

INDIAN LABOUR CONFERENCE (July 1959)

The Law Commission's comments were considered at the Seventeenth session of the Indian Labour Conference (Madras, 27-29th July, 1959). The Government's Memorandum on the subject pointed out that from the information available it appeared that 209 cases were pending with the Supreme Court on November 30, 1958. It added; "The remarks made by the Law Commission need to be paid close attention. The observance of the Code of Discipline is likely to lead to a reduction in the number of cases going up to the High Courts and the Supreme Court. Even so, the Conference may discuss the desirability of reviving the Labour Appellate Tribunal."

The All-India Manufacturers' Organisation, in a memorandum submitted to the Conference, stated that the right to appeal was a fundamental right and therefore suitable machinery should be created for quick disposal of appeals. The Organisation suggested that either the Appellate Tribunal might be revised or a Special Bench of the Supreme Court created for the purpose. The High Courts should also be empowered to try, with appellate powers, certain types of major disputes of local character, i.e., confined to a particular region of the State. Only industrial disputes of importance should come before the proposed machinery for appeal. With this end in view, all types of disputes should be properly classified and restrictions should be placed on disputes coming before the Appellate Tribunal or the Special Bench of the Supreme Court. The A.I.M.O. added that the Labour Appellate Tribunal should function under the Ministry of Law. The members of the Appellate Tribunal or the Special Bench of the

Supreme Court should be persons of the highest legal standing, thoroughly conversant with the industrial and labour questions. They should be assisted by highly qualified assessors, economists and accountants.

Shri N.H. Tata (E.F.I.) explained that the increasing resorts to the Supreme Court had been necessitated by the low calibre of the judges of the tribunals. Shri Tata added that the L.A.T. had done some kind of codification of awards for the guidance of lower tribunals, and without the L.A.T., the reference of the disputes to the Supreme Court was inevitable. Shri M.N. Varghese (A.I.O.I.E.) agreed with Shri Tata. Shri Lakshmi Pat Singhanla (A.I.O.I.E.) referred to the study made by the Ministry of Labour and Employment, which indicated that 72 per cent of the appeals to the Supreme Court had been decided in favour of employees. He suggested that a cadre of judges, as recommended by the Law Commission, should be set up for staffing the industrial tribunals. Shri Bharat Ram (A.I.O.I.E.) pointed out that the employers had gone to the Supreme Court not so much for any monetary gains, which were generally small, as for vindication of their rights.

Shri G.S. Melkote (I.N.T.U.C) opposed the revival of the L.A.T. and favoured the creation of a Special Bench of the Supreme Court. Shri G.D. Ambekar (I.N.T.U.C.) added that there could not be any "complete remedy" in the matter. Even if the L.A.T. were revived appeals would still be preferred to the Supreme Court, thereby leading to more delay.

The creation of a Special Bench, which would consider not only legal points but also economic and social factors, would therefore be preferable. Shri S.R. Vasavada (I.N.T.U.C.) expressed similar views.

Shri Ram Desai (H.M.S.) emphasised the need for some kind of internal screening machinery to prevent appeals on frivolous matters from being preferred to the High Courts and the Supreme Court. Shri S.C.C. Anthoni Pillai (H.M.S.) pointed out that the Supreme Court was ~~is~~ already functioning as a sort of appellate tribunal. While generally agreeing with the suggestion made by the representatives of the I.N.T.U.C. with regard to the creation of a Special Bench of the Supreme Court, he thought that the workers would not be able to make use of it due to the heavy expense which would be involved. He, therefore, stressed that the abolition of the L.A.T. had been a mistake and that the best course was to revive it.

Shri S.A. Dange (A.I.T.U.C.) proposed that the High Courts should be given the power to constitute labour benches and award positive remedies. He was opposed to the creation of a Special Bench in the Supreme Court inasmuch as it would take into account legal considerations only, while the High Court would combine in its awards judicial knowledge with the knowledge of industry. If, however, it were not possible to give the High Court the necessary appellate jurisdiction, the L.A.T. might be revived, provided care was taken that there would be no delays, that

the legal costs would not be high and that the appointment of judges to the industrial tribunals were made in consultation with the High Courts. Shri Dange added that he had no objection to the revival of the L.A.T. till better arrangements could be made.

Shri Sri Kantan Nair (U.T.U.C.) recalled that he alone had pleaded for the continuation of the L.A.T. for purposes of coordination. He added that the abolition of the L.A.T. had resulted in confusion in industrial awards. Favouring the revival of the L.A.T., he added that the retired judges generally took a pro-employer attitude and that the creation of a Special Bench of the Supreme Court would not serve any useful purpose as the Supreme Court could only negative an award and not amend it. Furthermore, the workers would never have sufficient funds to fight appeals in the Supreme Court. Even if a Special Bench of the Supreme Court or the High Court were set up, the difficulties with regard to the over-legalistic attitude of the judges would persist unless a separate cadre or faculty of industrial adjudicators were to develop. He emphasised that if delays in appeals were to be avoided the remedy lay in the revival of the L.A.T., with a restricted scope of reference. All the same the jurisdiction of the Supreme Court could not be curtailed and a certain measure of delay was unavoidable unless the Judiciary were made subordinate to the Executive, which obviously was neither feasible nor desirable.

Shri R. Venkataraman, Labour Minister, Madras, recalled that he had opposed the creation of the L.A.T. on the ground that it would not

adjudicate on principles of law and not on principles of equity. He thought that the revival of the L.A.T. would be introducing a concept which would be at variance with the concept of industrial tribunals. Shri Venkataraman suggested that the High Court might be given revisionary powers which would enable them to interfere in appeals concerning jurisdiction and not on facts, i.e. in respect of matters falling within the purview of Section 115 of the Civil Procedure Code; and a suitable amendment to the appeal rules might be made to provide that the decision of the tribunal would be final. Such an arrangement would greatly reduce the number of appeals going to the Supreme Court; and the High Courts would not very likely entertain any writ petitions.

Shri K.P. Tripathi, Minister of Labour, Assam, said that the jurisdiction of the Supreme Court could not be curtailed in the manner desired by the I.N.T.U.C. The expectations that the abolition of the L.A.T. would eliminate delays had been belied, and the L.A.T. should, therefore, be revived. Shri V.V. Dravid, Minister of Labour, Madhya Pradesh, pointed out that it would be a defeatist approach to go back on the lessons of the past experience and revive the L.A.T. The question of laying down 'norms' for bonuses, wages, etc. could be best settled by tripartite discussions and agreements. As regards appeals, efforts should be made to prevail upon the parties to reduce them.

While the consensus of opinion at the Conference was in favour of the revival of the Labour Appellate Tribunal, it was also generally accepted that the mere existence of the Labour Appellate Tribunal would not by

itself eliminate appeals being taken to the Supreme Court. The Conference did not arrive at any definite conclusion and recommended that the suggestions made during the course of discussions should be examined by the Government and the entire question should be placed before the Standing Labour Committee. These suggestions mainly were as follows:

- (1) The Supreme Court might be requested to set up a Special Bench from time to time so that special leave appeals entertained were disposed of expeditiously;
- (2) The powers of the Supreme Court might be curtailed so that special leave appeals were entertained only in cases where either important questions of law were involved or where the parties to the industrial dispute would suffer grave injustice;
- (3) The High Courts might be empowered to hear appeals as appellate authorities;
- (4) The High Courts might be empowered to hear revisions as Revisional Authorities, on the lines of Section 115 of Civil Procedure Code.
- (5) The Labour Appellate Tribunal might be revived. No appeal should lie to the Appellate Tribunal unless an important point of law or principle or a large sum of money was involved or unless the Tribunal certified that the case was a fit one for an appeal.

From,

Naseem Uddin,
Advocate,
235, Sadar Bazar,
Meerut Cantt.

To

The Proprietor,
Kamla Circus,
Dinapur (Patna)
BIHAR.

Notice on behalf of Mr. Nand Kishore alias
Kali Charan S/o Omaro Singh r/o Saboon Godown,
Meerut.

Dear Sir,

Under instructions from my client Mr. Nand Kishore alias Kali Charan s/o Omaro Singh r/o Saboon Godown, Meerut City, I write to you for him and on his behalf as under:-

1. That my client was employed by you as Chowkidar in your store at Saboon Godown, Meerut City on 19-9-61 at a salary of Rs. 30/- P.M. plus Rs 30/- P.M. ration allowance i.e. Rs 60/- in all.

2. That you have never paid the full ~~any~~ salary to my client and have been paying the salaries in parts at Meerut through your store keeper Shri T.K. Kunhraman and you have in all paid Rs. 260/75nP to my client so far instead of Rs 600/- the salary of 10 months i.e. from 19-9-61 to 19-7-62 and so Rs. 339.25nP are still due from you as salaries for this ~~part~~ period.

Therefore, I call upon you to make the payment of Rs. 330.25 nP to my client within 15 days of the receipt of this notice otherwise my client shall be compelled to file a crime suit against you and shall be held responsible for any expense and ~~cost~~ costs incurred in it.

Yours faithfully,

Sd/-
(N. UDDIN),
Advocate,
Counsel for :-
NAND KISHORE.

Note: Amount as on 19.8.63

= Rs. 639.25, i.e.
5 months wages

Rs. 330.25 +
300.00

630.25

To

The Asstt. Labour Commissioner,
M E E R U T.

Sir,

With due respects I beg to lay down the following facts for your kind consideration and necessary action:-

That I was employed by Shri K. Damodran, Proprietor of Kamla Circus as Chawkidar in his store at Saboon Godwon, Meerut city on 19-9-61. at a salary of Rs. 30/- per month + Rs. 30/- as ration allowance i.e. Rs. 60/- per month in all

That I have never been paid the full pay by the above said employer and the employer has been paying the salary in parts at Meerut through his store keeper Shri T.K. Kunhiraman and he has in all paid Rs. 260.75 to me so far, instead of Rs. 660/- The salary of eleven months i.e. from 19-9-61 to 19-9-62 so Rs. 399/25 are still due from him.

That I have served a notice on 24-7-62 upon the proprietor, Kamla Circuls, Patna (Bihar) demanding my remaining pay and re-lieve me from service but he has not paid any heed to it so far.

It, is therefore prayed that my above said employer may please be asked to ~~make~~ make payment of Rs. 399/25 mp. to me at an early date.

I shall be highly grateful to your honour for this act of kindness.

Dated: 18th Aug. 62.

Yours faithfully,

(NAND EWARAK KISHORE)
 alias Kali charan.
 s/o Omrao Singh,
 r/o Saboon Godown Merur

Present address of the employer:

MR. K. DAMODARAN.
 Prop. Kamla Circus.
 (Bihar)

Present dues = with Jan'y 1962 = Rs. 630.25

From: Naseemuddin, B.COM,LL.B.ADVOCATE
235, Sadar Kabari Bazar,
Meerut Cantt.

REGD. A.D.

21st July 62.

To

The Proprietor,
Kamla Circus,
Dinapur (Bihar)

Notice on behalf of Mr. T.K.Kunshi Ramman s/o Shri
Pukkam r/o Kamla Circus stores, sabbon godown, near
Mill road, Meerut.

Dear Sir,

Under instructions from my client Mr. T.K.Kunshi Raman
s/o Shri Pukkam r/o Kamla circus store, sabbon godown, near
mill road, Meerut I write to you for him and on his behalf
as under:-

1. That my client Mr. T.K.Kunshi raman joined 'The Lion
Circus' in Amal Nagar, Gujarat on 22-2-59 as store keeper which
is owned by you later on the Circust changed its name as
The Great Lion Circus' and my client continued his services
in the circus under you.
2. That you again changed the name of the circus from
the 'Great Lion Circus' to Kamla Circus ~~continues to be~~
~~employed by~~ No. II in Klol, Gujrat.
3. That ~~my client~~ on 19-9-61, the circus was brought
by you at Meerut and combined with ' Kamla No. I and thence
forth your concern is known as ' Kamla Circus and my client
continues to be an employee of it.
4. That my client was posted by you in the capacity of a
Store-keeper at your stores, in Mohalla Sabbon godown' Meerut
city from 19-9-61 on the monthly salary of Rs. 30/- and Rs. 30/-
p-m. as ration allowance i.e. Rs. 60/- p.m. in all.
5. That Rs. 405/- are due from you as arrears of pay
for the service rendered by my client prior to 19-9-61 at
different places of Gujrat.
6. That Rs. 25/- are due from you for Karrosine Oil purchas-
ed on your behalf for ten months @ Rs. 2-50 np. p.m.
7. That you have never paid the full salary to my client
and have been paying the part of the salary at Meerut since
19-9-61 and you have in all paid Rs. 260.75 np. so far instead
Rs. 600/- the ~~st~~ salary of 10 months i.e. from 19-9-61 to
20-7-62 and so Rs. 339.25 np. are still due from you as
salaries for this period.
8. That he served you with two registered A/D notices
one on 25-6-62 and the other on 9-7-62 demanding his release
from service on domestic grounds and demanding his pay any
heed to it and so he is being compelled to continue the
services.

Therefore, I call upon to make the payment of Rs.769.25
np. (Rs. 339.25 + 405.00 + 25.00) to my client Mr. T.K.Kunshirama
aman within 15 days of the receipt of this notice otherwise
my client shall be compelled to file a vicil suit against
you and you shall be held responsible for any expenses and
cost incurred in it

Yours faithfully,

(NASEEMUDDIN) Counsel.

P.T.O.

N.B. : My client also inform you that now he is not prepared to continue his service in your concern and shall leave your services on the expiry of the 15th day of the receipt of this notice, Please depute some one to take charge from my client if no one is deputed to take charge from my client he shall stand absolved from all the responsibilities of your ~~not~~ store which please note.

C O U N S E L .

To

The Labour Officer,
MEERUT

Sir,

With due respect I beg to lay the following facts for your consideration and necessary action :-

- 1) That I joined "The Lion Circus" in Mal Nagar Gujarat on 22-2-59 as Store keeper which is owned by the Proprietor, Kamla Circus, later on the circus changed its name as "The Great Lion Circus" and I continued my services under them on monthly salary, of Rs 60/- p.m. in all (including Rs 30/- as ration also).
2. That the circus changed its name from The "Great Lion Circus" to "Kamla No.II in Kalol, Gujrat.
- 3 That on 19-9-61 the circus was brought by the Proprietor, Mr. K.Damodaran at Meerut and I continued with "Kamla No. I and hence forth the concern known as "Kamla Circus" and I continue to be an employee of it.
4. That I was posted by the Proprietor Kamla Circus in the capacity of a store-keeper at their stores, in Mohalla Saboon Godown Meerut City from 19.9-61 on the monthly salary of Rs 30/- p.m. and Rs 30/- p.m. as Ration allowance i.e. Rs 60/- p.m. in all.
5. That Rs 405/- are due from the above concern as arrears of pay for the services rendered by me prior to 19-9-61 at different places of Gujrat.
6. That Rs 27.50 nP are due from the above concern for Kerosine oil purchased on Employees behalf for eleven months @ Rs 2.50 P.M.
7. That the above named concern, The Kamla Circus(Prop. R.K.Damodar) has never paid the full salaries to me and has been paying the part of salary at Meerut since 19-9-61 and the employer has in all paid Rs 260.75 nP so far instead of Rs 660, the salary of eleven months i.e. from 19-9-61 to 19-9-62 and so Rs 399.25 nP are due from the employer as salaries for this period.

P.T.O

8. That served the proprietor with three registered (A.D.) notices on 25-9-62, 9-7-62 and 21-7-62 demanding my release from service on domestic grounds and my arrears of pay etc. from him but the above named proprietor did not pay any heed to it and I am being compelled to continue the service.

It is, therefore, prayed that the proprietor of Kamla Circus, Patna may be asked to make payment of Rs 831.75 nP (Rs 399.25 nP and 27.50 nP plus 405.00 = 831.75) to me and relieve me from my services after making the above payments.

For this act of kindness I shall be highly grateful to your honour.

Yours faithfully,

T.K. Kunhira Man

(T.K. KUNHIRAMAN)
S/o Shri Pukkam
R/o Kamla Circus Store,
Saboon Gdown
Near Mill Road
MEERUT

Present address of the employer :-

K.DAMODARAN
Prop : Kamla Circus
PATNA (BIHAR)

Dated 17.8.62

Note. Dues incl. salary for January 1963

Rs. 1144.25

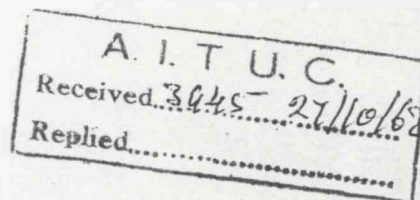
Arrears before employment in Meerut Rs. 405.00

Arrears at Meerut 739.25

1. CHERIYAN, B. A., B. L.
ADVOCATE
BANERJI ROAD,
RNAKULAM.

Date 20-10-1962.

Com. M. Achuthan,
All India Trade Union Congress,
4. Asok Road,
New Delhi.



My Dear Com. Achuthan,

I have your letter dated 13-10-1962 for acknowledgement. I am very glad to get a letter from the AITUC Office.

You have suggested my writing some legal notes for the T.U. Record. I shall certainly do so. I will send you half-a-dozen notes together with in a month. If I fail please remind me. Re

Regarding the Circus employees-- I am trying to contact personally the Manager. I could not get time to stir out for the last few days. I will do so this week end.

Wages due to the employees we can recover by filing a Petition before the authority under the Payment of Wages Act here. For that purpose it is enough that you supply me the names, address, monthly salary, the period of non-Payment etc. An authorisation in my favour by the employees is also necessary.

Hope you are all doing well. The China-India war is very unfortunate. Sorry to note that we have very foolish leaders in the International Movement.

I am anxious to visit Delhi. I am waiting for an Opportunity. I have not seen Delhi or Agra.

Kindly give my regards to Chairman Dange.

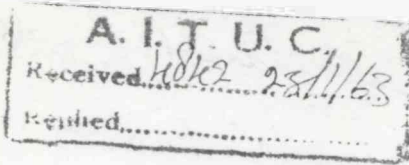
Yours Sincerely,

A handwritten signature in cursive script, appearing to be 'L. Cheryan'.

To

The Secretary,

A. I. T. U. C. Office,
New Delhi.



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Dear Sir,

I am sending you herewith an application (copy sent to Minister Shri. C. Subramanian) along with necessary copies of appointment, confirmation, promotion and termination letters. All the details are there in the application and in other copies.

The reason for termination as I came to know is simple. That is that I was an executive member of a trade union, affiliated to red flag - two years or earlier. NET 1952.

I could not find a job so far. I am being a member of poor parentage and being a father of two infants and especially residing extreme north some 2400 miles away to home place it is of great pain

And a difficulty to pull in
I can't have any resource now
to proceed to home place and let
my family and young ones there
at Kerala. As such would you
be kind enough to take necessary
steps and let me get back
my employment.

The management will be always ready
to reinstate me if the ministry would
permit. The F. C. I. is happy with me that
is why they gave me promotion being the
best in the Ammonia Plant for the last
assessment.

As such I request to you once again
to take necessary action and kindly let
me live with my wife and children.

Thanking you,

Yours faithfully,

21-1-63.

P. K. Kunjje,
C/o P. K. Ramchandran,
Rubber plant
Synthetics & Chemicals
Bareilly. U. P.

24 Jan 63

Shri P.E.Kunjee,
C/o P.K.Ramchandran,
Rubber Plant,
Synthetics & Chemicals Ltd.,
BAREILLY, U.P.

Dear Friend,

We are shocked to learn from your letter of 21st inst., about the story of the termination of your services.

Shri Indrajit Gupta, M.P., our Secretary, has written a letter to Shri C.Subrahmanyam, Minister for Steel and Heavy Industry, requesting him to intervene. We shall write to you again when a reply is received from the Minister.

Yours sincerely,


for Secretary

To,

The Managing Director,
F.C.I. Ltd.,

Through General Manager,
Nangal.

Respected Sir,

I beg to state the following few lines for your kind notice and favourable orders.

Earlier on 18-12-62, I had represented to your honour to reinstate me in my services. Unfortunately, I was greatly shocked to see your reply that nothing can be done for it. For my utter disappointment and my eagerness to find out an alternative for livelihood myself requested to the General Manager by an application dated 4-1-63 to change termination as resignation by deducting cash for one month's notice against my 31 days earned leave which was due to me. Latter on 5-1-63 I left for Bareilly with the hope to get an employment there. I was waiting for the service certificate after changing termination as resignation. I got service certificate too late by 2-2-63. By that time all came to know that I was terminated and by that the possibility of getting a job in Synthetics & Chemicals Ltd., or Camphor & Allied Products, became impossible. In case any Employer may ask why myself resigned, what answer am I to give ? I never said a lie for the best of my conscience so far.

I had sent an appeal to The Ministry for Steel and Heavy Industries on 21-1-63 and other on 22-1-63 Copies of them are attached herewith.

Honourable Sir, as I had stated in my earlier appeal to you on 18-12-62, I can assure you that I will be ever loyal to The Management, hard working and sincere. Kindly save me and my family from starvation. As I had stated all things in detail in the earlier appeal, I once again beg your honour to review it and kindly take necessary steps to reinstate me in my services or you may kindly provide me any job in any of the units, so that I may live with my family.

Thanking you in anticipation,

Yours faithfully,

Dated:- 8 th Feb, 1963.

(P.E.Kunjee)
C/o P.K.Ramchandran,
Rubber Plant,
Synthetics & Chemicals Ltd.,
Bareilly U.P.

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

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Dear Sir,

5038 9/12/63

Your letter. Thanks. I am still hopefully waiting for the reply through you from ministry. I am sending herewith a copy of the letter addressed to Managing Director of F. C. I. Ltd. and a copy of the same sent to ministry of steel and heavy industries. Still I could not find out a job. And my day to day expenditure with my family had have become almost impossible without a job. Would you be kind enough to take necessary steps for reinstating me at an early date and oblige.

Thanking you,
As we expected!

Very truly yours

Barilly,
8-2-63.

P. E. Kungsee,
P. K. Ramchandran,
Rubber Plant
Synthetics & Chemicals,
Barilly. U. P.



THE INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
COMMITTEE ON CASE STUDIES

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7. NARULA : SECRETARY

INDRAPRASTHA ESTATE
RING ROAD
NEW DELHI-1

10th May 1963

Dear Shri Dange

We have recently prepared under the sponsorship of the Committee on Case Studies, which has as its Chairman, Shri S.S. Khera, I.C.S., Cabinet Secretary to the Government of India, a Case Study on "The Abolition of the Labour Appellate Tribunal".

2. The draft Case Study also contains a resume of the discussions concerning the revival of the L.A.T. which took place at the 17th and Nineteenth Sessions of the Indian Labour Conference (July 1959 and October 1961 respectively) and at the Eighteenth Session of the Standing Labour Committee (January 1960). The summary record of these discussions has not been published by the Union Ministry of Labour and Employment and the resume is based on the stenographic records available with the Ministry. The Ministry has advised us that this resume should not be treated as authentic, unless it has been shown to the participants in the discussions.

3. We, accordingly, enclose a copy of the resume of discussions, about the proposals to revive the L.A.T., at the following meetings:

*17th session of the Indian Labour Conference,
Madras, July 1959 (pp. 3-4)*

4. The summary record of your speeches in the above resume has been side-lined in red.

5. We shall be grateful for your kindly vetting this summary of your speech and confirming that you have no objection to our publishing it.

6. The Case Study, which runs into 250 and odd pages, is ready for press; it has been approved by the Ministry of Labour and Employment for publication, subject to your confirming that

P.T.O.

your speeches have been correctly reported by us. May we, therefore, crave your indulgence for your kindly communicating us your approval by return of mail. If there is any verbal or other change which you would like us to make in the summary of your speech, that may also kindly be intimated.

With kind regards,

Yours sincerely,

B.N. Narula
(B.S. Narula)
Secretary

Shri S.A. Dange,
66 North Avenue,
New Delhi:

P.S. If you are likely to be in Delhi for some days more, I shall be grateful for your kindly giving me 10-15 minutes one of these days to obtain your valuable views on some points about the h.A.T. I shall contact you on phone in a day or so about this.

B.N. Narula

of the Supreme Court

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The power to entertain
appeals on industrial
awards and settlements by
~~the Supreme Court~~
should be taken away,
if necessary, by a
suitable amendment of
the Constitution. This power
appeal to the Supreme Court
is being used by
more frequently by the
employers to obstruct
the just claims of the
workers, as they have
the money and other
resources for such appeals.



THE INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
COMMITTEE ON CASE STUDIES

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INDRAPRASTHA ESTATE
RING ROAD
NEW DELHI-1

CC/4/1

16th May, 1963.

Sir,

May we invite your kind attention to our letter of 10th May, 1963. In this letter we had requested you to kindly confirm that your speech about the revival of the L.A.F. at the Seventeenth Session of the Indian Labour Conference (July 1959) had been correctly reported by us in the resume of discussions enclosed therewith.

We shall be highly grateful for your kindly sending us your confirmation/approval.

Yours faithfully,

B.S. Narula
(B.S. Narula)
Secretary

Shri S.A. Dange,
66, North Avenue,
New Delhi.

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The statistical attributes do you
seem to be correct.

Paragraph re: L.A.P. for
our Memo: to Mr 125 I.L.C. 8:4
top. 7 be added to it, if you like.

Chg.
3/15

A
1

The statement attributed to you
seem to be correct.

Paragraph re: LAT for
our memo: to the 12th I.L.C. 8:4
pp. 7 be added to it, if you like.

Ans.
3/15

(Copy)

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GRAM-UTUCONG

PHONE: 34-5214

UNITED TRADES UNION CONGRESS

Central Office:

249, Benin Behari Ganguly Street, (Bowbazar Street)
Calcutta-12
(First Floor)

Ref.No.D.O./R/27/33

Calcutta, 27th May, 1933.

Dear Shri Narula,

This is with reference to your letter (No.CC/4/1) dated the 25th instant. I have only done my duty and hardly deserve all the compliment you have paid me. In future also you are sure to get our co-operation for what it is worth.

Re: the stand taken by our Observer at the 18th session of the S.L.C., I am sorry that the proceedings of the meeting, which is with me, is not at all helpful. But, consistent with our previous stand in the matter our Observer agreed with Shri Pillai (HMS) as we have all along been in favour of LAT, because we feel that there should be some appellate authority for 'uniform judgement and fair trial'.

From the AITUC friends here I gather that they also support the revival of LAT as appeals are less expensive in case of LAT than the appeals to High Courts or Supreme Court and the trade unionists may appear before the LAT whereas appearance before higher Courts is possible only through legal practitioners. Dr. P. Sen of the AITUC must have expressed similar opinion in the meeting of the SLC. When our Observer agreed with Dr. Sen he did so as his opinion was very near to ours.

I hope the explanation given above may serve your purpose. In this connection your kind attention is drawn to the incorrect recording of the name of our Observer. His name is not 'Pradip Chaudhary' but Tridib Chaudhury, M.P. This may kindly be corrected accordingly.

With kind regards,

Yours very sincerely,
Su/- Jatin Chakraverty
Secretary

Shri P. S. Narula,
Secretary,
Committee on Case Studies.



THE INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
COMMITTEE ON CASE STUDIES

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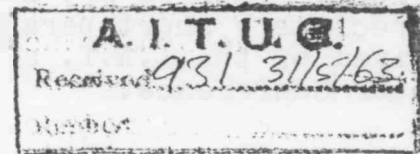
KHERA : CHAIRMAN
SINGH
NAYAK
KOGOKAR
MATHUR
N. MENON
NARULA : SECRETARY

INDRAPRASTHA ESTATE
RING ROAD
NEW DELHI-1
29th May, 1963.

CC/4/1

To

The Secretary (Shri K.G. Srivastava),
All-India Trade Union Congress,
5, Thandewala,
New Delhi.



- Sir,

We have recently prepared under the sponsorship of the Committee on Case Studies, which has as its Chairman, Shri S.S. Khera, I.C.S., Cabinet Secretary to the Government of India, a Case Study on "The Abolition of the Labour Appellate Tribunal".

The draft Case Study also contains a resume of the discussions concerning the revival of the L.A.T. which took place at the Seventeenth and Nineteenth Sessions of the Indian Labour Conference (July 1959 and October 1961 respectively) and at the Eighteenth Session of the Standing Labour Committee (January 1960). The summary record of these discussions has not been published by the Union Ministry of Labour & Employment and the resume is based on the stenographic records available with the Ministry. The Ministry has advised us that this resume should not be treated as authentic, unless it has been shown to the participants in the discussions.

From the stenographic records of the discussions at the Indian Labour Conference (Nineteenth Session, October 1961) available in the Ministry of Labour and Employment, we have been unable to find out the views, if any, about the revival of the L.A.T. expressed by Dr. R. Sen of your Organisation who participated in the Conference. From a letter received from Shri Jatin Chakravorty, M.L.C., Secretary, United Trades Union Congress, it appears that Dr. Sen supported the revival of the L.A.T. on the ground that appeals would be less expensive in the case of L.A.T. than appeals to High Courts and Supreme Court, and further that trade unions will be able

to appear before the L.A.T. whereas an appearance before the higher Courts was possible only through legal practitioners. (a copy of Shri Jatin Chakravorty's letter is enclosed).

We shall be grateful if you will kindly confirm that the above version of the views expressed by Dr. R. Sen at the Nineteenth Session of the Indian-Labour Conference is correct. In case Dr. Sen said something else we shall highly appreciate a short paragraph about what he said about the revival of the L.A.T. at the Nineteenth Session of the Indian Labour Conference.

As regards the views expressed by the A.I.T.U.C. representatives at 17th Session of the Indian Labour Conference (July 1959) and the 18th Session of the Standing Labour Committee (January 1960), we have already requested Shri S.A. Dange to vet the summary record of his speeches.

An early reply in the matter will be highly appreciated as the manuscript of the Case Study is already in press and we would have to incorporate the changes suggested by you at the proof stage.

Yours faithfully,

B.S. Narula
(B.S. Narula)
Secretary

May 31, 1963.

To,
The Secretary,
Indian Institute of Public Administration
Committee on Case Studies,
New Delhi-1.


Dear Sir,

With reference to your letter No. CC/4/1 dated 29th May 1963 I have to say that we do not have in our record the verbatim statements made by our representatives in the 18th session of the Standing Labour Committee held in January 1960.

We submitted a memorandum to the Labour Minister who is the Chairman of the Committee expressing our point of view on all the items of the agenda. I am enclosing a copy of the same for your ready reference. Item 5 deals with revival of L.A.T.

Our representatives in the Committee meeting took up the same attitude as mentioned in the memorandum.

Yours faithfully,


(K.G. Sriwastava)
Secretary.

June 1, 1963.

Dear Shri Narula,

This has reference to your letter of May 10 addressed to Shri S.A.Dange, General Secretary AITUC regarding the discussion at the Seventeenth and Nineteenth session of the ILC.

Shri Dange considers the report of his speech to be correct subject to the following addition at the end.

" The power of the Supreme Court to entertain appeals on industrial awards and settlements should be taken away, if necessary, by a suitable amendment of the Constitution. This appeal to the Supreme Court is being used more frequently by the employers to obstruct the just claims of the workers, as they have the money and other resources for such appeals."

With regards,

Yours sincerely,

(Satish Lomba)
Secretary.



To

Mrs The All India

Trade Union

pp. House

Congress 4

5, Khirwala

Ashok Road

New Delhi

Samples will be
sent Free of cost.
Thanking you for the
trouble. yours Faithfully,
D.N. Puri

Puri Flour mill
House no 33. B. 18
Hissar

Ref: no 7/2/2-517/7/63 44A

From PURI FLOOR MILLS
H-33 Block XVIII, BISSAR,

To Mrs All India Trade

union congress 4th 20/7/63

Ashok Road New Delhi

Dear Sirs, We ^{KRISHNA} are manufacture
ring Gumar Gum and
Gum Powder at our mill.

We can supply you
hundred of maunds monthly.
Kindly send the address
of the wholesale merchants
who want to distribute
this Gum in India or
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outseas countries. The