

ACTION TAKEN ON THE CONCLUSIONS OF THE 16TH SESSION OF THE STANDING LABOUR COMMITTEE

- Setting up of E.I. Divn to be welcomed; but progress achieved in the States rather unsatisfactory.
- Bombay Govts' reasons against setting up E & I machinery rather unconvincing, since industrial relations in Bombay are much too strained to be ignored - strike in Premier Automobiles, General strikes of 25th July, and impending general strike of Textile workers against the Mill owners' move to effect D.A. cut etc.
- Narrow view of the functions and scope of activities of the E.I. machinery will not help since the intention is to not only to carry out post-mortem examination of industrial conflicts, but also to 'keep an eye on danger spots in order to take remedial measures to eliminate causes of friction before it is too late'. Bill in the Bombay Legislative Assembly exempting certain Mills which are being taken over by the Government, from the operation of all labour enactments.
- Delhi to be cited as an example for its tardy implementation - in fact we seem to be requiring an implementation Committee for implementing the decisions of the E.I. Division!

Factors detracting from the usefulness of the Central machinery

- (i) Tendency to take things mechanically - to act as a mere post office for conveying versions of parties to each other - e.g. case of K.G. Hospital of Vishakhapatnam
- (ii) Lack of an investigating machinery inspiring confidence of parties etc.
- (iii) Subjective factor: Strike-consciousness without corresponding concern against Lockouts:

TYPICAL INSTANCES:

- (i) Lockout in Tata Foundry, Jamshedpur, rendering 3000 men ~~idle~~ idle for over a year;
- (ii) Lay-off in Atherton West and Kanpur Cotton Mills for over a year;
- (iii) Closure of certain mills in Coimbatore;

Action taken on the decision of the Standing Committee to curb the tendency to have recourse to courts on unsubstantial grounds

- Failure to bring into being the voluntary screening machinery in different states and territories;
- Tendency to have recourse to High and Supreme Court on the increase among the employers - e.g. cases of:-
  - (i) DCM Chemical Works
  - (ii) S.B. Mills individual case
  - (iii) Textile Mills Gratuity Case
- Arrangements whereby parties should report to Evaluation machinery within 3 months regarding proper and effective implementation of awards, settlements etc not put into effect.

Steps taken to implement Code of Discipline and Conduct

- Employers have so far been found reluctant to grasp the spirit underlying the 'Code';

e.g.

- (i) Little done so far to recognise Unions;
- (ii) Absence of a grievance procedure continues;
- (iii) Steps not taken even to popularise the letter of the Code, not to mention the spirit underlying it;

- Contradiction between professions and declarations, at Conferences Tripartite bodies, etc. and the practice at the level of the factory- Mr. Tata discusses and agrees with Mr. Dange in evolving the 'Code', but refuses to discuss with him the concrete problems of workers of Jamshedpur and also the concrete working of the 'Code' at that level. This is typical of the attitude of the employers in relation the implementation of the 'Code'.
- The Central Govts failure to implement the decision of the 15th Indian Labour Conference regarding setting up of Wage Boards in different industries;

Steps taken to reduce the no. of cases of non-implementation of awards by employers

- No. of cases cited is quite large, but still only a fraction of actual ones involving non-implementation;
- Position rather unsatisfactory;
- Unless there is improvement, some more effective remedy will have to be employed;
- No reason why cases of non-implementation on the part of employers should not be treated in the same manner as those on the part of employees;
- An enquiry should be instituted into non-implementation ~~awards~~ of awards in a few typical cases;
- It should be found out why State Govts. were waiting till the Central machinery intervened to secure implementation;
- More initiative on the part of State Govts. to investigate and secure implementation of awards etc. is urgently needed;
- Examples of Assam where Shree Tripathi is the Labour Minister (A large no. of awards remain un-implemented there despite repeated representations from workers).

Tendency among the employers to go to Courts to delay implementation of awards etc

- We agree with the observations that employers have recourse to courts to delay implementation in most of the cases;
- Other motives are to harass the workers or to induce loss of faith in their collective strength;
- It is also correct that such tactics of the employers are resulting in loss of faith on the part of the workers in the constitutional machinery and breeding industrial unrest;
- Reluctance to evolve a Screening machinery on the part of the employers; Cases in Delhi; How even proceedings have been stayed; (Recent judgement of the Allahabad H.C. in an individual case - Shamli Sugar Mills).

SUGGESTIONS (para 16)

- Immediate steps should be taken to put a restraint on the tendency to run to Higher Courts even on the most flimsy grounds;

- We donot see how statutory checks would violate any of the fundamental rights;
- In any event appeals on questions of fact should be barred, leaving aside substantial questions of law;
- At least orders of Stay, with regard to operation of an award or continuance of proceedings before a Tribunal should be rendered difficult to obtain;
- In all cases of appeal by the employers the Govt. concerned should assist the workers through legal aid etc.
- State Governments should be asked to secure the setting up of voluntary screening machinery within a specified period.

Other suggestions regarding implementation of awards, enactments etc in coal and mica mines

- Recommendations of the 5th Session of the Industrial Committee on Coal Mines regarding setting up Mine Boards, M.W. Act, Weekly Holidays, etc. not implemented yet;

SUGGESTIONS

- (i) Ind. Committee must meet more often - every 6 months instead of 2 years;
- (ii) Small Trp. Committee in the nature of Standing Committee (model of W. Bengal) should be set up to secure implementation - to meet every 2 months;
- (iii) Mining Inspector's report to be displayed at appropriate places in every pit, with a copy to every Regd. Union;
- Progress in popularising the 'Code' unsatisfactory;
- This is so even in case of public undertakings and Hospitals and dispensaries;
- Scant regard is shown to the spirit of the Code - Case of Danbar Cotton Mills, involving closure of a shift against the decisions of the ILC - insistence of legal rights
- Even the Govt. has lacked sense of urgency - why no steps have been taken to amend the S.O. Act.

SUGGESTIONS

1. Govt. should get the 'Code' printed in coloured wall posters and distribute to all factories and Unions;
  2. Thorough explanation of the Code and all that it stands for, to all officers in factories and undertakings should be undertaken as it is they who have to implement it in the course of actual day to day work.
  3. Conciliation machinery should be strengthened - Case of Daba & Co Maintenance of panels of names for investigating teams
- This should be done at all levels;
  - To begin with the Central Impl. Committee - one member from each side should form the Central team;

Item No. 5, Add " and of the extent of implementation of the decision of the Industrial Committee on Coal Mines " after " Assessment of the enforcement of Lab. Laws in Coal mines etc. Machinery for evaluation should be tripartite in character 2 : 2 : 1.

PROVIDENT FUNDS ACT - Assessment of enforcement in non-exempted factories  
(in view of evasion by a large no. of employers)

FACTORIES ACT - EXTENT OF EVASION SAMPLE STUDIES

E.S.I. Scheme: What has happened to the Report and recommendations of the sub-committee on E.S.I. scheme appointed in 1955?

Non-implementation of enactments etc

- Failure of State Govts. to shoulder responsibility properly -  
Case of Kalaswara Mills, Coimbatore - Arrests and agitation now taking place;
- Deplorable state of affairs in U.P. Disbandment of Works Committees in 1950 etc.
- Virtually hundreds of factories in Delhi are evading registration under the Indian Factories Act.

GENERAL

The question whether it is possible at a certain point to reconcile the requirements of law and order with the need to maintain and preserve industrial peace

- Frivolous prosecutions of T.U. workers should be avoided; misuse of Sec. 107 Cr. P. Code;
- Withdrawal of minor cases of breach of law - not involving violence - should be ordered whenever there is a compromise or settlement of a labour dispute;
- Undue restrictions of trade union activity by Government or employers continue - e.g. activities in workers colonies, refusal of permission to hold meetings, or use of loud speakers etc.
- Efforts to popularise the code.
- Jamshedpur Inquiry Report
- Tata Foundry - Premier Automobiles
- Procedure of verification for recognition purposes.
- Amendment the Standing order regarding ban on closures without notice as per section 21A 162 S.L.O. - In actual fact while closures going on.

Item 3

Why this change <sup>from</sup> for workers participation to co-operate in management in some papers.

2. In all cases joint committees as stated in the constitution not being set up. e.g. Indian Aluminium Co. and Tata Iron and Steel Co. Ltd.

3. Even in public sector the programme has not <sup>progressed well</sup> 1/3rd of the defaulting units are in public sector. Why?

4. Progress Report in respect of functioning of joint <sup>committees</sup> and ~~inspectors~~ decision should be circulated.

*Important*

ITEM 4

- EXPERT COMMITTEE FOR LEGISLATION ON MOTOR TRANSPORT WORKERS

The following note of dissent was submitted by workers' representatives on the Expert Committee:

1. Legislation should apply to all vehicles which are used for purposes other than domestic.

For domestic-purposes vehicles, less than 5 are to be exempt from Provident Fund, Medical Benefits and canteen facilities. Other resolutions regarding working hours, etc. to apply to them.

2. WORKING HOURS

Workers reps. view - 48 hours a week

Employers' view - 52 "

3. SPREADOVER

Workers' reps. view - 10½ hours per day

Employers' view - 12 hours per day

12 hours as mentioned in Factory Act cannot apply to transport workers because worker is not at liberty to move beyond the sight of the vehicle for any length of time though the interval may be more than 15 minutes and thus virtually remains on duty.

- copy of Note of Dissent submitted by Satish Chatterjee and Chandulal Shah

ITEM 5 - AMENDMENTS TO I.D.ACT

These are still being studied and I will try to bring legal opinion regarding each amendment to Bombay.

May be we have to suggest reference of this to a sub-committee which will consider it in a month's time because the time for its study was very short.

Item 6

The question of superannuation age is linked up with the retirement benefits and security of service. Yet there is no law guaranteeing security of service or permanency to workers who have satisfactorily served for any length of period.

As such the <sup>consideration</sup> question of superannuation age for industrial worker ~~is~~ is premature.

In Government Departments the superannuation age for Class III i.e., clerical cadre is 55 years and in some cases 58 years, which can be extended upto 60 years at the discretion of the employer. For industrial workers the superannuation age is 60 years. For woman workers there are no separate rules.

If at all this has to be fixed, the age limit should be 60 years.

Item 6 - SUPERANNUATION AGE

(P. 1.4.)

- This is a move by IJMA and should be opposed by us.
- Superannuation rules can only apply where (a) cadre is fixed and (b) permanency is assured. In the case of rationalisation in jute, neither of these conditions is fulfilled. Cadre position is being "revised" all the time. Permanency is, therefore, no longer a "right" of any worker, since the posts themselves are not permanent.

- IJMA wants to get superannuation age fixed in order to expedite reduction of total labour force, WITHOUT either (a) fixing total complement, or (b) ensuring corresponding new recruitments and promotions. They want to use it to get rid of maximum number of older workers who have acquired permanency, and cannot be retrenched directly without compensation.

It is not true that in absence of superannuation age, retrenchment of younger workers becomes inevitable - IJMA retrenches younger workers anyhow by keeping them as "temporary" or "casual", while older men are forced to tender "resignations".

Item 7

normal intervention

The cases for the ~~parade~~ of the Union Minister for Labour and Employment, whenever to resolve labour disputes <sup>arise out</sup> where either the dispute is long standing and efforts of its solution at lower level and also through the normal channel to the Ministry of Labour & Employment have not borne any fruit or is so pressing that the non-intervention is very likely to ~~result~~ causing disturbances in industrial peace.

invoiced  
invoiced

The code of discipline has just started coming into force. The general procedure is yet to become operative. If the code and the general procedure work well ~~the chances~~ there will be fuller <sup>general</sup> chances for such requests.

L. Comma

We agree that such threats normally when first reference is made to the Union Minister should be avoided. At the same time we do not consider that when all avenues of settlement fail and strike notices are ~~sent~~ and then a letter is written to the Union Labour Minister for his early attention intimating the position, it should be treated as a threat.

L. 22

Such references may have to be made from time to time and we expect the Union Labour Minister to weigh the gravity of the situation and intervene.

refers

We also want to point out here that while we are thankful to the Union Labour Minister personally and his personal staff for acknowledging such letters very promptly; the time lag that is taken in getting ~~requests~~ from the concerned Central or the State Governments and the communication of the decision of the Union Labour Ministry is too long - sometimes even when long struggles end and by the time ~~intervention~~ intervention is not so effective.

We would like this part of the Machinery also to move as swiftly as the acknowledging of letters apparently, ~~has~~.

Item 8

We suggest mixed team with more non-official representatives.

For various regions there will have to be different committees.  
Divide the country into five regions for this purpose.

Item 9 - ESI Scheme

- The problem is known to you (Dr. Ranen Sen)

As regards the suggestion for the co-option of the representatives in the sub-committee, for assessing the working of the Scheme, it would be advisable to include our representatives.

Last time, we had given intimation to the Ministry of Labour that if our representatives are not included in the Sub-Committee, we shall have to think of boycotting them. The two members representing the workers are there for long.

HOSPITAL FOR INSURED PERSONS AT KANPUR & MEDICAL FACILITIES  
FOR THE FAMILIES OF THE INSURED PERSONS .

NEED FOR HOSPITAL

Kanpur and Delhi were first to launch the Scheme. Kanpur has only two Hospital for a population of over one million people. The need for a Hospital was felt by the Insured Persons from the very start of the Scheme. The Corporation purchased a plot of land from its own funds over 2 years ago and asked the State Government to construct the building. The State Government pleading non-availability of resources refused to do anything in the matter. The matter was pressed locally inside the Local Committee and it was also raised in the Lok Sabha as also in the Tripartite Conferences.

The Local Committee now has been informed by the Regional Director that the Corporation has undertaken to meet entire cost of construction but left the work to the State Government. The State Government has sent a plan of construction for the building of the Hospital consisting of 104 beds and is said to be awaiting remission of funds i.e. Rs 21 lakhs from the Corporation to start the construction work.

CORPORATION MUST

REMIT MONEY

Now the Corporation has to okay the plan and remit the money at the earliest. Recently a T.B. patient - a young worker of about 26 years had to die because he could not secure admission to the Lala Lajpat Rai Hospital to which he was directed by the Medical authorities of the Corporation Dispensary. Another worker also died because he was refused admission in the Ursula H. Hospital by the attending M.O. Such cases of negligence and deaths are becoming a daily occurrence and one of the permanent remedies lies in the IFs having their own Hospital.

Hospital Must

T.B. Beds.

The proposed plan of the Hospital does not include plan for T.B. patients, the number of which in Kanpur is very high. A hospital for T.B. patients is an imperative need because the TB patients need hospitalisation in very many cases and without hospitalisation even the improvement that they make during their treatment gets neutralised because of the surroundings in which they live and also the type of food that they can secure during the period of their unemployment due to their being out of work.

EXTENSION OF  
MEDICAL BENEFIT  
TO FACILITIES.

The Corporation has enforced the Scheme in a few centres. In Kanpur too the operation of the Scheme is pending for a long time but has been delayed due to non-availability of funds from the State Government. We are told that the Scheme can be made effective as soon as the State Government is in a position to provide for about one and half lacs of rupees.

This matter has to be raised in the Standing Committee and some definite date and programme got to be fixed up.

( Han Asrey )

June 21, 1958

175  
Shri R.C.Saksena,  
Under Secretary to the Government of India,  
Ministry of Labour & Employment,  
New Delhi.

Sub: Agenda for the 17th Session of the  
Standing Labour Committee, 1958.

Dear Sir,

With reference to your letter No.LC-53(1)/58  
of 31st May 1958, we propose the following items for  
inclusion in the agenda for the 17th Session of the Standing  
Labour Committee:

1. Appointment of Wage Board for industries remaining  
to be covered vide decisions of 15th Indian Labour Conference
2. Reduction of hours of work in hazardous occupations.
3. Works Committees, their election and implementation  
of their decisions.
4. Grievance Procedure.
5. Formation of Industrial Committees of Transport,  
Building and Construction, Cement, Oil, Leather,  
Chemical, etc.
6. Subsidised Industrial Housing Scheme - loans and  
subsidies should be given to cooperative societies  
of employees in the public sector also on the same basis  
as given to societies of employees in the private sector.
7. Closure of textile and jute mills, manganese mines,  
tea gardens, etc., retrenchment in mercantile firms  
dealing with export-import business.

Please acknowledge receipt.

Yours faithfully,

*K.G.*  
*21/6*  
(K.G.Sriwastava)  
Secretary

No.175/NM/58  
September 10, 1958

Shri R.C.Saksena,  
Under Secretary to the Government of India,  
Ministry of Labour & Employment,  
New Delhi.

Sub: 17th Session of the Standing  
Labour Committee, Madras, Oct. 1958.

Dear Sir,

We have your letter No.LC-53(1)/58 dated 4th September on the above subject, but till the exact dates of the Committee meeting are known, it would not be possible for us to send you the names of our delegates forthwith.

Provisionally, however, we may state that Shri S.A.Dange, M.P., our General Secretary, will attend the Standing Labour Committee as our delegate, and he would be accompanied by an adviser.

All documents in connection with the above meeting intended for our representatives may please be arranged to be sent to this office.

Yours faithfully,

*17/9/58*  
(K.G.Srivastava)  
Secretary

10 OCT 1958

Immediate

L.C. 53(3)/58  
Government of India  
Ministry of Labour & Employment  
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From

Shri T.C. Gupta,  
Section Officer.

To

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

Dated New Delhi, the

9 OCT 1958

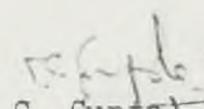
Subject:- 17th Session of the Standing Labour Committee Bombay  
October, 1958.

Dear Sir,

I am directed to refer to your letter No. 175/NM/58, dated 10th September 1958, and to say that the 17th session of the Standing Labour Committee will be held at Bombay on the 28th and 29th October 1958. As the time now left for the meeting is short, it is requested that the name of your delegate and adviser who will be attending the meeting may kindly be intimated immediately.

Yours faithfully,

d.a.nil  
\*M.L.\*9.10.

  
(T.C. Gupta)  
Section Officer



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MYSELF AVAILABLE FOR MEETING IF DANGE ABSENT

DANGESE

7/10/58

RANEN SEN

CARE JANASAKTI

MADRAS

STANDING LABOUR COMMITTEE MEETING BOMBAY 28TH AND 29TH

OCTOBER wire IF YOUK OR INDRAJIT WILL ATTEND IF DANGE CANNOT

SRIWASTAVA

175

No.175/NM/58  
October 11, 1958

Shri T.C.Gupta,  
Section Officer,  
Ministry of Labour & Employment,  
New Delhi.

Sub: 17th Session of the Standing Labour  
Committee - Bombay, October 1958.

Dear Sir,

We have for acknowledgment your letter  
No.L.C.53(3)/58 dated October 9, 1958. We here-  
by cancel the provisional nomination made in  
our letter No.175/NM/58 dated September 10, 1958  
and nominate the following persons as our  
Delegate and Adviser:

DELEGATE: Dr.Ranen Sen, M.L.A.,  
Vice President, AITUC,  
64-A Lower Circular Road,  
CALCUTTA 16

ADVISER: Shri K.G.Sriwastava,  
Secretary, AITUC,  
4 Ashok Road,  
NEW DELHI.

Yours faithfully,

(K.G.Sriwastava)  
Secretary

P.S. Please arrange to send relevant documents  
directly to the address of our Delegate,  
Dr.Ranen Sen, MLA.

No.175/172/58  
October 13, 1958

The Secretary,  
Ministry of Labour & Employment,  
Government of India,  
New Delhi.

Sub: Agenda for the 17th Session of  
the Standing Labour Committee, 1958.

Dear Sir,

We had forwarded certain items for inclusion in the agenda of the 17th Session of the Standing Labour Committee vide our letter of June 21, 1958.

We have since received the agenda for the 17th Session of the Committee which does not include any item suggested by us. We have also not been informed as to why the items suggested by us were not included in the agenda.

You will appreciate that if the practice of the Ministry of calling for suggestions from workers' organisations, is not to be reduced to a mere formality, the Ministry should least of all inform the organisations as to why these proposals were not acceptable to them.

Yours faithfully,

*(K.S. Sriwastava)*  
(K.S. Sriwastava)  
Secretary

Shri R.C.Saksena,  
Under Secretary to the Government of India,  
Ministry of Labour & Employment,  
New Delhi.

Sub: Agenda and papers for the 17th Session of  
Standing Labour Committee.

Dear Sir,

With regard to the papers in support of the agenda for the 17th Session of the Standing Labour Committee, you are requested to kindly furnish us the following information:

Item 1:

- 1) A copy of the Draft Model Gratuity Scheme
- 2) Proceedings of the last meeting of the Tripartite Committee for the institution of awards like "Shree Pandit".
- 3) The names of the States which have introduced legislations in respect of national and festival paid holidays and copy of reports from States on this subject, if any received.

It is suggested that corrected minutes of the meeting of the Sub-Committee on Worker Participation in Management and Discipline in Industry held on September 19, where Grievance Procedure was adopted be circulated with item 1 of the agenda, in support of sub-item 5(ix).

We would also like to get information if either in 15th or 16th Indian Labour Conference, or 16th Session of the Standing Labour Committee or elsewhere in any Tripartite Committee, there was any decision that representation to the central TU organisations on the various committees, boards, etc. is to be given in proportion to their membership. If so, a copy of the Minutes may be circulated.

Item 4: The cyclostyling of the report of the Special Committee on legislation to regulate the working conditions of motor transport workers (specially pages 2-3) and last D.O. letter are not very legible. As this is an important document, a clear copy may please be sent.

Further we would also like to know the position regarding 1(b) and 4 of item 1 of the agenda of 16th S.L.C., that were under consideration ~~be~~ pending.

Yours faithfully,

*K.G.*  
*Sriwastava*  
(K.G.Sriwastava)  
Secretary