



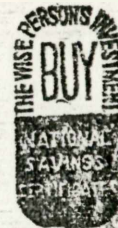
C-3

279



INDIAN POSTS AND TELEGRAPHS DEPARTMENT

No.



1269

31.3.59

Received here at H M

0 IK UDYOGAMANDAL 31

S A DANGE NEWDELHI.

A.K. Gopalakrishnan
Letter

..WORKERS INDIAN RARE EARTHS ELOOR STRUCK WORK 8 MORNING TODAY
STOP SETTLE DISPUTE REGARDING MEMORANDUM OF DEMANDS AND
DISCIPLINARY ACTION AGAINST UNION MEMBERS STOP PRAY INTERVENE
IMMDTELY..

SECRETARY INDIAN RARE EARTHS EMPLOYEES ASSOCIATION

The sequence of entries at the beginning of this telegram is—class of telegram, time handed in, number (CGST 01-15 HRS. for telegrams only), office of origin, date, service instructions (if any) and number of words.

This form must accompany any enquiry respecting this telegram.
MGIFPAh.—121—30-4-57—91,370 Eka.

1-4-59.

RARE EARTH EMPLOYEES UNION
EROOR
ALWAYE (KERALA)

YOUR WIRE STOP TRYING CONTACT MINISTRY STOP
SEND DETAILS DEMANDS

AITUCONG

April 1, 1959

Secretary,
Rare Earths Employees Union,
Eroor,
ALWAYE, Kerala

Dear Comrade,

We have received your telegram about the strike. In the absence of any details from your end about your demands, it would be rather difficult to move in the matter. However, we are moving through our MPs to the extent we can. We have sent you a wire to post us with the requisite details.

Com.Dange has gone abroad to attend the WFTU Executive meeting.

With greetings,

Yours fraternally,



Office Secretary

Copy to: Com.Balanandan,
Ernakulam Dt. Trade Union Council

Copy of letter from Ernakulam Dt. TU Council
Ernakulam
April 1, 1959

The General Secretary,
AITUC

Dear Comrade,

Our telegram regarding the Indian Rare Earths (P) Ltd. Always employees strike. The workers of the Factory were denied even the facility to represent any grievance through their Union,

They have put up a memorandum of demands for wage rise etc. in April 1957. The management as usual refused to negotiate and consider the same. The relations strained further. Some 4 months back some of the workmen and the canteen contractor had a hitch over the bad quality of the food materials supplied. The contractor used abusive language and the workers naturally thought to represent the matter to the Administrative Officer. At interval time they collectively went to the Office of the Administrative Officer representations may be taken against the canteen contractor.

But the officer immediately phoned up to the police stating that he is being obstructed by the workmen. Police officials appeared on the scene and asked the workers to go out and thus immediately obeyed. But the Company have framed charges against some workers and dismissed 6 of them. Those who have agreed to join the management sponsored IITUC were left free.

Ernakulam Conciliation Officer~~s~~ held a conference. But he could not effect a settlement. The dismissal took place during pendency of conciliation (of course with the permission of the officer). He never bothered to consult the Union whether they had objection in giving permission for dismissal.

Then the Union requested the Labour Minister to refer the matter for adjudication. That has also been turned down.

Workers staged sathyagraha in front of the factory gate for nearly 4 months. At last giving sufficient notice they struck work on 30th of this month. The strike is complete except a few administrative personnel.

I request that Prime Minister may kindly be contacted that the issues of this dismissal and general demands may kindly be referred for adjudication and further negotiations may be held. In that case we will advise the employees to report for duty.

Thanking you,

Yours faithfully,

4th April, 1959

Com. Balanandan,
Ernakulam Dt:Trade Union Council,
Ernakulam, Kerala.

Dear Comrade,

We received your letter of 1st April regarding the strike in Indian Ware Harths only today. On the basis of the details given by you, Com. A.K.Gopalan, has addressed a letter to the Prime Minister, a copy of which is enclosed. The reply is awaited. Meanwhile, the CLC and the Labour Ministry has also been approached, and a short notice question has been tabled in Lok Sabha.

We could not get any details of the strike from your trunk call because of inaudibility.

We shall let you know the result of our efforts by telegram.

Please see that, in future, this office is pasted with details of demands, etc. placed by unions in your district, about which you would require us to intervene. As you will appreciate, in the present case, we were unable to move quickly in the absence of requisite details of the issues involved in the strike.

With greetings,

Yours fraternally,



Office Secretary

Encl:

- Copy to: 1) Com. Balanandan,
C/O Communist Party,
ALWAYE, Kerala
- 2) General Secretary,
Kerala State Trade Union Congress,
TRIVANDRUM

A.K. GOPALAN
MEMBER OF
THE LOK SABHA



2 Windsor Place,
New Delhi

April 4, 1959

File
cm

Dear Panditji,

I am sorry to encroach on your valuable time on a small matter but since it falls directly under you in the Department of Atomic Energy, I cannot but, with all apologies, approach you in this behalf.

Perhaps it has been reported to you already that there is a strike in the Indian Rare Earths (P) Ltd, Alwaye, Kerala since the 30th March. This strike, I wish to point out, arose out of the mishandling of the labour relations by the authorities in the Alwaye factory. The union concerned, the Rare Earths Employees Union, had been agitating on a memorandum of demands since April, 1957. But no avenue of settlement was forth coming. However, the immediate cause of the strike was the extremely prejudicial manner in which the management resorted to victimization of six workers.

These six workers were dismissed for approaching, along with other workers, the Administrative Officer, to protest against the bad quality of food served by the Canteen contractor. This incident took place four months ago and during this period, the union has been conducting peaceful satyagraha, demanding reinstatement of the dismissed workmen. I am, therefore, constrained to point out that during this period, all attempts for a negotiated settlement failed. Therefore, the workers served a strike notice and finding that the good offices of the Central Labour Relations Machinery were not forthcoming to bring about an amicable settlement, the strike was called on 30th March.

It is, therefore, a matter of regret that in this important industry, the handling of labour relations has been extremely unsatisfactory. The Union has always been prepared for a settlement in terms of the legislative provisions for peaceful settlement of disputes, as for instance, by adjudication. But somehow this has been denied.

I would, therefore, request you to kindly give this matter your immediate attention and issue directions to authorities concerned to refer the dispute to adjudication. The union has assured me that the strike would be withdrawn when such a channel of settlement is made available to them.

Thanking you,

Yours sincerely,

(A. K. GOPALAN)

Shri Jawaharlal Nehru,
Prime Minister,
Government of India,
New Delhi.

INDIAN RARE EARTHS EMPLOYEES' ASSOCIATION

(1)

UDYOGMANDAL P. O.
ALWAYE,
FLOOR

Ref:.....

Date 6-4-'59.

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

Ref:- Your telegram dated 2-4-'59.

Dear Comrade,

In continuation of our telegram dated 31-3-'59, regarding the dispute and subsequent strike in the Indian Rare Earths (P) Ltd., Floor, Alwaye we hereby give the details. The strike is cent per cent successful and the Deputy Chief Administrative Officer is forced to close down the factory from 8-30 A.M. on 3-4-'59.

We submitted a memorandum of demands (copy attached herewith) to the Management I. R. E. (P) Ltd., on 24th April, 1957. The Conciliation Officer (Central) Cochin, has convened two conferences and he submitted a failure report to the centre on 29th January, '58. On 9th March, '59 we received a letter from the Ministry of Labour and Employment stating that Government of India do not consider the dispute fit for reference to an industrial tribunal for adjudication because the demands of the association are not justified.

We have submitted a memorandum to settle this dispute by convening a high level conference to the Central Ministers during their visit to Kerala State.

To

The Labour Minister, India on 24-9-'57.
Prime Minister Nehru, on 25-4-'58.
Deputy Food Minister, A. M. Thomas on 6-2-'59.

During the last two years the Deputy Chief Administrative Officer was taking most provocative actions against the workers and active members of the trade union.

1. On 27-7-57 the union's flag kept near the factory gate was forcibly hurled down and desecrated by the Deputy Chief Administrative Officer.

2. When the Government of India introduced the decimal coins, the rates for the articles of food supplied in the factory canteen were enhanced by one naya Paisa each by way of converting the prices and it resulted in a crisis for one month from 8-7-'57. At last an agreement was reached on 6-8-'57 and the Deputy Chief Administrative Officer was forced to fix up the rates according to the official conversion table published by the Government.

INDIAN RARE EARTHS EMPLOYEES' ASSOCIATION

UDYOGMANDAL P. O.

ALWAYE,
ELOOR

(2)

Ref: _____

Date _____

Again, the Deputy Chief Administrative Officer, violated certain clauses of the above conciliation agreement and created unrest among the workers.

3. The Union is not recognised. But there was a practice that the office bearers of the union who are workers were allowed to meet the Management and represent the matters inside the factory, even though there was no official records maintained in the office. This is stopped and subsequently the workers found it difficult to solve minor as well as easily adjustable issues.

4. On 25-9-'58 the canteen contractor abused and threatened a worker in side the factory. The workers collectively approached the work's Manager during interval time (12--12.30.p.m.) to complain against the contractor. He refused to hear them. In that situation they remained before his office for a reply. Police were called in. When the police officer informed the workers for the management that they ~~xx~~ will look into this matter before 12.noon next day, all the workers immediately went out at 5.p.m. The Management did not keep their word on the next day. Contrary to the workers' expectation they initiated disciplinary action against all the 85 workers assembled there. Six workers including the Joint Secretary of the Union, were dismissed, 53 were suspended for 7 days, 11 were severely warned and 15 were warned, on 23-10-'58. Four different kinds of punishments were given for the same action according to the degree of their trade union activities.

Before this incident till September '58 there were a total of 9 workers punished with suspension for cooked up charges. There are only 191 workers in the factory.

The Management's version of this incident is that the workers imprisoned the Works Manager in his room.

In this issue also, the Conciliation Officer submitted a failure report to the Central and the Ministry of Labour and Employment informed us on 10th March, '59 that they do not consider the disputes fit for reference to Industrial Tribunal for adjudication.

This is the second major point of dispute given in our strike notice. In view of the point that the issue of memorandum of demands should not drown in the midst of the side issues, the mass disciplinary action. Our President, with most good intention placed a suggestion to the intend of submitting an apology in this matter if the dispute regarding the memorandum of demands also settle along with this.

INDIAN RARE EARTHS EMPLOYEES' ASSOCIATION

(3)

UDYOGMANDAL P. O.
ALWAYE,
ELOOR

Ref:.....

Date:.....

But unfortunately that is now misinterpreted as a sign of weakness on our part.

5. In January, '59 Sri. E. M. Sabastian, Operator, Plant Section, Vice-President of our union is severely warned for a public demonstration arranged by the union in the public road quite outside the premises of the factory on 24th December, '58.

6. On 8th November, '58 we requested the Management to adopt a Grievance Procedure on the lines of the decision of the 16th Indian Labour Conference. It would be helpful in this industry as long as the union is not recognised. But that was also not implemented so far.

With regard to the issues of memorandum and mass disciplinary action, the Ministry of Labour and Employment has taken quite an unsympathetic stand. A similar reply has been given to the representation by Com. T. C. N. Menon M. P. also. So we are forced to launch a general strike after a period of 156 days of peaceful Sathyagraha at the factory gate. The six dismissed workers are still keeping outside.

Com: A. K. G. was also informed this matter. The State Government also agreed to appeal to the Central Government in this matter.

We request you to take speedy and effective steps in this matter to settle the dispute and open the factory now kept closed as per the Management's Notice.

If it is any way helpful for a settlement please try to fix up an interview with the Prime Minister and our President shall come over to Delhi on your information.

Expecting a word in reply and thanking you,

Yours faithfully,
For I. R. E. E. A.,



P. K. Sadanandan,
GENERAL SECRETARY.

Copy To:-

April 8, 1959

General Secretary,
Indian Rare Earths Employees'
Association,
Udyogmandal P.O.,
Alwaye, Floor

Dear Comrade,

Thank you for your letter of April 6th giving details of the demands and the issues connected with the strike.

We have already moved in the matter through our M.Ps. But no positive reply has been received either from the Prime Minister or from Labour Minister as yet. As soon as any reply is received we will inform you immediately.

If an interview with the Prime Minister can be possibly arranged with the Union Representatives and if it could be of advantage in effecting ^a speedy settlement we will inform you by telegram.

We assure you of our fraternal support and wish you speedy success.

With greetings,

Yours fraternally,



Office Secretary

Copy to:-

Com. Balanandan,
General Secretary,
Dist. Trade Union Council,
Ernakulam

219

April 14, 1959

General Secretary,
Indian Rare Earths Employees Association,
Udyogmandal P.O.,
Alwaye, Kerala State

Dear Comrade,

Further to our letter of April 8.

With regard to the strike, Com.A.K.Gopalan, Com.Vittal Rao and Com.S.M.Banerjee met the Labour Minister Shri Nanda today. Shri Nanda said that since the Prime Minister is not available in station, he is unable to do anything immediately. He however stated that he is calling concerned officials to discuss the matter. Shri Nanda also told that the factory is reported to be working as an "uneconomic unit" which clearly means some retrenchment, although he did not state it so explicitly. We are informing you about this so that you may not be caught unawares. It will also be necessary that public opinion is created against any such move, and it is also possible that this argument is advanced in order to deny your demands. However, we are waiting for the Prime Minister's return. As soon as any further developments take place, we will inform you.

With greetings,

Yours fraternally,



Office Secretary

Copy to: Kerala STUC

INDIAN RARE EARTHS EMPLOYEES' ASSOCIATION

UDYOGMANDAL P. O.
ALWAYE,
ELOOR

Date April 24, 1957.

Ref:.....

The Chief Administrative Officer,
Indian Rare Earths (P) Ltd.,
Udyogmandal P.O. Eloor.

Sir,

MEMORANDUM OF DEMANDS.

The present grades of pay and other conditions of service are far from satisfactory, even when compared with those obtainable in similar factories owned and managed by the Govt. Of India, like the Sindri Fertilizers. Even though in the previous agreement that the benefits allowed in the Sindri will be introduced here also, all of them have not been given effect to till now. And there are certain grades of pay which are comparatively lower and which needs enhancement at the earliest. Thus a keen need of improvement of pay and other conditions of working has been felt and hence this Memorandum of Demands. We request you to give your earnest consideration to these demands and let us have your reply before the 15th May, 1957.

DEMANDS.1. Grades of pay:- The following changes should be made in the classification and grades of pay of the employees.

- a. The classification of semi-skilled helper is superflous as there is practically no difference in their work and that of skilled-helper. So this classification of semi-skilled helpers should be abolished and all of them should be designated skilled-helpers and paid accordingly (that is Rs.60 to 75.)
- b. The unskilled helpers should be given the grades of Rs.40-2-80.
- c. The Office peons and sweepers and scavengers should be given the grade of Rs.35-15-50.
- d. The wriggers and moving and handling men should be given the grade of Rs.75 to 125.
- e. The four machinists now being the grade of Rs60 to 75 should be given the Machinists' grade of Rs.75 to 125, with retrospective effect from the date of grade revision as per the last agreement.
- f. The wrigger leader in the wriggling section should be given the grade of 100-5-150.
- g. The helpers doing the operation of the Thorium Drier should be designated Operators and paid Rs.75-125.
- h. The Lab Attendants should be designated Laboratory Assistants and put on the grades of 120-220.

INDIAN RARE EARTHS EMPLOYEES' ASSOCIATION

UDYOGMANDAL P. O.
ALWAYE,
ELOOR

(2)

Ref:

Date

- i) The increment of Rs. THREE in two years for the skilled helpers should be given as Rs.1 $\frac{1}{2}$ /-yearly increment.
- j. The allowance given to the electrical staff on the works side should be increased to Rs.25/- per month with reg prospective affect from the date of their working for greater number of hours in the week.
- k. The semi-skilled helpers in the stores doing the stencilling work should be designated stencilers and given the grade of Rs.60-1 $\frac{1}{2}$ -75.
- l. The painters should be given the grade of Rs.60-1 $\frac{1}{2}$ -75.
- m. Oiler in the maintenance section to be given the grade of operator grade III. Rs.75-125.
- n. Semi-skilled helpers doing the operators' work in the workshop and drum plant should be given the grade of operator grade III, Rs.75-125.
- o. Guards in the watch and ward section should be given the grade of Rs.60-1 $\frac{1}{2}$ -75.
- p. Winder in the electrical section to be given the higher grade.
- q. Packers in the stores to be given the higher grade of Rs.60-1 $\frac{1}{2}$ -75.
- r. Electrician cum cable jointer should be given the higher grade.
- s. Heavy duty drivers should be given the grade of senior drivers.
- t. Relieving operators in the pump-house should be given the operators' grade there.
- u. Junior fitter doing welders' job should be designated as welder and paid accordingly.
- v. First aiders should be given the grade of Rs.60-1 $\frac{1}{2}$ -75.
- w. One post of head welder should be created on the grade of Rs.120-220 as in Bombay.
- x. The operators should be classified into three categories and given the following grades:-
- | | |
|--------------------|-------------|
| Senior Operator. | 150-10-250. |
| Grade I Operator. | 100-05-150. |
| Grade II Operator. | 75-05-125. |

DEMAND II. BONUS. Three months' wages should be given as bonus for each of the years 1954, 55, and 56.

DEMAND III. LEAVE.a. One month's privilege leave and twelve days' casual leave per year should be granted as per the Sindri Rules.

INDIAN RARE EARTHS EMPLOYEES' ASSOCIATION

UDYOGMANDAL P. O.
ALWAYE,
ELOOR

(3)

Date.....

Ref:.....

DEMAND III. LEAVE. The reduction of leave effected in the case of Class IV employees from 1-1-'57 should be restored and they should be given the old leave privileges.

c. Twelve days' Festival holidays with pay should be granted to all the employees as in Sindel.

DEMAND IV. REST ROOMS AND MEALS.

a. A rest room should be provided for all the shift people in the 4-12 m.n. and 12-8 a.m. shifts people.

b. Tea and coffee should be supplied in night shifts also.

DEMAND V PROMOTION & ACTING.

a. Vacancies in the higher posts should be filled up by promotion from the next lower grade according to a policy to be evolved in consultation with the Association. The senior operators should be promoted as Assistant Foreman in vacancies as they have been acting as Asst. Foreman in all leave vacancies.

b. Acting in higher grades should be given from the immediate lower category according to the policy on promotion.

c. All the employees officiating continuously for six months or more in the permanent & vacancies should be confirmed in the respective posts, with retrospective effect from the date of such acting.

DEMAND VI. ALLOWANCES.

a. Shift allowance: Those working in the 4-12 m.n. and 12-8 a.m. shifts should be given a shift allowance of 10% of the basic wages.

b. House Allowance: Until such time as quarters are provided, a house allowance of 10% of the basic wages should be given to all the employees.

c. Eight ounces of milk free of cost should be given to the spray painters, welders, and those working in the attack, chloride and phosphate plants.

DEMAND VII. PROVIDENT FUND.

a. The limit of Rs.1,500/- fixed as the ceiling of annual income for granting of loans from the F fund for house construction should be raised to Rs.6,000.

b. The Board of Trustees of the Provident Fund should consist of equal number of representatives of the Management and the Members of the Fund, the latter being elected by them.

DEMAND VIII. HOURS OF WORK.

a. The hours of work of the Employees working in the General Shift should be eight, including a lunch recess of half an hour, that is from 8. a. m. to 4. p. m.

b. The shift system should be modified as ~~mixixix~~ obtainable in P.A.C.T.

INDIAN RARE EARTHS EMPLOYEES' ASSOCIATION

UDYOGMANDAL P. O.
ALWAYE,
ELOOR

(4)

Ref:.....

Date:.....

DEMAND IX. DEFINITE ALLOCATION OF WORK.

There should be definite allocation of work for each category of post and the employees should not normally be asked to do work other than theirs. **EXAMPLES.** Helpers from the filter press section are now being asked to work in Moore Filter and Chloride Plant during the 4-12-m.n. and 12-3-a.m. shifts even if they have work in their own section.

Helpers from Rare Earth Plant are asked to work in the Attack Plant and other plants.

DEMAND X. ADDITIONAL HANDS.

The following additional hands should be provided in addition to the existing number.

- a. In the Phosphate Filtration Section in addition to the Operator one more skilled helper per shift should be provided.
- b. In the Crystalliser Section one more skilled helper per shift should be provided.
- c. One Operator and one Helper should be provided for the Moore Filter in the 4-12-m.n. and 12-3-a.m. shifts.
- d. Sri. E.M.Jacob doing supervisory work for the past four years, even though designated an operator, should be confirmed as a Supervisor on a higher grade.
- e. One Office Attendant should be provided in Stores and Laboratory.
- f. One more Electrician should be provided in the 12-3-a.m. shifts and on holidays. At present there is only one electrician in the 12-3-a.m. shift for the whole factory and he has to attend to the sub-station also. This is the case on holidays also.
- g. One Senior Operator per shift should be provided in the Boiler Plant.
- h. One skilled helper should be provided in the Ball Mill.
- i. One Miller should be provided in the workshop for the milling machine and he should be given the Machinist's grade.
- j. Sri. V.T.A. raman doing supervisory work in Stores should be designated as Supervisor and paid a higher grade.
- k. One cleaner should be provided in the lorry.
- l. One skilled helper should be provided in the workshop.
- m. Senior cost sterman should be promoted to the existing vacancies for packers in store section.
- n. One Scavenger should be appointed to do scavenging work and to clean the lavatories.
- o. One senior machanic should be provided in the mechanical maintenance section.

INDIAN RARE EARTHS EMPLOYEES' ASSOCIATION

UDYOGMANDAL P. O.

ALWAYE,
FLOOR

(5)

Ref: _____ Date _____
p. One Head Peon should be provided each for Accounts, Administration and works departments.

q. A Do-all Operator and a Hammer-man should be provided in work shop.

r. One shift-in-charge per shift should be provided for watch and wardsection

DEMAND XII. Miscellaneous Demands

1. Confirmation. The canteen ~~xxx~~ employees should be confirmed in the service of the company and they should be given all benefits & allowed to the other permanent employees.

2. Overtime wages. Overtime wages should be given to the employees of watch and ward section for their excess hours of work from 1953 onwards.

3. Transport facilities should be provided to the employees falling sick either during a duty time or during off-duty time to go to the hospital.

4. Shoes should be supplied to the welders, electricians, Mechanists and the workers in the attack, chloride, and phosphate plants.

DEMAND XII. INDIVIDUAL OFFICERS E.

a. Sri P.Thomas in the stores should be given the promotion with a retrospective effect from the date of the others being promoted in the stores sect.

b. Sri T.M.Thomas, semi-skilled helper in the plant side should be promoted to the Light er grade from a date three months after the signing of the last agreement.

c. Sri.S.M.Nadhavan Pillay, should be given a post carrying a grade equal to the salary he was drawing as a butler.

We request you, once again to give your earnest consideration to these demands and let us have your reply before the 15th of May, 1957.

Yours faithfully,

For INDIAN RARE EARTHS EMPLOYEES' ASSOCIATION.

M. Sadanandan

GENERAL SECRETARY

c.c. The Conciliation Officer, (Centre) Ernakulam.

17 AUG 1958

Government of India
Ministry of Labour & Employment

OFFICE OF THE REGIONAL LABOUR COMMISSIONER (CENTRAL),
Wakefield House, Sprott Road, Ballard Estate, Bombay-1.

No. 80-1/4-11/57

Dated the 22nd May 1958.

To

- 1) The Chief Administrative Officer,
Indian Rare Earths Pri. Ltd.,
Army & Navy Bldg.,
148 Mahatma Gandhi Road,
Bombay-1.
- 2) The General Secretary,
Indian Rare Earths Workers' Union,
Aziz Baug (Bldg), Mahul Road,
Chembur, Bombay-38.

Sub:- Dispute between Indian Rare Earths Pri. Ltd.,
Bombay and the Indian Rare Earths Workers'
Union regarding charter of demands.

Dear Sir,

I am to forward herewith a formal report of conciliation on
the above ~~subject~~ dispute, for your information.

Yours faithfully,

(R. J. T. D'HELLO),
CONCILIATION OFFICER (CENTRAL)-1,
BOMBAY.

Encl. 1)

Copy alongwith a copy of the formal report of conciliation referred
to above, forwarded for information to:-

- (1) The Regional Labour Commissioner (Central), Bombay,
 - (2) The Chief Labour Commissioner, New Delhi,
 - (3) The Secretary, Ministry of Labour & Employment,
Govt. of India, New Delhi.
-

Report under Section 12(4) of the Industrial Disputes Act, 1947, in connection with the dispute between the Indian Rare Earths Pri. Ltd., Bombay, and the Indian Rare Earths Workers' Union, Bombay, regarding charter of demands.

Names of the Parties

1. Representing the Indian Rare Earths Pri. Ltd., (1) Shri G.Rajagopal Menon, Chief Administrative Officer.

Address:-

Army & Navy Bldg.,
148 Mahatma Gandhi Road,
Bombay-1.

2. Representing the Indian Rare Earths Workers' Union. (1) Shri G.Sundaram, President,
(2) Shri P.V.Bharathi, General Secretary.

Address:-

Aziz Baug (Bldg.), Mahul Road,
Chembur, Bombay-38.

The Indian Rare Earths Workers' Union, Bombay, had forwarded a charter of demands on the authorities of Indian Rare Earths Pri. Ltd., Bombay, on 22-8-57. As there was no favourable response the General Secretary of the Union forwarded the same charter of demands to this office on 16-10-57. Discussions on the above subject matter were held from time to time in order to find ways and means to resolve the dispute. In respect of some of the demands both the parties were persuaded to agree to certain terms and a settlement in the matter has been recorded separately. In respect of the major demands however there was no settlement and hence the conciliation proceedings were concluded on 20-5-58. The number of workmen concerned in this dispute is about 257. A report on the discussions held with the parties is given below:

Demand No. 1: Recognition of the Union:

2. The Union had demanded that the Indian Rare Earths Workers' Union which is a registered body under the Indian Trade Unions Act 1926, should be recognised as the sole bargaining agent. During the discussions on this issue, parties were informed that no conciliation could be held in this respect whereupon the Union agreed to withdraw the demand and take up the same direct with the Management.

Demand No. 2: standardisation of Muster and employment of additional hands etc.

3. The Union had demanded that standardisation of muster for all departments must be made and in the meantime additional helpers and operators should be employed to meet the immediate situation. Sufficient leave reserves should be kept on an emergent permanent basis in all departments.

4. The representatives of the Management stated that sufficient leave reserves have been provided for in the establishment. The Management have filled up four existing vacancies from 1-5-58 and they stated that they would watch adequacy of staff and in case there was increase in production, additional hands would be provided as the occasion warrants. It was agreed by the Management's representative that the matter will be locked into and settled in consultation with the Works Committee and if there is any difficulty in finalising this with the help of Works Committee or if there is any delay in the matter, the Chief Administrative Officer will finalise it.

5. The Union's representatives agreed to the Management's proposal and did not press for the demand.

Demand No.3: Standing Orders

6. The Union had demanded for supply and exhibition of Standing Orders in English, Marathi and Hindi. During the course of discussions it was observed that this matter is before the Regional Labour Commissioner (C), Bombay, and hence the Union agreed to withdraw the demand.

Demand No.4: Works Committee

7. The Union had demanded that a Works Committee should be formed and the representatives of the Union should be acknowledged for all purposes, in the interest of all the workers. The Management agreed to expedite the work of formation of works Committee as a result of which the Union did not press for the demand.

Demand No.5: Designation & confirmation:

8. The Union demanded that designations of the workers should be definite and proper. After a probationary period of three months the worker must be confirmed in service in writing. All existing workers who have been working now for more than three months and are still being considered as temporary must be given all the benefits due to them as permanent employees with retrospective employment. The Union also pointed out that there are many cases where the designations of the workers are vague with the result that work is extracted from them not in one place but all around. The Union further stated that there are some workers who are given a combined designation such as attendant/packer, cleaner/conductor etc. The Union also demanded that the Management should confirm all workers as soon as they have completed a probationary period of three months.

9. The Management's representative stated that every worker is being given a designation and after probationary period of six months if his work is found satisfactory he is confirmed in writing. As regards the few cases of combined designation pointed out by the Union, the Management stated that such a designation is given since the worker concerned is required to perform dual duties as per the designation e.g. cleaner/conductor is required to do the duties of a cleaner when he is not doing the duties of conductor and vice versa.

10. The Union felt that the practice of making a worker to do work other than he is designated to is in existence and they insisted that either the workman should be redesignated or he should not be made to work for which he is not designated.

Demands No. 6,7, and 8: Pay scales, Dearness Allowance and House Rent Allowance.

11. The Union's demand was that the proper and adequate grades and pay scales should be fixed and existing salaries enhanced with

before or beyond scheduled hours ~~work~~ work and on weekly off and holidays should be paid at double the rate of wages. The dearness allowances should be adequately revised with retrospective effect to provide adequate relief for the rise in living costs so long, the present allowance of Rs.15/- should be enhanced to Rs.25/-. The Union's representative stated that the present pay scales are very inadequate and it is impossible to make both ends meet for an average worker. From the statistics of the workers it is observed that the lowest paid worker gets a basic of Rs.30/- with an annual increment of Rs.0-8-0. He gets a total emolument of about Rs.87/-. From this he has to pay his bus fares and his coupon charges. It is seen that a worker has on an average five dependents. It is therefore very difficult for him to maintain himself and his family in a city like Bombay where the cost of living is increasing day by day. But the wages do not increase. A helper or an assistant to operator gets a basic pay of Rs.35/- and an annual increment of Re.1/- for which he has to slog as per the whim and fancy of his superiors. When compared to this a textile worker in Bombay easily gets a minimum of Rs.105/- which is under investigation by the Wage Board appointed by the Government, for the needed improvement. There are about 170 non-matriculates, about 40 matriculates, about 50 intermediates and about 20 graduates. The Union has observed that :

an average worker drawing Rs.30/- as basic, has about five dependents,

" " " Rs.35/- as basic, has about five dependents,

" " " Rs.60/- as basic, has about four dependents,

" " " Rs.75/- as basic, has about five dependents

and " worker drawing more than 75/- as basic has about seven dependents.

12. From these details it is seen that it is very difficult for a worker to maintain himself and his family with meagre income that he gets. Even other departments of the Atomic Energy have got better pay scales than that of the Rare Earths. It is a very convenient excuse for the management to dole out that the Board of Directors have to grant this and the Board of Directors have to grant that. Also it is not for on the management to plead lack of funds when any relief by way of better pay scales is asked for. From the press report of the 6th March 1958 it is observed that the Government has sanctioned a big amount to develop the thorium and uranium plant to get five fold production. The Government also sanctioned five percent of the amount as allowance to the Indian Rare Earths Pri. Ltd. It is therefore just and appropriate that the living wage of all the workers is also developed along with the development of the plant. Sometimes the management adopts an attitude as if the Rare Earths is a Government concern in which case the Union implores of them to give them all the facilities and amenities available to all the other concerns. In case the management feel to represent the Rare Earths as a Private Ltd., the Union implores that they get the benefits available to private Ltd., concerns in the nearby locality namely the Oil Refineries.

13. The present rise in cost of living warrants an increased dearness allowance. Therefore the dearness allowance also should be increased to meet the varying changes in the market prices of consumer and utility goods.

14. As regards house rent allowance the Union stated that this allowance is very less when compared to the amount of Rs.30/- which the average worker has to pay for a dwelling like that of the industrial Housing Board's tenements at Chembur etc. which has been referred to by the Hon'ble Prime Minister during his visit as pigeon holes. The Union has found that many of the workers either do not possess a house or in case they possess, they have to pay high rent. The worker has to sacrifice some of his other needs for paying his house rent. In case the worker is not able to pay he unfortunately becomes eligible for an eviction. Even in the meagre house rent that the company is giving at present, it is found that there is a difference in that paid in Apsara or in any other government concerns. There is a difference ranging upto Rs.7/8/- p.m. in the house rent and compensatory allowance that is being given to many of the workers. The Management has also been charging the watch and ward for the shack that has been provided for them. It is hence desired that the management increases the house rent allowances and pays the difference with retrospective effect as asked for in clause 8 of the charter of demands. The management should not charge the rent from the watch and ward as they are doing at present.

15. The Union's representatives calculated minimum wages on the basis of recommendations of the 15th Indian Labour Conference held in New Delhi on the 11th July '57 and as per the paper entitled 'Determination of the Minimum Wages' prepared by the Study Group of the Labour Ministry and circulated to that conference. In this connection the Union submitted a statement of calculation of minimum wage and a comparative statement showing the present wage rates and the wage rates demanded by the Union. Both the statements are attached herewith as Annexure 'A' and 'B'.

16. The Union's representatives stated that they have a right to make a demand for a fair wage but for the present they wanted to restrict to the minimum wage only. The Union made a reference in this connection to the statements by Shri G.D.Ambekar, IATOC leader and Shri S.A.Dange, M.P., Communist Leader, before the Textile Wage Board, in which minimum wage of Rs.150 and Rs.220 has been urged respectively by the leaders, for a textile worker. The Union's representative further stated that according to their calculations, the minimum wage for the lowest category comes to Rs.183.75nF. whereas their demand for the lowest wage is Rs-130.50nF and the maximum in the scale of the worker is Rs.182.50nF as shown below:

Scale	60	-3-75-5-	100
Dearness Allowance	...	55	55
House Rent Allowance	...	15	15
Compensatory Allowance	..	<u>7.50</u>	<u>12.50</u>
Total emolument		<u>137.50</u>	<u>182.50</u>
Less for Provident Fund		<u>7.00</u>	<u>10.00</u>
Total cash received in hand		<u>130.50</u>	<u>172.50</u>

17. The Union contended that their demand is justifiable as they have limited themselves in their demand to ensure minimum wages and that too on a very modest...

The Union has also assumed while making this demand for wages that there will be no reduction on account of charges for the bus transport which is covered by their Demand No.13. It was mentioned that the Union accepts the basis of dearness allowance, house rent allowance and compensatory allowance on the government scale. Their demand is only to revise the basic wages to reach the minimum target, with retrospective effect from August 1955 at any rate from March 1956 at least.

18. As regards the dearness allowance, the Union finally stated that taking into consideration the revision of the scales asked for by them, the demand for increased D.A. is not pressed.

19. In this connection the Management's representative stated that proper and adequate scales of pay have been fixed and those correspond to grades as are applicable to similar Establishments sponsored by or run by the Govt. of India or Organisations under the Govt. of India. Overtime allowances are being paid as applicable under the act and these allowance are double the normal rates. The Management however subsequently reconsidered the whole issue and it was decided to recaterorise workers as below:

- | | | | |
|-----|--|-------|-----------------|
| (a) | Sweepers Peons, Unskilled Helpers
and Gardeners | | No change |
| (b) | Semi-skilled Helpers | | Rs.40-1-50-2-60 |
| (c) | Skilled Helpers | | Rs-60-3/2-75. |

The Management further agreed to revise the grade of Store Attendants/Packers, Tool Crib Attendants, Compounders etc. from 60-3-81-EB-4-125-5-130 to B. 75-3-105-5-125.

20. As regards dearness allowance and house rent allowance the Management's representative stated that these allowances paid to this Company conform to the Government of India rates. The employees are also paid City Compensatory Allowance in addition to these allowance. The Management further agreed to treat 5% of the dearness allowance as "dearness pay" for the calculation of House Rent Allowance and Compensatory Allowances on the Govt. India rates. It was pointed out that as a result of this m of D.A., a workman drawing a basic salary of Rs.40/- will now Rs-15/- as house rent allowance as against Rs.10/- drawn by him hitherto. Thus the total emoluments drawn by a person with salary of Rs.30/- (the lowest category - peons, swe pers) will be Rs.97.50. Majority of workers are helpers who draw the minimum basic pay of Rs.40/-. They will now get a total salary (including allowances) of Rs.110/- as against Rs.97.50 which they draw now. This would mean substantial increase in their earnings. The Management's representative stated that in view of this there is no justification for revision of pay scales and allowances in their establishments.

Demand No.9: Shift Allowance

21. The Union demanded that all the shift workers should get a monthly shift allowance of at least Rs.15/- with retrospective effect, and stated that the majority of the workers are on duty during the shift work and the shift changes. The workers are forced to have more expenses during the shift than during the general working hours. To meet the extra expense it is necessary that the workers are given a shift allowance which shall be a minimum of Rs.15/-. The system of shift allowance is observed in all respectable concerns including oil refineries. There are many other such concerns which give an extra payment such as shift allowance as has been the case in the Union.

22. The Management's representative contended that the shift work is done in almost all factories and as such this is not a special feature warranting the grant of any additional allowance. The Management therefore was not agreeable to concede this demand.

Demand No.10: Plant Allowance

23. The Union's representatives demanded that a special allowance should be given to any worker who is working in or has to go to the plant for doing his work and such allowance shall not be less than Rs.15/-. In support of this demand the Union's representatives stated that all the heavy chemicals such as sulphuric acid, hydrochloric acid, hydrofluoric acid, nitric acid, caustic soda and many other chemicals, ~~which are~~ ~~used here.~~ ~~The workers~~ ~~have to~~ ~~come in~~ ~~contact~~ ~~with~~ ~~all~~ ~~chemicals~~ ~~fumes~~ ~~etc.~~ The hazards of working in the midst of all these dangers cannot be evaded. The Union's representatives described some difficulties which the workers have to undergo and the after effects of working in the poisonous and polluted atmosphere. They have to maintain their health such that will combat the evils caused by these chemicals. They must take nourishing food and other tonics etc. and preserve their health. For this purpose the workers who work in the plant and need an extra dose of health should be given a special allowance to spend on recouping their health so that they will be able to keep themselves fit. This should be given to all the workers ~~who~~ who have to do some or the other work in the plant.

24. In this connection the representatives of the Management stated that the Chemicals used in their Factory are those normally used in other Chemicals Plants and cannot be treated as dangerous or hazardous. Adequate safety measures are being adopted by them so that the workers do not come in direct contact with these chemicals. In view of this the Management expressed their inability to agree to this demand.

Demand No.11: Washing Allowance

25. The Union demanded that the present washing allowance of Re.3/- should be enhanced to Rs.3/-. The present practice of deducting some money, if a worker is absent for some days should be stopped. Otherwise the Company should arrange to get the clothes washed. The Union's representatives, in this connection stated that the Company that the Company has provided ~~them~~ the workers with three sets of working clothes. The washing allowance that was being given was Re.1/-. They used to out an amount of 0-0-6 for every day that a worker was absent. This was stopped recently. But the amount of Re.1/- has not been enhanced to Rs.3/- as has been asked for in demands. It is obvious that if a worker should come neatly dressed in this vital company of the Atomic Energy where many foreign visitors pay visits, they should have to change their clothes at least once in three days. For this purpose it is seen that the amount paid for the washing is very little. At the rate of Rs.0-2-0 per piece at least Rs.3/- should be given so that the workers may come to work well dressed. If this is not possible the only other alternative is that the Company arranges to have its own washerman who will wash the clothes.

26. In this connection, the Management's representative stated that washing allowance at the rate of Re.1/- per head per month is being paid to all workers who have been provided with uniforms. This is based on Government of India rates. No deductions are made for a few days of absence unless the absence is for one calendar month or over. This rate is fixed taking into consideration the prevalent washing charges of 12 naye paise per piece. This allowance will, therefore, ~~be~~ sufficient if the washing is

No further increase is, therefore, possible. The suggestion that the Company should take over the responsibility of washing the uniform in lieu of allowance is also not agreeable to the Management.

Demand No.12: Bhatta

27. The Union had demanded a bhatta of not less than Rs.3/- to any worker who has to go for outdoor duty, and that the workers should also be given travelling facilities. On discussing the matter, a settlement was reached in this issue which has been recorded separately.

Demand No.13: Transport

28. The Union's representatives stated that the Company was giving an allowance of eight annas per day to every worker when there was no conveyance. When the Company's bus service started, the allowance was stopped. For some time free transport was provided. After some months the Company started charging its workers as follows:

Dadar Western	Rs.8/-
Dadar Tram Terminus	Rs.6/-
Chembur	Rs.4/-

~~After~~ These rates were increased after some months as follows:

Dadar Western	Rs.10/-
Dadar Tram Terminus	Rs. 8/-
Chembur	Rs.6/-

29. The Union therefore demanded that the Company should stop charging its workers for the transport, and also should reimburse all the amount paid by them, and also all the workers should be given travelling facility. In support of their demand the Union's representatives further stated that the Company is giving the workers bus facility but it has deprived the workers of the allowance the Company was giving. The Company can be justified only if the bus service was free for all workers but the poor workers have to through their nose. The Union therefore reiterated that the Company should arrange for free transport of all the workers and also to reimburse all amount paid by the workers to date, and the bus facility should be available to all the workers.

30. In this connection the Management's representative stated that with effect from 1-6-58 they have agreed to revise the rates from Rs. 10/-, 8/-, 6/-, and 4/- to Rs. 8/-, 6/-, 4/- and 3/-. It was further stated that the charges are reasonable and the transport is heavily subsidised. The charges levied do not cover the actual running expenses of vehicles. It was also mentioned that no other organisation provides such transport. The Management therefore did not agree to concede this demand.

Demand No.14: Payment of Wages

31. The union had demanded that all the payments of wages of salary should be made on the first of every month. The present mode of payment should be stopped and the payment should be made in covers on which details of additions and deductions etc. should be given. The payment should be made available on the morning onwards. During the course of discussions, the Management stated that payment of wages if done strictly in accordance with the Payment of Wages Act and the question of payment in envelopes with details printed thereon or issue of a 'Pay Slip' will be considered. As the banks open only at 10-30 a.m. the management showed their inability to make payments in the morning but assured that effort will be made to make payment as early as possible. The Union agreed to the payment of the

be made on the 1st of every month as is being done in the sister concern at Alwaye. The Management however expressed their inability to make payment on 1st of every month.

Demand No.15: Working hours

32. The Union had demanded that the lunch hour should be included in the daily eight working hours and there should be an interval of at least an hour as the present half an hour's interval is very less. It was stated that the working conditions are such that a worker will have to spend at least ten minutes to clean his hands. After strenuous work it is very difficult for a worker to finish his meals etc. within 20 minutes and resume duty. It is therefore essential that the lunch time should be one hour. As the factory is situated very far away from the residences of the workers it is necessary that the working hours should be eight hours so that the worker may be able to spend at least the evenings with his family.

33. The Management's representatives stated that the working hours are fixed in accordance with the Factories Act, 1948, and the Company is not in a position to deviate.

Demand No.16: Bonus

34. The Union had demanded bonus of six months wages for the years 1955 and 1956. In this connection the Union's representatives stated that the Company has been doing flourishing business since the productions started. The profits are due to ardent efforts and the sweat of the workers. It is therefore only appropriate that a bonus is given to all the workers for the above two years and also for the year 1957.

35. The Management's representatives stated that the Company is running at a loss and hence it is not in a position to pay any bonus.

36. The Union's representatives therefore stated that in view of the statement of the Management that the Company is running in loss, their final demand is for payment of bonus equivalent to at least one month's salary for each year. It was further mentioned that because the wages of the workers have been very low there should be some adequate compensation in the shape of at least one month's bonus for the years 1955, 1956 and 1957.

37. The Management's representative reiterated their statement that the Company is running in loss and is not in a position to consider this demand. It was further stated that the Plant at Bombay is owned by Government of India and the Company is given ad-hoc amount of rupees two lakhs per year for the management of the unit. For production the Company does not get any profit. In view of this the Management's representatives showed their inability to accede to the demand for bonus.

Demand No.17: Provident Fund

38. The Union's demand was for enhancement of provident fund contribution from 6-1/4% to 8-1/3%. During the course of discussions a settlement was reached on this issue and the same has been recorded separately.

Demand No.18: Gratuity

39. The Union had demanded that gratuity should be paid at the rate of one month for each year of service. The Union's representatives stated that any worker who is retiring from the service or his services are being dispensed with should be paid gratuity at the rate of one month for each year of service put in by him. They referred to the gratuity schemes in the Glaxo Laboratories, Imperial Chemical Eastern Chemicals

40. The Management's representatives stated that payment of gratuity is not possible under the present conditions in which the Company is working.

Demand No.19: Leave

41. The Union had demanded that leave should be given as follows:

	<u>Existing</u>	<u>Demanded</u>
Privilege leave	20 days*	30 days
casual leave	7 days from 1-1-58	10 days
Sick leave	10 days	15 days with full pay and 15 days with half pay.

* 14 days upto 1-1-58 after which it has been increased to 20 days.

It was also demanded that sick leave should be permitted to be accumulated for the entire period of service. In this connection the Union's representatives stated that from the demand it is clear that only 20 days privilege leave is available at present to the workers. From the number of days the workers have taken leave during the last year and the previous, it is seen that many of them have had to take more than 14 days, when privilege leave was only for 14 days. All the extra days taken were on loss of pay. From the general survey it is observed that the people who had taken leave were invariably suffering from defects in their whole system. This shows that the number of days is inadequate. Further the work in the Company especially in the regular process and the allied departments as rubber lining etc. is very hazardous and dangerous. The worker comes in contact with all the heavy chemicals, fumes, dusts, powders etc. which affects his health. The worker has to recoup his health for which at least a minimum of one month vacation for a change of climate is essential. Therefore the privilege should be made as one month instead of 20 days.

42. It was further stated that formerly there was a casual leave of 5 days. From 1-1-57 it was made as 7 days. It will also be seen from the leave applications received by the Company that there are many cases where workers had to take leave on loss of pay on such days as could have been easily accommodated in the casual leave by making 10 days. This includes singled out days when the worker had to take leave for one or two days because of some minor ailments for which it may not be possible to furnish a medical certificate. Many of the workers, it will be observed, have been taking leave when they were sick and it is invariably more than 10 days that has been allotted. When it is more than the sick leave permitted the worker has to depend upon the privilege leave which as matter of fact is for recreation/vacation after some months of continuous strenuous work. It is essential that the sick leave is permitted as has been asked for in their charter of demands. To substantiate this the Union's representatives made references to the ailments of some the workmen.

43. The Management's representatives had stated that reasonable quantum of leave is granted and they are granting in addition 7 days casual leave and 10 days sick leave on full pay, even though these are not provided for in the Act. In view of this they do not see any justification to consider the Union's demand.

Demand No.20: Accident Leave

on duty the company must bear all the expenses and also give full pay for such period, as the worker may not be in a position to resume duty with retrospective effect. During the course of discussions a settlement was arrived at between the parties and the same has been recorded separately.

Demand No.21: Public Holidays

45. The Union had demanded 14 public holidays excluding all national holidays, viz. Independence Day, Republic Day and Mahatma Gandhi's Birthday. The Union's representatives in this connection stated that as the workers in the factory hail from different communities and their religious functions also fall on varied days it is essential that the 14 days asked for in the demands excluding the national holidays should be acceded to. As the majority of the workers are from the working class they felt that the day of working class viz. May Day should be one of the 14 holidays so that this day may be celebrated by the workers also along with their international brother workers.

46. The Management's representatives stated that the Company was granting 10 days as public holidays upto 1-1-58 after which they have been increased to 12 days, no additional holiday is possible. In respect of the May Day the Management's representative stated that this holiday if desired can be granted within the 12 days. The Management therefore expressed their inability to concede this demand of the Union.

Demand No.22: Canteen

47. The Union had demanded that the canteen should be run by the Company with its present staff and it should not be given to contractor. During the course of discussions this demand was not pressed by the Union.

Demand No.23: Medical Facilities

48. The Union has demanded that there should be at least one compounder for each shift. An ambulance should be maintained at the factory site and it should be made available all the 24 hours. As the Company is of a particular and peculiar type, where all types of complicated diseases occur, there should be a specialised doctor, who should be available at least 4 hours every day. There should be a separate room for the dispensary in the factory site. All expenses should be borne by the Company and the bills incurred by the workers to date, should be reimbursed. No one should be insisted upon to produce a medical certificate for two or three days. All medical expenses for the families of workers should be borne by the Company. This shall include maternity etc. The Union had also demanded that all the workers should be examined periodically and bathing facilities should be given to all the plant and allied workers, and washing facilities to all the workers. During the course of discussions the Management agreed to provide a part-time Medical Officer by about 15th June '58 and also agreed to consider the rest of the points raised by the Union as a result of which the Union has withdrawn the demand.

Demand No.24: Protective Equipment

49. The Union had demanded that the latest and most upto date equipment should be used for the prevention of accidents and for protection and precautionary methods should be adopted so that the worker will not be exposed to any dangers which will affect the health.

50. The Management's representative stated that necessary protective equipment is already being provided. The same is being reviewed in consultation with the specialist of the Atomic Energy Establishment. It is proposed to provide

51. The Union's representatives did not press the demand in view of the Management's proposal.

Demand No.25: Living Quarters

52. The Union had demanded that proper living quarters should be provided to all the workers. To this the Management's representative stated that the construction of living quarters for the workers is under consideration by the Department of Atomic Energy. The Union stated that as the present living conditions of the workers in general is becoming very acute, it is essential that the living quarters should be given top priority.

Demand No.26: Uniforms

53. The Union had demanded that all the Company's workers should be supplied with uniforms every year and the uniforms should consist of a foot wear and also a head dress and that the mending of the clothes should be done by the Company. The Union's representatives stated that it has been observed that the shoes and the hair of the head is affected by the acidic fumes and acidic or alkaline water which may come on the floor of the plant. The shoes do not last for more than two or three months. Therefore the Union's representatives demanded that the Company should supply the head-dress and shoes just as that of in other companies like Shell Refineries etc.

54. In this connection the Management's representative stated that all workers are supplied with three sets of clothing every year. This is considered to be more than adequate and it does not appear to be a reasonable demand to expect the Company to carry out the maintenance of these clothes which is clearly the responsibility of each employee to whom the same has been issued. The Management's representative stated that they have undertaken to provide for head-dress, but it is not possible for them to provide footwear as demanded by the Union.

Demand No.27: Promotions and annual increments

55. The Union had demanded that promotions should be given according to seniority and merit. First chance should be given to workers in the Company. The vacancy should not be filled by taking hands from outside. Adequate acting pay should be given to any worker who has to work in the place of any other worker. Annual increments should be given alike and no discrimination should be made. During the course of discussions a settlement on this issue was reached between the parties and the same has been recorded separately.

Demand No.28: Recovery of Damage

56. The Union's representatives had demanded that in case of any damage to tools or machinery during the work, the worker should not be charged for the cost. In this connection they cited some cases where the workers were punished for alleged damages to the tools. It was demanded that when the tools or machinery breaks as a result of accidents the Management should not charge the worker for the same.

57. In this connection the Management stated that no recovery is made from the worker in respect of damages caused due to fair wear and tear and unavoidable accidents. In cases of damages due to wilful negligence or deliberate action the Company cannot be expected to bear the cost. In such cases, the relevant provisions of the Payment of Wages Act are being followed.

Demand No.29: Insurance

58. The Union demanded that the Company should insure every worker and the payment should be made for each individual. It was mentioned

and the heavy chemicals and the final process of the production which is hazardous and dangerous it is essential that the workers are insured by the Company. The Union expressed that they will be satisfied if the Management agrees to introduce group insurance scheme in accordance with the announcement of the Railway Minister in the Parliament.

59. The Authorities stated that it is not possible for them to concede this demand.

60. In view of the above discussions on all the demands there was no possibility of an amicable settlement on many of the issues. The Union wanted a reference of these issues to arbitration to which the Authorities were not agreeable. The Conciliation Proceedings were completed on 20th May 1958.

(R. J. T. D'NELLO),
CONCILIATION OFFICER (CENTRAL)-1
BOMBAY.

Bombay

Dated the 22nd May 1958.

ANNEXURE 'A'

At prices (Published in "Labour Gazette" Bombay)
Prevailing in November 1957 for which the Index
figures is 303

<u>Commodity</u>	<u>Quantity</u>	<u>Price</u>	<u>Per</u>	<u>Amount</u>
<u>Cereals 14 ozs.</u>				
Rice	3.5	0.78	Seer	0.09
Wheat	1.5	0.37	"	0.02
Jawar	4.5	0.51	"	0.07
Bajri	4.5	0.54	"	0.08
Pulses-Turdal	3.0	0.58	"	0.06
<u>Vegetables - 10 ozs.</u>				
Potatoes	5.0	0.20	½ Seer	0.06
Onions	1.0	0.19	"	0.01
Bringals	4.0	0.30	"	0.08
<u>Milk</u>	10.0	0.92	Seer	0.29
<u>Sugar 2 ozs.</u>				
Raw Sugar	0.25	0.34	½ Seer	0.01
Sugar (Refined)	1.75	1.03	1 "	0.05
Vegetable oil (Sweet)	1.0	0.81	½ "	0.05
Ghee (Vanaspathi)	1.0	2.67	2 Lbs.	0.08
Fruits (Bananas)	2.0	0.50	DOzn.	0.04
Fish	1.5	0.41	"	0.04
Mutton	1.5	1.17	½ Seer	0.11
Egg	1.0	0.12	1 No.	0.12
				1.26 per day
				37.80 per month
				of 30 days.
	For 3 C.U. Total food requirements			<u>113.40 per month.</u>
2. <u>Clothing:</u>	Females clothing average price Rs.1.19 per yd. Males " " " Rs.0.95 " "			
	Average for all at Rs.1.07 per Yd. for 6 Yds. 0.42 P.M.			
3. <u>Housing:</u>	(As per subsidised housing (B.H.B lowest for industrial Workers in City)			
				<u>27.00</u>
			Rounded to	Rs.146.82 P.M.
			Rounded to	Rs.147.00 P.M.
4. <u>Fuel, Lighting and other miscellaneous items of expenditure</u>				<u>Rs. 36.75</u>
	Total per month			<u>Rs. 183.75</u>

MEMORANDUM OF SETTLEMENT

NAME OF PARTIES

Representing employers:

1. Shri C.Rajgopal Menon, Chief Administrative Officer, Indian Rare Earths Pri. Ltd., Army & Navy Bldg., 148, Mahatma Gandhi Road, Bombay-1.

Representing workmen:

1. Shri G.Sundaram, President,) Indian Rare Earths Workers' Union
) Aziz Baug(Bldg),
2. Shri P.V.Bharathi, General) Mahul Road, Chembur,
Secretary,) Bombay-38.

Short Recital of the Case

The Indian Rare Earths Workers' Union, Bombay had forwarded a charter of demands to the Authorities of Indian Rare Earths Pri. Ltd., Bombay, on 22-8-57. As there was no favourable response the General Secretary of the Union forwarded the same charter of demands to this office on 16-10-57. Discussions on the above subject matter were held from time to time in order to find ways and means to resolve the disputes. In respect of some of the demands there was no settlement and the conciliation proceedings in respect of the whole matter were concluded on 20-5-1958. A failure of conciliation report where no settlement was reached is being submitted separately. On some of the issues however there was settlement between the parties. The terms of the settlement are given below:

Terms of Settlement

- 1) Payment of Bhatta(Demand No.12):- It has been agreed that payment of out of pocket expenses for transport and Re.1/- for meals should be made to the workers on outdoor duty.
- 2) Provident Fund(Demand No.17):- The management have agreed to increase the Management's contribution to 8-1/3% of basic pay and D.A. as and when a legislation to that effect comes into force under the provisions of the Employees' Provident Fund Act.
- 3) Promotions and Annual increments(Demand No.27):- It has been agreed that the workmen shall have a right of appeal to the Chairman through the Administrative Officer in respect of promotions and annual increments, in case an injustice is done to the workers.
- 4) Accident Leave(Demand No.20):- In the case of accidents occurring while the worker was in performance of his duty and which disables the worker from attending to his duty the Company shall grant him 'accident leave' with full pay under medical advice, provided that:

- (i) the accident is not due to wilful negligence on the part of the worker,

(iii) the same is certified by the Company's Medical Officer (when one is appointed) as being of such magnitude as to necessitate the worker to be absent from duty. In the absence of the Company's Medical Officer, the same will be certified by Government or Municipal Hospital where the worker will either be admitted or treated.

The Company's Medical Officer or *Authorised Medical Attendant will be sole judge to certify as to whether the worker is fit for duty or not. If a worker refuses to be treated by the Company's Medical Officer or to be admitted to a Government or a Municipal Hospital he shall not be entitled to the benefit.

*Note:- For the purpose of this para 'Authorised Medical Attendant' shall include, in addition to the Company's M.O., Medical Officers of Government or Municipal Hospital where the worker is given medical aid, and shall not include any others.

WITNESSES

SIGNATURES OF PARTIES

- 1.
- 2.

- 1.
(G.Rajagopal Menon),
Representing the Indian Rare
Earths Pri. Ltd.
- 2.
(G.Sundaram),
President,
- 3.
(P.V.Bharathi),
General Secretary of the
Indian Rare Earths Workers'
Union, Bombay.

(R.J.T.D'MELLO),
CONCILIATION OFFICER (CENTRAL)-1,
BOMBAY.

RARE EARTHS

A large quantity of the produce has been found short when the final stock was checked. This loss was manipulated to make up deficiency. The reason was improper and bad maintenance. During the process, there are occasions when large quantities of the produce have gone into the gutter. Many of the pumps have been and are still leaking so heavily that they allow a lot of resolutions at the various stages to flow into the gutter. A specific instance or two may be mentioned. The diaphragm pump which is used for pumping up the solution from the first process has been under repairs for months together. The chloride pumps when started are also leaking since long. Since the production started, large quantities of Uranium flouride has been lost until a few months ago, into the sea. This was because of the production Engineer's lack of knowledge of the system of production and the bye-products.

The new Assistant Engineer: The prèvious Asst. Engineer who had successfully erected the entire plant was harassed by the Deputy Works Manager and Production Engineer, until at last the poor man had to ask for transfer and go away to our sister concern at Kerala. This was deliberately done with a view to bring one Mr. Shah V.G., who was then employed in the Shri Ram Mills, Bombay. Incidentally, Mr. Patel, U.N., (the deputy Works Manager) was also an employee of the Shri Ram Mills. Before the recruitment and selection of Mr. Shah as an Asst. Engineer, he was brought as a visitor to the factory and shown and explained everything. The Deputy Works Manager was on the Selection Committee and had enough ~~to~~ of say to get Mr. Shah selected. Mr. Shah is a sickly man who absents himself for many days and even on days that he is present, he sits in his office and spends his time. Occasionally he moves about and tries to find faults for something or the other and act as a tale bearer to the Dy. Works Manager. He is very light-fingered and does not hesitate to get household things made in the factory. When any worker approaches him for protective equipments, he is not ready to give them. On the contrary, he safely says he has no authority to issue the protective equipments though it is absolutely necessary. This engineer who is absolutely unfit for the job either because of his lack of knowledge or his medical fitness has been appointed with more pay than his predecessor who was a much ~~more~~ abler man.

Recruitment: This company does not recruit skilled hands through the Employment Exchange at all. An incident which occurred a month back may be cited. About thirty to forty fitters and mechanics, etc., were sent through the Employment Exchange and all of them were rejected on the plea that they were not experienced and so on and so forth. The unfortunate reason for which they were rejected, in reality, was that majority of them were South Indians. Great racial prejudice exists and this is practised by the Dy. Works Manager, Production Engineer and the Asst. Engineer. If a new worker who has come for job happens to be a Malayalee, he is safely rejected by ready made excuses.

Secret Act and Security: Many foreign visitors who come to visit the factory are permitted to take snaps or movies of the plant, etc. This is the secrecy and the Secrets Act which is followed here. Yet the workers are prohibited from speaking about the process or taking snaps on important occasions. The entire procedure is also explained stage by stage to visitors. This is being done not only in the Rare Earths but also in the whole establishment. About a dozen security officers have been employed for purposes of security in addition to a Special Central Reserve Police. The security officers, it seems, are very much interested in the activities of the Union and they have been enquiring a lot about it. They have also been enquiring and trying to pump people in connection with production, etc.

Canadian Indian Reactor Project: It is believed that some of the drawings of the Reactor received from Canada were wrong and hence when the dome construction was done it was slanting and the plates which were raised had to be brought down for cutting and re-fixing. This and similar double labour has brought a loss of a lakh or more of rupees. In this connection, Mr. Bleakly was sacked and immediately called back to Canada. It is also believed that there has been some more loss which has either been unaccounted for or manipulated to suit.

The Indian Rare Earths has recruited and still recruits the persons for work in the C.I.R. Project. The payment for these workers is done by the Department of Atomic Energy. The workers are sent to work under the Canadian contractors namely, the Foundation Company of Canada. This foreign contractor firm has been harassing the workers and dismissing them for reasons such as drinking tea or smoking or passing urine or going to the lavatory, etc. People who have served for more than a year today are faced with a dismissal if they do not act to the whims and fancies of his officers. The officers being given the authority to sack any worker from any department if he feels so, have been rampant. They have already sacked a few good workers who had served for more than a year. Now it seems one Mr. Garkud (Canadian) wants to sack the entire staff and recruit new hands. Anyway, the Project will take until the end of 1960 for its completion and it is only just and fair that the staff is retained and not sacked. The local officers had called their respective workers and at the instruction of the Canadian Boss of the Foundation Company of Canada told the workers that they should not go for passing urine, the lavatory, for drinking water or for drinking tea or a smoke. Though it is necessary that even during the time of construction to have a temporary canteen on the site. There is no such thing here. There is no such thing here. There is a small shack where tea or food is available but this is far away from the working place and even if the workers want to go and have something, it would take them half an hour or more to go and come back. Special tea services are made only for the officers.

The Rare Earths officials are paid extra special allowances for work they have to execute in the other establishments other than the Rare Earths whereas the workers are not given any such allowances but made to slog.

The local officials in the Rare Earths Factory have been trying their best to break up this Union since its formation. They have used various means and now they try to raise communal feelings among the workers and create a strife among them.

About 35 persons were dismissed on 8.8.58 and many more are expected to take place.

True COPY.

Regd. No. 2707

Indian Rare Earths Workers Union
Shramjeevi Awaz, Sewri, Bombay No. 15

20th August 1959.

To,
The Chief Administrative Officer,
Indian Rare Earths Ltd.,
Bombay.1.

Sir,

We thnaks You for your kindness in putting the Works Committee in action.

We UNDERSTAND THAT DISCUSSIONS ARE GOING ON IN THE WORKS COMMITTEE about its constitution. Regarding clause No.3 of the proposed constitution 'The committee shall not discuss matters which are the subject of Trade Union, company discussions and agreements such as salary and wages etc.' The committee members were given to understand by the Chairman of the Works Committee, that if the outsiders in the Union (who are not employees of the company) are removed from the Union, the management may recognise the Union.

In the above circumstances we will be grateful if you will kindly grant an interview to our delegat6, to discuss the matter regarding the recognition of the Union. The time and date of the meeting may pless be communicated to us within a week.

Yours faithfully,

Sd.

(R. R. Hardikar.)
(Assistant Secretary.)

Indian Rare Earths Workers Union

TRUE COPY.

Phone: 25-5644(2 Lines)

INDIAN RARE EARTHS LTD.
Army & Navy Building,
148, Mahatma Gandhi Road, Bombay 1.

Ref: 457/1845/59

August 21, 1959.

The Secretary,
Indian Rare Earths Workers' Union,
Shramjeevi Awaz,
34, Sewree Cross Road,
Bombay-15.

Dear Sir,

We thank you for your ref: No. WC/1 dated 20th August 1959. The undersigned will be happy to meet your delegates for discussion at factory site between 1500 and 1600 hrs on Wednesday, 26th August or at the same time on Friday, 28th August 1959.

Kindly intimate the undersigned, the date suitable to you by the afternoon of Monday the 24th.

Yours faithfully,
for INDIAN RARE EARTHS LTD.

sd (G. Rajagopal Menon)
Chief Administrative Officer.

GRM:st

TRUE COPY.

Indian Rare Earths Workers Union
Regd. No. 2707

Shramicevi Awaz, 34 Sewree Cross Road, Bombay-15.

Ref No. WC/2/59

24th August 1959.

The Chief Administrative Officer,
Indian Rare Earths Ltd,
148, Mahatma Gandhi Road,
Fort, Bombay.

Sub: Clause No.3 of the Constitution of
the Works Committee.

Dear Sir,

We acknowledge with thanks the receipt of your letter No.457/1845/59 dated 21st August, 1959 inviting us to see you on 26th or 28th August, 1959 at factory site.

In this connection we should like to state that we have decided to see you on 26th August, 1959 between 1500 and 1600 hours at factory site.

Kindly acknowledge,

Yours faithfully,

Sd/-
(R. R. Hardikar.)
(Assistant Secretary.)

INDIAN RARE EARTHS (P) LTD.
148, Mahatma Gandhi Road, Bombay.1.

APPENDIX 'A'

Ref: 457/8326/57

" Registered A.D. " September 5, 1957.

WITHOUT PREJUDICE.

The General Secretary,
Indian Rare Earths Workers Union,
Aziz Baug (bldgs), Mahul Road,
Chembur, Bombay 38.

Sub:- Charter of demands.

Ref:- Your letter No. 64/gen/8/57 dated 22-8-59.

Dear Sir,

Before considering your charter of demands the company has to consider the more vital question about the recognition of your Union.

As you know, the company's factory at Bombay functions under the Atomic Energy Act, 1948, and all employees directly in contact with the processed in the factory have been enjoined to sign a declaration of secrecy under the Atomic Energy Act, 1948, and the Indian Official Secrets Act, 1923. From a perusal of the personnel of your executive committee, it is seen that non-employees are, or are eligible to be, office-bearers of your Union. This will seriously embarrass the working of the factory as it will mean that no frank discussion will be possible about the mutual problems at any meeting between the office bearers of the Union and the officers of the company.

We would, therefore, like this all important question of recognition to be settled before any discussions are held on your memorandum because as we see it, if no recognition is accorded to you by us, it will not be right on our part to enter into any discussions with your Union.

In addition to the points mentioned above, there are incidental matters which are essential for the security of the factory which should be conceded before recognition is accorded.

We summarise below the conditions which your Union should accept before recognition is granted to you.

1) The Governing body and the Membership of the Union should solely of the employees of the company.

2) Strikes should not be forced upon the company, but should be regulated by certain well defined rules, viz:

a) A notice of 15 days should be given before declaration of any strike and it should be preceded by a valid strike ballot approved by a 75% majority of the employees.

b) In the case of strike, the essential services and maintenance personnel should not participate in the strike.

3) Supervisory personnel should not be enrolled as members of your Union.

We are sure you will agree that three conditions that we have laid down above are reasonable and are essential for a proper working of the industry, which is a very important industry virtually connected with the country's economy and security.

-----continued on next page.

continued from last page-

This letter should not be taken as any admission on our part that the demands put by you are reasonable. We have not adverted to the question at all and we shall do so after a reply is received from you to this letter.

Yours faithfully,
for INDIANRARE EARTHES (PRIVATE)LTD.
sd/-
(G. RAJAGOPAL MENON)
Chief Administrative Officer.

Indian Rare Earths Workers' Union,
Aziz Baugh, Mahul Road,
Chembur, Bombay 38,
Regd No. 2707.

CHAPTER OF DEMANDS

1. The Indian Rare Earths Workers' Union, which is a registered body under the Indian Trade Union Act 1926 should be recognised as the sole bargaining agent.

Standing Orders.

2. A copy of the standing orders in English, Marathi and Hindi should be supplied to all the workers. It should also be displayed in the Company's notice board. The treatment meted out to the workers should be humane. There should be no illtreatment of the workers as is in practice now. No one should be victimised.

Works Committee.

3. A Works Committee should be formed and the representatives of the union should be acknowledged for all purposes, in the interest of all the workers.

Designations and Confirmations.

4. The designations of the workers should be definite and proper. After a probationary period of three months, the worker must be confirmed in service, in writing. All existing workers who have been working now for more than three months and are still being considered as temporary must be given all the benefits due to them as with permanent employees.

Pay Scales.

5. Proper and adequate grades and pay scales should be fixed, and existing salaries enhanced with retrospective effect in line with such pay scales.

Dearness Allowance.

6. The dearness allowance should be adequately revised with retrospective effect to provide adequate relief for the rise in living costs so long.

Bonus.

7. A bonus of six months wages should be given to all the workers for the years 1955 and 1956.

Bata.

8. A bata of not less than Rs.3/- should be given to any worker who has to go for outdoor duty. They should also be given the travelling facilities. (conveyance).

Shift Allowance.

9. All the shift workers should be given a monthly shift allowance of at least Rs.15/-.

Plant Allowance.

10. A special allowance should be given to any worker who has to go to the plant for doing his work and such allowance shall not be less than Rs.15/-.

House Rent Allowance.

11. The present allowance of Rs.15/- should be enhanced to Rs.25/-

Provident Fund.

12. The provident fund should be enhanced to 3 1/8% from the present 6 1/2%. A copy of the rules and regulations in English, Marathi and Hindi should be distributed to every contributor.

Gratuity.

13. Gratuity should be paid at the rate of one month for each year of service.

Payments of Wages.

14. All the payment of the wages or salary should be made on the 1st of every month. The present mode of payment should be stopped and the payment should be made in covers, on which shall be given in detail the additions and deductions etc. The payment should be made available from the morning onwards.

Washing Allowance.

15. The present washing allowance of Rs.1/- should be enhanced to Rs.2/-. The present practice of deducting some money, if a worker is absent for some days should be stopped. Otherwise the Company should arrange to get the clothes washed.

Transport.

16. The Company was giving an allowance of eight annas per day to every worker when there was no conveyance. When the Company's bus service, started the allowance was stopped. For some time free transport was provided. After some months the Company started charging its workers as follows:

Ladar (Western)	...	Rs.8/-
Ladar (Tram Terminus)	...	Rs.6/-
Chembur	...	Rs.4/-

These rates were increased after some months as follows:

Ladar (Western)	...	Rs.10/-
Ladar (Tram Terminus)	...	Rs. 8/-
Chembur	...	Rs. 6/-

We demand that the Company should stop charging its workers for the transport, and also should reimburse all the amount paid by them to date. Further, all the workers should be given the travelling facility.

Leave.

17. Should be as follows:-

	<u>at present</u>	<u>Demand.</u>
Privilege Leave	14 days	30 days
Casual "	5 "	10 "
Sick "	10 "	15 days with full pay & 15 days with half pay.

Sick leave should be permitted to be accumulated for the entire period of service.

Accident Leave.

18. In cases of accidents arising as a result of the work or while on duty the Company must bear all the expenses and also give full pay for such period, as the worker may not be in a position to resume duty.

Public Holidays.

<u>At present</u>	<u>Demand.</u>
10 days	14 days excluding all national holidays viz: Independence day, Republic day and Mahatma Gandhi's Birthday.

One of the holidays should be May Day.

Canteen.

20. The canteen should be run by the Company with its present staff. It should not be given to a contractor.

Medical Facilities.

21. There should be at least one compounder for each shift. An ambulance should be maintained at the factory site, and it should be made available all the 24 hours. As the Company is of a particular and peculiar type, where all types of complicated diseases occur, there should be a specialised doctor, who should be available for at least 4 hours every day.

There should be a separate room for the dispensary in the factory site. All expenses should be borne by the Company and the bills incurred by the workers to date, should be reimbursed.

No one should be insisted upon to produce a medical certificate for two or three days.

Family Treatment:- All the medical expenses for the families of the workers should be borne by the Company. This shall include maternity etc.

Medical Examination and Welfare:- All the workers should be examined periodically. This period shall be every 15th day. For persons working in the plant and handling radio active materials and heavy chemicals, a regular urine test and blood counts should be taken. The result of such examinations should be intimated to the worker concerned, and the necessary treatment given in cases where necessary.

The film monitoring badges should be given to all the workers who are in some way or other connected with the plant work.

The result of the badges should be declared on the notice board. It should not be kept secret as has been done to this day. Prophylactics including milk should be given free of cost.

Plant workers, rubber liners, welders, painters, laboratory workers or any worker who is exposed to heat, dangerous fumes and hazardous work should be given at least 16 ounces of pure milk per head, every day.

Bathing facilities should be given to all the plant and allied workers. All the workers should be given washing facilities. All hygienic conditions of working should be introduced.

Quarters.

22. Quarters should be provided to all the workers immediately.

Working Hours.

23. The lunch hour should be included in the daily 8 working hours, and it should be at least an interval of an hour.

Protective Equipment.

24. The latest and most up-to-date equipment should be used for the protection and precaution and methods should be adopted so that the workers will not be exposed to any dangers, which will affect the health. The safety measures should be suitable and appropriate for each section.

Uniform.

25. All the Company's workers should be supplied with uniforms every year.

Promotions.

26. Should be given according to seniority and merit. First chance
cont page 4.

should be given to the workers in the Company. The vacancy should not be filled by taking hands from outside. Adequate acting pay should be given to any worker who has to work in the place of any other worker.

Increments should be given alike. No discrimination should be made.

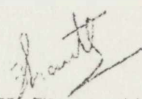
Recovery for Damages.

27. In case of any damage to tools or machinery during the work, the worker should not be charged for the cost.

Insurance.

28. The Company should insure every worker and the payment should be made for each individual.

Bombay,
17th August, 1957.


F.V. Bharathy
GENERAL SECRETARY.

CONSTITUTION AND RULES OF THE
INDIAN RARE EARTHS WORKERS' UNION BOMBAY-39.

NAME

1. The name of the Union shall be the Indian Rare Earths Workers' Union and it shall, in its following rules, be referred to as the "Union".

OBJECTS:-

2. (A) The objects of the Union shall be:-

- (a) to organise and unite the workers employed in the Indian Rare Earths (Private) Ltd. in Greater Bombay and to regulate relations with their employers;
- (b) to secure to the members fair conditions of life and services;
- (c) to try to redress their grievances;
- (d) to try to prevent any reduction of wages, and, if possible, to obtain an advance whenever circumstances allow;
- (e) to endeavour to settle disputes between employers and employees amicably so that a cessation of work may be avoided;
- (f) to endeavour to provide against sickness, employment, infirmity, old age and death;
- (g) to endeavour to secure compensation for members in cases of accidents under the Workmen's Compensation Act;
- (h) to provide legal assistance to members in respect of matters arising out of or incidental to their employment;
- (i) to endeavour to render aid to the members during any strike brought about with the sanction of the Union or a lock-out;
- (j) to obtain information in reference to the Rare Earths industry in India and outside;
- (k) to co-operate and federate with organisations (of Labour), particularly those having similar objects, in India and outside;
- (l) to help, in accordance with the Indian Trade Unions act, the working classes in India and outside in the promotion of the objects mentioned in this rule; and
- (n) generally to take such other steps as may be necessary to ameliorate the social, economic, civic and political conditions of members.

(B) For the attainment of these objects, the Union may organise centres in various localities of the Greater Bombay.

ADMISSION OF ORDINARY MEMBERS.

3. Any person employed in the Indian Rare Earths (Private) Ltd. in Greater Bombay who has attained the age of 15 years shall be entitled to become an ordinary member of the Union on payment of an admission fee of Rs. one and a monthly subscription of Re. one provided he agrees to abide by the rules and bye-laws that may be made by the Union from time to time.

ADMISSION OF HONORARY MEMBERS.

4. Persons who are not eligible to become ordinary members of the Union may be admitted as honorary members of the Union for purposes of being elected or co-opted to the Managing Committee and they shall be honorary members of the Union during the period of their office. Subject to the provisions of section 22 of the India Trade Unions act, 1926, their number shall not exceed five.

ARTICLE 10. PAYMENTS.

5. A member failing to pay his monthly subscription for six months with the permission of the Managing Committee or three months without the permission of the said Committee, shall cease to be a member of the Union. But he shall be entitled to rejoin the Union on paying his arrears.

RENEWALS.

6. No member of the Union shall be entitled to any benefits that the Union may decide to give to its members unless he has been a member for atleast six months and has paid all contributions.

7. A member of the Union who is in arrears with his subscription or dues shall not be entitled to any benefits until all arrears have been paid and a period of two months has elapsed from the date of payment of such arrears.

8. A member of the Union who is in arrears with his subscription or dues shall not be entitled to any benefits until all arrears have been paid and a period of two months has elapsed from the date of payment of such arrears.

9. Should the members of the Union go on strike without the sanction or approval of the Managing Committee, they shall not be entitled to any benefits whatsoever.

REGISTER OF MEMBERS.

10. The Union shall keep a register of all its members containing their names and particulars of their places of work, their residences, etc.

11. The register shall be open to inspection by any member or Officer of the Union at the Head Office during the hours during which the office of the Union is open on any week day excluding holidays.

OFFICE BEARERS.

12. The Union shall have a President, a Vice-President, a General Secretary, two Secretaries, a Treasurer and assistant Treasurer. All of them shall be elected at the annual General Meeting of the Union and they shall be eligible for re-election.

MANAGEMENT OF THE UNION.

13. The Managing Committee, subject to the provisions of Section 21 of the Indian Trade Unions Act, 1926, the affairs of the Union, financial and otherwise, shall be conducted by a Managing Committee consisting of the office-bearers and other members elected at the annual general meeting. The same managing Committee will continue functioning till the new one is appointed.

VACANCIES AND REMOVALS.

14. Should a vacancy occur among the office-bearers or the members of the Managing Committee it shall be filled by the managing Committee by co-option.

15. Any office-bearer of the Union or a member of its Managing Committee can be removed by the General Meeting of the members by a three-fourths majority for committing any fraud or having acted against the interests of the Union, provided the office-bearer or the member to be removed is given adequate opportunity to explain his conduct.

MEETINGS OF THE MANAGING COMMITTEE.

16. The Managing Committee shall meet once a month on such days and at such place as may be fixed by the General Secretary in consultation with the President.

17. The presence of atleast one-third members of the Managing Committee shall be necessary to form a quorum. No quorum is necessary for adjourned meetings.

18. Atleast three days notice shall be given for Managing Committee meeting.

ARTICLE 2 THE UNION'S OFFICERS.

18. The President and the Vice-President- The President shall preside over all meetings of the Union and the Executive Committee, preside over, sign and address, and sit be allowed to give a casting vote only. The President shall have power, if necessary, to call special meetings of the Executive Committee or of the Union, whenever necessary. The Vice-President shall function in place of the President in his absence.

19. The General Secretary- The General Secretary, shall take minutes of all Union and Committee meetings, conduct all correspondence, convene all meetings, keep all accounts, exercise a correct account of all receipts and expenditure. He shall prepare a balance sheet annually showing clearly every item of receipts and expenditure. He shall be responsible for submitting to the Registrar of Trade Unions all returns and notices that should be sent to that officer under the Indian Trade Unions Act, 1926. He shall have power to engage, in consultation with the President and subject to the approval or confirmation of the Managing Committee, any assistants for organising and clerical purposes he considers necessary, and all such assistants shall be under the control of the General Secretary.

20. The Secretaries- The Secretaries shall generally help the General Secretary in his work. One of them shall perform the duties of the General Secretary in his absence.

21. The Treasurer- The Treasurer shall be responsible for all sums of money which may from time to time be paid into the Union and for duly banking them. He shall make periodical returns of all sums of money additional by the Managing Committee. He shall not have the power to draw money from the bank without first having the cheque signed by the President or the General Secretary.

GENERAL MEETINGS.

22. There shall be held in the month of April or May an annual General Meeting of all the members of the Union, to transact the following business:-

- a) To adopt the report of the work done by the Union and the audited statement of accounts.
- b) To elect all the office-bearers and other members of the Executive Committee for the current year; and
- c) To transact such other business as may be brought forward with the permission of the Chairman.

23. The President or the General Secretary may call a General Meeting of the members of the Union whenever he thinks necessary and shall call it on a requisition signed by one-fifth of the total strength of the Union within twenty days of the receipt of the requisition. In case the President, or the General Secretary fails to convene such a meeting within the aforesaid time the proceedings of the meeting shall be binding on the Union.

24. At least 15 days notice shall be given to the members for a General Meeting.

25. The presence of at least one-third members shall be necessary to form a quorum at a General Meeting. No quorum is necessary for adjourned meetings.

GENERAL FUNDS.

26. The general funds of the Union shall consist of the subscriptions from members, donations etc. They shall be deposited in a Bank or Banks, approved by the Managing Committee in the name of the Union and account shall be operated by the Treasurer and any other officer of the President or the General Secretary. The General Secretary or the Treasurer shall not keep more than Rs-50/- with him for current expenses.

QUESTIONS ON WHICH THE GENERAL FUNDS CAN BE EXPENDED.

27. Subject to the provisions of Section 15 of the Indian Trade Unions Act, 1926, the general funds of the Union shall not be spent on any other objects than the following:-

- a) the payment of salaries, allowances and expenses to officers of the Union,
- b) the payment of the expenses for the administration of the Union together with audit of the accounts of the general funds of the Union.
- c) the prosecution or defence of any legal proceedings to which the Union or any member thereof is a party when such prosecution or defence is undertaken for the purpose of securing or securing or protecting any rights.....

of the Union as such or any rights arising out of the relations of any member with his emp.

- d) the compensation of members for loss arising out of trade disputes;
- e) the conduct of trade disputes on behalf of the Union or any member thereof;
- f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members;
- g) the issue of, or the undertaking of liability under policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;
- h) the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members;
- i) the payment, in furtherance of any of the objects on which the general funds of the Union may be spent, of contributions to any cause intended to benefit work in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during the year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Union during that year and of the balance at the credit of those funds at the commencement of that year; and
- k) Subject to any conditions contained in the notification, any other object notified by the appropriate Government in the Official Gazette.

ANNUAL AUDIT.

26. The Union shall make due provision for the annual audit of the accounts of the Union by competent auditors appointed by the Managing Committee in accordance with rule 18 of the Bombay Trade Unions Regulations, 1947.

AMENDMENT OF RULES.

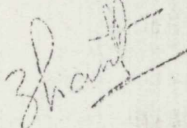
30. The rules may be amended, altered, replaced, rescinded or added to at any time by a majority of the members present at a General Meeting provided previous notice of at least seven days given to the members of the proposed alterations.

DISSOLUTION OF THE UNION.

31. The Union shall not be dissolved except by the vote of a majority of three-fourths members present at a General Meeting called for the purpose, provided the total number of votes cast at such a meeting is not less than two-thirds of the total number of the members then on the rolls of the Union.

The funds of the Union after meeting all the liabilities shall be disposed of in accordance with the decision of the dissolution meeting.

TRUE COPY



Signature of General Secretary.

17th Sept. 57

REGISTERED A/D.

To

The Chief Administrative Officer,
Indian Rare Earths Ltd.,
BOMBAY.

Ref:- Your letter No. 457/8326/57 of Sept:1957.

Dear Sir,

We are in receipt of your letter dated september 5, '57. We are giving below our replies to the questions raised by you

Provisions of the Atomic Energy Act 1948 and the obligation of all Employees.

We are one with you, that all the provisions and the consequent obligations should be fully safeguarded. We would like you to give us this in detail, so that we can advise the employees accordingly.

In regard to factor of embarrassment you have raised, we suggest that we can agree that, during the discussions on any questions concerning matters under the secrecy of the Atomic Energy Act 1948, and the provisions of the Indian Official Secrets Act 1923, (we would request you to advise us in detail regarding the relevant provisions of both these Acts) that non-employees should be excluded.

We may also be advised of the incidental matters which you say are essential for the security of the factory so that we may advise all the employees concerned.

Regarding the conditions specified by you for granting Recognition to our Union

1. Our Union is functioning on the basis of the provisions of the Indian Trade Union Act which does not provide yet that the governing body and the membership of the union should consist solely of the employees of the company. We therefore suggest that this item may be treated as a point of dispute raised by you for settlement through the machinery of arbitration we had already proposed for settlement of our demands

Contd. From page 1

2. We are not contemplating in terms of strikes as we have already outlined our policy as one of settlement through negotiations failing which, through arbitration.

3. Please let us know which are the supervisory personnel which you do not want us to enrol in the union and if there are any such categories who otherwise qualify in the definition of a workman under the industrial disputes Act, that can also go as a dispute for settlement by arbitration.

We are very conscious of the fact, that the industry in which we are working is vitally connected with the country's economy and security and it is out of this consciousness that we have dealt with, in the foregoing on the points raised by you.

Since you do not consider our demands as reasonable, we suggest for reasons already outlined in our letter of 22nd. August 1957 that we mutually agree to refer both our demands and the items you have raised for arbitration and accordingly approach the Labour Minister for an arbitrator.

Thanking you

Yours Truly,

sd/ P. V. Bhargava.

(General Secretary)

Indian Free Earth Workers Union

C.C. to:-

1. The Honourable Minister of Labour,
NEW DELHI.
2. The Chief Commissioner of Labour.

Government of India
Ministry of Labour & Employment

.....

Dated New Delhi, the 19 Sep., 1959.

Notification

S.O. _____ - In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th September, 1959 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas of the State of Madhya Pradesh namely:-

- (i) The areas within the Municipal limits of Bhopal.
- (ii) The areas within the limits of revenue village of Nagda in Tehsil Khachrod in Ujjain district.

✓F.No.HI-13(16)✓

(Balwant Singh)
Under Secretary to the Government of India.

True Copy.

Regd. No. 2707

Indian Rare Earths Workers Union
Shramileevi Awaz, Sewri, Bombay No. 15

19th Sept. 1959

To,
The Chief Administrative Officer,
Indian Rare Earths Ltd.,
Bombay.1.

Sir,

With reference to your interview with you by our delegates on 26th August 1959, we have to inform you as under.

We had our general body meeting on 7th Sept. '59, as mentioned in our last reference. We have kept the post of President vacant this year and hope that this will create a healthy atmosphere for negotiations regarding recognition of our Union. We hope to hear soon from you regarding this matter.

We are glad to learn that one of our dismissed workers is reinstated, and we hope that the same kindness will be shown to others also. Please accept our thanks for the same.

Yours faithfully,

sl (T. Y. Mohite.)
(General Secretary.)

Indian Rare Earths Workers Union

TRUE COPY.

INDIAN RARE EARTHS LTD?
Army & Navy Building.
148, Mahtma Gandhi Road, Bombay.1.

Ref: 457/2305/59

September 21, 1959.

The General Secretary,
Indian Rare Earths Workers Union,
34, Sewri Cross Road, Shramajeevi Awaz,
Sewree, Bombay, 15.

Dear Sir,

We acknowledge receipt of your letter dated 19th September, 1959.

We propose to deal with the question of recognition of your Union in this letter. We regret, we are unable to deal with the other matter raised in your letter for obvious reasons.

We note that you have "kept the post of President vacant this year". We regret that this is not sufficient guarantee that outsiders would not be brought into the Union at a later stage. We would, therefore, like you to consider the advisability of amending your constitution so that "the governing body and the membership of the Union consist solely of the employees of the Company". We would also like you to let us have your reply to the other points raised in our letter No. 457/8326/57 of 5th September 1957.

The question of recognition of your Union will be considered on receipt of your reply.

Yours faithfully,
for INDIAN RARE EARTHS LTD?
s d/-
(G. Rajagopal Menon.)
Chief Administrative Officer

SN:st
21-9-59

30 SEP 1959

EMPLOYEES STATE INSURANCE CORPORATION
MINISTRY OF LABOUR AND EMPLOYMENT
2-A/3 Asaf Ali Road New Delhi

No.INS.I-1(3)-2/58

Dated the 25th Sep., 1959.

From

The Director General,
Employees' State Insurance Corporation.

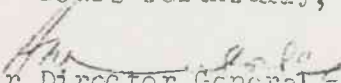
To

- (a) All members of the E.S.I. Corporation and
The Medical Benefit Council;
- (b) All India Chambers of Commerce;
- (c) All India Organisations of Employers,
Employees and Medical Profession;
- (d) All State Accountants General (including A.G.C.R.);
- (e) The Secretary, Insurance Association of India,
13/14 D.A.G. Extension, New Delhi.

Sir,

I am to forward herewith a copy of the Government of India, Ministry of Labour & Employment Notification No.HI-13(16) dated 19th September, 1959 enforcing the remaining provisions of the E.S.I. Act, 1948 in the areas of Bhopal and Nagda in the State of Madhya Pradesh as specified therein, with effect from 27th September, 1959 for information. Please acknowledge receipt.

Yours faithfully,


for Director General.

V.C.E.)

Copy to (1) All Regional Directors (with a spare copy for R.A.A.C.)
(2) All Officers and Branches at the Headquarters.

INDIAN RARE EARTHS WORKERS' UNION

Regd No. 2707

SHRAMJEEVI AWAZ, 34, SEWRI CROSS LANE, SEWRI, BOMBAY 15.

Our Ref. No. RGG/105/59

Date 27th Oct. 19 59

Your Ref. No.

To,
The Chief Administrative Officer,
Indian Rare Earths Ltd.,
B O M B A Y.

Dear Sir,

With reference to your letter No. 457/2305/59 dated 21st September 1959 we have to state as follows.

We cannot help expressing our deep sense of regret and consternation at the attitude which is manifest from your letter under reply. We are sorry to state that our action in not electing any outsider as an office bearer of our Union has not been viewed by you in the proper perspective. We have acted in a spirit of compromise and we expect you to reciprocate it by granting recognition to our Union. Your apprehension about our bringing any outsider in the Union at a later date is purely hypothetical and imaginary.

We wish to make it clear that while we have indicated our good intention by acting in the manner aforesaid, as a matter of principle we cannot and should not be coerced with complete submission. As it is not advisable to surrender for all times the rights which have been explicitly given to Workers by various statutes. We therefore humbly wish to state that it would be fair on your part NOT to compel us to do the same.

The constitution of our Union is in conformity with the provision of the Indian Trade Union Act, and therefore there is no reason for amending or delating any portion or part of the constitution. However, we wish to stress that although in principle we cannot agree to what you have proposed in this behalf, we have acted according to your desire purely in a spirit of compromise in the hope that you would act in the same spirit.

As regards strike, we have to state that strike has been universally recognised as a weapon in the hands of workmen. There is no statute in our country restricting in any manner this right of the workmen except in the case of public utility service. We have however, to emphasize that we have no intention to resort to strike, and we sincerely hope, that no such situation would ever arise if you would offer comprising attitude for every item of dispute. We have to assure you that we firmly believe in peaceful negotiations and collective bargaining.

-----continued on next page

INDIAN RARE EARTHS WORKERS' UNION

Regd No. 2707

SHRAMJEEVI AWAZ, 34, SEWRI CROSS LANE, SEWRI, BOMBAY 15.

Our Ref. No. RCG/105/59

Date 27th Oct. 1959

Your Ref. No.

continued from last page--

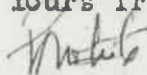
Regarding the question of enrolling a member of the supervisory staff, we have to draw your attention to the amended definition of workmen in the Industrial Dispute Act. It would be depriving human right of any of the company's workmen, supervisor or technician, coming within the said definition, by putting any restriction on his membership when he volunteers to be our member.

Further we have to state that the question of recognition of our Union is hanging in the air for last three years. The Works Committee started functioning since July 1959 and there were hot discussion about Clause No. 3 of the Works Committee Constitution. According to this clause, the representatives of the workers cannot discuss the subject of Trade Union, Company discussion and agreements such as salary, wages etc. From this you will find that the Works Committee will not be helpful to us in redressing our grievances regarding pay scales etc. At the same time you^{are} not recognised our Union, so we are unable to handle other items of Trade Union, which has resulted creating bad impression in the minds of the workers.

It will thus be seen that the attitude adopted by you is not conducive to promoting good industrial relations. We sincerely hope that you will consider the entire matter in the light of the foregoing and revise your attitude in the interest of all concerned.

Thanking you,

Yours Truly,


(T. Y. Mohite)
(General Secretary)

Indian Rare Earths Workers Union

- cc: 1) Honourable Prime Minister of India.
2) Honourable Minister for labour of Government of India.
3) Regional Labour Commissioner (Central) Bombay;
4) Chief Labour Commissioner Delhi;
5) Conciliation Officer (Central) Bombay.

The Honourable Labour Minister of Government of India.
DELHI.

Dear Sir,

We enclose herewith the copies of correspondence which were made between our Union and Management during the period of last three years, over the issue of recognition to our Union. We wish to draw your attention that the matter is delayed too much by the management. In the circumstances we wish to state that we would not be able to control the sentiments of the workers which are intensifying against the attitude of the management, if the issue is not settled as early as possible.

We therefore request you to kindly look in this matter personally and settle the same.

Thanking you,

Yours faithfully,

Mohite
{ T. Y. Mohite. }
{ General Secretary. }

Indian Rare Earths Workers Union

17 NOV 1959

INDIAN RARE EARTHS WORKERS' UNION

Regd. No. 2707

~~WHE-BRIG-BUILDING-MANUL-ROAD-CHEMUR-BOMBAY-29~~
Shramajeevi Awaz, 34 Sewri Cross Road. ^Bombay 15.

Ref No.....

UNDER POSTAL CERT.

Date 16 NOVEMBER 1959

To,

Shri S.A.Dango. ^M.P.

DELHI.

Respected Sir,


We enclose herewith the copies of correspondence which were made between our Union and Management during the period of last three years, over the issue of recognition to our Union.

We have to request you to kindly raise the question in Parliament and throw light over entire matter.

Hoping to be excused for the trouble.

Thanking you,

Yours faithfully,


(T. Y. Mohite.)
General Secretary.

Indian Rare Earths Workers Union

*Please refer to I.E. Committee
and file*

*vm
19/11/59*

279

December 1, 1959

General Secretary,
Indian Rate Earth Workers Union,
Bombay.

Dear Comrade,

We are enclosing herewith copy of
a letter No.EI-12(327)59 dated 1st
December from the Joint Secretary
to the Government of India, Ministry
of Labour & Employment, for your
information.

With greetings,

Yours fraternally,

Wms
JK
(K.G.Sriwastava)
Secretary

Encl:

Copy of the letter No.EI-12(327)59dated 1/2 nd
December, 1959 from Labour Ministry.

Dear Shri Sriwastava,

Kindly refer to your letter No.185-II/
IRE/59, dated November 23, 1959, regarding
the non-recognition of Indian Rare Earths
Workers' Union. I am enquiring into the
matter and will let you know the position
as soon as possible.

Yours sincerely,

Sd/- R.L.Mehta.