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No. 7(31)/67-NCL(C)  
Government of India  
National Commission on Labour  
D-27, South Extension, Part II  
New Delhi

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Dated the 16th July, 1968.

To

The Chairman and Members of the  
National Commission on Labour

Subject:- Record of discussions of the  
National Commission on Labour  
at Calcutta, West Bengal.

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Sir,

I am directed to forward a copy of the  
Record of discussion of the Commission at Calcutta,  
West Bengal State, from 27th to 30th May, 1968,  
as approved by the Chairman.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "P.D. Gaiha".

(P.D. GAIHA)  
DIRECTOR

NATIONAL COMMISSION ON LABOUR  
(CAMP : CALCUTTA)  
WEST BENGAL

Date: 27-5-1968

3.00 P.M. to 3.40 P.M.

Record of discussions with B.P.N.T.U.C. represented  
by:-

(Vide NCL Ref.No.WB.VI.165)

1. Mr. Kali Mukherjee
2. Mr. Sisir Kumar Ganguly
3. Mr. Nirmal Banerji
4. Mr. Bishnu Banerjee
5. Mr. Aurobindo Gose
6. Mr. Bikas Majunder
7. Mr. Sankar Ray
8. Mr. Kanti Mehta
9. Mr. S. Das Gupta
10. Mr. Janaki Mukherjee.

1. Unions affiliated to B.P.N.T.U.C. claim a total membership of 300,000 of which 250,000 is verified membership. Verification was done by the Governmental machinery; difference between the actual and verified membership exists because some unions did not submit returns before verification results were announced. The membership covers workers, both white collared and blue collared.

2. The concentration of labour from different States in certain industries has yet not posed any linguistic, regional or communal problems.

3. For determining the representative character of a union, election by secret ballot was not favoured. It will give rise to political considerations and caste, communal and provincial agitations which should not be introduced in the industrial life. The existing method of verification on the basis of sample survey, though capable of improvement does provide adequate guidelines.

4. The works committee elections cannot be taken as a guide to determine representation because different factors are at play in such elections including employers' attitudes.

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5. The United Front Government, during its regime, did not change the method of verification for determining the representative character of the union. In fact, in some cases verification by United Front Government showed that unions affiliated to B.P.N.T.U.C. were the majority union. It has also happened that non-BPNTUC unions got recognition in the Congress regime.
6. Even for the lowest paid employees, only 70 per cent neutralisation is granted for price rise in jute and engineering industries. In the beginning flat D.A. rates ~~was~~ introduced in late fifties. / existed.  
This led to  
more dis-  
parities  
Variable  
D.A. rate.
7. Conciliation Machinery is weak and ineffective; few cases are sent for arbitration. Number of cases sent for adjudication is now rapidly increasing; but adjudication involves delay.
8. B.P.N.T.U.C. was the first casualty when the Congress was in power. We were not favoured with adjudication references then.
9. There is always a collusion between Government and employers which is a hang-over of the past collaboration between big business and British Government. Employers are conservative and foreign elements among them are still predominant. The fact is that in Bengal, unlike Western India, there has been no rise of indigenous capitalism. It is only now that picture is changing.
10. There should be a study of the thought pattern of the employer and employees by the Labour Bureau to determine causes of 'gherao' in West Bengal.
11. The INTUC has participated at times in gheraos during the last 9 months but the organisation as a whole has condemned this method. Its participation, however, has been the least.
12. Gherao resulted from non-implementation of agreements, settlements and awards; in a few cases it was politically motivated. Also, in a number of cases, gherao produced immediate results. In one particular case a four-year old dispute was disposed of overnight. Gheraos become violent later and employers were forced to recognise a particular union or grant concessions.
13. A common labour code and a common pattern of judiciary were favoured.
14. Retired judges should not be appointed because many of them take up jobs offered by Chambers of Commerce. The appointment to labour judiciary should be made by the Chief Justice and not by the State Government. There should be a provision that the number of names recommended for appointment should be the same as the number of vacancies.
15. Judges on the National Tribunal should be appointed by the Supreme Court, and on the Industrial Tribunal by the respective High Court.

16. The revival of the Labour Appellate Tribunal was not favoured.

17. There should be a single bargaining agent in an industry. In case of adoption of secret ballot, there will be no incentive for workers to become members of trade union and this will weaken unions financially. Politics will come into unions in a more virulent manner; temporary regional or communal issues will be played up and politics will come to door-step of factories.

18. Democracy can thrive in a two-party system: it will not be possible to use it in trade union because workers as a class have to deal with employers as a class. The sample method of verification should be improved.

19. The determination of the representative character by an independent body with whom the workers will register themselves as members of any union is worth-considering. The records of this independent body will indicate the strength of the membership of the different unions for determining the representative character. (The BPNTUC will send a note, giving its views on this suggestion after further consideration).

20. Disciplinary enquiries by a panel of arbitrators selected from a list of mutually agreed arbitrators was supported. If there is no agreement on the name of the arbitrator, judiciary should be allowed to nominate.

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NATIONAL COMMISSION ON LABOUR  
(CAMP : CALCUTTA)  
WEST BENGAL

Dated : 27-5-1968

3.40 P.M. to 4.20 P.M.

Record of discussions with the B.P.T.U.C. represented  
by:

(Vide NCL Ref.No.WB-VI-174)

1. Mr. Monoranjan Roy
2. Mr. Indrajit Gupta
3. Dr. Ranen Sen
4. Mr. T.N. Sidhanta
5. Mr. Sudhir Mukhoti
6. Mr. H.P. Chatterji

1. The Consumer Price Index Numbers for Calcutta contains a number of errors, and the organisation is agitating for their correction.
2. The Expert Committee appointed to work out a conversion factor for the Index from 1944 base to 1960 base, was not authorised to work out a similar conversion factor from 1939 to 1944. The terms of reference of this Expert Committee were, therefore, restricted. The conversion factor from 1939 to 1944 should also have been locked into.
3. In the case of failure of collective bargaining in its naked form, workers should have the unfettered right to strike. As a logical corollary, employers also should have the right to lock-out.
4. Employers should not have an unfettered right to hire and fire because labour is a weak party. At present employers do exercise their unfettered right to hire and fire.
5. Collective bargaining should be developed. However, considering the present position in the country, collective bargaining in its Western form is not feasible. There should be some alternative arrangement for settlement of disputes in case the collective bargaining fails.
6. For settlement of disputes on the failure of collective bargaining, out of the two suggested methods, voluntary arbitration and adjudication, the former is preferred.
7. In West Bengal, Government has already maintained a panel of arbitrators. But employers have not been using the panel and workers are helpless.

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8. So long as wages are below the need-based minimum there should be no linking of wages to productivity; once the level of need-based minimum is reached, there is no objection to such linking.

9. In the organised sector of industry, a stage has been reached for paying the need-based minimum wages to workers.

10. A common labour code was favoured.

11. A common pattern of labour judiciary was also favoured.

12. The selection of judges for industrial tribunals should be left to the High Court rather than to the executive. Retired judges should not be appointed to industrial tribunals.

13. A single bargaining agent should be chosen by the method of election by secret ballot by all workers. This will not weaken the trade-union movement financially because once a single bargaining agent is elected, all workers will rally round this agent. Election will determine the will of all workers. This will also reduce multiplicity of unions.

14. The alternative suggestion for having an independent machinery for determining trade-union loyalties of workers was not favoured in the present circumstances. Certain forces are at work at present to keep workers away from the trade-union movement and the alternative method will not shut out these forces. The worker may not have the courage to go to an independent body to intimate his choice.

15. There was scepticism about the feasibility of disposal of cases of discharges and dismissals by a panel of arbitrators.

16. In any event trade union representatives should be associated to assist workers in cases which involve disciplinary proceedings. During the period of suspension, employees should also be given subsistence allowance.

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NATIONAL COMMISSION ON LABOUR

(CAMP : CALCUTTA)

WEST BENGAL

Dated: 27-5-1968

4.20 P.M. to 5.00 P.M.

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

1. Mr. Panchanan Bhattacharya,  
President,  
Hind Mazdoor Sabha.

2. Mr. Narayan Das Gupta,  
Vice-President,  
Hind Mazdoor Sabha.

1. The Chairman expressed the Commission's difficulty in following the procedure for recording evidence in the absence of any memorandum or reply to the Questionnaire from Bengal Branch of H.M.S. H.M.S. agreed to submit a memorandum as soon as possible.

2. For determining the representative character of a union, election by secret ballot was preferred to verification of membership. Physical verification involves delay of 2-3 years at times. There is also a possibility of intimidation being used and of bogus membership being encouraged. In the case of Calcutta Electric Supply Union, verification of membership of 5,000 has not been completed during last 8 years. Rival trade unions are not allowed to inspect registers. Secret ballot does not arouse communal and regional passions amongst the workers as is popularly feared. In West Bengal there is no communal, linguistic or regional feeling. Secret ballot has been adopted throughout the world and, therefore, it should be adopted here.

3. The suggestion about independent agency maintaining registers to show affiliation of workers after the expiry of their probation period and to decide the representative character of the union was not favoured.

4. Works Committees failed because of the lethargy of management.

5. In disciplinary matters, amendment of Standing Orders to include a provision of a panel of arbitrators to enquire into and dispose of cases of indiscipline was favoured. Even before the employer establishes a prima facie case of indiscipline against the worker, he should prepare a charge sheet and hand it over to the panel.

6. The attempt should be to resolve all disputes by collective bargaining. At present workers suffer from an inferiority complex and the situation is not ripe for solving disputes by collective bargaining. Collective bargaining should be introduced in selected industries where workers are organised; there should also be a

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provision for compulsory arbitration and not adjudication.

7. A common labour code, defining terms such as 'employer', 'employee', etc. will be useful; a common pattern of labour judiciary was also favoured. Judges should be appointed by the High Court.

8. Definition of 'worker' in the Industrial Disputes Act should be made wide to cover non-teaching staff of all teaching institutions including schools, colleges and universities. In principle, even the teaching staff should be covered under the definition of worker in the Industrial Disputes Act should also be amended to cover workers getting more than Rs.500/-. In the Imperial Tobacco Factory 25 per cent of workers get a pay of more than Rs.500/- and they have no protection under the I.D. Act. as in France and England the definition of a worker.

9. The practice of employing regular casual workers on permanent jobs in industries should be stopped. In some industries casual labour constitutes 50 per cent of labour force. Decasualisation should be imposed in stages.

10. Majority union should not be the sole bargaining agent. Minority unions should also be associated in the settlement of disputes where their membership is affected. In 1946 a tribunal recognised all three unions, and there was industrial peace for five years.

11. As the workers are not enlightened enough to fight for their rights or are not conscious of their rights, guidance of outsiders is imperative at the present stage. For instance, 50 per cent of workers in jute, 30 to 40 per cent workers in coal do not belong to any union. Out of 1250 factories, only 250 factories have unions.

12. Political influence cannot be wiped out of the trade union activities.

13. Gheraos originate primarily in non-implementation of awards and sometimes in non-payment of wages. Gheraos were not non-existent in the past. They received considerable press publicity recently. In one case an award remained unimplemented in a particular unit in West Bengal since 1956. When the trade union resorted to gherao, it yielded results and the award was implemented forthwith. In some cases H.M.S. unions also had to resort to Gherao though our policy is against such agitation.

14. Panel of arbitrators for domestic enquiry was favoured. Arbitrators must be trained. Judges are too technical to act as arbitrators. Subsistence allowance should be paid during suspension to affected employees.

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NATIONAL COMMISSION ON LABOUR  
(CAMP : CALCUTTA)  
WEST BENGAL

Dated: 27-5-1968

5.00 P.M. to 5.20 P.M.

Record of discussions with the U.T.U.C. represented  
by:-

(Vide NCL Ref. No.WB.VI-172)

1. Mr. Nikhil Das,  
President.
2. Mr. Anil Das Choudhri,  
Vice-President.
3. Mr. Jatin Chakravorty,  
Secretary.

1. U.T.U.C. claims a membership of 2 lakhs in India; it is spread over six States and in all industries, including engineering, textiles, plantations and docks in Bengal.
2. In many cases a union is recognised by employers but in many others employers are forced to recognise it. Central Government holds a biennial verification to ascertain the strength of federations in different States and different industries.
3. Employees are always eager to cooperate with the Government and employers in the implementation of health measures. But employers do not cooperate nor do the Government. Many workers do not even get medicines in dispensaries set up under the E.S.I. Scheme.
4. Trade unions do owe a duty to the society; they should aim at development of practices which facilitate the implementation of directive principles in the Constitution.
5. There are pressure groups of employers and workers; both try to influence the Government. In earlier years the former influenced the Government more. The United Front Government, however, took a different line and this resulted in a serious press propaganda against it.
6. Wages should be linked to productivity only when the need-based minimum is realised. The economy may not be in a position to give the need-based minimum in all sectors but we are committed to this.
7. There is nothing new in gherao. It was resorted to in the past. Gherao is another form of 'dharana'. It is born out of frustration and anger at delay in payment of wages, bonus and generally non-implementation of its obligation by employer or Government.

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8. Election by secret ballot was preferred; all members of the unions should participate in election. Those who do not become members should be precluded from the benefits which the organisation is instrumental in securing.

9. The alternative proposal of an independent authority to record membership of unions and determine trade union loyalties with a view to determining the representative character is worth considering; prima facie there is a danger that the relevant documents will not remain a secret. (The U.T.U.C. will send a note on this subject).

10. There should be no single bargaining agent. Minority unions should also be represented at negotiation table to place their viewpoint and allowed to play some role. Responsibility will make them sober. Majority union alone will sign the agreement.

11. The suggestion for solving the disputes relating to discharges and dismissals through a panel of arbitrators is worth considering.

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NATIONAL COMMISSION ON LABOUR  
(CAMP : CALCUTTA)  
WEST BENGAL

Dated : 27-5-1968

5.20 P.M. to 5.40 P.M.

Record of discussions with U.T.U.C. (Dharmatalla Street),  
represented by:-

1. Mr. Subodh Banerjee,  
General Secretary, West Bengal Branch,  
U.T.U.C.
2. Mr. Fatick Ghosh,  
Secretary.
3. Mr. Sanat Datta, Member,  
Executive Committee.
4. Mr. S. Das Gupta,  
Member, Executive Committee.

1. The split in the U.T.U.C. in West Bengal was due to differences on political issues in trade union movement.
2. Gherao is not new in West Bengal. It was used in the freedom struggle and in the democratic movement. It has also been used in the trade union movement for the last 12 years.
3. Unions allow for human consideration and forbid exercise of cruel excesses in gheraos. It should be judged not from the angle of legality and ethics, but by the nature and content of the movement. The content and nature will depend upon the magnitude of injustice suffered by workers who use the gherao.
4. Both United Front Government and trade union leaders at times failed to persuade workers about the reasonable exercise of this technique of democratic action.
5. In matters of labour-management relations, police was not allowed to interfere in the hope that it would ultimately lead to unfettered development of trade union movement along democratic lines.
6. U.F. Government, however, convened three conferences of District Magistrates and Police Superintendents to instruct the officers not to allow excesses being committed during gheraos.
7. Since the gherao movement failed last year, it cannot be concluded that the time is not ripe for such a movement in a form which will eschew excesses. Its success will depend on experience, and a wise and mature working class leadership. As in all such cases its success depends upon the maturity of leaders in using the weapon of the gherao.

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8. There was not a single charge against the affiliates of the U.T.U.C. regarding excesses being committed through gheraos.

9. A pragmatic approach has to be adopted in using the trade union weapons including gherao. There should be no fascination for any particular method of trade union action as much as there should also be no inhibition against using any method. Gherao can be a recognised form of action.

10. Election of the bargaining agent by secret ballot of all workers was favoured. If a large number of workers are left out, this will not lead to industrial peace. This right to participate in ballot will not weaken the trade union movement. All depends on how trade union leaders educate workers.

11. Today even without secret ballot the percentage of unionised workers is low; this percentage will become lower in the initial stages of the use of the ballot system, but eventually membership will pick up and this will be genuine membership.

12. Restriction of voting only to members of the trade union for the election of the sole bargaining agent will not lead to industrial peace.

13. The United Front Government used the verification method as set out in the Code of Discipline for recognition of unions. This was merely to fall in line with other States. They did not use any other method because there was no national consensus on any alternative method in the rest of the country.

14. Settlement of disputes relating to discharges and dismissals by a panel of arbitrators is better than the existing system. If there is no agreement about arbitrators, the head of the judiciary may be empowered to nominate an arbitrator.

15. Collective bargaining in its naked form is not feasible at present. There has to be a third party to intervene in case collective bargaining fails.

16. All three methods of collective bargaining, arbitration and adjudication should continue to exist, according to local traditions. There should be no insistence on "cooling off" period for thirty days after failure of collective bargaining.

17. The United Front Government was able to improve and strengthen the conciliation machinery. Previously conciliation cases took 3-4 years to conclude. A time limit of 3 months was fixed and the Conciliation Officers disposed of the cases within this time limit. Extension of time was given, if both parties agreed. The workload on the Conciliation Officers was heavy, and 49 new officers were appointed and the area of zones was reduced during the United Front regime.

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18. A common labour code was favoured.

19. A common pattern of labour judiciary was favoured. The Chief Justice should recommend the judges for industrial tribunals and the Government should appoint them. There should be no choice left to Government.

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NATIONAL COMMISSION ON LABOUR  
(CAMP : CALCUTTA)  
WEST BENGAL

Dated : 28-5-1968

9.30 A.M. to 10.00 A.M.

Record of discussions with (i) West Bengal Cha Sramik Union and (ii) West Bengal Tea Employees' Association, represented by -

(Vide NCL Ref.No: WB-VI-47 and WB-VI-41)

1. Mr. Bimal Banerji,  
Adviser, West Bengal Cha Sramik Union.
2. Mr. K. Roy,  
Adviser, West Bengal Cha Sramik Union.
3. Mr. S.B. Choudhury,  
West Bengal Tea Employees' Association.

(i) West Bengal Cha Sramik Union.

1. The Union claims a membership of 40,000 workers.
2. A large proportion of workers in tea gardens in all three districts of Jalpaiguri, Cooch-Bihar and Darjeeling are employed as casual workers. (The Union will furnish a statistical note on this subject giving the proportion of casual workers in Tea gardens).
3. Employers of tea gardens have been responsible for starting litigation in settling disputes. Employers are better organised and more resourceful than workers; they take workers to court.

Minimum wages of plantation workers were fixed by the Government of West Bengal but several employers have not so far implemented them. There have been several joint meetings convened by the Labour Department of the West Bengal Government, but employers are still adamant. There was an award which entitled workers to aprons, umbrella, etc. Employers have raised questions about the size of aprons and the type of umbrellas (or toka, a native headgear) to be provided, in order to delay the implementation of the agreement.

4. The system of "union-shop" will prevent 'squeezing out' of employees. This system is prevailing in some tea gardens though it is not recognised officially. It should now be recognised. (A list of gardens where union shop practice prevails at present will be supplied).

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5. The representative union should be chosen by secret ballot of workers who are members of unions. In principle, however, all workers should be allowed to vote, but for that purpose a proper climate has to be created. At present such a congenial climate does not exist and hence only union members should be allowed to vote. The present procedure of verification of membership is defective. There are cases where a Union covering workers of Ports and Docks secured a verified membership of 47,000 but in fact the membership of this union on the basis of other evidence could not have been more than 4000.

6. It is true that in holding elections by secret ballot, division may be created among the workers on the basis of caste, language, etc. This hazard has to be accepted just as it is accepted in political elections.

7. There should also be provision for checking unfair labour practice. In some tea gardens, managers form dummy unions and deal with them. Such practices should be immediately put a stop to.

8. The proposal for having an independent machinery to determine trade union loyalties is new, and the union has not given thought to it.

(The union will consider this proposition and send its views in writing to the Commission in about 3 weeks' time).

9. The suggestion for settling disciplinary cases through a panel of arbitrators was accepted. In case there is no agreement about the Arbitrator, the Chief Justice should nominate the Arbitrator.

10. On failure of collective bargaining, the system of adjudication is preferred. The Union's experience about arbitration has not been happy.

11. A common labour code should be evolved.

12. A common system of labour judiciary is also favoured. The Chief Justice should appoint the Judges for industrial tribunals. No retired Judge should be appointed.

13. L.A.T. should not be revived.

14. The scheme of the Central Board of Workers' Education should be extended to the tea plantations.

15. Conciliation Officers should have powers to summon management for joint meetings. Powers for adjudication should be given to the officers of the Labour Department including Assistant Labour Commissioner.

(ii) West Bengal Tea Employees' Association

1. On failure of collective bargaining, the system of adjudication is preferable to arbitration.
2. Before the coming into existence of the Plantation Labour Act, workers got one months' leave. After implementation of the Act, some workers get leave for 15 days, some others for 20 days. There is no provision in the Plantation Labour Act for protecting the existing privileges of the workers. (This is incorrect) Such provisions exist under the Factories Act and the Shops and Commercial Establishments Act. (It was pointed out that already such a provision or safeguard exists).
3. The Association is in favour of liquidation of all the four national trade union organisations in order to remove party politics from the trade union movement. (The Association will send a detailed note in about a month's time on how this can be achieved.)
4. The Association is against the system of secret ballot for determining the representative union under the present circumstances. Under the existing verification procedure, inflation of membership takes place, but elections can also be rigged and at present election method will not be suitable.
5. The Association has a membership of about 2,000 technical and clerical employees of tea gardens out of about 3,500 of such employees employed in all tea gardens. For the last 18 years, the Association was affiliated to the INTUC, but now it is an independent union.
6. (The Association will give thought to the proposal for having an independent machinery for determining trade union loyalties and send their views to the Commission in writing).
7. (The Association will give thought to the suggestion for having the system of arbitration for settlement of cases of discharges and dismissals and send their views in writing to the Commission).

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NATIONAL COMMISSION ON LABOUR  
(CAMPAIGN): CALCUTTA  
WEST BENGAL

Dated : 28-5-1968

10.00 A.M. to 10.15 A.M.

Record of discussions with Indian Federation of Independent Trade Union Congress, represented by:-

(Vide NCL Ref. No.WB-VI-37)

1. Mr. Habibur Rehman
2. Mr. Parimal Mukherjee
3. Mr. Zofar Inan
4. Mr. Jagan Nath Pandey
5. Mr. Malay Brahmachari

1. There were two rival groups which claim to represent the Federation. One claimed a membership of 6 lakhs and the other a membership of 1,25,000. The Federation is independent of politics. The Federation has its membership in all industries in West Bengal and particularly the Docks.
2. A case for determining which of the two groups should represent the Federation is pending in Court.
3. Collective bargaining is favoured only upto a certain stage. Thereafter, a third party should intervene as under the existing set up. It is not advisable to have collective bargaining in an absolute form.
4. Reduction in working hours will create more employment and provide better leisure to workmen. The consequent rise in cost of production can be taken care of through intensive industrialisation of the country.
5. The Federation came into existence 4 years ago.
6. The Federation is independent enough to ensure that political influence does not affect its usefulness to the workers.
7. In matters relating to disciplinary action, the existing procedure in many units where Federation has its membership is that in case no unanimity is reached in works committee, it is referred to the Labour Department. This practice should continue.
8. Secret ballot for electing office bearers of the union is preferred provided there is a third party which can hold such election impartially. The union on its own will not be able to arrange an election.

9. For determining the representative character of union, secret ballot is preferred. All employees irrespective of the fact whether they are members of any particular union or not should have the right to vote.

10. In matters of disciplinary action, resort to a mutually agreed list of panel of arbitrators was preferred by one group. The other group, however, preferred joint tripartite body to decide the issue.

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NATIONAL COMMISSION ON LABOUR  
(CAMP : CALCUTTA)  
WEST BENGAL

Dated : 28-5-1968

10.15 to 10.30 A.M.

Record of discussions with South Eastern Railwaymen's Union, represented by:-

(Vide NCL Ref. No. WB-VI-109)

1. Mr. S. Subrahmanian.

2. Mr. B.C. Majumdar.

1. The union claims a total membership of 47,000 workers.
2. In Kharagpur there are two recognised unions but there membership is not known.
3. Arbitration is preferred to adjudication because workers have no financial resources to fight protracted litigation in the court.
4. Collective bargaining can work with good employers not otherwise. Adjudication should be last resort.
5. If compulsory arbitration is possible, it should be preferred. In case of difference of opinion, in the Board of Arbitrators, consisting of representatives of employers and employees and the independent Chairman, the majority view should prevail.
6. In the Industrial Disputes Act, a new clause regarding notice of change of service conditions has been entered. The exemption granted to the Railways under this rule is not just.
7. The Railway Code is anti-labour and is inadequate. It vests discretionary powers with the Railway authorities. This causes corruption in Railways. The employees should be given the right to appeal, as it gives them a psychological satisfaction. Also if an Act is made applicable to workers, they cannot be deprived of its benefit by the enforcement of a Code which has no statutory sanction.
8. There are many cases of wrong use of discretionary powers by the authority when cases are pending in the court. It is worth enquiring as to how many cases there are in which courts have held the use of discretion exercised by the Railways as improper.
9. Under the Selection Rules, beside oral and written test, marks for C.R. are also given. Adverse entries in these reports which are not being communicated to workers are taken into consideration for promotion etc. Giving marks for personality test also introduces an element of discretion.

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10. The Labour Code should apply to all sections of the industrial labour uniformly and should provide no exception or exemption for any class of employees.
11. The time limit of 21 days provided in the Railway Code as a notice period for change in service conditions is not sufficient. It should be enhanced to 1½ months.
12. The rule regarding national security framed in 1949 and amended in 1954 does not give an opportunity to employees to defend themselves and cross-examine the evidence adduced by the Government.
13. Action is taken merely on the basis of CID reports without any opportunity being given to the employees to defend themselves.
14. Though this rule (Rule 149) has now been repealed, there has been no notification by the Railway authorities to this effect. However, there has been no case of this nature after the rule became defunct.
15. There is a feeling in Railway that relief is given only to those employees who take recourse to court.
16. Under article 311, 2(C) of the Constitution, services of an employee can be terminated without assigning any reason. About 10 persons have lost their jobs as a result of the application of this rule. The number may be small in relation to the number of employees engaged by Railways but the principle is pernicious.
17. The employees affected are not given any chance to defend themselves, and even the offence for which action is taken is not made known to them. This makes it impossible even to pray for mercy.
18. Under Section 71(F) of the Indian Railways Act, a person can be relieved only if a substitute is available. There are cases where a person after having put in 16-17 hours of duty is not relieved because no substitute is available. This causes hardship. This provision requires to be repealed.
19. (A detailed note about the working of this rule and the alternative suggestion will be submitted to the Commission later.)

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NATIONAL COMMISSION ON LABOUR  
(CAMP : CALCUTTA)  
WEST BENGAL

Dated: 28.5.1968.

10.30 A.M. to 10.45 A.M.

Record of discussions with the Indian Journalists' Association, represented by:-

(Vide NCL Ref.No.WB-VI-170)

1. Mr. M.Bose, Convenor of Industrial Disputes Sub - Committee.
2. Mr. L.M.Banerjee, General Secretary.
3. Mr. P.R.Ganguli, Vice President.
4. Mr. S.Bhattacharjee, Vice-President.
5. Mr. S.Ghosh.

1. The award of the Journalists' Wage Board has not been fully implemented by most of the newspapers and several cases are pending in the court.

2. Collective bargaining is not favoured because the Association of Journalists is not strong enough to bargain with the employers. Adjudication will be preferred because it decides the case fairly and rationally although it may take more time. Arbitration as a method of settlement of disputes is not favoured.

3. The Association has no difficulty in managing the affairs for themselves. They do not feel the necessity of any outsider to manage their affairs. But they are not against the outsiders becoming leaders of unions where workers are not capable of managing their own affairs.

4. Settlement of cases of indiscipline by an arbitrator is not favoured because employers are capable of influencing arbitrators. As in case of Banks, Docks and Port employees, the enforcement machinery should be under the Central Government in case of Journalists and not under the State Government. A regional Commissioner should be appointed for this purpose.

5. Wages of Journalists were fixed in 1958 by a Wage Board and the Wage Boards fixed their wages in 1968. The Committee's recommendations have not been implemented. In this period there has been no revision of dearness allowance.

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6. There is no objection to linking the wages to productivity above the minimum wage. Two difficulties are anticipated-(i) there should be some machinery to measure productivity;(ii) in newspaper industry it is the quality that matters and not quantity. It is difficult to link wages to productivity in newspaper industry.

7. Under the working Journalists' Act, workers are retrenched on serving 3 months' or 6 months' notice or on payment of wages for this period. This compensation is not adequate and should be raised. Section 4 of the Working Journalists' Act causes hardship; it should be repealed.

8. Contract system in newspaper services is very common. It debars promotion. Many persons at the top may be on contract; it suits such persons but the same principle should not be extended to others who are less fortunate. This system should be changed.

9. Under the Industrial Disputes Act, a journalist has been covered in the definition of a workers' but he enjoys no social security in the form of workmen's compensation. Many journalists have lost their lives in civil commotion in the recent past but no compensation has been given to them. (A note will be furnished on this).

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NATIONAL COMMISSION ON LABOUR  
( CAMP : CALCUTTA )  
WEST BENGAL

Dated: 28.5.1968.

10.45 A.M. to 11.00 A.M.

Record of discussions with West Bengal Shop Assistants' Federation represented by:-

(Vide NCL Ref.No.  
WB-VI-166)

1. Mr. S.P. Dutta,  
General Secretary.
2. Mr. M.M.Samanta,  
Organisation Secretary.

1. Casual workers should not be employed in shops and industries. The proportion of casual workers in shops is low, but in factories it is high.

2. Employees of shops are not entitled to any provident fund or bonus, unless the employer has a minimum number of employees under him. The criterion for giving bonus and provident fund to employees should not be the number of employees but the income of the employer which can be assessed from his income-tax or sales tax statements.

3. Minimum wages for shop employees should be fixed. (It was pointed out by the Joint Labour Commissioner of West Bengal that it is being done).

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NATIONAL COMMISSION ON LABOUR  
CAMP : CALCUTTA  
WEST BENGAL

Dated: 28.5.1968.

11.00A.M. to 12 Noon

Record of discussions with the representatives of the Indian Chamber of Commerce and four other Chambers/organisations. The following were present:

(Vide NCL No.WB-V.67).

1. Mr. S.B.Dutt- Bengal National Chamber of Commerce & Industry.
2. Dr. U.P.Ganguli- Bengal National Chamber of Commerce & Industry.
3. Mr. S.C.Nawn- Bengal National Chamber of Commerce & Industry.
4. Mr. S.N.Bose- Bengal National Chamber of Commerce & Industry.
5. Mr. S.R.Biswas- Bengal National Chamber of Commerce & Industry.
6. Mr. B.P.Agarwala, Merchants Chamber of Commerce.
7. Mr. B.S.Kothari Merchants Chamber of Commerce.
8. Mr. R.Mittal Merchants Chamber of Commerce.
9. Mr. H.R.Bose Merchants Chamber of Commerce.
10. Mr. R.S.Taneja Indian Chamber of Commerce.
11. Mr. G.K.Bhagat Indian Chamber of Commerce.
12. Mr. J.M.Parsons, Bengal Chamber of Commerce.
13. Mr. S.B.Sarkar Bharat Chamber of Commerce.
14. Mr. L.R.Dasgupta Bharat Chamber of Commerce.
15. Mr. S.N.Bose Bharat Chamber of Commerce.
16. Mr. A.R.Saraogi Indian Chamber of Commerce.
17. Mr. G.Ghua Bengal Chamber of Commerce & Industry.
18. Mr.P.M.Dutta, Indian Chamber of Commerce
19. Mr. C.D.Thakur Bharat Chamber of Commerce.

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20. Mr.S.Kanoria Indian Chamber of Commerce.
21. Mr. G.N.Khaitan Bharat Chamber of Commerce.
22. Mr. Pran Prashad Bengal Chamber of Commerce.

1. The Chambers thanked the Commission for the opportunity given to them to place their views before the Commission. They pointed out that since the time given to them was limited, they got together in order to make some common submissions- A common statement will be filed by them for the consideration of the Commission. The Chairman appreciated the procedure adopted by the Chambers to give maximum help to the Commission within the time available.

2. Over the last 20 years a plethora of labour legislation has been enacted. Labour legislation is necessary for a balanced development of industry but much of it will make implementation difficult. During the last two years the atmosphere has been vitiated in regard to discipline; the character of trade unions has changed method of settlement of disputes and improvement in productivity have also been adversely affected.

3. Great attention requires to be given to the increase in productivity and maintaining discipline and harmonious industrial relations in plants and industry.

4. Recent recession in the economy, particularly in the engineering industry, has created a problem. What is required for a long-term solution of the problem is better utilisation of equipment and manpower and increase in productivity.

5. Wages recommended by the Wage Boards are not at all linked to productivity and this is a serious defect.

6. The system of granting dearness allowance, which was started during the Second World War is not rational and has affected the wage structure. As a result, a large number of units which cannot meet the challenge of competition have to face closure. The industrial units are being squeezed out by rising dearness allowance.

7. Dearness allowance should be fully merged with wages and there should be wage revisions at regular intervals. For any further increases in wages, productivity should be the guiding factor. Linking wages to productivity will give a sense of participation to the workers. However, minimum wages should not be linked to productivity. The absence of productivity indices will make it difficult to effect a linkage but there are units in the region which have not found it difficult to reach ad hoc agreements

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in the absence of an index. (The organisations will send a note giving their considered opinion whether workers receiving subsistence wages should or should not be compensated for rise in the cost of living. They will also give a note on suggested schemes for linking wages to productivity either on industry basis or on unit basis.)

8. Discipline has deteriorated. Workers are resorting to go-slow, illegal strikes, gheraos and other coercive measures on flimsy grounds. This has adversely affected the morale of management and managerial staff who are unable to take free decisions. In Japan, even with less of labour legislation there is a good deal of discipline among the workers.

9. What is required is the development of responsible and responsive management and trade unions. Till now trade unions have been adopting an agitational approach and the role of management has also not been happy in all cases. There should be discipline at the top in both trade unions and management.

10. There should be one bargaining agent in a unit. Politics should not intervene in the choice of such agent. The minority unions should be given no rights.

11. The selection of bargaining agent should be on the basis of minimum membership of 30% of the workers as suggested in the memorandum of the Council of Employers. In cases where two or more unions claim more than the minimum membership, the determination of the bargaining agent should be made on the basis of the secret ballot.

12. The aim should be to find out a single bargaining agent which can be accepted to represent the bulk of the employers. If there are several unions with 12% or 15% membership each, difficulties will remain whether the representative union is chosen by the method of verification of membership or by election. (The organisation will give a note on the proposal for an independent machinery for determining the representative character of a union).

13. The question of security of employment of workers has been over-played in our country. From the national point of view and from the production angle, it is necessary to regulate the strength of work-force in industrial units.

14. In actual practice, the management is under great difficulties to prove misconduct of workers. No evidence is available and even the issue of a charge-sheet to a workers leads to wild-cat strikes. It is only in

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grave cases of misconduct that enquiries are held. Cases where workers are found not guilty in domestic enquiries are therefore rare and cases of dismissals are rare still.

15. (They will give a note on the proposal for an independent panel of arbitrators for deciding disciplinary cases).

16. There is excessive political interference amongst the ranks of office bearers of unions. There should be a limit on the number of outsiders. The number of outsiders in the executive of the unions should not be more than 10%. While it may be true that in practice this is so, legislative provision will have a good psychological impact.

17. An outsider is one who is a non-worker. If a worker is dismissed, he will be an outsider. A good management will always allow a worker who is an office-bearer of the trade-union, sufficient time to devote himself to trade union work if the recognised union so desires.

18. Collective bargaining has been given an inferior status. There have been several successful bi-partite agreements in this area. For instance, through bi-partite agreement, a large proportion of contract labour was eliminated from the coal industry. Often settlements effected by conciliation officers are nothing but endorsement of bi-partite agreements. At the unit-level bi-partite discussions should be encouraged and Government interference should be minimum.

19. The stage has not come for adjudication to be completely abrogated. Both systems of voluntary arbitration and adjudication should remain, and there should be no compulsion to adopt one or the other method for settlement of disputes.

20. Parties should not be allowed to go to court directly.

21. There is a dislike of Government intervention now. Employers and employees feel that they should somehow settle the dispute themselves rather than go to Government.

22. The Employers have made an analytical study of about only 1000 cases of gheraos might have resulted from non-implementation 5% of of awards and agreements. The rest of the cases are politically the motivated. (The Organisations will give full details of the gheraos study made).

23. The organisation will not like non-implementation of awards to be made a cognisable offence. (They would give consideration to this problem and suggest suitable remedy.) The organisation will also consider whether tribunals should have powers to execute awards.

24. The employer should have a right of redeployment if technological changes require such redeployment. Unions should have the right of consultation in such matters.

NATIONAL COMMISSION ON LABOUR  
(CAMP: CALCUTTA)  
WEST BENGAL

Date: 28.5.1968

12.00 Noon to 12.40 P.M.

Record of discussions with the All-India  
Manufacturers' Organisation represented by:-

(vide NCL No. WB-V.81)

1. Mr. S.P. Saha,  
President.
2. Mr. B.N. Ghosh,  
Vice-President.
3. Mr. B.P. Poddar,  
Committee Member.
4. Mr. S.N. Rungta,  
Committee Member.
5. Mr. C.K. Agarwala,  
Committee Member.
6. Mr. I.P. Poddar,  
Committee Member.
7. Mr. S.K. Bhanja Chowdhury,  
Secretary.
8. Mr. P.N. Basu,  
Secretary.

1. Increases in labour unrest has been due to injection of politics in industrial relations. Membership limit for outsiders in the office-bearers of trade union should be reduced from 25% to 10%.

Some minimum norms of production should be prescribed which each workman may be required to fulfil.

2. Wages should be linked to productivity.

3. Introduction of piece-rate in the industry should be accepted in principle and it should be introduced wherever possible. At the moment, trade unions are against the piece-rate system. It may also not be possible to have a piece-rate system in respect of many processes.

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4. The Chairman, Bengal Chemical, was gheraced for 8 hours. The issue involved was that a Bonus Agreement recommended by the then Labour Minister was not acceptable to the union. Ultimately under duress bonus at the rate of 18% of annual earnings was agreed to. Bonus was being given to workmen at the rate of 2 $\frac{1}{3}$  months' earning but subsequently, because of adverse trade conditions, it was reduced to 1 $\frac{1}{2}$  months.
5. Some gheracs may have resulted from non-implementation of award, but such cases are not many. The cases of non-implementation arise from differing interpretation of awards.
6. Non-implementation of awards occurs in small units and not in organised units..
7. There are instances where gheracs took place on issues not connected with any economic demand of workers. In a particular instance, entire building was gheraced and even school children and other tenants residing in the building were subjected to hardships.
8. Gherac has a demoralising effect on the supervisory staff; they find it impossible to enforce discipline.
9. Law and order situation should be distinguished from industrial relations and the right of the individual including employer to protection under the Constitution should be safeguarded.
10. In the case of gherac of residential building High Court could not be moved for want of time and resources by small employers.
11. Industrial relations are satisfactory when there is no intervention of politics. Difficulties arise when political motives of Government or trade unions affect industrial life.
12. A common labour code and common pattern of judiciary were favoured.
13. Judges of the industrial tribunals should be appointed by High Courts and not by the State Government. In case of non-implementation of awards the same judge may be vested with powers to execute the awards provided the award to be executed is appealable.
14. The suggestion for having a mutually agreed panel of arbitrators for disposing of cases connected with

disciplinary matters deserves consideration. (A note on this subject will be submitted to the Commission later).

15. In case there is no agreement on the names of arbitrators there would be no objection to the High Court naming the arbitrator. Domestic enquiry where workers are suspended is at times delayed because employees do not cooperate. There are cases where the workmen were convicted by the courts, but because of deliberate lack of cooperation the domestic enquiry could not be completed.

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NATIONAL COMMISSION ON LABOUR  
( CAMP : CALCUTTA )  
WEST BENGAL

Date: 28.5.68

12.40 P.M. to 1.10 P.M.

Record of discussions with the Indian Mining Association  
represented by:-

(Vide NCL No. WB-V-90)

1. Mr. R. Lal,  
Chairman.
2. Mr. R. Moulik,  
Vice Chairman.
3. Mr. R. Varma,
4. Mr. J.N.P. Schi,  
Secretary.
5. Mr. P.K. Mazumdar,
6. Mr. A.S. Malik
7. Mr. S.K. Nargundkar.

1. The Association claims to represent 780 units, employing about 4 lakh workers, of which 2,50,000 are employed underground. Of these 500 units are small mines, producing only 25% of the total production.

2. Industrial relations in the mines are cordial on the whole. Safety measures are strictly enforced in mines, and accidents are on the decline.

3. It is true that at the time of registration it will not be possible for the Registrar to determine whether union represents the majority. It is accepted, therefore, that if only majority union is registered as suggested in the reply to question 52-54, it will give rise to complication. A rise in the number of minimum membership for registration will however be necessary. This reform should come about soon.

4. On the whole, tripartite, bipartite and other awards which are made binding on the industry are implemented, and the Association sees to it that they are implemented. In case of non-implementation, pressure is brought on the defaulting members, and the awards are implemented.

5. There has been no need so far to exercise direct

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pressure on this score but in some cases, the Association has thrown out members against whom complaints of non-implementation were rampant.

6. Unions should be constructive and responsible. When there is only one union, there can be a check-off. (Later the Association changed its ground and stated that the right of check off can be given only to a union which in the opinion of the employer is doing some constructive work. The position as stated in reply to question 47 was restated).

7. At present recognition to a union is granted on the basis of verification of registers. This may continue. Secret ballot may be adopted as the method of electing a representative union subject to the condition that it should be confined only to paying members. In such cases the 'good behaviour' clause as required in the replies sent by the Association should not be insisted upon.

8. Minority union should not have any say in the settlement of disputes.

9. An outsider is a person who is not employed in industry or union. A worker who becomes an executive of the union and is not able to attend to his work at the plant is an insider. A dismissed employee is an outsider. A person who gives up his job for trade union work is an insider.

10. Certain provisions of the Standing Orders need modification. (A note on the points on which modification of Standing Orders is necessary will be submitted by the Association in due course).

11. Collective bargaining will not be successful unless the union is strong and capable of maintaining discipline. The method for settlement of disputes should be negotiations, failing which voluntary arbitration should be resorted to.

12. The parties should be given the right to make a direct reference to court.

13. A common labour code and a common pattern of judiciary were favoured. The appointment of Judges should be made by High Court.

14. The Labour Appellate Tribunal should be revived.

15. Award of the Wage Board has not been fully implemented by small units. However, bigger units covering about 75% of the total employment in the industry have implemented the Award of the Wage Boards.

16. Workers' housing has improved over the years. The Coal Mines Welfare Fund has proved very useful to workers.

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17. The Association agreed to submit a separate Memorandum on special features of the coal mining industry and the impact of different-factors such as wages etc. on the industry.

18. . There were some cases of violence used by workers against management during the pendency or actual holding of conciliation proceedings in the Office of Conciliators. The Government Officers have pleaded helplessness in the matter.

19. There was also a case last year when workers took over a mine forcibly. Later the law was made to prevail. There have been some cases of gheraos also.

20. A note explaining the implications of the recommendations of the I.L.O. industrial Committee on Coal for mines in India will be sent to the Commission.

SA/-

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NATIONAL COMMISSION ON LABOUR  
( CAMP : CALCUTTA )  
WEST BENGAL

Date: 29.5.1968

9.30 A.M. to 10.00 A.M.

Record of discussions with Bengal Millowners' Association represented by:-

(Vide NCL No. WB-V-37)

1. Mr. Pratap Singh, President.
2. Mr. Mohan Lal L. Shah.
3. Mr. G.M. Pujari.
4. Mr. Bhattacharjee.

1. The organisation has 38 members. It is not affiliated to any of the Chambers of Commerce but is affiliated to the Indian Cotton Mills Federation. The organisation is concerned with only the textile industry.

2. Wages of cotton textile workers in West Bengal are low for historical reasons. Years ago, labour was cheap and plentiful; persons from neighbouring States, Orissa and Bihar, flocked for employment to textile mills in Bengal. As rates of wages were low, employers did not mind taking on more labour than was necessary. Prices of essential commodities and the cost of housing were also lower in Calcutta than in other parts of the country.

Workers could maintain themselves on low wages. The situation has, however, changed and from 1960 onwards, with the rise in prices, there is clamour for increased wages. Even now wages are low and the industry has an unnecessarily large complement of labour. Wages of workers in the cotton textile industry of West Bengal have gone up by about Rs.80 in recent years.

3. The wages of textile workers in West Bengal are lower than those prevailing in Ahmedabad and Bombay. In Ahmedabad and Bombay, the least skilled worker gets Rs.209 and Rs.217 respectively as against Rs.140 in West Bengal. The disparity is due to the fact that the backlog mentioned above can be made up only gradually.

4. Productivity of textile workers in West Bengal is lower than that in Ahmedabad or Bombay. This is not due to lower wages in West Bengal. In mills the productivity is low partly due to outmoded machinery. Mechanisation has

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taken place in a number of mills. Even so it has not been possible to introduce an adequate measure of rationalisation because it would result in retrenchment. A Committee for standardisation of workload and rationalisation in the textile mills of West Bengal was appointed in 1961. Its findings are not available even today (The Labour Commissioner, West Bengal will find out why the Committee has not made any progress during the last seven years and write to the Commission about it.)

5. The Committee on standardisation of workload and rationalisation sent two Members to study the conditions of machinery. The Secretary of the First Central Wage Board for the Cotton Textile Industry also visited the mills to study working conditions. They did not find the machinery to be obsolescent.

6. After the recommendations of the First Central Wage Board for the Cotton Textile Industry, a tripartite meeting was held to consider the question of wages and dearness allowance in the mills of West Bengal. This Committee found that considering the level of productivity in the mills of West Bengal, as compared to productivity in Ahmedabad or Bombay, the mills of West Bengal were paying almost the same wages as in Ahmedabad and Bombay. Although wages and dearness allowance were settled by the tripartite after settling a productivity norm, workers did not keep up to the desired level of production.

7. In one mill direct contact with workers was made and the workers were willing to take on more workload. But union leaders came in the way and did not allow rationalisation to take place.

8. Mills in West Bengal are prepared to pay higher wages provided there is increased productivity. There should be incentives for workers to work better and to earn more money. Employers want a machinery to be set up through which surplus labour can be reduced.

9. In each unit there are 3 to 4 unions affiliated to different Central Organisations. The union which has the largest verified membership, is recognised. It would be better if unions are formed industry wise and recognition granted to them on the same bases as is provided under the Bombay Industrial Relations Act. The present verification system is preferred to the system of election for the purpose of recognition of unions.

10. In Ke-shoram mills rationalisation was introduced in agreement with an INTUC - affiliated union. After the United Front Government came into power, the communist-led union wanted the restoration of full complement of labour. The mill had therefore to employ the same complement of labour, as in 1957, thus undoing the good work initiated by a decade of understanding with labour.

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11. Wages in the industry have been governed by the awards of Tribunals since 1947; there has been no major wage dispute.

12. Works Committees do not succeed because unions treat them as their rivals and want them to be their mouth pieces.

13. There are not many cases of dismissals in the industry. In one mill some dismissed workers were taken back as a gesture of goodwill without any directive from the court. These workers responded well for about a year; later on, they again started trouble. Generally reinstatement affects discipline.

14. Dismissals have not presented a serious problem to the industry. In case of grave misconduct such as theft, everybody, including the union officials, agree to dismissals. In some cases, however, workers go to tribunals. The organisation has no objection to settlement of cases of dismissals and discharges through arbitration. However, it will consider the matter further and communicate its views in writing to the Commission.

15. In West Bengal the cotton textile industry has been declared a public utility service. Every six months this declaration is renewed.

16. Common labour code and common pattern of labour judiciary were favoured. Judges should be appointed by the judiciary and not by the Executive.

17. The Labour Appellate Tribunal should be revived. Employers should have a right of appeal to the Supreme Court. This will not prolong litigation.

18. Outsiders should be eliminated from trade unions as far as possible because they bring with them political influence. They mix politics with trade union activities. Generally employers do not take part in politics.

19. Gheraos came in the way of the functioning of textile mills of West Bengal also. There were about six cases of gheraos but none arose out of non-implementation of awards. Gheraos have demoralised the managerial staff so much that it is impossible to maintain any discipline in the factories. (The organisation will supply full facts of these cases of gheraos together with an analysis of demands in each case).

20. Wages in Calcutta are lower than those in Ahmedabad and Bombay but there are still some centres like Indore, Kanpur, where wages are even lower than those prevailing in Calcutta. In West Bengal, the dearness allowance component gives 75% neutralisation for the rise in prices according to the recommendations of the First Central Wage Board for the Cotton Textile Industry.

21. In Ahmedabad, textile workers (union representatives) discuss with management measures for increase in productivity and they also make suggestions and point out difficulties. In West Bengal the workers are prepared to listen, but union leaders obstruct any discussions regarding increase in workload.

22. Grievance procedure as prevailing elsewhere in the textile industry, particularly in Bombay and Ahmedabad, will be acceptable to the industry in Calcutta.

23. One mill had been running quite well for the last 27-28 years but for the last one year, the workers have been adopting go-slow tactics. The mill is now incurring losses. Workers have now realised that the mill may have to close down; but they have not yet given up <sup>their</sup> tactics. The mill paid extra incentives to bring up production. For some time workers gave good production but again production has gone down.

24. There should be one responsible union in one unit.

25. There should be a study as to why wages in West Bengal are low. One factor is that there are too many holidays in West Bengal.

26. A few changes have been made in the reply to Commission's Questionnaire submitted earlier by the organisation and copies of revised replies were submitted.

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NATIONAL COMMISSION ON LABOUR  
(CAMP: CALCUTTA)  
WEST BENGAL

Date: 29.5.1968.

10.00 A.M. to 10.30 A.M.

Record of discussions with the Indian Colliery Owners' Association represented by:-

(Vide NCL No. BR-V.101)

1. Shri B.L. Agarwalla,  
President.

2. Shri R.L. Woraah,  
Sr. Vice-President.

1. The Labour Appellate Tribunal should be revived. Delay in the disposal of cases can be avoided by increasing the number of industrial tribunals.

2. Time-limit for conciliation should be increased.

3. There should be one union in one unit; the right of the minority union to represent workmen should be limited.

4. Representative character of union should be determined by secret ballot, with the right of vote extending to all workers, because agreements concluded with the unions cover all workmen and not only the union members.

5. There are about half a dozen cases wherein the affiliates of the Association did not carry out the obligations undertaken by the Association and action had to be taken by the Association against defaulting affiliates. (A detailed note on this point will be sent to the Commission later).

6. Introduction of 'check-off' as a means of recognising a union is not favoured because it would unnecessarily involve management in the matter of recognition of unions. However, the suggestion for constituting an independent organisation like the Election Commission which registers worker as members of a particular union, as desired by workers, is a good idea. The record of membership as revealed by registers of this organisation would serve as the basis for determining the majority union.

7. There should be a legal provision to recognise one union by the employer; the representative character of this union should be determined by secret ballot.

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8. In most cases there is co-operation between the employer and the unions.

9. There are some employers and union leaders who have not been very scrupulous; the latter have at times, bargained away the interest of workers for extraneous considerations.

10. A minimum of 33% membership for a union which seeks recognition was favoured. This alone will avoid multiplicity of Unions. This percentage can, however, be modified if the above objective is considered too strict for achievement.

11. If the minority unions are also given rights, it will encourage multiplication of unions. Moreover, barring unions affiliated to Central organisations, other unions have no philosophy of their own. Minority unions should deal only with the grievances of workers and put up their demands in the matter of individuals; they should not have the right to raise an industrial dispute which affects the whole unit.

12. In Bihar, there have been cases where industrial peace has been bought by payment of money to union leaders. Such cases are not many in West Bengal. In a few cases that do occur, both the employer and unions are to be blamed.

13. Some union leaders are thriving on such practices and have even got contracts at collieries.

14. New units should be allowed to pay less than minimum wages, otherwise they may have to work under a severe handicap. However, new even units should not be exempted from paying the basic minimum or subsistence wage.

15. If food-grain concession, as allowed in Assam, is also allowed, its equivalent should be deducted from the D.A. permissible to workers.

16. The minimum wages of workmen in coal mines should be protected against increase in prices.

17. Unanimous recommendations of the Wage Board should be vested with some legal sanction, but not the majority recommendations.

18. The constitution of the Wage Boards should be as follows:-

(i) Chairman - Should be a member of the judiciary and should not be the employee of the Ministry of Labour & Employment.

(ii) Independent Members. - Should come from Universities and not economists from Government.

- (iii) Employees' and employers' representatives should be there.

If Wage Boards are constituted on the above pattern, their majority decisions should be binding.

19. All judges of the labour judiciary should be appointed by High Courts.

20. A common labour code and a common pattern of judiciary were favoured.

21. The judges of industrial tribunals should be appointed by the High Court and there should be no provision for recommending names to the Government for appointment out of a list of judges.

22. To guard against wrong payment to workmen in collieries, the Board of Trustees for the Coal Mines Provident Fund Organisation has already under consideration a suggestion to introduce pass-books and indentivity cards for each worker wherein his record of attendance will be entered and payments will be checked with reference to that record.

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NATIONAL COMMISSION ON LABOUR  
(CAMP: CALCUTTA)  
WEST BENGAL

Date: 29.5.1968.

10.30 A.M. to 11.00 A.M.

Record of discussions with Engineering Association of India, Indian Engineering Association and National Iron and Steel Co. represented by:-

(Vide NCL No. WB-V-61  
WB-V-30  
WB-VII-9).

1. Mr. D.J.D. Sussex,  
Chairman.
2. Mr. S.N. Rungta,  
Vice-Chairman.
3. Mr. G.R. Hada,  
President.
4. Mr. A.R. Saraogi.
5. Mr. S.K. Asthana,  
Labour Adviser.
6. Mr. R.D. Trivedi.
7. Mr. R.D. Vidyardhi.
8. Mr. S.K. Sen,  
Labour Adviser.

1. Work in heavy engineering industry being strenuous there is little scope for employment of women as in textile industries. However, in light engineering industries where meters and small instruments are manufactured women are being employed.

2. If dearness allowance is to be continued, it should be adjusted at longer intervals. Monthly adjustment of dearness allowance is pushing up prices. The trader is cleverer than the worker. He raises prices as soon as workers start getting more. Prices of engineering goods, in spite of rise in wages, have not risen.

3. At present there are several trade unions in engineering industries. A union should be eligible for recognition only if it has a membership of 30% of the total workers. This percentage is not high as in engineering industry in this part nearly 90% of

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workers are members of one or the other union. Most of the unions have more than 30% membership. The Unions are financially well off.

4. The representative union should be chosen by secret ballot and not by verification. The Association does not entertain the fear that as a consequence of secret ballot extravagant promises would be made and that passions would be aroused. Workers are now used to extravagant promises; they know how to discount them. All workers should have the right to vote. This will not retard the growth of trade unionism.

5. Discipline is becoming a serious problem in engineering industry in this part of the country. It is impossible to take any disciplinary action. There are cases when workers have slapped managers in their offices. Before the United Front Government assumed office, the relations between workers and management were, by and large, cordial; their differences were being settled amicably. After the United Front Government came into power, political parties started inciting workers to indiscipline, gheraos etc. The Labour Department of the Central Government were just a spectator to the scene. They evaded the issue on the plea that labour management relationship is a State subject. That is the constitutional position but in the light of this experience one would consider whether 'Labour' should be in the 'Union List' to secure a uniform labour policy. Industry in a particular State is not isolated; what happens in one part has its bearing on the industry in the whole of the country. The Association, however, conceded that even if Labour is put in the Union List, Law and Order would still have to remain with the State Government.

6. There must be a feeling in the industry everywhere, whether in the public sector or in the private sector that if they do not get justice at the hands of the State Government, they should be able to approach the Central Government. It is necessary to have a uniform policy in this regard either through legislation or a code of conduct.

7. Industrial relations in the Central Government units as also in industries for which the Centre is the appropriate Government were better than in other industries.

8. A detailed procedure should be laid down for disciplinary proceedings, taking the principles of natural justice into consideration. The management should be allowed to hold the inquiry and once the procedure is followed properly, there should be no interference. If it is found that dismissal is mala fide, the worker should not be reinstated but should be awarded compensation. (The Engineering Association of India and Indian Engineering Association agreed to consider the suggestion of

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forming a panel of arbitrators to try cases of major misconduct - panel being formed by mutual agreement or by judiciary in the case of failure by parties to agree-and send their considered opinion later).

9. A survey revealed that 90% of cases of misconduct did not result in dismissals.

10. Politics is the main cause of indiscipline in the engineering industry. The wage structure is satisfactory. A case was cited where, during the President's rule, the manager of a firm paying the highest wages and giving the highest fringe benefits, was made to stand in scorching heat to compel him to concede a demand of free meals to workers.

11. According to Mr. Sussex, lack of training of the shop floor management was responsible for labour indiscipline. Other representatives of the Association did not agree with this view. It was stated that the engineering industry is new; its major development has taken place only since Independence. But the problem of indiscipline has arisen only during the last 2 years. There is sufficient and good human contact, but unfortunately the climate has become too vicious these days that supervisors have become indifferent and they do not like to talk to workers.

12. The extent of casual and contract labour in engineering industry is not high; it may be around 5%.

13. Labour turnover is also not high and may be around 10%.

14. There is still a vast scope for employment in engineering industry.

15. It is necessary to develop exports and this can be done only with the cooperation of labour. There should be fewer work stoppages. Although wages have to be increased, at times adjustment and deployment of labour force have also to be considered. At present management does not have an exclusive say in the matter of how labour requirements should be adjusted. This is not good for export industries.

16. A statement analysing the nature and causes of gheraos was submitted for consideration of the Commission.

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NATIONAL COMMISSION ON LABOUR  
(CAMP: CALCUTTA)  
WEST BENGAL

Date: 29.5.1968.

11.00 to 11.30 A.M.

Record of discussions with Indian Tea Association and Tea Association of India, represented by:-

(Vide NCL No. WB-V-88  
WB-V-107.)

1. Mr. P.K. Kanoria,  
President, Tea Association of India.
2. Mr. H.R. Shah,  
Tea Association of India.
3. Mr. Sekha Kumar Datta,  
Tea Association of India.
4. Mr. E.H. Hamay.
5. Mr. N. Lammond,  
Vice-Chairman,  
Indian Tea Association.
6. Mr. P.J. Farr,  
Senior Adviser,  
Indian Tea Association.
7. Mr. K.K. Chakroborty,  
Adviser, Indian Tea Planters Association.

1. In Assam Tea gardens, the INTUC are the recognised union and they are in majority. In West Bengal, union affiliated to all the four major Central trade union federations function. Representatives of all the unions take part in the discussions with the State Government. Problems are settled by the Associations on an area basis.

2. The Associations support the views expressed in the memorandum of the council of Indian Employers.

3. There should be a single bargaining agent to be determined on the basis of secret ballot confined to union members.

4. A minimum membership of 30% of the total number of workers in a unit should qualify a union for recognition.

5. In the tea industry there has been no difficulty in checking the membership of the unions with their registers. There has been no challenge to the verification procedure so far.

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If there are more than two unions, minority unions, in practice, fall in line with majority unions. If minority union brings up individual grievances, the management deals with such union only. Management discuss major economic issues, with all unions together.

6. Wage Boards should continue. Only the unanimous decisions of the wage board could be legally enforced. If majority decisions were enforced, tendency to dissent will grow. Where there is difference of opinion, the decision should be left to the Government. There should be an independent Chairman but no independent members. Independent persons on the wage boards are not always independent. They should not be given the powers of arbitration on questions involving high financial stakes.

7. It is possible to reach a unanimous decisions. It has been the experience in tea gardens that when issues are not settled in the wage board, bilateral talks on an informal basis between the management and the union representatives have been fruitful. These may drag on; but this is the only solution.

8. One of the possible reasons for not arriving at a unanimous decision and non-implementation of wage board recommendations is that industrial units are not homogeneous in character - small units in industry are not represented in wage boards - and as such small and weak units find it difficult to implement their recommendations.

9. The question of fringe benefits should be decided only through collective bargaining and should not be entrusted to the wage boards.

10. Settlement of wage disputes cannot be left to collective bargaining. Wage Boards are an essential element in this area of industrial relations. (Associations will send their considered views on this point.)

11. The Industrial Disputes Act which permits interference by a third party in case of disagreement has been responsible for the absence of a strong trade unionism in the country.

12. Frequent changes in the specifications for housing standard for workers have been responsible for delay in the execution of the housing schemes. Eight per cent houses have to be built per year according to the Act. But the cost did not remain unchanged. Upto 1963 the management kept to the schedule. After the revision of the specifications in 1963, it was impossible to keep to new specifications. The management claimed that they would agree to same percentage on old specification and to a smaller percentage for new specification. The management and the representative of the labour, however, agreed to a lower standard and since then they have been going on with construction of houses on the statutory basis.

(The Association will give a statement on the number of acts of violence and the reasons underlying them).

13. In the tea gardens, they have evolved a satisfactory procedure for conducting disciplinary proceedings. As a matter of fact, there are only a few cases of major misconduct necessitating dismissals.

14. An employer should have a right to take action against defaulting employees. Employees in India have much more protection than those in any other country in the world. The only protection that the workers need is against victimisation. The management should continue to exercise the right of conducting the disciplinary proceedings. Employers continuously apprehend a further curtailment of the operation of 'hire and fire' and this apprehension is not conducive to maintaining discipline.

15. The proposition of settlement of cases of major misconduct through a panel of agreed arbitrators was not favoured. (The Association promised to give their considered views on the issue).

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NATIONAL COMMISSION ON LABOUR  
(CAMP: CALCUTTA)  
WEST BENGAL

Date: 29.5.1968.

11.30 A.M. to 12.00 Noon.

Record of discussion with Indian Jute Mills Association  
represented by:-

(Vide NCL No. WB-V-69)

1. Mr. S.K. Ghosh,  
Chairman.
2. Mr. R.P. Goenka,  
Deputy Chairman.
3. Mr. D.P. Goenka,  
Member.
4. Mr. R.L. Moitra,  
Labour Adviser.
5. Mr. K. Mukerjee,  
Deputy Labour Adviser.

1. In jute mills, works committees are functioning very well. They deal effectively with day-to-day plant problems. There is generally no clash between works committees and the unions. Unions also take interest in elections to works committee.

2. In the industry, no official recognition has been given to any union so far because of multiplicity of unions. Basically, there should be one bargaining agent. There were two views about whether recognition of only one union for a unit should be voluntary or compulsory for an employer. Where verification of registers can determine the representative union, the verification procedure should be followed. Where the choice is not clear or where veracity of membership is questioned, the representative union should be determined by secret ballot. All workers should be allowed to take part in the election.

3. Once a union is recognised, there should be no objection to the introduction of "check off" system. Generally workers are against "check off". To this extent, the reply in their memorandum should stand modified.

4. During the last 18 months discipline among workers has deteriorated.

5. There are very few cases of reinstatement of dismissed employees. This is because great care is taken in charge-sheeting employees and that too for major misconduct. The Labour Adviser of the Indian Jute Mills Association is consulted before charge-sheeting workers.

6. Domestic enquiries are held by the Labour Adviser or the Manager of the Unit who is not directly involved in the matter.

7. The Central Wage Board for the industry made its recommendations four years ago and it went into the whole wage structure. New Wage Board should not now be necessary.

8. About 40% of the workers in the industry are on piece-rates. The industry has been trying to introduce suitable systems of incentives for workers. Relations between management and labour are cordial where there is no outside interference.

9. The wage board for the Jute Industry did very good work and was effective. Its recommendations were unanimous. Attempts should be made to reach unanimity by wage boards.

10. If there is no unanimity in a wage board on some points, arbitration by the Chairman will be acceptable. But the Chairman should be selected by the consent of both parties. In case there is no agreement between the two parties regarding the Chairman, the selection should be made from a panel nominated by the judiciary or the matter be taken to Adjudication.

11. Regarding disparity of wages between the organised and unorganised sectors at page 17 of the reply to the questionnaire, it was explained that such disparity should not be far out of proportion. It is not meant that wages in unorganised (agricultural) and organised (industrial) sectors should be the same. The existing wide disparity in the wages between the two should not be widened further. The last sentence in the Association's reply to questions 131-132 should be deleted.

12. Productivity of workers in the jute mills is low.

13. Until 1965, the industry had a Working Time Agreement for sealing of looms. This agreement was discontinued in 1965. After that there have been one or two occasions of acute jute shortage when looms had to be sealed. During such sealing of looms, the affected workers are paid lay-off wages.

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NATIONAL COMMISSION ON LABOUR

(CAMP : CALCUTTA)  
WEST BENGAL

Date: 29.5.1968.

12.00 Noon to 12.20 P.M.

Record of discussions with the Indian Sugar Mills Association, represented by :-

1. Mr. R.P. Nevatia, Member. (Vide NCL No.WB-V-70)
2. Mr. S.S. Kanoria, Member,
3. Mr. B.M. Thaper, Member.
4. Mr. J.S. Mehta, Secretary.
5. Mr. P.M. Dutta, Labour Adviser.
6. Mr. S. Narsinha, Labour Officer.

1. The purpose of the comparison between agricultural wages and wages in the sugar industry is that there should be some relationship between the two; there need not be absolute parity. Wages of agriculture labour should be brought up.

2. The representative union should be determined through the verification of membership. The verification by an independent body is preferred to election.

3. Secret ballot is not favoured because it will spoil the atmosphere at the factory by arousing political passions. Sustained membership of the union and service to the labour community should take precedence over election and temporary issues connected with it.

4. For holding domestic inquiries in disciplinary matters, the suggestion for interposing an agreed arbitrator is not acceptable. The arrangement visualised in the Bill before the Parliament was preferred to the suggestion for having a panel of arbitrators. Sugar industry is spread over small villages and it will not be practicable to have independent arbitrators. Moreover, this procedure will delay the matter. Cases of dismissal and discharge are not many in the sugar industry.

5. There should be an upper limit to dearness allowance based on the cost of living index; beyond this limit no d.a. increase should be allowed, even to persons in receipt of minimum wages. This is recommended by the Rubber Wage Board. Workers should also share the hardship experienced by other sections of the population. (The Association will supply details)

6. Collective bargaining should be encouraged to the fullest extent possible and Government should intervene only in exceptional cases. This will avoid unnecessary litigation.

7. Outsiders in trade union movement are those persons who are not in actual employment. They include also workers who have dedicated themselves to the cause of trade unions. The proportion of outsiders to the office bearers of the union should be reduced.

8. The earlier wage boards did useful work. But subsequent wage boards are more of a ritual. Constitution of wage boards raises false hopes among workers. A tribunal is preferred to a wage board.

9. The unanimous recommendation of the wage board should not be given a legal sanction. There has been so far no case of non-implementation of the wage board award in the sugar industry. (Later, the Association modified their stand in favour of the unanimous recommendation of the wage board being made legally binding). Also if it is suggested that majority recommendation of the wage board should be implemented there will be no difference between a wage board and a tribunal.

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NATIONAL COMMISSION ON LABOUR

(CAMP : CALCUTTA)  
WEST BENGAL

Date: 29.5.1968

12.20 P.M. to 12.40 P.M.

Record of discussions with Federation of Small and Medium Industries and Howrah Manufacturers' Association represented by:-

(Vide NCL No.WB-V.83 WB-V.111)

1. Mr. N.K. Das,  
Labour Adviser,  
Howrah Manufacturers' Association.
2. Mr. S. Chakravorty,  
Vice-President,  
Federation of Small and Medium Industries.
3. Mr. Sudarsan Biswas,  
Executive Committee Member,  
Federation of Small and Medium Industries.

1. The capital at the disposal of small industries is small; therefore, the question of payment of D.A. should be examined from a different angle. The small-scale industries should not be compelled to pay more dearness allowance to their employees because these industries have no capacity to pay higher wages. The wage paid to a worker at present is Rs.109 per month. Small units suffer because of inequitable supply of raw materials. With only 10% of raw materials available to small industry it produces 35% of the total industrial production in the country.

2. The minimum wage should be only at All-India level. The principle underlying need-based wage is acceptable but it is not practicable. Small-scale industries in Maharashtra and some other advanced States can afford to pay higher wages because they have higher productivity. This is due to better equipped plants but in West Bengal the position is different because the plants are outdated; they cannot afford to pay higher wages.

3. Labour Appellate Tribunal should be revived and it should go into questions of both law and fact.

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NATIONAL COMMISSION ON LABOUR

(CAMP : CALCUTTA)

WEST BENGAL

Date: 29.5.1968

12.40 P.M. to 1.00 P.M.

Record of discussions with the Indian Institute of Personnel Management represented by:-

1. Dr. P.T.K. Panicker, (Vide NCL No.WB-VIII-5)  
President.
2. Dr. R.M. Sengupta,  
Chairman, Technical Sub-Committee.
3. Mr. M.K. Verma,  
Member, General Committee.
4. Maj. J. Sen Gupta,  
Member, General Committee.

1. There are certain instances of regional discrimination. The State Government has not issued any instruction but persuasive letters have been issued by Government of Bihar and Maharashtra in such matters. Local persons should be preferred in the matter of recruitment of lower grade and semi-skilled jobs.

2. ( A note containing suggestions for amendments to various statutory provisions to strike a balance in manning patterns will be sent).

3. The system of 'Check off' for the recognised union only was supported.

4. Minority unions should not represent issues of general interest but only issues of individual interest.

5. Some rights should no doubt be given to minority unions but they should not enjoy equal rights with the recognised union. In particular, the minority unions should not have the benefit of 'check off' system. This will lead to multiplication of unions. It will also be used by minority unions as the thin end of the wedge to claim more rights for themselves - right which are now exclusively for the majority unions.

6. Under the present circumstances, recognised union should be determined by election. Only members of unions satisfying stipulated conditions of eligibility should vote

in the election. The stipulated conditions should provide for a minimum period of membership and also exclude casual or temporary workers.

( A note on the proposal for having an independent and quasi-judicial body for determining the trade union loyalties will be sent later.)

( The note will also examine whether complaints in the first instance can go to such a quasi-judicial body for determining whether a prima-facie case exists or not. The other point which the Organisation will consider is whether the function of Conciliation Officers can be entrusted to the quasi-judicial body. With the establishment of such a quasi-judicial body, Government's role in the settlement of industrial disputes can be minimised. The organisation will send its views to the Commission on all these points).

7. There is tremendous resistance in times of recession to change in work processes. Re-deployment of labour within the plant due to technological and other changes has not come out in the questionnaire drawn up by the Commission. (The organisation will give a note on this point about the mobility of labour).

8. Available labour statistics are at present subject to a good deal of over-lapping and duplication. There should be one central agency for maintaining all such statistics in a purposeful manner.

9. Codification of labour laws is important. At present, there are inconsistencies and lack of uniformity in the laws enacted by State Governments and by the Central Government. The instances are - Shops and Commercial Establishment Acts, Motor Vehicles Act, the B.I.L. Act, etc. A common labour code may result in a further shrinkage of Concurrent List but it is not necessary to do away with the concurrency of the subject of 'Labour' between the Central and State Governments. It should be ensured that States only supplement the Central Acts and do not make legislation repugnant to the Central Acts. Labour legislation should be in the Union List; its administrative and enforcement should lie with the State. (The Organisation will submit a note indicating areas of labour legislation where apparent inconsistencies exist.)

10. Welfare Officers, labour Officers and Personnel Officers perform more or less the same functions. The concept of Welfare Officers emerged from the Factories Act, 1948. But these officers have hardly anything to do with matters laid down under the Factories Act. In the changed context, the functions of all such Officers have to be reviewed and there should be only one category of such officers called Personnel Officers. (A note will be prepared on this point and sent to the Commission).

11. The suggestion for settlement of disciplinary cases through arbitration may lead to watering down of the authority of the managerial staff because an employee discipline is the concern of the management. (The organisation will, however, consider the matter in detail and furnish a note to the Commission.)

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NATIONAL COMMISSION ON LABOUR

(CAMP:CALCUTTA)

WEST-BENGAL

Date:- 29.5.1968

3.30 P.M. to 4.00 P.M.

Record of discussions with the Eastern India Motion  
Pictures Association, represented by:-

(Vide NCL No. WB-V-106)

1. Mr. S.B. Mandal.
2. Mr. C.L. Ganguli.

1. Under the Minimum Wages Act, spread over of working hours in cinema industry has been restricted to  $8\frac{1}{2}$  hours. This is causing hardship. It should be extended to  $9\frac{1}{2}$  hours at least, the actual hours of work remaining eight hours- This will avoid payment of overtime where it is not justified. There are also cases where the minimum wage fixed for a sweeper in an air conditioned cinema house are higher than in cinema houses which are not air conditioned.

2. Bi-partite agreement should remain operative till its expiry and party to the agreement should not have a right to raise a fresh dispute on the demand already covered in the agreement.

3. The industry concluded a five-year agreement in 1964 which was later revised in 1966 by increasing the D.A. The union has again raised demand for D.A. in 1968. Since no settlement could be reached, through the conciliation machinery, the case has been referred to adjudication by the State Government. In the meanwhile workers struck work and the strike is continuing. The strike is illegal.

4. In case of illegal lockout or strike, both parties i.e. employer and employees should have a right to refer the case to the court without the intervention of the Government. Bi-partite agreements should be honoured by all.

5. The I.D. Act should provide for deterrent penalties for both parties for violation of the agreement.

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6. The State Government has been helping employees on strike by giving them projectors, theatres and films for showing pictures. The help is in kind and therefore no action can be taken under the Act.
7. The Labour Commissioner will find out how far the State Government has helped the striking employees in this way and send a note.
8. The attitude of the Government has been hostile to the industry since the Government wants the cinema houses to be opened early to avoid loss in revenue.
9. Out of 310 houses only 6 cinema houses in Calcutta and a few in mofussil areas are now open. Working conditions in these cinema houses are a little worse. But workers are not organised, and the theatre owners are not members of this Association.
10. It is not known if the other cinema houses which are working are also helping the striking employees to prolong the strike.
11. Cinema-rates have not been revised for the last 23 years. On the other hand, there have been increases in taxes.
12. The question of spreadover of working hours was referred to the High Court which upheld the provision of the M.W. Act for 8½ hours because the Government fixed the hours of work.
13. The conflicting positions between the Minimum Wages Act and the Shops and Commercial Establishments Act relating to spreadover of working hours should be reconciled. Cinema houses should in any case be exempted from the Shops and Commercial Establishments Act because the work is not arduous.
14. (A detailed note containing the history of the agreement concluded by the Association with its workmen and subsequent events leading to present strike will be sent by the Association to the Commission.)

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NATIONAL COMMISSION ON LABOUR  
(CAMP: CALCUTTA)  
WEST BENGAL

Date: 29.5.1968

4.00 P.M. to 4.30 P.M.

Record of discussions held with the West Bengal Shops and Establishments Employees Association, represented by:-

(Vide NCL No:WB-VI.173)

1. Mr. Mano Ranjan Saha.
2. Mr. Shibnath Chatterji,
3. Mr. Haripada Chaterji.

1. The Association claims to represent about 10,000 motion picture employees and about 3000 shop employees.

2. The Association has not gone back on the agreement with the management of cinema industry concluded in 1964, 1966 and 1967. The position is just the opposite. The agreement of 1964 was with regard to the implementation of the Minimum Wages notification. The notification was issued in 1960; it was not implemented upto 1963. In 1964, after a week's struggle it was implemented in part. The 1964 agreement was in that behalf. In 1966, the question of D.A. corresponding to the rise in the cost of living index was taken up. The employers made ad hoc payments. There was a pay-scale agreement arrived at in 1956 for 10 years. It expired in 1966. The Association raised a demand for pay scales. In September 1967 the employers entered into an agreement. Out of the six demands made only the bonus demand was settled. It was categorically stated that other issues regarding pay scales, D.A., gratuity etc. would be settled by December 1967. That is the last agreement. The Employers did not come to a settlement by the end of December 1967. They took advantage of the situation that was then prevailing. Then the Association served a notice of token strike from 20th January. On the eve of that strike, i.e. on 19th January, the employers assured that they would settle all disputes within 30 days. They did not do so. Therefore, after the 18th February, the Association again wrote to them that there was no alternative left to the employees but to go on strike. The employers replied that they could not do anything. So the strike was resorted to. There was no violence on the part of the workers. Labour Minister, Mr. Hathi went through all the relevant papers and said that the employees were fully justified in raising the demands. (The Association will give a detailed note regarding its negotiations with the cinema industry and subsequent developments in a chronological order.)

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3. The Association is in favour of penalties being imposed on either side for flouting bipartite agreements. The agreements should be observed unless conditions have so much changed that the agreement is no longer compatible with current conditions.

4. It is not true that the West Bengal Government is helping the cinema employees in their present dispute with the management. In fact, the Association's grievance is that the West Bengal Government is not helping them.

5. Some of the employees are hiring machinery, building, etc. from Government to arrange cinema shows on their own. Such facilities are given by Government to anybody.

6. The Association has made a detailed study of the financial implications of their demands, which shows that impact on their demands will be very small on the profits made by the industry. (A copy of this study was submitted to the Commission).

7. Recently a Bill has been drafted for regulating conditions of employment in the Cinema Industry and this is satisfactory to the Association. The Shops and Establishment employees are governed by the existing Act. In case of cinema employees, bonus is regulated by the Minimum Wages Act. It is not true that overtime is paid every day.

8. There should be a comprehensive law on an all-India basis for shops and establishments. It should include the relevant provisions of the Industrial Disputes Act. The shop employees should be brought on par with workmen under the I.D. Act.

9. The employees in shops and establishments enjoy one and a half day's off every week under the present West Bengal Act. They, however, do not enjoy any festival time, they are required to put in more work. Employees in engineering factories get 21 festival holidays. The Association desires that the shops employees should get 21 festival holidays in a year.

10. Provision of medical facilities for shop employees is unsatisfactory. The Employees State Insurance Act is being implemented on area-basis and to that extent this will cover the employees in bigger shops. The Association wants that all shops having 5 or more employees should receive medical facilities on the same basis as provided under the Employees State Insurance Scheme or in the alternative, they should enjoy medical leave on fully pay.

11. The Association wants that shop employees should

△holidays. As a matter of fact, during the festival

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be covered under the Minimum wages Act and they should be given need-based minimum wage.

12. It is not true that it will be difficult for small shops to pay the minimum wages according to the need-based standard to their employees. Some of the shops having one or two employees are in fact doing business worth crores of rupees. In view of the weak bargaining strength of the shop employees it is important to fix need-based minimum wages for them.

13. The dearness allowance for the cinema employees on the distribution side is linked to the Consumer Price Index @ Rs.4 for 20 points.

14. It is not true that the employees on the distribution or exhibition side must have a spread-over of 9½ hours as made out by the management. It is possible to restrict the working hours to 8 hours only.

15. Employees Provident Fund Act should be extended even to the small shops.

16. The Association is the only union of cinema employees and the employers do negotiate with it.

17. Powers of conciliation officers should be increased so that they can summon employers to attend joint meetings. At present the employers do not come for such meetings.

18. Subsistence allowance should be paid to suspended employees.

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NATIONAL COMMISSION ON LABOUR

(Camp - Calcutta)

WEST BENGAL

30th May, 1968.

9.30 A.M. to 10.45 A.M.

Record of discussions with Public Sector Undertakings  
and Employing Departments, represented by:-

1. Mr. S. Dutt Mazumdar,  
Chairman,  
West Bengal State Electricity Board.
2. Mr. A.K. Mookherji,  
Chief Personnel Officer.
3. Mr. B.B. Das Gupta,  
Chief Engineer, P.W.D.
4. Dr. B.K. Bhattacharya,  
Chairman,  
C.S.T.C., N.B.S.T.C. & D.S.T.B.
5. Mr. H.A.H. Masood,  
Administrator.
6. Mr. N.B. Das,  
Personnel Officer.
7. Mr. S.C. Sanyal,  
Labour Officer.
8. Mr. J.K. Roy.
9. Mr. A. Choudhry.
10. Mr. S.K. Sengupta.
11. Mr. J. Sanyal,  
Deputy Secretary,  
C&SSI Department.
12. Mr. N.C. De,  
Assistant Director of Industries.
13. Mr. A.M. Kusari,  
Secretary,  
P.W.D.

14. Mr. R.R. Chatterjee,  
Managing Director,  
Kalyani Spinning Mills.
15. Mr. D.N. Mukerji,  
Labour Adviser,  
Durgapur Projects Ltd.
16. Mr. A.K. Datta,  
Managing Director,  
Durgapur Projects Ltd.
17. Mr. S.K. Mukerji,  
Secretary,  
Department of Commerce and Industries,  
West Bengal.
18. Mr. U. Chatterji,  
Director of Industries,  
West Bengal.
19. Mr. D. Chatterjee,  
Managing Director,  
Small Scales Ltd.

1. Copies of the questionnaire were received only in the last week of April; therefore, the undertakings could not submit their replies in writing. They will submit their replies in about a month's time.

2. Provisions of certain labour laws could be relaxed a little in case of cottage and small-scale industries.

(A statement indicating specific provisions where relaxation is desirable will be submitted by Secretary, Cottage and Small Scale Departments.)

3. The West Bengal State Electricity Board employs about 6,800 casual workers out of a total labour force of 17,000. The policy of the Board is to employ casual workers only on casual jobs and to aim at reducing their number. A decision has been taken to absorb casual labour into regular jobs. An order to absorb 1500 workers has been issued; another 500 workers will be absorbed later. There is only a difference of Rs.10 in the wages of a casual worker and that of a regular employée of the Board. Casual workers are also not eligible for house rent allowance. Medical facilities and other fringe benefits are, however, provided for casual workers also.

4. Persons working on jobs requiring certain physical standards (like linesmen) need not be compulsorily retired

at the age of 45 years. There should be no blanket rule for retirement. The criterion should be physical fitness and efficiency of individual workers and the requirement of the job.

5. Strikes should be banned in public undertakings, such as electricity, water supply, public transport, etc. The representatives from Durgapur Project felt that strikes should be made more difficult for the workers but it is not possible to ban them.

6. None of the representatives claimed exemption from labour laws as such for public sector undertakings.

7. A common labour code and common pattern of judiciary were favoured. Appointment of the Judges should be made by High Court. Appointment of Judges should, however, not be confined only to persons with judicial experiences. Conciliation Officers and other persons of integrity and experience should also be selected.

8. Appointment of top management should not be confined to services only. The criterion for selection should be ability to handle human material and sufficient administrative experience.

9. Industrial relations in Electricity Board are, on the whole, not satisfactory. The position was not good in 1966 and it worsened in 1967. Workers are coming forth with more and more demands. There is a general impression among the employees that if they put forth a greater number of demands, there is likelihood of some demands being conceded irrespective of their justification. By and large, a majority of workers are against agitation as such, but inter-union rivalry and ulterior motives of office-bearers create trouble. Majority of workers are passive, and they are drawn into agitation under force or intimidation.

10. In the State Transport Corporation, industrial relations were strained before 1967 but are quite satisfactory now. There is a good line of communication between management and workers. Grievances are settled by mutual discussions. Labour is free to approach the management in case of a grievance not being attended to. Good communication, honesty and integrity of top men are not enough per se; political interference and influence through unions may clog the line of communication.

11. Industrial relations in Durgapur are poor mainly due to political influence and poor quality of management and poor line of communication between management and workers. There is no coordination between departments.

In public undertakings it also happens that though the management and labour have no difference between them difficulties arise because trade unions do not agree with Government policies. Such disagreement need not necessarily be in the field of labour.

12. By and large, workers do not like agitations. It is determined 10 to 15 % of workers who assert themselves and compel vast majority of workers to go on strike or even agitate otherwise. In one particular case, the majority of workers asserted themselves and showed the door to union leaders.

In Chittranjan, there is no union and no union is allowed. There is a Works Committee. The township is sealed. Political meetings are not allowed in the workers' township and there is industrial peace. On the other hand, in Hindustan Cables' - a well managed unit, - there are a number of unions and inter union rivalry prevails. The result is that there are difficulties and hours and hours go into settling trivial matters. Even so the relations between the employer and workers are reported to be good. Absence of strife need not be the sole criterion for judging the relations between employer and workers.

13. The top managements in public undertakings generally do not have enough powers to settle the disputes with the workers, particularly when financial obligations are involved. Settlements are made subject to the approval of the Government. Government usually falls in line but when large financial stakes are involved as a spread effect of an agreement Government must have the power to over rule plant agreements. Therefore, workers feel that the proper authority is the Ministry and not the management on the spot. Day-to-day administration with adequate financial powers should vest in the top men. The representative of the Electricity Board did not agree with this view; his contention was that State Public Undertakings in West Bengal have enough powers to come to settlement with workers.

14. The time is not yet ripe for collective bargaining. The present procedure of settlement of disputes i.e. negotiations, failing which conciliation, failing which adjudication should continue. Some representatives, however, preferred compulsory arbitration which would be better for quick disposal of cases after the negotiations failed.

15. The present procedure for disciplinary action against major misconduct should continue. Management is responsible for maintaining discipline. Therefore, the power to take disciplinary action in minor or major

matters should also vest with management. In case a law is passed giving tribunals powers to investigate into the facts of the case in disciplinary matters it may increase the number of reinstatements and undermine discipline. The representative of Durgapur Project, however, felt that a panel of arbitrators to decide the cases of indiscipline will be the lesser evil.

16. It will not be correct to single out public undertakings as examples of deterioration in labour management relations. Private Sector Units have fared even worse.

17. Indiscipline appears to be due to too much job security. It is also due to political and economic reasons. The representative of the Electricity Board, however, did not agree with this view.

18. Wages should be linked with productivity after guaranteeing a minimum wage.

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NATIONAL COMMISSION ON LABOUR

(Camp - Calcutta)

WEST BENGAL

30th May, 1968.

10.45 A.M. to 11.00 A.M.

Record of discussions with the Calcutta Corporation and Calcutta Metropolitan Organisation, represented by -

1. Mr. Ajit N. Bose (Vide NCL No.WB-IX-5)
2. Mr. S.B. Mukherjee (Vide NCL No.WB-IV-1)

1. The representatives were not aware of the memorandum submitted to the Commission earlier; they promised to make an enquiry as to how the memorandum was submitted to the Commission.

2. A fresh memorandum will be submitted outlining their views.

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NATIONAL COMMISSION ON LABOUR

(Camp - Calcutta)

WEST BENGAL

30th May, 1968.

11.00 A.M. to 11.15 A.M.

Record of discussions with Shri K.C. Lalwani, Assistant Professor, I.I.T., Kharagpur (Vide NCL No. WB-X-3).

1. The process of adjudication laid down in the Industrial Disputes Act has inhibited the growth of trade unionism in the country. With the system of wage boards coming into existence, it should be possible to eliminate adjudication without creating a void. So long as there is provision for adjudication, collective bargaining will not thrive.
2. The question as to whether a stage has arrived for settling industrial disputes through collective bargaining is linked up with the question of recognition of unions. Recognition of unions should be made statutory and compulsory on employers. The recognised union should be determined by election and not by verification method which is subject to manipulation.
3. In election for determining the recognised union, all workers should be allowed to vote and participate. Some workers may be afraid of joining unions, but they should have a right to select the representative union.
4. The national minimum wage should be Rs.2/- per day excluding D.A. on the basis of current prices. (Mr. Lalwani will send a paper giving the calculations for arriving at this figure).
5. The question of capacity to pay should not arise in the matter of giving dearness allowance to workers receiving subsistence wages. Such workers have to be compensated for

rise in prices but not on a point to point basis from month to month. Month to month adjustment of dearness allowance creates administrative complications.

6. Majority recommendations of the Wage Boards should be accepted and implemented.

NATIONAL COMMISSION ON LABOUR

(Camp - Calcutta)

WEST BENGAL

30th May, 1968

11.15 A.M. to 11.30 A.M.

Record of discussions with Shri S. Ghosh, Lecturer, Jadavpur University. (Vide NCL No.WB-X-9)

1. A single union organised for an industry on all-India basis should be recognised. The structure of trade unions should be modelled on the pattern of the transport workers' union in the U.K. where there is a single union at the national level with local committees. Union should not be recognised/on shop basis. In this country for each industry there should be a national union and then regional unions and at the bottom local unions. This suggestion is both practicable and desirable. The employers also should have a single organisation for an industry on all-India basis. Unless there is a top bargaining agency, it will not be possible for the unions to develop a national outlook, for instance there should be a correlation between textile wages and textile prices. Bilateral relation between employers and employees at the national level will help.

2. Only with the above system of union organisation it will be possible to have wage stability and pre-plan wage bargaining. For pre-plan wage bargaining before each 5 year plan, wage agreements should be entered into between industry and labour, with a clause for adjustment of wages due to changes in prices and productivity. This will be a 5-year agreement.

3. The Indian Trade Unions Act should be amended in respect of provisions for recognition of union. The recognised union should be determined by secret ballot among all workers.

4. There should be no separate component of D.A. and whole of basic wages should be revised from time to time to take into account the changes in prices and productivity. For taking into account changes in productivity an improvement factor should be included in wage agreements and this factor should be decided at the bargaining table.

5. Wages should be linked to average increase in productivity for the industry as a whole. There will no doubt be some inefficient units but the average increase will act as a spur to them. For clerical workers it is difficult to link wages with productivity. In such cases, however, group incentive scheme can be formulated. (Mr. Ghosh will supply a note giving his ideas on the method of linking wages to productivity).

NATIONAL COMMISSION ON LABOUR

(CAMP : CALCUTTA)

WEST BENGAL

30th May, 1968

11.30 A.M. to 11.45 A.M.

Record of discussions with Mr. Gangadhar Pramanik, ex-Minister of Labour of West Bengal.

1. Where there are more unions than one the most representative union should be decided by secret ballot, provided the political parties are prevented from influencing such elections. The political parties care more for their politics than for labour.
2. If political parties cannot be prevented from influencing elections, verification method will be better for selecting the representative union. There will be no intimidation of workers under this method.
3. A common labour code and a common pattern of labour judiciary were favoured.
4. If conciliation proceedings fail, there should be compulsory arbitration.
5. If workers are properly educated, political influence flowing from the trade union movement can be eliminated. Employers are at present callous about educating workers.
6. The labour situation has deteriorated because of mal-administration of the Congress Regime during the last 18-19 years. The officers toe the line of Ministers and do not follow the rule of law.
7. Labour Welfare Officers should be appointed by Government and security of service for them should be ensured. In that case the employers will not be able to influence them as they wish.
8. There was no 'gherao' in the short period during which Mr. Pramanik was the Labour Minister. He took steps for creating a sense of confidence among employers and managerial staff for checking growth of indiscipline and for enforcing the respect for the rule of law. With this policy he was able to appreciably improve the labour situation and also to get opened many closed factories.

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9. Congress Ministers should have been more serious about handling labour situation in the past. During United Front Government, the flag of C.F.I.(M) was hung in the Assembly even in the first session of the Assembly.

10. If 'gheraos' are allowed, there is no point in having unions, conciliation procedure, labour legislation, etc.

11. In 1967, many unions were registered at random, without going into the relevant facts.

(Shri Parmanik will submit a statement to the Commission regarding policies pursued by him and the results achieved.)

NATIONAL COMMISSION ON LABOUR

(CAMP : CALCUTTA)

WEST BENGAL

30th May, 1968

11.45 A.M. to 12.00 noon.

Record of discussions with Mr. Subodh Banerjee, ex-Labour Minister, West Bengal.

1. 'Gherao' is a form of protest by trade-union movement.
2. Just as strikes can be violent, there is a possibility of gheraos also turning violent. No form of movement should be banned for that reason.
3. Excesses in any movement, like gheraos, result from the failure of union leadership. It is the duty of union leaders to control workers. In many cases union leadership failed.
4. Gheraos do not hamper industrial growth. But any movement, if conducted in excess, and not led properly can do harm to industrial growth. Even in a strike such a situation might arise.
5. Gherao does not breed indiscipline and defiance on the part of workers. Gherao upto a limit is legitimate. This limit has to be determined on the merit of each case. In general, gheraos should not lead to injury to health and it should not be unduly prolonged. Persons gheraoed should be allowed to answer call of nature, take food, etc. It is true that the officials gheraoed find the experience difficult and hard. But the number of such gheraos was small. Some gheraos involved bloodshed. However, gheraos have yielded quick results in many cases.
6. If managers are made to accept the demands of workers under duress merely through gherao, the former can repudiate the agreement and lock out the workers the very next day. In many cases this has not happened showing that the demands of workers were just. A time came when Mr. Banerjee was powerless to stop violence; it was the fault of leadership. Gheraos were led by workers and not outsiders.
7. Any movement, when first introduced, gives rise to apprehensions. So was it when strike was first introduced. However, people learnt gradually to use that particular form of movement.

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8. Labour legislation is loaded in favour of employers and whatever little benefit is granted to workers, it does not lead to immediate relief. In many cases promised payment of wages is not made or it takes a long time to do so.

9. Judges generally refrain from giving adequate punishment to employers. In a case a Judge fined an employer Rs. 10 only for violating the provisions of the Plantations Labour Act. Judges never send employers to jail although the law provides for imprisonment or fine or both.

10. There are many defects in the existing labour laws. For example, no subsistence allowance is provided to suspended workers, even though the Standing Labour Committee recommended 10 years ago payment of such an allowance. Similarly, colleges, universities, research institutions, solicitors' offices, etc., are excluded from the definition of 'industry' under the Industrial Disputes Act. For such institutions there is no machinery for settlement of labour-management disputes. Even under the Workmen's Compensation Act, there have been some recent judgments which prevent workers to get compensation for non-scheduled injuries.

11. During Mr. Banerjee's tenure as Labour Minister, six Bills were drafted to remove the existing lacunae in the labour legislation. These Bills were sent to Central Government for prior sanction. He did not hear anything from the Central Government during his tenure. Under the existing system, it is impossible for a State Government to do anything in labour matters unless the Central Government agrees.

12. In regard to Badli workers in jute industry, there are many recommendations of tribunals, Court of Inquiry etc. But nothing could be done, because of the non-cooperative attitude of the Central Government.

13. (Mr. Banerjee will submit a detailed memorandum on behalf of the U.T.U.C.)

NATIONAL COMMISSION ON LABOUR

( CAMP : CALCUTTA )

WEST BENGAL

30th May, 1968.

12.00 noon to 12.15 PM

Record of discussions with Mr. Harekrishna Konar and Mr. Viswanath Banerjee, ex-Ministers of West Bengal.

1. Fixing minimum wages for agricultural workers is hardly of any use, unless they can be given regular employment. At present, they are idle for about 200 days a year. Land Reforms may be expedited, and fallow cultivable lands distributed among labour.

2. At present crores of rupees are spent every year by West Bengal Government on test relief works. Such works are started in areas affected by drought, flood, etc., but because of administrative delays, the relief generally comes after the situation has almost passed its worst stage. Instead of such test relief works, it will be better to have permanent works schemes connected with irrigation at Block level. This will provide regular employment to agricultural workers.

3. It is not possible to treat agriculture as an industry. This is because agriculture labour is not as well organised, conscious and concentrated as industrial labour. For organising agricultural labour on trade unions lines, it will be necessary to lower the minimum subscription of Rs.3/- per year, laid down under the Trade Unions Act to 4 or 8 annas per year. This is because unlike industrial workers, agricultural labour has low and irregular income.

4. Minimum wages fixed under the Minimum Wages Act for agricultural labour are unreal. During the slack season, wages received by agricultural labour are much lower than the minimum wages fixed under the Act and during agricultural season, they receive much higher wages.

5. There is no machinery for implementing the Minimum Wages Act in agriculture.

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6. Zamindars are statutory landlords in West Bengal but the real landlords are the Jotedars. They own large areas and farm out lands to share-croppers. The trouble in Naxalbari was largely due to Jotedars. Even tea-planters are big Jotedars because they have large surplus land. This surplus land can be taken over by Government under law but so far nothing has been done.
7. Ceiling on land-holdings should be fixed on family and not on individual basis. 25 acres of cultivable land and 15 acres of non-cultivable land are at present allowed to an individual. Fixing ceilings on land-holdings on individual basis leads to evasion. Also exemptions from the ceiling are allowed for charitable institutions, orchards, temple-land, etc., and this provision is also being misused. Gods have multiplied in Bengal. If these defects are removed, it should be possible to have about 7 lakh acres of extra land in Bengal and the same can be distributed to landless labourers.
8. Work for agricultural labour during slack season should be provided; the wages should be increased.
9. Difficulties regarding registration of agricultural labour union should be removed.
10. Agricultural labour in West Bengal is composite in character consisting of persons from high castes, scheduled castes and tribes. There are only some pockets where tribal agricultural labour pre-dominate.
11. There should be a separate machinery for implementation of the Minimum Wages Act in agriculture. This Act should not be implemented through Panchayats because agricultural labour do not generally find direct representation in Panchayats. Machinery for implementation of the Act should, for the present, consist of provincial and District Boards with officials and representatives of agriculture labour unions or agriculture organization to enforce the Act and to arbitrate when necessary, and later on this machinery can be extended to lower levels.  
(Mr. Viswanath Bannerjee will furnish a note giving details of the scheme for implementation of the Minimum Wages Act in agriculture.)

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12. Agricultural labour constitute the most oppressed section of the society. Their condition has been deteriorating over years. At present, they are so famished and emaciated for want of food that they cannot put in hard and efficient work on the farms.

13. Agricultural labour is not able to get loans from cooperative societies because such loans are generally given against land. Similarly, they do not get direct loans given by Government. Something should be done to enable them to get such loans.

14. A measure to deal with rural indebtedness will be to nationalise the debts of agricultural labour (i.e. the Government should take over the responsibility for their accumulated debts which have reduced them to slavery) and to start separate cooperatives for landless labourers and peasants with very little land. (Mr. Viswanath Bannerjee will furnish a note giving his suggestions for improving the conditions of agricultural labour).

NATIONAL COMMISSION ON LABOUR

(CAMP: CALCUTTA)

WEST BENGAL

30th May, 1968

12.15 P.M. to 1.00 P.M.

Record of discussions with the State Labour Department represented by-

1. Mr. B.K. Chatterjee,  
Labour Commissioner.
2. Mr. S.N. Roy,  
Joint Labour Commissioner.
3. Mr. S. Choudhuri,  
C.I.F.
4. Mr. A.K. Mitra,  
Joint Secretary,  
Labour Department.
5. Mr. P.C. Banerjee.
6. Mr. D.K. Das Gupta.
7. Mr. Quader Nowaz.
8. Mr. S.C. Roy.
9. Mr. S. Narayan.

1. The strength of Factory Inspectorate staff is not adequate to cope with their work. Last year some posts were sanctioned but two posts remained unfilled.

2. Representative union should be determined by secret ballot. The right of vote should be restricted to members of the unions only; otherwise there would be a decline in the membership of unions.

3. A bill prohibiting employment of contract labour was drawn up in 1966 and sent to the Central Government for President's assent. Since the Central Government was also contemplating a similar legislation the assent to the State Bill was not given.

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4. For lower category of posts i.e. unskilled, local persons should be preferred, but for other posts, which require some skill, merit should be the sole consideration for recruitment.

5. There has not been undue interference by the Labour Minister in the working of the Labour Directorate. Generally, intervention occurred in the matter of recognition of unions.

6. The large increase in the number of unions in 1967 cannot be ascribed to political reasons. The law for registration of union is very liberal.

7. Observance of Code of Discipline is not a pre-condition for registration of the union.

8. For referring cases for adjudication, merits of disputes are considered. However, all such cases are sent to the Minister for final decision. Labour Commissioner's recommendations are usually accepted. (The Labour Commissioner will send a statement of cases referred for adjudication during the last 4 years along with details regarding the unions involved. The recommendation made and accepted/rejected in each case.)

9. There should be a legal provision for a ballot before going on a strike. At present strikes take place on the call of union officials. The choice of the President or Secretary of the union is foisted on all workers.

10. Works Committees have not been successful because management tried to use them as substitutes for trade unions. The remedy lies in compulsory recognition of unions.

11. For registration of a union, the minimum number of workers should be 10% of the total working strength.

12. Reply to Question 12(a) was modified to the extent that liberalisation in the overtime rules may cause retrenchment rather than avoid it.

13. (The Labour Commissioner will send a list of cases relating to victimisation.)

14. The number of gheraos on account of non-implementation of awards, agreements is not much. Its percentage amounted to 10 to 15 per cent. In 1967, out of 811 cases of gheraos only 22 related to non-implementation. There were however 151 cases of gheraos on account of non-payment of wages. The main reason for non-payment of wages was the

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inability of the employer to pay. (The Labour Commissioner will send a statement to the Commission giving details in respect of all such cases as also the name of the industry and the size of the units involved).

15. The exact statistics for violent gheraos are not readily available, but there were quite a number of such cases. (The Labour Commissioner will send to the Commission a statement in respect of such gheraos).

16. On the basis of information available in the Labour Department, the number of cases where payment of wages was not made but there were no gheraos was about 1500 in 1967.

17. Engineering industry is one industry where cases of non-payment of wages are many. (The Labour Commissioner will send to the Commission a detailed statement of cases of non-payment of wages, without gheraos, during the last two years). In quite a number of cases the call for gherao was not given by the union leaders and when they tried to intervene, they found it difficult to do so. In some cases gherao was due to immediate provocation.

18. Gheraos are a new feature. Dharnas have been there from earlier times but gheraos are more militant in nature. Dharnas were also not so common.

19. The facility for 'check off' for every union will give rise to multiplication of unions. Check off will be difficult from the administrative point of view. There is no guarantee that the employer will deposit union dues with a third party when even P.F. dues are not paid by him in some cases.

20. It is difficult to say, how far the method of interposing a third party for collecting union dues and keeping a record of the union members will succeed. It may be tried on a pilot basis.

21. The decline in the percentage of cases handled through conciliation can be attributed to increase in the number of disputes handled by them and the non-filling of posts of Conciliation Officers. In 1967, the number of disputes handled was around 13,000. Out of 9171 disputes settled, 2900 had been settled as a result of conciliation proceedings.

22. To make conciliation machinery more effective, attendance by the parties when called by the Conciliation Officers should be made obligatory and the officers should be given powers to this effect.

23. Conciliation Officers at higher levels should have the powers to arbitrate.

24. Progress of voluntary arbitration has been very slow in West Bengal.

25. In many cases Regional Labour Commissioner (C) was accepted as Arbitrator.

26. Common Labour Code containing basic definitions and provisions for all types of industries and workers is preferred.

27. Judges on the Industrial Tribunal are at present appointed from the judiciary only. Conciliation Officers and Labour Department Officers who have done good work should also be appointed as judges, they will be more useful because of their past experience in settling cases. Their appointment can be made by a selection committee, on which there may be a judge of the High Court.

28. For domestic enquiries into disciplinary matters, the method of interposing an Arbitrator should be given a trial in some areas. Independent persons may not be available in adequate numbers. But the employers may ask if Government would also be willing to accept this procedure in handling its own disciplinary matters.

29. The Labour Commissioner will send to the Commission a copy of the report on Agriculture Labour Enquiry conducted by the State Government Labour Department in 1961.