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No. 1(22)/68-NCL(C)
Government of India
National Commission on Labour
D-27, South Extension, Part II
New Delhi

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Dated the 6th September, 1968.

To

The Chairman and Members of the National
Commission on Labour.

Subject:- Record of discussions of the Commission with
Members of Parliament - New Delhi - 28th August, 68

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Sir,

I am directed to forward a copy of the Record of
discussions of the Commission with Members of Parliament
belonging to Jan Sangh and P.S.P. Groups, held at New Delhi
on the 28th August, 1968, as approved by the Chairman.

Yours faithfully,

P.D. Gaiha
(P.D. GAIHA)
DIRECTOR

NATIONAL COMMISSION ON LABOUR
INFORMATION AND DOCUMENTATION
NEW DELHI
NCIDA

ACC. No. L-114
DATE 25-1-83

NATIONAL COMMISSION ON LABOUR

(NEW DELHI)

Date: 28.8.1968

Time 10.00 A.M. to 11.00 A.M.

Record of discussions with the Members of Parliament belonging to Bhartiya Jan Sangh, represented by :

Lok Sabha :

- 1) Mr. Manohar Lal Sondhi
- 2) Mr. Ram Swarup Vidyarthi
- 3) Mr. Suraj Bhan.

Rajya Sabha :

- 4) Dr. Mahavir
- 5) Mr. Rattan Lal
- 6) Mr. Jagadambi Prasad Yadav.

Formulation of a Common Labour Code was favoured.

2. A common pattern of labour judiciary was also favoured; Apart from the labour judiciary, an all-India Labour Service on the lines of services like I.A.S., I.P.S. and other services should be constituted. This will promote national unity in administration of an important Government Department. Such administrative integration is an important tenet of the policy of Bhartiya Jan Sangh.

3. 'Labour' should be a union subject. The Jan Sangh looks at every problem in the labour field as well as others, from the national point of view and would support or adopt any steps that would help promote integration. Constitution of an all-India Labour Service and making labour a union subject are steps in this direction.

4. LAT should not be revived. There should be separate labour benches in all High Courts. On questions of law there should be provision for a second appeal to the Supreme Court. Only judges who have specialised in labour matters should constitute the bench (c.f. Income Tax Bench in the High Courts). There should also be a provision authorising the judges to take the assistance of technical experts where such assistance is necessary.

5. There should be only one union in one industry.

6. Recognition of a union should be obligatory on employers. A union which has a majority should be recognised. It is preferable that there should be one recognised union but this may not always be practicable. If a union has 55 per cent membership it should be given recognition as the sole bargaining agent. Otherwise, all unions with 30 per cent or more membership should be recognised.

7. Verification of membership by an independent authority was favoured. In case of a challenge, election should not be ruled out, but it must be the last resort. Voting rights should be given only to members of unions so that trade unions will be encouraged to extend their activities and enrol more members. This will also help unions to grow.

8. Minority unions may represent individual grievances. Majority unions should deal with major issues concerning labour as a whole. Minority unions may also play a role in the implementation of awards and agreements. They should have all the facilities which are open to majority unions except the bargaining power.

9. Check-off and union shop were not favoured.

10. Collective bargaining should be preferred and encouraged. Where collective bargaining fails there should be provision for voluntary arbitration. If parties do not agree on arbitration, the matter should go for adjudication.

11. Conciliation has not succeeded due to several factors. It needs to be strengthened.

12. Outsiders should be eliminated from trade unions. 'Outsiders' however, would exclude full-time trade unionists and ex-employees, whether they actually work in the plant or not. Complete elimination of outsiders by law, however, was not pressed since it may require amendment of the Constitution.

13. The present position about disciplinary matters is defective, un-satisfying, and confused. Labour is kept in suspense for a long time. Employers should frame charges and refer the matter to the Labour Court. The Labour Court may give its verdict as an arbitrator and not as a Court to avoid further proceedings.

14. In case of non-implementation, awards should be executed as Court decrees against the employer. The intervention of the State in the matter of non-implementation of the award is not required. There should be a provision for penalty in case of non-implementation of awards.

15. Introduction of need-based minimum should be by stages. Capacity of industry should be taken into consideration in working out the minimum. Government, as a model employer should make a start in the matter.

(Representatives of the Bhartiya Jan Sangh requested the Chairman to allot some more time to them to discuss such points as have been left out or have not been adequately covered. The time should be fixed outside the dates for the Parliament Session.)

NATIONAL COMMISSION ON LABOUR

(NEW DELHI)

Date : 28.8.1968

Time : 11.00 A.M. to 12.00 Noon.

Record of discussions with the Members of Parliament
belonging to the Praja Socialist Party represented by:

Lok Sabha :

1. Mr. Srinibas Mishra

Rajya Sabha :

2. Mr. Banka Behary Das.

There should be a common labour code and a common pattern of labour judiciary; labour judges should be appointed on the recommendations of the High Court.

2. Labour should continue to remain on the concurrent list.
3. LAT should not be revived.
4. Recognition of unions should be compulsory. Representative union should be elected on the basis of secret ballot, - all the workers participating in the ballot. There may be defects in the system of secret ballot; but the risk has to be taken in the present circumstances.
5. The facility of check-off should be given to recognised unions.
6. Minority unions may be given some rights for the present. These rights should include the right to take up individual grievances.
7. Adjudication will have a role to play in the settlement of industrial disputes for some time to come.
8. Conciliation machinery should be strengthened. When conciliation fails arbitration should be resorted to. There should be a panel of arbitrators. In the event of arbitration also failing, the dispute should go to adjudication. Either party should be free to take the matter to the Labour Court.
9. 'Outsiders' in trade unions should continue for some time. This is necessary in view of the large sectors of industry

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in which workers are still unorganised. Even in the organised sectors unions are not strong enough to fight with the employers on terms of equality.

10. Formation of one unified trade union movement is an ideal to be worked towards but it will take a long time to achieve with different political affiliations of each organisation as at present.

11. Influence of political parties in the unions is not decisive. It is not true that all Central Labour Organisations are appendages of the parties.

12. The idea behind the Bill passed by the Rajya Sabha in disciplinary matters was sound. There could be no objection to a panel of arbitrators deciding disciplinary matters as an alternative to the procedure outlined in the Bill. In all such cases the expenses on account of litigation should be borne by the industry.

13. Industrial Courts should be given the power to execute the awards like decrees.

14. A need-based minimum wage was favoured. There may, however, be some difficulty in introducing it in the agricultural sector. (It should be introduced in two stages; initially for the skilled labour and later for unskilled).

15. Defining a national minimum wage should be attempted forthwith. Capacity to pay should be taken into account.

16. The need-based minimum should be phased industry-wise and region-wise. In such industries as Engineering, Railways, Ports and Docks it may be possible to introduce the need-based minimum wage straightaway.

17. It is not possible to do so in agriculture and other unorganised industries. Though a certain break-through has taken place in agriculture in some areas, it will be quite some time before the agricultural revolution extends to all parts of the country. Where facilities of irrigation are developed a beginning can be made even in agriculture to fix a need based minimum.

18. There should be need-based minimum wage for Government employees. The Government should be a model employer.

19. Collective agreements should be legally binding and enforceable. (Mr. Das read out from a Newspaper cutting about the difference in the use of collective bargaining in the United States and Great Britain. According to this view the arrangements in the U.K. were antiquated).

20. Most strikes arise out of non-economic issues. Government choose to refer only minor issues for adjudication leaving out major ones. Workers are left with no option but to take recourse to strikes for realisation of their demands.

21. In theory introduction of automation should not be opposed but in the present context of the Indian economy, it is neither desirable nor necessary. It may be introduced only in special circumstances but even there with the consent of the trade unions concerned. The need is for labour intensive measures and not for introduction of technological development which would reduce employment potential.

22. If the choice is between a faster growth rate coupled with social and economic imbalances and lower growth rate maintaining social and economic balance, the latter would be preferable.

23. Introduction of automation in LIC was opposed irrespective of the fact that LIC is an expanding organisation and can absorb the persons rendered surplus by the introduction of automation. In cases where introduction of automation is absolutely essential, consultation with the workers should be restricted to guarantee alternative employment. At the present stage of India's development unemployment in one sector of industry consequent on introduction of automation is not likely to be followed by increased employment in other sectors.

24. Before retrenchment, closures, etc. are effected the matters should be looked into by an independent authority.

25. 'Wanton' closures of industries should be discouraged and prevented by imposition of enhanced, deterrent penalties. The Court should define 'wanton closure'. (Reference in this connection was made to the recent closure of Kalinga Tubes. In Bengal also many industrial undertakings were closed on the pretext of gheraos but the real reason, however, was to shift to other places).

26. Capital should not be shifted to the detriment of workers employed therein. Workers have vested interest in the industry which has grown in an area, and therefore cannot agree to shifting of industrial units.

27. Part-time employees should be given the rights and facilities available to full-time workers. (Reference was made to part-time employees of the Delhi Milk Scheme which also included many students. They have been discharged at the sweet-will of the employers).

28. Many provisions in the Industrial Disputes Act required

to be amended. For instance, the power vested in the Government to refer some matters to adjudication is being used often to refer only minor matters to adjudication. This provision should be withdrawn and both parties should be allowed to go to the Court.

29. During the pendency of conciliation proceedings workers are barred from taking matters to the court, but there is no bar on employers changing the conditions of service of employees. This inequitable situation should be remedied by allowing employees to go to a Court even during pendency of proceedings before a conciliator. (A note on the provisions which should be amended will be sent by the member.)
