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No. 7(23)/68-NCL(C)
Government of India
National Commission on Labour
D-27, South Extension, Part II.
New Delhi



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Dated the 29th November, 1968

To

The Chairman and Members of the
National Commission on Labour.

Subject:- Visit of the National Commission on Labour
to Assam-Record of discussions.

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Sir,

I am directed to forward a copy of the Record of
discussions of the Commission at Shillong in Assam
State on October 16-17, 1968, as approved by the
Chairman.

Yours faithfully,

P. D. Gaiha
(P.D. Gaiha)
Deputy Secretary.

NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.68

Time: 10.00 A.M. to 10.20 A.M.

Record of discussions with the Tea Association of India represented by Mr. C. Sinha.

1. The parent body of the Association has already appeared before the Commission in Calcutta. The Association has no special problem of a local nature to submit to the Commission.
2. There is harmony among workers, employers and Government so far as tea industry in Assam is concerned. Many complicated problems had been solved mutually without recourse to adjudications.
3. There is no special point to be mentioned about the Plantations Labour Act.
4. In regard to the problem of surplus labour in tea gardens, a special Employment Exchange has been set up at Dibrugarh and this Organisation is doing useful work and is getting all co-operation from the employers. The main difficulty in the solution of this problem is the lack of mobility among the workers. The workers develop sentimental attachment to the gardens where they live in groups and they do not ordinarily like to move out to other gardens. Only persuasive methods can be used for moving surplus workers in a garden to other gardens. The employers give some incentive for such movement in the form of Settling Allowance of Rs. 50/-, housing accommodation, etc. Slowly, the attitude of the workers is changing and there are now signs of better mobility among them.
5. There are 4 major Associations of employers in the tea industry in Assam. There is a Consultative Committee of producers' Association where all the four Associations are represented. All important decisions relating to the industry are taken in the Consultative Committee and these decisions are communicated to individual Associations for implementation. There is a general understanding that no single Association will take unilateral steps or communicate with Government separately on important issues. This is how an effective co-ordination is ensured among all the Employers' Associations.
6. Some of the grievances of the workers relate to repairing of houses. During heavy rains, many of the houses start leaking and complaints come on that score. There are also grievances about the supply of ration. The employers are obliged to supply ration at concessional rates to the workers provided they get the necessary stock in time from Government and hence the employers are wholly dependent upon Govt. in this matter. There are complaints about the quality of ration but in this matter also the employers are helpless because they have to depend upon the quality supplied by Government. Ration for rice has been cut to 250 grams per head per week. Even though the balance is made up by the supply of wheat, there are complaints from workers about the low quantum of rice because the workers are mainly rice-eaters.

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7. Under the Plantations Labour Act the tea gardens are expected to construct houses for the workers to the extent of 8% of the total strength every year. This target has not been achieved because of practical difficulties.

8. The workers generally start work at 8 A.M. in the morning and go up to 5 P.M. with a break of 1 hour. Plucking season is from March to November and during the remaining months they do other work on the gardens. There is generally no question of overtime work.

9. Plucking is a piece-rated occupation and the workers are paid at the rate of .09 paise per kilogram of leaves plucked. In addition, men workers get 58 paise per day and women workers get 56 paise per day as a sort of dearness allowance. These rates have been settled by mutual agreement.

10. Children also work with their parents during the plucking season and they generally put leaves plucked by them into their mother's basket. Thus, they are not separately paid. Only grown up children assist their parents in this work.

11. Workers in tea gardens originally came from Orissa, Bihar, Santhal Parganas, etc., but they are now settled on the gardens for generations. There is hardly any local tribal labour employed in tea gardens.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.68

Time 10.20 A.M. to 10.30 A.M.

Record of discussion with Assam Match Company
represented by Mr. M.N. Goswami.

1. The Assam Match Company has a factory at Dhubri employing about 1300 persons. The factory was started in 1925 and it went into production in April, 1926.
2. There are no labour problems in the factory for the present.
3. There are problems of transportation of the products. Generally, the products are transported by river, by road and by rail.
4. The factory belongs to the Western India Match Company Ltd. which has bigger units in Calcutta, Bombay and Ambernath employing 2,000 to 2500 persons each. The production processes in all the factories have been mechanised to a great extent in the interest of higher productivity; but there is no automation as such.
5. The factory at Dhubri is not experiencing any local problem.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.68

Time 10.30 A.M. to 10.50 A.M.

Record of discussion with Assam Tea Planters' Association represented by Mr. S.N. Phukan.

1. Simplification of Labour Code is desirable. There should be a standardised legislation for the plantation industry with precise and clear codification and covering all aspects like social security, welfare, Standing Orders, etc.
2. Statutory provisions regarding constitution of Works Committees and appointment of Welfare Officers have not yet been fully implemented. However, the employers are alive to the situation and are taking necessary steps in this direction gradually. In regards to constitution of Works Committees, there is a fear on the part of the employees that such Works Committees may be used as a weapon against them by the employers.
3. In the tea plantation industry of Assam there have not been many complaints about non-implementation of awards or provisions of labour laws.
4. Welfare provisions under the Plantations Labour Act are not harsh but there are practical difficulties for the employers to implement them all at the same time. The Act does not distinguish between small gardens and big gardens.
5. Most of the workers in tea gardens are housed by employers but not in pucca quarters in accordance with the specifications laid down under the Plantations Labour Act. It is difficult for all the gardens to provide housing according to the specifications of the Plantations Labour Act, all at the same time.
6. Industrial peace in the tea industry of Assam is not due to the fact that the labour organisation is weak. In fact, workers' organisations are very strong. Industrial peace has existed because of responsible and responsive attitude of all the three parties concerned, viz., employers, workers and the Government, and the credit should go to all of them.
7. There are no hard and fast rules about recognition of unions in the tea gardens. The practice generally followed is that unions having a certain minimum paid membership are recognised and the membership is verified at intervals of a few years.
8. Bonus to workers in tea gardens is now paid under the Payment of Bonus Act. Previously this matter used to be settled through collective bargaining. Similarly, wages also used to be settled through collective bargaining but now they are decided by Wage Boards. These developments have curtailed the scope of collective bargaining, which has been working very well in the industry.
9. Collective bargaining has been very successful in the tea industry of Assam. However, 100 percent success through collective bargaining cannot be ensured and, therefore, Government has to come in when there is no agreement through collective bargaining.

10. During the last three or four years there has been hardly any case for any employer belonging to the Association to go on appeal to the High Court or Supreme Court against awards of Labour Courts or Tribunals. In such matters, the members generally take the advice of the Association, though such advice is not mandatory.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.68

Time: 10.50 to 11.20 A.M.

Record of discussion with Rice Millers' Association, Assam, represented by Mr. M.L. Banerjee.

1. The Association handed over a copy of their memorandum and a partial reply to the special questionnaire.
2. Prior to 1959 the rice milling industry in Assam used to work throughout the year. They used to purchase paddy themselves for milling purposes. After 1959 this purchasing power was withdrawn from the rice millers and vested in co-operatives and other monopoly agents of Government. Since then the industry has been in a precarious position. At present they get about 15% of their minimum requirement of paddy and hence they mostly remain closed. They are not allowed to purchase paddy directly and at the same time the monopoly agents set up by the Government do not feed them properly.
3. The industry is quite prepared to purchase paddy at controlled rates and also supply rice at controlled rates. Even then it is being starved for reasons not known to the Association.
4. Before 1959 the industry used to employ more than 50,000 persons in Assam. Most of the labour have already been laid off and the mills now generally keep one mistry and when they get some supply of paddy they take temporary hands to do the work.
5. Against this background, the industry is hardly in a position to give proper conditions of work and wages to the workers.
6. The milling charges for the rice mills in Assam have been fixed by Government at 87 paise per quintal. This is too low compared to the milling charges of 4 or 5 rupees per quintal in West Bengal. Naturally the mills have no capacity to pay good wages.
7. The co-operatives set up as monopoly agents for purchasing paddy have failed in their task of procurement and it is difficult to understand why Government is persisting in their policy of denying procurement rights to the rice millers. In fact, the rice mills used to procure much more paddy than what the monopoly agents are able to achieve and even in recent years the mills came to the help of Govt. whenever occasion arose.
8. The recent entry of the Food Corporation of India into the market for procurement has made the position worse. The Corporation has no proper machinery for procurement of paddy and also the Corporation is trying to by-pass the Association and is dealing with individual mills.
9. De-recognition of mills which work with the Food Corporation of India against the advice of the Association is no solution because these individual mills do not stand to lose anything by such de-recognition.

10. In addition to about 450 licensed mills approved by Government, there are about 650 husking mills. These husking mills surreptitiously buy paddy in the open market and after husking sell rice also at the open market at much higher prices. There is a lot of wastage involved in the processing done by the husking mills and, at the same time, they operate against the regulations of control on prices and distribution of food grains. The Association feels that the husking mills are thriving at the connivance of the Governmental authorities.

11. The requirement of the rice milling industry is about 2 crore 90 lakh maunds of paddy every year. Against that they are getting about 30 to 40 lakh maunds. As a result 75% of the mills are closed down and many of the employers have taken to alternative business ventures. The machineries in the mills are getting rusted due to dis-use and ultimately they will be reduced to scraps. This will be a big national loss.

12. There is discrimination in the allotment of paddy to the rice mills in whatever supplies are made. There should be some definite and equitable policy in regard to allotment of paddy and such a policy should be made known to all the mills.

13. The attitude of labour in the industry has been generally good except when they are guided by politicians or opportunist leaders. For eliminating such opportunist leaders from the trade union field, there should be proper screening of trade union leaders. There have been cases where money paid out of settlement of industrial disputes did not finally reach the workers concerned; but these are stray cases from which no generalisation can be made.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.1968

Time: 11.20 A.M. to 12.00 Noon

Record of discussions with the Associated Industries (Assam) Limited, and Assam Manufacturers' Association represented by:-

1. Mr. D.N. Jatia

2. Mr. Dulal Dutta.

1. The major problem confronting the industries is the high rate of absenteeism amongst workers. Absenteeism is as high as 25 to 30 per cent. The main cause is the backward conditions in the State. Industrialisation has come to the State in recent times and hence the workers are not used to work in industries. Most of the labour employed is recruited locally. Only certain skilled workers come from outside the State. When such a skilled worker goes on leave, it is not certain if and when he will return. This leads to extensive engagement of casual labour. Sometimes due to high absenteeism entire section remains closed. Absenteeism is particularly high during holidays, festivals and days following pay-day. Another factor for high absenteeism is that local labour is not job-hungry.

2. Recruitment of women workers has to some extent helped to reduce high rate of absenteeism. Employment of women workers leads to higher cost of production because benefits like maternity leave, provision of creche, etc., have to be provided; even then engagement of women workers is preferred. Women now form about 40 per cent of the total labour force. Special permission has been obtained for engaging female workers in the second shift. The third shift has to be manned entirely by male labour force. All female labour is local labour.

3. Equal payment is made for male and female workers.

4. Workers are unaware of their rights and privileges under the various labour laws. Hence they are easily swayed by political parties. The INTUC is a dominant union in Assam. To obviate the influence of political parties, it is desirable to have paid office-bearers of unions. In the interest of good industrial relations, employers would be prepared to spare workers to work as Trade Union Officers. After their tenure, they may resume their employment.

5. There are district-wise unions in the industries in Assam. One union leader manages most of the unions in a district. Such a system might have been justified about 10 years ago when there were few industrial units in a district. But now a large number of units have come into existence and hence management by one union leader of all the unions in a district does not work well. Such a union leader is not conversant with all the industries in the district and hence unions on this pattern cannot function well.

6. Provisions like those in Section 10, Section 33 etc. of the Industrial Disputes Act have given rise to a number of difficulties. One case is under reference to adjudication and all cases of workers in that establishment are kept pending in view of the Section 33 of the Industrial Disputes Act.

7. At present when the case of a worker under Section 10 is referred to a Court or Tribunal, his case under Section 33 is also entertained. It is advisable that this practice should not continue. If a case under Section 10 is entertained, cases under Section 33 should be held in abeyance.

8. Appointment of Judges to Labour Courts and Labour Tribunals should be on all-India basis.

9. Go-slow has not been defined at present. It should be declared as form of strike. It is possible to locate the Department responsible for 'go-slow'.

10. Reinstatement of dismissed or discharged workers is not desirable. Instead of reinstatement, a worker should be compensated by payment.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.1968

Time: 12.00 Noon to 12.10 P.M.

Record of discussions with Mr. Hem Datta, Social Worker connected with Ramakrishna Mission, Theosophical Society, etc.

1. No labour laws are applicable to the unprotected workers engaged in motor transport services, rice mills, etc. It is necessary that such workers are given protection under labour laws.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.1968.

Time: 12.10 P.M. to 12.15 P.M.

Record of discussion with Assam Tea Gardens Tribal Students Representatives:-

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|---------------------|---|--------------------|
| 1. Mr. S.M. Mahato | { | Employees of Assam |
| 2. Mr. George Topro | { | Secretariat. |
| 3. Mr. K.R. Nag | | Student. |

1. About 30 lakhs of persons belonging to Scheduled Tribes of Bihar are staying in Assam. But these tribes have not been declared as Scheduled Tribes in the State of Assam with the result that educational facilities, scholarships, reservation in jobs, etc., are not available to them.

2. High schools should be provided in the plantation areas.

3. Hostels for the tribal people should be provided in Assam State.

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NATIONAL COMMISSION ON LABOUR

(Camp:Shillong)

Date: 16.10.1968

Time: 12.15 P.M. to 12.25 P.M.

Record of discussions with Assam Cooperative Apex Bank represented by Mr. M.K. Das and Mr. S.K. Sen.

1. The Association is preparing a memorandum for the consideration of the National Commission on Labour and will soon submit it.
 2. The Bank employs about 528 permanent employees all over Assam. A staff Union has recently been formed and it is working satisfactorily. For the present there are no problems between management and employees.
 3. It is a cooperative Bank which is different from commercial Banks. Workers are not share holders but they get a share of profits through bonus. Bonus is paid according to the Payment of Bonus Act.
 4. Grievances of employees which have come before the management are generally of a minor nature relating to medical allowance, house allowance, dearness allowance, etc. In future there may be major issues relating to salary scales and other financial benefits of employees. But as at present, no problem between the management and employees exists.
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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.1968

Time: 2.30 P.M. to 3.10 P.M.

Record of discussions with the INTUC (Assam Branch)
represented by:-

1. Mr. Probin Goswami
2. Mr. G.C. Sarmah
3. Mr. J. Sinha
4. Mr. T. Roy
5. Mr. B. Baroi
6. Mr. B.N. Upadhya
7. Mr. Deben Bardalai
8. Mr. B. Das
9. Mr. B.B. Singh
10. Mr. I. Karmakar
11. Mr. S.N. Ram
12. Mr. M. Mohanta
13. Mr. G. Tanti

1. Unions affiliated to the INTUC are the only recognised unions. All agreements and awards to which they are a party have been implemented.

2. A portion of the union's funds is utilised for giving relief to workers on account of unemployment, death, prolonged illness, etc., but there is no fixed budget for it.

3. There is no strike fund.

4. The present method of verification for purposes of choosing a representative union is working satisfactorily. There is no objection to this verification being conducted by any other independent agency.

5. Provident Fund of the workers is now handled by an independent agency. Formerly this was the function of the State Labour Commissioner. This scheme is not working satisfactorily. There is delay in settlement of accounts. In some cases, employers do not deposit their share of the fund. It is necessary to tighten up this machinery.

6. Employees' State Insurance Scheme is working in some areas only. This scheme too is not working satisfactorily. There is delay in payment of workers' dues. In some cases employers are depositing only partial amount in place of the due payment. Workers are asked to purchase such medicine as are not available at the E.S.I. dispensary. There are dispensaries without doctors. For instance, in Jorhat there was no doctor for

a full year. Civil Hospitals should cater to the needs of the workers covered by the E.S.I. Scheme. Conversely, the E.S.I. dispensaries and hospitals should cater to the general public also.

7. The unions affiliated to the INTUC have been effective in their working. Many disputes are settled through mutual negotiation.

8. Housing Scheme in the Plantation Industry has not made satisfactory progress. In 1963, Government modified the Housing Scheme and provided for two types of houses. Since then, the Scheme has practically come to a halt. Employers contend that they have not been able to undertake construction of houses as they have not received the subsidy from the Government. Employers have thus defied the scheme. The total outlay on the Housing Scheme would amount to Rs. 100 crores. One fourth of this amount is required to be subsidised by Government. But Government has no fund for this purpose.

9. It is not correct to say that workers are not conscious of their rights and privileges under labour laws. They are alive to them. Even then there has not been much trouble because workers have observed restraint.

10. Plantation industry has a Welfare Fund administered by a Welfare Board. Undisbursed wages, bonus, etc., are the source for the Welfare Fund. Such a fund is not available to other industries.

11. Plantation is a top heavy industry. Wages are not high and labour cost do not form sizeable part of the total cost of production.

12. Minimum wages have been fixed industry-wise. But there are a number of industries which are not covered by the provision of Minimum wage legislation.

13. Contract labour is extensively to be found in the plantation industry. Working strength in plantation industry is going down because of the system of contract labour. Some companies have effected retrenchment also. Contract labour does not get the benefit and facilities available to regular workers. Contract system, therefore, should be abolished.

14. Casual labour is employed on a large scale in the industry.

15. There are a number of cases of dismissal and discharge of workers as a result of disciplinary proceedings. Workers are not allowed to be represented by their unions with the result that they are not justly treated.

16. The strength of Factory Inspectorate is inadequate. Violation of the provisions of the Factories Act is rampant. Factories remain uninspected for years together.

NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.68

Time: 3.10 P.M. to 3.50 P.M.

Record of discussions with Indian National Plantation Workers' Federation represented by:

1. Mr. G.C. Sarmah,
2. Mr. J. Sinha,
3. Mr. T. Roy,
4. Mr. P. Goswami.

1. The Federation is a loose Association of all the Unions affiliated to the I.N.P.U.C. in the tea industry of Assam. It is mainly a co-ordinating body with no particular control over the unions.

2. The percentage of outsiders among office bearers of local unions varies from union to union. In the case of unions representing clerical employees, this percentage is very low because the employees are enlightened and they can manage their own affairs. Among unions representing ordinary workers the percentage of outsiders is naturally high. The Federation has no say about outsiders in local unions.

3. The Federation does not want Conciliation Officers to act as Arbitrators because by the time conciliation proceedings fail, the officer is likely to have formed certain notions about the dispute and the parties and arbitration cannot be impartial. The Federation however, has no objection to Conciliation Officers from other areas acting as arbitrators, provided they are acceptable to both sides.

4. There have been very few arbitration agreements in tea plantations because the employers generally do not want to go in for arbitration. Once the principle of arbitration is accepted, there is not much difficulty in the selection of an arbitrator.

5. There have been cases where employers have taken disputes to the High Court. Last year one Union won 16 cases against the employer and of these, 14 cases were taken to the Assam High Court by the employer.

6. There have been cases where payment for strike period has not been fully made to the workers.

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7. The prevalence of incentive system of wages varies from ~~to~~ area. In some areas plucking is paid at straight piece rates with a guaranteed minimum. In other areas there is a fixed wage for a particular output and above this output there is a separate piece rate. Often this separate piece rate is lower than the rate for fixed wage and such piece rates cannot be called incentive rates.

8. The Federation feels that questions like retirement benefit and food concession for tea garden employees should be decided at the national level.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.68

Time: 3.50 P.M. to 4.30 P.M.

Record of discussions with (i) Assam Cha Karamchari Sangh and (ii) Assam Cha Mazdoor Sangh, represented by:

1. Mr. G.C. Sarmah
2. Mr. P. Goswami
3. Mr. D.N. Bardoloi
4. Mr. G.N. Tanti
5. Mr. L.C. Karmakar
6. Mr. S.N. Ram

Assam Cha Karamchari Sangh

1. There is no rival union.
2. "Check off" system is not favoured as the link with the worker will then be missing.
3. The existing powers of the Registrar of Trade Unions, if exercised properly, are sufficient to discipline the unions. No extra powers are needed.
4. Sectional/craft unions are not desirable.
5. In disciplinary proceedings conducted in the plantation industry, manager is the accuser, prosecutor and the judge. If these cases are decided by an authority higher than the Manager, then there is no objection to the present system continuing.
6. There is considerable delay in deciding cases by Labour courts/Tribunals. If the cases are decided in reasonable time, much of the discontentment would disappear. There may be other causes for the discontent also but these cannot at present be detected.
7. It is necessary to compile regional consumer price index number for Assam as cost of living in Assam is much higher as compared to other areas.
8. There should be 100% neutralisation for the rise in the cost of living as against the present 75%. Full neutralisation would not make noticeable impact on the existing inflationary pressure.

The question of wage differentials (Q.No. 149) is very complicated and it may not be tackled at this stage.

9. The Payment of Bonus Act has set aside a number of bilateral agreements arrived at between the parties for payment of bonus. The Bonus Act covers employees who were not formerly covered by the Scheme. This has reduced the quantum

of bonus available, to the workers. The Act also allows a number of prior charges which ultimately reduce the quantum of bonus. The Act, therefore, should be continued but in a revised form restoring the position as it obtained prior to the enactment of the Bonus Act. Under the Act manipulation of accounts becomes possible to the detriment of workers.

ASSAM CHA MAZDOOR SANGH

10. Model Standing Orders need to be amended as they are outdated.

11. For neutralising the rise in the cost of living, payment should be made in kind and not in cash.

12. Automation as such has not come as yet.

13. Foreign plantation owners are amalgamating their plantations and factories. New machines have been introduced and there is considerable mechanisation. On the other hand, Indian plantation owners have amalgamated even hospitals. There is acute class consciousness among them. There is considerable difference in the remuneration paid to Indian personnel and foreigners. It is necessary to take recourse under the Industries (Development and Regulation) Act to correct this trend.

are splitting up their holdings. It is difficult to stop this process. The foreign plantation owners

14. Some plantations are not being run on business principles and are running to ruins. It is necessary to stop this process under the Industries (Development and Regulation) Act, 1951.

SA/-

NATIONAL COMMISSION ON LABOUR

(Camp :: Shillong)

Date: 16.10.68

Time: 4.30 P.M. to 4.50 P.M.

Record of discussions with Cachar Cha Sramik Union represented by:

1. Mr. J. Sinha,
2. Mr. B.N. Upadhaya,
3. Mr. T. Roy,
4. Mr. B. Baroi,
5. Mr. B. Das.

1. For ordinary workers in tea gardens no appointment letters are issued. It is desirable to have arrangements for issue of such appointment letters specifying the terms and conditions.

2. The hours of work for tea garden workers should be less because they have to work under the open sky. The tasks for the workers were fixed in such a way that they could be completed in 4 to 5 hours. The workers never worked for 8 hours in plantations because of rigorous nature of work. However, the Plantations Labour Act lays down 8 to 9 hours of work for the employees.

3. Piece-rate earnings above normal are almost negligible. This is more so because stricter quality standards are now being prescribed by the employers.

4. The Labour Appellate Tribunal could be revived if there was no further appeal against its decision. Since the Constitutional position is such that appeals cannot be barred, the Union is not in favour of revival of the Labour Appellate Tribunal. To this extent their original reply to the Labour Commission's Questionnaire stands modified.

5. For introduction of incentive system of wages there should be Committees, with representatives of Government, industry and workers, on a Zonal basis.

6. In the name of quality, workers are often deprived of their rightful wages. Such cases should be examined by a tripartite body at the industry-level and by joint labour-management councils at the unit level.

7. The production of tea in Cachar District was 16,747,000 kg. in 1962 and 19,603,000 kg. in 1966. The employment, however, has been going down and between 1963 and 1964 about 20,000 workers were reduced. Thus productivity per worker has gone up significantly in these years though wages have remained static.

8. Lowest level of wages prevails in the Cachar District. Minimum wage is Rs. 1.72 P. per day with benefits like food concession, free medical benefit, housing etc., many of which are only in name. Unemployment is highest among workers in Cachar District and generally there is only one earner per family.

The recommendations of the Central Wage Board did some good to the workers, but even now conditions in the plantations of Cachar District are deplorable.

9. In general, the workers are losing faith in all machineries of Government for protecting their interests. If a worker is dismissed, it takes 8 to 10 years to get justice.

10. Where unions are very strong there should be collective bargaining to resolve disputes and Government should become a sleeping partner. Where, however, unions are weak, the Government machinery should be there to intervene and they should act speedily in the interest of the workers.

11. The number of Labour Courts should be increased to cut down initial delay of the adjudication machinery.

12. There is no system of gratuity for workers in tea plantations. A Pension Scheme should, therefore, be introduced in addition to the present provident fund scheme.

13. Work of permanent nature is being carried on by employing casual workers in Cachar District. These casual workers get meagre wages with practically no benefits.

14. In Cachar District not even 1 percent houses have been provided to workers according to the specifications of the Plantations Labour Act.

15. At present 4 or 5 gardens in Cachar District are owned by foreigners. A large number of gardens have changed hands during the last few years. Such changes in ownership have not taken place in the Assam Valley to the same extent.

16. It is not true that the gardens in the Cachar area are less prosperous than in other areas but there are some uneconomic gardens in Cachar.

SA/-

NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.68

Time : 4.50 P.M. to 5.10 P.M.

Record of discussions with Cachar Mill Workers' Union represented by:

1. Mr. B. Baroi
2. Mr. B. Das.
3. Mr. J. Sinha
4. Mr. B.N. Upadhaya
5. Mr. T. Roy

1. Implementation of labour laws is poor because adequate attention to this matter is not paid by the Labour Department.
2. Minimum wages for certain industries were fixed under the Minimum Wages Act but the same have been quashed under a recent order of the High Court.
3. The Union has no statistics about the movement of wages and productivity in the various industries.

SA/-

NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 16.10.1968

Time: 5.10 P.M. to 5.30 P.M.

Record of discussions with the Electricity Co-ordination Committee, Shillong, represented by:

1. Mr. B.N. Dutta
2. Mr. U.N. Bhuyan
3. Mr. K. Chakraborty
4. Mr. S. Dutta Choudhaury
5. Mr. H.P. Choudhaury
6. Mr. N.R. Mukherjee
7. Mr. B.K. Bhattacharjee

1. They have a membership of 80 percent of a total strength of 4000 workers in the State. The Co-ordination Committee represents three unions.

2. Automation is opposed if it results in unemployment. If at all it is introduced, the working hours of the employees should be reduced so that those rendered surplus on account of introduction of automation are re-employed. By absorbing surplus workers the cost of production may be increased but the increase would be negligible. The electricity industry in the State does not have the problem of automation.

3. Compensation payable under the Workmen's Compensation Act may be doubled as the money value has come down.

4. "Check-off" system may be extended to all unions. If proper leadership is provided, this system will not lead to multiplicity of unions.

5. There are no instances to quote where Registrar of Trade Unions sought prior approval of employers for registration of a union.

6. Recognised unions should have power to discuss and negotiate with the employers. Employers should not talk to unrecognised unions. The unrecognised minority union may be allowed to deal with minor cases of individual nature but should have no power to enter into agreements with the employer.

7. They have no experience of agriculture labour and have very little to do with that sector.

8. Definition of 'workmen' should be enlarged to cover a larger number of workers.

NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 17.10.1968

Time: 10.30 A.M. to 10.55 A.M.

Record of discussions with India Carbon Ltd.
represented by Mr. D.C. Barkatoki and Mr. J. Goswami.

1. India Carbon Ltd. has not faced any difficult labour problems which other industries have had to face. The management of this concern always takes a progressive outlook in regard to labour matters and tries to look after the interests of labour to the best of its ability. However, there are various cross-currents in the general labour situation which sometimes nullify management's efforts to keep a contented labour force.
2. The main problem in this regard is outside influence on the trade union movement. There is also lack of respect for the rule of law and this creates problems beyond the control of the management.
3. Trade unions must be run on proper lines with respect for the rule of law. There is also need to modify the Industrial Disputes Act so as to include hunger strikes, go-slow, etc., in the definition of disputes. It is no doubt difficult to define go-slow but from the quantum of output it is possible to establish whether go-slow is there or not.
4. Because of go-slow tactics, employment of casual labour becomes unavoidable. In the India Carbon Ltd., permanent complement of labour was fixed on the basis of quantum of work to be done by them, these workers were housed and looked after well; but it was noticed after some time that the quantum of work was not being fulfilled and apparently the workers were adopting go-slow tactics.
5. There is a recognised union, viz., the Kamrup Industrial Workers' Union, in the concern.
6. The concern employs capital amounting to about 1½ ~~crores~~ crores of rupees and employs about 157 workers. The concern is highly capital intensive.
7. The concern pays the maximum bonus under the Payment of Bonus Act, viz., 20 per cent. It also pays minimum wage of Rs.4/- per day or Rs.120/- per month apart from free housing with electricity, subsidised food and other amenities. Even then, it cannot keep the labour contented because of outside influence.
8. In order to eliminate political influence on trade unions, maximum encouragement should be given to collective bargaining. The provisions of the Industrial Disputes Act should be so amended as to make collective bargaining the Number One item. Unless a dispute has gone through the process of collective bargaining, it should not be entertained under the Industrial Disputes Act.
9. If trade unions are properly organised, collective bargaining will work, just as it has worked in other countries. In a democracy, it is no doubt difficult to debar outsiders, viz., those who are not employed in the industry,

from trade unions. Even in other democratic countries, outsiders cannot be debarred under law; but people there have constructive ideas and outside influence does not play a major role in the trade union movement there. In this country, the concept of democracy is being stretched to such an extent as to lead to anarchy.

10. Labour and Personnel Officers have played a very useful role in Industrial undertakings. These officers have to live with trade unions and, therefore, it is not good that trade unions should have some feeling against them. The officers are handicapped to some extent in regard to their status and independence. However progressive employers are able to appreciate the situation well and they allow the Labour and Personnel Officers to function properly. To a large extent, the sentiment expressed by trade unions against Personnel and Labour Officers is just mud-slinging. So long as people do not develop a proper character, such mud-slinging will be there.

11. There should be no full neutralisation of the rise in prices in the dearness allowance of workers even for those receiving subsistence wages. Increase in the dearness allowance is no solution and there should be stability in prices.

12. For small industrial undertakings some concessions in regard to applicability of labour laws should be granted. The dividing line for small industrial undertakings can be fixed on the basis of total investment, employment or profits.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date : 17.10.68

Time : 10.55 A.M. to 11.40 A.M.

Record of discussions with the State P.W.D. Department, Electricity Board, Department of Co-operation and Department of industries represented by:

1. Mr. A. Bhattacharya (P.W.D.)
2. Mr. R.S. Paramasivan (State Electricity Board)
3. Mr. T.S. Gill (Co-operative Department)
4. Mr. A.D. Adhikari (Industries Department)

P.W.D.:

1. A good deal of construction work is given out by the Department on contract and the contractors are chosen on competitive basis for that purpose. The department does not exercise any control on wages paid by the contractors to the workers engaged by them. It is not certain that contracts include any fair wage clause. If complaints come about payment of wages, the matters are referred to the Labour Department.

2. All workers employed by the Department are casual workers and their total number is about 20,000. At present no permanent gang is maintained by the P.W.D., but the matter is under consideration of the State Government. Considering that the volume of construction work has been increasing from year to year, it should normally be possible to absorb the existing total of 20,000 casual workers as permanent labour.

3. The total labour engaged by contractors may be more than one lakh. If a fair wage clause is introduced in the contracts and the fair wage is fixed at the minimum prevailing rates, it should be possible to enforce the same. At present there is no machinery for enforcing minimum prevailing rates of wages for the workers employed by contractors and it is presumed that the workers get the minimum prevailing rates.

Electricity Board:

4. The Board has not faced any serious difficulties about labour engaged by them. The total number of workers employed is about 5,000. There are some casual workers engaged mainly on construction jobs. There is no certainty about projects to be undertaken from year to year and, as such, it is difficult to say how much of the casual labour can be decasualised. However, considering the potentialities of power generation in the area, there is no prospect of any

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decrease in the volume of work to be done by the Board in the next few years. The Board agrees that decasualisation will be a just and reasonable step where continuity of employment can be ensured.

5. Casual workers are mostly engaged on projects and on difficulty about decasualisation is that when a project is completed in one locality and another is started in another locality, it is difficult to move the workers from the first locality to the second. It is, therefore, difficult for the Department to fix a ratio of casual workers to total employment.

6. When a project is completed, absorption of departmental labour in some other projects presents a problem. This matter of work-charged employees has recently been referred to the Industrial Tribunal.

7. Most of the work is done by the Board departmentally and only a small proportion is given on contract. For giving work on contract, the Board follows the same procedures as followed by the State P.W.D.

8. The Board is a public sector undertaking and it tries to be model employer.

Department of Co-operation:

9. There is only one Sugar Mill run on co-operative basis in Assam. About 30% of the workers employed in this mill are share-holders. The rest of the shares are held by cane growers and Government.

10. The Board of Directors for the Co-operative Sugar Mill is nominated by Government. Two of the nominated members are from the workers in the factory who hold shares. The Chairman of the Board of Directors is also the President of the Union in the Factory. The Chairman is an outsider and not an employee of the Factory. No definite criteria have been laid down for nomination to the Board of Directors and present arrangements have been made on an experimental basis. There is no reason to believe that the interests of the workers in the co-operative sugar factory will suffer in any way, as might have happened in similar factories at some other parts of the country.

Department of Industries:-

11. The Department runs a few workshops and industrial undertakings in the Industrial Estates. The employees in these undertakings are given the benefit of leave, medical aid, etc., on the same basis as other Government employees. Recently, the E.S.I. Corporation has desired that these undertakings should be covered under the E.S.I. Act. This has created a problem because the employees cannot get benefits from two sources at the same time, viz., from Government as well as from the E.S.I. Corporation. The workers, of course, would like to have the benefits from both sources but if a choice is to be made they will prefer to be covered by the Rules of Government. The Department has sought exemption

from the E.S.I. Act for its industrial undertakings and the matter is being dealt with by the Labour Department.

12. Under the Payment of Bonus Act the workers in the industrial undertakings of the Department get a minimum bonus of 4 per cent. For workers earning less than Rs.250/- p.m. this comes to Rs.10/-. The employees of the State Government earning less than Rs.250/-p.m. get dearness allowance of Rs.10/- per month but no bonus. The workers in industrial undertakings desire to have both the dearness allowance as paid to other Govt. employees and also the bonus. This has created a difficult problem for the Department. The Department is anxious to make up for any loss which the employees may suffer but at the same time it cannot agree that the employees should have the best of both the worlds.

13. The Department is trying to establish a Jute Mill. This mill did not exist at the time when the Central Wage Board for Jute Industry made its recommendations about wages and dearness allowance. The Boards mainly took into account the Jute Mills in West Bengal. The total remuneration for workers in the jute mills of West Bengal, according to the recommendation of the Board, range from Rs.135/- to Rs.175/-p.m. This includes both basic wage and dearness allowance and the latter is paid according to the formula of the Bengal Chamber of Commerce. In Assam the basic wage has to be higher because the prevailing minimum rate is about Rs.100/-. If, therefore, dearness allowance is to be paid according to the scale prescribed by the Wage Board, the total remuneration will be much higher than in West Bengal and the proposition for starting a Jute Factory may become uneconomic. The Jute Wage Board has laid down that its recommendations about wages and dearness allowance should apply to all new units coming up any where in future. The Department is, therefore, finding it extremely difficult to adopt the formula of dearness allowance recommended by the Wage Board. Such a problem should be viewed from the national angle.

NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 17.10.1968

Time: 11.40 A.M. to 11.50 A.M.

Record of discussions with the State Transport Undertaking represented by:-

1. Mr. G.K. Phukan

2. Mr. N. Mahanta

1. There are two unions in the Undertaking, one of which has been recognised. The recognised union has a membership of 60 to 70 per cent of workers. Usual facilities like collection of subscription on site, display of notices on notice-board, etc., are available to the recognised union.

2. There are two sets of workers - one governed by the Factories Act and the other governed by the Motor Transport Workers Act. The provisions of these two enactments are different and benefits and facilities available under them also differ. At present there is only one union common to both these sections. It may be desirable to have one union each for these two sections and they may be represented in a Federation.

3. Workers these days are educated and have become self-reliant. It is time, therefore, that outsiders are eliminated from their unions. If they cannot be totally eliminated they should be reduced to the minimum, say, only one per cent.

4. In case of accidents, compensation has been paid to workers where due.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 17.10.1968.

Time: 11.50 A.M. to 12.00(noon)

Record of discussions with:-

1. Assam Tea Labourers' Association.

2. Assam Cha-Sramik Union

represented by:-

1. Mr. Francis Hans

2. Mr. Michael Logun

ASSAM TEA LABOURERS' ASSOCIATION

1. The Association is not affiliated to any Central Organisation but would be affiliated to the AITUC very shortly.

2. For employment in the Plantation industry preference should be given to the children of the employees rather than to outsiders.

3. Housing facilities are meagre. There are as many as 10 to 12 persons staying in a single room.

4. Schooling facilities are very unsatisfactory. There are no teachers in schools or if there is one, he is given work other than that of teaching.

5. Female workers do not get benefits under the Maternity Benefit Act before delivery. These benefits are given only after delivery.

6. Workers who belong to the Scheduled Tribes outside Assam do not get benefits and facilities available to Scheduled Tribes of Assam.

7. Retrenchment is effected in Plantation industry without giving notice or due payment.

8. In Tea Estates managed by non-Indians, treatment meted out to workers is undignified. Jobs other than unskilled jobs are not offered to the literate and educated children of the workers on the ground that their parents were illiterate.

ASSAM CHASRAMIK UNION

9. The Union is affiliated to the H.M.S.

10. Schooling facilities in the Plantation industry are very unsatisfactory. The schools are not inspected by the officers of the Education Department.

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11. ~~Educated children of employees~~ are offered only unskilled jobs when better jobs are available and are offered to outsiders.

12. There is considerable delay in handling labour cases by Courts, etc. It is essential to cut down these delays.

13. Liquor is consumed on a large scale by the workers in the plantation industry. Neither Government nor Management has taken any action to root out this evil.

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NATIONAL COMMISSION ON LABOUR

(Camp : Shillong)

Date: 17.10.1968.

Time: 12.00 Noon to 12.20 P.M.

Record of discussions with the All India
Manufacturers Organisation (District Council, Tinsukia)
represented by:-

1. Mr. D.B. Patel
2. Mr. B.P. Bakshi

1. The infra-structure in the State is unsatisfactory. Trade Unions are not strong. The industries in the State lean heavily on the plantation industry. Hence development of industries in Assam is slow and unsatisfactory.

2. There has been no retrenchment in the industry.

3. There is scarcity of skilled manpower in the State and such personnel has to be imported from outside the State. This increases the cost of production, as housing and other facilities have to be provided to these personnel.

4. Industrial relations are not unsatisfactory even in the absence of strong trade unions. Bilateral negotiations are always preferable which helps to keep out intervention by third party including Government.

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NATIONAL COMMISSION ON LABOUR

(Camp: Shillong)

Date: 17-10-1968

Time: 12.20 P.M. to 1.05 P.M.

Record of discussions with the Labour Department, Government of Assam, represented by:-

Mr. K.P. Tripathi	..	Labour Minister
Mr. S.J. Das	..	Secretary, Labour Department
Mr. B. Sarma	..	Labour Commissioner.
Mr. N. Gohain	..	Deputy Labour Commissioner.
Mr. B.C. Saha	..	Senior Assistant Labour Commissioner.
Mr. J.C. Barush	..	Chief Inspector of Factories.
Mr. S.C. Dey	..	Chief Inspector, Boilers.
Mr. S.C. Bhagabati	..	Director, Employment & Crafts men Training.
Mr. M. Syam	..	State EMI Officer.
Mr. M.S. Deka	..	Employment Liaison Officer.
Mr. P.C. Deka	..	Special Officer, Labour.
Mr. M.M. Saika	..	Inspector of Training.

1. The points raised in the evidence of employers' and workers' organisations were first explained.

(i) The rice mills in Assam are facing a problem due to shortage of paddy. It is the policy of the State Government to encourage only the cooperative sector of the industry.

(ii) Rice mills in the private sector are facing shortage of paddy. Temporary workers whom the mills employ to carry on their work when supply of paddy is received are retrenched without compensation when the stock of paddy is over. This causes hardship to workers. The Industrial Disputes Act should be amended to provide for retrenchment compensation to such temporary workers also.

(iii) The problem of ration to tea garden workers will be solved when the food position improves.

(iv) Two labour cooperatives were formed - one for Railways and another for Public Works Department - but both failed to satisfy members because of lack of patronage from the department. Moreover, the social structure in the State is not conducive to satisfactory functioning of labour cooperatives. While higher officials may favour cooperatives, officers at the lower levels can effectively sabotage their working.

2. A common labour code may not work satisfactorily since it will not be able to take in peculiarities of different regions/industries.

3. Implementation of Motor Transport Workers Act is difficult as there is no machinery to check. In particular, the working hours

of drivers and conductors cannot be regulated because of practical difficulties. It is not possible to cover everything statutorily. A large area of implementation has to be left to the employer.

(Camp: Shillong)

4. The 'check off' system has both its advantages and disadvantages. It tends to make the office-bearers of trade unions responsible and 1.05 P.M. they are likely to become careerists. On the other hand, if there is no 'check off' system, the amount of subscription is unpredictable and activities become unplanned and there are leakages in collections also. With 'check off' system there will be stability in the income of the unions and they can plan their expenditure properly. If a way is found to avoid difficulties, 'check off' will be a gain to unions.

Date: 17-10-1968
Mr. K. P. Tripathi
Mr. S.J. Das

Secretary, Labour Department

5. The State machinery is strict about non-submission of returns by the unions.

Mr. R. Sarma

Labour Commissioner.

Mr. N. Gohain

Deputy Labour Commissioner.

6. It cannot launch too many prosecutions for breaches in Factory Act as such prosecutions tie up the officers in court rooms.

Mr. B. C. Saha

Senior Assistant Labour Commissioner.

7. The problem of inter-union rivalry does not exist in the State; there is no problem of recognition of unions either.

Mr. J. C. Baruah

Chief Inspector of Factories.

8. The number of independent unions in the State is quite large but their total membership is not significant. The constituting independent unions started in Digboi where a particular trade union leader found it profitable to have no trade union membership & his union. The same leader has organised other independent unions.

Mr. S. C. Dey

Chief Inspector, Boilers.

Mr. S. C. Bhattacharyya

Director, Enforcement & Control.

9. It is impossible to rule out outsiders from the case of unions of clerical employees outsiders have been eliminated to a large extent. Even for such unions, the employees, as office-bearers of unions, cannot successfully negotiate with management. Discharged or dismissed employees resigned their jobs have proved to be successful union leaders.

Mr. M. Syam

State Unions Officer.

Mr. P. C. Deka

Liaison Officer.

Mr. P. C. Deka

Special Officer, Labour.

Mr. M. M. Saika

Inspector of Training.

10. The State has now the full complement of factory inspectors. The difficulty is that persons recruited to stick to their jobs for long because of lack of future prospects. Many have resigned on this account. There is now a surplus of engineers in the State and the shortage of paddy. It is the policy of the State Government to encourage only the cooperative sector of the industry.

The points raised in the evidence of employers and workers' organisations were first explained.

11. The code of discipline has worked well in the industry. It has set guidelines for recognition of unions; conciliation officers are helped by these guide lines. Union is not refused registration because it has not accepted the code in advance. Temporary workers when the supply of paddy is received are retrenched without compensation when the stock of paddy is over. This causes difficulty to workers.

(i) The rice mills in the private sector are facing a shortage of paddy. Temporary workers whom the mills employ to carry on their work when supply of paddy is received are retrenched without compensation when the stock of paddy is over. This causes difficulty to workers.

12. The industrial Disputes Act should be amended to provide for retrenchment compensation to such temporary workers. It succeeds when parties show respect to each other. Where the unionisation is low and there are splinter groups among the workers, the employer tends to play a union against the other and collective bargaining does not work.

(ii) Rice mills in the private sector are facing a shortage of paddy. Temporary workers whom the mills employ to carry on their work when supply of paddy is received are retrenched without compensation when the stock of paddy is over. This causes difficulty to workers.

In the present stage it is not possible to do away with the adjudication machinery.

(iii) The problem of ration to its garden is not yet solved when the food position improves.

13. For some of the industries in the State like sugar, cement, etc. Moreover, the social structure in the State is becoming more collective-satisfactory functioning of labour cooperatives and workers were agreed upon bilaterally. Even in plantations adjudication machinery cannot be eliminated completely and it can only be a convention not to use the adjudication machinery to the extent possible.

(iv) Two labour cooperatives were formed - one for Railways and another for Public Works Department - but both failed to satisfy members because of lack of patronage from the department.

14. The general policy followed by the State is to solve the problems of the various industries as much as possible through industrial committees.

A common labour code may not work satisfactorily since it will not be able to take in peculiarities of different industries.

15. Implementation of Motor Transport Workers Act is difficult as there is no machinery to check. In particular, the working hours

Contd.

15. It is not possible to allow long-drawn out strikes or closures in big tea gardens. Workers are not in a position to withstand loss of wages over a long period and the gardens also cannot suffer an indefinite loss in profits.

16. One way to look at the problems is that a naked trial of strength will make both parties realistic and they will come to terms easily. The danger also is there that due to rivalry among the trade union leaders, innocent workers will suffer.

17. It is also to be kept in view that in a planned economy distortions, such as rise in prices, may occur and such factors are beyond the control of either management or labour. Therefore, some machinery should be there to keep things under check and this is the cardinal policy of Government in the labour field.

18. The main defect of the adjudication machinery is delay in arriving at settlements. The decisions of tribunals are generally binding for one year only and a dispute settled through a Tribunal may again be raised after a year. To this extent the tribunals are not required to give decisions of a lasting character and they can give quicker decisions. However, the main ~~stumbling~~ block is the Constitution which allows appeals to higher courts and thus protracts a dispute.

/stumbling

19. The experiment of solving disputes through arbitration can be tried. The difficulty, however, is that there is no agreed panel of arbitrators. It will be desirable to bring in independent arbitrators to solve the disputes by-passing the judiciary.

20. Discipline in a productive concern cannot be jeopardised and therefore it should remain a management concern through speedy corrective machinery should be provided. The State Government has no objection to have arbitration for settling disputes about dismissals and discharges by making the Judges of Labour Courts as arbitrators.

21. Unless there is some personal animosity, the employers do not object to re-instatement of dismissed workers. However, if there is such personal animosity, the employer generally tries to buy the workers out.

22. The various steps being taken in the labour field are in the nature of experiments. They should be taken in that spirit and on the basis of the experience gained, labour policies should be evolved. From that point of view the present Bill before the Parliament regarding disciplinary proceedings should be tried.

23. Wages should be such as the economy can sustain.

24. The Payment of Bonus Act has worked satisfactorily in the State. There is no doubt a tendency to give the minimum bonus prescribed under the Act as the maximum but the working-class as a whole has gained by the coming into existence of the Payment of Bonus Act.
