Yugoslavia, Sweden, Israel, France, etc., may not prove to be successful if mimicked in India. In this context, the observations of our Supreme Court in Rohtas Industries are revealing. The Apex Court in Rohtas, while cautioning that the Law of Torts, as developed in U.K., in the area of trade disputes, should not be mechanically adopted in India, declared: "... [W]e cannot incorporate English torts without any adaptation into Indian Law. A tort transplant into a social organism is as complex and careful an operation as a heart transplant into an individual organism...".

Therefore, in the Indian context, the imperatives are the following:

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36. Ibid.
37. Ibid.
40. Id., at 283.
(i) Workers’ Education Programmes to enlighten them about freedom to
organise, freedom to put forth their demands collectively and freedom to
resort to strike within the limits prescribed by the statutes when their just,
fair and reasonable demands are not met by their employers;

(ii) Provision for the recognition of the most representative union chosen
through the method of secret-ballot;

(iii) Declaring, through unambiguous statutory provisions the rights, duties and
obligations of recognised trade unions;

(iv) Prompt and Proper enforcement of the law in case of violations by either
employers or trade unions.

Without complying with the above, Workers’ Participation in Management,
would be elusive. In this context, it is pertinent to quote a veteran trade union
leader: According to Ramanujam, Works Committees “seem to be a non-starter in
many cases”.41 Many establishments have not constituted works committees
despite the Act’s command.42 Some employers may constitute works committees
to make a show of complying with the statutory obligation but such works
committees rarely meet.43 Further, “where they meet, they are unable to reach
unanimity on any subject, and where a rare unanimity is reached, it is not

41. Ramanujam, G., The Honey Bee Towards A New Culture In industrial Relations, supra
note 14 at 84, 85.

42. Ibid.

43. Ibid. see also supra note 31.
The reasons furnished for non-implementation are that "they involve huge financial outlay, non-availability of raw-material, lack of cooperation, friction and local politics, procedural difficulties, and matters beyond the financial or administrative powers of the head of the establishment etc..." The foregoing compel the conclusion that "an insignificant role is attributed to these committees in the realisation and maintenance of proper labour management relations and through it the achievement of organizational goals". It has to be remembered that "successful functioning of the works committees rests a good deal on the initiative, sympathy and interest of the management".

As regards the levels of participation, it may start from the very shop floor level and can reach up to the Board of Directors. It may be noted that a strong, recognised union and an enlightened employer can evolve and implement the plan or strategy for "Participative Management" after meaningful negotiations at the bargaining table.

The foregoing establish that non-consultation coupled with lack of decisive power "makes the canvas [of industry] incomplete and distorted". Therefore, provisions for the Constitution of 'Works Committees- a mouth piece of workers'

44. Ibid.
45. Management and Control in Public Enterprises, 192, 196, quoted in Dhyani, S.N., Trade Unions And The Right To Strike 300, 301.
46. Id., at 213, 214.
47. Ibid.
participation in management’, was provided for the first time in the *Industrial Disputes Act, 1947*. In this segment, a critical examination of some of the fads and foibles regarding Works Committees follows. To start with, we have to unearth the historical facts to determine the *raison d'être* for the incorporation of section 3 in the Act. First, the question whether the Indian Constitution and the various *Five Year Plans*, have sought to provide adequate scope for the Works Committees to flourish would be dealt with. Later, the remarks of the *National Commission on Labour* about these Committees would be referred to. More importantly, the controversial relationship between the Works Committees and the Trade Unions need be studied thoroughly in the light of judicial verdicts. Finally, the suggestions to improve the functioning of the Works Committees would follow.

C. WORKS COMMITTEES - A HISTORICAL PERSPECTIVE

‘Indian industry’, it is said, “has a long history but short experience of successful... participative management”.49 Before Independence, Committees for consultation were voluntarily formed by some of the enlightened employers in selected industries. As early as in 1920, the Textile industry experimented with joint consultation committees.50 This was followed by the Iron and steel industry

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49. *Supra* note 5 at 293.
50. *Id.*, at 294.
with Tata taking the lead after World War Second. The Royal Commission on Labour, in 1931, while recommending to increase and enlarge consultation with labour in industry, stated:

... It is a platitude that the prevention of industrial disputes is better than their cure... The prevalence of strikes affords an indication of the extent of unrest, but strikes are merely the symptom most evident to the public of underlying discontent. The attempt to deal with unrest must begin rather with the creation of an atmosphere unfavourable to disputes than with machinery for their settlement....

The above observation underlines the importance of the constitution of Works Committees because this institution primarily aims at ironing out differences which may otherwise erupt into industrial disputes disrupting industrial peace.

After Independence, Participative Management in the industrial arena acquired national priority as a part of economic development. As a result, it was thought that the Works Committees, being one of the forms of Participative Management, "may have considerable potential as an ultimate 'clearing house' which embraces discussion of all affected issues [and would] be an ultimate internal forum to handle unresolved issues". Therefore, the Planning

51. Ibid.
53. Charles A. Myers, Subbiah Kannappan, Industrial Relations In India 275 (Ilnd revised & enlarged edn., 1970).
Commission in the *First Five Year Plan* observed that "the works committees for the settlement of differences on the spot between the workers and the management is the key of the system of industrial relations"\(^{54}\) and a "culminating step in the grievance machinery".\(^{55}\) It is "the best vehicle for improving labour relations and promoting employer-employee collaboration in the interests of high production and greater well-being of the workers through the progress of industry".\(^{56}\) Further, the Commission opined that the mere creation of joint committees either on a voluntary or compulsory basis would not suffice\(^{57}\) because "when a new institution of such a *high significance* has to be developed, active steps must be taken to foster it and to create conditions conducive to its healthy growth".\(^{58}\) Suggesting that there should be a periodic review of the progress made by Works Committees, it was also emphasised that the Works Committees should not be regarded as a rival of any trade union functioning in the industry and all concerned should strive to secure the support and co-operation of the trade union to ensure that the Works Committees constituted would be able to accomplish the task assigned to them.\(^{59}\)

\(^{54}\). *See* Planning Commission, *First Five Year Plan*, 576.

\(^{55}\). *Id.*, at 577.

\(^{56}\). *Supra* note 54.

\(^{57}\). *Supra* note 54 at 577.


The Second Five Year Plan also reiterated the importance of workers’ participation to “create a sense of belonging and to stimulate their interest in higher productivity”.\textsuperscript{60}

The Third Five Year Plan, while lauding the role played by Works Committees in composing differences between workers and managements in units where both the parties had made earnest efforts, recommended that for the better functioning of Works Committees the functions of the Work Committees should be clearly demarcated so that trade unions would not regard Works Committees as their rivals.\textsuperscript{61} The Government also felt that “[f]or the peaceful evolution of the economic system on a democratic basis, it is essential that workers participation in management should be accepted as a fundamental principle and an urgent need….\textsuperscript{62}

The Government maintained the same stand vis-à-vis Works Committees during the Fourth Five Year Plan also.\textsuperscript{63}

The Sixth Five Year Plan recommended that at the enterprise level “Participative Management” should become an integral part of the industrial relations system to serve as an effective instrument of modern management.\textsuperscript{64}

\textsuperscript{60}. See Planning Commission, Third Five Year Plan, 251, 200.

\textsuperscript{61}. \textit{Id.}, at 254.

\textsuperscript{62}. \textit{Ibid.}

\textsuperscript{63}. See Planning Commission, Fourth Five Year Plan, 423.

\textsuperscript{64}. See Planning Commission, Sixth Five Year Plan, 404.
More importantly, “[i]t should be made a vehicle for transforming the attitudes of both employers and workers for establishing a co-operative culture which may help in building a strong, self-confident and self-reliant country with a stable industrial base”.65 Further, the Report observed that “[i]t is recognised that there is a very wide area of relationship in an enterprise outside the domain of collective bargaining where employers and workers can work jointly for the benefit of different interest groups and for the common interest of the enterprise as a whole”.66 It was emphasised that such a system of consultative and joint decision making would ensure frictionless operation at various levels, provide job satisfaction, release the latent creative energy of workers, reduce their alienation and enhance the commitment of workers and the management to the common ideal of better performance”.67 To ensure this, it was stressed that “effective arrangements for training workers and managerial/supervisory personnel, [for] motivat[ing] [workers] should be made in making the scheme of worker’s participation a success in the larger interest of the enterprise on which depends the well-being of both the parties.”68

65. [*Ibid.*]
66. [*Id.*, at 405.]
67. [*Ibid.*]
68. [*Ibid.*]
In the Seventies, there was a renewed emphasis on "Participative Management". As a consequence, workers’ participation at 'shop floor' and 'plant level' became one of the focal points, in the 20-point Programme of economic development and removal of poverty adopted by the Late Prime-Minister Mrs. Indira Gandhi. Besides, it was during this period, a landmark Amendment to the Constitution was effected leading to the incorporation of Article 43-A. Under this Article, the State is obliged to "take steps, by suitable legislation or in any other way, to secure workers’ participation in management of industries". The insertion of Art.43-A has evoked the following observations from the Indian Supreme Court:

Art.43-A ushers in "a new equation in industrial relations"; "heralds industrial democracy"; "marks the end of industrial bonded labour..." Art.43-A mandates that "the management of the enterprise should not be left entirely in the hands of the suppliers of capital but the workers should also be entitled to participate in it, because in a socialist pattern of society, the enterprise which is a

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69. Supra note 5 at 295.
73. Id., at 101.
centre of economic power should be controlled not only by capital but also by labour".74

It is in the context of the above observations of our Supreme Court, the Works Committees constituted under Section 3 of the Act assume great significance.

A ‘Works Committee’, like a plant, has an organic growth for which conditions should be congenial and atmosphere, appropriate. For this, the National Commission on Labour has recommended compulsory union recognition and to confer upon such recognised unions the right to nominate their representatives on the Works Committees.75 In addition, top priority should be given to the “division of functions between the recognised trade union and the works committees”76 to avoid embittered relations between the two complementary institutions which can provide sufficient scope for the over all enrichment of the working class.

74 Id., at 109. After the insertion of the “Socialist” concept into the Preamble of our Constitution through 42nd Amendment our “Democratic Republic is no longer merely 'Sovereign' but also 'Socialist'... [and] [a]Democratic Republic is not Socialist if in such a Republic the workers' have no voice at all”, id., at 105. Taking into account the Constitutional sanctity provided for workers' participation in management in the shape of a Directive Principle of State Policy under Article 43-A “[S]ome enthusiasts have called it as a 'Second Revolution' and its popularity as 'Participative Explosion’” See MCI Saac Geols, “What is coming in Labour Relations”, Economic Impact, No, 23 1978, p.65 Quoted in supra note 5 at 280.


76 Ibid.
We should now advert to section 3 of the Act to examine the provisions relating to the constitution of the Works Committees and the functions assigned to them.

D. WORKS COMMITTEES UNDER THE INDUSTRIAL DISPUTES ACT, 1947

It is averred that "[i]ndustrial peace will be most enduring where it is founded on voluntary settlement and it is hoped that the Works Committees will render recourse to the remaining machinery provided for in the [Act] for the settlement of disputes infrequent". To convert this cherished hope into a ground reality, the institution of Works Committee has been created under the Act.

Under the Act, there are two conditions to be fulfilled before the Appropriate Government can order the constitution of Works Committees. They are:

i) the establishment must be an industrial establishment;  
ii) and one hundred or more workmen should be presently employed or should have been employed on any day in the preceding twelve months.


78. For the definition of "industrial establishment", *see section 2 (ka).*

79. S. 3 (1) read with Rule. 38.
The Appropriate Government\textsuperscript{80} may by special or general order require the employer to constitute the Works Committee in his establishment.\textsuperscript{81} The Act ordains that the representatives of workers and employer must be equal in number and the total number of members on the committee should not exceed twenty.\textsuperscript{82} It is within the discretion of the employer to nominate his representatives on the committee.\textsuperscript{83} But, as for as possible, "officials in direct touch with or [actively] associated with the working of the establishment" should be preferred\textsuperscript{84} because of the valuable experience and knowledge they possess on matters that may come before the committees for discussion in future. The representatives of workmen on the Works Committee are to be chosen in the prescribed manner after consulting the registered, trade union, if any, in the establishment.\textsuperscript{85} Thus, an unregistered trade union, although it has the \textit{locus standi} to raise an industrial dispute cannot demand consultation with it in choosing the representatives of workmen on the Works Committees if there is already a registered trade union functioning in the industry.

\textsuperscript{80} For the definition of "Appropriate Government", see section 2 (a).
\textsuperscript{81} Supra note 79. For the definition of "Employer", see section 2 (g).
\textsuperscript{82} S.3 (1) read with Rule 39.
\textsuperscript{83} Rule 40.
\textsuperscript{84} Ibid.
\textsuperscript{85} S. 3 (1) read with Rules 38, 41-50 and 54. Also refer to section 2 (s) for the definition of "workman" and section 25-B for the definition of "Continuous Service".
The purpose behind the constitution of Works Committees is to “promote measures for securing and preserving amity and good relations between the employers and workmen, and to that end, to comment upon matters of their common interest or concern, and, to endeavour to compose any material difference of opinion in respect of such matters”.86 In the light of the duty cast upon the Works Committees under the Act, the Works Committee, in the first place, has to deal with the actual production problem; and in the second place has to negotiate outstanding differences between management and labour, in the absence of established union-management relations.87 Also, discussion and settlement of grievances would also be another important function of the Works Committees.88

The foremost task, as stated above, assigned to Works Committees is to avert disputes by promoting measures “for securing and preserving amity and good relations between the employer and workmen and, to that end to comment upon matters of their, common interest and concern and to endeavour to compose any material difference of opinion in respect of such matters”.89 A careful review of the foregoing, that is, the duties assigned, statutorily, to the Works Committees, may compel the reviewer to wonder what is the jurisdiction carved out by the Act for Works Committees. For example, when Works Committees “compose

86. S.3 (2).
87. Supra note 53 at 270, 271.
88. Id., at 271.
89. Supra note 86.
material differences of opinion", would they be "settling" industrial disputes? Do they possess the authority under the Act to do so? If they do enjoy such an authority, would they not be trespassing upon the jurisdiction of Trade Unions? Should we regard Works Committees as bodies who can assume the role of Trade Unions? These questions are pertinent in the light of Lord Denning's enunciation of "Trade Dispute" or "Industrial Dispute". According to Lord Denning, "a trade dispute exists, where ever a 'difference' exists and a 'difference' can exist long before the parties become locked in a combat. It is not necessary that they should have come to blows. It is sufficient that they should be sparring for an opining".90 Thus, the simmering "difference" at the work place, if not taken care of in the initial stage by the Works Committees, may within no time develop into a full-fledged industrial dispute. As per Lord Denning, not only the full-fledged dispute but also a "difference" in its nascent stage is within the compass of the definition of "Trade Dispute" or "Industrial Dispute" and composing of such a difference would fall within the jurisdictional limits of the Works Committees. Therefore, the tentative conclusion would be that the Works Committees are entitled to settle disputes in an industry. Can they do so? Let us refer to the judicial opinions.

E. WORKS COMMITTEES: A LOOK FROM THE JUDICIAL ANGLE

In the Industrial arena, a 'Trade Union' is an important component created to protect and promote the interests and well being of the workmen. Similarly, the

Works Committee “is meant to create a sense of partnership between the employer and his workmen, and to have in the establishment itself, a body which could promote goodwill and measures of common interest, and also to serve as the first forum for considering, and if possible conciliating any dispute, which may arise”.91 Thus, by attempting to promote measures for securing and preserving amity and good relations between the employers and workmen, the Works Committee too acts as a guardian of the interests of workers. Therefore, in the light of the views expressed by the Judiciary, we have to now examine how far these two institutions, namely, trade unions and the Works Committees- the supposed guardians of workers’ interests, are complementary to each other and whether the very incarnation of Works Committee is to be scoffed at and would pave the way for the crucifixion of trade unions. In this context, the question is whether anything settled by the Works Committee would bind all the workmen employed in the industrial establishment as in the case of a “settlement” arrived at between the majority union and the employer in the course of conciliation proceedings.92

Here, the Opinion of the Labour Appellate Tribunal in Metal Box Company of India Ltd., v. Their Workmen93 is an eye opener.

91. Rustamji, R.F., The Law of Industrial Disputes in India, supra note 77 at 394.
92. S.18 (1). For the definition of “settlement”, see section 2 (p).
93. 1952 1 L.L.J. 822 LAT.
The facts of this case, briefly stated, are: The Company was a manufacturer of metal containers. To minimise labour unrest, a Works Committee was constituted. An agreement arrived at by the Works Committee and the employer which related to the payment of bonus, scales of pay, gradation and classification of workmen. Later, a trade union came into existence and made certain demands and, more importantly, challenged the agreement entered into by the Works Committee in respect of the scales of pay, Grades and classification of workmen. The dispute was referred to an Industrial Tribunal for adjudication. Aggrieved by the award of the tribunal, the workmen appealed before the Labour Appellate Tribunal. One of the issues in appeal was whether the Industrial Tribunal was right in treating the agreement entered into by the Works Committee with the employer as binding on all the workmen, in the establishment. Upholding the award of the Industrial Tribunal on this issue, the Labour Appellate Tribunal ruled:

The elected members of the Works Committee must be regarded as fully representative of the employees and more intimately in touch with their interests and desires than the union which includes the members of other concerns. The settlement arrived at between the works committee and the management [is] entered into by a body representing the workmen as a whole. 94

94 Id., at 824.
Further, while dealing with the issue relating to the range of subject-matters which a Works Committee can deal with, the Labour Appellate Tribunal ruled;

[T]here is no subject concerning the relations of employers and employees which the works committee is precluded from considering. The... Act has been designed to allow for a maximum of negotiation and settlement before a dispute is transferred to the sphere of adjudication and the very first body constituted for negotiation is the works committee; it therefore follows that agreed solutions between the works committee and the management are always entitled to great weight and should not be readily disturbed; and ... it is particularly so in matters like classification, grades and scales which are peculiarly within the personal knowledge of the members of the works committee....

In Kemp and Co., Ltd., v. their Workmen, one of the issues before the Industrial Tribunal related to fixation of scales and grades of workmen. The contention of the trade union was that the Works Committee had been improperly constituted and was a bogus one; that the decision of the Works Committee was subject to the supervisory jurisdiction of the registered trade union which enjoyed the right to veto the decision of the Works Committee.

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95. Ibid. Emphasis supplied.
96. 1955 1 L.L.J. 48 LAT.
97. Id., at 53.
98. Ibid.
The Company contended that the draft pay scales was presented and passed at a meeting of the Works Committee, that the Joint Secretary, at the instance of the Chairman, had read out the same and that after discussions that followed the copies containing fixation of scales and grades were circulated by the Secretary of the Works Committee among the members. Therefore, the decision of the Works Committee, in the instant case was democratic and the allegations that the Works Committee functioned improperly and that the Committee was a bogus one were untenable.99

When the trade union disapproved the decision of the Works Committee and raised a dispute, the matter came before the Industrial Tribunal. The Tribunal ruled;

Taking into account the procedure adopted by the Works Committee while deciding about the pay scales it can be inferred that the representatives of workers on the Works Committee had full opportunity to look into the proposed pay scales and therefore it was wrong to say that the Works Committee was a bogus body and its decision was not binding.100

Aggrieved by the award of the Tribunal, the union preferred an appeal.

A careful reading of the opinion of the LAT in Kemp may compel the discerning Law Student to wonder whether the Kemp's LAT is not rewriting the

99. Ibid.
100. Ibid.
opinion of the LAT in Metal Box.\textsuperscript{101} It should, however, be conceded that the LAT in Kemp did, for the first time, make an attempt to spell out clearly the parameters of the Works Committees and the Trade Unions. In this respect, the LAT's opinion in Kemp is not only informative but instructive.

As regards the statutorily assigned duties of the Works Committees, the LAT in Kemp observed:

Works Committee is normally concerned with problems arising in the day to day working of the concern and functions of the Works Committee has been to ascertain the grievances of the employees and when occasion arises to arrive at some agreement also. \textit{But this does not mean that the function and responsibility of the Works Committee as their very nomenclature indicates can go beyond the extent of recommendations and as such they are more or less bodies who in the first instance endeavour to compose differences and final decision rests with the union as a whole}.\textsuperscript{102}

In respect of the question, whether the decision or resolution of the Works Committees where the workmen are fairly represented would bind the trade union, the LAT ruled that \textit{the decision of the Works Committee is entitled to "great weight" as was held in Metal Box}\textsuperscript{103} but \textit{"is not conclusive"}.\textsuperscript{104}

\begin{footnotes}
\item[101] \textit{Supra} note 93.
\item[102] \textit{Supra} note 96 at 53 Emphasis mine.
\item[103] \textit{Supra} note 93 at 824. Emphasis mine.
\item[104] \textit{Supra} note 96 at 53. Emphasis mine.
\end{footnotes}
Finally, regarding the question whether the Works Committee’s decision would be binding upon the trade union, the LAT in Kemp ruled: "[T]he nature of the works committee’s finding is recommendatory and cannot amount to direction. Accordingly, the question of determining the scales of pay and grades shall have to be considered independently, of course regard being had to the resolutions of the works committee". But, the final decision over such issues “rests with the trade union as a whole”.

The authoritative pronouncement of the Indian Supreme Court in *North Brook*, it is submitted, has finally answered the questions relating to the jurisdictional limits of the Works Committees, the nature of duties assigned to them under the Act and whether a Works Committee, though duly constituted, can supplant or supersede a trade union functioning in the industrial establishment.

In *North Brook*, the employer sought to introduce a scheme of rationalisation after complying with the mandate of Section 9A in pursuance of the decision of the Works Committee. The rationalisation scheme of the employer had the potential to eliminate surplus labour which could lead to increase in the

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109. S.9A ("Notice of Change") mandates that an industrial employer shall not bring about changes in the working conditions of his workmen without issuing a notice and before the expiry of 21 days from the date of issuance of notice. S.9A should be read with Sch. IV ("condition of service for change of which notice is to be given").
work-load of the workmen retained. The workmen, however, refused to take up the additional work-load and resorted to a strike which forced the employer to declare a lockout. Later, a settlement was arrived at. But, the issue relating to "wages for strike period", since not covered by 'settlement', was referred to adjudication.

Aggrieved by the award of Industrial Tribunal ordering payment of wages for the strike period, the employer appealed contending that the strike resorted to by the workmen was illegal since a duly constituted Works Committee had approved of the Rationalisation Scheme. Therefore, according to the employer, the Industrial Tribunal should not have ordered the payment of wages for the strike period.

The Supreme Court, while rejecting the contentions advanced by *North Brook* ruled:

The workmen's representatives on the Works Committee do not represent the workmen for all purposes but only for the purpose of the function of the Works Committee ... They are not authorised to consider the conditions of service. Their task is only to smooth away frictions that might arise between the workmen and the management in day to day work. By no stretch of imagination can it be said that the duties and functions of the Works Committee included the discussion on an important matter, as the alteration in conditions of service by rationalisation.110

110. *Supra* note 107 at 583.
The Apex Court also made it clear that the duties assigned to the Works Committees under the Act would not permit them to put on the cloak of a Collective Bargaining Agent and that they cannot assume the powers or enjoy the privileges of Trade Unions. As the Court has put it pithily: “The language used by the legislature in Section 3 (2) of the Act, ..." makes it clear that the works committee was not intended to supplant or supercede the unions for the purpose of Collective Bargaining".112

A critical analysis of the Cases, referred to above, presents some thorny problems. The Labour Appellate Tribunal’s, ruling in Metal Box,113 to the effect that “[t]here is no subject concerning the relation of employers and employees which the Works Committee is precluded from considering”, widens beyond necessity the ambit of the jurisdiction of the works committee. The LAT’s, by declaration in Kemp114 that the decisions of the Works Committee are entitled to “great weight” but are “not conclusive” opens up the Pandora’s Box. Here lies, the crux of the controversy. How should one co-relate the idea of attributing “great weight” to an “inconclusive” decision on hand? If a decision is “not conclusive”, how can any one attach “great weight” to it since it is always subject

111. Supra note 86.
112. Supra note 107 at 583.
113. Supra note 93 at 824.
114. Supra note 96 at 53.
to modification or alteration? Therefore, it can be argued that the 'conclusive' nature of a decision should be one of the important pre-requisites before "great weight" can be attached to it. It is therefore, submitted that the LAT in Metal Box and Kemp may have generated the tussle between the Works Committees and the trade unions. The thorny path, thus laid out by the LAT's decisions in Metal Box and Kemp have hindered the smooth functioning of the Works Committees. But, the Supreme Court's decision in North Brook provides the necessary breather by spelling out clearly that the Works Committees cannot assume the role of trade unions.

At this juncture, the following remarks are warranted to establish that North Brook Decision is persuasive and pragmatic.

i) The Works Committee is not an institution or a forum wherein the representatives of workers and employers come together and enter into voluntary negotiations. Instead, it should be viewed as an organic entity acting as a grievance settlement machinery and as a partner in production always striving hard to improve production and productivity by ensuring that the industry is run in an economical and efficient manner.

ii) By no stretch of imagination, the role of collective bargaining agent can be assigned to Works Committees. Because, a powerful collective bargaining agent should be in a position to exert pressure on the employer by resorting to strike, if the situation so warrants, to force the employer to accede to their
legitimate demands. One need not emphasise, in the Indian context, that only a registered trade union can do this by giving a strike call which the Works Committee cannot do.

iii) Section 17 of the *Trade Unions Act*, 1926 confers immunity on the office bearers or members of a *registered trade unions* from liability in case of criminal conspiracy in certain situations. Section 18 of the *Trade Unions Act* protects the registered trade union, office bearers or its members from being sued for inducing breach of contract of employment or for interfering with trade, business or employment of some other person provided such inducement is in “contemplation or furtherance of a trade dispute”. But none of these immunities is available to the Works Committee.

iv) The settlement arrived at in the course of conciliation binds all workmen employed in the industrial establishment whereas, the decision taken by the Works Committee though carries “great weight” binds none unless the trade union functioning in the industrial establishment concurs or places its seal of approval.

v) A Registered trade union under the *Trade Unions Act*, 1926 can constitute a political fund. This enables the trade union to send its chosen leader to the

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115. S.17 Office bearers and members of Registered Trade Unions not liable for Criminal Conspiracy under Sub-section (2) of section 120-B of the Indian Penal Code “in respect of any agreement made between trade union members for the purpose of furthering (the objects of the registered trade union specified in S.15). But S.17 does not protect agreements to commit an offence.
Loksabha ["House of the People"] or the State Legislature so that he can ensure the enactment of laws beneficial to labour. A Works Committee cannot have any political-fund at its disposal.

vi) The idea of mutual assistance is exemplified through contributions to the general fund of a registered trade union as provided under section 15 (d) of the Trade Unions Act, 1926 which can be expended for the conduct of trade disputes to vindicate the rights of the said trade union and its members. But, the Works Committees do not have any such funds at their disposal.

vii) Unlike trade unions, the Works Committees cannot appoint enlightened "outsiders"116 as their office bearers to fight for the workers' cause.

In the light of the foregoing, the Planning Commission was right in stating that "[t]he works committee is in no sense to be a rival of the trade union. Every effort should be made to secure the support and co-operation of the latter in [conducting the affairs] of the works committee".117 Further, to reduce the gap and possible friction between the trade union and the Works Committee and to establish that the Works Committee is a hand-maiden of the trade union itself, having its own independent identity, the Commission has suggested:

116. S.22 of the Trade Unions Act, 1926, provides that not less than one half of the total number of the office bearers of every registered Trade Union shall be persons actually engaged or employed in any industry with which the Trade Union is connected. Further, the Appropriate Government may, by special or general order exempts any Trade Union or class of Trade Unions from the application of this section.

117. Supra note 54 at 577.
The personnel of the Works Committees on the side of the workers should invariably be chosen by the trade union enjoying a representative character and having the backing of the majority of the workers in a unit. In all other cases, the workers should themselves elect their representative on the Works Committees. It should be open to a union official or a Government Labour Officer to assist in the proceedings of the committees at the invitation of either party.\(^1\)

It may be noted that the *National Commission on Labour* has recommended compulsory recognition of the trade unions. Such a ‘recognised union’ should be worker-based and not leader-based.\(^2\) Leaders, that is, politicians entering the executives of trade unions\(^3\) as *Sevaks* ("servants") should remain *Sevaks* to serve their members.\(^4\) So long as our trade unions are leader-based and the leaders are based elsewhere (in political parties), any scheme meant to promote industrial peace or reduce tension or friction may not yield the desired results. This is especially so when many present day politicians have found themselves buried neck deep in corruption charges and are involved in one scam or the other.

A “recognised union”, according to the Commission, “should be given the right to nominate all worker members on [Works Committees].\(^5\) When union

\(^1\) *Ibid.*
\(^2\) *Supra* note 41 at 31.
\(^3\) *Supra* note 116.
\(^4\) *Supra* note 41 at 34.
\(^5\) *Supra* note 75.
recognition is obligatory, the most important cause of conflict and antipathy between unions and Works Committees would be eliminated.\textsuperscript{123} Regarding the procedure to be adopted for electing workers' representatives on the Works Committees, Ramanujam argues that the issue is not whether the method of Secret Ballot should be preferred to the Verification of Fee-Paying Membership; rather, the real issue is how will unions or groups of workers defeated in the process behave in case the Secret Ballot is the choice made.\textsuperscript{124} It is most likely that the unions voted out would combine and try to sabotage the working of the committee.\textsuperscript{125} Therefore, he opines that, "it is the behaviour of the defeated union or workers that will ultimately contribute to the success or otherwise of the scheme".\textsuperscript{126} Ramanujam further contends that "secret ballot may appear, at first blush, to provide a free, democratic and simple solution" but, possibility of "money and muscle power" ruling the roost in such elections cannot be warded off.\textsuperscript{127} Because, by and large, political leaders play the role model of 'Big Bosses' in trade union activities and whatever tactics they adopt to win in the general elections would be employed in the industrial elections too which might infect the whole industrial environment with violence in the name of religion, casteism,
regionalism, language fanaticism, political-affiliations and other similar factors.\textsuperscript{128} All these prompt us to conclude that such a "'remedy' [would prove to be] worse than the disease!".\textsuperscript{129}

To get rid of the 'vagueness' regarding the exact scope of the functions of Works Committee, the Indian Labour Conference [ILC] through a Committee constituted in its 17\textsuperscript{th} Session consisting of the Government, employers, workers and an observer from the Indian Institute of Personnel Management, in 1959, "drew up an illustrative list of items which the Works Committees would normally deal with and also a list of items which would go beyond their scope".\textsuperscript{130} The items enumerated are:

(i) conditions of works such as ventilation, lighting, temperature and sanitation including latrines and urinals; (ii) amenities such as drinking water, canteens, dining rooms, rest rooms, medical and health services; (iii) safety and accident prevention, occupational diseases and protective equipment; (iv) adjustment of festival and national holidays; (v) administration of welfare and fine funds; (vi) educational and recreational activities; (vii) promotion of thrift and savings; and (viii) implementation and review of decisions arrived at in meetings of Works Committees....\textsuperscript{131}

\textsuperscript{128} Ibid.  
\textsuperscript{129} Ibid.  
\textsuperscript{130} Supra note 75 at 342, 343. See also supra note 53.  
\textsuperscript{131} Ibid.
Further, the items specifically excluded from the purview of Works Committee’s are:

(i) wages and allowance; (ii) bonus and profit-sharing; (iii) rationalisation and matters connected with the fixation of work load; (iv) matters connected with the fixation of a standard labour force; (v) programmes of planning and development; (vi) matters connected with retrenchment and layoff; (vii) victimization for trade union activities; (viii) provident fund, gratuity schemes and other retirement benefits; ...(ix) incentive schemes, and housing and transport services....

It should be noted that “the guiding principles” aim at focusing attention of the works committees on day to day problems and [keeping them] away from bargaining issues or intractable items like victimization”.

There is also the view that “the two lists were not rigidly demarcated but were flexible in scope ....” It may be noted that the National Commission on Labour, has observed that “[t]aking the suggestions of the ILC regarding the scope and functions of works committees,... as a guide, division of functions between the recognised union and the works committee should be a matter of agreement between the employer and the recognised union”.

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132. Ibid.
133. Supra note 53.
134. Ibid.
135. Supra note 75.
In the ultimate analysis, the urgent need is to bring in a statutory amendment to compartmentalize the functions of trade unions and the Works Committees so as to do away with the criticism levelled in this regard by scholars.\textsuperscript{136} Because, a legislative amendment “provides a signal to the parties [concerned] to move in a particular direction in their interaction process…”\textsuperscript{137} But, such a legislative action should create “a permissive environment rather than imposing a rigid framework”.\textsuperscript{138} Therefore, a programme of legislation should involve consultation with affected interests, that is honest, enlightened workers or their representatives so that disillusionment emanating from non-implementation or ineffective implementation can be avoided.\textsuperscript{139} Ramanujam rightly avers that “without preparing the ground for implementation of Participative Management, rushing to legislative [sic] will hamper the progress of the scheme”.\textsuperscript{140}

In view of the fact that the “inconclusive” nature of an agreement entered into by the Works Committee and the employer reduces the significance of the deliberations that precede such an agreement and the issues can be deliberated all over again at the instance of the aggrieved, discontented or dissatisfied trade union, it is submitted that the decisions taken by the Works Committee in respect of

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  \item \textsuperscript{136} Van Dusen Kennedy, Unions, Employers And Government 40 (1966).
  \item \textsuperscript{137} Supra note 23 at XXIII.
  \item \textsuperscript{138} Ibid.
  \item \textsuperscript{139} See supra note 1 at 237.
  \item \textsuperscript{140} Supra note 31.
\end{itemize}
matters that fall within its exclusive jurisdiction should be regarded as “final” or “conclusive”, especially, when the representatives of the recognised trade union on the Works Committee have endeavoured, along with the representatives of the employers, to compose the material differences. It is difficult to conceive that the representatives of workmen or employer would function on the Works Committees and arrive at decisions independently without heeding the desires or directives of the trade unions or employers.

It is also submitted that the procedure for electing the representatives on the Works Committees as provided for under the rules promulgated under the Act\(^1\) is confusing and cumbersome. Therefore, a recognised union functioning in the industry should be obligated to send its representatives, chosen from amongst its members or office-bearers to the Works Committee so that the perceived or real rivalry between the Works Committees and the trade unions can be eliminated. Further, under the Act, ‘dereliction of duty’ to send its representatives on Works Committee by the recognised trade union should be considered as one of the important grounds for “de-recognition” and “de-registration” of the said union. More importantly, if the recognised union sends workers representatives to serve on Works Committees, any expenses incurred for seeking expert opinion can be taken care of by the recognised union since it would be in a better financial position when compared to other rival unions with poor membership (and

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1\(^{41}\) Rules 42-50.
therefore with poor finances). The Works Committees then, would, probably, be able to play a positive role to promote industrial peace.

It is a trite saying that a person can take a horse to water but twenty cannot make it drink. So, in the ultimate analysis a proper awareness on the part of the Works Committees and trade unions and, more importantly, the sincerity, enthusiasm and the "inner urge" on the part of the workers, trade unions and employers to make the Works Committee successful would reduce industrial strife and promote the well-being of all concerned.

The obligation to constitute Works Committee under the Act is on employers employing 100 or more or those who have employed 100 or more on any day in the preceding twelve months. If one takes cognizance of the fact that about 90% of the Indian Labour is unorganised then one would be compelled to realise the plight of workers working in establishment which have not on its rolls 100 or more workers. Further, the rapid technological innovations would lead to the installation of labour-saving machineries. The employer may then not require 100 workers and thereby get out of the clutches of the statutory obligation to constitute Works Committees. Keeping in mind, the plight of persons, working, especially, in unorganised sectors, it is suggested that for the words under Section 3 of the Act- "[i]n the case of any industrial establishment in which one hundred or more workmen are employed or have been employed on any day in the preceding
twelve months…” the following should be substituted: ‘Irrespective of the number of workmen employed in any industrial establishment’.

Workers’ Education Scheme is regarded as the real foundation for the success of programmes, like, ‘Participative Management’.\textsuperscript{142} Further, both the partners in production need continuous education regarding the aims and objects of this scheme.\textsuperscript{143} Moreover, participative management to be a reality “has to be based on an intelligent understanding and willing co-operation by labour”.\textsuperscript{144} Obviously, “this is possible if workers are not merely literate but are also enabled to understand the intricacies of the economics of industry, the utility of trade union movement, the rights and obligations of a citizen in a democracy as well as the workers’ role in and responsibility to industry and society in a democracy”.\textsuperscript{145} More importantly, leadership has to come from the rank and file and the Workers’ Education Programme must also aim at enlightening the worker-leaders about their own “industry and its economics”.\textsuperscript{146} Without enlightened entrepreneurs and trade union leaders, “the system … will not work even if the forums are identified, areas of operation demarcated and participation is compelled”.\textsuperscript{147} It should be realised

\begin{itemize}
\item[142.] Dhyani, S.N., \textit{Trade Unions And The Right To Strike}, supra note 45 at 300. \textit{see also} Ramanujam, G., \textit{Indian Labour movement} 141 (1986).
\item[143.] Dhyani, S.N., \textit{Trade Unions And The Right To Strike}, id., at 305.
\item[144.] Ramanujam, G., \textit{Indian Labour Movement}, \textit{supra} note 142.
\item[145.] \textit{Ibid.}
\item[146.] \textit{Supra} note 31.
\item[147.] \textit{Supra} note 12 at 257.
\end{itemize}
that the entire participative scheme revolves more around "values, attitudes, aspirations, means and methods, and above all, the will to go about and live with it".

F. CONCLUSION

Workers' participation in management which is "inherently an unstable social process" would be imperilled if proper and well-planned organizational ground work does not precede it. Mutual tolerance, trust and confidence on the part of partners in production, coupled with a more libertarian outlook, would make a world of difference in implementing successfully the scheme of participative management.

It has to be noted that Labour Participation in Management is "a political, social and ideological plank of state policy for establishing a socialist society in India ..." The *raison d'etre* underlying the constitution of Works Committees under the Act is "to create psychological and emotional unity between workers and employers for resolving their mutual conflicting interest in an orderly and democratic method". Participative Management cannot succeed unless the employer adopts the same as "its philosophy and policy". Further, a recognised, responsible trade union is a *sine-qua-non* for the successful functioning of Works Committees. This factor assumes greater significance and relevance in this era of Liberalisation, Privatisation and Globalisation. Consequently, multiple unions, inter-union rivalries and intra-union rivalries can only emasculate the Works
Committees constituted by the employer and frustrate the statutory object underlying the constitution of such Committees.

As far as forms and levels of participation are concerned, it is advisable that participative management in the form of constitution of Works Committees would be more suitable to our country provided necessary steps for improvement are conscientiously worked out and implemented. As Khera observes: “[t]he point seldom appreciated is that in schemes like [Participative Management], it is necessary to keep up a certain urgency and tempo; otherwise, the whole thing may wither away for want of enthusiasm and encouragement at the right time and right stage of its development” Further, constitution of Works Committees should, as has been suggested, be on “three-tier basis: Shop Floor level, Plant level and Board level”. Only after verifying the success rates of participative schemes at Shop Floor and Plant levels, it should be tried at Board level.

To avoid the chances of workers’ representatives on Works Committees being bought over and effectively silenced, it is suggested that the trade union choosing its representatives should be empowered, under the Act, to ‘Recall’, such members whenever the situation warrants. When the recognised trade union does not exercise its power to ‘Recall’, the necessary implication would be that the concerned trade union concurs with the decision of the Works Committee. Then the decisions or resolutions of Works Committees should not be annulled. The above suggestion, if accepted, would attach finality, at least, in some situations, to
the decisions of Works Committees and thereby pave the way for better harmonious industrial relations.

A severe criticism levelled against Works Committees is that the Act does not clarify the relations between Unions and Committees beyond saying that workers' representatives on Works Committees are to be chosen 'in consultation with their trade union, if any, in a manner to be prescribed by the appropriate government'. Therefore, to ward off this criticism, an amendment to infuse clarity as regards the role to be played by the Works Committees in averting industrial strife and in promoting industrial peace and, more specifically, the matters or issues a Works Committee can take cognizance of is urgently warranted since in a developing economy like India, there are planned targets to be achieved.

It should be realized that 'Participative Management' lays emphasis on the "co-operative spirits" of partners in production and not on the competing or conflicting interests. If trade unions and their leaders continue to believe that Workers' Participation on Works Committees would undermine the essence and the underlying concept of trade unionism, no Works Committee constituted can perform any role assigned to it.

In the final analysis 'participative Management' is neither a "shibboleth" nor a "magic word" that would help the concerned in resolving problems which involve their common interests. As 'Rome' could not be built over night, similarly, one cannot expect total success at the initial stage from Participative
Management either in the form of Works Committees or otherwise. Still, all the interested parties should become conscious of their weaknesses, like, “ambivalence, tendermindedness” etc., over the concept of ‘Participative Management’ and, instead of having unrealistically high expectations, should discharge sincerely their part of the obligations to make ‘Participative Management’ a pleasant reality. Here, it may be pertinent to quote Lord Krishna’s instruction to Arjuna in Bhagwadgita – the most important portion of one of the great Epics of India – “Mahabharat” which reads as follows: “Karmane Vadhikaraste maafale shu Kadachana....” which means, ‘keep on doing your duty honestly without expecting any reward for it’.

It may be argued that it is easier to preach this noble ideal. But if the partners in production give credence to the above ideal and absorb its meaning, they would surely be able to reap fruits, sweet for them, for the community and the nation.