

7 9 DEC 1960

Mediator.

No. EAI-1560-33288-H,
Education and Labour Department,
Sachivalaya, Ahmedabad,
Dated the 16th December, 1960.

From,

P.J. Desai,
Under Secretary to the Government of Gujarat,
Education and Labour Department.

To

The General Secretary,
All India Trade Union Employers,
4, Ashok Road, New Delhi.

Subject:- Panel of Arbitrators.

Sir,

I am directed to invite attention to the recommendation made by the Standing Labour Committee at its 18th Session held in New Delhi on 10th-11th March, 1960 relating to the preparation of panel of arbitration in consultation with the employers and workers organizations on a the-regional and industry-wise basis and to request you to suggest the names and addresses of suitable persons willing to act as arbitrators on regional and industry-wise basis in this State, at an early date.

Yours faithfully,



(P.J. Desai)
Under Secretary to the Government of Gujarat,
Education and Labour Department.

rr/12/

*In Gujarat the
to suggest names for
national level based on
consultation & experience in T.U.*

17/12/60

8 NOV 1960

To-AITUC

206

19th Octr'60.

Shri M D Shanbagh,
Under Secretary to the Government
of Maharashtra,
Industries and Labour Department,
SACHIVALAYA, Bombay 32.

Dear Sir,

Regarding the setting up of various committees for the State of Maharashtra we have to reply your various letters as under:-

LABOUR ADVISORY BOARD

Reference your letter No-LAB-1060(v) /LAB.II of 11-8-60 and of even no. dated 5th and 14th inst. we propose to nominate on this committee Com B S Dhume, Gen.Secretary, Maharashtra Rajya Trade Union Committee (of AITUC), 1st Floor, Dalvi Bldg., Parel TT, Bombay 12.

STATE COMMITTEE ON EMPLOYMENT

Reference your letter no-EMP-1159 /84225-LAB-I of 10th inst. to us we have to nominate Com Samuel Augustin, Indian Naval Dockyard Employees' Union, 166 Khandelwal Bhawan, D. Naoroji Road, Opp. V T, Bombay 1.

REGIONAL COMMITTEE OF THE
EMPLOYEES' PROVIDENT FUND

Reference your letter no-~~EMP~~ EPF-2560/205026.LAB.I of 13th inst. to AITUC, New Delhi and the AITUC's subsequent letter no-178-A-60 of 17th inst. to you with copy

19th Octr'60.

to us we propose to nominate following two persons to represent the Employees, in the industries in our State which are covered by the Employees' Provident Funds Act :-

- 1) Com R S Kulkarni,
Secretary,
Maharashtra Rajya Trade Union
Committee (of AITUC),
1st Floor, Dalvi Bldg.,
Dr Ambedkar Road, Parel TT,
Bombay 12.
- 2) Com Madan Phadnis,
Standard Batteries Employees'
Union,
First Floor, 160 Khandelwal
Bhawan,
Dadabhoj Naoroji Road,
Opp. V T, Bombay 1.

Thanking you.-

Yours faithfully,

B S DHUME,
General Secretary.

c c - AITUC,
New Delhi.

GOVERNMENT GAZETTE
OF THE UTTAR PRADESH
PUBLISHED BY AUTHORITY
E X T R A O R D I N A R Y
LUCKNOW FRIDAY JULY 29, 1960

SHRAVANA 7, 1882, SAKAERA

.....
GOVERNMENT OF UTTAR PRADESH LABOUR (A) DEPARTMENT

No. 31 (TWB)/XXXVI-A-(TWB)-1960

Dated: Lucknow: July: 29: 1960

NOTIFICATION
MISCELLANEOUS

WHEREAS by their Resolution no. WE-1(3) dated March 30, 1957, the Government of India appointed a Central Board for the Cotton Textile Industry for working out a wage structure and also for determining the categories of employees to be brought within the scope of the proposed wage fixation;

AND WHEREAS the unanimous report submitted by the said Wage Board was considered by the Government of India, who, vide their Resolution no. WB-8(78) dated March 2, 1960 decided to request the employers workers and the State Government to take immediate steps to implement the unanimous recommendations of the Wage Board;

AND WHEREAS the question of implementing the recommendations of the Central Wage Board was considered at a special State Labour Tripartite conference on Cotton Textile Industry held at Mini Tal on July 3, 1960 which was attended by the representatives of the Textile Industry and workmen thereof and leading organizations of the employers and the workmen of the Textile Industry in the State;

AND WHEREAS the representatives of the parties at the Conference while generally endorsing the recommendations of the Wage Board as contained in para 101 of its Report, agreed that the Wage increase and dearness allowance as recommended by the Wage Board should be given effect to in th.

the Cotton Textile Mills at Kanpur, Saharanpur and Modinagar from January 1, 1960, although actual payments were to commence later and unanimously decided to leave the decision of all outstanding questions including pay-scales of clerks to the decision of Government;

AND WHEREAS Government has examined the question relating to the pay scales of Clerks in the light of the Wage Boards' recommendations;

AND WHEREAS in the opinion of the State Government it is necessary so to do for the maintenance of public order and supplies and services essential to the life of the community and for maintaining employment;

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the U.P. Industrial Disputes Act, 1947 (U.P. Act No. XLVIII of 1947), the Governor of Uttar Pradesh is pleased to make the following order and to direct with reference to section 13 of the said Act that the notice of the order shall be given by publication in the official Gazette;

THE ORDER:

A-- SCALE OF PAY OF CLERKS

1. That the Cotton Textile Mills at Kanpur mentioned in the schedule attached shall give the following scales of pay to the Junior clerks and semi-clerks:

- (1) Junior Clerks Rs. 60-5-906-6-120-EB-7 $\frac{1}{2}$ -150-10-200
- (2) Semi Clerks Rs. 40-3-70-EB-5-105

That the above scales of pay and dearness allowances specified in para 2 of this order shall come into force with effect from January 1, 1960 although regular payments will commence on the pay dates falling due after August 1, 1960 in such a manner that the arrears of the increase of pay for the period from January to July 1960 are paid in monthly instalments spread over in seven months from August 1960 to February 1961 along with the current pay in the revised scales for the respective months;

That a junior clerk whose basic pay is already higher than the start of the new basic shall first be fixed in the new scale in accordance with his present basic wage if he falls within two stages of the new scale he shall be given the higher stage and he shall then be given two increments in the new scale;

That a junior clerk whose present basic wage is less than the minimum of new scale shall first be brought up to the minimum of the new scale and he shall then be given one increment for each year of service with a maximum of two increments ;

That the semi-clerk shall also be fixed in the same manner as the junior clerk in the new scale;

That any semi-clerk or junior clerk already in receipt of a higher scale or higher total emoluments than those specified above shall retain the excess as special personal pay;

That the pay scales of other clerks and stenographers shall be suitably fixed by the employers in consultation with the employees having regard to their respective duties and responsibilities in such a way that their emoluments are advanced to keep in step with the advances in the wages of clerks;

That the Efficiency Bar shall be sparingly applied by the employers and only in cases of distinct fall in efficiency

That barring the semi clerks the lowest paid in the scale of clerks in the prescribed manner;

B-- DEAR FOOD ALLOWANCE

2. That in respect of the textile mills at Kanpur the dear food allowance of junior clerks semi clerks other clerks if any and stenographers shall not be consolidated with their ~~basic~~ basic pay because of the time scale; they shall receive monthly the amount of dear food allowance which is merged in the basic wage of the operatives viz. Rs. 45/- as special higher cost allowance plus the dar food allowance of the operatives

beyond the cost of living index figure of 380. This Dear Food Allowances shall have a flexible character and shall rise and fall according to the future cost of living index at the rates specified in Table no. II below para 3 of Government Order No. 3754(LL)/XVIII-894(L)/1948 dated December 6, 1948 for the cost of living index beyond 380 points;

That the junior clerks other clerks (excluding semi-clerks) if any and stenographers shall in addition to the special higher cost allowance and Dear Food Allowance specified above receive;

Rs. 7 1/2	For basic pay up to and including Rs. 100/-
Rs. 15/-	Between Rs. 101 to Rs. 200/-
Rs. 22 1/2	Between Rs. 201 to Rs. 300/-
Rs. 25/-	Beyond Rs. 301.

OTHER MATTERS

3. (1) That the special higher cost allowance shall be treated as an addition to basic wage and new entrants shall also be eligible for it. The special higher cost allowance, shall count for Provident Fund and leave and holidays with pay but not for gratuity where gratuity is expressed in terms of the basic wage;

(ii) That the questions relating to the scales of pay and dear food allowances of clerks employed in the textile mills situated at places other than Kanpur are under consideration and orders in this behalf shall issue later;

That G.O. no. 3754(LL)/XVIII-894(L)-1948 dated December 6, 1948, shall be and is hereby modified to the extent specified in this order;

That this order shall come into force with immediate effect and shall in respect of matters covered by it, bind all the cotton textiles mills affected thereby and the workmen employed therein for a period of one year.

BY ORDER

H.C. Saxena,
Secretary

....5/-

(5)

SCHEDULE

1. Messrs. Swadeshi Cotton Mills Co. Ltd., Kanpur.
2. " Muir Mills Co. Ltd., Kanpur.
3. " J.K. Cotton Spg. & Wvg. Mills Co. Ltd., Kanpur.
4. " J.K. Cotton Manufacturers Ltd., Kanpur.
5. " Laxmi Rattan Cotton Mills Co. Ltd., Kanour-
6. " Elgin Mills Co. Ltd., Kanpur.
7. " New Victoria Mills Co. Ltd., Kanpur.
8. " Elgin Mills No. 2 Kanpur.
9. " Cawnpore Textiles Kanpur.

Nigam/-

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October 1, 1960

Dear Shri Bahugunaji,

Will you please be good enough to send us a copy of the decision of Nainital Conference regarding implementation of Textile Wage Board in the Mills of U.P. I am told verbatim proceedings of the meeting has also been printed. If so, a copy of the same may also be forwarded.

Thanking you in anticipation,

With regards,

Yours sincerely,

K.G.

(K.G. Sriwastava)

Shri H.N. Bahuguna,
Deputy Minister of Labour,
U.P. Government,
Lucknow.

PROCEEDINGS OF THE TRIPARTITE LABOUR CONFERENCE HELD
 AT THE STATE CENTRAL LIBRARY HALL, SHILLONG ON THE
 28TH JUNE, 1960 AT
 10-30 A.M.

(Present)

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- 1) Shri K.P. Tripathi, Minister, Labour - Chairman.
- 2) " B.L. Sen, Secretary, Labour Department.
- 3) " B.C. Kapur, Chairman, Electricity Board.
- 4) " P. Chetia, M.L.A., Chairman, State Evaluation & Implementation Committee.
- 5) " N. Gohain, Secretary, Evaluation and Implementation Committee.
- 6) " B. Sarmah, Labour Commissioner.
- 7) " J. Baruah, Chief Inspector of Factories.
- 8) " S. Banerjee, Chief Inspector of Boilers.
- 9) " P.C. Rai, Central Conciliation Officer.
- 10) " G. Momin, Superintending Engineer, P.W.D.
- 11) The Secretary, P.W.D., F.C.
- 12) The Director, Industries Department.
- 13) The Director of State Transport.
- 14) Shri S.R. Khemka, Rice Millers Association.
- 15) " M. Bhowal, Oil Millers' Association.
- 16) " R.N. Singh, A.I.M.O.
- 17) " C.L. Dutta, Indian Tea Planters' Association.
- 18) " H.D. Mohta, Tea Association of India.
- 19) " P.K. Borooah, Assam Tea Planters' Association.
- 20) " P.C. Chatterjee, Bharatiya Chab Parishad.
- 21) " J.S. Hardman, Indian Tea Association.
- 22) " J.L. Llewellyn, Indian Tea Association.
- 23) " W.R. Thomas, R.S.N. & I.G.N. & Rly. Co.Ltd.
- 24) " H.T. Beattie, R.S.N. & I.G.N. & Rly. Co.Ltd.
- 25) " M. Purkayastha, INTUC.
- 26) " B. Choudhury, AITUC.
- 27) " B.K. Lahiri, AITUC.
- 28) " N. Bora, Hind Mazdoor Sabha.
- 29) " P. Goswami, Member, Evaluation and Implementation Committee.
- 30) " J. Singh, Member, Evaluation and Implementation Committee.
- 31) " M.L. Goswami, Member, Evaluation and Implementation Committee.
- 32) " B. Borthakur, Member, Evaluation and Implementation Committee.

Chairman : Friends, firstly I must apologise for my late arrival. I have great pleasure in welcoming you all to this conference of ours which raises rather a novel question. The question of Code of Discipline is not a novel one but that we are meeting here to consider this to-day is rather novel. Well, I think it was in 1957 that the idea of Code of Discipline was mooted by the Central Labour Ministry in Delhi. Later on it was discussed in Nainital Conference. It was also discussed in Madras and now for all practical purposes it has been accepted by the employers' and workers' Associations. Not that there was no difference of opinion on this but as a result of considerable discussion it has been finally decided and now it has been ratified by the organisations of workers and employers. It is, therefore, necessary to implement it in the right spirit so that discipline might be brought about and the situation of indiscipline which occur from time to time might be avoided. For some time past we have been trying through discussion and study to find out proper ways of industrial discipline and how that could be achieved. In Assam, you remember, we set up a Committee in 1957 to go into the causes of lawlessness in tea gardens. But unfortunately the Committee could not function well and the Chairman of the Committee ultimately resigned. We have tried to revive the Committee and I hope it will go forward with the task. Recently in a tea garden in Upper Assam there was an unfortunate occurrence in which the entire management was assaulted and I think the two Assistant Managers are still lying in the Hospital and the Manager has got a fracture. From time to time we discover causes of lawlessness most of which are the immediate causes and they appear to be inescapable. There is no relationship whatsoever between the causes of violence and the immediate provocation. There must be something which ultimately cause violation against small amount of provocation. Now in Western countries I have no doubt that they would have carried out investigation to discover what is the co-relation of violation and cause. It may be that although .../

although the immediate causes are small, continuous irritation might have gathered and accumulated which ultimately resulted in violation. The industry itself might have studied and tried to find out remedy for such a situation. In our country the position is quite different. It is therefore necessary to bring up the Trade Unions as well as the Managements upto that standard and restore the relationship between the two parties so that such things might not occur. The industrial disputes arising out of misunderstanding might be settled through negotiation. But this method of settling disputes is not there or even if it is there it has not been properly utilised, with the result that the relationship between the workers and the employers has not gone to such an extent where both the parties can believe there that through discussion they can settle their grievances. The Trade Union Movement in India was conducted in a way which mostly on violent practice. But now a good deal of change has occurred, and therefore it is necessary to restore the confidence of Management and Labour and try to settle all disputes through peaceful negotiation rather than through methods which ultimately lead to violence. With this end in view the Code of Discipline was originally conceived. That is the intention of the Code. It has no legislative, no coercive strength behind it. It is only a moral obligation. The workers, employers and the Government voluntarily came together and decided that thereafter they would resort to peaceful negotiation for the purpose of coming to a right conclusion. I am very glad that all the Trade Unions have accepted it. Therefore, so far as the Trade Unions are concerned there is no longer any dispute. In the initial stage the acceptance of this Code by some of the Trade Unions was conditioned, but I am glad to say that they have finally withdrawn the conditions and now it is an unconditional acceptance. Similarly the employers have also accepted it unconditionally. In the beginning also they did so and now after the Madras Conference they have gone one step ahead and have accepted the other responsibilities of trying to influence their members so that the responsibility arising out of the acceptance of the Code might be implemented. You know upto now the Trade Union Organisations and the employers' organisations have not been able to influence their members adequately for this purpose. They say "we have sent a circular to all the units but if a particular unit decides not to abide by it what can we do?" There is no coercive method by which they can be forced to abide by the Code. So, it will not produce that result as we expect. I am, however, glad to say that the employers' organisation in Madras went ahead to undertake further responsibility that they would try to bring pressure upon the member organisations so that they might undertake the responsibility arising out of the Code. They further said that although the individual employers did not like to give up their rights, they would do all that is in their power to convince the employers so that they might take to arbitration more and more. We have also decided that gradually the tribunal should be replaced by arbitration because arbitration is more bilateral. It was, therefore, decided in Madras Conference that the employers would be persuaded so that the method of arbitration might be evolved. Similarly the workers Association also have accepted this idea that arbitration might be the order of the day rather than Tribunal.

Now, if you go through the Code you will find that it is divided into three parts - (1) in which both the parties take the responsibility, (2) in which the Management takes the responsibility and (3) in which the workers take the responsibility. The clauses of the Code have been well thought out. The Organisations of employers and employees with the help of the Government of India officials have evolved this procedure and therefore, it is thought that it is in the interest of the industry as a whole. I have no doubt that you will give your considered opinion on the Code as it has evolved and what is more important is that you will try to evolve a procedure whereby this might be implemented in our State so that industrial unrest which occurs from time to time might be avoided. The grievances procedure which has been laid down is considered to be very necessary and it should be so drawn that it avoids delay. After having adopted the grievances procedure it should be followed by both parties with sincerity so that every party feels that the other party is sincere and is making efforts to implement it. After all, the industrial relations are a matter of mutual approach and if the mutual approach is based on sincerity and tries to have confidence of the other party then there is no reason why we should fail. But if the mutual approach becomes legalistic then obviously it will fail. Efforts should be made to gain confidence of the other party and the grievances procedure or any procedure

procedure laid down for the purpose should not be used for delaying or frustrating them. Therefore, the main aim of the industrial relation is to gain confidence. I have no doubt you will consider this from this point of view. In our State we have set up an Implementation Committee and Mr. Chetia has been made the Chairman of the Committee. Mr. Chetia has considerable experience in the Labour Ministry and the Committee has been functioning well. I understand they have already settled some disputes referred to them. I hope with more experience they will be able to show better results.

Next comes efficiency. Now so far as the efficiency is concerned, it has not been accepted at the all India level and it is under consideration and discussion. But since efficiency is the sine-qua-non of industrial peace in a civilised society the sooner we make an effort to build our industry on the basis of efficiency the better, and it is for this reason that it has been placed before you for your consideration. May be we may take more time to consider this, but the point is that efficiency is one of the cardinal points of industrial relation. It has been found that in the matter of efficiency each party complains that the other one is guilty. The employers think that the workers are inefficient and the workers think otherwise. Therefore, we must be able to evolve a procedure of efficiency which is suitable and acceptable to all. I would, therefore, suggest that we may defer consideration of this side. We might take stock of what is provided in the Code of procedure. We must also wait for Central decision so that we might be able to evolve a procedure on the basis of the Central decision. Well, I have no doubt that this conference of ours which is the first of its kind will be able to apply its mind to the subject matter placed before it. I do not know what procedure will be for us to follow. We can have a general discussion and then if you think that the matter can be better discussed by creating sub-committees then that might be done by dividing ourselves into different groups. But if you think that the matter can be discussed here then that can also be done. I shall be guided by the opinion of the members present here.

I find that there is another address by Mr. Chetia and so before we take up consideration of the Code I would request Mr. Chetia to make his speech.

Gentlemen,

The Labour Minister in his inaugural speech has already spoken to you the purpose for which this Conference is convened. He has also given you the history in details behind which the Machinery of the Evaluation and Implementation Committee was set up; and the great significance and importance attached to it in the field of industrial relationship by bringing about a spirit of harmony, understanding and co-operation between industry and labour in the matter of settlement of disputes by mutual discussion negotiation and reproachment outside the Court of law. Therefore, it is hardly necessary for me to dilate on those points already explained. Nevertheless, as the Chairman of the State Evaluation and Implementation Committee, I think, I owe a responsibility to this conference in giving an analysis of the working of the Committee since its inception and also about my experiences as Chairman which I have had the opportunity to gain during the course of the last 1½ years.

In this connection, it would not be out of place to recall the fact that the State Evaluation and Implementation Committee was constituted by Government myself as Chairman under Gazette Notification dated the 27th February 1959 which was further amended under Gazette Notification dated the 4th November 1959 with this important addition that the Committee should sit at least once in three months or oftner as required.

The First meeting of the Committee held on 24th April 1959 was of an exploratory nature. Since the constitution of the Evaluation and Implementation Machinery was an innovation, the meeting confined itself to the fundamental aspect of the interpretation as to the scope and function of the Committee in the light of the Code of Discipline. This being a subtle point, there was divergent views about this interpretation among the attending members with the result that without transacting any other business, the meeting took a decision to seek clarification from the Govt. as to the precise nature of the scope and functions of the Committee.

the procedure to be followed for the working of the Committee was decided upon. For this purpose the State was divided into 5 Regions i.e. (i) Kamrup, Goalpara and U.K. & J. Hills, (ii) Nowgong, Darrang and North Lakhimpur Sub-division (iii) Cachar, North Cachar and Lushai Hills (iv) Sibsagar District and (v) Dibrugarh Sub-division. A procedure was adopted that all complaints falling under the Code of Discipline would be made to the Secretary of the State Evaluation and Implementation Committee at Shillong, who in his turn, would refer such complaints to the Labour Officers of the above Regions. The Labour Officer of the above respective regions will associate the local representatives of the Industry and Labour effecting or concerning a particular complaint or complaints forwarded to him by the Secretary, State Evaluation and Implementation Committee and investigate into the facts of all such complaints and shall try to bring about such a settlement. He would also report to the Secretary of the State Evaluation and Implementation Committee, the results thereof. All the reports received from the Regional Labour Officers would be put up before the State Committee for further action, if and when necessary.

The Third meeting of the Committee was to be held on 6th November, 1959. But unfortunately on account of the illness of the Chairman for a long time the proposed meeting could be held on 21st December 1959. The Committee reviewed the position on the basis of the number of cases referred to the Regional Committees for settlement and expressed the view that the progress made by the Regional Committees in disposing of cases was not encouraging. To activate the Regional Committees, it was decided that the Secretary of the State Evaluation and Implementation Committee would take over the responsibility of convening the Regional Committee direct and to do the needful in respect of disposed of cases referred to by the State Evaluation and Implementation Committee.

The Fourth meeting of the Committee was held on 24th February, 1960. The most important decision taken in that meeting was that the State Committee would deal with cases direct without referring them to the Regional Committee, if necessary according to the urgency and importance of such cases. The cases to be dealt with by the State Committee direct and these to be dealt with by Regional Committee would be made by the Secretary, in consultation with the Chairman. It was also decided that the facts of all cases disposed of at the regional level and the manner of their disposal would be circulated to all members of the Committee. Apart from these decisions, there was also decision on procedural matters.

The fifth meeting of the Committee was held on 7th June, 1960 where some important cases were taken up for the 1st time for disposal by the Central Committee of which a few of them were disposed of.

The number of cases received up to the sitting of the 5th meeting was 55 cases out of which the Central Committee took up 5 cases for disposal. The number of cases referred to the different Regional Committees was as follows :-

	Number of cases referred.	Number of cases disposed of.
1) Labour Officer, Gauhati.	3	1
2) Labour Officer, Cachar.	2	1
3) Labour Officer, Dibrugarh.	6	2
4) Labour Officer, Sibsagar.	23	16
5) Labour Officer, Tezpur.	3	1
Total -	37	21

From the above figures, it is clear that the number of cases referred to the Regional Committees was considerable although the number of cases disposed of by such Committees was not to our expectation.

It is presumed that one of the reasons for such slow progress of work in the regional level is that the Regional Labour Officers to whom cases were referred to, possibly found it difficult to make a thin distinction between the procedure as ordinarily provided under the various labour legislations and the spirit and contemplation envisaged in the machinery of

machinery of the Evaluation and Implementation Committee, apart from their heavy preoccupation in discharge of their normal duties. There may be other contributory factors such as aversion by the parties concerned in a dispute to take recourse to the machinery as provided by the Evaluation and Implementation Committee by exhibiting a tendency to rely more on the usual procedure of law.

I have carefully studied the situation about the working of the Evaluation and Implementation Committee in other States. While in some of them, such machinery were working satisfactorily in others, they were found to be in a formative stage until recently. Hence it may be the case also that in the States where the machinery of the Evaluation and Implementation Committee have been found working satisfactorily, it is possibly due to the fact that the Secretary, Labour or the Labour Commissioner of the Government concerned happens to be the Chairman of the Evaluation and Implementation Committee who by dint of his official position or authority as such exercised great influence in speedy disposal of cases.

In this connection, I would like to state that at the initial stage, the co-operation received from the Unions and the Management was not to our expectation. However, this difficulty has now been overcome and both Unions and the Managements are extending their co-operation in adequate measures.

During the last one and a half year of its existence the Evaluation and Implementation Committee has disposed of 26 cases. Though at the beginning the progress of the Committee was rather slow due to certain difficulties, these have now been overcome and the working of the Committee has shown a good deal of improvement lately and with co-operation forthcoming from employers and organisations and Trade Unions the purpose for which the State Evaluation and Implementation Machinery has been set up, will be achieved before long.

Now before I conclude, I would like to point out certain /difficulties encountered while implementing the Code. These are enumerated below :-

(I) In clause (ii) Sub-clause (1) of the Code of Discipline, it is stated that unilateral action should be taken in connection with any industrial matter. A clear definition as to what should constitute industrial matters is necessary as in the absence of the same the interested parties could put their own interpretation to the term that suits their purpose. As for instance in a tea estate recently the services of about 200 workmen were terminated on medical grounds. This was done without prior consultation with the Union and as such was in contravention of clause (ii) Sub-clause (1) of the Code of Discipline. When this breach was brought to the notice of the Management they contended that this was not an industrial matter while the Union maintained that it was an industrial matter. To avoid controversy of this nature a clear definition as to matters that are to be treated as industrial matters is essential.

(II) Breaches of the Code of Discipline have been noticed when groups of workmen were found to have gone on strike in direct contravention of the provisions of the Code of Discipline without the knowledge of the Unions concerned. When these breaches were brought to the notice of the Unions they decried such action of the workmen. The Managements on the other hand wanted action to be taken on the workmen for violating the provisions of the Code. Since it is neither desirable nor feasible to take action as provided for in the Code against individual groups of workmen, a direction as to the steps taken in matters like those is essential.

In items 3 of the Criteria for recognition of Unions it is stated that a Union may claim to be recognised as a representative Union in a local area if it has a membership of at least 25% of that industry in that area. The term "local area" is vague and in the absence of any precise definition as to what should constitute a local area, practical difficulties are sometimes encountered in implementing the Code.

With these remarks, I conclude my speech.

Mr. J.L.Llewellyn : Mr. Chairman, Sir, I think we need not split up into different sub-committees and we may work as a party and secondly we need not have a general discussion. We may discuss the individual items on the agenda.

Mr. P.Goswami : I prefer general discussion. The agenda is of such a nature that understanding over the issue is very necessary rather than certain decisions. The decision will come afterwards. So let us have a general discussion.

Mr. M.Purkayastha : I do not think any general discussion is necessary. There are specific items on the agenda and if we confine our attention to the agenda, it would be better.

Chairman : I suppose a general discussion and particular discussions are the same thing. Since you want a general discussion we can have it first and then we can have group discussions. We also agree that we need not split up into different groups. Now let us have a general discussion on the subjects drawn up.

Mr. J.L.Llewellyn : I presume we cannot modify the Code as it is now. I tell you why I am saying that. When the Code first came to us we thought we might modify it and accordingly we appointed a special committee to modify the code so that it might be applied to the plantation industry. But afterwards we were told by Mr. Nanda that we could not do so and that we should accept it as it is. You know, Sir, in November 1959 the plantation industry accepted the code in Calcutta. Now, Sir, I wonder if we can now interpret what is written in the code. Any modification of the code should be done with the consent of the Centre. Should we now try to interpret the code or should we try to modify it? If we want to modify it, we can do nothing here. Now it is for the Committee to decide what precisely should be done.

Mr. P.Goswami : Since modification of the code is not possible here I think we should confine ourselves to the examination of the code clause by clause and to see as to how it can be put into operation.

Mr. B.Choudhury : I agree that we cannot modify the code here and so I support the views of Mr. Goswami that we should confine ourselves to the examination of the code.

Chairman : I think the point raised by Mr. Llewellyn is very important and correct too. It is necessary at this stage to accept the code as it is. The fear of the Central Labour Ministry that if we try to re-open the issue we might re-open more than what we desire, is very genuine. We need not, therefore, modify the code. The situation also does not permit us to re-open this at this stage. I, therefore, agree that our discussion should be directed towards the interpretation of the code. It is very important that the code is interpreted in the same way by both the parties - employers and employees. We should understand the code in the same way and it is through discussions that such an understanding can be brought about. Secondly, we must understand each other in the same way and thirdly, we should also try to find out what the responsibilities of both the parties that flow from such an understanding in the light of our understanding we can implement the code.

Mr. P.Goswami : Although the code has been accepted by many organisations of the employers and employees, there are other parties who have not accepted it. We find that some of the party representatives have not come here. I suggest that we take decisions in this conference and these may be accepted by every organisation of the employers and employees and ratified at the plant level. That will be a great step forward.

Mr. B.Choudhury : Sir, I want to know whether Assam Tea Labour Association has accepted the code.

Chairman : We have invited them to this conference.

Mr. M.Purkayastha : INTUC accepted it and we are going to implement it. There is no point in declaring it here.

Chairman : What are the organisations which have not accepted the Code ?

Mr. H.D. Mohta : Tea Association of India. We have accepted it.

Mr. B.Barthakur : We have nothing to say as regards the spirit of the Code but we cannot follow the procedure.

(O B S E R V A T I O N)

The organisations present here have accepted the Code as it is and have agreed to implement the same and it should be ratified at the plant level.

Mr. B.Choudhury : We have accepted the Code but we cannot implement it.

Chairman : You seem to say that you accept the Code but you cannot implement it. Please say definitely whether you accept it or not.

Mr. B.Choudhury : My submission is that we accept the spirit of the Code but there are certain difficulties in implementing it. So the Trade Unions should be given the right not to adhere to the Code in some industries where its implementation is not possible. We, however, generally accept the Code.

Chairman : The conference unanimously accept the Code.

Mr. Llewellyn : I suggest that the members present here should do all in their power to implement it.

(O B S E R V A T I O N)

All the members present here have accepted the Code and that they will do all in their power to put it into operation.

Chairman : Now, let us go through the provisions of the Code. Let us take the first item of the agenda - to maintain discipline in industry (both in Public and Private Sector).

Mr. J.S. Hardman : Sir, I want to know whether the Government commercial departments like the State Transport have accepted the Code. Government are always taken to be the best employers and so it is very necessary that Government departments should also accept it.

Mr. B.L. Sen : There are two types of commercial undertakings one managed by autonomous corporation statutorily set up by Government and the other under direct control of the Government. State Transport is under direct control of the Government. So far as the State Transport is concerned, we have already recognised the Trade Union under certain conditions and we have set up a grievance machinery in consultation with the Trade Union. We have accepted the spirit of the Code but we cannot follow the procedure.

Chairman : I think it would be better for us to go through the Code first and see if there is anything in it which cannot be followed by the Government departments. Before going through it, it is difficult for them to agree to it. After having gone through it they might agree that there is nothing wrong in it.

Mr. Hardman : Government commercial organisations are the same as the private business organisations. They perform the same functions. So if a lead is taken by the Government in this regard then it will be better for the private industrialists to follow. After all Government are the most powerful employers.

Mr. M.Purkayastha : Sir, I think the discussion has gone beyond the scope of this conference. When a Government industry is not run as a corporation it does not come within the purview of this Code. Only the corporations come within the scope of this code.

Mr. B.Choudhury : Sir, one thing I want to bring to your notice. So far as I understand, the Code of discipline is applicable in private as well as public sectors. Now, our experience shows that there is a double

double standard about the applicability of this code. For instance, the Gauhati Electric Supply is now under public sector. Now for recognition of the Union and for application of clause 7, Chapter 3 of the code of Discipline, Government have given some conditions whereby the workers are debarred from having a Union of their choice. We cannot also say that that particular clause is respected by the Government. Before giving recognition Government impose certain conditions. In this way gradually a double standard is emerging. My submission is that we should not encourage this attitude.

Mr. B.C. Kapur : So far as the Electricity Board is concerned, we have already accepted the code.

Mr. B.Choudhury : We want to know whether the Government departments agree to abide by the code.

Mr. P.Goswami : All the Government commercial departments do not come within the purview of the code and so they find difficulty in accepting the code as such. May I suggest that this conference may accept the spirit of the code. How far that code can be adopted in Government Departments may be examined in a separate conference.

Chairman : Government do not say that they do not accept the code. They only say that it is not possible for them to follow the procedure. So, let us go through the code first and it is just possible that after going through it, Government departments may also find that they can follow the procedure also and they may withdraw their objections.

Mr.B.Choudhury : I find that there are some small employers who are not represented by any organisation. For example, small electric supplies and motor dealers are not represented by any organisation. How will they accept the code ?

Chairman : May I tell you that all moral laws win by virtue of their justifiability. So let us hope that they will also accept in due course.

Mr. B.L.Sen : But I find, most of the organisations are represented here.

Mr. J.L.Llewellyn : Is there any reason for the Digboi Oil Company not being present here ?

Chairman : They consider that they belong to the Central Sector.

Mr. J.L. Llewellyn : I wonder if it is profitable to continue discussion at this stage. Let us go through the code.

Chairman : I think Mr.Llewellyn's suggestion is good. Let us go through the code and then come to a decision.

(EXAMINATION OF THE CODE CLAUSE BY CLAUSE)

I. To maintain discipline in industry:
(both in Public and Private sectors) - accepted.

II. Management and Union(s) agree :

Mr. J.L. Llewellyn : Sir, I want clarification of the phrase "industrial matter". To my mind, it means matters relating to the terms and conditions of employment and the terms of agreements.

Chairman : The phrase "industrial matter" should mean any matter pertaining to industry as arising out of any law applicable to that industry plus the terms and conditions of service.

Mr. J. Singh : It should also cover bonus and dismissal. No employer shall be allowed to dismiss any employee without consulting the Union.

Mr. J.L. Llewellyn : Sir, we may set up a sub-committee for consideration of this particular matter. First of all there is the question of bonus and then there is the question of terms of appointment and that no employer shall be allowed to discharge any employee without following certain

certain procedure. I do not think it will be easy to get a simpler definition which will at the same time be more comprehensive. So I would suggest that a Sub-Committee be set up to consider this matter.

Chairman : The question is either you accept the simple definition or you refer the matter to a Sub-Committee.

Mr. P.Goswami : I would request my friends to accept the simple definition for the present and let us follow it until we find a comprehensive definition.

Mr. B.Choudhury : I accept the suggestion made by Mr. Goswami. It should also cover retrenchment on account of economic drive by the employers.

Mr. N. Bora : I also accept the suggestion.

Chairman : Whatever we decide here is not final. It will always be possible to reconsider our decisions whenever we find it necessary. One suggestion has been made that the phrase "industrial matter" should mean the terms and conditions of service plus whatever is laid down in any agreement in a particular industry. Now the point raised by Mr. Choudhury that as a result of economic drive by the employers there might be retrenchment, is very important. If that is so then we shall have to make provision for it also.

Mr. J.S.Hardman : Sir, I want to make one thing clear. Suppose a State Transport Driver is found under the influence of liquor while on duty, then in that case will it be necessary to consult the Union before inflicting punishment on the Driver ?

Chairman : I think the point raised by Mr. Hardman is quite clear. This is a case of individual grievance. In such cases disciplinary action can be taken unilaterally. That right is not taken away from the employers. But so far as the terms and conditions of service are concerned, the employers cannot take any unilateral action. So the phrase "industrial matter" should be understood to mean the terms and conditions of service under which the employees were appointed.

Mr. J.L.Llewellyn : It is agreed that no unilateral alteration in the terms and conditions of service should be made. If there is any difficulty in accepting it then we may accept the simple definition that all disputes should be settled at appropriate level.

Chairman : This definition would be too simple.

Mr. J.L.Llewellyn : I want to know the opinion of Mr. Chetia.

Mr. P.Chetia : So far as I am concerned, I accept your definition.

Mr. B.Choudhury : Sir, my submission is that I cannot accept the definition which has been given just now because there are big industrial matters which are not covered by any law. For instance, rationalisation and economic drive are not covered by any law. In these matters sometimes unilateral action is taken and as a result workers suffer.

Chairman : Are you suggesting that since rationalisation and economic drives are not covered by any law, the employers hereafter will have no right to rationalise or economise ?

Mr. B.Choudhury : My submission is that there should not be any unilateral action.

Chairman : So far as rationalisation is concerned, it falls within the scope of terms and conditions of service and as such no unilateral action can be taken. But so far as economic drive is concerned, the employers have inherent right to bring about economy. Of course, if that economic drive results in the dismissal of employees then to that extent they would be amenable. Rationalisation also may result in retrenchment of workers as a result of introduction of labour saving machinery.

Mr. J.L.Llewellyn : Rationalisation does not necessarily mean replacement of labour by machine. It only means utilisation of resources in the best possible way. That may be with or without machine:

Mr. P.Goswami : If we go on defining this phrase in this way there will be no end of it. The Code of Discipline is not intended for taking away the rights of any party. The management will have the right to discharge any employee or to effect economy in any way. So let us accept the definition given here for the present.

(O B S E R V A T I O N)

It is agreed that the phrase "industrial matter" should mean the terms and conditions of service, standing orders and the laws pertaining to the industry. It is also agreed that in case of rationalisation and large scale economic drive prior consultation with the Union will be necessary. But if an employer wants to bring about efficiency in his industry, it will not be necessary to have prior consultation.

Mr. J.L. Llewellyn : Sir, I want to make one suggestion. Let any one of us write to the Government of India seeking clarification of the phrase "industrial matter".

Chairman : Yes, I agree with you. Now let us adjourn the conference till 3 P.M.

(meeting adjourned at 1-30 P.M. till 3 P.M.)

AFTER LUNCH

II. Management and Union(s) Agree : (ii)

Chairman : Now let us take up the next item.

Mr. B.Choudhury : With regard to this item my submission is that for some time past we have noticed that settlement of disputes take quite a long time and as a result the workers suffer. My allegation against the Labour Department is that they take unusual time in finalising the issues. Of late the Conciliation Officers have developed a habit that whenever a dispute is referred to them they send it to the management for their comments and as a result undue delay occurs. The ~~Conciliation~~ Conciliation Officers do not intervene unless there is a strike notice. So my suggestion is that the conciliation machinery should be made to move with more speed. I also suggest that this conference should give some directions to the Labour Department in this regard.

Mr. N.Bora : I also agree with the suggestion made by Mr. Choudhury. There is always delay in settling disputes. We have also received complaints of discrimination by the Labour Officers.

Chairman : So far as the provision is concerned, you agree to it. Now so far as the time limit is concerned, it is a technical matter and will require expert opinion. For the present let us no any time limit ~~for~~ within which a dispute should be settled. Both the parties should try to settle disputes as early as possible.

(iii)

Mr. B.Choudhury : Sir, I have something to say with regard to this clause. I draw your attention to clause 6, part 3 of the Code of Discipline. It is stated therein to take proper disciplinary action in cases where the enquiry reveals that the workers were responsible for precipitate action leading to indiscipline etc. My submission is that so far the Code of Discipline was treated as one sided subject. But in Nainital Conference it was decided that the dignity and status of the workers should be recognised in order to bring harmony. Our past experiences show that some times strikes take place without the knowledge of the Union and as a result of the violation of the provisions of the Code by the management. From our side we are agreeable to take action against our workers if it is found that without any provocation they have gone on strike without notice. But if a spot enquiry reveals the opposite then the employers should be prepared to

should be prepared to take action against their officers concerned.

Chairman : If there is a strike without the consent of the Union then the Union may say that they are not responsible. The Union should take responsibility even if the strike is not initiated by them. If there is a spontaneous strike then the responsibility will lie with the Union.

Mr. B.Choudhury : We will take the responsibility if the management can establish that the strike took place without any fault on their part.

Mr. J. Singh : If a particular case is referred to the Labour Department and the Labour Department makes undue delay in settling the dispute and as a result the workers resort to strike then the responsibility will lie with whom ?

Chairman : Whenever a strike takes place the Union will be held responsible.

Mr. M.Purkayastha : Lock out should also be included.

Chairman : But the management says that there is no lock-out.
Now let us take the next item.

IV)

Mr. M.Purkayastha : Suppose there is a dispute and the Union likes to refer the matter to arbitration and the management does not like to go to arbitration then will it not be a case of violation of the Code ?

Mr. J.L. Llewellyn : If any party refuses to go to voluntary arbitration then we shall have to go to conciliation.

Mr. P. Goswami : Our experience is that all disputes are tried to be settled by negotiation and if negotiation fails then only it is referred to conciliation. If conciliation fails then we shall have to decide whether we should go to adjudication or to an arbitrator acceptable to both the parties. I suggest that Government should make a panel of arbitrators so that the disputes might be referred to any one of them.

Mr. J.L.Llewellyn : There are three ways by which we can settle our disputes before we go to court. But I am afraid I can never accept the word "voluntary" as obligatory.

Chairman : It will be binding on you if you mutually select a particular arbitrator.

Mr. P.Goswami : It is clearly stated in the form of application for arbitration that the decision of the arbitrator shall be binding on both the parties.

Mr. J.L.Llewellyn : I do not say that there should be no arbitration. My point is that it should not be obligatory.

Mr. M. Purkayastha : By accepting the code both the parties agree that voluntary arbitration is a course to be adopted for settlement of disputes.

Mr. J.L.Llewellyn : I agree with Mr.Purkayastha that voluntary arbitration is one of the methods for settlement of disputes, but it is not the only method. It is one of the several methods. We may try this method but it should not be obligatory.

Mr. N.Bora : Voluntary arbitration should be differentiated from adjudication. If you refuse to accept voluntary arbitration then it will be a breach of the Code.

Chairman : May I recall here the discussions that we had in Madras Conference ? There the employers accepted arbitration as a desirable method for settlement of disputes. They also agreed that they would make a serious effort to make their constituents try arbitration. Of course when the employers feel that a particular dispute cannot be referred to arbitration it will be open for them to adopt some other methods.

(O B S E R V A T I O N)

It is agreed that both the parties will make a moral effort to settle their disputes through voluntary arbitration on an experimental basis. It is also agreed that all cases of disputes are not bound to be referred to arbitration. In case any party feels that it would be better to take recourse to any other method then that should be accepted.

Item Nos. V, VI, VII, VIII and IX - agreed.

Item No. X.

Mr. Llewellyn : There is a proposal for establishment of a college for training the management personnel. The present practice is that the young-men are placed under the senior officers so that they may learn things and when they are fully equipped with necessary knowledge and experience, they are given higher responsibility. We fully appreciate the necessity of giving proper training to our employees.

Mr. P.Goswami : From our side also we are trying to educate our people, but in our case it is rather difficult because the number of workers is quite large.

Mr. B.Choudhury : The environment is not favourable for us. If the Management creates a favourable condition then it will be easy for us to take necessary steps to educate our people.

Mr. Chairman : Then you agree that you will train your workers if a favourable condition is created.

(O B S E R V A T I O N)

It is agreed that both the parties will take steps to educate their people.

III. Management agree :-

(i) Observation - It is agreed that the work-loads cannot be increased without an agreement between the employers and the employees.

Shri J. Singh wanted to know whether the agreement should be made with the Union or the workers. The Chairman clarified that the agreement would have to be made with the Union whenethere is any.

Shri Bora wanted to know whether the agreement would have to be made with all the Unions or only with the recognised one. The Chairman referred him to the criteria for Recognition in this connection.

Mr. Llewellyn said that in respect of matters concerning a particular garden, the agreement will have to be made with the Union having a hold in that particular garden, but for general matters it would have to be made with the Union having hold in the area. He said that that was the only logical way of avoiding a chaos which would otherwise result. He added that they were following that procedure in the tea gardens and that that should also be followed in other sectors.

The Chairman agreed that Mr. Llewellyn's interpretation was correct.

(ii), (iii), (iv), (v), (vi) and (vii) confirmed.

On a request by Shri P.Goswami the Chairman read out Annexure - I - Criteria for recognition of Unions.

The Chairman observed that there may be an industry-wise Union which had ~~prepre~~ to be considered area-wise. This Union will represent the workers in matters concerning the industry. But for matters concerning on individual garden, if there is some other Union recognised in that garden, that Union will be consulted. It may so happen that there may not be any representative Union in an area. In that case that particular Union becomes effective for all matters, no matter whether it is a general question or not.

Shri Purkayastha wanted to know whether out-gardens should constitute a separate establishment or not.

Asked by the Chairman, Mr. Llewellyn said that that would depend on the set of circumstances; ordinarily the whole garden together with the out-gardens would constitute an establishment.

IV - Union(s) agree :

(i), (ii), (iii), (iv), (v), (vi) and (vii) - agreed.

Mr. B.L.Sen : Sir, as I already said, we accept the spirit of the code but we cannot follow the procedure.

Chairman : Let P.W.D. examine the code and see whether they can follow the procedure.

Mr. B.Choudhury : Unless the Government Servants' Conduct Rules are suitably amended it is not possible to follow the code. There is a conflict between the two.

Chairman : The Government Departments should examine the Code to see how far it can be followed in public sector.

Mr. B.L. Sen : We can examine it. So far as the Government servants are concerned, proceedings are drawn up in accordance with the procedure laid down in the Civil Service Classification, Control and Appeal Rules for disciplinary matters. The State Transport Organisation is not a Corporation and its employees are full-fledged Government servants.

Mr. N. Bora : Government servants' Conduct Rules should be amended to bring them in line with the Code.

Shri B.L. Sen : There are other objections too. Government servants are governed by F.Rs and S.Rs. Moreover for revision of pay scales of the Govt. employees, Government appoint Pay Committee from time to time and the pay committee examines the cases of not one or two Departments but all the Departments of the Government and makes recommendations in respect of all categories of Government servants on an over-all basis so there is difficulty in following the procedure.

Chairman : In the matter of wages and salaries Government have to take all the departments into account. No department can take any decision without the consent of the Finance Department.

(O B S E R V A T I O N)

It is agreed that in the case of non-corporation Commercial Undertaking in the public sector the grievances procedure need not be followed but in case of corporations the Grievances Procedure should be followed.

(Meeting adjourned at 6 P.M. till 9 A.M. to-morrow)

PROCEEDINGS OF THE SECOND DAY SITTING OF THE
CONFERENCE

(29-6-60)

Mr. J.L.Llewellyn : I wonder whether my labour friends accept the Grievances procedure which we have. So far as the tea gardens are concerned, they are working well.

Mr. B.Choudhury : The Grievances procedure has been accepted at the all India level. Uptil now we do not find any objection in it. The only thing is that it should be fully implemented.

Chairman : The Grievances procedure is working to the satisfaction of both the parties in tea gardens.

Mr. B.Choudhury : So far as I.N.T.U.C. is concerned it may work well, but we are not getting fair deal.

Chairman : Henceforward Clause VI will be applied and your difficulty will be over.

Mr. B.Choudhury :: Sir, I do not have a copy of the Grievances procedure.

Mr. J.L.Llewellyn : We will send you a copy of the Grievances procedure.

Chairman : Now that the Grievances procedure has been accepted, it will superimpose on the previous procedures.

Mr. B.Choudhury : It might be necessary to modify the Grievances procedure to suit our purpose. It may work well with I.N.T.U.C.

Chairman : The Grievances procedure does not say that I.N.T.U.C. is the only recognised Union.

Mr. J.L.Llewellyn : I wonder if Mr.Choudhury is agreeable to discuss the matter with our Dikom Branch Office. He can also see the necessary papers there.

Mr. B.Choudhury : Yes, I agree to your suggestion. I shall go to your Dikom Branch.

Mr. J.L. Llewellyn : Then Sir, I submit that we need not amend the Grievances procedure. I believe Mr. Choudhury will find it satisfactory.

Mr. N. Bora, : I would also like to have a copy of the Grievances Procedure.

Mr. J.L. Llewellyn : Sir, I think I would be right in saying that all disputes should be settled at the zone level and if we fail there then we shall have to go to the Conciliation Officer. Every effort should be made to settle all disputes at the zonal level.

Mr. N.Bora : I feel that Conciliation Proceedings need not be invited and we should all try seriously to settle all our disputes at the Bipartite Conference between the Management and the Union. If we fail there then only we will either go to conciliation or voluntary arbitration, and if we fail there then we will have to take recourse to adjudication. I would request Mr. Llewellyn to consider if it is possible to avoid conciliation.

Mr. J.L. Llewellyn : Yes, we will try.

Mr. P.K. Barua : We have also not got a copy of the Grievances procedure. We may be supplied with one so that we may study it.

Mr. P.Goswami : Let us fix a date by which the Grievances procedure should be accepted and in the meantime let all the organisations have a copy of the same.

Mr. R.N. Singh : I do not know how the Grievances procedure can be applied to all the industries.

Mr. B.Barthakur : We have also not seen the Grievances procedure and as such we need sometime to study it.

Mr. B.Choudhury : Sometimes it is easy to negotiate with big employers but it is always difficult to negotiate with small employers. Of course the small employers have problems of their own. From the side of labour, we cannot establish Trade Union there. It is, therefore, very necessary that the small employers should adopt the Grievances procedure. I do not understand the reason why time is necessary. The Grievances procedure should be accepted by the small employers also and it should be fully implemented.

Chairman : How can it be implemented when it has not been drawn up ? The draft will have to be modified according to necessity. So let us fix three

three months time within which the matter will have to be finalised. So far as the tea gardens are concerned, they will follow the draft which the Indian Tea Association has drawn up.

Mr. P. Goswami : This may be sent to the Evaluation and Implementation Committee for its examination.

(O B S E R V A T I O N)

Three months' time has been fixed for the finalisation of the Grievances procedure.

Chairman : We may now discuss about the Evaluation Machinery.

Mr. P. Chetia : I want to have the views of the conference as to whether they would like to appoint a whole-time Secretary for the Evaluation and Implementation Machinery of the State.

Mr. M. Purkayastha : I think there should be a whole-time Secretary.

Mr. P. Goswami : I think the Assistant Labour Commissioner, who has an adequate knowledge about the Labour situation in the State as also the labour laws, will be in a better position to handle things rather than a full-time officer. I do not know whether he will be able to bear the additional burden.

Assistant Labour Commissioner : At present there is not much work and so I will be able to manage the work. But when the volume of work will be increased then it will be difficult for me to manage the work.

Mr. J. S. Hardman : I think, Sir, it is necessary for us to decide first the functions to be performed by the Evaluation Committee. We will have to have specialist who will work as Secretary. By virtue of his specialised knowledge he will be able to tackle the situation better. So, we should first of all decide what will be the functions of the Committee. I think it would be an advantage to ascertain what the Central Evaluation Committee is attempting to do.

Mr. P. Goswami : I fully share the views of Mr. Hardman. Let us ascertain from the Centre as to what precisely are the functions of the Committee.

Chairman : Mr. Mehta was to come from the Centre but yesterday I got a telegram from him expressing his inability to come.

Mr. P. Goswami : From the types of complaints that we receive in the Committee it is seen that very frivolous cases also come to the Committee.

Mr. J. L. Llewellyn : The Committee is going rather far ahead. We never thought that it would deal with individual cases. I would suggest the Committee to attend to only important matters. It reduces the dignity of the Committee to deal with individual cases.

Mr. B. Choudhury : From the very inception of the Committee this question as to what the scope of the Committee is was raised but it was never decided. So I would also suggest that some one from the Centre should be invited to come and give us clarification as to what are the functions of the Committee. To me of course the memorandum of the Delhi Conference of the Evaluation and Implementation Committee is quite clear as to what are the functions of the Committee. But since we are not unanimous let us have the views of the Centre.

Chairman : I feel this is an improvised machinery set up by the Government of India. Therefore a confusion has arisen. As I was saying this is an unchartered ocean in which we can go as far as we want to go. But if we want to go too far we will fail. Therefore, this Committee will have to draw up rules which will guide them. Some limitation will have to be placed so that frivolous cases may not come to this Committee. Individual cases cannot come within the scope of the Committee. The main function of the Committee is to bring about industrial peace. The different groups should sit together to discuss matters so that the lacunae may be removed. Cases which fall under various enactments will not become subject matters of this

of this Committee.

Let us therefore invite the Joint Secretary of the Government of India to come and give us guidance. I would suggest that in your next meeting of the Committee you might ask him to attend and have a discussion as to what the difficulties are and what is the scope of the Committee. My own idea is that so far as the individual cases of violations of enactment are concerned, they should be left for rectification by the Government Machinery and these need not be brought up to the Committee. Of course where the Committee can be of some assistance they should intervene.

I have great pleasure in coming to attend the conference and having fruitful discussion. I am very glad that there has been full co-operation between the employers and the employees and I have no doubt that this will go a long way towards improvement of the industrial relations in the State. This Committee which is meeting in a conference for the first time will be able to evolve a standard which will be a pride for India. I have no doubt that the Government intends to become a model employer but the difficulty with regard to Government has been to take a decision. Yet since Government is entering into the industrial field it will be necessary for it to clear its ideas. I have no doubt that the Government will also be benefited by this conference and after 2 or 3 conferences of this nature all the difficulties will be solved. I thank you all for coming over to this conference and giving your views.

Mr. J.L. Llewellyn : On behalf of this side I thank you, Sir, for ably conducting the conference and for the touches of humour.

Mr. P. Goswami : On behalf of the labourers I thank you Sir, for efficiently guiding the conference. We are looking to a new society where the workers will be accepted as partners and they will be trusted. This sort of conference is very necessary for bringing about such an atmosphere. I thank you once again.

Mr. B. Choudhury : I think we have achieved something from this conference. This conference is a step forward towards improvement of the industrial relations in the State which is very necessary now-a-days. Thanks to the Chair for conducting the conference in an excellent way. I thank my friends for attending the conference.

Mr. N. Bora : Let me also join with you in offering my heart-felt thanks to the Labour Minister for his able guidance in conduct of the deliberations of this important conference. I sincerely hope that our efforts in these two days would meet with success in properly implementing the code of Discipline in the industrial areas of the State. In this connection I beg to offer a suggestion that a team of officials be detailed to go round the State and visit the industrial areas and explain the significance of the Code. Such a measure would, I am sure, be of great help to all concerned. I again thank the Labour Minister.

Chairman : The conference is at an end.

(The conference concluded its
deliberations at 11-15 A.M.)

Memo No. GLR 7/58/P.II. Dated : Shillong, the

August, 1960.

COPY FORWARDED TO :-

By order etc.,

Under Secretary to the Government of Assam,
Labour Department.

(B. Day)

- 9 JUN 1960

उत्तर प्रदेशीय ट्रेड यूनियन काँग्रेस

U. P. Trade Union Congress

क्रम सं० 227/60

मजदूर सभा भवन,
१२/१, ग्वालदोली
8.6.60.
कानपुर १६

The Labour Minister,
Government of Uttar Pradesh,
Vidhan Bhawan,
Lucknow.

Sir,

From the reports published in the newspapers we understand that Tripartite Committee for Sugar Industry is scheduled to meet on July 2, 1960 at Mainital.

For the last two years we have been continuously pressing for the information as to on what basis the representation to trade union organisations is accorded. We are still waiting for an explanation in this respect.

Meanwhile we understand that the invitations have been extended the I.N.T.U.C. and H.M.S.. As yet the A.I.T.U.C. has not been asked to nominate its representatives for this Conference.

In U.P. the position of the I.N.T.U.C. in Sugar Industry is ofcourse first. But as far as the H.M.S. is concerned it no more singly represents Non-I.N.T.U.C. unions in the Industry. The A.I.T.U.C. at present has the following unions affiliated to it with a total membership of about 6500.

1. Bhartiya Mill Mazdoor Union Shauli, Muzaffarnagar.
2. Mansoorpur Mazdoor Union Congress, Mansoorpur.

उत्तर प्रदेशीय ट्रेड यूनियन काँग्रेस

U. P. Trade Union Congress

—2—

मजदूर सभा भवन,
१२/१, ग्वालदोली

क्रम सं०

कानपुर

१६

3. Rashtriya Mazdoor Sangh, Khatauli, Muzaffarnagar.
4. Ruhana Sugar Mill Workers Union, Ruhana, Kanpur.
5. Pannijge Sugar Mill Mazdoor Union, Bulandshahr.
6. Labour Union, Baherri, Bareilly.
7. Shakkar Mill Mazdoor Union, Mardol.
8. Pilibhit Sugar Mill Labour Union, Pilibhit.
9. Biswan Sugar Factory Workers Union, Biswan, Sitapur.

In this situation it would be unjust to not allow the A.I.T.U.C. to be represented in the Conference.

In case the Government decided to allow us representation in this Conference, we are nominating our four representatives for the same so that there is no delay in extending invitations to them.

1. Sri G.S. Sinha U.P.T.U.C., 12/1, Gwaltoli, Kanpur.
2. Sri R.N. Upadhyaya Mansoorpur Mazdoor Union Congress, Mansoorpur, Muzaffarnagar.
3. Sri Ambika Prasad Bajpai Bhartiya Mill Mazdoor Union, Shamli, Muzaffarnagar.
4. Sri Har Sahai Singh c/o Communist Party Office, Kishore Bazar, Bareilly.

We hope that you would be kind enough to think over the matter and inform us accordingly.

Copy to: 1. Sri H.H. Bahuguna,
Dy. Labour Minister,
U.P., Lucknow.

2. The Labour Commissioner,
U.P., Kanpur.

✓ 3. The General Secretary, A.I.T.U.C.,
New Delhi.

Your faithfully,

(ANAND AGNIHOTRI)
For GENERAL SECRETARY.

As per the request that he should also write to Lab. Minstr. U.P. in this respect.

No.206/A/60
May 20, 1960

The Director,
Bombay Labour Institute,
Govindji Keni Road,
Naigaum, BOMBAY 14

Sub: Practical Training 


Dear Sir,

Thank you for your letter No.BLI/PT/230 of 60 dated 12th May 1960 on the above subject. Please note that the Central Office of the AITUC is now in Delhi (address given above) and hence your letter was re-directed to us here.

We are however referring the same to our Maharashtra State Committee since they would be able to render the necessary help desired by you. Further correspondence in this regard may be made to:

General Secretary,
Maharashtra Rajya Trade Union
Committee of the AITUC,
Dalvi Building, Parel,
BOMBAY 12.

Yours faithfully,


(K.G.Sriwastava)
Secretary

From

The Labour Commissioner,
Rajasthan, Jaipur.

206

To

The General Secretary,
AITUC BRANCH Rajasthan,
JAIPUR.

Dated, Jaipur, the.....19

Sub:- Particulars of the unions and membership as
on 31st March, 1960.

....

I have to request you kindly to furnish in the enclosed proforma the particulars of the unions and their membership affiliated to your organisation as on 31st of March, 1960. The information is required both for the purposes of verification of the membership as also for compilation of the annual report on the working of the Indian Trade Unions Act, in this State.

I hope you would kindly supply the same at your earliest and oblige.

sd-

Deputy Labour Commissioner &
Registrar of Trade Unions.

Vas/

No. 11687 Dated:- 16.5.60
Copy for information forwarded to the Secretary,
AITUC, 4 Ashok Road, NEW DELHI.

Handwritten signature

Deputy Labour Commissioner.
18-4-60

File
17/5

19th May, 1960

Dear Com. Raj Bahadur Gour,

Enclosed herewith is a copy of the reply received by us from Shri N. Ramchandra Reddy, Minister for Agriculture, Food and Labour, Andhra State to your letter of March 23 sent from this office.

Please let us have your comments if any.

With greetings,

Yours fraternally,

K.G.
(K.G. Sriwastava)

Encl:

18 Nov 1960
N. RAMACHANDRA REDDY,
MINISTER FOR
AGRICULTURE, FOOD & LABOUR



HYDERABAD,

DATED 15-4-1960

Dear Mr. Raj Bahadur Gour,

Your letter dated 23rd March, 1960, has been received by me and I have noted its contents. You have stated in your letter quoting my speech in the Andhra Pradesh Legislature which appears to have been published in "The Hindu" that the Government is considering the report of the Central Wage Board for Cotton Textile Industry. I do not mean that the State Government is considering the report of the Central Wage Board when the Central Government has already accepted the recommendations of the Textile and Cement Wage Boards. I meant that these recommendations ~~would have~~ have the force of law, but any way when the Government has accepted them our responsibility to ensure their prompt implementation becomes all the greater. The success of Wage Board's recommendations depends entirely on our persuasion of the Managements to honour their obligations in this regard.

I hope there is no misunderstanding on that point.

With kind regards,

Yours sincerely,

N. Ramchandra Reddy

15/4

Dr. Raj Bahadur Gour, M.P.,
C/o All India Trade Union Congress,
4, Ashoka Road,
New Delhi.



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00728



INDIAN POSTS AND TELEGRAPHS DEPARTMENT

No.

Received here at M.

Q MH BOMBAY N. 155TE 30

SHRI DANGE & BSNOK ROAD NEW DELHI =====

REFERENCE YOUR LETTER DATED 12TH APRIL

STOP CHIEF MINISTER WILL NOT BE IN BOMBAY

BY 17 TH STOP --- BOMBAY PERSONAL ASSISTANT ==

The sequence of entries at the beginning of this telegram is—class of telegram, time handed in, serial number (in the case of foreign telegrams only), office of origin, date, service instructions (if any) and number of words.

This form must accompany any enquiry respecting this telegram.

MOHPA. 121-30-4-57-91,370 Pks.

S. A. DANGE,

206

4 Ashok Road,
New Delhi

April 12, 1960

Dear Yeshwantraoji,

I am writing this in connection with the proposal of your Government to acquire our piece of land in Bombay City in Worli area. You had told my friends who say you in that connection that I could come and talk with you about it and settle it finally.

So, if you are in Bombay on 17th April, I would like to meet you, any time that suits you.

17th is a Sunday but unfortunately I have to be in Parliament on 18th morning for the Bombay Bill and so I suggested 17th. However, if you prefer 16th, I will try to meet you on 16th.

Kindly leave information as to the time that suits you at the following address: Mrs Roza Deshpande, Irani Bungalow, Khedgalli, Bombay 28 (Phone: 60900)

With regards,

Yours sincerely,


(S.A. Dange)

Shri Yeshwantrao Chavan,
Chief Minister,
Government of Bombay,
Sachivalaya,
BOMBAY.

(206)

March 23, 1960 ✓

My dear Mr. Ramchandra Reddy,

In yesterday's Hindu I read a report of your speech in the Andhra Pradesh Legislature in reply to the appropriation debate.

Here in you are reported to have stated that the Government is considering the report of the Central Wage Board for Cotton Textile Industry.

The position is that the Report has been accepted by the Central Government and they have asked the employers to implement the recommendations.

I cannot understand what remains now for any State Government to consider.

May I request you to clarify the position of Andhra Pradesh Government in this regard?

With kind regards,

Yours sincerely,

Raj Bahadur Gour

(Dr. Raj Bahadur Gour) M.P.

Shri N. Ramchandra Reddy,
Labour Minister,
Government of Andhra Pradesh,
HYDERABAD.

Copy to: General Secretary,
Andhra Pradesh Trade Union Congress,
Hyderabad.

No. 206/P/60
March 16, 1960

The Director of Industries,
Old Custom House Yard,
BOMBAY-1

Dear Sir,

We have pleasure to acknowledge with thanks the receipt a copy of "Master Plan for Industrialisation of the Bombay State".

We would request you to note the change in our address which is given above.

Thanking you,

Yours faithfully,



(K.S. Sriwastava)
Secretary

No. 4557(Gen)MP 53/ 2383
Office of the Director of Industries,
Old Custom House Yard, Fort,
Bombay-1. 27th Feb., 1960.

To

Shri ~~The~~ Representative of All India Trade Union Congress.
Member of the State Advisory Council of Industries,
Rohate Road, Delhi 5.

Subject: Master Plan for industrialisation of
the Bombay State.

Dear Sir,

I have the pleasure in forwarding herewith a copy of the Master Plan for industrialisation for the State, for your information. Kindly acknowledge receipt. I am thankful to you for your valuable assistance and guidance given to this department during the deliberations of the meetings held for the discussion before finalisation of the Master Plan.

Yours faithfully,

M.R. Mandlikar
(M.R.Mandlikar)
Director of Industries.

VDD/ 23-2-60:

No.206/A/60
March 4, 1960

The Labour Commissioner,
Government of Madhya Pradesh,
BHOPAL.



Dear Sir,

We shall be much obliged if you will kindly arrange to send us the following:

- (1) Two copies of the M.P. Industrial Relations Bill as enacted recently
- (2) Two copies of the M.P. Trade Unions Bill as enacted recently.
- (3) Six copies of the Model Constitution of Trade Unions prepared by the M.P. Government.

Thanking you,

Yours faithfully,

(Signature)

(K. G. Ariwastava)
Secretary