

immediately after the meeting, a copy of the 102-page memorandum was sent by a special messenger to the Prime Minister, Mr. Nehru. Mr. Gupta told Press men that the President asked for an extra copy of the memorandum and that was supplied. There was a passing reference to Kerala during their meeting.

The two Communist leaders said the charges related to corruption, nepotism, "abuse of authority to keep down the masses and serve the vested interests, abuse of public funds and official powers for personal gain and party advantage, political discrimination of the grossest type, and moral turpitude."

Indo-Afghan trade talks begin

NEW DELHI, July 29: Measures to promote and balance the trade between India and Afghanistan are understood to have been discussed during the talks here today for the renewal of trade arrangements between the two countries. The question of payments for the trade was also discussed.

The Indo-Afghan trade agreement expired early this month. Last year, India had an unfavourable balance of trade with Afghanistan to the tune of over Rs 1 crore.

countries' financial position beginning on Friday. The items proposed by India.

Messrs A. K. Roy, and H. A. Majeed, leaders of the Indian and Pakistani delegations respectively, later held a two-hour meeting, presumably to evolve agreed suggestions in respect of the items so far discussed, which they would place before the Ministers.

Indian Mathematical Society conference

ALLAHABAD, July 29: The 25th conference of the Indian Mathematical Society will be held here under the auspices of the University of Allahabad from Dec. 25 to 27, 1959. Prof. B. S. Madhava Rao, Institute of Armament Studies, Poona, is the President. Papers intended to be read at the Conference, should be sent to Prof. S. M. Shah, Muslim University, Aligarh before Oct. 1, 1959.

WHO assignment for Indian

NEW DELHI, July 29: Dr S. L. Dhir, till recently Regional Deputy Director in India's Malaria Coordination Organisation, Cuttack has been appointed to Afghanistan on a World Health Organisation assignment.

Dr Dhir is being posted to Kabul as Senior W.H.O. Malariologist.

FLOOD RELIEF IN MYSORE

Rs 1,00,001 presented to Chief Minister

BANGALORE, July 29.

A CHEQUE for Rs 1,00,001, collected towards flood relief in Mysore State, was presented to the Chief Minister, Mr B. D. Jatti, by Mr A. Damodar Pal, Chairman of the Canara Bank, here this evening.

Accepting the cheque on behalf of the Government and the "afflicted", Mr Jatti thanked the Bank authorities for collecting the amount, and hoped there would be contributed by the public.

Mr N. Rachiah, Agriculture Minister, told Pressmen, earlier during the day, that owing to heavy floods in different parts of the State, planted seedlings in their early stage had been affected, causing financial loss to ryots. The Government had, therefore, decided to supply seeds free of cost to the extremely poor, at 50 per cent of the cost to middle class ryots, and at the usual rate to the well-to-do.

Food grains supply to South Kanara

A Government press note tonight described the food grain supply position in the flood-affected South Kanara district as "not alarming as it is represented", and said 45 fair price shops were now functioning.

The Government had a stock of 26,351 pallas of paddy, and 7,747 pallas of rice procured in the district. Further, an allotment of 10,000 pallas of rice from Shimoga district, and 2,000 pallas of rice from Mysore district had been made to the district.

As the rice position in the district was reported to be acute and causing anxiety, the Deputy Commissioner of Coorg had been requested by telegram yesterday to supply immediately 500 tons of polished rice for distribution in South Kanara district, the press note added.

Bhimavaram floods

BHIMAVARAM, July 29: The Yanamaduru Drain is still in flood. Efforts to close the breach at the Travellers' Bungalow continue, under the supervision of Messrs Singh, Sub-Collector, Subbaraju, Commissioner, and Srinivasa Rao, Superintending Engineer, Dowleswaram.—F.O.C.

4 persons drowned in flood

NAGPUR, July 29: Four persons were drowned on Saturday last when six villages in Amravati district were inundated by floods in a rivulet as a result of rains. Fifty cattle were also been drowned in the floods.

Gift of drugs by U.K. Red Cross

LONDON, July 29: The British Red Cross Society is providing drugs worth £250 for the victims of the recent floods in India. It was announced today.

It will also provide £500 worth of drugs for flood victims in Pakistan.

A spokesman for the British Red Cross Society said they were trying to buy as many of the drugs as possible in Pakistan or India in order to avoid delay.

GREATER RECOURSE TO ARBITRATION

New approach endorsed by Labour Conference

MADRAS, July 30.

THE Indian Labour Conference has agreed that there should be greater recourse to mediation and arbitration for the settlement of industrial disputes and recourse to adjudication should be avoided as far as possible. Matters of local interest not having wider repercussions should, as a general rule, be settled through arbitration.

The three-day Conference, which was presided over by the Union Minister for Labour and Employment, Mr. Gulzari Lal Nanda, concluded here yesterday. Ministers and representatives of employers and workers attended the Conference.

On the question of mediation and arbitration, the employers agreed to extend their full cooperation in developing this new approach to the settlement of disputes. There would, however, be no compulsion from the Government in the matter. But cases of refusal to have recourse to arbitration even in minor matters should be reported to the implementation and evaluation machinery in the States or at the Centre, as the case might be.

Panel

The Conference agreed that a panel of arbitrators should be maintained by the Government in order to help the parties to choose suitable arbitrators from outside the panel. The principles and norms enunciated in awards and judicial decisions on important issues relating to industrial relations should be compiled, codified, and published and made available for the guidance of arbitrators. Also, the Central Government should examine afresh how far the provisions of the Indian Arbitration Act could be usefully made applicable to the arbitration procedure laid down in the Industrial Disputes Act.

Trade unions

The Conference discussed various problems relating to Trade Union organisations. A proposal to make it obligatory for the unions to prescribe a minimum membership fee of 25 p. a month was accepted, and it was decided that statutory provision should be made for this purpose.

It agreed that Registrars of Trade Unions should be empowered to inspect accounts books, membership registers etc. to verify the correctness of annual returns submitted by the unions. Also, the work of the Registrars should be decentralised to avoid delay in registering unions. The Conference was not in favour of placing any restrictions on the number of unions that might be registered.

On the question of recognition of trade unions, it was agreed

that where there was only one union, the employers might recognise that union even if it did not fulfil the condition of 15 per cent membership or of one year's standing. Where there are more than one union and none of them fulfils the membership condition, none will be entitled to recognition. The Conference did not favour the suggestion that a union having the largest membership, even if it was less than 15 per cent should be recognised.

It agreed that a union would be entitled to recognition if "it has not committed any breach of the Code of Discipline for one year after claiming such recognition." Failure to observe the Code by a union, after it had agreed to abide by it would entail the withdrawal of recognition normally for one year. In that case, it would be open to the employer to recognise another union during this period provided it fulfilled all conditions for recognition.

Appellate Tribunal

The question of reviving the Labour Appellate Tribunal was also discussed. It was agreed that the matter should be considered further in the light of the views expressed by different parties at the Conference.

The Conference decided to set up a committee to suggest measures to improve the working of Works Committees.

Domestic workers

The Conference considered the question of service conditions of domestic workers, and came to the conclusion that any legislative measure for this purpose would not be feasible for the present.

It approved the pilot scheme drawn up by the Union Government to set up a special employment office at Delhi for the registration and placement of domestic workers. It was felt that experience gained from the working of this scheme might provide the basis for further action in this matter.

The Conference agreed that legislative and administrative policies of the Central and State Governments and the policies of the employers and workers' organisations should not run counter to the broad policies that may be recommended by the Conference, from time to time, after full tripartite discussions.

Spirit of friendliness

Winding up the Conference, Mr. Nanda said he was happy that the entire course of deliberations was characterised by a spirit of friendliness and of consideration on the part of all. Practically, throughout the deliberations, the employers and the workers' organisations as well as the State Governments had approached the tasks before them with an awareness of their larger responsibilities.

FRIDAY, JULY 31, 1959.

TOWARDS PEACE IN INDUSTRY

THE most notable achievement of the Seventeenth Indian Labour Conference that has just concluded its session in Madras appears to be an agreement among the representatives of employers and trade unions to give a further honest trial to the Code of Discipline evolved at Nainital last year and to try as far as possible to settle disputes internally without recourse to the tortuous and uncertain processes of adjudication. If this agreement has been reached by both sides without mental reservations and out of a genuine recognition of the desirability of internal settlements in preference to awards enforced by outside authorities, it is undoubtedly a great gain. As an attempt at encouraging this new approach, the Code of Discipline in Industry was well conceived. How far it has been observed in practice during the past 13 months is a matter on which opinions differ. There are the usual charges by each party that the other side has not observed the Code. It is doubtful whether the Code has been sufficiently publicised in all industrial enterprises. Mr. Nanda was inclined to believe that the Code had been helpful, in however small a measure, in contributing to a reduction in the number and in

subjects already exist, which, if codified, can serve as a body of "norms" for arbitrators to act upon. The number of entirely new issues for which solutions have to be sought without reference to established decisions of tribunals or courts will be extremely few.

At the conclusion of the Madras Conference, Mr. Nanda stated that the participants in the Conference had approached the task before them "with an awareness of their larger responsibilities to the workers, the industry and the nation." Industrial peace is so vital to the future of our plans and a continuous rise in production so fundamental for ensuring a rising standard of living for our people, that any measure which eliminates strikes and lock-outs should be welcomed. While managements have to get used to the processes of collective bargaining, the workers, on their part, have to respect the principles of genuine trade unionism and observe the Code of Discipline, which is as much in their interest as in that of industry. The bane of Indian trade unionism has been the division in its ranks brought about by rival political parties and the multiplicity of unions in each industry or enterprise. Trade unions will gain in strength and independence if they can free themselves from political affiliations and develop a responsible leadership drawn from the ranks of their own members.

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It was agreed at the Madras Labour Conference that greater use should be made of the provision for voluntary arbitration which is envisaged in the Industrial Disputes Act. Voluntary arbitration is the obvious alternative to adjudication if we are to eschew the method of strikes or lock-outs to settle issues that cannot be resolved through collective bargaining or conciliation. There is no question immediately of scrapping the machinery of industrial adjudication, however unsatisfactory it may be, because its premature elimination will only increase the number of strikes and affect production adversely. Faith in arbitration as an alternative to adjudication has to be gradually built up. The real problem is to get arbitrators in whose impartiality and fairness both sides have absolute confidence. But this is not incapable of solution. Once the Government make it clear that they will not too readily refer disputes for adjudication, managements and unions may begin to rea-

respect the principles of genuine trade unionism and observe the Code of Discipline, which is as much in their interest as in that of industry. The bane of Indian trade unionism has been the division of its ranks brought about by rival political parties and the multiplicity of unions in each industry or enterprise. Trade unions will gain in strength and independence if they can free themselves from political affiliations and develop a responsible leadership drawn from the ranks of their own members.

198 JUL 1959

NO. LC-9(1)/59
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

From : Shri R.C. Saksena,
Under Secretary to the Government of India

To : Shri K.G. Srivastava,
Secretary, AITUC,
4, Ashok Road, New Delhi. and

(3) Delegations and Advisers (as in the list attached).

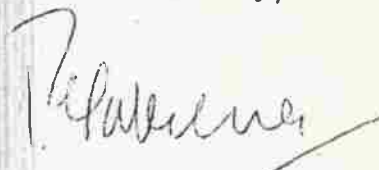
Dated New Delhi, the

Subject:- 17th Session of the Indian Labour Conference, Madras,
27th, 28th and 29th July 1959.

Sir,

In continuation of this Ministry's letter of even number dated the 10th July, 1959, on the above subject, I am directed to forward herewith Supplementary Memorandum-V "Review of the working of the Code of Discipline", in connection with item No. 2 on the Agenda viz., "Industrial Relations".

Yours faithfully,



(R. C. Saksena)

172

No.172/1L/59
July 22, 1959

Shri G.L.Nanda,
Minister for Labour & Employment,
Government of India,
New Delhi.

Sub: Violation of Tripartite Decisions
taken at Nainital re. verification of
membership - Indian Delegation to
43rd session of ILO.

Dear Sir,

Ref: Ministry of Labour letter No. LC-1(9)/
58 dated 14th July 1959

In nominating the representatives of INTUC to 43rd session of the ILO, in contravention of and in violation of the decisions of Nainital Indian Labour Conference, the Union Ministry of Labour has violated the and letter of the decisions of the 16th Trip. Indian Labour Conference in this respect.

The ILO has rejected our protest on the action of the Government of India in violating article 3(5) of the Constitution of the ILO but in fact, as will be clear from the resolution of the Credential Committee of the ILO, it has not gone into the question of implementation of the decisions of the 16th Indian Labour Conference.

As this is a question of violation of the decision of the Indian Labour Conference by the Union Ministry of Labour, it can only be discussed in a tripartite conference and we propose to raise it in the 17th Indian Labour Conference.

The reasons advanced for not considering it in the tripartite conference are, therefore, incorrect and untenable.

Yours faithfully,

K.G. Sriwastava

(K.G.Sriwastava) *27/7/59*
Secretary

Immediate

No.LC-1(31)/59
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

From

Shri R. C. Saksena,
Under Secretary to the Government of India.

To

The Accountant General Central Revenues,
New Delhi.

Dated New Delhi, the 19th June 1959

Subject:- Seventeenth Session of the Indian Labour Conference -
Madras - July 1959.
* * * *

Sir,

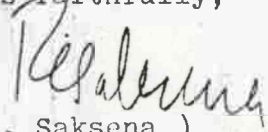
I am directed to refer to this Ministry's letter No.LC-1(12)59(i) dated the 2nd July 1959 on the above subject, and to say that the following non-official delegates will be paid Travelling Allowance in connection with the 17th Session of the Indian Labour Conference held at Madras on the 27th, 28th and 29th July 1959, in accordance with the instructions contained in the Ministry of Finance Office Memorandum No. F.10(2)-Estt. II/51, dated the 12th April 1951 as amended from time to time:-

S.No.	Name of the non-official delegate.	Representative of	Amount of advance paid.
1.	Shri Naval H. Tata	Employers' Federation of India.	NIL
2.	Dr. N. Das.	-do-	NIL
3.	Mr. A.T. Montgomery	-do-	NIL
4.	Shri Lakshmiapat Singhania	All-India Organisation of Industrial Employers.	NIL
5.	Shri Bharat Ram	-do-	NIL
6.	Shri Surottam P.Hutheesing	-do-	NIL
7.	Shri M. M. Varghese	-do-	NIL
8.	Shri H. P. Merchant	All-India Manufacturers' Organisation.	NIL
9.	Shri S.R. Vasavada	Indian National Trade Union Congress.	Nil
10.	Shri G.D.Ambekar	-do-	Rs.250/-
11.	Shri Kanti Mehta	-do-	Rs.350/-
12.	Shri Kali Mukherjee	-do-	Rs.350/-
13.	Shri S.A. Dange, M.P.	All-India Trade Union Congress.	Rs.300/-
14.	Shri Homi F. Daji	-do-	Rs.250/-
15.	Shri Bagaram Tulpule	Hind Mazdoor Sabha	Rs.150/-
16.	Shri Srikantan Nair	United Trade Union Congress	Rs.100/-
17.	Shri S.M. Joshi	All-India Defence Employees' Federation.	Rs.150

2. In this connection a reference is also invited to this Ministry's letter No. LC-1(12)/59 (ii) dated the 2nd July 1959. Out of the sum of Rs. 4,000/- drawn in advance for payment to the non-official delegates attending the above meetings, a sum of Rs. 1,900/- (Rupees one thousand and nine hundred only) has been paid to some of the non-official delegates as mentioned against their names in para 1 above. The undisbursed amount of Rs. 2,100/- (Rupees two thousand and one hundred only) has been refunded to Government for being credited to the head "25-Genl. Administration -Ministry of Labour and Employment-A-Secretariat-A.3-Allowances Honoraria etc". through Chalan No. IC-1(31)/59 dated the 10th August 1959. The advance travelling allowance paid to the non-official delegates will be adjusted through their Travelling Allowance bills in due course.

Kindly acknowledge receipt.

Yours faithfully,



(R. C. Saksena)
Under Secretary.

Copy forwarded to:-

1. B&A Section.
2. Cash Section (6 copies).
3. LC Section (15 copies).
4. Lok Sabha Secretariat, New Delhi, For reasons of health and urgency of work, Shri Dange was permitted to travel by air.
5. The Treasury Officer, New Delhi.

(T. C. Gupta)
Section Officer.

"d.a.nil
SSB/

Immediate

No.LC.1(12)59(i)
Government of India
Ministry of Labour & Employment.

From

Shri V.R.Antani,
Deputy Secretary to the Government of India.

To

The Accountant General,
Central Revenues,
New Delhi.

Dated New Delhi, the

Subject:- Seventeenth Session of the Indian Labour
Conference-Madras -July 1959.

Sir,

I am directed to convey the sanction of the President to an expenditure of Rs.12,000/- (Rupees twelve thousand only) to meet the Travelling Allowance of non-official delegates who will attend the above Conference. The T.A. to the non-official delegates will be paid in accordance with the instructions contained in the Ministry of Finance, Office Memorandum No.F.10(2)-Est.11/51, dated the 12th April 1951 as amended from time to time.

2. Shri R. C.Saksena, Under Secretary, will be Controlling Officer for the purpose of countersigning the T. A. bills of the non-official delegates. Shri R.M. Doiphode, Under Secretary, will be the Drawing and Disbursing Officer for the purpose of drawing the amount of T. A. bills of the non-official delegates residing outside Delhi on presentation of a simple receipt.

3. The expenditure involved is debitabale to the head "25-General Administration- Ministry of Labour & Employment- A.Secretariat-A.3-Allowances Honoraria etc."

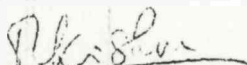
4. This letter issues under the powers delegates to the Ministries under S. R.190(a) and (b).

Yours faithfully,


(V.R. Antani)
Deputy Secretary.

Copy forwarded to:-

1. The Treasury Officer, New Delhi.
2. Cash Section(10 copies)
3. B&A Section.
4. LC Section (20 copies).


(Mahinder Kishore)
Section Officer.

D.O.No.174/K/59
October 1, 1959

Dear Shri Abid Ali,

With reference to the minutes of the meeting held in the Labour Ministry on September 5, 1959, which you presided, I have to make the following observations:

Re. Item II - "Question of invitation to various bodies for attending the Indian Labour Conference and other Tripartite Committees -

Various suggestions were given by representatives of the organisations present at the meeting on this question. Representatives of employers' organisations had also spoken on it and given certain suggestions. Some of these suggestions were common, while others were not. For example, I had suggested that the representation in tripartite committees should be equal, since the purpose of convening tripartite committees and conferences is to adopt, as far as possible, unanimous decisions and not to decide on issues by majority vote. To achieve implementation of tripartite decisions, agreement is more essential than votes. Our INTUC friends had disagreed with this view. You concluded the discussion on this point by stating that the Ministry will make rules in the light of suggestions given in the meeting. Since there was no question of arriving at tripartite agreement on this issue, but only 'suggestions' were taken, I did not press my viewpoint further.

However, if agreement/decision is desired on this issue in a tripartite meeting, a draft should be placed, on the basis of discussion in the September 5 meeting, before the next session of the Standing Labour Committee for approval.

page two

Meanwhile, in the minutes of September 5 meeting, it should be recorded as "suggestions from various organisations" and not "decisions" or as proposals "agreed to".

Secondly, re. amendments to the provisional conclusions of the 17th Indian Labour Conference. These are not to amend just a word or two here and there. The amendments were proposed by us in the meeting and were agreed to. To mention them in brief:

ITEM 2 - Industrial Relations - A (a): It would be better if the words "and further amplified by the Minister for Labour & Employment" are added in the last line after the words "21st March 1959" and before "was confirmed".

ITEM 2 - A II - Validity of agreements reached through direct negotiations between the parties - In line 5, after the word "or", I had suggested and it was accepted that the words 'draft agreement' will be inserted before the word 'displayed'. This amendment was also sent to you earlier.

Item VII - Works Committee - Another addition which was accepted in September 5 meeting was to add, at the end of the para, on this subject, the following sentence: "Meanwhile, Government and the employers will encourage the formation and functioning of the Works Committees."

I hope you will please see your way in accepting the above and do the needful.

With best wishes,

Yours sincerely,

Shri Abid Ali,
Deputy Minister for Labour,
Government of India,
New Delhi.

(K.G.Sriwastava)

To,
The Chief Mining Engineer,
Indian Iron and Steel Co.
P.O. Gua.
Singbhum.

Sir,

With due respect and humble submission, I beg to lay the following few lines for your kind consideration and sympathetic orders.

That on 21-10-59 I was on duty and was shunting bogies by the order of the Station Clerk on duty. There was a bogie brisks were bieng loaded by the order of Sri Philomon Minz (asst head fitter) at the wharf. Jageswar munshi as he was finding difficulty to unload the Iron Ore loaded on the other bogies, asked me to move the brisks bogie a little forward. So I did accordingly by which the loading work was stopped for a moment. On that my report was sent to the higher Officer. After emptying, the Loco went away to Chiria. I went to the Station Clerk and told him what happend at the wharf, on that he ordered me to do the duty given to me.

As soon as I came out from the Office the Railway Manager all of a sudden attacked on me and started snatch~~ing~~ my flags and after five struggle he succeeded to do so by which which I got a severe pain on my wrist. He turned me off from duty at 3 p.m. on the very same day the 21-10-59, without submitting any proper charge sheet. On the next day the 22-10-59 I was - given the charge sheet to give my statement.

Under the above circumstances, I earnestly pray and hope that your honour may gracious enough to consider my case favourably. On the other hand necessary action may kindly be taken to stop this kind of misbehavior towards the poors happening at Manoharpur.

For, which, act of your kindness I shall ever thankful to you.

I, have the honour to be,
Sir,
Your most faithful servant,

Habil Huiyan
Habil Huiyan. (Points man).
Light Railway Manoharpur.
P.O. Manoharpur.
Dist-- Singbhum.
Dated The 26 Oct 1959.

The true copy of the Charge Sheet is hereby attached with the application for necessary action.

Copy to,

Chief Inspector of Mines (c) Dhanbad.
C.R.C, (C) New delhi.
Sri, S.A.Dange M.P. New delhi.
Smt, Renu Chakraborty M.F. New Belhi.

5 OCT 1959

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

No. LRI.16(6)/59.
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT.

.....

From

Shri A. L. Handa,
Under Secretary to the Government of India.

To

✓ All Central Organisations of Workers.

Dated New Delhi, the

Subject:- Registration of Trade Unions - Decision of the 17th
session of the Indian Labour Conference.

...

Sir,

I am directed to invite the attention of your
Organisation to the following decision of the 17th session,
of the Indian Labour Conference, which met at Madras on the
27th-29th July, 1959:

"Registration of Trade Unions.

x

x

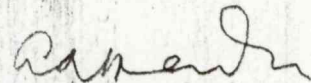
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x

(b) while no further restraint should be placed in the law
regarding the minimum number of persons who must be shown
as members for the purpose of securing registration, care
should be taken by unions that the number does not fall short of
50% of the full strength of workers who can be brought into
the union.

I am to request that the above decision may kindly be brought
to the notice of Unions affiliated to your Organisations.

Yours faith fully,



(A.L. Handa)
Under Secretary.

seen. H.
mishra
k.c.
1/10/59

k.s.
d.anil.

19 OCT 1959

Tel

217

HIND MAZDOOR SABHA

ALL-INDIA HEADQUARTERS

(Affiliated to International Confederation of Free Trade Unions)

Telegrams

HINDMAZDUR-BOMBAY

President :

S. C. C. ANTHONI PILLAI M.P.

General Secretary :

BAGARAM TULPULE

Treasurer :

K. A. KHAN

Secretaries :

R. C. PRADHAN

RAM DESAI

Servants of India Society's Home,
Sardar Patel Road, Bombay 4. (INDIA)

October 16, 1959

Ref. 2225/C/59

The Secretary, to the Government of India,
Ministry of Labour and Employment,
New Delhi.

Sir,

Re: Conclusions of the 17th session
of the Indian Labour Conference,
Madras, July 1959.

This has reference to your letter of 22 September 1959 (ref. no. RD-169(6)/59) forwarding to us a copy of the conclusions stated to have been approved by the sub-committee which met in New Delhi on September 5, 1959.

We are surprised to learn that the said sub-committee considered the matter of finalising the conclusions. None of the letters received from the Ministry by us informing us of the business of the said sub-committee made any mention that it would also consider the draft conclusions of the 17th session. All these letters mentioned only the following matters as the business of the meeting: i. revision of rates of workmen's compensation; ii. delinking of Provident Fund benefits from Gratuity and iii. representation at the Indian Labour Conference and the Standing Labour Committee. As such the sub-committee had no right to undertake such an important task as finalisation of the conclusions of the 17th session.

In accordance with your earlier letter No. RD.169(6)/59 of 11th August, we had submitted to your office our objections to the draft conclusions circulated by you. These objections were of a serious nature. This is all the more reason why the sub-committee should not have undertaken this work without advance intimation being given to us and, of course, to other participants as well.

On actual perusal of the so-called approved conclusions, we find that no consideration whatsoever has been given to the objections submitted by us. We regret to say that the so-called conclusions, in their present version, are not accurate and hence we cannot agree to them. We also submit that the procedure by which the conclusions are said to have been approved is, to say

- 2 -

the final, I am...

The above mentioned representative to be the only one of the sub-committee since it has already decided with that ~~with one~~ of the members of the sub-committee in Bombay. However, if he had been informed that the most important item of consideration of the daily deliberations of the 17th session of the Indian Labour Conference is the agenda of the sub-committee, we would have sent a proper representative immediately at the close of dates.

We would, however, urge you not to treat the conclusions of the sub-committee as final until they are before the appropriate forum after the final report is submitted.

Yours faithfully,

Yours faithfully,

...

Beena Tulsi
General Secretary

cc:

1. Mr. B. N. Datta, Minister for Labour and Employment, Govt. Delhi;
2. Mr. B. N. Datta, Member, L.M.C., Govt. Delhi;
3. Mr. B. N. Datta, Member, L.M.C., Govt. Delhi;
4. Mr. B. N. Datta, Member, L.M.C., Government of India.

No. 174/K/59
November 4, 1959

Shri A.L.Handa,
Under Secretary to the
Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Indian Labour Conference -
17th Session Conclusions of -
Voluntary Arbitration.

Dear Sir,

Ref: Your letter No.LR.1.(160)/59
dated 29th October 1959.

The decisions of the 17th ILC including
the one regarding voluntary arbitration have been
brought to the notice of our constituent units
and the various committees of our organisation
through our organ - the 'Trade Union Record' and
reporting in the meetings.

Yours faithfully,

10/11
4/11
(K.G.Sriwastava)
Secretary

30 OCT 1959

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

No.LR.I.1(160)/59
Government of India
Ministry of Labour and Employment

From

Shri A.L. Khan,
Under Secretary to the Government of India

To

The Central Organisations of employers
and workers.

Dated, New Delhi, the

29 OCT 1959

SUBJECT:- Indian Labour Conference - 17th Session
Conclusions of - Voluntary Arbitration.

Sir,

I am directed to invite your attention to the following conclusions of the seventeenth session of the Indian Labour Conference held at Madras on the 27th - 29th July, 1959:

"(a) Increased recourse should be had to mediation and voluntary arbitration and recourse to adjudication avoided as far as possible. Matters of local interest not having wider repercussions should, as a general rule be settled through arbitration.

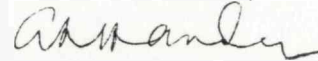
-: 2 :-

"(b) While there would be no element of compulsion in the matter from Government, the employers agreed to extend their full co-operation in developing this new approach to settlement of industrial disputes through mediation and arbitration."

2. I am to express the hope that your organisation would bring the above conclusions to the notice of all concerned and ensure that they are implemented fully.

The receipt of this communication may please be acknowledged.

Yours faithfully,



(A.L. Handa)
Under Secretary

Copy forwarded, for information to Research Division.


for Under Secretary

a.nil.
k.m.26/x/59

No.172/A/59
November 18, 1959

Shri K.D.Hajela,
Under Secretary to the Govt of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Fifth Meeting of the Sub-Committee
on Worker Participation in Management
and Discipline in Industry.

Dear Sir,

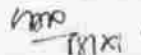
Please refer to your letter No.WEP.25
(13)/59 dated November 13, 1959, on the
above subject.

Shri Indrajit Gupta, Secretary, AIUC, will
represent our organisation at the Fifth Meeting
of the Sub-Committee on Worker Participation
in Management and Discipline in Industry.

The address of Shri Gupta is given below:

Shri Indrajit Gupta,
Secretary, AIUC,
249 Bowbazar Street,
CALCUTTA 12.

Yours faithfully,


(K.G.Sriwastava)
Secretary

10 NOV 1959



D.C.No.169(7)/59

Dr. B.R. Seth,
Deputy Secretary.

Telegrams :-
"LABOUR"

MINISTRY OF
LABOUR AND EMPLOYMENT.

New Delhi, the 14 November, 1959.

Dear Shri Srivastava,

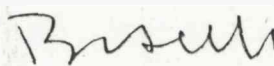
Kindly refer to your D.O. letter No.174/K/59, of the 1st October addressed to the Deputy Labour Minister concerning the minutes of the Meeting of the Committee of the 17th Session of the Indian Labour Conference held in New Delhi on the 5th September, 1959.

As regards Item II, you will note that it has been recorded in the last sentence of sub-paragraph (c) that the various suggestions would be taken into account by the Ministry while deciding the matters from time to time. Thus, the suggestions made are not to be regarded as rigid decisions.

With regard to the three amendments you have suggested to the conclusions of the 17th Session of the Indian Labour Conference, you will recall that these were finalised by the Committee after taking into account all the suggestions made at the meeting held on the 5th September or received earlier. The verbatim record shows that the suggestion for amending the conclusion concerning validity of agreements was not raised at the meeting. It is, therefore, not possible to make any change. As for the conclusion concerning Works Committees, the Verbatim record does not justify the inclusion of the sentence now suggested by you. Further action is being taken in the matter of setting up a Committee on Works Committees as decided upon by the Conference.

As regards the remaining suggestion regarding the clarification of the minutes of the meeting of the trade union representative held on the 21st March, 1959 the position has already been clarified by the Labour Minister as you mention. The relevant portions of the minutes of the meeting of 21st March together with the clarification in question is being included in the appendix to the Summary of Main Conclusions of the 17th Session of the Indian Labour Conference, which is now under print.

Yours sincerely,


(B.R. Seth)

Shri K.G. Srivastava,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

21 DEC 1959

1774
1959-12-21

No. RD. 169(6)/59
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the December, 1959

From

Dr. B. R. Seth,
Deputy Secretary to the Government of India.

To

1. All State Governments and Union Territories.
2. The Secretary,
Employers' Federation of India,
Army and Navy Building,
148, Mahatma Gandhi Road,
Bombay-1.
3. The Secretary,
All India Organisation of Industrial
Employers, Federation House, Bazar Road,
New Delhi.
4. The Secretary,
All India Manufacturers' Organisation,
4th Floor, Co-operative Insurance Building,
Sir P.M. Road,
Bombay-1.
5. The Secretary,
Indian National Trade Union Congress,
17, Janpath,
New Delhi.
6. The General Secretary,
All India Trade Union Congress,
4, Ashok Road,
New Delhi.
7. The Secretary,
Hind Mazdoor Sabha,
Servants of India Society's Home,
Sardar Patel Road,
Bombay-4.
8. The Secretary,
United Trades Union Congress,
249, Bow Bazar Street (1st Floor),
Calcutta-12.

Subject:- Summary of the Main Conclusions of the
Indian Labour Conference (17th Session,
Madras, 27th-29th July 1959)

Sir,

I am directed to forward herewith a copy of the above report for your information and use.

Yours faithfully,

A. G. Nagaraj

(A. G. Nagaraj)
for Deputy Secretary

Copy with copy of enclosures forwarded for

information and use to:-

- 1) Ministry of Finance (3 copies)
- 2) Ministry of Railways (Railway Board)
- 3) Ministry of Defence
- 4) Ministry of Works Housing & Supply
- 5) Ministry of Commerce and Industry
- 6) Ministry of Transport and Communication.
- 7) Planning Commission
- 8) Ministry of Law.

A. G. Nagaraj
(A.G.Nagaraj)
for Deputy Secretary

Copy with copy of enclosure forwarded to:-

- 1) Director Labour Bureau, Simla
- 2) Chief Labour Commissioner, New Delhi.
- 3) Chief Adviser, Factories, New Delhi.
- 4) Directorate General of Resettlement and
Employment, New Delhi.
- 5) Employees' Provident Fund Commissioner, New Delhi.
- 6) Employees' State Insurance Corporation, New Delhi.

A. G. Nagaraj
(A.G.Nagaraj),
for Deputy Secretary

GENERAL DISCUSSION

(incl. Item I of Agenda - "Action taken on decisions of 15th ILC)

1. Shri Nanda had agreed to place and discuss the Mehta report regarding inquiry in Jamshedpur in the Tripartite meeting. At least, the parties will be shown the report. This has not been done.

2. Shri Nanda promised to hold a meeting of Public Sector employees and employers to discuss implementation of Code of Discipline. This has not been done.

3. Some States are going ahead with the discussion of Industrial Relations Bills or amendment in the existing laws in this respect. U.P. has ~~made~~ its rules of recognition last year. M.P., Punjab, Bihar have introduced. In Bihar, our representative moved in the meeting of the State Labour Advisory Committee meeting in April this year that ~~as~~ as this subject is being discussed in the forthcoming I.L.C., the State Advisory Committee should discuss it after the I.L.C. session. This was ruled out. /made

4. Workers' and employers' organisations are asked to suggest points for inclusion in the agenda of I.L.C. and S.L.C. When points are sent, it seems, these are never considered by the Labour Ministry. We have now received a reply as to why our points have not been included in the agenda. Calling for points is thus reduced to mere formality.

5. Publication in the press of the Memorandum prepared by the Union Labour Ministry for consideration in the I.L.C. along with the suggestions even before the papers reach the invitees is objectionable. The subjects and study reports may be published after these are sent to the invitees but not the suggestions.

6. Non-implementation of the decision of the previous meetings of the I.L.C. and S.L.C., eg., decisions on:

- (a) Appointment of Wage Boards - 15th ILC
- (b) Rationalisation - -do-
- (c) Closures of Factories & Mills - 16th ILC.

Examples: (a) Jute, Plantations, Mines other than Coal, Engineering, Iron & Steel, Chemicals.

- (b) *< basic price revision*
- (c) -

7. Violation of the Code of Discipline by employers and the Union and State Governments:

- (1) Union Govt: (a) In nominating the representatives of INTUC for the 43rd Session of the ILO, when the verification according to the procedure agreed at 16th ILC was not finalised - violation of Nainital decisions.
- (b) Failure to apply the Code of Discipline equally to Private and Public Sectors inasmuch as it has not yet been applied to Railways, Defence, P&T, Banks, Insurance, CPWD and State Transport workers.
- (c) Non-functioning of Works Committees in U.P. - The U.P. Govt suspended all Works Committees in the State since 1950. The AITUC wrote to the Labour Minister on July 5, 1958 about this but no action has been taken.
- (d) Changed the procedure of verification of membership of central TU organisations in the proceedings of the meeting held on March 21, 1959, arbitrarily.
- (2) State Govts: (a) Failure to set up Implementation Committee at State level even after 1½ years in the States of Bombay, U.P., M.P., Himachal Pradesh, Jammu & Kashmir and Manipur.
- In Orissa, Punjab and Tripura, in the matter of representatives of workers in the Implementation Committees, greater weightage has been given to certain national centres by giving representation to some Federations affiliated to them.

The Central E&I Committee has met only once in two years and in various States, it has not met at all. What is the use of having an ornamental committee?

(b) Recognition of Trade Unions

Not a single union has been recognised under the provisions of the Code of Discipline.

No action by the Union Govt and State Govts re. HMT, Bangalore, and Jamshedpur.

In Lever Bros., Bombay, sample checking done against the demand of the union for detailed checking as decided in March 21, 1959 meeting.

In Assam in A.R.&T.Co., only one union exists but it is still not recognised, though the union has applied for it.

- (c) States of Bombay and Madhya Pradesh failed

to amend provisions in the B.I.R. Act, re. recognition to bring ~~ix~~ them in line with the Code of Discipline and 16th Tripartite agreements. This amounts to violation of Nainital Agreement and it may be concluded that the Code of Discipline is not applicable in those States where B.I.R. Act applies.

- (3) Employers: Employers have violated the Code of Discipline in all respects, specially regarding (i) recognition of Trade Unions, (ii) Rationalisation, (iii) closures. But the E&I Cell has been of no avail.

Employers also violated the provision re. appeal to High Courts and Supreme Court. In support, see the document of the ~~XXXX~~ I.L.C. Study Group.

AITUC suggested setting up a tripartite screening ~~machinery~~ committee. We wanted this suggestion to be discussed in the tripartite meeting but this has not been put on the agenda by the Union Labour Ministry.

8. The practice of forgetting item 1 (iii) (Statement of Action taken on the decisions of 15th Session of the Indian Labour Conference) in the item 1 of the present agenda in respect of points on which no final decision was taken and were pending is incorrect. Progress report on this item should be given under this heading.

9. Code of Conduct:

- No action was taken by the E&I Division on the complaints made by the AITUC re. publication of slanderous news in the INDIAN WORKER, though reported an year back.
- No steps taken to set up machinery consisting of representatives of four central TU organisations, with an independent chairman for implementation of the Code of Conduct (para 2).
Division
- E&I ~~Committee~~ refused discussion of violation of the Code of Conduct in the Central E&I Committee - in fact, failed to do any implementation work.

10. Registration of Trade Unions:

In Bihar, even after one year, none of the TUs which we referred last year has been registered. The E&I Division failed to intervene. Discrimination against AITUC unions continues.

<u>Name of union</u>	<u>When applied</u>
1. United Mineral Workers Union, Gua	June 1957
2. Maubhandar Copper Workers Union, Ghatshila	March 1958
3. Phulwarisarif Suti Mill Mazdoor Union, Phulwarisarif, Bihar	June 1957

Add - page 3

CODE OF DISCIPLINE (Contd)

Code of discipline has to be treated in the background of and in conjunction with the various decisions taken in the 15th and 16th ILCs and its sub-committees.

The Code, however desirable it may be, will not succeed if Union and State Labour and other ministries do not themselves observe it.

4. A.C.C.Rajanka Limestone Quarries Mazdoor Union | registration refused after a delay of two years. No reason given.
5. Chaibasa Cement Mazdoor Union, Chaibasa |

10. E.S.I.SCHEME still remains where it was. Treatment of families and hospitalisation still remain unimplemented. In the ESI Corporation, discrimination against AITUC in refusing to take our representative on the Standing Committee continues.

Employers' contribution remains the same, - less than that provided for in the Act (4½%).

In U.P., according to State Labour Commissioner, a sum of Rs.3.5 lakhs approx. was due from employers towards contribution to ESI.

Again in U.P., a P.F. arrears from employers are as high as Rs.14 lakhs.

P.F. contribution has not yet been raised from 6½% to 8½%.

STUDY GROUP ON SOCIAL SECURITY

The AITUC has sent the following letter to Labour Ministry on the Report of the Study Group:

"The AITUC welcomes the proposal for an integrated system of social security.

"We would like that the various administrative agencies now functioning separately for the E.P.F.Scheme, the E.S.I.Scheme, etc., should be integrated into one for administrative purposes only, which would lead to saving in expenditure and expeditious handling of the disbursements.

"Though the recommendation of the Study Group to integrate the existing schemes and convert the P.F.Scheme into a pension scheme is, in principle, unobjectionable, the AITUC feels that the workers' bitter experience of the unsatisfactory working of the ESI Scheme and the lack of response to the suggestions for improvement, are bound to evoke spontaneous opposition from the workers.

"Moreover, we feel that the report of the Study Group proposes only the integration of the existing schemes, and hence falls short of our demand for a comprehensive system of social security.

"It is, therefore, felt that before any scheme of integrating the existing schemes into a pension scheme is discussed, the Government should first carry out in full the measures promised under the ESI Scheme, viz., giving medical benefits to the families of insured workers, realisation of full contribution from the employers, construction of separate hospitals, etc. These demands and defects in the functioning of the ESI Scheme

have been voiced in our resolutions and in the various meetings of the ESI Corporation and tripartite gatherings. We regret to note that, by and large, these still remain unattended and unfulfilled.

"The AITUC would therefore urge upon the Government to take immediate steps to rectify the position in relation to the ESI Scheme and thus restore confidence among the workers.

"There is serious apprehension that an integrated pension scheme at this stage would provide an excuse not to fulfil the obligations under the ESI Scheme, viz., family coverage, separate hospitals, etc., and that their fulfilment would be all the more vitiated, delayed and sidetracked by the additional considerations of the further liabilities of the pension scheme. These considerations prompt us to the conclusion that the integrated pension scheme should not be taken up at this stage."

*

11. Subsidised Industrial Housing Scheme: Government should take upon itself to build the Workers' houses instead of giving loans to the employers. Progress of industrial housing very slow.

12. Industrial Relations

This item has been put on the agenda with the main purpose:

(i) to let not the Industrial Relations Bill of Kerala (which has some progressive and beneficial clauses for the workers regarding giving them the choice of selecting union which will be their bargaining agent and improved functioning of Works Committees) be allowed ~~and~~ to move further and shelve it; and impose

(ii) to ~~impose~~ more and more interference by the Government through the Registrar of TUs in the functioning of trade unions by extending his powers.

We oppose this move.

We insist that rules for compulsory recognition of TUs be introduced and implemented, as voluntary recognition clause in the Code of Discipline has failed completely. Recognition of trade unions is the key to the present industrial relations and situation.

*

13. Formation of Rival Trade Unions by INTUC.

Shri Ramanujam, INTUC President, says that 'one union in one industry' would lead to 'totalitarianism' and advocates two unions everywhere. This is basically against the understanding of the ILC. What use is there when, in principle

and in practice, the central organisation of workers which is considered by the Union and State Governments as the most representative organisation, does not agree to this basic principle, & to discuss either inter-union code of conduct or suggestion to end and reduce inter-union rivalries?

/denied

14. Government of India and State Governments have no labour policy. Whatever is decided here in the presence of and with the agreement of the representatives of various Ministries of the Government of India and the State Governments is, in practice, ~~not~~ by them by refusing to implement the decision of ILC, SLC, etc.

Examples: (i) W.Bengal Govt has not fixed any machinery for the removal of grievances of hospital employees as agreed to at the 16th ILC. On the contrary, W.Bengal Labour Minister maintains that hospital employees should not go on strike.

(ii) Public Sector Ministries do not accept Code of Discipline and the decision of ILC regarding Grievance Procedure and recognition of TUs.

New rules re. recognition of TUs framed by the Union Home Ministry and State Govts (Bihar).

15. Discrimination against AITUC continues. Recent instances:

- i) ILO Delegation
- ii) Refusal to include AITUC nominees in Productivity Teams sponsored by National Productivity Council.
- iii) Refusal to include AITUC nominees on Standing Committee of ISI Corporation
- iv) Denial of passports - Miners' International Conference, etc.
- v) No representation on Central Advisory Council of Industries.

16. Workers' Education Scheme in U.P. and Delhi could not be started because employers do not agree to give off-day with wages to the workers.

17. INTUC knew verification figure earlier. The returns have been sent to Central TU ~~in~~ organisations only on 7th July 1959. Shri Ramnujam issued a statement (ref. Indian Worker, June 7, 1959) giving indication of the figures.

Item 2

INDUSTRIAL RELATIONS

RECOGNITION OF TUs

In 1947, rules of recognition of TUs were passed but till today, the same has not been enforced.

Since then the attitude of the Government of India, Ministry of Labour, had been to shelve it and lately a theory has been introduced that in the present condition of multiplicity of trade unions, compulsory recognition by statute would be impossible and therefore efforts should be made for voluntary recognition by employers. For the guidance of the employers, certain criteria for recognition were drawn up in the 16th Indian Labour Conference. Recognition of trade union was also made an ~~item~~ item obligatory in the Code of Discipline adopted at Nainital in May 1958.

Experience has shown that during this one year period, not a single trade union has been recognised and both in the Private as well as Public Sectors, employers have violated the provision of recognition adopted at Nainital. The EOI Machinery is too slow and ineffective in this matter.

Therefore, it is high time that the rules are made for compulsory recognition of trade unions, ~~ix~~ and in general, we support the principles behind the proposals of Kerala Government's Industrial Relations Bill.

It is suggested that this proposal be accepted by this Conference and the Central Government brings out a Bill.

If the Conference does not agree to this, let us allow the Kerala Government to proceed with their Bill and watch the experiment.

WORKS COMMITTEES

Works Committees as they exist today are a negative force.

Rules for election/bye-election and functioning of Works Committees are not clear and have got a lot of loopholes to the advantage of employers - who are required to conduct elections - in interfering with the selection of workers' representatives. Where it is

inconvenient, the employers either legally or virtually suspend the Works Committee. They have an upper hand in its functioning. For not implementing the decisions of the Works Committee, there is no penalty against the employer. In fact the Works Committee, as it is today, is an organ to function or even exist at the sweet will of the employer.

Works Committee is a useful organ specially when there are more than one union, provided its election and functioning is democratised and its decisions are given some legal status.

If in spite of the above defects, at some places the Works Committees have been functioning, it is because the unions have been more than accommodating and that the employers a little reasonable. But by and large the Works Committees in India have not succeeded. We do not fully agree with the report of functioning of the Works Committee in the Public Sector but there too, wherever it is said to have succeeded, the Works Committees have more or less functioned as Welfare Committee (interested with clubs, sports, canteen, etc.) and not an agency of collective bargaining or discussing issues of wages and service conditions of workers. Another reason for its so-called success in the Public Sector is that the wages and service conditions being a Central Government (Ministry's) subject, the Works Committee at local level could not discuss and decide it.

We are for appointment of a Committee to study and submit a report on the functioning of Works Committees and suggest amendments in the present rules.

At the same time, the amendments in the present rules made by the Kerala Government should be allowed to be carried ~~forward~~ out and worked, as these are for the same purpose. Kerala Govt should be willing to make necessary changes if after this sub-committee's reply is discussed by the ILC, they find necessity on the basis of their experience.

(Supplementary Memo II)

As regards amendment to Rule 51 of the Industrial Disputes (Central) Rules 1957, in respect of Chairman from either group alternating, the conclusion of the Ministry of Labour that it has not worked is not correct. In fact, this provision has not been properly implemented in most of the Works Committees, as it was opposed by employers.

This provision of the I.D. Rules should be given a fair trial before consideration is given to change it.

Meanwhile, Labour Ministry's machinery should see to it that this is implemented in all factories and undertakings.

(iii) VALIDITY OF AGREEMENTS REACHED THROUGH
DIRECT NEGOTIATION BETWEEN THE PARTIES

If the question of recognition of trade unions is satisfactorily settled, then we agree.

Otherwise we propose the following to be added:

"(v) The agreement arrived at between the representative union and the employers shall not be registered unless and until the agreement is placed before the general body of the union and it gets a clear majority of the workers employed in the Establishment."

(iv)-(v): SETTLEMENT OF DISPUTES THROUGH ARBITRATION;

There is an opinion from Bengal, etc., that we prefer setting up Arbitration Boards. Others prefer adjudication; only conciliation officer to try for more and more voluntary arbitration. Labour Courts to continue to function for dealing with cases of individual dismissals, discharge, etc.

(vi) PRINCIPLES FOR REFERENCE OF DISPUTES TO
ADJUDICATION

Does not arise if our recommendation of Bengal at item (iv) is accepted.

In circumstances, otherwise, we stand for all disputes to be referred to adjudication except those which are in the nature of non-implementation of acts and agreements.

Only first suggestion of Prof. Richardson acceptable.

(vii) REVIVAL OF LABOUR APPELLATE TRIBUNAL

We agree to the proposal to revival of Labour Appellate Tribunal.

We demand this conference to endorse the view that Supreme Court and High Courts should have no jurisdiction to hear appeals on industrial disputes.

- (viii) CREATION OF SEPARATE MACHINERY FOR DEALING WITH DISPUTES RELATING TO INDUSTRIAL DISPUTES, DISCHARGES, etc.

The matter should be dealt with on all-India level.

Trade unions should be allowed to take up individual cases of dismissal and discharges.

Punjab opposes this suggestion vehemently.

Bengal wants that the cases arising out of individual dismissal or discharge should be treated as "industrial dispute" (they are not at present) and should be referred to the Labour Courts specifically set up to deal with such cases either through the aggrieved worker, or through his union or any other agent.

~~(ix)~~

- (ix) JURISDICTION OF A TRIBUNAL APPOINTED BY ONE STATE GOVT IN RESPECT OF A DISPUTE CONCERNING WORKMEN EMPLOYED IN DIFFERENT STATES

Bengal agrees with the suggestion.

Punjab wants the jurisdiction of the union which raises the demand also to be taken into consideration in deciding if the award will be applicable to the workers employed by the same firm in other States.

T. U. ORGANISATION

- (1) We are for reduction of number of outsiders from 50% to 33%.

Provided those who were employed in the industry for one year or more are not treated as outsiders, irrespective of the fact whether they were discharged or dismissed by the employer.

Further provided that there is a guarantee in the Code of Discipline that office-bearers of the trade union will not be victimised for or as a result of TU activities.

- (ii) Agreed - except in the case of unions of agricultural workers
- (iii) Agreed.
- (iv) OPPOSED
- (v) OPPOSED
- (vi) OPPOSED
- (vii) OPPOSED

We do not want the extending of powers of the Registrar of Trade Unions (which means Government) in the functioning of TUs.

A penalty might be imposed (not cancellation of registration) for not submitting annual returns.

Government or Registrar of TUs should have no right whatsoever in the registration of TUs as this is the basic right of the workers to organise in the union of his choice. This is not the way to deal with multiplicity of TUs.

Central TU organisations first to agree with the principle of one union in one industry. That is the first step.

*

FUNCTIONING OF E.S.I. DIVISION (Supplementary Memo III)

In the State of Bombay, M.P., the ESI Committees have not been constituted yet.

In Orissa, Punjab, Tripura and U.P., proper Committees have not been set up, i.e., AITUC has not been given due representation, as per recommendation of the first meeting of ESI Committee.

The Central Implementation & Evaluation Committee has met only once (Sept 20, 1958) during this period. In the States, the position is worse and in some States the committee has not been convened even once.

The ESI Division has failed in preventing employers from filing appeals to the Supreme Court and High Courts as is evident from the study done by it.

Our suggestion to have a tripartite Screening Committee to scrutinise cases before appeals are filed to Supreme Court and High Courts, to be reiterated.

Our ARBT Co. Union in Assam - though the only union in the establishment - not recognized by the employers and they still verbally say (earlier they had given it in writing which was contradicted by the Assam Govt) that recognition is not necessary.

In H.M.T., there was only one union all this time (upto three months before) but it was not recognised.

Since the provision of recognition of TUs was added in the Code of Discipline as a result of serious discontent, in the present condition re. recognition of trade unions, there are a number of cases of recognition pending. This should be considered immediately. We do not agree to the suggestion to maintain status quo for two years from June 1, 1956, in the case of unions already recognised before that date. In the present industrial situation, this would defeat and weaken the Code of Discipline.

We are generally against craft unions. We prefer industrywise unions.

We agree to the amplification of clause 8 of the Criteria that the extreme step of de-recognition of TU should not be taken before the union is afforded the opportunity to defend itself against this charge and that the EAI Committee finally deals with it. The EAI Committee can also decide that the de-recognition is for a period of less than two years. After all, the step is being taken to bring home to the union to follow the provisions of the Code of Discipline and not to deter the workers to exercise the right of collective bargaining.

Most of the States are amending their present Rules. In Bombay, B.I.S. Act is there - in M.P., the same is being extended. Efforts are being made to do the same in other States.

We are opposed to this. It amounts to violation of the decision of ILC on the part of State Governments.

The State Governments should honour the Code of Discipline and amend their rules to bring it in conformity with the provisions of the Code of Discipline.

The E&I Machinery often quotes its independent sources of inquiry. What is it?

The union which complains and are complained against ~~xxx~~ in this inquiry has no place and are not approached on the spot.

Reports of Mr.Mehta who inquired into Jamshedpur, Bombay and Calcutta tram strikes are not made known even to parties. Why?

Why not inquire into lock-outs also?
NAL in January 1958, Jute mill in Katihar, Bihar,
Harvey Mills in Madurai.

Has any check up been made by the Labour Ministry officers if the Code of Discipline has been displayed by the employers in their mills and factories?

INDUSTRY-WISE ADJUDICATION (Supplementary Memo IV)

Well-represented tripartite committees on the various industries should function. The issues should first be discussed in these Committees and if agreed, an Industrial Tribunal be appointed. Efforts should be made to arrive at an agreement in these Industrial Committees on the various issues arising in the industry from time to time.

The Constitution should be amended to limit the jurisdiction of High Courts and Supreme Court on industrial disputes.

No amendment to the Industrial Disputes Act to extend the period of operation of awards in industry-wise adjudication upto five years.

Add page 7 - IR

Grievance Procedure, an important off-shoot of the Code of Discipline was adopted in September 1958. There is no report as to in how many establishments, this has been formulated.

Though agreed by the Chairman, no meeting of the sub-committee has been called for to evaluate it.

item 3

SERVICE CONDITIONS OF DOMESTIC SERVANTS

To our knowledge there is only one Domestic Servants Union and that is in Delhi. And it is this union that has been agitating for certain demands as mentioned in Government memorandum to the I.L.C.

There is no data available about the strength or working and living conditions of Domestic Servants in India. In October 1957 the Tata Institute of Social Sciences conducted an extremely limited survey of Domestic Servants in Bombay. A report of this appears in the magazine "Social Action" - New Delhi, March 1958 (PF 105-114).

A brief summary of this report appears in Industry and Labour (ILO publication) dated 15th September 1958 (PF 229-231).

The survey was confined to 71 domestic servants of 49 middle-class families in St. Anthony's Colony, a community in Chhatbur, Bombay, with a population of 350 people.

The principal informants were 58; among them 48 female and 10 male.

Approximately half of them were married.

Age wise distribution rises progressively from 12 to a peak of 30 years and then drops off in the age group of 55-60.

Their families comprised of three to six members.

50% of them were resident servants.

Hours of work varied from three for part-time servants to 13 x hours in the case of resident servants.

Wages in Cash:

57.6% of these workers earned Rs.20 or less per month; 18% earned Rs.21 to Rs.30/- and on 15.4% earned a monthly wage varying from Rs. 31/- to Rs. 50/- and upwards.

Remuneration in kind:

33.8 % received food only,

36.6% received food and cloths

21.1% received food, cloths and other articles.
8.5% gave no reply.
Half of the servants were housed by their employers.

It is ~~xxxxxx~~ estimated that the combined remuneration in cash and ~~in~~ kind would be between Rs.35/- to 45/- for 57.6% of these servants and Rs.25/- to 60/- for 25.3% of them.

Housing 38% servants and their families lived in one room tenement - a rented mud hut. Average space occupied by a family was 9ft x 10 ft.

20% had no bath facilities.

Incidence of indebtedness: 30% of the workers were in debts for sums upto Rs.100/-

Some time in 1954 - 55 the Government of India had addressed the State Governments that they may examine the question of bringing the Domestic Servants under the purview of the Minimum Wage Act. It would then be possible to provide under the Act for minimum wages, hours of work and weekly holidays to domestic workers. It was also suggested that the feasibility of further statutory protection by way of Registration of Domestic workers, fixation of minimum wage for employment, provision of annual holidays with wages and accommodation etc. be also examined.

Rajasthan Government agreed in principle to the extension of Minimum Wage Acts but stated that action be taken at the appropriate time.

Orissa Government pointed out that there were practical difficulties in extending Minimum Wage Act and said that all that could be provided was a guarantee against dismissal without at least 15 days notice and 10 days leave every year at the employer's cost.

Maurashtra Government thought that appropriate legislation could be considered and made applicable in one place only so that further extension might be made in the light of the experience gained.

Governments of Delhi and Tripura favoured a separate legislation for domestic workers.

All other Governments, opposed statutory protection to Domestic Workers for various reasons, such as that it would cause hardship to employers who mostly belonged to middle-class; that administration and application of the Act was fraught with practical difficulties; etc. etc.

ary

The Parliament/~~has~~ Consultative Committee for the Ministry of Labour and Employment has however felt that weekly holidays 15 days' annual leave with Pay, termination of service after 15 days' or Pay in lieu thereof should be considered.

An all India Survey of the conditions of work by a special committee has been suggested.

The views of the various state Governments to this ^{proposal} purpose of having a legislation for the service condition of Domestic Workers are given the Memorandum prepared by the Union Labour Ministry. Except the State of Assam ~~and~~ all have opposed legislation.

Similarly, —

There are difficulties in the implementation of laws in respect of domestic workers but then the same is the case with Agricultural Workers. We all have agreed to have a Minimum Wage for agricultural Workers. ~~Simply~~ AITUC should support the demand of Domestic Workers. This may be in a phased programme.

We suggest:

- A committee ^{for} of an all India survey of the working and living conditions of Domestic Workers and to suggest steps that could be taken to afford them statutory protection.
- Minimum Wages Act could be extended to this field. After all Minimum Wages committees would take all relevant factors in fixing wage rates.
- Weekly holiday, 15 days' leave every year, one month's notice or pay in lieu thereof should be pressed for. But this could only be enforced through statutory provisions.
- Enforcement of the provisions to begin with industries with populations above five lakhs.
- Housing to be provided for this class of workers under Priority in slum clearance schemes.
- Welcome the Delhi ~~the~~ pilot scheme for getting up special employment office for Domestic Servants. Associate representative of National T.U. Centres with the proposed Advisory Committee.
- Why not suggest that that the Labour Officer of a Municipal Corporation be empowered to deal with their grievances through the good offices of an advisory Committee consisting of Councillors?

Item 4

PAY ROLL SAVINGS SCHEME should be purely voluntary.
Any coercion will be opposed by the AITUC.

The pass book should be in the possession of workers
and not the management.

Item 5

PROPOSAL TO REVISE RATES OF COMPENSATION
IN THE WORKMEN'S COMPENSATION ACT, 1923

The demand to revise Schedule IV (Rates of Compensation) of the Workmen's Compensation Act, 1923, and to raise the rates of compensation is a very old demand of the trade unions.

The demand has been three-fold:

- 1) Raising the rates of compensation, because of the rise in cost of living.
- 11) Greater rate of compensation for younger workers because the loss of earning for the worker and/or his dependants is greater and for a longer period.
- 111) Half-monthly payment in case of temporary disablement should be subjected to a reasonable minimum, below which no worker would get, whatever his monthly wage.

*

We move a proposal that the definition of 'worker' or 'workman' for the purpose of Workmen's Compensation Act be the same as for I.D.Act.

As per the Memo of the Union Labour Ministry, we have to choose between the three alternatives for revising the rates of compensation. The alternatives are:

- 1) Scale provided for ESI Act (See Schedule I of ESI Act).
- 2) Proposed by Govt as follows:
 - a) For death @ 40% of wages for a period of 15 years from the date of death, payable to the dependant.
 - b) For permanent total disablement at 50% of wages for 15 years or till death whichever is later.
 - c) For temporary disablement at 50% of wages till recovery after the waiting period of 3 days.
- 3) As per recommendations of the Study Group on Social Security that the employers' liability be doubled, that the employer be asked to deposit the lumpsum with the ESI Corporation and that the ESI be made responsible to disburse the pension.

We are therefore called upon to choose between these alternatives for revising rates of compensation.

At the same time, we have to avoid complicated calculations as in E.I.

We may accept the principle behind the Study Group proposals but suggest that the revised rates should be three times the present ones (or at least $2\frac{1}{2}$ times the present rates) and not only twice as suggested by the Group.

In the alternative, we may agree to raising the percentages in the Government proposal from 40% to 50% in case of death and from 50% to 60% in the other two cases.

In fact, this would fetch benefit for a longer period in the case of younger groups.

We say so because the Actuarial Committee calculations show that the employers' liability shall rise by $2\frac{1}{2}$ to 3 times under E.I. scales, 2 to $2\frac{1}{2}$ times under Government proposals and two times under Study Group proposals.

We should prefer pension to lumpsum payment for 15 years or death, whichever is later, in case of permanent disability.

In the case of death, dependants' benefit should also be paid in the shape of suitable pensions for 15 years or upto the re-marriage of the widow, marriage of the daughter and reaching 18 years of age by the son, whichever is later, in each case.

*

As regards the administration of the Scheme, we have suggested, on the report of the Study Group, that this should be integrated with ESIC and EPF administration. Alternately, until EPF and ESI are administratively integrated, the compensation under Workmen's Compensation Act could remain with the Workmen's Compensation Commissioner as at present.

As regards the mode of discharging employers' liability, we should support the conclusions of the Actuarial Committee in this regard.

*

An age-wise distribution of compensated accidents is not available. But the Actuarial Committee report indicates the following from a Study of ESI cases:

<u>Age</u>	<u>Permanent disability</u>	<u>Death</u>
Below 25 years	24.6%	11.4%
25 to 39 years	52.8%	51.7%
40 to 49 years	17.7%	22.9%
50 years and over	4.9%	14.0%

Figures for temporary disability are not available.

It could however be seen that the incidence of Permanent Disability and Death is at its peak in the age group of 25 to 39 years. And then it falls off steeply.

It could be argued that among number of workers employed, it is this age group that is dominant and hence the high incidence.

But this has no bearing on the demand for higher rate of compensation for lower age groups.

A study of incidence of compensated accidents in the various Wage Groups of workers in the years 1955 and 1957 (figures for 1956 ~~were~~ are not readily available) reveals the following.

<u>Monthly Wage Group</u>	<u>Temporary Disablement</u>		<u>Permanent Disablement</u>		<u>Death</u>	
	<u>1955</u>	<u>1957</u>	<u>1955</u>	<u>1957</u>	<u>1955</u>	<u>1957</u>
Below Rs.30	1363	1291	69	112	144	125
Rs.30 to Rs.60	299	391	513	597	496	515
Rs.60 to Rs.100	104	2998	787	1435	385	551
Rs.100 to Rs.200	45	33	377	410	141	223
Rs.200 to Rs.300	-	547	33	70	27	51
Rs.300 to Rs.400	-	-	5	3	7	14

These figures will reveal that the largest incidence of accidents resulting in temporary disablement is in the Wage Group of less than Rs.30 monthly.

And under the present Act, the half-monthly payments to them are between Rs.5 and Rs.9. It is only those workers who draw Rs.50 to Rs.60 are entitled to draw a benefit of Rs.15 every fortnight.

That is why a demand for a minimum fortnightly benefit, whatever be the wage, has to be pressed.

The Government of Bombay had suggested (probably in 1954) that "the rate of half-monthly payments in respect of those whose monthly wages are less than Rs.50 is low. The level of the amount of minimum half-monthly payments may be raised to Rs.30 for a month (i.e., Rs.15 for half-month) irrespective of the rate of average monthly wages."

Even in the revised rates, according to the Government proposal compensation for temporary disablement would be at the rate of 50% of wages till the date of recovery.

Under ESI Act also the benefit in these cases works out to 50% of wages.

The proposals of Study Group on Social Security are for doubling the present rates.

None of the proposals proposes a bare minimum.

The AITUC has to insist on a reasonable minimum.

*

Then there has been the demand for raising the wage limit to Rs.500. Orissa Govt had proposed it long ago. The Govt of India has accepted this in principle. The low incidence of accidents in the Wage Groups of above Rs.300 a month explains that employers' liability shall not very much rise by raising the wage limit to Rs.500.

*

Then there are certain other vital and urgent amendments that we have been seeking in the Workmen's Compensation Act, 1923.

The 1959 amendments are good as far as they go, such as, abolition of distinction between adult worker and the minor, revision of Schedule I and raising the percentage of loss in earning capacity, revision of Schedule II and inclusion of some more employments and improvement in Schedule III concerning occupational diseases and so on.

But we have to draw pointed attention to the following long-demanded amendments:

- 1) Even in the case of accidents due to workers' negligence, if it results in the death of the worker, it is compensated now. But we want that even in cases of permanent disability, he should be compensated. The British Act provides for this.
- 2) Treatment of injured should be guaranteed free of cost.
- 3) Provision of artificial limbs and aids and statutory obligation to provide light jobs for partially incapacitated workers.
- 4) Inclusion of employers' contribution to ~~provident fund~~ Provident Fund in the definition of wages.

However, we should see to it that the demand for other amendments is not used as a pretext to shelve the revision of Schedule II itself of the present Act, as suggested in the Memorandum of the Union Labour Ministry. This, by itself, is a gain for the workers and a move forward.

CASES SENT BY AITUC

re violation of INTER-UNION CODE OF CONDUCT in 1958.

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1. Assault on AITUC union activists by INTUC elements in Sirpur Kaghaznagar (24.6.59) - Beyond a formal acknowledgment by Shri Nanda, stating that he would look into the matter, no action was taken.
 2. Assault on AITUC activists by INTUC elements in Singareni Collieries (Oct.13, 1959) - The Ministry alleged that the instigation to violence was made at a meeting organised by AITUC union. The meeting was organised by the local CPI unit. The controversy is still going on. The AITUC demanded an inquiry by a tripartite body and discussion about it in Central E&I Committee. This was turned down.
 3. Slanderous attacks by INTUC leaders on AITUC activists in Dhariwal. (15.10.58) - The Ministry replied on 17.10.58 that the allegation is being examined in consultation with the INTUC. Nothing further was heard from them.
 4. ~~Sirpur~~ Slanderous writings in INDIAN WORKER (4.11.58) - Even though a whole issue of the journal was sent, which contained many instances of the vilification campaign, the Ministry returned the issue of the journal, asking us to say what exactly are the portions we are objecting to, in I.W. (Oct.27, 1958).
 5. Violation of Code of Conduct by INTUC union in Gua - slanderous attacks on AITUC (20.12.58) - Beyond an acknowledgment from the Minister's Asst. Private Secretary, nothing further was heard in the matter.
- 4-A). Writings in Indian worker - letter to Shri Nanda dated July 13, '58 articles objected:
Editorial, July 7, 1958
Palshat report, June 30
June 16, 1958 - Jamshedpur report
June 9, 1958 - Editorial
June 2, 1958 - Jamshedpur report,
Editorial, Bumpur report
- NO ACTION TAKEN

Cases sent by AITUC to E&I Division in 1958

1. 140 cases of non-implementation in Barbil mining area sent on 15.3.58
Replied on 26th August stating that all these cases have been disposed of.
2. Non-implementation of agreement by Andhra Pradesh Govt re. K.G.Hospital Vishapatnam (15.3.58)
The Ministry denied that there was any such agreement. The AITUC produced the copy of the agreement. After one year, the agreement was implemented.
3. Non-payment of compensation and notice pay to construction workers of SE Rly in Vishapatnam (15.3.58)
Ministry replied on 26 March that instructions have been issued for payment of compensation.
4. Non-implementation of settlement in OMD Ltd., Barbil (15.3.58)
The intervention of the Ministry made no improvement in the situation.
5. Non-implementation of acts, etc., in Talcher-Dera collieries. (15.3.58)
-do-
6. Non-implementation of M.W.Act in Gudur Mica Mines (28.3.58)
After a good deal of correspondence, the loopholes in the Act re. 'loaders' in Mica Mines was promised to be rectified.
7. Non-payment of arrears in Gudur mica mines (28.3.58)
The amount was paid after Ministry's intervention.
8. Barsi-Licht Railway case (25.4.58)
Still pending
9. Violation of Code of Discipline by Hotel owners in Madras (22.5.58)
The matter was referred by the Centre to Madras Govt.
10. Non-implementation of awards in Coimbatore textiles. (14.6.58)
In one or two instances, the position was rectified. On others, no improvement.
11. Violation of ~~Delhi~~ Agreement on rationalisation - Silk Mills in Amritsar. (21.6.58)
The E&I Division took the stand that the Delhi Agreement was not binding till bipartite agreements on same lines are signed. This was later on refuted by the Labour Minister. All the same, E&I Division could be of no use at all.
12. Jamshedpur cases
The E&I Division could do absolutely nothing.

14. Violation of Code by Sudarshan Co., Vijayawada (7.8.58) Nothing much came out of the complaint.
15. Failure to fix hours of work in OMD Co.Barbil (7.8.58) The Ministry tried to disprove our contention.
16. Victimization of Budha Tanaji by agreement with INTUC Union in Amalner. (1.9.58) He was reinstated. The E&I Division said the agreement was entered into in the absence of the "real" leader of the INTUC.
17. Violation of Code - Prakash Engineering, Agra (6.9.58) There was a counter-complaint.
18. Violation of Coal Award by NCDC - 21.8.58 No effective action could be taken by E&I
19. Closure of shift in Dunbar Cotton Mills, Calcutta - 28.8.58 -do-
20. Dismissal of Robert Gomes Bombay textiles - 8.9.58 The Ministry sought to disprove our contention. No action taken to rectify the position.
21. Violation of Code - Kamala T.E. Siliguri - 29.7.58 Case was referred to W.Bengal Govt.
22. Non-implementation cases in Chikhli Mines, Bhilai Project (24.9.58) E&I Division denied there was any such non-implementation.
23. Violation of Award, etc., in Kesoram Cotton Mills, Calcutta (4.10.58) Nothing could be done by Central E&I. It is now before W.Bengal E&I.
24. Closure of Kulti Blast Furnace (8.10.58) The closure could not be prevented.
25. Violation of Code - DCM, Delhi (15.10.58) Subject matter of good deal of correspondence and that is all.
26. Violation of Code - OCM, Amritsar 15.10.58 Nothing came out of the complaint.
27. Non-implementation of Govt resolution on Choudhury Committee report re. Cochin Port - 17.10.58 -do-
28. Closure of Badnera Mill (14.11.58) -do-
29. Violation of agreement - retrenchment in Gudur mica mine (22.11.58) -do-

29. Non-implementation of Coal Award re. Grading & Time-scale (25.11.58) E&I could do nothing. Later, at tripartite committee meetings, some agreement was arrived at.
30. Non-implementation of Coal Award re. concessional supply of footwear (25.11.58) -do-
31. Non-implementation case - Nandram Hunatram, Barbil (25.11.58) No improvement.

Cases against AITUC
under INTER-UNION CODE OF CONDUCT - in 1958.

1. Alleged clashes between Colliery Mazdoor Sabha workers and INTUC workers in East Jemshary Colliery (12.6. 58) - It was denied that the case is under Code of Conduct since no such clash occurred with any INTUC union - there was no INTUC union there for that matter. It was a violation of Code of Discipline by the employer who refused to take back the workers unless they signed a humiliating bond. ~~xxxxxxx~~ The E&I Division assured that the workers would be taken back - those against whom cases were pending, after the cases were disposed off. But even after one year, all workers have not been reinstated.
2. Speech of Com.Renu Chakravartty in Qua - ~~xx~~ alleged vilification of INTUC union leaders. (19.11.58) The text of extracts of Com.Renu's speech was completely distorted, it was pointed out. The allegation was denied.
3. Speech of Pashupati Pandey in Burnpur (19.11.58) It was asked as to who gave the information. The Ministry said they got it from the INTUC. We pointed out that this is a deliberate distortion in order to discredit us.
4. Assault on INTUC workers in Burnpur (19.11.58) The allegation was denied.

CASES AGAINST AITUC under Code - in 1958

1. Agitation by Gua miners
26.4.58

A detailed reply about the condition in Gua was sent, listing the various demands left unfulfilled, including denial of registration by the union. On this counter-complaint, some action had to be taken by the Ministry to settle some of the demands.
2. Violation of agreement by Petroleum Workers Union, Madras - recruitment of members in Oil Terminal (12.6.58)

Denied by AITUC. The union sought revision of agreement. Its application for recognition was not considered. After a good deal of correspondence, the Ministry advised the Union to seek registration under the terms of the Code. But the employer did not recognise the union.
3. Strike in Sestharama Mica mine without notice (14.6.58)

The circumstances under which the strike took place was explained. In the settlement which followed the strike contained the provision that proper notice should be given for strike or lockout.
4. Refusal of AITUC unions in Samalkot, Pugalur and ~~Kotax~~ Thiruvalla - all of Paryys to function Works Committees. (8.8.58)

Replied that the charge is groundless since AITUC and its unions have always stood for formation and functioning of Works Committees.
5. Assault case in OMD, Barbil (2.9.58)

The charge was denied. Certain workers had to resist the insolent behaviour of a drunkard supervisor. The Ministry however alleged that our contention is not correct.
6. Alleged violence in Selected Jharia colliery, Bihar (7.11.58)

It was pointed out that a case foisted in AITUC union leaders, on the basis of the same complaint, was dismissed by the Court. Correspondence is still going on whether it is a fact that Shri Tiwari who came over from the INTUC was removed from INTUC on a letter from Labour Minister's Private Secretary. This was stated in the police report.

Cases under Code of Discipline
sent by AITUC in 1959 - upto June

- | | | |
|---|---|---|
| 1. Closure of Maheshwari Devi
Jute Mills - 26.2.59 | - | Not known if violation of
tripartite agreement has been
taken up with employer. |
| 2. Retrenchment in Bharat Woollen
Mills, Calcutta - 27.2.59 | - | Matter was referred to State
Govt and some action was
taken |
| 3. Violation of award, etc. in
New Jemahary colliery and
Kustore colliery
19.3.59 | - | No news of action taken. |
| 4. Violation of Code in New
Marine Colliery and Kirkend
Colliery, Bihar - 23.5.59 | - | Our contention disputed.
The matter under correspondence
even now. |
| 5. Unilateral decision of management
in increasing workload at
Punalur Sugar Factory
14.4.59 | - | Referred to State Govt. |
| 6. Lockout in Madurai Textiles
8.6.59 | - | -do- |

Cases against AITUC
under Code of Discipline - in 1959 - upto June

-
1. Activities of Road Transport Union, Hyderabad - 13.1.59 - The union ~~was~~ not affiliated to AITUC.
 2. Case against Bombay Plastics Employees Union - 2.2.59 - Replied on 18.2.59 - charges unfounded.
 3. Complaint sent directly by employer in Century Rayon, Bombay - pending
 4. Complaint against Dhanbad Firebrick & Potteries Workers Union 18.5.59 - pending

Cases against AITUC
under CODE OF CONDUCT - till June 59

1. Alleged assault of INTUC workers
by AITUC union in Cochin Port
26.2.59 - Allegation denied.

2. Leaflet issued by United Iron
& Steel Workers Union, Burnpur
containing slanderous remarks - Since the Central E&I refused
to discuss Code of Conduct
in the E&I Committee, AITUC
refused to reply to the letter.

Cases re. CODE OF CONDUCT
sent by AITUC - 1959 - till June

1. Acts of violence by members of
INTUC Union in Bermo-Karoli area
14. 2. 59

2. Attack by INTUC elements on
workers of Garden Reach Textile
Workers Union on 26th January
- Case referred by WBSTUC

3. Assault on AITUC union activists
in Burnpur by INTUC elements
- 1.4.59

- Matter being pursued mainly
by State Govt.

- E&I Division denied there
was any such clash. They said
it was a clash between two
boys in which some people
took sides.

Item 6

We support the proposal of de-linking of Provident Fund benefits from Gratuity for the purpose of granting exemption to Establishments or employers covered under the E.P.F. Act 1952.

STATEMENT OF VERIFIED MEMBERSHIP OF CENTRAL T.U. ORGANISATIONS

State	No. of unions & Membership CLAIMED	No. of unions & Membership Verified	Returns not submitted	Did not show Records	Not Registered	Registration cancelled	Defunct	Incorrect affiliation
1. Andhra Pradesh								
	AITUC 89/85,028	39/36,669	40/26,008	-	1/396	-	1/175	8/5,819
	INTUC 67/52,323	18/4,645	39/20,700	3/2,672	-	-	3/20,576	4/1,622
	HMS 11/12,147	8/2,724	3/9,488	-	-	-	-	-
	UTUC No claim							
2. Assam								
	AITUC 10/22,439	9/8,400	-	-	-	1/1,024	-	-
	INTUC 29/2,49,087	24/2,17,246	2/25,718	-	-	3/5,651	-	-
	HMS No claim							
	UTUC 6/1,105	3/653	-	-	-	-	1/175	2/277
3. Bihar								
	AITUC 52/82,915	34/10,914	9/8,895	7/23,566	-	-	1/3137	1/242
	INTUC 77/1,23,883	50/94,479	19/16,980	6/7,299	-	-	1/57	1/354
	HMS 14/58,398	9/11,828	2/1,269	3/44,913	-	-	-	-
	UTUC 60/36,706	40/16,248	5/2,818	6/10,034	-	2/586	3/209	4/839
4. Bombay								
	AITUC 132/2,62,127	63/52,161	1/520	4/81,869	6/5,097	35/30,391	3/990	19/9,978
	INTUC 241/3,37,161	208/2,23,706	5/40,876	2/237	6/2,509	23/7,957	1/86	-
	HMS 63/1,35,368	53/79,701	2/1,299	-	1/793	4/1,850	1/5,600	2/570
	UTUC 3/7,207	1/6,102	1/450	-	1/757	-	-	-
5. Kerala								
	AITUC 486/2,32,690	200/76,453	103/36,515	43/32,833	6/2,756	51/16,271	-	70/24,450
	INTUC 36/27,687	21/12,726	1/500	8/7,581	4/1,119	1/142	-	1/158
	HMS 2/4,480	1/421	-	1/4,000	-	-	-	-
	UTUC 50/28,961	30/6,180	4/4,065	14/17,357	-	-	-	2/3,487
6. Madhya Pradesh								
	AITUC 30/25,216	10/4,534	15/18,294	-	3/810	-	-	1/98
	INTUC 51/59,826	23/34,423	23/27,505	-	3/676	1/20	-	1/1,318
	HMS 3/3,849	3/3,489	-	-	-	-	-	-
	UTUC 4/442	3/373	-	-	-	-	-	1/69

State	No. of unions and Membership CLAIMED	No. of unions & Membership VERIFIED	Returns not submitted	Did not show Records	Not Regis- tered	Registration Cance- lled	Defunct	Incorrect affilia- tion
7. Madras								
AITUC	169/2,47,733	127/98,888	9/5,495	-	6/1,475	15/5,964	-	7/2,022
INTUC	53/72,346	44/54,784	2/9,762	-	1/121	3/378	-	3/1,204
HMS	17/27,410	14/29,729	1/200	1/85	-	1/254	-	-
UTUC	41/24,121	11/1,918	1/3,875	-	3/1,238	8/6,500	-	18/8,553
8. Mysore								
AITUC	36/47,526	23/25,092	11/4,896	-	1/800	1/800	-	-
INTUC	23/22,251	16/12,651	9/7,144	1/1695	-	2/490	-	-
HMS	13/9,462	5/692	6/6,770	-	-	2/1,605	-	-
UTUC	no claim							
9. Orissa								
AITUC	19/27,489	31/6,696	2/175	1/15,628	3/1,700	2/750	-	-
INTUC	13/16,006	10/10,692	3/2,851	-	-	-	-	-
HMS	10/6,406	8/9,749	2/2,306	-	-	-	-	-
UTUC	no claim							
10. Punjab								
AITUC	61/48,233	39/17,585	12/3,928	-	2/225	2/270	3/1,811	3/850
INTUC	74/27,239	49/16,653	16/4,104	2/616	2/230	4/2,056	1/320	-
HMS	4/53	2/135	-	-	-	2/350	-	-
UTUC	no claim							
11. Rajasthan								
AITUC	1/4,80	1/1,739	-	-	-	-	-	-
INTUC	24/12,150	13/4,384	11/5,076	-	-	-	-	-
HMS	8/2,841	5/669	3/870	-	-	-	-	-
UTUC	1/400	-	-	-	1/400	-	-	-
12. Uttar Pradesh								
AITUC	64/25,877	17/5,074	39/14,475	3/354	1/210	2/270	1/90	3/4,198
INTUC	161/60,456	99/40,800	48/13,959	6/2,553	1/173	3/221	1/35	2/305
HMS	36/20,946	17/5,072	15/923	3/1,872	-	1/1,800	-	-
UTUC	15/6,539	3/1,847	14/4,155	-	-	1/591	-	-

State	No. of unions & Membership CLAIMED	No. of unions & Membership VERIFIED	Returns not submitted	Did not show records	Not regis- tered	Registra- tion cancelled	Defunct	Incorrect affilia- tion
13. West Bengal								
AITUC	240/2,42,346	182/1,58,863	13/3,748	1/1500	4/879	35/18,846	-	5/2,341
INTUC	167/3,01,553	102/1,57,125	10/11,364	14/27,489	1/900	31/31,174	-	8/20,106
HMS	49/65,726	19/39,035	12/6,206	4/2100	-	9/6,498	-	5/2989
UTUC	97/87,015	80/43,298	8/1,673	3/10,343	2/236	2/2,335	2/2,082	-
14. Delhi								
AITUC	17/41,272	13/14,238	-	2/16,973	-	1/120	-	-
INTUC	25/10,263	20/7,901	-	2/744	-	11/3495	-	2/244
HMS	6/10,115	1/850	-	2/7,900	-	2/1,575	-	1/40
UTUC	5/4,429	5/2,041	-	-	-	-	-	-
15. Manipur								
AITUC	1/05	-	-	-	1/65	-	-	-
INTUC	no claim	-	-	-	-	-	-	-
HMS	no claim	-	-	-	-	-	-	-
UTUC	no claim	-	-	-	-	-	-	-

Re. Jammu & Kashmir, INTUC has claimed 1 union claiming 1,040 and granted 0, the union having not submitted returns.
In Tripura, INTUC has claimed 3 unions/6,097 - verified figure 2/5952

GRAND TOTALS

AITUC	1409/11,00,141	768/5,17,306	254/1,21,944	61/1,72,723	34/14,413	145/74,696	9/6,203	117/49,998 - 21 repeti
INTUC	1066/13,80,249	698/8,98,527	191/1,87,969	44/50,885	18/5,728	83/51,600	7/21,074	22/25,311 - 3 "
HMS	276/3,57,859	145/1,84,084	46/37,441	14/60,875	1/793	21/13,932	1/5600	8/3,599
UTUC	285/1,96,978	176/80,345	33/13,436	23/37,734	7/2633	13/10,012	6/2466	27/13,225

ORGANIZATIONS

All India Federation of
Electricity Employees,
5, Ritchie Street,
MADRAS-2

1 ✓ All India Petroleum Workers' - 2
Federation,
4215, Tel Mandi,
Paharganj, DELHI

2 ✓ All India Cement Workers' - 2
Federation,
Ganpat Nivas, Zaoba's Court,
Thakurdwar, BOMBAY-2

3 ✓ The General Secretary, - 1
All India Insurance Employees'
Association,
9-A, Haralal Das Street,
CALCUTTA-24

4 ✓ National Federation of Road,
Transport Workers of India, - 2
3-A, Asaf Ali Road,
NEW DELHI

The General Secretary,
Indian National Trade Union Congress,
17, Queensway (Janpath) NEW DELHI

The General Secretary,
United Trade Union Congress,
249, Bowbazar Street, CALCUTTA-12

5 ✓ The General Secretary, - 1
National Federation of P & T
Employees,
9 Pusa Road, NEW DELHI-5

6 ✓ The General Secretary, - 2
All India Bank Employees Association,
No.1 Subhas Bose Lane, CALCUTTA-1

7 ✓ The General Secretary, - 2
All India Defence Employees
Federation,
70, Market Road, Kirkee, POONA-3

The General Secretary,
Hind Mazdoor Sabha,
Servants of India Society Home,
Sirdar Vallabhai Patel Road,
BOMBAY-4

8 The General Secretary, - 2
National Federation of Indian
Railwaymen,
17, Queensway, (Janpath) NEW DELHI

The General Secretary,
All India Reserve Bank Employees'
Association, C/O Reserve Bank
of India, Mint Road, Fort, BOMBAY

The General Secretary,
All India Federation of Educational
Association,
Dhake Plots Sharampeth,
M.GPUR

9 The General Secretary, - 2
Indian Mine Workers Federation,
Near Mack & Co., DHANBAD (Bihar)

AGENCIES

Shri R.V.Raman, (60 copies)
Prabhat Books,
C-2, BEL Market,
Jalahalli, BANGALORE

The Current Book Depot,
The Mall, KANPUR (10 copies)

People's Book House, (5 copies)
Lakshmi Road, Lakri Bridge,
POONA-2

The Manager, (2 copies)
Indian Labour Gazette,
Labour Bureau, Ministry of Labour,
Government of India, NEW DELHI

The Secretary,
Government of India,
Ministry of Labour, (2 copies)
Secretariat, NEW DELHI

Embassy of the (2 copies)
People's Republic of China,
Lytton Road,
NEW DELHI

I.L.O Office,
Mandi House (2 copies)
NEW DELHI

The Labour Bureau, (2 copies)
Government of India,
SIMLA

The Embassy of
U.S.S.R. in India,
Travancore House,
NEW DELHI (2 copies)

ANALYSIS OF APPEALS MADE TO SUPREME COURT IN MATTERS RELATING TO LABOUR DISPUTES DURING 1957 AND 1958.

OBJECTS AND

In pursuance of the recommendations of the Central Implementation and Evaluation Committee, an analysis has been made of appeals against Industrial Awards, filed in the Supreme Court, with a view to determining the advantages secured by the appellants both in terms of money and by way of vindication of principles. The analysis covers 33 judgements delivered by the Supreme Court during 1957 and 1958 (and published in Law Journals during these two years) in matters relating to labour disputes; 16 of these judgements were delivered in 1957 while 17 were delivered in 1958.

CHARACTER OF CASES STUDIED.

2. Of the 33 cases, appeals were initiated by employers in 25 or about 76% cases; by workers in 5 or about 15% cases and by State Governments in 3 or about 9% cases. In 16, or roughly about 50% cases, the appeals related to termination of service (dismissal or discharge) of workmen; in 7 cases they related to bonus issues while in 5 cases they concerned the payment of wages and dearness allowance. Thus, cases pertaining to termination of service, wages and bonus accounted for about 85% of the total number of appeals made to the Supreme Court. The remaining cases related to miscellaneous issues, e.g., compensation for accidents outside the works premises, power of Government to supercede a reference pending before a Tribunal by a fresh notification, validity of awards after a prescribed date, scope of the term 'worker', etc.

3. Of the total number of cases filed in the Supreme Court, 22 or about 67% cases were either wholly or partly successful. Employers were wholly successful in 18 out of 25 cases (i.e. in about 72% cases); partly successful in 1 case and were unsuccessful in the remaining 6 cases. Workers succeeded in 2 (40%) of the 5 appeals filed by them. The State Governments were partly successful in 1 case and unsuccessful in 2 cases.

ADVANTAGES SECURED IN SUCCESSFUL APPEALS:

4. The advantages secured by the appellants in successful appeals were either in respect of monetary gain or with regard to vindication of a principle or both. The advantage, in terms of principles upheld or enunciated by the Supreme Court is, in several cases, of a wider significance, for, whenever an appellant wins a case it not only implies that the ground on which he made it has been upheld but once the principles for determining a particular issue are decided by the Court, they continue to govern similar issues in future. Most of the cases studied involved interpretation of law, examination of the validity of legal provisions of labour enactments in the light of Fundamental Rights, determination of principles in matters not laid down by law and elucidation of principles enunciated by the Court in matters like determination of bonus, etc. vindication of principles - big or small - was generally implied in almost all successful appeals.

(a) GAIN IN TERMS OF PRINCIPLES

5. In appeals pertaining to termination of service of issues arising from such termination, important points of law or broad guiding principles were settled by the Supreme Court in deciding such cases. Thus the employers' right to dismiss employees for misconduct or for absence without permission for more than 14 consecutive days was upheld as also his right to discharge his employees under the

Standing Orders. New principles regarding computation of money value of reinstatement benefits were laid down in another case. In cases concerning bonus, the Supreme Court enunciated several important principles. It has, for example, laid down that bonus is not a mere matter of bounty or gratuitous payment made by an employer to his employee, nor is it a matter of deferred wages. In one case, the Court refused incentive bonus to workmen as they could not prove that the employer had earned profits due to their contribution.

(b) MONE-
TARY
GAIN:

6. It is not easy to estimate precisely the monetary gain secured by appellants in successful cases; these are normally not indicated in the judgements as it is on the question of law or principles that appeals are generally filed in the Court. In cases pertaining to bonus, dearness allowance, dismissal of workers, etc., it is all the more difficult to calculate monetary gain or loss as it is of a recurring nature and may cover a large number of persons over an indefinite period of time. The information about monetary gain, etc., is obtained by obtaining relevant information from the employers concerned. The analysis on the basis of these estimates shows that of the total 22 successful cases, in 5 no direct monetary gain was involved - they related to the question of interpretation, etc., e.g., amending a prayer for dismissal by a prayer for discharge, fixing of responsibility on the management for change of service conditions, payment of compensation for accidents outside works premises, interpretation of the term 'worker' under the Factories Act, validity of awards given after a prescribed date, etc. The classification of cases where some monetary gain was involved is as follows:-

Involved, given below, has thus either been estimated on certain assumptions about average wages, etc.

<u>Monetary gain</u>	<u>Number of cases</u>
1. Not more than Rs. 1,000/-	3
2. More than Rs. 1,000/- but not more than Rs. 2,000/-	2
3. More than Rs. 2,000/- but not more than Rs. 10,000	2
4. More than Rs. 10,000/- but not more than Rs. 15,000/-	2
5. More than Rs. 15,000/- but not more than rupees one lakh.	3
6. More than rupees one lakh.	5

7. Judging from the fact that appeals to the Supreme Court involve considerable legal expenses, loss of time and inconvenience, it may be said that in majority of cases the monetary stake was comparatively small. In most of the 12 successful cases concerning termination of services of workmen, the monetary gain involved was not more than Rs. 10,000/-; in 4 of these cases, the disputes related to dismissal of only 1 worker each while in 10 cases, the disputes related to dismissal or discharge of not more than 20 workmen. Even with regard to cases concerning bonus, which generally involved large sums of money, in 1 case the employer went in appeal on the issue of paying bonus to 4 workers involving only about Rs. 1,200/-. It may be argued that these cases involved sometimes only 1 or a few workmen, and that probably they concerned not so much the vindication of a principle as the vindication of prestige and that such approaches to the highest court of the land are not only detrimental

to healthy and harmonious growth of industrial relations but also smack of harassment and inconvenience to the workers whose bargaining and litigation capacity is so obviously inferior. But in each successful case an important point of law was involved and the clarification given by the Supreme Court is bound to reduce causes of friction in the future.

CONCLUSIONS: 8. The following broad conclusions emerge from the above analysis:-

- (1) In 1/3rd of the cases studies appeals were not successful of the appeals filed by employers, about 25% were not successful - in these cases the view point of employers was not upheld by the Court and it may be said generally that they were not based on very substantial grounds.
- (2) The largest number of appeals in the Supreme Court in respect of which judgements were delivered in 1957 and 1958, were preferred by employers; a majority of them were successful.
- (3) Eighty-five per cent of the appeals related to termination of service, wages and bonus.
- (4) In most of the cases, questions of law or principles were involved; in a number of cases important decisions laying down broad guiding principles were given by the Court.
- (5) In a majority of cases, the monetary benefit involved was comparatively small; in cases relating to termination of service, the monetary aspect did not seem important at all as several of these cases concerned only 1 or 2 workmen. But important questions of law and principles were involved and in some of them the vindication of the view point of the appellants, judged objectively, was considerable and worth while.

....

ACTION TAKEN ON THE DECISIONS OF THE 16th SESSION
OF THE INDIAN LABOUR CONFERENCE (NAINITAL 19TH-20TH
MAY, 1958)

The statement of action taken on the decisions of the 16th session of the Indian Labour Conference was noted:

No action is called for on this.

Industrial relations

(1) Time was not appropriate for the suspension of adjudication for the settlement of industrial disputes, though adjudication should be the last resort in the process.

The State Governments have been requested to issue suitable instructions to the field officers of the State Industrial Relations Machinery to the effect that in all cases where conciliation fails the Conciliation Officer should make definite proposals to the parties concerned for settling the disputes by arbitration. Similar instructions have been issued by the Chief Labour Commissioner to his field staff.

(ii) The present position of the Works Committees should be more fully examined.

Notes on the experience of Works Committees in other countries and the functioning of such Committees in the public sector in India have been prepared and circulated along with the Memorandum on Industrial Relations (item 2 on the agenda). The N.C. Corporation has been asked to make a study of the functioning of the works committees in the Bombay region. The matter will be discussed in the current session of the Conference.

(iii) The Sub-Committee of the 15th Session of the Indian Labour Conference should be requested to draft a simple and flexible grievance procedure in accordance with the principles evolved by it earlier.

A model grievance procedure drawn up in consultation with the State Governments was approved by the Sub-Committee with certain amendments when it met in September 1958. The amended grievance procedure has been circulated to all concerned.

- (iv) The proposals made to ensure the working of evaluation and implementation machinery more effective were approved.

An Evaluation and Implementation Division as well as a Tripartite Central Implementation and Evaluation Committee have been constituted at the Centre. All State Governments/Administrations except Manipur have either set up an official cell or designated an officer to be in charge ~~xxxxxx~~ of the work relating to implementation of labour laws etc. Except Bombay, Jammu & Kashmir, Himachal Pradesh and Manipur all state Governments/Administrations have set up tripartite Implementation Committees. Jammu & Kashmir and Himachal Pradesh do not consider it necessary to set up Committees at this stage. Bombay and Manipur are considering the matter.

- (v) With a view to mitigating the evils of trade union rivalry, a code of Conduct was adopted at a meeting of the representatives of the different central organisations of workers.

The Code has been brought to the notice of all Central Workers' Organisations. Action is also being taken by the Evaluation and Implementation Division on cases of infringement of the Code reported to them.

- (vi) (a) A trade union should prescribe a minimum membership fee of as -/4/- a month and the Registrar of trade unions should be given the power to inspect the books of the union.

This will be taken up along with other amendments to the Trade Unions Act.

- (b) Delay in the registration of trade unions should be avoided.

The State Governments have been requested to avoid delay in the registration of trade unions.

- (c) If out of the 7 signatories to an application for registration, one or two got discharged during the pendency of the application and if the signatories were entitled to apply for registration at the time of the application, registration should not be refused on the ground that they had since ceased to be workers.

This will be taken up along with other amendments to the Trade Unions Act.

- (vii) Certain criteria for voluntary recognition of Trade Unions were evolved. A procedure for verification of membership of trade unions was also approved.

The Criteria evolved for the voluntary recognition of trade unions now form part of the Code of Discipline which has been ratified by the ~~notified~~ ~~Sixty-Six~~ organisations. These have also been brought to the notice of State Govts., Administrations and Employing Ministries. Their applicability to Corporations and Companies was discussed at the last Public Sector Conference. A revised procedure for the verification of membership of trade unions was drawn up on the basis of the principles recommended by the Conference and communicated to the Central Workers' Organisations. Certain details concerning the procedure were settled at a meeting of the representatives of the central, workers' organisations held in March, 1959.

- (viii) The proposals for the introduction of union-shop and check off were rejected. It was agreed that a recognised union should be entitled to collect membership fees every month within the premises of the undertakings.

The State Governments and the concerned Ministries have been addressed on this matter.

Working of the Employees' State Insurance Scheme.

- (i) The State Governments' sphere, on extension of medical care to families should be 1/8th of the total expenditure during the Second Plan period and thereafter no revision should be effective unless mutually agreed upon.

The Employees' State Insurance Corporation have since decided that State Governments' share of medical expenditure would continue to be 1/8th even after the II Plan period unless revised and accepted mutually.

- (ii) The State Government might adopt any system of medical care (service, panel or mixed) which they consider most feasible.

This has been brought to the notice of State Governments. Specific proposals as and when received from the State Governments in this connection will be examined by the Corporation.

- (iii) Regarding the Capitation fee to be paid to panel doctors, it was considered desirable that the Employees' State Insurance Corporation should approach the medical profession through the State Governments concerned.

The suggestion has been noted by the Corporation for guidance.

- (iv) A sum of Rs. 30/- per confinement should be paid to the wives of insured persons on extension of medical care to families.

This recommendation is being examined by the Corporation in consultation with the State Governments.

- (v)(a) Some Improvements in the rate of maternity cash benefits should be made.

The maternity cash benefits available under the Employees' State Insurance Scheme has since been raised to full average pay subject to a minimum of 12 annas per day. This has been given effect to in respect of all insured women whose right to maternity benefit commenced after 1st June, 1958.

- (b) Persons suffering from T.B. should be given special cash benefits.

The question of raising the rate of cash benefits to persons suffering from T.B. is being examined by the Corporation.

- (vi) The question of revision of the waiting period should be examined.

The matter is under examination of the Corporation. As the recommendation would involve the amendment of the Employees' State Insurance Act, its implementation is likely to take some time.

- (vii) Families of the insured persons should be covered for medical care and treatment. Hospitalisation should also be provided for them.

Medical care has been extended to the families of insured persons in the States of Mysore, Assam, Rajasthan, Bihar, Madhya Pradesh Punjab and Andhra Pradesh. A few more States will also be covered shortly.

As regards hospitalisation, the financial implications of the recommendation are being examined.

- (viii) The employers' contribution should be raised to ~~4%~~ as provided for in law for meeting the extra expenditure involved in implementing proposals like extension of medical care to families.

The Corporation has decided that the rate of employers' special contribution need not be raised till such time as the extra expenditure involved on the extension of medical care to families could be met from the current revenue surplus of the Corporation. If, however, the Valuer's final report showed that the rates of employers' special contribution should be increased, the Central Government might then take necessary action.

- (ix) The administration of the Employees' State Insurance Scheme and of the Employees' Provident Fund Scheme should be integrated.

The Study Group on Social Security set up to consider the question of integration of social security schemes has submitted its Report. The recommendations of the Study Group are under examination.

- (x) Contribution to the Provident Fund should be increased from $6\frac{1}{4}\%$ to $8\frac{1}{3}\%$.

The matter was discussed with employers' representatives at a meeting held in Bombay in January 1959. It was decided that before taking a decision in this regard an industry-wise survey to assess the financial burden on individual industries in the first schedule of the Employees' Provident Funds Act should be undertaken. It is proposed to entrust the survey to working groups consisting of the representatives of the employers, employees and the Ministries concerned. Each industry will be surveyed by a separate working group.

As a preliminary step the Central Provident Fund Commissioner has requested the employers in the first six industries specified in the First Schedule to the Employees' Provident Funds Act, 1952, to state their difficulties in increasing the rate of provident fund contribution to $8\frac{1}{3}\%$ as also their calculations of the additional burden and any other considerations which they may have against the proposal.

- (xi) The proposal to convert the Provident Fund Scheme into and old age and/or survivorship Pension should be examined provided it could be worked out within $16\frac{2}{3}\%$ of wages received by way of contributions from employers and workers.

The Report of the Study Group on Social Security is under examination.

- (xii) (a) The present employment limit of 50 persons or more as prescribed under the Employees' Provident Funds Act 1952 (sub-section 3 of section 1) should be amended as 20 persons or more.

Government is taking the necessary steps for implementing this recommendation of the Indian Labour Conference.

- (b) Employees in commercial establishments should be covered.

The Employees' Provident Fund Act has since been extended to the road motor transport establishments employing 50 or more persons with effect from the 30th April, 1959. The extension of the Act to the Commercial establishments like Hotels, Cinemas, Banks, insurance etc. are being examined in consultation with the State Governments and the concerned Ministries.

Amendments to the Industrial Disputes Act 1947.

- (i) The proposed amendment to Section 7A(3) of the Industrial Disputes Act 1947 to enable the appointment of serving or retired District Judges as Presiding Officers of Industrial Tribunals was approved subject to certain reservations.

The question of amending the Industrial Disputes Act will be taken up along with other amendments that are now under consideration.

- (ii) Regarding the suggestion of the West Bengal Govt. that the staff of hospitals etc. should be excluded from the purview of the Industrial Disputes Act the consensus of opinion was that a Convention should be Established whereby the staff would not go on strike provided that an effective machinery for the speedy redress of their grievances was set up by the employer.

The recommendation has been brought to the notice of the Government of West Bengal.

- (iii) The suggestion of the Indian National Mine Workers' Federation to amend sub-section(3) of Section 24 of the Industrial Disputes Act should be examined by Government.

The same amendment was also suggested by the AITUC and INTUC and the matter was discussed by a Committee of the Standing Labour Committee in January, 1959. The recommendations are under examination.

Subsidized Industrial Housing Scheme.

- (i) (a) The quantum of loan to employers under the scheme should be raised from $37\frac{1}{3}\%$ to 50%.

} This has since been done.

- (b) The rules for the allotment of tenements should be left to the employer to be finalised in consultation with the workers subject to some broad principles being laid down by the Government.

The Government of India have decided that subject to the broad principles of the Scheme, the allotment of houses should be left to the employer in accordance with the rules to be finalised in consultation with the workers of the establishment. The allotment will be made by a Managing Committee having equal number of the representatives of the workers and the employer with an official chairman, in accordance with such rules as may be mutually agreed upon. In cases, where no agreement can be reached between the parties, allotment ~~xxxxxx~~ will be governed by the Government of India Subsidised Housing Allotment Rules with the modification that in addition to the provision made in the Rules enabling the Managing Committee to allot 10% of the houses, out of turn, another 15% of the total number of houses built, may be allotted by an employer to the eligible workers at his discretion; the intention being that the allotment of the remaining 75% of the houses will be governed by the Rules prescribed in the model Allotment Rules.

- (c) The question of giving some income tax reliefs to employers should be examined by Government in detail.

The matter is being examined by the Government.

- (ii) If State Governments find that industrial housing was not making progress for want of developed building land, they should spend as much of their allocation as was needed for the acquisition and development of land. The land could be utilised by them or sold at a no-profit no-loss basis to employers for the purpose of building houses.

Action is being taken on this recommendation by the Ministry of T.H. & S. It has already been decided to grant loans, repayable in 5-7 years, to State Governments under the subsidised Industrial Housing Scheme, to enable them to acquire suitable sites and develop them either for constructing houses in their own or for selling the developed sites, to employers and co-operatives of industrial workers, on a no-profit no-loss basis.

Evaluation and Implementation of labour enactments,
awards, settlements etc.

The proposals made to make the work of evaluation and
implementation more effective were approved.

As referred to under item 2(iv) above evaluation and
implementation machinery has been set up in most
of the States. Data on non-implementation of
labour enactments awards etc. are being collected
from the States etc., regularly.

Notes for information on Productivity etc.

Closure of units and unemployment.

(i) Plantations: Suitable steps should be taken by the
Central and State Governments to avoid closures.

The Govt. of Assam had made some proposals to undertake
legislation for taking over control of tea gardens
in certain cases of mismanagement. But it was
considered desirable that such powers should be
taken only by the Central Govt. at the appropriate
time when a proper organisation for assuming the
management of mis-managed plantations had been
built up. It has since been decided to undertake
suitable legislation covering the subject.

(ii) Cotton Textiles:- Various measures like the Granting of
licenses for new units, appointment of Expert Committees
to examine the individual units that have closed down or
likely to close down, giving relief to the mills by way of
providing long staple cotton and also by rendering
financial help in the form of short-term and long-term
capital etc. were recommended.

The Govt. have accepted the suggestions made by the
Textiles Enquiry Committee for enabling the
closed mills to be re-opened. The State Bank and
the Scheduled Banks have already reduced their
margins in advancing Working Capital to the mills.

(iii) Jute:- The Jute Committee should be convened to consider
the possibilities of taking action to avert closures in
this industry.

The Industrial Committee on Jute which met in August
1958 was of the view that problem of closure was not
very serious in this industry. However, a Special
Committee has been set up by the Government of West
Bengal to watch the implementation of the agreed
policy on rationalisation.

- (iv) Engineering:- Industries were affected by the acute shortage of steel and other raw materials. Government should take immediate action to remedy the situation.

The Ministry of Commerce & Industry and the Planning Commission are of the view that the position cannot be substantially improved until the foreign exchange difficulties are over. However, the Ministry of Commerce and Industry are making efforts to utilise the available raw materials in the best way that would help to minimise the difficulties experienced by the industries.

(v) General:-

- (i) The Standing Orders should be amended on shift working in respect of notices before closures.

The Model Standing Order No. 7 appended to the Industrial Employment (Standing Orders) Central Rules, 1947 has been amended. The question of amending section 25 FFF of the Industrial Disputes Act in regard to notices for closures was discussed at the meeting of the Committee of the Standing Labour Committee held in January 1959. The matter is under examination.

- (ii) Lacunae in the present provision for the lay-off compensation whereby labour could be denied compensation by working normally for some days in a week after 45 days' lay-off to avoid payment of compensation should be immediately remedied.

This was discussed at the meeting of the Committee of the Standing Labour Committee in January 1959. The matter is being further examined.

- (iii) Delay should be avoided in conducting liquidation proceedings.

The department of Company Law have proposed to make amendments to the Company Law with a view to obviating delays.

Indian Labour Conference (17th Session, July, 1959)

Item No. 2: Industrial Relations

Supplementary Memorandum - 1

Kerala Industrial Relations Bill, 1959.

1.1 In paragraphs 3.2-3.3 of the Memorandum forwarded with the Ministry of Labour & Employment letter No. LC.9(1)/59, dated the 13th April, 1959 mention has been made of the Kerala Industrial Relations Bill, 1959.. The problems posed therein are: procedure for the certification of negotiating agent of workmen for collectively bargaining on their behalf on issues affecting the industry as a whole and the desirability of making consequential modifications in the 'criteria' adopted at the last session for recognition of unions. The Bihar Central Advisory Board, at its meeting in February, 1959, adopted a resolution to the effect that only a recognised union should be competent to take up disputes of general nature and that the rival union might handle individual grievances of the workers. At the meeting of the State Co-ordination Committee (April 1959) a suggestion was put forward that the aforesaid procedure should be followed in Central sphere also for maintaining industrial peace. There may be practical and legal difficulties in adopting the procedure suggested by the Government of Bihar.

1.2 Apart from the certification of the negotiating agent of workmen, the Kerala Industrial Relations Bill, has a few special features which the Indian Labour Conference might like to discuss. Some of the important items are:

- (i) Enlargement of the scope of the definition of 'industrial dispute' and 'workman' - clauses 2(i) and 2(u) of the Bill;
- (ii) Reduction of the employment limit to fifty for formation of Works Committees-clause 4 of the Bill;
- (iii) Constitution of Industrial Relations Committees and State Industrial Relations Board - Clauses 6 & 7 of the Bill;
- (iv) Legal enforcement of the 'Code of Discipline' as one of the conditions of recognition of trade unions-clause 8 of the Bill.
- (v) Procedure for recognition of representative association of employers- clause 15 of the Bill; and
- (vi) Enlargement of the scope of provision relating to "retrenchment compensation" clause 24 of the Bill.

A copy of the Kerala Industrial Relations Bill is enclosed. Significance of the aforesaid provisions are briefly discussed below seriatim.

1.3 Item (i) of para 1.2 to above. The definition of 'industrial dispute' varies from section 2(k) of the Central Industrial Disputes Act, 1947, inasmuch as the term "industrial dispute" under the State Bill means any dispute between an employer and a registered trade union and covers also any dispute concerning a person whether or not he is a workman.

The definition of 'workman' embodied in the State Bill is wider than that contained in the Central I.D. Act inasmuch as it covers all employees including those employed directly or through a contractor as well as casual workmen or badli workmen other than those employed in a managerial capacity.

1.4 - Item (ii) of para. 1.2 above - Under the State Bill, the employer shall be bound to constitute a 'works committee' in an establishment where there are fifty or more persons employed as against 100 or more workmen laid down in the Central Industrial Disputes Act. This will increase the number of works committees considerably. As may be seen from paras. 4.1 to 4.3 of the main memorandum, there is already a feeling that even the existing works committees are not functioning well. The Conference is being requested to set up a tripartite committee to examine the material so far collected, so that certain "guidance principles" could be drawn up. It is felt that unless and until the functioning of the existing works committees in establishments employing 100 or more workmen is improved, it would neither be desirable, nor feasible, to reduce the employment limit to fifty, as proposed in the State Bill.

1.5 Item (iii) of para 1.2 on pre-page. The Industrial Disputes Act, 1947, provides for constitution of Boards of Conciliation and Courts of Inquiry for promoting the settlement of industrial disputes and for setting up Labour Courts, Industrial Tribunals and National Tribunals for adjudication of disputes. Since the provisions of the State Act will not be in derogation of those contained in the Industrial Disputes Act, the aforesaid authorities will presumably continue side by side though they may be made use of only on rare occasions. The State Bill envisages two new authorities, viz., the Industrial Relations Committees and the State Industrial Relations Board. The former are even now stated to be functioning in the State of Kerala in almost all important industries and what is proposed in the Bill is to clothe them with statutory authority. These Committees, which are to be constituted with equal number of workers' and employers' representatives, may be set up for any specified establishment in specified industry. A majority decision of the Committee will be deemed to be a settlement arrived at by agreement between the employer and the workers who are represented in the Committee and their decision will be binding and enforceable on these parties and will not be called in question in any court for any reason whatsoever. The Committees are to forward their report to the Government within a period of fourteen days from the conclusion of the proceedings and Government are required to publish the enforceable decisions of the Committee within one month from the date of the receipt of the report.

The functions proposed to be assigned to the State Industrial Relations Board envisaged under the Bill are:

- (a) to aid and advise Government on matters regarding industrial and labour relation;
- (b) to settle and decide industrial relations as may be referred to them by Government; and
- (c) to discharge such other functions as may be allotted to them by the Government.

The Board is to consist of 11 members excluding 2 ex-officio members. Of the 11 members, 10 are to be chosen to represent in equal numbers employers and workmen. The Chairman is to be a person who is or has been a judge of the High Court. Due representation to the national trade union organizations (put in the order of A.I.T.U.C., INTUC, HMS and UTUC) functioning in the State and having not less than 10 percent

of members of registered trade unions has also been provided. The Board will have all the powers of a Civil Court under the Code of Civil Procedure when trying a suit.

1.6 Item (iv) of para 1.2 on page 2/ante. The State Bill seeks to give legal force to the Code of Discipline for Industry evolved at the last session of the I.L.C. The main objective behind the adoption of the Code as a non-statutory measure was to encourage harmonious industrial relations between the employers and their employees and to instil a sense of rights and duties in both the parties on a moral plane rather than on a legal plane so that they do not always adopt a legalistic practices approach in their attitude towards each other or resort to unfair/

1.7 Item (v) of para 1.2 on page, 2/ante. As against recognition of unions provided for in clause 8 of the Bill, it also provides for recognition of representative association of employers in relation to an appropriate unit where a recognised trade union (or unions) has (or have) been certified as a negotiating agent of workmen. The Bill envisages one representative association of employers for an appropriate unit.

1.8 Item (vi) of para 1.2 on page, 2/ante. The procedure proposed in the State Bill for dispensing with the service of workmen is wider in scope than section 25F of the I.D. Act. While this Act imposes certain conditions precedent to the retrenchment of a workman who has been in continuous service for not less than one year, the State Bill stipulates that the services of a workman employed for not less than six months cannot be terminated except on proved charges of misconduct or continued ill-health. In the latter case, the workman will be treated as having been "retrenched" and would be paid his compensation. The workman whose services are dispensed with or whose services are terminated has been given the right to appeal to the prescribed authority, but he gets suitable compensation for the period of unemployment only in the event of his reinstatement,

1.9 Since the points discussed above may have an all-India repercussion, the views of the Conference are invited,

INDIAN LABOUR CONFERENCE, 17TH SESSION,
MADRAS, JULY, 1959

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Item No. 2:- Industrial Relations -

SUPPLEMENTARY MEMORANDUM - III

Implementation of Code of Discipline,
labour enactments, awards, etc.

-1-

In pursuance of recommendations of the 16th Session of the Standing Labour Committee, an E&I Division in the Ministry of Labour & Employment and a tripartite Central Implementation & Evaluation Committee were set up last year. The Central I&E Committee held its first meeting in September, 1958. Acopy of its main Conclusions is enclosed (Appendix I).

2. All State Governments, except Manipur Administration, have also set up an Official Implementation Cell or have designated an Officer to look into the cases of non-implementation, breaches of the Code of Discipline, etc., falling in the State sphere. Tripartite Implementation Committees have been set up in all States except Bombay, Jammu & Kashmir, Himachal Pradesh and Manipur. While Governments of Bombay and Manipur are still considering the question, Jammu & Kashmir and Himachal Pradesh have said that they have very few labour problems to necessitate the setting up of separate Committees.

3. As almost all State Governments have now set up Implementation Machinery, the Central Organisations of Employers and Workers have been advised to issue suitable instructions to their member-units to refer complaints of non-implementation, breaches of the Code of Discipline, etc., falling in the State sphere, to the concerned State Implementation Officers.

4. In addition to dealing with cases of breaches of the Code of Discipline and non-implementation of labour enactments, awards etc., the E&I Division has also been able to persuade the Central Organisations of Employers and Workers to set up Machinery to screen cases of industrial disputes before they are taken to higher Courts so as to avoid unnecessary litigation. Attempts are also being made, both in the Central and State spheres, to bring about out-of-court settlements in cases of industrial disputes already pending in courts. An analysis (Appendix II) of successful cases of industrial disputes, decided by the Supreme Court in 1957 and 1958, has also been made to find out the extent of advantages secured by the parties concerned, both in terms of money and as vindication of principles, by going in appeal against the awards of Industrial Tribunals/Courts.

5. A few important points which have arisen in connection with the Implementation of the 'Criteria for Recognition of Unions' are mentioned below:

(i) A clarification was sought whether the condition relating to 15% membership, laid down in clause 2 of the 'Criteria', would apply rigidly for recognition even if there is only one union or would it apply where only more than

one union exist in an establishment. On the analogy of clause 1 of the 'Criteria', which provides that 'where there is only one union, it can be recognised even if it has not completed 1 year from the date of its registration, it would seem logical that the qualifying membership condition should apply only where there are more than one union in an establishment. Thus, where there is only one union in an establishment it will be entitled to recognition irrespective of its membership but where there are more than one union and none of them has 15% membership, none will be entitled to recognition.

(ii) It seems desirable to maintain status quo for 2 years from June 1, 1958 in the case of unions already recognised before that date. The 'Criteria' do not, however, seem to place any bar to recognition of different 'craft unions' representing distinct and separate interests in an establishment so long as they fulfil the conditions for recognition laid down in the Criteria.

(iii) Clause 8 of the 'Criteria' implies that if a Union has been found guilty of violation of the provisions of the Code, its recognition can be withdrawn by the employer. Before, however, such an extreme step is taken, it seems desirable that the charges against a Union should be investigated and confirmed by an Officer of the Central or State Government, as the case may be, on behalf of their I&E Machinery. In case the charges are refuted by the union, the matter may be decided by the Central/State Implementation Committee. The 'Criteria' are silent on the question of period for which a union can be de-recognised but, as under clause 4 of the Code a Union once recognised would continue to be so recognised for a period of 2 years, it may follow that a union found guilty of violation of the provisions of the Code can be de-recognised for a maximum period of 2 years.

(iv) Where, in a State, statutory provisions for according recognition, etc., exist, and they are at variance with the Criteria provided in the Code these will over-ride the provisions of the Code till the State Government concerned modifies them.

Central Implementation & Evaluation Committee
(First Meeting, New Delhi, September 20, 1958)

Conclusions

Item 1: Action taken on the conclusions of the 16th session of the Standing Labour Committee held in October, 1957 regarding evaluation and implementation of labour laws, awards etc.,.

The information contained in the memorandum on this item was noted. It was agreed that the suggestion made by the workers' representatives that the State Evaluation and Implementation Committees should be as representative as the Central Committee would be forwarded to State Governments for their consideration and adoption.

Item 2: Cases of non-implementation or partial delayed or defective implementation of
(i) Awards, agreements, settlements and
(ii) Labour enactments received from State Governments, employers' and workers Organisations and action taken thereon.

(i) It was clarified that complaints of non-implementation of labour laws, etc., relating to the central sphere should be referred to the central E & I Division and those falling in state sphere to the State Governments concerned. In either case references to the Implementation machinery at the Centre or in the States should be made only after the existing machinery under the Union Labour Ministry or the State Labour Departments has been fully utilized.

(ii) It was agreed that organisations would advise their constituent Units that when they refer cases of non-implementation to the Implementation machinery at the Centre and in the States they should give full details about the provisions violated, parties involved and their affiliations to the Central Organisation, etc.,. For this purpose, it was suggested that information regarding the members of Central Employers' Organisations should be supplied to Central Workers' Organisations so as to enable them to quote the central affiliation of the parties concerned.

(iii) It was decided that while reporting cases of non-implementation, etc., to the E & I Division, the parties should at the same time, send a copy of the complaint to the Central Organisation of the employer or worker concerned, as the case may be.

Item 3: Non-implementation of awards, agreements etc., due to appeals to High Courts/Supreme Court

(i) It was agreed that workers' and employers' organisations should take early steps to set up a machinery to screen cases before it is finally decided to take them up to higher courts.

(ii) As regards cases of appeals against industrial awards and agreements, relating to undertakings in the central sphere, already pending in courts, it was agreed that the Central Government might explore the possibility of bringing the parties together with a view to settling disputes outside the court. Similar action might be taken by State Governments in respect of cases falling in the State sphere.

This procedure may be tried for some time and if it did not succeed, the question of setting up a standing tripartite screening committee for this purpose may be considered.

(iii) It was agreed to consider the question of associating neutral auditors as assessors with the industrial tribunals so as to provide them with expert advice on accounting matters.

(iv) It was decided that an analysis of the cases of successful appeals against industrial awards may be made to determine the extent of the advantage secured, both in terms of money and as a vindication of principles ✓

Item 4: Implementation of the Code of Discipline in Industry:

(i) It was clarified that as the Code was formally ratified at the sixteenth session of the Indian Labour

fore not be correct to apply the sanctions of the Code to cases of infringements that occurred prior to that date.

(ii) The need for following the Code in letter and spirit and for publicising its provisions, as extensively as possible, was emphasised. It was agreed that the Organisations of employers and workers would ask their member units to display the Code at convenient places.

(iii) It was decided that an on-the-spot-study under the Code of Discipline by a tripartite body comprising nominees of the members of the Central Implementation and Evaluation Committee of the Calcutta tram workers' strike should be conducted. It was suggested that the Government of West Bengal should be consulted in the matter immediately.

(iv) It was decided that in addition to its present functions the Implementation machinery both at the Centre and in the States should organise itself to take preventive action, before a major strike takes place.

Item 5: Evaluation of labour enactments, awards, agreements, disputes, etc.,.

The programme for evaluation drawn up in the memorandum on this item was accepted with the addition that the evaluation of Factories Act may also be included in the programme.

Item 6: A review of some typical cases of non-implementation.

The need for a scrutiny of major complaints before passing them on to the E & I Division by the Central Organisations of Workers and Employers was appreciated.

ANALYSIS OF APPEALS MADE TO SUPREME COURT IN MATTERS RELATING TO LABOUR DISPUTES DURING 1957 AND 1958.

OBJECTS AND COVERAGE:

In pursuance of the recommendations of the Central Implementation and Evaluation Committee, an analysis has been made of appeals against Industrial Awards, filed in the Supreme Court, with a view to determining the advantages secured by the appellants both in terms of money and by way of vindication of principles. The analysis covers 33 judgements delivered by the Supreme Court during 1957 and 1958 (and published in Law Journals during these two years) in matters relating to labour disputes; 16 of these judgements were delivered in 1957 while 17 were delivered in 1958.

CLASSIFICATION OF CASES STUDIED:

2. Of the 33 cases, appeals were initiated by employers in 25 or about 76% cases; by workers in 5 or about 15% cases and by State Governments in 3 or about 9% cases. In 16, or roughly about 50% cases, the appeals related to termination of service (dismissal or discharge) of workmen; in 7 cases they related to bonus issues while in 5 cases they concerned the payment of wages and dearness allowance. Thus, cases pertaining to termination of service, wages and bonus accounted for about 85% of the total number of appeals made to the Supreme Court. The remaining cases related to miscellaneous issues, e.g., compensation for accidents outside the works premises, power of Government to supercede a reference pending before a Tribunal by a fresh notification, validity of awards after a prescribed date, scope of the term 'worker', etc.

3. Of the total number of cases filed in the Supreme Court, 22 or about 67% cases were either wholly or partly successful. Employers were wholly successful in 18 out of 25 cases (i.e. in about 72% cases); partly successful in 1 case and were unsuccessful in the remaining 6 cases. Workers succeeded in 2 (40%) of the 5 appeals filed by them. The State Governments were partly successful in 1 case and unsuccessful in 2 cases.

ADVANTAGES SECURED IN SUCCESSFUL APPEALS:

4. The advantages secured by the appellants in successful appeals were either in respect of monetary gain or with regard to vindication of a principle or both. The advantage, in terms of principles upheld or enunciated by the Supreme Court is, in several cases, of a wider significance, for, whenever an appellant wins a case it not only implies that the ground on which he made it has been upheld but once the principles for determining a particular issue are decided by the Court, they continue to govern similar issues in future. Most of the cases studied involved interpretation of law, examination of the validity of legal provisions of labour enactments in the light of Fundamental Rights, determination of principles in matters not laid down by law and elucidation of principles enunciated by the Court in matters like determination of bonus, etc. vindication of principles - big or small - was generally implied in almost all successful appeals.

(a) GAIN IN TERMS OF PRINCIPLES

5. In appeals pertaining to termination of service of issues arising from such termination, important points of law or broad guiding principles were settled by the Supreme Court in deciding such cases. Thus the employers' right to dismiss employees for misconduct or for absence without permission for more than 14 consecutive days was upheld as also his right to discharge his employees under the

Standing Orders. New principles regarding computation of money value of reinstatement benefits were laid down in another case. In cases concerning bonus, the Supreme Court enunciated several important principles. It has, for example, laid down that bonus is not a mere matter of bounty or gratuitous payment made by an employer to his employee, nor is it a matter of deferred wages. In one case, the Court refused incentive bonus to workmen as they could not prove that the employer had earned profits due to their contribution.

(b) MONEY-
TARY
GAIN:

6. It is not easy to estimate precisely the monetary gain secured by appellants in successful cases; these are normally not indicated in the judgements as it is on the question of law or principles that appeals are generally filed in the Court. In cases pertaining to bonus, dearness allowance, dismissal of workers, etc., it is all the more difficult to calculate monetary gain or loss as it is of a recurring nature and may cover a large number of persons over an indefinite period of time. The information about monetary gain, etc., is obtained by obtaining relevant information from the employers concerned. The analysis on the basis of these estimates shows that of the total 22 successful cases, in 5 no direct monetary gain was involved - they related to the question of interpretation, etc., e.g., amending a prayer for dismissal by a prayer for discharge, fixing of responsibility on the management for change of service conditions, payment of compensation for accidents outside works premises, interpretation of the term 'worker' under the Factories Act, validity of awards given after a prescribed date, etc. The classification of cases where some monetary gain was involved is as follows:-

Involved, given below, has thus either been estimated on certain assumptions about average wages, etc.

<u>Monetary gain</u>	<u>Number of cases</u>
1. Not more than Rs. 1,000/-	3
2. More than Rs. 1,000/- but not more than Rs. 2,000/-	2
3. More than Rs. 2,000/- but not more than Rs. 10,000	2
4. More than Rs. 10,000/- but not more than Rs. 15,000/-	2
5. More than Rs. 15,000/- but not more than rupees one lakh.	3
6. More than rupees one lakh.	5

7. Judging from the fact that appeals to the Supreme Court involve considerable legal expenses, loss of time and inconvenience, it may be said that in majority of cases the monetary stake was comparatively small. In most of the 12 successful cases concerning termination of services of workmen, the monetary gain involved was not more than Rs. 10,000/-; in 4 of these cases, the disputes related to dismissal of only 1 worker each while in 10 cases, the disputes related to dismissal or discharge of not more than 20 workmen. Even with regard to cases concerning bonus, which generally involved large sums of money, in 1 case the employer went in appeal on the issue of paying bonus to 4 workers involving only about Rs. 1,200/-. It may be argued that these cases involved sometimes only 1 or a few workmen, and that probably they concerned not so much the vindication of a principle as the vindication of prestige and that such approaches to the highest court of the land are not only detrimental

to healthy and harmonious growth of industrial relations but also smack of harassment and inconvenience to the workers whose bargaining and litigation capacity is so obviously inferior. But in each successful case an important point of law was involved and the clarification given by the Supreme Court is bound to reduce causes of friction in the future.

CONCLUSIONS: 8. The following broad conclusions emerge from the above analysis:-

- (1) In 1/3rd of the cases studies appeals were not successful of the appeals filed by employers, about 25% were not successful - in these cases the view point of employers was not upheld by the Court and it may be said generally that they were not based on very substantial grounds.
- (2) The largest number of appeals in the Supreme Court in respect of which judgements were delivered in 1957 and 1958, were preferred by employers; a majority of them were successful.
- (3) Eighty-five per cent of the appeals related to termination of service, wages and bonus.
- (4) In most of the cases, questions of law or principles were involved; in a number of cases important decisions laying down broad guiding principles were given by the Court.
- (5) In a majority of cases, the monetary benefit involved was comparatively small; in cases relating to termination of service, the monetary aspect did not seem important at all as several of these cases concerned only 1 or 2 workmen. But important questions of law and principles were involved and in some of them the vindication of the view point of the appellants, judged objectively, was considerable and worth while.

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Item No. 2 - Industrial Relations

Note on Principles for determining which disputes to refer to Adjudication.

BY

Prof. J.H. Richardson, ILO Expert on Industrial Relations.

Throughout the 1950's the number of disputes referred to adjudication was seriously excessive, involving overloading the Tribunals and causing heavy expenditure and often long delays before settlements were reached. Many factors were responsible for this situation, including exceptionally numerous disputes because of changing economic and industrial condition, inadequacy of principles for setting disputes, inexperience of Conciliation Officers, and a tendency, resulting largely from fear of strikes and lockouts, to refer disputes to adjudication whenever settlements were not reached by conciliation.

The Governments have wide discretion in deciding whether or not to refer disputes to adjudication, and there would be substantial advantages in restricting much more than in the past the number of disputes so referred. The Government of India recognises the desirability of greater restriction, and in 1958, in consultation with the State Governments gave consideration to establishing guiding principles with the object of reducing references to a minimum, and submitted proposals to the Indian Labour Conference, 1959.

A useful distinction can be drawn between (a) disputes arising out of the implementation of existing legislation, agreements, awards and other defined conditions (implementation disputes), and (b) disputes arising from demands for new conditions, which may require consideration of economic factors affecting an undertaking, a whole industry or even the economy of the country. Implementation or interpretation disputes usually affect only individual workers or small groups of workers and should rarely be referred to protracted adjudication procedures. Expeditious settlements could be effected if Labour Commissioners and Regional Labour Commissioners were empowered to give binding decisions in such cases, or, if preferred, had authority to appoint competent impartial persons to make such decisions.

Disputes arising from demands for new conditions, including wage changes and annual bonus may range from those affecting large number of workers in vital industries, to those involving fewer workers in industries in which strikes or lockouts would not have serious dislocating effects on the economy. Adjudication should be reserved mainly for disputes of the former kind, while for the latter kind the parties should be left to reach settlements by further negotiation, further conciliation, or agreement to accept arbitration. When the parties realised that failure to reach an agreement by these means would incur risk of the losses which a strike or lockout would entail, they would usually see that it was in their own interests to avoid a trial of strength and would make serious efforts to effect a settlement.

It must be reiterated that adjudication should be much more sparingly used than in the past and only then when there is no further scope for conciliation.

Adjudication may be needed for four main kinds of disputes: (1) those in which stoppages of work would seriously injure the economy of the country, including the progress of the Government's development plans; (2) those in which stoppages of work would inflict serious hardship on the community, particularly by interruption of essential public utility services or of food and other necessary supplies; (3) those which would be likely to involve serious danger to the maintenance of law and order; and (4) those which raise important issues of principle, or where need for protection where there seems to be a prima facie case of victimisation, or other unfair labour practices or injustice.

Reference to adjudication should normally be withheld where there has been resort to illegal strikes or lockouts unless the strike or lockout is terminated. The following also would seem to be unsuitable for reference:-

- (1) Where the demand is unreasonable or impracticable.
- (2) Where the issues involved have already been the subject of decision by a Tribunal, Court or other authority, or where other legal remedies are available.
- (3) Where the dispute is whether a person should or should not be a member of a trade union, or is over the recognition or non-recognition of a union.
- (4) Where the dispute is about the employment or non-employment of any person, except where there is prima facie evidence of victimisation.
- (5) Where the dispute arose more than six months previously.
- (6) Where a dispute is raised by a union on behalf of workers who were not members of the union at the time the dispute arose, or where a dispute is raised by a union whose membership is not open to the workers on whose behalf the complaint is made.

The above indications of the kinds of disputes that may suitably be referred to adjudication and those which should not are suggested for general guidance. What is more important is the attitude of the Governments towards adjudication. Hitherto, the number of disputes has been excessive, and drastic reduction in the future will depend not only on the establishment of principles for reference or non-reference, but on the way they are applied in practice. The responsible authorities should endeavour persistently to reduce adjudication to a minimum, and reserve adjudication for important disputes. Such executive action can contribute greatly to strengthening the processes of negotiation, conciliation and agreement.

INDIAN LABOUR CONFERENCE - 17TH SESSION 1959

Item NO.2 - Industrial Relations

Note on Adjudication Systems and Recommendations
for establishment of a Permanent Court of Industrial
Arbitration and Adjudication.

BY

Professor J. Henry Richardson, I. L.O. Expert on
Industrial Relations

Except on strictly juridical issues, reference of industrial disputes to the High Courts and Supreme Court is unsatisfactory. These courts are highly competent to deal with technical legal aspects of disputes, but in many industrial disputes including most of the important ones, the issues are not primarily legal and cannot be effectively determined on juridical lines. They involve such economic considerations as capacity of industry, standards of living, work loads, intricate relations between production and pay, and balance of power between the parties in dispute, and these matters cannot be settled by reference to legal texts and by the ordinary principles, precedents and processes of courts of law. In the absence of more appropriate machinery for dealing with industrial disputes the High Courts and the Supreme Court have made valuable contributions in the settlement of disputes, but, though highly qualified in legal texts and procedures, they have no special or specialised competence for dealing with issues which are essentially economic and industrial. Indeed many of the appeals have involved legal technicalities which have little relevance to the real issues in dispute.

Legal texts may include such concepts as "social justice", "a fair wage", "a minimum wage sufficient to provide reasonably for a worker with a family of average size" and such general principles as equal pay for equal work, and the fixing of appropriate differentials for different grades of work. In the practical application of such principles and concepts a legalistic approach has no special value and may be distinctly harmful. Only on the basis of wide knowledge of economic, industrial and labour conditions and a sound understanding of the implications of varying and often rapidly changing economic and social conditions can industrial disputes be effectively settled.

To deal adequately with such problems, there is need for tribunals consisting of people who combine a sound knowledge of law and of procedures for obtaining the relevant facts in hearings at which the contesting parties give evidence, with a comprehensive understanding of economic problems and of industrial and labour conditions. Often an award will necessarily be arbitrary, or may sometimes be a compromise between conflicting claims, based, however, on a systematic, competent appraisal of a wide range of complex economic, financial, industrial and social factors. This is true, for example, in determining whether the rate of interest to be allowed on the fixed capital of an undertaking should be 6 or 8 per cent when calculating surplus profits available for annual bonus. Experience of the factors indicated is needed for adjudication of industrial disputes, and judges with purely juridical training, experience and outlook have no specialised competence.

The Law Commission which issued its Report in 1959 made the following statement on industrial dispute appeals to the Supreme Court:

"The situation created by these large number of appeals causes concern in two respects. It has the natural effect of clogging the work of the Supreme Court ... The graver aspect, however, of the matter is that labour matters are being thrust upon a Court which has not the means or materials for adequately informing itself about the different aspects of the questions which arise in these appeals and therefore finds it difficult to do adequate justice Equally grave are the delays caused by these appeals in the disposal of industrial matters which essentially need speedy disposal."

The present adjudication machinery includes Labour Courts which deal mainly with disputes arising from dismissal and discharge of workers, and from disciplinary action. Industrial Tribunals are appointed ad hoc deal at State level with such subjects as wages, allowances, hours, leave, occupational gradings, and labour effects or rationalisation. There are also National Industrial Tribunals, also appointed ad hoc under legislation enacted in 1956 when the Labour Appellate Tribunal system was abolished, and they are appointed for the adjudication of disputes of national importance or which concern establishments in more than one State. Then because of dissatisfaction with Tribunal awards, including various inconsistencies in decisions, many cases are taken to the High Courts of the States, and to the Supreme Court. High Courts, in accordance with a provision of the Indian Constitution (Article 226) have jurisdiction limited to quashing an order of an Industrial Tribunal but cannot make a new decision, and in consequence parties aggrieved by a Tribunal decision often approach the Supreme Court with a view to redress. The members of all these courts and tribunals are persons of high legal standing but generally with no special competence and experience in industrial affairs. Persons appointed to Tribunals are often retired High Court judges or others of somewhat similar legal standing. In practice a Tribunal consists of only one person, and as the Tribunals are ad hoc there is lack of adequate continuity, though in practice the same person may deal with a succession of disputes.

There are considerable disadvantages in the machinery for industrial adjudication being mainly ad hoc without permanence and continuity. In order to remove this defect and also to remedy other inadequacies of the present system mentioned above the following recommendation is made:

That a permanent Court of Industrial Arbitration and Adjudication be established for the adjudication of industrial disputes of national importance, for the arbitration of such disputes when the parties voluntarily agreed to settlement by arbitration, and for the hearing in important cases of appeals from State Courts and Industrial Tribunals. The Court should consist of a President and four other members of the highest legal standing appointed from among persons who have a special interest in industrial and labour

questions. The members should have continuity of service and security of tenure and should have a status and prestige similar to that of members of the Supreme Court. For the most important cases the Court would consist of all the members, but one judge would hear and determine other cases, and this would enable judges to specialise on certain kinds of dispute or on certain groups of industries. The Court could be assisted by assessors, and also as they would need to examine company balance sheets and be well informed about economic and industrial conditions, they should have services of highly qualified economists and accountants. Where convenient the Court could go on circuit to deal with cases in different parts of India.

The Court would resemble in some respects the Australian Commonwealth Court and the Industrial Court in the United Kingdom which for many years have been effective in the settlement of industrial disputes. By its permanence the Court would progressively accumulate the specialised experience necessary for dealing with industrial disputes. Any appeals to the Supreme Court should be rare and only on legal issues strictly defined.

The establishment in India of a Court along with the lines proposed is essential for purposes of coordination, and would enable a body of principles to be established which would progressively facilitate the settlement of disputes throughout the country. Its scope could include the public as well as the private sector, except where, for example for the Civil Service and the Railways for special arbitration systems were considered to be more appropriate.

INDIAN LABOUR CONFERENCE

(17th Session - Madras - July, 1959)

Item No. 2: Industrial Relations

Supplementary Memorandum-V.

Review of the working of
the Code of Discipline

A brief account of the experience of the working of the Code of Discipline since June 1, 1958, when it became operative, is given below.

2. While the Central Evaluation and Implementation Machinery was set up early in 1958, State Governments took some time in setting up their Machinery. The first three State Implementation Committees were set up in June 1958 by Punjab, U.P. and West Bengal while the last one was set up by Manipur in June 1959. Bombay has yet to set up this Committee, while in certain cases they are not yet fully representative. Local Committees have not been set up anywhere except in Rajasthan. It is likely, therefore, that the impact of the Code in the State sphere has not yet been fully felt.

3. During the last one year, the Central Evaluation and Implementation Division received about 400 complaints under the Code. Of these, on 30% no action could be taken as they were either vague or parties, when requested to cite specific instances, did not do so. In 40% cases State Governments were requested to take necessary action as they were within their jurisdiction. The remaining cases were taken up with the parties concerned. About 60% of them have been settled, the rest are under investigation. But it is not the number of complaints received or settled that is important; the Code would seem to have served part of its purpose if the parties realise that there is an agency which will judge their actions. This awareness is no doubt widespread and from this point the Code has certainly been successful. The mere fact that any violation of the Code on the part of employers and workers is likely to be reported to the Central or State Implementation Machinery and that their action may be investigated, and if found guilty, they may be exposed to the pressure of public opinion, has had a restraining influence on the parties - but for which the number of breaches would have been far more than what occurred during the year under report. A few instances of the cases successfully handled by the E & I Division may be cited by way of illustration:-

In one case, the workers burnt an effigy of the manager of a factory and resorted to violence; the Central Organisation when approached, condemned the action and expelled the workers from the union.

In a mine in Udipur, some workers resorted to violence; when this fact was brought to the notice of the Central Organisation, the action of the workers was condemned without any reservation.

In two cases, unions complained that managements were not allowing them to collect subscription within the mill premises; when the decision of the Nainital Labour Conference on the subject was explained to the managements, they allowed the facility.

A union in a tea estate complained of discrimination by the management in allowing it to hold meetings; when the provisions of the Code in this respect were brought to the notice of the management the necessary facility was accorded.

In another case, the management had not paid the dues of some dismissed workers; there was protracted litigation. As a result of efforts made by the Division, the management agreed to pay the amount.

It was reported that the management of a mine, on being served by the union with a demand for bonus, was coercing the workers to accept bonus at a lower rate. They were compelling the workers to sign a memorandum of settlement to the effect that the bonus received by them was 'fair and just' and that they will not raise any claim for additional bonus. When it was pointed out to the management that this was against the spirit of the Code they withdrew the 'Memorandum of Settlement'.

In a recent case, some workers assaulted an Assistant Manager of a mine; the Union promptly condemned the action.

In another case when the fact that some of its members were not implementing the provisions of an award was brought to the notice of an Association, it persuaded its members successfully to implement the award.

In a number of cases where disputes between parties were reported to the Division, mutual settlements were arrived at when the guilt of the parties under the Code was pointed out to them.

4. The Central Organisations of Employers and Workers have been persuaded to set up Screening machinery with a view to avoiding unnecessary litigation. This machinery has been set up only recently and the result of its working will be visible only after some time. The mere fact, however, that the Central Organisations have appreciated the desirability of avoiding litigation on unsubstantial grounds is an achievement of the Code. As a result of efforts made by the Central and State Implementation Machinery, out-of-court settlements have also been arrived at in 17 cases which were pending for long in courts; this is a new approach and even a small achievement in this direction is of great significance. A few case studies of major strikes have also been carried out to determine the responsibility of the parties under the Code; these studies have been welcomed by all concerned.

5. Experience of State Governments, though brief, also brings out the fact that the impact of the Code is being gradually felt and that the Code is creating the desired effect on the parties. The following observations of some of the State Governments, whose reports on the working of the Code in their sphere have so far been received, may be cited by way of illustration:-

".....the number of sit-down strikes or threat of general strike and other coercive actions

by workers has comparatively gone down in relation to the period prior to 1958 and the willingness on the part of workers and the employers to try to settle their problems as far as possible through mutual negotiations, etc., are more noticeable as a result of the Code. Both employers and unions have become very much Code conscious and this is a helpful development in the right direction"(Government of West Bengal).

".....Whenever the Committee (State E&I Committee) brings round the parties together to a sense of responsibility for the proper observance of the Code, the case is dropped..... with the passing of time the employers and employees are showing greater interest in the observance of the Code. As a result the cases of infringement of the Code are gradually tending to decrease. The overall picture is rather encouraging than what it was before the ratification of the Code."
[Government of Bihar]

".....One positive result is that the parties are conscious of the Code and although there may be some contraventions here and there it cannot be gainsaid that it has created a positive climate for industrial peace."
[Delhi Administration]

".....the Code has evoked some sense of responsibility among the employers and workers". [Government of Andhra Pradesh]

"..... the Code has made the employers and workers think in terms of peaceful settlements of their differences."
[Government of Punjab]

6. The Central E&I Division has taken up the question of extension of the Code with a number of independent organisations. It has already met with a measure of success in this direction. The State Implementation Machinery have also been requested to take similar action in respect of independent units.

7. The following comments of some employers and of their organisations also support the view that the Code has been generally welcomed:-

".....The Chamber is of the opinion that the principles and procedures envisaged in the Code would go a long way to maintain discipline in industry and it hereby extends its willing Co-operation to accept the obligations laid down in the Code."(Nag Vidarbha Chamber of Commerce)

".....We need hardly say that the general acceptance of broad principles involved in the Code of Discipline by important elements in our economic life like management, labour, etc., will go a long way in putting the industrial structure in the country on a sound footing."
[Gujrat Beopari Mahanandal]

".....We fully endorse the idea of following the proposed principles envisaged in the Code of Discipline. In fact, it is a most appropriate step and a well-timed one."
[Central India Coalfields Ltd]

".....The Committee is pleased to express its willingness to adhere to the provisions of the Code and has directed its members to make every effort to implement the provisions of the Code in their entirety." [Employers' Association of Northern India.]

".....For an industry like the Travancore Rayons.... acceptance and implicit adherence to the Code both by employer and employee can bring invaluable benefits to the industry." [Travancore Rayons Ltd.]

".....Very much appreciate the principles underlying the Code which goes a long way to solve indiscipline in industry." [Elphinstone Spg. & Wvg. Co. Ltd.]

Some independent Workers' Organisations too have expressed appreciation of the Code.

8. There have also been a few adverse comments on the working of the Code. These are mostly based on either some misunderstanding or expecting too much from Code in the short time that it has been in operation. A number of complaints are generally exaggerated; they are addressed to the Central Evaluation and Implementation Division, no matter what their correct 'forum' may be. The parties expect that irrespective of the fact at what stage a complaint is or who is already seized of it, the E&I Machinery should interfere and enforce a decision and that this decision should always be in their favour. This last expectation is the touch-stone by which they judge the work of the Machinery or of the efficacy of the Code. If in any particular case satisfaction is not given to a party by meeting its point of view fully - howsoever unjustified it may be - it condemns the whole philosophy of the Code. It is interesting that most of the complaints against the working of the Code were not only sweeping generalisations but were found, on enquiry, to be unjustified. A few instances may be cited:-

- (1) The President of a leading Associated Chambers of Commerce remarked in his presidential address that "the Code has failed to achieve its purpose so far and that certain labour organisations had shown little evidence of their good-will in the matter.". When requested to clarify, he said that while making the remarks on the Code he had in view two major strikes, viz., strike in Calcutta Tramways and in TISCO, Jamshedpur. In one of these cases, an enquiry had already been made and for the other decision to hold an enquiry under the Code had been taken. He, however, assured that nothing he said was intended to make things more difficult and in fact his intention was quite the reverse. He also pointed out that, "that does not mean that we would not like to see its (Code) implementation to the fullest possible extent because we very much hope it will succeed".

- (2) The Chairman of an Employers' Association observed in his presidential address that "the Code did not materialise to make better management relations and restrict the scope of industrial disputes to the minimum.....The Code has been honoured more in the breach than in the observance." When requested to cite specific instances in support of his remarks, he mentioned 11 cases where workers' unions were reported to have violated the Code. His remarks were mainly influenced by a resolution on the Code moved by the United Planters' Association of Southern India with reference to the strike in Kerala plantations. An examination of these 11 cases showed that in two cases, enquiries under the Code had already been completed and in one, the decision to conduct a case study had been announced. In respect of the remaining 8 cases, which concerned State Governments, he was requested to report details of the cases to the concerned Implementation Machinery; nothing further has been heard from him.
- (3) The President of a Central Workers' Organisation in his presidential address observed that "little has been done to achieve the objectives of expediting implementation of awards and agreements as decided at the National Labour Conference....The Code might not be fully satisfactory because the claim that the representative union should be selected by secret ballot by the workers, had not been settled." When requested to cite specific cases in support of his views, he referred to the delay in implementing the decisions of the Indian Labour Conference regarding enhancement of the provident fund contribution and of the employers' contribution under the E.S.I. Act, setting up of State Implementation Machinery, etc. Appropriate action on all these points was already being taken; he was informed of the latest position.

9. Thus, whatever little criticism has so far been made about the working of the Code, it does not seem to be based on full appreciation of facts of the cases in view or of the view point of the other party. Recently, a few amendments to the Code have been suggested by some parties. These will be duly considered and, if found desirable or necessary, will be placed before the next meeting of the Indian Labour Conference for final decision.

10. The Code is a voluntary document. Its main object is to make employers and workers realise their rights and responsibilities towards each other so as to bring about lasting industrial peace. The gains or losses of the Code cannot be adequately assessed either by the number of complaints or by favourable or adverse remarks of individual parties. It is also not easy to assess precisely the most important contribution of the Code, viz., its restraining and moulding influence, the impact of which can be felt only after a few years. The Code has ushered in a new era in the realm of industrial relations. It symbolises a new policy of Government to build up an industrial democracy on voluntary basis and to preserve industrial peace with the help and co-operation of the parties. It is a policy which is in line with the main recommendation of the Second Plan, viz., to avoid adding to and complicating

the existing labour legislation as far as possible and to develop voluntarily a mutual sense of responsibility and understanding between employers and workers. It is not claimed that the Code is a panacea for all industrial ills; that would be too much to expect of this modest measure accepted voluntarily by parties. But this much may be said that it has made a beginning in the right direction and it is the duty of all concerned to make the new policy a success.

INDIAN LABOUR CONFERENCE

(17th Session, Madras - July, 1959)

A G E N D A

1. Action taken on the decisions of the 16th Session of the Indian Labour Conference.
 2. Industrial Relations. ✓
 3. Service conditions of domestic servants.
 4. Introduction of a Pay Roll Scheme in the industrial establishments.
 5. Proposal to revise the rates of compensation in the Workmen's compensation Act, 1923.
 6. Delinking of provident fund benefits from gratuity for the purpose of granting exemption to establishments or employees covered under the Employees' Provident Funds Act, 1952 from the operation of the provisions of Employees' Provident Funds Scheme, 1952.
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SAD copy

SPEECH BY SHRI GULZARILAL NANDA, UNION MINISTER
OF LABOUR & EMPLOYMENT AT THE 17TH SESSION OF
THE INDIAN LABOUR CONFERENCE (Madras, 27th July 1959)

I welcome you to this 17th Session of the Indian Labour Conference. We are all very happy at the choice of the venue of this Session. This is the first time that the Conference is meeting in Madras. We are all grateful to the Government of Madras for their generous hospitality. We are sure to find that all the arrangements in connection with the Conference reflect the efficiency which characterises the administration of this State.

2. It is more than a year since we met last at Naini Tal. As I look round I find one familiar face missing. It is a sad thought that Shri Somnath Dave will never be amongst us here. His was a dedicated life and his death is a grievous loss to the labour movement in India. I am sure the Conference will like to place on record its deep sense of sorrow at the loss of a member who had so fully identified himself with its work and its spirit.

3. I had a very recent occasion to renew my contact with the I.L.O. To this Organisation the world of labour and the world community owe a great deal. On the same lines, the Indian Labour Conference has played a worthy role and has enriched the tripartite tradition of the I.L.O. May I take this opportunity of paying a tribute to the Workers, Employers and the Governments participating in the deliberations of the Indian Labour Conference for the magnificent record of constructive and cooperative endeavour which they have built up through these years. Through the community of outlook that has been developed here, the Conference can make a still bigger contribution to the stability and progress of India. The country needs this service.

4. It is well for us to bear in mind when we approach the tasks and problems before this Conference that they have their origin largely in the economic situation and in the course of economic development in the country. The volume of employment and the levels of living of the working-class which are matters of primary importance are determined by the growth of production and demand, the price level and the rate of economic progress generally. It would not be difficult to

arrange for the division of the national product on some principle of equity; it is not so easy, however, to enlarge the product so that much more may be available to satisfy the rising expectations and aspirations of the mass of the people in the country. It is to these dynamic aspects of peace in the industry and rising productivity all over that we must give our first thought and constant attention. Through our work in the Conference we can assist in a substantial way in promoting these objectives.

5. It is in this context that I wish to make a brief reference to the economic situation which provides the background for our present discussions. The Second Five Year Plan has already encountered obstacles both in respect of internal and external resources. Vigorous efforts have been made to tide over these difficulties. Nevertheless, the size of the Plan had to be scaled down somewhat. It has been reckoned that the Second Five Year Plan with an investment of Rs.4500 crores, and with all its strains will mean new employment opportunities outside agriculture to the extent of 6.5 million against 8 millions, as against an estimate of 10 million of new entrants to labour force. The increase of nearly 4 lakhs in the live register during the period of the last three years is another rough measure of the deterioration in the employment situation. We must not lose sight of the fact, however, that our fresh investments are creating new employment opportunities and more places are being found for the job seekers than before. But the stark reality is that new employment is not sufficient in the face of the expanding needs of an increasing population. Production, both industrial and agricultural has been increasing. We have, however, witnessed a period of falling of agricultural production and an appreciable decline in the rate of increase of industrial production. This latter has recorded improvement now. In spite of very good crops, agricultural prices have not reached the normal level. The working class has a keen and immediate interest in the price level. Apart from what duties it has in this respect in its own sphere, it cannot remain indifferent to the problems of production and distribution which confront us in the country and for which appropriate and effective solutions have to be found, regardless of the susceptibilities and prejudices of groups which are motivated by narrow sectional interests.

6. The question of closures of establishments is not now so acute but it has not ceased to worry us. We tried to tackle in the Naini Tal Conference last year and more recently the

Central Committee on Employment has taken cognizance of it. I cannot help reiterating my view that a number of these closures are not inevitable and ways have also to be found to mitigate the hardships entailed to the workers as a consequence of such closures. Among other suggestions made in this behalf, there was one with regard to the creation of a Fund for the limited purpose of sustaining production and employment in these units and of facilitating a change-over of the displaced workers to alternative jobs when that becomes necessary. This proposal will, I hope, be worked out in greater detail and discussed in an appropriate forum.

7. This Session of the Indian Labour Conference will devote itself almost exclusively to a survey of the whole field of industrial relations in India. Our system of industrial relations has evolved over a period of two decades in the light of experience and in keeping with our special needs and conditions. The last two Sessions of the I.L.C. have yielded a basis for common action which has a deep significance and may have a far reaching influence. Prior to this the machinery of industrial relations came into operation when differences had already developed and the intervention of Government was sought for dealing with the disputes. Not much had been attempted to foster internal harmony and prevent relations becoming embittered on account of steps on either side, induced by lack of restraint and consideration and disregard of inherent mutual obligations. The new endeavour is to move in three directions:-

- (1) Positive measures to ensure that legal and contractual obligations of all sides are observed and adhered to;
- (2) Mutual recognition by the parties concerned of what they owe to one another and to the community and translating this into a set of dos and don'ts for the guidance of the conduct from day today. This has taken the form of a Code of Discipline in the industry. A Code of Conduct has also been framed to assist trade unions belonging to different sections of the labour movement in the country in arranging their mutual relations on a more satisfactory basis.
- (3) Laying down of norms and yard-sticks for settlement of various claims of the parties which should facilitate internal settlement and might furnish a well-considered basis for the authorities who may have to give decisions.

Apart from this, efforts are in progress to avoid prolonged litigation and reduced delays in the working of the system. Questions have been raised as to how far the steps so far taken have met with success and given satisfaction.

Code of Discipline.

8. The Code of Discipline has attracted world-wide attention. Observations which have recently been made regarding this in certain quarters indicate lack of comprehension of the status and significance of this concept. Before we come to judge this, just let us recall the related facts and their implications. This Code has not been imposed on anyone. It was accepted voluntarily and with great enthusiasm by all the parties after full and prolonged deliberations. There is common ground that the specifications of the rights and duties of the parties as enunciated in the Code contain only healthy, wholesome and essential elements. The Code introduces a positive approach in industrial relations which was largely missing so far. These injunctions do not take the place of any other means and measures which were open to the parties to adopt. Thus, if even a small improvement takes place as a result of the Code, it should be welcome. In fact it was never claimed that the Code by itself was going to solve all our problems, and usher in a millenium. The Code is one of the ingredients in a whole series of measures which are designed to produce a better climate of industrial relations. I have faith in things like the Code of Discipline because I have faith in human nature. I am deeply concerned that an unceasing cold war with interludes of active hostilities as the only alternative to such things must lead us to a very unhappy state of affairs in industrial as well as international relations. It is something if the Code can make a little change for the better and bring down to some extent the wrong and unfair practices which are being indulged in now. And if it is not giving full satisfaction, let us try harder. Let us not at least do or say anything which will place more difficulties in its way; at any rate as long as no superior alternative is available. The only substitute which may perhaps be offered is to convert the Code from a voluntary to a statutory arrangement. But do we want to extend the area of legal compulsion, bringing in its wake more Courts and more litigation and more frustration? Investing the Code with legal sanctions will not

necessarily make it more effective.

9. The Code is not a statute but some of the unpleasantness has arisen because it has been sought to interpret and to apply it as if the clauses were the words of a legal enactment. The parties have started accusing each other of lack of sincerity and pointing to breaches that are occurring. I conclude from this that the Code is taken seriously and that it is operating. Breaches are on both sides and they are not too many considering the period that has elapsed since the introduction of the Scheme. Let us not forget that the Code was finalised towards the end of May, 1958, that is about 13 months ago. The parties naturally needed time to communicate the new ideas and attitudes through various layers down to the level of the undertaking. Governments took time to set up the machinery for implementation which is a necessary part of this system. It is too early to assess the benefits and value of the Code.

10. But even during the short time that it has been in operation it has worked satisfactorily judging from the reports received from the State Governments and from the Implementation Division of the Centre. Bihar has reported that employers and employees are beginning to show greater interest in the observance of the Code and that the over-all picture is very encouraging now than it was before the Code was ratified. Delhi State feels that the Code has had a sobering effect on employers and employees and has created a favourable climate for industrial peace. Kerala is of the view that the Code has had a deterrent effect. The experience of Punjab is that it has resulted in speeding up implementation of labour laws. West Bengal thinks that it has provided an important forum for dispassionate discussions and better appreciation of difficulties encountered by the parties in their mutual relationship. All this augurs well for the Code and the Implementation Machineries set up in the States and at the Centre to ensure its faithful observance. For them to have brought about 17 out-of-court settlements of industrial disputes pending in High Courts and Supreme Court - 10 by the Centre and 7 by States - in less than a year is no mean achievement. Of the reported violations of the Code in which the Central Evaluation and Implementation Division could take action, 60 per cent had been settled, i.e., responsibility for infringements has been

brought home to the parties concerned. All the Central organisations of employers and workers have already set up machineries to screen appeals to High Courts and Supreme Court, thus appreciating the desirability of avoiding litigation. So it would appear that the restraining and moulding influence of the Code has already made an impact on industrial relations.

11. The real strength of the Code, however, will develop as a proper appreciation of it seeps into the minds of the workers, the trade unions and the managements. The Code has some sanctions embodied in it but its educative influence is of far greater importance than the sanctions and this will take time to spread.

12. I have just had a look at the statistics regarding the industrial disputes in the country. I am not prepared to draw the conclusion that the improvement which has occurred is directly traceable to the Code of Discipline but it may have some bearing. The figures are :-

Period	Total No. of disputes	No. of workers involved.	Man-days lost.
1958 Jan. to April	638	3,11,808	22,59,658
May to August	664	4,45,843	37,55,644
Sep. to Decr.	643	2,92,449	19,72,283
1959 Jan. to April	565	1,93,440	12,11,741
May 1959	146	61,815	4,16,724.

13. You are going to deal with future of industrial relations in the country. You have before you a variety of suggestions to improve the law and the machinery relating to this. Relying on past experience, I am sure, your deliberations will ultimately lead to the discovery of suitable steps and reasonable solutions. I should not anticipate your conclusions but I may be permitted to say something about the approach which may govern the consideration of these problems. Whereas there can be hardly any difference of opinion about the ends that are to be achieved, the methods may differ. We have to choose the path that suits us in this country. It may be different from what some other countries have adopted. But let us not try to follow divergent paths at the same time. Then we can reach nowhere.

14. We have great poverty in the country, insufficient employment opportunity and a rather severe problem of

unemployment and under-employment. We are engaged in tremendous efforts to strengthen the economy and to raise the level of economic well-being of the people. We are following the course of planned development in order that we may be able to make the most effective use of our resources. At the same time we have pledged ourselves to preserve and develop democratic institutions. The spirit of democracy must permeate in not only the political but also the economic and administrative spheres. We are working for national unity, political stability, and social peace. These great ends cannot be secured without an increasing measure of economic and social equality and justice. There are forces in the country which militate against the growth of these trends. There is also the very unfortunate fact that the working class is divided and the disunity in their organised ranks causes harm to the working class and creates difficult problems of law and order.

15. In industrial relations we can follow the way of peace or of conflict. In our conditions it cannot be both. The two approaches are quite distinct. We may have a system in which the State let the parties settle their disputes by trial of strength, the issue being determined in favour of the party which has the greater staying power. While the State may render its good offices in doubtful cases, it will not make any provision for imposing on either party a compulsory acceptance of any particular terms of settlement. In the other case the community becomes the arbiter and assumes the power to compel the party to accept the judgment of an impartial and competent authority.

16. It is a matter of great good fortune for us that we have succeeded in developing a common approach in the country in this respect which is shared by representatives of both the employers and the workers and the States. This approach is based on the realisation that we cannot afford to follow the path of conflict for economic as well as political reasons. We have, therefore, evolved a system which aims at eliminating the strikes and lockouts and makes provision for conciliation and adjudication if all efforts to bring about an amicable and mutual settlement have failed. A mutually agreed arrangement is always better than an imposed decision. This is well known. But in view of the risks of leaving industrial relations

to be settled by a trial of strength in the conditions in which we are functioning in this country, all of us find that the present system has the balance of advantage in its favour. Last year I made the offer that if a substantial section of the participants in the Conference-workers, employers and States - expressed their preference for unregulated industrial relations in the country, I would personally agree to suspension of the method of adjudication for a period. This course was rejected unanimously and the current policy of the country in this matter met with decisive approval and confirmation.

If I have taken up your time in recounting the story, it is not without purpose.

17. While all of us have accepted this policy, I have a feeling that we have not realised its full implications and therefore in its working we expose ourselves to risks and contradictions which could have been kept out. If, for example, recourse to tribunals and Courts becomes the rule rather than exception, the conflict really shifts to the arena of the Courts and the skill of lawyers takes the place of trial of strength between the parties. Then only negative results can follow.

18. We have on every occasion stressed the importance of negotiated settlements and an increasing recourse to voluntary arbitration instead of tribunals and courts. Provision has been made in the Industrial Disputes Act for giving legal force to arbitration awards. Some kind of machinery for screening of references to courts has been set up by employers and workers organisations. Still the position remains unsatisfactory. Something more will have to be done. We must see to it more and more that the parties should settle practically every dispute without outside intervention. For disputes which cannot be thus resolved, there should be an intermediate stage of unofficial intervention in the form of informal mediation and voluntary arbitration. The parties should be persuaded to accept voluntary arbitration and we may consider setting up of arbitration boards as a part of the normal machinery of industrial relations. The parties should be persuaded to accept voluntary arbitration and a panel may be constituted from whom sole arbitrators or umpires can be drawn. It is only when larger interests

are at stake and new principles are involved that recourse to tribunals and courts may be considered justified if other means have failed. Even in that connection our existing arrangements will have to be re-examined in the light of the Report of the Law Commission. And when fresh ground has to be covered and new norms and principles have to be established, the proper method again is bipartite consultation at top level or the use of a forum like that of the Indian Labour Conference. In any case, it would be useful to codify the principles and norms which have already emerged in the decisions of the tribunals and courts. On the side of the workers there should be a clear understanding that the so-called 'satyagraha', hunger strike or any such form of coercion and pressure is not in keeping with the spirit of this frame work.

19. So far as Government are concerned, they are undertaking a very great and serious responsibility when they assume the power to ban direct action and compel reference of a dispute to judicial authority. They must make arrangements for the discharge of this function, which are adequate in quality and strength both for arriving at decisions and for their enforcement. We are going to discuss in this Session the principles which should govern the exercise of the discretion of the Government in the matter of reference to adjudication.

20. In the Memorandum which has been circulated you will find reference to certain proposed legislation in some of our States. The principles underlying these proposals will, I hope, be covered in our deliberations. I have only to urge in this connection that there should be a common and uniform basis for dealing with the same kind of situations in the whole of the country, and any departure may be permitted only to meet special conditions which may be in existence in a particular State.

21. I may say a word about workers' participation also, which I regard as an integral part of the system which we are building up in this country. I shall have to disappoint some friends who may be expecting that after a special study of workers' participation which I have made in Europe, I may be giving a new lead in the matter. I am quite content with our own scheme which we have introduced on the basis of the consent of all the parties.

There are higher and more developed forms of participation in other countries but, I believe, what we have already incorporated in our scheme will suffice for our purposes at this stage. I am not going to propose any change in the scheme. I may, however, acquaint the Conference with my own conclusion that workers' participation, wherever it has been practised, has proved to be exceedingly beneficial and I am sure that it will bring nothing but good to all those who will give it an honest trial in our country. Reports so far received from the establishments which have introduced the scheme are on the whole encouraging. There should, however, be no question now for making any further ad hoc selection of establishments for the application of the scheme. Our approach now should be that any unit where the conditions are favourable and ripe for it, should bring it into effect without any loss of time. I am still of the opinion that we should not introduce compulsion in the working of the scheme. I hope, there will be a rapid extension of workers' participation on a purely voluntary basis.

22. Meanwhile, let us not forget that the institution of Works Committees has an essential place of its own and it must be put on a sound footing as early as possible. Certain investigations which have been made recently reveal that in the past we have taken a rather unduly pessimistic view of the actual value of the Works Committees, as they are functioning. However, I hope that the question of Works Committees will be examined closely and some useful conclusions will emerge in this Conference.

23. Finally I have to point out that we must create a strong foundation for the successful operation of all these ideas and schemes by measures for the education and enlightenment of the workers as well as the managerial personnel. I believe, the Government's own programmes of workers' education will have to be expanded and strengthened. The trade unions and the employers have also an important contribution to make in this field.

24. May I apologize now for the length of my observations? I would not take any more of your time. The Agenda before you is quite heavy. I invite you to proceed with your deliberations.

SUB: MAIN DECISIONS/CONCLUSIONS OF THE 17TH
SESSION OF THE INDIAN LABOUR CONFERENCE
(Madras, 27th-29th July, 1959).

Sir,

Here are some additions & alterations proposed in the document circulated by Deputy Secretary to the Govt. of India.

Item 2: INDUSTRIAL RELATIONS:

A. Machinery for collective bargaining & the settlement of Industrial Disputes

I. Recognition of Unions

(a) add, "It was agreed that the rules of conducting verification should be determined and published. and an appeal to an Independent Agency be provided for."

(d) In place of "Industrial (Development & Regulation) Act" substitute "Bombay Industrial Relations Act".

III. Voluntary Arbitration

(a) add, "Even questions of wider *import*, should as far as possible, be settled through arbitration."

VIII. Add, "Pending the work of the committee, works committee should be functioned as per the existing provisions and the works committees should be formed where they have not yet been formed."

B. Problems relating to Trade Union Organisation

VI. Powers of Registrars of Trade Unions

After, "It was decided that Registrars should have power" add "only". ...

APPENDIX - I

A. Collective disputes

Add, "All the disputes raised by a Union should be referred by for adjudication. The practice of referring only some of the disputes raised and withholding others - sometimes the more important ones - was disapproved.

B. Individual disputes

the judgement of

the Supreme Court, the powers of the Tribunal shall be widened to enable it to examine the propriety of the action taken by the Management."

GENERAL

add, "It was agreed that it was unfair to place the disability on the workers under the Industrial Disputes Act that they cannot resort to strike even if some demand is pending adjudication while the Employers can effect changes in matters unconnected with the demand before adjudication. It was decided to remedy the same.

Submitted by,

Homi F. Daji

Homi F. Daji

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A. Machinery for collective bargaining & the settlement of Industrial disputes

1. Recognition of Unions

(a) Add 'It was agreed that the rules of conducting verification should be determined and published. And an appeal to an Independent Agency be provided for.'

(d) In place of 'Industries (Development & Regulation) Act' substitute "Bombay Industrial Relations Act".

111. Voluntary Arbitration

(a) Add, 'Even questions of wider import, should as far as possible, be settled through arbitration.'

VIII. Add, 'Pending the work of the committee, works committee should be functioned as per the existing provisions and the works committees should be formed where they have not yet been formed.'

B. Problems relating to Trade Union Organisation

VI. Powers of Registrars of Trade Unions

After 'It was decided that Registration should have power' add "Only".....

APPENDIX-1.

A. Collective disputes

Add, 'All the disputes raised by a Union should be referred for adjudication. The practice of referring only some of the disputes raised and withholding others - sometimes the more important ones - was disapproved

B. Individual disputes

Add "It was also ~~xxx~~ agreed that in view of the judgement of
The Supreme Court, the powers of the Tribunal shall be widened to enable it to examine the propriety of the action taken by the Management."

General

Add, 'It was agreed that it was unfair to place the disability on the workers under the Industrial Disputes Act that they cannot resort to strike even if some demand is pending adjudication while the Employers can effect changes in matters unconnected with the demand before adjudication. It was decided to remedy the same.

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Sub-Committee of the 17th Session of the
Indian Labour Conference - New Delhi -
September, 1959.

A G E N D A

1. Approval of Minutes 2/17 = 158

1. Proposal to revise the rates of compensation in Workmen's Compensation Act, 1923 - item 5 on the agenda of the Indian Labour Conference.
2. Delinking of provident fund benefits from gratuity for the purpose of granting exemption to establishments or employees covered under the Employees' Provident Funds Act, 1952 from the operation of the provisions of Employees' Provident Funds Scheme, 1952 - item 6 on the agenda of the Indian Labour Conference.
3. Question of invitation to various bodies for attending the Indian Labour Conference and other Tripartite Committees.

		Shri S.I. Raza. (Bihar.)		
		Shri Kumar Deo Information Officer		
		Shri K.K. Pillai, IAS. (Kerala).		
	Shri D.P. Tripathi (Orissa)		Shri N. Bhagwan Das, IAS. (Andhra)	
	Shri Harbans Raj Singh (Punjab)		Shri Sisir Roy. (UTUC)	
Shri Jain. Actua- ry.	Shri S.P. Pande, IAS, (U.P.)		Shri (HMS)	
Shri R.D. Gaiha.	Shri K.C. Chakraborty, (W. Bengal)		Shri K.G. Srivastava (AITUC)	Adviser AITUC
Dr. A.M. Lorenzo.	Dr. B.K. Bhattacharya I.A.S.		Dr. G.S. Melkote, M.P. (INTUC)	Shri N.K. Bhatt.
Shri S. N. Mubayi	Shri P.M. Menon, ICS.		Research Officer.	
	Shri Abid Ali. (CHAIRMAN)		Reporters.	
	Shri K.N. Subramanian, I.C.S.			
Dr. S.B.L. Nigam.	Shri R.L. Mehta, IAS.		Chief Research Officer.	
	Dr. B.R. Seth.		Shri Bharat Ram, (AIOIE)	Shri P. Chantsal Rao
	Shri T.S. Sahni.		Dr. N. Das. (EFI)	
Shri Zacharia (W.S. Min.)	Shri T.P. Chatterjee (Fin. Min.)		Shri H.P. Merchant, (AIMO)	
Shri Mirchandani (Rlys.)	Shri M.A. Qadeer. (Rly. Min.)		Steel, Mines & Fuel Ministry.	
		Shri K.C. Madappa, IAS. (C&I. Ministry).		
		Shri Ramraohani (Defence Ministry)		
		Shri Narayanan, (Transport Ministry)		

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5
INDIAN LABOUR CONFERENCE

(17th Session, 1959)

~~Item 1~~ - Action taken on the decisions of the 16th Session of the Indian Labour Conference (Nainital 19th-20th May, 1958).

Conclusions

Action taken

~~Item~~ The statement of action taken on the decisions of the 16th session of the Indian Labour Conference was noted.

No action is called for on this.

~~Item 2~~ Industrial Relations

(1) Time was not appropriate for the suspension of adjudication for the settlement of industrial disputes, though adjudication should be the last resort in the process.

The State Governments have been requested to issue suitable instructions to the field officers of the State Industrial Relations Machinery to the effect that in all cases where conciliation fails the Conciliation Officer should make definite proposals to the parties concerned for settling the disputes by arbitration. Similar instructions have been issued by the Chief Labour Commissioner to his field staff.

(ii) The present position of the Works Committees should be more fully examined.

Notes on the experience of Works Committees in other countries and the functioning of such Committees in the public sector in India have been prepared and circulated along with the Memorandum on Industrial Relations (item 2 on the agenda). The N.C. Corporation has been asked to make a study of the functioning of the works committees in the Bombay region. The matter will be discussed in the current session of the Conference.

(iii) The Sub-Committee of the 15th Session of the Indian Labour Conference should be requested to draft a simple and flexible grievance procedure in accordance with the principles evolved by it earlier.

A model grievance procedure drawn up in consultation with the State Governments was approved by the Sub-Committee with certain amendments when it met in September 1958. The amended grievance procedure has been circulated to all concerned.

Conclusions

Action taken

(iv) The proposals made to ensure the working of evaluation and implementation machinery more effective were approved.

An Evaluation and Implementation Division as well as a Tripartite Central Implementation and Evaluation Committee have been constituted at the Centre. All State Governments/Administrations except Manipur have either set up an official cell or designated an officer to be in charge of the work relating to implementation of labour laws . . etc. Except Bombay, Jammu & Kashmir, Himachal Pradesh and Manipur all State Governments/Administrations have set up tripartite Implementation Committees. Jammu & Kashmir and Himachal Pradesh do not consider it necessary to set up Committees at this stage. Bombay and Manipur are considering the matter.

(v) With a view to mitigating the evils of trade union rivalry, a code of Conduct was adopted at a meeting of the representatives of the different central organisations of workers.

The Code has been brought to the notice of all Central Workers' Organisations. Action is also being taken by the Evaluation and Implementation Division on cases of infringement of the Code reported to them.

(vi)(a) A trade union should prescribe a minimum membership fee of as.-/4/- a month and the Registrar of trade unions should be given the power to inspect the books of the union.

~~(a)~~ This will be taken up along with other amendments to the Trade Unions Act.

(b) Delay in the registration of trade unions should be avoided.

~~(b)~~ The State Governments have been requested to avoid delay in the registration of trade unions.

(c) If out of the 7 signatories to an application for registration, one or two got discharged during the pendency of the application and if the signatories were entitled to apply for registration at the time of the application, registration should not be refused on the ground that they had since ceased to be workers.

~~(c)~~ This will be taken up along with other amendments to the Trade Unions Act.

Conclusion

Action taken

(vii) Certain criteria for voluntary recognition of Trade Unions were evolved. A procedure for verification of membership of trade unions was also approved.

The Criteria evolved for the voluntary recognition of trade unions now form part of the Code of Discipline which has been ratified by the organisations. These have also been brought to the notice of State Govts., Administrations and Employing Ministries. Their applicability to Corporations and Companies was discussed at the last Public Sector Conference. A revised procedure for the verification of membership of trade unions was drawn up on the basis of the principles recommended by the Conference and communicated to the central workers' Organisations. Certain details concerning the procedure were settled at a meeting of the representatives of the central, workers' organisations held in March, 1959.

(viii) The proposals for the introduction of union-shop and check off were rejected. It was agreed that a recognised union should be entitled to collect membership fees every month within the premises of the undertakings.

The State Governments and the concerned Ministries have been addressed on this matter.

Item 3. Working of the 'Employees' State Insurance Scheme

(i) The State Governments' sphere, on extension of medical care to families should be 1/8th of the total expenditure during the Second Plan period and thereafter no revision should be effective unless mutually agreed upon.

The Employees' State Insurance Corporation have since decided that State Governments' share of medical expenditure would continue to be 1/8th even after the II plan period unless revised and accepted mutually:

(ii) The State Government might adopt any system of medical care (service, panel or mixed) which they consider most feasible.

This has been brought to the notice of State Governments. Specific proposals as and when received from the State Governments in this connection will be examined by the Corporation.

Conclusions

Action taken

(iii) Regarding the Capitation fee to be paid to panel doctors, it was considered desirable that the Employees' State Insurance Corporation should approach the medical profession through the State Governments concerned.

The suggestion has been noted by the Corporation for guidance.

(iv) A sum of Rs. 30/- per confinement should be paid to the wives of insured persons on extension of medical care to families.

This recommendation is being examined by the Corporation in consultation with the State Governments.

(v)(a) Some Improvements in the rate of maternity cash benefits should be made.

The maternity cash benefits available under the Employees' State Insurance Scheme has since been raised to full average pay subject to a minimum of 12 annas per day. This has been given effect to in respect of all insured women whose right to maternity benefit commenced after 1st June, 1958.

(b) Persons suffering from T.B. should be given special cash benefits.

The question of raising the rate of cash benefits to persons suffering from T.B. is being examined by the Corporation

(vi) The question of revision of the waiting period should be examined.

The matter is under examination of the Corporation. As the recommendation would involve the amendment of the Employees' State Insurance Act, its implementation is likely to take some time.

(vii) Families of the insured persons should be covered for medical care and treatment. Hospitalisation should also be provided for them.

Medical care has been extended to the families of insured persons in the States of Mysore, Assam, Rajasthan, Bihar, Madhya Pradesh Punjab and Andhra Pradesh. A few more States will also be covered shortly.

As regards hospitalisation, the financial implications of the recommendation are being examined.

Conclusion

Action taken

(viii) The employers' contribution should be raised to $4\frac{3}{4}\%$ as provided for in law for meeting the extra expenditure involved in implementing proposals like extension of medical care to families.

The Corporation has decided that the rate of employers' special contribution need not be raised till such time as the extra expenditure involved on the extension of medical care to families could be met from the current revenue surplus of the Corporation. If, however, the Valuer's final report showed that the rates of employers' special contribution should be increased, the Central Government might then take necessary action.

(ix) The administration of the Employees' State Insurance Scheme and of the Employees' Provident Fund Scheme should be integrated.

The Study Group on Social Security set up to consider the question of integration of social security schemes has submitted its Report. The recommendations of the Study Group are under examination.

(x) Contribution to the Provident Fund should be increased from $6\frac{1}{4}\%$ to $8\frac{1}{2}\%$

The matter was discussed with employers' representatives at a meeting held in Bombay in January 1959. It was decided that before taking a decision in this regard an industry-wise survey to assess the financial burden on individual industries in the first schedule of the Employees' Provident Funds Act should be undertaken. It is proposed to entrust the survey to working groups consisting of the representatives of the employers, employees and the Ministries concerned. Each industry will be surveyed by a separate working group.

As a preliminary step the Central Provident Fund Commissioner has requested the employers in the first six industries specified in the First Schedule to the Employees' Provident Funds Act, 1952, to state their difficulties in increasing the rate of provident fund contribution to $8\frac{1}{2}\%$ as also their calculations of the additional burden and any other considerations which they may have against the proposal.

Conclusions

Action taken

(xi) The proposal to convert the Provident Fund Scheme into an old age and/or survivorship Pension should be examined provided it could be worked out within 16 2/3% of wages received by way of contributions from employers and workers.

The Report of the Study Group on Social Security is under examination.

(xii)(a) The present employment limit of 50 persons or more as prescribed under the Employees' Provident Funds Act 1952 (sub-section 3 of section 1) should be amended as 20 persons or more.

Government is taking the necessary steps for implementing this recommendation of the Indian Labour Conference.

(b) Employees in commercial establishments should be covered.

The Employees' Provident Fund Act has since been extended to the road motor transport establishments employing 50 or more persons with effect from the 30th April, 1959. The extension of the Act to the commercial establishments like Hotels, Cinemas, Banks, Insurance etc. are being examined in consultation with the State Governments and the concerned Ministries.

4. Amendments to the Industrial Disputes Act 1947.

(i) The proposed amendment to Section 7A(3) of the Industrial Disputes Act 1947 to enable the appointment of serving or retired District Judges as Presiding Officers of Industrial Tribunals was approved subject to certain reservations.

The question of amending the Industrial Disputes Act will be taken up along with other amendments that are now under consideration.

(ii) Regarding the suggestion of the West Bengal Govt. that the staff of hospitals etc. should be excluded from the purview of the

The recommendation has been brought to the notice of the Government of West Bengal.

Conclusions

Action taken

~~para-13~~ Industrial Disputes Act the consensus of opinion was that a Convention should be Established whereby the staff would not go on strike provided that an effective machinery for the speedy redress of their grievances was set up by the employer.

(iii) The suggestion of the Indian National Mine Workers' Federation to amend sub-section(3) of Section 24 of the Industrial Disputes Act should be examined by Government.

The same amendment was also suggested by the AITUC and INTUC and the matter was discussed by a Committee of the Standing Labour Committee in January, 1959. The recommendations are under examination.

Para 5. Subsidized Industrial Housing Scheme

(i)(a) The quantum of loan to employers under the scheme should be raised from 37% to 50%.

This has since been done.

(b) The rules for the allotment of tenements should be left to the employer to be finalised in consultation with the workers subject to some broad principles being laid down by the Government.

The Government of India have decided that subject to the broad principles of the Scheme, the allotment of houses should be left to the employer in accordance with the rules to be finalised in consultation with the workers of the establishment. The allotment will be made by a Managing Committee having equal number of the representatives of the workers and the employer with an official chairman, in accordance with such rules as may be mutually agreed upon. In cases, where no agreement can be reached between the parties, allotment will be governed by the Government of India Subsidised Housing Allotment Rules with the modification that in addition to the provision made in the Rules enabling the Managing Committee to allot 10% of the houses, out of turn, another 15% of the total number of houses built, may be allotted by an employer to the eligible workers at his discretion; the intention being that the allotment of the remaining 75% of the houses will be governed by the Rules prescribed in the model Allotment Rules.

(c) The question of giving some income tax relief to employers should be examined by Government in detail.

(c) The matter is being examined by the Government

Conclusions

Action taken

(ii) If State Governments find that industrial housing was not making progress for want of developed building land, they should spend as much of their allocation as was needed for the acquisition and development of land. The land could be utilised by them or sold at a no-profit no-loss basis to employers for the purpose of building houses.

Action is being taken on this recommendation by the Ministry of W.H.&S. It has already been decided to grant loans, repayable in 5-7 years, to State Governments under the subsidised Industrial Housing Scheme, to enable them to acquire suitable sites and develop them either for constructing houses on their own or for selling the developed sites, to employers and co-operatives of industrial workers, on a no-profit no-loss basis.

Item 6. Evaluation and Implementation of labour enactments, awards, settlements etc.

The proposals made to make the work of evaluation and implementation more effective were approved.

As referred to under item 2(iv) above evaluation and implementation machinery has been set up in most of the States. Data on non-implementation of labour enactments awards etc. are being collected from the States etc. regularly.

Item 7. Notes for information on Productivity etc.

This item was only for information and no action was, therefore, called for.

Item 8. Closure of units and unemployment.

(i) Plantations: Suitable steps should be taken by the Central and State Governments to avoid closures.

The Govt. of Assam had made some proposals to undertake legislation for taking over control of tea gardens in certain cases of mismanagement. But it was considered desirable that such powers should be taken only by the Central Govt. at the appropriate time when a proper organisation for assuming the management of mis-managed plantations had been built up. It has since been decided to undertake suitable legislation covering the subject.

Conclusion	Action taken
<p>(ii) <u>Cotton textiles.</u> Various measures like the granting of licenses for new units, appointment of Expert Committees to examine the individual units that have closed down or likely to close down, giving relief to the mills by way of providing long staple cotton and also by rendering financial help in the form of short-term and long-term capital etc. were recommended.</p>	<p>The Govt. have accepted the suggestions made by the Textiles Enquiry Committee for enabling the closed mills to be re-opened. The State Bank and the Scheduled Banks have already reduced their margins in advancing Working Capital to the mills.</p>
<p>(iii) <u>Jute:</u> The Jute Committee should be convened to consider the possibilities of taking action to avert closures in this industry.</p>	<p>The Industrial Committee on Jute which met in August 1958 was of the view that problem of closure was not very serious in this industry. However, a Special Committee has been set up by the Government of West Bengal to watch the implementation of the agreed policy on rationalisation.</p>
<p>(iv) <u>Engineering:</u> Industries were affected by the acute shortage of steel and other raw materials. Government should take immediate action to remedy the situation.</p>	<p>The Ministry of Commerce & Industry and the Planning Commission are of the view that the position cannot be substantially improved until the foreign exchange difficulties are over. However, the Ministry of Commerce and Industry are making efforts to utilise the available raw materials in the best way that would help to minimise the difficulties experienced by the industries.</p>
<p>(v) <u>General</u> (i) The Standing Orders should be amended on shift working in respect of notices before closures.</p>	<p>The Model Standing Order No. 7 appended to the Industrial Employment (Standing Orders) Central Rules, 1947 has been amended. The question of amending section 25 FFF of the Industrial Disputes Act in regard to notices for closures was discussed at the meeting of the Committee of the Standing Labour Committee held in January 1959. The matter is under examination.</p>
<p>(ii) Lacunae in the present provision for the lay-off compensation whereby labour could be denied compensation by working normally for some days in a week after 45 days' lay-off to avoid payment of compensation should be immediately remedied.</p>	<p>This was discussed at the meeting of the Committee of the Standing Labour Committee in January 1959. The matter is being further examined.</p>
<p>(iii) Delay should be avoided in conducting liquidation proceedings.</p>	<p>The Department of Company Law have proposed to make amendments to the Company Law with a view to obviating delays.</p>

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LIST OF PERSONS ATTENDING THE 17TH SESSION OF THE
INDIAN LABOUR CONFERENCE, MADRAS, JULY, 1959.

CENTRAL GOVERNMENT

Ministry of Labour and Employment

1. Shri G.L. Nanda,
Union Minister for Labour, Employment
and Planning. Chairman
2. Shri Abid Ali,
Union Deputy Minister for Labour.
3. Shri L.N. Misra,
Parliamentary Secretary to the
Union Minister for Labour, Employment
and Planning.
4. Shri P.M. Menon, I.C.S.,
Labour Secretary.
5. Shri K.N. Subramanian, I.C.S.,
Joint Secretary.
6. Shri R.L. Mehta, I.A.S.,
Joint Secretary.
7. Shri S.A. Qadir, I.A.S.,
Director General,
Resettlement and Employment.
8. Shri B.N. Datar,
Labour and Employment Adviser.
9. Shri Teja Singh Sahni,
Deputy Secretary.
10. Dr. B.K. Bhattacharya, I.A.S.,
Deputy Secretary.
11. Shri S.P. Mukerjee, I.A.S.,
Chief Labour Commissioner (Central).
12. Dr. A.M. Lorenzo,
Director,
Labour Bureau, Simla.
13. Shri S.N. Mubayi,
Central Provident Fund Commissioner.
14. Dr. S.B.L. Nigam,
Assistant Economic Adviser.
15. Shri Kumar Dev,
Information Officer.
16. Shri O. Venkatachalam,
Dy. Chief Labour Commissioner.

Ministry of Commerce and Industry.

17. Shri H.D. Shourie, I.A.S.,
Officer on Special Duty
(Productivity). Delegate.

Ministry of Commerce & Industry (Contd.)

- 18. Shri K.C. Madappa, I.A.S.,
Deputy Secretary. Advisor.

Ministry of Railways.

- 19. Shri M.A. Qadoor,
Director Establishmont,
Railway Board. Dolegato
- 20. Shri D.G. Jadhav,
Officer on Special Duty (Labour). Advisor.

Ministry of Transport & Communications,
(Department of Transport).

- 21. Shri K. Narayanan,
Deputy Secretary. Dolegato

Ministry of Works, Housing & Supply.

- 22. Shri N. Subrahmanyam, I.C.S.,
Joint Secretary. Dolegato.
- 23. Shri O.T.J. Zacharia,
Officer on Special Duty (Labour). Advisor.
- 24. Shri V.P. Gulati,
Under Secretary. Advisor.

Ministry of Defonce.

- 25. Shri G.A. Ramrakhiani,
Deputy Secretary. Dolegato

Ministry of Finance.

- 26. Shri D.D. Bhatia,
Joint Secretary. Dolegato.
- 27. Shri N.V. Nayudu,
National Savings Commissioner. Advisor.

Ministry of Law

- 28. Shri V.S.Jetley Addl. Legal Adviser

STATE GOVERNMENTS

ANDHRA

- 28.A Shri N. Bhagwan Das, I.A.S.,
Commissioner of Labour. Dolegato.
- 29. Shri A. Ramamurthy,
Chief Inspector of Factorios. Advisor.

ASSAM

- 30. Shri K.P. Tripathi,
Labour Minister. Dolegato.

ASSAM (Contd.)

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|---|----------|
| 31. Shri Biswa Dev Sarma,
Deputy Labour Minister. | Advisor. |
| 32. Shri S.K. Mallick, I.C.S.,
Secretary, Labour Department. | Advisor. |
| 33. Shri Hemendra Duarah,
Labour Commissioner. | Advisor. |
| 34. Shri Arif Ali,
Under Secretary. | Advisor. |

BIHAR

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| 35. Shri S.M. Aquil,
Deputy Labour Minister. | Delegato. |
| 36. Shri B.P. Singh, I.A.S.,
Secretary, Labour Department. | Advisor. |
| 37. Shri S. Imam Raza,
Deputy Labour Commissioner. | Advisor. |

BOMBAY

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| 38. Shri Shantilal H. Shah,
Minister for Labour and Law. | Delegato. |
| 39. Shri B.B. Brahmhatt,
Under Secretary,
Labour & Social Welfare Department. | Advisor. |
| 40. Shri D.G. Kalo,
Labour Commissioner. | Advisor. |

JAMMU AND KASHMIR.

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| 41. Shri Sham Lal Saraf,
Minister for Commerce & Industry. | Delegato. |
| 42. Shri H. Ghulam Safdar,
Secretary,
Department of Commerce & Industry. | Advisor. |
| 43. Shri R.N. Wardkoo,
Labour Commissioner. | Advisor. |

KERALA

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| 44. Shri T.V. Thomas,
Labour Minister. | Delegato. |
| 45. Shri P.I. Jacob, I.A.S.,
Labour Secretary. | Advisor. |
| 46. Shri A.K. Pillai, I.A.S.,
Labour Commissioner. | Advisor. |

MADHYA PRADESH.

- 47. Shri V.V. Dravid, Labour Minister. Delegato.
- 48. Shri W.V. Oak, I.A.S., Labour Commissioner, Indore. Adviser.
- 49. Shri V.R. Kulkarni, Assistant Labour Commissioner. Adviser.

MADRAS

- 50. Shri B. Venkataraman, Labour Minister. Delegato.
- 51. Shri S.R. Kaiwar, I.C.S., Secretary, Labour, Industries and Co-operation Department. Adviser.
- 52. Shri T.N. Lakshminarayanan, IAS, Commissioner of Labour. Adviser.

MYSORE.

- 53. Shri T. Subramanya, Minister for Law, Labour and Local Self Government. Delegato.
- 54. Shri R. Srinivasan, Secretary, Labour Department. Adviser.
- 55. Shri K.R. Marudeva Gowda, Labour Commissioner. Adviser.

ORISSA.

- 56. Shri R.B. Misra, Minister for T.R.W. & Labour. Delegato.
- 57. Shri Durga Prasad Tripathi, Adviser.

PANJAB.

- 58. Shri Amar Nath Vidyalkar, Minister for Education & Labour. Delegato.
- 59. Shri R.I.N. Ahooja, I.A.S., Secretary, Labour Department. Adviser.
- 60. Shri Sham Lal, Labour Commissioner. Adviser.

RAJASTHAN.

- 61. Shri Badri Prasad Gupta, Minister for Labour. Delegato.
- 62. Shri N.K. Joshi, Assistant Labour Commissioner. Adviser.
- 63. Shri T.C. Jain, Asstt. Labour Commr. Adviser.

RAJASTHAN (Contd.)

- 64. Shri Vishnu Dutt Sharma, Adviser.
Deputy Director,
Employment Exchanges.

UTTAR PRADESH.

- 65. Shri S.S.L. Kakar, I.A.S., Delegato.
Secretary,
Labour Department,
Vidhan Bhavan, Lucknow.
- 66. Shri S.P. Aron, I.A.S., Adviser,
Labour Commissioner, Kanpur.
- 67. Shri S.P. Pande, I.A.S., Adviser.
Deputy Secretary,
Labour Department,
Lucknow.

WEST BENGAL.

- 68. Shri Abdus Sattar, Delegato.
Labour Minister.
- 69. Shri S.K. Banerjee, M.C., IAS, Adviser.
Joint Secretary,
Labour Department,
Writers' Building, Calcutta.
- 70. Shri S.M. Bhattacharya, I.A.S., Adviser.
Labour Commissioner,
New Sectt. Bldg., 1-Hastings Street,
Calcutta.
- 71. Shri S.N. Roy, Adviser.
Assistant Labour Commissioner.
- 72. Shri H.M. Ghosh, Adviser.
Assistant Labour Commissioner.

EMPLOYERS

EMPLOYERS' FEDERATION OF INDIA.

- 73. Shri N.H. Tata, Delegato.
Bombay House, Bruce Street,
Bombay.
- 74. Dr. N. Das, Delegato.
Director General,
Employers' Federation of India,
Army & Navy Building,
148, Mahatma Gandhi Road,
Bombay - 1.
- 75. Shri A.T. Montgomery, Delegato.
M/s. Balmer Lawrie & Co. Ltd.,
21, Netaji Subhas Road,
Calcutta.

EMPLOYERS' FEDERATION OF INDIA (Contd.)

76. Shri M.J. Edwards,
M/s. Parry & Co. Ltd.,
Baro House, Madras. Delegato.
77. Shri I.P. Anand,
M/s. Karamchand Thapar & Co. Ltd.,
Thapar House,
124, Janpath, New Delhi. Alternato
Delegato &
Adviser.
78. Shri T.S. Swaminathan,
Secretary,
Employers' Federation of India,
Army & Navy Bldg.,
148, Mahatma Gandhi Road, Bombay. Adviser.
79. Shri M.M. Ghose,
Labour Adviser,
Bengal Chamber of Commerce & Industry,
Royal Exchange, Netaji Subhas Road,
Calcutta. Adviser.
80. Shri R.G. Gokhale,
Labour Officer,
Millowners' Association,
BOMBAY. Adviser.
81. Shri N.S. Bhat,
Buckingham & Carnatic Mills Ltd.,
Parambur Barracks, Madras. Unofficial
Adviser.
82. Shri T.V. Lalvani,
Labour Officer, (Caltex (India) Ltd. ,
Caltex House, Ballard Estate,
Bombay. -do-
83. Shri Y.D. Joshi,
Law Officer,
The Tata Oil Mills Co. Ltd.,
Bombay House, Bruco Street,
Bombay - 1. Unofficial
Adviser.
84. Shri G.B. Pal,
135, Golf Links,
New Delhi. Unofficial
Adviser.
85. Shri L.C. Joshi,
Labour Adviser,
Bombay Chamber of Commerce and
Industry. Unofficial
Adviser.

ALL-INDIA ORGANISATION OF INDUSTRIAL EMPLOYERS.

86. Shri Lakshmiapat Singhanla,
7, Council House Street,
Calcutta - 1. Delegato.
87. Shri Surottam P. Hutheesing,
Gheekanta,
Ahmedabad. Delegato.
88. Shri Bharat Ram,
14/48, Diplomatic Enclave,
New Delhi. Delegato.

ALL-INDIA ORGANISATION OF INDUSTRIAL EMPLOYERS (Contd.)

89. Shri M.M. Varghese, Delegate.
President,
United Planters' Association of
South India, "Clonview",
P.O. Box No. 11, Coonoor,
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125. Shri K.D. Gandhi,
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126. Shri K.M. Tripathi,
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127. Shri T.C. Gupta,
Section Officer.

128. Shri S. Swami Nathan,
Section Officer.

129. Shri D.P. Roy,
Research Officer.

Members of the Informal Consultative Committee.

INDIAN LABOUR CONFERENCE
(17th Session, Madras, 27-29th July, 1959)

CONCLUSIONS OF THE SITTINGS HELD ON THE 27TH JULY, 1959

It was agreed that the legislative and administrative policies of the Central and State Governments, and the policies of Employers and Workers Organisations should not run counter to the broad lines of policy that may be recommended by the Indian Labour Conference from time to time after full tripartite discussion in the Conference.

The Conference discussed the question relating to Trade Union Organisation as listed at page 20 of the Memorandum on Industrial Relations and adopted the following conclusions:-

(1) There should be no change in the existing legal provision in respect of statutory restrictions on the number of outsiders on the executive of trade unions.

(2) The existing legal provisions on the subject of victimization contained in the Industrial Disputes Act, the Bombay Industrial Relations Act and the proposed Madhya Pradesh Labour Relations Bill should be examined with a view to providing further protection against victimization, if necessary. The organisations would also give further thought to the problem and forward their suggestions to the Government of India.

Membership fee.

3. The proposal for making legal provision in respect of a minimum membership fee of 25 Naya Paise per month was accepted.

Decentralisation of the work of the Registrars of Trade Unions.

4. The suggestion concerning decentralisation as contained in para 11.6 of the Memorandum was approved.

Powers of Registrars of Trade Unions.

5. Regarding the proposals at paragraphs 11.7 - 11.9 it was decided that Registrars should have powers to inspect the accounts, membership registers, minute books of the trade unions to verify the correctness of the annual returns.

Restrictions on the number of unions that may be registered.

6. The consensus of opinion was not in favour of placing any restrictions on the number of unions that might be registered.

INDIAN LABOUR CONFERENCE

(17th Session, Madras, 27th-29th July)

Conclusions of the Sittings held on the 28th July, 1959.

Participation by Observers

It was decided that the question of invitees (delegates, advisers and observers) to the Conference be referred to a Committee comprising one representative each of the workers' and employers' organisations and such Government representatives as might like to participate.

Recognition

(i) Where there was only one union, the employers might recognise it even if it did not fulfil the condition of 15% membership.

(ii) Where there were more than one union and none of them fulfilled the membership condition laid down in the criteria for recognition, as evolved at Naini Tal, none would be entitled to recognition.

The suggestion for recognising a union having the largest membership, even though it had less than 15% membership, was not favoured.

(iii) The words 'industry' and 'local area' occurring in clause 3 of the criteria for recognition of unions should be defined by the Government concerned. The provisions contained in the Industries (Development and Regulation) Act and other enactments might be examined for the purpose and the matter placed before the next meeting of the Standing Labour Committee.

(iv) The question whether a representative union should represent also the technicians, the supervisory staff, etc. was postponed for further consideration in consultation with the interests concerned.

(v) The procedure for verification of membership of unions for the purpose of recognition and representation in Committees and Conferences as formulated at Naini Tal Conference and subsequently clarified at the meeting of Trade Union representatives held on the 21st March 1959, was confirmed.

(vi) A union would be entitled to recognition after it had observed the Code of Discipline faithfully for one year before such recognition.

(vii) Failure to observe the Code would entail derecognition for a period of one year. It would be open to the employer to recognise another union during this period provided it fulfilled all ~~xxx~~ necessary conditions for recognition.

Validity of agreements

Opinion was divided on the question whether an agreement entered into by a representative union should be binding on all the workers. It was, therefore, decided that the existing position in regard to the validity of agreements should remain unchanged for the present.

Voluntary Arbitration

(i) Increased recourse should be had to mediation and voluntary arbitration and recourse to adjudication avoided as far as possible. Matters of local interest not having any wider repercussions should, as a general rule, be settled through arbitration.

(ii) While there would be no element of coercion in the matter from Government, the employers agreed to extend their full co-operation in developing this new approach to settlement of industrial disputes through mediation and arbitration.

(iii) ^A panel of arbitrators should be maintained by Government in order to assist the parties in the matter of choosing suitable arbitrators.

(iv) The question how far the provisions of the Indian Arbitration Act could be usefully made applicable to the arbitration procedure provided under the Industrial Disputes Act, 1947, should be examined afresh by the Central Government.

(v) The principles and norms so far evolved through awards and judicial decisions on important issues should be compiled and codified and made available for the guidance of arbitrators.

(vi) Cases of refusal to have recourse to arbitration even in minor cases should be reported to the Evaluation and Implementation machinery in the States or at the Centre, as the case might be.

General

(i) The question of preparing a record of proceedings of the Conference was considered and it was felt that only a statement of the main decisions or conclusions should be prepared and circulated. It was not considered necessary to prepare a summary of the entire proceedings.

(ii) Sufficient notice should be given to the parties concerned before any allegations or complaints were made against them in the Conference so that they might be in a position to collect the relevant facts and give an adequate reply to the charges.

(iii) It was felt that it would be in the spirit of the voluntary obligations evolved in this Conference if all the parties concentrated on the implementation of these obligations instead of levelling charges of violation against one another.

(iv) The question of delay in setting up tripartite Implementation Committees in some of the States was raised by some workers' representatives. It was announced that the Governments of Bombay and Madhya Pradesh would immediately set up such Committees.

INDIAN LABOUR CONFERENCE

(17th Session, Madras, 27th-29th July '59)

Report of the Committee on Service
conditions of domestic servants

The Committee met at 8 A.M. on the 28th July, 1959 and considered the proposals contained in the Memorandum on item 3 on the agenda of the Conference.

2. The following conclusions were adopted:-

(i) It was not considered feasible to adopt any legislative measure for the regulation of the service conditions of domestic workers.

(ii) The proposals concerning a pilot scheme for setting up a special employment office in Delhi as given at p.4 of the Supplementary Memorandum on item 3, were unanimously approved. It was felt that experience gained from the working of this scheme in Delhi might provide the basis for further action in future.

(iii) As regards the composition of the Advisory Committee, as contemplated at Para 6 on p.4 of the Supplementary Memorandum on item 3, it was felt that representatives of some of the central organisations of workers and employers should also be included in the Committee.

(iv) It was also decided that the Labour Welfare Officer and others connected with the administration of this scheme should, ^{in connection with their work,} whenever they visited places where domestic workers were employed, collect all the available data on the prevailing practice in respect of working hours, holiday facilities, rates of remuneration, dates on which salary was normally paid, period of employment and other privileges available so that further.....

further action might be planned on the basis of well-ascertained facts.

Pay Roll Savings Scheme

3. As the Committee had some time at its disposal and the officials of the National Savings Department were present item 4 on the agenda of the Conference was also taken up for consideration and the following conclusions were reached:-

(i) The Pay Roll Savings Scheme, as set out in the Memorandum on item 4, was unanimously approved subject to the following:-

(a) The Committee recommended that the collection charges at 1% should be utilised for distribution among the staff engaged in actual collection work and any balance left after such distribution utilised for the general good of the employees.

(b) The Committee noted that the Pass Books might be kept with the employer, but these should be made available by the employer for inspection by the employees concerned during working hours. The employee could also keep the Pass Book with him if he wanted to do so.

Madras,
28th July, 1959.

Sd/- Abid Ali
Chairman.

SEVENTEENTH
TRIPARTITE

Official texts of

- * Conclusions of the 17th Indian Labour Conference *
- Documents on Industrial Relations, Works Committees, etc. *
- AITUC's Memorandum on Government's Labour Policy

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November 1959

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SEVENTEENTH TRIPARTITE

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The Seventeenth Session
of the
Indian Labour Conference
Madras

27th to 29th July 1959

Inaugural Address

By

Shri Bishnuram Medhi
Governor of Madras

Friends

It is my privilege, on behalf of the State of Madras, to offer you all a cordial welcome to this 17th Session of the Indian Labour Conference which opens here this morning. This happens to be the first time when Madras has had the opportunity of serving as the venue of the momentous conference, and I thank you for giving me an opportunity to meet you all here and to inaugurate this conference. I am happy that you should have chosen Madras as the place of meeting for this conference, and I take it that it is a measure of your appreciation of the work being done in this State in the fields of activity which may form the subject-matter of the deliberations of this important conference. Although, we may not be able to offer you the bracing climate and the scenic beauty of Nainital where the last conference was held, I am sure that the simple but warm hospitality that Madras State will be able to offer you, will compensate the not-too-bracing climate of Madras. I hope your stay in this city with its beautiful marina and its surroundings will be comfortable and you will have an interesting and rewarding time and carry happy memories when you depart.

2. From the accounts I have had, the last conference was a successful one, and I hope that this conference will also be equally successful. I have read the conference programme and have gained the

idea that you have not-too-easy a task before you. It is a well-known fact that we are passing through a critical phase in the economic development of the country. Our special concern at the moment is the successful implementation of the Second Five-Year Plan and the achievement of the target of increased production in which, I am sure, every one of us is deeply interested. I need hardly reiterate that the fulfilment of our Plan will depend largely on the achievement of higher productivity in every aspect of our economic life and every one of us has a special obligation to contribute our respective share in this regard. It is only by special efforts on our part and on the part of the workers and the managements of industries that we can hope to realize the targets of the Plan and I hope this aspect may be kept in view, in all your deliberations.

3. I find from the agenda that one of the most important subjects you have before you for consideration is "Industrial Relations". The development of good industrial relations must necessarily depend, to a large extent, on Social Planning. Social Planning deals with the multifarious affairs of men in constantly changing circumstances. The achievement of a Welfare State with socialistic pattern of society, which is our objective, will be rendered impossible unless there is a substantial measure of economic development. The solution of the problem of under-employment and our aim to raise the standard of living of the people which need our immediate attention will also depend to a great

extent on rapid economic development. There was a time when it was taken for granted that the main problems of the Industry were only the management of machinery, materials and money. But nowadays all of us are realizing more and more that in addition to the problem of industrialization, to usher in economic prosperity, we have to consider the most important problem of human relations in industries and also the problem how best we can cultivate a good team-spirit in the industrial unit, which ultimately determines efficiency.

4. A person working in a factory is not intrinsically different from a person working in an office. In most cases what is needed is the change in our attitude towards the men with whom we have to work. It is not sufficient if we are not indifferent to the men. On the other hand, we have to have a positive approach to this problem with a faith in human nature. A growing realization of the absolute need for co-operation and dispassionate approach to the solution of problems among all sections engaged in industrial enterprise is the crying need of the day, and to this end all of us have to make our conscious and constructive contribution.

5. One way of getting to know about men, what exactly is working in their minds and what their troubles are, is to hold free and frank discussions. Then only will we hear a good deal of what we do not know and perhaps a great deal that we may

not even suspect. It is axiomatic that one cannot earn the confidence of any person by condemning him in public. Such an attitude will get us nowhere and in fact it only divides us from the people with whom we have to work and it makes national unity impossible.

6. I hope you will appreciate that our future depends far more on the good relations between individuals than on the mere survey of charts and figures. In other words, the future depends upon how well we are all able to get on together. Mistrust and suspicion will keep us apart. Our endeavour should, therefore, be to replace them with trust and confidence and translate these ideas into action with a view to bring all concerned closer together for a dispassionate discussion of the problems confronting labour and management engaged in industrial development for the good of the country at large.

7. It is a matter for gratification that due to the combined efforts of the employers, employees and the Government, we have succeeded to a very large extent in maintaining industrial peace in this State. We do not of course claim perfection and we do realize that much more needs to be done. Yet, I can say with some confidence that our achievement in the field of industrial relations has been fairly satisfactory. The success in this direction may be partially attributed to the recognition of the principle of Tripartite deliberations in all matters of industrial relations on which emphasis has been laid in

the labour policy of the First and Second Five-Year Plans. Our conciliation machinery has worked with great efficiency and succeeded in avoiding frequent causes of friction between employers and labour in general. Thanks to the efforts taken by our Officers of the Labour Department, many of the important major disputes have been settled to the mutual satisfaction of both the parties, thereby leaving behind no trace of bitterness. The Government, as a policy, have been encouraging bipartite settlements between the parties and only in cases where such attempts had proved abortive, was resort had to Governmental intervention. This system has been fairly satisfactory in this State. Although in recent years slight improvement was noticed in the matter of the number of cases being taken to the High Court and the Supreme Court, still it is rather unfortunate that the improvement has not reached the extent desired. If only we set our face against prolonged and wasteful litigation and try to solve our difficulties by mutual discussions or at best by making use of the special industrial forums set up for the purpose, we shall see greater improvement in this regard. The code of discipline, the code of conduct for Trade Unions and the like, evolved at the previous conferences have been commended to the employers as well as labour for being adopted by them with a view to avoiding serious industrial conflicts. My Government have also constituted a Tripartite State Evaluation and Implementation Committee with

representatives of employers and employees and the Commissioner of Labour as the Chairman to investigate complaints regarding non-implementation of agreements, awards, etc. It is also proposed to utilize this Committee for the purpose of screening cases that are to be taken on appeal to the High Court and Supreme Court. It is my sincere hope that with the steps now taken, it would be possible to secure greater industrial peace in future. I must acknowledge in this connexion, that the code of efficiency will mark another milestone in the path of economic and industrial progress. It is so necessary to achieve the higher productivity, which, as I have emphasized earlier, is highly essential for the success of the Second Five-Year Plan. I will be happy indeed if the deliberations of this Conference give this matter the due consideration it demands.

8. You have a number of items on the Agenda, and it will not be possible for me to refer to all of them. I have no doubt that with the experts on the side of employers, workers and Government sitting together in this Tripartite Conference, you will be able to discuss some of the most difficult problems that face industrial relations to-day and that your deliberations will yield fruitful results for the solution of most of them.

9. But before I conclude, I should like to refer to one or two significant developments that have taken place in this State during the immediate past.

Our Government have undertaken special legislation for regulating the conditions of work of workers in Hotels and Restaurants as well as in the Beedi Factories in this State, who have been denied the benefits of the labour legislation consequent on some of the judicial decisions. The Government have also introduced the Madras Industrial Establishments (National and Festival) Holidays Act, providing therein for the grant of seven festival and national holidays every year to workers in all industrial establishments, and in this matter I think this State may very well congratulate itself.

10. In the matter of Housing of Industrial workers, the Government have undertaken the construction of houses in important industrial areas besides encouraging the employers' and the workers' co-operatives to avail themselves of the financial assistance under the subsidized Industrial Housing Scheme. An appeal has also been made to the employers to provide houses to at least 4 per cent of their workers every year until they cover 50 per cent of their workers. It is hoped that the response in this direction would be encouraging.

11. I do not propose to take more of your valuable time. The agenda before you is quite heavy. It now only remains for me to wish the conference all success. I am certain that you would find this conference interesting and useful too, but whatever you do, I feel sure that out of your discussions, a fund of goodwill and mutual trust will emerge, conducive to create an atmosphere which will be

helpful in arriving at decisions on many important aspects of the problems under your consideration. I hope you will be able to enjoy your time here, and when the time comes for you to part, you may carry away with you affectionate memories of this beautiful city. With these few words, I have the greatest pleasure in inaugurating this Conference.

JAI HIND.

Views of A.I.T.U.C. On Government Labour Policy.
(at 17th I.L.C.- Madras)

1. The papers prepared by Government for the this congreence completely ~~about~~ shut their eyes to certain pressing problems affecting the workers, though these problems dominated the Nainital Conference and ~~to~~ continue to remain acute as before. At Nainital every delegation raised the question of closures, retrenchment and unemployment. We discussed these problems and Government and employers promised to do certain things. But the situation has not improved.

2. True, one textile mill in Bombay has been taken over since then. But many more units in Bombay and elsewhere remain closed. Large scale retrenchment ^{and retimination} in Textiles, engineering, etc., are taking place, ^{which, the} ~~employers declare, have~~ ^{with the consent of the} sometimes even ~~with the assistance of~~ the recognised unions of the INTUC as in Bombay and Madya Pradesh.

3. Several strikes have been taking place on these questions of retrenchment and victimasation of trade union workers. Court Judgements permitting dismissals at the sweet pleasure of the employeers ~~ex~~ ^{are} evoking protest strikes to defend the rights of the working class. ~~The~~ Strike in the Grindlays bank, the Mahindra Concern in Calcutta, Remington Rand, The National Electric and New Era Silk in Bombay, the ~~lockout~~ ^{over} in the Harveys, the failure to take ^{over} Kaleswarani mills in Coimbatore, show that the Government of India and the State Governments after having debated the question at nainital, have gone back to their usual position of leaving the workers alone to fight the superior might of the employeers.

4. In this period some wage agreements have been negotiated. The ^{Jamshedpur} ~~Jamshedpur~~ wage agreement has come out. but even there, the problem of work loads is still unresolved and unless wages and workloads are resolved together, it is useless to expect the workers to settle down to calm work. Workloads and retrenchment in ^{Jamshedpur} ~~Jamshedpur~~, the failure to evolve proper wages scheme in the Burnpur and elsewhere, disturb the Iron [&] steel sphere, ^{the} in most vital one for our economy. ^{Tea bonus is still unsettled and a wages} ~~Board for Metal & Engineering~~ ^{is a whole is an} ~~is a whole is an~~ ^{is a whole is an} ~~is a whole is an~~

The promises made to appoint ^{or} the wage boards for industries ^{been} have been frozen. Even the Pay Commission and the Textile Wage Board have been unable to report though ^a the long period, enough to exhaust the patience of the workers, ^{has} have passed since their appointment.

The labour Minister Mr Nanda has personally intervened in the coal dispute & in the Banking dispute. But such interventions, while securing temporary relief, do not make ^{up for} a policy as a whole. They become only benevolent exceptions to a bad labour policy which does not allow urgent questions of life of the workers to be resolved in their favour as a natural result of a correct policy.

The promises made at Nainital and perspectives held before ^{the workers} have been belied for the most part. Where small fulfilments have been shown they had to be extracted by prolonged suffering and struggles of the workers.

5 This ^{only} ~~not only~~ shows the labour policy of the Government in actual practice; ^{it} ~~it~~ also shows that what is called PLANNED DEVELOPMENT ~~xxx~~ has no plan, unless all these retrenchments, ~~xxxxxxxx~~ closures, victimisations, and lockouts are a part of the 'PLAN' of the Government and the employers for better Development of the profits of the Gentlemen of ~~xxx~~ enterprise!

6. Not content with the position in which the employers aided by the Government machinery are ^a launching offensives against the workers, it seems in ^{this} the conference, the Government has put forward an agenda on Industrial relations, which is calculated to hamstring ~~xxxx~~ still further in the freedom of the workers and ~~xxxx~~ their trade unions.

The proposal to give unheard of powers to the Registrar of Trade Unions, that is Government Officials, over the Organisations of trade unions, is ^{the} ^{most} ^{reactionary} ^a proposal in the agenda. He is no more a mere Registrar. He is to be the Supreme Maker and ~~UnMaker~~ ^{UnMaker} of trade unions. He is to judge how many and ~~xxxx~~ where the workers should have unions or not. In one state he is even given the power to dismiss and ^{decide} ~~appoint~~ the office bearers of the union. Very soon it will not be the workers, who will be running the unions, but the nominees of the Government or its party. So long it was done ~~xxxx~~ behind the back of the workers. Now it ^{is proposed to be} ~~will~~ done with the

~~Such~~ sanction of the law. We refuse to accept this position.

All these ^{proposals} ~~positions~~ of enhancing the powers of the Registrar or keeping his veto on the unions must be scrapped in toto.

7. The Government of India has not been able to compel observance of the code of discipline by the employers, by the state Government or by ~~any~~ its own Ministries. The unions of the AITUC particularly have not reaped a single benefit under the code. Not one union of the AITUC has been recognised under the Code. And there is the most flagrant case on record, where the Secretary of the Union of Employees of Audit and Accounts has been dismissed on charges, one of which is that he submitted memo to the Pay Commission of the Government of India, and suggested curtailment of the authority of his employer (immediate boss). We need not cite further facts, ^{which are too numerous to be quoted here} ~~here~~.

8. The experience ^{working of the} of the ~~workers~~ of the code shows that the majority of the employers and the State Governments as also ~~various~~ ministries of the Government of India are not prepared to honour the Code.

Hence the AITUC thinks that the code of discipline be suspended until the employers and Governments come ⁱⁿ with the proper mood to work it and that the AITUC be allowed to withdraw from its obligations, where the ~~any~~ employers and states do not reciprocate and adopt a policy of special ~~discrimination~~ discrimination against AITUC. To begin with, AITUC will ^{like to} opt out of the code ~~now~~ in ~~Bihar~~ BIHAR Madhyapradesh and Bombay.

9. The Government of India compels the workers to subscribe crores of Rupees to the ESI. In spite of the promises, it has failed to provide ^{hospitalisation} hospitalation, care of the families of the insured and enhancement of the employers' contributions. Provident fund monies of the workers are known to have been swindled by lacs. In ~~Madhyapradesh~~ Madhyapradesh alone ^{about} Rs. 50/- Lacs have been swindled. So ^{is} the position in Bombay and elsewhere.

~~Such~~ Several Governments have been abetting this position, and workers in need ^{do} to not get relief. And yet this open day light fraud is not nailed down by confiscating the concerns involved in ^{morality} it. Where is ~~any~~ ^{observance of law and} democracy and the code of discipline in all ~~this~~ this?

10. The AITUC has always held that compulsory recognition of trade unions is a vital necessity in India, and that in order to ^{decide} decide which unions has ^{the} workers' support, a secret ~~ballot~~ ^{and is representative} ballot of the workers is the only correct method. But these demands have been refused by the Government. Ballot is regarded ^{as} the most ~~democratic~~ ^{Democratic} method in ^{the} Political field. Then Why is it denied ⁱⁿ to the Trade Union field? The verification method is one ^{Sided} sided and is ^{heavily} heavily loaded on the side of the Government, and the employers and their supporters. The very ^{fact} fact ^{that} Unions of the INTUC or those recognised by the employers alone can collect subscription money in the factory handicaps the others in making rolls and registering fully paid membership. Over and above this some of the ~~representatives~~ ^{verify} ~~representatives~~ ^{verify} officers ^{are} or subjected to influences hostile to the AITUC. ~~Compulsory recognitions~~ ^{of} ~~and~~ Trade unions and ballot to decide ^{their} the representative character ^{is} absolute precondition ^{for} for peace in industry and better Industrial Relations. These two ~~measures~~ ^{will} measures bring about a fundamental change in the situation and help the economy and the working class to go forward.

11. We have made the above remarks on some of the problems ~~now~~ ^{embrace} before us in general, because they expressed the most important ^{aspects} aspects of any progressive labour policy.

~~For~~ For over 40 years, since the workers began to act in defence of their interests and ~~formed~~ formed mass unions, the Government and the employers have been avoiding direct collective bargaining between the unions and the employers. There has been a consistent attempt to interpose some other agencies between the workers' right to collective bargaining and the employers, who as a class the world over, ^{has} always ^{resisted} ~~resisted~~ direct ^{or} negotiations with ^{or} ~~recommendations~~ ^{recognition} of trade unions. The Congress Ministries with their avowed adherence to the Socialism have not followed a different path, ^{even} ~~except~~ where ^{it} they ^{agreed} ~~agreed~~ to give bargaining right and recognition, it is offered in exchange for ^{for} ~~for~~ surrender of some fundamental rights as shown ⁱⁿ ~~in~~ consistently. Hence, for the last ten years there has been ^{continuous} ~~continuous~~ arguments ^{of} ~~of~~ about all kinds of Tribunals, courts, arbitration boards, conciliation Machinery, ^{and} appeals and so on. The present ~~Tripartite~~ ^{is} Tripartite ^{against} has so many of these collections ⁱⁿ ~~in~~ the agenda.

X
"breed" of
unions called
"approved"
unions.