

The General Secretary,  
World Federation of Trade Unions,  
Prague

Dear Comrade,

The Government employees of our country are faced with a grave situation as more and more restrictions and curbs on their trade union activities are being forced by the Government of India. Service Conduct Rules, which are a legacy of the Colonial British rule in India are not only being maintained but are being further <sup>elaborated by addition & clarification of the existing</sup> ~~elaborated and added to by new reactionary~~ rules. This is not only a gross violation of the Freedom of Association granted by the Indian Constitution but also convention 87 of the International Labour Organization on Freedom of Association which has been ratified by the Government of India.

The following clause from the Service Conduct Rules for Government Servants will be enough to illustrate our point.

Rule 9 of the Central Civil Services (Conduct) Rules, 1955:  
prohibits Government servants from asking for or accepting contributions to or otherwise associating themselves with the raising of any fund in pursuance of any object whatsoever. The question how far the conduct associations, would be in order in sponsoring collections, has been considered. Strictly, in sponsoring such collections without prior permission, the Government servants would be contravening the provisions of the Central Civil Service (Conduct) Rules 1955. Neither the constitution of the Unions which may envisage collection of funds for the purposes of the unions nor the fact that unions have been registered as trade unions under the Indian Trade Unions Act, 1926, which permits trade unions to raise funds, gives any immunity to Government servants in the matter. This is the legal position, but in order to assist in the smooth working of the unions as well as avoid too many references on the subject, it has been decided to grant general permission in the class of cases mentioned below:

2. The members of a union can freely collect subscriptions among themselves for welfare activities of the union. So long as their appeal is confined to the members, no permission need be sought. If any approach to the public is made, whether directly or indirectly such permission should be necessary. Similarly, in a union where a matter affecting the general interest of the members of the union is in dispute and it is permissible under the rules of the union to spend its funds over such a matter, its members should be free to

collect funds, especially for that special purpose, from among its members. Where however, action is taken against a person happens to be a member of the union, in his personal capacity grounds which concern him in particular, no funds should be collected even among its members by the union for his defence

We request you to take up this matter with the ILO to bring international pressure on the Government of India to repeal such reactionary and anti-trade union service conduct Rules which infringe on the fundamental rights of the Government employees.

With greetings,

Yours fraternally,



Folder  
for Working Committee

---

1. Organisation Report

2. Struggle Diary - Dayanand

3. Foreign Investment - Pandhe

4. Case of Discrimination (a) passport for TUI meetings  
(b) ESI Committee

(c) WFO

(d) IIT

(e) IIT

(f) IIT

(g) IIT

5. Statistical data - Finance

(a) Disemployment

(b) Disemployment

(c) Disemployment

(d) Profits in major industries

(e) Facts available in Parliamentary Bulletin

6. Andhra NCC's Pay Scales

7. Analysis of Awards on Bonus (Steering Group on Wages document)

8. Analysis of verification - Dayanand

9. List of new applications - Dayanand

---

Org Report -  
material on States to be collected by:

ACHUTHAN - Kerala, Tamilnad, Andhra

SATISH - W.Bengal, Assam, Bihar, U.P. and Orissa

PANDHE - Bombay, Mahagujarat, Karnatak, M.P.

DAYANAND - Punjab, Delhi, Rajasthan

---

Shri L. Nanda,  
Minister for Labour & Employment,  
Government of India,  
New Delhi.

Sub: Verification of Trade Union membership  
- Meeting at New Delhi of 21st March, 1959  
- conclusion reached at.

Dear Sir,

Ref: Ministry of Labour letter No. LC-13(3)/59  
dated May 15, 1959.

View of participants about any change in the verification procedure, certain opinions were expressed and my feeling is that the viewpoint that, as this procedure has been adopted by the Indian Labour Conference, no change should be made, was accepted by the Committee. Specially, the deletion of the last sentence of para 6 of Labour Ministry letter No. LC-37(2)/58 dated 31.7.58, viz. "If considered necessary, steps to refer these disputes to an independent agency will be taken by the Ministry of Labour & Employment", is very important.

Wide Labour Ministry letter No. LC-37(2)/58 dated 5.3.59, this meeting was called to discuss only one point, viz., whether the verification under this procedure and purpose is for giving representations in the various committees, conference, etc., or for the purpose of recognition of individual unions. But during discussions, some more issues relevant and irrelevant were raised.

Madras  
Camp. Ambi's Cafe,  
Broadway, Madras.1.

Dear Shri Nanadaji,

Enclosed are the views of AITUC on  
the Labour Ministry's Memorandum on 'Industrial relations'.  
We regret for the delay.

Yours sincerely,

*Mr.*  
(K.G.SRIWASTAVA).

To

Shri. G.L. Nanda  
Labour Minister  
C/O, Raj Bhuvan,  
MADRAS.

My feeling is that this meeting could take decisions on minor clarifications and re-adjustments but not change the procedure as such.

At the same time, the following two other clarifications decided upon by the meeting are not in the proceedings;

(i) Physical verification of membership in the factory will not be done in the presence of factory officials. This was announced by you on a representation of the Jamshedpur Mazdoor Union and this was agreed to by all. You rejected another part of the demand that physical verification should be done at places of workers' residence.

(ii) It was also agreed that those unions which have not sent annual returns to the Registrar of TUs but have not been de-registered should be taken into account in the verification and not scored out, as reported by the Chief Labour Commissioner.

I would therefore request you to include the above two clarifications in the procedure and delete only para 5 of the proceedings which deals with vital changes in the procedure of verification adopted by the Indian Labour Conference.

If changes in procedure of verification is considered necessary, it may be taken up in the forthcoming Indian Labour Conference.

Your decision on the above before you leave for Geneva will be helpful in the present stage of discussions of the representatives of four central TU organisations with the Chief Labour Commissioner.

Thanking you,

Yours faithfully,

Sd/-

(K.G.Sriwastava)  
Secretary

Copy

No. 172/IL/59  
May 27, 1959

Shri G.L.Nanda,  
Minister for Labour & Employment,  
Government of India,  
New Delhi.

Sub: 43rd Session of the ILO - Delegation  
from India.

Dear Sir,

I have just now received the press note dated May 24, 1959 issued by the Press Information Bureau which announces the list of Indian delegation to the 43rd Session of the ILO.

We are pleased to learn that this year, you are leading the Indian Delegation. We wish you success.

At the same time, we find that this year again, representatives of the INTUC have been included as delegates and advisers of Workers' Group to participate in the 43rd Session.

This year's workers' delegation to ILO session should have been selected on the basis of membership of the Central TU organisations as on 31st March 1958.

After the new procedure of verification of membership agreed to at the 16th Indian Labour Conference held at Nainital, information about this membership was sent to the Labour Ministry in August last year.

This showed that AITUC is the largest central TU organisation of Indian working class.

A preliminary scrutiny of the membership was done by the Chief Labour Commissioner (Central) before physical check-up. Even after this preliminary scrutiny, the membership of the AITUC stood largest - more than the INTUC:

Membership of AITUC	-	13,99,931
Membership of INTUC	-	13,79,535

Physical verification and final preparation of the lists have been delayed with the Chief Labour Commissioner (Central) and the result is still not known to us. We have always tried to cooperate with the staff of the Labour Ministry for this speedy check-up.

In the earlier year, the AITUC as a protest against then existing verification procedure and the partiality shown towards INTUC had not sent its statement of membership. For the year ending 31.3.'58, after the change in the verification procedure, even on the basis of statement of membership submitted by various central TU organisations, the AITUC's representative character was clearly visible.

In the meeting of the various central TU organisations held on May 21, 1959, we were informed that more than 90% of the job of physical verification was over and the remaining job will be finished in a week or so. Till today, on telephonic inquiries, we are being given the same reply.

The Labour Ministry in selecting the workers' delegation to the 43rd session of the ILO has completely failed to take note of this fact that the AITUC is the most representative organisation of workers in this country and as such should have been selected to represent organised workers from India.

The AITUC strongly protests against this continued policy of discrimination towards it in the matter of giving representation on delegations to ILO Conferences.

Yours faithfully,

(K.G.Sriwastava)  
Secretary

AITUC's reply to Labour Ministry  
dated June 16, 1959

---

To Secretary,  
Ministry of Labour

Dear Sir,

Reference your No.LC-1(9)/58 dated 4th June 1959.

Since final verification of membership as on 31.3.1958 in accordance with the Nainital agreement has not yet been completed, it is considered that nomination of INTUC representatives as workers' representatives on the Indian delegation to the 43rd Session of the ILO is a violation of the decisions of the 16th Indian Labour Conference. In this particular case, the Central Government itself has violated the decisions of the Indian Labour Conference. As such, we consider this subject should be discussed in the tripartite meeting.

Yours faithfully,

Sd.

(K.G.Sriwastava)  
Secretary



Copy of letter No.LC-1(9)/58 dated 4th June 1959  
from MINISTRY OF LABOUR & EMPLOYMENT

-----  
To  
Secretary, AITUC.

Sub: 43rd Session of the International Labour  
Conference - June, 1959 - Selection of  
Workers' delegation.

Sir,

I am directed to invite a reference to your letter No.172/IL/59 dated the 27th May, 1959, on the above subject and to say that the position regarding membership of the central trade union organisations as stated in your letter is incorrect and misleading. The verification of the membership of the four central trade union organisations as on 31-3-58 has almost been completed and final figures are being tabulated. According to the agreed procedure, these figures would be sent to the respective organisations for any objections they may have to submit. This would take some more time. But on the basis of the tentative statements prepared by the Chief Labour Commissioner, the position is that the verified membership of the unions affiliated to the Indian National Trade Union Congress is more than that of the unions affiliated to the All-India Trade Union Congress and the other two organisations put together.

2. In the circumstances, the selection of labour representatives from India to the current session of the International Labour Conference was entirely in accordance with the constitution of the International Labour Organisation and the facts of the situation.

Yours faithfully,

Sd.

(R.C.Saksena)  
Under Secretary

No.172/11/59  
July 22, 1959

Shri C.L.Nanda,  
Minister for Labour & Employment,  
Government of India,  
New Delhi.

Sub: Violation of Tripartite Decisions  
taken at Nainital re. verification of  
membership - Indian Delegation to  
43rd session of ILO.

Dear Sir,

Ref: Ministry of Labour letter No. LC-1(9)/  
58 dated 14th July 1959

In nominating the representatives of INTUC to 43rd session of the ILO, in contravention of and in violation of the decisions of Nainital Indian Labour Conference, the Union Ministry of Labour has violated the spirit and letter of the decisions of the 16th Tripartite Indian Labour Conference in this respect.

The ILO has rejected our protest on the action of the Government of India in violating article 3(5) of the Constitution of the ILO but in fact, as will be clear from the resolution of the Credential Committee of the ILO, it has not gone into the question of implementation of the decisions of the 16th Indian Labour Conference.

As this is a question of violation of the decision of the Indian Labour Conference by the Union Ministry of Labour, it can only be discussed in a tripartite conference and we propose to raise it in the 17th Indian Labour Conference.

The reasons advanced for not considering it in the tripartite conference are, therefore, incorrect and untenable.

Yours faithfully,

(K.G.Sriwastava)  
Secretary

Copy of letter from  
MINISTRY OF LABOUR & EMPLOYMENT

---

No.LC-1(9)/58 dated 14 July 59

To  
Secretary,  
AITUC

Sub: 43rd session of the International  
Labour Conference - June, 1959 -  
Selection of Workers' delegation

Sir,

With reference to your letter dated the 16th June, 1959, on the above subject, I am directed to say the objection of the All-India Trade Union Congress regarding the selection of the workers representatives on the 43rd Session of the International Labour Conference has already been considered by the Credentials Committee of the International Labour Conference and unanimously rejected. It is, therefore, not considered necessary to discuss this matter again at a tripartite meeting.

Yours faithfully,

Sd.

(R.C.Saksena)  
Under Secretary

My dear Nanda Ji,

One point that has escaped notice is the appearance of lawyers in most of the disputes from the management side. Practising lawyers form an association of their own or join employers' associations as office bearers ( Vice Presidents or Joint Secretaries etc. etc. ) and in that capacity appear in almost all cases without fear or hesitation. It is they who prolong cases; it is they who with a view to earn fat remunerations adversely advise the employers at the conciliation stage not to agree to even reasonable conditions and they convince their clients that their case was sufficiently strong and they were sure to win. They charge regular fees. These lawyers get all proposals at the conciliation stage rejected but the same proposals are more often than not accepted before the courts. The result is that while the number of agreements at conciliation stage is decreasing while that of the same within the court ( we might call them in the court settlements ) is rapidly increasing. Once these lawyers appear in the courts, they get their full fees in advance and then they do not bother much about the settlement. As they know their weak points, in order not to be blamed for losing their cases, they readily accept court's suggestion for an 'in-the court settlement'.

However, this is exploitation of the workers and industrialists both. Litigant spirit is encouraged.

'Practising' lawyers whatever the position in the industry might be, unless he is himself an owner of a particular concern should not be allowed to appear before the Court/Tribunal. I, therefore, suggest that we may

make.....

make an addition of the following words to clauses 2(a) & (b) of Section 36:

"An officer, 'who is not a practising lawyer".  
The practising lawyers should be thus totally debarred.

2. Last year it was agreed that a provision will be inserted in the Industrial Disputes Act providing for making non-implementation of awards and agreements as a continued offence entailing day to day penalties.

Although the implementation committees have started their work with some vigour still for hard cases a provision in Law that should appear deterrent will be extremely helpful.

With best regards,

Yours sincerely,

Sd/- Amar Nath Vidyalankar

Shri Gulzari Lal Nanda,  
Labour Minister, India,  
Camp Madras.

LIST OF PERSONS ATTENDING THE 17TH SESSION OF THE  
INDIAN LABOUR CONFERENCE, MADRAS, JULY, 1959.

CENTRAL GOVERNMENT

Ministry of Labour and Employment

1. Shri G.L. Nanda,  
Union Minister for Labour, Employment  
and Planning. Chairman
2. Shri Abid Ali,  
Union Deputy Minister for Labour.
3. Shri L.N. Misra,  
Parliamentary Secretary to the  
Union Minister for Labour, Employment  
and Planning.
4. Shri P.M. Menon, I.C.S.,  
Labour Secretary.
5. Shri K.N. Subramanian, I.C.S.,  
Joint Secretary.
6. Shri R.L. Mehta, I.A.S.,  
Joint Secretary.
7. Shri S.A. Qadir, I.A.S.,  
Director General,  
Resettlement and Employment.
8. Shri B.N. Datar,  
Labour and Employment Adviser.
9. Shri Toja Singh Sahni,  
Deputy Secretary.
10. Dr. B.K. Bhattacharya, I.A.S.,  
Deputy Secretary.
11. Shri S.P. Mukerjee, I.A.S.,  
Chief Labour Commissioner (Central).
12. Dr. A.M. Lorenzo,  
Director,  
Labour Bureau, Simla.
13. Shri S.N. Mubayi,  
Central Provident Fund Commissioner.
14. Dr. S.B.L. Nigam,  
Assistant Economic Adviser.
15. Shri Kumar Dev,  
Information Officer.
16. Shri O. Venkatachalam,  
Dy. Chief Labour Commissioner.

Ministry of Commerce and Industry.

17. Shri H.D. Shourie, I.A.S.,  
Officer on Special Duty  
(Productivity). Delegate.

Ministry of Commerce & Industry (Contd.)

18. Shri K.C. Madappa, I.A.S., Deputy Secretary. Advisor.

Ministry of Railways.

19. Shri M.A. Qadoor, Director Establishment, Railway Board. Delegato
20. Shri D.G. Jadhav, Officer on Special Duty (Labour). Advisor.

Ministry of Transport & Communications,  
(Department of Transport).

21. Shri K. Narayanan, Deputy Secretary. Delegato

Ministry of Works, Housing & Supply.

22. Shri N. Subrahmanyan, I.C.S., Joint Secretary. Delegate.
23. Shri O.T.J. Zacharia, Officer on Special Duty (Labour). Advisor.
24. Shri V.P. Gulati, Under Secretary. Advisor.

Ministry of Defence.

25. Shri G.A. Ramrakhiani, Deputy Secretary. Delegato

Ministry of Finance.

26. Shri D.D. Bhatia, Joint Secretary. Delegato.
27. Shri N.V. Nayudu, National Savings Commissioner, Advisor.

Ministry of Law

28. Shri V.S. Jetley Addl. Legal Adviser

STATE GOVERNMENTS

ANDHRA

- 28.A Shri N. Bhagwan Das, I.A.S., Commissioner of Labour. Delegato.
29. Shri A. Ramamurthy, Chief Inspector of Factories. Advisor.

ASSAM

30. Shri K.P. Tripathi, Labour Minister. Delegato.



ASSAM (Contd.)

31. Shri Biswa Dev Sarma, Deputy Labour Minister. Adviser.
32. Shri S.K. Mallick, I.C.S., Secretary, Labour Department. Adviser.
33. Shri Homendra Duarah, Labour Commissioner. Adviser.
34. Shri Arif Ali, Under Secretary. Adviser.

BIHAR

35. Shri S.M. Aquil, Deputy Labour Minister. Delegate.
36. Shri B.P. Singh, I.A.S., Secretary, Labour Department. Adviser.
37. Shri S. Imam Raza, Deputy Labour Commissioner. Adviser.

BOMBAY

38. Shri Shantilal H. Shah, Minister for Labour and Law. Delegate.
39. Shri B.B. Brahmhatt, Under Secretary, Labour & Social Welfare Department. Adviser.
40. Shri D.G. Kalo, Labour Commissioner. Adviser.

JAMMU AND KASHMIR.

41. Shri Sham Lal Saraf, Minister for Commerce & Industry. Delegate.
42. Shri H. Ghulam Safdar, Secretary, Department of Commerce & Industry. Adviser.
43. Shri R.N. Wardkoo, Labour Commissioner. Adviser.

KERALA

44. Shri T.V. Thomas, Labour Minister. Delegate.
45. Shri P.I. Jacob, I.A.S., Labour Secretary. Adviser.
46. Shri A.K. Pillai, I.A.S., Labour Commissioner. Adviser.

MADHYA PRADESH.

- 47. Shri V.V. Dravid, Labour Minister. Delegate.
- 48. Shri W.V. Oak, I.A.S., Labour Commissioner, Indore. Adviser.
- 49. Shri V.R. Kulkarni, Assistant Labour Commissioner. Adviser.

MADRAS

- 50. Shri R. Venkataraman, Labour Minister. Delegate.
- 51. Shri S.R. Kaiwar, I.C.S., Secretary, Labour, Industries and Co-operation Department. Adviser.
- 52. Shri T.N. Lakshminarayanan, IAS, Commissioner of Labour. Adviser.

MYSORE.

- 53. Shri T. Subramanya, Minister for Law, Labour and Local Self Government. Delegate.
- 54. Shri R. Srinivasan, Secretary, Labour Department. Adviser.
- 55. Shri K.R. Marudeva Gowda, Labour Commissioner. Adviser.

ORISSA.

- 56. Shri R.B. Misra, Minister for T.R.W. & Labour. Delegate.
- 57. Shri Durga Prasad Tripathi, Adviser.

PANJAB.

- 58. Shri Amar Nath Vidyalankar, Minister for Education & Labour. Delegate.
- 59. Shri R.I.N. Ahooja, I.A.S., Secretary, Labour Department. Adviser.
- 60. Shri Sham Lal, Labour Commissioner. Adviser.

RAJASTHAN.

- 61. Shri Badri Prasad Gupta, Minister for Labour. Delegate.
- 62. Shri N.K. Joshi, Assistant Labour Commissioner. Adviser.
- 63. Shri T.C. Jain, Asstt. Labour Commr. Adviser.

RAJASTHAN (Contd.)

64. Shri Vishnu Dutt Sharma,  
Deputy Director,  
Employment Exchanges.

Adviser.

UTTAR PRADESH.

65. Shri S.S.L. Kakar, I.A.S.,  
Secretary,  
Labour Department,  
Vidhan Bhavan, Lucknow.

Delegate.

66. Shri S.P. Arora, I.A.S.,  
Labour Commissioner, Kanpur.

Adviser.

67. Shri S.P. Pande, I.A.S.,  
Deputy Secretary,  
Labour Department,  
Lucknow.

Adviser.

WEST BENGAL.

68. Shri Abdus Sattar,  
Labour Minister.

Delegate.

69. Shri S.K. Banerjee, M.C., IAS,  
Joint Secretary,  
Labour Department,  
Writers' Building, Calcutta.

Adviser.

70. Shri S.M. Bhattacharya, I.A.S.,  
Labour Commissioner,  
New Sectt. Bldg., 1-Hastings Street,  
Calcutta.

Adviser.

71. Shri S.N. Roy,  
Assistant Labour Commissioner.

Adviser.

72. Shri H.M. Ghosh,  
Assistant Labour Commissioner.

Adviser.

EMPLOYERS

EMPLOYERS' FEDERATION OF INDIA.

73. Shri N.H. Tata,  
Bombay House, Bruce Street,  
Bombay.

Delegate.

74. Dr. N. Das,  
Director General,  
Employers' Federation of India,  
Army & Navy Building,  
148, Mahatma Gandhi Road,  
Bombay - 1.

Delegate.

75. Shri A.T. Montgomery,  
M/s. Balmer Lawrie & Co. Ltd.,  
21, Netaji Subhas Road,  
Calcutta.

Delegate.

EMPLOYERS' FEDERATION OF INDIA (Contd.)

76. Shri M.J. Edwards,  
M/s. Parry & Co. Ltd.,  
Baro House, Madras. Delegato.
77. Shri I.P. Anand,  
M/s. Karamchand Thapar & Co. Ltd.,  
Thapar House,  
124, Janpath, New Delhi. Alternate  
Delegate &  
Adviser.
78. Shri T.S. Swaminathan,  
Secretary,  
Employers' Federation of India,  
Army & Navy Bldg.,  
148, Mahatma Gandhi Road, Bombay. Adviser.
79. Shri M.M. Ghose,  
Labour Adviser,  
Bengal Chamber of Commerce & Industry,  
Royal Exchange, Netaji Subhas Road,  
Calcutta. Adviser.
80. Shri R.G. Gokhale,  
Labour Officer,  
Millowners' Association,  
BOMBAY. Adviser.
81. Shri N.S. Bhat,  
Buckingham & Carnatic Mills Ltd.,  
Parambur Barracks, Madras. Unofficial  
Adviser.
82. Shri T.V. Lalvani,  
Labour Officer, (Caltex (India) Ltd. ,  
Caltex House, Ballard Estate,  
Bombay. -do-
83. Shri Y.D. Joshi,  
Law Officer,  
The Tata Oil Mills Co. Ltd.,  
Bombay House, Bruce Street,  
Bombay - 1. Unofficial-  
Adviser.
84. Shri G.B. Pai,  
135, Golf Links,  
New Delhi. Unofficial  
Adviser.
85. Shri L.C. Joshi,  
Labour Adviser,  
Bombay Chamber of Commerce and  
Industry. Unofficial  
Adviser.

ALL-INDIA ORGANISATION OF INDUSTRIAL EMPLOYERS.

86. Shri Lakshmipat Singhania,  
7, Council House Street,  
Calcutta - 1. Delegato.
87. Shri Surottam P. Hutheesing,  
Gheekanta,  
Ahmedabad. Delegato.
88. Shri Bharat Ram,  
14/48, Diplomatic Enclave,  
New Delhi. Delegato.

ALL-INDIA ORGANISATION OF INDUSTRIAL EMPLOYERS (Contd.)

- 89. Shri M.M. Varghese, Delegate,  
President,  
United Planters' Association of  
South India, "Glenview",  
P.O. Box No. 11, Coonoor,  
Nilgiris.
- 90. Shri R.H. Mody, Adviser.  
Agent, Tata Iron & Steel Co. Ltd.,  
23-B, Netaji Subhas Road, Calcutta.
- 91. Shri C.G. Reddi, Adviser.  
Secretary,  
Southern India Millowners' Asso-  
ciation, Coimbatore.
- 92. Shri R.M. Agarwal, Adviser.  
Mukand Iron & Steel Co., Ltd.,  
51, Mahatma Gandhi Road,  
Fort, Bombay 1.
- 93. Shri P. Chentsal Rao, Adviser.  
Secretary,  
All-India Organisation of Industrial  
Employers,  
Federation House, New Delhi-1.
- 94. Shri Charat Ram, Special  
14/48, Diplomatic Enclave, Observer.  
New Delhi.

ALL-INDIA MANUFACTURERS' ORGANISATION.

- 95. Shri H.P. Merchant, Delegate.  
Woodlands; Peddar Road,  
Bombay-26.
- 96. Shri K. Naoroji, Adviser.  
M/s. Godrej & Boyce Mfg. Co. Pr. Ltd.,  
Lalbaug, Bombay-12.
- 97. Shri H.H. Tyabji Adviser.

WORKERS

INDIAN NATIONAL TRADE UNION CONGRESS.

- 98. Shri S.R. Vasavada, Delegate.  
General Secretary, INTUC,  
Gandhi Majoor Sevalaya,  
Bhadra, Ahmedabad.
- 99. Shri G.D. Ambekar, Delegate.  
Rashtriya Mill Mazdoor Sangh,  
25, Govt. Gate Road,  
Parol, Bombay-12.

INDIAN NATIONAL TRADE UNION CONGRESS (Contd.)

100. Shri Kanti Mehta, Delegate.  
General Secretary,  
Indian National Mineworkers' Federation,  
3, Lake Temple Road,  
Calcutta.
101. Shri Kali Mukherjee, Delegate.  
General Secretary,  
INTUC - Bengal Branch,  
3, Commercial Building,  
23, Netaji Subhas Road,  
Calcutta.
102. Shri N.S. Deshpande, Adviser.  
Rashtriya Mill Mazdoor Sangh,  
25, Government Gate Road,  
Parel, Bombay-12.
103. Shri R. Rengaswamy, Adviser.  
350, New Jail Road,  
Madurai.
104. Dr. G.S. Melkote, M.P., Adviser.  
Gopal Clinic,  
Narayanguda, Hyderabad.
105. Shri K.B. Thimmayya, Adviser.  
General Secretary,  
INTUC - Mysore Branch,  
P.O. Robertsonpet,  
Kolar Gold Fields.
106. Shri N.K. Ehatt, Unofficial  
Assistant Secretary, INTUC, Adviser.  
17, Jannath, New Delhi.
107. Shri A.P. Sharma, Unofficial  
Eastern Railways Congress, Adviser.  
71, Canning Street,  
Room No. D. 209, Calcutta.
108. Shri Ganga Ram Tewari, Unofficial  
General Secretary, Adviser.  
INTUC - Madhya Pradesh Branch,  
Shram Shivir, Shehlataganj,  
Indore.

ALL-INDIA TRADE UNION CONGRESS.

109. Shri S.A. Dange, M.P., Delegate.  
General Secretary,  
All-India Trade Union Congress,  
4, Ashok Road, New Delhi.
110. Shri Homi Daji, M.L.A., Delegate.  
General Secretary,  
M.P. Committee of INTUC,  
24, Mahatma Gandhi Road,  
Indore.
111. Shri K.G. Srivastava, Adviser.  
Secretary,  
AITUC, 4, Ashok Road,  
New Delhi.

ALL-INDIA TRADE UNION CONGRESS (Contd.)

112. Shrimati Renu Chakravartty, M.P., Adviser.  
215, North Avenue,  
New Delhi.

HIND MAZDOOR SABHA.

113. Shri S.C.C. Anthoni Pillai, M.P., Delegate.  
Hind Mazdoor Sabha,  
13, Second Line Beach,  
Madras - 1.
114. Shri Bagaram Tulpule, Delegate.  
General Secretary,  
Servants of India Society's Home,  
Sardar Patel Road, Bombay.
115. Shri P.S. Chinnadurai, M.L.A., Adviser,  
Vice President,  
C/o Coimbatore, Distt. Textile  
Workers' Union, Singanallur.
116. Sri Ram Desai, Adviser.  
Secretary, Servants of India  
Society's Home,  
Sardar Patel Road, Bombay.

UNITED TRADE UNION CONGRESS.

117. Shri Srikantan Nair, Delegate.  
President, All-India Committee  
of U.T.U.C.  
c/o Kerala State Committee of UTUC,  
Quilon, Kerala.
118. Shri Sisir Roy, Adviser.  
General Secretary,  
249, Bowbazar Street (1st Floor),  
Calcutta-12.

OBSERVERS

ALL-INDIA DEFENCE EMPLOYEES' FEDERATION.

119. Shri S.M. Joshi, M.L.A., Observer.  
199/4, Sadashiv Peth,  
Tilak Road, Poona-2.

NATIONAL INSTITUTE OF LABOUR MANAGEMENT, BOMBAY

120. Shri Observer.



INDIAN INSTITUTE OF PERSONNEL MANAGEMENT, CALCUTTA.

121. . Shri Observer.

SPECIAL INVITEES:

122. Shri V.K.R. Menon,  
Director,  
International Labour Office,  
India Branch, New Delhi.

CONFERENCE SECRETARIAT

123. Shri R.C. Saksena,  
Under Secretary.
124. Shri B.N. Chakravorti,  
Chief Research Officer.
125. Shri K.D. Gandhi,  
Research Officer.
126. Shri K.M. Tripathi,  
Research Officer.
127. Shri T.C. Gupta,  
Section Officer.
128. Shri S. Swami Nathan,  
Section Officer.
129. Shri D.P. Roy,  
Research Officer.

Members of the Informal Consultative Committee.

अखिल भारतीय ट्रेड यूनियन काँग्रेस  
ALL-INDIA TRADE UNION CONGRESS

T. U. LAW BUREAU :  
R. L. TRUST BUILDING,  
55, GIRGAON ROAD,  
BOMBAY 4 (INDIA)

4, ASHOK ROAD,  
NEW DELHI.

President : V. CHAKKARAI CHETTIAR, M.L.C. (Madras).

General Secretary : S. A. DANGE, M.P.

December 12, 1957

The Prime Minister  
and Minister for External Affairs,  
Government of India,  
New Delhi.

Dear Sir,

The 25th Session of the All-India Trade Union Congress is going to meet in Ernakulam from 25th to 29th December 1957.

We invited the Central Trade Union organisations of many socialist and capitalist countries to send fraternal delegations to attend the Session.

Accordingly, many of the countries invited have expressed their desire to send such delegates. They have applied for visas to the Indian Embassies in the respective countries to come to India.

I had informed long ago the External Affairs Department about this and had requested them to be good enough to issue the visas in time so as to enable them to be in India before 24th December. But I am not yet aware if they have done so or not. Some of the countries have asked for the visas as far back as November 10th.

Since the granting of such visas might be referred to you, I am writing this letter for your personal attention.

I need not tell you that many other organisations in India have been granted such facilities to enable foreign delegates to come to their Conferences. I hope the AITUC will not be denied that facility.

# अखिल भारतीय ट्रेड यूनियन काँग्रेस ALL-INDIA TRADE UNION CONGRESS

T. U. LAW BUREAU :  
R. L. TRUST BUILDING,  
55, GIRGAON ROAD,  
BOMBAY 4 (INDIA)

4, ASHOK ROAD,  
NEW DELHI.

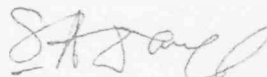
President : V. CHAKKARAI CHETTIAR, M.L.C. (Madras).

General Secretary : S. A. DANGE, M.P.

Page two

I am appending herewith the names of delegates and the countries from which they come, for your ready reference.

Yours sincerely,



(S.A.DANGE), M.P.  
General Secretary

## LIST

### From USSR

- (1) Mr. Ivan Gureev, Secretary, All-Union Central Council of Trade Unions, Moscow
- (2) Mr. Nabi Abdullaev, President, Uzbek Republican Committee, Agricultural Workers Union, USSR.
- (3) Mr. Vadim Chulitsky - Interpreter

### From CHINA

- (1) Mr. <sup>Liu Chang-sheng</sup> ~~Liet Dehangsheng~~, Vice President, All-China Federation of Trade Unions
- (2) Mrs Lin Peiming - Interpreter

### From FRANCE

- (1) Mr. Robert Hernio, Member, Administrative Commission, Confederation Generale du Travail, Paris

. . . . 3 . . . .

- ① Soviet
- 1 Mr. Ivan GUREV
  - 2 - Nabi ABDULLAEV
  - 3 - Vadim CHULITSKY

- China
- 1 - Liu CHANG-SHENG
  - 2 Mrs. Lin PEI-MING

- France
- 1 Mr. Robert ~~H~~ HERNIO

- Korea
- 1 - KANG SUL MO (Head of delegation. Vice  
President Cultural Com.  
General Secretary for Korea  
9th Dec 52)
  - 2 - YUN WAN HI
  - 3 - KIM YENG KEN

- Czech
- 1 - Vaclav KOUKOL
  - 2 - ~~Stadtwitz~~ SVORSKY

- Vietnam
- 1 - NGUYEN DUY TINH
  - 2 - LAM NHAT TRUONG

- WFTU
- 1 - Giuseppe CASADEI = Secretary WFTU and  
former Senator in Italy
  - 2 Mrs. CASADEI
  - 3 Mr. Roger CLAIN

# अखिल भारतीय ट्रेड यूनियन काँग्रेस

## ALL-INDIA TRADE UNION CONGRESS

T. U. LAW BUREAU :  
R. L. TRUST BUILDING,  
55, GIRGAON ROAD,  
BOMBAY 4 (INDIA)

4, ASHOK ROAD,  
NEW DELHI.

President : V. CHAKKARAI CHETTIAR, M.L.C. (Madras).

General Secretary : S. A. DANGE, M.P.

Page three

### From Indonesia

- X (1) Mr. Ruslan Widjayastra, General Secretary,  
SOESI, Djakarta

### From HUNGARY

- X (1) Mr. Miklos Simogyi, President, National Confederation  
of Free Hungarian Trade Unions
- X (2) Interpreter to Mr. Simogyi.

### From WORLD FEDERATION OF TRADE UNIONS

- ✓ (1) Mr. G. Casadei, Secretary, World Federation of  
Trade Unions, Prague;  
MRS. CASADEI
- X (2) Mr. Ma Chun-ku, Secretary, World Federation of  
Trade Unions, Prague;
- ✓ (3) Mr. Etain Rogan CLAIN  
(3) Interpreter to the delegation

(Visas may be released at Peking or Prague)

### From CZECHOSLOVAKIA

- ✓ (1) Mr. Vaclav Koukol, Secretary, Revolutionary Trade  
Union Movement (ROH) Prague.
- ✓ (2) Mr. Vladimir Dvorsky, an official of the trade  
unions and Interpreter

### From RUMANIA

- ✓ (1) Mr. Popescu Nicolae, Member, Presidium, Central  
Council of Trade Unions, Rumania
- ✓ (2) Mr. Ninter Gavrilă, Interpreter

(Visas may be released at BELGRADE)

### From North KOREA

- Two delegates (names not yet available)

KOREA

KANG SUL MO  
YUN WAN HI  
KIM YENG KEN

December 24, 1958

26

My dear Dange,

Kindly refer to your D.O.No.174-A/VT/58, dated the 19th November, 1958. You have raised two points namely, that unions which have been functioning and have applied for registration six months before the date of verification should be taken into account for purposes of verification even though they have not yet been registered, and also for purposes of verification the Chief Labour Commissioner should not insist on the trade union organisations furnishing the registration numbers of unions.

2. As regards the first point, I know that your trade union organisation as well as some others have a grievance that the Registrars of trade unions in the states sometimes delay giving any decision on applications for registration. We had also discussed this in the Indian Labour Conference. I quite agree with you that in this matter there should be no avoidable delays in giving a decision one way or the other. We have already taken up this matter with the State Governments, when specific complaints of such delays are received, they are also taken up with the State Governments, when specific complaints of such delays are received, they are also taken up ~~this matter~~ with the State Governments. I am, however, unable to agree with your suggestion that for purposes of verification unregistered unions should also be counted of their applications for registration have been pending for more than six months. As you know, the object of this verification is to ascertain the ~~strength~~ of registered trade unions. If unions which have not yet been registered and whose applications are pending are counted and if subsequently the registration is refused by the registrar on the ground that the provisions of the Trade Union Act have not been properly complied with, the verified figures will obviously be vitiated. We should avoid that. In the circumstances, I think the best course is to adhere to the existing practice of counting only registered unions for purposes of verification. The question of dealing with delays in registration is a separate issue which has to be pursued separately.

3. As regards the second point, I can see that there is some force in your contention. But on our side there are certain practical difficulties which have to be looked into. The registration number of a trade union is a precise identification mark with the help of which the verifying authority can quickly obtain necessary particulars from the Trade Union Registrar's Office. When registration numbers are furnished, it facilitates the work of certification to a very considerable extent. Particulars like names and address of unions are not so precise as the registration numbers. Names and addresses furnished are sometimes vague. It may be possible, in many cases, to identify a union with the help of names and addresses and verify its membership but in other cases it may not be so easy and they may have to be left out. If that happens, my apprehension is that it may lead to a charge of discrimination later. We would like to be spared of such embarrassment. I suggest that we may discuss the matter at the next meeting of the Standing Labour Committee. If something on the lines suggested by you has to be done, we shall try to explore ways and means for the

same, but meanwhile, for the present, I think the procedure already laid down should continue.

With kind regards,

Yours sincerely,

Sd/-

(G.L.Nanda)

Shri S.A.Dange,  
Member, Lok Sabha,  
4, Ashok Road,  
New Delhi



November 19, 1958

Dear Shri Nandaji,

I am writing with reference to the question of verification of membership of central trade union organisations and certain materials asked for by the Chief Labour Commissioner in that behalf.

I find that the Chief Labour Commissioner is not prepared to take into consideration those unions which have applied for registration but have not been given such registration despite the fact that the applications have been pending before the Registrars for over a year, sometimes, a number of years. This subject was brought before the tripartite conference and it was agreed that registrations should be immediately issued. Despite such agreement, there is no reason why, if the Governments in various States have failed to issue registration, the central organisations to which these unions are affiliated should be penalised by being deprived of their claims for membership.

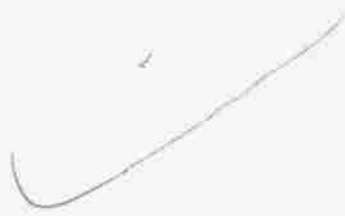
Registration of trade unions is a duty of the Government and if the State Governments fail to carry out their duties, why should the Central Government which is responsible for the overall supervision of all State Governments, abet the failure of Registrars of trade unions to do their duty and penalise the central TU organisation by denying its claim? It is obviously not in our hands to compel Registrars to give us recognition. Hence we cannot be deprived of our membership for an act of failure of the governmental machinery.

I think this ruling of the Chief Labour Commissioner, which I am told has been upheld by you, is totally unjust and it amounts to a victimisation of my organisation particularly because it is we who are denied registration while unions of the IMPUC are registered without the slightest delay, as far as I know. We have pointed out several cases of this nature.

I would therefore request that where our unions have been formed and have been functioning and have applied for registration six months before the date of this certification, their membership should be taken into account for purposes of returns. This should apply to the other central TU organisations also.

There is another point with regard to registration which I would like to raise before you.

In some cases, we have not been able to quickly furnish the registration number of certain unions and hence these unions have been struck off our list for verification. I admit that this can certainly be characterised as an item of inefficiency on our part. But there is no reason why the verifying officer cannot refer to the Registrars' lists which are easily available to him and find whether the union is really registered or not, as we claim.



Even in the case of those unions whose registration numbers are quoted, I am sure, the officers concerned are bound to refer them to the Registrars' lists to see whether those are registered or not. They could therefore easily do the same kind of reference in regard to those unions whose registration numbers are not shown in our returns.

I am afraid the approach to the whole problem by the Chief Labour Commissioner seems to be too much technical and non-cooperative. The verification should surely not be treated as if it is a case of evidences, examinations and witnesses in a court of law so that the moment an organisation fails to quote a certain number, the whole union and all its members are simply thrown out of court and out of existence! I would plead for a change of attitude and procedures in this matter so that by cooperation on either side, this new mechanism brings out a tolerably correct picture of the organisational condition of the trade unions in our country.

With regards,

Yours sincerely,

Sd/-  
(S.A. Sena)

Shri S.L. Sarda,  
Minister for Labour & Employment,  
Government of India,  
New Delhi

SPEECH BY SHRI GULZAREILAL NANDA, UNION MINISTER  
OF LABOUR & EMPLOYMENT AT THE 17TH SESSION OF  
THE INDIAN LABOUR CONFERENCE (Madras, 27th July 1959)

I welcome you to this 17th Session of the Indian Labour Conference. We are all very happy at the choice of the venue of this Session. This is the first time that the Conference is meeting in Madras. We are all grateful to the Government of Madras for their generous hospitality. We are sure to find that all the arrangements in connection with the Conference reflect the efficiency which characterises the administration of this State.

2. It is more than a year since we met last at Naini Tal. As I look round I find one familiar face missing. It is a sad thought that Shri Somnath Dave will never be amongst us here. His was a dedicated life and his death is a grievous loss to the labour movement in India. I am sure the Conference will like to place on record its deep sense of sorrow at the loss of a member who had so fully identified himself with its work and its spirit.

3. I had a very recent occasion to renew my contact with the I.L.O. To this Organisation the world of labour and the world community owe a great deal. On the same lines, the Indian Labour Conference has played a worthy role and has enriched the tripartite tradition of the I.L.O. May I take this opportunity of paying a tribute to the Workers, Employers and the Governments participating in the deliberations of the Indian Labour Conference for the magnificent record of constructive and cooperative endeavour which they have built up through these years. Through the community of outlook that has been developed here, the Conference can make a still bigger contribution to the stability and progress of India. The country needs this service.

4. It is well for us to bear in mind when we approach the tasks and problems before this Conference that they have their origin largely in the economic situation and in the course of economic development in the country. The volume of employment and the levels of living of the working-class which are matters of primary importance are determined by the growth of production and demand, the price level and the rate of economic progress generally. It would not be difficult to

arrange for the division of the national product on some principle of equity; it is not so easy, however, to enlarge the product so that much more may be available to satisfy the rising expectations and aspirations of the mass of the people in the country. It is to these dynamic aspects of peace in the industry and rising productivity all over that we must give our first thought and constant attention. Through our work in the Conference we can assist in a substantial way in promoting these objectives.

5. It is in this context that I wish to make a brief reference to the economic situation which provides the background for our present discussions. The Second Five Year Plan has already encountered obstacles both in respect of internal and external resources. Vigorous efforts have been made to tide over these difficulties. Nevertheless, the size of the Plan had to be scaled down somewhat. It has been reckoned that the Second Five Year Plan with an investment of Rs.4500 crores, and with all its strains will mean new employment opportunities outside agriculture to the extent of 6.5 million against 8 millions, as against an estimate of 10 million of new entrants to labour force. The increase of nearly 4 lakhs in the live register during the period of the last three years is another rough measure of the deterioration in the employment situation. We must not lose sight of the fact, however, that our fresh investments are creating new employment opportunities and more places are being found for the job seekers than before. But the stark reality is that new employment is not sufficient in the face of the expanding needs of an increasing population. Production, both industrial and agricultural has been increasing. We have, however, witnessed a period of falling of agricultural production and an appreciable decline in the rate of increase of industrial production. This latter has recorded improvement now. In spite of very good crops, agricultural prices have not reached the normal level. The working class has a keen and immediate interest in the price level. Apart from what duties it has in this respect in its own sphere, it cannot remain indifferent to the problems of production and distribution which confront us in the country and for which appropriate and effective solutions have to be found, regardless of the susceptibilities and prejudices of groups which are motivated by narrow sectional interests.

6. The question of closures of establishments is not now so acute but it has not ceased to worry us. We tried to tackle in the Naini Tal Conference last year and more recently the

Central Committee on Employment has taken cognizance of it. I cannot help reiterating my view that a number of these closures are not inevitable and ways have also to be found to mitigate the hardships entailed to the workers as a consequence of such closures. Among other suggestions made in this behalf, there was one with regard to the creation of a Fund for the limited purpose of sustaining production and employment in these units and of facilitating a change-over of the displaced workers to alternative jobs when that becomes necessary. This proposal will, I hope, be worked out in greater detail and discussed in an appropriate forum.

7. This Session of the Indian Labour Conference will devote itself almost exclusively to a survey of the whole field of industrial relations in India. Our system of industrial relations has evolved over a period of two decades in the light of experience and in keeping with our special needs and conditions. The last two Sessions of the I.L.C. have yielded a basis for common action which has a deep significance and may have a far reaching influence. Prior to this the machinery of industrial relations came into operation when differences had already developed and the intervention of Government was sought for dealing with the disputes. Not much had been attempted to foster internal harmony and prevent relations becoming embittered on account of steps on either side, induced by lack of restraint and consideration and disregard of inherent mutual obligations. The new endeavour is to move in three directions:-

- (1) Positive measures to ensure that legal and contractual obligations of all sides are observed and adhered to;
- (2) Mutual recognition by the parties concerned of what they owe to one another and to the community and translating this into a set of dos and don'ts for the guidance of the conduct from day today. This has taken the form of a Code of Discipline in the industry. A Code of Conduct has also been framed to assist trade unions belonging to different sections of the labour movement in the country in arranging their mutual relations on a more satisfactory basis.
- (3) Laying down of norms and yard-sticks for settlement of various claims of the parties which should facilitate internal settlement and might furnish a well-considered basis for the authorities who may have to give decisions.

Apart from this, efforts are in progress to avoid prolonged litigation and reduced delays in the working of the system. Questions have been raised as to how far the steps so far taken have met with success and given satisfaction.

Code of Discipline.

8. The Code of Discipline has attracted world-wide attention. Observations which have recently been made regarding this in certain quarters indicate lack of comprehension of the status and significance of this concept. Before we come to judge this, just let us recall the related facts and their implications. This Code has not been imposed on anyone. It was accepted voluntarily and with great enthusiasm by all the parties after full and prolonged deliberations. There is common ground that the specifications of the rights and duties of the parties as enunciated in the Code contain only healthy, wholesome and essential elements. The Code introduces a positive approach in industrial relations which was largely missing so far. These injunctions do not take the place of any other means and measures which were open to the parties to adopt. Thus, if even a small improvement takes place as a result of the Code, it should be welcome. In fact it was never claimed that the Code by itself was going to solve all our problems, and usher in a millenium. The Code is one of the ingredients in a whole series of measures which are designed to produce a better climate of industrial relations. I have faith in things like the Code of Discipline because *convinced* I have faith in human nature. I am deeply concerned that an unceasing cold war with interludes of active hostilities as the only alternative to such things must lead us to a very unhappy state of affairs in industrial as well as international relations. It is something if the Code can make a little change for the better and bring down to some extent the wrong and unfair practices which are being indulged in now. And if it is not giving full satisfaction, let us try harder. Let us not at least do or say anything which will place more difficulties in its way; at any rate as long as no superior alternative is available. The only substitute which may perhaps be offered is to convert the Code from a voluntary to a statutory arrangement. But do we want to extend the area of legal compulsion, bringing in its wake more Courts and more litigation and more frustration? Investing the Code with legal sanctions will not



necessarily make it more effective.

9. The Code is not a statute but some of the unpleasantness has arisen because it has been sought to interpret and to apply it as if the clauses were the words of a legal enactment. The parties have started accusing each other of lack of sincerity and pointing to breaches that are occurring. I conclude from this that the Code is taken seriously and that it is operating. Breaches are on both sides and they are not too many considering the period that has elapsed since the introduction of the Scheme. Let us not forget that the Code was finalised towards the end of May, 1958, that is about 13 months ago. The parties naturally needed time to communicate the new ideas and attitudes through various layers down to the level of the undertaking. Governments took time to set up the machinery for implementation which is a necessary part of this system. It is too early to assess the benefits and value of the Code.

10. But even during the short time that it has been in operation it has worked satisfactorily judging from the reports received from the State Governments and from the Implementation Division of the Centre. Bihar has reported that employers and employees are beginning to show greater interest in the observance of the Code and that the over-all picture is very encouraging now than it was before the Code was ratified. Delhi State feels that the Code has had a sobering effect on employers and employees and has created a favourable climate for industrial peace. Kerala is of the view that the Code has had a deterrent effect. The experience of Punjab is that it has resulted in speeding up implementation of labour laws. West Bengal thinks that it has provided an important forum for dispassionate discussions and better appreciation of difficulties encountered by the parties in their mutual relationship. All this augurs well for the Code and the Implementation Machineries set up in the States and at the Centre to ensure its faithful observance. For them to have brought about 17 out-of-court settlements of industrial disputes pending in High Courts and Supreme Court - 10 by the Centre and 7 by States - in less than a year is no mean achievement. Of the reported violations of the Code in which the Central Evaluation and Implementation Division could take action, 60 per cent had been settled, i.e., responsibility for infringements has been

*Notified  
1/2/58*

brought home to the parties concerned. All the Central organisations of employers and workers have already set up machineries to screen appeals to High Courts and Supreme Court, thus appreciating the desirability of avoiding litigation. So it would appear that the restraining and moulding influence of the Code has already made an impact on industrial relations.

11. The real strength of the Code, however, will develop as a proper appreciation of it seeps into the minds of the workers, the trade unions and the managements. The Code has some sanctions embodied in it but its educative influence is of far greater importance than the sanctions and this will take time to spread.

12. I have just had a look at the statistics regarding the industrial disputes in the country. I am not prepared to draw the conclusion that the improvement which has occurred is directly traceable to the Code of Discipline but it may have some bearing. The figures are :-

Period	Total No. of disputes	No. of workers involved.	Man-days lost.
1958 Jan. to April	638	3,11,808	22,59,658
May to August	664	4,45,843	37,55,644
Sep. to Decr.	643	2,92,449	19,72,283
1959 Jan. to April.	565	1,93,440	12,11,741
May 1959	146	61,815	4,16,724.

13. You are going to deal with future of industrial relations in the country. You have before you a variety of suggestions to improve the law and the machinery relating to this. Relying on past experience, I am sure, your deliberations will ultimately lead to the discovery of suitable steps and reasonable solutions. I should not anticipate your conclusions but I may be permitted to say something about the approach which may govern the consideration of these problems. Whereas there can be hardly any difference of opinion about the ends that are to be achieved, the methods may differ. We have to choose the path that suits us in this country. It may be different from what some other countries have adopted. But let us not try to follow divergent paths at the same time. Then we can reach nowhere.

14. We have great poverty in the country, insufficient employment opportunity and a rather severe problem of



unemployment and under-employment. We are engaged in tremendous efforts to strengthen the economy and to raise the level of economic well-being of the people. We are following the course of planned development in order that we may be able to make the most effective use of our resources. At the same time we have pledged ourselves to preserve and develop democratic institutions. The spirit of democracy must permeate in not only the political but also the economic and administrative spheres. We are working for national unity, political stability, and social peace. These great ends cannot be secured without an increasing measure of economic and social equality and justice. There are forces in the country which militate against the growth of these trends. There is also the very unfortunate fact that the working class is divided and the disunity in their organised ranks causes harm to the working class and creates difficult problems of law and order.

15. In industrial relations we can follow the way of peace or of conflict. In our conditions it cannot be both. The two approaches are quite distinct. We may have a system in which the State lets the parties settle their disputes by trial of strength, the issue being determined in favour of the party which has the greater staying power. While the State may render its good offices in suitable cases, it will not make any provision for imposing on either party a compulsory acceptance of any particular terms of settlement. In the other case the community becomes the arbiter and assumes the power to compel the party to accept the judgment of an impartial and competent authority.

16. It is a matter of great good fortune for us that we have succeeded in developing a common approach in the country in this respect which is shared by representatives of both the employers and the workers and the States. This approach is based on the realisation that we cannot afford to follow the path of conflict for economic as well as political reasons. We have, therefore, evolved a system which aims at eliminating the strikes and lockouts and makes provision for conciliation and adjudication if all efforts to bring about an amicable and mutual settlement have failed. A mutually agreed arrangement is always better than an imposed decision. This is well known. But in view of the risks of leaving industrial relations

to be settled by a trial of strength in the conditions in which we are functioning in this country, all of us find that the present system has the balance of advantage in its favour. Last year I made the offer that if a substantial section of the participants in the Conference-workers, employers and States - expressed their preference for unregulated industrial relations in the country, I would personally agree to suspension of the method of adjudication for a period. This course was rejected unanimously and the current policy of the country in this matter met with decisive approval and confirmation.

If I have taken up your time in recounting the story, it is not without purpose.

17. While all of us have accepted this policy, I have a feeling that we have not realised its full implications and therefore in its working we expose ourselves to risks and contradictions which could have been kept out. If, for example, recourse to tribunals and Courts becomes the rule rather than exception, the conflict really shifts to the arena of the Courts and the skill of lawyers takes the place of trial of strength between the parties. Then only negative results can follow.

18. We have on every occasion stressed the importance of negotiated settlements and an increasing recourse to voluntary arbitration instead of tribunals and courts. Provision has been made in the Industrial Disputes Act for giving legal force to arbitration awards. Some kind of machinery for screening of references to courts has been set up by employers and workers organisations. Still the position remains unsatisfactory. Something more will have to be done. We must see to it more and more that the parties should settle practically every dispute without outside intervention. For disputes which cannot be thus resolved, there should be an intermediate stage of unofficial intervention in the form of informal mediation and voluntary arbitration. The parties should be persuaded to accept voluntary arbitration and we may consider setting up of arbitration boards as a part of the normal machinery of industrial relations. The parties should be persuaded to accept voluntary arbitration and a panel may be constituted from whom sole arbitrators or umpires can be drawn. It is only when larger interests

are at stake and new principles are involved that recourse to tribunals and courts may be considered justified if other means have failed. Even in that connection our existing arrangements will have to be re-examined in the light of the Report of the Law Commission. And when fresh ground has to be covered and new norms and principles have to be established, the proper method again is bipartite consultation at top level or the use of a forum like that of the Indian Labour Conference. In any case, it would be useful to codify the principles and norms which have already emerged in the decisions of the tribunals and courts. On the side of the workers there should be a clear understanding that the so-called 'satyagraha', hunger strike or any such form of coercion and pressure is not in keeping with the spirit of this frame work.

19. So far as Government are concerned, they are undertaking a very great and serious responsibility when they assume the power to ban direct action and compel reference of a dispute to judicial authority. They must make arrangements for the discharge of this function, which are adequate in quality and strength both for arriving at decisions and for their enforcement. We are going to discuss in this Session the principles which should govern the exercise of the discretion of the Government in the matter of reference to adjudication.

20. In the Memorandum which has been circulated you will find reference to certain proposed legislation in some of our States. The principles underlying these proposals will, I hope, be covered in our deliberations. I have only to urge in this connection that there should be a common and uniform basis for dealing with the same kind of situations in the whole of the country, and any departure may be permitted only to meet special conditions which may be in existence in a particular State.

21. I may say a word about workers' participation also, which I regard as an integral part of the system which we are building up in this country. I shall have to disappoint some friends who may be expecting that after a special study of workers' participation which I have made in Europe, I may be giving a new lead in the matter. I am quite content with our own scheme which we have introduced on the basis of the consent of all the parties.

There are higher and more developed forms of participation in other countries but, I believe, what we have already incorporated in our scheme will suffice for our purposes at this stage. I am not going to propose any change in the scheme. I may, however, acquaint the Conference with my own conclusion that workers' participation, wherever it has been practised, has proved to be exceedingly beneficial and I am sure that it will bring nothing but good to all those who will give it an honest trial in our country. Reports so far received from the establishments which have introduced the scheme are on the whole encouraging. There should, however, be no question now for making any further ad hoc selection of establishments for the application of the scheme. Our approach now should be that any unit where the conditions are favourable and ripe for it, should bring it into effect without any loss of time. I am still of the opinion that we should not introduce compulsion in the working of the scheme. I hope, there will be a rapid extension of workers' participation on a purely voluntary basis.

22. Meanwhile, let us not forget that the institution of Works Committees has an essential place of its own and it must be put on a sound footing as early as possible. Certain investigations which have been made recently reveal that in the past we have taken a rather unduly pessimistic view of the actual value of the Works Committees, as they are functioning. However, I hope that the question of Works Committees will be examined closely and some useful conclusions will emerge in this Conference.

23. Finally I have to point out that we must create a strong foundation for the successful operation of all these ideas and schemes by measures for the education and enlightenment of the workers as well as the managerial personnel. I believe, the Government's own programmes of workers' education will have to be expanded and strengthened. The trade unions and the employers have also an important contribution to make in this field.

24. May I apologize now for the length of my observations? I would not take any more of your time. The Agenda before you is quite heavy. I invite you to proceed with your deliberations.

## ON INDUSTRIAL RELATIONS

We publish below supplementary memoranda circulated by the Union Labour Ministry on "Industrial Relations", second item on the agenda of the 17th Indian Labour Conference. The main document was printed as a supplement to Trade Union Record dated May 20, 1959—Editor, T.U.R.

### I. On Kerala Industrial Relations Bill, 1959

1.1 In paragraphs 3.2—3.3 of the Memorandum forwarded with the Ministry of Labour & Employment letter No. LG:9 (1)/59, dated the 13th April, 1959 (See *Supplement to Trade Union Record*, May 20, 1959—Ed.) mention has been made of the Kerala Industrial Relations Bill, 1959. The problems posed therein are: procedure for the certification of negotiating agent of workmen for collectively bargaining on their behalf on issues affecting the industry as a whole and the desirability of making consequential modifications in the 'criteria' adopted at the last session for recognition of unions. The Bihar Central Advisory Board, at its meeting in February, 1959, adopted a resolution to the effect that only a recognised union should be competent to take up disputes of general nature and that the rival union might handle individual grievances of the workers. At the meeting of the State Co-ordination Committee (April 1959), a suggestion was put forward that the aforesaid procedure should be followed in Central sphere also for maintaining industrial peace. There may be practical and legal difficulties in adopting the procedure suggested by the Government of Bihar.

1.2 Apart from the certification of the negotiating agent of workmen, the Kerala Industrial Relations Bill, has a few special features which the Indian Labour Conference might like to discuss. Some of the important items are:

- (i) Enlargement of the scope of the definition of 'industrial dispute' and 'workman'—clauses 2 (i) and 2 (u) of the Bill;
- (ii) Reduction of the employment limit to fifty for formation Works Committees—clause 4 of the Bill;



(iii) Constitution of Industrial Relations Committees and State Industrial Relations Board—clauses 6 and 7 of the Bill;

(iv) Legal enforcement of the 'Code of Discipline' as one of the conditions of recognition of trade unions—clause 8 of the Bill;

(v) Procedure for recognition of representative association of employers—clause 15 of the Bill; and

(vi) Enlargement of the scope of provision relating to "retrenchment compensation"—clause 24 of the Bill.

Significance of the aforesaid provisions are briefly discussed below *seriatim*.

1.3 *Item (i) of para 1.2 to above.* The definition of 'industrial dispute' varies from section 2(k) of the Central Industrial Disputes Act, 1947, inasmuch as the term "industrial dispute" under the State Bill means any dispute between an employer and a registered trade union and covers also any dispute concerning a person whether or not he is a workman.

The definition of 'workman' embodied in the State Bill is wider than that contained in the Central I.D. Act inasmuch as it covers all employees including those employed directly or through a contractor as well as casual workmen or *badli* workmen other than those employed in a managerial capacity.

1.4 *Item (ii) of para 1.2 above.* Under the State Bill, the employer shall be bound to constitute a 'works committee' in an establishment where there are fifty or more persons employed as against 100 or more workmen laid down in the Central Industrial Disputes Act. This will increase the number of works committees considerably. As may be seen from paras 4.1 to 4.3 of the main memorandum, there is already a feeling that even the existing works committees are not functioning well. The Conference is being requested to set up a tripartite committee to examine the material so far collected, so that certain "guidance principles" could be drawn up. It is felt that unless and until the functioning of the existing works committees in establishments employing 100 or more workmen is improved, it would neither be desirable, nor feasible, to reduce the employment limit to fifty, as proposed in the State Bill.

1.5 *Item (iii) of para 1.2 on pre-page.* The Industrial Disputes Act, 1947, provides for constitution of Boards of Conciliation and Courts of Inquiry for promoting the settlement of industrial disputes and for setting up Labour Courts, Industrial Tribunals and National Tribunals for adjudication of disputes. Since the provisions of the State Act will not be in derogation of those contained in the Industrial Disputes Act, the aforesaid authorities will presumably continue side by side though they may be made use of only on rare occasions. The State Bill envisages two new authorities, *viz.*, the Industrial Relations Committees and the State Industrial Relations Board.

The former are even now stated to be functioning in the State of Kerala in almost all important industrial and what is proposed in the Bill is to clothe them with statutory authority. These Committees, which are to be constituted with equal number of workers' and employers' representatives, may be set up for any specified establishment in specified industry. A majority decision of the Committee will be deemed to be a settlement arrived at by agreement between the employer and the workers who are represented in the Committee and their decision will be binding and enforceable on these parties and will not be called in question in any court for any reason whatsoever. The Committees are to forward their report to the Government within a period of fourteen days from the conclusion of the proceedings and Government are required to publish the enforceable decisions of the Committee within one month from the date of the receipt of the report.

The functions proposed to be assigned to the State Industrial Relations Board envisaged under the Bill are :

- (a) to aid and advise Government on matters regarding industrial and labour relations;
- (b) to settle and decide industrial relations as may be referred to them by Government; and
- (c) to discharge such other functions as may be allotted to them by the Government.

The board is to consist of 11 members excluding 2 ex-officio members. Of the 11 members, 10 are to be chosen to represent, in equal numbers, employers and workmen. The Chairman is to be a person who is or has been a judge of the High Court. Due representation to the national trade union organisations (put in the order of AITUC, INTUC, HMS and UTUC) functioning in the State and having not less than 10 per cent of members of registered trade unions has also been provided. The Board will have all the powers of a Civil Court under the Code Procedure when trying a suit.

1.6 *Item (iv) of para 1.2 on page 2/ante.* The State Bill seeks to give legal force to the Code of Discipline for Industry evolved at the last session of the L.I.C. The main objective behind the adoption of the Code as a non-statutory measure was to encourage harmonious industrial relations between the employers and their employees and to instil a sense of rights and duties in both the parties on a moral plane rather than on a legal plane so that they do not always adopt a legalistic approach in the attitude towards each other or resort to unfair practices.

1.7 *Item (v) of para 1.2 on page 2/ante.* As against recognition of unions provided for in clause 8 of the Bill, it also provides for recognition of representative association of employ-

ers in relation to an appropriate unit where a recognised trade union (or unions) has (or have) been certified as a negotiating agent of workmen. The Bill envisages one representative association of employers for an appropriate unit.

1.8 *Item (vi) of para 1.2 on page 2/ante.* The procedure proposed in the State Bill for dispensing with the service of workmen is wider in scope than section 25F of the I.D. Act. While this Act imposes certain conditions precedent to the retrenchment of a workman who has been in continuous service for not less than one year, the State Bill stipulates that the services of a workman employed for not less than six months cannot be terminated except on proved charges of misconduct or continued ill-health. In the latter case, the workman will be treated as having been "retrenched" and would be paid his compensation. The workman whose services are dispensed with or whose services are terminated has been given the right to appeal to the prescribed authority, but he gets suitable compensation for the period of unemployment only in the event of his reinstatement.

1.9 Since the points discussed above may have an all-India repercussion, the views of the Conference are invited.

## II. Procedure for Election of Officers to Works Committee

1.1 In paras 4.1-4.3 of the Memorandum on 'Industrial Relations' it has been suggested that a small tripartite Committee may be appointed for drawing up "guiding principles" relating to the composition and functioning, etc., of Works Committees. Another point that merits consideration in connection with Works Committees relates to the procedure of election of Chairman and Vice-Chairman for them. Rule 51 (2) of the I.D. (Central) Rules, 1957, which governs election of officers for Works Committees, is reproduced below :

### "51. Officer of the Committee. (1)

2. (2) The Committee shall elect the Chairman and the Vice-Chairman provided that where the Chairman is elected from amongst the representatives of the employers, the Vice-Chairman shall be elected from amongst the representatives of workmen and *vice versa*.

Provided further that the post of the Chairman or the Vice-Chairman, as the case may be, shall not be held by a representative of the employer or the workmen, for two consecutive terms."

Previous to the promulgation of the above rule in March,



1957, the provisions of the then prevailing Industrial Disputes (Central) Rules permitted the nomination of the Chairman from among the representatives of the employers and the Vice-Chairman to be elected by the Committee from amongst the Workers' representatives—on the Committee.

1.2 It has been urged that the new rule about the election of the Chairman and the Vice-Chairman is operating adversely in the setting up and functioning of Works Committees. It is stated that the present provision of electing Chairman from employers and workers' side on alternate basis has not been found to be conducive to the smooth functioning of the Works Committees.

1.3 A note on functioning of Works Committees in other countries has already been attached with the original Memorandum. Further studies undertaken in this respect show that the practice varied from country to country. While in Netherland and Australia, the employers' representative is the Chairman, in Finland the practice of alternate election from the two sides was in vogue.

1.4 In the private sector in U.K., the Joint Works Committees which present the closest analogy to our Works Committees follow the principle of the Chairman being appointed by the management. In the Government industrial establishments in U.K. two types of councils, *viz.*, Departmental Joint Councils and Trade Joint Councils are in vogue. The former somewhat corresponds to Works Committees in India. The constitution of the Departmental Joint Council provides that the Chairman shall be a member of the Council appointed by the Department concerned and the Vice-Chairman a member appointed by the Trade Union side of the Council and that a Secretary shall be appointed from each side of the council.

1.5 The implementation of the recommendation of Works Committees will ordinarily devolve on the management. In the collection of information and preparation of material for Works Committees also, the office of the management will be in a better position to help than the workers' side. Taking these factors into consideration, a Works Committee is likely to be more effective if the Chair of the Committee is taken by a senior person from the management side. It is suggested that the proviso to rule 51 (2) which requires that the post of the Chairman or the Vice-Chairman, as the case may be, shall not be held by a representative of the employers and the workmen for two consecutive terms may be deleted and that the question as to who should be the Chairman may be left to each Works Committee.

### III. Industrywise Adjudication

The Central Government had in the past ordered industrywise adjudications in the following industries: (1) Banking Industry, (2) Coal Mining Industry.

Regionwise adjudications had also been ordered in respect of the following industries: (1) Mica Mines in the States of Bihar and Madras, (2) Manganese mines in the State of Madhya Pradesh (before reorganisation).

2. In such cases, certain practical difficulties had to be faced which do not normally arise in the case of references which are confined to one or two Establishments. The following were some of these difficulties.

(i) Considerable time was taken to collect the names of all the units in the industry as these had to be enumerated in the schedule to the order of adjudication. In fact by the time the information was collected some of it became obsolete in view of the changes in proprietorship, closures, etc.

(ii) The Tribunals required considerable time to go through the formalities of issuing notices to individual parties, receiving their replies, examining their statements and accounts, etc.

(iii) There was the possibility of some individual party to the dispute approaching the High Court or Supreme Court and obtaining a stay order on a technical point, thus preventing the Tribunal from proceeding further even though most of the parties may have no objection to the proceedings going on.

(iv) Tribunals need considerable time to give their awards in industrywise adjudications.

3. In spite of these difficulties, industrywise adjudications sometimes become inevitable. The Conference may, however, like to consider ways and means of obviating some of the difficulties of the type mentioned above.

4. In a recent case, the Supreme Court has held that an award will continue to remain in operation even if either of the parties terminates it under S. 19(6) of the Industrial Disputes Act 1947, unless it is replaced by another award. But this would not prevent the parties raising disputes over the matters which have been already settled by a previous adjudication.

5. The Industrial Disputes Act 1947 does not make any distinction between disputes in respect of individual establishments and industrywise disputes as far as the period of operation of an award is concerned. In all the cases, the appropriate Government can extend the period of operation of an award upto three years. It is arguable that an award in an industrywise adjudication, which is given after much effort on all sides, should not be placed on a par with other awards. A suggestion

for consideration is whether in respect of awards given in industrywise adjudication, the appropriate Government should be empowered to extend their period of operation upto a period of five years. In fact the period of operation of the Banks Award was fixed, for nearly five years *vide* Section 4 of the Industrial Disputes (Banking Companies) Decision Act, 1955. The U.P. Government are also amending the U.P. Industrial Disputes Act, 1947, giving powers to the State Government to extend the period of operation of an award upto a period of five years.

6. The Indian Labour Conference may consider the following points.

- I. What steps are feasible to eliminate certain difficulties which at present tend to delay proceedings in Industrywise adjudications.
- II. Whether the Industrial Disputes Act 1947 may be suitably amended so that the appropriate Government may be given powers to extend the period of operation of awards in industrywise adjudications upto a period of five years.

### **Note on Principles for determining which Disputes to refer to Adjudication**

BY

Prof. J. H. Richardson, ILO Expert on Industrial Relations.

Throughout the 1950's the number of disputes referred to adjudication was seriously excessive, involving overloading the Tribunals and causing heavy expenditure and often long delays before settlements were reached. Many factors were responsible for this situation, including exceptionally numerous disputes because of changing economic and industrial condition, lack of clarity of principles for settling disputes, inexperience of Conciliation Officers, and a tendency, resulting largely from fear of strikes and lockouts, to refer disputes to adjudication when settlements were not reached by conciliation.

The Governments have wide discretion in deciding whether to refer disputes to adjudication, and there would be substantial advantages in restricting much more than in the past the number of disputes so referred. The Government of India recognises the desirability of greater restriction, and in 1958, in consultation with the State Governments gave consideration to establishing guiding principles with the object of reducing references to a minimum, and submitted proposals to the Indian Labour Conference, 1959.

A useful distinction can be drawn between (a) disputes arising out of the implementation of existing legislation, agreements, awards and other defined conditions (implementation disputes), and (b) disputes arising from demands for new conditions, which may require consideration of economic factors affecting an undertaking, a whole industry or even the economy of the country. Implementation or interpretation disputes usually affect only individual workers or small groups of workers and should rarely be referred to protracted adjudication procedures. Expeditious settlements could be affected if Labour Commissioners and Regional Labour Commissioners were empowered to give binding decisions in such cases, or, if preferred, had authority to appoint competent impartial persons to make such decisions.

Disputes arising from demands for new conditions, including wage changes and annual bonus may range from those affecting large number of workers in vital industries, to those involving fewer workers in industries in which strikes or lockouts would not have serious dislocating effects on the economy. Adjudication should be reserved mainly for disputes of the former kind, while for the latter kind the parties should be left to reach settlements by further negotiation, further conciliation, or agreement to accept arbitration. When the parties realised that failure to reach an agreement by these means would incur risk of the losses which a strike or lockout would entail, they would usually see that it was in their own interests to avoid a trial of strength and would make serious efforts to effect a settlement.

It must be reiterated that adjudication should be much more sparingly used than in the past and only then when there is no further scope for conciliation.

Adjudication may be needed for four main kinds of disputes: (1) those in which stoppages of work would seriously injure the economy of the country, including the progress of the Government's development plans; (2) those in which stoppages of work would inflict serious hardship on the community, particularly by interruption of essential public utility services or of food and other necessary supplies; (3) those which would be likely to involve serious danger to the maintenance of law and order; and (4) those which raise important issues of principle, or where need for protection where there seems to be a *prima facie* case of victimisation, or other unfair labour practices or injustice.

Reference to adjudication should normally be withheld where there has been resort to illegal strikes or lockouts unless the strike or lockout is terminated. The following also would seem to be unsuitable for reference :—

- (1) Where the demand is unreasonable or impracticable.

(2) Where the issues involved have already been the subject of decision by a Tribunal, Court or other authority, or where other legal remedies are available.

(3) Where the dispute is whether a person should or should not be a member of a trade union, or is over the recognition or non-recognition of a union.

(4) Where the dispute is about the employment or non-employment of any person, except where there is *prima facie* evidence of victimisation.

(5) Where the dispute arose more than six months previously.

(6) Where a dispute is raised by a union on behalf of workers who were not members of the union at the time the dispute arose, or where a dispute is raised by a union whose membership is not open to the workers on whose behalf the complaint is made.

The above indications of the kinds of disputes that may suitably be referred to adjudication and those which should not are suggested for general guidance. What is more important is the attitude of the Governments towards adjudication. Hitherto, the number of disputes has been excessive, and drastic reduction in the future will depend not only on the establishment of principles for reference or non-reference, but on the way they are applied in practice. The responsible authorities should endeavour persistently to reduce adjudication to a minimum, and reserve adjudication for important disputes. Such executive action can contribute greatly to strengthening the processes of negotiation, conciliation and agreement.

## V. On Adjudication and Arbitration

BY

Professor J. Henry Richardson, ILO Expert on Industrial Relations

Except on strictly juridical issues, reference of industrial disputes to the High Courts and Supreme Court is unsatisfactory. These courts are highly competent to deal with technical legal aspects of disputes, but in many industrial disputes including most of the important ones, the issues are not primarily legal and cannot be effectively determined on juridical lines. They involve such economic considerations as capacity of industry, standards of living, work loads, intricate relations between production and pay, and balance of power between the parties in dispute, and these matters cannot be settled by reference to legal texts and by the ordinary principles, precedents and pro-

cesses of courts of law. In the absence of more appropriate machinery for dealing with industrial disputes the High Courts and the Supreme Court have made valuable contributions in the settlement of disputes, but, though highly qualified in legal texts and procedures, they have no special or specialised competence for dealing with issues which are essentially economic and industrial. Indeed many of the appeals have involved legal technicalities which have little relevance to the real issues in dispute.

Legal texts may include such concepts as "social justice," "a fair wage," "a minimum wage sufficient to provide reasonably for a worker with a family of average size" and such general principles as equal pay for equal work, and the fixing of appropriate differentials for different grades of work. In the practical application of such principles and concepts a legalistic approach has no special value and may be distinctly harmful. Only on the basis of wide knowledge of economic, industrial and labour conditions and a sound understanding of the implications of varying and often rapidly changing economic and social conditions can industrial disputes be effectively settled.

To deal adequately with such problems, there is need for tribunals consisting of people who combine a sound knowledge of law and of procedures for obtaining the relevant facts in hearings at which the contesting parties give evidence, with a comprehensive understanding of economic problems and of industrial and labour conditions. Often an award will necessarily be arbitrary, or may sometimes be a compromise between conflicting claims, based, however, on a systematic, competent appraisal of a wide range of complex economic, financial, industrial whether the rate of interest to be allowed on the fixed capital of an undertaking should be 6 or 8 per cent when calculating surplus profits available for annual bonus. Experience of the factors indicated as needed for adjudication of industrial disputes, and judges with purely juridical training, experience and outlook have no specialised competence.

The Law Commission which issued its Report in 1959 made the following statement on industrial disputes appeals to the Supreme Court :

*"The situation created by these large number of appeals causes concern in two respects. It has the natural effect of clogging the work of the Supreme Court . . . The graver aspect, however, of the matter is that labour matters are being thrust upon a Court which has not the means or materials for adequately informing itself about the different aspects of the questions which arise in these appeals and therefore finds it difficult to do adequate justice . . . Equally grave are the delays caused*

by these appeals in the disposal of industrial matters which essentially need speedy disposal."

The present adjudication machinery includes Labour Courts which deal mainly with disputes arising from dismissal and discharge of workers, and from disciplinary action. Industrial Tribunals are appointed *ad hoc* deal at State level with such subjects as wages, allowances, hours, leave, occupational gradings, and labour effects or rationalisation. There are also National Industrial Tribunals, also appointed *ad hoc* under legislation enacted in 1956 when the Labour Appellate Tribunal system was abolished, and they are appointed for the adjudication of disputes of national importance or which concern establishments in more than one State. Then because of dissatisfaction with Tribunal awards, including various inconsistencies in decisions, many cases are taken to the High Courts of the States, and to the Supreme Court. High Courts, in accordance with a provision of the Indian Constitution (Article 226) have jurisdiction limited to quashing an order of an Industrial Tribunal but cannot make a new decision, and in consequence parties aggrieved by a Tribunal decision often approach the Supreme Court with a view to redress. The members of all these courts and tribunals are persons of high legal standing but generally with no special competence and experience in industrial affairs. Persons appointed to Tribunals are often retired High Court judges or others of somewhat similar legal standing. In practice a Tribunal consists of only one person, and as the Tribunals are *ad hoc* there is lack of adequate continuity, though in practice the same person may deal with a succession of disputes.

There are considerable disadvantages in the machinery for industrial adjudication being mainly *ad hoc* without permanence and continuity. In order to remove this defect and also to remedy other inadequancies of the present system mentioned above the following recommendation is made :

That a permanent Court of Industrial Arbitration and Adjudication be established for the adjudication of industrial disputes of national importance, for the arbitration of such disputes when the parties voluntarily agreed to settlement by arbitration, and for the hearing in important cases of appeals from State Courts and Industrial Tribunals. The Court should consist of a President and four other members of the highest legal standing appointed from among persons who have a special interest in industrial and labour questions. The members should have continuity of service and security of tenure and should have a status and prestige similar to that of members of the Supreme Court. For the most important cases the Court would consist of all the members, but one judge would hear



and determine other cases, and this would enable judges to specialise on certain kinds of dispute or on certain groups of industries. The Court could be assisted by assessors, and also as they would need to examine company balance sheets and be well informed about economic and industrial conditions, they should have services of highly qualified economists and accountants. Where convenient the Court could go on circuit to deal with cases in different parts of India.

The Court would resemble in some respects the Australian Commonwealth Court and the Industrial Court in the United Kingdom which for many years have been effective in the settlement of industrial disputes. By its permanence the Court would progressively accumulate the specialised experience necessary for dealing with industrial disputes. Any appeals to the Supreme Court should be rare and only on legal issues strictly defined.

The establishment in India of a Court along with the lines proposed is essential for purposes of coordination, and would enable a body of principles to be established which would progressively facilitate the settlement of disputes throughout the country. Its scope could include the public as well as the private sector, except where, for example for the Civil Service and the Railways for special arbitration systems were considered to be more appropriate.

## **VI. Implementation of Code of Discipline, Labour Enactments, Awards, etc.**

In pursuance of recommendations of the 16th Session of the Standing Labour Committee, an E&I Division in the Ministry of Labour & Employment and a tripartite Central Implementation & Evaluation Committee were set up last year. The Central I&E Committee held its first meeting in September, 1958. (See *Trade Union Record* dated October 5, 1958 for decisions of the meeting — Editor.)

2. All State Governments, except Manipur Administration, have also set up an Official Implementation Cell or have designated an Officer to look into the cases of non-implementation, breaches of the Code of Discipline, etc., falling in the State sphere. Tripartite Implementation Committees have been set up in all States except Bombay, Jammu & Kashmir, Himachal Pradesh and Manipur. While Governments of Bombay and Manipur are still considering the question, Jammu & Kashmir and Himachal Pradesh have said that they have very few labour problems to necessitate the setting up of separate Committees.

3. As almost all State Governments have now set up Implementation Machinery, the Central Organisations of Employers and Workers have been advised to issue suitable instructions to their member-units to refer complaints of non-implementation, breaches of the Code of Discipline, etc., falling in the State sphere, to the concerned State Implementation Officers.



4. In addition to dealing with cases of breaches of the Code of Discipline and non-implementation of labour enactments, awards etc., the E&I Division has also been able to persuade the Central Organisations of Employers and Workers to set up Machinery to screen cases of industrial disputes before they are taken to higher Courts so as to avoid unnecessary litigation. Attempts are also being made, both in the Central and State spheres, to bring about out-of-court settlements in cases of industrial disputes already pending in courts. An analysis (*Appendix I*) of successful cases of industrial disputes, decided by the Supreme Court in 1957 and 1958, has also been made to find out the extent of advantages secured by the parties concerned, both in terms of money and as vindication of principles, by going in appeal against the awards of Industrial Tribunals|Courts.

5. A few important points which have arisen in connection with the Implementation of the 'Criteria for Recognition of Unions' are mentioned below:

(i) A clarification was sought whether the condition relating to 15% membership, laid down in clause 2 of the 'Criteria', would apply rigidly for recognition even if there is only one union or would it apply where only more than one union exist in an establishment. On the analogy of clause 1 of the 'Criteria', which provides that where there is only one union, it can be recognised even if it has not completed 1 year from the date of its registration, it would seem logical that the qualifying membership condition should apply only where there are more than one union in an establishment. Thus, where there is only one union in an establishment it will be entitled to recognition irrespective of its membership but where there are more than one union and none of them has 15% membership, none will be entitled to recognition.

(ii) It seems desirable to maintain status quo for 2 years from June 1958 in the case of unions already recognised before that date. The 'Criteria' do not, however, seem to place any bar to recognition of different 'craft unions' representing distinct and separate interests in an establishment so long as they fulfil the conditions for recognition laid down in the Criteria.

(iii) Clause 8 of the 'Criteria' implies that if a Union has been found guilty of violation of the provisions of the Code, its recognition can be withdrawn by the employer. Before, however, such an extreme step is taken, it seems desirable that the charges against a Union should be investigated and confirmed by an 'Officer of the Central or State Government, as the case may be, on behalf of their I&E Machinery. In case the charges are refuted by the union, the matter may be decided by the Central|State Implementation Committee. The 'Criteria' are silent on the question of period for which a union can be de-recognised but, as under clause 4 of the Code a Union once recognised would continue to be so recognised for a period of 2 years, it may follow that a union found guilty of violation of the provisions of the Code can be de-recognised for a maximum period of 2 years.

(iv) Where, in a State, statutory provisions for according recognition, etc., exist, and they are at variance with the Criteria provided in the Code these will over-ride the provisions of the Code till the State Government concerned modifies them.

## APPENDIX I

### Analysis of Appeals Made to Supreme Court in Matters Relating to Labour Disputes During 1957 and 1958.

#### Objects and Coverage:

In pursuance of the recommendations of the Central Implementation and Evaluation Committee, an analysis has been made of appeals against Industrial Awards, filed in the Supreme Court, with a view to determining the advantages secured by the appellants both in terms of money and by way of vindication of principles. The analysis covers 33 judgements delivered by the Supreme Court during 1957 and 1958 (and published in Law Journals during these two years) in matters relating to labour disputes; 16 of these judgements were delivered in 1957 while 17 were delivered in 1958.

#### Classification of Cases Studied:

2. Of the 33 cases, appeals were initiated by employers in 25 or about 76% cases; by workers in 5 or about 15% cases and by State Governments in 3 or about 9% cases. In 16, or roughly about 50% cases, the appeals related to termination of service (dismissal or discharge) of workmen; in 7 cases they related to bonus issues while in 5 cases they concerned the payment of wages and dearness allowance. Thus, cases pertaining to termination of service, wages and bonus accounted for about 85% of the total number of appeals made to the Supreme Court. The remaining cases related to miscellaneous issues, e.g., compensation for accidents outside the works premises, power of Government to supercede a reference pending before a Tribunal by a fresh notification, validity of awards after a prescribed date, scope of the term 'worker', etc.

3. Of the total number of cases filed in the Supreme Court, 22 or about 67% cases were either wholly or partly successful. Employers were wholly successful in 18 out of 25 cases (i.e. in about 72% cases); partly successful in 1 case and were unsuccessful in the remaining 6 cases. Workers succeeded in 2 (40%) of the 5 appeals filed by them. The State Governments were partly successful in 1 case and unsuccessful in 2 cases.

#### Advantages Secured in Successful Appeals:

##### (a) Gain in Terms of Principles

4. The advantages secured by the appellants in successful appeals were either in respect of monetary gain or with regard to vindication of a principle or both. The advantage, in terms of principles upheld or enunciated by the Supreme Court is, in several cases, of a wider significance, for, whenever an appellant wins a case it not only implies that the ground on which he made it has

been upheld but once the principles for determining a particular issue are decided by the Court, they continue to govern similar issues in future. Most of the cases studied involved interpretation of law, examination of the validity of legal provisions of labour enactments in the light of Fundamental Rights, determination of principles in matters not laid down by law and elucidation of principles enunciated by the Court in matters like determination of bonus, etc. vindication of principles — big or small — was generally implied in almost all successful appeals.

5. In appeals pertaining to termination of service of issues arising from such termination, important points of law or broad guiding principles were settled by the Supreme Court in deciding such cases. Thus the employers' right to dismiss employees for misconduct or for absence without permission for more than 14 consecutive days was upheld as also his right to discharge his employees under the Standing Orders. New principles regarding computation of money value of reinstatement benefits were laid down in another case. In cases concerning bonus, the Supreme Court enunciated several important principles. It has, for example, laid down that bonus is not a mere matter of bounty or gratuitous payment made by an employer to his employee, nor is it a matter of deferred wages. In one case, the Court refused incentive bonus to workmen as they could not prove that the employer had earned profits due to their contribution.

#### (b) Monetary Gain:

6. It is not easy to estimate precisely the monetary gain secured by appellants in successful cases; these are normally not indicated in the judgements as it is on the question of law or principles that appeals are generally filed in the Court. In cases pertaining to bonus, dearness allowance, dismissal of workers, etc., it is all the more difficult to calculate monetary gain or loss as it is of a recurring nature and may cover a large number of persons over an indefinite period of time. The information about monetary gain, etc., involved, given below, has thus either been estimated on certain assumptions about average wages, etc. or by obtaining relevant information from the employers concerned. The analysis on the basis of these estimates shows that of the total 22 successful cases, in 5 no direct monetary gain was involved—they related to the question of interpretation, etc., e.g., amending a prayer for dismissal by a prayer for discharge, fixing of responsibility on the management for change of service conditions, payment of compensation for accidents outside works premises, interpretation of the term 'worker' under the Factories Act, validity of awards given after a prescribed date, etc. The classification of cases where some monetary gain was involved is as follows:-

Monetary gain	Number of cases
1. Not more than Rs. 1,000/-	3
2. More than Rs. 1,000/- but not more than Rs. 2,000/-	2
3. More than Rs. 2,000/- but not more than Rs. 10,000	2
4. More than Rs. 10,000/- but not more than Rs. 15,000	2
5. More than Rs. 15,000/- but not more than rupees one lakh.	3
6. More than rupees one lakh.	5

7. Judging from the fact that appeals to the Supreme Court involve considerable legal expenses, loss of time and inconvenience,

it may be said that in majority of cases the monetary stake was comparatively small. In most of the 12 successful cases concerning termination of services of workmen, the monetary gain involved was not more than Rs. 10,000/-; in 4 of these cases, the disputes related to dismissal of only 1 worker each while in 10 cases, the disputes related to dismissal or discharge of not more than 20 workmen. Even with regard to cases concerning bonus, which generally involved large sums of money, in 1 case the employer went in appeal on the issue of paying bonus to 4 workers involving only about Rs. 1,200/-. It may be argued that these cases involved sometimes only 1 or a few workmen, and that probably they concerned not so much the vindication of a principle as the vindication of prestige and that such approaches to the highest court of the land are not only detrimental to healthy and harmonious growth of industrial relations but also smack of harassment and inconvenience to the workers whose bargaining and litigation capacity is so obviously inferior. But in each successful case an important point of law was involved and the clarification given by the Supreme Court is bound to reduce causes of friction in the future.

## CONCLUSIONS

8. The following broad conclusions emerge from the above analysis :-

- (1) In 1/3rd of the cases studies appeals were not successful; of the appeals filed by employers, about 25% were not successful—in these cases the view point of employers was not upheld by the Court and it may be said generally that they were not based on very substantial grounds.
- (2) The largest number of appeals in the Supreme Court in respect of which judgements were delivered in 1957 and 1958, were preferred by employers; a majority of them were successful.
- (3) Eighty-five per cent of the appeals related to termination of service, wages and bonus.
- (4) In most of the cases, questions of law or principles were involved; in a number of cases important decisions laying down broad guiding principles were given by the Court.
- (5) In a majority of cases, the monetary benefit involved was comparatively small; in cases relating to termination of service, the monetary aspect did not seem important at all as several of these cases concerned only 1 or 2 workmen. But important questions of law and principles were involved and in some of them the vindication of the view point of the appellants, judged objectively, was considerable and worth while.

8

RANGOON - Burma.

A P P E A L

MADE BY BURMA TRADE UNION CONGRESS TO W.F.T.U. AND TO ALL  
TRADE UNION ORGANISATIONS THROUGHOUT THE WORLD

Dear Brothers,

The trade union organisations, in the Union of Burma, for the existence of which the working masses have won through bitter and longdrawn struggles at the sacrifice of their dear lives are now in the immediate danger of being dissolved by the administrative authorities.

On January 14, 1959, Lieutenant-Commander Maung Maung Gyi (Burma Navy) who is attached to the Board of Management for the Port of Rangoon as Special Commissioner invited all members of the Executive Committees of Dock Workers' Union, Port Workers' Federation and Federation of Port Workers which are the affiliated unions of Burma Trade Union Congress, Trade Union Congress (Burma), and Union Labour Organisation respectively, and he verbally instructed the representatives to dissolve these Unions on or before January 31, 1959. After the dissolution of the existing unions, the workers shall form under the supervision of the authorities a new trade union in which only the bona fide workers will have the right to join it. Furthermore this new trade union will not have the right to affiliate any federation or national centre.

The steps taken, thus, for the dissolution of above-mentioned trade unions in the Port of Rangoon are absolutely contrary to Constitution of the Union of Burma. In Chapter II article 17 (iii) of the Constitution defining the rights of freedom it is clearly stated that "there shall be liberty for the exercise of ... the right of the citizens to form associations and unions". Furthermore section 22 of the Trade Union Act of Burma (1926), trade unions are allowed to include honorary members in its memberships and these honorary members may be elected to the executive organs of the trade unions.

.../

The Executive Council of Burma Trade Union Congress firmly believes that the order for the dissolution of the above-mentioned trade unions by the administrative authorities constitutes a flagrant violation of the freedom of association and democratic liberties guaranteed by the Constitution of the Union of Burma and the Trade Union Act of Burma (1926).

The Burma T.U.C. is further convinced that this action is a serious threat to the mere existence of all trade union organisations in Burma.

The Burma T.U.C., therefore, appeals to all workers' organisations throughout the world to display solidarity with and support to the struggle of Burmese port workers against the repressive measures on trade union rights in Burma.

Copies of protests may kindly be sent to the following:-

- 1) General Ne Win,  
Prime Minister of the Union of Burma,  
War Office,  
Rangoon,  
Burma.
- 2) Minister of Labour,  
Government of the Union of Burma,  
Secretariats Building,  
Rangoon,  
Burma.
- 3) Special Commissioner,  
Rangoon Port Management Board,  
Phayre Street,  
Rangoon,  
Burma.

Executive Council,  
BURMA TRADE UNION CONGRESS

391, Bo Aung Gyaw Street,  
Rangoon, Burma.



ALL INDIA TRADE UNION CONGRESS.

VIEWS OF A.I.T.U.G. ON GOVERNMENT LABOUR POLICY AT

17th I.L.C - MADRAS.

1. The papers prepared by Government for this conference completely shut their eyes to certain pressing problems affecting the workers, though these problems dominated the Nainital Conference and continue to remain acute as before. At Nainital every delegation raised the question of closures, retrenchment and unemployment. We discussed these problems and Government and employers promised to do certain things. But situation has not improved.

2. True, one Textile mill in Bombay has been taken over since then. But many more units in Bombay and elsewhere remain closed. Large scale retrenchment and rationalisation in Textiles, engineering etc., are taking place, which the employers declare have the consent of the recognised unions of the INTUC as in Bombay and Madhya Pradesh.

3. Several strikes have been taking place on these questions of retrenchment and victimisation of trade union workers. Court judgements permitting dismissals at the sweet pleasure of the employers are evoking protest strikes to defend the rights of the working class. Strike in the Grindlays Bank, the Mahindra concern in Calcutta, Remington Rand, The National Electric and New Era Silk in Bombay, the lockout in the Harveys, the failure to take over Kaleswarar Mills in Coimbatore, show that the Government of India and the State Governments after having debated the question at Nainital, have gone back to their usual position of leaving the workers alone to fight the superior weight of the employers.

4. In this period some wage agreements have been negotiated. The Jamshedpur wage agreement has come out. But even there, the problem of work loads is still unresolved and unless wages and

(Contd....)

workloads are resolved together, it is useless to expect the workers to settle down to calm work. Workloads and retrenchment in Jamshedpur the failure to evolve proper wages scheme in Burnpur and elsewhere, disturb the Iron and Steel sphere, the most vital one for our economy. Tea Bonus is still unsettled and a Wage Board for Metal and Engineering as a whole is an urgent necessity.

The promises made to appoint the wage boards for industries have been frozen. Even the Pay Commission and the Textile wage Board have been unable to report though a long period, enough to exhaust the patience of the workers, has passed since their appointment.

The Labour Minister Mr. Nanda has personally intervened in the Coal disputes and in the Banking dispute. But such interventions while securing temporary relief, do not make up for a policy as a whole. They become only benevolent exceptions to a bad labour policy, which does not allow urgent questions of life of the workers to be resolved in their favour as a natural result of a correct policy.

The promises made at Nainital and perspectives held before the workers have been belied for the most part. Where small fulfilments have been shown they had to be extracted by prolonged suffering and struggles of the workers.

5. This not only shows the Labour policy of the Government in actual practice, it also shows that what is called PLANNED DEVELOPMENT has no plan, unless all these retrenchments, closures victimisations, and lockouts are a part of the "PLAN" of the Government and the employers for better Development of the profits of the Gentlemen of enterprise.

(Contd.....)



6. Not content with the position in which the employers aided by the Government machinery are launching offensives against the workers, it seems in this conference, the Government has put forward an agenda on Industrial relations, which is calculated to hamstring still further the freedom of the workers and their trade Unions.

The proposal to give unheard of powers to the Registrar of Trade Unions, that is Government Officials, over the Organisations of trade unions, is the most reactionary proposal on the agenda. He is no more a mere Registrar. He is to be the Supreme Maker and Unmaker of trade Unions. He is to judge how many and where the workers should have unions or not. In one state he is even given the power to dismiss and decide the Office bearers of the Union. Very soon it will not be the workers, who will be running the unions, but the nominees of the Government on its party. So long it was done behind the back of the workers. Now it is proposed to be done with the sanction of the law. We refuse to accept this position. All these proposals of enhancing the powers of the Registrar or keeping his Veto on the Unions must be scrapped in toto.

7. The Government of India has not been able to compel observance of the code of discipline by the employers, by the State Government or by its own Ministries. The Unions of the AITUC particularly have not reaped a single benefit under the code. And there is the most flagrant case on record, where the Secretary of the Union of Employees of Audit and Accounts has been dismissed on charges, one of which is that he submitted memo to the Pay Commission of the Government of India, and suggested curtailment of the authority of his employer (immediate boss). We need not cite further facts which are too numerous to be quoted here.

8. The experience of the working of the code shows that the majority of the employers and the State Governments as also Ministries of the Government of India are not prepared to honour the

(Contd.....)

Code. Hence the AITUC thinks that the code of discipline be suspended until the employers and Governments come in the proper mood to work it -- and that the AITUC be allowed to withdraw from its obligations, where the employers and states do not reciprocate and adopt a policy of special discrimination against AITUC. To begin with AITUC will like to opt out of the code in the Bihar, Madhya Pradesh and Bombay.

9. The Government of India compels the workers to subscribe Crores of Rupees to ESI. In spite of the promises, it has failed to provide hospitalisation, care of the families of the insured and enhancement of the employer's contributions. Provident fund monies of the workers are known to have been swindled by lacs. In Madhya Pradesh alone about Rs.50/- lacs have been so swindled. So is the position in Bombay and elsewhere. Several Governments have been abetting this position and workers in need do not get relief. And yet this open daylight fraud is not nailed down by confiscating the concerns involved in it. Where is Morality, Democracy and observance of law and the code of discipline in all this?

10. The AITUC has always held that compulsory recognition of trade unions is a vital necessity in India, and that in order to decide which union has the workers' support, and is representative a secret ballot of the workers is the only correct method. Both these demands have been refused by the Government. Ballot is regarded as the most Democratic method in the Political field. Then why is it denied in the Trade Union field? The verification method is one sided and is heavily loaded on the side of the Government, and the employers and their supporters. The very fact that Unions of the INTUC or those recognised by the employers alone can collect subscription money in the factory handicaps the others in making rolls and registering fully paid membership. Over and above this some of the verifying officers are subjected to influences hostile to the AITUC.

(Contd.....)

Compulsory recognition of Trade Unions and ballot to decide their representative character are the absolute preconditions for peace in industry and better industrial Relations. These two measures will bring about a fundamental change in the situation and help the economy and the working class to go forward.

11. We have made the above remarks on some of the problems before us in general, because they embrace the most important aspects of any progressive labour policy.

For over 40 years, since the workers began to act in defence of their interests and formed mass unions, the Government and the employers have been avoiding direct collective bargaining between the unions and the employers. There has been a consistent attempt to interpose some other agencies between the workers right to collective bargaining and the employers who as a class the world over have always resisted direct negotiations with and recognition of trade unions. The Congress Ministries with their avowed adherence to Socialism have not followed a different path. Even where they agreed to give bargaining right and recognition it is offered in exchange for surrender of some fundamental rights as shown in that new breed of unions called 'approved unions'. Hence for the last ten years there has been continuous arguments about all kinds of Tribunals, arbitration boards, conciliation machineries, appeals and so on. The present Tripartite has again all of these question on the Agenda. We hold that unless a clear cut socialist policy of labour is adopted and unless compulsory recognition of Trade Unions, Collective bargaining and ballot are introduced, no amount of tribunals, boards, and bans on this and that will lead to a satisfactory solution. However we will give our views on the various proposals in<sup>a</sup> general way.

3.3. We endorse the provisions for the ballot in the Kerala Industrial relations bill.

- 4.3 Since only a Committee is to be appointed to once more discuss the works committee nothing need be said. The employers do not want the works committee, nor do the Government concerns. We want works committees to have more powers and we want them as elected committees. The works committee in principle must so evolve as to be the basis of Socialist Management in the future set up.
- 5.2 Agreements, negotiated and signed by any union must be submitted for ratification, in the first instance, to the executive committee of the Union and in case of sharp differences to the General Body of the Union. Where 15% of the workers affected by an agreement negotiated by a union object to or demand amendment of the agreement, which must in all cases be publicised before the workers in all suitable ways, the union shall take steps to call the General Meeting of the workers affected if it is an establishment and an elected delegates meeting or the elected works committees of all the establishments in the Industry if the agreement covers whole Industry, to ratify, amend or reject the agreement and the union thereupon shall carry out the decision of such a meeting. In the absence of such ratifications the agreements will not be binding on the workers, for the mere fact that it has been negotiated and signed by the Union whether representative or not.
- 6.2. Arbitration boards may be instituted to which recourse may be had by either party to dispute of their own free will. The Government should have no discretion to judge the merits of the case and then grant or withhold reference to arbitration.

(Contd.....)



7.3 We do not want to adopt any "Model Principles" as such to predetermine the reference of disputes to adjudication. If the adjudication machinery is to exist it must be available fully and freely to the Trade Unions. The present Veto exercised by the Government on such reference and their tampering with the issues framed by the workers must be done away with. The Government are known to exercise their Veto and powers to the detriment of Unions whom they dislike and to the benefit of employers whom they favour.

8.4. The labour appellate tribunal as such need not be revised because that would be no cure to the appeals sent up to the Supreme Court unless Industrial disputes are banned from the purview of the Supreme Court. The element of delay and costs also affected the L.A.T. when it existed. We would suggest that all High Courts institute an Industrial Bench in their jurisdiction in which the Judges should make themselves versed in all questions affecting Industrial disputes as such, besides common law and Industrial law.

9.5. The Madras Government proposal be endorsed. All the three fears expressed in 9.2 are groundless.

10.5. If the Central Government acts quickly and takes over the disputes to a national tribunal the difficulty can be overcome. But in the absence of such a decision by the Central Government the present power of reference to local tribunal should remain.

(b) 11.4. The A.I.T.U.C., is of the opinion that we have come to a stage where unions in certain sectors, of our economy can find enough cadres and leadership to manage all their affairs, provided the Union Leadership is guaranteed protection from the victimisation in any form. No union functionary should be dismissed, discharged or transferred during his occupancy of the union post. Secondly no dismissed or discharged worker shall be considered as an outsider for the Unions of his industry or trade.

(Contd.....)

Thirdly one fourth of his working time shall be available to the Office bearer for his trade union work. Only Unions in an industry like coal mining, plantations and Class IV employees are not yet in a position to contribute suitable cadres for specialised sides of Trade Union work, such as correspondence drafts of agreements, court work etc., for which outsiders are required by them. Hence the AITUC is prepared to discuss which industry or trades can even now be urged to accept a total elimination of outsiders, if the other national Trade Union Centres would agree, and the employers and the Government would provide the above Guarantees.

11.5 Yea; annas four may be made the minimum.

11.6 Registrars' powers be curtailed even as at present and some decentralisation may be done.

11.7 No powers of this type be given.

11.8 No power of this type be given.

11.9 The power exists and may be continued.

11.10 Even the suggestion is preposterous.

As the Government is aware and frankly shows it in its memorandum, all these powers, existing or proposed are against the spirit of the freedom of Organisation guaranteed under the Constitution.

The failure of the Government to ratify the ILO convention No. 87 on this subject is a serious breach of democratic behaviour and the Governments duties to the Constitution. That the Government of India did not consult the Tripartite Conference on the question of its refusal to ratify the convention should be taken note of by this conference. Curtailment of the freedom of association even with the concurrence of representative organisations is impermissible. And this is specially so when the Government's criteria to determine the representative character of an organisation, is of a partisan type and is worked by itself with partiality

(Contd.....)

and extreme considerations. The latest verifications of membership and representative character of national Trade Union organisations carried out by the Government Officers is full of instances to prove the above statement. Even if verification were true and valid, no organisation has the right to curtail the freedom of association of others and the Government has no moral or Constitutional justification to undertake curtailment of that freedom. It is undemocratic and unconstitutional.

Madras.  
26th July, 1954.



The Seventeenth Session  
of the  
Indian Labour Conference  
Madras

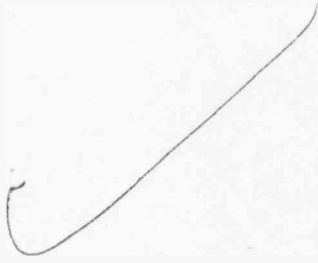
✓  
1959  
July

*27th to 29th July 1959*

Inaugural Address

By

Shri Bishnuram Medhi  
*Governor of Madras*



*Friends*

It is my privilege, on behalf of the State of Madras, to offer you all a cordial welcome to this 17th Session of the Indian Labour Conference which opens here this morning. This happens to be the first time when Madras has had the opportunity of serving as the venue of the momentous conference, and I thank you for giving me an opportunity to meet you all here and to inaugurate this conference. I am happy that you should have chosen Madras as the place of meeting for this conference, and I take it that it is a measure of your appreciation of the work being done in this State in the fields of activity which may form the subject-matter of the deliberations of this important conference. Although, we may not be able to offer you the bracing climate and the scenic beauty of Nainital where the last conference was held, I am sure that the simple but warm hospitality that Madras State will be able to offer you, will compensate the not-too-bracing climate of Madras. I hope your stay in this city with its beautiful marina and its surroundings will be comfortable and you will have an interesting and rewarding time and carry happy memories when you depart.

2. From the accounts I have had, the last conference was a successful one, and I hope that this conference will also be equally successful. I have read the conference programme and have gained the

idea that you have not-too-easy a task before you. It is a well-known fact that we are passing through a critical phase in the economic development of the country. Our special concern at the moment is the successful implementation of the Second Five-Year Plan and the achievement of the target of increased production in which, I am sure, every one of us is deeply interested. I need hardly reiterate that the fulfilment of our Plan will depend largely on the achievement of higher productivity in every aspect of our economic life and every one of us has a special obligation to contribute our respective share in this regard. It is only by special efforts on our part and on the part of the workers and the managements of industries that we can hope to realize the targets of the Plan and I hope this aspect may be kept in view, in all your deliberations.

3. I find from the agenda that one of the most important subjects you have before you for consideration is "Industrial Relations". The development of good industrial relations must necessarily depend, to a large extent, on Social Planning. Social Planning deals with the multifarious affairs of men in constantly changing circumstances. The achievement of a Welfare State with socialistic pattern of society, which is our objective, will be rendered impossible unless there is a substantial measure of economic development. The solution of the problem of under-employment and our aim to raise the standard of living of the people which need our immediate attention will also depend to a great

extent on rapid economic development. There was a time when it was taken for granted that the main problems of the Industry were only the management of machinery, materials and money. But nowadays all of us are realizing more and more that in addition to the problem of industrialization, to usher in economic prosperity, we have to consider the most important problem of human relations in industries and also the problem how best we can cultivate a good team-spirit in the industrial unit, which ultimately determines efficiency.

4. A person working in a factory is not intrinsically different from a person working in an office. In most cases what is needed is the change in our attitude towards the men with whom we have to work. It is not sufficient if we are not indifferent to the men. On the other hand, we have to have a positive approach to this problem with a faith in human nature. A growing realization of the absolute need for co-operation and dispassionate approach to the solution of problems among all sections engaged in industrial enterprise is the crying need of the day, and to this end all of us have to make our conscious and constructive contribution.

5. One way of getting to know about men, what exactly is working in their minds and what their troubles are, is to hold free and frank discussions. Then only will we hear a good deal of what we do not know and perhaps a great deal that we may

not even suspect. It is axiomatic that one cannot earn the confidence of any person by condemning him in public. Such an attitude will get us nowhere and in fact it only divides us from the people with whom we have to work and it makes national unity impossible.

6. I hope you will appreciate that our future depends far more on the good relations between individuals than on the mere survey of charts and figures. In other words, the future depends upon how well we are all able to get on together. Mistrust and suspicion will keep us apart. Our endeavour should, therefore, be to replace them with trust and confidence and translate these ideas into action with a view to bring all concerned closer together for a dispassionate discussion of the problems confronting labour and management engaged in industrial development for the good of the country at large.

7. It is a matter for gratification that due to the combined efforts of the employers, employees and the Government, we have succeeded to a very large extent in maintaining industrial peace in this State. We do not of course claim perfection and we do realize that much more needs to be done. Yet, I can say with some confidence that our achievement in the field of industrial relations has been fairly satisfactory. The success in this direction may be partially attributed to the recognition of the principle of Tripartite deliberations in all matters of industrial relations on which emphasis has been laid in

the labour policy of the First and Second Five-Year Plans. Our conciliation machinery has worked with great efficiency and succeeded in avoiding frequent causes of friction between employers and labour in general. Thanks to the efforts taken by our Officers of the Labour Department, many of the important major disputes have been settled to the mutual satisfaction of both the parties, thereby leaving behind no trace of bitterness. The Government, as a policy, have been encouraging bipartite settlements between the parties and only in cases where such attempts had proved abortive, was resort had to Governmental intervention. This system has been fairly satisfactory in this State. Although in recent years slight improvement was noticed in the matter of the number of cases being taken to the High Court and the Supreme Court, still it is rather unfortunate that the improvement has not reached the extent desired. If only we set our face against prolonged and wasteful litigation and try to solve our difficulties by mutual discussions or at best by making use of the special industrial forums set up for the purpose, we shall see greater improvement in this regard. The code of discipline, the code of conduct for Trade Unions and the like, evolved at the previous conferences have been commended to the employers as well as labour for being adopted by them with a view to avoiding serious industrial conflicts. My Government have also constituted a Tripartite State Evaluation and Implementation Committee with

representatives of employers and employees and the Commissioner of Labour as the Chairman to investigate complaints regarding non-implementation of agreements, awards, etc. It is also proposed to utilize this Committee for the purpose of screening cases that are to be taken on appeal to the High Court and Supreme Court. It is my sincere hope that with the steps now taken, it would be possible to secure greater industrial peace in future. I must acknowledge in this connexion, that the code of efficiency will mark another milestone in the path of economic and industrial progress. It is so necessary to achieve the higher productivity, which, as I have emphasized earlier, is highly essential for the success of the Second Five-Year Plan. I will be happy indeed if the deliberations of this Conference give this matter the due consideration it demands.

8. You have a number of items on the Agenda, and it will not be possible for me to refer to all of them. I have no doubt that with the experts on the side of employers, workers and Government sitting together in this Tripartite Conference, you will be able to discuss some of the most difficult problems that face industrial relations to-day and that your deliberations will yield fruitful results for the solution of most of them.

9. But before I conclude, I should like to refer to one or two significant developments that have taken place in this State during the immediate past.



Our Government have undertaken special legislation for regulating the conditions of work of workers in Hotels and Restaurants as well as in the Beedi Factories in this State, who have been denied the benefits of the labour legislation consequent on some of the judicial decisions. The Government have also introduced the Madras Industrial Establishments (National and Festival) Holidays Act, providing therein for the grant of seven festival and national holidays every year to workers in all industrial establishments, and in this matter I think this State may very well congratulate itself.

10. In the matter of Housing of Industrial workers, the Government have undertaken the construction of houses in important industrial areas besides encouraging the employers' and the workers' co-operatives to avail themselves of the financial assistance under the subsidized Industrial Housing Scheme. An appeal has also been made to the employers to provide houses to at least 4 per cent of their workers every year until they cover 50 per cent of their workers. It is hoped that the response in this direction would be encouraging.

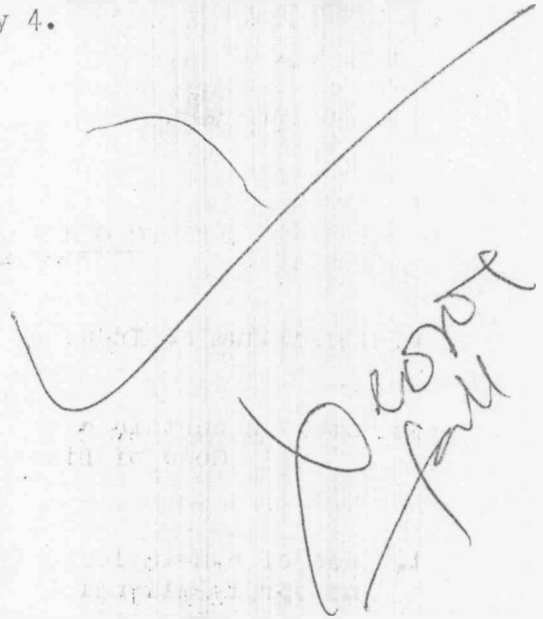
11. I do not propose to take more of your valuable time. The agenda before you is quite heavy. It now only remains for me to wish the conference all success. I am certain that you would find this conference interesting and useful too, but whatever you do, I feel sure that out of your discussions, a fund of goodwill and mutual trust will emerge, conducive to create an atmosphere which will be

helpful in arriving at decisions on many important aspects of the problems under your consideration. I hope you will be able to enjoy your time here, and when the time comes for you to part, you may carry away with you affectionate memories of this beautiful city. With these few words, I have the greatest pleasure in inaugurating this Conference.

JAI HIND.

HIND MAZDOOR SABHA

(All India Headquarters)  
Servants of India Society's Home  
Sardar Patel Road  
Bombay 4.



Memorandum on Industrial  
Relations.

Submitted to 17th Session  
of  
The Indian Labour Conference.  
1959.

C O N T E N T S.

I. Memorandum on Industrial Relations.	.....	1 - 22
II. Notes on certain cases under the Code of Discipline.	.....	23 - 61
1. Case of non-implementation by Messrs. Shapoorji Pallonji & Co. Private Limited, Bombay.	.....	23 - 25
2. Avoiding needless litigation - Tata Oil Mills Company Limited, Bombay.	.....	26 - 28
3. Case of the India General Navigation & Railway Company Limited, Calcutta.	.....	29
4. Case of Messrs. Bikaner Gypsums Limited, Bikaner.	.....	30 - 34
5. Case of the Premier Automobiles Limited, Bombay.	.....	31 - 39
6. Case of the Orient Paper Mills Limited Brajrajnagar, Orissa.	.....	40 - 41
7. Case of the Hind Cycles Limited, Bombay.	.....	42 - 61

.....

1. The Hind Mazdoor Sabha has considered the lengthy memorandum circulated by the Ministry of Labour and employment of the Government of India, on the subject of Industrial Relations which is the main item for discussion at the 17th Session of the Indian Labour Conference to be held at Madras in July 1959. In this memorandum the Ministry has discussed the subject mainly in two parts. The first part deals with the machinery for collective bargaining and the settlement of industrial disputes. Under this heading the following items are included :

1. The procedure proposed in the Kerala Industrial Relations Bill for the certification of negotiating agents.
2. The appointment of a small tripartite Committee for drawing up guidance principles relating to the composition and functioning etc. of Works Committee.
3. Validity of agreements reached through direct negotiations between the parties.
4. Removal of the difficulties standing in the way of reference of disputes to voluntary arbitration.
5. Replacement of Labour Courts and Industrial Tribunals by arbitration Boards.
6. Model principles for reference of disputes to adjudication.
7. Revival of the Labour Appellate Tribunal.
8. Creation of separate machinery for dealing with disputes relating to individual dismissals, etc.
9. Jurisdiction of a tribunal appointed by one State Government in respect of a dispute concerning workmen employed in different States.

In the second part, the Ministry has considered the problems relating to Trade Union Organisation and this part includes the following subjects:

1. Alteration of the present statutory limit on the number of outsiders on the executives of trade unions.
2. Insertion of a provision in the Trade Unions Act regarding membership fees.
3. Decentralisation of the work of Registrars of Trade Unions.
4. Empowering Registrars to look into the records of trade unions.
5. Cancellation of registration for failure to observe the rules of the union.
6. Cancellation of registration for failure to submit annual returns.
7. Placing a restriction on the number of unions that may be registered.

2. This memorandum clearly indicates the intention of Government to consider the subject of industrial relations in a restricted scope and to side-track the fundamental issues which are of considerable significance to the workers at present. In response to the request of the Government inviting suggestions about the agenda for the Conference, it was suggested by the HMS that certain important issues pertaining to the subject of Industrial Relations should be included in the Agenda of this Conference. The issues which were suggested by us included the question of giving interim awards by the Wage Boards, neutralisation of increase in cost of living since 1956, expediting the completion of preliminaries for the setting up of the promised Wage Commission, Extension of Provident Fund contributions and Employees' State Insurance benefits to workers' families, etc. These items are not included in the Agenda and till this day there is no indication from the Government whether there is any possibility of these items being included in the Agenda and being discussed at the Conference.

3. Thus, the attitude of the Government, in our opinion, is to give its serious thought only to legal, formal and procedural aspects of industrial relations and ignore the basic factors such as the wage policy, employment position, price structure, etc. It would not be unjust if the inference is drawn that the Government is more concerned today with binding the working class in this country to a legal procedure in a complicated manner and it shows a complete apathy to the basic matters which are of vital interest to the workers.

4. In view of this attitude of the Government, the Hind Mazdoor Sabha takes this opportunity to record its strong protest against the evasive attitude of the Government and the manner in which the subject of industrial relations is sought to be considered. The Sabha insists that the issues suggested by us should be included in the agenda for discussion at the time of this Conference. If the Government is of the opinion that it is not convenient to include these items in the agenda for this Session of the Conference, the Government should give a categorical assurance that these issues will be taken up for discussion on another convenient occasion, but in any case before the next meeting of the Standing Labour Committee. In case such an assurance is not forthcoming, the Hind Mazdoor Sabha makes it clear to the Government and other constituents of this Conference that the Sabha will not be able to commit itself to any decisions that will be taken at the Conference and that the Sabha may have to consider withdrawal from



other commitments on the tripartite level in the past.

5. The Sabha strongly disapproves of continued efforts to get the labour involved into obligations, which ultimately take away the right to direct action on the part of labour on the one hand and on the other hand, the continued refusal on the part of Government to consider other basic factors which can make or mar the industrial peace and which have been continuously suggested to the Government for tripartite discussion.

CODE OF DISCIPLINE

6. In the preamble to the memorandum, the Ministry has attempted to discuss certain developments, which took place since the Nainital Session. Major item which has come under such consideration is the functioning of the Code of Discipline in industry and its influence on the trend of industrial relations. In the opinion of the Government, the Code has had perceptible influence on the trend of industrial relations and in support of this contention the Ministry has referred to certain figures relating to the number of disputes, the number of workers involved in such disputes and the number of man-days lost during the year 1958. The Government also observes that the evaluation and implementation machinery at the Centre as well as in the States has been, generally speaking, functioning effectively and this has brought about elimination of a number of misunderstandings between employers and workers.

7. The HMS is unable to accept the smug claim of the Government about the influence of the Code of industrial relations. Both the above observations are highly misleading and far from the facts. Let us consider the first contention relating to perceptible influence of the Code. Mere increase or decrease in industrial disputes can not be the positive proof in support of this contention. It does not really establish any definite trend. Even a casual glance at the figures of industrial disputes during the last several years considered in convenient sections, would go to show that the number of disputes in one part of the year varies from that of the second part of the same year and number of disputes in the year varies from that in another year. It is also commonly known that the number of industrial disputes varies from one industry to another and also varies even within that industry itself. Such a variation may be downward or upward. Merely because there is a very minor variation in the latter half of 1958 it does not establish a

definite trend. The following figures of man-days lost may be referred in considering contentions of the Government in this respect:

Year	Man-days lost
1951	38, 18, 928
1952	33, 36, 961
1953	33, 82, 608
1954	33, 72, 630
1955	56, 97, 484
1956	69, 92, 040
1957	59, 03, 083
1958	64, 06, 506

Source: Labour Gazette, Government of Bombay.

As regards decline in the number of mandays lost and the number of workers involved in 1958 the figures themselves must be read against the back-ground of the fact that the massive, nationwide strike of dockers as well as a major portion of the long drawn out Premier Auto strike was in the first half of 1958 and have contributed significantly to the total figures for that half. The following figures are in this connection very significant:

a. Total man-days lost in first half of 1958	45, 19, 087
b. Man-days lost in Premier Automobile dispute till 30th June 1958	2, 68, 000
c. Man-days lost in dockers' strike	14, 30, 000
d. Total man-days lost excluding those in dockers and Premier Auto dispute	28, 21, 000

Similarly, if the number of dock workers, 1,30,000 workers and those in the Premier Automobile dispute, 4000 workers, is excluded the figures would be 3,77,237 in the first half of 1958 and compared to 4,31,183 in the second half of 1958.

8. Experience of trade unions and in particular the HMS has been contrary to the Government claim. There are several disputes in which it can be clearly established that the Code

has been ineffective. We may refer to certain typical cases, as follows:-

- 1) Dispute in the Hindustan General Electric Corporation Limited, Karampura, Bihar.
- 2) Lockout in Messrs. India General Navigation and Railway Company Limited, Calcutta.
- 3) Strike in the Orient Paper Mills Limited, Brajrajnagar, Orissa.
- 4) Strike in the Orissa Cement Limited, Rajgangpur, Orissa.
- 5) Strike in Messrs. Bikaner Gypsums Limited, Jamsar, Bikaner, Rajasthan.

9. A study of these cases <sup>will</sup> clearly negative the contentions of the Government about this Code.

It is not our intention to dispute the claim of the Ministry by basing our arguments merely on the above mentioned cases. Several disputes, a large number of complaints about the breach of the Code, non-implementation of awards, acts, settlements, etc. have convinced us that the Code has not been as effective as claimed by the Government.

10. What is more disturbing is a clear disregard of the Code by the employers and the Central Organisations of the employers who were party to this Tripartite arrangement. Employers as a whole here followed a peculiarly dual policy in implementation of the Code. They have given their consent to the Code. But, at the unit level it has been found that individual employers are almost uniformly reluctant to enforce this Code.

11. Still worse is the attitude of some of the State Governments to this Code. Our experience is that some of the State Governments have shown complete apathy to this Code and some State Governments have made known in unequivocal terms that this Code is not to their liking and it is an unwanted baby from the Central Government landed in their laps. It would not be unjust to mention the attitude of the Bombay Government towards this Code. The Hon'ble Labour Minister in the Bombay State and the Labour Department functioning under his guidance have clearly shown their total disregard for this Code. The conduct of the Bombay Government is one of avoidance and in every case that has been brought to the notice of the Bombay Government an attempt is made to establish that the complaint does not fit into the frame work of the Code. What is disturbing is to isolate the spirit of the Code from its text and to impart an element of legalism into the body of the Code.

The importance of the Code is not in the text but in the intentions and spirit. This Code was accepted by the workers and particularly by HMS because of the spirit and the intentions behind this Code.

ATTITUDE OF CENTRAL GOVERNMENT  
EMPLOYING MINISTRIES

12. Progress made by the Government in application of the Code to the Public Sector is also not very encouraging. The Code was accepted by the Sabha only after undertaking given by the Hon'ble Labour Minister that this Code will be applied to the public sector undertakings. The Government had convened the Conference to consider this question. But all the industries and employing Ministries were not covered by that Conference. The Hon'ble Labour Minister had stated that there were certain difficulties and the same would be removed very soon. He had once again affirmed his undertaking about application of the Code to the Public Sector. To our knowledge, no progress has been made in this direction. The Government has, in our opinion, committed a breach of faith.
13. We have already referred to the attitude of certain State Governments towards this Code. Close study of certain cases handled by the State Governments would go to convince that their contribution to the functioning of this Code has been more on the side of failure than on the success. It would, therefore, appear that these State Governments were more concerned with bringing about failure of this Code than its success. In this connection we are enclosing herewith true copies of certain letters which we have received from the Bombay Government in connection with our complaints about breach of the Code.
14. The Government in its discussion over the subject of Code of Discipline has adopted a negative test for estimating effectiveness of this Code on Industrial Relations. Any increase or decrease in the number of disputes is not a positive test. A positive test of influence of this code would be effectiveness of certain key provisions of the Code, such as Recognition of Trade Unions, resort to voluntary arbitration, avoidance of needless litigation, ban on unilateral increases in work-loads, etc. The official memorandum is silent on all these points. How many employers have so far, as a consequence of the acceptance of the Code, recognised the trade unions? Or at least taken steps in this direction? How many employers have reconsidered

their petitions or appeals to the higher courts? Has there been any fall in the number of such cases? In how many cases have the employers agreed to voluntary arbitration? What is the number of employers who have settled their disputes at appropriate level? Has the percentage of the employers who have not resorted to unilateral increase in work-loads or unilateral changes in service conditions fallen? These points do not find any place in the official memorandum. If this test is applied to the working of the Code, one would come to only one conclusion: that this Code has so far not succeeded in changing the trend and direction of industrial relations and that the contention of the Government about the perceptible influence of the Code on the industrial relations is certainly not borne out.

15. Secondly, the Government has observed that the evaluation and implementation machinery has been effective. In fact, there has been inordinate delay in establishing such machinery in several States. In certain States, the State Government has opposed establishment of this machinery. Here again, mention must be made of the Bombay Government.

16. Even at the Centre, the machinery is not very effective and there is considerable delay. The Central Evaluation and Implementation Committee had its only meeting in September, 1958 and since then there is no meeting till this day.

17. One aspect of this machinery, which looms very large is the nature and structure of the set up that is established in different States. By and large, it can be said that this machinery has been set up in such a manner that it loses completely its independence and functions more or less as a part and parcel of the Labour Department of the respective State Governments. This machinery cannot be effective when it is not competently independent. The role that was played by this machinery in some of the disputes mentioned above, will clearly establish that the contention of the Government with regards to effectiveness of this machinery is not correct. This contention may only have adumbrative value but it does not take the Code or the evaluation and implementation machinery to any success. On the contrary, the events and developments that have taken place in the first half of 1959 raise very serious doubts in the minds of workers, their trade unions and also their central organisations. The hope that was expressed by the Hon'ble Labour Minister of the Government of India at 17th Session of



the Standing Labour Committee still remains a far cry from actuality. It would be appropriate to reproduce here a part of the speech of Hon'ble Minister.

"It is a remarkable fact that even in respect of most of the contentious issues, we arrived at agreed conclusions with complete unanimity. From our deliberations had emerged certain guiding principles and definite lines of action. Our efforts were inspired by the twin objective of securing industrial peace and ensuring a fair deal to the working class. In my view the tripartite agreement which possesses the very great significance for the future of the industrial relations in the country is the Code of Discipline which was adopted in Nainital towards the end of May this year by all Central Organisations of employers and workers in India. It was natural expectation that the new approach in the code would soon be reflected in the attitudes of parties in their mutual dealings. It was understood of course, that it might take some time before the full weight of this step could be felt in our entire industrial system. It would, of course, be worse than useless if the provisions of the Code are not implemented at all levels to the utmost extent possible."

A: Machinery for Collective Bargaining and Settlements of Industrial Disputes:

1. RECOGNITION OF UNIONS:

18. As re-gards the procedure proposed in the Kerala Industrial Relations Bill for certification of the negotiating agents, this principle is acceptable to the HMS. Although, Section 12 of this Bill which is pertaining to certification of negotiating agents is not acceptable in all its detailed provisions, the basic idea that the bargaining status of trade unions should be decided on the basis of secret ballot of the workers concerned is acceptable to HMS. There should be a fixed period during which such trade unions will continue to hold the status of negotiating agents which is conferred on it after following proper procedure in this respect.

19. The contention of the Government regarding the recommendations of the last Session regarding procedure for recognition of the union is not acceptable to us. Saying that it is rather premature to attempt an estimate of the impact of this recommendation of the problem of recognition and the extent to which the creteria in these recommendations are being adhered to, is only an attempt to put some force in these recommendations which are totally disregarded by the employers. It is worth noting that the Government has not given figures about the unions which are recognised by the employers on the basis of these recommendations. Our information is that hardly any unions have secured



recognition in terms of these recommendations.

20. The contention of the Government over this point runs contrary to its claim as regards the Code of Discipline which has been vigorously canvassed by the Government. The HMS has all along insisted that recognition of proper unions is an indispensable part of the Code. If the Ministry considers that it is premature to estimate impact of that particular provision it should also be premature to estimate the effectiveness of the Code as a whole. The experience of the past year clearly indicates that these rules will not effectively solve the problems of recognition of trade unions but will serve as a loophole for employers to avoid recognition of trade unions.

21. The principle of granting certificates to trade unions as exclusive bargaining agents has been accepted in majority of the countries where free collective bargaining is accepted. In certain countries, there is a legislative provision and a provision in the Canadian Industrial Relations and Disputes Investigation Act is notable.

22. We construe this item in its broad aspects and understand that this conference is not going into all the details and procedural forms of this item. Therefore, we have avoided any reference to the procedure that may be adopted in connection with this issue. But certainly we should make it clear that considering that sanction of such status to trade unions is a big land mark in the process of collective bargaining, we are firmly of the opinion that the work of certification of negotiating agents should be left to a judicial authority such as a Labour Court, or Industrial Court or to a Board that may be created for this purpose. It should not be left to any administrative authority. Although Section 12 of this Bill does not give clear idea about the registering authority it gives impression that this registering authority as visualised under this Bill is administrative and not judicial. In this connection the Sabha wishes to refer to Section 28 E of the Indian Trade Unions (Amendment) Act, 1947 (XLV pf 1947).

## 2. WORKS COMMITTEES

23. The Official Memorandum has considered role of the Works Committees in securing and preserving amity between employers and workmen. It seems that the Government feels that the Works Committees are essential and, therefore, steps

should be taken to ensure the satisfactory functioning of the Works Committees. The trend of the Memorandum on this point is directed towards consideration of the functioning of the Works Committees in the public sector undertakings. There is no discussion about the functioning of the Works Committees in the private sector. We are of the opinion that past experience does not justify and high expectations from the Works Committees and, therefore, much effort need not be wasted over them. Although a provision for the Works Committees is existing in the Act for the last ten years, it has not served the purpose for which this institution was created. Sub-section 2 of section 3 of the Industrial Disputes Act, lays down the functions of the Works Committees as follows:

"It shall be duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employers and workmen and, to that end to comment upon matters of their economic interest and endeavour to compose any material difference of opinion in support of such matters."

24. The Government has not given relevant information or material which would throw some light on the role that has been played by the Works Committees in achieving the purpose for which the Works Committees are created and in fulfilling the functions that are entrusted to it under the statutory provisions. From the reports which we have received from our affiliates we draw a conclusion that the Works Committees, where they have been set up at all, have failed miserably in fulfilling their role. Therefore, appointment of a small tripartite committee for drawing guiding principles relating to the position and functioning, etc. of the Works Committees is unlikely to be very fruitful.

3. Validity of agreements reached through direct negotiations between the parties.

25. The Government has suggested certain points for consideration as regards validity of agreements reached through direct negotiations between the parties. In considering these points, the nature of industrial disputes as envisaged under the provisions of the Industrial Disputes Act should be taken into account. Industrial dispute has been defined as "any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or with non-employment or the terms of employment or the conditions of labour, of any person." This definition makes one aspect very clear and that is: any

industrial dispute is necessarily between the employer on the one side and the workmen on the other side. The trade unions as such are not direct parties to any industrial dispute. The trade unions are concerned with industrial disputes because of provisions of Section 36 of the Industrial Disputes Act, wherein right of representation is given to a registered union. Thus, role of a trade union in an industrial dispute is one of representing the workmen and, therefore, while considering validity of agreements reached through direct negotiations between the parties, very careful thought has to be given. This precaution has to be taken in case of direct agreements because the negotiations are carried on and then finalised by the parties themselves. No third party such as Industrial Tribunal is on the scene as in case of adjudication.

26. Moreover, all sections of workmen may not be represented during such negotiations between the parties. The Sabha, therefore, is of the opinion that a proposal regarding validity of agreements reached through direct negotiations between the parties may be accepted provided an effective procedure for determining negotiating agents of the workers by a secret ballot is accepted and enforced. Such a right should be conferred only on negotiating agents who may be approved by an appropriate procedure that may be laid down under item No. 1 pertaining to recognition of trade unions. It would be fatal if such a right is allowed to any registered trade union whose status may not be clear and whose position is likely to be challenged, as has happened in certain industrial disputes. The Sabha, therefore, suggests the following points which can be incorporated in the Industrial Disputes Act and the rules made thereunder:

1. Only an agreement which is concluded between the employer and a registered trade union which has been given the certification of a negotiating agent, shall be registered, and thereby become binding on all the workmen concerned.
2. The agreement as finalised by the employer and the union shall be registered by the registering authority. The registering authority shall also issue a certificate indicating the registration of the agreement. A copy of every such agreement shall be displayed at a convenient place for information and inspection by any workman concerned.

#### 4. SETTLEMENT OF DISPUTES THROUGH ARBITRATION.

27. Under this item, the Government has proposed that the Conference should consider difficulties, if any, standing in

the way of reference of disputes to voluntary arbitration. When such a proposal is made, it would have been better if these difficulties were specifically mentioned in the official memorandum. The Government has made an attempt to enumerate steps that have been taken at the Centre as well as in the States to help the parties to refer the disputes to voluntary arbitration. In spite of these steps that are taken by the Government, the Memorandum observes:

"It is, however, found that not much use is being made of the facilities provided by Government. The reasons for the hesitancy on the part of the employers and workers to have recourse to arbitration is not clear."

The first part of this observation is correct, because the employers, by and large, have refused to refer the disputes to voluntary arbitration, although proposals were made by the unions. Secondly, the State Government have adopted a very negative attitude towards this machinery. It is unfortunate that the memorandum does not give details of the steps that have been taken by the State Governments to make this machinery useful in resolving the disputes. It is also does not take note of the fact that the employers have grossly violated the Code of Discipline by consistently refusing to refer the dispute to voluntary arbitration. What steps are taken by the State Governments where the employers refused to go to voluntary arbitration, and thereby committed breach of the Code of Discipline as far as its provisions pertaining to voluntary arbitration are concerned?

28. It should also be taken into account that in cases where complaints are made on this point, the State Governments in several cases have permitted delays which have ultimately compelled the unions either to resort to some direct action or settle the disputes in a manner disadvantageous to the workmen. In this connection, the Sabha would draw the attention of the Government and other constituents of this Conference to the Premier Automobiles' case. It is known that in this case, the union had proposed to the employer, reference to voluntary arbitration and this proposal was rejected by the employer company. The Sabha would also place relevant documents pertaining to dispute in Hind Cycles Limited, Bombay, before this Conference. These documents will clearly establish that the difficulty, if any, standing in the way of reference of disputes to voluntary arbitration, is the refusal of the employers to approach this machinery. What steps are taken by the Government, either Central or the State Government, in

the dispute in the Hind Cycles Limited? What is their contribution in making this machinery available to the workmen? What steps have been taken by the State Government in taking action against the employer when this company has committed a breach of Code of Discipline? It should be noted that in this case the company had accepted voluntary arbitration in writing and then suddenly it went back and refused to refer the disputes to this machinery. What has been done by the Hon'ble Union Labour Minister when approached by the union concerned and by the HMS? All correspondence in this case is met only with acknowledgement letters and that is where the case stops.

29. The HMS does not agree with the observation that the workers hesitated to have recourse to arbitration. The workers have scrupulously made attempts to persuade the employers to have a recourse to arbitration. But the entire responsibility for the failure of this machinery lies firstly, on the employers and secondly, on the Government.

30. The memorandum does not indicate specific difficulties but refers in general terms to these difficulties and attitudes of both the parties. The question of removal of difficulties standing in the way of reference of disputes to voluntary arbitration is not clear. It is, therefore, not possible to make specific observations on this point. By and large, the Sabha will support any genuine attempt and sincere effort on the part of the Government and the employers to remove the difficulties, if any, standing in the way of reference of disputes to voluntary arbitration. The Sabha desires to emphasise that the attempt has to be genuine and sincere.

31. The suggestion made by the Government of Madhya Pradesh about replacing Industrial Court by Arbitration Board is more progressive than the existing structure of industrial adjudication machinery under the Industrial Disputes Act. The Sabha supports this proposal and suggests that approach to this machinery should be direct and it should not be left to the discretion of the Government. The Sabha fully endorses the feeling of the Government of Madhya Pradesh that the Tribunals constituted under the Industrial Disputes Act are swayed more by the niceties of civil law than by consideration of equity and social justice. The following observations of their Lordships of the Supreme Court in the case of D. Macropollo and Company Private Limited and their workmen - (vide 1958 II. L.L.J. page 492) are significant:



"If the reorganised scheme has been adopted by the Appellant for reasons of economy and convenience, and it has been introduced in all the areas of its business, the fact that its implementation would lead to the discharge of some of the employees would have no material bearing on the question as to whether the reorganisation has been adopted by the Appellant, bonafide or not. The Learned Judge was clearly in error in attaching importance to the consequences of reorganisation, in regard to the 14 salesmen in the present case. Their discharge and retrenchment will have to be considered as an inevitable, though very unfortunate, consequence of the reorganised scheme which the employer, acting bona fide, was entitled to adopt."

32. It is also pertinent to refer to the following observations of the Madras High Court in Tamil Nadu vs. their working journalists (vide 1958 II.L.L.J., page 752):

"Under the common law, an employer is entitled to terminate the services of any of his employees, on giving him the customary notice or wages in lieu of notice ... .. The employer of these persons terminated and replaced them by others who, in his judgement, were more suitable for the work.....  
As I explained before, an employer is entitled to terminate the services of any employee, by giving him a notice and replade him by another whom he considers more competent."

We understand that this decision is reversed in Appeal by the Madras High Court. Such decisions are indication of influence of Civil law in labour disputes.

33. These decisions are now binding on the Tribunals and these decisions would go to show that the Tribunals are today governed by the niceties of civil law than by considerations of equity and social justice. Even on the point of social justice, observations of their Lordship of the Supreme Court in the Muir Mills' case are by now widely known and the Tribunals are not free to determine what social justice means. As far as labour is concerned, the social justice is also fettered and the Tribunals are not to apply this fettered concept of social justice. This is the result of the policy of the Government to bind the labour to a legal and complicated procedure of resolving the disputes. The Sabha, therefore, supports the proposal of the Madhya Pradesh Government for establishment of the Arbitration Board.

34. The Sabha also desires to place on the record that there are certain very desirable provisions of the Industrial Act which are not used by the State Governments; We refer

especially to Boards of Conciliation and the Courts of Inquiry, which are provided for under this Act. These authorities have been hardly brought into operation. If a fuller use of these authorities is made there will be considerable saving in time and it would go long way in resolving certain disputes which now take a very long time and which, sometimes, create tension. We feel that this aspect of the existing machinery may be examined and considered with a view to bring it into operation since we feel that in major disputes such Boards or Courts are likely to have greater success in bringing about settlements.

5. PRINCIPLES FOR REFERENCE OF DISPUTES  
TO ADJUDICATION

35. The Sabha has already stated that arbitration is more acceptable than adjudication under the provisions of Industrial Disputes Act. If the Conference accepts and adopts the proposal of the Madhya Pradesh Government for the setting up of Arbitration Boards in place of Tribunals then, there is no necessity to adopt the model principles as suggested by the Government in its official memorandum. The question will arise only if the Conference rejects the suggestion of the Madhya Pradesh Government. Therefore, Sabha desires to place on record of this Conference its views on this part of the memorandum and this is without prejudice to our observations and suggestions on the question of arbitration.

36. The memorandum of the Government is clear on one point, viz. utility of adjudication in a vital need for maintaining industrial peace in the country. The Government has also recognised that adjudication should normally be ordered only when all other avenues have been fully explored. The proposals and the points in the official memorandum will have to be considered against background of these two cardinal assumptions. One more aspect that has to be taken into consideration is that the subject of industrial relations is being considered with a view to avoid any direct action on the part of the labour in form of strike and on the part of the employers in form of lockouts. The Sabha is of considered opinion that if the labour is ordinarily not to resort to direct action in the form of strikes, and if the Government accepts the importance of adjudication in maintaining industrial peace in this country and if the Government also accepts the principle that adjudication is to be granted when all other avenues of settling disputes have been fully explored, then, it is not proper to subject



reference of industrial disputes to Industrial Tribunals to any set of so called model principles which allow virtually unlimited discretion to the Government. Any consideration of such model principles is in itself a contradiction to the view that is expressed by the Government in the official memorandum about the adjudication. The Sabha, therefore, does not favour fixation of so called model principles for reference of disputes to adjudication.

37. So long as State Governments and the Central Government take the attitude of wholesale, and discriminate hostility to all direct actions of the workers, it would be unjust to refuse reference of their disputes to adjudication machinery at the sole discretion of the Government. Especially when some of the proposed principles will, in effect, enable the Government to sit in judgement on the merits of the workers' demand even before the Tribunal can do so. It is also possible that these model principles may bring about a distinction between disputes in major, important industries or sectors and those in smaller or less important disputes as Prof. Richardson suggests, the result will be that the workmen who have adequate bargaining strength will be compulsorily hauled before the Tribunals, while those with inadequate bargaining strength will be left to the mercy of the employers without proper and adequate protection of the law.

38. It would be worthwhile to consider the draft of model principles for reference of disputes to adjudication. It is divided into three parts, viz. individual disputes, collective disputes and the factors to be taken into account in ordering adjudication. If we consider these principles pertaining to individual disputes it would be clear that these principles vest almost unlimited discretion in administrative authority. It is stated in the official memorandum that for referring individual disputes, there has to be a prima facie case of victimisation or unfair labour practices, that the standing orders enforced must not have been properly followed or that the principles of natural justice must have not been followed and the conciliation machinery must have reported that injustice has been done to the workmen. It is pertinent to ask who has to decide that there is a prima facie case, either of victimisation or unfair labour practice or that the standing orders have not been properly followed or that principles of natural justice have not been followed. The decision on this point lies with the Conciliation Officer or with such other officers from the Office of the Commissioner of Labour. The Sabha does not feel

reassured about giving such wide discretion to the administrative officers. The reasons for this attitude of the Sabha are firstly, our past experience does not justify vesting of such wide discretionary powers in the administrative officers. Secondly, with no disrespect to any one in the service of the Government, the personnel that has been selected and appointed for such work is not the proper personnel. This will be clear when we take into account that in the State of Bombay, the procedure is that individual complaints have to be registered in the office of the Government Labour Officer. These complaints are heard and decided by the persons who are normally working in a clerical capacity. There are a few persons who are designated as Assistant Labour Officers. Is it possible that such functions which involve application of judicial mind can be left to the persons who are largely experienced and trained in routine administrative functions only? It would be a most unwise step to take such a decision. Moreover, these persons are subjected to departmental administrative orders and directives. There is no certainty that these persons can function in an independent and judicial manner.

39. The principles pertaining to individual disputes also state that where the workmen have committed a serious breach of Code of Discipline, adjudication may ordinarily be refused. What will be the decision, where the employer has committed a serious breach of the Code of Discipline? Will the Government in such cases be bound to refer the dispute to adjudication? The Official Memorandum is silent on this aspect. This silence is more conspicuous and makes labour feel that the Government is more concerned with putting restrictions on the rights of labour and that the employers are allowed unfettered freedom in respect of industrial disputes. If the Government can take certain steps against labour for breach of Code of Discipline and reiterates that decision very clearly in its memorandum, what inference should be drawn when the Government is silent in its memorandum on the effect of any breach of the Code of Discipline by the employers?

40. It is for reasons like this that the Sabha completely opposes adoption of any type of principles for reference of disputes to adjudication and the Sabha desires once again to reiterate that if the Government and the employers wish and desire that the labour in this country should not resort to direct action in the form of strike, which may affect the interests of economic development in an adverse manner, it would

be unwise to think of putting any restriction on the right of the labour to have as and when they decide recourse to adjudication machinery.

41. The principles pertaining to collective disputes are similar in their essential ingredients, to those of individual disputes. The Sabha desires to state that we are vehemently opposed to point No. 3 in Part B, which states that the demand relating to claim of wages for the period of strike may not ordinarily be referred to adjudication. On the contrary, it is essential that such a demand should be referred to adjudication because it is absolutely necessary to know who is responsible for the strike, and what role was played by both the parties in such a strike?

42. The Sabha also is concerned about the factors mentioned in Section II of Appendix III to the official Memorandum, which are to be taken into account in ordering adjudication. These factors have to be ultimately considered by the Government and these factors allow unlimited discretion to the Government. As stated above, the Sabha is opposed to allowing any discretion to the Government, as our past experience is that the State Governments do not use such discretion in a judicial manner. When the State Governments use their discretion to refuse references to adjudication machinery labour is without any remedy except direct action in form of strike. Sometimes, in such cases, the High Courts are also of no avail. In support of this view, we desire to draw attention of this Conference to a decision of the Bombay High Court in case of the Engineering Staff Union Vs. State of Bombay - vide 1959 I.L.L.J. page 494. Moreover the powers of the Government under section 10 are much wider than those under section 12 of the Act. Considering the powers which already allow unlimited discretion to the Government, considering the decision of several Courts on such powers, we do not think that the Government should be allowed to gather some more discretionary powers which, we are afraid, many not be utilised fairly and impartially.

43. The Sabha is equally opposed to observations of Professor Richardson on this subject.

#### 6. Revival of the Labour Appellate Tribunal

44. The suggestion of the Government about revival of the

Labour Appellate Tribunal is acceptable to the Hind Mazdoor Sabha. In what form this machinery should be brought into operation is a question of details. We are not in favour of allowing appeals to the Supreme Court. This view of the Sabha is without any disrespect to the Supreme Court. This view is based on the role that adjudication machinery has to play in maintaining industrial peace in this country, and on the human aspect of industrial disputes. There is nothing unconstitutional or illegal in not providing for appeals to the Supreme Court. In certain statutes in this country, such as Income-tax Act, appeals to Higher Courts are allowed only in certain respects, such as the substantial question of law. In our constitution also, certain matters are laid down to be "non-justiciable." Therefore, a similar provision can ~~only~~ also be made in respect of industrial disputes, thereby allowing appeals to Higher courts only in respect of substantial question of law.

45. We do realise that a right of appeal is essential and is very important for maintaining certain standards. But this is not the only aspect of the problem and in our opinion, this aspect is one of many which are much more important and significant in the field of industrial relations. Professor Richardson is also of the opinion that the issues involved in many industrial disputes are not primarily legal and cannot be effectively determined on juridical lines. He has also stated that the legalistic approach has no special value in its application to industrial disputes and may be distinctly harmful. On the other hand, he is very categorical in stating that industrial disputes involve economic considerations intricate relations between production and pay, etc. and that the matters cannot be settled on a reference to legal texts and by the ordinary principles, precedents and processes of courts of law. We broadly favour establishment of a Permanent Court of Industrial Arbitration which may have appellate jurisdiction. Such a court may be manned with proper, experienced and trained personnel with adequate continuity of service, security of tenure and a proper status and prestige, similar to that of members of higher courts in this country. We are completely in agreement with recommendations of Prof. Richardson, pertaining to the personnel and establishment of a Permanent Court of Industrial Arbitration. This observation is only on broad lines, and we are not committing ourselves to the niceties of details in the note that is prepared by Prof. Richardson on adjudication system and recommendation for establishment of a Permanent

Court of Industrial Arbitration and adjudication.

46. The Sabha, however, urges that the revival of the Labour Appellate Tribunal in any form must also provide for quick disposal of appeals. The Government should also follow uniform policy about the personnel of this Tribunal. As we support the revival of the Labour Appellate Tribunal, it is expected that the employers will give a categorical assurance that approaches to the Supreme Court and other courts will be discouraged.

7. Creation of Separate Machinery for dealing with disputes Relating to Individual Dismissals, discharges, etc.

47. We are in favour of providing for a separate machinery for dealing with individual dismissals, discharges etc. Such a machinery should be in the nature of Labour Courts. However, there must be provision for direct approach to the machinery by the certified negotiating agent of workers and any direct approach by an individual workman should not be permitted, except where no trade union of workmen concerned exists. It is not possible for us to consider all pros and cons of the points mentioned in the official memorandum of the Government and which are pertaining to the effect of direct access by individual workers to the Industrial Relations Machinery in case of discharge and dismissals. It is very difficult to say direct access would undermine the influence of the trade unions, or would result in indiscriminate resort to appeals or adversely affect discipline. As we are of the opinion that where a certified negotiating agent exists no direct approach by an individual workman should be permitted, we feel, it is not necessary for us to go into details on these points.

48. We are definitely in agreement with the view of Government of Madras that a direct access to the labour court would remove a fruitful source of discontent. Our agreement with the view of Government of Madras and our reference to direct access is subject to our suggestion regarding a certified negotiating agent.

8. Jurisdiction of a Tribunal appointed by one State Government in respect of a dispute concerning Workmen Employed in different States:

49. The question of jurisdiction of Tribunal arises because of the existence of certain undertakings which are spread over

several States in the country. In this respect the Sabha feels that no change is required in the present set up as in the case of companies having branches in more than one State, the dispute may be referred to the National Tribunal. This can be achieved by certain amendments of provisions of the Industrial Disputes Act, pertaining to reference of disputes to the National Tribunals. If the recommendation of Prof. Richardson pertaining to Permanent Court is accepted, this question of jurisdiction of a tribunal would not arise.



B. Programmes Relating to Trade Union  
Organisations

The Hind Mazdoor Sabha desires to make the following observations on points raised by the Government in Part B of its memorandum.

50. The Hind Mazdoor Sabha feels that no purpose will be served by change in the proportion of outsiders in the Executive Committee of the Trade Unions. The proportion as it stands in actual practice today, is not high.

51. HMS favours the proposal that the minimum membership fees should be 50 nP per member.

52. The work of the Registrar of Trade Unions may be decentralised and if necessary, Additional or Deputy Registrars may be appointed. The State Government should be given powers to delegate the powers of Registrar to any other appropriate authority.

53. The Hind Mazdoor Sabha opposes the proposal made by the Government to permit the Inspector of trade unions to look into the union records and cancel registration for any non observance of rules of the union. The HMS fears that such powers may be misused. However, cancellation of registration of non-submission of annual returns after due notice may be permitted. This covers the proposals of the Government under item 4, 5 and 6.

54. HMS emphatically opposes the proposal to restrict the number of unions to be registered. It should be noted that this question was fully discussed at Nainital conference and this proposal was rejected.

55. The Hind Mazdoor Sabha has recorded its views as above on the principal points in seriatum contained in the Government memorandum on Industrial Relations. This is to enable the Government and other delegates to this conference to know the views of the Sabha on various points in the memorandum. The Sabha hopes to submit a more detailed note on this subject before the dates of the 17th Session of the Indian Labour Conference.



Hind Mazdoor Sabha,  
All-India Headquarters,  
Bombay-4.

Ref.No.1608/58

November 19, 1958.

1. The Special Officer,  
Implementation and Evaluation,  
Government of Bombay,  
Department of Labour,  
Sachivalaya, BOMBAY-1.
2. Shri R.L. Mehta,  
Joint Secretary to the Government of India,  
Ministry of Labour and Employment,  
NEW DELHI.

Sir,

Re: Non-implementation of Settlement.

We are conveying to you the following report of non-implementation of settlement for appropriate action:

- (a) Name of Establishment:- Messrs. Shapoorji Pallonji & Co. Private Ltd., and M/s. Pallonji Shapoorji and Co. Private Limited.
- (b) Nature of settlement:- Settlement under the I.D.Act, signed in the presence of the Conciliation Officer, Bombay on April 11, 1958, by the representatives of the employers and the General Secretary of the Building Mazdoor Union, Bombay representative of the workmen. The settlement was to take effect from May 15, 1958 and covered the issues of decasualisation, allotment of work, and other related matters.
- (c) Reasons for non-implementation:- To our knowledge there are no valid reasons for non-implementation. The employers' reluctance appears to be the only reason.
- (d) Repercussions of the non-implementation:- The workmen are deprived of the right to security of work. There is longstanding discontent against this and if the agreement is not promptly implemented, there will be serious threat to smooth working and discipline.
- (e) Suggestions for remedying the situation:- The Union concerned i.e. the Building Mazdoor Union, Bombay, Nagindas Chambers, Carnac Bunder, Frere Road, Bombay 1, has already requested the Government of Bombay to take proper steps against the employers to enforce implementation. The Government, however, have not done anything yet. It is suggested that the employers should be prosecuted under the I.D.Act after due notice for not implementing the settlement.

Yours faithfully,

Sd/- Bagaram Tulpule  
General Secretary.

cc: Shri K.A. Khan,  
General Secretary,  
Building Mazdoor Union,  
Nagindas Chambers, Carnac Bunder,  
Frere Road, BOMBAY-1.

HIND MAZDOOR SABHA  
( All-India Headquarters )

Servants of India Society's Home,  
Vallabhbai Patel Road, Bombay-4.

Ref. 130/59

January 17, 1959.

The Secretary to the Government of Bombay,  
Labour and Social Welfare Department,  
Old Secretariat Building, Bombay.

Dear Sir,

Breach of Agreement between the Shapoorji  
Pallonji & Company Private Limited, its  
sister concerns and the workmen employed  
under it.

We have to report to you that the abovementioned companies have not implemented the agreements with the Building Mazdoor Union under the provisions of the Industrial Disputes Act. Under this agreement the Companies were to form a central pool of employees in April, 1958. But the Companies have not done it. Thus, the Companies have not allotted the work in rotation to the workmen, not issued them the service and indentivity cards and have also not paid them the retrenchment compensation. The Companies have committed a breach of the provisions of the Industrial Disputes Act.

We have to request you to look into this complaint and take suitable action the Company for this breach. We feel that the Companies should be prosecuted in this matter.

Soliciting an early action.

Yours faithfully,

Sd/- Ram Desai  
Secretary.

---

No. AJS.19(1)58/173689-H,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Fort, Bombay, 26th November 1958  
5th Agrahayana 1880.

To

The General Secretary,  
Hind Mazdoor Sabha,  
Servants of India Society's Home,  
Sardar Patel Road, Bombay-4.

Subject: Non implementation of the settlement, dated 11th  
April 1958, signed before the Conciliation  
Officer, Bombay, under section 12(3) of the Indus-  
trial Disputes Act, 1947.

Sir,

I have to acknowledge the receipt of your letter No. 1608/58, dated the 19th November 1958, on the above subject, and to state that it is receiving attention.

Yours faithfully,

Sd/-

SUPERINTENDENT,  
Labour and Social Welfare Dept.

HIND MAZDOOR SABHA

(All-India Headquarters)

Servants of India Society's Home, Vallabhbai Patel Road,  
Bombay 4 (India)

Ref. 208/59

January 27, 1959.

The Secretary to the Government of Bombay,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Fort Bombay.

Dear Sir,

Non-implementation of the Settlement,  
dated the 11th April 1958 under the  
Industrial Disputes Act.

I have to refer to your letter No.AJS. 19(1)58/173689-H, dated the 26th November, 1958. Although it is now about two months we have not heard anything from your office about our complaint. In spite of our complaint, the management has continued to continue the breach of the settlement. The delay in taking any action against the management and absolute silence on your part, it seems to me, serves as encouragement to the company. I would once again request you to look into this complaint and expedite the same.

I have also to draw your attention to our letter No 130/59, dated the 17th instant which is acknowledged by you by your letter dated the 23rd instant.

Yours faithfully,

Sd/- Ram Dosai  
Secretary.

---

No. AJS.19(1)/59/88675-H,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Bombay, 23rd January 1959  
3rd Magha 1880

To

The Secretary,  
Hind Mazdoor Sabha,  
Servants of India Society's Home,  
Sardar Patel Road, Bombay-4.

Subject: Breach of Agreement between the Shapoorji  
Pallonji and Company Private Ltd., its sister  
concerns and the workmen employed under it.

Sir,

I have to acknowledge the receipt of your letter No.130/59, dated the 17th January 1959 on the above subject, and to state that it is receiving attention.

Yours faithfully,

Sd/-  
SUPERINTENDENT,  
Labour and Social Welfare Department.

HIND MAZDOOR SABHA

(All-India Headquarters)

Ref. No. 1530/58

November 14, 1958.

The Special Officer,  
Implementation and Evaluation,  
Government of Bombay,  
Department of Labour and Social Welfare,  
Sachivalaya, Bombay 1.

Sir,

Re: Implementation of the Code of  
Discipline: Avoiding needless  
litigation.

We have to forward to you the following report of breach  
of the Code of Discipline sent to us by one of our affiliated  
unions:

Party responsible for the  
Breach:

The Tata Oil Mills Co. Ltd.,  
Bombay House, Bruce Street,  
Bombay-1.

Specific nature of the  
Breach:

Indulging in litigation in contra-  
vention of clause II(vi) of the Code.

Details of the Breach:

A dispute regarding bonus to the work-  
men for the year 1955-56 was referred  
by the Government of Bombay to the  
Industrial Tribunal, Bombay. The  
employers had already voluntarily  
paid bonus to the workmen equivalent  
to about two months' wages and the  
Tribunal in its award published in  
Bombay Government Gazette Part II of  
29.10.1957, page 594-599, awarded an  
additional bonus equivalent to about  
half a month's wages. The employers  
have appealed to the Supreme Court  
against the award.  
The Industrial Tribunal's award  
does not put an excessive burden on  
the employer who admittedly made  
handsome profits in the year concern-  
ed. For the small amount of excess  
bonus, in which clearly no out-  
standing principle is involved, the  
employer is dragging the workers  
into expensive and vexatious litigation.

The workmen concerned are members of the Chemical Mazdoor  
Sabha, 115, Satyagiri Sadan, Dadasaheb Phalke Road, Dadar,  
Bombay-14, while to the best of our knowledge, the employer  
Company is a member of the Employers' Federation of India, Bombay  
House, Bruce Street, Bombay 1.

It is requested that the Government should use its good  
offices to prevail upon the employers to withdraw their appeal  
in the Supreme Court and abide by the letter and spirit of the  
Code. We may, in this connection draw the attention of the

Government of Bombay to the decision of the first meeting of the Central Implementation and Evaluation Committee that as regards appeals already pending in courts, the Central Government or the State Government as the case may be should explore the possibilities of bringing the parties together so as to settle the dispute outside the courts.

Thanking you,

Yours faithfully,

Sd/- Bagaram Tulpule  
General Secretary.

cc:

1. Shri R.L. Mehta,  
Joint Secretary to the Government of  
India,  
Ministry of Labour and Employment,  
NEW DELHI.
  
2. The General Secretary,  
Chemical Mazdoor Sabha,  
115, Satyagiri Sadan,  
Dadasaheb Phalke Road,  
Dadar, Bombay-14.

No.EAI.1258/152769-H,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Fort, Bombay, 19th February 1959.  
30th Magha 1880.

From: The Under Secretary to the Government of Bombay,  
Labour and Social Welfare Department.

To The General Secretary,  
Hind Mazdoor Sabha,  
Servants of India Society's Home,  
Sardar Patel Road, Bombay 4.

Subject: Code of Discipline - Alleged breach by the  
Tata Oil Mills Company Ltd., Bombay 1.

Sir,

I am directed to refer to your letter No.1530/58, dated 14th November 1958, on the above subject, and to state that after careful consideration of the relevant factors, Government has come to the conclusion that no useful purpose will be served by its intervention in the matter which is at present pending in the Supreme Court of India, New Delhi.

Yours faithfully,

Sd/-

Under Secretary to the Government of  
Labour and Social Welfare Department, <sup>Bombay</sup>

---

No. EAI.1258/152769-H,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Fort, Bombay, 20th November 1958  
29th Kartika 1880.

To The General Secretary,  
Hind Mazdoor Sabha,  
Servants of India Society's Home,  
Sardar Patel Road, Bombay-4.

Subject: Implementation of the Code of Discipline.  
Avoiding needless litigation.

Sir,

I have to acknowledge the receipt of your letter No. 1530/58, dated the 14th November 1958, on the above subject.

Yours faithfully,

Sd/-

SUPERINTENDENT  
Labour and Social Welfare Department.



CASE OF THE INDIA GENERAL NAVIGATION  
& RAILWAY COMPANY-LIMITED, CALCUTTA

1. The Dock Engineering Mazdoor Sabha, affiliated to the Hind Mazdoor Sabha, represents the workmen of this Company. The Union had raised several demands, some of which were pending before the Commissioner of Labour for quite a long time. The Union had repeatedly made efforts to expedite the proceedings before the Labour Commissioner. It had lengthy correspondence with the West Bengal Government thereby bringing the situation to their notice. The State Government failed to take positive steps to expedite the proceedings and this attitude on the part of the Government served as a fresh encouragement to the Company to pursue its vindictive attitude towards the union. The Company had unilaterally changed norms of production and workloads were increased.
2. The Company declared a lock-out on 19th March 1959 on alleged ground of assault on its officer. The Union immediately wrote a letter dated the 20th March 1959 to the State Labour Minister. The Hind Mazdoor Sabha had also written to the State Government. The Secretary of the Hind Mazdoor Sabha had discussed this case with the State Labour Minister. Shri Sattar had promised the HMS delegation to refer all the pending disputes to the Industrial Tribunal for adjudication and to issue necessary orders prohibiting the lock-out. To facilitate such action by the State Government, he requested for a complete list of points which constituted the grievances of the workmen. List was accordingly supplied. But the Government did not make a reference and order was also not issued. On the contrary, the Government declined from its assurance given to the Union.
3. The lockout was illegal as it was declared during the pendency of proceedings before the Tribunal. This was brought to the notice of the Government and the HMS had requested the State Government to institute an enquiry into conduct, actions and behaviour of the Company as well as the Dock Engineering Mazdoor Sabha. The State Government have not taken any action against the Company for illegal lockout, for breach of the Code and has not instituted any enquiry into this case. On the contrary the company had stipulated certain conditions about workloads and discipline which the workmen were forced to accept and which were approved by the State Government.
4. This case reported to the Government of India by the Hind Mazdoor Sabha. HMS was informed by the Government of India that the State Government have been requested to investigate this complaint and if necessary to place the matter before their implementation and Evaluation Committee.
5. Thus, neither the Government of India nor the State Government have taken any action in this case and the breach of the Code as well as illegal action on the part of the Company has escaped unnoticed.



CASE OF MESSRS. BIKANER GYPSUMS LIMITED,  
JAMSAR, BIKANER, RAJASTHAN.

The workmen of this Company are represented by the Gypsum Mine Workers' Union which is affiliated to the Hind Mazdoor Sabha. The Union had submitted a set of demands to the Company on 23rd July 1958. These demands were also sent to the Chief Labour Commissioner and the Conciliation Officer (Central). During the pendency of these demands before the Conciliation Officer, the Management had adopted all types of unfair labour practices including victimisation of the active workers of the Union. The Sabha had written a letter dated the 19th June 1958 to the Government of India, conveying this report and requesting to take up the matter with the Management.

2. The Union had brought to the notice of the Management that their activities amounted to clear breach of the Code of Discipline. The Union had offered to discuss all outstanding disputes with the Company and to settle the same. The Union had also offered to have a recourse to Arbitration and adjudication. In spite of these efforts by the union to settle all grievances by mutual negotiations there was no response from the Management.

3. Even the attitude of the Government was not helpful and the Government took certain decisions on the basis of incorrect information. When the Sabha had brought certain actions of the Management to the notice of the Government of India, the Government maintained that the Gypsum Mine Workers' Union was not a registered union and, therefore, the question of granting recognition as a sole bargaining agent to this union by the Management does not arise. This decision was communicated to the Sabha by their letter dated the 23rd September 1958. Actually, the contention of the Government about the registration of this union was not correct because the records of the Registrar of Trade Unions go to show that this union was properly registered and this is supported by a letter dated the 19th January 1959 from the Registrar of Trade Unions, Rajasthan. He has clearly stated that the registration granted to the union on 8.7.1958 continued without any break.

4. The Sabha had raised this question in the 17th Session of the Standing Labour Committee in October 1958. In spite of clarification by the Sabha about the Union's registration, the Deputy Labour Minister maintained that the Union was not registered and that the Government was justified.

5. The workmen resorted to strike from 1st October 1958 and continued till 30th November 1958. It should be noted that the workmen had resorted to strike after waiting for a reasonable time. The Union had all along informed the Government about the developments and failing any response either from the Management or from the Government, the workmen had no other alternative but to resort to strike. In spite of efforts by the Union and the correspondence carried on by it with the Management and the Government, no action was taken, firstly, by the Government and secondly, by the Management.

6. The Sabha had written a letter to the Government on 17th January 1959 and had requested the Government to hold an inquiry into the events leading to the strike and also into the incidents that have taken place during the strike. The Government stated that it does not feel it expedient to hold an inquiry into this dispute.

7. What is important in this case, is to ascertain responsibility for this strike on different parties. It is essential to

ascertain whether there was any breach of the Code of Discipline and if so by whom. It is also necessary to consider the propriety of the attitude and actions of the Government.

8. Copies of relevant letters are enclosed herewith for ready reference.

---

CASE OF THE PREMIER AUTOMOBILES  
LIMITED, BOMBAY.

---

The Hind Mazdoor Sabha had submitted a complaint pertaining to a breach of the Code of Discipline by its letter No.1609/58 dated the 19th November 1958. Our letter was replied by the Government of Bombay by their letter No.EAI.1258/153690-E, dated the 19th February 1959. In this letter the Government of Bombay was kind enough to make inquiry as to which clause or clauses of the Code of Discipline were violated by the Management. It should be noted that it took 3 months for the Government of Bombay to make this simple inquiry.

By our letter No.685/AP/59 dated the 12th March 1959 the HMS had specified the clauses of the Code of Discipline which, in our opinion, were violated by the Company. We had also stated in that letter that if the appropriate authorities were to take months together to make such simple inquiries we wonder how this Code could be used to maintain harmonious relationship and industrial peace. We have now received a letter dated the 12th May 1959 from the Government of Bombay informing us that the State Government had come to the conclusion that none of the matters complained by us involves violation of the provisions of the Code by the Management of the Premier Automobiles Limited.

They have also given reasons for this conclusion. The reason given in the letter dated the 12th May 1959 is different from the one given in the Government's letter No.AJP.3358/H, dated the 9th September 1958. In the latter letter Government had stated that the Nainital Convention regarding recognition is voluntary and, therefore, it was not possible for the Government to take any action against the management of the Company. Whereas in their letter of 12th May 1959 they have stated that the management has not committed breach of the Code as the Sabha cannot claim recognition as it has no regard to the principles laid down in the Code. These replies from the Government given on different occasions is clear indication of the State Government's attitude towards the Code of Discipline and extend of its operation in the State of Bombay.

We are enclosing herewith copies of these letters.

---○---

Office of the Labour Commissioner,  
Rajasthan, Jaipur.

No. 23332 RTU

Dated the 2nd Sept. 1958.

The Secretary,  
Gypsum Mine Workers Union,  
Jamsar (Bikaner).

Sub: Registration of your Union.

Ref: This office letter No. 21157/RTU Dated  
the 11th August 1958.

The provisional certificate bearing No.66/58 dated the 8th July 1958 which was withdrawn for non-submission of Annual returns for the years 1955-56, 1956-57 and 1957-58 under this office letter No. 21157 dated the 11th August 1958 is hereby restored as the Union has submitted the returns in question now.

Sd/- Naresh Kumar Joshi.

Registrar of Trade Unions  
2-9-58.

---

From: The Labour Commissioner,  
Rajasthan, JAIPUR.

To: The General Secretary,  
Hind Mazdoor Sabha,  
Servants of India Society's Home,  
Vallabhbhai Patel Road, BOMBAY-4.

Dated the 19th Jan. '59.

Sub: Registration of the Gypsum Mine Workers' Union,  
Jamsar, Bikaner.

Ref: Your letter No. 14/59 dated January 6, 1959.

Dear Sir,

The Gypsum Mine Workers' Union, Jamsar (Bikaner) applied for registration on 30.6.58 and a provisional certificate was granted to the union under No.66/58 dated 8-7-58, subject to their submitting annual returns for the years 1955-56, 1956-57 and 1957-58, within one month of the issue of provisional certificate. The union having failed to submit these returns in time, the registration was withdrawn; but the union having satisfied the reasons for delay in the submission of these annual accounts within the stipulated time, the registration so withdrawn was fully restored.

In the circumstances, the registration granted to the union on 8.7.58 continues without any break.

Yours faithfully,

Sd/- N.K. Joshi  
Registrar of Trade Unions,  
Rajasthan.

Extract from letter No. E&I-35(12)/58, dated the 23rd September 1958 from the Joint Secretary to the Government of India, Ministry of Labour and Employment, to the Hind Mazdoor Sabha.

"I am directed to refer to your letter of June 19, 1958 on the above subject and to say that it has been revealed that the management of M/s. Bikaner Gypsums Ltd., Bikaner, cannot be said to have infringed the Code of Discipline on account of its failure to settle the dispute regarding bonus with the Union, as this matter had already been taken up for conciliation. Moreover, the Gypsum Mine Workers' Union, it is reported, is no longer a registered trade union and it would be appreciated that the question of granting recognition as a sole bargaining agent to this Union by the management does not arise for the present. The action of the management to require workers to sign a 'memorandum of settlement' before receiving the payment of bonus is however being taken up with them."

---

HIND MAZDOOR SABHA  
(All India Headquarters)

Ref.No.129/59

January 17, 1959.

Shri R.L. Mehta,  
Joint Secretary to the Government of India,  
Ministry of Labour and Employment,  
NEW DELHI.

Dear Sir,

Code of Discipline - Bikaner Gypsums Ltd.

We have to refer to your letter No. E&I - 35(12)/58, dated the 23rd September 1958.

You have stated in para 1 of your letter that the Union was no longer a registered trade union. We are enclosing here- with a copy of letter No. 233:RTU, dated the 2nd September 1958 from the Registrar of Trade Unions, Jaipur. It would be clear from this letter that the Union had its registration restored from 2nd September, 1958. At this stage I have no desire to go into controversy over the registration between 8th July 1958 to 11th August 1958 and after that date till 2nd September, 1958. I do not think that the Registrar has powers under the provisions of the Trade unions Act, to take the steps which he had taken.

In para 2 of your letter, you have reported incident about Shri S.R.Kalla. We have been instructed to say that the report of assault on Shri S.R. Kalla on 11th July, 1958 is entirely baseless and no such incident has taken place. This report is the stretch of imagination of the management with a view to bring the union in disrepute. It would be worthwhile to check this report from the C.I.D. reports. Incidentally, it may be stated that Shri Kalla has been taken in employment although he does not fulfill the conditions laid down in clause 7(a) of the Standing Orders. The Union has made several complaints to the management about the activities of Shri Kalla and it seems to us that Shri Kalla has made a report on these lines intentionally to bring the union in disrepute.

The strike and other events which have taken place in this Company, make it imperative that there should be complete inquiry in the same. We have already requested your office to consider such an inquiry in these incidents. We have once again to propose to you that all these events and incidents should be investigated properly so that all can have clear picture of the dispute.

Yours faithfully,

Ram Desai  
Secretary.

- 35 -  
HIND MAZDOOR SABHA  
(All India Headquarters)

Ref.No.1609/58

November 19, 1958.

1. The Special Officer,  
Implementation and Evaluation,  
Government of Bombay,  
Department of Labour,  
Sachivalaya, Bombay-1.
2. Shri R.L. Mehta,  
Joint Secretary to the Government of India,  
Ministry of Labour and Employment,  
New Delhi.

Sir,

Re: Breach of the Code of  
Discipline.

We are conveying to you the following report of a breach of the Code of Discipline for appropriate action:

Party responsible for the Breach: The Premier Automobiles Ltd.,  
Bombay.

Specific nature of Breach: Unfair Labour Practices, Interference with affairs of trade unions. Article III(ii) of the Code.

Details of the Breach: The management has improperly withdrawn the recognition of the union to which a vast majority of the workmen belong and is making deliberate efforts to put up a rival union under the name : Premier Automobiles Workers' Representative Committee. This so-called committee which is ~~not~~ ~~any~~ even a registered body is given facilities to collect subscriptions within the factory premises which right is denied to the Engineering Mazdoor Sabha. Workers of the so-called workers representative Committee are given time off with pay and the freedom to roam all over the factory in their efforts to disrupt the Engineering Mazdoor Sabha.

2. The Engineering Mazdoor Sabha had demanded of the management that the workers should be paid a suitable interim bonus before Divali. This the management flatly refused to do. However, a day before Divali, the management put up a notice announcing the payment of interim bonus, mentioning in the notice that this was in response to a request by the Workers Representative Committee. This was a calculated effort to boost up the prestige of the so-called Committee and to undermine the legitimate union of the workers.

The management is thus guilty of calculated attempts to interfere with the freedom of organisation of the workers and is indulging in unfair labour practices. We have conclusive proof that the so-called workers' representative Committee writes out receipts in the names of workers without obtaining any payment of subscriptions from them and, in any case, its official rate of subscription is one anna per month. It will thus be clear that the representative Committee can have no locus standing under the Nainital agreement about recognition and under the Code.



We demand that the management should be sternly warned about its deliberate policy of flouting the Code of Discipline. The Employers' Organisation to which the employer Company belongs should also be asked to take appropriate action the Premier Automobiles for its actions.

We may add that the E & I Division of the Government have recently conducted an enquiry into the whole dispute that took place several months ago. However, that inquiry or the findings thereof cannot absolve the management from observing the fair labour practices prescribed by the Code.

Yours faithfully,

Sd/- Bagaram Tulpule  
General Secretary.

cc: The General Secretary,  
Engineering Mazdoor Sabha,  
Kangar Sadan, Nawab Tank Road,  
Mazgaon, Bombay-10.

---

No. APJ.3358/H,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Fort, Bombay, 9th September 1958.

From: The Under Secretary to the Government of Bombay,  
Labour and Social Welfare Department.

To: The Secretary and Treasurer,  
Engineering Mazdoor Sabha,  
Kangar Sadan, Nawab Tank Road,  
Mazgaon, Bombay-10.

Sir,

I am directed to refer to your letter No.S/MLL/PA/409 of 21st August, 1958, addressed to the Minister for Law and Labour, on the subject of recognition of your Sabha as the representative of workers in the Premier Automobiles Limited, and to state that according to the Nainital convention such recognition is voluntary. It will, therefore, not be possible for Government to take action as suggested by you.

Yours faithfully,

Sd/- B.B. Brhambhatt  
Under Secretary to the Government of  
Bombay,  
Labour and Social Welfare Department.

- 37 -  
HIND MAZDOOR SABHA  
(All India Headquarters)

Ref.No.685/AB/59

March 12, 1959.

The Under Secretary to the Government  
of Bombay,  
Labour & Social Welfare Department,  
Old Secretariat Building, Fort,  
Bombay-1.

Dear Sir,

Premier Automobiles Ltd.

We have to refer to your letter No.EAI.1258/153690-4 dated the 19th February, 1959. Your letter is in connection with our complaint of breach of Code of Discipline by the above mentioned company. We had sent our complaint to you on 19th November 1958.

In reply to your request to specify the clauses we have to state that our complaint is two-fold. Firstly, it is about recognition of our affiliate, Engineering Mazdoor Sabha. Secondly, we have complained about certain activities of the management which are undertaken with a view to boost up the prestige and membership of the so-called Premier Automobiles Workers' Committee. This act of management, in our considered opinion, amounts to supporting and encouraging unfair labour practices in the form of interference with the right of workmen to enrol as well to continue as union members.

On the first part, the Company has committed a breach of Code under clause No.III(vii). This clause is attracted on two counts. Firstly, the Company has refused to recognise Engineering Mazdoor Sabha, which has 85 per cent membership as per verification done by the office of the Commissioner of Labour. Secondly, the Company has recognised a minority union which has only about 12 per cent membership. This Committee is not in existence for one year.

As regards second part, the breach falls under Clause III(ii). In this connection, we should state that Shri P.M.Shah, Deputy Staff Manager of the Company, had attended a meeting of certain workmen called by this Committee to canvass its membership.

We are suprised that three months are wasted only for making enquiry about specific clauses. We wonder how the Code could be used to maintain harmonious relations and industrial peace if the authorities concerned take months together to make simple querries of this nature. We should emphasize that unless your Government changes its attitude towards this Code and until steps are taken to implement this Code in its proper spirit this Code could have no future in Bombay State.

Yours faithfully,

Sd/- Ram Desai  
Secretary.

Copy to:

1. Shri R.L. Mehta,  
Joint Secretary to the Govt. of India,  
Ministry of Labour & Employment,  
New Delhi.
- 2) The Secretary,  
Engineering Mazdoor Sabha,  
Kangar Sadan, Nawab Tank Road,  
Mazgon, Bombay-10.

No. BAI-1258/153690-H,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Bombay-1, 12th May 1959.  
Vaisakha 22, 1881.

From:

The Deputy Secretary to the Government of Bombay,  
Labour and Social Welfare Department.

To

The General Secretary,  
Hind Mazdoor Sabha,  
Servants of India Society's Home,  
Sardar Patel Road, Bombay-4.

Subject: Code of Discipline.  
Alleged breach of the - by  
the Premier Automobiles, Bombay.

Sir,

I am directed to refer to the correspondence ending with your letter No. 685/59 dated the 12th March 1959, on the above subject, and to state that after due consideration, the State Government has come to the conclusion that none of the matters complained of by you involves violation of the provisions of the Code by the Premier Automobiles Ltd., as alleged, for the reasons stated below:-

1) Recognition of the Engineering Mazdoor Sabha:-

The criteria for recognition of Unions evolved at the 16th Session of the Indian Labour Conference inter alia provides that only those unions should be recognised which adhere to the Code of Discipline. According to the management the Sabha cannot claim recognition because it has no regard to principles laid down in the Code. It resorted to a strike without notice which was continued long after the Code came into operation, and indulged in demonstrations in and outside factory wherein rowdiness was allowed.

It cannot be denied that the Sabha resorted to a strike, which, in the opinion of the State Government, was illegal, lasting for about three months, and continued it even after ratification of the Code by the All India Organisations of Employers and Workers; with a view to coercing the management to concede its demands instead of utilising the existing machinery of conciliation and adjudication for settlement of the disputes. It is also not correct to say that the management has recognised the Premier Automobiles Workers' Representative Committee. The allegation against the management about breach of clause III (vii) of the Code is, therefore unwarranted and without substance.

ii) Activities undertaken on behalf of the management with a view to boosting up the prestige and membership of the Premier Automobiles Workers' Representative Committee:-

The management has denied all allegations of any preferential treatment to the Workers' Representative Committee with a view to boosting up its prestige and membership. Even if any facilities were given to the Committee it cannot be interpreted as "unfair labour practice" under clause III(ii) of the Code. In the opinion of the State Government, even if the Sabha were recognised, the management is not precluded under the Code from giving facilities to another union which has membership in the

concern.

Yours faithfully,

Sd/-  
Deputy Secretary to the Government of  
Bombay,  
Labour and Social Welfare Department.

---

No. EAI.1258/153690-H,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Fort, Bombay, 19th February 1959.  
30th Magha 1880.

To

The General Secretary,  
Hind Mazdoor Sabha,  
Servants of India Society's Home,  
Sardar Patel Road, Bombay 4.

Subject: Alleged breach of Code of Discipline by  
the Premier Automobiles Ltd., Kurla, Bombay.

Sir,

With reference to your letter No.1609/58, dated 19th November 1958, on the above subject, I am directed to request you to specify which clause/clauses of the Code of Discipline is/are violated by the complaints made by the Sabha in its letter referred to above.

YOURS FAITHFULLY,

Sd/-

Under Secretary to the Government,  
of Bombay,  
Labour and Social Welfare Dept.

CASE OF THE ORIENT PAPER MILLS LIMITED,  
BRAJRAJNAGAR, ORISSA.

1. Workmen of this Company are represented by the Orient Paper Mills Sramik Congress. The Company had entered into several agreements with the Union. These agreements cover different conditions of service of the workmen. Some of these agreements are dated the 6th December 1956, 5th March, 1958, etc. Some of the demands have been decided by decisions of the Labour Appellate Tribunal and the Industrial Tribunal.
2. The Management has committed breach of settlements as well as the decisions of the Tribunals and continues the same. The Union had written to the Company about the breach on various occasions. Such correspondence is spread over a period of about six months i.e. from October 1958. But it was of no avail. Neither the Management nor the State Government has taken any positive steps in this case.
3. The Hind Mazdoor Sabha had sent a complaint regarding non-implementation of Agreements to the Government of India as well as to the State Government by its letter of 12th January 1959. Except for a formal acknowledgement from the Government of India, the Sabha has not received any communication.
4. The Union had also submitted a set of demands in November 1958. After prolonged conciliation proceedings, the State Government referred certain minor demands to the Tribunal and most of the major demands were not referred to Adjudication. This resulted in a breakdown of all processes of collective bargaining and the Management resorted to all sorts of unfair labour practices. Coercive steps on the part of the Management finally precipitated a strike in this Company with effect from 20th April 1959.
5. During the pendency of this strike neither the Government nor the Company made any attempt to settle this dispute by mutual negotiations, conciliation or arbitration. Efforts of the Union were unfruitful. On the contrary, the State Government resorted to serious repressive measures.
6. The attitude of the Government is clear from wording and tone of a letter from the Commissioner of Labour, Orissa, dated the 10th March 1959 to the Company. A copy of this letter is enclosed herewith.
7. The strike in this Company was settled and finally withdrawn because of assurance given by the State Government to refer all the pending demands to adjudication. If this action would have been taken by the State Government in the beginning, strike and consequent loss of production could have been conveniently avoided.

- 41 -

OFFICE OF THE  
LABOUR COMMISSIONER-CUM-CHIEF INSPECTOR OF FACTORIES, ORISSA.

No. \_\_\_\_\_ /L.C.

Cuttack, the 10th March, 1959.

From

Shri S.S. Parija, O.A.S.,  
Labour Commissioner, Orissa.

To

M/s. Orient Paper Mills Ltd., Brajrajnagar.

Sub:

Orient Paper Mills Sramik Congress letter No.33  
dated 3.3.1959 to your address.

Sirs,

The above quoted letter a copy of which has been forwarded to me seems to be portentous of aggression taking shape out of a sense of frustration. Sub re-actions very often find their first expression in harangues amongst innocent and credulous working mass dragging them by inflammatory expressions to the verge of ruin through inconsiderate actions. This is the stage at which every conscientious employer and government agencies should be very cautious and careful. I took up the conciliation but unfortunately you and your workers could not be brought to an amicable settlement of all your differences. Conciliation having failed the dispute had to be referred to adjudication and Government have referred only that point for adjudication that they considered worth referring. The whole matter is to be judged objectively and not subjectively irrespective of the consideration as to whether it affects the organisational or political aims of trade union sponsors or whether it affects the vested interest of the employers. I contacted you and your employees with an open heart and I cannot believe of any unholy alliance between capital and Government officials at any other stage in this case. High Government Officials have got something to fall back upon unlike people having no ostensible means of livelihood handling men and money. However you might have known best what hand you had in bringing about this alleged part reference of dispute to adjudication. What I am concerned with is that the innocent workers may be swayed away to ruins by irresponsible vituperations of agitators of doubtful standing. A strong trade union organisation in an industrial establishment is undoubtedly a bull work of industrial truce and prosperity but instances are not rare where irresponsible speeches and actions of persons lacking farsight and proper perception have brought both the workers and trade unionism to ruins in the past ultimately jeopardising national progress and prosperity.

I would therefore advise you once again to take your workers immediately into your confidence and take all steps to dispel the influence of inflammatory agitators that might not have any genuine regard for the future of the workers by explaining to your workers in mass gathering or in groups the whole situation objectively and the consequences of illegal strikes or lock-outs in pursuance, thereof if they are resorted to unjudiciously.

Yours faithfully,

Sd/- S.S. Parija

Labour Commissioner, Orissa.



CASE OF HIND CYCLES LIMITED,  
BOMBAY.

---

1. The workmen of this Company are represented by the Engineering Mazdoor Sabha, hereinafter referred to as 'the Sabha.' The Sabha is functioning in this Company for the last 10 years. During this period the Sabha has settled several disputes including retrenchment of about 125 workmen by mutual negotiations and in respect of disputes where there were differences of opinion, both the parties had a recourse to adjudication.

2. Sometime in January 1957 the Sabha had discussion with the Management and both the parties had agreed that a Permanent Board of Arbitration should be created to settle all points of differences between the parties.

3. The Company had prepared a draft of arbitration agreement and a copy of this draft was supplied to the Sabha which was discussed between the parties till April 1957. Sometime in April 57 both the parties agreed to postpone finalising of the agreement till the demand of bonus for the year 1956-57 was finally settled. This demand was settled in January 1958 as a result of arbitration award of Late Shri N.C. Mehta and Shri Mehesh Desai. The Learned Arbitrators have in their award made a reference to the arrangement pertaining to Permanent Board of Arbitration.

4. Immediately after this award the Sabha approached the management for further discussions over the arbitration agreement. In June 1958 the Sabha had written letter to the Company and it was discussed in the Works Committee meeting held on 28th June 1958. The minutes of this meeting make a record of the following decision:

"Shri Ram Desai drew attention of the Committee to a letter of the Company dated 19th May 1958 and emphatically told that the Union will not support any tactics of go slow or strike by the workers. Shri Vohra stated that the work of production suffers when unusual time is taken to fix the minimum. He further stated that common efforts should be made on the part of the Management and the Union to solve all the difficulties which come in the way of production. Shri Desai read out the contents of the letter which he had sent four or five days back to the Management. Shri Vohra stated that he will get the draft Agreement ready."

5. The Sabha had repeatedly written to the Company about the arbitration agreement. As there was no positive indication on the part of the management to expedite this agreement the Sabha wrote to Shri R.D. Birla, Chairman of the Company, Shri G.D. Birla, Shri Gulzarilal Nanda, Union Labour Minister and Shri Shantilal Shah, Minister for Labour and Law, Government of Bombay. The representatives of the workmen had also met Shri Shantilal Shah in November 1958 and had explained the situation in the company due to delay on the part of the Company in finalising the arbitration agreement.

6. On 20th November 1958 the Management wrote to the Sabha explaining their position in details and finally confirming the arrangement about creation of Permanent Board of Arbitration. Relevant portion of this letter is reproduced herebelow:

"We have, therefore, to inform you that the Management will be agreeable to the appointment of

Arbitration Board for a fixed period entrusted with the examination and consideration of issues stated above including the question of annual bonus simultaneously, so as to ensure peaceful solution of questions and demands brought before the Arbitration Board by both the sides; it being understood that all such issues will first be thoroughly discussed and efforts will be made to come to a settlement between the parties, but in case it is not possible to agree on any one or the other of the issues, all such issues on which there is no agreement will be referred to the proposed Board of Arbitration."

7. From November 1958 till March 1959 both the parties had entered into prolonged negotiations over finalisation of terms of agreement pertaining to arbitration. On 17th March 1959 the agreement was finalised and it was agreed that both the parties should sign this agreement within a week's time. When the representatives of the workmen approached the management in the last week of March 1959 for signing this agreement, they were verbally informed that the Management was not willing to sign this agreement. In spite of this reply from the management the workmen decided to pursue this matter in a peaceful manner and the Sabha wrote about this to the Chairman of the Company as well as to the Government of India and the Bombay Government. The Sabha had also submitted a complaint pertaining to breach of the Code of Discipline. Copies of this complaint were sent to the Government of Bombay as well as to All India Manufacturers Organisation, of which this Company is a member.

8. The Hind Mazdoor Sabha had written a letter on 20th March 1959 to Shri Gulzarilal Nanda, Union Labour Minister. All the correspondence by the Sabha and the HMS was acknowledged by formal letters and the Government of India informed the HMS that the State Government has instructed by the State Labour Commissioner to seek clarification on certain points from the Sabha.

9. The Sabha had repeatedly written to the Labour Commissioner about this case. Except a formal letter steps were not taken by the office of the Labour Commissioner and still the matter is lying in the office of the Labour Commissioner without any action in respect of this case. The Sabha had also written to the Government of Bombay and they wanted certain information which was supplied to them by the Sabha by their letter dated the 11th May 1959. Since this letter there was no communication from the Government of Bombay. The Sabha has again written to the Government of Bombay on 6th July 1959.

10. This is a case where the Management has entered into agreement for creating a Permanent Board of Arbitration. This was confirmed in writing by the company by their letter of 20th November 1958. In spite of this agreement the management has now went back and has refused to sign the Arbitration Agreement.

11. Copies of relevant letters are enclosed herewith. This correspondence will indicate the attitude of the Management, the Employers' Organisation viz. All India Manufacturers' Organisation and the Government.

CASE OF SHRI R.L. PRADHAN.

12. This worker was working in the Rim-Mudguard Department of the Hind Cycles Limited, Bombay, for about two years. In September 1958 he was discharged by the Company without specifying any reason. Engineering Mazdoor Sabha referred his case to the Conciliation Officer.

13. It was contended on his behalf that the Company did not comply with provisions of Section 25F as well as Section 9A of the Industrial Disputes Act, that there are junior workmen working in his department and that the Company did not give any reason for his discharge. The Conciliation Officer was also informed that the intention of the Company in discharging this workman was to coerce the other workmen to increase workloads. Some days before this workman was discharged, he was called by the Officers of the Company and was told that he should agree to increase workloads in his department and he should induce other workmen to accept the proposal of the Company. He had rejected the proposal of the Company.

14. This case was discussed in the Office of the Commissioner of Labour from November 1958 to February 1959. On 21st February 1959, the Assistant Commissioner of Labour informed the Union that he does not propose to admit the dispute in Conciliation.

15. The Union requested for reconsideration of this decision. But the Commissioner of Labour has informed the Union that he does not propose to interfere with the decision taken by the Assistant Commissioner of Labour. The Government of Bombay have also decided not to intervene in this matter. Thus, this case is not taken in Conciliation and there is no remedy open to this worker to get his case decided.

16. The Company and the State Government, both have committed breach of the Code of Discipline. Copies of relevant correspondence are enclosed herewith for reference.

-----0-----

Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.  
April 8, 1959.

M/HCL/CL/23.

The Commissioner of Labour,  
Framji Cawasji Institute Building,  
Dhobi Talao,  
Bombay-2.

Dear Sir,

Hind Cycles Limited.

In continuation of our letter No.M/HCL/CL/1020, dated the 16th February 1959, we have to bring to your notice that we would like to know the date of hearing in our complaint against this Company for violation of the Code of Discipline in Industry. We were informed by the Officer concerned that we shall be given opportunity to place our views and comments after hearing the Company's side. We desire that you should look into this and let us know about it at earliest.

Yours faithfully,

Sd/-Ram Desai  
Secretary.

---

Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.  
April 28, 1959.

M/HCL/CL/75.

The Commissioner of Labour,  
Framji Cawasji Institute Building,  
Dhobi Talao,  
Bombay-2.

Dear Sir,

Hind Cycles Limited.

We have to refer to our letter No.M/HCL/CL/23 dated the 8th instant in connection with our complaint against this Company for the breach of the Code of Discipline. We had requested your Office to let us know the date as per the convenience of the Officer concerned, on which date we could have an opportunity to place our views and comments on this complaint. We have not heard anything from your office so far. We would once again request you to look into this case and fix the same for hearing at your earliest convenience.

We should also state here that we have now received a letter from the Government of India, in which we are informed that the Government of Bombay requires some clarification from us on the points raised by us. We further understand that your officials were to contact us in this respect. In view of this letter, we think that the meeting should be fixed at earliest, so that the requisite information that is required by the Government could be placed before you for necessary communication.

Soliciting an early reply,

Yours faithfully,

Copy to:

1. Shri B.B.Brahmabhatt,  
Under Secretary to the Govt. of Bombay,  
Labour & Social Welfare Dept., Old Secretariat Bldg.,  
Fort, Bombay.
2. Shri R.L.Mehta,  
Joint Secretary to the Government of India,  
Ministry of Labour and Employment,  
New Delhi.

Sd/- Ram Desai  
Secretary.

Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.  
June 2, 1959.

M/HCL/CL/183.

The Commissioner of Labour,  
Dhobi Talao,  
Bombay-2.

Dear Sir,

Hind Cycles Limited.

We have to draw your attention to our letter No.M/HCL/CL/75, dated the 28th April 1959. We have not heard anything from you. No date has been fixed by your office. In view of your continued silence in this matter, we fail to understand attitude of your office. It is now about two months that we have been requesting your office to fix a date so that we could discuss our complaint with the officer concerned. We once again suggest you that we may be informed about a date on which we can meet you or any of your officers.

Soliciting and early reply,

Yours faithfully,

- cc. 1. Shri B.B.Brahmabhatt,  
Under Secretary to the  
Government of Bombay,  
Labour & Social Welfare Dept.,  
Fort, Bombay.
2. Shri R.L.Mehta,  
Jt. Secretary to the Govt.of India,  
Ministry of Labour & Employment,  
New Delhi.

Sd/- Ram Desai  
Secretary.

---

No.CL/I/59545.  
Office of the Commissioner  
of Labour,  
Framji Cawasji Institute Building,  
Dhobi Talao, Bombay-2.  
22nd June 1959.

To:  
The Secretary,  
Engineering Mazdoor Sabha,  
Kamgar Sadan, Nawab Tank Road,  
Mazgaon, Bombay-10.

Sub: Hind Cycle Ltd.

Sir,

With reference to your letter No. M/HCL/CL/183, dated 2-6-59, on the above subject, I have to state that the matter is receiving attention.

Yours faithfully,

Sd/-

20-6-59.  
for Government Labour Officer,  
Bombay.

Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.  
June 26, 1959.

M/HCL/LSW/256.

Shri R.B. Brahmabhatt,  
Under Secretary to the Government of Bombay,  
Labour & Social Welfare Department,  
Old Secretariat Building,  
Fort,  
Bombay-1.

Dear Sir,

Breach of Code by the  
Hind Cycles Limited.

We have to draw your attention to our correspondence resting with our letter No.M/HCL/CL/183, dated the 2nd of June 1959 addressed to the Commissioner of Labour, copies of which have been already forwarded to you. We have not received any communication from any office and we do not know as to what is being done in this matter. We have to suggest that you should look into our complaint and let us know what action has been taken in the matter.

Soliciting an early action and reply.

Yours faithfully,

Ram Desai,  
Secretary.

Copy to:

Shri R.L.Mehta,  
Joint Secretary to the  
Government of India,  
Ministry of Labour and Employment,  
New Delhi.



Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
BOMBAY-10.

M/HCL/CL/340

July 10, 1959.

The Commissioner of Labour,  
Framji Cawasji Institute Building,  
Dhobi Talao, Bombay 2.

Dear Sir,

Breach of Code of Discipline by  
the Hind Cycles Limited.

We have to refer to your letter No.CL/I/59545, dated the 22nd June 1959. We have not heard anything about our complaint.

You will appreciate that it is about five months since our complaint was sent to your office. During all these months we have written to you on several occasions. Except your formal acknowledgement your office has not taken steps to settle our complaint.

We had also informed you that the Government of India had informed us that you will look into this matter. But nothing of the sort has happened. We should state here that if the complaint pertaining to breach of the Code is to go unnoticed for months together, it will fail to inspire confidence from the workmen. This Code has been accepted by all parties to create better industrial relations. In this direction, the Government have to play a major role. Instead of expediting these complaints, if there is such inordinate delay in investigating these complaints, it will exhaust patience of the workers and if under such frustration, the workers resort to any direct action in form of strike entire responsibility will lie on the Government. It is our sincere intention to impress on you that delay taking place in your office is likely to be interpreted as your apathy towards this Code and it may frustrate the pious purpose with which this Code has been brought into being.

Kindly look into this matter and let us know what steps are being taken in this matter.

Yours faithfully,

Ram Desai  
Secretary.

M/HCL/Arb - 11/59.

1. Shri R.L.Mehta,  
Joint Secretary to the Government of India,  
Ministry of Labour and Employment,  
New Delhi.
2. The Secretary to the Government of Bombay,  
Labour & Social Welfare Department,  
Old Secretariat Building,  
Fort, Bombay.

Dear Sir,

Code of Discipline - Hind Cycles Limited.

We have to convey to you the following breach of the Code of Discipline by the above mentioned Company. In this connection, we have to submit the following information for your necessary action.

1. The date on which breach took place: This has been done on 4th April 1959. On this date the Company wrote us a letter conveying its refusal to sign the agreement.
2. The party responsible for the breach: Hind Cycles Limited, 250 Worli, Bombay 18. This Company is the member of All India Manufacturers' Organisation as 'Company A Class' with No. GA/701. We have already informed this organisation about this breach.
3. Specific Nature of the Breach: The Company wrote a letter on 20th November 1958 confirming their agreement to appoint the Board of Arbitration for a fixed period. The draft of agreement was discussed between the Company and the Sabha from December 1958 to 17th March 1959. This draft of agreement was finalised on 17th March 1959 and it was agreed by the Company to sign this agreement within a week. But now the Company has refused to sign this agreement.
4. The details of the background to the breach: Immediately dispute was over the demand of bonus for the year 1957-58 and certain other unilateral changes that were made by the Company. These points were discussed between the parties and it was agreed to appoint the Board of Arbitration for a fixed period entrusted with the examination and consideration of issues where there is no agreement including the question of annual bonus. This agreement was confirmed by the Chairman of the Company on 11th February 1959 during the discussion with the Secretary of the Sabha.
5. We are not aware if the Management has taken any action against the officers responsible for precipitating events leading to the breach of the Code as stated herein.
6. We are of the opinion that to remedy the situation and to settle the dispute the Company should sign the arbitration agreement. If the management could be induced to maintain the status quo subject to their right to refer these points to arbitration board and to sign the arbitration agreement, we feel that the situation can be changed.
7. We are of the considered opinion that to avert the breach the management should have signed the agreement, the draft of which was finalised on 17th March 1959.
8. This is a glaring case of breach and the conduct of the Company has created restiveness among the workmen. The workmen feel that their adherence to the Code of Discipline has been exploited by the Management. The workmen are also considering that in case the Company continues with its refusal to sign this agreement, the strike is the only instrument left to them.

We should also state here that the attitude of Company and the policy followed by them is totally unfair to the labour. We have already reported the points to you. If we do not receive any assistance from the Government in protecting and safeguarding the interests and rights of the workmen, we shall be forced to resist the attempts of the company by our peaceful and constitutional struggle. During last six months we have avoided it with a hope that the Government will use their good office. But nothing has happened and the Company has continued its policy of unfair labour practices with fresh vigour and encouraged enthusiasm. We hope you will intervene in this matter even at this stage and see that cordial relations as in the past are restored.

Soliciting an early reply.

Yours faithfully,

Ram Desai.  
Secretary.

No. EAI-1258/108133-H,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Bombay-1.  
23rd April 1959  
3 Vaishakha 1881.

From:

The Under Secretary to the Government of Bombay,  
Labour and Social Welfare Department,

To

The Secretary,  
Engineering Mazdoor Sabha,  
Kamgar Sedan, Nawab Tabk Road,  
Mazagaon, Bombay-10.

Subject: Code of Discipline-  
Hind Cycles Limited.

Sir,

I am directed to refer to your letter No.M/HCL/  
Arb-11/59, dated the 8th April 1959, (received in this  
Department on 14th April 1959), on the above subject, and  
to request you kindly to indicate the specific provisions  
of the Code of Discipline which in your opinion are  
contravened by the Hind Cycles Limited, Bombay, by the  
instance of the alleged breach of the Code reported by  
you. I am also to request you to fill in the attached  
proforma and return it to this Department with your reply.

Yours faithfully,

Sd/-

Under Secretary to the Govt. of Bombay.  
Labour and Social Welfare Dept.

Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.  
May 11, 1959.

M/HCL/LSW/129.

The Under Secretary to the Government of Bombay,  
Labour and Social Welfare Department,  
Old Secretariat Building,  
Bombay-1.

Dear Sir,

Breach of Code of Discipline  
by the Hind Cycles Limited.

We have to refer to your letter No.EAI-1258/108133-H, dated the 23rd April 1959. In this letter you have requested us to fill in the attached proforma and return it to the department with our reply. In this connection, we have to draw your attention that our letter dated the 8th April 1959 gives you the information in the nature of proforma. We should state here that items Nos. 1, 2, 3, 4 and 8 have been covered by our letter under reference.

As regards item No. 5, we have to inform you that this breach has been brought to the notice of All India Manufacturers' Organisation, of which this Company is the member, by our letter dated the 8th April 1959. We have not even received simple acknowledgement from this organisation till this date. Therefore, we have decided to remind them about our report on the said breach by this Company.

Item No. 6 is not relevant to our complaint in this Company.

In respect of item No. 7, we have to inform you that we have made all attempts to settle the point in dispute at appropriate level. This point in dispute was discussed for considerable time in the meetings of the Works Committee which has been the forum of mutual consultations and discussion in this company. This point has already been brought to the notice of the Commissioner of Labour with a request to intervene in this dispute and use his good offices to bring about amicable settlement in this dispute. As stated above, the incident has been reported to the All India Manufacturers' Organisation which is the central organisation in this case.

We had organised couple of meetings of the active workers in this Company and conducted discussions over several aspects of the Code. We should state here that some of the responsible officers of the Hind Mazdoor Sabha participated in these discussions which were rounded up by a lecture of the President of the Hind Mazdoor Sabha. This was done by us with a view to promote constructive cooperation between the Company and the workmen.

You have desired us to indicate specific provisions of the Code of Discipline which, in our opinion, are contravened by this Company. We have to inform you that in our opinion, this Company has contravened provisions of Section II(iv ' vii).

We hope this will meet your requirements. In case, you need any more information or any further clarification from us, we shall be glad to submit the same to you. In case, you think that this case should be discussed directly with us, we shall be glad to meet you at your convenience.

Yours faithfully,

Ram Desai  
Secretary.

Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.  
July 6, 1959.

M/HCL/LSW/CD/

Shri B.B. Brahmabhatt,  
Under Secretary to the Government of Bombay,  
Old Secretariat Building,  
Bombay-1.

Dear Sir,

Breach of the Code of Discipline -  
Hind Cycles Limited, Bombay.

We have to draw your attention to our letter No. M/HCL/LSW/129, dated the 11th May 1959. We have to bring to your notice that we have not heard anything from you so far. We suggest that this case may be expedited.

We also take this opportunity to state that in the case of the Premier Automobiles Limited, Shri R.L. Mehta, Joint Secretary to the Government of India, Ministry of Labour and Employment, has held that refusal to refer dispute to Voluntary Arbitration amounts to breach of the Code. In the present case, not only the Company has now refused to have recourse to voluntary arbitration, but it is also in breach of agreement finalised by Company's letter No. EMS/VD/14947, dated the 20th November 1958. We reproduce relevant of this letter for your ready reference:

"We have, therefore, to inform you that the Management will be agreeable to the appointment of Arbitration Board for a fixed period entrusted with the examination and consideration of issues stated above including the question of annual bonus simultaneously, so as to ensure peaceful solution of questions and demands brought before the Arbitration Board by both the sides; it being understood that all such issues will first be thoroughly discussed and efforts will be made to come to a settlement between the parties, but in case it is not possible to agree on any one or the other of the issues, all such issues on which there is no agreement will be referred to the proposed Board of Arbitration."

Soliciting an early reply,

Yours faithfully,

Sd/-  
Ram Desai,  
Secretary.



- 54 -  
HIND MAZDOOR SABHA  
\*\*\*\*\*  
All-India Headquarters.

Servants of India  
Society's Building,  
Sardar Patel Road,  
Bombay-4(India).  
March 20, 1959.

Ref: 741/59.

Shri Gulzarilal Nanda,  
Union Minister for Labour and Employment,  
Government of India,  
New Delhi.

Dear Sir,

Hind Cycles Limited.

I think that I should draw your attention to the situation in this Company. This company belongs to the Birlas and the workmen are the members of Engineering Mazdoor Sabha, our affiliate.

As far back as June 1958 the Engineering Mazdoor Sabha made a proposal for long term agreement for establishing a Board of Arbitration for resolving all the disputes in the Company. The Sabha had also offered to eschew all modes of direct conflict such as strike and also to cooperate with the management in increasing the production. Shri R.D.Birla was informed about this by their letter dated the 3rd November, 1958. The Sabha had also written to Shri G.D.Birla on 3rd November '58. The management, in the first instance, accepted the proposal of arbitration. Although both the parties agreed to establish the Board of Arbitration, till this date the Company has avoided it. In spite of repeated reminders and attempts on the part of the Sabha to finalise this agreement, the Company has evaded the same. This has created a suspicion in the minds of the workers about the bona fides of the Company's assurance and on the contrary the workers now feel that the delay is a deliberate and calculated move.

During this period, the Company has resorted to large scale unilateral changes in the service conditions including the incentive wages. It is reported to us that unfair labour practices in different forms and arbitrary acts are to-day a common feature in this Company. What strikes to my mind as a glaring indication of the Company's present policy is drastic change in the mode of consultation and negotiations. In this Company all negotiations were channelled through the Works Committee and this Committee used to meet twice a month on average. But since 9th September 1958, this Committee has met only on two occasions. Repeatedly, the Sabha has brought this state of affairs to the with notice of the management, but no avail. The Sabha has also written to Shri R.L.Mehta about breach of the Code of Discipline as well as to the Government of Bombay. The situation in this Company was brought to the notice of Shri Shantilal Shah by correspondence and personal meetings by the Secretary of the Sabha. I also understand that Shri Ram Desai has written to you some letters on different occasions since November 1958, thereby acquainting you with the situation in this Company.

In this case, Engineering Mazdoor Sabha has been at pains to carry workers to get all grievances resolved and the demands settled by peaceful means, more by the application of the Code of Discipline. So far these attempts have met with failures because of the policy of the Company. Recently, the management have suggested that they may resort to lockout if the workers agitate for their grievances. This has created a feeling among the workers that the management is trying to attack their organisation with a view to disrupt their unity. If the workers and the Sabha take this move as challenge, the responsibility will surely not lie on the workers. The workers have been patient and acted with restraint. If immediate steps are not taken to ease the situation, the workers will have to resort to their position of strength. This is a case where I feel that you should use your good offices to avoid any stoppage of work or agitation of any kind. I earnestly feel that you should intervene in this dispute and use your good offices to bring about establishment of the Board of Arbitration. Your talking with the Barlas about this Company would no doubt go a long way to re-establish the cordial relations as in the past.

Copy to: Ehg|Secretary,  
Engineering Mazdoor Sabha,  
Bombay.

Yours faithfully,  
Sd/-Bagaram Tulpule,  
General Secretary.

No.E&I-12(46)/59  
Government of India,  
Ministry of Labour & Employment.

From: Shri R.L.Mehta, I.A.S.,  
Joint Secretary to the Government of India.

To: The General Secretary,  
Hind Mazdoor Sabha, Servant of India  
Society Home, Sardar Patel Road,  
Bombay-4.

Dated New Delhi, the 9th April 1959.

Subject:- Hind Cycles Limited - Breaches of the Code of Discipline.

Dear Sir,

With reference to your letter No.741/59 dated the 20th March, 1958 on the above subject, I am directed to say that the State Government is contacting the union officials, through the State Labour Commissioner to verify certain facts and to seek clarification on certain points raised by it. As the subject falls in the State sphere and as the State Government is seized of the problem I am to request you to advise the Union concerned to approach the State Implementation Officer, Shri B.B.Brahmabhatt, Under Secretary Department of Labour, Bombay and to extend him full cooperation in making necessary investigations, etc.

Yours faithfully,  
Sd/-  
for Joint Secretary.

No.E&I-12(46)/59  
Government of India  
Ministry of Labour & Employment.

From: Shri R.L.Mehta, I.A.S.,  
Joint Secretary to the Government of India.

To: The Secretary,  
Engineering Mazdoor Sabha,  
Kamgar Sadan, Nawab Tank Road,  
Mazgaon, Bombay-10.

Dated New Delhi, the 24-4-59.

Subject: Code of Discipline - Hind Cycles Ltd.

Dear Sir,

With reference to your letter No.M/HCL/Arb-11/59 dated the 8th April 1959 on the above subject, I am directed to say that the Government of Bombay, which is concerned with the case, has informed this Ministry that the management required clarification from your Union on some points while with regard to other points there is already a settlement between the management and the union. The union officials were to be contacted through the State Labour Commissioner to furnish the necessary clarification and it is hoped that your union has since given the requisite information to the State Government.

2. As the subject falls in the State sphere and as the State Government is seized of the problem, I am to request you to contact the State Implementation Officer, Shri B.B.Brahmabhatt, Under Secretary, Department of Labour, Bombay Government, Bombay, who is making the necessary investigation in the matter.

Yours faithfully,  
Sd/-  
(S.B.L. Nigam)  
for Joint Secretary.

M/HCL/AIMO/1011.

February 16, 1959.

The Secretary,  
All India Manufacturer's Organisation,  
Cooperative Insurance Building,  
Sir P.M. Road, Fort,  
Bombay.

Dear Sir,

Hind Cycles Limited.

We have to inform you that the abovementioned Company has been committing violation of the Code of Discipline in industry and they have continued with the same inspite of our best attempts to settle the same by mutual negotiation or by voluntary arbitration. We are enclosing herewith a list of these points for your information and necessary action in this respect.

Soliciting an early action.

Yours faithfully,

Sd/-  
Ram Desai,  
Secretary.

Encl:5 pages.

---

THE ALL INDIA MANUFACTURERS' ORGANIZATION

4th Floor,  
Cooperative Insurance Building,  
Sir Pherozshah Mehta Road, Fort,  
Bombay-1.

Ref.No.5501.

File No.

March 16, 1959.

The Secretary,  
The Engineering Mazdoor Sabha,  
Kamgar Nagar,  
Nawab Tank Road,  
Mazagaon,  
Bombay-10.

Dear Sir,

Hind Cycles Limited.

We are in receipt of your letter No.M/HCL/AIMO/1011 dated 16th February 1959, regarding the alleged breach of the code of discipline by Hind Cycles Limited.

The matter is receiving our attention.

Yours faithfully,

Sd/-  
S.P.Subramanian  
Joint Secretary.

Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.

M/HCL/AIMO/Arb-13/59.

April 8, 1959.

The Secretary,  
All India Manufacturers' Organisation,  
Cooperative Insurance Building,  
Sir Phirozshah Mehta Road,  
Fort, Bombay-1.

Dear Sir,

Hind Cycles Limited.

We are enclosing herewith a copy of our letter No.M/HCL/Arb-11/59, addressed to the Government as well as a copy of our letter No.M/HCL/Arb-12/59, dated the 8th April 1959 addressed to this Company about breach of the Code of Discipline in Industry. We are reporting this breach to you for your necessary action in this matter. We would like to know what action you propose to take against this Company.

We have also to draw your attention to your letter No.5501, dated the 16th March 1959. We have not heard anything in this matter. The situation has been aggravated by continuous breach by this Company. We hope you will act expeditiously in this matter.

Yours faithfully,

Sd/-  
Ram Desai  
Secretary.

Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.  
July 6, 1959.

M/HCL/AIMO/304.

The Joint Secretary,  
All India Manufacturers' Organisation,  
Cooperative Insurance Building,  
4th floor, Sir P.M.Road, Fort,  
Bombay-1.

Dear Sir,

Hind Cycles Limited.

We have to draw your attention to our correspondence resting with your letter No.5501 dated the 16th March 1959. We have not heard anything from you so far although it is about four months. We are very much surprised by your silence over this case.

We had also written to you on 8th April, 1959 under cover of our letter No.M/HCL/AIMO/Arb-13/59. We have not received any reply from you.

We suggest that you should look into this case and take necessary action against this Company.

Yours faithfully,  
Sd/-  
Ram Desai  
Secretary.

- cc: 1. Shri B.B.Brahmabhatt,  
Under Secretary to the Government  
of Bombay, Labour & Social Welfare Dept.,  
Old Secretariat Bldg., Fort, Bombay.
2. Shri R.L.Mehta, Jt.Secretary to the Govt.of India,  
Ministry of Labour & Employment,  
New Delhi.

Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.  
July 6, 1959.

M/HCL/LSW/CD/313.

Shri B.B.Brahmabhatt,  
Under Secretary to the Government of Bombay,  
Labour & Social Welfare Department,  
Old Secretariat Building, Fort,  
Bombay.

Dear Sir,

Breach of Code of Discipline-  
Hind Cycles Limited, Bombay.

We have to report to you the following breach of the Code by the abovementioned Company:

1. The date on which the breach took place: 1st and 3rd July '59.
2. The party responsible for the breach:  
Hind Cycles Limited, 250, Worli, Bombay-18.
3. Specific nature of the breach:
  - (a) The Company has retrenched about 10 workmen in the Tool Room Department, about 12 workmen in the Inspection Department and about 2 from the General Department. This is done by the Company by their notices dated the 30th June 1959 with effect from 1st July 1959. The Company has done it in unilateral manner and inspite of our request for discussion over this point the management has refused to have mutual negotiations over this dispute. By this action the Company has committed a breach of Clause II(i).
  - (b) We had suggested to the Company that this dispute should be referred to voluntary arbitration. But the Company has rejected our proposal although by their letter No.EM3/VD/14947, dated the 20th November 1958 the Company had accepted General Arbitration. This attracts clause No.II(iv).
  - (c) By this unilater action the work-loads are increased and thus committed a breach of clause III(i).
  - (d) The Company has not given a notice of change as per Section 9A of the Industrial Disputes Act.
4. We are sending a copy of this letter to All India Manufacturers' Organisation, Bombay. But our past experience is that this Organisation does not move in such complaints.
5. We had approached the Company for mutual negotiations and settlement of this dispute at appropriate level. But the Company has informed us that they are unable to change their decision and refused to discuss this point with us. We are referring this dispute to the Conciliation Officer for his intervention. We are also informing the Central Organisation.
6. In our opinion, the Company should be asked to refer this dispute to voluntary arbitration.

We have to state items Nos.4 and 6 do not arise in this case. As regards No.9 from your proforma we have to refer to our letter No. M/HCL/LSW/129, dated the 11th May, 1959.

This Union is affiliated to the Hind Mazdoor Sabha.

We are enclosing herewith copies of our letters of 30th June and 3rd July, 1959.

Yours faithfully,  
Sd/- Ram Desai, Secretary.



Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazgaon,  
Bombay-10.

M/HCL/AIMO/CD/309.

July 6, 1959.

The Secretary,  
All India Manufacturers' Organisation,  
Cooperative Insurance Building,  
4th floor, Sir P.M.Road,  
Bombay-1.

Dear Sir,

Breach of Code of Discipline -  
Hind Cycles Limited, Bombay.

We are enclosing herewith a copy of our letter to  
Shri B.B.Brahmabhatt about our complaint regarding breach of Code  
of Discipline by the Management of the Hind Cycles Limited.  
This is for your information and necessary action.

Yours faithfully,

Sd/-  
Ram Desai  
Secretary.

Copy to:

Shri B.B.Brahmabhatt,  
Under Secretary to the Government of Bombay,  
Labour and Social Welfare Department,  
Old Secretariat Building, Fort,  
Bombay.



No. CL/1118516

Office of the Commissioner of Labour,  
Framji Cawasji Institute Bldg.,  
Dhobi Talao, Bombay-2. Dt.21 Feb.1959.

From:

Shri M.B. Durve, B.A.,  
Asstt. Commissioner of Labour,  
Bombay.

To

The Secretary,  
Engineering Mazdoor Sabha,  
Kangar Sadan, Nawab Tank Road,  
Mazgaon, Bombay-10.

Subject: Dispute between the Hind Cycles Ltd.,  
Bombay.  
Regarding reinstatement of Shri R.L. Pradhan.

Sir,

With reference to your letter dated the 19th November '58 forwarding a copy of the demand made on the General Secretary, Hind Cycles Ltd., Worli, on the above subject, I have to inform you that I do not propose to admit the dispute in Conciliation.

Yours faithfully,

Sd/-

Asstt. Commissioner of Labour,  
Bombay.

---

No. CL/I/M.B.D./29496A  
Office of the Commissioner of Labour,  
Framji Cawasji Institute Bldg.,  
Dhobi Talao, Bombay 2.

26th March 1959.

From:

The Commissioner of Labour,  
Bombay.

To

The Secretary,  
Engineering Mazdoor Sabha,  
Kangar Sadan, Nawab Tank Road,  
Mazgaon, Bombay-10.

Subject: Hind Cycles Ltd.

Sir,

I have to refer to your letter No.M/HCL/CL/1108, dated the 9th March 1959 on the above subject and to state that I do not propose to interfere with the decision taken by Shri M.B. Durve, Asstt. Commissioner of Labour, Bombay, in the matter.

Yours faithfully,

Sd/-

Commissioner of Labour,  
Bombay.

Engineering Mazdoor Sabha,  
Kamgar Sadan, Nawab Tank  
Road, Mazagaon,  
Bombay-10.

M/HCL/LM/1109

March 9, 1959.

Shri Shantilal Shah,  
Minister for Labour and Law,  
Sachivalaya,  
Bombay.

Dear Sir,

Hind Cycles Limited.

We are enclosing herewith a copy of our letter No. M/HCL/CO/1103 dated the 5th instant addressed to Shri M.B. Durve, Conciliation Officer, Bombay. We have to request you to investigate into this case and direct the conciliation officer to initiate conciliation proceedings in this dispute. We hope you will do the needful in the matter.

Yours faithfully,

Sd/-  
Ram Desai  
Secretary.

---

No. AJH. 1458/108125-H,  
Labour and Social Welfare Dept.  
Old Secretariat Building,  
Fort, Bombay, 30th June 1959.  
9 Asadha 1881.

From:

The Under Secretary to the Government of Bombay,  
Labour and Social Welfare Department.

To

The Secretary,  
Engineering Mazdoor Sabha,  
Kamgar Sadan, Mazagon,  
Bombay-10.

Subject: The Hind Cycles Ltd., Bombay.

Demand about reinstatement of Shri R.L.  
Pradhan - Admission in conciliation.

Sir,

I am directed to refer to your letter No. M/HCL/LM/1109 dated the 9th March 1959 addressed to the Minister for Labour Bombay, on the above subject and to state that Government does not propose to intervene in the matter.

Yours faithfully,

Sd/-

Under Secretary to the Government  
of Bombay,  
Labour and Social Welfare Department.

# MEMORANDUM ON INDUSTRIAL RELATIONS

*Very Full document*

*Following is the text of a memorandum prepared by the Union Labour Ministry and circulated to participants in the 17th session of the Indian Labour Conference, to elicit their views on Government's proposals. (See Circular on page 8).*

## Introduction

1.1 It will be recalled that at its last session held at Nainital in May, 1958, the Conference discussed at considerable length several matters relating to industrial relations and reached agreed conclusions in respect of —

- (a) Suspension of adjudication;
- (b) Works Committees;
- (c) Grievance procedure;
- (d) Mitigation of the evils of trade union rivalry;
- (e) Recognition of trade unions and verification of trade-union membership;
- (f) Evaluation and implementation of awards, etc.;
- (g) Appointment of District Judges on Industrial Tribunals;
- (h) Exclusion of hospital staff, etc., from the purview of the Industrial Disputes Act; and
- (i) The right of workers to go on strike in consequence of an illegal action by the employer.

1.2 The progress of action taken on the recommendations made by the Conference in respect of the above matters is indicated in the Memorandum on item 1 of the agenda for the present session. It may also be noted that a number of proposals for the amendment of the Industrial Disputes Act were placed before the 17th Session of the Standing Labour Committee held at Bombay in October, 1958. These proposals were, as desired by the Standing Labour Committee, thoroughly discussed by a special committee in January, 1959. The recommendations of the special committee are being looked into. In the meantime, the Ministry of Labour and Employment have been receiving numerous suggestions for changes or modifications in the existing law and procedure governing the settlement of industrial disputes, recognition of trade unions and allied matters, with a view to strengthening the basis of labour-management relations in the country. The suggestions have emanated not only from the employers' and workers' organisations but also from the State Governments as well as the employing Ministries at the Centre. The Ministry of Labour and Employment are naturally anxious to have the considered views of the Conference on these matters before they make up their mind as to what should be done. The recommendations of the Conference will also be of appreciable assistance to such of the State Governments as are contemplating legislation within their own spheres of action. Incidentally, the proposals outlined in this Memorandum do not, except where specifically indicated, represent the views of either the Ministry of Labour and Employment or the Government of India as such.

2.1 It would be worthwhile to take note of certain significant developments that have taken place since the last session of the Conference and which provide the necessary climate for a dispassionate discussion of the problems raised in this Memorandum. In the first place, the unreserved acceptance of the Code for Discipline in Industry by the employers and workers has had a perceptible influence on the trend of industrial relations as revealed by the statistics of industrial disputes for 1958. While there was a very

minor increase in the number of disputes during the second half of the year as compared to the first half (from 781 to 783) the number of workers involved and the number of man-days lost recorded an appreciable decline from 5,11,237 to 4,31,183 and from 45,19,087 to 30,73,516 respectively. Secondly, the evaluation and implementation machinery at the Centre and in States has been, generally speaking, functioning effectively, thus leading to the elimination of a number of misunderstandings between employers and workers and also to a better appreciation of the difficulties of one party by the other. Thirdly, the faithful observance of the Inter-union Code of Conduct by the four all-India organisations of workers should, if it has not done so already, result in a better atmosphere in which the employers would find it easier to carry on negotiations. Government also stand to gain by this in as much as the process of verification of trade union membership will not be complicated by extravagant claims of strength.

2.2 Encouraging as these trends are, there is no denying that there are still many loop-holes to be plugged before it can be affirmed that the foundations of a rational system of labour-management relations have been securely laid. Nor can there be any finality in a field which is subject to the influence of continuous and swift changes in the country. Problems will have to be tackled and solutions found for the same as and when they come up to the surface. It is with this at the background that the Conference will have to consider the matters raised in this Memorandum.

2.3 For the sake of convenience, the subject can be discussed under two broad headings, viz., A. Machinery for collective bargaining and the settlement of industrial disputes, and B. Problems relating to trade union organisation.

#### **A. MACHINERY FOR COLLECTIVE BARGAINING AND THE SETTLEMENT OF INDUSTRIAL DISPUTES**

##### **(i) Recognition of unions**

3.1 Collective bargaining can derive reality only from the organised strength of the workers and a genuine desire



on the part of the managements to co-operate with the representatives of the former, in exploring every possibility of reaching a settlement. The question naturally arises as to who should represent the workers in direct negotiations with the employers. The general consensus of opinion, as confirmed by the discussions at the last session of the Indian Labour Conference, is that time is not ripe for introducing any element of compulsion and that emphasis should be placed on the evolution of certain conventions for the voluntary recognition of unions by employers. With this end in view, the Conference recommended at its last session, the following criteria :

- (i) Where there was more than one union, a union claiming recognition should have been functioning for at least one year after registration. Where there was only one union, this condition would not apply.
- (ii) The membership of the union should cover at least 15 per cent of the workers in the establishment concerned. Membership would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the reckoning.
- (iii) A union might claim to be recognised as a representative union for an industry in a local area if it had a membership of at least 25 per cent of the workers of that industry in that area.
- (iv) When a union has been recognized, there should be no change in its position for a period of two years.
- (v) Where there were several unions in an industry or establishment, the one with the largest membership should be recognized.
- (vi) A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment had a membership of 50 per cent or more of the workers of that establishment, it should have the



right to deal with matters of purely local interest such as, for instance, the handling of grievances pertaining to its own members. All other workers who were not members of that union might either operate through the representative union for the industry or seek redress directly.

- (vii) Only unions which observed the Code of Discipline would be entitled to recognition and the procedure for recognition should form a part of the Code of Discipline.

3.2 It is rather premature to attempt an estimate of the impact of this recommendation on the problem of recognition and the extent to which the criteria referred to above are being adhered to. In this connection, the All-India Trade Union Congress feels that where the claims of rival unions for recognition cannot be settled otherwise, the simple method of determining the representative character is to hold a ballot of the workers in the plant or area or industry concerned. A provision on these lines has been made in the Kerala Industrial Relations Bill, 1959, which confers a statutory right on trade unions fulfilling certain conditions to be recognised by the employers or failing that through certification by the registering authority. According to Section 12(1) of the Bill "A recognised trade union shall be entitled for the purpose of collective bargaining to be certified as a negotiating agent of workmen in relation to an appropriate unit if that trade union has the support of a majority of the workmen of the establishment or industry comprising the appropriate unit, or where there is no union having such majority, that union which has the largest support of the workmen in comparison to any other recognised trade union shall be entitled to be so certified." Section 18 of the Bill gives the right to a recognised union having at least 20% membership to appeal to the State Industrial Relations Board against the order issued by the registering authority under Section 12. The Board is empowered *inter alia* to order a referendum of the workmen concerned to be taken by secret ballot and dispose of the appeal in the light of the result of the referendum. It may be mentioned in

this connection that at the last session of the Conference it was agreed that the method of election or referendum was not suitable for solving the question of recognition but that the criterion should be paid membership of standing over a specified period.

3.3 *The Conference may consider the merits of the procedure proposed in the Kerala Bill for the certification of the negotiating agent. It may also examine the need for and the desirability of making consequential modifications in the criteria for recognition as adopted at the last session.*

**(ii) Works Committees**

4.1 One of the measures envisaged by the Industrial Disputes Act for securing and preserving amity between employers and workmen was the establishment of Works Committees at the plant level. The steps that should be taken to ensure the satisfactory functioning of the Works Committees were considered at the last session of the Conference. It was felt that the problem required fuller examination. Accordingly, efforts have been made to ascertain the experience of other countries, in this direction and the position is explained in Appendix I. The Chief Labour Commissioner (Central) has also made a critical analysis of the functioning of Works Committees in the Public sector undertakings in the Central sphere, *vide* Appendix II. Besides, Government have requested the N. C. Corporation, Bombay to make a close study of the functioning of Works Committees in industrial undertakings in Bombay region, as well as in some other areas. The Public Sector Conference held in January, 1959, also devoted some thought to this question.

4.2 While the enquiry entrusted to the N. C. Corporation is likely to take some time to be completed, it appears desirable for the Conference to discuss the problems relating to Works Committees and try to lay down at least some broad principles. The function of the Works Committees as defined in Section 3 of the Industrial Disputes Act is too wide. The Conference may like to specify the type of subjects that might usefully be discussed by these Committees. Certain points may be borne in mind in this connection. Firstly,

any mixing up of the functions of Works Committees and the Joint Management Councils under the 'Worker Participation in Management' scheme has to be avoided. Secondly, the different roles of the Works Committees on the one side and the trade unions on the other, need to be clearly demarcated. Matters, like wages, for instance, which are generally conceded to fall within the purview of trade unions, may not be discussed by the Works Committees. Thirdly, the information that would be made available by the I.L.O., as stated in paragraph 8.4 of Appendix I, may be utilised on drawing up the guiding principles for the formation and functioning of Works Committees.

4.3 *The Conference may like to take note of the further information relating to Works Committees that is being collected and also recommend the analysis of this material by a small tripartite Committee which could also draw up certain "guidance principles."*

**(iii) Validity of agreements reached through direct negotiations between the parties.**

5.1 Section 18(1) of the Industrial Disputes Act provides that a settlement arrived at by agreement between the employer and workmen otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement. Sub-Sections (1) and (2) of Section 19 of the Act prescribe the period of operation of such settlements. Sub-Rule (2) of Rule 58 of the Industrial Dispute (Central) Rules, 1957, specifies the signatories to such agreements. The Act and the Rules do not, however, make any reference to the kind of unions with which the employer can enter into negotiations. Consequently, the agreement concluded by the employer with one trade union can very well be repudiated by other unions. The Delhi Administration have drawn attention to specific cases where such repudiation has taken place and where the Industrial Tribunal has held that such agreements could not be binding on unwilling parties. A satisfactory solution to this problem can be found only in the final settlement of the issue of recognition. Assuming that the managements would normally conclude

agreements only with representative unions, it is for consideration whether provision on the following lines should be made in the Industrial Disputes Act and the Rules made thereunder :

- (i) Only an agreement which is concluded between the employer and a representative union or the duly elected representatives of his employees can be registered and thereby become binding on all the employees concerned.
- (ii) The draft agreement should be displayed on the notice board of the establishment concerned for the information of the general body of workers.
- (iii) Any objections or modifications to the proposed agreement, submitted within a prescribed time-limit, should be taken into account by the negotiating parties before finalising the agreement.
- (iv) The registering authority should issue a certificate indicating the period of validity of the agreement.

5.2 *The Conference may discuss the issue raised by the Delhi Administration and also comment on the desirability of making the above mentioned changes with regard to collective agreements.*

#### **(iv) Settlement of disputes through Arbitration**

6.1 As the Conference is aware, both employers and workers have bound themselves, through the Code for Discipline, to settle differences through voluntary arbitration before it becomes necessary to refer disputes to the Industrial Relations Machinery. Sub-section (1) of Section 10A of the Industrial Disputes Act provides that where an employer and his workmen agree to refer a dispute to arbitration, the reference may be to such person or persons as may be specified in the agreement between the parties. With a view to helping the parties, instructions have been issued to the officers of the Central and State Industrial Relations Machinery to ensure that in every case where conciliation was likely to fail or had failed the conciliation officer should suggest settlement through arbitration. Panels of arbitrators have also been drawn up. It is, however,



found that not much use is being made of the facilities provided by Government. The reasons for the hesitancy on the part of the employers and workers to have recourse to arbitration is not clear. Nor is it Government's intention to exert any pressure in this matter. All the same, it is *desirable that difficulties, if any, standing in the way of reference of disputes to voluntary arbitration, may be examined and a way out suggested.*

6.2 The Industrial Disputes Act provides for a three-tier system of tribunals, manned mainly by persons who are holding or have held judicial posts. The Government of Madhya Pradesh feel that consequently these tribunals are swayed more by the niceties of civil law than by considerations of equity and social justice. The State Government have, therefore, suggested that consideration should be given to the question of replacing the Labour Courts and Industrial Tribunals by Arbitration Boards, consisting of representatives of employers and workers selected out of panels maintained by Government, the Chairmen being independent persons with a judicial background. The suggestion of the Madhya Pradesh Government amounts in effect to the substitution of adjudication by compulsory arbitration. The system of Labour Courts and Industrial Tribunals was introduced only in 1956 and perhaps needs to be given a fair trial before a change-over is thought of.

6.3 However, *the Conference may like to discuss the implications of the suggestion made by the Madhya Pradesh Government for the setting up of Arbitration Boards in place of Tribunals.*

#### **(v) Principles for Reference of Disputes to Adjudication**

7.1 The question whether the practice of referring disputes to adjudication should not be suspended on an experimental basis at least has been under discussion for some time now. The decision reached both at the Conferences of Labour Ministers and the Indian Labour Conference has been that, taking into consideration the vital need for maintaining industrial peace in the interest of economic development, it would be unwise to take the risk. At the same

time, it has been unanimously recognised that adjudication should normally be ordered only when all other avenues have been fully explored. The State Governments were therefore requested, in accordance with a decision reached at the 14th Session of the Labour Ministers' Conference held in October, 1957, to supply to the Centre full information, together with their critical observations, regarding the methods followed by them in referring individual cases to adjudication, the intention being to analyse the existing practices and to evolve a set of principles for general guidance. The work has since been completed and a set of draft Model Principles has been prepared (Appendix III). The 'norms' referred to in the draft are to be evolved in the light of awards given by tribunals, etc., as recommended at the 15th Session of the Labour Ministers' Conference.

7.2 Professor Richardson, the I.L.O. Expert on Industrial Relations, who is at present working with the Ministry of Labour and Employment, has opined that the draft principles seem generally adequate and practicable. However, he has made the following observations :

- (i) A useful distinction may be drawn between (a) disputes arising out of the implementation of existing legislation, awards, etc. (implementation disputes) and, (b) disputes arising from demands for new conditions.
- (ii) "Implementation disputes", which usually affect only individual or small groups of workers should rarely be sent up for adjudication. The Labour Commissioners may be empowered to give binding decisions in such cases.
- (iii) In the case of the second category of disputes, often involving large numbers of workers, wider use may be made of Courts of Enquiry, provided for in Section 6 of the Industrial Disputes Act, to investigate the facts and make impartial recommendations which would provide an authoritative basis for settlement by agreement and further conciliation.
- (iv) Disputes which could not initially be settled



through conciliation should, instead of straight-away being referred for adjudication, be sent back for further conciliation even if this process involved the risk of a strike or lockout.

7.3 The observations made by Professor Richardson deserve consideration. *The Conference may examine the Draft Model Principles and indicate whether the same should be adopted, with changes if any.*

**(vi) Revival of the Labour Appellate Tribunal**

8.1 The Conference will recall that the working of the Industrial Disputes Act, 1947 as it originally stood revealed the need for a central appellate authority to review the divergent and sometimes conflicting, decisions of the large number of Industrial Tribunals set up by the Central and State Governments and to co-ordinate their activities. The Industrial Disputes (Appellate Tribunal) Act, 1950, was the result and the Government of India constituted an Appellate Tribunal, with four Benches functioning at Calcutta, Bombay, Madras and Lucknow. Additional *ad hoc* Benches were set up later to deal with urgent cases. It, however, soon became apparent that appeals filed before the Appellate Tribunal not only took an unduly long time to be disposed of but also involved a great deal of expenditure which the workers could ill afford. Opinion in favour of the abolition of the Tribunal therefore gathered quick momentum and in view of the large volume of criticism in Parliament and at tripartite meetings, the Government of India were obliged to repeal in 1956 the Act of 1950 and substitute the then system of tribunals by the present three-tier system of Labour Courts, Industrial Tribunals and National Tribunals.

8.2 The abolition of the Appellate Tribunal has apparently resulted in a large increase in the number of cases going up in appeal to the Supreme Court as will be seen from the following figures:

Year	Number of petitions for special leave to Appeal	
	No. Registered	No. granted
1953	59	23
1954	51	21
1955	57	37
1956	297	257
1957 (upto 31.10.57)	189	148

Quoting figures in support of this statement the Law Commission has observed as follows:-

“The situation created by these large number of appeals causes concern in two respects. It has the natural effect of clogging the work of the Supreme Court.....The graver aspect, however, of the matter is that labour matters are being thrust upon a Court which has not the means or materials for adequately informing itself about the different aspects of the questions which arise in these appeals and therefore finds it difficult to do adequate justice..... Equally grave are the delays caused by these appeals in the disposal of industrial matters which essentially need speedy disposal”.

From the information available it appears that 209 cases were pending with the Supreme Court on 30th November, 1958.

So far as appeals to the High Courts are concerned, the Law Commission has remarked that a party aggrieved by the decision of the tribunal approaches the Supreme Court because the jurisdiction of the High Courts under Article 226 of the Indian Constitution is too narrow to afford relief. A High Court can only quash an order of a tribunal but cannot make its own decision and substitute it for that of the tribunal. Incidentally, it appears that on 30th November 1958, there were 756 cases pending before the various High Courts.

8.3 According to the Law Commission the remedy lies in providing for an adequate right of appeal in industrial matters. “Such a right of appeal could be provided either by constituting tribunals of appeal under the Labour legis-

lation itself or by conferring a right of appeal to the High Court in suitable cases”.

8.4 The remarks made by the Law Commission need to be paid close attention. The observance of the Code for Discipline is likely to lead to a reduction in the number of cases going up to the High Court. Even so, *the Conference may discuss the desirability of reviving the Labour Appellate Tribunal.*

**(vii) Creation of Separate Machinery for Dealing with Disputes Relating to Individual Dismissals, Discharges, etc.**

9.1 Under the Industrial Disputes Act, as it stands at present, a dispute between an individual worker and his employer cannot be treated as an 'Industrial Dispute' unless sponsored by a group of workers or a trade union. It is likely that an aggrieved worker who has no standing with a trade union might find it difficult, if not impossible, to secure redress. Recently the Government of Madras approached the Centre for permission to undertake legislation providing for a separate and self-contained machinery for dealing with individual disputes in order to ensure that discharge and dismissals take place for a reasonable cause; that any aggrieved individual has a prompt and automatic remedy by way of appeal to a designated authority. The genesis for this proposal is to be found in the opinion held by the High Court of Madras and the Labour Courts in the State that the discharge of any worker after a month's notice or pay in lieu thereof, under the provisions of the Standing Orders, was perfectly in order. This opinion has led to some consternation among the workers who have demanded a suitable remedy.

The State Government have pointed out that provision for appeals by individual workers is already contained in the Madras Shops and Establishments Act, 1947, the Madras Catering Establishments Act, 1958, and the Madras Beedi Industrial Premises (Regulations and Conditions of Work) Act, 1958. The State Government have further pointed out that experience with the working of the provision in the

Shops Act of 1947 has not been unhappy. It has also been explained that cases of discharges and dismissals touching on group relations, with which the trade unions are mainly concerned, may continue to be raised as industrial disputes, as defined in the Industrial Disputes Act, 1947. Besides, the State Government are of the opinion that trade union activities and industrial relations in general may well benefit by the method of individual cases being dealt with separately without the mediation of the trade unions.

9.2 The point to be kept in view in examining the proposal made by the Government of Madras is whether direct access by individual workers to the Industrial Relations Machinery or other special machinery in cases of discharges and dismissals would —

- (a) undermine the influence of trade unions,
- (b) result in indiscriminate resort to appeals, and
- (c) adversely affect discipline.

According to the State Government, there is no such risk. On the other hand, they feel that the proposed measure would remove a fruitful source of discontent.

9.3 *In view of the urgency in Madras in this matter, the State Government are, with the concurrence of the Centre, going ahead with their proposal. However, the Conference may examine the implications of the proposal and whether the matter should be left to the discretion of the individual State Governments or whether any action should be taken at the All-India level.*

**(viii) Jurisdiction of a Tribunal appointed by one State Government in respect of a dispute concerning Workmen Employed in different States.**

10.1 Under the Industrial Disputes Act, the 'appropriate Government' except in the case of disputes affecting more than one State, are the State Governments. A large number of disputes are naturally referred to the Industrial Tribunals appointed by the State Governments concerned. There are, however, cases where the headquarters of an undertaking is situated in one State but which employs workers in adjoin-

ing States also. In such cases the extent to which the decisions of the State Tribunals are binding becomes a bone of contention. In the Delhi Union Territory, for instance, there are situated several branches of commercial concerns controlling workmen in other States such as Punjab, Rajasthan, U.P. and Jammu and Kashmir. One of the Industrial Tribunals, Delhi, has held that it is not within the power of the Delhi Administration to refer disputes in such undertakings to the local Tribunals. Another Tribunal had taken the opposite stand and the Supreme Court has upheld the latter view. It has also been pointed out that the cost of Tribunals, etc. will have to be borne by one State, whereas the benefits may go to workers in other States also. Attention has been drawn by some unions of transport employees in the Punjab to similar difficulties.

10.2 *The Conference may consider the problem raised by the Delhi Administration and indicate whether any change should be made in the Industrial Disputes Act. At present the Central Government may appoint National Tribunals only in the case of disputes involving questions of national importance or which are of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such disputes.*

## **B. PROBLEMS RELATING TO TRADE UNION ORGANISATION**

11.1 Workers' organisations have a dual role to play. One is to negotiate with the employers and enter into collective bargaining or, as a last resort, have recourse to direct action for securing satisfactory conditions of work and fulfilling the reasonable aspirations of workers. These problems raise the issue of recognition of trade unions either voluntarily by the employers or through certification by governmental agencies if necessary. The implications of the issue of recognition have been dealt with earlier in this Memorandum.

11.2 The other important, perhaps much less ostentatious, function of trade unions is to look after the day-to-day

welfare of their members and, where practicable, their families. The conditions to be fulfilled by trade unions from this angle are different from those required for the purposes of recognition. The Constitution of India guarantees freedom of association to all citizens, subject only to such reasonable restrictions as may be imposed by the State in the interest of public order or morality. Workers are thus free to form their own associations without any previous authorisation. If, however, any association wants to acquire a legal personality, and thereby immunity from civil and criminal liability, it has to get itself registered under the Trade Unions Act, with the concomitant restrictions stipulated in the Act. This Act, as the Conference is aware, was placed on the Statute Book as early as in 1926. The actual working of the Act for over two decades, revealed the need for its overhauling and a Bill seeking to revise and replace the same was brought forward in 1950. The Bill, however, lapsed with the dissolution of the interim Parliament, and no steps were taken in the matter since then.

11.3 The desirability of making substantial changes in the Act of 1926 has, however, been stressed on several occasions in the recent past. Emphasising that a strong trade union movement was necessary both for safeguarding the interests of labour and for realising the targets of production, the Second Five Year Plan made, *inter alia*, the following recommendations:

- (i) Unions should realise that undue dependence on any one not belonging to the ranks of industrial workers must necessarily affect the capacity of workers to organise themselves.
- (ii) The gap created by the reduction in the number of outsiders should be filled by training of workers in trade union philosophy and methods.
- (iii) In order to improve the finances of trade unions from their internal resources, a membership fee of at least four annas a month should be prescribed in the rules of a trade union.



- (iv) There should be stricter enforcement of rules regarding payment of arrears.

Recommendation (ii) above is already being taken care of by the "Workers' Education Scheme" which is well under way.

11.4 With regard to outsiders, the Second Plan observed that the number of outsiders managing the trade unions had shown a decline. Recently, the Ministry of Labour and Employment collected information as to whether the trend noted by the Planning Commission was being maintained. It appears that as compared to 1947, the proportion of outsiders is showing a decline in Assam, West Bengal, Punjab, Orissa, Kerala, Mysore and Tripura. In other States the trend is in the reverse direction. The data on which this assessment has been made is not, however, complete and may, therefore, be accepted with some reservation. *The point for consideration is whether the present statutory limit on the number of outsiders on the executive of a trade union, viz. 50%, should be altered.* In this connection a distinction needs to be made between outsiders who have at no time been workers and those who have actually been workers some time or other. It has to be examined whether any restriction should be placed on the percentage of outsiders belonging to the latter category and whether any period of service as a worker should be specified.

11.5 The question of making it obligatory for unions to prescribe a minimum membership fee of annas four a month, as recommended by the Planning Commission, was considered at the last session of the Conference and was agreed to. *Necessary provision will be made in the Trade Unions Act when it is amended.*

11.6 It will be recalled that at its last session the Conference recommended that delay in the registration of unions should be avoided. Apart from other reasons, one of the causes for delay may be the number of applications to be dealt with by the Registrars of Trade Unions. The Act, as it stands, does not permit the delegation of the powers of the Registrar to any other authority. The Government

of Bombay have suggested that provision should be made for the decentralisation of the work of the Registrars and the appointment of Additional and Deputy Registrars. *The Conference may consider this suggestion.*

11.7 Under the present Act, the powers of the Registrars are restricted. They have no authority to inspect the records and accounts maintained by the unions. With a view to ensuring that unions functioned properly and complied with legal requirements, it has been suggested that the Registrars, or their nominees, should be specifically empowered to inspect the books of trade unions. *The Conference may like to endorse this suggestion.*

11.8 Attention has been drawn by some State Governments to the fact that while trade unions obtained registration by providing in their rules for all matters mentioned in Section 6 of the Act, many of them did not in practice observe the rules. Non-observance of the rules does not, however, constitute a violation under the Act as it stands and cannot, therefore, be a ground for the withdrawal or cancellation of registration. *The Conference may consider the desirability of this defect being removed.*

11.9 *Similarly, the desirability of providing for the withdrawal or cancellation of registration of unions failing to submit their annual returns may also be considered.*

11.10 One of the drawbacks of the trade union movement in this country is the multiplicity of unions. There are several registered trade unions functioning in the same industry, and in many cases in the same unit. This situation, it has been pointed out, arises from the fact that under the Trade Unions Act any group of seven persons can apply for registration of a union and the Registrar has no power to refuse registration if the union complies with the prescribed requirements. Suggestions have, therefore, been made to the effect that either the number prescribed under Section 4 of the Act should be sufficiently raised or that the Registrar should be empowered to refuse registration to a trade union if he considers that there is already an adequate number of registered unions functioning for the

workers in the undertaking or industry concerned. While it is true that multiplicity of unions is a recognised evil, it is doubtful whether the remedy lies in tightening up the provisions of the Trade Unions Act and making it difficult for unions to secure registration. The primary purpose of the Act is to enable organisations of workers to acquire a corporate status. Freedom of association is a fundamental right and the conditions for registration should not be such as to negate that right. I.L.O. Convention No. 87 concerning Freedom of Association and the Right to Organise confers on workers (and employers) the right *inter alia*, to establish organisations of their own choosing and these organisations should have the right to acquire a legal personality. Even as it is, there is a risk of the regulatory provisions of the Trade Unions Act being construed to be inconsistent with the Convention and this is one of the reasons why the Government of India have not ratified this Convention. In a recent report to the I.L.O. from the Government of India it has no doubt been urged that "such restrictions as may be imposed by the competent national authorities on the right of association of workers and the functioning of trade unions in consultation with and with the full concurrence of representative organisations of workers shall not be deemed to be in violation of the Convention." Still it is questionable whether the Trade Unions Act should be utilised to curb an undoubtedly unhealthy development. *The Conference, may, however, discuss the matter.*

11.11 Several other amendments of a minor nature to the Trade Unions Act have been received. These can, however, be taken care of if the fundamental issues are settled and the broad principles are laid down by the Conference.

## CONCLUSION

12.1 As has been pointed out in the introduction, the numerous problems relating to industrial relations cannot be tackled all at once. For the present, the views of the Conference are invited on the following matters:-

A. *Machinery for Collective Bargaining and the Settlement of Industrial Disputes.*

- (i) The procedure proposed in the Kerala Industrial Relations Bill for the certification of negotiating agents (paragraph 3.3).
- (ii) The appointment of a small tripartite Committee for drawing up "guidance principles" relating to the composition and functioning, etc., of Works Committees (paragraph 4.3).
- (iii) Validity of agreements reached through direct negotiations between the parties (paragraph 5.2).
- (iv) Removal of the difficulties standing in the way of reference of disputes to voluntary arbitration (paragraph 6.1).
- (v) Replacement of Labour Courts and Industrial Tribunals by Arbitration Boards (paragraph 6.2).
- (vi) Model principles for reference of disputes to adjudication (paragraph 7.3).
- (vii) Revival of the Labour Appellate Tribunal (paragraph 8.4).
- (viii) Creation of separate machinery for dealing with disputes relating to individual dismissals etc., (paragraph 9.3).
- (ix) Jurisdiction of a tribunal appointed by one State Government in respect of a dispute concerning workmen employed in different States (paragraph 10.2).

B. *Problems relating to Trade Union Organisation*

- (i) Alteration of the present statutory limit on the number of outsiders on the executives of trade unions (paragraph 11.4).
- (ii) Insertion of a provision in the Trade Unions Act regarding membership fees (paragraph 11.5).
- (iii) Decentralisation of the work of Registrars of Trade Unions (paragraph 11.6).
- (iv) Empowering Registrars to look into the records of trade unions (paragraph 11.7).

- (v) Cancellation of registration for failure to observe the rules of the union (paragraph 11.8).
- (vi) Cancellation of registration for failure to submit annual returns (paragraph 11.9).
- (vii) Placing a restriction on the number of unions that may be registered (paragraph 11.10).

## APPENDIX I

### WORKS COMMITTEES—EXPERIENCE IN OTHER COUNTRIES

#### *Introduction*

1.1 Since the last World War many countries have set up machinery for associating the staff closely with the general operation of the undertaking. The machinery thus established differs from country to country and also bears different names like Works Committees or Councils, Management Councils, Joint Production Committees, Joint Advisory Committees, Labour Management Committees, Occupational Committees, Factory Committees or Councils, Workers' Committees, etc. These bodies are meant to serve economic and social purposes, by promoting cooperation in the undertaking. The economic motive is, to ensure increased production and the moral/social motive is to secure full recognition of the importance of the human element and accordingly to give staff a greater interest in the general operation of the undertaking.

#### *Method of establishment of joint bodies.*

2.1 In some countries these joint bodies have a purely contractual origin while in others they owe their existence to legislation. The countries which belong to the former category are U.K., Sweden, Switzerland, Norway, Canada, Israel, Japan etc. In the countries where the Works Councils are the outcome of voluntary agreements between the employers and the trade unions, the method of joint consultation generally varies not only from one industry to another but also from one firm to another. The position in Sweden is however slightly different. Here, two general agreements were signed on 30th August 1946 regarding the appointment of Works Councils. One was between the Confederation of Swedish Employers and the Confederation of Swedish Trade Unions and the other between the Confederation of Swedish Employers and the Swedish Confederation of Organisation of Salaried Employees. The agreement becomes legally binding on the employers, wage earners and salaried employees concerned only when it is ratified by a particular industry.

2.2 To the latter category of countries which have passed legislation for the establishment of Works Councils belong Federal Republic of Germany, Austria, France, Belgium, Finland and the tota-

litarian economies like the U.S.S.R., Czechoslovakia, Yugoslavia, Poland, etc.

2.3 In the Federal Republic of Germany the "Works Constitution Act" of 11th October 1952 established a uniform system of collaboration between employers and workers at the plant level throughout the Republic. The Act expressly states that its provisions in no way impair the function of the trade unions and the employers' associations.

2.4 In Austria the "Federal Act" of 28th March 1947 introduced a representative system in all undertakings. Another Act of 30th June 1948 deals with the representation of wage earners in agriculture and forestry undertakings.

2.5 In France, production or management committees were set up spontaneously in a number of factories. With a view to making the establishment of these bodies a general practice and to give them legal status the Ordinance of 22 February 45 was issued and thus Works Committees came to be established. Works Councils are required to be formed one in each individual plant together with a Central Council for the firm as a whole. The representatives of the Central Council are elected by the Works Council. Similar practice is adopted by Austria and a number of other countries. A Works Council may also appoint special Committees to deal with employment problems or social problems in the proper sense of the term. The legislation, however, does not prevent any arrangements as to the operation or powers of Works Committees being based on collective agreements or custom. In some cases, even the application of the legislation is optional.

2.6 In Belgium, Works Councils have been set up under the Act of 20 September 1948 to make provision for the organisation of the country's economic life. Under this Act, Works Councils may be established on the employer's initiative. Depending on the size and structure of the undertaking, every Works Council may split itself up into Works Sections comprising delegates representing particular categories of workers.

2.7 In Finland, Works Councils became definitive under the Act of 30th December 1949.

2.8 In Netherlands, the Act of 4th May 1950 deals with the setting up of Works Councils but it is also closely related to the question of the general organisation of the economy.

2.9 In the countries with nationalised and planned economies, such as the U.S.S.R. and other countries of this group trade union Works Councils or Committees have been formed by legislation. But these Councils differ from their counterparts in private enterprise economies mainly in their responsibilities and in their relationship with the unions.

2.10 In Czechoslovakia for instance, Works Councils have been set up under a Decree issued on 24th October 1945 in all establishments employing more than 20 workers. The unified trade union organisation has the sole right to put forward a list of candidates and also complete control over the holding the elections, finances etc.

2.11 Under the Act of 2nd July 1950, the Workers' Councils in Yugoslavia (the membership of which varies from 15 to 120) are elected by workers who have signed a contract of employment with the undertaking and also by the technical, engineering and other staff. The management Committees made up of between 3 and 11



members are elected by the Workers' Councils from among the employees of the undertaking. The manager of the undertaking is appointed by the management Committee of the association grouping a number of undertakings or, if no such association exists, by the appropriate Government agency. The manager is, ex-officio, a member of the management Committee. These Committees are generally responsible for seeing that the regulations regarding industrial relations, salaries and wages, promotion, safety, social insurance and the improvement of the workers' living standards are properly carried out.

2.12 Works Councils in Poland were set up under the Decree of 6th February 1945. In practice, however, those Committees were incorporated in the trade union organisation, in which they functioned as the "basic units" and their statutory duties of safeguarding the workers' interests remained a dead letter. However, the recent indications are to explore the possibility of increasing the powers of the Works Councils so as to implement the Decree once more and to enlarge its scope in certain respect.

#### *Composition of the joint bodies.*

3.1 In the majority of countries, legislation or regulations governing the setting up of Works Councils prescribe a minimum number of employees above which an establishment is required to set up such a Council. In Austria for example, a Works Council is elected in any undertaking in which at least 20 workers are employed while the number stipulated in countries like Germany, Czechoslovakia, and Poland are over 20 workers. In the Netherlands the law lays down a minimum of 25 workers, whereas in Sweden and Italy the minimum fixed is over 25 workers. In establishments employing 50 workers or more while the number in U.K. is over 50. In Poland, the law allows workers' management Committees to be set up in all undertakings provided that not less than 50% of the wage earners approve the idea.

#### *Structure*

4.1 The structure of Works Councils also varied from country to country. In some countries they are composed of workers' delegates while in others they are joint bodies. Their structure also may vary from one plant to another within the same country in accordance with the proportion of wage earners to the total number of employees.

4.2 In Austria and the Federal Republic of Germany the Works Councils may only include representatives of the workers. In Austria, the law specifies that in undertakings employing more than 50 workers separate Works Councils for the wage earners and for the salaried employees should be set up if each of these two groups comprises 20 persons or more.

4.3 Similarly, the internal Committees in Italy consist of only the workers made up of representatives of the technical and clerical staffs and of the wage earners elected separately by direct secret ballot by all the work people whether they are members of a trade union or not.

4.4 In Belgium, France and the Netherlands the law required Works Councils to be joint bodies, although there may not be as many employers' as workers' representatives. Works Councils in Belgium are composed of the head of the business and one or more delegates appointed by him together with a number of staff delegates.

The number of staff delegates may be between 3 and 14 depending on the number of working-people. The number of seats allotted to the workers' and salaried staff's delegates also depends on the relative strength of these two groups.

4.5 In France the Works Council includes the head of the business or his representative and a delegation of employees. Delegates are elected from lists submitted by the organisations that are most representative of each category of employees. A system of representation by occupation is adopted. The allocation of seats to different categories of employees and the division of the work people into voting groups is settled by the management with the trade unions concerned. If the manager fails to convene a meeting of the Works Committee in time, the latter may, at the request of workers' representatives, be convened by and meet under the Chairmanship of the Labour Inspector.

4.6 A similar position exists in the Netherlands where the manager in addition to his being a member is also the Chairman of the Council. The Council comprises members varying between 3 and 25, elected by the wage earners.

4.7 In Poland, the law stipulates at least 2/3 of the members of the workers' management council must be chosen by secret ballot from among the workers themselves. The manager is, ex officio, a member of the council but cannot be elected Chairman or Vice-Chairman of the Council.

4.8 In Finland, Works Councils consisting of two employers' representatives, 3 workers' representatives and one representative from the salaried staff are formed in establishments where the number of man hours worked during a single year does not exceed 240,000. In establishments where this limit of working hours is exceeded, the Council is composed of 3 employers' representatives, 5 workers' representatives and two representatives of the salaried staff. The Chairman of the Works Committee is elected by the Committee and chosen alternately, each year, from among the representatives of management and those of the staff. A Secretary is also elected by the Committee from among the members representing the staff.

4.9 In Canada and Israel the productivity Committees are joint bodies, the representatives from each of the groups of management and workers' being equal. The wage earner representatives are elected solely by the workers (secret ballot in the case of Canada) while the management representatives are appointed by the management (by the senior executives and foremen in the case of Canada). In Israel every Committee elects two Chairmen, one from each group who take it in turns to preside. These two Chairmen with the existence of the Secretary, handle the Committee's business between meetings and supervise the work of sub-committees.

#### *Role of Trade Unions in the formation and functioning of joint bodies*

5.1 In many countries, irrespective of whether the Works Council are set up by agreement or law, trade unions take part in the appointment of members, (although in some cases once the Councils has been elected it is completely independent of the Unions). Close collaboration between the unions and the Councils takes place at all times, particularly if the unions are strong and have a large membership in the undertaking concerned.

5.2 In Sweden only trade union members are entitled to take part in the election of workers' delegates. This, however, does not apply if more than half the workers in the plant are not unionised. As regards salaried employees if not less than three-quarters of them employed in an undertaking are affiliated to the Confederation of Salaried Employees' Organisations, only those who are trade unionists are entitled to vote in the election of their representatives; if the proportion is less all salaried employees are allowed to vote.

5.3 In France, and Belgium, the workers' delegates on a Works Council are elected by a system of proportional representation from lists drawn up by the organisations considered to be most representative of each category of workers. (In Belgium these bodies are the nationally federated inter-occupational organisations with not less than 100,000 members or 5% of the labour force of the particular undertaking). Further, in France the workers' organisations which are recognised as representative in each undertaking are allowed by law to appoint one delegate (who is an employee of the undertaking) to sit on the Council in an advisory capacity.

5.4 A similar procedure is followed in the Netherlands, where the members of Works Councils (excluding the Chairman) are elected from one or more lists of candidates submitted by the union or unions designated for this purpose.

5.5 In Canada although the wage earners' representatives on the joint production Committee are elected by secret ballot by the employers, they may be appointed by the unions wherever this practice has got the approval of both the workers and management. In addition, the president of the union is often allowed to attend meetings of these joint Committees.

5.6 In the Federal Republic of Germany, a delegate from a trade union represented on a Works Council, may, at the request of a quarter of the Council's membership attend meetings in an advisory capacity.

5.7 In Australia, a somewhat different system is found. The Works Council is composed of a Chairman (who is also the manager of the plant), a trade union representative from each of the six departments in the plant, the union Secretary (who is also the secretary of the Council) and six workers' representatives selected by the management, together with the training officer as joint Secretary.

5.8 In Italy, elections of internal Committee members and factory delegates are managed by the trade unions.

#### *Functions of Works Committees*

6.1 Works Councils are generally responsible for putting forward the workers' view before a decision is taken by the management. Depending on the countries and the regulations in force the functions of these Councils range from social questions (Welfare) to technical and economic matters. Frequently, it has been considered best to limit the scope of councils to matters of joint interest not covered by collective agreements and in such cases the councils are advisory bodies pure and simple.

6.2 **Social functions:** Chiefly, the Works Councils are concerned with social matters like welfare facilities, amendments of labour laws or regulations, hirings and dismissals, resolving industrial disputes by conciliatory methods etc. Generally with the exception of a few countries like France, Austria and Federal Republic of Germany these councils do not deal with the wage

questions and other working conditions. In U.K., Sweden and Israel, the joint Committees deal with various aspects of welfare and working conditions (heating, ventilation, lighting etc.), vocational training questions, the personnel department and the prevention of accidents and also with such technical matters as the improvement of production methods, the raising of productivity, organisational methods, automation etc. The Works Councils in U.K. are purely advisory bodies and the final decision rests with the management. In Austria, Belgium and France law provides that workshop or working regulations or plant rules may not be issued or amended without their approval. These countries have also the right to manage or share in the management of welfare facilities provided by the undertaking for the benefit of the workers or their families. The Councils in Belgium also discuss the general criteria for hiring and dismissal of workers. In Italy too, the internal committees discuss plant regulations with the management before they came into force. Here any proposal to dismiss workers through a falling off in business or a re-organisation must be notified to the Committee with full reasons thereof, and the matter thereafter is discussed with the management. In the event of any disagreement the matter is submitted to the appropriate bodies for investigation. In some countries like the Federal Republic of Germany and the Netherlands, the Councils are responsible for ensuring that social legislation and collective agreements are carried out. In these as well as in some other countries like Japan, Finland, Italy and Switzerland they also make the first attempt at conciliation. In the Federal Republic of Germany no large-scale hirings or dismissals may take place without the Works Councils being consulted. In Austria, the Works Councils are entitled to establish welfare funds (this includes all funds to improve the well-being of the workers and their families) and to administer them without interference. In the Netherlands they take part in the running of welfare facilities attached to the undertakings. Also, the Councils should first be notified about the establishment or termination of each wage earner's contract despite the Councils' opposition. If the employer terminates the contract it may appeal to the conciliation office and by virtue of its right to a share in the management can even suspend the decision of the employer to close down the plant until a ruling is obtained from the State Economic Commission.

**6.3 Technical functions :** The technical responsibilities assigned to the Works Councils cover safety and production and productivity. These functions are however discharged purely in an advisory capacity. In the Federal Republic of Germany, the Councils must be allowed to express an opinion, wherever safety devices are introduced and whenever an inquiry is held in the case of an accident. Here as well as in Finland the Councils co-operate with employers and labour inspectors in enforcing the safety regulations. Similarly, in the Netherlands Works Councils are responsible for seeing that the laws and regulations for the workers' protection are observed and that the facilities provided in the interests of safety and health and hygiene are maintained in good order. In Canada, Norway, Israel etc. the Councils are called production Committees which are mainly intended to secure the expansion of production and the raising of productivity. Works Councils in Sweden not only express their views on system of organisation and planning for optimum production but also hold a watch over all technical and economic

matters. In the Netherlands and Finland they suggest ways and means of improving technical and economic efficiency for intensifying production. Austrian Works Councils may make suggestions to the management regarding improvements in equipments. In France, the Councils examine any suggestions for increasing output put forward by the management or workers, while in Italy they give suggestions for increasing productivity.

6.4 **Economic functions:** Many countries have taken steps to give Works Councils some voice in the internal administration and in some cases in the management of the undertakings in the belief that workers have a vital stake in the efficiency of the undertakings. In France the powers of the Works Councils in respect of economic matters are purely advisory. They must, according to the law be consulted over matters affecting the organisation, management and general running of the undertaking. They must also be informed of the profits earned and in cases of some companies (with limited liability) they can also make suggestion as to the uses to which these profits should be put. In Belgium and Sweden the management must supply the Works Councils with full information on the financial results of the business. In the Federal Republic of Germany, joint economic Committees made up of between four and eight members (with at least one member from the Works Councils) are set up in factories with more than 100 workers. These Committees discuss manufacturing and working methods, production schedules, the financial position of the business, the state of output and sales etc. In Austria, a Works Council by virtue of its right to a share in the management, is entitled to make proposals to the management in the interests of the economy as a whole as well as of the plant and its workers.

7.1 **Assessment—Extent of Success:** In the Federal Republic of Germany and the Scandinavian countries the Works Councils operate to general satisfaction and seem to have become a permanent feature of the industrial scene. In Canada and Finland these Councils have given encouraging results and satisfaction to all parties. Their number is also on the increase. In U.K. although joint consultation at the plant level is ineffective sometimes the Works Councils are encouraged as the experiment is considered to be an excellent way of educating trade union leaders in the techniques of administration. Although joint consultation has become a widespread practice in an ever-increasing number of countries and has generally proved itself worthwhile, a number of snags have been struck over in the establishment of these councils and the way in which they discharge their duties. The dangers of keeping the workers informed fully about the state of business are exaggerated in some countries. In this account the Belgium manufacturers' Federation have taken the line that the Works Councils would have been more effective if their powers had been freely negotiated in each undertaking with the law being applicable only in the event of disagreement. On the other hand, the Belgium Trade Union movement is not satisfied with the powers granted to the Works Councils or the scope of the joint consultation.

7.2 In France, Works Councils are undergoing a critical period. The commonest attitude is sheer apathy and it is hard to find men now to stand as candidates for the Works Councils. Sometimes they seem to have been shunted into a siding and by



wasting their time in futile efforts, have incurred the contempt of the workers whom they are supposed to be representing. The reasons for this deplorable condition are to be found mainly in the psychological atmosphere. In many cases the managements deliberately try to ham-string the councils and discourage them. In some cases, failures have also been attributed to the fact that many of the employers do not even know how to take the chair at a meeting and when they are asked to supply the information, give it in a language which is over the workers' heads.

7.3 In some countries like Australia trouble has been caused by the fact that the wage earners and salaried staff took part in the work of the same council.

7.4 Paradoxical as it may seem, co-operation at the plant level is viewed with suspicion and disfavour in those countries where the trade union organisations are weak through fear of their losing control over the workers whose difficulties could be largely solved through the Works Committees, etc. Where trade unionism is well founded, the Works Committees receive better treatment at the hands of the unions.

#### **INTERNATIONAL STANDARDS RELATING TO WORKS COMMITTEES ETC.**

8.1 The expansion in the use of joint consultative machinery at the plant level led the International Conference to adopt a Recommendation (No. 94) in 1952 concerning consultation and co-operation between employers and workers at the level of the undertaking. This Recommendation stipulates that Works Committees, etc., should deal with matters of mutual concern to the employers and workers but not within the scope of collective bargaining machinery or not normally dealt with by other machinery concerned with the determination of terms and conditions of employment.

8.2 The question of bipartite co-operation at the unit level has also been discussed by several of the I.L.O. industrial Committees. It has been recognised that bodies for consultation and co-operation should have the essential function of increasing understanding of each other's points of view between all parties in the undertaking on a basis of real equality. Also, the successful functioning of the Works Committees etc., depends on the willingness of the management of undertaking to inform the joint body at regular intervals regarding the activities of the undertaking, future plans and provide the joint body with general information about the economic and the technical situation of the undertaking.

8.3 Whole no comprehensive list of the functions that could be assigned to joint consultative bodies has been drawn up by the I.L.O., the following subjects have been considered suitable for consideration by these bodies :—

- (a) information on general problems which have an influence on the operation of the undertaking;
- (b) information on the employment situation;
- (c) conditions in the plant, such as ventilation, lighting, noise, temperature, factory hygiene;
- (d) amenities, such as rest rooms, health services, housing, canteen services, recreation;
- (e) safety and accident prevention;



- (f) vocational training; and
- (g) measures for increasing efficiency.

8.4 Recently, the International Labour Office had called for detailed information from Member States regarding the extent to which the principle of co-operation at the level of the undertaking is being followed. This information, which would be useful as guidance material will become available sometime later.

## APPENDIX II

### CRITICAL ANALYSIS ON THE FUNCTIONING OF THE WORKS COMMITTEES IN THE PUBLIC SECTOR

The provisions of Section 3 of the Industrial Disputes Act, 1947 empower the appropriate government to direct (by general or special orders) that works committees will be constituted in any industrial establishment in which 100 or more than 100 workmen are employed or have been employed on any date in the preceding 12 months. In so far as public sector undertakings falling under the Central sphere are concerned, orders have been issued in the case of the following to set up Works Committees:-

- (i) The three Major Ports — Bombay Port Trust, Madras Port Trust and Commissioners of the Port of Calcutta.
- (ii) All industrial establishments in the public sector falling under the Central sphere (other than Government Railways, mines, oil fields and major ports).
- (iii) Industrial establishments in the mines falling in the public sector.
- (iv) Banking and insurance companies (falling under the public sector) having branches in more than one State provided substantial proportion of employees working therein apply for the formation of works committees. The Chief Labour-Commissioner (Central) has been empowered to exercise his discretion whether to order formation of works committees or not.

2. In order to assess and examine critically the functioning of the works committees in these public sector establishments, a questionnaire was prepared and issued to them through the Regional Labour Commissioners. Replies were received from 161 public sector undertakings falling in the Central Sphere. A major portion of these public sector undertakings is under the administrative control of the Defence Ministry and the remaining are under the administrative control of the Ministry of Food & Agriculture, Irrigation & Power, Finance, Works, Housing & Supply, Communications and Health etc.

Amongst the three major ports, works committee has been set up only at Madras. In Bombay and Calcutta, the Port authorities have expressed their inability to set up these committees in view of the prevailing labour conditions and apathy amounting to opposition from the trade union organisations concerned. The question of exempting them from setting up works committees, is already re-

ceiving the attention of the Ministry of Labour & Employment. Works committees are also not functioning in any of the banking or insurance organisations belonging to the public sector as no request was received from the employees working in these organisations for the formation of these committees. The analysis given below therefore pertains to 161 public sector undertakings falling in the Central sphere and it excludes the undertakings referred to above.

3. *Size of the Undertaking and the Works Committees:*

The majority of the establishments from which replies have been received employ more than 500 workers and in more than 25% of the establishments, the workers employed were more than 2,000. From the reports received, it has been observed that the successful working of the works committees is in no way interdependent on the number of workers employed in any establishment. It depends more or less on the keenness of interest evinced by the representatives of both sides, i.e., the workers as well as the management and the size of the establishment has practically no bearing on the interest taken by the parties concerned in the successful working of the committees.

4. *Composition of Works Committees:*

Rule 39 of the Industrial Disputes (Central) Rules, 1957, provides that the number of representatives of the workers on these committees will not be less than the number of representatives of the management and that the total number of members shall not exceed 20. No restriction, however, has been placed in the rules, on the management's representatives being less in number than the representatives of the workers. In 9, i.e., in about 6% of the establishments (out of the total of 161), it was observed that the representatives of the management were less in number than that of the employees. The main reason usually given for this disparity in number was shortage of adequate number of officers in these establishments. The disparity in some cases is reported to have given rise to certain practical difficulties such as election of Chairman and Vice-Chairman as well as Secretary and Joint Secretary of the works committees. In accordance with Rule 51 of the Industrial Disputes (Central) Rules, 1957, the offices of Chairman and Vice Chairman are not to be held by the representatives of the employers or workmen for two consecutive terms and similarly the offices of Secretary and Joint Secretary are not to be held by the representatives of the employers or workmen for two consecutive years. This inter-change is not possible in the installations where there is only one officer.

5. *Frequency of the meetings of the Committee.*

In accordance with the rules, the meetings of the works committees are to be held once in a quarter and more frequently if possible. On the whole it was noticed that the meetings were being held once in a quarter in almost all establishments except in a few cases, the number of which was limited to 3%. The reasons which have been furnished for irregularity in holding the meetings are:-

- (i) non-submission of agenda by the representatives of workers as well as management.
- (ii) lack of quorum.
- (iii) administrative difficulties such as lack of space, holidays etc.
- (iv) absence of representatives of both the sides on account of

various reasons including misunderstanding among the parties concerned.

With a genuine goodwill and desire to ensure that the works committees are functioning successfully, these difficulties could be easily met.

#### 6. *Minutes of the Works Committee*

There is no uniformity in the system of maintaining the Minutes of the committee meetings. Where the committees are active, minutes are written in an elaborate manner but in cases where the committees are more or less inactive, the minutes are written, it appears, only to meet the requirements of the law. They do not furnish details of the issues under discussion nor the arguments advanced by both the parties are incorporated therein. In a very few cases, the minutes contain questions put up by the representatives of the workers and answers given by the representatives of the management. Thus there is enough scope for improvement in this connection.

#### 7. *Subjects discussed in the meetings:*

The functions of the works committees, in accordance with the Act, are to promote measures for securing and preserving amity and good relations between the employers and workmen and to that end to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters. The Act as well as the Rules are silent as regards the exact matters which are to be discussed by these committees. In the Defence Installations, through administrative directives, effort has been made to give guidance to these committees as regards the subject matters to be discussed therein but in other installations falling in the public sector, no such guidance is available to the members of these committees. This lacuna, many a time, furnishes a fertile ground for disputes when workers insist on discussing certain items in these meetings which the management regards as purely managerial functions such as matters of discipline etc. It has been noticed that managements are usually reluctant to suggest any item in the agenda by themselves. The workers' representatives, on the other hand, try to bring in all sorts of issues in the agenda which leads to a clash between the representatives of the two sides. There is a marked tendency among the representatives of the workers to regard works committees as something like Municipal Councils wherein they could ask questions or criticise the administration. This attitude on the part of workers' representatives, often results in misunderstanding being caused which once established is rather difficult to remove. A lot, therefore, depends on the attitude and the frame of mind not only of the workers' representatives but the management-members of the committee as well. The workers' representatives generally tend to regard these committees as a platform where they could grab and seize all advantages they can instead of securing just remedies for the really aggrieved workers. The management's side, at times, fails to understand the difficulties of the worker-members of the committees who have to stand pressure from a large number of workers especially when there are a number of grievances. In the event of their failing to represent these grievances adequately, they lose the confidence of the workers who had elected them. It has often been suggested that the scope of these committees should be properly defined under the Act while some are of the opinion that a healthy tradition should be established as regards the subject matters

to be discussed in these committees and these should be left to be decided upon mutually by both the parties.

(a) The items which are suggested by the workers' sides generally relate to their difficulties such as conditions of service including working hours etc. A list of subjects generally brought forward for discussion by the workers' representatives is given below:-

Grant of loans, holidays, advance payment of wages before important festivals, improvement of quarters, recreation and medical facilities to employees and their families. Protective clothings, payment of bonus and leave with wages, promotion of good relationship, matters of general welfare, labour welfare fund, measures against illiteracy, announcement through loud-speakers, hot weather requirements, labour union office, construction of canteen service, training in first aid, medical examination of workers, water supply, purchase of games material, market rates, improvement in working environments, cinema Projectors, electrification of quarters, small pox vaccinations creches, transport facilities, cheap grains etc.

(b) The subject matters referred to the committee by the representatives of the managements were as under:-

Discipline and punctuality, industrial relations, adjustment of surplus personnel, welfare amenities, medical facilities. Promotion of amity, subjects covering moral and social education, health, sanitation etc. National Savings Certificates, Co-operative society, financial aid to sports clubs from Welfare Fund, Award of prizes to outstanding candidates in training schemes, service conditions, etc.

(c) The items which were considered as ultra-vires by the managements and on which discussion was usually not allowed, were as under :-

Wrongful termination of services of workers. Investigation in disciplinary cases, confirmation, higher pay and special allowances, provision of clerical staff in L.O.'s office, representations, trade tests by workers, question of pay scale, discussion on wage rates.

#### 8. *Decisions and Conclusions reached in the Committee:*

The study revealed that in approximately 60% of the undertakings, decisions reached were usually unanimous. Most of these decisions pertained to the matters which were within the administrative control of the Head of the Establishment concerned. In nearly 48% of the undertakings, as many as 90% of the decisions arrived at were implemented within a reasonable time. In as many as 33% of the undertakings, the average time taken to give effect to the decisions or recommendations of the works committees was less than one month. It was also noticed that decisions are given effect to fairly quickly except on certain major issues requiring Government sanction. In 53% of the Establishments, certain decisions taken remained unimplemented due to the reasons stated above. Many of the recommendations of the committees had to be referred to higher authorities or Ministries with the result that the sanction as well as implementation were unduly delayed. Policy matters could not either be decided or implemented for a long time. The reasons which are generally furnished for delay or non-implementation of the decisions are summarised below :-

(a) matters involved huge financial out-lay.

- (b) non-availability of raw materials which are generally imported and non-availability of building materials.
- (c) lack of co-operation, friction and local politics in a few cases.
- (d) matters beyond the financial or administrative powers of the Head of the Establishment.
- (e) procedural difficulties.

In 81% of the Establishments, no difficulty, procedural or otherwise, was encountered in the smooth functioning of the works committees. Procedural difficulties generally arise due to vagueness of the scope of the works committees, controversy regarding the powers given to the Chairman to disallow certain items, inclusion of a certain item in the agenda, holding of works committee meetings without proper notice or circulation of agenda, opposition of trade unions to the inclusion of certain items in the agenda.

9. *General difficulties.*

General difficulties reported during survey in the smooth functioning of these committees were as follows: -

- (i) lack of appreciation on the part of the management and workmen's representatives of the functions and significance of the committees.
- (ii) illiteracy and lack of understanding amongst the workers especially those employed in backward areas.
- (iii) disinclination of workers' representatives on the works committee to participate in the deliberations of the committee.
- (iv) workers expect too much out of these representatives and they being unable to deliver the goods become unpopular and are not inclined to serve on the committees.
- (v) lack of co-operation and in some cases even opposition of the trade union leaders to the constitution and the functioning of the works committees. They fear that their representative character will cease if works committees function. There have also been instances wherein it was reported that the trade unions regarded works committees as their rivals.
- (vi) opposition of trade unions towards the formation of works committees due to inter-union rivalry.

10. *Factors responsible for successful functioning of works committees.*

Factors which were found helpful for the successful functioning of works committees were as under: -

- (i) existence of co-operation and cordial relations between the workers and managements and also with the trade unions.
- (ii) sympathetic attitude by the managements especially in encouraging workers to put forward their grievances and suggestions.
- (iii) foresight of the managements in having prior consultation with the works committee before bringing any changes in respect of welfare, service conditions etc.
- (iv) higher educational standards amongst the workers.
- (v) model constitution and bye-laws for the works committees have been framed.

11. *Sub Committee of the Works Committees.*

In a majority of the Establishments, sub-committees of the

works committees were set up. These included canteen committees, production committees, welfare fund committees, estate advisory committees, Standing sub-committees to scrutinise the agenda of the works committees. Besides these, certain other committees also appear to have been set up on an *ad hoc* basis and these were Vanamahotsava sub-committee, Rate control committee, Puja committee etc. It was also observed that these sub-committees are generally formed by the works committees which are running smoothly. In establishments where there has been misunderstanding and consequent friction in the works committees, efforts to form sub-committees could not succeed. In most of the cases these sub-committees did not have equal number of representatives of the management and workers.

12. *General Remarks.*

(i) In an appreciably large number of public sector undertakings, inter-union rivalry has not affected the smooth working of the works committees. This is perhaps due to the fact that in these undertakings usually one union is recognised and therefore the unrecognised unions, if any, often have ineffective existence.

(ii) In private sector undertakings, the officers in charge of Establishments have usually wider administrative and financial powers but in the public sector undertakings, the powers delegated to those officers are limited. Whenever proposals made by the worker-members of the committee are reasonable, the officer-in-charge, installations in the public sector agree with them and recommend the same to the higher authorities for their sanction and implementation. This involves considerable time lag and at times the proposals recommended by these officers are not sanctioned by the higher formations or Ministries. This causes disappointment and frustration amongst the workers.

(iii) As the scope of the works committees has not been adequately defined either in the Act or in the Rules, certain limitations are often placed by the managements on the items to be brought forward for discussion. This has given rise to a persistent demand on the part of the worker-members of the committees that the scope of this committee should be properly defined and more latitude allowed to them to discuss problems concerning conditions of work, pay scales and other terms and conditions of service.

(iv) The greatest measure of success amongst the public sector undertakings has been achieved by the Defence Installations in the formation of works committees. Much of this success is due to the cadre of Labour Officer which was established in these undertakings much earlier. As most of the Defence undertakings are located outside the urban areas, the scope for improvement and for adoption of welfare measures was considerable and the representatives of the workmen as well as management were not found lacking in utilising the same.



### APPENDIX III

## DRAFT MODEL PRINCIPLES FOR REFERENCE OF DISPUTES TO ADJUDICATION

#### A. Individual disputes.

Industrial disputes raised in regard to individual cases, i.e., cases of dismissal, discharge or any action of management on disciplinary grounds, may be referred for adjudication if there is a *prima facie* case of—

- (1) victimisation or unfair labour practice,
- (2) that the standing orders in force have not been properly followed or that the principles of natural justice have not been followed, and
- (3) the conciliation machinery reports that injustice has been done to the workmen.

In all the aforesaid cases, however, if there is *prima facie* evidence to show that the workmen concerned have resorted to violence or otherwise committed a serious breach of the Code of Discipline, then adjudication may ordinarily be refused.

#### B. Collective disputes.

No dispute may, ordinarily, be referred for adjudication—

- (1) Unless efforts at conciliation have failed and there is no further scope for conciliation and the parties are not agreeable for arbitration.
- (2) If there is an illegal strike or lockout or a strike or lockout resorted to without seeking settlement by constitutional means and without proper notice, unless such strike (or direct action) or lockout, as the case may be, is called off.
- (3) If the demand relates to a claim for wages for the period of a strike, or the demand is such, which following judicial decisions the Tribunals have consistently refused to concede, e.g. the demand about recognition of union.
- (4) If in respect of demands other legal remedies are available, i.e., matters covered by the Factories Act, Workmen's Compensation Act, Minimum Wages Act, etc.
- (5) If the matters in dispute are pending before a Committee appointed by Government.

II. In ordering adjudication the following factors will be taken into account:—

- (1) The reasonableness of demands and their justiciability.
- (2) The repercussion on the other units of the same industry or allied industry.
- (3) The capacity of the industry to pay or accede to demands like increased wages, etc.
- (4) The standing of the union raising the dispute and the strength behind the demands.

#### Note:

It will be useful if 'norms' are laid down with regard to various conditions of service, welfare provisions, etc., in industries. They will be of help in deciding whether a particular dispute should or should not be referred to adjudication.

## **ESSENTIAL READING FOR TRADE UNIONISTS**

1. Crisis and Workers by S. A. Dange—Price : Rs. 2.00
2. A Question to Trade Unions on ESI, PF and Pension Schemes (Report of the Study Group on Social Security and other material) —Price : Rs. 1.50
3. Handbook of Tripartite Agreements—Price: Rs. 1.50
4. General Report at Ernakulam by S. A. Dange —Price: Rs. 1.25

(Postage extra)

**ALL INDIA TRADE UNION CONGRESS**  
4 Ashok Road, New Delhi

New Age Printing Press, Rani Jhansi Road, New Delhi 1.

EXPRESS NEWSPAPERS EMPLOYEES' STRUGGLE

Memorandum To The Indian Labour Conferencd,  
Madras --- July 27 - 29, 1959

On behalf of the 700-odd employees of the Express Newspapers Private Ltd at Madras, who have been conducting a struggle for over three months now against the splitting up of the company and against the illegal lockout declared by the management, I beg to submit the following for consideration by the Indian Labour Conference at its Madras session:

I am enclosing copy of a statement submitted by us to the Labour Ministers of States who met in conference in this City on July 25 and 26; the statement contains the origins of the dispute between the management and the employees of the Madras establishment of Express Newspapers and also deals with the fundamental problems posed by the struggle of the Express employees.

I submit that these questions (vide page 3 of the enclosure) must be considered earnestly by the Conference as they are of vital import to the working class in India as also to the future of industry in India.

It is prayed that the Conference should consider whether any employer ~~should~~ should be allowed to have the right to socially irresponsible control over an industrial establishment and over the rights of hundreds of workers; whether an employer can break up an establishment into a number of small ones with a view to depriving the employees of the benefits of employment under a prosperous company; what steps should be taken to prevent the resort by adventurist employers to the weapon of "closure" with a view to coercing employees to surrender their rights.

It is also prayed that the Conference should advise the State Governments and the Central Government on effective steps to make the management of Express Newspapers Ltd come to a fair and reasonable settlement with their employees at Madras.

*C.N. Chittaranjan*  
Convener,  
Joint Action Committee,  
Express Employees' Union and the  
Madras Union of Journalists.

Madras,  
27th July 1959.

EXPRESS NEWSPAPERS EMPLOYEES' STRUGGLE  
ENTERS FOURTH MONTH

---

The struggle of the employees of Express Newspapers Private Ltd enters the fourth month on July 27.

The origin of the struggle is to be found in the entire past of the Express Newspapers Private Ltd in relation to its employees. It is to be found in the breaking up of three unions prior to 1954 and the emergence thereafter of two unions of employees which was not relished by the management. It is to be found in the high level of circulation and revenue and the unconscionably low level of wages. It is to be found in the harassment of the workers and the working journalists which increased towards the beginning of this year. The workers and working journalists in Express Newspapers at Madras are the lowest paid compared to employees in similar other establishments in Madras. Even the small concessions which they obtained at the hands of industrial tribunals they were not allowed to enjoy in peace; they were driven from court to court and from forum to forum. Again, the origin of the struggle is to be found in the threat of closure held out by the management in November 1958 and the unfair and unsatisfactory settlement which was forced on the employees by such a threat.

Till the end of 1957 the total monthly emoluments of over 200 workers ranged between Rs.30 and Rs.45, while the minimum total monthly emoluments of unskilled workers in The Hindu and The Mail ranged between Rs.72 and Rs.80. The employees demanded Dearness Allowance and secured an Award fixing the minimum D.A. at Rs.45. Failing to get a stay of the Award from the Supreme Court, the management circumvented the Award by raising the total wages of all employees drawing less than Rs.60 per month to Rs.60 (Rs.15 basic pay and Rs.45 D.A.), without any regard even to length of service or nature of work. In the case of all those drawing over Rs.60 per mensem, the existing pay was split up into basic pay and D.A. Thus, a clerk drawing Rs.65 was informed that his basic pay had been fixed at Rs.20 and his D.A. Rs.45. Simultaneously with this so-called implementation of the Award, notice of retrenchment was served on 69 employees. When this clear case of victimisation went before the Industrial Tribunal, the management questioned the jurisdiction of the tribunal and obtained stay of proceedings from the High Court. In protest against the dilatory tactics of the management the employees conducted peaceful demonstrations outside the factory premises in October last year. The management issued a notice of closure. Following this the employees were constrained to sign an agreement for a wage increase of only Rs.10 (as against the minimum D.A. of Rs.45 awarded by the Tribunal); it was a 2½-year agreement.

When this agreement was being negotiated, Sri Ramnath Goenka, Chairman of Express Newspapers, sought to introduce a clause enabling the management to shift the Andhra Prabha (Telugu daily) from Madras to Vijayawada; the employees' representatives objected on the ground that unless the terms and conditions on which the employees would be transferred were settled by mutual negotiation there should be no shifting of the newspaper. The Hon'ble Minister who was in charge of the Labour portfolio at that time, Sri M. Bhaktavatsalam, advised Sri Goenka to drop his proposal since that matter would have to be thrashed out fully; he went to the extent of offering his good offices for the purpose. Sri Goenka gave an assurance in the presence of the Minister that the Andhra Prabha would not be shifted to Vijayawada unilaterally without a prior discussion with the Minister and the employees' representatives.

But towards the end of March this year the employees learnt that the management was acting contrary to this assurance and was taking steps to shift machinery and stock to Vijayawada. As soon as they heard of this, the two unions representing the employees---the Express Newspapers Employees' Union and the Madras Union of Journa-

lists---wrote to the Management requesting them to discuss the matter and take the employees into confidence in order to ensure harmonious relations. These letters, dated 31-3-1959, remained unanswered till 20-4-1959, when the Management wrote to say that they had "sold" a part of their business of editing, printing and publishing the Andhra Prabha daily and the Andhra Prabha Illustrated Weekly to the Andhra Prabha Private Ltd., Vijayawada, and that the new company had agreed to take all the staff that was felt necessary, and that when arrangements were finalized the employees concerned would be finalized.

The Andhra Prabha Private Ltd was a "nominal company" whose control vested in the Goenka family; the share-holders of the company were Sri Bhagwandas Goenka, son of Sri Ramnath Goenka, and another, a name-lender. This was part of the attempt of the Express Newspapers Private Ltd to split up the company into smaller units in order to thwart and defeat Parliament's decision and Government's efforts to fix fair rates of wages for working journalists. The company, with a capital asset of over Rs.200 lakhs, was sought to be split up into eight or nine small companies. An attempt was made in Bombay, and it succeeded; it was tried in Madurai, and it succeeded. The pattern was to transfer only certain rights to the new companies, keeping the most lucrative and advantageous sources of income in the hands of Express Newspapers Ltd. The new companies would have little assets and little or no capacity to pay decent wages to any of the employees. The significance of this will be clear when it is stated that there has never been any scale of pay for the non-journalist employees numbering about 600. As for the working journalists, even the meagre increments in the scales of pay introduced in 1952 were not given regularly. The motive behind the split-up was to place the working journalists in the lowest possible classification, resulting in a wage freeze for several years to come; it was also to effect retrenchment by the backdoor.

Since the desire of the employees to have these matters settled by mutual negotiation did not find reciprocity, and since Sri Goenka refused to appear before the Commissioner of Labour for a discussion, the employees were constrained to go on strike on 27th April 1959. It was a total strike. Sri Goenka, who is reported to have told the Labour Commissioner over the telephone that he would be able to bring out the newspapers with the help of "150 loyal workers", found that he had with him only about a dozen men who cannot do any useful work in a newspaper establishment. "The Hindu" dated 28th April carried an advertisement signed by the Managers of the three newspapers which stated that "due to circumstances beyond our control, we are unable to bring out" the day's edition of the three newspapers. Further efforts to enlist black-legs proved futile, and Sri Goenka played his trump card by announcing the next day that the three newspapers and the allied weeklies had been "closed down". On April 30 the Government passed orders referring the dispute for adjudication and prohibiting continuance of the strike and the lock-out. The employees thereupon called off the strike, while the management moved writ petitions in the High Court and obtained stay of the Government's orders.

Since then, the employees have been conducting their momentous struggle to establish that no employer has the right to socially irresponsible control over an industrial establishment and over the rights of hundreds of employees. This struggle has been most peaceful throughout these three months. Those in charge of the Government in Madras State as well as in Andhra Pradesh are in sympathy with the legitimate demands of the employees of Express Newspapers. The struggle has the support of all trade union organisations irrespective of affiliations, and of all political parties. It also has widespread sympathy and support among the general public.



The management of Express Newspapers Ltd have suffered heavy loss in the course of these three months. Their plan to make the employees surrender by starving them out has misfired; their move to start the Andhra Prabha as well as an edition of the Indian Express at Vijayawada in order to defeat the Madras employees has been blocked; their efforts to mislead the advertisers and others by pretending to sell the stale Madurai editions of Indian Express and Dinamani in areas covered by the Madras editions have been fruitless; their attempt to enjoy the same newsprint quota as before has been foiled.

There is no doubt that Sri Goenka wants to restart the newspapers in Madras, but he is unable to reconcile himself to a fair and reasonable settlement with the employees. In the earlier stages of the present struggle Sri Goenka told the Chief Minister of Madras that if the latter wanted it he would reopen the establishment. But in recent days he appears to have had it conveyed to the Chief Minister that he would be willing to reopen the establishment only if 47 employees were kept out. The Chief Minister has made it clear that there cannot be any settlement on the basis of victimisation but that he is willing to lend his good offices to bring about a settlement in respect of the demands of the employees. Sri Goenka has not so far responded to this offer from the Chief Minister.

Sri Goenka has not paid heed to the advice of the Chief Minister; he has not responded to a joint statement issued by leaders of political parties in the State; he has not been moved by the peaceful demonstrations by workers of Madras City.

The main demands which form the basis of the struggle of the Express employees are: 1. Express Newspapers Private Ltd should continue to publish all the newspapers at Madras as before; 2. If, however, shifting of Andhra Prabha to Vijayawada becomes necessary, it should be published by Express Newspapers Private Ltd; 3. While the rates of wages fixed by the Wage Committee should be implemented in the case of working journalists, the wages of all the other employees should be fixed at a level comparable to the scales of pay obtaining in The Hindu and The Mail; 5. In case any newspaper is transferred to Vijayawada, the employees concerned must be paid a reasonable outstation allowance as provided for in the Standing Orders of the company. Once these basic demands are conceded, the other outstanding issues can be easily resolved by direct negotiation.

It will be noticed that the questions raised by the struggle of the Express employees are basic ones affecting the entire working class in India. The questions are:

1. Does any employer have the right to socially irresponsible control over an industrial establishment and over the rights of hundreds of employees?
2. Can an employer break up an establishment into smaller ones, thus jeopardising the future of the employees, without their having any say in the matter?
3. Can an employer close down an establishment as and when he pleases? Can he be permitted to lockout the employees indefinitely in order to bring them to their knees?

The employees of Express Newspapers at Madras have given their emphatic "no" to these questions. They are confident that the same answer will be given by the Government and the people of this country. They are determined to continue the struggle till a just and fair settlement is reached.

While the struggle will continue to be intensified, the employees have always been and are even now ready for a negotiated settlement on the basis of their legitimate demands.



Governments, State and Central, functioning under the Constitution of India, are wedded to the policy of securing social justice. Ensuring security of service and fair wages are among the aims of Government.

In this context, the basic problems posed by the three-month-old struggle of the Express employees in Madras demand immediate attention. It is incumbent on Government to find effective solutions to these problems.

It is fortunate that the Labour Ministers of all the States are meeting in conference in Madras City at such a time, under the chairmanship of the Union Labour Minister, Shri G.L.Nanda. We urge the Labour Ministers to devote thought to these problems and find solutions.

We would also appeal to the Labour Ministers to take such decisions and such steps as may be necessary to strengthen the hands of the Government of Madras in their efforts to bring about an amicable settlement leading to the reopening of the Express Newspapers at Madras.

Madras,  
25th July 1959.

*C. V. Chatterajam*  
Convener,  
Joint Action Committee,  
Express Newspapers Employees Union  
& Madras Union of Journalists.

---

ALL INDIA TRADE UNION CONGRESS.

VIEWS OF A.I.T.U.C. ON GOVERNMENT LABOUR POLICY AT

17th I.L.C - MADRAS.

1. The papers prepared by Government for this conference completely shut their eyes to certain pressing problems affecting the workers, though these problems dominated the Nainital Conference and continue to remain acute as before. At Nainital every delegation raised the question of closures, retrenchment and unemployment. We discussed these problems and Government and employers promised to do certain things. But situation has not improved.

2. True, one Textile mill in Bombay has been taken over since then. But many more units in Bombay and elsewhere remain closed. Large scale retrenchment and rationalisation in Textiles, engineering etc., are taking place, which the employers declare have the consent of the recognised unions of the INTUC as in Bombay and Madhya Pradesh.

3. Several strikes have been taking place on these questions of retrenchment and victimisation of trade union workers. Court judgements permitting dismissals at the sweet pleasure of the employers are evoking protest strikes to defend the rights of the working class. Strike in the Grindlays Bank, the Mahindra concern in Calcutta, Remington Rand, The National Electric and New Era Silk in Bombay, the lockout in the Harveys, the failure to take over Kaleswarar Mills in Coimbatore, show that the Government of India and the State Governments after having debated the question at Nainital, have gone back to their usual position of leaving the workers alone to fight the superior weight of the employers.

4. In this period some wage agreements have been negotiated. The Jamshedpur wage agreement has come out. But even there, the problem of work loads is still unresolved and unless wages and

(Contd.....)

workloads are resolved together, it is useless to expect the workers to settle down to calm work. Workloads and retrenchment in Jamshedpur the failure to evolve proper wages scheme in Burnpur and elsewhere, disturb the Iron and Steel sphere, the most vital one for our economy. Tea Bonus is still unsettled and a Wage Board for Metal and Engineering as a whole is an urgent necessity.

The promises made to appoint the wage boards for industries have been frozen. Even the Pay Commission and the Textile wage Board have been unable to report though a long period, enough to exhaust the patience of the workers, has passed since their appointment.

The Labour Minister Mr. Nanda has personally intervened in the Coal disputes and in the Banking dispute. But such interventions while securing temporary relief, do not make up for a policy as a whole. They become only benevolent exceptions to a bad labour policy, which does not allow urgent questions of life of the workers to be resolved in their favour as a natural result of a correct policy.

The promises made at Nainital and perspectives held before the workers have been belied for the most part. Where small fulfilments have been shown they had to be extracted by prolonged suffering and struggles of the workers.

5. This not only shows the Labour policy of the Government in actual practice, it also shows that what is called PLANNED DEVELOPMENT has no plan, unless all these retrenchments, closures victimisations, and lockouts are a part of the "PLAN" of the Government and the employers for better Development of the profits of the Gentlemen of enterprise.

(Contd.....)

6. Not content with the position in which the employers aided by the Government machinery are launching offensives against the workers, it seems in this conference, the Government has put forward an agenda on Industrial relations, which is calculated to hamstring still further the freedom of the workers and their trade Unions.

The proposal to give unheard of powers to the Registrar of Trade Unions, that is Government Officials, over the Organisations of trade unions, is the most reactionary proposal on the agenda. He is no more a mere Registrar. He is to be the Supreme Maker and Unmaker of trade Unions. He is to judge how many and where the workers should have unions or not. In one state he is even given the power to dismiss and decide the Office bearers of the Union. Very soon it will not be the workers, who will be running the unions, but the nominees of the Government or its party. So long it was done behind the back of the workers. Now it is proposed to be done with the sanction of the law. We refuse to accept this position. All these proposals of enhancing the powers of the Registrar or keeping his Veto on the Unions must be scrapped in toto.

7. The Government of India has not been able to compel observance of the code of discipline by the employers, by the State Government or by its own Ministries. The Unions of the AITUC particularly have not reaped a single benefit under the code. And there is the most flagrant case on record, where the Secretary of the Union of Employees of Audit and Accounts has been dismissed on charges, one of which is that he submitted memo to the Pay Commission of the Government of India, and suggested curtailment of the authority of his employer (immediate boss). We need not cite further facts which are too numerous to be quoted here.

8. The experience of the working of the code shows that the majority of the employers and the State Governments as also Ministries of the Government of India are not prepared to honour the

(Contd.....)

Code. Hence the AITUC thinks that the code of discipline be suspended until the employers and Governments come in the proper mood to work it -- and that the AITUC be allowed to withdraw from its obligations, where the employers and states do not reciprocate and adopt a policy of special discrimination against AITUC. To begin with AITUC will like to opt out <sup>of the code in</sup> the Bihar, Madhya Pradesh and Bombay.

9. The Government of India compels the workers to subscribe Crores of Rupees to ESI. In spite of the promises, it has failed to provide hospitalisation, care of the families of the insured and enhancement of the employer's contributions. Provident fund monies of the workers are known to have been swindled by lacs. In Madhya Pradesh alone about Rs.50/- lacs have been so swindled. So is the position in Bombay and elsewhere. Several Governments have been abetting this position and workers in need do not get relief. And yet this open daylight fraud is not nailed down by confiscating the concerns involved in it. Where is Morality, Democracy and observance of law and the code of discipline in all this?

10. The AITUC has always held that compulsory recognition of trade unions is a vital necessity in India, and that in order to decide which union has the workers' support and is representative a secret ballot of the workers is the only correct method. Both these demands have been refused by the Government. Ballot is regarded as the most Democratic method in the Political field. Then why is it denied in the Trade Union field? The verification method is one sided and is heavily loaded on the side of the Government, and the employers and their supporters. The very fact that Unions of the INTUC or those recognised by the employers alone can collect subscription money in the factory handicaps the others in making rolls and registering fully paid membership. Over and above this some of the verifying officers are subjected to influences hostile to the AITUC.

(Contd.:.....)



Compulsory recognition of Trade Unions and ballot to decide their representative character are the absolute preconditions for peace in industry and better industrial Relations. These two measures will bring about a fundamental change in the situation and help the economy and the working class to go forward.

11. We have made the above remarks on some of the problems before us in general, because they embrace the most important aspects of any progressive labour policy.

For over 40 years, since the workers began to act in defence of their interests and formed mass unions, the Government and the employers have been avoiding direct collective bargaining between the unions and the employers. There has been a consistent attempt to interpose some other agencies between the workers right to collective bargaining and the employers who as a class the world over have always resisted direct negotiations with and recognition of trade unions. The Congress Ministries with their avowed adherence to Socialism have not followed a different path. Even where they agreed to give bargaining right and recognition it is offered in exchange for surrender of some fundamental rights as shown in that new breed of unions called 'approved unions'. Hence for the last ten years there has been continuous arguments about all kinds of Tribunals, arbitration boards, conciliation machineries, appeals and so on. The present Tripartite has again all of these question on the Agenda. We hold that unless a clear cut socialist policy of labour is adopted and unless compulsory recognition of Trade Unions, Collective bargaining and ballot are introduced, no amount of tribunals, boards, and bans on this and that will lead to a satisfactory solution. However we will give our views on the various proposals in <sup>a</sup> general way.

3.3. We endorse the provisions for the ballot in the Kerala Industrial relations bill.



4.3 Since only a Committee is to be appointed to once more discuss the works committee nothing need be said. The employers do not want the works committee, nor do the Government concern. We want works committees to have more powers and we want them as elected committees. The works committee in principle must so evolve as to be the basis of Socialist Management in the future set up.

5.2 Agreements, negotiated and signed by any union must be submitted for ratification, in the first instance, to the executive committee of the Union and in case of sharp differences to the General Body of the Union. Where 15% of the workers affected by an agreement negotiated by a union object to or demand amendment of the agreement, which must in all cases be publicised before the workers in all suitable ways, the union shall take steps to call the General Meeting of the workers affected if it is an establishment and an elected delegates meeting or the elected works committees of all the establishments in the Industry if the agreement covers whole Industry, to ratify, amend or reject the agreement and the union thereupon shall carry out the decision of such a meeting. In the absence of such ratifications the agreements will not be binding on the workers, for the mere fact that it has been negotiated and signed by the Union whether representative or not.

6.2. Arbitration boards may be instituted to which recourse may be had by either party to dispute of their own free will. The Government should have no discretion to judge the merits of the case and then grant or withhold reference to arbitration.

(Contd.....)

7.3 We do not want to adopt any "Model Principles" as such to predetermine the reference of disputes to adjudication. If the adjudication machinery is to exist it must be available fully and freely to the Trade Unions. The present Veto exercised by the Government on such reference and their tampering with the issues framed by the workers must be done away with. The Government are known to exercise their Veto and powers to the detriment of Unions whom they dislike and to the benefit of employers whom they favour.

8.1. The labour appellate tribunal as such need not be revived because that would be no cure to the appeals sent up to the Supreme Court unless Industrial disputes are banned from the purview of the Supreme Court. The element of delay and costs also affected the L.A.T. when it existed. We would suggest that all High Courts, institute an Industrial Bench in their jurisdiction in which the Judges should make themselves versed in all questions affecting Industrial disputes as such, besides common law and Industrial law.

9.3. The Madras Government proposal be endorsed. All the three fears expressed in 9.2 are groundless.

10.3. If the Central Government acts quickly and takes over the disputes to a national tribunal the difficulty can be overcome. But in the absence of such a decision by the Central Government the present power of reference to local tribunal should remain.

(b) 11.4. The A.I.T.U.C., is of the opinion that we have come to a stage where unions in certain sectors, of our economy can find enough cadres and leadership to manage all their affairs, provided the Union Leadership is guaranteed protection from the victimisation in any form. No union functionary should be dismissed, discharged or transferred during his occupancy of the union post. Secondly no dismissed or discharged worker shall be considered as an outsider for the Unions of his industry or trade.

(Contd.....)

Thirdly one fourth of his working time shall be available to the Office bearer for his trade union work. Only Unions in an industry like coal mining, plantations and Class IV employees are not yet in a position to contribute suitable cadres for specialised sides of Trade Union work, such as correspondence drafts of agreements, contract work etc., for which outsiders are required by them. Hence the AITUC is prepared to discuss which industry or trades can even now be urged to accept a total elimination of outsiders, if the other national Trade Union Centres would agree, and the employers and the Government would provide the above Guarantees.

11.5 Yes; annas four may be made the minimum.

11.6 Registrars' powers be curtailed even as at present and some decentralisation may be done.

11.7 No powers of this type be given.

11.8 No power of this type be given.

11.9 The power exists and may be continued.

11.10 Even the suggestion is preposterous.

As the Government is aware and frankly shows it in its memorandum, all these powers, existing or proposed are against the spirit of the freedom of Organisation guaranteed under the Constitution.

The failure of the Government to ratify the ILO convention No.87 on this subject is a serious breach of democratic behaviour and the Governments duties to the Constitution. That the Government of India did not consult the Tripartite Conference on the question of its refusal to ratify the convention should be taken note of by this conference. Curtailment of the freedom of association even with the concurrence of representative organisations is impermissible. And this is specially so when the Government's criteria to determine the representative character of an organisation, is of a partisan type and is worked by itself with partiality

(Contd.....)

To be substituted for Appendix VII of Memorandum on item No.5 regarding proposal to revise the rates of compensation in the Workmen's Compensation Act, 1923, circulated vide this Ministry's letter No.LC-9(1)/59 dated 3-7-59 to all State Governments etc. 7

Lump-Sum Compensation Converted into Monthly instalments payable for 15 years, interest Compounded annually at the rate of 3%.

	On Death			Monthly Wage-Group	Lump Sum	On Total Permanent Disablement							
	Monthly for 15 years.	Lump Sum				Monthly for 15 years and thereafter till life, when the age of disablement is							
	(Rs)	(Rs)	(Rs)			20	25	30	35	40	45	50	55
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	
1.	3.44	500	0-10	700	2.81	2.95	3.11	3.30	3.52	3.76	4.02	4.27	4.48
2.	3.79	550	10-15	770	3.09	3.24	3.42	3.63	3.87	4.14	4.42	4.69	4.93
3.	4.13	600	15-18	840	3.37	3.54	3.74	3.96	4.22	4.51	4.82	5.12	5.38
4.	4.34	630	18-21	882	3.54	3.72	3.92	4.16	4.43	4.74	5.06	5.38	5.65
5.	4.96	720	21-24	1008	4.05	4.25	4.48	4.76	5.07	5.42	5.79	6.15	6.46
6.	5.58	810	24-27	1134	4.55	4.78	5.04	5.35	5.70	6.09	6.51	6.91	7.26
7.	6.20	900	27-30	1260	5.06	5.31	5.60	5.94	6.33	6.77	7.24	7.68	8.07
8.	7.23	1050	30-35	1470	5.90	6.19	6.54	6.94	7.39	7.90	8.44	8.96	9.41
9.	8.26	1200	35-40	1680	6.74	7.08	7.47	7.93	8.45	9.03	9.65	10.24	10.76
10.	9.30	1350	40-45	1890	7.58	7.96	8.40	8.92	9.50	10.16	10.85	11.52	12.10
11.	10.33	1500	45-50	2100	8.43	8.85	9.34	9.91	10.56	11.29	12.06	12.80	13.45
12.	12.40	1800	50-60	2520	10.11	10.62	11.21	11.89	12.67	13.54	14.47	15.36	16.14
13.	14.46	2100	60-70	2940	11.80	12.39	13.07	13.87	14.78	15.80	16.88	17.93	18.83

⊙ If lump sum payment is doubled, the monthly payments will also be doubled.

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
14.	16.53	2400	70-80	3360	13.48	14.16	14.94	15.85	16.89	18.06	19.29	20.49	21.52
15.	20.66	3000	80-100	4200	16.85	17.69	18.68	19.81	21.12	22.57	24.12	25.61	26.90
16.	24.10	3500	100-200	4900	19.66	20.64	21.79	23.12	24.64	26.34	28.14	29.88	31.38
17.	27.55	4000	200-300	5600	22.47	23.59	24.90	26.42	28.15	30.10	32.16	34.14	35.86
18.	30.99	4500	300+	6300	25.28	26.54	28.01	29.72	31.67	33.86	36.18	38.41	40.35

Handwritten text at the bottom of the page, possibly a signature or note, written in a cursive script.

## Note on WORKERS' EDUCATION SCHEME

This note seeks to set ~~up~~ briefly the progress made so far in implementing the Workers' Education Scheme.

1. The first phase of the Scheme was to recruit and train a cadre of Teacher-Administrators for distribution over different regions of the country for the purpose of training of Worker-teachers through the medium of regional languages. 45 suitable candidates from the different regional language areas were selected through advertisement. In addition to these candidates, the All India Workers' Organisations sent in 74 trainees. The course was formally inaugurated in Bombay on the 16th May, 1958. The candidates were given intensive training for a period of six months. In the course of training, debates, seminars and visits to the factories were also organised so as to enable the trainees to acquire the requisite background and derive the maximum benefit from training. The training course for Teacher-Administrators was completed by the middle of December, 1958.

2. In the meantime, arrangements were made for the setting up of the Central Board for Workers' Education, as recommended in the Report on Workers' Education. This Board was registered as a Society under the Societies Registration Act XXI of 1860. The Constitution of the Central Board for Workers' Education was notified in December, 1958. The Board held its first meeting on the 20th December, 1958 and all work in connection with the administration of the Workers' Education programme has been transferred to it.

3. The second phase of the programme viz. the training of Worker-Teachers is under implementation. The Board has made arrangements for the training of worker-teachers which will be of three month's duration and there will be 25 trainees in each batch. They will be selected from among workers nominated by trade union, if any, attached to the factory concerned. Employers will pay the trainees their full wages during the training course. Arrangements have since been completed for the training of Worker-Teachers in the following ten centres:

- |                |                    |
|----------------|--------------------|
| i) Indore      | vi) Bangalore      |
| ii) Calcutta   | vii) Bombay        |
| iii) Hyderabad | viii) Nagpur       |
| iv) Delhi      | ix) Kanpur, and    |
| v) Dhanbad     | x) Alwaye (Kerala) |

4. The Centres at Indore, Delhi, Calcutta, Dhanbad and Hyderabad have already been started functioning. Arrangements are under way for opening centres at Bombay, Kanpur, Bangalore, Nagpur and Alwaye (Kerala). At every Centre there is a Local Committee consisting of representatives of workers, employers and educational bodies and Government, which is closely associated with the work of the Centre.

5. The response from employers and the trade unions has been encouraging. But in certain places some temporary difficulties were experienced over the disinclination of the employers to pay release-time wages to the Worker-Teachers Trainees for the period of training. These difficulties are in the process of being got over. It will be recalled that by virtue of the

Contd.....



acceptance of the recommendations of the Team of Experts at the 15th Session of the Indian Labour Conference, employers have accepted this liability in regard to release-time wages.

6. The Central Board has also completed arrangements for the training of another batch of Teacher-Administrators which is expected to start in Calcutta shortly. After the training of these candidates it is proposed to (a) strengthen the existing centres and (b) open more Centres.

7. The third phase of the programme is for the Worker-teachers to go to their factories and conduct programmes and classes for the rank and file. The four Teacher-Administrators attached to each Centre will help in organising and generally supervising this work. This phase will start as soon as the first batch of Worker-teachers completes the training.

Government of India  
MINISTRY OF LABOUR & EMPLOYMENT.

\*\*\*\*\*

A meeting with the representatives of All India Trade Union Organisations was held at 3 P.M. on 21st March 1959 in the Labour Minister's room to discuss certain issues arising out of the verifications of trade union membership for the year ending with 31st March 1958. The following representatives of the Trade Union Organisations were present:

- (1) Indian National Trade Union Congress - Sarwashi Ram Singh Bhai Verma, M.P. and N.K. Bhatt.
- (2) All India Trade Union Congress. - Shri K.G. Srivastava.
- (3) United Trade Union Congress. - Shri Pratul Choudhry.

No representative was deputed by the Hind Mazdoor Sabha to attend the meeting.

2. The Labour Minister at the outset gave detailed background leading to the decisions reached at the Nainital Conference with regard to the verification of trade union membership and the criteria laid down for recognition of trade unions. He stated that some difficulties had arisen and there was some misunderstanding amongst some of the parties with regard to the revised procedure for verification which has been adopted following the decisions reached at Nainital. Some had objected to the results obtained through the present process of general verification being utilised to consider the question of acceding recognition to individual trade unions. He therefore felt that if there was anything which required elucidation or further consideration, the same could be discussed. He invited the representatives of the Trade Union Organisations to state if, in the light of the experience so far gained, they would like to suggest any clarification or re-adjustment of the procedure of verification of trade union membership.

3. A number of issues were then taken up for discussion and it was unanimously decided as under:-

(1) As the present verification was being done on the basis of test check and random sampling, the results obtained through this general verification process, should be utilised only for purposes of giving representation to the Central Trade Union Organisation on the international and national councils, conferences and committees.

(2) As regards counting of membership of those who had paid at least 3 months' subscription during the period of 6 months ending with 31st March 1958, it was decided that since this method of counting membership has so far been followed, the same should be continued for purposes of general verification for the year ending with 31st March 1958. As the unions would require some time to adjust to this system of counting membership and to amend their constitutions accordingly, their membership for purposes of verification for the year ending with 31st March 1959, should be counted on the basis of the unions' constitutions as was the practice in respect of verification prior to 1958 i.e. the rule regarding payment of at least 3 months' subscription during the last 6 months should not be insisted upon unless the same was incorporated in the Union's constitution.

(3) Where a dispute arises about strength of membership for recognition of individual unions, verification on an ad hoc basis will have to be carried out. The procedure of verification

in such cases will be the same as that of general verification except that it will naturally be a detailed check. The machinery to be utilised for this purpose in the case of unions falling in the Central Sphere will be the same i.e. the Central Industrial Relations Machinery. In the case of unions falling in the State Sphere, the same procedure may have to be followed and the State Government Machinery will be responsible for verification.

(4) If in any State, statutory provisions for according recognition to the trade unions exist, the same will continue to apply for purposes of recognition.

(5) As the results of general verification were to be utilised only for purposes of giving representation to the All India Organisations on international and national councils, conferences and committees, the elaborate procedure outlined in the revised verification procedure forwarded with this Ministry's letter No. IC-37(2)/58 dated 31--7--1958 will not be necessary. Objections received after circulating the verified lists amongst the four All India Organisations will be placed before a Committee composed of one representative each of the four All India Organisations. This Committee will try to resolve the disputes and if there are any unresolved matters, these will be referred by the Chief Labour Commissioner to the Ministry of Labour & Employment. Paragraphs 5 & 6 of the revised procedure referred to above will be deemed to be modified as follows:-

"Objections received will be placed before a Committee composed of one representative each of the four Central Trade Union Organisations. This Committee will meet under the chairmanship of the Chief Labour Commissioner or his representative. All the objections raised will be taken into consideration by the Committee and efforts will be made to resolve the disputes. Such of the disputes which this Committee fails to resolve will be reported along with the necessary particulars to the Ministry of Labour and Employment."

# WORLD FEDERATION OF TRADE UNIONS

---

## PRESS COMMUNIQUE

### FOR THE INDEPENDENCE OF THE CAMEROONS

As the 13th session of the United Nations' General Assembly will open on February 20 in order to decide on the future of the two parts of the Cameroons, the Secretariat of the W.F.T.U. sent a letter on February 14 to the Secretary General of the United Nations, Mr. Dag Hammarskjöld. It is pointed out in the letter that the British and French authorities are pursuing their attempts to stifle the legitimate desire of the Cameroons workers and people for the independence and unification of their country to be granted in accordance with the democratic rights and freedoms recognised by the United Nations Organisation. Despite the efforts of the United Nations who have examined the problem of the Cameroons on more than one occasion and have conducted several inquiries, no satisfactory solution has been found up to present, unfortunately, the letter observes.

'On the eve of the 13th session of the United Nations General Assembly', the W.F.T.U. writes, 'the trade unions and popular organisations of the Cameroons, in particular the Cameroons General Confederation of Labour (affiliated to the W.F.T.U.), have put forward a number of unanimous demands which we fully uphold. These are for the immediate proclamation of a general amnesty in the Cameroons; an end to persecutions; the release of imprisoned workers and patriots; freedom for exiled patriots to return to their country, recognition by the British and French governments of the independence and unification of the two parts of the Cameroons; full respect for democratic freedom and trade union rights.'

'The World Federation of Trade Unions asks the United Nations General Assembly to follow the spirit of the Charter of the United Nations and the Universal Declaration of Human Rights and take decisions that will serve the interests of the Cameroons workers and people who realise that better living conditions and social progress depend above all on the question of their national independence finding a solution.'

On the same date the World Federation of Trade Unions wrote to the Cameroons General Confederation of Labour in connection with the Day of Solidarity for the Cameroons on February 20, decided upon by the Accra Conference. The letter expressed fraternal greetings and sincere sympathy to the C.G.C.L. and to the workers and people of the Cameroons who are fighting for national independence.

'The W.F.T.U.', says the letter, 'welcomes the increasingly active role played by the C.G.C.L. in this fight for national independence and for the unity of the Cameroons people. It commends the efforts of the C.G.C.L. and all Cameroons trade unions to strengthen their mutual understanding and arrive at unity which will mean further success for the cause of the Cameroons' workers and people. The W.F.T.U. is convinced that these efforts will conform not only to the interests of the people of the Cameroons but to those of the working class of all countries who are struggling against common exploiters.'

Issued by the Press Dept.  
of the W.F.T.U.

February 16, 1959

No.89

# Letters from the Directorate

**Corrections to Code Book-Validity of-For purposes of departmental Examinations.**

*No. 1/6/58-Exam dt. 31.1.59.*

Reference this office letter No. 1/6/58-Exam, dated the 25th July, 1958 on the subject noted above.

2. It had been announced in the letter under reference that the correction slips issued upto the date of announcement of an examination would be considered valid for setting the questions and valuing the answers given by the candidates in all the forthcoming departmental examinations announced thereafter. Instances have come to the notice of the Director General where the candidates have taken this to mean that only the corrections issued in printed form upto the date of announcement of the examination would be considered valid for the purpose in departmental examinations.

2. The matter has been reconsidered, and it is now clarified for the information of all concerned that the intention of the term 'corrections issued' as used in the above cited letter, is that all amendments issued not less than three months before the date of announcement of an examination and notified in the Director General's Circulars will be taken into account, and not only those for which 'correction slips' have been issued in printed form.

*R-III/45(Exam)/Rlg*

**Grant of special pay to Steno typists when Class I divisions are in charge of Class II officers temporarily.**

*No. IR. 29-U-P&A I/59 dt. 6-2-59.*

With reference to your letter No. R-III/3(Spl)/Steno dt. 8.1.59, I am directed to say that a reply was already given in this office letter No. 6-4/58-P&A dated 4-12-58(copy enclosed for ready reference).

*R-III/3(Spl)/Setno*

**Grant of special pay to steno-typists when class I divisions are in charge of class II officers temporarily.**

*No. 6-4/58 dated 4.12.58.*

With reference to your letter No. R. III/3(Spl)/Steno dated 10.7.58, I am directed to say that the points raised by you have been fully considered. It is regretted that Sbrri Venkatasman cannot be granted special pay for the period from 7.10.55 to 12.12.55.

**Stoppage of special pay for unhealthiness of the localities in Mysore.**

*No. 30-18/58-P&A dated 31.1.59.*

I am directed to refer to your letter No. F/12

(ULA)/Mysore dated 25.6.58 on the above subject, and to say that necessary instructions have been issued to the Postmaster-General, Madras, for restoration of special pay to the P&T Staff working in the 5 localities after ascertaining from the State Government that they continue to be unhealthy.

*E. III/5(CA)/ULA*

**Confirmation Examination of Clerks/sorters—Eligibility of Officials to appear at.**

*No. 63/25/58-SPB dated 27.1.59. from DG P&T to All Heads of Circles and Administrative offices.*

I am directed to say that according to rule 2 of the P&T Manual Vol. IV as it existed prior to 1952 both departmental and outside candidates appointed as time scale clerks on probation were required to pass the confirmation examination within two years of their appointment on probation. As the confirmation examination is held twice a year these officials were required to pass the examination in four chances within two years. In 1952 quasi permanent clerks and departmental candidates promoted to clerical grade on regular basis were also allowed to take the confirmation examination within the same number of four chances. Such officials were required to avail of the chances consecutively i.e. the number of chances in their cases was to commence from the 1st examination in which they wished to appear.

2. Subsequently the number of chances was increased from 4 to 6 vide this office Memo. No. SPB-20-176/54 dated 2nd November, 1954 and 3rd May, 1955. Rule 2\*3 of the P&T Manual Vol. IV was also revised vide this office endorsement No. 3/1/57-SPB dated the 23rd April, 1957 and according to it all candidates (departmental and outside) appointed as time scale clerks or sorters in any branch of the department were required to pass an examination and they would not be eligible for being declared quasi-permanent or for eventual confirmation in that grade unless they passed the examination in addition to fulfilling any other prescribed conditions. According to the instructions contained in this office Memo. No. 63/10/57 SPB dated 15th June, 1957 if any candidate could not avail of the six chances available subsequent to his appointment due to circumstances beyond his control, and the Head of the Circle was fully satisfied about the genuineness of the case, the missed chance would not be set off against the permissible chances.

3. As a result of various concessions granted from time to time as referred to above, it has become somewhat difficult to determine accurately the number of chances actually availed of by a candidate and to indicate as to how many chances are still due to him.



# New Recognition Rules

[Ministry of Home Affairs Notification No. 24/22/57-Ests (B) dated 3.3.59].

In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, and with reference to rule 4(B) of the Central Civil Services (Conduct) Rules, 1955, the President hereby makes the following rules, namely—

## THE CENTRAL CIVIL SERVICES (RECOGNITION OF SERVICE ASSOCIATIONS) RULES, 1959

1. **Short title :** These rules may be called the Central Civil Services (Recognition of Service Associations) Rules, 1959.

2. **Definitions :** In these rules, unless the context otherwise requires.

(a) "The Government" means the Central Government ;

(b) "Government servant" means any person to whom the Central Civil Services (Conduct) Rules, 1955 apply.

(c) "Service Association" includes a Federation or a Confederation of Service Associations.

3. **Service Associations already recognised :** A Service Association which has been recognised by the Government before the commencement of these rules in respect of which the recognition is subsisting at such commencement, shall be deemed to have been recognised by the Government under these rules and shall continue to be so recognised until the recognition is withdrawn under rule 7.

4. **Conditions for recognition of Service Associations :** No Service Association shall be recognised by the Government after the commencement of these rules, unless all the following conditions are satisfied, namely :

(a) An application for recognition of the Service Association is made with all the information relevant for such recognition ;

(b) The Service Association is formed primarily with the object of promoting the common service interests of its members ;

(c) Membership of the Service Association is restricted to a distinct category of Govern-

ment servants having such common interests, all such Government servants being eligible for membership of the Service Association ;

(d) No person, who is not a Government servant is connected with the affairs of the Service Association ;

(e) The executive of the Service Association is appointed from amongst the members only ; and

(f) The funds of the Service Association consist exclusively of subscriptions from members and grants, if any, made by the Government and are applied only for the furtherance of the objects of the Service Association.

5. **Conditions subject to which recognition is granted :** Every Service Association recognised or deemed to have been recognised under these rules shall comply with the following namely :

(a) The Service Association shall not send any representation or deputation except in connection with a matter which is of common interest to members of the Service Association ;

(b) The Service Association shall not espouse or support the cause of individual Govt servants relating to service matters ;

(c) The service Association shall not maintain any political fund or lend itself to the propagation of the views of any political party or politician ;

(d) All representations by the Service Association shall be submitted through proper channel, and shall as a normal practice, be addressed to the Secretary or Head of the Department or Office ;

(e) A list of members and office bearers, an up-to-date copy of the rules and audited statement of accounts of the Service Association shall be furnished to the Government annually through proper channel after the general annual meeting so as to reach the Government before the 1st date of July each year ;

(f) Any amendment of a substantial character in the rules of the Service Association shall be made only with the previous approval

(Continued on page 48)

13  
21 MAR 1959

# THE CONSTITUTION

Of

## All India R.M.S. Employees Union, Class-III

[Federated with the National Federation of Post and Telegraph Employees and  
Registered under Indian Trade Unions Act, 1926. Registration No. 432]

★

[Amended upto 31st December, 1958 and incorporating  
Rules of Recognition and other Important Rulings  
on the privileges of the Unions.]

★

Central Headquarters,  
"P & T HOUSE"  
9, Pusa Road,  
New Delhi-5.  
31st December, 1958

*Proof*

Name : .....

Branch : .....

Circle : .....

Third Edition

Price : 75 nP

# INDEX

## Important Articles of the Constitution

	<i>No. of Art</i>	<i>Page</i>		<i>No. of Art</i>	<i>Page</i>
<b>AIMS &amp; OBJECTS</b>	3	1	Benefit	11	2
<b>BRANCH UNION</b>			List	83	14
Jurisdiction	58	10	<b>NOTICE</b>		
Structure	59	10	A I.C. and C.W.C.	36	7
Establishment	60	10	Circle Conference & Council	54	9
Recognition	43	7	Branch Meetings	76	13
<b>COMPOSITION</b>			<b>OFFICE BEARERS</b>		
All India Conference	24	4	Number		
Central Working Committee	31	6	Central	25(a)	4
Circle Conference	48	8	Circle	45(a)	8
Circle Council	51	9	Branch	69(a)	11
Circle Executive	50	8	Duties		
Branch Conference	71	12	Central	29	5
Branch Executive	72	12	Circle	46	8
<b>CONSTITUTION</b>			Branch	84	14
Amendment	37	7	Duration	14	2
Interpretation	6	1	Qualification	70	12
<b>DELEGATE</b>			Vacancies		
Number A.I.C.	24(a)	4	Central	35	6
Number Circle	48	8	Circle	53	9
Election	79	14	Branch	85	15
Qualification	80	14	<b>POWERS OF MANAGING BODIES</b>		
<b>DISCIPLINARY ACTION</b>			All India Conference	28	4
Suspension—Branch/Circle	16(b)	3	Central Working Committee	32	6
Suspension—Member	16(d)	3	Circle Conference	45	8
Expulsion	16(e)	3	Circle Council	50	8
Ad-hoc Committee	16(c)	3	Circle Executive	50	8
Fine	16(f)	3	Branch Conference	69	11
No-confidence	17	3	Executive Committee	73	12
<b>DISSOLUTION</b>	19	3	General Body	75	12
<b>EXPENSES</b>	39	7	<b>QUORUM</b>		
<b>FINANCIAL YEAR</b>	13	2	All India Conference	33(a)	6
<b>FUNDS</b>			Central Working Committee	33(b)	6
Investment	10	2	Circle Conference	55(a)	9
Application	12	2	Circle Council	55(b)	9
Donation	9	2	Branch Meetings	77	13
On dissolution	19(b)	4	<b>SUBSCRIPTION</b>		
<b>FEDERATION</b>	5	1	Rate	62	10
Federal Councillor	30	6	Allocation	63	10
<b>HEADQUARTERS</b>			Receipts	64	11
Central Union	21	4	<b>VOTING</b>		
Circle Union	44	7	Central	25	4
Branch Union	68	11	Circle	49	8
<b>MEMBERSHIP</b>			Branch	74	12
Eligibility	7(a)	1	Resolution	18	3
Admission	61	10	<b>INTPTN OF CONSTITUTION</b>		16
Termination	65	11	<b>AMENDMENTS TO CONSTT</b>		18
Re-admission	66	11	<b>APPENDICES</b>		19
Strength	78	13	<b>RULES OF RECOGNITION</b>		21
Rights	8	2	<b>IMPORTANT RULINGS</b>		23
Hony Membership	7(c)	1			

# All India RMS Employees Union Class—III

(Federated with the National Federation of Post and Telegraph Employees and registered under Indian Trade Unions Act, 1926. Registration No. 432)

## CONSTITUTION

### PART I GENERAL

#### 1. Name.

The name of the Union shall be the "ALL INDIA RMS EMPLOYEES UNION-CLASS III."

#### 2. Organisation.

The Union shall consist of Central, Circle, Divisional and Local Branches.

#### 3. Aims and Objects.

The objects for which the Union is established are—

- (a) To safeguard and promote the interests of the members and to get redressal of their grievances.
- (b) To work for the improvement of the service condition.
- (c) To ensure for the members a share in the control and management of the administration.
- (d) To provide assistance to members in distress.
- (e) To promote social, educational and economic uplift of members.
- (f) To conduct one or more journals.
- (g) To co-ordinate the working of the different Circle Branches.
- (h) To do all such other things as are incidental or conducive to the attainment of the above objectives.

#### 4. Registration.

The Union shall be registered under the Indian Trade Unions, Act 1926.

#### 5. Federation.

The Union shall be compulsorily federated with the National Federation of P&T Emp-

loyees and all members of the Union shall be *ipso facto* members of the Federation.

#### 6. Interpretation of the Constitution.

This Constitution shall be construed with reference to the provisions of the Trade Unions Act, 1926. Where the Act furnishes no guidance for the interpretation of any particular Article, the decision of the All India Conference on interpretation of such article shall be final and binding. The Central Working Committee shall also be empowered to give interpretation of such articles. The decision of the Central Working Committee shall be binding unless revoked by the All India Conference.

The General Secretary can also give tentative interpretation of the Constitution to the Branches in case of extreme emergency, which shall be binding unless revoked by the Central Working Committee or the All India Conference.

#### 7. Membership.

- (a) All Class III employees in R. M. S. (excluding Mail Guards) and in P&T Motor Service shall be eligible to membership.
- (b) All office-bearers of the Union shall be members of the Union during their tenure of office.
- (c) Non-employees of the Department and officials of the P&T Department other than those mentioned in para (a) *supra* may be elected as Honorary members by the Branches for one year only by two-third majority of the members present in a General Body Meeting subject to a maximum of 5 members in one year, in accordance with the

provisions of the Indian Trade Unions Act, 1926.

### 8. Rights of Members.

The office-bearers and members shall have the right of inspection of the account books, the register of Branches and membership lists and similar other records and the Treasurer shall give every facility for inspection of the documents when demanded.

### 9. Donation.

The Union may raise voluntary donations whenever it is necessary for specific purposes.

### 10. Investment of Funds.

For safe custody, the funds of the Union shall be deposited in a scheduled Bank or P.O. Savings Bank, Cash Certificates and operated jointly by the Secretary and Treasurer at various levels.

### 11. Conditions of Benefits.

All members shall be entitled to the benefits provided for by the Union as soon as they join the Union. No member whose name has been struck off from the membership register under provisions of the Constitution of the Union, shall be entitled to the benefits of the Union.

### 12. Application of Funds.

The Funds of Union shall be applicable for the purposes of :—

- (a) Payment of salaries, allowances and expenses to officers of the Union.
- (b) Payment of expenses for the administration of the Union including audit of the Accounts of the General Funds of the Union.
- (c) Prosecution or defence of any legal proceedings to which the Union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Union as such or any rights arising out of the relations of any member thereof.
- (d) Conducting of Trade Disputes on behalf of the Union or any members thereof.

(e) Paying compensation to members for loss arising out of Trade Disputes.

(f) Paying allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members.

(g) Issue of or undertaking of liability under policies or assurance on the lives of members under policies insuring members against sickness, accident or unemployment.

(h) Educational, social or religious benefits of the members (including the payment of the expenses of funeral or religious ceremonies for deceased members).

(i) Upkeeping of periodicals published.

(j) Payment in furtherance of any of the objects on which the General Fund of the Union may be spent, or contributions to any cause intended to benefit workmen in general provided that the expenditure in respect of such contributions in any financial year shall not, at any time during that year, be in excess of one-fourth of the combined total of the gross income which has upto that time accrued to the General Funds of the Union during that year and of the balance at the credit of these funds at the commencement of that year.

### 13. Financial Year.

The financial year of the Union shall begin with 1st April and end on the 31st day of March every year.

### 14. Duration of Office.

All office-bearers shall hold office till the next session of the Central, Circle or Branch Conferences, as the case may be.

### 15. Statement of Returns.

Every Circle or Divisional/Local Branch shall submit such statements in such forms and manner as may be prescribed from time to time by the General Secretary, Central Working Committee or the Registrar of Trade Unions.



**16. Disciplinary Action.**

- (a) Branch Unions defaulting payment of quota of subscription to the National Federation, Centre, Circle and Divisional Union or to any one of them for 3 months in a financial year may be placed under suspension till clearance of the dues. The authority to place such Branch Unions under suspension shall be vested with the General Secretary and the Circle Secretary concerned by giving a notice of the fact.
- (b) No Branch Union can be suspended for reasons except what has been mentioned in clause (a) *supra* and for violation of expressed decision of the Circle Union concerned, All India Union and the National Federation. Similarly, no Circle Union can be suspended except for violation of expressed decision of the All India Union and the National Federation. The powers to suspend a Branch or a Circle Union under the provision of this clause shall be vested with the Circle Council, Circle Conference, Central Working Committee and the All India Conference only.

In cases of emergency, the Circle Secretary or the General Secretary may suspend a Branch Union or a Circle Union in between the meeting of a Circle Council, Circle Conference, the Central Working Committee or All India Conference, as the case may be, provided that before taking such action he has given an opportunity in writing to the unit concerned to explain and rectify itself, and shall obtain the ratification of his action either in a meeting or in writing by circulation from the council or the Central Working Committee within 30 days.

- (c) In cases of suspension of a Branch or a Circle Union, as the case may be, *ad hoc* committee at the Branch or Circle level shall invariably be formed by the respective suspending authority for normal and routine works of the Union being carried out and for such

other purposes as may be specified in the terms of constitution of such committees.

- (d) Circle Council or Conference and Central Working Committee and All India Conference only shall have the right of suspending the activities and expelling any office-bearer or members of the Union who shall be furnished with a list of charges in writing and be allowed 14 days' time from the date of receipt of the charges in which to submit the defence. The suspended member shall have the right of appeal from Circle Council to Circle Conference and Central Working Committee and a final right of appeal to the All India Conference.
- (e) The Branch Union also shall have the right to expel any of its members for gross misconduct or other sufficient causes, by a vote of not less than three-fourth of the members present in a General Body Meeting specially convened for the purpose.
- (f) No fines shall be imposed except as provided in the Union's constitution, i.e., in the case of defaulters.

**17. Notice of no-confidence or censures.**

No resolution of no-confidence or censure against any office-bearer or member of the Union may be taken up at any meeting unless 14 days' clear notice specifying the charges shall have been previously given to the office-bearer or member concerned, who shall have the right to submit a defence either in person or by proxy. If the defence is submitted in writing it shall be read out at the meeting by any member whom the defending office-bearer or member may nominate and failing such nomination, by the Chairman.

**18. Voting.**

Save as provided for elsewhere in the articles, resolutions shall be carried by a simple majority vote.

**19. Dissolution of the Union.**

- (a) The Union may be dissolved by a vote in favour of dissolution of 3/4th of



the members of all Local/Divisional Branches, such vote being recorded by ballot.

- (b) The funds of the Union shall be utilised and disposed of in the manner specified when the decision is taken or finalised.

In case, however, there is no such decision the funds of the Union shall be utilised for the benefit of the R. M. S. Employees in Class III, in perpetuity out of the funds, the capital remaining intact.

## PART II. Central Headquarters

### 20. Name.

The organisation at the All-India level shall be called the "ALL INDIA R. M. S. EMPLOYEES UNION-CLASS III (CENTRAL HEADQUARTERS)".

### 21. Headquarters.

The headquarters of the Union shall be located at the headquarters of the P&T Directorate.

### 22. Structure.

Every member of the Union shall be a member of the Centre. Every local divisional and every Circle Branch shall be a Branch of the Centre.

### 23. Management.

The management of the Union shall be vested in the following bodies—

- (a) The All India Conference, which shall be held once a year before the annual session of the Federal Council.
- (b) The Central Working Committee, which shall meet ordinarily once in six months.

A special session of the All India Conference shall be convened as emergencies may require by the General Secretary on the advice tendered by the Central Working Committee.

### 24. All India Conference.

The All India Conference shall consist of—

- (a) Elected delegates representing local/divisional Branches on the basis of one representative for every 50 members or part thereof provided the balance is 25 or more subject to a minimum of one for every Branch.

- (b) Ex-officio delegates, who shall be the office-bearers of the Central Union, Circle Secretaries and Secretary-General, NFPTE.

### 25. Voting.

Each Delegate shall carry one vote. When poll is demanded, voting shall be taken based on the cumulative voting strength of each Circle plus the votes of the ex-officio delegates who shall each exercise one vote.

### 26. Venue of the Conference.

The venue of the Conference shall be the station chosen by the Reception Committee which shall be constituted by the Circle Branch which invites the Conference.

### 27. Reception Committee.

The Reception Committee of the Conference shall be solely responsible for lodging, boarding and reception arrangement and for holding the Conference and all expenses in connection therewith. It shall derive authority from the Circle Branch concerned and shall function under the aegis of the Circle Union and the overall supervision of the CHQ.

### 28. Powers and duties of All India Conference.

The All India Conference shall be the supreme deliberative and legislative body of the Union and shall have absolute control over the affairs and property of the Union. It shall have the following specific powers :—

- (a) To elect the following office-bearers :
- (i) A President
- (ii) A Vice-President
- (iii) A General Secretary, who shall also be the Editor of the Journal.
- (iv) An Asstt. General Secretary.

(v) A Financial Secretary.

(b) To appoint Auditor or Auditors as provided in the Trade Unions Act.

(c) To elect Federal Councillors.

(d) To consider and adopt the Annual Report and audited accounts of the Union.

(e) To adopt the Budget Estimate of the Union.

(f) To effect or ratify changes in the Constitution of the Union in accordance with the Article 37 of the Constitution.

(g) To frame rules and bye-laws for the management of the affairs of the Union at all levels.

(h) To act as a final court of appeal against the suspension or expulsion of any member, local unit or Circle Branch or any employee of the Central Headquarters.

(i) To appoint ad-hoc committee for specific purpose.

#### 29. Duties of the office bearers.

##### (a) President :

The President shall preside over the meetings of the Central Working Committee and the Conference and shall exercise general supervision over the work of the Union.

##### (b) Vice-President :

In the absence of the President, the Vice-President shall exercise all the powers of the President.

##### (c) General Secretary :

(i) The General Secretary shall be the Chief administrative and executive head of the union and shall administer the affairs of the union under the direction of the Central Working Committee and All India Conference.

(ii) He shall carry on all correspondences, convene meetings and implement the resolutions adopted in the

Central Working Committee meeting and Conference and at his own initiative take such action as may be necessary consistent with the principles of the Union.

(iii) He shall maintain a register of the Circle and Branch Unions containing information of office-bearers, membership and financial position.

(iv) He shall be the Editor of the Journal.

(v) He shall be ex officio member of the Circle Executive and shall have the powers to examine the accounts of the Circle Union.

(vi) He shall prepare the annual Report and submit it to the Central Working Committee with the audited accounts and Auditor's reports.

(vii) He shall be empowered to take disciplinary action against the office staff of the CHQ. In case of removal from service, such staff will have the right of appeal to the Central Working Committee.

##### (d) Asstt. General Secretary :

He shall function under the direct supervision and control of the General Secretary.

##### (e) Financial Secretary :

The Financial Secretary shall exercise a general control over the funds and the accounts of the Union. His specific duties shall be as under :

(i) He shall be personally responsible for the funds of the Union and the records pertaining thereto.

(ii) He shall receive contributions, donations and all dues from the local/divisional Branches and others and grant receipts in printed forms for all amounts received by him.

(iii) He shall retain in hand only the amount necessary for current expenditure and deposit and invest the surplus amount in the name of the Union.

- (iv) He shall make payments after getting the vouchers attested by the General Secretary and maintain vouchers for all payments.
- (v) He shall maintain Day Books and other account books and place the accounts every month before the General Secretary for scrutiny, approval and signature.
- (vi) He shall maintain accounts in a manner to show under separate heads the income and expenditure as required in the statements to be submitted to the Registrar of Trade Unions and in such manner as may be deemed expedient.
- (vii) He shall maintain a Register of Branches showing strength of membership and financial position.

### 30. Federal Councillor.

The number of Federal Councillors to be elected shall be in proportion to the strength of membership computed on the basis of average of the amount received by the National Federation of P & T Employees from the branches of the Union during the Financial year preceding that in which the annual meeting of the Federal Council is held.

Federal Councillors shall be elected in the All India Conference on the basis of one for one thousand members upto ten thousands and one for fraction of over 500 and one for every two thousand members above ten thousand and one for the fraction of over 750; subject to a minimum of five Federal Councillors.

### 31. Central Working Committee.

The Central Working Committee of the Union shall consist of the office-bearers of the Central Union and the Circle Secretaries of the Circle Branches. In the event of any Circle Secretary being unable to attend any meeting, he shall be empowered to depute a nominee who shall be an office-bearer of the Circle Union.

### 32. Powers of Central Working Committee.

In between two All India Conferences, the

Central Working Committee shall exercise all powers of the Conference except those mentioned in items (a) to (f) and (h) of Article 28, provided however, that the Working Committee shall not supercede the decision of the Conference, in any matter.

### 33. Quorum.

(a) The quorum for the All India Conference shall be one-fifth of the representatives entitled to be present on the basis of one representative for every 50 members, provided, however, that at least seven Circle Branches are represented.

(b) The quorum for a meeting of the Central Working Committee shall be not less than one-third of its strength provided however, that at least seven circle branches are represented.

No quorum is necessary for an adjourned meeting.

### 34. Channel.

The All India Union shall have right to approach the Director General only on all problems. It shall take up questions on which Governments' decisions are required through the National Federation of P&T Employees.

### 35. Vacancies in elected offices :

If any elected office of the centre falls vacant by death, non-acceptance, resignation, expulsion, or continued absence from office without proper authority for a period exceeding three months or otherwise, it shall be filled by the Central Working Committee in between two sessions of the All India Conference and the office-bearers so elected shall hold office till the next session of the Conference. Vacancies of the Central Working Committee members shall be filled by the Circle Council concerned who shall elect a member belonging to the Union in which the vacancy arose provided, however that in an emergency, nothing in the foregoing shall prevent the Circle Office-bearers from filling up the vacancy subject to ratification by the Circle Council within a period of two months, which ratification may be obtained by circulation.

In the event of the post of Federal Councillors falling vacant due to non-acceptance, resignation, expulsion or death the same may be filled by the Central Working Committee in between two sessions of the All India Conference.

#### 36. Notice of meetings.

Notice of meetings of the All India Conference shall be served at least 30 days before the date of holding of the Conference. Notice of meetings for Central Working Committee shall be served three weeks before the date thereof. For extra-ordinary meetings of the Central Working Committee and special session of the Conference Notice shall be given at least 10 and 15 days respectively prior to the date thereof.

#### 37. Changes in the Constitution.

No amendment to the Constitution shall be carried except by 51% majority of the voting strength of the All India Conference and three-fourth majority of the members present. Amendments for which due notice has not been given shall not be considered unless admitted by a 75% majority of the delegates present.

#### 38. Requisition Meeting.

A special session of the All India Conference shall be held whenever a written requisition for the same is received by the General Secretary signed by at least 50 members representing at least five circle branches. Similarly a special meeting of the Central Working Committee shall be convened if a requisition signed by at least 5 members of the Central Working Committee representing at least 3 circle branches is received. Such Conference or meeting shall be held within a month of receipt of the requisition. The General Secretary failing to convene such meetings, the requisitionists shall have power to hold the same.

39. Expenses.

#### 39. Expenses.

The All India Union shall bear the expenses on T. A. and D. A. for the office-bearers of the Central Union for attending the All India Conference and meetings of the Central Working Committee. The All India Union also shall bear the expenses on D. A. for the Federal Councillors for attending meetings of the Federal Council.

The respective Circle Unions shall bear the expenses on T. A. and D. A. for the Circle Secretaries or their nominees for attending the All India Conference and meetings of the Central Working Committee.

### PART III Circle Union

#### 40. Name.

The organisation at the Circle level shall be called the "ALL INDIA R.M.S. EMPLOYEES UNION-CLASS III,.....CIRCLE BRANCH."

#### 41. Headquarters.

The headquarters of the Union shall be situated at the headquarters of the Circle or at any place as may be chosen by the Circle Conference.

#### 42. Structure.

The Union shall form a constituent Branch of the Centre and shall be composed of divisional/local branches duly recognised. Every

member of the divisional/local branch shall be a member of the Circle Union.

#### 43. Recognition.

Local/Divisional branches shall be recognised by circle branches on expressing agreement in writing to abide by the rules and regulations of the Union as embodied in the Constitution. Circle branches shall be recognised by the Centre on their expressing agreement in writing to abide by the rules and regulations of the Union as embodied in the Constitution.

#### 44. Management.

The management of the Circle Union shall vest in the following bodies :

(a) The Circle Conference, which shall meet once every year before the All India Conference.

(b) The Circle Council, which shall ordinarily meet once in every six months.

#### 45. Powers and duties of Circle Conference.

The Circle Conference shall be the supreme deliberative and legislative body of the Circle Union and shall have absolute control over the affairs and property of the circle union subject to the fact that it is a constituent unit of the centre and to the general control and supervision of the centre save as provided for in the constitution. It shall have the following specific powers :

- (a) To elect the following office-bearers :
  - (i) A President.
  - (ii) Two Vice-Presidents.
  - (iii) A Circle Secretary.
  - (iv) An Organising Secretary.
  - (v) Assistant Circle Secretary or Secretaries not exceeding two.
  - (vi) A Treasurer.
  - (vii) An Auditor.
- (b) To consider and adopt the annual Report and audited accounts of the Union.
- (c) To adopt Budget Estimate for the Union.
- (d) To make rules and bye-laws for the management of the Circle Union not inconsistent with the constitution of the Union.

#### 46. Duties of the office-bearers.

The duties of the office bearers of the Central Union as specified in Article 29 shall apply *mutatis mutandis* in the case of the office-bearers of the Circle Union.

#### 47. Submission of Statement.

Every year immediately after the Conference, the Circle Branches shall furnish to the centre the following statements and records.

(i) Annual Report.

(ii) Audited Accounts and Balance sheet.

(iii) Strength of membership in the circle.

Every circle branch shall submit to the centre a monthly statement of accounts showing income and expenditure of the preceding month.

#### 48. Composition of Circle Conference.

The Circle Conference shall consist of

(a) Delegates representing Divisional/Local Branches in the ratio of one for every 25 members or part thereof provided the balance is 16 or more of respective Local/Divisional branches subject to a minimum of one delegate from each branch. Nothing in the foregoing shall prevent a local branch from deputing more delegates provided that each delegate shall exercise a voting power which shall be the number of votes allotted to local branches divided by the number of delegates including the Secretary representing the local branches.

(b) Ex-officio delegates who shall be the Circle office-bearers.

#### 49. Voting.

The voting strength in the Conference shall be the cumulative voting power of the affiliated local/divisional branches and the ex-officio delegates who shall collectively exercise one-third of the total voting strength of the Branches present in the Conference. In case, where such one-third voting strength confers more than one vote to each ex-officio delegate, they shall each be entitled to exercise one vote only.

Election to all posts shall be conducted by secret ballot, when demanded even by a single member in the manner indicated above.

#### 50. Power of Circle Council.

In between sessions of the Conference, the Circle Council shall exercise all powers of the Circle Conference except election of Circle office-bearers and adoption of annual Report and accounts provided that the Council shall take no action contrary to or inconsistent with the directives of the Conference.



The Circle Office-bearers shall constitute the Circle Executive which will control the affairs of the Circle Union in between the Circle Council/Conference.

#### 51. Composition of Circle Council.

Every affiliated divisional/local branch shall elect representatives to the Circle Council in the ratio of one for every 50 members or part thereof provided the remainder is 26 or more subject to a minimum of one representative for every local/divisional branch. The Circle office-bearers shall be ex-officio councillors who shall carry one vote each.

#### 52. Meeting of the Circle Council.

The Circle Secretary may call for the meeting of the Circle Council whenever deemed necessary. The Circle Secretary shall call a meeting on a requisition being received by him signed by at least one fourth of the total strength of the Council representing at least two local branches, such meeting being convened within one month from the date of receipt of the requisition. If the Circle Secretary fails to convene the meeting of the Council on a requisition in the manner specified being received by him the requisitionists shall be competent to convene the same.

#### 53. Vacancies in elected offices.

If any elected office of the Circle Branch falls vacant by death, non-acceptance, resignation, expulsion or continued absence from office without proper authority for a period exceeding 3 months, it shall be filled by the Circle Council in the absence of a session of the Conference. The office-bearers so elected shall hold office till the next session of the Conference.

#### 54. Notice of Meetings.

Notice of the Circle Conference shall be served at least 21 days before the date thereof; notice of a meeting of the Circle Council shall be served at least 15 days before the date thereof. For special session of the Conference and extraordinary meetings of the Council a notice of ten days and seven days respectively shall be given.

#### 55. Quorum.

- (a) The quorum for the Circle Conference shall be one-fifth of the representatives entitled to be present provided however, that at least 2 local/divisional branches are represented.
- (b) The quorum for a meeting of the Circle Council shall be not less than one-third of its strength provided, however, that at least two local/divisional branches are represented.
- (c) No quorum is necessary for meetings adjourned for want of quorum.
- (d) In the absence of the President or Vice-Presidents, the representatives present at a meeting shall elect one from among themselves as Chairman.

#### 56. Collection and remittances of subscriptions.

The Circle Branch shall render such assistance as may be deemed expedient in devising an efficient machinery for collection of subscription by local/divisional branches. It shall scrutinise the monthly statement of accounts of the centre, compare the names of the local/divisional branches which have remitted or failed to remit dues to the centre and circle branch and take such action as may be necessary to ensure compliance by local branches with Article 63.

### PART IV Divisional/Local Branch Union

#### 57. Name.

The organisation of the Branch Union shall be called the "ALL-INDIA R.M.S. EMPLOYEES UNION-CLASS III..... DIVISIONAL/LOCAL BRANCH."

#### 58. Location.

The headquarters of a Divisional Branch shall be located at the headquarter station of the divisional Head. Where there are more than one Branch at the Headquarters of the



Divisional Head, the question of granting Divisional status to one of the Branches will be decided by the Circle Council.

The headquarter of a local branch shall be located at any station within the jurisdiction of the local branch chosen by the Annual General Meeting of the local branch concerned.

#### 59. Structure.

The Local/Divisional Branch shall comprise of members of the Union.

#### 60. Condition of establishment.

A Local/divisional branch may be formed with at least five members and on a certificate of recognition being duly granted by the Circle Secretary. Such certificate of recognition shall be granted with reference to jurisdiction of the local/divisional branch and on the local/divisional branch expressing agreement in writing to abide by the rules and regulations as embodied in the constitution of the union. The local branches shall be deemed to be affiliated to the divisional branch for the purpose of carrying on correspondences with the divisional head.

Notwithstanding the provisions contained in this article a separate Divisional Branch representing all local branch Unions in a Division may be formed by a decision taken in this respect in the Circle Conference concerned. The Circle Conference shall also be competent to frame rules and bye-laws etc., not inconsistent with the Constitution, on the election and functioning of such Divisional Branch. This provision shall not be applicable in the case of Stationary Divisions.

#### 61. Admission to membership.

A RMS staff in Class III (excluding Mailguards) desiring to become a member of the Union shall fill in, sign and deliver to the Branch Secretary an application in the prescribed form (Appendix 'A') and pay the prescribed entrance fee and subscription. The branch Secretary on receipt of the application, entrance fee and subscription shall admit the applicant to membership provided that it shall be within the discretion of the Executive Committee to reject any application for membership assigning reasons therefor. Member-

ship shall commence from the date of application. A member refused admission shall have the right of appeal to the circle union; the Circle Secretary, Organising Secretary and the Treasurer constituting themselves as the appellate authority. Non-employees of the Department and officials of the P&T Department not eligible to be ordinary members may be elected as Honorary Members by the Branches for one year only by two-third majority of the members present at a General Body Meeting subject to a maximum of 5 members in a year.

#### 62. Subscription.

The Monthly subscription shall be 70 nP only of which 50 nP only shall be for the Union and 20 nP only for the CHQ monthly Journal. Subscription to the journal shall be compulsory for the members. The subscription shall be payable in advance.

Notwithstanding anything contained in the foregoing the Circle Conference shall have powers to prescribe compulsory levy for Circle journals, if any.

#### 63. Allocation of Subscription.

Out of 20 nP collected from each member for the CHQ journal 13 nP shall be remitted to the CHQ and 7 nP retained by the Branch Union and that collected for the Union shall be allocated as between the Federation, Centre, Circle and the Local/Divisional branches in the following proportion :-

Federation	5 nP for every member
Central Union	13 nP —do—
Circle Union	16 nP —do—
Local/Divisional Union	Balance.

Local branches shall have to pay a percentage of their quota to divisional branches as may be mutually agreed upon between local and divisional branches.

It shall be the personal responsibility of the Branch Secretary and the Treasurer to remit quota of subscription to the Circle and Central Unions and to the National Federation by the

10th of the month following that in which the subscription falls due.

#### 64. Receipts.

Receipts in prescribed forms shall be granted for all moneys received showing details.

#### 65 Termination of Membership.

A member's connection with the Union shall terminate (a) on his voluntary resignation by a letter addressed to the Secretary and acceptance of the same by the Executive Committee and (b) on his failure to pay subscription or other dues for 3 consecutive months and who is in arrears for three months in a financial year.

#### 66. Readmission.

A defaulting member shall be readmitted only on payment of a penalty equivalent to the subscription for the period commencing from the date he ceases to pay the subscription subject to a maximum of 12 months' subscription. A member who has resigned shall be readmitted to membership on fresh application to the Executive Committee which shall be empowered to collect, at its discretion, as individual cases may necessitate, subscription for three months. Those whose membership terminate under Article 16 (e) may be readmitted only by a vote of three-fourth majority of the members present at an ordinary General Body Meeting.

#### 67. Transfer Certificate.

A transfer certificate in the prescribed form (Appendix 'B') shall be granted to a member on transfer from the jurisdiction of one Branch to another. A transfer shall be granted to a member only when all arrears of subscription due from him are paid.

#### 68. Management.

The management of the local/divisional Branch shall vest in the following bodies :

- (a) The Branch Conference, which shall meet every year before the Circle Conference.
- (b) The Executive Committee, which shall meet at least once in every two months, and

- (c) The General Body Meetings, which shall be convened as often as necessary.

#### 69. Powers of the Branch Conference.

The Branch Conference shall be the supreme deliberative and legislative body of the local/divisional branches and shall have absolute control over the affairs and property of the local/divisional Branch subject to the general control and supervision of the Circle Branch and the Centre and save as provided for in the articles of the Constitution. It shall exercise the following specific powers of which (a) to (f) shall be non-transferable, the rest being exercised by General Body Meetings or Executive Committee Meetings, as exigencies may require :

- (a) To elect the following office-bearers— President, Vice President or Vice-Presidents, Secretary, Organising Secretary, Assistant Secretary or Secretaries, Treasurer and Assistant Treasurer or Treasurers.
- (b) To elect the Auditor.
- (c) To elect members of the Executive Committee.
- (d) To elect members of the Circle Council.
- (e) To elect Honorary Members, not exceeding five.
- (f) To consider and adopt the annual Report, audited accounts.
- (g) To devise ways and means to implement the Centre's and Circle Branch's policy and directives.
- (h) To inform the Centre and Circle of the grievances and demands of the members.
- (i) To promote by all means within its power cent-per cent membership and efficient administration of the local branch and P&T services.
- (j) To devise an effective machinery by delimitation of zones and appointment of special group representatives or collecting agents as the case may be, to ensure collection of subscription from each and every member.

- (k) To take such action as may be deemed necessary including removal from office of the office-bearers, to ensure compliance on the part of the Secretary and Treasurer with the provisions of Article 63 in regard to remittance of quota of subscription to the Federation, Centre and the Circle Branch.
- (l) To elect the Editor of the Local Journal, if any and
- (m) To do such all other things as may be necessary to propagate the mission of the Union, its aims and objects.

#### 70. Qualification to hold office.

No member who is not on rolls for at least six months prior to the month in which the Conference is held and who is in arrear of subscription on the date of the Conference shall be eligible to seek election to any post of the Union. This restriction shall have nothing to do with non-employees of the department seeking election to the posts of office-bearers or Honorary Members of the Union and in the case of Branches formed within six months.

#### 71. Composition and voting.

The Branch Conference shall consist of the members of the local Branch. A member who is not in arrear of subscription on the date of the Conference shall only be allowed to participate in voting.

Election to all posts shall be conducted by Secret ballot if demanded even by a single member. The procedure for the same shall be decided by the Branch Conference in the manner providing opportunity to all members including those on duty.

#### 72. Composition of Executive Committee.

The Executive Committee shall consist of the office-bearers, the Auditor if he is an employee of the department only and as many representatives as the Conference may prescribe provided however that (a) members working in offices situated outside the headquarters are duly represented in the Committee in such proportion as may be decided upon by the Conference and (b) a minimum of 3 and a maximum of 8 members other than office-bearers shall be elected in respect of branches

whose strength of membership does not exceed 100 and a minimum of 6 and a maximum of 20 shall be elected likewise in respect of Branches whose membership is over 100.

#### 73. Powers of the Executive Committee.

- (a) The Executive Committee shall be competent to decide all questions that may arise in a manner not inconsistent with the Constitution and not contrary to express resolutions of the Conference and General body meetings and in between session of general body meeting shall exercise all powers of the Conference except those specified as non-transferable. All important problems and issues on which wide differences of opinion may arise which are of a controversial nature shall be referred to the general body meetings.
- (b) The Executive Committee shall be responsible for the proper working and management of the Union. In its meeting the Committee shall check the previous accounts. The Committee shall have powers to convene general body meeting.
- (c) The Committee shall after consideration of the annual Report prepared by the Secretary, submit it to the Conference with the audited balance sheet accounts and Auditor's reports.
- (d) The Committee shall prepare a budget for the next financial year and place it before the Conference for sanction.
- (e) The Committee shall function under the general control and direction of the Conference and the general body meetings.

#### 74. Voting.

Each member shall carry one vote, the President exercising casting vote only in case of a tie.

#### 75. Powers of the General Body Meetings

In between sessions of the Conference, the general body meeting shall exercise all powers of the Conference except those specified

non-transferable in Article 69 of the Constitution. Its special responsibilities will be :

- (a) To support and protect the character, status and interests of the members.
- (b) To promote a good understanding between the employees and employer and the better regulation of relations between the officers and officials.
- (c) To work for the uplifting of the several branches of the services, to promote education, and advance efficiency in all its branches so as to secure better prospects, status and treatment for the members of the service.
- (d) To improve the efficiency of the service.
- (e) To secure and establish reciprocal confidence and mutual good-will between all the employees of the Posts and Telegraphs department.
- (f) To adopt all reasonable means in furtherance of the social, intellectual and economic welfare of the members.
- (g) While the primary object and concern will be the protection of the rights, privileges and just claims of its members, it will not operate in rivalry or conflict with other realigned sectional Union, whose objects also are the improvement of the labour conditions ; but, will, as far as possible, co-operate with them in all legitimate and constitutional endeavours directed towards the betterment of Labour conditions in matters of common interest of all Posts and Telegraphs employees.
- (h) To instil a spirit of discipline in the members and loyalty to the organisation.

#### 76. Notice of Meetings.

Notice of the Branch Conference shall be served at least 14 days before the date thereof, notice of a General Body Meeting shall be served at least 7 days before the date thereof and notice of an Executive Committee Meeting shall be served at least 3 days before the date thereof provided, however, (a) an extra-ordinary meeting of the Executive Committee may be convened at 24 hour's notice and (b) an extra-ordinary meeting of the general body

directed to be held under the instructions of Federation, Centre and/or Circle Branch may be convened at 24 hour's notice.

The Secretary shall convene Executive Committee and General Body Meetings as often as he may consider necessary or as may be advised by the Executive Committee or the General Body. The Branch Secretary shall convene a meeting of the Executive Committee on a requisition being received by him signed by one-half of the members of the Executive Committee. The Branch Secretary shall convene a meeting of the General body on a requisition being received by him signed by 50 members or 1/4th of the strength of members of the local branch whichever is less. If the Branch Secretary fails to convene a meeting of the Executive Committee within 10 days and the General body within 14 days from the date of receipt of the requisition, the requisitionists shall be competent to convene the meeting after giving due notice to members as prescribed in para above.

#### 77. Quorum.

The quorum for a Branch Conference shall be one-fifth of the strength of membership or 100 whichever is less, for General Body Meeting one fifth of the strength of membership or 40 whichever is less, provided, however, in the case of branches where officials are placed on duty in two or more shifts, or on split duty or the membership is spread over a vast area, the quorum may be fixed in such manner as may be deemed expedient and to suit local conditions by the Branch Conference. The quorum for a meeting of the Executive Committee shall be fixed by the Branch Conference. No quorum is necessary for a meeting adjourned for want of quorum.

#### 78. Strength of Membership.

The strength of membership of each local branch shall be determined on the basis of quota of subscription remitted by the local unit both to the central and circle unions during the financial year preceding the year in which the conference is held. Where the strength of membership as determined by the central union and circle union differs, the figures computed by the central union shall be accepted as correct.

**79. Election of Delegates.**

Delegates to the Circle and All India Conferences shall be elected in General Body Meetings only according to strength of membership of the Branches and in the ratio as provided for in the constitution.

**80. Qualification.**

No member who is not on rolls for at least six months prior to the month in which the Conference is held and who is in arrear of subscription on the date of election shall be eligible to be elected as delegates. The provision of this clause shall not apply to Honorary members and in the case of members of the Branches which have been formed within 6 months.

**81. Notice of Resolutions.**

Amendments to the Constitution and resolutions shall be given notice of by local/divisional branches to the Circle and All India Conferences at least 14 days and 21 days respectively before the date of respective conferences and shall be moved by the respective delegates. It shall be open to any other delegate to move the resolutions or amendments in the absence of the delegate or delegates who gave notice of them. Resolutions on subjects placed in the agenda of the Conference may be framed by or after discussion and debate at the Conference. Every resolution shall be duly seconded. An amendment to a resolution need not be seconded.

**82. Statement.**

Every year, not later than the 30th June, local/divisional branches shall furnish both to the Circle branch and to the Centre the following statements and records :—

- (a) Annual Report
- (b) Audited accounts and balance sheets.
- (c) List of incoming office-bearers.
- (d) Strength of establishment in the jurisdiction of the local/divisional branch vis-a-vis strength of membership and reasons for non-enrolment of cent percent membership.

Every month, every local/divisional branch shall submit to the centre and the circle branch not later than the 15th instt. an organisational and financial statement in the prescribed form (Appendix 'C').

**83. List of Members.**

Every local/divisional branch shall maintain a list showing the names of its members, along with their addresses, work places, etc.

**84. Functions of the Branch office-bearers.***(a) President.*

The President shall generally preside over the meeting of the three managing bodies and exercise general supervision over the work of the Union.

*(b) Vice-Presidents.*

The Vice Presidents shall assist the President in the discharge of his duties and one of the Vice-Presidents chosen by the Executive Committee shall exercise the powers of the President in his absence.

If the President or Vice-Presidents are absent at any meeting of the three managing bodies, any member of the respective managing body shall be elected by the managing body concerned to preside over such meeting.

*(c) Secretary.*

The Secretary shall conduct the affairs of the Union under the direction and control of the Executive Committee, General Body Meeting and Branch Conference and do such other things as may be necessary to safeguard and protect the interests of the members. He shall conduct correspondence with the administrative or other authorities, convene all meetings, maintain the proceedings and on his own initiative take such action as may be necessary consistent with the policy of the Union. He shall prepare the annual report and submit it to the Executive Committee with the audited accounts and Auditor's report. He



shall be the Editor of the local journal of the Union unless some other person is elected by the Branch Conference.

In the event of the Branch Secretary expressing inability to be the Editor, the Branch Conference shall elect some other member as Editor who shall function under the guidance of the Branch Secretary.

(d) *Assistant Secretaries.*

The Assistant Secretary or Secretaries shall function under the direct supervision and control of the Secretary, assist the Secretary and Organising Secretary in the discharge of their duties and assist in general in the collection of subscription. The Secretary shall be competent to nominate one of the Assistant Secretaries to discharge his duties, during normal periods of his absence. The Assistant Secretaries shall be competent to sign correspondence with the administration or other authority if so authorised by the Secretary.

(e) *Treasurer.*

The Treasurer shall exercise a general control over the funds and accounts of the Union. His specific duties shall be as under—

- (i) He shall be personally responsible for the funds of the Union and records pertaining thereto.
- (ii) He shall receive all dues and grant receipts for all amounts received by him.
- (iii) He shall retain in hand only the amount necessary for current expenditure, deposit and invest the surplus in the name of the Union in the manner specified in the constitution.
- (iv) He shall make payment after getting the vouchers attested by the Secretary and maintain vouchers for all payments made.

(v) He shall maintain Day Books and place the accounts every month before the Secretary for scrutiny, approval and signature.

(vi) The Accounts shall be maintained in a manner to show under separate heads the income and expenditure and in such manner as may be deemed expedient and as may be required by the managing bodies.

(vii) He shall maintain a register showing the names of the members and amounts realised from each one of them month by month.

(viii) He shall prepare and submit to the centre and circle Union not later the 16th day of each month a statement of accounts of the local branch for the previous month attested by the Secretary in the form prescribed in Appendix 'C'.

(f) *Assistant Treasurer.*

The Assistant Treasurer or Treasurers shall assist the Treasurer in the discharge of his duties and officiate as Treasurer in his absence.

(g) *Organising Secretary.*

The Organising Secretary will attend to organisational matters and shall function under the direct control and supervision of the Secretary.

**85 Vacancies in elected offices.**

Any elected office or offices falling vacant by death, non-acceptance, resignation or expulsion, shall be filled temporarily by the Executive Committee and permanently by General Body Meeting till the next branch Conference is held. Such a meeting of the Executive Committee shall be convened, if the office of the Secretary falling vacant, by the Assistant Secretary if only one Assistant Secretary had been elected and by the President if more than one Assistant Secretary had been elected. Vacancies of Circle Councillors shall be filled similarly.



# Interpretation Of Constitution

## Article 16(a)

Resolution adopted in the Meeting of the Central Working Committee held at Vijayavada on the 4th and 5th October, 1958.

In exercising the powers conferred in Article 6 of the Constitution, this meeting of the Central Working Committee hereby offers the following interpretation to Article 16(a) of the Constitution of the Union—

*“For deliberate refusal by the Branch Union to make payment of quota of subscription or any other arrears to the higher body/bodies of the organisation, the Branch concerned shall be placed under suspension and the said suspension shall not be lifted automatically on payment of the dues and/or arrears. The authority placing the Branch Union under suspension, in such cases, shall have the power to decide the method and formalities to be observed for the lifting of the suspension order.”*



## Article 16(b)

Resolution adopted in the Meeting of the Central Working Committee held at Delhi on the 9th, 10th and 11th November, 1957.

In exercising the powers conferred upon it under Article 6 of the Constitution, the Central Working Committee hereby gives the following interpretation to Clause (b) of Article 16—

*“In case where the Branch or Circle Union shall address the authorities higher than one with whom it is entitled to correspond, except in case where such a directive has been given by the higher body of the Union, the Circle and/or Central Union, with a view to stop such irregular practices, may address the appropriate administrative authority to refrain from entertaining any correspondence from the Branch or Circle Union concerned. Such an action shall not be construed to mean suspension as envisaged in Clause (b) of Article 16.”*



## Article 69

Resolution adopted in the Fourth All India Conference held at Vijayavada from the 5th to 9th October, 1958.

In exercising the powers conferred upon it by Article 6 of the Constitution, this Conference hereby offers the following interpretation to Article 69 with special reference to the wordings: ‘Shall be the supreme deliberative and legislative body of the Local/Divisional Branches of the Union’—

*“The decisions of a Branch Conference cannot be revoked by a General Body Meeting and that the word ‘legislative’ also includes the right to legislate on the quantum of subscription to be collected over and above what has been specified in the Constitution at Branch level, which shall be binding on the members of the Branch Union. The decision of a Branch Conference can be revised, modified or rescinded by succeeding Branch Conference only.”*



APPENDIX "A"

THE ALL INDIA R.M.S. EMPLOYEES UNION—CLASS III

.....BRANCH

Particulars

- 1. NAME (in block letters).....
- 2. AGE.....
- 3. APPOINTMENT :
  - (a) Substantive.....
  - (b) Officiating.....
  - (c) Temporary.....
- 4. DATE OF ENTRY IN SERVICE.....
- 5. OFFICE IN WHICH EMPLOYED.....
- 6. PAY :
  - (a) Substantive.....
  - (b) Officiating.....

DECLARATION AND APPLICATION

I certify that the particulars furnished under above are correct. I agree to abide by the Constitution of the All India R.M.S. Employees Union—Class III and I request that I be enrolled as a member of the.....Branch of the All India RMS Employees Union—Class III.

Station.....

Date.....

Applicant's Signature.

APPENDIX 'B'

THE ALL INDIA R.M.S. EMPLOYEES UNION—CLASS III

.....BRANCH

Transfer Certificate

- 1. Member's name.....
  - 2. Age.....
  - 3. Appointment.....
  - 4. Date of Admission.....
  - 5. Date of Transfer.....
  - 6. Name of the Branch to which transferred.....
  - 7. Amounts payable.....
- Station.....

Dated.....

Treasurer

Secretary

Amendments of Constitution

APPENDIX 'C'

# All India RMS Employees Union-Class III

Monthly Return for the month of \_\_\_\_\_ 19\_\_

## 1. STATEMENT OF ACCOUNTS

	Ra.	nP.	Ra.	nP.
<b>Receipts :</b>				
1. Balance on hand on the .....vide last statement of accounts) .....				
2. Subscriptions .....				
3. Entrance Fees .....				
4. Donations .....				
5. Unclassified Receipts .....				
6. Total of Items 1 to 5 .....				
<b>Payments :</b>				
7. Quota to Federation .....				
8. Quota to Central Union .....				
9. Quota to Provincial or Circle Union .....				
10. Donation to Central Union .....				
11. Donation to Provincial or Circle Union .....				
12. Cost of printing bulletins, pamphlets etc. ....				
13. General Body Meeting Expenses .....				
14. Postage and Telegrams .....				
15. Stationery .....				
16. Establishment charges .....				
17. Propaganda .....				
18. Unclassified payments .....				
19. Total of items 7 to 18 .....				
20. Balance on hand on the.....being item 19 deducted from item 6, Rupees (In words) .....				

Details of unclassified Receipts and Payments

## 2. Strength of membership of the Branch Union

1. Number of members on rolls vide last statement Dated.....	Class III	
2. Number of members enrolled during the month		Class III
3. Total of Items 1 and 2		
4. Number of members struck off the rolls		
(a) Dead .....		
(b) Transferred .....		
(c) Resigned .....		
(d) Expelled .....		
5. No. of members on the rolls on.....		

Certified that the above represents the correct state of the finances and strength of membership of the branch Union.

Station.....

Dated..... 19\_\_

Signature of Secretary

Signature of Treasurer.

REMARKS

### RECOGNITION OF THE FEDERATING UNIONS

As per decision of the D. G., P&T, conveyed in his memo No. SPA. 351-20/47 dated 13. 10. 54, the recognition of the following Unions stand withdrawn consequent on their acceptance of the Realignment scheme :

1. Union of Post & Telegraph Workers.
2. All India Postal and R. M. S. Union.
3. All India Postmen & Lower Grade Staff Union.
4. All India Telegraph Union.
5. All India Telephone & Telegraph Engineering Union.
6. All India Telegraph Workmen's Union.
7. All India Telegraph Linestaff Union.
8. Federation of P&T Unions.

The Federating Unions formed under the realignment scheme stand recognised simultaneously.

### RECOGNITION OF THE NATIONAL FEDERATION OF P&T EMPLOYEES

NO. SPA-351-22/54

GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS.

FROM

Shri. V. M. Bhide, I. A. S.,  
Deputy Secretary to the Government of India.

To

The Director-General of  
Posts & Telegraphs, New Delhi.

Sir,

With reference to his letter No. F/Org/2 dated the 13th December, 1954 and F/2(a) dated the 21st December, 1954 from the Secretary-General of the National Federation of Posts and Telegraphs Employees to your address forwarding a copy of its draft constitution and requesting its recognition. I am directed to say that the Government of India have been pleased to accord recognition to the National Federation of Posts and Telegraphs Employees and to approve its Constitution with certain modifications. A copy of the Constitution as approved is appended as Annexure to this letter.

2. A copy of the instructions governing recognitions by the Central Government of Associations of its employees as published in the Director-General's Special General Circular No. 31 dated the 29th November, 1937 with a copy of this Ministry's letter No. STB-150-19/52 (Spl) dated the 29th October, 1952, containing instructions regarding the channel of communications for the Unions should also be sent to the Secretary-General of the National Federation of Posts and Telegraphs Employees for information and guidance.

3. Any material change in the bye-laws or constitution of the Union will require the sanction of Government before its introduction.

Yours faithfully  
Sd/- (V.M. BHIDE)  
Deputy-Secretary  
TO THE GOVT. OF INDIA

No. SPA-351-22/54 dated 4.3.55.

Copy together with D G's Circular and of the letter referred to forwarded to the Secretary-General, National Federation of P&T Employees with reference to the correspondence ending with his letter No F/2 (a) dated the 21st December, 1954. This is in continuation of this office letter of even number dated 2.3.55. The Constitution has been further slightly amended by Government. A copy of the Constitution as approved by Government is enclosed.

Sd/- (C.V. RAJAN)

SENIOR DEPUTY DIRECTOR-GENERAL  
POSTS AND TELEGRAPHS

Director-General's Special General Circular No. 31

Monday, 29th November, 1937

1. Instruction regarding the recognition by the Central Government of Associations of its employees other than Associations of Industrial employees.

A copy of the Government of India, Home Department office Memorandum No. F. 16/1/37-public, dated the 25th August, 1937 and of the revised instructions regarding the recognition by the Central Government of Associations of the employees is reproduced below for the information and guidance of all concerned.

Copy of office Memorandum No. F. 16/1/37-Public. Dated the 25th August, 1937 from the Home Department of India, Simla, to all Departments of the Central Government (including the Central Board of Revenue).

SUBJECT :—Recognition by Government of Associations of its employees.

The undersigned is directed to forward for the information and guidance of the Department of External Affairs, etc., a copy of a revised set of Instructions on the above subject which have been framed by the Government of India and to say that these Instructions supersede the previous Rules supplied to the Department with the Home Department office Memorandum No. F. 16/8/27-Public, dated the 10th September, 1934. The scope of the instructions and the reasons for the amendments introduced in them are explained in the Home Department letter No. F. 16/1/37-Public, dated the 25th August, 1937 of which a copy is sent for information.

Copy to letter No. 16/1/37-Public, dated the 25th August, 1937 from R. F. Mudie, Esquire, C. I. E., O. B. E., I. C. S., Joint Secretary to the Chief Commissioners of Ajmer Merwara, Pant Piploda, Coorg, Delhi and Andaman and Nicobar Islands.

SUBJECT :—Recognition by Government of Associations formed by its employees.

I am directed to invite a reference to the Home Department endorsement No. F 16/1/27-Public, dated the 10th September, 1934, forwarding for information and guidance a copy of the letter of the same number and date addressed to local Governments on the above subject and to forward a copy of the revised instructions issued by the Central Government regarding the



recognition of Associations of its employees (other than industrial employees) and of employees in the Police and Prisons Departments in Chief Commissioner's Provinces. \*To Coorg & Delhi only.

2. The previous rules were in the nature of executive instructions issued by the Governor-General in Council for the guidance of local Government of India. With the coming into force of the Government of India Act, 1935, the Central Government are not competent to issue any instructions relating to Associations of persons serving in connection with affairs of a province. It has, therefore, become necessary to revise the "rules", so as to restrict their scope to Associations of persons employed in connection with the affairs of the Federation including persons serving in Chief Commissioner's Provinces. The use of the term "Rules" has now been avoided.

3. Most of the adaptations made are self explanatory. It is, however, necessary to explain the reasons for including instructions 6 which is now. Instances have recently come to the notice of the Government of India in which certain recognised Associations of Government servants have addressed appeals to members of the Central legislature asking them to agitate for improvement in their conditions of service by putting questions and moving resolutions in the legislature and by other means.

This practice is detrimental to discipline and incompatible with the purpose for which recognition is accorded to such bodies. The Government of India therefore, have decided to make clear in the Instructions the purpose for which recognition is granted and to convey a warning that it may be withdrawn if an Association adopts methods other than communication of requests to Government or Government officers. They have considered the question of specifying the activities which are considered objectionable, and have come to the conclusion that there is a certain advantage in framing merely a general instruction of the nature of Instruction 6. I am, at the same time, to explain the intention underlying that instruction. It is to discourage recognised Associations of Government servants from furthering the interests of their members by such objectionable means as seeking the help of members of legislatures, holding of public meetings, ventilation of grievances in the Press, approach to political candidates during elections.

It is not intended that legitimate activities of such Association, such as correspondence with Municipalities and Railway authorities on matters affecting the interests of their members should be penalised. The exercise of the power to withdraw recognition by the authority granting it, is discretionary and not mandatory, and it is hoped that this will secure that unobjectionable activities of the nature described above are not penalised.

### INSTRUCTIONS

(These instructions supersede the rules issued in Part I of the Director-General Circular No. 56, dated the 3rd. December, 1934).

1. Government is prepared to accord official recognition to associations of its employees which comply with the conditions set out below.

2. The association must ordinarily consist of a distinct class of Government employees.

3. Every Government employee of the same class must be eligible for membership of the association.

4. Ordinarily Government will not object to persons who are not in the active service of Government being office holders of the associations. Government reserve the right in particular cases to refuse recognition to associations of which all office-holders are not either in the active service of Government or honourably retired officers belonging to the same class of Government employees as the association represents.

5. Representations from such associations, whether made orally, by deputation, or presented in writing, may be received by Government officers not holding any office standing anything contained in the rules relating to the submission of petitions and memorials by Government servants:—

Provided that:—

(a) No representations or deputation will be received except in connection with a matter which is, or raises questions, which are of common interest to the class represented by the association; and

(b) Nothing in these instructions affects the power of the Governor-General, the Chief Commissioner, the Head of a department or any other officer of Government to receive a deputation from any association.

6. Recognition is accorded for the purpose of enabling the employees of Government to communicate their needs to Government or to Government officers, and it may be withdrawn by Government if an association adopts other methods of ventilating those needs.

7. Government may require the regular submission, for its information, of copies of the rules of the association and the annual statement of accounts and of lists of its members.

8. Government may specify the channel through which representations from the association shall be submitted and the authority by whom deputation may be received.

9. The officer who is empowered to grant or to refuse casual leave to an employee who is a representative of a recognised association to attend constituted meetings of the association. The officer of such leave will be subject to the exigencies of service, of which the officer in question shall be judge.

10. (1) In these instructions, unless the context otherwise requires, Government means the Central Government and includes a Commissioner or a department of the Central Government,

(2) A department of the Central Government may issue subsidiary instructions regarding the recognition of associations of Government employees subordinate to

**Important Rulings :**

## *Privileges of Recognised Unions*

*Some of the important decisions of the Government in respect of the privileges of recognised unions are published below. Rules of recognition have been published on pages 21 and 22.*

### **Transfer of office bearers**

#### **Immunity for Secretary and Asstt. Secretaries.**

(DG letter No. ESB. 150-3036 dt. 9.2.1937.)

Some misconception exists regarding the extent of protection from transfer which office bearers of recognised service associations may expect. The DG desires to emphasise that immunity from transfer is not guaranteed and that in no case can any degree of protection extend to office bearers other than that the Secretary or the Assistant Secretary and that too in the first year of office.

#### **Treasurer.**

(DG letter No. SPB. 69/50 dated 23.6.1950.)

Attention is invited to this office communication No. ESB-150-3/36 dated 9.2.1937 on the above subject. It has been decided with the approval of Government that protection in the matter of transfer in the first year of office should also be extended to Treasurers of recognised Unions subject to the same condition as applies to Secretaries and Assistant Secretaries, namely, that the protection shall always be subject to the interests of administration.

#### **Office bearer (Reserve Clerk)**

(DG No. SPB. 69-12/51 dt. 30.4.51 to DPT, Cuttack)

Reference your letter No. Staff/UN-6 dated the 25.1.1951, on the above subject.

The Director General does not consider that there should be any administrative difficulty if one leave reserve clerk who is elected an office bearer of a Service Union is exempted from transfer during the first year of his office. There must be several leave reserve clerks in a Unit and they can be utilised for leave and other arrangements, the office bearer being untouched. The concession of immunity from transfer during the first year of office applies only to General Secretaries, Assistant Secretaries and Treasurers of All India, Provincial and District Unions and not to others.

#### **Office bearers of local branches.**

(DG No. SPB 69-/52 dt. 16.12.53 to UPTW)

With reference to your letter No. G-TFR/OB(43) dated 27.2.53 on the subject noted above, I am directed to inform you that the case has been very carefully re-considered by D.G. and he has decided that if the Constitution and bye-laws of the Central Union permit the opening of branches, then the concession of immunity from transfer will apply to

office bearers of those Branch Unions also. The orders regarding the channel of correspondence do not affect this concession.

*(Item V (a) of Minutes of the interview granted by the Minister (T&C) to the NFPTU dated 22.7.53).*

"The Minister stated that while office bearers of Unions could stay at a station even longer than one year by mutual goodwill between the Unions and the local officers, no immunity from transfer could accrue to an official on account of his being an office bearer of a union. Such matters could be left to be settled by mutual goodwill between the unions and the local officers."

#### **Transfer to Headquarter.**

(DG letter No. SPB. 69-6/52 dt. 2.12.52).

Extracts from minutes recorded by D.G. in an interview granted to Bengal Provincial Branch of the UPTW on 24.10.52.

The DG's orders are that office bearers of a Union are not ordinarily to be transferred during the first year of their appointment to any office in the Union from the place where they were working. This order does not imply that when a Union chooses to elect a person working at the other end of the State or Circle as an office bearer, he should be transferred from his parent unit to the headquarter unit of the Union.

*(Item V (b) of Minutes of the interview granted by the Minister (T&C) to the NFPTU dated 22.7.53).*

"The Minister decided that this matter could also be dealt with on the lines of item V (a) above."

#### **Office bearers from members of other Unions.**

(DG. No. SPA. 351-11/55 dt. 1.3.55 to NFPTU),.

With reference to your letter No. F.2/(O.Bs) dated the 28th January, 1955, suggesting that there should be no restriction on election of office bearers from amongst the membership of the Unions, I am directed to inform you that the D.G. considers that the election of office bearers from amongst their own members should be adopted generally. In exceptional cases however, the D.G. would have no objection to a departure being made from this principle but the concessions admissible to office bearers of Unions, viz., immunity from transfer etc. could not be extended to those who are members of one Union and are elected as office bearers of another Union.

## Foreign Service Facilities

### All India level

(DG, No. SPB 150-1/50 dt. 31.10.50).

The President has been pleased to decide that permanent Posts and Telegraphs, officials may be permitted to accept employment as full time paid office bearers of recognised All India Service Union and that they should be treated as on deputation on "foreign service" terms during the period they serve the Unions. The usual contribution towards leave, pension etc. should be paid promptly and regularly to the P&T Department by the Union concerned. The President has also decided that no government officials should remain a whole time office bearer of a Union on foreign service terms for a period exceeding three years at a time.

### Circle level

(DG No. 86/6/57-SPB dated 2.11.57/15.2.58.)

A reference is invited to item 4 (iii) of the minutes of interview granted by Minister (Shipping) National Federation of P&T Employees in the month of March and May, 1957 regarding their Charter Demands, copy sent to you under No. Union 31, Coll. II, dated the 15th June, 1957. The President is pleased to decide that permanent P&T officials may be permitted to accept employment as full time paid office bearers of the Circle Branches of the recognised All India Service Unions on the same terms prescribed in this office letter No. SPB. 150-1/50 dated 31st October, 1950.

## Holding of Union's meetings in office premises

(DG letter No. SPA. 351-17/53 dt. S.2.54)

The question of allowing the unions to hold meetings in office premises and the orders existing on the subject came in for discussion recently with the representatives of a Union. One or two Heads of Circles and Administrative Officers had also on an occasion to refer the matter to this office for clarification on certain points. After a careful review of the whole matter it has been decided that the existing orders on this subject contained in this office Memo No. S. 256-24/46, dated the 28.8.45 (reproduced below) are quite suitable and do not call for any modification. It may however, be clarified that recreation rooms, canteens, open compounds etc. attached to Departmental Buildings and provided for in departmental premises are included in the term "Departmental premises" referred to in the said memo dated the 28.8.45.

(Memo No. S. 256-24/45 dt. 28.8.45.)

It has been brought to the notice of the DG that some officers of the department desire to have some authority for granting permission to service Unions and associations to hold their meetings in the office premises. The DG considers that unless there are reasons to the contrary in any particular case there should ordinarily be no objection to permit service Unions and Associations to hold their meetings in the departmental premises outside office hours with

the previous permission of the head of the office.

(Item V (c) of Minutes of the interview granted the Minister (T&C) to the NFPTB dated 22.7.58).

"The Minister stated that while orders could not be issued for grant of general permission to Unions to hold meetings in office premises, unions could do so after obtaining prior permission of local Head of the Office after showing him the agenda for the meeting. The grant of the permission will in all cases be subject to two conditions, namely that the sanctity of the office premises should be maintained and that there should be no disturbance to office work."

(DG No. 70/25/58-SPA dt. 9-12-58.)

In continuation of this office letter No. SPA. 351-17/53 dated the 8th February, 1954, I am directed to say that the question of holding union meetings in office premises was recently discussed by the Minister for Transport and Communications with the Union Representatives. It has been decided by Government that while orders could not be issued for grant of general permission to unions to hold meetings in office premises, unions could do so, after obtaining the prior permission of the local Head of the office after showing him the agenda of the meeting. The grant of permission will in all cases be subject to two conditions namely that the sanctity of the office premises should be maintained and that there should be no disturbance to office work.

## Collection of Union Subscription in Office Premises

(DG No. 70/48/58-SPA dated 12.9.58.)

With reference to your letter No. F/2 (Suba) dated the 7th June, 58, I am directed to say that revised instructions have been issued by the PMG, Lucknow in the matter and copy endorsed to all Circle Secretaries. A copy of these orders is enclosed.

"In modification of the instructions issued in this office letter No. U. Rlg/Ch. VIII dated the 21.5.1958, it has been decided that there is no objection to allow the existing practice of collection of subscriptions in

the office premises by the staff who are members of Unions, to continue, subject to the conditions that the contribution is voluntary, and no disturbance or hindrance is caused to office work in any way and to such other restrictions as the Head of Office may impose from time to time on the pay day.

No arrangement for the Union members to enable them to make such collections viz. giving them a chair and table near the pay clerk or other facility of the nature can be allowed."



### Union's Notice Boards

(DG letter No. ESA. 49/38/3 dated the 25.3.38.)

In supersession of the orders contained in this office letter No. ESA. 3/37/34, dated the 19th Oct. 1937, I am directed to say that Unions and Associations should be allowed to place their notice boards in Post and Telegraph offices and locate them at suitable points on the office premises where they can conveniently be approached for perusal of notice affixed thereto by the largest possible number of members of the Unions or Associations. These notice boards must not be placed in a portion of the office building which is open to and frequented by the public.

2. I am further to say that the notices in question should be confined to (i) notices relating to the business of the Union or association itself and (ii) correspondence received from the Government of the India, the Director General of Posts and Telegraphs, the PMG, or any other lower authority.

(D.G.'s General Circular No. 33 dt. 4.1.46)

The notice boards that are installed in P & T buildings and offices, are meant for putting up departmental orders and notices. It has now been decided that recognised Unions of the P&T emp-

loyees may also be permitted to have their notices calling for meetings etc. put up either on the Departmental Notice Boards or their own notice boards, provided those notices are authorised to be displayed by the Head of the office, who will sign or initial each notice in token thereof. The Union notices must simply state the time, date and place of the proposed meeting and the subject and should not contain any words of an emotional appeal. The accounts of the Unions may also be displayed on the departmental notice boards. The decision of the head of the office, whether a certain notice desired to be put up by the Union conforms to the above mentioned orders, or not, would be final.

2. No other notices should be allowed on the Notice Board.

(DG's General Circular No. 2 of 10.4.50)

In partial modification of the orders conveyed in Director General's General Circular No. 33 dated the 4th Jan. 1949, it has been decided to allow all recognised P & T Unions, Associations to display their notices in the departmental notice boards or their own notice boards without prior permission of the Head of the Office. If, however, any Union is found to have exhibited an objectionable notice on those notice boards, it will be debarred from using them in future.

### Enrolment of Members

#### Right to Enrol Member.

(Item V (g) of Minutes of the interview granted by the Minister (T&C) to the NFPTU dated 22.7.58).

"The Minister agreed to have the Federation's request for enrolment of staff on daily rated, work charged and non-departmental employees as members of the Realigned Unions examined."

#### Representation of Mail Motor Staff by P&T Industrial Workers' Union.

(DG letter No. STB. 20-49/55 dated 23-7-58 to the P&T Industrial Workers' Union, Calcutta).

With reference to your letter No. F/C.U./TPT-III/4/57-58 dated the 12th April '58, I am directed to say that Government regret that no representation can be entrained from your Union in respect of P&T staff on regular establishment who are employed in Mail Motor Service at Calcutta or elsewhere, or in respect

of staff on regular establishment employed in the Stores, Workshops and Test Room Organisations of the P&T Department.

#### Enrolment of fresh members by non-realigned unions.

(DG No. SPA. 351-20/56 dated 25-11-58).

I am directed to say that a review of the decision given in this office letter No. SPA. 351-20/47 (V) dated the 30th August, 1954 namely that a Union, which did not accept the re-alignment scheme while continuing to be recognised would not be allowed to enrol new members has been under the consideration of Government for some time past. Government have decided that no ban should be placed on the enrolment of new members by such recognised union. They have, therefore, decided to lift the ban on the enrolment of new members by such unions as did not surrender their recognition at the time of realignment but continue to be recognised.

### Approaching Members of Parliament

#### Q. No. 1284 on 25th September, 1951 in the Parliament.

**S. Hukum Singh:** Will the Minister of Home Affairs be pleased to state:

- Whether it is a fact that some of the Ministries of the Government of India have issued orders prohibiting the Government servants from meeting members of Parliament; and
- if so whether there are any special reasons for such restriction?

**Reply:** The Hon'ble Shri C. Rajagopalachari.

(a) and (b).

No such prohibitory orders have been issued but mostly in year 1945, 1948 and 1949, some Ministries have reminded their employees of the established practice regarding representing grievances that they should go through the prescribed channels for redress, and that going

to higher officers and outsiders over the head of immediate superiors would impair the discipline necessary for orderly work in any department.

In reply to another question in the Parliament on 30.6.52, whether it was true that the Government

Employees were prohibited from approaching Members of the Parliament, the then Labour Minister Shri V. V. Giri stated:

"Association may go to them and represent their grievances but not individual employees."

### Special Casual Leave

(DG. No. SPB. 58-22/52 dt. 20.11.53).

Various orders have been issued from time to time regulating the grant of special casual leave to the members of the recognised Unions and Associations. The whole question has been reviewed and the grant of such leave will in future be regulated as indicated below :—

- (1) Special casual leave upto a maximum of 20 days in a year may be granted for the following purposes :—
  - (a) When delegates to the All India Conferences and meetings and members of the Executive council are required to attend such conferences and meetings.
  - (b) When members from outstation are required to attend the monthly meetings with Heads of Circles.
  - (c) When members from outstations wait on deputation on the Minister, Dy. Minister and the Director General.
- (2) The grant of special casual leave will always be subject to the exigencies of the service.
- (3) The concession of special casual leave will not be admissible for the purposes of branch Union meetings and circle or provincial conferences and meetings.
- (4) In granting special casual leave, care should be taken to see that only a few representatives of Unions attend the deputation so that Government work does not suffer.

(DG No. SPB 58-2/49 dated 20.2.49).

In order to avoid duplication of work, the Unions should, I am directed to say, request the Heads of Circles concerned direct, without the intervention of this office to grant special casual leave to their respective Council Members, intimating at the same time the dates and place of the Meeting.

Heads of Circles have been requested to take necessary action in the matter, on receipt of such requests.

(DG No. 54/7/57-SPB dated 8.9.57).

In partial modification of the orders issued under this office Memorandum No. SPB 58-22/52 dated 30th November, 1953 it has been decided that :—

- (a) 5 days extra special casual leave should be allowed only for such General Secretaries of All India Unions as are not borne on foreign service.
- (b) Office Bearers and members of the Executive Councils of the All India Unions should also be allowed to apply for special casual leave for the purpose of attending their Circle Conferences also, however, subject to the maximum of 20 days.

Special casual leave for monthly meetings with Administrations at local and Circle levels and for attending Circle Conference.

(Item V (d) of Minutes of the interview granted by the Minister (T&C) to the NFPTU dated 22.7.58).

"The Minister did not agree to the grant of any further concession in the matter."

### Publication of Journal

(DG No. SPA. 351-23/53 dated 22.11.55).

I am directed to invite a reference to Rule 5 (1) of the Central Civil Services (Conduct) Rules 1955, which lays down that :—

"No Government servant shall, except with the previous permission of Govt. own, wholly or in part or conduct, or participate in the editing or managing of, any newspaper or other periodical publication", and to say that Government had decided that :—

(1) in future a Union/Association (or its Branch) should get prior approval of Government, through the appropriate official channel, before publishing a journal or a periodical; and

(2) in the case of existing publication/periodical formal applications may be sent to Government (through the appropriate official channels) seeking permission for the publication of the journals, periodicals.

2. While sending applications as stated in items (1) & (2) of para 1 above the following information may be furnished :—

- (a) Name of the Journal/periodical.
- (b) Name of the Union/Association publishing the journal/periodical (including the name of the Circle/Divisional/Local Branch, if a Branch is publishing the journal/Periodical).

- (c) Name of editor.
- (d) Whether the editor is a Government servant or an outsider.
- (e) Station from which the journal/periodical will be published.

3. I am, therefore, to request you to note the above instructions carefully and to forward the formal applications in so far as the existing publications are concerned within a month's time.

4. The receipt of this letter should please be acknowledged.

(Item 27 of Minutes of interview with H.M. on 21.7.56).

It was decided in this case that whenever a Central Union starts the publication of a journal they would inform the Director General, the name of the journal and the date of its issue. Likewise, if a Central Union permits any of its Branch Unions to publish a journal or magazine it should send a formal letter to the Director General indicating the names of the Branch Union and the journal and also the date of its issue. The Union would also arrange for supply of those journals to the divisional office, to the Circle Office and to the Directorate as the case may be.

The Federation next asked as to why it should be necessary for Unions to send copies of all Circulars and Resolutions passed by the Unions to the administration. The Minister replied that these should continue to come because if at any time any of those resolutions makes an attack on any officer that officer will have no occasion to defend himself and it would only be possible for the higher officers to take up the case. The Federation then brought to the Minister's notice a letter from some Circle office directing the subordinate units to transfer all the Union workers and said that this is how certain officers of the department try to curb the activities of the Unions. The Minister did not express any surprise on seeing that letter because he said, there are all types of people both in the

officers' ranks and also in the subordinates' ranks. The Minister, however, added that sometimes transfers of the office bearers cannot be helped. He said that places carrying even 30 officials formed Unions and of those 30 generally four happen to be the office bearers of the Unions. Thus efforts are sometimes made to circumvent transfers by getting elected as an office bearer of the Union.

The Federation complained that sometimes in public utterances the officers make insinuations against their subordinate staff. The Minister said that any complaint made by officers during press conferences should be brought to his personal notice by the Unions but they should not ventilate their grievances through the Press.

The Federation also criticised the utility of celebration of "Courtesy Week". Here, the Minister recited his personal experience how during a Courtesy Week he was able to remove the misunderstanding of the people of Bombay. He said that he took some persons of Bombay to the Telephone Exchange and showed them how the operators were trying their best to maintain efficiency but were prevented from doing so because of the equipment having outlived its life. The Public who had hitherto been laying all blame on the Telephone Operators began to appreciate their difficulties thereafter.

(Para 1 of DG No. SPA. 351-52/55 dated 15.10.56).

With reference to your letter No. F/3 (Publication) dated the 22nd July, 1956, I am directed to say that the nine realigned Unions affiliated to the Federation may please be apprised of item 27 of the minutes of the interview granted by the Minister for Communications to your Federation on the 20th and the 21st July, 1956 with an indication that they should also furnish the requisite information to this Directorate so far as they are concerned and issue suitable instructions to their branches in this regard, under intimation to this office.

## Supply of Information to Recognised Unions

### Monthly Circulars

(DG letter No. M-56-3/34/ESA dt. 26.2.55).

With reference to the correspondence ending with your reply to this office letter No. M-56-3/34(ESA) dated the 3rd October, 1954, I am directed to say that the Head of a Circle should ordinarily supply the Provincial Branch of a Union or Association with the following documents except when they are marked confidential:

- (1) Monthly circulars
- (2) General letters and orders
- (3) Circle gradation lists
- (4) Circle orders (books) and correction lists

2. Unions and Associations should ordinarily be furnished full information on all matters that are not

confidential and this will preclude many unnecessary references from them.

### Detail about candidates in Examination

(DG letter No. SPB. 225-8/51 dt. 25.3.52 to UPTW)

I am directed to refer to your letter No. G/Recog/Rlg (Infm) dated 10.12.1951 and to say that necessary instructions have been issued to the P.M.G. West Bengal Circle, to furnish the required information, namely the number of departmental candidates who took the stenographers examination and the number of such officials who came out successful to the General Secretary of your Provincial Branch, Calcutta.

(DG No. SPB-150-1/52 dt. 9.9.52)

A question has been raised whether statistical information in connection with various examinations held by this Department, as for example, the number of



candidates appearing in the examination, the number of candidates passed in the examination, should be supplied to the Service Unions on demand. It has been decided that the orders contained in this office letter No. ESB. 150.441 dated 13.1.1942 should normally be strictly followed. There is however no objection if in occasional cases such statistical information is furnished provided this can be done without unnecessary labour and also without any embarrassment to the Department. It should be clearly understood that the Unions have no right to ask for such information and it is within the discretion of the Head of the Circle to decide whether such information should be furnished or not.

#### General letters and orders

(DG letter No. U. 2908/51 dated 17.10.1951, to UPTW)

With reference to your letter No. G/Recog./Rlg. (Infm.) dated the 22nd September, 1951, to Director General by name I am directed to state that DG has decided that Service Unions should receive DG's general letters and orders issued from the Directorate.

Suitable instructions have been issued to all concerned.

#### Gradation List

(DG letter No. SPB. 46-3/51 dated 1.11.51.)

A reference is invited to this office letter No. SPB. 46-1/50 dated 8.2.1950 in which it has been decided that whenever Provincial or Branch Unions ask for copies of Gradation Lists of departmental officials they should be supplied. A question has been raised whether the Secretary of a Branch or a Provincial Union is entitled to have a copy of the Gradation list of units which do not belong to his constituency. It has been decided that normally the gradation lists of only the units belonging to the constituency of a Branch or Provincial Union should be supplied to the Secretary of that Branch or Provincial Union. Gradation Lists of other units may be supplied only if the Branch or Provincial Union concerned is able to advance satisfactory reasons therefor.

#### Proper circulation of the Gradation Lists and Waiting Lists

(DG letter No. SPB. 46-6/53 dated 24.12.1953)

The Director-General desires that suitable steps should be taken to ensure proper circulation of Gradation and Waiting Lists amongst the staff to enable them to know their relative seniority in the Gradation and Waiting Lists and to afford them an opportunity to represent against incorrect fixation of seniority if any. He also desires that copies of Gradation Lists and Waiting Lists of permanent Postmen and Class IV employees, who have been approved for promotion to the clerical cadre, should be supplied to the Service Unions, if asked for.

#### Seniority list of candidates.

(DG No SPB. 46-5/52 dt. 27.8.53 to DPT Cuttack).

Reference your letter No. Staff/Conference-9/53 dated 25.6.53.

2. In this office Memo No. SPB. 46-1/51, dated 30.5.51 a restriction has been imposed on supplying the seniority list of candidates to the service Unions. There is however no objection to supplying the lists to the candidates themselves so that they can remain posted with their position in it.

(DG No. SPA-351-35/55 dated 27-9-55.)

With reference to your letter No. F/19, dated the 25th August, 1955, I am directed to say that the supply of circulars and general letters to the All India Unions and their Circle Branches are being made according to the orders which are in force at present. I am to add it is not possible to supply copies to the Divisional Branches of the Unions also, unless they are prepared to pay for the copies which they will require.

(DG No. SPA. 351-35/55 dated 20.4.57.)

I am directed to say that the question of supply of Circulars issued from the Directorate to the Divisional branches of Unions/Associations has been under consideration for some time past and the following orders are issued on the subject for the information and guidance of all concerned.

1. Director General's General Circulars will be supplied to the Divisional branches of all Union Associations (including the RMS Inspectors' Association and the Telecommunication Engineering Supervisor's Association) who have Divisional branches established according to their constitutions.

2. Director General's Post Office Circulars will be supplied to the Divisional branches of the Union Association of the employees of the Postal and R.M. arms of the department.

3. Director General's Telegraph Circulars will be supplied to the Divisional branches of the Union Associations of the employees of the Telegraph Traffic arm of the department.

4. Director General's Engineering Administrative Circulars, Engineering Technical Circulars, Telephone Circulars and Wireless Circulars will be supplied to the Divisional branches of the Unions/Associations of the employees of the Telegraph Engineering Arm of the Department.

2. The supplies will be made through the Circle Stock Depots for which purpose the number of copies required should be intimated to this office by the Heads of Circles and Administrative offices.

3. Under the existing orders copies of Circulars, general letters and orders etc. issued from this office and which are not secret are supplied to all the Central Offices of the All India Unions/Associations direct from this office and copies of circulars etc. issued from your office as well as those issued by the office are to be supplied by you to the Circle branches of the Unions/Associations whose Headquarters are located in your circle. So also copies of circulars etc. issued from your office are to be supplied by you to the Central offices of the relevant recognised All India Unions/Associations irrespective of the fact that the

headquarters are not located in your circle and that supplies are to be made as soon as the circulars are issued or received from this office. This practice will continue. In doing so, however, all General Circulars both from the Directorate and the Circles will be supplied to Unions/Associations of all arms in the Department whereas other circulars will be supplied to the Unions of the appropriate arm only.

4. The receipt of this letter should be acknow-

ledged.

(Item V (c) of Minutes of the interview granted by the Minister (T&C) to the NFPTU dated 22.7.53).

"The Minister stated that the existing practice was wholesome and adequate in as much as if any information was available and if it was not of a confidential nature, it would be supplied to Unions, but no special collection of statistics or information could be undertaken for this purpose."

## Correspondence and Interviews

### Forwarding Resolution passed at Conferences.

(DG letter No. SPA. 351-25/50 dt. 30.11.55.)

I am directed to invite your attention to this office letter No. S. 351-8/45, dated the 8th September, 1945 and to state that it has been observed for some time that the Unions/Associations are again sending resolutions passed in Conference to this office without any explanatory memo as required under the letter quoted above. Some of the resolutions may be self-explanatory which will no doubt be examined in this office on their merits but most of the resolutions contain merely a demand and give no grounds in support thereof. This neither helps expeditious disposal nor does it enable Government to take into consideration all the view points of the workers before taking a decision. I am therefore, to request that in future all resolutions which are not self-explanatory may kindly be sent to this office accompanied with explanatory notes giving brief reasons in support of the demands. I am further to add that unless the above instruction is rigidly followed, it will not be possible for this office to take effective action on the resolutions that may be forwarded by the Unions.

(DG No. S. 351-8/45 dated 8.9.45.)

I am directed to invite a reference to this office letter No. 463. Est. B/30 dated the 17-10-50 (Copy enclosed) and to say that in accordance with the instructions contained therein, copies of the resolutions received in this office without any explanatory memorandum are merely recorded in this office and no further action is taken on them. In cases in which it is desired that the resolutions should be considered in the Directorate, Unions and Associations while forwarding copies of resolutions should invariably attach to each a memo setting forth clearly the genesis of the resolution, the facts of case and the specific points on which action is desired or redressal sought.

(DG letter No. 463-Est. B/35 dated 17.10.1950.)

I am directed to inform you that it is not possible for the Director General to take effective action on the receipt of a copy of Resolution or of a list of Resolutions passed at a Conference of a Union or Association unless accompanied by a Memo dealing fully with the merits of the case and the grounds on which it has been adopted by the Union or Association, i. e., there must be a clear and full exposition of the case from the Unions or Associations stand point.

A mere copy of a list of resolutions cannot be considered.

### Inordinate delay in the disposal of cases.

(DG No. STB-150-37/53 dated the 29.8.53.)

It has been brought to the notice of the Director-General that inordinate delay sometimes occur in the disposal of cases taken up by the Unions. The necessity for prompt disposal of such cases cannot be over-emphasized. Special steps may please be taken to ensure that all references from Unions are dealt with expeditiously in future and that the Unions are not given any cause for grievance on this account. Suitable instructions may also please be issued by you to your subordinate authorities.

The receipt of this communication may please be acknowledged.

### Memorandum for interviews

(DG No. G. 62-83/51 dated 19.9.51.)

It has been brought to the notice of the DG that some service Unions seeking interviews with the Minister and other senior officers of the Directorate merely enumerate a list of items for discussion without any detailed explanatory memo on each subject. This has resulted in Government not being able to appreciate the contention of the Union and much time is wasted at the interviews as Government were not able to foresee the Union's point of view. The D. G. would therefore appreciate if Unions when asking for interviews furnish four typed copies of detailed explanatory memoranda on all the points which they wish to raise in the discussion so as to facilitate their examination in the Directorate. I am therefore to request that these instructions may kindly be noted for future guidance.

The receipt of this letter may kindly be acknowledged.

### Minutes of Interviews granted to branches.

(DG. No. SPA. 351-6/55 dt. 5.5.1955.)

I am directed to refer to your letter No. LS/HM-55/5 dated the 12.1.55 on the subject quoted above and to state that the minutes of the interview sought by the branch Unions with the DG are furnished only through the appropriate All India Unions in accordance with the convention decided at the instance of one of the Unions in December, 1953. I am to add that this practice is in accordance with the channel

of communications with the unions prescribed by Government and will continue to be followed.

#### Points arising out of interviews

(DG. No. SPA-351-39/53 24.12.53).

Reference this office memo. No. SPA-351-30/51 dated the 16.9.53 as amended by memo. of even No. dated the 4.11.53.

It has been decided that whenever any problems represented by Circle Unions and local unions are required to be pursued with the Unions concerned, in connection with the points arising out of interviews granted by the Minister, Dy. Minister, Director-General etc., the following procedure should be followed :—

1. The minutes of the interviews may be forwarded to the Branches concerned through the Central Union only with one spare copy; and
2. If any memo or representations have to be forwarded to the Directorate on points arising out

of the discussion at the interviews the Branch Unions will be advised to forward their reply through the Central Union only and not direct.

#### Representation of Individual Cases by Unions.

(Para No. 6 of DG letter No. AM-73 dt. 8.5. 1922)

Rule 5: Any Association which obtains recognition by the acceptance of the rules published, cannot submit representations concerning individuals unless a question of common interest is involved. An individual case of punishment may possibly affect the common interests of the class represented by the Association but the question whether a representation on such a case should be entertained would depend of course on the merits of the case.

(Item V (h) of the Minutes of Interview granted to the Minister (T&C) to the NFPTU on the 9.12.58).

"The Federation were informed that the Federation or their affiliated Unions could not formally represent individual cases and no notice could, therefore, be taken of such representations."

### Channel of Communications

D.G. No. 10-33/58 Union dated 4.10.58.

I am directed to invite a reference to this office letter No. 11-1/58-Union dated the 16th April, 1958 addressed to all Heads of Circles and Administrative Offices, copy endorsed to you under the same No. and date according to which matters which are within the competence of the Divisional Officers are to be taken up by the Divisional Branches of the Unions with them and similarly subjects which can be decided by the Heads of Circles have to be taken up with them by the Circle Branches. In keeping with these instructions, it is requested that whenever such cases, as fall within the competence of subordinate officers or the Heads of Circles, are taken up by the Central Unions and the Federation with the Director-General and the Minister respectively, it may kindly be stated whether those cases were first taken up with those officers and if so, with what result. It will be very useful if copies of the correspondence exchanged with the local officers are also forwarded to the Directorate to enable an expeditious examination of these cases.

(DG No. SPA. 351-30/51 dated 15.1.53).

Reference orders contained in the Ministry of Communications (P&T) letter No. STB. 150-19/52 (SPA) dated the 28.10.52, a copy of which was endorsed to you. In accordance with these orders only a Divisional Branch Union can correspond with the divisional officer concerned. In certain divisions, it is likely that there are only district branches but no divisional branches of a Union. To enable the staff to represent their grievances to the officers-in-charge of such divisions, Government have decided to allow the Provincial Branches of Unions to designate any of the District Branch Union in a Division as the Divisional Union for purposes of having approach to the Divisional Officer in matters pertaining to the Division as a whole. The Divisional Officer will also furnish

where necessary two copies of any reply to the Divisional Union. Government have further decided that when a Divisional Officer goes out on tour, he should show the courtesy of granting an interview to the District Union representative, if a request for the same is made.

No. STB-150-19/52 (SPA) dated 29th Oct., 52 from the Ministry of Communications.

Under instruction 8 of the instructions for the recognition of the Unions of Government servants issued by the late Home Department in their O.M. No. F. 18/1/37-Public, dated 25.8.37 (reproduced in the Director General's Special General Circular No. 31, dated 29.11.37) Government are required to specify the channel through which representations from recognised Unions should be submitted. No specific instructions have been issued by Government in this behalf but they have from time to time confirmed the instructions contained in your letter No. A.M. 73, dt. 7.4.23. It has been brought to the notice of Government that letter of 7.4.23. is not comprehensive and is liable to different interpretations. After very careful consideration of this matter, the Government have decided to clarify the position and to lay down the following instructions in supersession of all existing orders on this subject :—

(i) The All India Unions recognised by Government have their Circle branches, divisional and local branches. Central Unions and their branches should correspond directly only with the P&T authorities in charge of the units they represent, i.e., a local union should correspond only with the local authority, a divisional union with divisional officer, a circle union with the head of the Circle and the Central Union with the Director General or Government through the Director General.

(ii) The scope of representations of the unions

should also be limited to the matters concerning the units they represent, i.e., a divisional union should take up matters concerning the division as a whole and the Central Union matters concerning the circle as a whole and the Central Union matters of all India interest. If, however, a branch union is not satisfied with the reply given by the appropriate authority, the next higher branch union may take up such matter with the head of the unit represented by it. In doing so, the union should clearly state in its representation the fact that the matter was taken up by the branch union concerned with the lower authority and should also clearly state reply or communication received from

that authority. For example, if a Central Union intends to take up a matter concerning a particular circle, it may submit a representation to the DG but should bring out in the representation the fact that the Circle Branch Union took up the matter with the head of the Circle and also state the result of the same.

2. I am to request that the channel of communication prescribed above may be brought to the notice of all the recognised P&T Unions. The Central Unions should be instructed that they must not send representations direct to the Government, but should send such representations through you.

## Monthly Meetings with the Officers of the Department

### At All India Level

*(Minutes of the interview granted by the Minister (I&C) to the NFPTU on the 9th January, 1958.)*

"The NFPTU requested that with a view to ensuring speedy disposal of items put forward by them, there should be scheduled meetings with the Director General and the Minister. The Minister ordered that the following schedule may be tried as an experimental measure:

1. The Federation and all its nine federated Unions will have one common monthly meeting with the Director General. At this meeting not more than twenty items comprising two from each Union will be put up and the Director General will give a maximum of five hours time for this meeting. Any items left over will be included in the prescribed number of items of agenda for the next monthly meeting. The agenda for this meeting will be submitted by the Federation at least 4 weeks before the date of the meeting.

2. The Federation will similarly have a common meeting once in two months with the Minister (S). For this meeting the Federation will submit not more than five items. The Minister will give a maximum of two hours time for each such meeting and any items left over will be included in the agenda for the next meeting within the prescribed number of items. The first bi-monthly meeting will be held on 17th of March, 1958 and the subsequent meeting on 17th May, 17th July etc. If the 17th happens to be a Saturday, Sunday or a closed holiday the meeting will be held on the next full working day. The agenda for this meeting will be sent by the Federation about a month before the actual date of the meeting.

3. It was agreed that with the introduction of these scheduled union meetings, there shall be no other meetings with the Director-General or the Minister (S) except the Union representatives may occasionally discuss any cases of Urgent Importance with the senior officers of the Directorate informally. If necessary, they may also see the Minister (S) or the D. G. for discussion of important cases of an extremely urgent nature but such occasions should be very rare."

### Recording of Minutes

*Minutes of the Interview granted by the Minister (T&C) to the NFPTU on the 14th October, 1958.*

"At the outset the Minister stated that as drawing up of elaborate minutes led to controversy, henceforth only a brief record of the decisions taken during such interviews would be maintained and a copy supplied to the Federation or the Union concerned for their information."

### At the Circle Level

(DG No. SPA, 351-34/51 dated 20.11.51).

Please refer to the correspondence ending with this office memo No. SPB, 58-5/49 dated the 21st November 1949 in which the holding of monthly meetings with the representative of the Unions was discontinued. The matter has been reconsidered and it has been decided that Heads of Circles and other Administrative officers directly under the Director General should meet the representatives of the Circle (or Provincial) Branches of all the recognised All India Unions/Associations located within their jurisdiction, once in a month.

A day in a month should be set apart for this purpose and the Unions should send to the officer concerned 15 days in advance, a memo containing their arguments on each point to be discussed. The Union should be informed of the date you propose for fixing such meetings. These points should be of the nature where the Head of the Circle or the Head of the Administrative office mentioned above, is competent to take action and should not relate to individual cases or to cases of purely local matters which are to be taken up by the Distt. Unions with the Distt. or Divisional officers.

The meeting should be common for all the Unions/Associations and points of common interest should be discussed first, the points raised by individual Unions being taken up later. If any Circle or Provincial Unions has no point for discussion it should intimate the office concerned accordingly.

It has been decided to introduce the above scheme as an experimental measure for 6 months from December, 1951. Reports regarding the experience gained and the results achieved may be sent to this office at the end of fifth meeting i.e., at the end of April, 1952.



**Procedural Rules**

(DG. No. SPA. 351-34/51 dt. 12.8.53).

In continuation of this office Memo No. SPA. 351-34/51 dated the 20.11.51, I am directed to inform you that the Director General is pleased to order as under:

- (1) The meetings will be held every month and they will continue to last till such time as realignment of unions take place.
- (2) The meetings will be less formal than they actually are.
- (3) The Unions should give notice of ten days of all the points to be discussed with arguments in support thereof before the day of the meeting which is to be fixed by the Postmaster General. This will give fair time for study of the outstanding matters in the Circle or Administrative Offices.
- (4) There is no objection to one or two members of the Union being called from outstation to attend the monthly meetings, if their presence is absolutely necessary. In such cases they will be granted special casual leave on usual terms and conditions.
- (5) The local members attending the monthly meetings will be given suitable offs.
- (6) This is in partial modification of the orders contained in this Office Memo, No. SPB. 58-5/49 dated the 30.6.49.

(In endorsing copy of the above letter to the Union, the DG requests the Union "to see that its Provincial representation does not exceed four or five members").

(DG No. SPA. 351-4/53 dated 4.1.54.

The Director General has decided that (i) the monthly meetings with representatives of unions will not be held on the first three or four days of the month and the date for the next meeting will be fixed before each monthly meeting disperses, (ii) the minutes of the proceeding will be dictated as decisions are taken and the minutes will be furnished to the Unions within ten days; and (iii) the first item for discussion will be review of the action taken on the minutes of the previous meeting.

**Number of Representatives**

(DG letter No. SPA. 351-4/53 dated 1.2.54).

Kindly refer to your letter No. U. Rlg. MM/Ch. II dated the 6th January 1954, in which you state that some of the Unions participating in the monthly meetings bring in as many as 20 members and have, therefore, proposed the number should be restricted.

In this connection attention is invited to this office endorsement No. SPA. 351-34/51 dated 12th August, 1953, in which the Unions were requested to see that the representation of PROVINCIAL Unions at such meetings did not exceed 4/5 members.

Incidentally it may be mentioned that a typographical error has crept in, in the said endorsement.

Therein the word "PROVISIONAL" should be replaced by the "PROVINCIAL".

**At Divisional Level**

(DG letter No. SPA. 351-25/55 dated 20.1.56.)

Government have had under consideration sometime past a proposal to permit meetings between the representatives of divisional unions and the divisional officers at fixed intervals on the lines of meetings held at circle levels, with a view to establishing closer contact and better understanding. It has now been decided by Government that meetings between representatives of divisional unions and divisional officers in charge of Divisions should be held monthly, with effect from the month of February 1956. These meetings will deal only with the implementation of the policy decisions already taken by the Department and with matters which are within the competence of the Divisional Officers.

2. The following instructions in this regard should be followed by the Divisional Officers while holding such meetings, viz:

- (i) The meeting will not be held on the first four or five dates of a month and the date of the next meeting will be fixed before the close of the previous meeting.
- (ii) The representatives of each participating Union should not exceed two.
- (iii) No. T.A. or special casual leave will be granted to any members coming from out-stations.
- (iv) Only local members attending the meeting can be given suitable off for the duration of the meeting;
- (v) The decisions arrived at in the meeting will be recorded by the Divisional Officer and the usual minutes of discussion will be issued.
- (vi) Individual cases will not be taken up; and
- (vii) The meeting will be common for all the participating Unions.

3. Necessary instructions may kindly be issued immediately to the Divisional Officers under you and compliance intimated.

4. Government have also decided that with effect from the same date, the meetings at Circle levels held between Union representatives and the officers of the Department should be held once in two months instead of once a month as at present. The instructions issued from time to time in regard to the holding of such meetings at Circle levels will, however, continue to be applicable except in regard to the frequency of the meetings.

This has reference to the replies received to this office Memo No. SPA. 351-4/55 dt. the 5th June, 1954.

**Standing Committee**

(DG No. 11-1/58-Union dated 16.4.58.)

The question of providing an adequate machinery at all levels for expeditious discussion and settlement of questions raised by the National Federation of P&F

Employees and its affiliated Unions has been under consideration of Government for some time past. It is the desire of Government that after the discussion, there should be an effective follow up in order to ensure an early implementation of the undertaking given and decisions arrived at.

2. The attainment of these objectives would necessarily place a restriction on the subjects to be discussed at various levels. It is, therefore, laid down as a guiding principle that the matters brought up for discussion with the authorities at all levels should generally be within the competence of the authority granting the interview and that matters which could be discussed and settled with the subordinate authorities should not be brought up before the superior authority unless the Union has failed to secure satisfactory solution at the proper level.

3. Till recently there was no provision for the Minister or the Director General to hold regular periodical meetings with the Federation and the all India Unions. Such meetings were held as and when necessary after the Federation or any of the affiliated Unions had submitted an agenda for discussion. It has now been decided by Government as an experimental measure that the Minister of State in the Ministry of Transport and Communications will normally meet the Federation once in every two months and the Director General will normally have a common meeting with the Federation and its affiliated Unions every month. In order to ensure that the meetings are held in a business like manner, it has been decided that the duration of the meeting with the Minister should not exceed two hours and the number of items to be discussed should be restricted to five. Similarly the duration of the meeting with the Director General should not exceed five hours and the number of items to be discussed should be restricted to twenty. If any of these twenty items cannot be discussed at the meeting they will be carried over to the next meeting within the prescribed twenty items for that meeting.

4. In view of the importance of the questions that are discussed with the Minister and the Director General and with a view to ensuring that at the top level, the matters discussed by the Federation or the Unions receive adequate consideration and that after discussions there is expeditious follow up and implementation of the decisions taken, Government have decided that a Standing Committee for follow up and implementation of the decisions arrived at the meeting of the Unions with the Minister and the Director General should be constituted with the following membership:

- (i) Director General                      Chairman
- (ii) Deputy Director Gen.              Vice-Chairman  
    (P&P)
- (iii) Director Est. and                    Member  
    Planning

- (iv) Director of staff                    Member
- (v) Deputy Chief Engineer (T)        Member
- (vi) Five Members to be nominated by the National Federation of P&T Employees.

The Assistant Secretary, P&T Board will act as the Secretary of the Committee.

For attending meetings of this Committee the representatives of the Federation will be allowed special casual leave out of the normal quota of 20 days per year but no TA will be admissible to them on this account.

5. At the level of Heads of Circles a meeting once in two months with the Unions accredited to them has already been prescribed vide Director-General's letter No. SPA. 351-25/55 dated 20.1.56. The powers of these officers are quite extensive both on the postal and telegraph side and it is not possible to give in detail the subject to be discussed at their level. It may, however, be stated that the matters which are within the competence of Divisional Officers and the other subordinate officers should not generally be discussed at the meeting held at the Circle level. Also the subjects which are outside the competence of Heads of Circle should not generally be brought up for discussion at that level, e.g. revision of pay and allowances, curtailment of prescribed duty hours, revision of standards for sanction of establishments, change in regard to principles governing promotion, or regulating seniority and departure from the rules made by Government or the Director General.

6. The subjects to be discussed at the Circle level being varied and multifarious in nature and the number of Unions accredited to the Heads of Circles being large, it is considered that the follow up and implementation of the decisions taken at the meeting should receive special attention. It has, therefore, been decided that in all Circles there should be an officer specially designated as "Personal Officer" who will *inter alia* be responsible for co-ordinating of Union work and for expeditious follow up of the undertakings given and for implementation of the decisions arrived at the meeting with the Unions.

7. At the level of the Divisional Officers namely Superintendent of Post Offices and RMS and Divisional Engineers Telegraphs etc. monthly meetings have already been prescribed with the Unions vide Director General's letter No. SPA-351-25/55 dated 20.1.56. The subjects to be discussed at such meetings must, however, be limited to matters within the competence of the Divisional Officers such as revision of duty hours including mitigation or elimination of split duty; alteration in distribution of work; regulation of holiday duties, accommodation for offices; provision of amenities and rotational transfers.



8. In order to ensure that the Divisional Officers continue to maintain personal touch with the Unions, and the problems raised by them it has been decided that they will be personally responsible for the follow up of the undertakings given and for expeditious implementation of the decisions arrived at the meetings of the Unions, though they may create a small unit in their offices to deal with the work.

9. In setting up a Central Committee and in

providing for a special machinery in Circles for dealing with questions raised by the staff unions, the intention of Government is to improve the working conditions of the staff and to ensure prompt settlement of their grievances. The success of such continued effort should ultimately be reflected in the quality of service which the P&T Department render to the public and the Director General hopes that all concerned will work for the furtherance of this common objective of the administration and the workers.

### Disputes in Branches

(DG.'s Memo No. SPA. 351-12/55 dt. 7.11.55).

It has come to notice of the Director General that whenever disputes about the affairs of Service Unions at Divisional and Circle level arise between two or more groups, a question is raised as to whether the directive or decision given by the next higher Branch of the Union (or by the All India Union in the case of the disputes at circle levels) should be accepted as authoritative or not.

After careful consideration of the case it has been decided that the directive given by the next higher Union in such disputes should ordinarily be treated as authoritative.

(DG No. SPA. 351-12/55 dt. 11.1.56).

With reference to your letter No. E/Const. dated

12.12.55. I am directed to say that the instructions issued in this office memo of even number dated the 7th November, 1955 were meant for the guidance of the departmental officers to whom the letter was addressed. They were never issued with the intention of interfering with the internal administration of the Unions. It may also be added that these instructions were issued at the instance of one of the All India Unions. If it is found that they are not suitable for the internal administration of the Unions, necessary instructions in the matter to the Branch Unions may be issued by the All India Unions concerned, supplying copies to this office so that Heads of Circles etc. might be suitably instructed.

*[D.G. has been asked to issue orders that in case CHQ intervenes, its decision would be final. No final orders have been issued by him as yet. G. S.]*

### Interference by officers in the internal administration of unions

(DG No. SPA. 351-43/51 dated 31.12.51.)

It has been reported by the Union of P and T Workers that some officers of the department are in the habit of interrogating their sub-ordinate officials individually in regard to any resolution passed by a Union to find out whether or not the representation is backed by the general members. This practice has been objected to by the above Union. The D.G. too considers that this practice is not quite desirable. He, therefore, desires that all the subordinate officers may be instructed not to indulge in such interrogation in future, if they are doing it now.

(DG) No. SPA.351-7/51 dated 16.3.51.

One of the Union has complained to the Director General that in some instances where lists of membership of branch Unions were called for by Divisional or subordinate officers some active members were singled out for harsh treatment and that information was passed on to other Unions or interested parties. This, if true, is reprehensible. The Director General desires that greatest care should be taken by all concerned to see that the information furnished by the Union is kept secret and is not used for victimization of any member of the Union.

## Directorate Letters on

# Behaviour of Officers & Unions

### Behaviour of Officers

Extract from D.O. No. Plg. 85-1/53 dated the 28th August, 1953, from Shri H. L. Jerath, D.G. P&T addressed to all Gazetted Officers.

The main functions of our Department are to collect and deliver letters expeditiously, to book and deliver telegrams without delay and to provide a very efficient telephone service. If there are any complaints against offices under you on this score, it would be obvious that this main duty of ours is not receiving that much attention which it should. You must, therefore, pay personal attention to these points and ensure that we render the best service to the public on each of these items.

There is another point which I wish to impress on you, and that is that you must develop what is called *sensitivity to press, public and the staff*. In daily newspapers and in weekly or monthly magazines, at times complaints or criticisms with regard to P&T services do appear. The P&T Unions bring out journals regularly and give details of difficulties of the staff at various places. It is your duty as a guardian of the good name of the Department to take notice of every criticism of this type that appears in the press and in cold print, make enquiries and send a report to your next immediate superior. Your object should be not to waste your efforts in trying to prove (this is unfortunately the general tendency) that the criticism is wrong but to rectify the defects that are pointed out and take steps to avoid recurrence. *This is the first change of approach to our problems that I expect from you.*

There is a general tendency amongst all officers not to see individual members of staff under the cloak of discipline. This, I think, is a fallacy. You, as head of the District, Division or Circle Organisation of the P&T, should be accessible not only to each and every member of the public but also to each and every member of your staff, so that you may know exactly what is happening in your own charge. If you depend for your information only on indirect information it is obvious that you will never be in possession of full and real facts. *In your own interest, therefore, I would request you kindly to change your attitude towards the staff in such a way that instead of refusing to see them or to listen to their request or grievances you keep your doors open to everybody who is aggrieved, to come in and narrate his tale of woe to you. You have not to stop at that. You should not only listen to the tale of woe of every individual member of your staff, but try and redress his legitimate grievances. A little kind word here and there would pay better dividends than hundreds of orders that you may issue.*

You have a number of Labour Unions to deal with. These Labour Unions are generally the spokesmen of the staff. You, as a District Officer or a Divisional Officer or a Circle Head, are required to find out the grievances of your staff or better still forestal them and remedy them. It is only when you neglect this

important duty of yours that the staff is driven into the fold of various Unions who then take up individual cases under the cloak of general question of policy. I am perfectly certain that, if everyone of you will bring about a little change in your old attitude and pay attention to the care and the difficulties of each member of your staff, Unions would then automatically be left free to develop a healthy atmosphere of trade unionism in this department by taking up only questions of general policy affecting each arm of service as a whole.

Complaints have been made that even the Heads of Circles refuse to see individual members of the staff or individual members of public. Human nature being as it is if once you refuse to see any member of your staff, he might exaggerate and complain that you have been rude to him. If, therefore, as I have requested you above, you try and develop a direct contact with each individual member of your establishment working in your entire jurisdiction, you will see that you will not only get first-hand information but you will also sow the seed of complete satisfaction and contentment amongst your employees. I have no doubt in my mind that if this change in the method of approach is brought about by you, the production will be better and the efficiency will improve day by day.

To sum up, I would request you :

- (1) never to refuse to see any of your subordinate or any member of public, particularly during office hours;
- (2) take personal interest in the welfare of your staff and listen to their tales of woe if they have any to narrate, and thus encourage *esprit de corps* which is an essential symbol of a democratic Government;
- (3) develop cordial relation with all the trade Unions,
- (4) develop a sensitivity to the press, public and staff, and lastly,
- (5) make a human, practical and psychological approach to every problem that confronts you.

I am sure that if you are good enough to listen to my request, you will have plenty of opportunities to do good to the greatest number and work in greater ease than that you are able to do now. Your business, as head of the family, is to look after every member of your staff, and, if they commit mistakes, try and correct them. You as head of the P&T family have a duty to perform towards your flock and that duty must be performed sympathetically with a view to correct, improve and get more work rather than only to criticise, chastise and live in isolation.

Please acknowledge.

Copy of D.O. letter No. Union—91/53 dated 29-8-53 from Sri H.L. Jerath, D.G. P&T to all Gazetted Officers.

As you are aware, whenever the Minister, Deputy

Minister and myself visit your Circle, we are confronted with long list of local grievances by individual members of the staff and the Unions. Those that are of an All-India interest are raised by the All India bodies of the Unions at their meetings with me or with the Minister at Delhi. I have instructed my office already that minutes of all the interviews that the All India Unions have with Government and the D.G. should be supplied to each Head of the Circle, so that he may know the policy of Government or the actual position in respect of each point. But there are certain matters which are of local interest and which, when they are raised, we find it difficult to settle on account of want of information from the Circles or because sufficient attention has not been paid to some minor items either by the Divisional Officers or Circles. I have already addressed you separately in a general letter, which I have addressed to all the gazetted officers of the Department by name, that it is essential for you to develop mass contact with P&T staff working under you in order to alleviate their suffering and redress their legitimate grievances. As a further step, I have decided that I will visit each Circle by turn. During my visit to each Circle, I shall ask the Provincial Branches of all the Unions to bring out their points of local interest or any complaints relating to the Circle in the form of an agenda. These will be obtained from the Unions soon after my tour programme has been received by you, and you should collect your briefs and keep them ready before I arrive. My object in doing this is to bring the officers, the Unions and the staff together and settle all their points on the spot. I am sure, if this is done, this would make far smoother administration both for you and for me. I should be grateful if you would kindly inform the Provincial Secretaries of all the Unions with which you are concerned accordingly. I am sending a copy of this letter to the General Secretaries of all All-India Unions separately.

This may please be acknowledged.

#### Intemperate Language by Unions

(D.G. No. 70/69/57-SPA dated 19.2.58.)

I am directed to invite a reference to this office letter No. SPA. 78-4/54 dated the 12th Feb., 1954 sent to all recognised Unions (Copy enclosed for ready reference) and to say that Government have noticed with regret that allegations couched in intemperate and often offensive language are being made against supervising officers at all levels. The Government is as anxious as the staff that if injustice has been done it should be set right and if corruption or bribery exists, it should be rooted out. Government, however, feel that the making of far fetched or baseless allegations and the use of offensive language in letters addressed to Departmental officers or to Government or in documents published in various forms cannot help in the common cause before us and that such a tendency can only widen the gulf between the administration and the workers.

2. Government are anxious that a healthy atmosphere should be created in which full confidence between officers and staff should be created and that they should regard themselves as senior and junior colleagues in a common undertaking. An atmosphere

of co-operation and good will has to be created and you will appreciate that any tendency of making allegations or using intemperate and objectionable language can hardly contribute in that direction.

3. When such allegations are made public, in any form, before the proper authorities are approached, much harm is done, even if on enquiry later they are found to be baseless. Government hoped that your Union will appreciate that in the interests of the creation of a healthy atmosphere, the allegations or charges should be brought to the notice of the authorities at the appropriate level and no publicity given to a one-sided version. If publicity has already been unfortunately given to the allegations in the first instance, it is hoped that the Unions will show the courtesy of publishing in their magazines, journals etc. the result of the enquiries or contradictions intimated to them by the Department.

4. I am to request you to consider the advisability of issuing suitable instructions to your Branch Unions. It will be appreciated if this letter is acknowledged.

(DG No. 10/62/58-SPA dated the 30.10.58.)

Reference this office letter No. 70/69-57-SPA dated the 19th February, 1958.

2. It has been brought to the notice of the Director-General that despite the request made in the above mentioned letter, intemperate language continues to be used in official correspondence received from the unions at all levels and that allegations also continue to be made in journals or circulars published by the Unions.

3. After consideration of the whole matter, it has now been decided that if a letter received from the union by an officer contains intemperate and offensive language, it should be returned to the sender with the endorsement on it "Returned on account of intemperate and offensive language".

4. If wild allegations are published in journals or publications of the union or intemperate or offensive language is used the attention of the Unions should be drawn to it and they should be asked to make amends. If this is not done the question of withdrawal of the "implied" permission given to the unions for publishing these journals and issuing the publications would have to be considered. Such cases should be examined by you and a report with your recommendations should be made to this office.

5. The contents of this letter may be brought to the notice of all subordinate officers.

(DG No. 70/62/58-SPA dt. 20.12.58.)

Reference this office letter No. 70/62/58-SPA dated 30th October, 1958.

On reconsideration the Director General has decided with reference to para 3 of the above quoted letter that if a letter received from a union by an officer contains intemperate and offensive language, it should not be returned to the sender but the sender should be informed that since communication was not properly worded, no notice of it would be taken until the defect was rectified.

**Certificate of Registration of Trade Union**

**No. 432.**

This is hereby certified that the All India R.M.S. Employees Union, Class-III has been registered under Indian Trade Unions Act, 1926, this day of 17th September, 1955.

*B. R. Seth*

Registrar of Trade Unions,  
Delhi.



TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II  
SECTION 3, SUB SECTION (ii)

No. 24/23/57-Ests.B  
Government of India  
Ministry of Home Affairs.

.....  
Now Delhi-1, the 3rd March, 1959  
12th Phalgun, 1880

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, and with reference to rule 4(B) of the Central Civil Services (Conduct) Rules, 1955, the President hereby makes the following rules, namely -

THE CENTRAL CIVIL SERVICES  
( RECOGNITION OF SERVICE ASSOCIATIONS )  
RULES, 1959.

1. Short title. - These rules may be called the Central Civil Services (Recognition of Service Associations) Rules, 1959.

2. Definitions. - In these rules, unless the context otherwise requires -

- (a) "the Government" means the Central Government;
- (b) "Government servant" means any person to whom the Central Civil Services (Conduct) Rules, 1955, apply.
- (c) "Service Association" includes a Federation or a Confederation of Service Associations.

3. Service Associations already recognised. -

P.T.O.

UNION INTERNATIONALE DES SYNDICATS  
DES TRAVAILLEURS DES TRANSPORTS,  
DES PORTS ET DE LA PECHE  
(DÉPARTEMENT PROFESSIONNEL DE LA F. S. M.)

МЕЖДУНАРОДНОЕ ОБЪЕДИНЕНИЕ  
ПРОФСОЮЗОВ ТРУДЯЩИХСЯ ТРАНСПОРТА,  
ПОРТОВ И РЫБНОГО ПРОМЫСЛА  
(ПРОИЗВОДИТЕЛЬНЫЙ ОТДЕЛ В. Ф. И.)

TRADE UNIONS INTERNATIONAL  
OF TRANSPORT, PORT AND FISHERY WORKERS  
(TRADE DEPARTMENT OF THE W. F. T. U.)

UNION INTERNACIONAL DE SINDICATOS  
DE TRABAJADORES DE LOS TRANSPORTES,  
PUERTOS Y PESCA  
(DEPARTAMENTO PROFESIONAL DE LA F. S. M.)

SECRETARIAT:  
JÁNSKÁ 100  
PRAGUE I. — TCHÉCOSLOVAQUIE  
TÉLÉPHONE: 67856

Prague, February 20, 1959

Circular No. 34

To all organisations in our  
trades.

Purpose: Protest against the  
murder of political prisoners  
in South Vietnam.

Dear Brothers:

You will probably have seen the news in the press about the murder of more than a thousand political prisoners at Phu-Loi camp, about 30 kilometres north of Saigon.

On December 1, one thousand prisoners died and four thousand were in agony after partaking of a meal. Some prisoners who had the strength to scale the walls of their prison to call for assistance were shot down. Shortly afterwards the South Vietnamese authorities encircled the camp with troops and had a number of the camp buildings soaked with petrol and burned together with the corpses of the victims.

This odious crime can only be likened to the mass murders in Hitler's concentration camps. It was a cold blooded act to discourage the growing opposition of the Vietnamese people to the Ngo Dinh Diem dictatorship and its slavish devotion to imperialist interests which are aimed at continuing the division of the country and making it a military base and American colony.

It was a flagrant violation of the Geneva Agreement and of the final Declaration issued by the Geneva Conference which stipulates that both parties engage not to undertake any reprisals or practice discrimination against organisations for their activities during hostilities and that both parties should assure democratic freedom.

Our Trade Unions International is convinced that all workers, all sincere persons, and all unions covering our trades are shocked by this crime. We are sure you will condemn it in the way most suitable in your country, in order to compel the South Vietnamese authorities:

...



- to provide medical treatment for the survivors and release them,
- to end their policy of terror and stop the extermination of former members of the resistance movement and of people who seek peace and the unification of their country,
- to order the permanent closure of all concentration camps (called Political Correction Centres).

Protests should be sent to the Ngo Dinh Diem Government at Saigon, South Vietnam, to the Head of the International Commission for Supervision and Control in Vietnam, Saigon, and to Mr. D.Hammarskjöld, Secretary General of the United Nations' Organisation, United Nations, New York, U.S.A.

With fraternal greetings from the Secretariat of the TUI.

  
R. AVILA  
General Secretary

Copy of Director General's Special General Circular No. 40 dated the 16th January, 1959.

SPONSORING OF FUNDS BY GOVERNMENT SERVANTS.

The orders of the Government of India on the above mentioned subject, as contained in the Ministry of Home Affairs Office Memo. No. 24/20/55-ESTS(b) dated 10.8.55, were reproduced in the D.G's General Circular No. 18 of 7th October 1955. Those orders, interalia, lay down that where action is taken by the Administration against a member of the Union, in his personal capacity or on grounds which concern him in particular, no funds should be collected even among its members by the Union for his defence. All employees of the Department should take a very careful note of these instructions in case they are called upon to contribute to any fund which may be used for the defence of any Government servant who has been punished in his personal capacity.

(13-9/58-Union)

Copy of the Home Ministry letter referred to above.

Sub: Sponsorship of funds by Government servants.

Rule 9 of the Central Civil Service (Conduct) Rules, 1955 prohibits Government servants from asking for or accepting contributions to or otherwise associating themselves with the raising of any fund in pursuance of any object whatsoever. The question how far the conduct associations, would be in order in sponsoring collections, has been considered. Strictly, in sponsoring such collections without prior permission, the Government servants would be contravening the provisions of the Central Civil Service (Conduct) Rules 1955. Neither the constitution of the Unions which may envisage collection of funds for the purposes of the unions nor the fact that unions have been registered as trade unions under the Indian Trade Unions Act 1926, which permits trade unions to raise funds, gives any immunity to Government servants in the matter. This is the legal position, but in order to assist in the smooth working of the unions as well as avoid too many references on the subject, it has been decided to grant general permission in the class of cases mentioned below.

2. The members of a union can freely collect subscriptions among themselves for welfare activities of the union. So long as their appeal is confined to the members, no permission need be sought. If any approach to the public is made, whether directly or indirectly, such permission should be necessary. Similarly, in a union where a matter affecting the general interest of the members of the union is in dispute and it is permissible under the rules of the union to spend its funds over such a matter, its members should be free to collect funds, especially for that special purpose, from among its members. Where, however, action is taken against a person, who happens to be a member of the union, in his personal capacity or on grounds which concern him in particular, no funds should be collected even among its members by the union for his defence.

.....

UNION INTERNATIONALE DES SYNDICATS  
DES TRAVAILLEURS DES TRANSPORTS,  
DES PORTS ET DE LA PECHE  
(DÉPARTEMENT PROFESSIONNEL DE LA F. S. M.)

МЕЖДУНАРОДНОЕ ОБЪЕДИНЕНИЕ  
ПРОФСОЮЗОВ ТРУДЯЩИХСЯ ТРАНСПОРТА,  
ПОРТОВ И РЫБНОГО ПРОМЫСЛА  
(ПРОИЗВОДИТЕЛЬНЫЙ ОТДЕЛ В. Ф. П.)

TRADE UNIONS INTERNATIONAL  
OF TRANSPORT, PORT AND FISHERY WORKERS  
(TRADE DEPARTMENT OF THE W. F. T. U.)

UNION INTERNACIONAL DE SINDICATOS  
DE TRABAJADORES DE LOS TRANSPORTES,  
PUERTOS Y PESCA  
(DEPARTAMENTO PROFESIONAL DE LA F. S. M.)

SECRETARIAT:  
JÁNSKÁ 100  
PRAGUE I. — TCHÉCOSLOVAQUIE  
TÉLÉPHONE: 67856

Prague, February 23, 1959

Circular No. 35

To all organisations in our  
trades.

Purpose: Violation of trade  
union rights in Burma.

Dear Brothers,


We are enclosing an appeal the Burma Trade Union Congress has sent to the WFTU and to trade unions all over the world, after the government of the country announced its decision to dissolve all unions in the Port of Rangoon and to form a new union controlled by the authorities.

According to further information, the government decision applies to all administrative and public services, particularly to the railways and the River Transport and Port Administration.

The Burmese Government's decision violates not only the country's Constitution as can be seen from the enclosed Appeal, but also Convention 87 of the International Labour Organisation on freedom of association, ratified by the Burmese Government. The Convention recognises the workers the right to form their trade unions, to "draw up their Constitutions and rules to elect their representatives in full freedom", to "establish and joint federations and confederations" which, in turn, have "the right to affiliate with international organisations of workers".

We are certain you will not fail to express solidarity with our Burmese brothers and protest to the authorities of the country, calling for the immediate withdrawal of this decision and for the complete restoration of the Burmese workers' trade union rights and liberties. You will find the necessary addresses in the enclosed Appeal. Please let us know of any steps you decide to take in this matter.

With fraternal greetings,

  
R. AVILA  
General Secretary

16  
21 MAR 1959

INDIAN POSTS AND TELEGRAPHS DEPARTMENT  
Office of the Director General Posts and Telegraphs.

No 13-12/59-SR Dated the New Delhi 16 March, 1959

To

The Secretary General,  
National Federation of  
P & T Employees,  
9-Pusa Road, New Delhi.

The General Secretaries  
of all the recognised  
P & T Unions/ Associations.

Subject:-The Central Civil Services (Recognition  
of Service Associations) Rules, 1959.

Dear Sir,

I am directed to enclose a copy of the Government  
of India, Ministry of Home Affairs' Notification No. 24/23/57  
Ests B Dated the 3rd March, 1959 on the above mentioned  
subject for your information, and necessary action.

Yours faithfully,



( S. R. Sahni )  
Assistant Secretary P.&T. Board.

A Service Association which has been recognised by the Government before the commencement of these rules and in respect of which the recognition is subsisting at such commencement, shall be deemed to have been recognised by the Government under these rules and shall continue to be so recognised until the recognition is withdrawn under rule 7.

4-Conditions for recognition of Service Associations. No. Service Association shall be recognised by the Government after the commencement of these rules, unless all the following conditions are satisfied, namely -

- (a) an application for recognition of the Service Association is made with all the information relevant for such recognition;
- (b) the Service Association is formed primarily with the object of promoting the common service interests of its members;
- (c) membership of the Service Association is restricted to a distinct category of Government servants having such common interests, all such Government servants being eligible for membership of the Service Association;
- (d) no person, who is not a Government servant, is connected with the affairs of the Service Association;
- (e) the executive of the Service Association is appointed from amongst the members only; and
- (f) the funds of the Service Association consist exclusively of subscriptions from members and grants, if any, made by the Government and are applied only for the furtherance of the objects of the Service Association.

5. Conditions subject to which recognition is granted.- Every Service Association recognised or deemed to have been recognised under these rules shall comply with the following conditions, namely:-

- (a) the Service Association shall not send any representation or deputation except in connection with a matter which is of common interest to members of the Service Association;
- (b) the Service Association shall not espouse or support the cause of individual Government servants relating to service matters;
- (c) the Service Association shall not maintain any political fund or lend itself to the propagation of the views of any political party or politician;
- (d) all representations by the Service Association shall be submitted through proper channel, and shall as a normal practice, be addressed to the Secretary or Head of the Department or Office;
- (e) a list of members and office bearers, an up-to-date copy of the rules and an audited statement of accounts of the Service Association shall be furnished to the Government annually through proper channel after the general annual meeting so as to reach the Government before the 1st date of July each year;
- (f) any amendment of a substantial character in the rules of the Service Association shall be made only with the previous approval of the Government; and any other amendment of minor importance shall be communicated through proper channel for transmission to the Government for information;



- (g) the previous permission of the Government shall be taken before the service Association seeks affiliation with any other Union, Service Association, or Federation;
- (h) the Service Association shall not start or publish any periodical magazine or bulletin without the previous approval of the Government;
- (i) the Service Association shall cease to publish any periodical, magazine or bulletin, if directed by the Government to do so on the ground that the publication thereof is prejudicial to the interests of the Central Government, the Governments of any State or any Government authority or to good relations between Government servants and the Government or any Government authority;
- (j) The Service Association shall not do any act or assist in the doing of any act which, if done by a Government servant, would contravene any of the provisions of rules 5, 6, 8, 9, 13 and 17 of the Central Civil Services (Conduct) Rules, 1955;
- (k) the service Association shall not address any communication to a foreign authority except through the Government which shall have the right to withhold it; and
- (l) communications addressed by the Service Association or by any office-bearer on its behalf to the Government or a Government authority shall not contain any disrespectful or improper language.

6. Right of recognised Service Associations. A Federation or a Confederation of Service Associations shall affiliate only recognised Service Associations; and if the recognition accorded to any of the Service Associations affiliated to a Federation or a Confederation of Service Associations is withdrawn, the Federation or Confederation of Service Associations shall forthwith dis-affiliate such Service Association.

7. Withdrawal of recognition:- If in the opinion of Government, a Service Association recognised under these rules has failed to comply with the conditions set out in rule 4, rule 5 or rule 6, the Government may withdraw the recognition accorded to such Association.

8. Relaxation.-The Government may dispense with or relax the requirements of any of these rules to such extent and subject to such conditions as it may deem fit in regard to any Service Association or class of Service Associations.

9. Removal of doubts.- If any question arises as to the interpretation of any of the provisions of these rules, it shall be referred to the Government whose decision thereon shall be final.

Sd/- V. Viswanathan  
Special Secretary to the Govt. of India.