CHAPTER VI

LABOUR UNIONS AND STRIKES

Labour Unions and Strikes are the inseparable limbs of an industry or an establishment. With the dawn of industrial revolution, several industries blossomed, both public and private. The workers employed in industries either fought for enhancing their salary or demanded a hike in their perquisites like medical allowance, bonus and other schemes. Though the respective concerns paid adequate attention to fulfil their just demands occasionally at least, their full demands are not totally met. Therefore every concern whether big or small met with strikes. The transport workers also sought for protection of their demands resulting in strikes occasionally. The concepts of industrial welfare vary from country to country and state to state. The significance attached to the term ‘welfare’ may differ from industry to industry and even from undertaking to undertaking. In the context of Indian conditions, it would be appropriate to limit the scope of labour welfare to work undertaken voluntarily by employers.¹ Labour problems arise when persons sell their services for a wage and work as directed on the premises of an employer.² The authorities of the Kanyakumari State Transport System gave special attention to solve the labour problems and provide many labour welfare schemes because of the labour agitation. It is a noteworthy feature to state that though many of the demands were not conceded, some pressing problems and demands were achieved through agitation.

The International Labour Organization defined ‘Labour Welfare’ as such services, facilities and amenities as adequate canteens, rest and recreation facilities, arrangements for free travel from the work spot and for the accommodation of workers employed at a distance from their houses and such other services, amenities and facilities as contribute to improve the conditions

under which workers are employed. According to the United States Bureau of Labour Statistics, Labour Welfare is, “anything for comfort and improvement, intellectual and social progress of the employees over and above wages paid which is not a necessity of the industry.” Labour Welfare is defined as the voluntary of the employers to establish within the existing industrial system, working and sometimes living and cultural conditions of the employees beyond what is required by law, the custom and the industry and the conditions of their own market. Labour Welfare work is mostly the work of the employers providing coverage only for problems related to industry and labour and consists largely of group and community adjustment and corresponding activities.

Need for Labour Welfare Organization:

Every undertaking has its own organization. The leaders of the labour unions actively engaged in enrolling the workers in one organization or the other by giving high hopes and great expectations. Their melting voice attracts the workers to join in one group or the other to protect their service condition and other privileges. We come to know from the records that almost all industrial concern and the transport undertaking have different labour unions affiliated to several parties. With their support, the union strove hard to ameliorate the sufferings of the workers by providing a congenial atmosphere on the work spot. However, all transport undertakings are not protecting all the just demands always. Therefore, strike is inevitable.

Labour Welfare Organizations enabled persons employed in firms and transport department to perform their work in a healthy and congenial surrounding and to provide them with amenities conducive to good health and

good morals. Welfare activities influenced the sentiments of the workers to a large extent. When a worker feels that the employers and the State are interested in their happiness, the workers did their job sincerely which paved the way for industrial peace.\(^7\) Secondly, the provision made for various welfare measures such as providing good housing, canteen, medical and sickness benefit makes them realise their involvement in work and so they think thrice before plunging into reckless action. Thirdly, welfare measures, such as giving good food at a subsided price through the canteens, free medical aid through the acknowledged hospitals and imparting educational facilities indirectly to help the workers to save their income. Fourthly, welfare activities helped to reduce labour absenteeism and making the service attractive to the labour. Fifthly, welfare measures protect the mental and moral health of workers. Above all, welfare measures will not only improve the physique, intelligence, morality but enhance the standard of living of the workers too.\(^8\) Despite the welfare measures, various organizations emerged from the inception of the State Transport till the present day to protect their interest.

**Tamil Nadu Arasu Pokkuvarathu Merparvaiyalagal Sangam:**

Among the various labour organizations, Tamil Nadu Arasu Pokkuvarathu Merparvaiyalagal Sangam stood for the welfare of the workers and it has been registered under the Trade Union Act, 1926 on 15\(^{th}\) March 1963. It strove hard to protect the demands of the working force. As a registered body, the association enjoys all the trade union rights.\(^9\) The main objects of the Sangam are to regularise the relation between the members and their employer; to render help to the member by constitutional methods; to secure to them their fair condition of life and work; to endeavour to redress


\(^9\) G.O.Ms.No.1820, Public Works and Labour Department, dated 20\(^{th}\) August 1934.
their grievances; to provide relief to the member against sickness, old age, unemployment and death; to endeavour to settle the disputes between the members and their employers; to promote the civic and welfare interests of the members and workers; and to co-operate and federate with organization of workers having similar objects.\(^{10}\)

Any supervisor who is employed in the Tamil Nadu Arasu Pokkuvarathu Merparvaiyalagal Sangam, Madras and who is not below the age of 15 years shall be eligible to become its ordinary member. A worker who wants to become a member must submit a written application prescribed by the Sangam. The employees who sought admission should agree to abide by the rules and by-laws that may be made by the Sangam from time to time. Persons not actually engaged or employed in the industry with which the Sangam is affiliated, may be admitted as honorary members of the Sangam for the purpose of serving in the executive of the Sangam. The Sangam members’ honorary members of the Sangam shall not be more than half of the number of members in the executive Committee of the Sangam. Every ordinary member shall pay a monthly subscription of 50 paise. This practice of collecting the amount continued upto 1972.\(^{11}\) Any member who fails to pay his subscription for three consecutive months shall cease to be a member. However, the Executive Committee may restore the membership of such a person if he pays his subscription arrears. The Executive Committee shall decide from time to time the benefits to be given to the members. A member shall be entitled to enjoy the benefits of the Sangam only if he has been a regular member for atleast six months and if he has paid his subscription to the Sangam up to-date.\(^{12}\)

\(^{10}\) G.O.Ms.No.44, Transport Department, dated 23\(^{rd}\) May 1972, p.41.


Any officer or member of the Sangam found working against the interests of the Sangam may be either removed from the Sangam or punished. A resolution to that effect may be passed at a general meeting of the Sangam and such a member is given previous intimation of the action proposed to be taken against him.\textsuperscript{13} The register of members, account books and other prescribed registers and books are kept in the registered office of the Sangam which are properly maintained by the officers responsible. The registers and books should be open to inspection by any member of the Sangam at the registered office on all working days from 10. A.M, to 7 P.M., An executive committee consisting of a President, a Vice-President, a Secretary, an Assistant Secretary, a Treasurer and nine representatives looked after the affairs of the Sangam. All of them shall be elected at the Annual General Meeting of the Sangam and shall hold office till the next election. Generally, interim vacancies in the executive committee shall be filled by the committee by co-option and the co-opted member shall hold office till the next election of the general body. None of the members of the Executive Committee shall be below the age of 18 years.\textsuperscript{14} Meetings of the Executive Committee shall be held atleast once a month. However, the President shall convene a special meeting of the committee within the days of the receipt of the requisition if necessary. The presence of one-third of the members of the committee shall be necessary to constitute a quorum for a meeting of the Committee. Seven days notice specifying the subjects to be discussed shall be given for a meeting of the committee.\textsuperscript{15}

The President shall preside over the Sangam and its Executive Committee meetings. He shall have power to convene special meetings of the Sangam and of the Executive Committee whenever he considers necessary. Moreover, the Vice-President shall assist the President and shall serve as

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\textsuperscript{13} G.O.Ms.No. 279, Transport Department, dated 17\textsuperscript{th} May 1976, p.9.

\textsuperscript{14} G.O.Ms.No.3006, Industries and Labour Corporation, dated 20\textsuperscript{th} June 1960.

\textsuperscript{15} G.O.Ms.No.696, Home Department, dated 22\textsuperscript{nd} February 1952.
\end{flushleft}
President in his absence. When the President and the Vice-President are not present, the members present shall elect a Chairman to conduct the proceedings of the meeting. The Chairman of the meeting shall have a casting vote only in the case of equality of votes on any question.\textsuperscript{16} The Secretary shall exercise general supervision and control over the affairs of the Sangam. He shall be responsible for conducting all correspondence on behalf of the Sangam; recording the minutes of the meetings of the Committee and of the general body; maintaining the registers (other than account books and registers prescribed or under the Indian Trade Union Act); convening in consultation with the President, ordinary meetings of the Sangam and of the Executive Committee and issuing notice and agenda therefore; and submitting the statement and other documents required to be submitted by or under the Indian Trade Union Act. The office of the Secretary shall not be combined with that of any other office except that of the President. When the office is so combined, the persons elected to the office shall be designated “The President-Secretary”.\textsuperscript{17}

The Assistant Secretary shall assist the Secretary in his work and shall act for him in his absence. Nothing in this Rule, however, shall be deemed to consider on any other person, the power and right to exercise power of the Secretary so long as the Secretary is himself able to perform the duties. The Treasurer shall maintain the accounts of the Sangam and collect due amount, issue receipt and make payments on proper vouchers. Usually, in the month of April every year, an Annual General Meeting of all the members of the Sangam is convened to transact the business, to adopt the report of the works done and consider the audited statements of accounts of the previous year and report of the auditor thereon; to elect the office bearers for the current year and to transact such other business as may be brought forward after notice in the

\textsuperscript{16} G.O.Ms.No.407, Transport Department, dated 12\textsuperscript{th} June 1974, p.7.
\textsuperscript{17} G.O.Ms.No.342, Labour and Employment, dated 22\textsuperscript{nd} April 1976.
prescribed manner.\textsuperscript{18} The President may call for a special meeting whenever he thinks it necessary and shall do so on a requisition signed by one-tenth of the total number of members. Such meetings shall be held within twenty days of the receipt of the requisition. At least 15 days notice shall be given to the members for holding a meeting, and seven days notice shall be given the specifying the subjects to be discussed. Similarly, seven days notice shall be given to the members pertaining to the subjects to be discussed at a meeting, if the subject has not been mentioned in the notice. The presence of at least one-third of the total number of members shall be necessary to constitute a quorum of a meeting.\textsuperscript{19}

The Sangam raised its funds from the subscription of the members and from donation too. The General Funds of the Sangam shall be spent only on such of those objects of the Indian Trade Union Act such as payment of salaries, allowance and expenses to officers of the Trade Union; the payment of expenses for the administration of Trade Union including audit of accounts of the General Funds of the Trade Union;\textsuperscript{20} the prosecution of defence of any legal proceedings to which Trade Union or any member thereof is a party when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs; conduct of the trade disputes on behalf of the Trade Union or any member thereof; the compensation to the members for loss arising out of trade disputes; allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members; the issue of, or the undertaking of liability under the policies of assurances on the lives of members, or policies of insuring members against sickness, accidents or unemployment; the provision of educational, social or religious benefits for the members including the payment of the expenses of religious ceremonies for the

\textsuperscript{18} G.O.Ms.No.279, \textit{op.cit.}, p.11.
\textsuperscript{19} G.O.Ms.No.420, Home Department, dated 15\textsuperscript{th} February 1973, p.45.
\textsuperscript{20} G.O.Ms.No.420, \textit{op.cit.}, p.46.
deceased members or for the dependants of members; (i) the upkeep of a
Periodical published mainly for the purpose of discussing questions affecting
employees or supervisors as such (ji) the payment is in furtherance of any of
the objects on which the general funds of the Trade Union may be spent, of
contributions to any cause intended to benefit the supervisors in general
provided that the expenditure in respect of such contributions in any financial
year shall not at any time during that year be in excess of one fourth of the
combined total of the gross income which has up to that date accrued to the
general funds of the Trade Union during that year and of the balance at the
credit of those funds at the commencement of that year.21

All receipt of the Sangam shall be depository in the name of the Sangam
in any bank selected by the Executive Committee and within a reasonable time
after the collection as may be fixed by the Committee. Receipt should not be
utilized or spent directly before depositing in a bank. Amounts required by the
Sangam for meeting any expenditure should be drawn from the bank account
only on the joint signatures of the Secretary and Treasurer. The Treasurer may,
however, be authorized to retain a sum not exceeding Rs.15/- for meeting the
running expenses of the Union.22 Subsequently, the amount may be increased
due to escalation. The Secretary may be authorized to make urgent expenditure
not exceeding Rs.10/- between two meetings of the Executive Committee. The
Executive Committee may authorize urgent expenditure not exceeding Rs.100/-
between two meetings of the general body. All other expenditure requires the
prior sanction of the general body. The funds of the Sangam shall be disbursed
on vouchers signed by the Secretary and the Treasurer.23 The Executive
Committee may constitute a separate fund for the promotion of the civic and
welfare interests of the members subject to the provisions of the section 16 of
the Indian Trade Union Act. The Sangam shall be dissolved if at least three-

22 Ibid., p.31.
fourth of the members present at a meeting of the general body meeting of the Sangam records their votes in favour of the dissolution.²⁴

**Labour Welfare Schemes**

The Bus Transport Corporation of Kanyakumari District has extended certain statutory labour welfare benefits to its employees according to the Factories Act 1948.²⁵ The Factories Act came into force on the 1ˢᵗ day of April 1949. The act makes it obligatory to provide certain basic amenities to the employees who work in the factories. The welfare benefits thus extended include supply of drinking water, keeping of spittoons, provide facility like washing, first-aid, shelters and rest rooms, seating arrangement, canteens, uniforms and medical services.²⁶ The welfare of the employees is a broad concept and it connotes a condition of well being, happiness, satisfaction, conservation and development of human resources. This can be achieved only by adopting measures, which aim at promoting the physical, psychological and general well-being of the working population. Such measures are aimed at the improvement of the conditions of workers and their families because the worker’s well being cannot be achieved in isolation of his family.²⁷

In 1962-63 in order to provide housing facilities to the employees the Government constituted Madras State Transport Department Workers Housing and Amenities Fund to meet the expenditure for provision of housing facilities and other amenities to workers of the department. Contribution to the fund is made out of the net revenues. Every year the Tamil Nadu State Transport Department contributed some amount on an adhoc basis to carry out its programme for housing. The Tamil Nadu State Transport Department has acquired lands at Neendakarai Village, Nagercoil to accomplish housing

A housing society is also run by the transport corporation which provides loan facility to build houses at cheap rate to the employees of the corporation. Comfort houses are provided at low rent rate and housing loans are also provided by the housing society.

As per section 18 of the Factories Act, 1948 sufficient and regular supply of protected drinking water shall be provided to the office staff as well as to the workers. Sufficient number of spittoons is provided at various places of necessity. All the workers are instructed to use these spittoons and are not allowed to spit anywhere as they like. Such spittoons are cleaned everyday. These facilities are provided as per the provisions of section 20 of the Factories Act of 1948.

The Tamil Nadu State Transport Department supplied uniform to the drivers, conductors and members of the technical workers, watchmen, scavengers and workshop staff. Stitching charges are paid to them besides an allowance for washing the uniform every month as per the government rules. Every male worker is provided with two sets of terri-cotton uniform and each woman worker is provided with three sets of cotton sarees and three polyester blouse pieces. A perusal of the records reveals the fact that an allowance as stitching charge is also provided at Rs.100/- per set for the male workers and Rs.50/- per set for women workers. For the male workers, one set of shoes and two sets of socks are also provided. For the sweepers and peons one set of slippers is provided. The technical workers are supplied with one pair of shoes and one set of uniform and every watchman is given two sets of full sleeved shirt and full pants with stitching charge of Rs.75/-. Moreover, half
shirt and half pants of two sets are given to the scavengers.\textsuperscript{33} As per the provisions of section 43 of the Factories Act, 1948, the transport department has provided enough store room facilities to keep their uniforms and shoes.\textsuperscript{34}

Apart from these measures, the office staff, drivers, conductors and technical staff are provided with comfortable accommodation in the places where they work. The provision is also made by the Factories Act, 1948, to establish a dispensary at the head office of the corporation. It gives medical treatment to those needy employees during the working hours.\textsuperscript{35} In the dispensaries, out – patient treatment and in – patient treatment are given for those who have been appointed or transferred to this corporation on or after 1.4.1980. Those who are employed before 1.4.1980, the corporation itself provides for medical treatment for themselves and for their family in all the dispensaries as out-patients.\textsuperscript{36} Free medical check up is provided for weekly, monthly or yearly as the employee prefers. The workers who completed the age of 41 with defect in eyes are eligible to get an amount of Rs.75/- to purchase spectacles. The three wheeler vehicles are given to the handicapped workers. Hearing aid is given to the hearing impaired workers and the hearing impaired children. Artificial organs are given to the handicapped workers and the children who are in need of it.\textsuperscript{37} Adequate and suitable shelters, rest rooms and lunch rooms are provided for the employees for taking rest and taking lunch. Such rest rooms and lunch rooms are kept clean with proper ventilation and lights. The corporation has provided more of such rest rooms to drivers and conductors so that they can relax during their rest interval.\textsuperscript{38} Canteen facility is also provided by the corporation for its employees. Food stuffs are made

\begin{itemize}
\item \textsuperscript{33} G.O.Ms.No.1329, Industries and Labour Corporation, dated 3\textsuperscript{rd} March 1962.
\item \textsuperscript{34} G.O.Ms.No.2481, Industries and Labour Corporation, dated 4\textsuperscript{th} May 1962.
\item \textsuperscript{35} G.O.Ms.No.1064, Industries and Labour Corporation, dated 14\textsuperscript{th} September 1969.
\item \textsuperscript{36} G.O.Ms.No.270, Transport Department, dated 18\textsuperscript{th} June 1975.
\item \textsuperscript{37} Madras State Administration Report 1974-1975, Madras, 1977, p.304.
\item \textsuperscript{38} \textit{Ibid.}, p.305.
\end{itemize}
available at subsidised rates through the canteen.\textsuperscript{39} During the month of April and May, butter milk is supplied to its workers free of cost. Similarly, the staffs who are working in the workshop at night shifts are provided with a cup of tea and bread, the staffs of tyre retreading section of the workshop is provided with a cup of milk free of cost. Tiffin and tea are supplied to the workers at subsidised rates.\textsuperscript{40}

Labour Welfare Benefits are extended to the transport workers to relieve their personal and family worries, improve their health, afford them means of self expression, offers them some opportunities in spheres in which they can excel others and help them to have a wider conception of life. Labour welfare benefits are looked after by labour welfare department of the Kanyakumari Transport Corporation\textsuperscript{41} which offered maximum employment opportunity for the weaker sections of the community. On the basis of educational qualifications and age limits, the employees are appointed. But, concessions and relaxations are made eligible to the children of the weaker sections especially to the schedule caste and schedule tribes in their age limits and educational qualification.\textsuperscript{42}

The corporation is running a driving school for the benefit of the children of the employees. Driving instructors are appointed to give training to them. These instructors give training in driving and make the trainees eligible to obtain driving licenses.\textsuperscript{43} Besides, the corporation also established a ‘Tailoring Training Centre’ for the benefit of the wives, unmarried daughters and unmarried sisters of the employees. Those who passed V standard and completed 16 years of age are eligible to get free training for one year from January to December with a stipend and the examination fee concession. The

\textsuperscript{40} From the General Secretary, State Transport Employees and General Workers Union, Lr.NO.5142/F1/1975, dated 21/01/1975.  
\textsuperscript{41} Government Memo.No.3262/A1/75-1 Tpt., dated 12/02/1975.  
\textsuperscript{43} \textit{Ibid.}, p.302.
The corporation is giving sewing machines free of cost to those who passed the examination. The Corporation is also managing an I.T.I for the children of the employees. The children of the retired and deceased employee’s children are also eligible to get training in this institution.

The scheme of training apprentices under the Apprentices Act, 1961 was continued on 1971. The number of apprentices to be trained under the act is mechanic, welder, turner, machinist and bench fitter. The trainees on successful completion of the training are absorbed in the department as far as possible. This scheme is beneficial to the department in recruiting trained men in skilled trades, particularly mechanic. The scheme of giving training to diploma and degree holders in Engineering under the Government of India’s Training scheme is being continued. Besides these, training is also imparted to diploma and degree holders as paid apprentices in the departmental workshop. Also, the scheme of training sons and dependents of employees of the department is also being continued. During the period of one year training the trainees are paid daily allowance at the rate of Rs.100 for the first six months. After successful completion of the training, they are absorbed in the department.

The corporation has offered a remarkable incentive package to all its workers. In order to motivate the drivers and conductors, the management has implemented the collection bata scheme. The rate of bata is Rs.2.65 for a collection of Rs.100 in case of town services and Rs.1.95 for a collection of Rs.100 in the case of mofussil services. The corporation also provides performance incentive for those who do not involve in strikes, causing damages to the properties of the corporation and those employees who work for a

47 Letter from the Director of Tamil Nadu State Transport Department to the Special Secretary, Lr.No.7172/M4/71, dated 26.11.1971.
minimum of 200 days in a calendar year. Accident free awards are given to drivers who had not met with any accident. Moreover, diesel incentive scheme has been introduced and this applies to the drivers and technical staff to improve kilometres per litre and thereby achieve better fuel performance. An employee of the corporation can surrender his earned leave at his credit, subject to a maximum of 36 days in a calendar year. To encourage drivers and conductors who have higher qualifications, advance increments are also offered.48

The Transport Corporation in Kanyakumari District conducts games and sports every year for its employees and awards prizes to the winners. In order to encourage its employees it also conducts sports and athletics on the May Day Celebrations. The sports are also conducted at local level, district level, state level and international level. The corporation provides enough sports materials, uniforms and shoes for the sportsmen and meets the expenditure incurred for these sports activities.49 The Transport Corporation of the Kanyakumari District has a recreational club and a library. Every year a large sum is allotted for the purchase of books and journals for the library. The workers spend their leisure time in the club and library.50

The Children of the employees who go to schools and colleges are eligible for the bus pass. This pass is valid only in the town buses operated by the corporation. This facility is provided only for two children in one family and free bus pass is also issued to two children of employees who died after 1.9.1989.51 The children who study in the Medical College Perundurai and Engineering College, Chittode in the Erode District conducted by the Institute of Road and Transport Technology are provided with free transport facility

from their place to college four times a year.\textsuperscript{52} The authorities of the Transport Corporation of Kanyakumari District provided travel concession to the employees. The retired employees are also provided with free bus pass for 5 years from their date of retirement. Travel concession is granted to the permanent employees for travelling by any bus of the corporation. Free bus pass is given to the physically handicapped persons. Workers are given the benefit of family pass once a year in order to undertake a tour within Tamil Nadu.\textsuperscript{53}

The corporation takes care of the education of the children of the employees. An amount of Rs.200 is allotted to purchase books to the children who study in the High School. Moreover, facilities are provided to the Children of the employees studying in the Engineering College in the Institute of Road Transport Technology.\textsuperscript{54} The children of the employees who secure the highest marks in SSLC and HSC are given cash awards. Those who secured the 1\textsuperscript{st} mark is given Rs.1500 and 2\textsuperscript{nd} mark Rs.1000 and the 3\textsuperscript{rd} Rs.500\textsuperscript{55} this facility is extended for six children. For the children of the district transport corporation employees, studying in medical and Engineering College, cash amount of Rs.500/- is given per semester, if they apply for aid. To meet the educational expenses, an advance amount of Rs.750/- is also granted.\textsuperscript{56}

Scholarships are given to the children of the employees who secure the first three ranks or marks in the SSLC examination for continuing their Higher Secondary education. The Children of employees studying in ITI, Engineering, Medical, Agriculture and Law are also getting scholarships. The employees and also their wives and children studying typewriting and shorthand in government recognised institutions are getting the tuition fee and examination

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\item The employees and also their wives and children studying typewriting and shorthand in government recognised institutions are getting the tuition fee and examination.
\end{enumerate}
\end{footnotesize}
fee concession.\textsuperscript{57} The corporation also provides health services to its workers. These services are intended to protect the health of the workers from hazards arising out of the nature of their work in their work environments. Free medical facilities are provided to the workers not only for treating major diseases like cancer and leprosy but for kidney transplantation, heart surgery, in medical colleges and hospitals with full salary for three months and half salary for nine months also.\textsuperscript{58} Those who are engaged in moulding tyre retreading, spray painting sections are provided with free medical check up once in three years and are supplied with goggles free of cost.\textsuperscript{59} Transport facilities are provided for the employees so as to enable them to reach their place of work safely on time. Free bus pass is also put into service, for the convenience and comfort of the employees of the corporation.\textsuperscript{60} The Transport Corporation employees of Kanyakumari district are engaged in cultural activities too. It is considered to be a health diversion and spare time occupation. A music troupe is also organised from among the employees of the corporation.\textsuperscript{61} For the marriage expenses of the male employees or their sons Rs.4500/- is given as marriage advance and for the marriage of women employees or their daughters Rs.6500/- is given as marriage advance.\textsuperscript{62}

The Government constituted in the year 1962-63 a fund called the Tamil Nadu State Transport Department Worker’s Housing and Amenities Fund. The object of the fund is to meet the expenditure on provisions of housing facilities and other amenities to workers of the department. Contributions to the fund are made out of the net revenues of the Tamil Nadu State Transport Department on an adhoc basis each year, having regard to the actual commitments on the

\begin{itemize}
\item G.O.Ms.No.3863, Industries Department, dated 19\textsuperscript{th} September 1966,
\item From the Director, Tamil Nadu State Transport Department, Lr.No.24407/B2/1969, dated 16.01.1970.
\item Nesamony Transport Corporation Limited, Tenth Annual Report 1990-91, Nagercoil, p.25.
\item G.O.Mo.No.2347, Industries Department, dated 24\textsuperscript{th} July 1967,
\end{itemize}
Tamil Nadu State Transport Department and its programme for housing. For example, the Tamil Nadu State Transport Department had acquired land at Neendakarai Village, Nagercoil, for providing housing colonies for the workers of the department.

An Accident Reserve Fund was constituted first in November 1951. The object of the fund is to have a reserve sufficient to meet the expenditure relating to the claims of third parties arising on account of any unforeseen accidents during operation of buses. Contributions to the fund were made annually from the revenue of each year at a uniform rate of Rs.2,000 per annum or the amount necessary to keep the balance of the fund after meeting the charges there from at Rs.2 lakhs whichever is less. Subsequently, the government of India, in the year 1965, amended the rules relating to the insurance of vehicles. According to those rules, a contribution shall be made at Rs.100 per vehicle per annum. The balance in the old fund has been merged with the newly constituted fund.

This fund was sanctioned by the Government in June 1960. The object of the fund is to meet the funeral expenses of the employees or their dependents and to meet immediate expenses of the employees involved in any serious accidents and to pay money to the poor and destitute persons or to their families involved in any serious and major accidents caused by the State Transport vehicles. There was an initial contribution of Rs.1,000/-. A recurring contribution is made every year so as to bring the balance in the fund to the limit of Rs.1,000 originally sanctioned by the Government.

Medical Facilities

63 G.O.Ms.No.15, Transport Department, dated 19th October 1971, p.25.
64 Ibid., pp.26-27.
There have been representations to the Government from the employees of the State Transport Corporations that though the Government Hospitals are recognized medical institutions, they have been finding it difficult to get treatment in these hospitals because of the insistence by the Hospital authorities on pre-payment for in-patients treatment.\(^{67}\) The Government has carefully examined the representation. They find that the existing arrangement in most of the State Transport Corporations is that in-patient treatment to the employees of the Corporations and their family members is given in the recognized hospitals and the cost of treatment is paid direct to the hospitals by the respective Corporations and in cases where it is prepaid by the employee, the amount is reimbursed. In many places, the recognized hospitals are government Institutions; in a few Corporations, private hospitals have also been recognized by the respective corporations for in-patient treatment.\(^{68}\)

In order to mitigate the hardships of the employees of the State Transport Corporations, the Government provided them in-patient treatment without pre-payment. They were directed to discontinue forthwith the pre-payment, system followed in the Government Hospitals.\(^{69}\) Such a treatment facility is extended to the Government Hospitals to the employees and members of their family. The concession will be admissible only if the son or daughter is less than 21 (twenty one) years of age and is wholly dependent on the employee and is residing with him/her.\(^{70}\) But those employees covered under Employees State Insurance Scheme are also eligible for, free treatment under the hospitals governed by the Employees State Insurance Scheme. Each employee should be issued with a photo identify card.\(^{71}\)

The employees can avail themselves of the facilities of treatment in any Government Hospital in the district and taluk Headquarters throughout the

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67 G.O.Ms.No.58, Transport Department, dated 30\(^{th}\) January 1978, p.5
68 G.O.Ms.No.58349, Transport Department, dated 8th August 1972.
State. An employee who avails himself of this facility cannot claim the facility of treatment in a private hospital under any other scheme of medical attendance, in force in the respective Corporation. In the case of Chronic T.B. Patients, any proposal to reimburse the amount of expenditure incurred by them on drugs and medicines when they continue prolonged treatment outside the Hospital or Sanatorium should be placed before the Board of Directors for approval as this is not really within the scope of in-patient treatment. Medicines not supplied to the employees at the Hospital and which have to be procured by the in-patient will not be reimbursed by the Corporation and the expenditure will have to be covered by the Health allowances paid to the employee. Moreover, for taking clinical tests and X-ray at the Hospital as in-patient will be covered by the lump-sum grant. Similar expenditure as out-patients will not be so covered and the employee will have to pay out of the Health Allowances paid to him every month. If there is any change in the list of employees already furnished to the authorities of the Government Hospitals, such changes, whether due to retirement, termination of services of employee, or resignation and removal from service, and such changes should be promptly intimated to the hospital as and when the change takes place.72

The last pay drawn certificate of employees will not be usually disbursed without the identify card being surrendered. The identity card will contain adequate space to indicate the treatment for each occasion, the date of admission of the person treated, relationship to the employee and the signature with date and seal of the authority admitting the patient. The identity card will be valid only for one financial year and has to be exchanged for a new one at the end of the financial year. The new identity card will be issued by the Transport/Engineering Corporation only after the previous one is surrendered. From the cards surrendered, the Corporation will identify the number of identify cards actually utilized during the financial year and on that basis pay the sum due to the Health Department, calculated at the rate of Rs.56 (Rupees

72 G.O.Ms.No.271, Transport Department, dated 18th June 1975.
fifty six only) in 1978 for each card utilized. Each Corporation should maintain a Ledger showing particulars of the identity cards issued to its employees. The register also indicates the fact of surrender of the previous identity card and also whether the card had been utilized during the year 1977 or not. Proper records should be maintained to avoid any complaints from the employees that any of them did not receive the identity card. The process of the issue of new identity cards should be completed every year before the 10th of April. On the basis of the number of cards actually utilized as seen from the verification of the cards for the previous year surrendered, the amount to be paid to the Government should be worked out on the basis of Rs. 200 per card utilized.\textsuperscript{73}

**Pension Scheme**

Pension scheme was introduced on 1.9.1992. The amount estimated as pension is as follows:

<table>
<thead>
<tr>
<th>From</th>
<th>Retiring</th>
<th>Pension amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.09.1992</td>
<td>31.08.1997</td>
<td>Rs.300</td>
</tr>
<tr>
<td>1.09.1997</td>
<td>31.08.2002</td>
<td>Rs.450</td>
</tr>
<tr>
<td>1.09.2002</td>
<td>31.08.2007</td>
<td>Rs.500</td>
</tr>
<tr>
<td>1.09.2007</td>
<td>31.08.2012</td>
<td>Rs.750</td>
</tr>
<tr>
<td>1.09.2017</td>
<td>31.08.2017</td>
<td>Rs.1250</td>
</tr>
</tbody>
</table>

From the above detailed study and analysis on the various latest transport schemes, policies and especially the salient Transport Worker’s welfare schemes in the Bus Transport Corporation of Kanyakumari district, it is noted well that even though there are some drawbacks in the overall workers. Besides, the Corporation or the Cooperative Credit Society may be recovered from the death cum retirement gratuity due to such employee concerned. An employee, who has completed five years of service can make a nomination

\textsuperscript{73} G.O.Ms.No.482, Transport Department, dated 22\textsuperscript{nd} September 1975.
conferring on one or more persons\textsuperscript{74} the right to receive any gratuity subject to a minimum of twelve times the ‘emoluments’ of the employee at the time of his death.\textsuperscript{75}

**STRIKES**

A strike is a concerted effort by a group of workers to withhold their labour from their employer, for the purpose of effecting favourable changes in wages or working conditions or both, or for winning employer recognition of labour union representation.\textsuperscript{76} On the other hand it was defined that strike is an organized attempt on the part of the labourers for work stoppage. The employees enmasse refused to work to focus the grievances to redress. Most western countries have legalized strikes under certain circumstances from the beginning of the last century. Most strikes are undertaken by labour unions for collective bargaining which is to attain a settlement or an agreement between the union and the company or industrial organization. There are instances of mass agitation or strike to overthrow even a Government as it happened in Poland.\textsuperscript{77}

A strike is a test of economic strength of the union trying to prevent operations and cause a loss of profit to the employer in order to force changes, while the employer tries to maintain profitability and resume operations as economic pressures from loss of pay mount to force workers to return to work. During the negotiation for a contract or contract renewal, unions will typically take a “strike authority” vote to determine the will of the membership if a bargaining impasse is reached.\textsuperscript{78} The union will then designate a “strike

\textsuperscript{74} Nomination are wife/husband, sons, unmarried daughters, widowed daughters, brothers below the age of 18 years and unmarried or widowed sisters, father and mother.[G.O.Ms.No.20, Transport Department, dated 21\textsuperscript{st} January 1974, pp.31-33.]

\textsuperscript{75} Ibid.,p.35.

\textsuperscript{76} Norma. H. Dickey (ed), Funk and Wagnall’s New Encyclopedia, 1876, p.383.

\textsuperscript{77} Grolier Encyclopedia of Knowledge, Danbury, 1993, pp.395-396.

decline” beyond which it is assumed there will be a cessation of work should no agreement occur. Should that decline pass, the strike begins with a formal authorization by the union to its member not to report for work. The union will attempt to prevent the employers from continued operations by picketing the employee’s facilities thereby announcing the existence of a labour dispute and asking the other workers and the public not to cross the picket lines. While on strike, workers usually receive “strike benefits “from their union, a small money stipend to help them with their necessary expenses.79

Generally, strikes are undertaken only as a last resort. When negotiation between the labour organization and their employees failed to materialise. A strike may consist of workers not only refusing to attain work but also at times at the direct employer; a sympathy strike occurs when employees refuse to work in “sympathy” with others directly involved in a dispute. Another type is sit down strike in which the workers refuse both to work and decline to leave the employer’s premises in order to prevent the hiring of replacement. Hunger strike is another method to fast without taking food or drinks to focus their grievances.80 When strike is an organized attempt on the part of the labourers against the employers they adopt their own techniques to crush strikes. One of them is to create divide among the labourers by a method called union busting. The second attempt on the part of the employers is called look outs by which they stop the work and close the outfit. Some employers used to break the strike by force.81 However, this method of practice has lost its scope in modern times.

**Strikes in the State Transport Department in Kanyakumari District:**

In the transport department every political party has a labour wing affiliated to the political party. However, only two unions are recognised: the

79 Ibid.,p.29.
80 Srivasta, S.K., *Economic of Transport with Special Reference to Transport Department in India*, New Delhi, 1971, pp.45-47.
Dravida Munata Kazhalagam and Anna Dravida Munata Kazhalagam. The two recognised unions are affiliated with Indian National Trade Union Congress (INTUC), All India Trade Union Congress (AITUC), Communist Party in India (CPI), Central Indian trade Union Congress (CITUC), Marumalarchi Dravida Munata Kazhalagam (MDMK), Pattali Makkal Katchi (PMK) Hindustan Mazdoor Sangh. The State Transport Department of Kanyakumari District is a part of Madurai Division. So, anything that happens in one place of Madurai region will automatically affect the Kanyakumari Transport Department. The Kanyakumari Division was formerly an independent transport corporation known as Nesamony Transport Corporation. At that time strikes are not very common as far as the State Transport is concerned. When the labour unions threatened to go on strike the department invited them for negotiations.

A classical example of the strike in the department was that of the strike notice given by the progressive labour union of the Tirunelveli and Kanyakumari District (Nellai Kumari Mavata Kattabomman Pokavarthu Thozhilar Muneta Sangam). On 1/4/1978 the union gave the strike notice. The cause for the strike arose over the failure of the management to resolve the demands submitted by various unions of the Kattabomman Transport Corporations Limited. The management failed to show any positive approach to agreements reached on 6/10/1997. The charter contains various demands like revision of basic pay structure as per principles enunciated by the fare wages committee, and that the minimum wage should be Rs.500 per month as consumer price index; that the incremental scales for the several categories be so devised, providing a reasonable span of years for each scale, and the differential between the minimum for the lower scale and the maximum of the highest pay scale1:3; that the up-gradation opportunities be liberalized, to provide for promotion from one grade to another every five years; that in

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addition to what is payable as per the rates stipulated in the Workmen’s Compensation Act, when an employee dies or is discharged as medically unfit, or sustains injury resulting in permanent disability exceeding 20% of physical capacity, he or his widow or dependent should be paid Rs.15,000/-; that gratuity or termination and retirement benefits should be determined; leave with pay facilities also climbed with pay facilities be liberalized including the service rendered under the previous employers; providing dearness allowance should provide for full neutralization of the increased cost of living, at all pay stages subject to a minimum of Rs.2 per month in consumer price index; that the batta rates payable in addition to collection bonus be revised or determined; provision for a reasonable span of years for incremental scales, fixation in the new scale with atleast one liberalization of upgradation of opportunities rationalization collection bonus; that the age of retirement be fixed as not less than 58 years; the E.S.I. scheme that is being applied only to

84 That the Gratuity be payable on the basis of total wages least payable, for each year of such service; in the event of an employee having been covered by a pension scheme, during any period of his service and is denied pensionary benefits, the amount payable by the employer to the contributory Provident Fund with interest should be payable to the employee or his heirs; that all the problems arising out of transfer from the service with Government or the pervious employer to the Corporation services be resolved on an equitable and fair basis; that all retirement benefits should be computed and paid on the last date of employment, and if it be not so paid, for every day of delay, there should be penalty amount payable of Rs.1001/-; that the leave with pay facilities be liberalized as follows; earned leave of one eleventh of the number of days of ‘DUTY’[G.O.Ms.No.557, Transport Department, dated 10th July 1978.]

85 Earned leave of one eleventh of the number of days of duty; casual leave of fifteen days per; sick leave of ten days; holidays of fifteen; that all day of absence on account of accidents on account of T.B and cancer be treated as special leave with pay and annual bonus scheme be introduced to provide for 20 percent wages paid.[G.O.Ms.No.150, Transport Department, dated 13th March 1978.]

86 That for each duty period it should be Rs-6/- at that the said rate be doubled for work at night; the Night Halt rates be raised to Rs.10/- on each occasion; that the drivers and Conductors be allowed a Steering and Risk allowance of 25 percent of the Batta and Night Shift allowance.[G.O.Ms.No.557, op.cit., p.37.]
the limited number of employees, which is negligible, shall be withheld and the
health allowance so far recovered shall be refunded and the previous benefit
already availed by the Pandyan Road Corporation staff have been refused to
those who have been taken over to Kattabomman Transport Corporation
Limited this benefit should be given to the concerned workers in a regular
manner.87

The management received the strike notice at 12 noon on 4/4/1978.
With a charter of 35 demands that the united front of all the trade unions in the
transport corporation proposed to go on strike with effect from the midnight of
16/4/1978. The management has not extended any positive approach to the
agreements made on 6/10/1997. Further no steps have been taken to settle the
remaining demands. Finally, The General Body Meeting of the Nellai- Kumari
Mavatta Kattabomman Pokkuvarathu Thozhilarlar Munmatra Sangam was
convened on 29/3/1978 and 30/3/1978 under the chairmanship of
N.K.Thanumalayan, Legal Adviser to the Union at Vannarpettai, Tirunelveli
and Nagercoil respectively. In spite of repeated personal representations to the
Management and through the Labour Welfare Department, the efforts taken
were in vain and proved not fruitful. Consequently, the General Body settled
the demands with certain modifications. The charter of demands contains that
the basic pay structure be revised on the basis that those employed in the Motor
Passenger Transport Corporation are eligible to wages as industrial workers,
determined as per principles enunciated by the Fair Wages Committee, and that
the minimum wages should be Rs.500 per month at Consumer Price Index; that
the scheme of Dearness Allowance should provide for full neutralization of the
increased cost of living, at all pay stages subject to a minimum of Rs.2 per
month for every point rise in the Consumer Price Index; that the incremental
scales for the several categories be so devised, providing for a reasonable span
of year for each scale, and the differential between the minimum for the lower
scale and the maximum of the highest pay scale be 1:3; that the pay of each

87 Ibid., p.38-39.
employees be fitted in the revised scale on the basis of one increment over the minimum of the scale, for each years of service in the Industry; that the upgradation opportunities be liberalized, to provide for promotion from one grade to another every five years; that the collection Bonus scheme should be devised exclusive of Batta such that, that no employee involved in an accident should be required to pay any compensation whatsoever to any party; that for work on a Festival Holidays an employee should be paid in addition to his normal wages for work on such days, an extra allowance equal to twice the ordinary rates of wages; that administrative steps should be taken to ensure that the workers are allowed all the benefits under the Motor Transport Workers Act and the Rules thereunder; that duty passes should be issued free per annum, and in the event of loss of such passes, a duplicate should be issued on payment of Rs.21/- only; that to ensure security of service, and to provide that there can be no double punishment for the same lapse, and that the Standard of determining whether a matter is a lapse or an offence be framed on a fair basis, and that the penalties imposed be reasonable; that every employee and the members of his family should be allowed a pass to travel free, twice a year, to and from any routes or connected routes, operated by any of the Transport Corporation of Tamil Nadu; that preference should be given to the sons or dependents of employees, in the matter of recruitment, without being required to be seconded by the Employees, retired employees and retiring employees; that there should be no direct recruitment to any promotional post, and that promotional posts should be filled on the basis of seniority-cum-suitability, determined on the basis of records without interviews; and that the system of promoting the

88 (a) that drivers and conductors on each duty period should get on all buses and all routes 6% of the total collection. (b) that the traffic supervisory staff, and checking Inspectors be allowed the same rate as earned by the operational staff. (c) that all non-traffic staff including workshop, stores and administrative staff be allowed payment-by-results rates such that there will be equitable payment vis-à-vis the traffic operational staff’s collection bonus earnings. (d) that the incentive scheme obtaining for workshop staff be so liberalized, that the earnings are comparable to those payable to the operational and traffic staff, as collection Bonus.[G.O.Ms.No.882, op.cit., p.9-11.]
drivers to the posts of Vehicle Instructors, Vehicle Examiners and Depot starters should be reimposed. These are the demands provided to the transport workers of the Nellai-Kumari Mavatta Kottabomman Pokkuvarathu Thozhilarlar Munnetra Sangam

89 G.O.Ms.No.459, Transport Department, dated 8th June 1978.