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No. 7(37)/67-NCL(Tech)VI
Government of India
National Commission on Labour
D-27, South Extension, Pt.II.

New Delhi-3.
Dated the 16th November, 1967.

To

The Chairman and the
Members of the Commission.

Subject :- Programme of visit of the National Commission
on Labour to Mysore State-Record of discussion.

Sir,

I am directed to forward a copy of the record of
discussions of the Commission in Mysore State from
23rd to 28th October, 1967, as approved by the Chairman.

Yours faithfully,

G.P. Kapur
(G. P. KAPUR)
JOINT DIRECTOR

Encl : As above

NATIONAL COMMISSION ON LABOUR
INFORMATION & DOCUMENTATION
V.V. GUPTA BLDG.
NOIDA



ACC. No. 2-115
DATE 25-1-69

V

NATIONAL COMMISSION ON LABOUR

CAMP: BANGALORE (23.10.1967)

MYSORE

10.00 A.M.

Record of discussion with the Mysore Branch of the I.N.T.U.C. represented by:-

1. Mr. M.B. Thimmiah (vide our Ref.No.NCL-MY-VI.44)
2. Mr. N. Yeshava
3. Mr. D. Venkatesh
4. Mr. K. Sriramulu
5. Mr. V. Hari Rao

Of the total union membership of 1.3 lakhs in the State, the I.N.T.U.C. claims to have about 53,000 members distributed in various industries.

2. The I.N.T.U.C. would prefer a common labour code and a common pattern of labour judiciary; 'labour' should remain in the concurrent list. Members of the labour judiciary should have a fixed tenure with no extension. The appointments to this judiciary should not appear as if they are a gift from Government. The choice should be from amongst the sitting judges.

3. Government should have nothing to do with the appointment of persons to the labour tribunals. The Labour Appellate Tribunal should not be revived.

4. Jurisdiction of High Courts and Supreme Court over labour matters should be done away with. This may require a constitutional amendment. Many disputes arise out of the delay in their final settlement. That is the reason why appeals should be banned. If, for purposes of finality, appeals are necessary the total time required should be minimised.

It should be permissible for trade unions also to use the funds of the company for fighting cases against the employers.

5. Unions, generally, do not have the facility of getting lawyers who work free of charge. A lawyer accepts a free brief, if at all, on political considerations.

6. If the procedure for disciplinary action is spelt out in the Standing Orders, victimisation is likely to be easier. That is why I.N.T.U.C. does not favour such spelling out.

7. In domestic enquiries, the procedure very often becomes a tool to justify the decision already taken.

8. Minimum number of paid holidays and the procedure for leave with pay should be specifically provided for in the Standing Orders. This minimum should be irrespective of region.

9. The tendency among employers to remove workers before they fulfil the qualifying period of 240 days for eligibility to enjoy certain benefits should be checked. The distinction between various categories of workers for eligibility to certain benefits should be removed.

10. There should be a provision for appeal to the labour court against domestic enquiries, especially in cases where dismissal has been awarded as a penalty.

11. Compensation is no substitute for wrongful dismissal. Reinstatement should be the rule. This alone will enable trade unions to function satisfactorily. As a result of reinstatement, discipline is not likely to be affected.

12. There should be appeal on facts to the courts. (A short note showing cases of dismissal; how many of them went to court and in how many workers succeeded during the last two or three years will be supplied to the Commission. There will be no deliberate choice of years).

13. Collective bargaining in its strict connotation will be difficult to operate for a long time to come. It should, however, be given a trial where unions are strong. The organisation would prefer such arrangements in the private sector and not in the public sector.

14. Outsiders will be necessary for a long time to come. As long as the insiders feel that they want the help of outsiders, such help should not be denied to them.

15. Outsiders are those who have no moorings in the labour movement or who have left the movement for a long time or who have no experience of trade union work. A person who is predominantly in politics should be considered as an outsider.

16. Workers themselves can have political orientation. Expression of political opinion by any citizen cannot be barred and, therefore, politics cannot be taken out of labour organisations whether it is manned by insiders or outsiders. Persons engaged in partisan politics do not necessarily harm the trade union movement.

17. The I.N.T.U.C. would prefer the B.I.R. procedure for recognition. The unions have their own elections every year. Since this experience is not unhappy, they do not shun elections as such. At the same time, it is necessary to avoid secret ballot elections where emotions are allowed to prevail. This is because even after the elections, passions continue to be frayed and the working of the union and also of the industry gets affected.

18. In case secret ballot is favoured by the Commission, the electorate should be as suggested by the Central Organisation (I.N.T.U.C.).

19. Implementation is not adequate in public undertakings particularly. This is because people in managerial capacity are new to the industry. Implementation in the State Sector of the public undertakings is weaker than in the Central public sector units. Very often, even after a dispute ends in failure in conciliation, no adjudication is granted. (Information will be sought from State Government on this point). Where a reference is made, it is after a long delay. There is no joint application for adjudication in the public sector.

20. The organisation would prefer to have a direct reference to the court.

(A statement on the State Undertakings' refusal to adjudication as also refusals to go to Tribunals in the private sector will be supplied by the organisation together with a list of delayed references).

21. Even where an award is made in State Undertakings, the State does not implement the same. If it is implemented, it is half-hearted and there are delays in implementation. (The organisation will supply a list of cases to substantiate this point).

22. There is considerable casual employment in the State even in public sector undertakings. Mysore State Electricity Board is an instance on the point.

23. In plantations it is not true that labour is in short supply. Even so outside labour is engaged. In some cases, local labour may find wages in plantations unattractive. Contract labour has, however, been abolished.

24. In Mysore State, Labour Department is an inferior partner in the Government set-up. Labour is considered to be an unwanted portfolio.

In matters where public sector undertakings are involved, it is the views of the Departments dealing with Finance, Industries and Commerce etc. which prevail, whether for securing a reference to adjudication or for implementation of a tribunal award.

25. There have been frequent changes (transfers) of officers working in the Labour Department including the Labour Commissioner.

26. The Organisation would prefer compulsory adjudication without Government having powers to enforce the awards.

27. There are no difficulties as a result of the same Minister holding the Home and Labour portfolios.

NATIONAL COMMISSION ON LABOUR
CAMP: BANGALORE (23.10.1967)

MYSORE

11.10 A.M.

Record of discussion held with the Mysore Branch of the A.I.T.U.C. represented by:-

1. Mr. M.C. Narasimhan (Vide our Ref. No.NCL-MY-VI.46)
2. Mr. V.S. Venkataraman
3. Mr. M.S. Rama Rao
4. Mr. S. Suryanarayana Rao (Vide our Ref.No.NCL-MY-VI.75)
5. Mr. B.N. Kuttappa

A.I.T.U.C. wants a common labour code, a common judiciary and 'labour' in the Central list.

2. There were two views on the appointment of members to the industrial tribunal; one was that the High Court should make appointments and the other that the High Court should give a panel from which the Government could choose.

3. There should be no retired judges for manning the labour judiciary. If, for some reasons, they are brought in, they should have a fixed tenure.

4. Labour Appellate Tribunal should not be revived.

5. Time limits should be prescribed for various stages of the settlement of disputes through the industrial relations machinery.

6. The Organisation would prefer collective bargaining because this is the only way to make the unions strong. Right to strike should not be denied. There were two views as to whether collective bargaining should be with the employers' right to lock-out.

7. The organisation would not object to collective bargaining with a clause for voluntary arbitration agreed to in advance.

8. The representative union should be named on industry-cum-region basis. The union should be elected by secret ballot. All workers should have the right to vote. There should be no "check off" but facilities for collection of union subscription should be provided by the employer to all unions. If such facilities are denied, "check off" may be introduced. 'Union shop' is opposed.

9. There have been cases of discrimination in employment, particularly discrimination against Muslims and married women. Spinsters who later got married are not continued in employment. (The organisation will supply a statement on this point).

10. The organisation will support All-India competition for recruitment to technical jobs. There were two views on recruitment to other jobs. One section wanted exclusive reservation of these jobs for local people. The other view was in favour of only giving a preference to them.

11. There have been cases in the State where local population has been given preference in order to reduce the influence of some unions. In some units, Malayalee labour has been instrumental in unionising the unit. Local recruitment was resorted to not for the sake of being considerate towards local labour but for reducing the influence of the Malayalees in the union.

12. There is a tendency on the part of the Heads of Public Undertakings to bring their own men for employment in the unit. This should be discouraged.

13. The influence which the outsiders wield in a unit is very often exaggerated. Outsiders are necessary in the present Indian context for organising unions. The influence of insiders could as well be increased by leaving it to the process of education, giving respect to the views expressed by insiders etc.

14. At present, employers are not reconciled to workers leading their own unions. Workers should also build up their confidence. The process of weeding out outsiders cannot be hastened by artificially limiting their number.

15. The ranks of outsiders are also dwindling; the organisation feels that this problem will solve of itself.

It is possible to have a trade union front but currently the trade union pattern obtaining in a unit is more or less dictated by management and Government.

16. Minimum wage should be ensured by statute; on top of that, there could be collective bargaining for skill differentials, incentives, etc. The minimum should be the need-based minimum of the 15th Indian Labour Conference.

17. The National minimum wage as at present has been considered an ideal. Adjudicators do not even consider it. There should be no relationship between the need-based minimum and the per capita income. In sectors where it is possible to ensure need-based-minimum, this should be attempted. Industrial workers as a whole should be considered as a special category even if the fixing of the need-based minimum would mean a jump in their present level of wages.

18. Wages beyond the need-based minimum should be related to productivity.

19. Certain types of unions are favoured in public sector undertakings; they are given facilities. Officers do not like assertive workers.

20. Within the public sector, industrial relations are better in the State sector than in the Central sector.

21. Implementation of legal provisions is weak in these cases i.e. in cases of preventing child labour from working. Factory inspectorate is also lax. (The organisation will supply a statement about child labour being employed in plantations, hotels, beedi and silk industries.)

22. The Labour Department of the State is assuring unions that some steps will be taken for contract labour either in construction or elsewhere. But there being no directive from the Central Government in this behalf the State Government is waiting for taking measures. The State Government should be in a position to take action even without Central guidance in these matters.

23. Women labour is engaged outside the hours it should be normally engaged. Child labour is over-worked. In this respect also the factory inspection is very lax. Exemptions are granted where these are not justified.

24. Minimum wage is fixed but it is only in name. There is no implementation.

25. There should be an inspector not on the basis of the factories to be inspected but on the basis of total number of workers to be protected. There are two inspectors at present for four lakhs of workers in the State. Inspection should be on the basis of about 25,000 workers per inspector.

26. Unions should be authorised to inspect factories and take appropriate action direct in case of non-observance of factory legislation.

27. There should be a special labour court for correcting non-implementation. It should be given powers to execute its decrees and award deterrent punishment to defaulters. Non-implementation should be made cognisable offence. In this case the organisation would accept a mutuality of penalties.

28. There will be resistance from the employees themselves if child labour is prevented. This is because wage level is inadequate.

29. To highlight non-implementation, the organisation will make a special plea that the laws should be implemented at least in the city of Bangalore.

NATIONAL COMMISSION ON LABOUR
CAMP: BANGALORE (23.10.1967)

MYSORE

12.05 P.M.

Record of discussions with the Mysore Branch of the H.M.S. represented by:-

Mr. K. Kannan (Vide our Ref. No. NCL-MY-VI.40)

The H.M.S. has a membership of 20,000 in Mysore State mainly in engineering. 30% of this membership is in the public sector.

2. The experience in Mysore State has been that in recent years unions have grown in number but not in strength. It is, therefore, important that small unions should be eliminated. There should be industrywise unions and not unitwise. 10% of the strength of the industry or 250, whichever is higher, should be a criterion for registering a union.
3. There should be one recognised union elected through secret ballot by all employees. There would be no difficulties in the secret ballot elections because, after the election, which may raise temporary emotions, workers settle down to their work. In due course, even temporary emotions may not hamper the leadership contest.
4. There should be both a 'union shop' and 'check off'. 'Check off' may be brought in immediately but 'union shop' may be a somewhat distant goal.
5. Relations with management have been cordial; this does not mean that there are no complaints.
6. Industrial relations are better in the Central public sector undertakings than in the State sector. The management in the former is more responsive to labour.
7. There is no difficulty in the implementation of awards or other provisions of labour laws which have come to the knowledge of the H.M.S. organisation in the State. There is an arrangement for bilateral negotiations with management wherever H.M.S. operates.
8. There should be a common labour code and a common judiciary. Labour should be transferred to the Central list. If there are difficulties in introducing the proposed code, H.M.S. stands for collective bargaining plus an advance agreement on voluntary arbitration in case collective bargaining fails. This will make labour courts unnecessary.
9. If courts have to exist, there should be a provision for appeal and in this context Labour Appellate Tribunal may be revived.

10. There should be proper enforcement of labour legislation and agreements settlements and awards. In the case of breach of award, there should be penal provisions against employer as also against unions. Standing orders should include provisions which lay down the procedure for disciplinary action.

11. Trade Union movement has grown because of outsiders. If they take interest in union and work for it, they should not be considered outsiders.

Union leaders should have nothing to do with partisan politics.

12. Merely reducing the percentage of outsiders from 25 to 10 in Union executives will not help. In practice, the number of outsiders in Union executive is in the neighbourhood of 10%.

13. Smaller trade unions should be eliminated by giving recognition to majority unions. The present structure of the unions should be reorganised. At the top there should be a National Confederation of Trade Unions. Unions should be organised industrywise in a local area. The industrywise unions can form a federation with State branches. The federations can come together as a confederation at the national level.

14. There should be only one union for one industry. Once a union is recognised, other unions may disappear. This will be possible if the recognised union is given rights of 'check off' and 'union shop'. This might be a little difficult in the initial stages but it should be possible to work towards that object. (The representative agreed to give a note on the subject within two months).

15. Labour courts should be given authority to prosecute employers/unions in case of non-implementation.

16. There is not much child labour in the industries with which the H.M.S. is connected. Only in exceptional cases the workers are required to work longer hours.

NATIONAL COMMISSION ON LABOUR
CAMP: BANGALORE (23.10.1967)

MYSORE

3.00 P.M.

Record of discussions with the Central Public Sector Undertakings represented by:-

1. Mr. Uma Shankar, (Vide our Ref.No.NCL-MY-III.27)
Managing Director,
Indian Telephone Industries Ltd.
2. Mr. S.M. Patil, (Vide our Ref.No.NCL-MY-III.24)
Chairman and Managing Director,
Hindustan Machine Tools, Ltd.
3. Mr. B.N. Jayasimha, (Vide our Ref.No.NCL-MY-III.53)
Chief Administrative Officer,
Hindustan Aeronautics Ltd.
4. Mr. M.H. Parthasarathy, JAS, (Vide our Ref.No.NCL-MY-III.
Managing Director, 44).
Kolar Gold Mines Undertakings.
5. Mr. B.S. Hanuman, (Vide our Ref.No.NCL-MY-III.43)
Administrative Manager,
Bharat Electronics Ltd.
6. Dr. N.S. Sidhu, (Vide our Ref.No.NCL-MY-III.29)
Assistant Director,
Central Sericultural Research
& Training Institute.
7. Mr. K.P. Rabindranathan,
Chief Administrative Officer,
Hindustan Aeronautics Ltd.
8. Mr. B.V. Krishniah,
Kolar Gold Mines Undertaking.
9. Mr. S.A. Chengule,
Hindustan Aeronautics Ltd.
10. Mr. D. Thambiah,
Personnel Manager,
Hindustan Aeronautics Ltd.
11. Mr. T.R. Mantan,
Industrial Manager,
Indian Telephone Industries Ltd.
12. Mr. Mahavir Swaroop,
Personnel Manager,
Indian Telephone Industries Ltd.
13. Mr. K.B.S. Reddy,
Personnel Manager,
Bharat Electronics Ltd.

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14. Mr. B. Nand,
Kolar Gold Mines Undertaking.
15. Mr. P.F. Mukundan, (Vide our Ref.No.NCL-MY-III.17)
Assistant Personnel Manager,
Bharat Earth Movers Ltd.

Public Sector should be a model employer and the attempt in Bangalore is in this direction. Relations between employers and employees are deteriorating mainly because of the present economic situation. Workers want to share affluence but there is no desire on their part to share the hardship through which the industry has to pass. Workers do not like lay-off, retrenchment nor do they like cut in wages and bonus payments.

2. All labour laws are applicable to public sector undertakings.
3. Unions are recognised on a voluntary basis. The code of discipline is observed. If there is a dispute between two unions for securing a representative status, a reference is made to the State Labour Commissioner for advice as to which union has to be recognised. This reference is irrespective of the affiliation of union which seeks recognition. Existence of only one representative union will help mutual negotiations. Secret ballot for electing a representative union was not favoured. (K.G.F., however, preferred to have secret ballot for choosing a representative union).
4. The only complaint about the State Implementation Committee was that it took long time in deciding on the bargaining agent. If this is expedited, industrial relations will improve.
5. There should be no 'check-off' and 'union-shop'.
6. There should be a common labour code; 'labour' should be in the Central List. (The C.S.R.T. would prefer the existing arrangement).
7. Procedure for disciplinary action should be spelt out in the Standing Orders.
8. There should be a common pattern for the labour judiciary the incumbents for which should have a fixed tenure. They should be appointed by the High Court. One view was that there should be Tripartite Boards for settling labour disputes, as in Belgium. This did not receive much support. There should be no Labour Appellate Tribunal; the present arrangement for appeals should continue.
9. The Hindustan Aeronautics Ltd. and Hindustan Machine Tools favoured the existing adjudication system. The Indian Telephone Industries wanted collective bargaining plus advance agreement on voluntary arbitration when a settlement was not possible through collective bargaining. The latter idea received more support.
10. There should be no outsiders. One who is not employed in a factory is an outsider. A person who has worked in a factory but becomes a trade union worker and who is doing full-time work will still be an insider if he continues to be on the factory muster roll. If he resigns or is removed he becomes an outsider.

11. Office bearers should be from inside the factory. In view of the protection which the office bearers enjoy, cases will be rare where office bearers have to sever connection with the factory for attending to heavier load of work in a union. If, however, an office bearer of the union is dismissed for right cause there can be no harm if he also ceases to be a union office bearer.

12. Union leaders should be given adequate education before they accept their responsibilities.

13. The present programme of workers' education has not made an adequate impact. It should, however, be given time for becoming effective.

14. In order to make the administration of public undertakings more efficient, more humane and more responsive managerial cadre should also have industrial training.

There is a practice in the undertakings to consult unions in affairs which affect their membership.

15. Unions should be unitwise and not industrywise.

16. Hindustan Machine Tools and Hindustan Aeronautics Ltd. preferred the right to be given to the parties to approach the Tribunals direct. Other undertakings wanted the existing arrangements to continue i.e. reference to tribunals only through Government.

17. There was a general complaint that the union leaders did not participate in the welfare and cultural activities organised by Management in the interest of workers.

18. There was a general complaint about excess of labour legislations from all units.

19. Housing in these undertakings is no problem. 40 to 50 per cent of the workers are provided houses by the factories themselves; for others liberal transport arrangements are provided by the factories. House rent is subsidised to the extent of about 70 per cent.

Hindustan Aeronautics Ltd.

20. One Unit of the Hindustan Aeronautics Ltd. complained of the refusal by State Government to give protection to management personnel. (Reply to Question No.97 will be sent later.)

Bharat Electronics Limited.

21. 25 per cent of workers should be necessarily members of a union even for getting it registered.

Indian Telephone Industries.

22. The Indian Telephone Industries did not want to give preferential treatment for local persons in recruitment. In practice, it is only local people who secure appointments for junior posts. (Others felt that such preference should

be given. It is not true, however, that recruitment to any post was governed by the consideration that the General Manager came from a particular State).

23. There is no need for changing the law in regard to the hours of work for women.

24. Women were better in certain repetitive processes. The Indian Telephone Industries has encouraged the setting up of a Cooperative unit for manufacturing ancillaries required in the establishment. The wives and daughters of I.T.I. employees are given preference to join Cooperatives for producing these ancillaries.

25. There is a similar arrangement for handicapped workers. This arrangement is not for reducing the cost to the establishment. At the same time it helps in improving employer-employees relations.

26. Overtime is one of the general complaints on the managerial side. H.M.T. has banned overtime. (The reasons for overtime are partly humane and partly because there is shortage of technical personnel). The relationship between the I.T.I. and their employees is good.

27. The Management sees to it that the officers and workers mix together in the activities such as sports, fine arts, gymnasium and functions requiring the use of an auditorium etc.

Hindustan Machine Tools Ltd.

28. Workers do not want to take responsibility for running transport service, cooperative stores, canteens, other welfare and cultural activities. They prefer to stand aside and criticise what management does.

29. Union affiliations have nothing to do with this attitude. They do not want to accept any responsibility which required handling of finance on their part, even though such finances are provided by the employer. (In Kolar Gold Fields the experience is different).

30. There is a tendency to take disputes to the highest level for settlement. Workers always look to Ministers for getting their grievances redressed. This makes the officer at the lower level completely ineffective.

31. Public sector undertakings work under a handicap because the general tone in the Press is one of criticism. There is also criticism on the side of unions which is somewhat of an inflammatory character. However, in the investigations undertaken on some of our undertakings a fair amount of satisfaction is expressed by Parliamentary Committees.

NATIONAL COMMISSION ON LABOUR
CAMP: BANGALORE (24.10.1967)

MYSORE

10.00 A.M.

Record of discussions with the Mysore Chamber of Commerce represented by:-

1. Mr. Y.N. Gangadhara Setty, (Vide our Ref.No.NCL-MY-V.49)
President.
2. Mr. N.U. Gurjar,
Kirloskar Electric Co., Ltd.
3. Mr. M. Krishna Murthy,
Vice President.
4. Mr. G.N. Krishna Murthy,
General Secretary.
5. Mr. B.R. Puttananajappa,
Mysore State Employers' Association.
6. Mr. C.V. Narayan Rao,
Personnel Officer,
Binny Mills.
7. Mr. A.V. Sirur,
The Mysore Spinning Manufacturing Co. Ltd.
and Minerva Mills Ltd.
8. Mr. M. Yulkarni,
Personnel Manager,
The Mysore Spinning Manufacturing Co. Ltd.
and Minerva Mills Ltd.
9. Mr. Ravi L. Kirloskar,
Kirloskar Electric Co. Ltd.
10. Mr. Jayant N. Gurjar,
Kirloskar - ASEA Ltd.
11. Mr. A.T. Akolkar
Kirloskar Electric Co. Ltd.
12. Mr. V.N. Gopinath,
Motor Industries Co. Ltd.

MYSORE CHAMBER OF COMMERCE

1. The Chamber does not subscribe to degrading of minimum wage to workers. For the un-organised sector there can be some variation.
2. The Chamber will favour the 15th Indian Labour Conference formula for the need-based minimum subject to the reconsideration of the number of consumption units which constitute a family.

3. Minimum wage under the statute is below the need-based minimum and this is fixed on the recommendation of minimum wages committee on which workers are represented. Economically we are not yet in a position to fix the need-based minimum.

(A note on the subject will be sent by the Chamber. The note will also state the position with regard to agricultural wages. In the note the Chamber will also examine the question of industrial wages and agricultural wages in relation to earnings of employers in the respective sectors).

4. Productivity considerations should not apply in the fixing of minimum wage but, thereafter, wages should be linked to productivity.

5. Piece rate system has an in-built arrangement for a linkage of wage with productivity. This should be the general pattern.

6. Engineering industry in Mysore pays wages on an hourly/daily basis. There is, in addition, an incentive wage. In fixing incentives the usual difficulty is that at the time when studies are to be undertaken for fixing norms workers deliberately go slow. To avoid over-work by an employee there is also a maximum fixed beyond which incentives will not be permissible.

7. Incentives are, at times, opposed because workers are afraid of potential unemployment. This happens, particularly, in older units. In new units incentives find greater favour.

8. A communication system in terms of informing the rank and file of workers about incentives and other management instructions exists in all units. But in terms of human relations between higher levels of management and workers it is not there. If incentive schemes are drawn up unilaterally it takes a long time to convince the workers. If, however, the principles are settled in a bipartite meeting, the possibility of acceptance is greater.

9. Labour is over-protected. That is why some of the difficulties in fixing incentives and the basis for these incentives arise. Payment of dearness allowance to workers is another difficulty in motivating them to higher production. (The Chamber will supply a note on this subject).

10. If a dismissal is unfair, the employer should be asked to reinstate the worker. (Another view on this point was also expressed). The Courts should not be empowered to reopen cases of dismissal. They should have power only to see whether the prescribed procedure has been properly followed.

11. In certain cases where reinstatement has been effected as a result of Court order, there has been no indiscipline. The experience in Mysore is that reinstatement does not create any special problems. (Mysore Chamber will supply a statement on laws which have affected industrial progress).

12. There should be a common code and a common judiciary appointments to which should be made by the High Court. These should be tenure appointments with no extension.
13. Judges should be familiar with industrial law.
14. The present arrangement of appeals (without the Labour Appellate Tribunal) should be continued.
15. Wage Board decisions should be binding in the same manner as those of National Tribunals. The State Government should not have an authority to revise Wage Board decisions. Workers should not be allowed for a fixed period to agitate on the question of wages which have been decided by Wage Boards.
16. There should be no outsiders in a union. Insiders should, however, be given all facilities to run a union effectively.
17. Political influence should not operate either on the workers' organisations or employers' organisations in regard to industrial relations.

(A statement on Ram Kishore Mills will be supplied by the Chamber.)

18. Standing orders should lay down a procedure for disciplinary action.
19. Strike without notice should be banned.
20. Hospitals, water supply and electricity establishments should be excluded from the purview of the Industrial Disputes Act.
21. Over-time in the Factories Act is permissible only under certain exigencies. These exigencies should also include catching up with production losses. (A note will be supplied by the Chamber on this subject).

(The Chamber will also send to the Commission a note on a formula for fixation of bonus).

NATIONAL COMMISSION ON LABOUR

CAMP: BANGALORE (24-10-1967)

MYSORE

11.25 A.M.

Record of discussions with the M.S.E.B. Employees' Union and other unions represented by:-

1. Mr. S. Venkataram. (Vide our Ref. No. NCL-MY-X.13)
2. Mr. A.V. Raju.
3. Mr. K.L. Nandaram.

The Binny Mills Staff Association (Central Office) consists of 120 members. The other union which belongs to the staff of the factory has 500 members.

2. Unions are weak because in majority of cases they are small. They function in an ad hoc manner. Big industrial unions should be preferred.
3. If there is a union in an establishment, another union should not be registered. The existing union should be allowed to get stronger by arrangements like 'union-shop' and 'check-off'. The union finances will improve if the arrangements for 'union-shop' and 'check-off' are agreed to.
4. There should be a secret ballot for choosing a representative union. The arrangements under the B.I.R. are unsatisfactory. Elections should be gone through, and difficulties created in the election process cannot be avoided. Moreover, such elections will take place, if necessary, only once in two or three years.
5. Unions do not take part in the cultural activities initiated by the management because there is no sharing of idealism nor is there a sharing of common goals with or by the management.
6. Unions should not be affiliated with political parties, though individual members can have political views.
7. Civil servants and teachers should be allowed to form unions. The Industrial Disputes Act should be applied to them.
8. The staff and workers in an establishment should belong to the same union. There should be no craft unions. If the union is big, there can be committees to comprehend the problems of different crafts.
9. Not all outsiders are undesirable. Outsiders need not be shut off. It should be possible, in due course, for the insiders to build up their own strength.

10. In Mysore State there has been recently a tendency for formation of unions on linguistic basis. The D.M.K. has been able to organise Tamil workers on this account.

11. There should be common code and a common judiciary to which appointments should be made by the High Court.

12. Standing orders should include procedures for disciplinary action.

13. The Mysore Electricity Board has a large number of casual workers. The union represents about 15,000 members out of the total of 24,000 workers (permanent and casual). M.S.E.B. union has been recognised by the employers. The union consists entirely of insiders. There should be no outsiders in the union. This should be achieved by encouraging insiders in their efforts to form a union and giving them the same respect as is at present given to outsiders.

14. Education of management is important just as much as education of workers.

(The M.S.E.B. union will supply a statement about its experience as to why unions find it difficult to associate themselves with the welfare and cultural activities organised by management).

(The union will supply a statement about the present position with regard to conditions and terms of work common to casual labour).

15. The general approach of the management towards workers is one of indifference. There is no meeting of minds between the employer and workers.

MYSORE

11.50 A.M.

Record of discussions with the Bharatiya Mazdoor Sangh represented by:-

1. Mr. S. Krishnaiah; (Vide our Ref.No. NCL-MY-VI.76) President.
2. Mr. Allampalli Venkataram, Vice-President.

There are 6,000 members belonging to the Sangh in Mysore State. They are mostly in Silk, Engineering and Hotels. In the Silk Industry the Sangh concerns itself with employees in the handloom and power-loom factories.

2. There is a large employment of children in all these industries.
3. In many units labour is required to work for long hours on low wages.
4. The Sangh was established in 1960, though the Central Organisation, B.M.S., was set up in 1956. The Sangh does not have any political affiliations. It has a national approach to all problems connected with labour.
5. Partisan politics should be excluded from trade union work.
6. A person who is not actively associated with the party and who, at heart, is interested in the workers employed in an establishment should be considered as an insider for that establishment.
7. The Sangh prefers secret ballot to the present system of recognising the union. If the present method is properly implemented and bogus membership is scrutinised there should be no difficulty in continuing even the present system.
8. The Sangh believes in voluntary arbitration. Such arbitration should be through a Board consisting of persons who are dealing with labour laws; who are interested in labour problems, and who are doing full-time labour work and whose integrity and character is not in question.
9. There could be arrangement for settlement of minor disputes at a lower level, again, on the basis of voluntary arbitration.
10. Trade union should not be a tool in the hands of politicians. Trade union leaders should not offer themselves for election to political posts.

11. Advocates should not be barred from being union executives. But if Section 36 of the Industrial Disputes Act is amended advocates need not be union executives.

12. 'Labour' should be removed from the Concurrent List and brought on to the Central List.

13. There should be no reference to adjudication of disputes in the public sector.

14. Agreements signed in the presence of Conciliation Officer cannot be challenged before a Court of Law even if these agreements are not in the interest of workers. This position should be remedied.

NATIONAL COMMISSION ON LABOUR
CAMP: BANGALORE (24.10.1967)

MYSORE:

3.00 P.M.

Record of discussions with Secretaries to Government,
Heads of Employing Departments and Public Sector Undertakings
represented by:-

1. Mr. T.R. Jayaraman, (Vide our Ref.No.NCL-MY-IV.11)
Secretary to Government,
Education Department.
2. Mr. N.S. Ramachandra,
Secretary to Government,
Municipal Administration.
3. Mr. D.J. Balraj, (Vide our Ref.No.NCL-MY-IV.25)
Secretary to Government,
Industries & Commerce Department
and Chairman, Mysore Sugar
Company Ltd.
4. Mr. M. Subramanyam,
Director,
Industries and Commerce.
5. Mr. M.A. Sriram,
Director of Printing & Stationery.
6. Mr. A.R. Adinarayanaiah,
General Manager,
Mysore State Road Transport Corporation.
7. Mr. Y. Balasubramanyam,
Administrator,
City Municipal Corporation,
Bangalore.
8. Mr. M.D. Shivananjappa, (Vide our Ref.No.NCL-MY-IV.5)
Managing Director,
Bhadravati Iron & Steel Works.
9. Mr. M. Sachindranath Murthy,
Managing Director,
New Government Electric Factory.
10. Chairman, (Vide our Ref.No.NCL-MY-IV.13)
Mysore State Electricity Board.
11. Mr. B.B. Datar,
Secretary, M.S.E.B.

PRINTING PRESS

1. The employees in the printing presses get the
privileges of Government servants as well as those

under the Factories Act. There have been no strikes in the last thirty years, though there have been some minor work stoppages because of misunderstandings between the manager and workers.

2. The press has a union of its employees. All facilities are given to the union for representing grievances of workers to management. The provisions of the Industrial Disputes Act should not be made applicable to the printing press employees.

3. The employees have got the benefit of the awards of the Pay Commission in respect of wages and service conditions; on other grievances where they did not have satisfaction, labour courts were approached.

MYSORE SUGAR CO., LTD.

4. There is no casual labour employed in the sugar factory. The occasion for laying-off workers have been rare. There have been very few accidents; workers have shown no resistance to use safety equipment.

5. Workers take full advantages of hospital facilities.

6. There have been no major disputes in the factory because it had a strong organisation of workers with a substantial membership. About three years back a rival union has been set up. Some troubles did take place thereafter.

7. The stronger union is affiliated to the I.N.T.U.C., the other is an independent union. Practically all labour is unionised in one or the other of the two unions.

8. A claim was made for displacing the recognised union by the rival union. The Mysore High Court has rejected the claim.

9. Union recognition should be on the basis of secret ballot.

10. There is no formal delegation of power to lower levels of management but sufficient latitude is given to officers to settle labour matters.

11. The approach to labour in all undertakings of the State Government is based on human considerations. In a number of concerns, bonus and provident fund benefits were given to workers long before the Central Government introduced such facilities for their workers. Workers have been responding adequately to these facilities.

12. Workers have the facilities of taking their grievances to the General Managers' Office and even to his residence. (This was mentioned by the Managing Director of Bhadravathi Iron and Steel Works also.)

13. Usually, public sector undertakings of the State Government err on the safer side in regard to their relations with labour.

14. Works Committees need to be vitalised. At present, workers bring in matters which should form the subject matters of collective bargaining. This is not desirable. In many cases the works committees are considered redundant by the unions themselves.

15. Bonus arrangements have been developed on a wrong concept. It should be on the basis of profit sharing and should not be treated as deferred wage. All sections of the Bonus Act are rational except the one relating to minimum and maximum bonus. These clauses in the Act should be deleted.

(The Bhadravathi Iron & Steel Works will give a note on a workable bonus formula).

16. There should be a uniform labour code and a common judiciary.

BHADRAVATHI IRON & STEEL WORKS

17. The undertaking has an arrangement for check off. At present there are two unions and check-off facilities are made available to both. This arrangement also prevails in Mysore Sugar Co., Ltd. There has been, however, a dispute in the latter concern about the check-off arrangements because some members of one union have changed over to the other union.

18. There should be a uniform labour code with a common judiciary. Mysore Tribunals have been independent in their approach but the common complaint among the employers is that they are biased in favour of labour.

19. All public undertakings will prefer sitting judges for settling labour disputes. There can be a provision for appeal.

20. Appeals in respect of dismissal as a result of disciplinary action should be permitted on facts also. (In this respect the Managing Director of Bhadravathi Iron and Steel Works has gone beyond what other employers have said so far).

21. The undertaking does not agree to secret ballot.

The Director of Industries and Education Secretary expressed a view in favour of secret ballot. The argument that secret ballot will rouse passions will remain but such passions will be only temporary. A union selected on the basis of secret ballot should hold its sway for two years. If the workers have made a wrong choice, they must live with it. The argument against the present procedure was that verification of membership becomes difficult since a number of workers are members of more than one union.

22. Disciplinary procedure should be spelt out in standing orders.

23. There is indifference amongst employees to use masks, goggles and safety devices.

24. While making recruitment, persons recommended by the Employment Exchange as well as those who apply direct are considered. All vacancies are notified to the employment exchanges.

25. Delegation of powers in the matter of recruitment does not lead to mal-practice.

For all posts upto junior engineers, preference may be given for local men but others need not necessarily be excluded.

26. Absenteeism is highest (about 30%) in the months of December, January, June and July. This is because 50% of the workers own some land and they want to work there also.

27. The level of productivity is satisfactory. There is no built-in hostility towards management or towards its attempts to increase productivity. There is, however, lethargy among workers.

28. The management personnel are sent for training in industrial matters; workers are also sponsored for training under the Workers Education Scheme. This has had considerable impact on the attitudes of both workers and management. (The management will give a note on this point.

M.S.E.B.

29. The predominance of casual labour in the M.S.E.B. was due to the fact that while a large number of workers are required for construction, only a small number is required for maintenance. It is, therefore, not possible to decasualise even 50 per cent of casual labour. Casual labour is being gradually absorbed in the regular labour force when vacancies arise. (A statement for the last five years showing how many workers were absorbed in this manner and also distribution of casual labour according to length of service will be furnished).

30. Some of the benefits which are available to the regular workers could be given to casual labour also but the matter is being decided by a tribunal. (Copy of the award will be furnished when available).

31. M.S.E.B. gives free electricity to its employees; at times this is misused. A ceiling should be fixed to check such misuse.

32. The right to strike and lock out should be postponed in the present state of our economy.

Right to strike may be taken away from all public utility services. In return the management in public utilities should agree to voluntary arbitration if there is an unresolved dispute.

33. There should be a separate code for electricity undertaking.

34. Retirement age for field staff such as lineman and helpers should be brought down to 45 as it involves physical labour which cannot be performed after that age; such work is also more hazardous in case of older persons. The question of giving liberal pension to such workers can be considered. (A statement will be given on the number of accidents and the age of persons involved in such accidents during the last five years. It was feared that this may not reflect the correct position since an old regular worker has a tendency to give his work to a younger casual worker).

MYSORE

3.00 P.M.

Record of discussions with

1. Mr. M.V. Rama Rao, (Vide our Ref.No.NCL-MY-I-5)
Hon'ble Minister for Home and Labour.
2. Mr. R. Anandha Krishna, IAS,
Secretary to Government,
Food, Civil Supplies & Labour Department.
3. Mr. V. Hanumanthappa, (Vide our Ref.No.NCL-MY-I.5A)
Labour Commissioner.
4. Mr. R. Sampath Kumaran,
Director of Employment and Training.

'Labour' is a concurrent subject. Most of the legislation which is administered in the Mysore State at present is Central legislation. Mysore State had no occasion to amend it. The State would have, therefore, no objection to having a common labour code.

2. It should be possible to have, in the districts where complaints on labour matters are usual, an additional officer of the status of District Judge notified as industrial tribunal. He should try in his original jurisdiction all labour cases in the District. His appointment would then naturally be controlled by the High Court. Such an arrangement will help in the labour judiciary having a broader perspective in its pronouncements on labour.

3. Labour judges in the State are, at present, appointed by the High Court or in consultation with it. Even if there is a retired Judge to be appointed, High Court makes the appointment.

4. Labour Appellate Tribunal should not be revived. The judgment on facts should stand. Appeal should be only on points of law.

5. Standing orders should spell out the procedure to be adopted in disciplinary cases.

6. Collective bargaining should be given full scope but in case disputes still remain, compulsory arbitration should be provided. The country cannot afford collective bargaining with all its consequences.

7. There should be industry-wise unions and also industry-wise employers' organisation. Disputes between them should be settled industry-wise.

8. For giving union a representative status the arrangements under the B.J.R. should be adequate. To bring in election, will result in extraneous factors having their say in the choice of representative union. (There was a separate view expressed in the Department's memorandum. Labour Secretary and Labour Commissioner revised their view in the light of Labour Minister's statement).

9. There should be check-off for strengthening the finances of unions.

10. The present position about outsiders is that they are needed because there are inadequate facilities for training insiders to take their place. If such facilities are provided, outsiders, in the long run, may be redundant. At the same time, even if there are only insiders holding office they can also be as difficult as outsiders.

11. Partisan politics should not influence union work. A labour front will ultimately be possible if politics is not allowed to intervene in the traditional activities of trade unions constituting the labour front.

12. The 15th Indian Labour Conference has, perhaps, gone too far in defining the need-based minimum. The norms should be revised.

13. Over the last few years the country has done well by industrial labour. There should be no extra solicitude for it now.

14. A statutory fixation of minimum wage would mean responsibility on the State for implementation. This would also mean creation and setting up of extra staff. All this creates problems for every state. A way out, requires to be found out.

15. The effect of dearness allowance so far has been to raise the level of prices. Without adequate supply, mere increase in purchasing power will result in price rise. This has had a bad effect on the economy. There should be some check in this respect.

16. It is true that price rise comes first and wages have to be raised later and unless the prices are frozen wages cannot be frozen. But the process has to start some time.

17. The fixation of wages should be attempted on the basis of job evaluation. In new factories this is being done. Work-load is ascertained and on that basis payment for a job is fixed. This system requires to be extended.

18. The combination of the Home and Labour portfolios in one minister as in this State has not created any difficulties for labour so far. In fact it helps labour.

19. Disputes in Central public sector undertakings not decided between the undertaking and its workers, either directly or through the conciliation machinery take a long time for final settlement. In some cases it is true that labour takes extreme positions and conciliation

fails. This happens in spite of labour being warned that over-statement of claims will not help in the settlement of disputes. When the matter is referred to the Central Government there is long delay in the consultation between the Centre and the State and usually there is a refusal on the part of the Central Government to agree to refer the matter to a tribunal. The Mysore Government will, therefore, not respect this convention of consulting Central Government any longer if a dispute in the Central Public Sector undertaking requires to be referred to adjudication. (A statement about the number of disputes referred by the State Government to adjudication and those not so referred will be supplied to the Commission according to the category of employers. It will show a break-up of the disputes referred and not referred according to the nature of disputes and nature of employers.)

20. Children do work in the establishments about which complaint has been made by labour's representatives. It is, however, difficult to establish that they work in a factory. Mysore Government feels that child labour is not as big a problem as made out.

21. There have been certain anomalies in the employment of casual labour in the Mysore State Electricity Board. These are a legacy of the past, and they require to be examined. It should be possible to decasualise labour after making a reasonable assessment of future requirements of such labour.

22. Works Committees fail because unions consider them as rivals. The management's attitude is also not helpful. At times, labour is certainly at fault. There is some agitation or the other every day. This is because labour does not regard its place of employment as an enterprise where it is necessary for it to cooperate. There is no sense of partnership even in the units belonging to the public sector. If things are looked at in their proper perspective there should be little cause for grievance at least in such undertakings. However, the handling of labour disputes by civil servants, who do not have industrial experience, requires to be avoided. A separate cadre of trained managers for the public sector requires to be set up.

23. There should be linking of wages with productivity but this should be effective only after a minimum is assured. (Labour Commissioner will give a note on the subject to the Commission).

24. Either side should be permitted to approach the court direct in case of unsettled disputes. It is likely that there will be a large number of cases in the initial stage but ultimately parties will not take frivolous cases to the Court. Non-implementation should be treated as a penal offence. It should be cognizable on a complaint made by either party.

(A statement about the tenure of Industrial Tribunals has been supplied by Mysore Government).

25. The complaint that access to the Ministerial level by either side has undermined the effectiveness of officers is largely exaggerated. It is important that the authority and jurisdiction of officers at different levels should be respected. This is the policy of the Mysore Government.