GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

No. E&I.43(25)/58 Dated New Delhi, the 5th Dec., 1958.

6 DEC 1958

From

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Govt. of India.

To

The Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

Subject:- Closure of shift in Dunbar Cotton Mills.

Dear sir,

With reference to your letter No. DC/185/58 dated the 16th October, 1958 on the above subject, I am directed to enclose for your information a copy of a Memorandum of Settlement which was signed between the Dunbar Mills Ltd. and their workmen represented by Dunbar Cotton Mills Workers' Union.

2. If there is any further development in the matter I shall let you know.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary.

MEMORANDUM OF SETTLEMENT

1. Names of Parties : Messrs. Dunbar Mills Ltd., Shyamnagar, 24-Parganas,

---Vs.---

their workmen represented by Dunbar Cotton Mills Workers' Union, P.O. Garulia, 24-Parganas.

2. Representing employers: Shri N.M. Pradhan.
Shri V.S. Raghuvanshi.

3. Representing wokmen: Shri M.Roy, Shri N. Ghose & Shri J.Saha.

4. Short recital of the Case: A dispute arose as a result of the Company's decision to close down the working of the 'C' shift of the "Weaving Department" with effect from 31.8.58 involving retrenchment of about 364 workers as per Company's notice dated 31st July, 1958. The Dunbar Cotton Mills Workers' Union requested intervention of the Labour Directorate in this matter and the issue was discussed in more than one tripartite conferences with a view to explore possibility of settlement. At the last conference held before the Labour Commissioner of 28.8.58, the Management representatives reiterated that the decision of the closure of 'C' shift (Weaving Department) has been taken after due consideration of the problems of unemployement involved but considering the uneconomic position of themills, the stock position and efficiency of the Shift, they feel tha t there is no otheralternative but to take the above decision and they do not feel that the situation will improve in the near future. On the other hand the Union representatives contended that they are not convinced with the grounds given by the Management in justification of their decision of closure involving retrenchment of large number of workers and feel that the points raised by the Management cannot be accepted without detailed investigation.

However, with a view to mitigate the present hardship of the workers in volved, it is agreed that -

(a) those amongst the workers who have been served with a month's notice of termination dated 31.7.58 but have not yet collected their retrenchment dues will be laid off for a period of one month, viz. from 1.9-58 to 30.9.58 and will be paid lay-off benefit as per provisions of the Industrial Disputes Act. The workers will answer the Muster Roll once a day as may be required by the Management and the Management will try to provide them with suitable alternative employment as may be available.

(b) If the position does not improve during this period, viz. within 30.9.58, the Notice of Termination as already served on 31.7.58 will take effect upon these workers as from 1.10.58 instead of 1.9.58 as originally notified.

Sd/- M.M. Prodhan.
Sd/- V.S. Raghuvanshi.
Representatives of employers. 28/8/58.

Sd/- M. Roy.
Sd/- N. Ghosh.
Sd/- J. Saha.
Representatives of workmen 28/8/58.

Sd/- S.M. Bhattacharji.
Conciliation Officer.
(Labour Commissioner)
West Bengal.
28/8/58.

No. 2275 Cord/LC dated 6.9.58.

Copy forwarded to the Joint Secretary, Labour Department, Writers' Buildings, Calcutta-1, for information.

Sd/- S.N. Chatterjee.
Deputy Labour Commissioner,
West Bengal.

LABOUR DIRECTORATE,
WEST BENGAL,
CALCUTTA-I.

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

No. E81 11(38)/58 Dated New Delhi, the 29th December, 1958.

From

31 DEC 1958

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Govt. of India.

To

The Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

Subject:- Non-supply of copies of documents circulated to members of the Central Board of Trustees, Employees Provident Fund.

--

Dear sir,

I am directed to acknowledge the receipt of your letter No. 172(8)/58 dated the 24th December, 1958 on the above subject, to the Union Minister for Labour & Employment and to say that the matter is being looked into.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary.

185

No. E&I 11(20)/58 Pt.I
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,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

31 DEC 1958

Dated New Delhi, the

Subject:- Code of conduct - violation of incident of the 8th November 1958 at Burnpur.

.....

Dear Sir,

I am directed to refer to Shri R.L. Mehta's d.o. letter of even number dated the 19th November 1958 and the subsequent reminder dated the 9th December 1958 on the above subject and to request that a reply in the matter may kindly be expedited.

Yours faithfully,

for Joint Secretary

d.a.nil.
h.s. 27/12

185

NO.E&I-43(40)/58
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,
All India Trade Union Congress,
4, Ashok Road,
New Delhi.

30 DEC 1958

Dated New Delhi, the 29th December, 1958.

Subject:-Non-implementation of labour laws in Chhikhli Mines, Bhilai Steel Project.
***

Dear Sir,

In continuation of this Ministry's letter of even number dated the 7th November, 1958 on the above subject I am directed to say that the Chhikhli Mines were last inspected on June 13, 1958 when no irregularity was observed in regard to attendance records, supply of drinking water on work sites and provisions of requisite number of first-aid boxes. Nor did any of the workers complain about employment for more than eight hours during their inspection.

2. As regards medical facilities, there is a well-equipped dispensary at the mines which is attended by a qualified doctor. The doctor and a compounder visit the working place and the labour camps daily. An aya, a midwife and a nurse are expected to join the dispensary shortly. Serious cases are removed to the Bhilai Hospital where elaborate medical facilities are available. For this purpose, an ambulance is available in the mines at all times. This Hospital has a ward reserved for patients from mines.

3. The mines are due for inspection shortly when the Inspector will again investigate the complaints of non-implementation in consultation with the representatives of the Union. His findings will be sent to you in a further communication.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary.

185

NO. E & I-43(42)/58
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,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

30 DEC 1958

Dated New Delhi, the 29th December, 1958.

Subject:- Violation of Tribunal Award by Kesoram Cotton Mills (Birla Bros.).
***

Dear Sir,

I am directed to acknowledge the receipt of your letter No. 185-II/GRT/58 dated the 23rd December, 1958 on the above subject and to say that the matter is being investigated and a further communication will follow soon.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary.

No.E&I 43(40)/58
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,
All-India Trade Union Congress,
4 Ashok Road,
New Delhi.

Dated New Delhi, the 7 NOV 1958

Subject:- Non-implementation of labour laws in Chhibhli Mines, Bhilai Steel Project.

....

Sir,

I am directed to refer to your letter No.185/S.K/58, dated the 24th September, 1958 on the above subject and to state that the complaints made by you are under investigation and a further communication will follow.

Yours faithfully,

for Joint Secretary

d.a.nil
*M.L.*7.11

22 DEC 1958

185

Government of India
Ministry of Labour and Employment
...

No.E & I -2630/58 Dated New Delhi, the 20th Dec.1958.

From

Shri K.D. Hajela,
Under Secretary to the Government of India.

To

The Secretary,
All India Trade Union Congress,
4, Ashok Road,
New Delhi.

Dear Sir,

I am directed to refer to your letter No.185-II/(274)/58 dated the 25th November, 1958 and to state that the present position of the case is that so far as the demand of the Union regarding the unjustifiability of the retrenchment is concerned, the Conciliation Officer (Central), Jharsuguda who intervened in the dispute has forwarded his failure report No.COJ-27(193)/58/4839 dated the 30th November, 1958 to the Government of India, a copy of which has also been endorsed to the General Secretary of the Union. This report is under the consideration of the Government of India.

2. As regards the illegality of retrenchment, the Conciliation Officer has submitted certain proposals which are at present under examination of the Regional Labour Commissioner (Central), Dhanbad.

Yours faithfully,

(K.D. Hajela)
UNDER SECRETARY.

6. The General Secretary,
The All India Trade Union Congress,
4, Ashoka Road, New Delhi.

No. E&1 44(1)/58
GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

...

From

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

To

All India Employers' and Workers' Organisations.

31 DEC 1958

Dated, New Delhi, the

SUBJECT:- Implementation of labour enactments, awards, agreements, etc., collection of information in questionnaires.

...

Dear Sir,

I am directed to refer to this Ministry's circular No. E&1-2(1)/58 dated the 13th January, 1958 on the above subject and to say that in future, the information regarding non-implementation of labour enactments, awards, etc. may be forwarded to this Ministry in the prescribed questionnaires once in a quarter instead of once in two months as is being done now. The first quarterly report may relate to the quarter ending the 31st December, 1958 and may be furnished to this Ministry by the 15th January, 1959.

2. An acknowledgement is requested.

Yours faithfully,

for Joint Secretary

l.a.nil.
p.k.m. 29/12

185

No.E&I-35(61)/58
Government of India
Ministry of Labour & Employment

From

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

To

All India Organisations of Employers & Workers.

Dated New Delhi, the 27 DEC 1958

Subject:- Breach of the Code of Discipline - supplementary proforma regarding strikes.

Dear Sir,

In continuation of this Ministry's circular letter of even number dated the 1st October, 1958, I am directed to say that it is considered necessary to call for more comprehensive information about strikes to assess if they were launched after making full use of the existing machinery for the settlement of disputes, etc. It is, therefore, requested that while reporting breaches in respect of strikes, information as per proforma enclosed, in lieu of the information asked for in para 4 of the proforma circulated along with the earlier letter of even number dated the 1st October, 1958 may kindly be furnished to the E&I Division of this Ministry.

2. Cases falling in the State sphere should, in the first instance, be reported to the State Government. Copies of such reports particularly when they refer to major strikes may be sent to this Division. All cases of strikes, in the Central sphere will naturally be reported to this Division.

3. All members affiliated to your organisations may kindly be advised accordingly.

Yours faithfully,

for Joint Secretary.

d.a.refd.to
sps 27.12

Copy with a copy of enclosure forwarded to:-

i) All Employing Ministries in continuation of this Ministry's Memorandum of even number dated the 11th October, 1958.
ii) All State Governments.
iii) All Officers in the Ministry.
iv) Chief Labour Commissioner and all Regional Labour Commissioners. They may kindly furnish to this Division information in regard to each strike occurring in the Central Sphere.
v) All Sections (except Library, C.R., B&A, Cash, Adm., O&M, Vigilence and L.C.)
vi) Shri S. Kumar Dev, Press Information Officer.

for Joint Secretary.

6. The General Secretary,
The All India Trade Union Congress,
4, Ashoka Road, New Delhi.

CODE OF DISCIPLINE IN INDUSTRY

SUPPLEMENTARY PROFORMA REGARDING STRIKES

1. Please give the following details regarding strikes :-

   (i) Was an attempt made to settle the dispute which led to the strike through the grievance procedure or by mutual negotiation with the other party and if so, what are the details of these attempts? What was the result of these negotiations?

   (ii) On the failure of negotiations was the matter taken up in conciliation, and if so, with what result?

   (iii) On the failure of conciliation proceedings was an attempt made to settle the matter by voluntary arbitration, and if so, with what result?

   (iv) On the failure of the aforesaid means for arriving at a settlement, was a request, joint or unilateral, made to the appropriate government for referring the matter to adjudication, and if so, with what result?

   (v) Was the assistance of the E&I machinery sought as a last resort before going on strike?

   (vi) If the strike was launched without exhausting all or any of the means referred to in clauses (i) to (v) above the reasons for not following these procedures.

2. Was the strike launched after giving due notice?

3. Was the lightning strike launched only for enforcing settlement of the dispute or for any other reason?

4. Was the strike launched during the pendency of:-

   (i) mutual negotiation.
   (ii) arbitration proceedings.
   (iii) conciliation proceedings.
   (iv) adjudication proceedings.

5. Was the strike declared illegal before it was actually launched?

- 9 DEC 1958

No.E&I.43(1)/58
Government of India
Ministry of Labour & Employment
...

185

From

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

To

The Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

9 DEC 1958

Dated New Delhi, the

Subject:- Evaluation & Implementation of labour enactments, agreements, settlements awards etc.,

....

Sir,

I am directed to refer to this Ministry's circular letter No.E&I-2(1)/58 dated the 13th January 1958 on the above subject wherein you were requested to furnish to this Ministry replies to the questionnaires every alternate month. As the replies for the period ending the 30th November, 1958 are due to be received in this Ministry by the 10th December 1958, I am to request that steps may kindly be taken to ensure that the requisite information is furnished by the stipulated date. In case there is no information to furnish a "NIL" report may kindly be sent.

Yours faithfully,

for Joint Secretary.

"D.A.Nil"
DAYAL

185

9 DEC 1958

No. E&I-35(72)/58
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,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 9 DEC 1958

Subject:- Plantation workers' strike in Kerala.

Dear Sir,

I am directed to refer to this Ministry's letter of even number dated the 13th October, 1958 on the above subject and to request that your reply thereto may kindly be sent to this Ministry as early as possible.

Yours faithfully,

for Joint Secretary

d.a.nil.

24 DEC 1958

No. APS/LM/ 10027 /58

Asstt. PRIVATE SECRETARY TO THE MINISTER FOR LABOUR AND EMPLOYMENT.

New Delhi, the Dec. 23, 1958.

To

Shri K.G. Srivastava,
Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

Sub: Activities of INTUC-affiliated union in Gua, Dt. Singhbhum, Bihar.

Dear Sir,

I am desired to acknowledge receipt of your letter No.185-II/58, dated the 20th December, 1958, to the Union Minister for Labour, Employment & Planning, along with its enclosure, on the above subject.

Yours faithfully,

(J.C. Saxena)

183

No.185-II/58
December 20, 1958

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

Sub: Activities of INTUC-affiliated union in Gua, Dt.Singhbhum, Bihar

Dear Sir,

We wish to draw your attention to copy of the letter dated 26th February 1958 sent to you by our affiliate, United Mineral Workers' Union, Gua. We enclose herewith a copy of this letter for your ready reference.

We are informed that no action was taken on this letter by the authorities in Bihar nor by the Labour Ministry. We hope you will inquire into the matter.

Thanking you,

Yours faithfully,

(K.G.Sriwastava)
Secretary

-9 DEC 1958

UNITED MINERAL WORKERS UNION

Head Office : **GUA**

Branch Office: MANOHARPUR, CHIRIA.

(PROF. BARI ZINDABAD)

PRESIDENT —SALAUDDIN BARI
DEPUTY PRESIDENT —TAHIR HUSSAIN
VICE PRESIDENT —MRS. RENU CHAKRAVORTY. M.P.
" " —K. C. SOLANKI
GENL. SECRETARY —P. MOZOOMDAR
ASST. " —B. SHARMA
" " —
TREASURER —MARCUS BHENGRA

P. O.: GUA
DIST.: SINGHBHUM
(BIHAR)

Ref. No. Gum/433. *Dated* 4th Dec. *1958.*

To
Shri K. G. Srivastava, Secretary,
A.I.T.U.C., 4, Ashoka Road,
New Delhi.

Dear comrade,

Please find the attached a copy of a letter, dated the 26th February'58, addressed to S. P., Singhbhum, Chaibasa.

Please acknowledge the receipt of the same.

Yours sincerely

Nakul Guha.

i) Rec.. this letter
ii) Fw this Shri G.L. Nanda.
15/XII

UNITED MINERAL WORKERS' UNION
HEAD OFFICE ~~X~~ - GUA
P.O. GUA.
DIST SINGHBHUM. (BIHAR)

TRUE COPY

DATED 26TH February
1958.

To
The Superintendent of Police, Singhbhum,
Chaibasa.

Dear Sir,

I have to place before you the facts about the provocative propoganda, speeches made by Sri Jagadish Singh of Burnpur along with some persons - say - 5 to 6 in a car with mirrophone, for your immediate consideration and early action:

That on 14/2 at about 10 A.M., 5/6 persons came very near to our union office at Chiria with microphone fitted in a car. They were provoking the workers by saying on the mike that, " R.S.Sharma is a thief". "We have come here now and will demolish the "Action Committee"office within the next monday or within this week. We shall take retaliation of two murders of Gua by murdering the action committee men here at Chiria. We shall avenge on the action committee people here for Gua. We shall not let them off".

Also they announced that a mass meeting would be held on monday the 17/2/58 at foot ball Maidan on behalf of the working committee of INTUC union. Shri Gopeswar would address the meeting, "You workers drive ~~out of Chiria~~ Sharma out of Chiria as he is a goonda, thief etc.

Wife of Lodhra Munda, mother of Chamu, Chamu's wife and others heard and saw the above incident.

INTUC union held a mass meeting at Chiria on 17/2. Shri Rutua Mahato, station clerk, Pradhan, mining supervisor - both are employees of the company (IISCO), one from Burnpur named Jagadish Singh and one another, outsider, spoke in the meeting.

In course of the speeches they, particularly, Jagadish Singh, abused Shri S.A.Dange, M.P., Smt Renu Chakravarty, M.P., Jonab Tahir Hossain, M.L.A., Burnpur, Sri Pasupati Pandey, Vice-President, united Iron & Steel workers' Union, Burnpur and Shri R.S. Sharma in filthy languages.

They said: "Action committee" cheats the workers and is the agent of the company and the contractors".

Appealing to Sri R.S.Sharma, Jagadish Singh said: " if you want to pass your days in a easy way - then come to our side". Otherwise you would be killed by bows and arrows in the same way as Ramasis Singh was killed at Gua last year.

On 16th February 1958, Jagadish Singh and others made provocative speeches at their mass meeting held at Gua market. They abused Sri S.A. Dange, M.P., Smt. Renu Chakravarty, M.P., Jonab Tahir Hossain, M.L.A., Burnpur and Sri P. Mazumder etc.

I would, therefore, request you to take immediate steps to stop these provocative propoganda, speeches, threats etc.

Yours faithfully

Nakul Guha,
On behalf of the union.

Copy to:
Deputy commissioner, Singhbhum.
Sub-Inspector of Police, Manoharpur P.S.
Sri S.A. Dange, M.P., New Delhi.
~~Labour~~
Smt Renu Chakravarty, M.P., New Delhi.
Labour Minister, Govt of India, New Delhi.

24 DEC 1958

Immediate

No.E&I-43(65)/58.
Government of India
Ministry of Labour & Employment.

(185)

- - -

From

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

To

The Secretary,
All India Trade Union Congress,
4- Ashok Road, New Delhi.

Dated New Delhi, the 24 DEC 1958

Subject:-Delay in implementation of Coal Award relating to grades and time scale.

- - -

Dear Sir,

I am directed to refer to this Ministry's letter of even number dated the 2nd December 1958 on the above subject and to say that this matter would be discussed at the next meeting of the Industrial Committee on Coal Mines scheduled to be held next month.

Yours faithfully,

for Joint Secretary.

Bring to Coalgenly file

'D.A.NIL'
J.S.23/12/58.

185

No.185-II/ITE/58
December 24, 1958

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

Sub:Decision of 17th session of the Standing Labour Committee - Imperial Tobacco Co.'s appeal to Supreme Court.

Dear Sir,

Kindly refer to the letter dated 16th December 1958 addressed to you by The Imperial Tobacco Co. Employees Union, Patna. The union is not affiliated to us, but all the same, we wish to request you to intervene since it is a question of general application of the tripartite decisions arrived at the 17th Session of the Standing Labour Committee, regarding appeals to Supreme Court.

The Imperial Tobacco Co. of India Ltd., Virginia House, 37 Chowringhee, Calcutta, has gone in appeal to the Supreme Court against the award of the Labour Court, Patna - a case of reinstating a single workman, who was earlier dismissed by the Company on flimsy charges. Shri Akhileswar Prasad, the workman concerned, also happens to be the General Secretary of the All-India Tobacco Employees Federation, affiliating unions in the industry throughout India. The workers in the tobacco industry are justifiably agitated over this matter.

The relevant papers have already been forwarded to you by the Union concerned. We request that the Evaluation & Implementation unit may be moved to see that this unwarranted litigation is put an end to immediately.

Yours faithfully,

(K.G.Sriwastava)
Secretary

19 DEC 1958

THE IMPERIAL TOBACCO CO. EMPLOYEES' UNION

Regd, No 532

PATNA

Babu Ramdhayan Prasad's Building,
Upper flat, Pirthbipur,
Englishganj Road, PATNA-1.

Ref. _____ Date 16th December, 1958.

Shri Gulzarilal Nanda,
Labour Minister of India &
Chairman, Central Implementation & Evaluation Committee,
Government of India,
NEW DELHI.

Dear sir,

NON-IMPLEMENTATION OF AWARD DUE TO APPEAL IN THE SUPREME COURT OF INDIA.

Under your gracious Chairmanship of the 17th session of the Standing Labour Committee held in October, 1958 at Bombay, it was decided that no party to an industrial dispute should go in appeal to the Supreme Court against an award of the industrial tribunal. It was also decided that efforts should be made to settle outside the court even such cases which are pending before the Supreme Court.

In complete disregard of the above decision, the Imperial Tobacco Co. Of India Ltd., Virginia House, 37, Chowringhee, Calcutta-16 has gone in appeal in November 1958 to the Supreme Court against the award of the Labour Court, Patna (Bihar). This award concerns only one single workman, who was dismissed by the above company and who was ordered by the Labour Court, Patna, to be reinstated holding that it was a clear case of victimisation for his trade union activities. A gazette copy of the award is enclosed for your kind perusal. The workman, Shri Akhileshwar Prasad, involved in this case is no other man than the General Secretary of the All India Tobacco Employees Federation, to which our union along with all other tobacco trade unions of the country are affiliated. Naturally, all the 45,000 tobacco industry workers are vitally interested in this case. There is great resentment against the above action of the employers in this industry. A copy of the petition filed by the employers before the Supreme Court for special leave is also enclosed, a perusal of which would reveal that neither any principle nor any substantial monetry loss is involved in this case. The action of the employers is, therefore, on the face of it, unwarranted and unjustified.

This is, therefore, to earnestly request you to kindly intervene in the matter and to utilise your kind good offices to secure withdrawal of the appeal by the employers in accordance with the decision of the Standing Labour Committee quoted above.

With kindest regards.

Yours faithfully,

SD/
(S. P. SINHA)
GENERAL SECRETARY.

Say this is an independent union, not affiliated to any political party

ENCL:- 2

The union is not affiliated to any political party. Can we say so? Cl.

10/xii

(P. T. O.)

Memo No. Dated, 16th December, 1958.

Copy with a copy of the enclosures forwarded to the Secretary, All India Trades Union Congress, 4, Ashok Road, New Delhi, for information with a request to kindly take up the matter with the employers and the government with a view to secure withdrawal of the appeal from the Supreme Court.

GENERAL SECRETARY.

REGISTERED NO. P-51

सत्यमेव जयते

" THE BIHAR GAZETTE "

EXTRAORDINARY

Published By Authority.

******

Asvina 21, 1880.

(No. PATNA 168) PATNA, MONDAY, OCTOBER 13, 1958.

LABOUR DEPARTMENT

RESOLUTION
The 9th October, 1958.

No. III/Dl-1706/57-L- 17183.- Whereas Shri A. Hasan, Presiding Officer, Labour Court, Patna, Bihar, has submitted to the Government his award in respect of the industrial dispute between the Management of the Imperial Tobacco Company of India, Ld., Patna Branch, and their workmen referred to him under Labour Department's notification no. III/Dl-1706/58-L-3275, dated the 25th February,1958 for adjudication;

Whereas the award is required to be published in the manner as the State Government thinks fit;

And whereas the State Government has been pleased to decide that the award should be published in the Bihar Gazette.

ORDER.- Ordered that a copy of the resolution with a copy of the award be forwarded to the Superintendent, Secretariat Press, Patna, for publishing the resolution and the award in the Bihar Gazette and copies be forwarded to the parties to the said dispute.

By order of the Governor of Bihar,

U. N. MAZUMDAR, Under- Secy.

BEFORE SRI A. HASAN, PRESIDING OFFICER, LABOUR COURT, PATNA.

REFERENCE NO. 1 of 1958.

Mangement of the Imperial Tobacco Company of India Ltd., Patna- Branch.

v e r s u s

Their workmen represented by the Imperial Tobacco Company Employees' Union, Patna.

FOR THE MANAGEMENT.-

Sri Ramanand Rao, Labour Adviser; and

Sri S. K. Banerjee.

FOR THE WORKMEN—

Sri Ranen Roy, President; and

Shri B.K.Ghosh, General Secretary, Imperial Tobacco Company Employees' Union, P A T N A.

A W A R D.
****
Dated the 4th October,1958.

This reference arises out of a dispute between the management of the Imperial Tobacco Company of India, Ltd. Patna Branch, Patna, and their workmen represented by the Imperial Tobacco Company Employees' Union, Patna. The reference was made under sub-section (1) of section 10 of the Industrial Disputes Act, 1947, and it was published in the Bihar Gazette under notification No. III/Dl-1706/58 L.-3275 dated the 25th February,1958. The matters in dispute are specified in Annexure A of the reference which runs as follows:-

" Whether the dismissal of Sri Akhileshwar Prasad is justified and if not, whether he is entitled to reinstatement or any other relief."

2. On notice being issued to the parties they filed written statements which are on the record. The contensions of the parties in their respective written statements would be dealt with in course of their consideration of the point in issue on its merits.

F I N D I N G S.

3. The case of the Management is that Sri Akhileshwar Prasad was responsible for the maintenance of the Leave Registers and he wilfully omitted to make entries enumerated in Exhibit L in respect of annual leave, sick leave and casual leave taken by him during the relevant period and thus due to those omissions he availed leave with pay to which he was not entitled and thereby caused wrongful loss to the company and wrongful gain to himself. It is further alleged that he had altered or overwritten entries in respect of seven other clerks mentioned in Exhibit L relating to year 1957 leave and leave carried forward from the previous year 1956 and their alterations are in favour of the employees concerned. Thus Sri Akhileshwar Prasad was guilty of mis-conduct under the Standing Orders of the company and was dismissed after proper enquiry.

4. Sri Akhileshwar Prasad on the other hand contended that he was not incharge of the Attendance and Leave Registers and he was doing the work of filling in the Leave Register along with other clerks as and when he was asked to do so and it was the Branch Superintendent who was actually responsible for the maintenance of the Leave and Attendance Registers. It is further said that the omission of the leave entries in the Leave Register were due to the defective system of making the entries and not for any other reason.

5. So far as the first contention of the workman is concerned there is no substance in it. It appears from the duty chart (Exhibit B/4) that he was to deal with the leave records and register among other things. There are 16 items in the duty chart which he was to do. Item No. 3 makes mention of leave records and register. Besides this the writings in the leave register as also the admission made by the workman himself that mostly it was dealt with by him and in his absence some other clerk used to do that duty establish that he was incharge of the leave register. In face of all these it does not require much discussion to come to a conclusion that he was incharge of the leave records and the leave register. It is also admitted by Shri Khanna (L. W. 3) that generally Sri Akhileshwar Prasad made entries in the leave register and in his absence some other clerk did the postings. He added further that he had not noticed that during the presence of Shri Prasad in office, postings were done in the leave register by any other clerk. There are similar materials in plenty showing that Sri Akhileshwar Prasad was dealing with leave records. For instance, a number of documents in Exhibit R series, namely R/1, R/2, R/3, R/6, R/8, R/13, R/15, R/16, R/18, R/20, R/21, R/22 and R/24 dealing either with annual leave or sick leave were addressed to different workmen but copied to Shri Akhileshwar Prasad. Obviously it indicated that those letters were copied to him because he was required to make necessary entries in the leave register. It was further pointed out on behalf of the Management that letters Exhibits P/2 to P/7 were addressed by the Branch Superintendent to different persons with copy to Sri Akhileshwar Prasad even during periods when he was on leave. Reference was also made to the petition, dated the 4th June,1958, filed by Sri Akhileshwar Prasad in this court, item No. 4 of which recited that as he was absent on leave he had no occasion to make entries in the Leave Register. It clearly showed that while in office it was his duty to make entries in the Leave Register. From these it is abundantly proved that Sri Akhileshwar Prasad was incharge of the Leave Register and it was his duty to maintain the Leave Register.

6. But merely the fact that he was incharge of the leave records is not sufficient to prove the charge against him. In the first place it has to be seen that the entries enumerated in the charge Exhibit L in respect of various kinds of Leave taken by Sri Akhileswar Prasad were omitted to be entered in the Leave Register and secondly that the omission were wilful. So far as the first point is concerned it was admitted on behalf of the workman that the leave enumerated in the charge-sheet Exhibit L were availed of by him and it was also admitted that they were not entered in the Leave Register which should have been done. But it was denied that the omission were wilful. It was the contention of the Management that in either case whether the omissions were made by him or other clerks the responsibility lay on the shoulder of Sri Akhileshwar Prasad and he either wilfully made the omission or failed to rectify the omissions made by others since it was his duty and responsibility to make entries in the Leave Register. At this very stage it has to be pointed-

(P.T.O.)

out that the Management itself was not clear in its mind if the omissions were wilful or not. In fact the charges of wilful omissions and omissions due to negligence could not be consistent. If the omissions were due to negligence they could not be wilful. It was urged that in fact Sri Akhileshwar Prasad could be present at the time entries would be normally made in respect of the majority of the entries in question. In this connection reference was made to the agreed Standing Order No. 11 (Exhibit M) dealing with the rules governing the various types of leave. It would appear from Standing Orders nos 11(b) 5 and 11(k) that in respect of annual leave and casual leave the applications had to be made in advance and must have been written in advance as previous permission was necessary before such leave was availed of. It was admitted by Sri Bose (L. W. 5) that the entry of annual leave must have been made before he proceeded on leave because it was annual leave. On its basis it was argued that entries in respect of annual leave and casual leave ought to have been made by Shri Akhileshwar Prasad himself because such leave is granted in advance and prior permission was necessary. Thus omissions in respect of those kinds of leave are directly attributed to Shri Akhileshwar Prasad. These are all arguments in theory but the Management had no material to show that he knowingly and wilfully omitted to make entries of the leave taken by him. In the Exhibit L three kinds of leave are enumerated. They are annual, casual and sick leave. It appears from a scrutiny of the Leave Register, the Attendance Register and the Leave Application that there is no method of keeping the leave account in this office. For instance while the leave application of Shri Akhileshwar Prasad shows that he applied for annual leave for 15 days, namely, from the 15th June,1957 to 29th June,1957, the application itself is dated the 17th June,1957. The leave due column shows nine days with pay and D.A. and six days without pay and D.A. as filled up by the office. At the foot of the application form there appears to be the initial of the Branch Manager of Branch Superintendent. The Leave Register at page 95 shows entry of annual leave of nineteen days, i.e., from the 11th June,1957 to 29th June,1957 with a note that " six days against 1957". They entry is signed by the Branch Superintendent. The Attendance Register shows a horizontal line drawn across from 11.6 to 22.6 and thereafter the Attendance Register is blank and shows neither attendance nor absence. The three documents relating to the same subject and for the same period give three different stories. It clearly indicates that there is no method in the office and every thing in respect of the leave record is done in haphazard manner. The Attendance Register does not bear the initial of any officer of the company and it is left entirely to the clerical staff to fill it up in the way they like. In such chaotic state of things it is very difficult to arrive at any correct figure about an employee's leave account, even if one wants to do it. The contention of the Management that the annual leave or casual leave is availed of after it is sanctioned and entered in the leave record is completely demolished by the facts discussed above. In fact the leave from 15th June was applied for on 17th June and availed of from 11th June,1957. It is difficult to conceive how all this could be possible and it is too much to lay the entire blame for it on a particular, clerk as there is inherent defect in the system itself. Thus the presumption that the entries in respect of annual leave or casual leave availed of by Shri Akhileshwar Prasad must have been made by himself or by some other clerk before he went on leave does not arise here as the instances quoted above completely nullify it. It was stated by Sri Akhileshwar Prasad that omission of entries in respect of leave availed of by him must be due to pressur of work and it was never intentional or wilful. The onus was on the Management to show that the

omission were dishonest and deliberate but in face of the circumstances discussed above it is difficult to arrive at that conclusion.

7. With regard to the sick leave it was the case of the Management itself that there is the possibility of omission of the entries by some other clerk as normally this type of leave is taken after the worker has fallen sick. According to the charge sheet Exhibit L 9 entries in respect of sick leave were omitted from the Leave Register and it was argued that when he made some sick leave entries himself as would appear from his leave accounts on page 95 it was quite probable that some of these omitted entries could have been normally made by Sri Akhileshwar Prasad. It was pointed out that in any case the entry for 20 to 21.5 at page 9 of the Leave Register was admittedly in the pen of Shri A.Prasad and it was only natural that he should have noticed the overwriting and the mutilation of the entry of four days sick leave which was just above it and must have been made prior to it. A look at the entries clearly shows that the entry of 29.4 to 1.5 which was scored out could not have been made prior to the entry of 20.5 to 21.5 as it seems to have been squeezed in subsequent to the latter entry. Therefore, the allegation that Sri Akhileshwar Prasad deliberately ignored it while he was making the entry of his sick leave for 20.5 to 21.5 loses all its force. Thus it is difficult in any view of the matter to fasten the guilt of wilful omission on him. There was no positive evidence to the effect that any of the omissions of the entries in respect of sick leave of Sri Akhileshwar Prasad took place while he was in office and was writing the Leave Register himself. On the contrary it appears from the entries in the Leave Register that when he had opportunity of making entries in respect of his own sick leave he did make those entries in the Register as a number of such entries are in his pen. It is not possible to fix up the date of the entries in the Leave Register as there is no column in it to show that, nor the initial made by the Branch Superintendent bear any date. In absence of it the responsibility for the omission could not, in all fairness, be fastened on Sri Akhileshwar Prasad unless it was established that on the date those entries should have been made he was present and not absent from the office. The entire argument of the Management is built on the assumption that most of the entries could have been made when he was present and as already discussed the assumption itself was found to be untenable.

8. Stress was laid on behalf of the Management on the fact that Sri Akhileshwar Prasad admitted that he took 31 days' leave——annual, sick and casual — to which he was not entitled and it was argued that an employee who is entitled only to two month's leave in a year actually availed of three months' leave within a period of nine months could not be said to have done so without any idea of the excess leave taken by him. It was pointed out by the Management that Sri Akhileshwar Prasad stated that he used to exhaust all his leave every year and on the top of it he used to take leave on the loss of pay. It was said that an employee who habitually exhausted his leave with pay must be conscious of his leave position at all times. The learned cousel for the Management seems to have lost sight of the other aspect of the thing. An employee who does not care to exhaust all his leave on pay every year and on the top of it takes leave on loss of pay would not be so calculating as to take particular care of his leave account as it is not the pay which matters with him but it is the leave whether it is witch or without pay. Sri Akhileshwar Prasad is admittedly the General Secretary of All-India Imperial Tobacco Employee's Union and the field of his activity is not confined only to this

State but it extends to the other States as well. Naturally he has to be going out for the purpose and seems to care more for his trade union activities than for a few rupees that he would be saving by not going on leave on loss of pay. Therefore this contention of the Management does not carry any weight. Had these omissions been wilful the employee could have easily fabricated entrised in the Attendance Register which no supervisory staff even cared to look to and thus escaped detection. The very fact that there is no such allegation in respect of the entries in Attendance Regiser makes the case of deliberate omission altogether improbable.

9. On behalf of the Union it was pointed out that even after Sri Akhileshwar Prasad when the responsibility for the posting in the Leave Register was that of the Branch Superintendent himself a number of irregularities could be noticed in the Leave Register and undoubtedly no motive could be imputed to him except that the mistakes, if any, had crept in either due to rush of work or want of sufficient care. With reference to page 20 of the Leave Register of 1957 (Exhibit C/1) it was pointed that though it appeared from the Attendance Register that Sri P.P.Dubey was absent on 2nd, 4th and 24th November,1957, no entry of any leave is to be found in the Leave Register. It was further pointed out that though the Leave Register showed the balance 2, 15 and 23 under heads C.L, S.L and A.L., the correct figures on calculation should be nil, 5 and 13 respectively. It was further pointed out with reference to entry of Sri Bhan Prakash in the Leave Register on page 93 that though he was on casual leave on 14th and 15th November, 1957, the Attendance Register on those days was blank. It was also pointed out from the Leave Register at page 50 that Sri K. K. Prasad was on casual leave from 18th to 20th November,1957 as shown in the Attendance Register, but in the Leave Register there is omission of that. It was also shown that the new Leave Register of Sri Prasad showed that he was on casual leave from the 18th November,1957 for three days but the Attendance Register showed that he was present on those dates. On basis of the instances among other which could be noticed on a cursory perusal of the registers, it was argued that the story of the Management that the Leave Register was counter-checked with the Attendance Register stands completely falsified. Nor is it the case of the Management that the Attendance Register was maintained by Sri Akhileshwar Prasad and in fact that charge is prominent by its absence in the charge-sheet. This contention of the workman was supported by the entries in the Attendance Register itself as also by the evidence of the witnesses. It is well established that the entries in the Leave Registers were never counter-checked with the enteries in the Attendance Register or such glaring discrepancies could not be there. There are certain other things which show the carelessmanner in which the registers were maintained. For instance, there is nothing on the Leave Registers to show that they were meant for the year 1957 except some internal entries in which the year is mentioned. But one looks in vain for any entry of the year in the new Register Exhibit C/1 produced by the Management. Though the Leave Register Exhibit C/1 is maintained by the Branch Superintendent himself the same unsatisfactory state of things seem to prevail even now. Therefore the contention of the Management that Sri Akhileshwar Prasad should have noticed the omissions in the Leave Register on reference to the Attendance Register has no force in it and there is nothing to show that there was such system of counter-checking by the office ever. That being so, there was no merit in the charge that Sri Akhileshwar Prasad being aware of the omissions purpocly kept silent over them.

10. It is important to note that leave applications which would have thrown some light on the matter in issue could not be produced before the court and no satisfactory explanation was coming forth in respect of that. They were supposed to be in custody of the Management and it was for the Management to show that they were taken away by Sri Akhileshwar Prasad with some motive. On the other hand it is the contention of the Union that they were taken away by the Management itself in order to withhold that piece of material which would have demolished the case of the Management. This contention of the Union finds support from the evidence of Mr. Williams in the domestic enquiry where he admitted that all records and registers were taken away from the table of Akhileshwar Prasad. It finds further support from the statement of Shri Sen, the Branch Manager, in paragraph 7 of his cross-examination where he admitted that Sri Akhilehnwar Prasad complained to him that the leave applications were taken away. On behalf of the Union it was urged that it was not uncommon with the Management to do so and reliance was placed on the letter Exhibit 4/a by Sri Lalit Kumar Sinha to the Depot Manager. It recites that when the clerk arrived in his office he found every paper of his drawer misplaced. The letter bears a note of the Branch Superintendent that the salesman did it under the Management's instructions as a very special case. Whatever may be the reasons but it is objectionable and such practice should not be encouraged in an office like that of the Management. The absence of regular duty cards, the haphazard manner of writing books maintained by the office, and the irresponsible way of taking out papers from the table and drawers of the clerks responsible for them, indicate that there is no method in the office and anything and everything could be done to meet an emergency. In face of these materials the responsibility for the non-production of the leave applications which were material evidence in this case lies on the Management itself and the onus being on it to prove that omission made by the accused were deliberate and intentional it is obvious that they failed to discharge it. It has also to be noted that in 1957 the practice of advance leave was also in vogue which was subsequently stopped by Sri Sen. In such confused state of things as already shown it was difficult to be very accurate about the leave accounts and there was nothing to show that the accused omitted to make the entries in question in order to defraud the company. The element of fraud and wilful omission being absent, the workman could not be found guilty of wilful omission to make the entries in question.

11. It is necessary to consider here that when it is found that he was responsible for the maintenance of the Leave Register could he escape the responsibility, if any, for such omissions. It has already been shown that the entry of the annual leave or casual leave is not always done before the applicant is allowed to avail of it and the Management itself was lukewarm about the entries of sick leave. Therefore the charge of wilful omission could not be established by the Management on its merit itself.

12. The second charge against Sri Akhileshwar Prasad was to the effect that as the clerk responsible for the maintenance of Leave Register he altered or over-wrote without the knowledge of the Management entries relating to 1957 leave and leave carried forward from the previous year in respect of seven employees named in the charge-sheet.

13. In the first place the charge does not specify alterations in respect of the seven workmen mentioned in the charge-sheet. It was proper for the Management to specify

the entries in respect of which alterations or over-writings were alleged so that the workman could get opportunity to meet those charges. One looks in vain into the written statement either for the specific alterations and over-writings for which the workman was charged by the Management. Even in evidence the Management did not choose to say anything with regard to the specific entries in respect of which alterations and over-writings were alleged and it was only in cross-examination that some suggestions were made to the witnesses of the opposite party. In order to establish a charge against the workman it was necessary to disclose the specific item in the charge-sheet itself and failing that it should have been atleast indicated in the written statement filed by the Management and lastly evidence should have been led to specify such entries. It was fundamentally wrong to give no indication of these in the charges, written statement or even the evidence led by the Management and at the same time to expect the workman to meet the charges. Management's witness Sri B.K.Chakarvarty in the departmental enquiry made certain reference to the alteration and overwriting in the entries in respect of the seven other workmen mentioned in the second charge but even that does not specify the particular entires but only gives the page numbers of the Leave Registers in which the Leave account of those employees are entered. It is settled principle that the charges against a person for a certain offence or misconduct should be specific so that he may get sufficient opportunity to meet those charges. These are certain alterations and over-writings no doubt on those pages on some items of leave but all of them are not in pen of Shri Akhileshwar Prasad, nor could they be satisfactorily established to have been done with a view to give undue advantage to the workman. There is complete absence of any motive and the charge itself worded as it is does not suggest any for such alteration or overwriting and all that is indicated by it is that the workman was liable for negligence or carlessness in not getting those alterations and overwritings initialled by any member of the Management. A look at the pages 185, 183, 113, 75, 69, 53, and 41 related to the leave entries of the seven workmen mentioned in the charge-sheet shows that all the entries are initialled by the Branch Superintendent in the margin of the page on the right hand side except the top entry relating to the number of days due in 1957. The top entry was made by the clerk with reference to the balance of leave left for the year 1956 but unfortunately the Leave Register of 1956 was missing in this case and in absence of it, it was difficult to speak with certainty about incorrectness of the figures in question. Secondly, it is the evidence on the record that the top entries are filled up first and rest are made in due course as occasion arises. Subsequent entries of leave taken by the employee are all initialled by the Branch Superintendent and if any alteration in the Leave Account at the top was made by Shri A.Prasad it should not have escaped notice of the Branch Superintendent unless such alteration was made dishonestly after the last entry on the page of which there is no evidence in the record. Therefore it was idle for the Management to contend that the alterations or overwritings were made without the knowledge of the member of the Management and Sri Akhileshwar Prasad did it surreptitiously. From the materials in the record and the circumstances of the case it appears that the defective method of maintaining these registers without any check or verification from the Attendance Register was responsible for these alterations and overwritings. On going into the details of the entries on those pages it would appear that there was only overwriting in case of Ram Khelwan (page 185 of the Leave Register in the entry, dated the 2nd August to 9th August) which had no initial of the Branch Superintendent. On a close scrutiny of the same it appears that first the entry of eight days was made under the column sick leave but

subsequently it was changed to six days and the remaining two days were shown under the head annual leave. It was only a question of adjustment because it appears that the employee had only six days' sick leave due to him and no more and so the remaining two days had to be adjusted towards his annual leave. On page 183 of the Leave Register likewise there is nothing except the adjustment of three days' leave on the 19th September to 21st September from sick leave to casual leave for similar reason as the employee had already exhausted his sick leave. The entry in the leave account of Lallo Paswan on page 113 has also nothing serious about it which is initialled by the Branch Superintendent and adjustment was made on leave application. The Leave Register at page 73 relating to Kamli Pahto shows the top entry of sick leave altered from 20 to 40. The entries subsequent bear the initial of the Branch Superintendent and it was denied that the alteration was done in the pen of Sri Akhileshwar Prasad. Therefore the responsibility of the alteration could not be fastened on him in face of his unchallenged statement on the point taken in cross-examination (vide paragraph 9). The entry in the Leave Register at page 69 relating to Sri O.P. Khanna (L.W.3) also could not be fastened on Sri Akhileshwar Prasad as Sri Khanna in his evidence explained the circumstances in which the figure of 45 was changed to 47½. He was cross-examined on the point but there is nothing to discredit his evidence on oath. The leave entry of Sri A.K.Ghose at page 53 of the Leave Register shows the change of figure 6 to 5 but it was also not in pen of Sri Akhileshwar Prasad, but as stated by Shri Khanna it was in his pen. Therefore, Sri Prasad could not be made responsible for that alteration. At page 41 the leave account of Shri K.D.Dubey is entered. Shri K.D.Dubey (L.W. 4) explained how the figures 45 was changed to 47 in respect of annual leave. It was also done on his representation to the Branch Superintendent that two days leave was due to him and the Branch Superintendent asked Shri Akhileshwar Prasad to correct that entry. His evidence remained unchallenged as he was not cross-examined by the Management and the explanation offered by him remained ex-parte. Thus the charge of alterations and over-writings in respect of these leave entries remained not only unsubstantiated but appeared to be frivolous in face of the explanations offered.

14. Having dealt with the charges on their merits I would proceed to consider now if the Management was inspired with any motive of victimisation and the workman was a victim of unfair labour practice. It is true that the burden of proof of victimisation and unfair labour practice was on the Union. It is a fact that Sri Akhileshwar Prasad is the General Secretary of the All India Tobacco Employee's Federation and he was charge-sheeted twice before, one in 1953 and again in 1955. It is also undisputed that he applied for leave for Union work in 1955 and he was advised to resign (vide Exhibit 10 & 10/a). It was the case of the Union that the Managements' attitude was anti-union from the very beginning. It was the contention of the Union that Sri Akhileshwar Prasad by his trade union activities had made himself eye-sore to the Management and the Management was on a lookout for an opportunity to terminate his services. It appears from Exhibit 5 & 5/a that the contention of the Union was not unfounded. While the Management wanted to get rid of this employee they were also apprehensive of the repercussion that might follow his dismissal. It appears from the correspondence that they wanted to know the reaction of the Labour Department before taking any serious step against this employee so that it may not prove unsuccesful if the matter was referred to adjudication. The letter Exhibit 5/a of 1953 in its last paragraph clearly recites that Mr. Hutchence thought that to be a good opportunity to get rid of Sri Akhileshwar Prasad but he was cautioned by ....P.T.O....

Mr. R.A. Stracey that the punishment of dismissal proposed would be regarded as too harsh for the offences committed by him. The deposition of Mr. Hutchence is important in this connection. He tried to explain away the import of the sentence used in the letter Exhibit 5/a to the effect that it was 'thought to be a good opportunity of getting rid of Sri Prasad' by saying that it was his personal view but the explanation does not carry conviction. It was agreed by the Management as well that if suitable opportunity could be available Sri Prasad should be got rid of. The very phrase " to get rid of" indicates that they were sick of him and they were just on a look out for a suitable opportunity to get rid of him. Of course they did not like to expose themselves by dismissing him without making a good case against him. At long last they found this to be good opportu--nity to get rid of Sri Prasad. It can very well be imagined that with such bias in their mind whether they could act with fairness while dealing with that employee. As already discussed, without any satisfactory evidence of wilful omission he was charged of it and the same was held to be proved by an enquiry held in the matter and the highest punishment was inflicted upon him. If the enquiry was held with unbiased mind and dispassionate view was taken the findings against Sri Prasad should have been of negligence and not of wilful omission. The spirit of victimisation influenced not only the finding and the punishment but also tainted the enquiry. Where an employer is anxious to get rid of an employee it is improbable to expect him to maintain his balance of mind in a domestic enquiry. It is true that the fact of the omission of the entires of the leave availed of by Sri Prasad was correct but to suggest that it was done with a view to defraud the company to gain wrongful advantage to himself was distortion of it. That part of the finding is the result of the prejudice which rightly or wrongly the Management entertained against the employee. If it could be proved by the Management that the omissions were wilful the punishment inflicted would have been perfectly justified but in absence of it the punishment of dismissal was undoubtedly too severe.

15. On behalf of the Management attempt was also made to show that Sri Prasad was a man of very bad antecedent and he had a black record of service in other places as well. Evidence was led to show that he served the State Co-operative Bank for some time and he was dismissed from service on charge of misconduct. On a perusal of the evidence of Sri Akhauri (M. W. 1) it would appear that there was no justification for his dismissal from employment. The M.W. 1 admitted that he did not make any enquiry himself and stated that no open enquiry was held in his case but the then Chairman late Rai Bahadur Shyam Nandan Sahay held some confidential enquiries which led to his dismissal by the Board. It was suggested to him in his cross-examination that the resolution passed by the Board was not given effect to and Sri Prasad was taken away by Rai Bahadur Shyam Nandan Sahay in his Cycle Factory for employment. He denied that suggestion. He had to admit that he had faint recollection that Sri Akhileshwar Prasad worked in the Bicycle Factory though he was not definite as to what was the nature of his employment there. The witness gave a testimonial (Exhibit 2/a) to Sri Prasad which does not disclose the fact of his dismissal from employment. Admittedly there are Staff Regulations controlling service conditions of the employees of the Bank and the procedure to be followed before an employee is dismissed are laid down there. It is obvious that in the case of his dismissal no such procedure was followed. If at all he was dismissed, the got an appointment immediately after it in the Cycle Factory

under the gentleman who was the Managing Director of the State Co-operative Bank. The charge of his taking six bags of cement without any payment was explained away by the fact that he had deposited the price of it in the Biharshariff Depot and the commodity being out of stock there, he was asked to take it from Maharajganj Depot in the Patna City. This suggestion was made to M.W.1 but the witness was unable to deny it as he did not remember the fact. It is just possible that when these facts came to light subsequently Rai Bahadur Shyam Nandan Sahay, the Managing Director of the Bank thought it fit to employ him in his Cycle Factory just to make amends for the wrong done to him. Another allegation against this employee was that he worked as an Accountant in the office of the State Fire Officer and was dismissed from there on charge of temporary misappropriation of the Government money. This allegation was strongly repudiated by Sri Ranen Roy appearing for the workman. He challenged the allegation on various grounds. In the first place he pointed out that the proceedings produced by the witness Sri Modi was against one Akhileshwar Prasad who was not the same man as Akhileshwar Prasad, the employee in question here. It was also argued that the letter Exhibit V/2 along with its enclosure was produced in peculiar circumstances. It was tried to show that the witness did not produce the letter nor came to depose with the permission of the head of his department which he should have done. Thereby it was suggested that the witness was interested and as a matter of fact it was put to him that he was a member of Bankipore Club and knew Sri Sen, the Branch Manager, on account of his association there. I am not prepared to attach much value to these suggestions as it is too much to expect the Branch Manager to influence the witness to produce records from his office in an unauthorised manner with a view to victimise the employee. But the main difficulty was with regard to the identity of the person who was the employee in the office of the State Fire Officer. As already pointed out, there was difference in the name and in absence of any identification by the witness that lacuna remained there. It would appear from Exhibit Q/1 that Sri Akhileshwar Prasad made mention of his previous employment when required by the Imperial Tobacco Company to do so. He mentioned his three previous employments but there is no mention of his employment in the State Fire Department. That also throws a considerable doubt on the identity of the person who was the subject-matter of the proceeding there. The Exhibit Q/1 disclosed that he worked as an assistant in the Finance Department, Government of Bihar for about three years, he worked as Head Assistant of the Managing Director, Bihar State Co-operative Bank for about two years and lastly he worked as Personal Assistant to the Secretary, Hindustan Bicycle Manufacturing Corporation Ltd., Phulwarishariff also. If he was to suppress his employment in order to conceal his dismissal he should have omitted to make mention of his employment in the State Co-operative Bank also, from where according to the records produced, he was dismissed by a resolution of the Board. In face of all these, it was difficult to hold that this very Akhileshwar Prasad was dismissed from the service in the State Fire Office on the charge of temporary misappropriation. Thus the allegation of his previous bad record as alleged could not be established by the Management nor could it be taken into consideration against him in this case.

16. On behalf of the Union it was argued that the Imperial Tobacco Company itself, though a very big concern,

was capable of fabricating things in order to get rid of a trade unionist employee by implicating him in a false case. In support of it a reference was made to an award of 1952 of the Third Industrial Tribunal, Bengal and to a decision of the Calcutta High Court reported in 1956 L. L. J., Volume II, page 35. In the first case the evidence of Mr. Hills, the Depot Manager, was falsified by the document of the company itself and all that false evidence was given to get rid of 19 employees by retrenchment on the plea of reorganisation though it fact the reason behind it was the annoyance given by those workers to Mr. Hills by refusing to carry out his orders. The second case arose out of an appeal in Workmen's Compensation Act case and severe strictures were passed in that case on the attempt of the company to support its false case of the employee being on leave on 22nd April,1952 as made out before the Commissioner by adjusting books and papers kept in the establishment by making appropriate entries therein. On basis of these it was urged that if the company wanted to get rid of an employee or to defeat his claim it could go to the length of not only adducing false evidence but fabricating accounts to suit its purpose, From the decisions quoted above it appears to be so no doubt but in the present case no such fabrication in registers was pointed out and all that could be noticed was the unsystematic and haphazard way of writing Leave Registers which was apt to lead to an inaccurate calculation of the leave account of an employee. Here the employee also in all fairness admitted the total leave taken by him in spite of the fact that many of them were not entered in the Leave Register nor leave applications in respect of them were available. Therefore to impute motive to him for these omissions seems to be unjustified. Though Mr. Hutchence tried to explain away the recitals in Exhibit 5/a they clearly indicate the mind of the employer and it could not be discarded as mere personal view of Mr. Hutchence. They give a clue to the inner mind of the employer and the feeling entertained by him towards Sri Prasad. The facts of the omission of the entries may be correct but the history of the Management shows that it is unable to take a detached view of things in a case like this. Had Sri Prasad the intention to defraud the company and to gain wrongful advantage to himself he could have easily done manipulation in the Attendance Register as well and thus managed to avoid detection. The way in which the entries in the Attendance Register are made, already shown, leaves ample scope for manipulations and fabrications. Therefore it is apparent that the omissions in the Leave Register were not wilful but to the jaundiced eye of the Management they appeared to be so. If a Management is on a look out for an opportunity to get rid of an employee it is apt to magnify even simple instances of mis-conduct in order to victimise him.

17. As regards the domestic enquiry into the case it is the allegation of the Union that it was not done in a proper manner and opportunity of defence was not given to the workman. The charge was framed on 26th and the enquiry was fixed on 29th November in hot haste without any opportunity of explanation to the workman. Admittedly the workman's representation was restricted and he was not allowed to be represented by any non-employee office bearer of the Union. If a workman is to be represented by the Union, there was no meaning in putting such restriction and it was certainly unfair to do so. During the enquiry itself the workman was obstructed in putting pertinent questions in cross-examination with the result that he had to walk out. The brief findings of the enquiring officer without proper

discussion of the evidence on the record disclose a predetermined mind. The finding of wilful omission is not supported by any reasoning. The endorsement of the Branch Manager thereon, without giving opportunity to the workman to show cause, if any, against the proposed punishment as provided in the Standing orders, shows that the Manager wanted to get-rid of the workman the soonest possible. Merely the idea that Sri Prasad had walked out of the proceedings did not justify the omission of calling upon him to show cause as required by the agreed Standing orders of the company.

18. From the discussions made above it is clear that only the charge of omission to make the entries could stand but never the charge that it was done wilfully to cause wrongful gain to himself and others and wrongful loss to the company. It appeared from the charge-sheet Exhibit L that he was charged under standing orders 16(d), (l) and (k). The standing orders 16 (d) and (k) have no application in absence of proof of dishonesty and fraud or any act subversive of discipline. They are far-fetched. If at all, being incharge of the maintenance of the Leave Register he had the constructive liability of seeing that the omissions were rectified. The standing order No. 16(l) relates to misconduct of habitual negligence or neglect of work of serious nature. Strictly speaking, upon the findings recorded the present case does not come under standing order 16(l) either as there is no proof of habitual negligence or neglect of work of serious nature. It is a case of careless work as laid down under standing order 15(a). In the circumstances the punishment of dismissal was not at all justified. I am supported in this view by the decision of L. A. T. reported in 1956 (1) L. L. J. 301. It was laid down therein that mere omission to make entry without fraudulent intention did not make the employee liable for dismissal. Moreover, it is held in the case reported in A. I. R 1957 Pat. 357 that where issue of second notice of show cause was provided in the rules (standing orders here) the order of dismissal without it should be quashed. Therefore in any view of the matter the order of dismissal could not be supported and it had to be set aside. The result is that Sri Akhileshwar Prasad is reinstated.

19. The punishment provided for faults under standing order 15(a) is meagre but in this case Sri Prasad was incharge of the maintenance of the Leave Register and the irregularities noticed therein cast a sad reflection on him also. The omissions were in respect of his own leave account of which he should have been more particular being incharge of the leave accounts of all the employees. It is, therefore, awarded that he would be reinstated only with 50 per cent of his wages for the period of his absence from duty. That penalty would be sufficient to meet the ends of justice in this case.

20. As recorded above I give my award.

A. Hasan,
PRESIDING OFFICER,
LABOUR COURT, PATNA.

IN THE SUPREME COURT OF INDIA, NEW DELHI.

CIVIL APPELLATE JURISDICTION.
PETITION FOR SPECIAL LEAVE TO APPEAL NO. 643 OF 1958.
IN THE MATTER OF:

The Imperial Tobacco Co. Of India Ltd.,
Patna Branch ..... Petitioner

Versus

Their workmen represented by the Imperial
Tobacco Co. Employees' Union, Patna ..... Respondent.

To
The Hon'ble Shri S.R.Das, Chief Justice of India
and His companion Justices of the Supreme Court.

THE HUMBLE PETITION OF THE PETITIONERS ABOVE NAMED MOST RESPECTFULLY SHEWETH:-

1. That this a petition for special leave to appeal against t the Award made by the Labour Court, Patna dated 4th October, 1958 and published in the Bihar Gazette Extraordinary dated 13th October, 1958 in the matter of an industrial dispute between your petitioners and the respondents relating to the dismissal of one Shri Akhileshwar Prasad, an employee of your petitioners in their Patna Branch.

2. That the said Akhileshwar Prasad was dismissed by an orde of the Manager of the Patna Brach of your petitioners on the 11th December, 1957 following upon an enquiry on certain charges of misconduct under the Standing Orders of the petitioners (Annexure A) the said charges of misconduct inter alia were as follows:-

(a) That Shri Akhileshwar Prasad being responsible for the maintenance of Leave Registers/records wilfully ommitted to make certain entries in respect of leave taken by him between 1-1-1957 and 28-9-57 and thereby availing himself of 31 days leave with full pay in excess of his entittlement and causing wrongful loss to the company.

(b) That Shri Akhileshwar Prasad had altered and/or overwritten the leave entries in respect of seven other workmen.

A copy of the charge sheet served on the workman is annexed hereto and marked as Annexure B.

3. That the Investigation Officer after giving the said Akhileshwar Prasad full opportunity of defending himself came to the finding, on evidence on record, that the said charges were established, and recommended his dismissal to the Manage of the Patna Branch of your petitioners.

4. That, thereupon, the respondents raised an industrial dispute with your petitioners which was referred by the Government of Bihar on the 25th February, 1958 to the Labour Court, Patna, under section 10 of the Industrial Disputes Act, 1947 on the following question:-

"Whether the dismissal of Shri Akhileshwar Prasad is justified and if not, whether he is entittled to reinstatement or any other relief."

5. That before the Labour Court, your petitioners supported t the order of dismissal of the said employee on the basis of the said charges and adduced evidences which inter alia showed (a) That Akhileshwar Prasad was in charge of the maintenance of the Leave Registers/records, (b) and that he was also in charge of the Atendance Register and preparation of the pay rolls. Akhileshwar Prasad himself admitted in his evidence that he in fact took leave 31 days in excess if his entittlement, that he ommitted to make entries in the Leave Register, that he drew the pay for the said period to which he was not entittled, and that he generally prepared the pay rolls. A copy of the Duty Chart and petition dated 4.6.19 of the said Akhileshwar Prasad as exhibited in the Labour Court are annexed hereto and collectively marked Annexure C.

6. That in the written statement filed by the respondents it was inter alia contended as follows:-

(ex)

P.T.O

(a) Akhileshwar Prasad was not in charge of the maintenance of the Leave Register/Attendance Registe:
(b) the omission made by him in making the entries in connection with his leave were not done wilfully;
(c) Akhileshwar Prasad was subjected to victimisation and unfair labour practice on the part of the petitioners;
(d) Your petitioners did not give him a full ipportunity to defend himself; and
(e) the relevant Standing Orders were not followed in the conduct of the domestic enquiry.

7. That the Labour Court, in its Award dated 4th October, 195 held:

(a) That Akhileshwar Prasad was in charge of the Leave Register and it was his duty to maintain the said register;
(b) That the charge of the wilful omission to make the entries in the Leave Register had not been established by your petitioners;
(c) That the charge of alterations and/or overwriting in respect of leave entries of the seven workmen remained unsubstantiated;
(d) That the spirit of victimisation on the part of your petitioners influenced not only the finding of the dimestic enquiry and the punishment imposed but also tainted the enquiry itself;
(e) That the domestic enquiry was not done in a proper m manner in as much as Akhileshwar Prasad was not allowed to be represented by a non-employee office-bearer of the union and that he was not given a second opportunity of showing cause against the proposed order of punishment;
(f) the punishment of dismissal was too severe; and
(g) the irregularities noticed in the Leave Register cast a sad reflection on Akhileshwar Prasad.

In the result the Labour ordered reinstatement of Akhileshwar Prasad but directed that 50% of his wages for the period of his absence from duty should be deducted as penalty.

8. That the main grounds on which your petitioners pray for leave to appeal are:-

(a) That gross and substantial injustice has been caused by the ommission on the part of the Labour Court to take material facts and documents into consideration on the issue of wilfulness in respect of omission of entries in the Leave Register and on the question of victimisation;
(b) That the finding of the Labour Court in respect of the victimisation is wholly erroneous in law and is not warranted by the evidence adduced before it;
(c) That the Labour Court erred in law in holding that Akhileshwar Prasad was entittled to second opportunity of showing cause against the proposed order of punishment and in holding that a non-employee office bearer of the union should have been allowed to represent the case of Akhileshwar Prasad before the domestic enquiry;
(d) That the Labour Court, once having come to the conclusion that Akhileshwar Prasad was guilty and deserved punishment, should not have acted as a court of appeal and substituted its judgment for that of your petitioners in respect of the nature of punishment; and
(e) That the Labour Court inspite of the objection on the the part of ~~your~~ petitioners admitted into evidence certain documents after the arguments on behalf of yo your petitioners had been concluded and did not ~~affor~~ afford any opportunity to your petitioners to meet the case made by the respondents on the basis of the said documents.

9 That on the issue of wilfulness in omission to make entries in the Leave Register, the Labour Court whilst holding that the registers were in charge of Akhileshwar Prasad and that it was his duty to maintain the said register and noting the

admission on the part of the said workman that the excess leave in question was availed of by him, has held that your petitioners did not prove wilfulness on the part of the said workman in making these omissions. The court in its marshalling of evidence, has failed to refer to the fact that the workman concerned was himself responsible for preparation of the pay rolls and that he in fact drew the sa salary for the period of 31 days in question. Ot is sumbitte that if the court had not failed to take these facts which were in evidence into consideration, it would have come to a different conclusion on the issue.

10. That on the issue of victimisation, the Labour Court relied on two letters, which were exchanged about the workma between two officials of the company in 1953, that is, nearly 5 years before his order of dismissal, for coming to the conclusion that the order was tainted as the company wished to victimise the workman concerned. Even whilst takin the said two letters into account, the Labour Court failed t rake into consideration that the same letters were relied upon and produced by the respondents before the Arbitrator appointed by the Government of Bihar for adjudication of certain disputes, inter alia arising out of the suspension of Akhileshwar Prasad and the said Arbitrator refused to accept the contention of the respondents that your petitione was guilty of unfair labour practice as early as in the year 1953. It is submitted that had the Labour Court taken into consideration as aforesaid, the Labour Court would have come to a different conclusion.

It is further submitted that assuming without admit admitting that the facts to be as the Labour Court found the even then they could not amount to be victimisation in law. The said two letters written in 1953, can not, in any event, have either proximity or any nexus with the action taken by your petitioners in 1958. Furthermore, the Labour Court also failed to take into consideration that subsequent to the said two letters of 1953, your petitioner entered into four long term agreements with the respondents in appreciation of the pronciples of collective bargaining.

11. That it is submitted by your petitioner that ommission on the part of the Labour Court to take the material facts and documents into consideration as stated in the preceding paragraphs 9 and 10, constitutes error of law resulting in erroneous findings and no tribunal or court could properly as a matter of legitimate inference arrive at the conclusion that the Labour Court has. This Hon'ble Court in White Vs White (A.I.R. 1958 Supreme Court, page 441) has held:-

> "If in giving the findings the courts ignore certain important pieces of evidence and other pieces of evidenc which are equally important are shown to have been misread and miscontrued and the Supreme Court comes to the conclusion that on the evidence taken on the whole no tribunal could properly as a matter of legitimate inference arrive at the conclusion that it has, interference by the Supreme Court will be called for".

12. That your petitioner submits that the domestic enquirt which was held prior to the order of dismissal, was proper and the said workman was given every opportunity of defendin himself as will be apparent from the facts hereinafter set out:-

(i) on 26th November, 1957, Akhileshwar Prasad was given a charge sheet in writing specifying in details the misconducts for which he was charged (namely those under Standing Orders 16(d),16(l) and 16(k) of your petitione-er's Standing Orders) and also informing him that the enquir into his conduct would be held on the 29th November, 1957;

(ii) the enquiry was postponed first to 30th November, 1957 and then to 6th December, 1957 to suit Akhileshwar Prasad's convenience and to enable him to inspect the relative documents;

(iii) Your petitioner arranged for the three officers of your petitioner from outside stations to be present at the enquiry at Akhileshwar Prasad's request, although Akhileshwar Prasad did not subsequently examine them;

(iv) Akhileshwar Prasad was allowed to attend the

domestic enquiry with one of his co-workers of hi
own choice;

(v) The enquiry was finally commenced on 6th December, 1957 in the presence of Akhileshwar Prasad. On the 7th December, 1957 however, Akhileshwar Prasa failed to turn up;

(vi) inspite of the above, Akhileshwar Prasad was give one final opportunity to appear in the enquiry on 9th December, 1957 to cross-examine your petition -r's witnesses and state his case, he attended on the 9th but walked out in the middle of the enqui after cross-examining one witness in full and oth partially but without stating his case at all.

Your petitioner submits that the Labour Court clearly erred in law in not appreciating that neither did the Standing Orders permit nor otherwise would an employee be entittled as of righ to be represented by a non-employee office bearers of the unio before a domestic enquiry conducted by the management. The decision of the Labour Court is contrary to the ratio of the judgment in 1957 Vol II Labour Law Journal, page 395. Further, The Labour Court overlooked that there was no right under the Standing Orders or otherwise which would entittle an employee to a second opportunity to be heard before the punishment is inflicted.

13. That it is submitted that the Labour Court acted in excess of its jurisdiction when it d cided the nature of the punishment thereby substututing its own judgment for that of the petitioner and acted as a court of appeal. It has, therefore, acted contrary to the ratio of the decisions reported in 1958, Vol I, Labour Law Journal, page 261 of this Hon'ble Court, 1957, Vol: II Labour Law Journal, page 15 of the Allahabad High Court and 1951, Vol: II Labour Law Journal, page 314 of the Full Bench of the Labour Appellate Court.

14. It has been held by the full bench of the Labour Appellate Court reported in 1951, V ol: II Labour Law Journal, page 314 that in ordering reinstatement the Tribunal is expected to be inspired by a sense of fairplay towards the employee on ne hand and consideration of the discipline on the other. The past record of the employee, nature of his present lapse and the gro grounds on which the order of the Management is set aside, are also relevant factors for consideration.

In view of the aforesaid decisions, it is submitted that the order of reinstatement is erroneous in law as the Labour Court failed to consider that Akhileshwar Prasad was previously suspended from your petitioner's service for taking leave on false pretext and overstaying leave in 1953 and 1955 and that Akhileshwar Prasad was also suspended by the union from the union (i.e. the respondents) on the ground of grave misconduct.

~~15. That material prejudice has been caused~~

15. It is further submitted that having regard to the above and other facts of antecedents record as disclosed before the Labour Court, your petitioner has lost confidence in Akhilesh= war Prasad, and the Labour Court ought not to have interfered with the decisions of your petitioner to dispense with his services.

16. That material prejudice has been caused to your petitione by the conduct of the proceedings before the Labour Court. For instance, the Labour Court, after the arguments were closed by your petitioner, permitted the respondents to file additional evidence, viz, certain leave applications made by the seven workmen. Thereafter no opportunity was given to your petitioner to cross-examine the witnesses or otherwise to meet the case or to comment on those documents. On 4th August, 1958 an application was made by the respondents to exhibit certain leave applications which were produced by your petitioner in pursuance of the respondent's request on 6th June, 1958 but were not exhibited at the time of the examination of the witnesses. The Labour Court allowed, after your petitioner closed its arguments, the documents to be marked as exhibits on the ground of relevancy notwithstanding the objection petitio -ion filed by your petitioner that it would not have the opportunity of examining the witnesses to comment on these documents. Furthermore, on a crucial matter whether the

order passed by the State Fire Department dismissing Akhileshwar Prasad, was in relation to the present Akhileshwar Prasad, the Labour Court wrongfully refused to recall Mr. Modi, the officer concerned, to identify Akhileshwar Prasad although when Mr. Modi was in the witness-box, no question was put to him by the respondents that the order of dismissal of the State Fire Department was not in reference to Akhileshwar Prasad.

17. Your petitioner, therefore, prays that special leave to appeal be granted against the aforesaid Award of the Labour Court, Patna published in the Bihar Gazette Extraordinary dated 13th October, 1958, under Article 136 of the Constitution of India, on the following amongst other

G R O U N D S.

(i) That the Labour Court failed to take into consideration vital materials on the record which go to the root of the matter and this has resulted in grave miscarriage of justice.

(ii) That the Labour Court over-looked the vital fact that the said Akhileshwar Prasad was incharge of the preparation of pay rolls and the attendance register in addition to the leave register and that he had admitted the receipt of the money for leave with pay in excess of his entitlement.

(iii) That the Labour Court has over-looked the material on the record which clearly shows that the two letters written by Mr. R.A.Stracey in 1953 were in fact produced before the Government Arbitrator in 1953 who had rejected the plea of the respondents of unfair Labour practice.

(iv) That the finding of the Arbitrator was resjudicated in respect of the allegation of the unfair labour practice in so far as it was based on the said two letters of 1953.

(v) That the Labour Court failed to appreciate as to what amounts to victimisation in law and that the said two letters of Mr. R.A.Stracey in 1953 cannot in any event have either proximity or any nexus with the action taken by your petitioner in 1958.

(vi) That the Labour Court ought to have held that once misconduct is proved under the Standing Orders, then the motive would be irrelevant if the employer exercises the powers conferred upon him under the Standing Orders, and therefore, even assuming without admitting that your petitioner did want to get rid of Akhileshwar Prasad, the same was not relevant if otherwise they have the power to remove him under the Standing Orders.

(vii) That material prejudice has been caused by the conduct of the proceedings before the Labour Court.

(viii) That the Labour Court failed to appreciate that an employee had no right to be represented by a non-employee member of the Union. The decision of the Labour Court is contrary to the ratio of the judgment in 1957 Vol. II Labour Law Journal, page 395.

(ix) That the Labour Court erred in holding that Akhileshwar Prasad was prevented from putting any questions in cross-examination in the domestic enquiry.

(x) That the Labour Court failed to appreciate that it should not act as a Court of Appeal and substitute its own judgment for that of the management.

(xi) That the Labour Court should not have in any event ordered reinstatement having regard to the principles laid down by the Labour Appellate Tribunal that in ordering reinstatement the Tribunal is expected to be inspired by a sense of fair play towards the employee on one hand the considerations of discipline in the concern on the other and that the past record of the employee, the nature of his alleged present lapse, and the grounds on which the order of the management is set aside are also relevant factors for consideration. (1951 Vol. II Labour Law Journal, page 314).

(xii) That the Labour Court erred in holding that there was inherent defect in the system of taking and / or granting annual leave and / or casual leave and / or sick leave.

(xiii) That the Labour Court should in any event have held that Shri Akhileshwar Prasad was liable for the haphazard manner of writing leave register/records as the Labour Court itself has found him to be incharge of and responsible for maintenance of the same.

(xiv) That the finding of the Labour Court that the leave application relating to 31 days leave taken by Shri Akhileshwar Prasad in ecess of his entitlement were material for the matter in issue and / or that your petitioner was responsible for on-production of such leave applications is based on conjecture not warranted by evidence adduced before the Labour Court.

(xv) That the finding of the Labour Court that Shri Akhileshwar Prasad would not be so calculating as to take particular care of his leave account and that he was only concerned with leave whether with or without pay is based on presumption which is erroneous on the face of the materials on record before the Labour Court.

(xvi) That the Labour Court erred in holding that the charges relating to alterations of leave entries of seven other workmen were not specified and failed to appreciate that inspection of relative documents was given to Shri Akhileshwar Prasad before the domestic enquiry.

(xvii) That the Labour Court failed to apply its mind to relevant material on record.

(xviii) That the judgment of the Labour Court is preverse.

Your petitioner, therefore, most humbly prays that this Hon'ble Court be pleased to grant special leave to your petitioner to appeal to this Hon'ble Court against the Award of the Labour Court, Patna dated 4th October, 1958 published in the Bihar Gazette Extraordinary dated 13th October, 1958 in Reference No. 1 of 1958, and be pleased to pass such other and further order as this Hon'ble Court may deem fit and proper.

Your petitioner shall, as in duty bound, ever pray.

DRAWAN BY:
Shri J.B.Dadachanji,
Advocate, Supreme Court.

Settled by :
Shri B.Sen,
Senior Advocate Supreme Court.

Resettled by :
Shri C.K.Daphtary,
Solicitor General of India.

FIED BY :
RAJINDER NARAIN & CO.,
ADVOCATES SUPREME COURT,
NEW DELHI.

FILED ON 30th October, 1958.

No.185-II/GRT/58
December 23, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Violation of Tribunal Award by
Kesoram Cotton Mills (Birla Bros.)

Dear Sir,

Please refer to our letters of even number dated October 4, October 25 and your No.E&I.Dy.No. 1808/58 dated October 8, 1958.

A written assurance was given to our affiliate, the Garden Reach Textile Workers' Union, Calcutta by the Labour Minister of W.Bengal, early November, to the effect that "all necessary steps will be taken to implement the decision of the Award and settlement". On the assurances from the Minister, the hunger-strike by the Union's Vice President was withdrawn on 3.11.58.

The Union repeatedly contacted the W.Bengal Labour Department in this connection, but little headway has been made in getting the Tribunal Award implemented.

On the other hand, attempts are being made to thwart the functioning of the union affiliated to us and to foster an INTUC-affiliated union, on the part of the management. In the elections to the Works Committee, our affiliate got all the seats for its representatives but the management have refused to function these committees.

It is needless to repeat that the anti-labour practices and the refusal to implement Awards constitute a violation of the Code of Discipline and this violation, it has to be deeply regretted, continues unabated, despite our efforts to bring the matter to your attention time and again.

We hope you will take up the question with the W.Bengal Government immediately.

Yours faithfully,

(K.G.Sriwastava)
Secretary

29 NOV 1958

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PHONE : 45-4092

Garden Reach Textile Workers' Union

REGD. NO. 463

(Affiliated to All India Trade Union Congress)

Q 77, AKRA ROAD : CALCUTTA - 24

Ref. No. Tu/KG/58/253. Date Nov. 28, 1958.

Comrade K.G.Sriwastava,
Secretary,
All India Trade Union Congress,
4, Asoke Road,
New Delhi.

Send to L Mundhra & P.K.

Dear Comrade,

The hunger strike of Comrde Bhawani Roy Chourhury was withdrawn on 3.11.1958 on the written assurance of Shri Abdus Satter, Labour Minister, West Bengal that ' all necessary steps will be taken to implement the decision of the Award and settlement'. But still now nothing has been done by the Government as yet.

We met the Labour Minister twice and the employers met him seperately.

During this time the employers have let loose series of repressions upon the workers. They are trying to increase the workload in many a departments, are boosting up the INTUC Union, though our Union represents 95 % of the workers, we captured all the 10 seats of the Works Committee. The INTUC here is just a small group. The labour Office and other Officers are openly saying that unless representation comes from INTUC they will not even consider the workmens cases as Sick leave, long leave, petition for quarters etc. Further the President of the INTUC Union seats most of the time in the labour office and he even gives evidence against the workers during the time of hearing of the Chargesheets, while our representaives are not being allowed to seat in the proceedings. Even the members of the Works Committee are denied the change to be present in the enquiries. Officers of our Union are denied the right to enter the Mill Workers' Lines, and the INTUC bosses are free to go there and canvass for their Union.

I am enclosing , herewith, the items of non-implementation of awards and settlement, as submitted to Shri Abdus Satter, Labour Minister, West Bengal.

We have been delighted to learn that x United Textile Union has been formed in Bombay. We hope that the Bombay Union will take the lead to form an All India Federation of Textile Workers.

As it appears that the 'Wage Board' decision has been kept in Cold storage by the Government of India and in the meantime the employers have been given a free chance to launch 'Rationlisation' and in some places closures etc. The management of Kesoram Cotton Mills are not only increasing the workload in various departments but at the same time are threatening the workers with Sunday and night shift closures,

....2.

PHONE : 45-4092

Garden Reach Textile Workers' Union

REGD. NO. 463

(Affiliated to All India Trade Union Congress)

Q 77, AKRA ROAD : CALCUTTA - 24

Ref. No...... *Date* 28.11.1958

which will affect more than 4,000 workers. Their excuse is accumulation of stocks, which are due to the fact that during the days when the excise duty on Medium variety was less the mill produced huge quantity of medium cloth with less picks in all the 2,000 looms at their disposal and even from inferior cotton. As result of which , they proved unmzrketable and could not be sold.

The present production of medium cloth with heavy picks and with printing are being sold out, and further the management to aviod excise duty are making Fents in lakhs of yards per week, which has a ready market.

The management has not yet come out with any notice for closures, though they have instructed the Clerks to prepare and make account of more than 2,000 workers whom they want to drive out.

It appears that the all India textile position is becoming very critical and we should once discuss this in All India level and find out ways and means to combat the offensive and hx take a stock of our postion.

Please discuss this with Comrade Dange, who is perhaps in Delhi and infrom his openion in the matter.

As regards the membership shown by Matiabruz Textile Labour Union (5800) , it is totally fictitious and further we know that the ~~Registrar~~ Registrar of Trade Unions, West Bengal found their accounts and membership returns irregular in many occassions.

I hope that Comrade Dange is now well and in good health.

Please accept my greetings and convey my greetings to all our Comrades of AITUC.

Yours fraternally,

Arun Sen.

(Arun Sen)
General Secretary.

G/KC/58/217 November 4, 1958.

FOR IMMEDIATE ATTENTION PLEASE.

Shri Abdus Satter,
Minister-in-charge,
Department of Labour, WestBengal,
Writers Buildings,
Calcutta-1.

Re : Disputes in Kesoram Cotton Mills Limited.

Sir,

Please refer to our discussion regarding the above. We are giving in brief some of outstanding disputes, which you were kind enough to give due consideration.

1. Violation of settlement:

(i) The management of the above mills refused to implement the terms of settlement in respect of bonus for the year 1955-56 & 1956-57 (settlement dt. 6.12.1956) and despite of the fact that in the tripartite conference held before your honour the representatives Shri S.N.Hada and S.K.Sen agreed to abide by the openion of your directorate. The openion of your directorate as mentioned in the letter of Shri N.R.Sarkar, Asst. Secretary, Labour Department, West Bengal , vide 3616(2)-LR/ LR/8L -7/57 dt. 27.8.1958 was dishonoured by the management.

(ii) Please refer to our representation to the Factory Manager of the mills , copy to your goodself, letter No. KC/58/211 dt. 1.11.58, in respect of agreement dt. 3.8.1957 where-inthe management have reduced the number of hands engaged as holding carriers.

2. Non-implementation of the Tribunal Award dt. 10.6.1958:

(i) Please refer to the items mentioned in our letter to your goodself (G/KC/58/189 dt. 30.9.1958), copy of which is enclosed herewith for your ready reference.

(ii) Refusal to pay Casual leave wages for 1957 as per tribunal Award. The management have paid workmen only for 5 days and in a queer basis ignoring the directives of the Award, whith is for 6 days and in the basis as laid down in Clause 11(5) (Page 2039- Cal. Gaz-June 10,1958)

(iii) Refusal to give due increment to some clerks, the particulars to which have been forwarded to your goodself in our letter No. LC/KC/58/210 dt. 1.11.58.

3. Curtailment of existing facilities:

In violation to all social justices curtailment of existing facilities on the plea of Tribunal award and thereby adversely affecting the earnings of the workmen. Workmen were getting double wages for work during Festival leave days but this has been curtailed.

4. Bonus payable in 1958.

The management offered bonus for only seven and half days wages, though they have paid one month to the clerical and

supervisory staff. The workmen, in a body have refused to accept the bonus offered by the management.

5. Violation of the Code of Discipline:

The management is violating the Code of Discipline and is taking recourse to all sorts of 'unfair labour' practices, unilateral increase of workload, illegal reduction of hands and victimising leading workmen with chargesheets and suspension with flimsy grounds. During a period of 3 months more than 500 charge sheets have been issued to the workers and still now more than 90 workmen have been kept suspended for indefinite period. Cases relating to the above have already been forwarded to the Office of the Labour Commissioner, West Bengal.

The Works Committee which should be one of the forum for the above and the management is bent upon not only to ignore the works committee but also to victimise all the members of the Committee. It may be here mentioned that the Election of Works Committee, which took place in the mills more than a year before and the candidates of the Union secured all the seats with 95 % votes. The management with a view to crush the Union is not only victimising the leading workmen of the Union but has also suspended the majority of the workmen members of the Works Committee. Till now not a single meeting of the Works Committee has taken place and the management has refused to convene a single meeting.

It is regretted that the management of the above mills has sofar persuing all the above illegal actions with impunity.

Our Union, having a membership of more than 10,000 regular workers, expresses deep concern over these illegal actions of the management and urge upon you, as assured, to take very prompt action against the management and give proper relief to the aggrieved workmen at the earliest and thus avoid serious industrial unrest.

Thanking you.

Yours faithfully,

(Arun Sen)
GENERAL SECRETARY.

Garden Reach Textile Workers' Union
Q 77, Akra Road, Calcutta-24. Phone 45-4052

Ref No. G/KC/58/189 Date, 30th Sept. 1958.

Shri Abdus Satter,
Labour Minister, West Bengal,
Writers' Building,
Calcutta-1.

Re; Non-implementation ofthe provisions ofthe textile award by M/S Kesoram Cotton Mills Ltd. Cal-24.

Sir,

Please refer to the joint conference held before your goodself on 25.9.1958 and in persuence of the talks we are to put before you the following cases of non-implementation of the Textile Award by the above Company for your immediate intervention.

1. No increment has been given to the following categories of workmen, though they are entitled to get increment by at least 8.02 N.P.
   i, All workers of Hosiery Section.
   ii, Workers of Dye House and Printing Departments.
   iii, Workers of Building Section as Mashions etc.
   iv, Departmental Mistries, Carpenters, Tunners, viceman, fitters and departmental machine man and tapeman.
   v, Lorry Drivers, Car Drivers, Darwans, Menial staff.
   vi, No proper readjustment of wages have been done to the skilled workers, whose names have not been given in the Annexure of the Tribunal Award.

2. In violation of 11 (3) of the Award (Page 2088) in respect of Annual leave with wages, workers are being paid at the rate of 1 day wages per 20 days, though as per Award no worker should be paid less than 14 days wages.

3. As regards Sickleave, though all workers are entitled to get sick leave wages for 15 days, but in violation of this the management pay the above wages only to those who have actually completed 240 days work in the previous year. By this many a permanent workers are deprived of the benefits of the above wages.

4. Wages for Festival Holidays; Workers sho are on authorised leave without pay and the Festival leave falls within the leave are being denied the above wages though they are entitled to get the wages, as per clausell(9) of the award.

5. Contract Labour has not been abolished and thus the clause 9 (i) of the award in being violeted. The contract system is in operation in the Ware House department and in the Rape Section of the mills.

6. The piece rated workers are denied the compensation for the stoppages of their machines or looms and the above is in violation of the provisions of the Award, clause 7 (a) of the Award. (Page: 2077)

contd.....2.

The above deleberate violation of the management and refusal to implement the provisions of the Award is creating serious discontent amongst the workmen.

We, therefore, would request you to please take proper steps against the manageme nt so that they abide by the provisions of the Award.

Thanking you,

Yours faithfully,

(Arun Sen)
General Secretary.

c.c. to
Shri S.M.Bhattacharya,
Labour Commissioner,
West Bengal.

185

No.185-II/(274)/58
December 23, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary,
Ministry of Labour & Employment,
New Delhi.

Sub: Non-implementation of the Industrial Disputes Act, 1947 - M/s. Nandram Hunatram, Barbil, Orissa

Dear Sir,

Please refer to our letter of even number dated November 25, 1958 on the above subject.

We shall be much obliged if we are informed of the action taken by your Ministry on the foregoing case of non-implementation.

Yours faithfully,

(K.G.Sriwastava)
Secretary

16 DEC 1958

Keonjhar Mines and Forest Workers' Union.

(Registered No. 63)
P. O. BARBIL, DIST. KEONJHAR, ORISSA.
RLY. STN. BARAJAMDA, S. E. RLY.

In Reply Please Quote NHM/1/2411(566) the 9th December, 1958

To
The Secretary,
All India Trade Union Congress,
4, Ashok Road
NEW DELHI

Dear Comrade, Non-implementation of the Industrial Disputes Act,1947-
M/S.Nandram Hunutram,Barbil, Orissa

With reference to your letter to Shri R.L.Mehta,I.A.S dated the 25th November,1958 and copy ~~yi~~ to us, would you kindly let us know where the matter stands now and oblige?

Yours fraternally,

9/12/58

(N. K. Bose)

Have received it
no reply has been sent

185

No.185-II/ISB/58
December 23, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary,
Ministry of Labour & Employment,
New Delhi.

Dear Sir,

With reference to your letters dated November 19, 1958 (D.O.Nos.E&I-11(20)/58 and E&I-11(20)/58), I would like to know whether the allegations referred to had been forwarded to you by the INTUC or whether your letters originated on the basis of reports from some other quarters, and, if so, what they are.

Yours faithfully,

S A Dange

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

United Iron & Steel Workers' Union.

Regd. No. 3389
Head Office:—**K U L T I**
(PROF. BARI ZINDABAD)

Office:-
Station Road,
P. O. Burnpur.
(Burdwan)

BARI

Phone No. Asl. 737

Ref. No......

Dated 8.12. 195 8

The General Secretary,
All India Trade Union Congress,
4, Ashoke Road,
New Delhi.

Dear brother,

With reference to your letter dated Nov. 23rd. 1958 along with the copy of letter from Labour Ministry, Govt. of India (D.O. No. E.& I-11 dt/- 19th. Nov. '58), we beg to state the following Kindly refer these to the Secy., Ministry of Labour & Employment.

That all the allegations made against the members of the United Iron & Steel Worker's Union are quite untrue and maliciously reported by the Asansol Iron & Steel Workers' Union, Burnpur to vilify us for nothing.

Regarding speech of Pasupati Pandey we beg to mention that his speech was made distorted by the Genl. Secy., Asansol Iron & Steel Workers' Union and reported to the Labour Ministry Govt. of India. It is a fact that Sri Pandey only referred the speech of Sri Abid Ali Zafar Bhai, Union Deputy Labour Minister who, a few days before delivered a speech in the mass meeting sponsered by the Asansol Iron & Steel Workers' Union. He never abused the Union Labour Minister in the manner as mentioned in the above letter, rather he appealed to Sri Zafar Bhai to look after the causes of labour. Sri Taher Hossain, General Secy., of our Union never gave any misleading information about Mr. John. None of the speakers of our Union leaders abused Sri Gopeswar or any other office bearers as alleged in the above letter.

At last, we beg to mention that with the deliberate purpose of hampering our reputation and making us down before the Central Govt. the I.N.T.U.C. union has resorted to such cooked up and gross lies.

Yours brotherly,
B. P. Mookerjee
GENERAL SECRETARY.

11 DEC 1958

GRAM : PHONE : BARAKAR 133

यूनाइटेड आयरन ऐंड स्टील वर्कर्स यूनियन

UNITED IRON & STEEL WORKERS' UNION

REGD. NO. 3389

BARI

Head Office : KENDWA ROAD, KULTI, BURDWAN.

Ref. No...... *Dated*, the 5th Dec 1958.

Under Certificate of Posting.

To
Com. K. G. Sriwastava,
Secy, A. I. T. U. C.
4, Ashok Road,
New Delhi.

Re: Alleged breach of Code of Conduct etc.

Dear Comrade,

I am sending herewith our comments on the letters from the Ministry of Labour, re: alleged breach of Code of Discipline and Inter- Union Code of Conduct, on our part.

As to the alleged use of abusive language in the Burnpur meeting leading to breach of Code of Conduct, our Burnpur Office has been requested to send their comments.

As to the incident of 5th Oct'58 at Kulti here are the facts:

As to who were the aggressors will be evident from our letters to the Police and the Chairman evaluation Committee on the very day of incidents(Copies please find attached herewith). Anyway, I give below details:

You are aware that the Management IISCO, sought, in a clandestine manner, to close down one of the Blast Furnaces at Kulti. The moment we got scent of this we launched a campaign against closure and proposed retrenchment. Our campaign got the spontaneous support of all the workers and united movement, including followers of I. N. T.U.C. forced the INTUC leadership to declare in public on 1st Oct, that there can be no difference of opinion on this issue and Company's attack must be resisted together. Almost daily mass meetings were being held by us and the movement reached its climax on 3rd Oct, when the Company formally notified about the shut-down by the 5th October. In a mass meeting held on 3rd Oct; under our auspices and attended by over ten thousand people, we declared that the Company betrayed the interests of the nation in sabotaging production of some ten ten thousands tons of pig iron per month when small engineering Industries in West Bengal were being forced to close down for lack of pig iron, mainly supplied by Kulti Works and thus making thousands job-less. We gave the call," continue production, don't allow the furnace to be closed down,-if necessary, resort to peacefull Satyagraha". There was tremendous enthusiasm. Next day, i.e. on 4th Oct, the company secretly concluded an agreement with INTUC Union by which only 350 workers would be absorb at Burnpur and more than 250 (out of 750 in all) would face retrenchment. The same evening INTUC called a mass meeting where not even all the terms were announced nor explained, only absorption of 350 was paraded as a'splenid victory'. In this meeting Sri. Gopeshwar, General Secretary, Asansol Iron & Steel Worker Union, (INTUC) asked the workers to accept retrenchment as there was no wayout but to shut down the Plants as per Company's decisions. He vilified the Action Committee and Sm. Renu Chakravartty, M.P, our Vice president in particular.

P. T. O.

He said," Renu Chakravartty is double-faced, at Howrah Burn she accepted retrenchment whereas her Union here opposes the same because INTUC leadership ~~appaxe~~ made the agreement. These are the tactics of the Communists to disrupt the workers for political ends. Taher Hussain is an agent of the communists,you must not listen to them, as they are enemies of the nation." He further exhorted his followers " to assist the Company in closing down the Furnace by all possible means,come what may." This naked betrayal by the INTUC leadership evoked universal resentment and there were vocal protests and so the leaders hurriedly left the meeting.

What he meant by this 'all possible means' became crystal clear the very next day i.e. on 5th.Oct; when at about 4.30 P.M. about 50 black-legs all followers of I.N.T.U.C.;entered the Works armed with Lathis,stones etc; and attacked the workers of No.4 Blast Furnace who were on duty, at the instance of the Management, in order to forcibly shut down the Plants. And about 100 more, similarly armed, waited outside the Main gate to go into action when the signal came. Even the O/C,Kulti P.S. had to admit this.

These black-legs,could not face,naturally, the wrath of the mass of workers who stood solidly behind their brethren of Bl. Fce. Dept. Simply their bold stand was enough to make them take to their heels. In the melee that ensued some of the workers got hurt," simple injury" according to the doctor's report to the police. Some of the black-legs got hurt as they jumped down while fleeing from a height of about 15-20 ft; on their own admission. And during the Enquiry held on these alleged assaults, all the principal complainants were proved false beyond any shadow of doubt.(We shall send copies of Enquiry Proceedings soon). It is clear they got hurt while fleeing. One of the five was not even made unfit by the Doctor, not to speak of admitting into hospital, as alleged.

That there was a goonda-attack on workers onduty would be evident from our letter to the police(at that time,the same day).

Not only that. The news of this cowardly attack spread like wild fire and thousands of workers assembled before the gates greatly agitated. And but for intervention the situation would have gone out of control and the worst could have happened. We persuaded workers with great difficulty to keep calm and go back to their homes.

The same evening i.e. on 5th.Oct; there was a per-arranged mass meeting where Sri Taher Hussain,our Gen. Secy; urged upon the workers not to get provoked in the face of this worst provocation by the employer. He appealed, " Brother must not fight brother, we must not forget our real and main enemy,the Employer". He exposed the INTUC leadership and condemned the goonda attacked in which the INTUC acted in league with the Company,IISCo. He warned the workers against such provocations and to not to fall a victim but to keep unity at all costs.

The very fact that not a single incident followed this nefarious attack on peaceful workers (Before the police,one of the Foreman stated that the "workers were perfectly peaceful"), proves unmistakably our contention. And the Management further provoked by suspending some 20 workers and subsequently dismissing 5 workmen, but we are facing this onslaught by legitimate and peaceful means.

Thus it will be seen that it was not us but the INTUC leadership who incited their workers to violence on 4th.the day preceding the incident, and actually acted the aggressors on 5th. Oct; in obedience to the dictates of the Company. If there be any unparial Enquiry we can prove this.

** ** **

Before I end, I would request you to please move the Ministry of Labour as to the breach of Code of Discipline by the Management as under and let us know the results thereof.

contd.....

These are:

1) Violation of the Nainital Decisions re: closure of Kulti Blast Fce. and Coke Ovens without proper notice: (we received no reply to our letter, nor steps taken);
2) Non-implementation of the terms of settlement re; absorption of surplus workers of KULTI; resulting from said closure;
3) Violation of the Grievance Procdure while conducting Departmental Enquiry against some 20 suspended workers of Kulti workers, in not allowing their representative to be present during the Enquiry proceedings.

Also in failing to ~~xxx~~ communicate their final decision to the aggrieved workers within three weeks, ~~afrdh~~ etc.

Also breach of Code of Conduct by the INTUC Union by acting undemocratically in not taking into confidence the mass of workers and not taking their prior sanction before coming to an Agreement with the Management.

You please go thru our correspondences re: Blast Fce. closures and find all these points covered there.

Yes, in future, we shall be prompt in ~~infor~~ bringing to your notice the breaches as and when they occur.

** ** **

You have not yet acknowledged receipt of the Annual return for 1957-58. Yes, I shall be sending the Return for the year 1956-57 thru Com. Dange, when he comes to Cal. on 9th.

With greetings,

Comradely yours,

Nitis Sett

(Nitis Sett.)

For Gen. Secy.

UNITED IRON & STEEL WORKERS' UNION.

Regd. No. 3389

Head Office:
Phone :— BARAKAR 133
KENDWA ROAD,
P. O. KULTI
DT. BURDWAN

BARI

Branch Office:
Phone :— ASANSOL 737
P. O. BURNPUR
DT. BURDWAN.

Ref. No. P.S./KULTI/10/58-2 *Dated* the 5th Oct' 1958.

To
The Officer- in- charge,
Kulti P.S.
Kulti.

Time 5-30 P.M.

FOR IMMEDIATE ATTENTION.

Sub: Attack on the workers of Blast Furnace.

Dear Sir,

In confirmation to my telephonic message to you just just now, I beg to state that information has been received some ten minutes back that some goonda elements, armed with lathis etc;attacked the workers on duty at the Blast Furnace at the instance of the Management,presumably to shut down the Furnace by force.They also pelted stones at the workers,some of whom were injured, as well.

You are perhaps aware that a dispute has been going on re: the proposed closure of the Blast Furnace and Coke Ovens only yesterday a deputation of ours waited on the Chief Minister,Dr. Roy. We have placed some concrete proposals to him for consideration and talks are still going on. Another negotition will take place with the Labour Minister, on the 7th. instant.

Now,we want to make it clear that this industrial dispute should be settled through negotiations across the table and certainly not by coercion/or goonda-attack. This is the worst provocation by the Management, only to prepare ground to call in police & military on some pretext. We urge upon you to immediately intervene in the interest of peace and persuade the Management not to resort to such underhand means. We assure you of our fullest co-operation in maintaining peace.

Thanking you,

Yours faithfully,
(N. Sett)
For General Secretary.

GRAM :

PHONE : BARAKAR 133

यूनाइटेड आयरन ऐंड स्टील वर्कर्स यूनियन

UNITED IRON & STEEL WORKERS' UNION

REGD. NO. 3389

BARI

Head Office : KENDWA ROAD, KULTI, BURDWAN.

UNDER CERTIFICATE OF POSTING.

Ref. No. CKIC/10/58-35 *Dated,* the 5th Oct. 1958.

FOR IMMEDIATE ATTENTION.

To
The Chairman,
Central Evaluation & Implementation Committee,
C/O Union Labour Ministry,
N e w . D e l h i .

Sub: Violation of decisions of the 16th.I.L.C. in closing down No. 4 Blast Furnace and Coke Ovens at Kulti Works of I I S C O .

Dear Sir,

Please find attached herewith the copy of letter addressed to Shri G. L. Nanda, Union Labour Minister, which will speak for itself.

A telegram was also sent to him subsequently, a copy of which is also attached.

We are also sending herewith copies of notices issued by the Management and of subsequent agreement with I N T U C Union etc.

Today, with the help of some black-legs and under police protection, the Management was able to shut-down No. 4 Blast Furnace inspite of stiff opposition by workers, who demanded postponement of shut-down till an amicable settlement was reached guaranteeing alternative employment etc.

Now, we think it is fit case for intervention by you on the ground of violation of decisions of the 16th I. L. C. The Management is guilty of violation of the said decisions with impunity because it has been clearly stated,"..... no total closure shut take place without three months' to the workers as well as to the Government" (emphasis ours).

From a perusal of the documents sent herewith you will find that the Management issued notice to the workers only on the 3rd, instant informing them that,".. No. 4 Blast Furnace and the Coke Oven Batteries would be closed down by the week ending 5.10.58" The workers were faced with a fait accompli.

Not only that. The recognised Union belonging to INTUC was consulted only on 2.10.58. But that the decision was taken long ago is proved by the fact that the applications for employment at Burnpur were invited as per notice dated 13.9.58 Thus the Management took 'unilateral action' for all practical purposes and to cover up the same they made an agreement with the I N T U C Union only on 4.10.58.

Here again there has been violation "of democratic functioning of trade Unions" by the I N T U C Union because no sanction of the mass of workers was taken before signing of the agreement . Rather, the agreement that had been reached was rejected unanimously in a mass meeting of workers held on 5.10.58, where some ten thousand workers mustered strong.

P. T. O.

A resolution was passed unanimously rejecting the said agreement because it had not prior sanction and the terms of settlement were unacceptable to the workers.

In view of the above, we urge upon you to move your committee to intervene and do the needful in the interest of peace in this vital industry.

Yours sincerely,

General Secretary.

Copy to Evaluation Committee, West Bengal.

Sri. B. D. Joshi, Member Central Evaluation Committee.

11 OCT 1958

(185)

S. 208.

No. 2134/PSHM/SM&F/58.

GOVERNMENT OF INDIA.

Ministry of Steel, Mines & Fuel

Dated New Delhi *, the* 10-10-1958.

DEAR SIR,

I am directed to acknowledge the receipt of your letter No. 185/BK/58 dated 8-10-58 addressed to the Hon'ble Minister for Steel, Mines & Fuel regarding closure of Blast Furnaces & Coke oven plant in Kulti - retrenchment of workers etc.

Yours faithfully,

Private Secretary to Minister Steel, Mines & Fuel

MFP—787 G[illegible]1—6923-73—(M-925)—19-7-51—100,000.

13

Shri K. G. Srivastava,
Secretary
All India Trade Union Congress
4, Ashok Road,
New Delhi.

- 9 DEC 1958

No.E&I-11(20)/58-Pt I.
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,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

9 DEC 1958

Dated New Delhi, the

Subject:- Code of Conduct. violation of - incident of the 8th November 1958 at Burapur.

- - - -

Dear Sir,

I am directed to refer to Shri R.L.Mehta's D.O. letter of even number dated the 19th November 1958 on the above subject and to request that your comments in the matter may kindly be sent to this Ministry at an early date.

Yours faithfully,

for Joint Secretary.

Dr. S.B.L. Nigam,
Assistant Economic Adviser.

D.O.No. E&I-11(20)/58

6 DEC 1958

Telegrams :—
"LABOUR"

MINISTRY OF
LABOUR AND EMPLOYMENT.

5 DEC 1958

New Delhi, the 4th Dec., 1958.

Dear Shri Sriwastava,

Please refer to Shri R.L. Mehta's d.o. of even number dated the 19th November 1958 regarding the assault on certain workers in the Kulti Works of the Indian Iron & Steel Co. Ltd. belonging to the Asansol Iron & Steel Workers' Union. I shall be thankful if you will kindly expedite your comments in this matter.

Yours sincerely,

(S.B.L. Nigam)

Shri K.G. Sriwastava,
Secretary, All-India Trade Union Congress,
4, Ashok Road, New Delhi.

20 NOV 1958

R.L.Mehta, IAS.,
Joint Secretary.

185

Telegrams :—
"LABOUR"

MINISTRY OF
LABOUR AND EMPLOYMENT.

D.O.No. ER9-11(20)/58

New Delhi, the November 19, 1958.

Dear Shri Sriwastava,

It has been reported to this Ministry that the members of the United Iron & Steel Workers' Union, affiliated to your Organization, used abusive language, in a public meeting held on 8th November 1958 at Burnpur, against the office-bearers of the INTUC-led Asansol Iron & Steel Workers' Union. It is further alleged that Shri Pashupati Pandey of the United Iron & Steel Workers' Union said that Shri Abid Ali, the Union Deputy Labour Minister, was "a thief for sugar, textile and was an agent 'Dalal' of maliks. It was a shame to call him Minister. He was a rogue, etc." The allegation adds that Shri Tahir Hussain, General Secretary of the Iron & Steel Workers' Union also spoke and gave some misleading information while criticizing Shri Michael John. The members of the Union also criticised and abused Sarvashree John, Gopeshwar and others of the INTUC Union.

2. It will be appreciated that the above allegations, if correct, amount to a gross violation of the Code of Conduct and I am desired to request you to investigate into the matter and let this Ministry have your comments urgently. It is hoped that if the allegations are found correct, your Organisation will take suitable action against the persons responsible for the breach of the Code.

A very early reply is requested.

Yours sincerely,

R L Mehta

(R.L.Mehta)

Shri K.G.Sriwastava,
Secretary,
All India Trade Union Congress,
4, Ashok Road,
New Delhi.

19 NOV 1958

R.L.Mehta, IAS.,
Joint Secretary.

(185)

Telegrams :—
"LABOUR"

MINISTRY OF
LABOUR AND EMPLOYMENT.

D.O.No.E&I-11(20)/58.

New Delhi, the November 19, 1958

Dear Shri Sriwastava,

It has been reported to this Ministry that on the 5th October, 1958, some workers belonging to the United Iron & Steel Workers' Union went inside the Kulti Works and assaulted the workers belonging to the Asansol Iron & Steel Workers' Union. Five of the injured workers had to be admitted in the hospital in a serious condition. It is further alleged that later on the same evening, Shri Tahir Hussain, General Secretary of the United Iron & Steel Workers' Union, openly supported this act in a mass meeting at Kulti and incited workers to commit further acts of violence.

2. If the above allegations are correct, it will be appreciated that the approval and incitement contained in Shri Tahir Husain's speech and the violence committed by the members of the United Iron & Steel Workers' Union, are all against the Codes of Conduct and Discipline and I am desired to request that the matter may kindly be investigated and your comments sent to this Ministry as early as possible.

Yours faithfully,

R L Mehta

(R.L.Mehta)

Shri K.G.Sriwastava,
Secretary,
All India Trade Union Congress,
4, Ashok Road,
NEW DELHI

23 DEC 1958

185

No. F&I 4(4)/58
Government of India
Ministry of Labour and Employment

....

From

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

To

The Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated, New Delhi, the 22 DEC 1958

SUBJECT:- Restoration of service continuancy to employees of ex-Barsi Light Railway.

...

Dear Sir,

I am directed to refer to your letter No. 185/K[illegible]/58 dated the 5th November, 1958 on the above subject and to say that the matter is being pursued. We will let you know as soon as a decision is taken.

Yours faithfully,

for Joint Secretary

file. Remain on 9/1.

d.a.nil.
20/12

185

December 22, 1958

General Secretary,
Singareni Collieries Workers Union,
Kothagudem.

Dear Comrade,

Please refer to your letter No. VP/42/856/58 dated 8th October 1958, giving details of the violent acts organised by INTUC elements. On our representation, the Labour Ministry has made a counter-charge against you that at a public meeting held on 5th October, Com.P.Satyanarayana, Vice President of your Union, incited the workers to violent acts against the INTUC union officials.

As we note from your letter referred above (para 6), the meeting on October 5 was organised by the Communist Party and not by you. The Labour Ministry contests the statement saying that the meeting was under the auspices of your Union. Please therefore send us a copy of the handbill issued for the meeting or any other proof which may show that the meeting was held under the auspices of the Communist Party. Your reply is awaited immediately.

With greetings,

Yours fraternally,

(K.G.Sriwastava)
Secretary

No.E&I-40(8)/58
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,
All-India Trade Union Congress,
4 Ashok Road, New Delhi.

Dated New Delhi, the

Subject:-Alleged acts of violence by members of Singareni Collieries Workers' Union.
- - -

Dear Sir,

With reference to your letter No.185-11/SC(A)/58 dated the 22nd November, 1958 on the above subject, I am directed to say that it has since been verified that the public meeting at Ramavaram on the 5th October, 1958 was held under the auspices of the Singareni Collieries Workers' Union and that Shri P. Satyanarayana, Vice President, Singareni Collieries Workers' Union incited his followers to beat members of the Indian National Trade Union Congress Union. I am, therefore, to request you to investigate the matter and if the allegation is found to be correct to ask the Singareni Collieries Workers' Union to desist from such activities in future and to abide by the Codes of Conduct and discipline.

2. This Ministry may kindly be informed of the action taken in the matter.

Yours faithfully,

for Joint Secretary.

'D.A.NIL'
J.S.16/12/58.

185

Camp: New Delhi
December 22, 1958

From

K.N.Joglekar,
Vice President,
National Railway Mazdoor Union,
No.1 Krishna Building,
Gokhale Society Lane,
Parel, BOMBAY 12

To

Shri Shahnawaz Khan,
Deputy Minister of Railways,
Government of India,
New Delhi.

Dear Shri Shahnawaz Khan,

Please find enclosed herewith a note concerning the problem of continuity of service and service conditions of the ex-Barsi Light Railway employees who are now in Central Railway Service since 1. 1. 1954.

The Railway Board have accepted their claim for restoration of service and service conditions as on 31.12.1953 in principle but even after recognition of their claim as early as 21.1.1958, the same has not yet been implemented.

The specific items for implementation are:

(1) The adjustment of the seniority of every employee in his respective category on the basis of his service position as on 31.12.1953 and with consequential future effect.

(2) Cancellation of the wage-cut and demotions and restoration of the concerned employees to their respective scale, grade and pay position as it stood on 31.12.1953 and on that basis integrate their services in their respective categories on 1.1.1954 and with consequential future effect.

(3) Restoration of the annual increment due for the year 1954 to all employees.

May I request you to kindly look into the matter and effect immediate implementation?

Thanking you,

Yours sincerely,

(K.N.Joglekar)

Encl:

Ex-Barsi Light Railway Employees

*

A note on their demand for continuity of service and service conditions

*

1. When the Barsi Light Railway was taken over by the Central Railways on 1. 1. 1954, all the ex-Barsi Light Railway employees were termed as new entrants.

2. Even when in 1947 when the Central Pay Commission scales were being enforced in Barsi Light Railway, the Railway Board had a hand in it as the prospective employer. This intervention at this stage only meant that Railway Board was interested in fixing these emoluments as it had to take over this liability when it took over the railway system. This in itself implied the acceptance of continuity of service.

3. When on the eve of take-over the employees demanded guarantee of continuity of service and requested a tribunal for this, the Labour Ministry intervened and while refusing tribunal and adjudication, suggested relief in the shape of retrenchment compensation. The Bombay High Court awarded Rs.30 lakhs as benefit. But the Supreme Court denied the claim of the employees and virtually upset the scheme of Retrenchment Benefit itself provided by the Industrial Disputes (Amendment) Act.

4. In May 1957, the Government amended the Industrial Disputes Act, but the Barsi Light Railway employees themselves get no benefit.

5. The Labour Minister stated in the Lok Sabha, in the course of the debate on the above Bill in May 1957, that "independently of this legislation, some means of ensuring continuity of service of these (ex-Barsi Light Railway) workers" are being attempted.

6. During the same period, Shri Venugopal of the Railway Board and Shri Joglekar of the National Railway Mazdoor Union had some discussions at the instance of the Labour Secretary. At these discussions, it was said that the matter would be looked into with a view to -

(a) restore to all workers their lost increment in 1954 and in subsequent years;

..... 2

(b) restore the wages to the employees what they drew on 31.12.1953 with their corresponding grades and scales; and

(c) counting the service rendered by the employees under the Barsi Light Railway Company for the purpose of gratuity, Provident Fund, Passes, leave and particularly for the purposes of seniority and promotions.

7. Subsequently on 21.1.1958, the Railway Board by their letter No.E(G)53TR4/1/2 recognised the justice of the above claim of the ex-B.L.Railway employees and directed the General Manager, Central Railway, to take into account their past service with the ex-B.L.Railway Co. and on that basis, adjust their seniority amongst the Central Railway employees on the basis of integration principles enunciated in their circular letter No.E53C01/8/5 dated 21.11.1953.

8. Further, on 21.7.1958, the Railway Board declared, through the Central Railway Weekly Gazette No.29 dated 21.7.1958, their intention to restore the pay cuts inflicted on the ex-B.L.Railway employees in the course of their take-over as new entrants on January 1, 1954.

Thus in principle the claim of the employees for restoration of service conditions as on 31.12.1953 has been accepted. However, it is now nearly a year since, and the above promises and decisions have not yet been implemented, notwithstanding repeated petitions made in that behalf by the employees, individually and collectively, as well as by the Union in its representative capacity.

Hence this note for consideration and early implementation.

- K.N.Joglekar
Vice President,
National Railway Mazdoor Union.

No.1 Krishna Building,
Parel,
Bombay 12.

185

ALL-INDIA TRADE UNION CONGRESS
4 Ashok Road, New Delhi
December 22, 1958

Dear Comrade,

We had referred to you a letter dated December 1, from certain workers of M/s.Exen Industries, Bombay making certain allegations against our union officials. On this the Labour Ministry has asked for our comments. Will you please reply on these points at your earliest?

With greetings,

Yours fraternally,

(K.G.Sriwastava)

15 DEC 1958

No. E&I-40(13)/58
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,
All India Trade Union Congress,
4 - Ashok Road, New Delhi.

Dated New Delhi, the 13 DEC 1958

Subject:- Alleged infringement of the Code of Conduct by members of the Bombay Plastics Employees' Union.

.....

Dear Sir,

I am directed to refer to the letter dated the 1st December, 1958 from certain workers of M/s Exen Industries, Bombay addressed to the General Secretary, All India Trade Union Congress, Bombay, copy endorsed to you, and to request that your comments on the points raised therein may kindly be intimated to this Ministry at an early date.

Yours faithfully,

Manjam

for Joint Secretary

Assign copy of the letter as we have not received the same earlier. Pls. note the same
13/XII

d.
h.s.11/12

18 DEC 1958

R.L.Mehta, IAS.,
Joint Secretary.

Telegrams :—
"LABOUR"

MINISTRY OF
LABOUR AND EMPLOYMENT.

D.O.No. E+I 35 (53)/58

New Delhi, the December 17 1958

Dear Shri Sriwastava,

Please refer to your d.o. letter No.185-II/58, dated December 16, 1958.

The dates of the inquiry into the Tramways Strike in Calcutta were fixed in consultation with all the six assessors, including Dr.Ranen Sen. After considerable discussion and in order to suit the convenience of every one, it was decided to begin the inquiry from January 12, 1959.

As there has already been a good deal of delay in making a beginning with this inquiry, any further delay would not be desirable. Besides, there is the difficulty of finding other dates which would suit all.

I do hope it would be possible for Dr.Ranen Sen to fulfil his commitment with the Tramways Inquiry Committee. But should that not be possible, I have to request AITUC to nominate some one else on the Committee.

With regards,

Yours sincerely,

(R.L.Mehta)

Ranen says he was not to be available. SRB

Ranen was in Delhi 23/12/58

Shri K.G. Sriwastava,
Secretary,
All-India Trade Union Congress,
4, Ashok Road,
NEW DELHI

185

D.O.No.185-II/58
December 16, 1958

Dear Shri Mehta,

I understand that the inquiry into the Tramways strike in Calcutta is to begin sometime from January 12 onwards.

The General Council of the AITUC and our Working Committee would be meeting in Bangalore from January 14 to 18, 1958. Dr.Ranen Sen, MLA, our Senior Vice President, has to be present in these meetings, since our President Shri Mirajkar's participation in the meeting may not be possible due to his important work in the Bombay Corporation.

Therefore, since Dr.Sen would be very much inconvenienced if the inquiry into the tram dispute would be held on these dates, I would request you to kindly postpone the date of the inquiry to some other date.

Thanking you,

Yours sincerely,

(K.G.Sriwastava)

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

40

-8 DEC 1958

No.E&I 43(22)/58

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,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 6 DEC 1958

Subject:- Decisions of the Implementation Committee on Coal Award - non-implementation by National Coal Development Corporation.

...

Sir,

I am directed to refer to your letter No.185-II/270/58, dated the November 25, 1958 on the above subject and to say that the matter is being pursued with the concerned authorities and the reply will be sent to you as soon as possible.

Yours faithfully,

for Joint Secretary.

"D.A.Nil"
DAYAL

Dr. S.B.L. Nigam,
Assistant Economic Adviser.

D.O.No. E&I-7(1)/58

Telegrams :—
"LABOUR"

MINISTRY OF
LABOUR AND EMPLOYMENT.

New Delhi, the 6th Dec., 1958

Dear Shri Sriwastava,

Kindly refer to Shri R.L. Mehta's d.o. of even number dated the 22nd November, 1958 regarding non-implementation of settlement between the management of King George Hospital, Vishakhapatnam and their workmen. The State Government have since intimated that they have ~~since~~ received proposals for appointment of additional staff in the Medical Department to enable the implementation of the terms of the settlement, viz., weekly off and 8 hours working day. These proposals are under their consideration.

Yours sincerely,

(S.B.L. Nigam)

Shri K.G. Srivastava,
Secretary, All-India Trade Union Congress,
4, Ashok Road, New Delhi.

-2 DEC 1958

185

No. E&I-5(24)/58
Government of India
Ministry of Labour and Employment
...

From

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

To

The Secretary,
A.I.T.U.C., 4, Ashok Road, New Delhi.

1 DEC 1958

Dated, New Delhi-2, the

SUBJECT:- Non-implementation of Award of March, 17, 1958.

...

Dear Sir,

In continuation of this Ministry's letter of even number dated the 7th October, 1958, I am directed to say that the points raised in paras 2 and 4 of your letter dated the 13th August, 1958 are under examination in consultation with the State Government concerned and a further reply will follow shortly.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary

Combative
Mill W. Union

d.a.nil
b.k.m. 27/11

185

D.O.No.185-II/58
December 4, 1958

Dear Shri Mehta,

We have made enquiries on the allegations made by the INTUC to you, regarding the speech of Srimathi Renu Chakravartty, M.P., at Gua on August 5. (Vide your letter D.O.No.E&I-35(1)/58 dated November 19, 1958).

Mrs Chakravartty informs us that the version of the speech given in your letter is a fabricated transcript; of what she spoke there, she has given the following information.

The meeting held in Gua on August 5 was under the auspices of the United Mineral Workers' Union, which is our affiliate. There is no "Gua Action Committee", as stated in your letter.

On August 4, the INTUC-affiliated union had organised a widely publicised public meeting in Gua in which Shri Michael John made certain "announcements" of increment in wages to the Gua iron ore miners, granted by the IISCO. It was generally felt by the workers that the increments offered were far from adequate and Mrs. Chakravartty also expressed this opinion in the public meeting on August 5. Clearly, your informant has added quite some colour to this criticism from the trade union angle.

The element of distortion is also evident from the following. According to your letter, Mrs Chakravartty appears to have made the tall claim "I will give you four months' bonus.....Collect five thousand rupees". Now the demand for four months' bonus is the common demand of all unions united in the Federation of Martin-Burns and Associated Companies Workers' Unions, of which the United Mineral Workers' Union is a constituent. Mrs Chakravartty only reiterated this demand.

The call for collection of five thousand rupees has nothing to do with the agitation for bonus. This amount is being collected to help the union defend its leaders convicted in the Sessions Court, in appeal to the High Court.

We are also informed by our affiliate, the United Mineral Workers' Union, Gua, about the pernicious speeches made by the INTUC leaders, villifying our TU activists. We, however, see no point in carrying on correspondence on this subject, since the INTUC leaders in question are repeating only what their journal, the Indian Worker writes every week in cold print. Speeches can be misreported, as the INTUC leaders have done in the foregoing instance, but printed words are there for everyone to see.

Yours sincerely,

(K.G.Sriwastava)

Shri R.L.Mehta, I.A.S.,
Joint Secretary,
Ministry of Labour & Employment,
New Delhi.

- 3 DEC 1958

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
--

No. E4)43(63)/ Dated New Delhi, the 1st December, 1958.

2 DEC 1958

From

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Govt. of India.

To

The Secretary,
All-India Trade Union Congress,
4-Ashok Road, New Delhi.

Subject:- Delay in implementation of Coal Award relating to grades and time scale.
--

Dear sir,

I am directed to acknowledge the receipt of your letter No. 185-II/MF/58 dated the 25th November, 1958 on the above subject and to say that the matter is being examined and a separate letter will follow shortly.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary.

File
mm
3/xii

2 8 NOV 1958

No.E&I-26(5)/58
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,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 27 NOV 1958

Subject:- Memorandum submitted by South Kanara Trade Union Council, Mangalore.

. . . .

Dear Sir,

I am directed to refer to your letter No.185/II/SKC/58 dated the 25th October, 1958 on the above subject and to say that in order to expedite the disposal of cases the Government of Mysore have constituted an Additional Industrial Tribunal at Bangalore with Shri V. Venugopal Mudaliar as the Presiding Officer. The State Government have also requested the Labour Commissioner, who is the appellate authority, to expedite disposal of cases of appeals and other cases under the Shops & Establishments Act.

2. As regards the amendment of the Maternity Benefit Act, the State Government have already prepared a comprehensive bill after taking into account the model standard evolved by the Central Government. The bill is under their consideration.

3. As for the declaration of "Cashewnut Industry" as non-seasonal, the State Labour Commissioner held an enquiry in September 1958 and his report is now under State Government's consideration.

4. The question of constituting Committees and Boards under the Minimum Wages Act is being examined by the State Government and the revision of the Act will be taken up there after. The State Government are also considering the question of inclusion of Tile making and Cashew Industry in the Schedule to the Minimum Wages Act.

5. The proposal for extension of the Employees Provident Fund Act to cashew workers has been deferred for time being as it is likely to increase the cost of production of cashewnut in the country, which in turn, may affect adversely the foreign exchange earnings from this source. In view of the difficult foreign exchange position, it is not considered desirable, at present, to bring the cashewnut industry within the purview of the Act.

Yours faithfully,

for Joint Secretary.

"d.a.nil"
SSB/22.11.

Copy to the mon.

hmo
28/XI

28 NOV 1958

No.E&I-6(3)/58
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,
All India Trade Union, Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 27 NOV 1958

Subject:- 139 cases of disputes relating to Barbil mining area-complaint by Keonjhar Mines and Forest Workers' Union.

. . . . .

Sir,

In continuation of this Ministry's letter of even number dated the 26th August 1958, I am directed to say that an enquiry into 25 more cases has revealed that three of them (S.Nos. 41, 108 and 115) relating to cut in wages of Shri Bhagat Ram Gangar, non-implementation of the terms of settlement in respect of Shrimati Kasturi and termination of the services of Shri Debo respectively have already been settled and 10 cases (S.Nos. 1,3,24,25,26,33,44,48, 92 and 121) were closed by the Conciliation Officer/Labour Inspector after giving final replies to the Keonjhar Mines Forest Workers' Union.

2. As regards the dispute over termination of services of nine workmen of M/s Serajuddin and Co., (S.No.13) the union was informed vide this Ministry's letter No.LR-II/57-2(7)/57, dated the 18th November 1957 that it was not a fit case for adjudication. At the instance of the Union,however, the matter was again taken up and on December, 12, 1957, a Settlement was reached between the management and the Union, According to item 5 of this settlement the Managing Partner agreed to institute an enquiry into each of the nine cases of dismissal and to give his decision thereon. The settlement also provided that if the workers were not satisfied with the decision of the Managing Partner, they could refer the matter again for conciliation. The management has already intimated to the Union on May 24, 1958 the result of its investigation.

3. In another case (S.No. 77) the Union did not approach the Conciliation Officer for settlement of the dispute but addressed the management. As the Officers of the Central Industrial Relations Machinery were not asked by the Union to intervene in the matter this dispute could not be considered to be pending with them.

4. In two cases (S. Nos. 78 and 125) neither the management nor the union attended the conciliation proceedings; no application for adjournment was also filed in this regard. These cases were, therefore, closed by the Conciliation Officer under intimation to the Union.

5. In another cases (S. No. 79) the Conciliation Officer asked the Union to intimate by the 3rd July 1958 whether the sick wages were paid to the workmen; no reply was sent by the Union. The case was, therefore, closed by the Conciliation

.....2

Officer.

6. One case (S.No. 86) regarding payment of lay-off compensation to a truck loader was dropped by the Union after the amount was paid to him while another demand (S. No. 91) was dropped by the Union as there was no arrangement for payment of sick wages in the establishment.

7. In respect of three cases (S.Nos. 7, 100 and 101) the Union has already been apprised of the Government's decision that these were not fit for adjudication.

8- The position in respect of S. Nos. 47 and 97 has already been explained to the Union vide this Ministry's letters No. LR-II-11(7)/58 dated the 13th March, 1958 and No. E&I-7(2)/58 dated the 12th September, 1958 respectively.

9. It is understood that the Conciliation Officer discussed some of the remaining cases with the General Secretary and the Joint Secretary of the Union. The Union representatives told him that the list of 139 cases also included those sent to the Labour Inspectors (Central) Cuttack and Barajamda direct. Some of these have been raised by the Union on a number of occasions. It is requested, therefore, that in order to enable investigation of the rest of the cases, the details asked for in the last para of this Ministry's letter of even number dated the 26th August 1958 may kindly be forwarded to this Ministry.

Yours faithfully,

for Joint Secretary.

'd.a.nil*
SSB/22.11.

Sent this to the Inspr. one copy enclose for Coal. Mech.

26 NOV 1958

47

MEMBER OF
THE LOK SABHA

215, North Avenue,
New Delhi.
25.11.58.

Dear Comrade Srivastava,

I have received a copy of the letter sent to you by Shri R.L. Mehta, I.A.S., Joint Secretary, Ministry of Labour & Employment which you forwarded to me for my comments.

I do not know what you want me to reply in answer to such a patently fabricated speech attributed to me by the officials of INTUC Mine Workers Union Gua. I am not given to using such language and as such I do not see any point in replying to the fabricated transcript which has been forwarded to you as having been spoken by me.

For the information ot Shri Mehta, I would like to point out that a meeting was held on the 5th August under the auspices of the United Mineral Workers Union at Gua and addressed by me. It is also true that this meeting was held immediately after a meeting held by INTUC leaders which had been widely publicised as being a meeting where Shri John was to make an announcement of increment of wages. It is also true that the increment announced by Shri John was ridicuously low. It is also a fact that one of the main issues raised by us at this meeting was the demand for 4 months bonus which the Federation of Martin Burns and Associated Companies Workers Union had decided to raise as a general demand for all the workers of the various Companies working under Martin Burns agencies. It is also true that at this meeting we announced that we would appeal to the High Court against the conviction of Sri Purnandu Mazumdar, Joint Secretary, United Mineral Workers Union and as such we made a call for a collection of Rs.5,000.

From this you will judge the innuendos and additions which have been manufactured by the INTUC officials in order to make us appear guilty of the breach of the code of conduct. I would also like to add that this has been done to cover up a very pernicious speech which was made by INTUC leaders at Chiria and Gua against our leaders just prior to this meeting. I will ask our Union at Gua to forward to you a copy of the letter which they had send to me much earlier which will speak for itself.

Yours sincerely,

Renu Chakravartty
(Renu Chakravartty)

Shri K.G.Srivastava,
Secretary,
All India Trade Union Congress,
4, Ashoka Road,
New Delhi.

19 NOV 1958

R.L.Mehta,IAS.,
Joint Secretary.

Telegrams :—
"LABOUR"

MINISTRY OF
LABOUR AND EMPLOYMENT.

D.O.No.E&I-35(1)/58.

New Delhi, the November 19 1958

Dear Shri Sriwastava,

It has been reported to this Ministry that Shrimati Renu Chakravorty,M.P., of the AITUC, addressed a public meeting organised by the Gua Action Committee on 5th August 1958 and referred to the officials of the INTUC-led Gua Mine Workers' Union in the following terms :-

> "John,Gopeshwar, Gopal are loafers ... INTUC leaders take bribes from employers in closed doors and come out with two three annas increase for the workmen...The amount due to recent increases in Gua will be about Rs.12,000/-etc. which I distribute among poor...Damn these bloody INTUC leaders...John, Gopal and Gopeshwar are donkeys...There is a story about donkeys that unless they are kicked they do not move...In the same way whenever we kick John, he vomits money and in this process he will die... INTUC leaders are rank Dalals of employers and are chowkidars of company...It is also not desirable to kill them all at a time...I will give you four months' bonus...Collect five thousand rupees..."

2. It has been further reported that charging Shri Michael John for his failure to take up the issue of 65 days' bonus before the Puja, Shrimati Chakravorty said that "Donkey began to bray when pushed from behind, but when threatened from the front by the management he kept silent."

3. I am desired to say that, as the above allegations, if correct, amount to a breach of the Code of Conduct, you may kindly investigate them and let us have your comments as early as possible.

Yours sincerely,

(R.L.Mehta)

Shri K.G.Sriwastava,
Secretary,
All India Trade Union Congress,
4,Ashok Road, New Delhi.

-2 DEC 1958

(183)

GOVERNMENT OF INDIA

Office/Deptt.

29 NOV 1958

No. E.I.I. 3630/181 Dated the 11, the 11 1958

The undersigned is directed to acknowledge receipt of your letter/memo. No. 185-II (274)/58 dated 25/11/58 which is receiving attention.

(S. NARAIN)
Section Officer
Ministry of Labour & Employment.
Tele. No. 34337

India Service Post Card.

(This side reserved for address, with signature and official designation of sender.)

To

The Secretary,
All India Trade Union
Congress, 4, Ashok
Road, New Delhi

S. 49.

MFP—584 General—6811—(M-608)—13-12-51—1,800,000.

No.185-II/(274)58
November 25, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Non-implementation of the Industrial Disputes Act, 1947 - M/s.Nandram Hunatram, Barbil, Orissa.

Dear Sir,

Messrs.Nandran Hunatram, mineowners, Barbil, Orissa terminated the services of 81 workmen with effect from September 22, 1958. As has been pointed out to your Ministry repeatedly by our affiliate, the Keonjhar Mines and Forest Workers' Union, Barbil, this instance of retrenchment is in direct contravention of the Industrial Disputes Act, 1947, in the following manner:

1) The management has violated the provision of section 25 E of the Industrial Disputes Act (vide letter No.ID/58(1-E) 2114-16 dated the 12th November, 1958 addressed to the Agent, M/s.Nandram Hunatram by the Labour Inspector (C), Barajamda.)

2) The retrenched workmen although completed more than one year's service each have neither been issued one month's notice nor have been paid wages in lieu of the notice. Thus the management has contravened the provision of Sec.25F(a) of the Industrial Disputes Act.

3) The retrenched workmen have neither been offered nor paid due compensation. Thus the management have contravened the provisions in Section 25 F (b) of the Industrial Disputes Act.

4) No notice in Form P was served on the government and as such the management have contravened section 25(c) of the Industrial Disputes Act.

5) The management have contravened section 25 G of the Industrial Disputes Act by retrenching senior workmen and retaining the junior ones in their employment.

6) The management has contravened section 25-H of the Industrial Disputes Act (vide letter of the Labour Inspector(C), Barajamda).

7) The management has not complied with the rules 76, 77, and 78 of the Industrial Disputes (Central) Rules.

Several representations were made by our affiliated union, viz. on September 19, October 2, October 14, November 3, November 8 and November 15 to the Regional Labour Commissioner (Central), Dhanbad, Conciliation Officer (Central) Jharsuguda and Labour Inspector (C), Barajamda.

It seems on November 13, 1958, the Conciliation Officer (Central), Jhersuguda held a conciliation meeting on the matter and asked the management to produce (1) records showing the period of services of 81 workmen retrenched and (2) records showing the payment of retrenchment compensation to the workmen concerned, but the management could not produce the said documents.

The Keonjhar Mines and Forest Workers' Union, our affiliate, has brought this matter to your attention vide letters dated October 2, November 13 and November 15, 1958.

It is a matter of great regret that during the last two months, no efforts could be made by the Government to effectively intervene in the dispute.

We would therefore request that since the dispute is now outstanding for a long time, you would give it urgent attention.

Thanking you,

Yours faithfully,

(K.G.Sriwastava)
Secretary

28 NOV 1958

No. E & I-35(53)/58
Government of India
Ministry of Labour & Employment
****

185

From

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

To

The Secretary,
All-India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 27 NOV 1958 November, 1958.

Subject:- Study of Calcutta Tramway strike under the Code of Discipline.
***

Dear Sir,

With reference to your letter No. 185-II/CTI/58 dated the 19th November, 1958 on the above subject, I am directed to say that the practice of associating 'assessors' with enquiries is not new. The Indian Mines Act as well as the Industrial Disputes Act provide for the appointment of 'assessors' to assist and advise Labour Courts, Tribunals, etc. and the procedure followed under these Acts will also be followed in the case of the enquiry into the tramway strike.

2. With regard to the exclusion of the members of the Action Committee it will be appreciated that as their own acts of omission and commission may also have to be looked into, it will be but proper not to embarass them by associating them as 'assessors' in the enquiry.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary

Ran 4.3. Free

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29/10

R.L.Mehta, IAS.,
Joint Secretary.

31

185

MINISTRY OF
LABOUR AND EMPLOYMENT.

New Delhi, the November 25 1958

D.O.No.PA/JSE/58.

Dear Shri Sriwastava,

Kindly refer to your letter No.185-II/B/58, dated November 21, 1958. One or two attempts were made to contact Shri S.Y.Kolhatkar on telephone but unfortunately he was not available. I shall be glad to consider any written statement he may now like to send me on issues relating to industries other than textiles and connected with the general strike in Greater Bombay on July 25.

Yours sincerely,

R L Mehta

(R.L.Mehta)

Shri K.G.Sriwastava,
Secretary,
All India Trade Union Congress,
4, Ashok Road, NEW DELHI.

25 NOV 1958

52

Keonjhar Mines and Forest Workers' Union.

(Registered No. 63)

P. O. BARBIL, DIST. KEONJHAR, ORISSA.

RLY. STN. BARAJAMDA, S. E. RLY.

In Reply Please Quote NHM/1/2365(566) the 15th November, 8 195

Secretary,
All India Trade Union Congress
4, Ashok Road
NEW DELHI

Dear Comrade, Retrenchment in Barbil Plot of Messrs. Nandram Hunatram

We like to request you to kindly take up the dispute relating to the illegal retrenchment of 81 workmen by the management of Messrs. Nandram Hunatram with the Ministry of Labour & Employment as the matter is lying pending since long and no action has since been taken by the said Ministry.

Yours fraternally,

15/11/58

GENERAL SECRETARY

25 NOV 1958

Keonjhar Mines and Forest Workers' Union.

(Registered No. 63)
P. O. BARBIL, DIST. KEONJHAR, ORISSA.
RLY. STN. BARAJAMDA, S. E. RLY.

In Reply Please Quote MMU/1/2569(566) the 15th November, 1958

To
The Secretary to the Government of India,
Ministry of Labour & Employment
NEW DELHI

Dear Sir, Retrenchment of workmen at Barbil Plot by Messrs. Mandram Munatram

With reference to letter No.MRB/578/58-59 dated the 26th September, 1958,addressed to ~~[illegible]~~ you and copy to others,by Messrs. Mandram Munatram, we beg to state that the Badli workers are actually not Badlies but new recruits. The management state that Shri ~~[illegible]~~ Kashi has been taken as a Badli in place of Shri Lambua. The worker named Lebua has been refused employment by the management and as such the vacancy created cannot be filled in by any Badli. The vacancy should have been filled in by any other retrenched workman. Shri Kashi has left the job under the said management but still Shri Lambua has not been taken in. This will evidently prove that Shri Kashi was not a Badli in place of Lambua. So also the other Badlies whose names have been mentioned in the list enclosed with the letter of the management.

This is for your information and necessary action.

Yours faithfully,

GENERAL SECRETARY

copy forwarded to the Regional Labour Commissioner(C), Dhanbad
the Conciliation Officer(C), Jharsuguda
the Labour Inspector(C), Barajamda
the Secretary, All India Trade Union Congress, New Delhi
Messrs. Mandram Munatram, Barbil for information and necessary action.

15/11/58

GENERAL SECRETARY

25 NOV 1958

Keonjhar Mines and Forest Workers' Union.

(Registered No. 63)
P. O. BARBIL, DIST. KEONJHAR, ORISSA.
RLY. STN. BARAJAMDA, S. E. RLY.

In Reply Please Quote NHM/1/2368(566) the 15th November, 1958

To
The Chief Labour Commissioner,
Government of India
Ministry of Labour & Employment
NEW DELHI

Dear Sir, Illegal retrenchment of workmen in Barbil Plot by Messrs. Nandram Hunatram, Barbil

We beg to state that on 15. 9. 1958 Messrs. Nandram Hunatram issued a notice terminating the services of their 81 workmen with effect from the 22nd September, 1958.

The said retrenchment is illegal due to the following reasons:-

1. The management have violated the provision of section 25 E of the Industrial Disputes Act(vide letter No.ID/58(1-E)/2114-16 dated the 12th November, 1958 addressed to the Agent, M/S. Nandram Hunatram by the Labour Inspector(C), Barajamda)

2. The retrenched workmen although completed more than one year's services each have neither been issued one month's notice nor have been paid wages in lieu of the notice. Thus the management have contravened the provisions in section 25F(a) of the I.D.Act.

3. The retrenched workmen have neither been offered nor paid due compensation. Thus the management have contravened the provisions in section 25F(b) of the Industrial Disputes Act.

4. No notice in Form P was served on the government and as such the management have contravened section 25F(c) of the I.D.Act.

5. The management have contravened section 25 G of the I.D.Act by retrenching the senior workmen and retaining the junior ones in their employment.

6. The management have contravened section 25H of the I.D.Act(vide letter of the Labour Inspector(C), Barajamda.

7. The management have not complied with the Rules 76, 77 and 78 of the I.D.Act(central) Rules.

We made several representations to the Regional Labour Commissioner(C) Dhanbad, Conciliation Officer(C), Jharsuguda and Labour Inspector(C), Barajamda under our letters No. [redacted]

1. NHM/1/2075(566) dated the 19th September, 1958
2. NHM/1/2096(566) dated the 2nd October, 1958
3. NHM/1/2112(566) dated the 14th October, 1958
4. NHM/1/2270(566) dated the 3rd November, 1958

25 NOV 1958

Keonjhar Mines and Forest Workers' Union.

(Registered No. 63)
P. O. BARBIL, DIST. KEONJHAR, ORISSA.
RLY. STN. BARAJAMDA, S. E. RLY.

In Reply Please Quote ..... page -2 195

5. NHM/1/2096(566) dated the 2nd November,1958
6. NHM/1/2331(566) dated the 8th November,1958.

Besides several reminders were sent on the said letters.

On the 13th November,1958 the Conciliation Officer(C), Jharsuguda held a conciliation meeting on the matter and asked the management to bring in there the (1) Records showing the period of services of 81 workmen retrenched and(2) Records showing the payment of retrenchment compensation to the workmen concerned, but the management could not produce the said documents.

Since the retrenched workmen are lying idle for the last two months we like to request you to kindly take an early action in the matter and oblige.

Yours faithfully,

N. Akroy 15/11/58

GENERAL SECRETARY

Copy forwarded to the Secretary, All India Trade Union Congress.

No.185-II/SC(A)/58
November 22, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary,
Ministry of Labour & Employment,
New Delhi

Sub: Alleged acts of violence - Singareni Collieries - Andhra Pradesh

Dear Sir,

Ref: Your letter No.E&I-40(8)/58 dated November 14, 1958

With reference to para 2 of the letter referred above, it is learnt that the public meeting held at Ramavaram was held under the auspices of the local committee of the Communist Party of India. The Singareni Collieries Workers Union, our affiliate, we are informed, had nothing to do with this public meeting, at which the alleged incitement to violence is reported to have been done. We are therefore not in a position to inquire into the allegations bearing on the public meeting held at Ramavaram on October 5, 1958.

Yours faithfully,

(K.G.Sriwastava)
Secretary

Copy to: Singareni Collieries Workers Union.

15 NOV 1958

No. E&I-40(8)/58.
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,
All India Trade Union Congress,
4 Ashok Road, New Delhi.

14 NOV 1958

Dated New Delhi, the

Subject:- Alleged acts of violence by members of Andhra Pradesh Coal Mine Workers' Federation.

Sir,

In continuation of Shri R. L. Mehta's d.o. of even No. dated the 17th October, 1958 on the above subject, I am directed to say that the question of alleged assault on Shri K. S. Das by the supporters of Andhra Pradesh Mine Workers' Federation has been taken up with the Indian National Trade Union Congress under the Code of Conduct.

2. It may, be pointed out in this connection that on October 5, 1958 when Singareni Collieries Workers' Union organised a meeting of the workers at Ramavaram there was an exchange of hot words between the members of the Union and those of Andhra Pradesh Mine Workers' Federation, regarding Shri K.S. Das's presidentship of the meeting. It is reported that there was a clash between the members of the two unions and Shri P.Satyanarayana Vice-President of the Singareni Collieries Workers' Union advised his followers, through loud speakers, to give a good beating to the workers affiliated to Indian National Trade Union Congress and accordingly a number of them were badly beaten. It will be appreciated that the clash mentioned above would have been avoided if Shri P. Satyanarayana, Vice President of the Union had not preached violence to his workers. The later incidents on 6th October 1958 could be said to have a direct bearing on this act on the part of All India Trade Union Congress Union. I am, therefore, to request that this aspect of the problem may kindly be looked into from the point of Code of Conduct and the Singareni Collieries Workers' Union may be advised to desist from such activities. This Ministry may kindly be informed of the action taken in the matter.

Yours faithfully,

Benigan

for Joint Secretary.

MALIK
D.A.NIL.
13/10/58

No.185-II/APM/58
November 25, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Non-implementation of the provisions of the Mines Act, 1952 in mica mines, Gudur.

Dear Sir,

Ref: Your letter No.E&I-18(1)/58 dated 24th October 1958.

We agree with your proposal to amend Section 51(1) of the Mines Act as follows:

"Annual leave with wages:

Every person employed in a mine who has completed a calendar year's service therein shall be allowed during the subsequent calender year leave with wages calculated:

(a) in case of person employed below ground in the mine at the rate of one day for every 16 days of work performed, and

(b) in the case of any other person employed in a mine at the rate of one day for every 20 days of work performed."

It is requested that the above amendment be incorporated in the Mines Act without delay.

Yours faithfully,

(K.G.Sriwastava)
Secretary

185

Ministry of Labour and Employment

(Evaluation and Implementation Sec.)

GOVERNMENT OF INDIA.

Office/Deptt.

No. E.A.2:2594/58 Dated , the 10.....12.....1958

The undersigned is directed to acknowledge receipt of your letter ~~memo.~~ No. 185 II/APM/58 dated 25/11/58 ~~which is receiving attention.~~

Narain
(S. NARAIN) 2/12

Ministry of Labour and Employment,
New Delhi, the 10th

India Service Post Card.

(This side reserved for address, with signature and official designation of sender.)

To
The Secretary,
All India Trade
Union Congress,
4, Ashoka Road,
New Delhi

S. 49.

MFP—584 General—6811—(M-608)—13-12-51—1,800,000.

INDIAN MINE WORKERS' FEDERATION

'Grams: AITUCONG Dhanbad 'Phone: 2855

President: T. B. VITTAL RAO, M.P.
General Secretary: KALYAN ROY.

November 17, 1958

Secretary,
All India Trade Union Congress,
4, Ashok Road. New Delhi.

Dear Comrade:

With reference to your letter, dt.October 25, 1958, regarding the suggestion of the Ministry in relations to Annual leave with wages (proposed amendment), The Federation agrees with the proposal to amend Section 51(1) of the Mines Act.

Annual leave with wages:

Every person employed in a mine who has completed a calendar year's service therein shall be allowed during the subsequent calendar year, leave with wages claculated: (a) in case of person employed below ground in the mine at the rate of one day for every 16 days of work performed, and

(b) in the case of any other person employed in a mine at the rate of one day for every 20 days of work performed.

Could you let us know at Asansol when the Industrial Committee is going to meet through the Labour Ministry? That will greatly help me to fix my programme.

Yours faithfully

Kalyan Roy

No.185-II/MF(2)58
November 25, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Partial and Delayed implementation of the Coal Award - Concessional supply of footwear to colliery workers.

Dear Sir,

It has been reported to us by our affiliated unions in coalmining industry, that the Award of the All-India Industrial Tribunal (Colliery Disputes) in respect of concessional supply of footwear to workers, etc., is not being properly implemented.

The Tribunal had directed that "all the manual workmen whose normal total emoluments are less than Rs.100 per month should be supplied one pair of footwear, two shirts and two shorts at a concessional rate of 50% of cost once a year." (para 823, page 216)

In a majority of collieries, the employers have made no arrangements to supply them, although the workers are entitled to them from May, 1958, as per the Award.

Where some arrangements are being made to implement the Tribunal's directive, as in Bengal Coal, Equitable Coal Company, etc., the managements are refusing to supply footwear to manual workers irrespective of underground or surface workers. We wish to point out that the denial of concessional supply to surface workers is against the spirit of the Award which provided this facility for "all the manual workmen".

This question was taken up at local level with the managements by our unions but these efforts have achieved no results. The Indian Mine Workers' Federation, Dhanbad, had also addressed the Chief Labour Commissioner (Central) in this respect on November 11, 1958.

We hope you will give this matter your immediate attention.

Thanking you,

Yours faithfully,

(K.G.Sriwastava)
Secretary

No.185-II/270/58

Shri R.L.Mehta, I.A.S., November 25, 1958
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Decisions of the Implementation Committee on Coal Award - Non-implementation by N.C.D.C.

Dear Sir,

We had written to you on August 21, 1958 on the non-implementation by the National Coal Development Corporation of certain decisions of the Implementation Committee on Coal Award, relating to overburden workers of State Collieries in Bermo and Kargali. These workers were to be given Category IV Wages. We were informed later that the Regional Labour Commissioner (Central) had been requested "to investigate into the matter with a view to taking remedial action."

We are informed by our affiliate, the Coal Workers' Union, Bermo, that no action has yet been taken by the Regional Labour Commissioner (Central) to get the instance of non-implementation set right.

It has already been pointed out that the non-implementation of tripartite decisions by the State Sector would have damaging consequences on the industry in general, especially in the private sector. We hope you will therefore give this matter your immediate attention so that any further delay in this regard is avoided.

Thanking you,

Yours faithfully,

(K.B.Sriwastava)
Secretary

No.185-II/MF/58
November 25, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Delay in implementation of Coal Award relating to Grades and Time Scale

Dear Sir,

The award of the tribunals (colliery disputes) in relation to the fixation of grades and time scale has not been implemented so far.

The Mazumdar Award had directed "the managements to take up the question of grades after the expiry of two years from the date of the publication of the Award and introduce appropriate grades within a period of one year thereafter." (para 708, p.186)

The Labour Appellate Tribunal had also stated in this connection: "There is an obligation on the employers to take up the question of grades, two years from the date of the publication of the award and to introduce appropriate grades and scales within a period of one year thereafter and the employers are bound to act accordingly."

It may be recalled that this question was brought to the consideration of the Tripartite Meeting of Coal Mining Interests held on August 3, 1958. Since the employers' representatives were reluctant to take up this subject, the Government had proposed that a Tripartite Committee would be set up soon to bring about a speedy implementation of the Award in these matters.

As far as we know, no such tripartite body has been set up by the Government of India and hence the implementation of the Coal Award on the question of fixation of grades and time-scale is being considerably delayed.

It is requested that speedy action is taken to obviate any further delay.

Thanking you,

Yours faithfully,

(K.G.Sriwastava)
Secretary

24 NOV 1958

R.L.Mehta, IAS.,
Joint Secretary.

Telegrams :—
"LABOUR"

MINISTRY OF
LABOUR AND EMPLOYMENT.

185

D.O.No. ED-7(1)/58

New Delhi, the November 21, 1958.

22 NOV 1958

Dear Shri Sriwastava,

Please refer to your d.o. letter No.185/II/KG/58, dated 12th November 1958, regarding non-implementation of settlement between King George Hospital, Vishakhapatnam, and their workmen. As intimated earlier, the Andhra Pradesh Government informed us last month that the entire question of the non-implementation of the Government order was discussed with the Union representatives recently. They were informed that in respect of the remaining items of the Government order, necessary action was being taken by the Medical Department to implement them. I have again written to the Labour Secretary, Andhra Pradesh Government, requesting him to expedite action.

22 NOV 1958

I shall write again as soon as I hear from the Andhra Pradesh Government.

Yours sincerely,

R.L.Mehta

(R.L.Mehta)

Shri K.G.Sriwastava,
Secretary,
All India Trade Union Congress,
4, Ashok Road,
NEW DELHI.

85

No.105-II/SF/58
November 22, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Implementation of labour enactments, agreements, awards, etc. - Parry & Co.

Dear Sir,

Ref: Your letter No.R&I-2(12)/58 dated 8th August and 14th November,1958

On the allegations made by M/s.Parry & Co. against our affiliated unions in Samalkot, Nellikuppam and Pugalur, we took up the question with our unions and we now find that none of the three unions have deviated from the general policy of the AITUC on the constitution of Works Committees and the active participation of the trade union in functioning these committees.

It is therefore not understood in what manner M/s.Parry & Co. found our unions non-co-operating or going against the management's decision to constitute Works Committees. The management may be informed to go ahead with the constitution of Works Committees in the three factories, if they have not taken any steps so far solely due to the alleged obstruction by our unions(which as far as we gather is a baseless allegation).

Yours faithfully,

(K.C.Sriwastava)
Secretary

Copy to: D.S.A.Co. Workers Union,
Samalkot
EID &SF Ltd. Labour Union,
Nellikuppam
-do- Pugalur

GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

No.E&I-34(20)/58. Dated, New Delhi, November 25, 1958.

From

Shri R.L.Mehta,IAS.,
Joint Secretary to the Government of India.

To

Shri K.G.Sriwastava,
Secretary, All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dear Sir,

Kindly refer to your letter No.185-II/CD/58, dated November 21, 1958. The sanctions to be applied under the Code are a part of it and wherever the Code is operative so are the sanctions. The circular letter No.E&I-34(20)/58, dated November 18, 1958 was meant to be a reminder to this effect.

I hope this clarifies the position.

Yours faithfully,

R.L.Mehta

(R.L.Mehta)
Joint Secretary to the Govt.of India.

R.L.Mehta, IAS.,
Joint Secretary.

19 NOV 1958

Telegrams :—
"LABOUR"

MINISTRY OF
LABOUR AND EMPLOYMENT.

D.O.No. EJ9-40(9)/58

New Delhi, the November 18 195 8

Dear Shri Sriwastava,

Kindly refer to your letter No.172/IUC/58, dated November 4, 1958, to the Minister for Labour and Employment, on the subject of vilification campaign by I.N.T.U.C. in its journal "Indian Worker". I am desired to request you kindly to mark the portions of the issue of October 27, 1958 enclosed with your letter under reply which you regard as objectionable and amounting to personal vilification of A.I.T.U.C. leaders or general vilification of your organization. A copy of the issue of "Indian Worker"(dated October 27, 1958) is enclosed.

With regards,

Yours sincerely,

R L Mehta

(R.L.Mehta)

Shri K.G.Sriwastava,
Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

Sent to Sec. file
mr
30/XI

NO. E&I-2(12)/58
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
(EVALUATION & IMPLEMENTATION DIVISION)
***

From

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

To

The General Secretary,
All-India Trade Union Congress,
4-Asoka Road,
New Delhi.

Dated New Delhi, the 14 NOV 1958

Subject:- Implementation of labour enactments, agreements, awards, etc. - Parry & Co.,.
***

Sir,

I am directed to refer to this Ministry's letter of even No dated the 8th August, 1958 on the above subject and to request that the action taken in the matter may kindly be intimated to this Ministry at an early date.

Yours faithfully,

K.M. Tripathi

(K.M. Tripathi)
for Joint Secretary.

/J.C./

185

No.185-II/APM/58
November 22, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary,
Ministry of Labour & Employment,
New Delhi

Sub: Violation of tripartite agreements - Rationalisation and retrenchment in Seetharama Mining Co. Gudur, Andhra Pradesh

Dear Sir,

We are informed by our affiliated union, the Andhra Pradesh Mica Workers' Union, Gudur, that the Seetharama Mining Co. has served 84 individual notices on 17.11.58 to the workers under Section 259 of the Industrial Disputes Act, terminating their services with effect from 20.11.58.

The reasons for retrenchment is said to have arisen due to the decision of the management to "mechanise" the mine.

We wish to point out that in resorting to rationalisation, the Seetharama Mining Co. has not observed the tripartite agreements arrived at on this question by the 15th Indian Labour Conference. Thus the management has not observed the spirit of the Code of Discipline.

Moreover, it is learnt that the retrenchment in this instance is the direct result of the vindictive policy adopted by the management against the trade union. It will be recalled that there had been considerable tension lately in the mica belt in Andhra Pradesh, and we had occasion to bring your attention to this aspect earlier.

It is therefore requested that the Government should order a thorough inquiry into this case of retrenchment, especially in order to ensure that the preconditions for rationalisation measures laid down by the 15th Indian Labour Conference are observed, and, pending such an inquiry, the retrenched workers should be restored to their jobs.

Yours faithfully,

(K.G.Sriwastava)
Secretary

20 NOV 1958

Andhra Pradesh Mica Workers' Union

(AFFILIATED TO THE AITUC)

Reg. No. 1772

GUDUR (Nellore Dt.)
(ANDHRA PRADESH)

Ref No. ..... Date 19-11-1958.

To

The Regional Labour Commissioner,
Madras.

Sir,

Sub: Seetharama Mica Co., Kalichedu - illegal retrenchment of 79 mica mazdoors and 5 spade workers on 17-11-58 with effect from - 20-11-58 - immediate intervention requested.

The Seetharama Mining Co. has served 84 individual notices on 17-11-58 to the workers under Section 259 of Industrial Dispute Act saying that their services will be terminated with effect from 20-11-58. The reasons of retrenchment is said to have been ~~maximation~~ Mechanisation of the Mine.

The abovesaid notices were issued only to seek vengeance on the workers and to spoil the trade unionism in the mine, who exhibited their united strength, in the strike period to achieve the demands of the strike notice dated 19-8-58. This is a clear proof of victimisation. The Mining Co. is not maintaining status-quo after we have called off the strike on 4-10-58 and causing much anxiety either with illegal suspension notices, lay-off, heavy work load, discrimination, and lately with retrenchment as said above. The way in which the Management behaves is against

the spirit and letter of the code of discipline arrived at the 15th and 16th of the All India Labour Conferences.

The mine has not been recently mechanised and it stands the same from so many years. Even if the highly yielding mine has been mechanised, the production will increase and it will automatically give room to new employment and not to retrenchment. The reasons mentioned by the Management are not true and valid.

We hereby request you to intervene immediately and conduct an enquiry at the mine itself for necessary action against the Management and the reinstatement of the retrenched.

Thanking you,

Yours faithfully,

Mosili Leelamohan Row

Joint SECRETARY.

Copy to:

1) The Conciliation Officer, Visakhapatnam.
2) The Chief Labour Commissioner, New Delhi.
3) The Labour Inspector(C), Guntur.
4) All India Trade Union Congress, New Delhi.

Make out a case against the management for violating the Code of Discipline & Rationalization

Vms
29/XI.

No.185-II/CD/58
November 21, 1958

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

Sub: Code of Discipline - Sanctions for.

Dear Sir,

Ref: Your letter No.E&I.34(20)/58
dated November 18, 1958.

The Code of Discipline has now been stated to have been ratified by the 16th Indian Labour Conference held in May, 1958 and the Government has made it operative from June 1, 1958. It is therefore not understood how the steps recommended by the 16th Session of the Standing Labour Committee held in October 1957 on sanctions to be applied under the Code, could be considered relevant, under the circumstances.

We would like to have a clarification in this regard.

Yours faithfully,

(K.G.Sriwastava)
Secretary

66

19 NOV 1958

No. E&I 34(20)/58
Government of India
Ministry of Labour & Employment

...

From

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

To

All central organisations of employers and workers.

Dated New Delhi, the

Subject:- Code of Discipline - sanctions for.

18 NOV 1958

Dear sir,

The Standing Labour Committee which considered the question of implementation of the Code of Discipline, at its 16th Session held in October, 1957, recommended the following steps to be taken by the organisations against their constituent units guilty of breaches of the Code:-

(i) To ask the unit to explain the infringement of the Code;

(ii) To give notice to the unit to set right the infringement within a specified period;

(iii) To warn and in cases of a more serious nature to censure the unit concerned for its actions constituting infringement;

(iv) To impose on the unit any other penalties open to the organisation;

(v) To dis-affiliate the unit from its membership in case of persistent violation of the Code.

2. The Committee was further of the view that grave, wilful and persistent breaches of the Code by any party should be widely publicised. It also recommended that employers' and workers' organisations should give no countenance, in any manner, to non-members who did not observe the Code.

3. As the implementation of the Code of Discipline is vital to industrial peace I am directed to request that the above sanctions may kindly be brough to the notice of your constituent units. It is hoped that in the event of a breach of the Code, your organisation will not hesitate in taking action against the defaulting party.

4. This Ministry may kindly be informed of the action taken into the matter.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary.

"D.A.Nil"
DAYAL

The All India Trade Union Congress,
4, Ashoka Road, New Delhi.

Copy forwarded to:-

1. All employing Ministries and Planning Commission.(31 copies)
2. All State Governments in continuation of this Ministry's letter No.E&I-35(17)/57, dated the 8th September 1958.
3. All Officers of this Ministry including P.S. to Labour Minister, P.S. to Deputy Labour Minister, P.S. to Parliamentary Secretary, P.S. to Secretary, P.As. to Joint Secretary (G) and Joint Secretary (E).
4. All attached and subordinate offices of this Ministry.
5. All Sections.
6. Labour Attache, Consulate General of India, Geneva, through Diplomatic Bag.
7. Press Information Officer for favour of usual action (Shri Kumar Dev).
8. File No.E&I-35(17)/58
9. Guard File.

for Joint Secretary.

"D.A.Nil"
DAYAL

·68

21 NOV 1958

No.APS/LM/143(MP)/58

PRIVATE SECRETARY TO THE
MINISTER FOR
LABOUR AND EMPLOYMENT.

185

New Delhi, the Nov. 20, 1958.

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

Dear Sir,

I am desired to acknowledge the receipt of your letter No.185-II/JM/58, dated the 19th November, 1958 to Shri Gulzarilal Nanda, Union Minister for Labour, Employment and Planning.

Yours faithfully,

Narang 20/11

for Private Secretary.

·68

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for Private Secretary.

185

D.O.No.185-II/B/58
November 21, 1958

Dear Shri Mehta,

While I met you with the delegation of the Mill Mazdoor Union at Bombay on 30th October 1958, I had requested you to contact and meet the General Secretary of our Bombay State Committee, Shri S.Y.Kolhatkar in connection with the inquiry into the General Strike in Bombay on July 25, 1958. The memorandum of the Bombay State Committee of the AITUC was forwarded to you, vide our letter No.185/BS/58 dated September 30, 1958. I had also given at Bombay the address and the telephone no. of Shri Kolhatkar.

I am now informed that Shri Kolhatkar did not any intimation from your office and hence he could not meet you.

I am not aware if you have concluded the inquiry or not. I would like to point out that discussions with Shri Kolhatkar on issues relating to industries other than textiles would be useful to the inquiry. As you will remember, on October 30, 1958 at Bombay, we had discussed only the memorandum submitted by the Mill Mazdoor Union and situation in textiles.

With best wishes,

Yours sincerely,

(K.G.Sriwastava)

Shri R.L.Mehta, I.A.S.,
Joint Secretary,
Ministry of Labour & Employment,
New Delhi.

(185) 70

No.174(5)/TC/58
November 21, 1958

The Secretary,
Ministry of Labour & Employment,
Government of India,
New Delhi.

Sub: Appointment of Screening Machinery

Dear Sir,

We suggest that a tripartite Screening Machinery should be set up to screen cases before the parties concerned are finally allowed to take cases to High Courts or the Supreme Court.

Will you please arrange to place this proposal before the next tripartite meeting for consideration, if necessary.

Yours faithfully,

(K.G.Sriwastava)
Secretary

Copy to file No.174, 175 & 185

No.E &I-35(53)/58
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,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 19th November, 1958.

Subject:- Study of Calcutta Tramway Strike Under the Code of Discipline.

****

Dear Sir,

I am directed to say that in pursuance of the recommendation of the Central Implementation and Evaluation Committee it has been decided that Shri R.L. Mehta, Joint Secretary in this Ministry assisted by the representatives of workers and employers as assessors, would enquire into the Calcutta Tramway strike with reference to the Code of Discipline. I am, therefore, desired to request you to send a name of your representative to act as an assessor in this enquiry. The selected person should not be/have been a member of the Action Committee responsible for conducting the strike as it is likely that his acts of omission or commission may also have to be looked into.

2. I am to request further that as the work is to commence shortly, your reply may kindly be sent to this Ministry immediately.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary

D.O.No.185-II/JM/58
November 19, 1958

My dear Nanda,

I am writing to you in reference to the question as to whether the report of Mr.R.L. Mehta on the Jamshedpur strike should be published or not, or whether it should be made available to the parties concerned.

A point has been made that the Jamshedpur strike took place before the Code came formally into operation and hence Mr.Mehta's report should be considered as non-existent and, if necessary, a fresh inquiry could be undertaken.

In my opinion, the inquiry by Mr.Mehta was made with the full knowledge of the fact that the Code has been ratified by all the parties concerned and when that enquiry was ordered there was no question of a formal date for the ratification of the Code. If there was any incompleteness in the ratification of the Code, it was only in so far as certain clarifications were required from the Labour Minister on certain points which had not been cleared before.

Mr.R.L.Mehta issued questionnaires, received evidence and reports from trade unions concerned and from our AITUC centre also. It was not, so to say, a one-way affair. Hence we had our doubts as to why either the publication of that report or its communication to parties concerned was being delayed.

I think therefore this objection should be waived and the report made available to the parties concerned at least, if Government thinks that a wide publication of the report is not necessary. In my opinion, the work of this officer and of this implementation procedure which is quite a new contribution to the development of industrial relations would loose all its value if the findings of such enquiries were simply to be filed in the archives of the Government.

We might argue on the question whether publication of all the details are necessary or not in each case, but if the findings are not made available even to the trade unions concerned, then there would be no sense in asking for such enquiry or participating in it.

About the suggestion that in order to formalise matters, a fresh enquiry may be undertaken, I would say that if you think it is absolutely necessary to do so, the order may be passed with the proviso that the officer would be instructed to bring on record all the material that are already placed before him and his conclusions and date them as after the fresh order. That might satisfy the ritual of formalism and will also let us have the report as it is as soon as possible.

With regards,

Yours sincerely,

S A Dange

(S.A.Dange)

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

(125)

November 17, 1958

Dear Com.Ranen Sen,

This morning Shri Mehta of Labour Ministry rang me up in connection with the inquiry into the Tramway strike in Calcutta.

The proposal of the Ministry was to have two representatives ~~fxx~~ each from the workers' and employers' side.

We have insisted that we should have one representative.

Further we have suggested that either (i) increase the number of representatives from two to three and take one each from AITUC, INTUC and HMS (the fourth union in the Action Committee being Independent); or (ii) send the proposal to the Joint Action Committee which conducted the struggle if they could (~~give~~ two names on their behalf.

Lagnath.

In the former case, we will be nominating you.

If HMS can also agree(in writing) to your name, then also the problem will be solved.

With greetings,

Yours fraternally,

(K.G.Sriwastava)

185

No.185-II/BB/58
November 14, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Closure of textile mill in Badnera
- non-observance of tripartite decisions

Dear Sir,

We are informed by the Siddhartha Cotton Mill Kamgar Sangh, Badnera, that the Siddhartha Cotton Mills in Badnera had effected complete closure of the mills from October 13, 1958. No notice was given to the workers or the Government but the management stated on October 12 that the mills are experiencing paucity of running capital and hence they are forced to close down immediately.

We wish to point out that the decisions of the Nainital Conference on preconditions for effecting closures have not been adhered to in this case. Thus the management has also not observed the spirit of the Code of Discipline.

We hope you will inquire into the matter.

Thanking you,

Yours faithfully,

(K.G.Sriwastava)
Secretary

Copy to: Siddharta Cotton Mills Kamgar Sangh,
BADNERA

सिध्दार्थ डॉटन कील कामगार संघ बडनेरा

पत्र क्र. 620/45 तारीख 29-10-45

प्रति
जनरल सेक्रेटरी
ऑल इंडिया ट्रेड युनियन कॉंग्रेस
नवी दिल्ली

विषय :- दी वेस्टर्न कॉटन मॅन्युफॅक्चरिंग कं. लि. बडनेरा यांचे
ताळेबंदी व कामगार वर्गाची चळवळ.

प्रिय कॉम्रेड

ता. 23-10-45 रोजी कील कॉटन मिल्सने
अचानक गिरणीला कुलूप लावले व सुमारे एक हजार
कामगारांना बेकार केले. ता. 22-10-45 रोजी सायं 5
वाजतांचे सुमारास मिल गेट वर नोटीस लावण्यात आली.
'खेदाने कळविण्यात येते की अचानक गिरणी तात्पुरती बंद
करणे भाग आहे' अशी नोटीस. सोडून ता. 23-10-45 रोजी
गिरणी बंद करण्यात आली. राष्ट्रीय गिरणी मजदूर संघ —
बडनेरा (काँग्रेस प्राप्त संघ) व सिध्दार्थ डॉटन कील कामगार
संघ या दोन्ही कामगार संघटनांचे कार्यकर्ते एकत्रित आले.
व कामगारांचे हे बेकारीचा हल्ला परतवून लावण्या
साठी सदर दोन्ही संघांच्या प्रतिनिधींची एक कृति समिती
(Council of action) नियुक्त करण्यात आली.
या कृति समितीच्या नेतृत्वाखाली इतर सर्व चळवळ नेहमी
चालविण्याचा दोन्ही संघांनी निर्णय घेतला. ता. 23-10-45
रोजी सकाळी साडे नऊ वाजता मिल गेटवर कामगारांनी निदर्शने
केली. कृति समितीच्या नेतृत्वाखाली कामगार वर्गाची मिरवणूक
शहराच्या प्रमुख रस्त्यातून हिंडविण्यात आली. 'कामगार —
उपास रद्द करा, उपासीच्या पैसा परत करा — गिरणी ताबडतोब
सुरू करा' अशा कामगारांच्या घोषणा होत्या.

ता. 23-10-45 रोजी उडुपी हॉटेल

मिल मालकाने कामगारावर लादलेली बेकारी दूर करण्या
साठी व सरकारच्या दिरंगाईच्या धोरणाचा निषेध
करण्यासाठी ता. 23-10-45 रोजी शहरातील सर्व
व्यवहार एक दिवस बंद पाडा असा आदेश —

हुतात्मा-स्मृतिदिन दिवस. सरकारतर्फे सर्वपक्षीय आमंत्रण सभा-
वेदान्त आल्यास ता. २३-१०-४८ रोजी गिरणीचे सर्व कामगार
संघाची साडेबारा वाजता किल्लेधारूर येथे सभा झाली. "किसका
खून खोल दो बदला लेकर छोडेंगे" असा घोषणा देत
कामगारांनी किल्लेधारूर शहरातील सर्व व्यवहार
बंद पाडले. ऑईल मिल्स चे सर्व कामगार हरताळात सामील
झाले. गंजीवाला बाजार, कापड बाजार, सिंधी मार्केट, धान्य
बाजार, हॉटेल्स बंद पडले. खेडुत कामगार व आठवडा
बाजारात गाईबैलांची खरेदी-विक्री बंद पडली. सरकारी
कर्मचारी रस्त्यावर आले. दुकाने बंद, शिक्षक संघ व गैर
सर्व संघटना, कॉलेजचे व विद्यार्थी वगैरे सर्व
हरताळात भाग घेतला. कामगारांची व सरकारतर्फे श्रमिकांना
धमकावित कामगार व कर्मचाऱ्यांच्या मिरवणुकीचे नेतृत्व
किसनराव शिंदे यांनी केले. बसचे सारथ्य प्रतिनिधित्व
दिवस म्हणून पाळला होता. त्याच दिवशी मुंबई राज्याचे
लेबर कमिश्नर श्री सुब्रमण्यम यांचे बडतर्फीचा आदेश
पोचला. गंजीवाला कामगार व्यतिरिक्त इतर सर्व
कर्मचारी कामावर आले. "उपासीच्या पैसा परत किसान" या घोषणाही
प्रचारची उपयोग व पुरता गिरणी कर्मचारी वाटाघाटीमध्ये
गावकऱ्यांना कागदपत्रे करवुनिले. स्वतः गिरणी
मालकाने पंडित नेहरूंकडे तर लेबर कमिश्नर
सांगळकाने मांडले. राष्ट्रीय गिरणी कामगार संघाचे नेतृत्व
श्री बारबुद्धा, जनरल सेक्रेटरी श्री शामराव, विद्यार्थी
आघाडीचे कामगार संघाचे जनरल सेक्रेटरी श्री इंगळे,
डॉ. दिवाणजी, श्री बी. जी. मेहता उपाध्यक्ष मुंबई राज्य
ट्रेड युनियन कॉंग्रेसने व कामगार लेबर कमिश्नरला
भेटले. "बेकायदेशीर टाळेबंदी रद्द करा" म्हणून मालकाकडे
आरडाओरडा चालू व मालाची नासधूस करणाऱ्या पोलीसांचा
पैसा किसान देणाऱ्या प्रकरणी आरडाओरडा चालू. असे
आंदोलन प्रतिनिधी मंडळाला दिलासा आले.

ता. १ नोव्हेंबर रोजी गिरणी सुरू व आल्यास

सत्याग्रह तात्काळ थांबवून असा निर्णय
ता. २३-१०-४८ ला रात्री जाहीर सभेत हुतात्मा समितीने
घेतला. सत्याग्रह सुरू असताना शेकडो कामगारांनी नावे दिली.
पांच दिवस सत्याग्रहाच्या दुसऱ्या वाढीव्यापासून मिरवणूका
व्याख्याने व आंदोलने चार आगार बंद असल्यामुळे सुरूच
असे व शेवटपर्यंत आले. हुतात्मा समितीच्या नेतृत्वाखाली
ता. २८-१०-४८ ला आहुति सभा झाली. सभेचे अध्यक्षस्थान
राष्ट्रीय मिरवणूक मजूर संघाचे अध्यक्ष श्री बरकतुल्ला खांनी
भूषविले होते. विदर्भ टेक्स्टाईल वर्कर्स फेडरेशन (INTUC)
चे जनरल सेक्रेटरी श्री सादी निसाबी एम्.एल.ए. व
मुंबई राज्य ट्रेड युनियन कॉंग्रेस चे (AITUC) उपाध्यक्ष
श्री बी. सी. कैलास यांची भाषणे झाली. ता. १ नोव्हेंबर मध्ये
मिरवणूक व उपोषणास लोकरच सत्याग्रह सुरू करण्यात
यावा असे घोषित करण्यात आले. तत्पूर्वी शांतिसरकार
हे आगार कर्मचारी कायदेशीर संघटनेसाठी श्री सादी निसाबी
हे मुंबईस गेले. ता. १ नोव्हेंबर मिरवणूक व उपोषणास
व सरकारने मिरवणूक चालविण्यास मनाई घेतल्यास
लोकरच सत्याग्रह सुरू होणार आहे.

आपल्या हुतात्मा समिती मार्फत आपल्याकडून शक्य तेवढी सर्व मदत
अपेक्षित आहे.

प्रसिद्धीसाठी आहे
General secretary
BSTUC Bombay

आपला -
डी. बी. उगरे
जनरल सेक्रेटरी

185

D.O. No.185/II/KG/58
November 12, 1958

Dear Shri Mehta,

Please refer to your letter No.E&I-7(1)/58 dated 7/8th November 1958, regarding non-implementation of settlement between King George Hospital, Visakhapatnam and their workmen. I may draw your attention to the fact that our representative, Shri B.D.Joshi had also raised this issue in the First Meeting of the E & I Committee.

As will be very clear from the correspondence on the subject, the Government of Andhra Pradesh at first took a position of denying the very fact that such a settlement existed. Later, they have now called the union representatives and explained the items which have been implemented.

It has already taken several months - about a year since the question of non-implementation was taken up by us with you and the Government of Andhra Pradesh. The Code of Discipline provides that awards, agreements and settlements should be given effect to without delay and we wish to point out that, as is evident from the reply of the Andhra Pradesh Government referred to in your letter, the urgency for rectifying the instance of non-implementation is totally lacking.

In the normal course, it has been the experience of trade unions that the Government Departments take months and years to take measures for implementation of agreements or settlements.

I would therefore urge that the Union Labour Ministry should ask the Government of Andhra Pradesh to submit to the E & I Cell a report on implementation of the settlement and that the Union Labour Ministry should periodically keep track of the progress of implementation.

With best wishes,

Yours sincerely,

(K.G.Sriwastava)

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

185

No.185-II/CTI/58
November 19, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Study of Calcutta Tramway Strike
Under the Code of Discipline.

Dear Sir,

With reference to your letter No.E&I-35(53)/58 dated November 19, 1958, we hereby nominate Dr.Ranen Sen, M.L.A., Vice President of the AITUC, as our representative for the above.

We would like to point out, in this connection, that the representatives of workers and employers who will assist you in this inquiry are described as "assessors". If we were to think on the lines of court procedures, it would mean that the opinions of these representatives would not be part of the findings of the Committee as a whole. Would such an interpretation be correct? If it were so, that would only turn these representatives into polite observers and nothing more. Or would they be as good as 'jurors', to continue the same analogy? I think while no doubt you would be the presiding officer, these representatives should have the same status as members of tribunals or enquiry committees have. That would lend a better status to the enquiry as a whole. We hope you would give some thought to this aspect of the matter.

It has also been laid down as a condition that the members suggested on behalf of the workers should not be members of the Action Committee. Such a condition would rule out suggesting the name of the most responsible person in the movement because such responsible persons are bound to be in one way or other connected with the strike. Such a general bar as is proposed might create difficulties in the composition of these enquiry teams in all important strike struggles. We may, therefore, have to study this aspect of the matter further.

Yours faithfully,

19/XI

(K.G.Sriwastava)
Secretary

Copy to..
Dr Ranen Sen + Work Beyond S. Committee of AITUC

12 NOV 1958

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT.

No: E&I-7(1)/58. New Delhi, dated 7th November, 1958.

8/11/58

From

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Govt. of India.

To

The Secretary,
All India Trade Union Congress,
4, Asoka Road, New Delhi.

Sub:- Non-implementation of settlement between King George Hospital, Visakhapatanam and their workmen.

****

Dear Sir,

In continuation of this Ministry's letter of even number dated the 1st October, 1958, on the above subject, I am directed to say that the Government of Andhra have informed this Ministry that the question of non-implementation of the Government Order was discussed at a joint meeting between the Government authorities and the representatives of the Andhra Pradesh Provincial Hospital Workers' Union. It was pointed out to the Union that several items of the Government Order had been implemented and in respect of the remaining items, necessary action is being taken by the Medical Department to implement them. It is hoped that the grievances of the Union will be redressed soon.

Yours faithfully,

Nigam

(S.B.L. Nigam)

185

No.185/KNJ/58
November 5, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Restoration of service continuancy to employees of ex-Barsi Light Railway.

Dear Sir,

Please refer to your letter No.E&I-4(4)/58 dated July 25, 1958, in reply to ours of 14th July on the above subject.

We would also like to refer to you the letter dated 24th October addressed to the Union Labour Minister by Shri K.N.Joglekar, President, Kuruduwadi Branch of National Railway Mazdoor Union.

It is requested that the Ministry of Railways be urged to give a decision immediately since the case is pending for the last five years.

Yours faithfully,

(K.G.Sriwastava)
Secretary

Copy to: Com.K.N.Joglekar

Tele { Gram : Railwayman
Phone : 62052

NRMU

National Railway Mazdoor Union

Seva Sadan,
Supari Bagh Rd,
Parel, BOMBAY-12.

Ref. No.....

Date 24th October, 1958

Shri Gulzarilal Nanda,
Hon'ble Labour Minister,
Government of India,
NEW DELHI.

Dear Sir,

RE: RESTORATION OF CONTINUITY OF SERVICE TO THE EX-BARSI LIGHT RAILWAYMEN RE-EMPLOYED BY THE GOVERNMENT(CENTRAL RLY).

Further to my last communication on the above subject dated 7th February,1958, I am constrained to draw your attention to the sad fact that the above matter still remains without being finalised.

Following the assurances of the Labour and the Railway Ministries made on the floor of the House in May,1957, protracted negotiations were held with the Railway Board and Central Railway Administration and at last after about 8 months, the Railway Board by their letter No.E(G)53TR4/1/2 dated 21.1.58 came out with the announcement of the restoration of the seniority rights of the Ex Barsi Light Railway staff.

Thereafter, 6 months went by without any sign or indication on the part of the Railway Board or Central Railway Administration of implementation of the above declaration. Then on 21.7.58, they further came out with another declaration that the Board proposed to restore all the wage cuts and demotions inflicted on the Ex Barsi Light Railwaymen at the time of the take over on 1.1.54 (vide Central Railway weekly Gazette dated 21.7.58, page 9, item 32).

Then further months have gone by and yet there is no sign of implementation of these assurances to which the workers have been eagerly awaiting with expectations.

In the course of their long expectant waiting, the workers submitted through the General Manager, Central Railway, a mass petition to the Hon'ble Railway Minister on 18th March,1958 requesting early implementation

Tele Gram : Railwayman
Phone : 62052

NRMU

National Railway Mazdoor Union

Seva Sadan,
Supari Bagh Rd,
Parel, BOMBAY-12.

Ref. No..... Date.....195

of the Board's letter of 21.1.58 referred to here above. Two months later in May and June, 1958, the workers followed up the above mass petition by individual petitions submitted through proper channel, requesting early restoration of their original scales, grade and pay as well as the restoration of the lost increment for the year 1954 for their being treated, then, as new entrants.

Simultaneously, in my representative capacity as Vice-President of the Union of the workers, I continued to seek a date for an interview with the Railway Board for finalisation of the issue. Tentatively, I was scheduled to meet the Board on 18th of March when Shri Y.P.Kulkarni, on behalf of the Board by a telegram dated 17.3.58 suggested that the meeting should take place in the first week of April, 1958. This meeting was further postponed by the Board to some unspecified date by their letter No.E(L)57UT.1.91 dated 24.4.58.

I waited expecting to hear again from the Board for a specific date and after two months on 24.6.58 addressed the Board again seeking a date for the finalisation ~~of the~~ meeting towards 3rd week of July. Failing to receive any response to the above, I addressed a reminder to the Board on 5.8.58 requesting for an early fixation of the finalisation meeting. These communications yet remain unresponded.

Along with these efforts to secure redress direct from the Railway Board, we have been seeking your good offices to bring the matter to an early final conclusion. On our request and behalf, the AITUC has been pleading ~~with~~ our case through your High Level Inspection Committee for implementation of Awards and Assurances. You have, by your letter No.E&I.4(4)/58 dated 13.5.58, conveyed to us that the Railway Board have issued necessary orders to the concerned Railway Administration that credit for seniority on account of the service rendered in the Barsi Light Railway Company should be accorded to all staff. You have also stated that the matter of restoration of Pay scales and reduced salaries was under the consideration of the Ministry of Railways.

Tele { Gram : Railwayman
Phone : 62052

NRMU

National Railway Mazdoor Union

Seva Sadan,
Supari Bagh Rd,
Parel, BOMBAY-12.

Ref. No.....

Date.....195

The AITUC has been making repeated enquiries at your office about further progress in the matter, but there appears to be no further light forthcoming as late as this day.

It is nearly now five years the workers have been patiently pursuing all possible avenues constitutional and legal, for the redress of grave injustice to which they have been subjected. The justice of their case has also now been accepted and yet the promise of restoration of their continuity remains un-implemented. For over these ten months now, ever since 21.1.58 circular, the workers have neither been restored to their due rank in seniority nor have their demotions, salary cuts and 1954 annual wage increments been adjusted, restored and payments made thereof. Please excuse me if I say that such protracted and slow process of redress takes away the grace of the good finally done.

May I, under the circumstances, request you to make further efforts to bring about full and early implementation of the promised redress in this behalf and oblige.

Yours faithfully,

(K.N.JOGLEKAR),
PRESIDENT
BRANCH,NRMU,KURDUWADI

Copy to A.I.T.U.C
Secretary.

185

No.185-II/RTU/58
November 4, 1958

Dear Shri Mehta,

Appropos my talks with you at Bombay on October 30, when you were there to inquire into the General Strike of July 25; I had told you that the Ministry has finalised about the procedure of verification of membership in order to recognise the trade union only in October 1958.

In this connection, your attention is invited to our communications dated August 14,1958 and September 12 and October 4, 1958 on the subject, to which a final reply was received vide Government of India, Ministry of Labour, letter No.LR.I.19(1)/58 dated 15.10.58.

In the absence of this reply, we could not direct our unions to challenge the membership of the existing unions where we feel the unions with lesser membership has been recognised.

Yours sincerely,

(K.G.Sriwastava)

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

- 4 NOV 1958 . 8.1

No. APS/LM/ 8417 /84

Asstt. PRIVATE SECRETARY TO THE
MINISTER FOR
LABOUR AND EMPLOYMENT.

New Delhi, the Nov. 3, 1958

To

Shri K.G.Sriwastava,
Secretary,
All-India Trade Union
Congress, 4, Ashok Road,
New Delhi.

Sub: Lay-off of nearly 1200 workmen by Tatanagar Foundry Co. Ltd., Jamshedpur.

Dear Sir,

I am desired to acknowledge receipt of your letter No.185/II/TRF/58, dated the 1st November, 1958, to the Union Minister for Labour, Employment & Planning, on the above subject.

Yours faithfully,

(J.C.Saxena)

185

No.185/II/TRF/58
November 1, 1958

The Minister for Labour & Employment,
Government of India,
New Delhi.

Sub: Lay-off of nearly 1200 workmen
by Tatanagar Foundry Co. Ltd.,
Jamshedpur.

Dear Sir,

Further to the representation made to you by this organisation at the Standing Labour Committee meeting in Bombay.

Three Departments of the Tatanagar Foundry Co., Jamshedpur, viz. Sleeper Foundry, Furnace Casting and Sleeper Inspection, have been closed down from October 28, 1958. 1,200 workmen have been laid off.

As our representative pointed out in the Standing Labour Committee, the management of the Tatanagar Foundry Co. has effected the closure, in clear violation of the tripartite decisions arrived at in Nainital Labour Conference. Whereas the 16th Indian Labour Conference decision provided for a minimum two months' notice in all cases of closures, the management in this instance has effected the closure with hardly 24 hours notice.

It appears that the delay in amending the Standing Orders embodying the above-referred decision of the 16th Indian Labour Conference, in this respect, is being taken advantage of by many employers to violate these tripartite agreements. We wish to emphasise that if such a state of affairs is allowed to continue for months, the sanctity of the decisions of the tripartite labour conferences are likely to suffer adversely and the workers will be forced to take recourse to methods to fight in defence of their existence.

We hope you will give this matter your immediate attention.

Thanking you,

Yours faithfully,

(K.G.Srivastava)
Secretary

PHONE 2730A

JAMSHEDPUR MAZDOOR UNION

(AFFILIATED TO ALL INDIA TRADE UNION CONGRESS)

REGISTERED No. 672.

President: *Sunil Mukherjee*

Genl Secretary: *Kedar Das* M L A.

33 SARKAR BUILDING,
JAMSHEDPUR-1.

In reply please quote JMU/Govt-2/22/58.

28th Ocober 1958.

To
The Asst. Commissioner of Labour,
Government of Bihar, Jamshedpur.

Dear sir,

Re: Lay off in Tatanagar Foundry Co. Ltd., Jamshedpur.

In furtherance with the discussions that our representative had with you yesterday, we like to inform you that the partial closure clamped by the Tatanagar Foundry Co., with effect from today by closing down three departments namely Sleeper Foundry, Furnace Casting and Sleeper Inspection and laying off about 1200 workmen indefinitely, is unjustified and contrary to the decision of the Indian Labour Conference held of late in Nainital. This Session of the I.L.C. inter alia decided the following:-

" it was decided that in all cases of closure the standing orders must be amended as follows: " No shift working should be closed with-out two month's notice and no total closure should take place without three months' notice to the workers as well as to the Government".

The action of the Tatanagar Foundry Co. is completely in defiance of the above-mentioned resolution in as much as the Company issued the notice laying off workmen only on the 27th October'58 i.e., only one day earlier of the action taken

We, therefore, request you to direct the Management to withdraw the order and provide employment to the laid off workmen forth with.

Yours faithfully,

For Secretary.

Copy to: The Labour Commissioner, Gov't of Bihar, Patna.
The Hon'ble Minister of Labour, Gov't of Bihar, Patna.
Sri. R.L. Mehta, I.A.S. Secy., Government of India, Implementation Cell, New Delhi.
The General Manager, Tatanagar Foundry, Jamshedpur.
The Secy., AITUC., New Delhi.

-1 NOV 1958

O.3

THE WISE PERSON'S INVESTMENT BUY NATIONAL SAVINGS CERTIFICATES

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

No.

Received here at ____ H. ____ M.

TUR

X WF JAMSHEDPUR 27 71 K G SHRIVASTAVA A I T U

C 55 GIRGAON RD BOMBAY 4 =

TATANAGAR FOUNDRY COMPANY TODAY NITIFIED INDEFNITE LAYOFF ALL WORKMEN FOUR DEPARTMENTS ON TOMORROW ALLEGING PIGIRON SHORTAGE STOP ASSISTANT LABOUR COMMISSIONER SAYS POSITION ACCEDED IN CONSULTATION WITH RECOGNISED UNION STOP ASKED ABOUT TWO MONTHS NOTICE REQUIRED AS PER 16TH ILC EXPRESSED IGNORANCE STOP TOTAL NUMBER OF WORKERS AFFECTED TWELVE THOUSAND STOP ADVISE AND TAKE STEPS - JAMSHEDPUR MAZDUR UNION -

number (in the case of foreign telegrams only), office of origin, date, service instructions (if any) and number of words.

This form must accompany any enquiry respecting this telegram.

MGIPPAb—1271—28-1-58—1,16,350 Blks.

185

No E&I-43(17)/58
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,
All India Trade Union Congress,
4 Ashok Road,
New Delhi.

25 OCT 1958

Dated New Delhi, the

Subject:- Failure to fix hours of work in respect of loaders employed by the Ores Development Company (Private) Ltd. Barbil.

Sir,

With reference to your letter of 7th August, 1958 on the above subject, I am directed to say that in view of irregular supply of wagons and intermittent nature of work, the persons employed on the surface in loading and un-loading wagons have been exempted from the operations of the provisions of Section 36 and clauses (d)&(e) of section 48(1) of the Mines Act, 1952. These workers are thus allowed to work intermittently or if necessary to work outside the period of a shift but not beyond the spread-over of 12 hours on any one day as stipulated in section 30 of the Mines Act, 1952.

Yours faithfully,

for Joint Secretary

d.a.nil
*M.L.*23110.

-3 NOV 1958

86

To
The Joint Secretary,
Evaluation and Implementation Committee,
Central Ministry of Labour.
New Delhi.

Sir,

We beg to draw your attention to the fact that the industrial dispute No. 6/57 between the workmen and the management of the Mayurbhanj Textiles Ltd. has recently been decided and an Award has been given by the Labour Court, Orissa to the effect that all the six retrenched workmen should be reinstated with full back wages from 19th May 1957. The said award has been published in the official Gazette - Extra-ordinary, dated 20.9.58 and in accordance with the Section 17A(1) of the Industrial Dispute Act 1947 it was to be implemented on 20-10-58. But we are sorry to inform you that the management of the said concern have not yet implemented the award.

We beg to further state that though this concern is managed by a private company the Government of Orissa has contributed a huge sum, about 50% towards its paid-up capital and to that extent it has a great responsibility towards the workers who have been illegally and unjustly retrenched and suffering from unemployment since 18th May 1957.

We beg to add here that the said dispute was referred to the Labour Court, Orissa for adjudication on 27-8-57 and though dates for hearing were posted again and again it was concluded on 8-8-58 and the award was given on 25-8-58. Then it was published on the date mentioned above. In spite of such a long period of about 18 months when the dispute is settled by the Labour Court and where the Government is directly connected with the management the award should have been implemented on the expiry of 30 days from the date of its publication in the Official Gazette. But it has not been done, rather, violated by both the management and the Government of Orissa.

So we earnestly request you to consider the case, intervene and see that the award is implemented without delay.

Yours faithfully,

sd/ [illegible]

President,
Mayurbhanj Textile Workers' Union.

Dated Baripada,
Mayurbhanj, Orissa,
The 31st Oct.'58

Enclo: A copy of the letter addressed to the Labour & Industries Ministers, Government of Orissa.

Copy to A.I.T.U.C.

- 3 OCT 1958

- 3 OCT 1958

No.E&I-35(61)/58
Government of India
Ministry of Labour & Employment
.....

From

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

To

Central Organisations of Employers and Workers.

Dated New Delhi, the 1.10.1958

Subject:- Breach of the Code of Discipline - submission of information in the prescribed proforma.

Dear Sir,

I am directed to refer to this Ministry's letter No. E&I-35(17)/58 dated 10th July, 1958 wherein you were requested to bring the provisions of the Code of Discipline to the notice of your constituent units. In order to enable Government to take preventive and remedial action in cases of serious breaches of the Code it is proposed to collect information in the enclosed proforma. I am, therefore, to request you to circulate it to your member organisations with the request to fill it as soon as a major breach, most of which are listed in the proforma itself, has been committed or is apprehended and send it, in duplicate, to the Evaluation and Implementation Division of this Ministry. It may please be emphasised to the affiliated units that minor infringement of the Code for which remedies exist under the various enactments need be reported to this Division only after "the existing machinery" provided "for the settlement of disputes has been utilized with the utmost expedience" and the democratic provisions of "mutual negotiations, conciliation and voluntary arbitration" have been exhausted [clauses II(ii) and (iv) of the Code].

2. This Ministry may please be apprised, at an early date, of the action taken in the matter.

Yours faithfully,

R.L. Mehta

(R. L. Mehta)
Joint Secretary 30/9/58

d.a.refd.to
N.R.m/30/9

Copy with a copy of enclosure forwarded to:-

1. State Governments.
2. All Officers in the Ministry.
3. Chief Labour Commissioner and all Regional Labour Commissioners.
4. All Sections (except Library, C.R., General, B & A, Cash, Administration, O&M and Vigilence).
5. Shri S.Kumar Dev, Press information Officer.

.....

TVR

d.a.refd.to

Sarawan
for Joint Secretary

The Secretary,
All India Trade Union Congress
4, Ashoka Road, New Delhi

PROFORMA REGARDING BREACH OF CODE OF DISCIPLINE

/ONLY MAJOR VIOLATIONS OF THE PROVISIONS OF THE 'CODE OF DISCIPLINE', E.G. STRIKES OR LOCKOUTS, GO-SLOW, VIOLENCE, ETC. MAY BE REPORTED TO THE EVALUATION & IMPLEMENTATION DIVISION OF THE MINISTRY OF LABOUR & EMPLOYMENT. COMPARATIVELY MINOR VIOLATIONS MAY, IN THE FIRST INSTANCE, BE REPORTED TO THE AUTHORITY NOMINATED FOR THE PURPOSE UNDER VARIOUS LABOUR ENACTMENTS, ETC./

1. The date on which the breach took place.

2. The party or parties responsible for the breach.

   (In the case of a Union, please state its affiliation to the Central Labour Organisation, and whether it is registered, recognised, representative, etc.)

   (In the case of an employer, please state the Central Employers' Organisation to which the concern is affiliated).

3. Specific nature of the breach:

   (i) Strike with or without notice or threat of a strike.

   (ii) Lock-out with or without notice.

   (iii) Intimidation, coercion or any other form of physical duress.

   (iv) Go-slow.

   (v) Non-peaceful demonstration.

   (vi) Violence or threats of violence.

   (vii) Suspected sabotage or wilful damage to property.

   (viii) Victimization.

4. Details of the background to the breach, e.g. any known disputes, grievances, awards, decisions or orders pending settlement. What attempts have been made to settle them at the appropriate level through

   (a) 'Grievance Procedure'

   (b) the existing conciliation machinery?

---------2

5. Has any action been taken against the officers responsible for precipitating events leading to the breach of the Code reported above?

6. What, in your opinion, ought to have been done by management/union to avert the breach?

7. What action, in your opinion, should now be taken after the breach occurred to remedy the situation and settle the dispute?

8. Any other remarks.

1. Signature _____

Place _____

2. Name & Address of the Firm/ Union. _____

Date _____

3. Organisation to which affiliated _____

No.185/II/GRT/58
October 25, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Violation of Tribunal Award by
Kesoram Cotton Mills (Birla Bros.)

Dear Sir,

Further to our letter No.185-II/GRT/58 dated October 4, 1958 and your No.E&I.Dy.No.1808/58 of October 8, 1958.

The management of the Kesoram Cotton Mills, Calcutta, are now violating the Tribunal Award published in Calcutta Gazette, dated June 10, 1958. According to the Award, wage increments were to be given and there were other concessions in relation to statutory leave and festival holidays. None of these provisions of the Award is being implemented by the employers. In fact, it is reported to us that, existing facilities are being systematically curtailed and workload increased unilaterally. The Works Committee to which election was conducted one year back has not yet been convened once. Leading workmen are being daily suspended and false police cases are being instituted against them.

We have already pointed out the breach of the Code of Discipline by the management of the Kesoram Cotton Mills. The above facts go to show that the employer concerned is not only not retracing, but further indulging in steps contracy to the spirit of the Code of Discipline.

Yours faithfully,

(K.G.Sriwastava)
Secretary

- 1 NOV 1958

185

GOVERNMENT OF INDIA.

Office/Deptt.

No. Ed.2-43 (42)/58 , the.....19 .

The undersigned is directed to acknowledge receipt of your letter/memo. No. 105/II/ERT/58 dated 25.10.58 which is receiving attention.

File
Vmo
1.11.61

(S. NARAIN)
Section Officer
Ministry of Labour & Employment.
Tele. No. 34337

India Service Post Card.

(This side reserved for address, with signature and official designation of sender.)

The Secretary,
All India Trade Union
Congress,
4, Ashok Road,
New Delhi

S. 49.

MFP—584 General—6811—(M-608)—13-12-51—1,800,000.

23 OCT 1958

PHONE : 45 4092

Garden Reach Textile Workers' Union

Regd. No. 463

Q 77, AKRA ROAD : CALCUTTA-24

(Affiliated to All India Trade Union Congress)

Ref. No. KC/TU/58/206 Date 20th Oct. '58.

The Secretary,
All India Trade Union Congress,
4, Ashok Road,
New Delhi.

Dear Comrade,

You are aware that the Birla owned Kesoram Cotton Mills did not implement the agreement dt. 6-12-56 in the matter of payment of Bonus the copy of which has already been sent to you.

This year the management have declared Bonus as 7½ days' wages. Our Union rejected the offer. Even the Company sponsored INTUC union declared it as unacceptable. As a result of this, only 12 out of 10,000 workmen have drawn Bonus so far.

To-day, at our call and despite open opposition by INTUC, about 6,000 (six thousand) workers went in a procession on foot from Matiaburz to Birla's House in Ballygunje (7 miles) to protest against the management's all sorts of illegal actions. May it be also noted that to-day was Maha-Ashtami and a section of the workers were actually involved in Pujas and another section left the place to suburban homes. Any way, demonstration was a grand success and have impressed the locality through which it passed.

It has also, further, been decided in the general meeting held on 19th instant that unless otherwise settled Union leaders will start Hunger Strike at the gates of the mills.

Illegal activities of the management can be categorised in the following manner :

1. Violation of Code of Discipline :
   A woman worker of Winding Department was working during her Statutory Leave period. The other workmen protested for which leading workmen have been suspended.

2. Violation of Tribunal Awards : About 5,000 workmen have been deprived of the enhanced pay as per recent Tribunal Award. The workmen have been refused payment of Statutory Leave as per recent award (instead of 14 days' to all who are qualified, the old system is being followed). Workmen who are on authorised leave are entitled to Festival holidays but the facilities are being denied. A good number of workmen are being refused payment of Sick Leave wages. Casual Leave pay was to be paid for six days as per Award but have been paid for 5 days' wages.

Ex

Contd..... 3. Existing

PHONE : 45-4092

Garden Reach Textile Workers' Union

Regd. No. 463

Q 77, AKRA ROAD : CALCUTTA-24

(Affiliated to All India Trade Union Congress)

Ref. No...... *Date*.....

3. Existing facilities are being systematically curtailed and workload are being increased unilaterally.

   So long the practice in regard to Bonus was that the clerks and the workers used to get the same quantum. But this year while the clerks have been paid one month's wages as Bonus, the workmen have been offerd 7½ days' wages.

4. Works Committee : The works Committee was constituted a year before (all the seats were captured by this Union) but not a single meeting has been held. Further, the majority of the elected members have been/kept suspended on flimsy charges.

5. Suspensions : Leading workmen are being daily suspended and false police cases are being instituted against them. Even the protected workmen are not spared from this victimisation.

The above and the question of payment of balance bonus for the years 1955-56 & 1956-57 as per tripartite agreement dt. 6-12-56, are seriously agitating the minds of the workmen and we are apprehending bitter struggles.

Hope, you will use the matter for T.U.Record and exert pressure on the Governement to enforce the provisions of Code of Discipline in our Industry.

With revolutionary greetings,

Comradely Yours,

Arun Sen

(Arun Sen)
General Secretary.

Refer it to E&I cell
Write reply to our earlier letter.

NVR
B.V.R.

No.185-II/KR/58
October 25, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Illegal replacement of permanent workers by Contract Labour in Collieries.

Dear Sir,

The demand for the abolition of contract system in collieries has been made time and again by the trade unions in the coal industry and the Government also has repeatedly assured that steps are being contemplated to this effect. However, instances have multiplied of late, of the continued prevalence of this pernicious practice and employers also use contract labour to break lawful trade union activity.

To quote one instance, the Indian Mine Workers' Federation had addressed your Ministry on 15th October 1958 on the situation in Chapui Khas Colliery, P.O.Kalipahari, Dist. Burdwan. In this case, in order to evade the labour laws and deny the workers their legitimate rights, work in the colliery has been entrusted to"contractors." The nature of these "contractors" is also quite revealing: One contractor who has taken over an entire shift is the nephew of the in-charge of the colliery, Shri Jagdish Singh. Another is a brother of the Overman, Shri Randhar Singh. The third contractor is a 10-year old boy, Master Rambrich Nunia! The Indian Mine Workers Federation has already sent you the figures of permanent workers in this colliery displaced by these "contractor" labourers. It is therefore requested that the Government takes early action to safeguard the coal mine workers from the menace of the contract system.

Yours faithfully,

(K.G.Sriwastava)
Secretary

Dear Com. Sriwastva:

Enclosed is a letter to the Ministry on the contract labour and tension in the Chapui Khas Colliery, of the Dalmia & Jain concern. A big colliery. Here the situation is tense and the management putup a notice stating that no meeting will be allowed within the colliery area, an absolutely illegal notice when we represent the majority of workers. However, the Police came on the 12th Oct, and the meeting was held just near the colliery gate. The Raniganj Police officer also admitted that the notice was illegal. This is direct violation of the Code of discipline. A letter written to the S.D.O., Asansol is also enclosed for your action. I am afraid that there is going to be a serious breakdown of law and order in this colliery. Please take it up with the Ministry. (2)After 3 workers, another batch of 16 workers have been allowed to resume their duties in the East Jenehary colliery on the 13th Oct. Still 63 workers out of jobs.

The AITUC should take up the question of replacement of old workers by contract labour in the Chapui Khas colliery seriously. The enclosed letter will give you details. Thirdly, what about the overburden workers of the National

Coal Development Corporation which according to the Implementation Committee should get category 4 wages. I met the R.L.C. and he says that no instruction has been issued to him. What is the Labour Ministry doing inspite of so many representations from the AITUC. and this end. I hear that a difference of opinion has arisen between the Steel & Labour Ministry. But the workers can not not deprived of their wages. So please give a blast at the Labour Ministry with a copy to me. Fourthly, will you get a clarification from the Labour Ministry about the payment of Rs.4.14 annas to coal workers, which some of the employers are coming to pay. This might create serious trouble. Thee employers have no right to discontinue it before the publication of the cost of living index. Please treat this as important. Fifthly, please send me a copy of the agenda which you have submitted to the Ministry for Industrial Committee for inclusion. Remember I handed our suggestions to you in Delhi in March. I do not have any copy. Awaiting an early reply.

Yours Sincerely

Kalyan Roy

Kalyan Roy

15th oct, 1958

Bombay.

Indian Mine Workers Federation
Dhanbad (Phone 2885)

15th October, 1958
Camp: Colliery Mazdur Sabha
G. T. Road. Asansol

(Urgent)

To
The Secretary,
Ministry of Labour & Employment,
New Delhi.

Sub: Illegal Replacement of regular permanent workers by contract labour in the Chapui Khas Colliery, Bharat Collieries Ltd, P.O.Kalipahari, Dist. Burdwan and Expansion of contract system inspite of the great opposition of general labour and industrial tension.

Dear Sir:

I wish to draw your urgent attention to the rather serious situation in the Chapui Khas Colliery, belonging to Dalmia concern, because of the determined policy of the management to replace permanent workers by contract labour and all these new contracts are monopolised by a few men who belong to supervisory staff.

The local union, Colliery Mazdur Sabha, has on a number of occasions strongly protested to the management against this handing over all departments to contractors who are bringing new men to replace old workers but/ the management and particularly the new manager, Shri D.K.Jain, has refused to do anything in this matter. On the other hand, since last one month, the industrial relations has greatly deteriorated following attempts to beat the union leaders and break their meeting and Raniguni Police has to intervene on both occasions. 29th Sept., and 12th Oct.

One of the main reasons for this present tension is the expansion of contract system and illegal stoppage of work of old hands. The regular three shifts are now handed to three newly appointed contractors, detailes of which are given below:

1.The Incharge of the Colliery, Shri Jagdish Singh, has managed to handover one of the shifts to his nephew.

2. One of the brothers of Shri Randhar Singh, overman, has secured another contract for the second shift.

3. Another contract has been given in the name of Master Rambrich Munia, a 10 years old boy, but son of another contractor Shri Misir Munia.

In this way, inspite of the decision of the Industrial Committee and repeated declarations of the Government, the entire colliery is being handed over to contractors. And what is the result?

Thirty six new workers have been appointed to remove coal from 4pits to 2 pits. Similarly, 15 workers have been recently appointed for the job of stacking coal.

And what is happeing in the other end? On the 11th Oct, 1958, the following five kamins were not given work. Names: 1. Padu. 2.Byali. 3.Beti 4.Anandi 5.Dhani. On the 13th Oct, eight kamins were not given any work. They are: 1. Padi. 2.Dhani 3.Bali 4.Anandi 5.Baria 5.B.Sita 6.Chaturi 7.Musia. On the 14th Oct, 13 workers were not given any work. Their names are: Padi, Byali, Beli, Anandi, Dahani, Jahal, Sabo, Sonia, Baria, Sariba, Marni, Guleswani, Pannya. And all these kamins have worked in the colliery for a long time.

It is surprising that when the Government is talking about how to check unemployment among women workers in mines, the management of a big colliery concern is deliberately and illegally throwing them out of jobs.

And all the work of these kamins are given to raw men from outside.

I would request you to take immediate steps to prevent this replacement of old by new contract labour. The relations between labour and management has deteriotated to such a extent that if the Manager and these three contractors persist in this present line, the workers will have to resort to strike to defend their fundamental rights. Attacks on trade unions of this colliery, intimidation and threats to thise kamins have been already reported to the Sub Divisional Officer, Asansol.

Thanking you in anticipation of an early reply.

Yours Sincerely

Kalyan Roy

(Kalyan Roy)
General Secretary

Copy to: The Regional Labour Commissioner (Central)
Dhanbad.

2. Secretary,
All India Trade Union Congress,
New Delhi.

COLLIERY MAZDUR SABHA
G. T. ROAD
ASANSOL

DT: 14th Oct, 1958

To
The Sub Divisional Officer,
Asansol.

Sub: Tension in Chapui Khas Colliery because of violent activities of the Management & incidents on September 29th & October 12th and the role of Police.

Dear Sir:

I wish to draw your serious attention to the situation in Chapui Khas colliery which may take a very serious turn because of the present policy of the management and to a certain extent the role of the Raniganj Police.

The Colliery Mazdur Sabha is functioning in the colliery since 1956 and today has got a majority of workers as its members, which we are ready to prove before you. We have got a membership of roughly 33%. But the management has refused to recognise our union and determined to impose another union, led by Shri B. P. Jha of the Colliery Mazdur Congress. We want to make it clear that we have no objection whatsoever to Shri Jha's union functioing there; What we strongly object is to illegal activities of the management to force the workers to join Shri Jha's union.

Now the recent two events clearly show the line themanagement is going to take and the dangerous consequences which might follow from this policy.

INCIDNET NO 1 ON the 29th September: On that day, nearly 150 workers led by myself and Shri Sunil Sen, office Secretary, Shri Sushil Mazumdar, Head Electirical of the Colliery, Shri Man Bahadur, Chaprasi and others went to see the Manager in a mass deputation to submit a petition which he refused to accept before. But near the gate of the Manager's quarter, we were prevented an armed gang of outsiders and a few chaprasis who were on the point of attacking us with lathis, spear etc. The timely arrival of police under Shri Das of the Raniganj Police Station foiled their attempt and the Manager, Shri D.K.Jain after a long time agreed to meet myself and took the petition. But he made it clear that he is not prepared to have any relations with us irrespective of the fact that we represent majority of workers.

Shri Das of the Ranijunj Police Station himself saw how those Chaprasis were armed and workers, including women wagon loaders, told him how they are being threatened by the management and a man named Dooki, Loading Babu. But no action was taken.

After this incident, the Manager called individual workers to his quarter and threatened them to leave the "Sabha" and the In Charge of the colliery also started to abuse and threaten miners for joining the "Sabha".

The Colliery Mazdur Sabha has already written to Shri G.L.Nanda, Labour Minister, about the role of the Manager and violation of the code of discipline.

Then the Colliery Mazdur Sabha announced that the union will hold a meeting on the 12th October to discuss the result of the demand petition submitted to the Manager, victimisation and intimidation, and question of food ration shops. But as soon as this news was announced, the Manager put up a Notice that they will not allow any meeting within the colliery area. This is unheard of and completely violated the trade union rights and totally against the decision of the Nanital Conference. Representation were made to the Manager by the workers and secretary of the local branch of the "Sabha", Shri Netai Roy, who is also an employee of the colliery but the Manager behaved very badly with them.

On the 12th October, the Manager directly organised a black flag demonstration of 20 men, armed with sticks, who were shouting abusive slogans, near his quarter. On the other hand, over 300 workers came to attend the meeting. The union leaders again tried to meet the manager with a request to withdraw hissen and not to provoke the workers but was turned down. The Manager was hoping that a disturbance would break out and the meeting would not be held. However, the union leaders refused to fall in the trap of the manager.

Then Shri Das of the Raniganj Police Station arrived. He agreed that the notice of the management was illegal and went to the Manager's quarter. But came back and told us that the Manager is adamant and even refusing to meet me. Shri Das then requested us to hold the meeting outside the "gate", a new creation by the management, and we accordingly held the meeting outside which was addressed by Shri Tahir Hossain, M.L.A.; Shri B. Raul and others. And the meeting ended without any trouble.

But what we want you to note and take action isthis that in future, we are not going to accept the illegal notices of the managment against our funadmental trade union rights and will hold meetings wherever workers will want, without of course, dislocating the official work. Because acceptance of these notices will further encourage the Manager to issue more oppressive and illegal orders and normal trade union activities will come to an end. Secondly, we want also to draw your attention to the role of the Raniganj Police. While it is true that the presence of the Police did produce an effect on the trouble makers, but we feel it was the duty of the Raniganj Police officer to putup a cordon agound those 20 men, and make it possible for us to hold the meeting in peace. Because while we agreed to hold the meeting outside, his request was illegal and improper . And his attitude to these hooligans was so soft that this gave further encouragement to them.

In the light of these events; I would again request you persuade the management to desist from this dangerous course and allow us to carry on normal trade union activities peacefully

Yours faithfully

(B. N. Tewari)
General Secretary

Copy to:

1. Shri Kalyan Roy,
   General Secretary,
   Indian Mine Workers Federation.
2. Superintendent,
   Bharat Collieries Ltd.
   S.E.Barboni Khas Colliery, P.O.Charanpur. Dist. Burdwan.

3. A.I.T.U.C.
   New Delhi.

185

No.185/II/SKC/58
October 25, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Dear Sir,

Please refer to your letter No.E&I-26(5)/58 dated 9th October 1958, on the Memorandum submitted by the South Kanara Trade Union Council (AITUC), Mangalore.

We understand that the State Governments of Kerala and Mysore, where the cashewnut industry is concentrated, have recommended for the introduction of the Provident Fund Scheme in the cashewnut industry. The total wage bill in this industry comes to nearly Rs.4 crores. We would therefore like to know the reasons which weighed with the Government of India in deciding against the introduction of the P.F.Scheme and it is our emphatic opinion that such a large number of workers should not be kept outside the purview of important labour legislations.

Please let us know if the Mysore Government has investigated into the other points raised in the memorandum, as stated in your letter under reference. According to reports received by us, there is as yet no improvement in the functioning of the Labour Department in Mysore.

Yours faithfully,

(K.G.Sriwastava)
Secretary

21 OCT 1958 93

South Kanara Trade Union Council

(A. I. T. U. C.)

ದ. ಕ. ಟ್ರೇಡ್ ಯೂನಿಯನ್ ಕೌನ್ಸಿಲ್

Maidan Road,
Mangalore.
Date, 18.10.1958.

To
The Secretary,
All-India Trade Union Congress,
4 Ashok Road, New Delhi.

Dear Comrade,

I am in receipt of your letter dated 11th Oct. '58. I have to state as follows:-

The reply of the Labour Ministry is quite in contradiction to the recommendation of the Mysore & Kerala Governments. Both the Governments had recommended extension of the Provident Fund scheme to the Cashew Industry immediately. Total wage bill in this industry comes to about 4 crores. So there is no reason why Central Government should refuse to extend it.

The Mysore Government has taken no action whatsoever on our Memorandum. All the points raised in Memo.are still unresolved. It seems the Government have received the Memo but they are not taking any action. If the Central Government is awaiting the report they will not get it. Because so far they have not investigated it at all. For example, the minimum wages committee has not yet been constituted in 10 industries for revising the rates. The Act itself will be in force for another 6 months. If these 10 committees have to ~~furnish~~ finish their work in another 6 months the Govt. will have no time to notify the

revised rates. So they have not yet formed the committees and want to sabotage the things.

So, please press the Labour Ministry to expedite the matter as far as possible.

With greetings

Yours fraternally

A. Shanmugam Pr.

PRESIDENT.

10 OCT 1958

No.E&I-26(5)/58
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,
All India Trade Union Congress,
4, Ashoka Road,
New Delhi.

-9 OCT 1958

Dated New Delhi, the

Subject:- Memorandum submitted by South Kanara Trade Union Council, Mangalore.

.....

Dear Sir,

I am directed to refer to your letter dated the 12th June, 1958 on the above subject and to say that the question of the extension of the Employees Provident Fund Act to cashew workers has been examined carefuly by the Government of India and it is felt that due to serval economic considerations, it is not possible, for the time being, to extend the Act to these workers.

2. The other points raised by the council which fall under the State sphere, have been referred to the State Government for investigation and a separate reply will be sent to you as soon as their report is received.

Yours faithfully

for Joint Secretary.

d .nil.
Malkiat.
7/10

25 OCT 1958

No.E&I-18(1)/58
Government of India
Ministry of Labour and Employment

...

From

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

To

The Secretary,
All India Trade Union Congress,
4 Ashok Road,
New Delhi.

Dated New Delhi, the

Subject:- Non-implementation of the provisions of the Mines Act, 1952 in mica mines, Gudur, Andhra Pradesh.

...

Sir,

I am directed to refer to your letter No.185/APM/58 dated the 4th October, 1958 and to say that it is proposed to amend Section 51(1) of the Mines Act as follows:-

"Annual leave with wages

Every person employed in a mine who has completed a calendar year's service therein shall be allowed during the subsequent calandar year leave with wages calculated:

(a) In case of person employed below ground in the mine at the rate of one day for every 16 days of work performed and

(b) in the case of any other person employed in a mine at the rate of one day for every 20 days of work performed."

It is hoped that the above amendment will meet the points raised in your letter under reference.

As regards violation of the Mines Act in Kalyanarama Mica Co. and/or Krishna Mining Co., it is requested that specific instances with details of breaches may kindly be furnished to this Ministry so that they could be taken up.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary

Fwd this to LM Wf. also for opinion.
20/10

d. nil.
h.s.13/10.

23 OCT 1958

(185)

No.E&I-20(3)/58
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,
All India Trade Union Congress,
4 Ashok Road,
New Delhi.

Dated New Delhi, the 18 OCT 1958

Subject:-Non-implementation of the Minimum Wages Act in Kalyanarama Mica Mines Gurdur.

- - -

Sir,

In continuation of this Ministry's letter of even number dated the 27th June, 1958 on the above subject, I am directed to say that the position regarding the remaining complaints made by you in connection with the implementation of the Minimum Wages Act is as follows:-

1. Aduru coolies

"Aduru" was a category of workers which existed in the Kalyanarama Mica Mines before the dispute in that mine regarding payment of arrears due to workers was settled. 'Auduru' workers were employed for removing the cracked and loose blocks of rock sticking to the wall after blasting was done by drillers and for separating blocks of mica as well. This category of workers has since been abolished in the Kalyanarama Mica Mines and all Aduru workers have been taken by the management as drillers at a rate of Rs.2/- per day.

2. Wage Registers and "parapani" workers

The point regarding omission of names in wage Registers was not raised by the Union when the dispute in the Kalyanarama Mica Mine was investigated by the Conciliation Officer (Central) or even when the registers were checked by the Regional Labour Commissioner and the Labour Inspector (Central) in the presence of the Union Secretary. However, if specific instances of omission of workers' names from wage registers are furnished to us we will examine the matter further.

As regards "parapani" workers, it may be pointed out that "parapani" is locally known as spade or 'mammati work'. In the Kalyanarama Mica Mine, those of the Muck and Mica mazdoors who dump mica with spades in baskets were designated as "parapani" workers in order to distinguish them from Removal Mazdoors who were disignated as "Mothapani workers" as the latter category of workers carry muck but never use "mummaties". The category of "parapani" workers has since been abolished and the "parapani workers" have been designated as "Muck and mica mazdoors".

3. Delayed implementation of the Minimum Wages Act by mica mine owners

The Government notification fixing minimum rates of wages for mica workers in 1952 was enforced right from the beginning by the field officers of this Ministry. Prior to the setting up of the Labour Inspector (Central) Headquarters at Gurdur, the Labour Inspector (Central)

Vijayawada, Conciliation Officer (Central) Madras and Regional Labour Commissioner (Central) Madras have been regularly inspecting mica mines in the Nellore Mica field and enforcing not only minimum rates of wages fixed by Government but also securing for the workers benefits accruing to them from the Compromise Award of the Labour Appellate Tribunal. Cases of short payment and non-payment, etc., whenever noticed, were taken up with the employers immediately and arrears, if any, due to the workers were obtained for them. After the posting of Labour Inspector (Central) at Gurdur with effect from 4th July, 1956, inspections of the mica mines were intensified and the progress achieved in regard to the implementation of the Minimum Wages Act by the employers has been satisfactory. If, however, any specific instance of non-implementation is furnished to this Ministry the matter will be investigated further.

Yours faithfully,

Nigam.

(S. B. L. Nigam)
for Joint Secretary.

'd.a.nil'

R.L.Mehta,IAS.,
Joint Secretary.

18 OCT 1958 97

185

MINISTRY OF
LABOUR AND EMPLOYMENT.

New Delhi, the October 16, 1958

D.O.No. E21-35/79/58

17 OCT 1958

Dear Shri Sriwastava,

Kindly refer to your letter No. 185/SC/58, dated 13th October 1958, to the Minister for Labour & Employment, a copy of which was addressed to me. I have called for an immediate report from our Regional Labour Commissioner and I shall write to you again on the subject shortly.

Yours sincerely,

(R.L.Mehta)

Shri K.G.Sriwastava,
Secretary,
All India Trade Union Congress,
4, Ashok Road, NEW DELHI.

file

18/10

18 OCT 1958

(183)

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
--

No. [illegible] Dated New Delhi, the 17th October, 1958.

From

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Govt. of India.

To

The Secretary,
All-India Trade Union Congress,
4-Ashok Road,
New Delhi.

Subject:- Violation of the Code of Discipline - pamphlet issued by the Joint Secretary, O.C.M. Mills Works Committee, Chherta (Amritsar).

--

Dear sir,

I am desired to acknowledge receipt of your letter No. 185/TEM/58 dated the 15th October, 1958 on the above subject and to say that the matter is being investigated. A separate communication will follow shortly.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary.

File

18 OCT 1958

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
--

No. E81-35(50)/58 Dated New Delhi, the 17th October, 1958.

From

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Govt. of India.,

To

The Secretary,
All-India Trade Union Congress,
4-Ashok Road, New Delhi.

Subject:- Code of Discipline - Delhi Cloth Mills, Delhi.
--

Dear sir,

I am directed to acknowledge receipt of your letter No. 185/KME/58 dated the 15th October, 1958 on the above subject and to say that the matter is being examined in consultation with the Delhi Administration.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary.

(185)

No.185/IU/TME/58
October 15, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Violation of Inter-Union Code of Conduct
- INTUC-affiliated union in Dhariwal, Punjab

Dear Sir,

We enclose two leaflets issued by the Dhariwal Mills Mazdoor Union, Dhariwal, Punjab. The Union is affiliated to the INTUC.

The leaflets are allegedly addressed to the workers in order to "expose" the rival union's activities. One would have no quarrel with them on this score. But in many places in the leaflets, the authors indulge in personal vilification against the functionaries of the AITUC-affiliated union and this, as you will see, runs contrary to the Inter-Union Code of Conduct.

We hope you will take up this matter with the Indian National Trade Union Congress, in order that healthy norms are established in inter-union dealings in Dhariwal.

Thanking you,

Yours faithfully,

mo
15/X

(K.G.Sriwastava)
Secretary

18 OCT 1958

(18)

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

No. [illegible] Dated, New Delhi, the 17th October, 1958.

From

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Govt. of India.

To

The Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

Subject:- Violation of Inter-Union Code of Conduct - INTUC-affiliated union in Dhariwal, Punjab.

Dear sir,

I am directed to acknowledge receipt of your letter No. 185/IU/TME/58 dated the 15th October, 1958 on the above subject and to say that the matter is being examined in consultation with the Indian National Trade Union Congress. A separate reply will be sent to you as soon as the matter has been investigated into.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary.

(June 14

Why this Hunger Strike?

The background of the Hunger Strike by Communists in Dhariwal.

Dhariwal Mills Mazdoor Union.
Dhariwal.

I

These Red Flag people ~~to~~ neither have any sympathy for the workers nor with the welfare of the state. To-day they have spread chaos in every big or small industry of Punjab. Their sole object is to ~~s~~ ~~es~~ enrole the workers in their party and to keep them away from other parties, by foul or fair means, as if they ~~are~~ ~~the only~~ have the monopoly of looking after workers' interests.

The agreement between the Textile Union & the management of Dhariwal mills was the cause of much heart burning for them.

The demands that they put forward were nothing but a deception. (Dhokhe ki Yatti) These enemies of the workers threatened the Government that if their demands are not referred to a Labour Court they will resort to hunger strike and will close down the mill so that all workers may lose their jobs.

They wanted to take this case to the Court, only because this would have enabled them to extort money from the workers on the pretext of

fighting their case, so that they may pay off their ever increasing credits in the bazar. Their object was to spread chaos and deteriorate the relations between the workers & the management, even at the cost of the retrenchment of the workers.

They want to stage Jamshedpur everywhere in Punjab. Workers either had to come under their flag or were rendered jobless.

The temperament (Mizaj) of the General Secty. can'nt be described.

The workers should know who their friends are and who are their enemies. The policy of these Communists is double edged. If they succeed they make a show of it, if they fail they blame the Government. They want to acquire political power even though the workers, the industry or even the country is sacrificed in the process.

Har Kishen Singh Surjeet, Mohan Singh Josh and other big Communist leaders went down on their knees before the Congress leaders and begged for help.

Eighty Thousand Rupees and five hundred bags of flour ~~was~~ collected by the workers in Amritsar in ~~Dec.~~ 1954, were misappropriated by the communists. Workers were ~~made~~ made beggers.

These wretched people went down on their knees before the management of Namla Mills, to reinstate 100 ~~sets~~ workers after 1½ yrs.

This is only one instance of their fraudulant activity. They made the workers fight among themselves in Mohta Mills Amritsar and due to their actions 300 workers lost their jobs.

Their object ~~are~~ is to attain political power.

Sat Pal Dange was friendly to the Proprietors of the Namla Mills. The Proprietors of the above mill promised to pay thousands of rupees to the immoral (Bezamir) party of Sat Pal if, they precipitate a strike in the rival mill, i.e. Namla Mills. This they did and only a month after the strike in Namla Mills, Sat Pal Dange & Co. garlanded the son

of the Proprietor of Hamla Mills and ~~[illegible]~~
IV Mention slogans ~~to~~ in ~~in~~ his praise. They proved this friendship by compromising the interests of the workers of the above mill. They agreed to a lesser amount as bonus to the workers. Even this lesser amount, Mr. Range wanted to keep for himself on the pretext of purchasing a motor-cycle.

They stopped workers from going to work and got them beaten.

Their way is the way of doom and destruction. Their goal is political power and ~~pol~~ public harrasment.

Pyare Lal (Pradhan)

Prabhu Dayal (Gen. Secty.)

Raghunath Chand (Office Secty.)

The Consequences of Communist Hungerstrike

Mr. Rajkumar who was brought up amidst luxuries, got himself released on bail because he did not get A class in the jail.

The workers who were already suspicious of Rajkumar's intentions that he has created this stunt only to get fame, they were confirmed that by withdrawing the hunger strike without any reason he has torpedoed the workers movement and has crippled it for a long time to come. This has strengthened the hands of the management.

The hungerstrike was undertaken to torpedo the negotiations being done by our ~~to negotiat~~

Negotiations Committee, so that the Committee may not be able to achieve anything & II this will incite its death. So that they may be able to say that this was just a deception. And if the Committee is able to solve some important issues, they thought, their leadership will end and the fraud of their new union will also get exposed.

That is why they launched the hunger strike in desperation.

They thought that the ~~Government~~ foundations of the Government will shake due to the hunger strike and the Labour Minister & the Labour Commissioner will rush to them and will ~~declare them~~ proclaim them the leaders of the workers. There will be a victory

procession and Raykumar will be garlanded as the Intuc leaders are garlanded. But alas! this so-called labour leader's wishes remained unfulfilled. He got a rebuke from his party leaders, who initiate a struggle or who give a call for hunger strike and disappear from the scene - as horns from an asses head. They let the workers get arrested, while they collect funds in the name of the workers and enjoy themselves under-ground. And when their intrigue is exposed, they get themselves arrested from under a cost. Is this not the service of the workers of the country?

III

Now here is an instance of their Goebbels Brand lie.

They say that they have called off the hunger strike at the instance of the Labour Commissioner. Their fraud was exposed when the representatives of the Dhariwal Mills ~~Union~~ Mazdoor Union went to see him at Ambala.

And they ~~[illegible]~~ tried to break the already working union thro' foul (Hera fery) means, hooliganism (Gundagardi) and by deceiving the workers with false ~~m~~ promises. So that by the time the decision to have one union in one factory is applied they may claim representation. Their sole object is political gains. Words like Workers Unity, Workers welfare are not to be found in their dictionary

E

In their vocabulary truth and falsehood are the same. If we start writing about their black deeds, a volume will result. Their religion and their honesty are the orders from Russia. 1942 is an example when the whole country was fighting for its freedom these traitors (Watan Dushman) were enlisting people in the army in pursuance of the orders of Russia. And they used to sabotage the strikes of the workers.

Now, when the country is independent, these traitors (Desh Shaddar) have donned themselves in the guise of civilized people. in obedience of their masters (Aqa) orders. ~~they~~ They

initiate strikes and hunger strikes so that our country may never progress and become weaker and weaker so that ~~due to their~~ with their help their Imperialist Master (Samraji Aqa) may take possession of our country and make it another Poland, Hungary or E. Germany when people ask for bread ~~food~~ or clothes.

If the workers loose their jobs, they get free workers for the party. They are not concerned whether the families of the workers live or die. Due to their wrong policies dozens of mill have closed in Chhehrta and rest are either gradually closing

down or have reduced their
VII production capacity.

The funeral of their wisdom and capabilities, ~~came~~ emerged from the gates of the Kesho Silk Mills.

1 — Save the industry from these apostles of civilization

2. ~~to~~ not fall into the trap of their false promises and fight their treacherous activities

3. Their promises are false

4. Do not be mislead by their crocodile tears. See their black hearts.

VIII

5. Their appearances are false. Do not be misled by their slogans.

President
Comrade Pyra Lal.

General Secy. Prabhu Dayal Sharma

Office Secy. Raghunath Chand Patter.

18 OCT 1958

GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

....

No. LR-IV-2478/58. Dated New Delhi-2, the

17 OCT 1958

From

Shri R.C. Saksena,
Under Secretary to the Govt. of India.

To

The Secretary,
All India Trade Union Congress,
4-Ashok Road, New Delhi-

SUBJECT:- Industrial relations in Kundha Project, Kundha (Nilgiris) Madras State.

Dear Sir,

I am directed to acknowledge the receipt of your letter No. 172/KPT/58, dated the 7th October, 1958, on the above subject.

Yours faithfully,

Saksena

(R.C. Saksena)
Under Secretary

185

No.185/II/CP/58
October 17, 1958

The Minister for Transport and Communications,
Government of India,
New Delhi.

Sub: Non-implementation of Government Resolution on Demands of Port & Dock Workers dated July 20, 1958, in Cochin Port.

Dear Sir,

We are informed by our affiliate, the Cochin Port Employees Union, Cochin, that the above-referred Government resolution has remained unimplemented to this day as far as the Cochin Port is concerned.

You will appreciate that such abnormal delay in implementing a resolution of the Government and the denial of whatever concessions given to workers after a pretty long period, would have serious repurcussions on industrial relations in the ports and docks.

We would therefore request you to implement the recommendations of the Officer on Special Duty accepted by Government by its resolution of July 20, 1958, without any further delay.

Thanking you,

Yours faithfully,

(K.G.Sriwastava)
Secretary

17 OCT 1958

185

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
--

No. E&I.35(72)/58 Dated New Delhi, the 15th October, 1958.

16 OCT 1958

From

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Govt. of India.

To

The General Secretary,
All-India Trade Union Congress,
4-Ashok Road,
New Delhi.

Dear sir,

With further reference to this Ministry's letter of even number dated the 13th October, 1958, I am directed to enclose copy of a telegram dated the 11th October, 1958 received by the Union Home Minister from the Secretary, Association of Planters of Kerala, Kottayam regarding violence and strike in tea plantation areas in Kerala and to request that your comments in the matter may kindly be sent to us urgently. I am to request further that necessary action may kindly be taken to avert the strike and breaches of the Code of Discipline.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

KK KOTTAYAM 11 129 PANDIT PANT UNION HOME MINISTER NEW DELHI

REFERENCE OUR RECENT LETTERS STOP PLANTATION TRIPARTITE MEETING HELD YESTERDAY UNDER THREAT OF GENERAL STRIKE FAILED ON LABOUR INSISTANCE ON IMMEDIATE AD HOC SETTLEMENT OF ISSUES WHICH ARE BEFORE DULY CONSTITUTED REPRESENTATIVES COMMITTEES STOP GENERAL STRIKE SCHEDULED TO COMMENCE ON MONDAY THIRTEENTH INSTANT STOP ALREADY VIOLENCE INTIMIDATION AND ABUSE OF 50 STAFF AND MANAGEMENT ARE RAMPANT STOP TRANSFORMER HAS BEEN DESTROYED IN THE HIGH RANGE STOP AN ENGLISH SUPDT WAS BEATEN UP IN PEERAMADE ON THE THIRD INSTANT STOP IT IS FEARED THAT GENERAL STRIKE MAY WORSEN THE LAW AND ORDER SITUATION BADLY ESPECIALLY IN VIEW OF THE CHIEF MINISTERS - 100- POLICY OF NOMINTERVENTION UNTIL VIOLENCE HAS ACTUALLY OCCURED STOP INDUSTRY AND THIS ASOCIATION GREATLY ALARMED -

SECRETARY ASSOCIATION OF PLANTERS OF KERALA

16 OCT 1958

·104

185

NO.E&L-11(14)/58
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,
All India Trade Union Congress,
4 Ashok Road,
New Delhi.

14 OCT 1958

Dated New Delhi, the October'58.

Subject:-Jamshedpur affairs.

Sir,

I am directed to refer to your letter of July 2, 1958 on the above subject addressed to the Union Minister for Labour & Employment and to say that we understand that only persons required in various criminal cases have been arrested and that they are being treated in the normal way. The orders regarding bail were passed by the Magistrates concerned in the exercise of their judicial discretion, without any prejudice or bias.

2. Shri Ramavtar Singh and Shrimati Brij Bai were arrested on specific charges. No restrictions have been imposed on trade union activities; Dr.Mishra who was released on bail and several other workers of Jamshedpur Mazdoor Union are freely doing trade union work in Jamshedpur.

3. No permanent worker is reported to have been retrenched; workers rendered surplus on account of the introduction of the standard force are getting their normal wages and will continue to get them till they are absorbed in the new departments.

Yours faithfully,

(S.B.L.NIGAM)
For Joint Secretary.

'd.a.nil'
'Sadhu.14.10.58'

16 OCT 1958

No.APS/LM/8017/58

Asstt.

PRIVATE SECRETARY TO THE
MINISTER FOR
LABOUR AND EMPLOYMENT.

New Delhi, the Oct.15 1958.

Shri K.G. Sriwastava,
Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

Dear Sir,

I am desired to acknowledge the receipt of your letter No.185/SC/58, dated the 13th October, 1958 addressed to Shri Gulzarilal Nanda, Union Minister for Labour, Employment and Planning.

Yours faithfully,

(J.C. Saxena)

file

185

No.185/CP/58
October 17, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Non-implementation of Government Resolution dated July 20,1958 - Demands of Port & Docks Workers.

Dear Sir,

We are informed by our affiliate, the Cochin Port Employees Union, Cochin, that the recommendations made by the Officer on Special Duty and accepted by Government in respect of working hours, overtime, weekly off, holidays, etc. for the port and dock workers have remained unimplemented till date as far as the Cochin Port is concerned.

It is understood that Government had directed the port authorities to implement the above-referred recommendations and normally the authorities in Cochin Port too should have taken up this long ago.

The non-implementation of the OSD's recommendations accepted by Government is leading to a serious situation in Cochin Port and the workers are considerably agitated on this question.

We would request you to give this matter your immediate attention.

Thanking you,

Yours faithfully,

(K.G.Sriwastava)
Secretary

16 OCT 1958 107

THE COCHIN PORT EMPLOYEES UNION

REG: NO. 199/55.

(AFFILIATED TO A. I. T. U. C. & W. F. T. U.)

President:
T. C. N. MENON, D. Com., LL. B.
Gen: Secy:
K. A. RAJAN.

Office:
NARAYAN BUILDINGS
COCHIN-5.

C No.

Date, 14th Octr. 58.

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

Dear Comrade,

Sub:- Government Resolution dt.20th July 58--
Regarding recommendation of O.S.D. --
Port & Dock --Nonimplimentation of.

You may be aware that by the above resolution, except on the question of clasification and categorisation of pay scales (for which a committee has been allready constituted) the Government had directed the respective port authorities to impliment other recommendations regarding working hours, overtime, weekly off, holidays etc. But we are sorry to say the Cochin port authorities have not moved an inch on the matter so far. The workers are highly agitated over the criminal negligence of the port authorities on the above matter.

Therefore we request you to take up the matter with the Transport and Communication Ministry as early as you can,

Thanking you,

Yours truly,
K. A. Rajan

Represent to the Ministry of Transport as well as Labour

Mr
TC

185

No.DC/185/58
October 16, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Closure of shift in Dunbar Cotton Mills

Dear Sir,

Kindly refer to our letter No.DC/185/58 dated August 28 and your reply thereto, No.E&I-43(25)/58 dated September 18, 1958, on the above subject.

We were informed that steps are being taken in consultation with the Ministries concerned to investigate the matter and to avoid the closure of the shift as far as possible.

Please let us know if any decision has been taken by Government, following the investigation contemplated into the question.

Thanking you,

Yours faithfully,

Vmo
T&R

(K.G.Sriwastava)
Secretary

19 SEP 1958

No.E & I-43(25)/58
Government of India
Ministry of Labour & Employment
.....

New Delhi, the 18 SEP

From

Shri R.L. Mehta, IAS,
Joint Secretary to the Government of India.

To

The Secretary,
All India Trade Union Congress,
4, Ashoka Road,
New Delhi.

Subject:- Non-implementation of tripartite agreements arrived at the 16th Indian Labour Conference - closure of shift in Dunbar Cotton Mills.

Sir,

I am directed to refer to your letter No.DC/185/58, dated the 28th August 1958 on the above subject and to say that according to the decision of the sixteenth session of the Indian Labour Conference (May 1958) the Standing orders are to be so amended that no shift working should be closed without two months' notice and that no total closure should take place without three months' notice to the workers as well as to the Government. The question of amending the standing orders is under Government's consideration and unless the amendments are carried out it may be difficult to hold the management of Dunbar Cotton Mills responsible for non-implementation of the decision of the tripartite conference. Steps are, however being taken in consultation with the Ministries concerned to investigate the matter and to avoid the closure of the shift as far as possible.

Yours faithfully,

K.M. Tripathi

(K.M. Tripathi)
for Joint Secretary.

I have a reminder

16/9

185

No.185/TEM/58
October 15, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Violation of the Code of Discipline
by M/s.O.C.M.(India) Private Ltd., Amritsar

Dear Sir,

We enclose herewith two printed posters published in the name of the Joint Secretary, Works Committee, M/s.Oriental Carpet Manufacturers (India) Private Ltd., Amritsar. These posters although allegedly in the name of an official of the Works Committee, it is understood, have been inspired by the management, with a view to discredit the Textile Mazdoor Ekta Union, which has a majority following in the factory.

This is evident from the fact that the Works Committee concerned never discussed and decided to bring out the posters. Secondly, the Works Committee has no finances of its own to pay for such posters. Thirdly, out of the five workers' representatives, the majority of members have informed the Union that nobody consulted them about such a poster and that they strongly repudiate the slanderous accusations against the Union.

The workers of the mill therefore feel very strongly that the posters have been brought out at the instance of the management, since it is not within the powers of either the Works Committee or any of its office bearers to issue such posters.

This action of the management would therefore amount to a breach of the Code of Discipline in so far as they are indulging in unfair labour practices.

We would request you to look into the matter.

Yours faithfully,

(K.G.Sriwastava)
Secretary

-3 APR 1958

From:
Satyapal Dang,
Senior Vice-President,
Textile Mazdoor Ekta Union(regtd).,
Majeed Building,Chheharta.

To:
The Labour Commissoner,Punjab,
Ambala Cantt.

Dated:26/9/ 58.

Subject:O.C.M.Works Committee.

Recently two printed posters have been published in the name of the Joint Secretary,Works Committee,O.C.M. (India)Private Ltd.

These posters are nothing but tissues of lies and slanderous statements against our Union of which overwhelming majoirity of the OC.M. workers are members.

The Works Committee never discussed and decided to bring out these posters.

The Works Committee has no finances of its own to pay for such posters.

Out of the five workers representatives on the OCM,the majority have informed the Union that no body consulted them before bringing out such posters and that they very strongly repudiate the slanderous accusations against the Union.

In any case,the question of bringing out any such posters was never considered by the Works Committee.

The workers of the Mill feel very strongly that the posters have been brought out at the instance of the management.

There are reasons to believe that they are being paid for by the management.

It is not within powers of the Works Committee to issue such posters.

It is certainly not within the power of any office holder to issue such posters.

The Union feels that the fact of issuing of of such posters constitutes an unfair labour practice on the part of the management and gross misuse of the name of the Works Committee.

It is requested that the matter may be gone into and necessary action taken in the matter.

The undersigned may please be informed about the action taken in the matter.

Satyapal Dang

Satyapal Dang,

copy to: All India Trade Union Congress for information and necessary action.

: The Labour Officer,Amritsar.

: The Deputy Commissoner,Amritsar.

TEXTILE MAZDOOR EKTA UNION (Regd.)

PUTLIGHAR,
AMRITSAR

3 APR 1958

Ref. No. .....

Dated 1. 10. 1958.

My dear Com Srivastava,

Thanks for your letter dated 29th Sept, 58. Thanks also for getting the translation to be got done by you.

I am sorry, I did not attach the second pamphlet with my last letter. Herewith I am sending you the pamphlet.

Yours Fraternally
Nardumandeep

R.L.Mehta, IAS.,
Joint Secretary.

15 OCT 1958

MINISTRY OF
LABOUR AND EMPLOYMENT.

New Delhi, the October 13, 1958

185

No. ER1-30(72)/58

The General Secretary,
All India Trade Union Congress,
4, Ashok Road, NEW DELHI.

Dear Sir,

I am desired to enclose a copy of a letter from the Secretary of the Association of Planters of Kerala, addressed to the Minister for Labour & Employment and to request you to let us have your comments on the points raised in it as early as possible.

Yours faithfully,

R L Mehta

(R.L.Mehta)

Copy of letter No.L/TU/7, dated the 30th Sept.1958 from Secretary, The Association of Planters of Kerala to The Union Minister for Labour, Government of India, New Delhi.

- - -

I write to inform you that a grave situation appears to be imminent in the Plantation Industry in this State.

In the last few weeks, memoranda of demands accompanied by strike notices, have been served by Unions on managements of estates almost all over the State. In many cases, the memorandum of demands follows a set pattern. A copy is enclosed for you to see. You will notice that there are thirty demands, covering a wide range of subjects. Some Unions have issued supplementary demands also.

2. Many of these demands, relating to wages, bonus, etc., are already before high-level negotiating committees constituted by Government. Representatives of the INTUC, the AITUC and of other major Trade Union organisations functioning in this country are members of these Committees. It is seen, however, that many unions, irrespective of their political affiliation, have joined in this campaign.

The fact that memoranda of demands and strike notices have been showered on estate managements all over the State, by Unions of different political complexion, seems to indicate that labour organisations in this State are plainly repudiating the method of peaceful negotiation which it has been the purpose of Government and the Industry to follow in the settlement of outstanding issues. This conclusion gains strength from the fact that certain labour representatives walked out of a recent meeting of the tripartite Plantations Labour Committee constituted by Government, and that one of its members, Mrs.Rosamma Punnoose, has resigned her membership of that Committee.

Rejection, by Unions, of the machinery for peaceful negotiation that has been provided by Government, and unilateral acceptance of a policy of direct action, may not be lightly passed over. The obvious intention, which is to coerce industrial managements, is highly inequitable, and is bound to have very bad and far-reaching effects in the fields, not only of industrial relations, and of law and order, but of production. The effect on tea production of a one-weeks strike in the coming rush season would be far more disastrous than in the case of rubber or other crops; for, once having been thrown out of plucking for more than a few days, tea bushes have to be pruned lightly, and would not be ready for plucking, again, for about six weeks. The loss in production in the State of Kerala would be very serious, both to the Industry and to the export drive.

3. My purpose in writing this is only to bring the situation to your kind notice.

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MEMORANDUM OF IMMEDIATE DEMANDS.

Immediate Demands.

1. Annual Bonus for 1957 should be paid at the rate of (25%) 25 per cent on the total emoluments of the workers.

2. Wages for the holiday availed by the workers on 1st May '56 & 1957 should be paid.

3. Gratuity should be paid at the rate of one Month's average wages to all workers at retirement and to the dependants of the employee in case of death.

4. Dependents of the permanent workers should be provided with Employment.

5. Average wages should be paid for annual leave with wages (The average should be calculated on the basis of one year.) with retrospective effect.

6. Wherever the day's task has been fixed and the worker is not able to complete his task due to inclemency of weather or other circumstances beyond his control he should be paid the wages he otherwise would have received had he been able to complete the task.

7. The rate of incentive wages for over pounds both in Tea and Rubber should be enhanced.

8. Workers in Tea Estates should be supplied free of cost one pound of good tea per head.

9. Tappers' task should be fixed at tapping of two hundred trees per block in case of single pannel and hundred trees per block in case of double pannel and carrying latex not further than four furlongs. No other items should be included in the tappers' task.

10. When factory workers are sent for field work they should be paid wages at the factory rate.

11. Full and free medical aid should be given to the workers as well as their dependants.

12. All temporary and casual workers who have got three months' service in an year should be made permanent.

13. The Employers' share in the contribution to workers' provident fund should be enhanced from the existing (6¼%) 6¼ per cent to eight and one-third per cent. (8⅓%)

14. National and festival holidays with wages should be granted at the rate of Nine days per year.

15. Dress and foot wears should be supplied to every worker free of cost.

16. To-and-fro way expenses at the actual rate of bus or train fare with bata at the rate of Two Rupees per day while on Journey should be paid.

17. Proper tools and accessories should be provided as and when necessary, free of cost.

18. Free noon-feeding and supply of milk to all children in the estate should be made.

19. Wages should be paid for weekly holidays.

20. Artisans should be made permanent.

21. Weighment should be made in the plucking field itself.

22. Cattle-grazing fee should be abolished.

23. Estates should not be fragmented or partitioned. The practice of leasing out also should be stopped.

24. Equal wages should be paid for equal work.

25. Facilities including buildings, books, furnitures and etc., should be given free of cost for Libraries and Reading Rooms and co-operative societies of workers.

26. Lighting expenses in the workers' quarters should be met by the employer and fire wood should be supplied free of cost.

27. In all enquiries conducted under the Standing Orders the workers should be allowed to be represented by their Union representative.

28. Workers should not be retrenched on the ground of replanting.

29. Workers who would have to be present in conciliation conferences or before the Labour Court or Industrial Tribunal in connection with any Industrial dispute connected with the estate should be paid their wages on days when they are so present.

30. The extension of the Travancore-Cochin system of piece rates to the Malabar area should not affect adversily the benefits enjoyed by the workers under the existing system in that area.

Sd/- .....
General Secretary.

185

No.185/KM/58
October 15, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Lawlessness in Orissa Mineral Development Company Limited, Barbil

Dear Sir,

Ref: Your letter No.B&I-35(38)/58 dated September 2, 1958

We state below the information supplied by our affiliate, the Keonjhar Mines and Forest Workers' Union, Barbil, on the alleged violation of the Code of Discipline by the Union.

On June 4, 1958, some anti-social elements said to be instigated by management-sponsored Barbil Workers' Union (INTUC) attacked a labour colony near the Thakurani iron ore mines of the Orissa Minerals Development Co. Ltd. The intention of the anti-social elements was to terrorise the inmates of the Bel Huttings who are en bloc members of our affiliated union.

On receipt of the above information, some volunteers of the Keonjhar Mines & Forest Workers Union (KMFW) reached the spot in defence of the workers. The Union officials also made prompt report to the police station. The anti-social elements pelted some brickbats and later withdrew and no untoward incidents took place. On the next day (June 5), however, the management lodged a counter-information stating that leaders of KMFWU attacked the inmates of the Thakurani Labour colony.

The allegation regarding the union sponsoring personal attack against Shri N.K.Das is absolutely incorrect. Shri Das was an office-bearer of the Barbil Workers' Union and was subsequently appointed as a surveyor by the management, on recommendations, it is said, of Shri Biren Mitra, President of the Pradesh Congress Committee. And Shri Das had no duties as surveyor but his main job was to extend the influence of the Barbil Workers' Union.

Surveyor Shri Das, it is reported, did not get much success in enrolling members for the management-sponsored union and he wreaked his vengeance on the workers by other means. He brought the armed police to terrorise the workers and in order to create a bogy of "lawlessness", left his quarters for three days prior to the police enquiry. The gentleman is now safely residing in his old quarters.

About Shri Sukra Nag, also referred to in your letter, the story is far more interesting.

It appears that Shri Nag, a supervisor in the Belkundi iron mines of the O.M.D.Co. Ltd. is strongly addicted to liqueurs and he not only comes for duty fully drunk, but demands that the workers under him should provide him with additional doses. On the date of incident, Shri Nag appeared on the Belkundi colony and demanded free drinks from a worker. The worker refused to oblige. The supervisor, who was not very sober then, flashed a dagger and threatened to stab the worker. At this, other workers flocked in and they snatched away the dagger. Next morning, while the workers reported for attendance before the Belkundi mines office, they made a complaint against the activities of Shri Sukra Nag before the Mines Manager and as such there was a few minutes delay in starting work.

We need not deal at length, after giving the facts of the case, with the antics of the management in this regard. We may only point out that instead of reporting false allegations against our affiliate, the management should rather hold their so-called "surveyors" and "supervisors" in check in their activities to foster trade unionism of a particular colour.

Yours faithfully,

Vmo
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(K.G.Sriwastava)
Secretary

No. E&I-35(38)/58

- 3 SEP 1958 Government of India
Ministry of Labour & Employment
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From

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

To

The Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

02 SEP

Dated New Delhi, the

Subject:- Lawlessness in Orissa Mineral Development Company Limited, Barbil.

....

Dear Sir,

It has been reported to us that on June 4, 1958, some members of the Kenojhar Mines and Forest Workers' Union tried to assault with lathis workers who are not members of their union at the Thakurani mines Labour camp of Messrs Orissa Mineral Development Company Limited. On June 5, 1958, they abused and threatened to assault Shri N.K. Das, Surveyor of Messrs Orissa Mineral Development Company in his quarter at K 13 Camp if he did not vacate it immediately. All other residents in this camp belong to the Kenojhar Mines and Forest Workers' Union. To save his life Shri Das perforce had to vacate the quarter the next morning. He has lodged a complaint to this effect with the local police. On June 22, at Belkundi Iron mine again some members of the Kenojhar Mines and Forest Workers' Union suddenly struck work and demanded the immediate removal of the Supervisor Shri Sukra Nag, because, it was alleged, that he had appeared before the Tribunal on behalf of the management.

2. We are bringing these activities of the Kenojhar Mines and Forest Workers Union to your notice in the hope that, if they have been correctly reported to us, you will kindly impress upon the Union that violence, threats, abuse and sudden stoppage of work are all against the Code of Discipline to which, through you, they are a party and urge them to abjure these. If, however, they persist in them, we have no doubt you will take necessary action against the Union and inform us of it.

Yours faithfully,

for Joint Secretary.

d.s.nil.
h.s.19.8.

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Keonjhar Mines and Forest Workers' Union.

(Registered No. 63)
P. O. BARBIL, DIST. KEONJHAR, ORISSA
RLY. STN. BARAJAMDA, S. E. RLY.

In Reply Please Quote GO/1/2081(560) the 1st October, 8 195

To
The Secretary,
All India Trade Union Congress
4, Ashok Road
New Delhi

Dear Comrade, Code of Discipline

In reply to your letter dated the 6th September,1958 we write to inform you as below:-

On the 4th June,1958 some hooligans belonging to the Barbil Workers Union which is sponsored by the Orissa Minerals Development Co.Ltd and affiliated to the Indian National Trade Union Congress attacked a labour colony near the Thakurani Iron Mines of the said company. The purpose of the attack by the said hooligans was to drive out the inmates of the Bel Huttings who are en bloc members of our union. On receipt of the information some volunteers of this union rushed there in defence of their friends. This happened in the evening when we were holding a meeting in a far-off place. We came back at 10 P.M. and received the information that a number of our volunteers are guarding the said hutting. We went to the police station, met the Officer-in-charge of the P.S. and requested him to go to the spot so that no untoward event could take place. The hooligans pelted some brickbats and went away and fortunately no unpleasaht event took place. On the next day the management lodged a counter-information stating that we attacked the inmates of the Thakurani Labour colony with a view to loot their property.

The allegation regarding Shri N. K. Das is quite false and mischievous. Shri Das was an office-bearer of the Barbil Workers' Union and was subsequently appointed as a surveyor by the Orissa Minerals Development Company Ltd. on recommendations through a letter by Shri Biren Mitra, the President of the Provincial Congress Committee addressed to the O.M.D.Co.Ltd. He was alloted no duties for the company but to disrupt the unity of the workers in the manganese mines of the said company. As not a single worker could be persuaded to become member of the Barbil Workers' Union there Shri Das was sent by the company to work for the said union there. When his persuasion also failed then he lodged a complaint against all the workers there and managed to get the help of the local armed platoon to terrorise the workers. It is also not a fact that he had to vacate the quarter to save his life. To substatiate his complaint against our union members he left his quarters for two three days prior to the police enquiry and on completion of the said enquiry he went back to his quarters and is still residing there.

Keonjhar Mines and Forest Workers' Union.

(Registered No. 63)

P. O. BARBIL, DIST. KEONJHAR, ORISSA

RLY. STN. BARAJAMDA, S. E. RLY.

In Reply Please Quote 195

Regarding the allegation in respect of one Shri Sukra Nag - The said supervisor performs his duties in the Belkundi Iron Mines of the O.M.D.Co.Ltd and resides at Barbil village which is situated at a distance of about three miles from Belkundi. He remains drunk almost always and demands free drinks from the workers who work under him. On the date of incident he had been to the Belkundi colony in the evening after duty hours and demanded free drink from one worker who refused to supply the same. The supervisor was drunk then and brought a dagger from someone's house and wanted to stab the worker who refused to supply him free drink. Some other workers flocked in and they snatched away the dagger from the supervisor. Next morning while the workers reported for ~~duties~~ attendances before the Belkundi Iron Mines Office they made a complaint against the said supervisor before the Mines Manager and as such there was a few minutes d delay to start the work.

As regards the anti-union activities of the said company we beg to state that they have sponsored one union styled as Barbil Workers' Union, erected a house for the said union and ~~p~~ regularly pay an amount of Rs.200-00 per month to the said union to conduct their activities. The workers are being bribed by the company directly and openly in the name of BAKSHIS who are members of the said union. The pay-clerks in some places of the company are deducting subscriptions from the wages of the workers for the said union. The hooligans maintained by the company have been enrolled by~~x~~ as members by the said union are attacking members of this union at the time of collections of subscriptions. There had been several complaints against those hooligans and recently one among them was convicted ~~for~~ to six months R.I.for hooliganism and the company having incurred heavy expenditure for him, preferred an appeal against the conviction and got him released. There is another case pending against four members of the Barbil Workers' Union who assaulted a member of ours when he was collecting subscription The officials of the company are directly asking the workers to be members of the company sponsored union and ~~threatening the~~ threatening the workers who are members of our union. At present the company are paying bakshis to workers who would enroll themselves as members of their union.

Hence, we like to request you to kindly take up the matter with the Ministry of Labour & Employment as the above acts of the company are infringements of the clauses of the Code of Discipline. ~~and the conduct of~~

Before lodging the complaint against us, the company should have rectified their actions which are contrary to the Code of Discipline.

~~Yours faithfully,~~
Yours fraternally,

GENERAL SECRETARY

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No.185/KME/58
October 15, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi

Sub: Code of Discipline - Delhi Cloth Mills, Delhi.

Dear Sir,

We wish to invite your attention to letter No.KMEU/DCM/219/58 dated October 10, addressed to the Secretary, E&I Committee, Delhi Administration, and copy endorsed to you, by the Kapra Mazdoor Ekta Union, Delhi, our affiliate.

It is urged that the points raised in the letter under reference may be given your immediate attention.

Thanking you,

Yours faithfully,

(K.G.Sriwastava)
Secretary

·114 MOST URGENT

कपड़ा मज़दूर एकता यूनियन
KAPRA MAZDOOR EKTA UNION

Goushala Gate, Kishenganj Mill Area, Delhi

Ref. No. KMEU/D.C.M. /219/58

Dated: 10-10-1958.

To

Shree S. P. Joshi,
Conciliation Officer, and
Secretary Evaluation & Implementation Committee,
Delhi Administration,
DELHI.

Dear Sir,

Subject : Anti-Labour and unfair Labour Practices and persistent breach of 'Code of Discipline' by the management of Delhi Cloth Mills, Delhi, and protest taken strike against

With reference to the discussions which representatives of the Union had with you yesterday, I beg to forward herewith a ~~brief~~ detailed statement of the charges levelled by the Union against the above-named management. We would like the Government to take immediate steps to investigate these charges and to prevent the commission thereof if a major breach of Industrial peace in the Textile Industry is to be avoided.

You will see that the Union has all along shown the utmost restraint and patience in dealing with the persistent breaches of terms of awards, collective settlements, etc. by the management. The latter has taken this as a sign of weakness on the part of the Union and have not only persisted in violating agreements awards and settlements, in addition have intensified their anti-labour and anti-Union activities, encouraged their officers to insult and intimidate Union representatives and members of the Works Committee with a view to improperly preventing them from discharging their functions, unilaterally upset a number of established conventions, practices etc., relating to redress of day to day grievances of workers in short have started an all-out offensive against the Union and the workers, an overwhelming majority of whom owe allegiance to this Union. By these actions of theirs they have brought

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about a serious situation in ~~relation to~~ labour-management relations. Encouraged by the peaceable attitude of the Union they have now embarked on the dangerous path of planned victimization of prominent members of the Works Committee and top Officials and active workers of the Union. Charge-sheets levelling all sorts of fantastic, patently absurd and false charges against these workers have been given and suspension orders have been served on them. As a protest against these anti-labour policies of the management, the workers of the Delhi Cloth Mills went on a spontaneous strike on the ~~working~~ morning of 9-10-'58. The remarkably spontaneous, but peaceful and orderly manner in which the striking workers behaved from the very begining, seem to have ~~been~~ further unnerved the management, who in sheer desperation, called together their retinue of professional strike breakers, and let them lo-se on peaceful workers who were squatting on their respective places of work. These lawless elements did every thing possible to provoke a clash inside the mills, so that the resultant violence or possible damage to mill-property could be made a ground for further repressive measures against still other Union workers and sympathisers. This led to protest demonstrations on the mill-gates by over 3000 workers of the Swatantra Bharat Mills and the Birla Mills.

By the evening there was so much tension noticeable in all the Textile Mills that a general strike in all the mills appeared imminent. It was your intervention at this stage that helped the Union to come to a decision to call off the strike so that an attempt could be made to retrieve the situation by utilizing the Evaluation and Implementation machinery of the state.

The strike was called off this morning. We now request that the whole matter may be made the subject-matter of a thorough probe, as a test case, by the newly set-up Evaluation and Implementation Committee,. This probe must take place before the management have the opportunity to dismiss ~~of~~ any workers lest

the so-called 'disciplinary action' contemplated by the management should start a conflagration that is sure to engulf and destroy peace in the industry.

Yours faithfully,

General Secretary,

Copy, with a copy of the statement of case forwarded to:-

(i) The General Secretary,
All-India Trade Union Congress,
4- Ashoka Road, New Delhi;
with the request that the matter may kindly be taken up with the Ministry of Labour, Evaluation & Implementation Division so as to expedite action on the part of the state Evaluation & Implementation machinery:

(ii) Shree R. L. Mehta, I.A.S.,
Ministry of Labour and Employment,
Government of India, Evaluation & Implementation Division, New Delhi;

(iii) Secretary Delhi State Committee of the All- India Trade Union Congress,
1-C/33 Rohtak Road, Delhi.

(iv) Mr. Gen. Manager,
Delhi Cloth Mills, Delhi.

कपड़ा मजदूर एकता यूनियन

~~Brief~~ Note outlining the causes of growing industrial unrest in the Delhi Cloth Mills and its allied units in Delhi.

On the 8th October, 1958, about 8,000 workers of the Delhi Cloth Mills in its three shifts went on a protest strike to demonstrate their disapproval and resentment against the repressive, anti-labour and anti-Union activities and policies of the mill-management culminating in charge-sheeting and suspensions of three of their most respected trade Union leaders. Although the immediate cause of the strike appeared to be the so-called 'disciplinary action' taken by the management against these Union leaders, the basic reasons underlying this spontaneous action of the workers are to be found in the anti-labour policies and practices adopted by the management, which process was markedly intensified in the course of the last few months, particularly since the 16th Indian Labour Conference took some decisions relating to voluntary recognition of Trade Unions. Such timing of intensified offensive against workers' unity and organisation strongly suggests that it ~~constitutes~~ is a deliberate and planned attempt to disrupt the workers' unity and to undermine the prestige of their most representative organisation, viz. the Kapra Mazdoor Ekta Union, under whose banner the workers have been waging a remarkably peaceful yet determined struggle for securing the redress of their long-standing grievances. In conformity with its policy of going to the utmost length to settle disputes by peaceful and constitutional methods, the Union has for the time being persuaded the workers to call off the strike with effect from 10-10-1958, although the situation created by the unscrupulous methods employed by the management in dealing with the strik had brought the industrial peace in the whole Textile Industry to the verge of destruction. The Union took this step in realization of its duties and responsibilities to the country, and in response to the appeal of the Secretary of the Implementation and Evaluation Committee of the Delhi Administration.

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The Union has charged the management with the following acts of commission and omission:-

(i) xRemp Repeated and persistent refusal to implement certain awards of the Industrial Tribunal, Delhi;

(ii) Repeated and deliberate failure to implement collective settlements and decisions;

(iii) Implementation of agreements, or agreed decisions in a mischievous (or unfaithful) manner, so as to destroy the spirit underlying such decisions and so that the Union might get discredited in the eyes of the workmen;

(iv) Failure to discuss and settle outstanding demands of workers;

(v) Flagrant violation and breach of labour enactments particularly the Industrial Disputes Act;

(vi) Calculated attempts to paralyse the functioning of the Works Committee; Questionable means employed to hinder and prevent the members of the Works Committee from discharging their duty as members of the said Committee;

(vii) Failure to carry out even unanimous decisions of the Works Committee;

(viii) Failure to take action against officers indulging in misbehaving, abusing and even physically intimidating, workers or active workers and sympathisers of the Union;

(ix) Unilaterally and with <u>mala fide</u> intention, upsetting a number of conventions practices, etc. especially those relating to redress of day to day grievances of the operatives; Calculated failure to agree to establish another grievance-procedure, as a substitute to that established by convention so far;

(x) Failure to keep up promisesxxf or understandings reached with Union representatives, Works Committee

.....3

members, or departmental representatives of the workmen;

(xi) Deliberate attempts to circumvent any anticipated award or decision of the Industrial Court;

(xii) Deliberate and calculated efforts to deprive the Union of opportunity to discuss certain vital matters affecting the basic rights of workers in violation of explicit undertaking given before the conciliation officer;

(xiii) Victimisation of Union Officers and workers; and in general indulging in activities calculated to undermine the Union;

Refusal to recognise the Union as a representative organisation of the workers of the establishment;

A few concrete instances in support of the above charges are given below:-

Charge No (I) (a) The Company entered into a collective settlement with the Union on certain demands of the workmen. This settlement, concluded on 2-5-1956, and later made the subject-matter of an award of the Industrial Tribunal, Delhi, has been implemented only in part so far. Terms nos. 4,7,8 & 11 of this award, a true copy of which is appended hereto as Annexture I, remain unimplemented to this day. Innumerable written and oral representations have been made to the management in the course of the last 1-½ years on the subject. The Company did not even have the courtesy to reply to even one of the two score letters written by the Union on this subject. Repeated verbal and even recorded decisions to implement one or the other item of the award, have been violated or sabotaged by individual officers with the connivance of the top-management.

(b) The workmen have been deprived of the lay off

compensation due to them under the terms of award of Mahatma Gandhi (given in 1947) for involuntary unemployment on 21-22nd July, 1958 due to flooding of certain departments of the mills during the rains; Even the Government Conciliation Officer has failed to convince the management of the reasonableness of the demand of the workmen that they are entitled to compensation at enhanced rates in accordance with Gandhi Jee's award, which is still subsisting and is binding on both the parties ~~at~~ to this day;

Charge No. (ii) (a) By a collective settlement arrived at in the year 1948, as subsequently confirmed and affirmed in 1956, and 1957, the management committed to pay the same wage-rates as those in force in the Bombay Industry under the Bombay Scheme of Standardised wage-rates; The management is persisting in the violation of the collective settlement by refusing to carry-out the necessary upward revision in the wage-rates of Creelers, engaged on ordinary and High Speed Warping Machines, Jamadars or Head Watch-men Tailing Machinemen, etc. Another cunning device adopted to cheat the workers of their legitimate earnings or remuneration is to give them a bogus designation. Scores of such complaints have been pointed out to the management times without number in the course of the last 2 years without attracting any remedial measures.

The cases of certain Barber Coleman Winders, falsely designated as 'Tailing Machinemen', Godown Mukaddams falsely designated as 'Godown Keepers,' Weft Mukadams wrongly designated as 'Weft-men,' etc. are some of the instances of the irregular and unfair practice employed by the Company.

Charge No. (iii) The most glaring example of sabotaging decisions by implementing the same in a mischievous manner so as

to discredit the Union is provided by the modus operandi adopted by a certain Officer of the Reeling Department. This matter has already been brought to the notice of the management, and the justified opposition offered by the workmen led by the Joint Secretary of the Union, Shree Narain Prasad, led to this Union Official becoming all of a sudden a persona non-grata with the management. In this case the Officer In-charge who did not like the Joint decision taken in the matter, tried to explain the same to the workers in such a manner and spirit ~~which~~ as was totally alien to the objective of the settlement. An attempt was thus made to kill two birds with one stone- i.e. to sabotage the decision and at the same time to discredit the Union. It took 2 years for the Company to pass orders regarding implementation of this item, and two months for the departmental officer to implement it but not before the Union was compelled to stage a demonstration before the General Manager's office. And this totally justified action of the Reeling workers has now been made an ~~excuse~~ excuse by the management to charge-sheet Shree Narain Prasad. This is a very important case and if studied carefully will reveal the entire nature of the dispute which now threatens to ~~xxxx~~ blow up industrial peace in the Mills.

Charge No (iv) At present there are more than 50 demands of workers accumulated in the course of the last 2 or 3 years pending for settlement. The management has adopted an attitude of marked callousness and indifference in this matter. It has of late started avoiding meeting Union representatives to discuss the demands.

The Union has been putting up with the undending series of postponements suggested by the management for holding serious discussions ~~thereon~~ from time to time. Every time the Union wanted a difinite decision in the matter

the management introduced counter proposals, like 'discussion on departmental level', 'sending for information from Bombay,' 'expert study,' etc. Hopes were sometimes kindled among the workmen by holding out promise to consider a demand favourably if there was a definite proposal from the workers' side. When such a proposal was actually put up the matter was just put off indefinitely on grounds of 'pre-occupation' etc. But it now appears the management never seriously meant to settle the matters. The cases of Air Compressor Operators, Dyeing and Bleaching Operatives, Box Frame Tenters, Doubling machine Operators, Number Markers, Winders doing clerical or semi-clerical duties, warpers attending to coloured Warp Beams, etc. provide a few examples of the deliberate manner in which demands and grievances are not only not redressed quickly, but are prevented from being redressed at all. Scores of these demands have ultimately had to be referred to the Government Conciliation Officer when the Union saw through the policy of the management i.e. the policy of keeping issues in suspense ad-infinitum, and thus tiring the workers and the Union out into entirely giving up the demands. Worse than this, the petty officers and other elements faithful to the management then unleast a whispering campaign against the 'inactivity' of the Union representatives in a bid to stir up discontent among the workers and with a view to spread disaffection towards the Union. By this strategy the management hoped to succeed in their twin objectives of defeating the demands of the workers as well as discrediting and undermining the Union.

So far as major demands, like Dearness Allowance Gratuity, etc. are concerned the management have forced the workmen to go to adjudication. Even there, all types of dilatory factics like obtaining 'Stay Orders' from the High or Supreme Court obtaining frequent adjournments, etc. are adopted inorder to hinder a speedy decision on the

reference. Resort to the High Court and Supreme Court is taken even in the most trivial or petty cases. In short the Company wants to demoralise and beat down the workers on the strength of the money which it has earned by exploiting the poor workers.

Charge No (v) Although it employs a competent and well-paid staff of legal experts, yet the greed of the company often compels it to openly violate provisions of labour enactments. For instance frequent changes in respect of matters contained in the Fourth Schedule to the Industrial Disputes Act have been made without even once serving a notice of change on the workmen or their Union as required under the provisions of Section 9-A of the Act. Far-reaching changes in the methods, technique and system of production have been introduced in the Weaving Department. These changes have resulted in the reduction of piece-work earnings of workers by almost 50%. But no notice of change was given. No attempt was made to consult the workers, to take the Union into confidence or to minimise the hardships caused to the affected workmen. Wages of workers in a number of smaller sections are reduced without regard to the provisions of the payment of wages Act ~~or~~ or the Industrial Disputes Act e.g. reduction of wages of Doubling Machine Operatives from Rs. 62/8 to Rs. 58/15/- . Provisions of the Factories Act are also flouted - e.g. Operatives ~~from Rs.~~ in Speed Frame Department ('B' Mill) are compelled to work even during the rest interval despite repeated representation by workers and despite a unanimous decision of the Works Committee ~~and~~ of the establishment deprecating this practice. Conditions imposed by the Factory Inspector for granting exemption from Section 64(2) of the Indian Factories Act in respect certain categories of Operatives engaged on running duty in the Power Plant Section of the Mills, have remained unfulfilled all these years although the management have

themselves been taking full advantage of the said exemption. Repeated representations from workers and the Union have gone unheeded.

Provisions of Section 33(4) of the Industrial Disputes Act, have been flouted by refusing to treat as 'protected workmen' important officers of the Union.

(v) Calculated attempts are being made to hinder and paralyse the functioning of the Works Committee of the establishment. The Chairman of the Works Committee, who happens to be a representative of the management refuses to sanction the summoning of the Works Committee. The latest instance case of such unwarranted and patently dictatorial methods employed by the management occurred on the 3rd of October, 1958, when the Chairman, evidently under orders of the management turned down the proposal of the workers representatives on the Works Committee to summon an urgent meeting of the Committee to consider the tense situation arising out of the highly objectionable and offensive attitude of certain officers towards worker- member of the Committee and physical intimidation of Shree Narain Prasad - leader of the workers' group in the committee, by Mr. Prakash Chand, Weaving Master on 1-10-1958. But for the stubborn attitude adopted by the Chairman on this occasion, the Works Committee would have met and found a way out of the deteriorating industrial relations in the mills. This action of the management was meant to provide a provocation to the workers to clash with the management and create conditions in which the management could find excuses to punish "recalcitrant" members of the Works Committee. Sometime ago a sudden and unexplicable departure from previous attitude and behavior of Officers towards Workers' representatives on the Works Committee was noticed. Probably this was the result of new plans and policies hatched by the management directed at shattering the growing influence and growing prestige of the Works Committee members and hence of the Union of which almost

.....9

all of them happen to be officers or responsible office-bearers. The chain of events during the past few weeks unmistakably points to the direction that this sabotaging of the institution of the Works Committee, was deliberate, full of ulterior and nefarious motives and constitutes the first stage in a compemplated march towards a pattern of industrial relations wherein bureaucratic tyranny is designed to take the place of enlightened methods of management and control, suppression of workers' basic rights, and ruthless repression against the individual worker will become the basis of the 'disciplinary Code' of the management and abject surrender and servility a criterion of a 'well-disciplined' and 'loyal' worker. What a faithful implementation of the 'Code for Discipline' !

charge No. (vii) In the course of the last 2 years the Works Committee has taken a number of unanimous decisions. These decision relate to minor matters, like provision of drinking water in some departments, improvement of canteen facilities, provision of a rest room, provision of certain basic amenities in mill-lines, stopping of certain objectionable practices in relation to working methods employed in some departments, promotion of 'Badli' or Spares to permanent hands, provision of latrines inside certain sheds, improvement in methods of calculating efficiency rewards, regulation of allotment of mill-quarters, disapproval of physical violence committed against Lila Dhar workmen, disapproval of men stopping of working during rest interval of Speed Frame Department of the 'B' Mill (against Factory Act), etc.

It is surprising that most of these unanimous decisions have remained confined to the paper on which they were written. The management seem to have treated these decisions as mere scraps of paper and have not cared to even acknowledge them. There are a number of bogus institutions run by the managements in the name of labour 'welfare'. Thousands of rupees are spent on maintenance of a handful of 'loyal' persons

running these institutions. The real purpose of these bodies is to disrupt the workers' unity to sow seeds of discord amongst workers and to glorify the management and its individual members. Most of the discredited, ill reputed and unscrupulous employees form the hard 'core' of this little 'regiment'. The words of such bodies carry far more weight with the management than the words of accredited leaders of labour and respected and elected members of the Works Committee. And far more time, money and energy is wasted by the management on these useless bodies, which are a laughing stock of thousands of brave, honest, diligent and dutiful employees of the mill. Such is the strange logic of the enlightened labour policies of the management of Delhi Cloth Mills. Such outmoded and anti-diluvian are their concepts and notions of industrial relations in a socialistic pattern of society.

Charge No. (viii) For some time past, precisely from a point of time the attitude of the management underwent a change for the worse in relation to Union and the Works Committee members, the officers of the mills also started feeling so bold as to insult, abuse and even physically assault workers and sympathisers of the Union. At first the Union thought that these were isolated incidents but now it is clear that these were in fact the first salvos to be fired from the side of the management signalling an all-out offensive against the workers and their organisation.

Thus on 7-7- 1958, one Shree Lila Dhar was severely beaten up by two officers in the Waste Plant Section of the Reeling Department. This case was referred by the Union to the Central Evaluation and Implementation Committee, but did not press it further on repeated personal assurances from the Lala Bharat Ram, the Managing Agent of the Company that he will see to it that there is no repetition of such incidents in future. Appropriate compensation was paid to the worker and the matter was allowed to be hushed up by the Union in the

.....11

hope that this gesture will be appreciated by the management and a way would be paved for utilizing the goodwill so generated for the object of reaching an overall understanding ~~with the management~~ on the basis of satisfactory settlement of outstanding grievances and demands of the employees. But it now appears that the management bent their knees not out of any genuine realization of their guilt, nor out of any regard for promoting goodwill and understanding, but merely because their plans had misfired due to premature ignition. Soon afterwards the new General Manager of the concern Mr. Pathak, who has already earned enough notoriety as a Union-baiter, took charge of the establishment and started improving upon the repressive and anti-labour ~~policies~~ machinery of the mills. To begin with 4 members of the Works Committee, viz. Sarvashree Gyan Chand, Lalta Prasad, Harnam Singh and Pothi Ram were insulted and rudely asked not to represent the grievances of workers to the Officers. These incidents were duly reported to the management and a complaint was also sent to the Government Conciliation Officer. Far from relenting, the management went ahead in accordance with their pre-planned offensive and, as already stated, on the 1-10-'58 the Joint Secretary of the Union and Leader of the workers' group of the Works Committee of the mills, was physically pushed out of his room by his Departmental Officer. In accordance with the directions of the Union this matter was promptly reported by Shree Narain Prasad to the General Manager.

The Union also addressed a communication to the management, with copies to the Secretary Evaluation and Implementation Committee, (Delhi) protesting against the high handed activities of the management and against the flagrant violation of the breach of the 'Code for Discipline' on the part of the management --vide Union's letter No. KMEU/D.C.M./217/58, dated 8th October, 1958. Here the mala fide intentions of the management came into open light. Instead of investigating the serious allegations levelled by Shree Narain Prasad against the officer,

the management charge-sheeted Shree Narain Prasad for "making a false report". Shree Narain Prasad, the complainant was not even called or examined by anyone. A 'judgment' was delivered by Mr. Pathak, the General Manager, without hearing the complainant, without giving him a chance to prove his allegations and without caring even to enquire from such of the workers of the department as could be expected to throw some light on the incident. Such are the concepts of equity, justice and honest and fair dealings of the management of the mills ! Such is the orientation given to cardinal principals of natural justice in the 'enlightened' reign of the Delhi Cloth Mills Company !

The Union charges the management of extending deliberate encouragement and support to its officers to humiliate representatives of labour by all type of misbehavior, including physical intimidation.

(ix) The charge that the management has been moving unilaterally, and with mala fide intention, towards subverting all prevalent conventions with regard to redress of day to day grievances of the employees, is perhaps already sufficiently borne out by what has been stated in the foregoing paras.

In the absence of a settled and written grievance procedure, a simple procedure had got evolved in the mills in response to practical needs and requirements of the day to day working inside the plants. This procedure established by convention in the course of the last 5 years and based on mutual goodwill, consideration and respect, was working fairly well. Compared to the size of the mills and the general problems which must confront such an establishment, including a host of accumulated and outstanding collective grievances and demands, as already enumerated, the number of individual complaints was not very large. It was so because such grievances were taken up by the

Works Committee members or Union representatives with the supervisor or the officer on the sectional or departmental level in the very first instance and solved to the satisfaction of both the parties. The change in the incumbency of the post of the General Manager was accompanied by hectic activity all directed towards upsetting and abolition of established practices, conventions and forms of labour-management co-operation on the level of sections and departments of the mills.

To add to the hardship of the workmen, no alternative grievance-procedure has been introduced, since the management knows that if any such procedure is established, it will have to consult and co-operate with the Union. The idea therefore, seems to be to finish the Union first so that the management may ultimately be in a position to deal with some other Unions of its own creation and liking.

Some of the abrupt changes imposed on the workers, without consulting the Union and even without a formal announcement or any kind of 'notice of change' to the workmen in general, are listed below:-

(a) Works Committee members, who were hitherto welcomed and even encouraged to take up or represent grievances of individual workmen to departmental supervisors and officers, were all of a sudden asked to put a stop to this practice and such of them as tried to find out reasons for this sudden break from past practices, were insulted;

(b) A ban has been put on the entry into the mills of workers belonging to the in-coming shift in each of the three shifts before the outgoing shift was prepared to 'handover' the machines. The age-long practice in this mill, has been that workers belonging to the former shift generally start to trickle in 1-1/2 hour before the close of the latter shift. They sit in the labour Canteen which is situated inside the mills, take tea and smoke

and prepare themselves mentally and physically for undertaking the strenuous duties that lie ahead. Night shift workers scheduled to start working at 10-30 p.m. generally come by 9,9-30 since many of them have to come from distances and it is always safe to reach one's destination before the night advances far enough. This practice has suddenly been put a stop to without any rhyme or reason, with the result that hundreds of workers who for various valid reasons reach the mills earlier than their the commencement of their duty, have to squat on roadside in scorching sun or beg for shelter in nearby shops run in wooden stalls or 'khokhas'.

(c) Workers, particularly those belonging to the night shift, are not allowed to go out of the mills boundary even during the 1/2 hour rest interval. The mills canteen is hopelessly unequipped to cater to the needs of the large number of workmen employed in this establishment, and the management has not found it possible to improve Canteen facilities despite repeated representations. A large number of workers are, therefore, obliged to buy their tea and smoke from pavement shops outside the mills. The restrictions now imposed by the Company, are not only unwarranted and improper but also ~~but also~~ highly objectionable from legal standpoint. The Company cannot treat the workers like prisoners and it is prepostrous for the management to assume that they have bought anything but the labour-power of the worker for 7-1/2 hours.

(d) A number of minor facilities or adjustments, permissible under the law as well as under practice, custom and usage ~~and~~ in the industry all over the country, have been withdrawn or upset. Such, for instance, are the practice to allow short breaks to workmen to answer call of nature or to obtain relief from sudden physical

set-back, like giddiness, back-ache or head-ache; leave of absence from duty for very short periods - say 10-15 minutes to attend to unforeseen matters of extra-ordinary urgency like attending to a messenger or relative who has to leave the city at once.

(e) The prevalent practice of entertaining applications for urgent leave in proved cases of extra-ordinary emergency has been abruptly stopped imposing hardships on a number of workmen;

In fact the facilities enumerated above did not constitute 'concessions'. The management had been allowing them because it was not in a position to fulfil a number of obligations laid upon it by the Indian Factories Act. It can be stated with certainty that the Mills do not satisfy either partly or in full the conditions laid down in Sections 11, 13, 15, 16, 17, 18, 19, 20, 32, 34, 42, 43, 44, 46, and 47 of the Act. The Union is prepared to prove this contention before any impartial and independent investigating Agency. If the management insists on its so-called legal rights, the Union must demand that the management fulfil the requirements of the above sections of the Act in toto.

Charge No.
(x) Some of the instances of failure to keep up explicit understanding given to the Union representatives are:

(i) In the matter of demands of wage revision or wage increase of operatives of the Dye-House, Air Compressor Operators, Box Frame Tenters, reduction of rent of new quarters, Automatic loom Weavers of the 'A' Mills, Warpers, Learners of 'B' mill Weaving etc., the assurance to find out a via media has not been kept up;

(ii) Discussions regarding establishment of an agreed grievance-procedure were not resumed inspite of the fact that the Union submitted draft proposals invited by the management several months back;

Charge No. (XI):-

Attempts to circumvent possible results of references pending before the Industrial Tribunal

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Adopting steps calculated to nullify, or render infructuous, awards of Industrial Tribunals or Courts, have become another common feature of the labour policies of the management. A few examples are given below:-

(i) In July, 1956, the demand of the Coalmen engaged on feeding Coal to the boilers in the Engine Room of the Mills was referred to Adjudication as per Reference No. F.1(140)/56, E.I.&L., dated 30-7-1956. Soon after the management contrived to remove the so-called sub-contractor one Shree Lal Chand under whom the Coal Collies were supposed to be working at that time. This was a cunning move to throw out of employment the Coal Coolies, numbering over 50, who had been in continuous employment in the mills for periods ranging between 5-25 years. The only fault of those poor people was that they had enrolled as members of the Union. The subterfuge adopted was that these persons were employed through 'contractor' Lal Chand and that since he had given up the 'Contract', the Coal-men also had no claim to continue in employment. However, a determined struggle fought by the Union over the issue - which caused a big disturbance in industrial relations compelled the Company to abandon its evil designs. Later another 'contractor' had to be brought in regularise the erregularity.

(ii) Similarly another reference relating to abolition of Contract Labour in other departments of the mills was made in March, 1958, (Vide Ref. No. F.10(14)/58, E.I.&L., dated 3/4 March, 1958. The Company has again attempted to sabotage the reference inorder to escape from its possible outcome by transfering a part of the so-called contract in the Tailoring Section of the Mills to another 'contractor'. This has been manipulated inorder to ensure that a large number of Tailoring Operatives who happen to be active workers of the Union are thrown out of job before the Industrial Tribunal gives any award ~~directly~~ directing the abolition of Contract Labour in this particular Department.

Both the above references are still pending before the Industrial Tribunal, Delhi, yet all sorts of tricks are being resorted to by the management to nullify the reference. This shows what precious little regard the management has for the rule of law and propriety in the domain of industrial relations.

Charge No XII (XI) The most outstanding example of deliberate attempt on the part of the management to deprive the Union of opportunity to discuss vital matters, is the one relating to finalization of Draft amendments to the Standing Orders of the Company submitted by the Union over 2 years back to the Government Conciliation Officer under section 10(2) of the Industrial Employment Standing Orders Act. When the Government Conciliation Officer took up the consideration of these amendments, the representatives of the Company offered to discuss the amendments with the representatives of the ~~Company offered to~~ Union with a view to ~~prevent the Company~~ present the c.o. with an agreed solution. This assurance, to which the Government Conciliation Officer is a witness, has not been honoured to this day. Repeated requests of the Union to commence discussions on the draft amendments have fallen on deaf ears. This is a planned circumvention of the provisions of law intended to deprive the workers of their right to suggest amendments to the Standing Orders of the establishment.

Charge No (XII) The foregoing paras furnish sufficient material which throws a flood of light on the anti-labour and reactionary policies of the Company. As will be clear the Union has shown exemplary patience and observed remarkable restraint in dealing with the management all along. However the Company was aware that there was a limit to patience and that sooner or later they would have to settle the issues one way or the other. They were also conscious of the growing influence of the Union and its representatives inside the mills, including the workmens' representatives on the Work Committee of the establishment. In the meantime the historic decisions of the 16th Indian Labour Conference and its Standing Committee introduced new currents in the concept of labour-management relations and set up new Standards for conduct and behaviour and determination of mutual rights and obligations in the industry. The management were probably worried by practical

consequences of these decisions on future relationship between them and the Union. It was perhaps difficult for them to reconcile ~~as~~ themselves to the position wherein they would have to extend formal recognition to the Union and work out and implement a grievance-procedure with the Union representatives as the main party representing the workers. These considerations seem to have weighed with them heavily in giving a final shape to their policies and programmes.

On the 1st of October, one of their officers indulged in physical intimidation of Union Joint Secretary and leader of workers' group on the Works Committee. This was followed by other provocations including hurling of baseless changes against Shree Narain Prasad. On the 8th October, workers staged a peaceful demonstration in from of the Head Office of the Company to mark their protest at the anti-labour policies of the management. This was made an excuse for Charge-sheeting and suspension of ~~them~~ three of the top leaders of the Union in the Mills - namely Shree Baldev Singh, Weaving Department, Vice-President of the Union; Shree Asha Ram of Folding Department, Joint Secretary of the Union and Shree Narain Prasad of Weaving 'B' mill and Joint Secretary of the Union.

Suspension Orders were served on these workmen on the night between 8-9th October. So patently absurd and fantastic were the charges levelled against them and so unconcealed was the hostility and vindictiveness displayed by the management in dealing with this matter, that the workers, went on a spontaneous protest strike on the morning ~~of~~ of 9-10-1958. All sorts of provocations including threats of physical violence, intimidation were indulged in by professional strike -breakers employed by the Company. But the strike was complete. It was called off by the Union on the morning ~~and~~ of 10-10-1958, on the intervention of the Conciliation Officer, who is also the Secretary of the Evaluation and Implementation Committee set up by Delhi Administration. ~~Encouraged~~ Encouraged by this solidarity action the management have

embarked on a reckless adventure to issue indiscriminate charge-sheets, suspension notices, to almost all the officers of the mill branch of the Union, most of whom are 'protected' workmen within the meaning of Section 33(4) of the Industrial Dispute Act. It is estimated that over 70 charge-sheets have so far been issued to prominent Union workers. The functioning of the Works Committee has been paralyed by suspending 3 out of 10 workers' representatives of the Works Committee. They are:-

(1) Shree Narain Prasad - Leader of the workers' group in the Works Committee;

(2) Shree Lalta Prasad - Representing Spinning 'A' ~~XXXX~~ Department;

(3) Shree Harnam Singh - Representing Spinning 'B' Mills.

In addition the following Union officials have been placed under suspension:-

(1) Shree Baldev Singh, - Vice-President of the Union;

(2) Shree Asha Ram - - Joint Secretary of the Union;

(3) Shree Raghubir Singh - Member Working Committee of the Union;

(4) Shree Kamal Narain - Departmental representative Engine Department;

(5) Shree Purshottam Dass - Member of Departmental Committee;

(6) Shree Banwari Lal Member Provident Fund Trust and Member Works Committee of the Union;

(7) Shree Roshan Lal - Member General Council of the Union.

Among those Charge-sheeted are:-

(i) Shree Jai Gopal, - Secretary, Works Committee, & Vice-Chairman, D.C.M. Branch of the Union;

(ii) Shree Roop Ram - Member of the Works Committee Member of Br. Executive Committee of the Union;

(iii) Shree Ganga Sharan - Member of the Works Committee Member Branch Executive Committee of the Union;

(iv) Shree Ravi Datt - Member of the D.C.M. Branch Executive Committee of the Union.

(v) Shree Pathi Ram Member, Works Committee member workers of Br. Com

All sorts of vague and fantastic charges have been

.....19

trumped up against these workers, ranging from delivering "objectionable speeches" to "destruction of mill property". It is interesting to note that till about a few months back the management were themselves eloquent about the sense of responsibility and reasonable attitude of these very workers who are today branded as agitators, perpetrators of violence and breakers of discipline and rules !

The reasons, as already stated, are not far to seek. Every Single action of the management taken in the name of discipline and sound working of the mills during the past few months, particularly during the last one month, was unmistakably directed towards destroying the established basis of relationship founded on de-facto recognition of the Union on the sectional and Departmental levels and to a certain extent on the topmost level.

The Union asserts that the strike of the 9th inst. was the direct result of grave provocations offered by the management inorder to be able to find sufficient excuse and opportunity for victimising leading representatives of the Union. A dispassionate, and disinterested probe into the whole matter will, we are sure, ~~will~~ fully support our allegations.

Charge No. ~~(XIII)~~ (XIV)

It has already been made abundantly clear that it was the fear of being obliged to extend de-jure recognition to this Union that drove the management to embark on the desperate course of ~~Union-baiting~~. The position during the last 5 years has been that the management not finding it advisable to ignore the Union, entertained representations, deputations etc from the Union at all levels and even concluded some collective settlements with it. The Union too reconciled itself to the idea of being dealt with in the above manner in the absence of any legal or other binding on the management to extend recognition to it. In so doing the Union took upon its shoulders, and successfully discharged, heavy responsibility, ~~with credit~~. It has been a one way traffic. The Union has no rights, but the management made it share all the

responsibility incidental to or connected with enforcement of discipline, implementation of its production programme, etc. The Union had thought that the faithful discharge of its obligations will ultimately convince the management of the desirability of extending de-jure recognition to it. But the management had been trying to manoevre a position wherein the Union gets discredited among the workers for co-oprating with the former without being able to secure the acceptance of their demands. But the workers' saw though the game and rallied under the banner of the Union in ever larger numbers.

An idea of the polularity of the Union can be had from the following facts and figures:-

(i) The Union's nominees won both the seats on the Board of Trustees of Provident Fund Trust of the Company, securing more than 75% votes;

(ii) The Union's nominee won the election to the workers' representative on Board of Directors of the Company, securing about 80% votes;

(iii) The Union's nominees won with a thumping majority in 9 out of 10 electoral constituencies of the Works Committee of the mills securing about 70% votes;

(iv) The Union's nominee won in the election for ~~workers~~ workers' representative on the Board of Trustees of Workers' Benefit Fund Trust securing about 85% votes;

All these elections were held on the basis of secret franchise, and the Union's nominees were opposed by those of a rivel Union which is supported by a certain section of the management.

In the face of these facts and figures how far it is proper for the management to withold de-jure recognition to the Union, is a matter for any sane and reasonable person to adjudge.

Conclusion

Although this note relates to the ~~conclusion~~ state

of industrial relations in Delhi Cloth Mills alone, the general trend of policies, the nature of tactics and methods followed by the managements, is basically identical in all the mills. The difference is merely of pace and forms. Unless, therefore, steps are taken to ensure the faithful implementation of the decisions of the 16th Indian Labour Conference, and the managements are compelled at least to formally introduce a grievance procedure and to extend formal recognition to the most representative Union of workers, events are sooner or later going to follow the same course as in Delhi Cloth Mills. Particular mention must in this connection be made of the Swatantra Bharat Mills, and the D.C.M.- Silk Mills units of the same Company. The situation in these units is closely following the pattern of the Delhi Cloth Mills and it is high time the Evaluation and Implementation Committee took serious note of the situation and pursued the matter with determination, or else the labour situation in these units will assume dangerous proportions.

Asha Ram

(Asha Ram)
Joint Secretary.

Dated: 10-10-1958.

(True copy)

ANNEXURE I

Before Shri Rameshwar Dial, P.C.S., Additioan Industrial Tribunal Delhi.

I.D. CASE No. 12 of 1954.

In the matter of an industrial dispute between the management of the Delhi Cloth and General Mills Co. Ltd., Delhi and their workmen, as represented by the Kapra Mazdoor Ekta Union Delhi.

Workers represented by Shri B.D. Joshi.
Management represented by Shri G. C. Bhandari.

A W A R D:

1. This is a Reference No. F. 1(181)/54-EI&L., dated the 13th November, 1954 in respect of an industrial dispute between the Management of Delhi Cloth and General Mills Co., Ltd., Delhi and their workmen as represented by the Kapra Mazdoor Ekta Union, Delhi.

2. The terms of reference are these:-

1. Whether the house rent charged from the workers in respect of the new quarters in line number nine is exorbitant and to what extent it requires to be reduced? - What directions are necessary in this respect

2. Whether the workers of the Engineering Department are entitled as arrears of wages and allowance for the year 1951 on account of the implementation of the Bombay Standardization award in respect of them?

3. Whether the contention of the workers that favouritism has been shown in the filling up of the vacancies of Moulders on Rs. 65/- p.m. each in 1954 in the Foundary Department in correct and what directions are necessary in this respect.

4. Whether the complement of doffers in the spinning Dept. is in accordance with the Bombay Standardization Scheme and what directions are necessary in this respect?

5. Whether the present number of permanent operatives in the Spinning Department is less than the number of machines and what directions are necessary in this respect

6. Whether the change in the designations of several workers in the Spinning Department form Ring Spinners to helpers during the last three years with consequent reduction in earnings is justifiable and to what relief they are entitled?

7. Whether the number of Badli and temporary workers in the Winding and Reeling Departments is excessive and what should be the proper strength of permanent and Badli and temporary workers in each occupation?

8. Whether the wages of the piece workers in Winding Department are inadequate, and if so, what steps are

.....2

necessary to bring the same to the proper level having regard to the nature of their work?

9. Whether the workers employed in Mill Canteens should be treated at par with the Mills workers in the matter of wages and dearness allowance and what directions are necessary in this respect.

10. Whether the practice of appointing "leaners" in the Cone Winding Department needs to be stopped, and whether learners who worked for more than 3 months during the year 1953 are entitled to the payment of wages and allowance as admissible to the regular workers, and if not, what directions are necessary in this respect?

11. ~~Whether the practice of appointing "learners" in the Cone Winding Department needs to be stopped, and whether learners who worked for more than 3 months during the year 1953 are entitl~~

11. Whether the recent modifications in the Rules regarding scholarships to the children of workers should be set aside in so far as they substantially deprive the workers of the old benefits granted in this respect?

12. Whether the existing designations of workers in the Folding Department need to be revised in accordance with the actual nature of the work doen by the workers and if so, what directions are necessary in this respect?

13. Whether Shri Hoo Ram son of Nathu Ram should be reinstated with full compensation for the intervening period since the date of his discharge and what directions are necessary in this respect?

3. The parties have presented a settlement. The terms and conditions thereof cover all the points of Reference. Three othee matters incidental to the main Reference have also been dealt with in the compromise. The terms and conditions are quite fair. I make an award according to this settlement which shall be read as a part thereof. It is attached herewith as an annexure. The parties are left to bear their own costs.

sd/- Rameshwar Dial
Addl. Industrial Tribunal, Delhi.

18th May, 1956.

Before Shri Rameshwar Dayal, Additional
Industrial Tribunal, Delhi.

In the matter of industrial dispute between the management of the Delhi Cloth & General Mills Co., Ltd., Delhi and their workmen, as represented by the Kapra Mazdoor Ekta Union, Delhi.

Ref.- No. F. 1(181)/54-EI&L, dated 13th November, 1954.
Date of hearing ---- 2-5-56.

That the industrial disputereferred to above, between the management of the Delhi Cloth Mills, Delhi, and their

workmen, as represented by the Kapra Mazdoor Ekta Union has been amicably settled.

That the management of the Delhi Cloth & General Mills Co. Ltd., Delhi, of the one par, and the Kapra Mazdoor Ekta Union, Delhi, of the other part, hereby agree on this day, the 25 April, 1956, to settle the dispute amicably on the terms and conditions following:-

Terms and conditions of Settlement:

It is hereby mutually agreed:-

1. That the question of reduction in the house rent charged from the workers in respect of the new quarters in Line No. 9 will continue to be discussed and negotiated between the parties with a view to exploring the possibilities of mutual and amicable settlement. In case no settlement is reached, the demand will be deemed to be withdrawn.

2. Notwithstanding that the management had accepted in toto only the wage-rates prescribed under the Bombay Standardization of Wages Award and had not undertaken to endorse the wage-rates from the dates from which they were enforced at Bombay (being not party to that award), the management agrees, in order to provide good-will and cordial labour-management relations, to enforce, as a special case the wage rates with effect from 1-1-1951, in respect of workers employed in the Engineering (Mechanic and Electric) Departments. This, however, will not form a precedent for future or give a right to the workers for claiming the enforcement of the entire Bombay Standardization of Wages Award or any subsequent or supplementary Awards relating to the Textile Industry of Bombay with effect from the date from which they are, have been or ax may hereafter be enforced at Bombay.

3. The matter is amicably settled and action taken.

4. The issue relating to the complement of doffers in the Spinning department requires further study, as it is recognised that it involves complex problems connected with the assessment of work load under different systems and conditions of working and does not admit of statistical or mechanical comparisions with others centres. Till an agreed basis for computing the complement of doffers and work-load is arrived at, as a result of the work-load study, status-quo will be maintained in all the Spinning mills, both as regards the complement and the jobs at present being performed by the doffers except that (1) And bobbins from the Frame department, which are being cleaned or repaired so far in the Ring Department by the Ring doffers, will henceforth be cleaned or repaired in the Frame department by Frame doffers and the representatives of the Union would use its good offices with the workers in getting this change introduced and enforced. (2) The management will undertake to evolve within the shortest possible time some solution of the problem as to how to remove the difficulty experienced by doffers in picking of waste from bobbins i.e. in cleaning of 'Adhas' and 'Lapetas' but till such arrangements are made, the present practice will continue i.e. the doffers will continue to clean 'Adhas' and 'Lapetas'. (3) It is agreed that sometimes, though very rarely, doffers groups work with lesser number than normal and on such occasions doffers of that group should be compensated to the extent of wages of such doffers by which the groups is short on that particular day. (4) With regard to the question of Senior Helpers at present employed in Spinning B Mills, it is agreed that not only this category of workers may be confirmed but existing helpers in

Spinning A and C Mills may be promoted as senior helpers with effect from 1-5-1956, as a result of which, the category of ordinary helpers will cease to exist. Besides, these senior helpers will continue to perform the duties which are at present being performed either by senior or ordinary helpers in the three spinning mills.

It is further agreed that 'Full siders' as a category would be abolished and the existing full siders would be promoted as Double Siders as and when vacancies occur, because it is felt by both the parties that the above arrangement would upset the existing calssification of workmen for the purposes of promotion, as senior helpers would thus be getting a higher salary than full-siders.

Lastly, this change-over would be made in such a gradual manner, so as not to throw any full-siders out of employment.

A committee consisting of the representatives of the workers and the management will be constituted to prepare, after workload study, an agreed scheme for the fixation of doffer's complement and workload. This committee will also study and make recommendations regarding adjustment of doffers between different groups when necessary, due to major changes in counts and quality of material. In the case of any difference of opinion amongst the members of the committee with regard to workload etc., expert opinion from either ATIRA or any other party mutually agreed upon will be taken and the same shall be acceptable to the workers and the management.

5. The issue, as it stands is not pressed by the union. Frequent changes of machines will be avoided, as far as possible in the interest of efficiency and production. Changes will, however, be made whenever there is change in count or when there is absence of permanent hand or hands or due to any other unavoidable cause or circumstances. Individual complaint by workers, against his shifting from one machine to another without reasonable cause, will be looked into and set right, if found correct.

6. Wherever designations of workers in any of the three spinning mills have been changed from Ring Spinners to helpers, doffers, Doff carriers or sweepers at the instance of the Management for purposes of rationalization resulting in the reduction of their wages, such workers would be paid the same wages which they were drawing before the change in their designations was made and would be compensated for past monetary loss of basic wages suffered by them due to such change.

7. With regard to the strength of badli and temporary workers employed in the Winding and Reeling departments, immediate steps will be taken to study the needs of these departments for fixing permanent and badli workmen required at present on the following basis, keeping always in view the fluctuating nature of the work in the said departments:-

(a) The strength of the permanent operatives to be employed in the Winding department will be fixed on the basis of average attendance during the last 12 months.

In case of the Reeling department, the average production for each month during the last 12 months, calculated by adding the maximum and the minimum production during that month and dividing it by 2, will form the basis for computing the average permanent strength.

(b) The number of badli workers in any of these departments will not normally be more than 25% of the permanent strength fixed

on the above basis.

(c) Should it become necessary at any time to further augment the permanent strength of any of the said departments, such augmentation will be effected by promotion from amongst the badli workmen on seniority-cum-efficiency basis.

(d) Should it become necessary at any time to reduce workmen, the surplus staff will be absorbed for the time being in other departments of the mills, but such staff will be liable to be transferred back to their respective original posts, in case vacancies occur at any time in the departments concerned.

(e) The cases of female-workers employed in the Reeling department will be examined by tests held by the management in order to find out as to who can give normal standard production i.e. production equal to the minimum average production on the same count of a permanent male worker. Those who will be upto the mark will be made permanent on seniority basis, in accordance with the requirements of the department, as may be revealed after permanent needs of the department are thoroughly studied on the basis laid down above.

8. With regard to the piece-rates in force in the Winding department, it is felt that the matter requires further study as it involves complex problem of assessment of workload. The piece-rates will be studied with reference to the formula, regarding "Allocation of Spindles to Winders", laid down at page 65 of the revised booklet containing Bombay Standardization of Wages Award and if necessary, adjustments in wages and spindles will be made accordingly. A committee consisting of the representatives of the workers and the management will be constituted to conduct the above study and implement the same.

9. That the question of treating the workers employed in the mill canteen at par with the workers of the mills in the matter of wages and dearness allowance is not pressed by the union, so far as the management of the mills is concerned, as it is conceded that these workers are not the employees of the mills but of the Employees benefit Fund Trust, which is a separate and independent body registered under the Indian Trusts Act. The management has, however, agreed that the matter will be further pursued with the Trustees of the said E.B. F. Trust with a view to exploring the possibilities of an agreed solution of the claim.

10. Since the practice of appointing 'Learners' in the Winding department has been discontinued, the demand is not pressed by the union. It is mutually agreed that in future the learners (apprentices) will be employed for specific periods and after the expiration of the specified periods will be either absorbed as 'badli' or will be asked to go. If on any day or days, during the period of apprenticeship, an apprenticex will be required to work as a 'Badli' on any unskilled job, he will be paid the wages of the said post for the said day or days as the case may be.

11. That the question relating to the recent modification in the rules regarding the grant of scholarships to the children of the workers will be further pursued by the parties in order to explore mutual settlement on the clear understanding that any revisions in the said rules will remain in force upto such time as the Higher Secondary School of the company starts functioning regularly.

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The above arrangement will come into force with effect from 5th of April, 1956.

13. The demand is not pressed by the Union.

Both the parties hereby jointly request the Hon'ble Industrial Tribunal, Delhi, to pass its award in the terms of the above settlement.

Sd/- Bharat Ram

for and on behalf of,
The Delhi Cloth & General
Mills Co. Ltd., Delhi.

Sd/- B.D. Joshi
Genl. Secy.,
for and on behalf of,
The Kapra Mazdoor Ekta
Union, Delhi.

Sd/- Rameshwar Dial.
Additional Industrial Tribunal,
Delhi.

185

No.185/BK/58
October 15, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Infringement of the Code of Discipline
- Selected Jharia Colliery, Bihar

Dear Sir,

Ref: Your letter No.E&I-35(29)/58
dated October 7, 1958

We enclose herewith letter dated October 9, 1958 from the Bihar Colliery Mazdoor Sabha, Dhanbad, addressed to you which explains the position in respect of the alleged violation of the Code of Discipline.

It is evident from the letter of the Bihar Colliery Mazdoor Sabha that organised attempts are being made in order to distort facts while the union affiliated to the INTUC with evident official patronage is freely indulging in activities, patently violating the accepted norms for inter-union relations.

That the arrest of Shri Tiwari has been wrongfully done is also clear from the fact that ~~xx xxx~~ the case was dismissed by the Dhanbad Magistrate on 20.8.58.

We also like to point out to the extracts from the police report given in the enclosed letter which states that "the expulsion of Sri S.N.Tiwari from the Sangh has been conducted on the letters of the Private Secretary to the Hon.Minister for Labour & Employment and Planning, Government of India, the reference of which has been noted above."

Without meaning to cast aspersions on any individuals, we wonder how the Hon.Minister's Private Secretary came to be referred in a police report, in this instance. This fact particularly lends support to the contention of our affiliate, the Bihar Colliery Mazdoor Sabha that the Government is taking a partial attitude in their case.

We would therefore suggest that a proper enquiry be made in the allegations made in the letter of the Bihar Colliery Mazdoor Sabha.

Yours faithfully,

(K.G.Sriwastava)
Secretary

P.S. We also enclose English version of the Order of the First Class Magistrate, Dhanbad, acquitting Shri Tiwari, since these documents are significant to the case.

Bihar Koyla Mazdoor Sabha
REGD. NO. 837
C/o. Indian Mine Workers' Federation
P. O. DHANBAD.

9th October, '58

For AITUC office

To

Shri R.L.Mehta, I.A.S.
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
NEW DELHI.

Sub:- Infringement of the Code of Discipline in Industry - Selected Jharia Colliery -- Bihar Koyla Mazdoor Sabha.

Ref:- Your No. EMI-25(29)/58 dated 7th Oct. '58

.....

Sir,

The contention of the Ministry in the above matter is fully wrong and unjustified in as much as they are based on incorrect and erroneous facts.

There was no pelting of stone at the Colliery office and/or at the staff as alleged. The Union took no action in the matter of non-payment of wages on July 5,1958 save and except informing the Labour Inspector(C), Jharia West, about the non-payment. The management did not notify and the alleged notification was done later in consultation with the bosses/ of the I.N.T.U.C. and the local police only to create a false case against Sri Tiwari. Shri Tiwari was called to the Police Station and put under arrest after about three hours and this period was taken in preparing the case, which however, failed miserably in the court of law. The case against Shri Tiwari under section 151 Cr.P.C. instituted on the alleged incident has been dismissed by the trying Magistrate, Dhanbad on 20.8.58. Apart from the fact that Shri Tiwari has been discharged, the observations made by the trying Magistrate vide Order Sheet dated 2.8.58 and 20.8.58 cast a reflection on the conduct of the I.N.T.U.C. and the police which is creditable for none.

On the contrary the facts stated in our memorandum dated 15th July,'58 contain unassailable facts and every bit of it will be proved if the Ministry so desire.

The incidents provoked, created and managed in Selected Jharia Colliery on 5th and 7th July'58 by the management, police and the I.N.TU.C. is one of the worst examples of the gangsters methods adopted by the management and INTUC with State aid to impose the hated and unwanted INTUC-brand union on the workers.

Incidentally it may be mentioned that we find from the certified copies of the Police report dated 6.7.58 on the alleged incident of 5.7.58 that the number and date of letter from Shri B.N. Sharma, General Secretary, Colliery Mazdoor Sangh (INTUC) addressed to Shri Tiwari were quoted which obviously proves the complicity of the I.N.T.U.C. in framing the case. Further revela-tion is made in the following paragraph of the aforesaid police report.

"It may be noted here that the expulsion of Sri S.N.Tiwari from the Sangh has been conducted on the letters of the Private Secretary of the Hon. Minister for Labour and Employment and Planning, Govt. of India, the reference of which has been noted above." (we refrain from commenting on it)

Infringement, if any, of the Code of Discipline in the Selected Jharia Colliery was indulged in by the management and the INTUC bosses/ with the direct aid of the State police.

Yours faithfully,
Lalit Burman
(Lalit Burman)

English translation of
documents enclosed with letter
from BIHAR COLLIERY MAZDOOR SABHA

Order Sheet (See Rule 129 of the Record Manual 1941)

M.P.Case No.195 of 1958 - Nharia New F.I.R.No.61/58

STATE vs. SHEONARAYAN TIWARY

under section 151 Cr.P.C.

2.8.58

The opposite party, Shiv Narayan Tiwari is present. I have gone through his statement as also the police report. The Asst. District Public Prosecutor representing the prosecution states that he has been apprised of any details of this case. This sort of statement on the part of the Asst. Public Prosecutor is regrettable.

According to the police report, it is evident that the accused, Shiv Narayan Tiwari has been expelled from the INTUC and the alleged incident is said to be as its result. The report also states that Shri Tiwari has been expelled for secretly working for the Communist Party of India, which has been denied by the accused as false, baseless and meaningless.

He also states that he has submitted his case to the leaders of the organisation and have requested them to reconsider it and that his case is still being considered. In order to harass him, he says, his house has been searched in his absence with the connivance of the police which has caused him damage.

It is evident that matters concerning the trade union are in the root of this action. In the normal course, the INTUC should have given proper directions to the Asst.Public Prosecutor.

Though, under the circumstances the proceedings should be closed but since the Asst.Public Prosecutor has requested for some further time, he is allowed to have it till 20.8.58 in order to procure further evidence, witnesses or anything else.

The accused remains as it were till then.

Sd. N.N.Singh,
First Class Magistrate,Dhanbad.

II

Order dated 20.8.58

The accused Shiv Narayan Tiwari is present. For the prosecution, the Asst. Public Prosecutor, Shri Tirki is present and he says that no witnesses are present.

In view of what has been expressed by the court on the last hearing, the acquittal of the accused seems justified. Hence, the accused Shiv Narayan Tiwari is herewith set free and the proceedings are closed according to clause 119 I.P.C.

Sd. N.N.Singh,
First Class Magistrate, Dhanbad.
20.8.58

- 8 OCT 1958

No. E&I-35(29)/58
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,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

-7 OCT 1958

Dated New Delhi, the

Subject:- Infringement of the Code of Discipline in Industry - Selected Jharia Colliery - Bihar Koyala Mazdoor Sabha.

...

Sir,

It has been brought to the notice of this Ministry that on July 5, 1958, the management of the Selected Jharia Colliery could not disburse wages to its workmen as the cheque could not be cashed due to difference in signature. The management, therefore, exhibited a notice declaring that payment of wages will be made on July 7, 1958. It is alleged that in the afternoon of July 5, some workers, at the instigation of Shri S.N. Tiwari, who at one time belonged to Colliery Mazdoor Sangh(INTUC) and later joined the Bihar ~~Sangh~~ Koyala Mazdoor Sabha, which is affiliated to your organisation-pelted stones at the Colliery office building and at the staff. Shri Tiwari was later arrested by the police.

2. It will be appreciated that the aforesaid action of Shri S.N. Tiwari and other workers of Bihar Koyala Mazdoor Sabha goes against clause (i) of item IV of the Code of Discipline in Industry. It is requested that this aspect may kindly be brought to the notice of the Bihar Koyala Mazdoor Sabha and they may be requested to advise their members to adhere to the provisions of the Code. This Ministry may kindly be apprised of your comments in the matter.

3. As regards the allegation of Bihar Koyala Mazdoor Sabha made in their letter of July 15, 1958 that workers were not taken back to work, it has been pointed out that all workers who reported for work have been taken back to work and according to an agreement between the Colliery Mazdoor Sanha and the management arrived at on August 29, 1958, the rest of the workers would also be provided with work in case of suitable vacancies, if they reported for duty.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary.

"D. A. Nil"
DAYAL

15 OCT 1958 Registered with A.D. 118

BIHAR KOYLA MAZDOOR SABHA

REGD. NO. 837

C/o. Indian Mine Workers
Federation,
(Near Mack & Co.)

PHONE 2855
P. O. & DIST. DHANBAD.

Ref. No .....

Dated 9th Oct. '58 195

To

The Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dear Comrade,

We have received the copy of letter No. E&1-35(29)/58 dated 7th Oct.'58 from the Ministry of Labour & Employment addressed to you regarding infringement of the Code of Discipline in Selected Jharia Colliery by our organisation.

We enclose herewith our letter of even date containing our comments on the above allegation made by the Ministry. We are sending two copies to your office - the original for the Ministry and the other for your office ~~copy~~ file.

If you find the reply in order please send it and give us intimation. If, however, it is found to be not proper, please advise accordingly and also advise as to what more materials may be required by you.

Two copies of the order sheet dated 2.8.58 and 20.8.58 (in Hindi) each is enclosed herewith, one of which may be annexed with our letter if you deem fit.

Yours fraternally,

Lalit Burman

General Secretary.

20-8-58.

The accused Shiv Narayan Tiwari is present. For the prosecution ~~side~~ the Asstt. ~~Dist.~~ P.P. ~~Planning Officer~~, Shree Tirki is present and he says that no witnesses ~~have come~~ are present.

~~Whatever has been expressed by the court on the last date~~ In view of what has been expressed by the court on the last ~~date~~ hearing, the ~~accused~~ acquittal of the accused seems justified. Hence, the accused, Shiv Narayan Tiwari is herewith ~~acquitted~~ let free and the proceedings are closed according to the clause 119. I.P.C.

Sd. N. N. Singh.
20-8-58

2.8.58.

~~Afterwards~~

The ~~other~~ opposite party, Shiv Narayan Tiwari is present. ~~His~~ I have ~~plea has been heard and the police report has been considered~~ Gone through his statement as also the police report.

The Asstt. Dist. ~~Planning Officer~~ P.P. representing the prosecution states that he has been appraised of ~~the det~~ any details of this case. This sort of statement on the part of the Asstt. ~~Planning Officer~~ P.P. is reggrettable.

According to the police report, it is evident that the ~~as~~ accused, Shiv Narayan Tiwari has been expelled from the Intue and ~~is said to have acted so as a reaction to this~~ the accused incident is said to be as its result. The report also states that Shree Tiwari has been ~~secretely~~ expelled for secretely working for the C.P.I., which has been denied by the accused as false, baseless and meaningless.

He also states that he has submitted his case to the leaders of ~~his~~ the party and have exhorted them to re-consider it and that his case is still being considered. In order to harrass him, his house has been searched in his absence with connivance of the police which has ~~damaged~~ ~~caused~~ ~~him~~ caused him damage.

It is evident that ~~the~~ matters concerning the Trade Union, are in the root of this action. ~~Ordinarily~~ In the normal course the Intue should have ~~given direction~~ proper directions to the A.P.P.

Though, under the circumstances the proceedings should be closed but since the A.P.P. has ~~asked~~ sought for some further time, he is allowed to have it until 20-8-58 in order to procure further evidence, witnesses or anything else.

The accused remains ~~in the same position~~ as it were till then.

Sd. N. N. Singh.
2-8-58

Order Sheet
M. P. Case No. 195 of 1958
State
V/s
Sheonarayan Tiwari
Under section 151 Cr. P. C.

S. No.	Date of order or Proceeding	Order with Signature of the Court, Office action to with date
1	20-2-52	अभियुक्त शिवनारायण तिवारी उपस्थित हैं। प्रथम पक्ष के लिये सहायक जिला अभियोजक श्री टिरकी उपस्थित हैं और कहते हैं कि कोई गवाही नहीं आयी है अतः तिथि को जो भी न्यायालय द्वारा प्रकट किया जा चुका है उसकी रू में अभियुक्त को अब विमुक्त कर देना ही उचित जान पड़ता है। अतएव अभियुक्त शिवनारायण तिवारी मुक्त किये जाते हैं तथा धारा 99V द० प्र० सं० के अनुसार यह कार्रवाई स्थगित कर दी जाती है।

Sd. जं० ना० सिंह
20-2-52

Copies by

Order Sheet

(See Rule 129 of the Records Manual 1941)

M.P. Case No. 195 of 1958 Jharia Now F.I.R. No. 61/58

State .... Vs. ... Sheonarayan Tiwari

Under Section 151 Cr.P.C.

S. No. & Date of Proceeding.	Order and Signature of the Court	Note of action taken on order with date.
2.8.58. पश्चात	द्वितीय पक्ष शिवनारायण तिवारी उपस्थित हैं उनकी दी हुई कैफियत पढ़ा: पुलिस रिपोर्ट भी देखे। प्रथम पक्ष की ओर से सहायक जिला अभियोजक उपस्थित होते हैं पर बताते हैं कि उन्हें किसी तरह की जानकारी इस केस के सम्बंध में नहीं कराया गया है। बेशक यह खेद का विषय है कि अभियोजक कोर्ट को इस तरह की बातें सुनावे। पुलिस रिपोर्ट से स्पष्ट है कि अभियुक्त शिवनारायण तिवारी आइ. एन. टी. यु. सी. से निकाल दिये गये हैं और उसी के प्रतिफल में तथा-कथित हरकत बताए जाते हैं। रिपोर्ट में यह भी बताए जाते हैं कि श्री तिवारी कम्युनिस्ट पार्टी में चुपचाप मिलकर काम करने के अभियोग में बहिस्कृत किये गये जिसे अभियुक्त सर्वथा असत्य, निस्सार और निराधार आक्षेप बताते हैं।	

हैं। यह भी बताते हैं कि उन्होंने पार्टी के वरिष्ठतर अधिकारियों की सेवा में अपना केश भी पुनः विचारार्थ पेश किया है जो अभी विचाराधीन ही है। पर उन्हें तरह तरह से सताने के लिये पुलिस ने मिलकर इस तरह की कार्रवाई एवम् उनकी अनुपस्थिति में उनके घर की खान-तलाश आदि करा हानि पहुँचाया है।

यह स्पष्ट है कि इस कार्रवाई की जड़ श्रमसंघ (Labour Union) की संस्था संबंधी है साधारणतया आइ० एन० टि० यु० सि० को ऐसी अवस्था में उचित आदेश अभियोजक को करना चाहिये था।

यों तो ऐसी परिस्थिति में कार्रवाई स्थगित कर देना सम्यक हो जाता है पर चूँकि सहायक अभियोजक मुहलत का दरख्वास्त करते हैं उन्हें २०/२। पर के लिये शान्ति या सबूत जो कुछ भी, देने के लिये अवसर दिया जाता है।

अभियुक्त जबतक मुवैवत रहेंगे।

द० न० ना० सिंह
2/2/52
दण्डाधिकारी प्रथम श्रेणी
धनबाद

Copied by
18/8/58

- 8 OCT 1958

119

185

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

No. E&I-5(24)/58 Dated New Delhi, the 7 October, 1958.

From

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Govt. of India.

To

The Secretary,
All-India Trade Union Congress,
4-Ashoka Road,
New Delhi.

Subject:- Non-implementation of award by M/S. Balasubramania Mills Ltd., Singanallur, Coimbatore.

--

Dear Sir,

In continuation of this Ministry's letter of even number dated the 26th August, 1958 on the above subject I am directed to say that the Southern India Millowners' Association, Coimbatore, with whom the matter was taken up by this Ministry, have stated that no rates of wages were fixed under the agreement dated the 25th September, 1956 for canteen workers who were on the temporary muster rolls of the mills. The canteen workers of M/S. Balasubramania Mills who were ~~on the~~ temporary, could not claim the benefit of the agreement and it was for this reason that an industrial dispute was raised and the Labour Court in its award dated the 31st March, 1958 fixed certain rates of wages for them. The award does not say that the new rates should be paid retrospectively and hence there is no ambiguity for a dispute over the interpretation of the award.

2. In order to ascertain the correct position of the matter, the Government of Madras have been requested to pursue the case and take necessary action. They have also been requested to inform you, as early as possible, of the exact position in the matter.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary.

185

No.185/BK/58
October 8, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Closure of Blast Furnaces and
Coke Oven Plants in Kulti
belonging to Indian Iron & Steel Co.

Dear Sir,

The United Iron & Steel Workers' Union, Kulti, has represented to the Union Ministry of Labour regarding the serious industrial unrest which has developed following the decision of the Indian Iron & Steel Co. to close blast furnaces and coke ovens in Kulti. Nearly one thousand workers would be rendered unemployed by the proposed closure.

2. The notice of closure was announced only in the last week of September and it is therefore evident that the management has not in this instance abided by the recommendations of the Nainital Conference to give clear notice of two months to workers and three months to Government, before total closures are effected.

3. The non-implementation of the foregoing tripartite agreement is sought to be explained by the Company on the alleged ground that the closure has the approval of the Government of India. If this is so, the Government itself becomes party to the non-implementation.

4. The loss of production of high quality pig iron resulting from the closure would also badly affect the engineering industry in W.Bengal. Trade union leaders have disputed the plea of the Company that the Burnpur plant under the same management would be able to offset the loss.

5. When nearly one thousand experienced and skilled workers are thus forced to join the swelling ranks of the unemployed, and when the loss in production at this critical period would have devastating effects, it is surprising that the Government of India, as alleged by the Company, should support the plans of closure in Kulti Works. And it is only logical that provoked by the massive retrenchment, the steel workers should go in for direct action, the impact of which can be well-understood.

6. We would therefore request that a tripartite conference be convened by the Government of India to consider the above questions and the closures averted, to the advantage of all concerned. the closure notice suspended till that

Thanking you,

Yours faithfully,

mo
8/10

(K.C.Srinivasan)

(185)

No.185/SC/58

13 OCT 1958

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

Sub: Acts of violence.

Dear Sir,

On October 7, 1958, at about 13.30 hours, some members of the INTUC-affiliated union in Singareni Collieries attacked Shri K.S.Dass and Shri P.L.Easwar Rao of Singareni Collieries Workers' Union (AITUC), at No.3 incline. Both these workers were on duty and received serious injuries.

They are still in hospital for treatment of serious injuries inflicted on them.

On the same night (October 7), some of the activists of the INTUC union went round to various hotels in the locality shouting loudly in search of the active workers of the Singareni Collieries Workers Union but could not get at them.

Of late, in Ramanavaram and surrounding colliery areas, voilence against our Union workers is being indulged by the INTUC union leaders.

In Singareni Collieries, the AITUC affiliate is the recognised union and the INTUC has been trying to get recognition not through the procedure laid down in the 16th Indian Labour Conference but by rowdy pressure tactics. They have been partly successful in that without going through the procedure adopted at 16th Indian Labour Conference, the General Manager seems to have agreed to meet them and reply to their representations.

These acts are against the Code of Conduct for Inter-Union Relations as also the Code of Discipline.

You are requested to take steps to ensure that this is investigated, necessary action is taken and repetition is avoided.

Thanking you,

Yours faithfully,

Vmp
13/10

(K.G.Sriwastava)
Secretary

Copy to: Shri R.L.Mehta,
Joint Secretary,
Ministry of Labour & Employment

11 OCT 1958 .122

The Singareni Collieries Workers Union

(AFFILIATED TO A. I. T. U. C.)

BRANCHES:
YELLANDU
BELLAMPALLI

Kothagudium Collieries P.O
BHADRACHALAM ROAD STATION
(CENTRAL RAILWAY)

L. No. VP/42/856/58.

Date 8th, Oct' 1958.

The General Secretary,
Andhra Pradesh Trade Union Congress,
Himayat Nagar,
Hyderabad.

Dear Comrade,

On 7th, Oct' 1958, at 13-30 hours some INTUC goondas attacked Comrades K.S. Dass and P.L. Easwar Rao, delegates of our Union at No. 3 Incline. Both of them were on duty and they received serious injuries.

They were examined by the Govt. Medical Officer, Palwancha, and later admitted in the Colliery Hospital for further treatment.

Recently INTUC have intensified their activities bringing preasure upon the Management to recognise their Union also. Under preasure from above, the Management is allowing their representation at General Manager's level. Now they want to extend that to the lower departments.

Meanwhile in the General Body meeting of the Co- Operative Society they contested against the Union pannel and got defeated. When they found that they were losing in the elections they disturbed the meeting and got postponed.

You might have seen the news in daily Visalandhra. Since then they have become completely mad and are trying to pick up quarrels with us.

On 5-10-1958, there was party meeting at Ramavaram and the INTUC elements tried to disturb the meeting but in vain. The meeting was conducted successfully. Since their attempts have been failed they became desperate and attacked the above mentioned two delegates of our Union while they were on duty.

On hearing this, nearly two thousand workers went in procession condemning the goondaism commited by INTUC elements.

Later, all the workers gathered in the Union Office and passed resolutions condemning the roudy action of the INTUC.

Mr. Narayana Reddy, local INTUC leader who is notorious for his roudy behaviour is encouraging his followers in secret meetings, to attack our active workers wherever they are found alone.

On 7th, Oct' 58, night some of the INTUC goondas went round the main bazar and searched the hotels for some of our workers. They went to some of our workers' houses and went back having failed to find our workers inside the houses.

To us it appears that the INTUC planned first

Contd on 2 page

The Singareni Collieries Workers Union

(AFFILIATED TO A. I. T. U. C.)

BRANCHES:
YELLANDU
BELLAMPALLI

Kothagudium Collieries P.O
BHADRACHALAM ROAD STATION
(CENTRAL RAILWAY)

L. No ..... Date ..... 195 .

to disturb the peaceful atmosphere and then push through their preasure on the Management to recognise the INTUC.

In the incident of 7th, Oct' 1958, three INTUC elements were taken in to custody by the police.

Today, armed constables have been posted at various places in Ramavaram area. More armed force is expected, it is understood. Sri K. Sudarshan, M.L.A was here when the incident took place and it is learnt that he issued a lengthy statement to press throwing the entire blame on our Union.

Further information will be conveyed later.

Copy to
General Secretary,
AITUC, New Delhi

Yours fraternally,

Vice President
8/10

R.L.Mehta,IAS.,
Joint Secretary.

123

MINISTRY OF
LABOUR AND EMPLOYMENT.

New Delhi, the October 10, 1958

D.O.No.E&I.35(1)/58.

11 OCT 1958

Dear Shri Sriwastava,

Kindly refer to your letter No.185/10/58, dated the 6th inst., regarding registration of the United Mineral Workers' Union, Gua. The position as we understand is that the Registrar of Trade Unions, Bihar, asked the Union to rectify certain defects which he noticed in their application. This apparently has not been done so far. In the mean time, an application has been filed by the Union in the Patna High Court, under Article 226 of the Constitution, for issue of a writ for registration of the Union. The orders of the High Court are awaited.

The State Government have assured us that no discrimination is made in the registration of unions and as soon as the Registrar is satisfied on points regarding which under the Trade Union Act he has to seek satisfaction, the union will be registered, or, since the case

is sub-judice, as soon as the decision of the High Court is known steps will be taken to implement it. We shall, however, be glad to know if we can assist you in this matter in any other way. We did not know till recently we learnt from the Bihar Government that your Union had already moved the High Court.

Yours sincerely,

R L Mehta

(R.L.Mehta)

Shri K.G.Sriwastava,
Secretary, AITUC,
4, Ashok Road,
NEW DELHI

On the basis that
is the present position of
court case and also send
us a summary of the
efforts made for registration
& the objections of the Registrar.
Send copy of the letter
13/8

ESTD: 1943 9 OCT 1958 R. No. 1405

The Cashewnut Workers' Union,

MAIDAN ROAD, MANGALORE-1.

ಕೇಶ್ಯೂನಟ್ ವರ್ಕರ್ಸ್ ಯೂನಿಯನ್, ಮೈದಾನ್ ರಸ್ತೆ, ಮಂಗಳೂರು—೧.

Ref. No. Gl. 16/58. (R) Date 7. 10. 1958.

To
The Honurable Minister for Labour,
Government of Mysore, Bangalore.

S I R,

I am giving herebelow the resolution passed at the Executive Committee meeting held on 5.10.1958, for your kind consideration and favourable action.

"This Executive Committee notes with grave concern the fact that the Managements of M/S. Mizar Govinda Annappa Pai & Sons and M/s. U. Narayana Mallya & Sons cashew factories have put up notices of closure with effect from 30.10.1958. The reasons for closure are not real. The closure will render two thousand workers unemployed for months together. The closures are announced with a view to bring pressure on the Government not to declare the cashew factories as non-seasonal and to force the workers to give up their claim for lay-off wages. This meeting strongly condemns the action of the factory owners closing of the factories in this manner.

This meeting urgese the Mysore Government to immediately intervene in the dispute to avert the closure of the factories."

Yours faithfully
B. Suvarna
SECRETARY

Copy to:
The General Secretary,
All India Trade Union Congress, New Delhi.

2. The Karnataka Provincial Trade Union Congress, Bangalore.
3. The Labour Commissioner Bangalore

P.T.O.

To The Labour Officer, Mangalore.

185

9 OCT 1958

Government of India
Ministry of Labour & Employment

No. EdI Dy No. 1808/58 Dated New Delhi, 8 OCT 1958

From

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

To

The Secretary,
All India Trade Union Congress,
4, Ashok Road,
New Delhi.

Subject:- Non-implementation of settlement by Kesoram Cotton Mills (Managing Agents: Birla Bros.), Calcutta.

Sir,

I am directed to acknowledge receipt of your letter No. 185-II/GRT/58, dated the 4th October 1958, on the above subject and to say that the matter is being investigated.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary

126

185

9 OCT 1958

MINISTRY OF
LABOUR AND EMPLOYMENT.

New Delhi, the October 8, 1958.

No.PA/JSE/58.

The Assistant Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dear Sir,

I am directed to acknowledge receipt of your letter No.185/BS/58, dated September 30, 1958, addressed to Shri R.L.Mehta, IAS., Joint Secretary to the Govt.of India, Ministry of Labour & Employment, together with the enclosure.

Yours faithfully,

V.N.Rao

for Shri R.L.Mehta,
Joint Secretary to the
Government of India.

- 6 OCT 1958 127

Assam State Committee of
ALL INDIA TRADE UNION CONGRESS

185

EXPRESS DELIVERY.

TINSUKIA

Ref.....

Date.....3rd Oct/58....

To
Comrade K.G. Sriwastava,
Secretary,
All India Trade Union Congress

Ref- Your letter of Sept 20, 1959

Dear Comrade,

In continuation to my previous letter of 29th Sept/58 written to you (APTUC/L-2/9-49), I am also sending you herewith Letter NO. 1817/J of 29th August/58 written by the General Manager of the Assam Railways & Trading Company Ltd. to the General Secretary, Assam Railways & Trading Company Mazdoor Union.

with greetings

Yours Fraternally
Barin Chowdhury
(Barin Chowdhury)
General Secretary,
Assam Provincial Committee of
A.I.T.U.C.

TRUE COPY OFTHE LETTER FROM
THE ASSAM RAILWAYS & TRADING COMPANY LIMITED, MARGHERITA.
(Incorporated in England)

To - THE GENERAL SECRETARY, Assam railways & Trading Company
Mazdoor Union, Regtd: No. 418.
MARGHERITA.

NO.1817/J.

General Manager's Office.
29th August/58.

Dear Sir,

It now appears that no Union has ever by written agreement been recognised by this Company for any of its departments.

The Sections of the law relating to recognition of Unions by employers has never yet been brought into force by Government nor have the Sections about an appeal to the Labour Court. Recognition is only a private arrangement between employers and the Union, and is the pre-requisite for negotiations but we are advised by the Secretary to the Govt: of Assam (Labour) and the Registrar of Trade Unions that if negotiations comes first then there is no need of recognition. The employers may negotiate with a Union as long as they are satisfied that the Union has a following strong enough to represent their workers.

Such is the position of your Union with which this Company has been negotiating evrn to the extent of sitting together in discussion.

It is therefore clear that when the Company accepts a Union as representating sections of its workers there would appear to be no special advantage in drawing up an Agreement, especially as both employers and Unions are now morally bound by the spirit of the Tripartite agreement at Ninital Which provided for reasonable dealings on both sides.

We find that it is not the usual custom in Assam for employers to recognised Unions by written agreement and that the Unions functioning in the Tea Gardens Industries are not recognised by the Indian Tea Association or seldom by the Estate Managements, yet they sit in conciliation and solve all their problems together.

As none of the Unions functioning in any sections of this Company have been recognised by agreement we feel it may be desirable that we should continue in line with other industries, and we will deal in matters of policy with any Union concerned which has majority of folowers in our Mills, Brickworks or Collieries. In individual cases any Union can forward its problems to the Labour Office for consideration.

We repeat that we are advised that if negotiation preceds application for recognition this is sufficient to prove a Union's standing.

Yours faithfully

srs

For General Manager.

185

No.185/IO/58
October 6, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Gua ore mines of the Indian Iron & Steel Co. Ltd.

Dear Sir,

Ref: Your No.E&I-35(1)/58 dated 14th August 1958

We take strong objection to the statement in your above-quoted letter regarding the Registrar of Trade Unions having complete discretion in the matter of registration of the unions. This statement coming as it does from the E&I Division of the Ministry of Labour & Employment is most deplorable, discouraging and alarming.

We had complained of the deliberate policy of theBihar Government in refusing to grant registration to unions belonging to the AITUC. The United Mineral Workers' Union in Gua is not yet registered. The same is the case with the Chaibasa Cement Mazdoor Union, Jhinkpani in spite of the fact that the application of the Union for a writ of mandamus was granted by the Bihar High Court on April 14, 1957. (Bihar High Court, Miscellaneous Judicial Case No.659 and 660 of 1957. - Chaibasa Cement Mazdoor Union Versus The Registrar of Trade Unions, Government of Bihar).

It is evident therefore that a complaint exists regarding the working of a Central legislation and if, in this context, an official of the State Government is to be given 'complete discretion' to implement or not to implement the provisions of this Act, the Central E & I Machinery will have no justification for its existence.

We would therefore urge upon you to ensure that the policy of discrimination against the AITUC and the non-implementation of the Central Acts are done away with by the Bihar Government and its officials.

We shall reply regarding other points later.

Yours faithfully,

Mmo
6/8

(K.G.Sriwastava)
Secretary

185

Case taken up with Et I Division on the basis of earlier reports.

No. 185/SIC/58
September 26, 1958

Com. S. A. Dange. G. Secretary A.I.T.U.C. New Delhi
L.N. C/R/19/58.

4 OCT 1958

Under Postal Certificate

~~NEWS~~ DEPLORABLE CONDITIONS OF MINE WORKERS IN CHIKHLI MINES XXXXX BHILAI STEEL PROJECT.

The Chikhli mines in Durg district of Madhya Pradesh are a part of the Bhilai Steel Project undertaking. They have to give an output of six lac tons of iron-ore to the Project within 14 months. So, this is an important part of our industrial sector. But the conditions of the workers in these mines are such that will jeoperdise the fulfillment of this target.

M/S Jyoti Brothers are the Contractors in these mines & about thirty five hundred workers work there. But they have to put up more than nine hours work every day. The condition of their quarters is not fit for human dwelling. More than two families are squeezed in a room of 8' x 10'. Telgu labourers are allotted quarters with mat-roofing, in which they have to pass their nights without sleep when it rains.

Industrial Dispute and Mines

The provisions of the workmen's compensation Act are violated at every step. There is no permanent doctor to look after the injured workers. They are compelled to work even under conditions of serious injuries.

M/S Jyoti Brothers were kind enough to announce a holiday on 16th August 58 but without payment.

~~There is no standing order and works-committee for~~
Formerly workers were getting rice at two and a half seers for a rupee but now the price of rice has been enhanced. Workers are now getting rice at two seers a rupee.

There is no standing order and works-committee for these mine workers.

The labour camps are virtually prohibited areas. The workers are not supposed to meet even their friends and relatives inside the labour camps.

Their wages are so low that they cannot get both ends meet through their meargre earnings.

The workers have organised themselves under the leadership of the Red-Flag-Union the Samyukt Khadan Mazdoor Sangh Reg.No. 267, to fight against these inhuman conditions. The working president of the Union Shri Krishna Modi visited the Chikhli mines on 1st Sept. 58, but he was not allowed by the mine authorities to remain in the labour camp, he some-how managed to remain in contact with the workers and fixed a general meeting of the mine-workers in Dalli Bazar for 14th Sept. The meeting was a big success and was addressed by Shri Krishna Modi and Ganga Choube of Durg district Communist Party. Shri Krishna Modi stayed back in the area to consolidate the gains of this meeting and to enrol members of the union. But no sooner had he left the mine area on 19th Sept., the authorities stooped to their dirty game. The mine Supervisor abused the workers and threatened them with serious consequences, if they worked for and became members of the Red Flag Union. The workers went on spontaneous strike on 19th Sept. When Shri Modi got this news, he again went to Dalli along with Shri Ganga Choube the same night,. On their intervention the workers resumed work.

But this incident had failed to bring any change in the attitude of the authorities. The labour camps still remain a prohibited area for the labour leaders. The local police are hand-in-glove with the contractors and the mine Manager of the Project. They did not allow Shri Krishna Modi to enter the mine are on 21st Sept., arrested and brought him to Balod and released him on 22nd Sept. Earlier they had threatened the tasi-driver who had taken Shri Modi and Ganga Choube to Dalli on 19th night.

On 23rd Shri Modi again went to Dalli. No sooner had he got down from the bus, he was checked by police constables; the sub-Inspector tried to persuade him not to enter the labour camps. But Shri Modi refused to oblige him. So he was arrested by the police u/s 447 & 448, and was transferred to Rajnandgaon sub-jail. Now, he is out of bail. There is a warrant of arrest against Shri Ganga Choube also. Taking advantage of the absence of the labour leaders the mine authorities have discharged several leading workers.

.....2.

The contractors with the full blessings of the mine Manager of Bhilai Steel project have organised goondagangs which go round the labour camps in the night and pelt stones in the quarters of the workers, try to way lay them and beat them while they are not in groups. They go about threatening them with dire consequences if they became members of the Red-Flag-Union. The authorities are boosting the INTUC. Even aftersuch intimidations, the workers are firm. They are determined to win their demands.

1. There should be a standing order and a works-committee properly elected by the workers of the mine.

2. Freedom for trade-union activities should be guaranteed. There should be no bar on the entry of the labour leaders in the camps.

3. Workers should get rice at the old rate i.e. two & a half seers for a rupee.

4. Workers should be paid for the holiday on 15th August.

5. There should be no check to the entry of relatives & friends of the labourers into the labour camp.

6. There should be eight-hours working day and workers should be paid for overtime work as per factory rules.

7. Workers should get sick wages. There should be a ful-time permanent doctor for the workers. Workers, getting injured while on duty, should be paid for the period under treatment. The injured workers should not be compelled to work in the mine as it is done now.

8. Workers should be paid even for removing the earth.

9. At present, workersare paid their wages till 2 O'clock in the night. This practice should be stopped and wages should be paid during working hours.

10. One quarter should be allotted to one family only.

11. The firms to measure the iron-ore peices had been changed from 4'-10" to 5'-2". Either the workers should be paid for the increased measure of the old measure be restored.

So far as the attitude of the local police authorities is concerned, the matter has been brought to the notice of the Collector Durg. Though the Collector has told Shri Krishna Modi that labour camps are not prohibited areas and there is no bar on the entry of labour leaders into these camps, no step has been taken to improve the situation. The local police are behaving as they like. But theirs is not the last word. The organised strength of the workers is the deciding factor. It is certain that the workers will come out victorious through all these trials and get their legitimate and demands redressed.

Yours
Krishna Modi
Working President
Samyukta Khadan Majdoor Sangh

~~Comte.~~
Durg
Delhi 2/10/58.
C/o Ganga Chawbe.
Baiga Para.
Durg.

P.T.O

In this case of violence the M of Labour & the Imp. Cee. are
4/8

Dear Comrade,

After going through this ~~letter~~ report, you will come to know the situation here; ~~and~~ It will help us greatly, if you send Com. R.B. Gour, Com. Vithal Rao, or Com. Gopalan to study the situation personally. After my release, I went to Dalli again but I could not go inside the labour camps nor could I meet the workers. The authorities have established a rain of ~~a~~ terror in that area. ~~The~~ Armed gurkhas patrol the camps and even blank shots are fired in the night. We earnestly request you to help us. With best regards.

Yours fraternally
Kishore Mody.

185

No.185/APM/58
October 4, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Non-implementation of the provisions of the Mines Act, 1952, in Mica Mines, Gudur, Andhra Pradesh

Dear Sir,

Ref: Your letter No.E&I 18(1)/58 dated 23.9.58

Item (1) of our letter dated August 27, on the above subject, had clearly stated that there are no "loaders" in mica mines.

Hence, taking advantage of this loophole, the managements of Kalyanarama Mica Co. and Krishna Mining Co. Gudur, are denying annual leave with wages to the workers, as per provisions of the Mines Act. That the denial by these two concerns is in clear breach of the Mines Act is seen from the fact that all other mining companies are giving annual leave with wages, as per the legislation, in the mica industry.

Therefore, while making attempts to rectify the above instance of non-implementation, it would also be necessary that the Mines Act is suitably amended to plug the above loophole, i.e., the category of "loaders" should be defined properly in relation to mica mines.

We hope you will give this matter your early attention.

Yours faithfully,

(K.G.Sriwastava)
Secretary

No.E&I.18(1)
GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

From

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

To

The Secretary,
All India Trade Union Congress,
4, Ashoka Road, New Delhi.

30 SEP 1958

Dated New Delhi, the

Subject:-Non-implementation of the provisions of the Mines Act, 1952 in Mica Mines Gudur, Andhra Pradesh.

.....

Sir,

In continuation of this Ministry's letter of even number dated the 23rd September 1958 on the above subject, I am directed to say that the question of setting up a Mining Board for Andhra Pradesh, which will cover the mining areas in Nellore District, is under the active consideration of the Government.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary.

d.a.nil
a.s.b.28.9.58

24 SEP 1958

(185)

No.E&I 18(1)/58
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,
All-India Trade Union Congress,
4, Ashoka Road, New Delhi.

23 SEP 1958

Dated New Delhi, the

Subject:- Non-implementation of the provisions of the Mines Act, 1952, in Mica Mines, Gudur Andhra Pradesh.

...

Sir,

I am directed to refer to your letter of 27th August 1958 on the above subject and to state as under :-

Item (1) of the letter

The complaint made is not clear. It may be:

(i) that the loaders are not getting any leave with wages or
(ii) that they are getting leave for 7 days and not for 14 days.

The exact nature of the complaint may kindly be clarified.

Item (2) of the letter

The matter is under examination.

Item (3) of the letter

There is some difficulty in the enforcement of Rule 23 of the Minimum Wages (Central) Rules. It is, therefore, proposed to revise the Rule. In fact a draft of the revised rule has already been published in the Gazette of India for eliciting comments.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary.

"D.A.Nil"
MALKIAT

Copy of letter from

LABOUR MINISTRY

No.E&I-7(1)/58 dated 1 Oct 58

To AITUC

Sub: Alleged non-implementation of settlement between King George Hospital, Visakhapatnam and their workmen.

Sir,

I am directed to refer to your letter No.185/HV/58 dated the 13th September, 1958 on the above subject and to invite your attention to the decision of the Labour Court, Andhra Pradesh, Guntur on the petitions filed by the General Secretary, Andhra Provincial Hospital Employees' Union regarding computation of benefits derived under the settlement with the management. The Labour Court in its decision of October 26, 1957 rejected the petitions and did not uphold the claims on the ground that the settlement was tentative depending upon the sanction of Government and could not be final. However we have again requested the State Government to take necessary remedial action in the matter.

Yours faithfully,

Sd.

(S.B.L.Nigam)
for Joint Secretary

3 OCT 1958

No.E&I-7(1)/58
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,
All India Trade Union Congress,
4, Asoka Road,
New Delhi.

1 OCT 1958

Dated New Delhi, the

Subject:- Alleged non-implementation of settlement between king George Hospital, Visakhapatanam and their workmen.

...

Sir,

I am directed to refer to your letter No. 185/HV/58, dated the 13th September, 1958 on the above subject and to invite your attention to the decision of the Labour Court, Andhra Pradesh, Guntur on the petitions filed by the General Secretary, Andhra Provincial Hospital Employees' Union regarding computation of benefits derived under the settlement with the management. The Labour Court in its decision of October 26, 1957 rejected the petitions and did not uphold the claims on the ground that the settlement was tentative depending upon the sanction of Government and could not be final. However we have again requested the State Government to take necessary remedial action in the matter.

Yours faithfully,

(S.B.L. Nigam)
for Joint Secretary.

"D.A.Nil"
DAYAL

(185)

No.185-II/GRT/58
October 4, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Non-implementation of settlement by Kesoram Cotton Mills (Managing Agents: Birla Bros.), Calcutta

Dear Sir,

M/s.Kesoram Cotton Mills Ltd., 42 Garden Reach Road, Calcutta 24, reached an agreement with the workers represented by Garden Reach Textile Workers' Union, Q 77 Akra Road, Calcutta-24 (affiliated to the AITUC) on 6. 12. 1956.

2. As per terms of the agreement, the management were to pay all workers bonus at the rate of 9.67% of the total annual earnings of each worker.

3. But bonus payments were made on a reduced rate, by an arbitrary decision of the management, as per the following formula:

$$\text{Bonus} = \frac{9.67 \times \text{total annual earnings}}{100} \times \frac{\text{No. of days worked by employee}}{365}$$

4. The formula devised by the management in order to reduce the quantum of bonus is obviously contrary to the provisions of the agreement. In this connection, we would also refer you to letter No.3616(2)-LR/IR/8L-7/57 from Assistant Secretary, Government of W.Bengal, Labour Department addressed to the union and the management,d/27.8.58, which stated:

> "With reference to the recent discussion held by the Labour Minister with the representatives of both the parties in the above matters, I am directed to say that it appears that each worker having completed 60 days' work is entitled to receive 9.67 per cent of his earning as Bonus. In clause 1 of the agreement, there is no provision for payment of bonus at reduced rates to the workmen who have worked for less than 220 days or more than 60 days."

5. In spite of the above decision of the W.Bengal Government, the management has refused to pay bonus at the rate agreed.

6. The above attitude of the management has deprived the workers of large amounts in bonus payments of 1955-56 and 1956-57 and consequently this has led to serious industrial unrest.

7. It is clear, therefore, that the management of Kesoram Cotton Mills Ltd. has grossly violated the Code of Discipline and we would request you to investigate into this allegation. It is also necessary that cuts made in bonus payments are restored immediately so that industrial peace is maintained in the Mills.

Yours faithfully,

(K.G.Sriwastava)

PHONE : 45-4092

Garden Reach Textile Workers' Union

Regd. No. 463

Q 77, AKRA ROAD : CALCUTTA-24

(Affiliated to All India Trade Union Congress)

Ref. No. TU/KC/58/188 28 SEP 1958 *Date* 26th Sept. 1958

Comrade K.G.Sriwastava,
Secretary,
All India Trade Union Congress,
4, Ashok Road,
New Delhi.

Violation of agreement by Kesoram Cotton Mills (Birla Bros.)

Dear Comrade,

Please refer to our earlier correspondance in the above matter. As you know we entered into an agreement with the above Company before the Labour directorate, on 6.12.1956 for the payment of bonus for the year 1955-56. (The copy of the agreement has already sent to you). The workmen were entitled to get 9.67 % of their total annual earnings as Bonus for the year. But the management paid Bonus less than the actual amount. They calculated it in the following manner:

$$\text{Bonus} = \frac{9.67 \times \text{Total annual earnings.}}{100} \times \frac{\text{number of days the worker worked}}{365.}$$

Our interpretation was that the workman should be paid bonus as follows:

$$\text{Bonus} = \frac{9.67 \times \text{total annual earnings.}}{100}$$

After many joint conferences and representattions the Government has given the openion , (enclosed herewith). But the Company has refused to pay the balance bonus and thus is violating the agreement.

It may also be noted that Bonus for the year 1956-57, was also to be paid in the same basis as 1956 agreement, but for that year too the management paid bonus according to their own formulea and thus workmen were given less bonus.

We have apporached the Government to prosecute the management and to realise the amount under section 33 (c) of the I.D.Act.

We would request you to please raise the matter before the Labour Ministry and seek their intervention for the above.

With greetings,

Yours Comradely,

Arun Sen

(Arun Sen)

General Secretary.

Enclosed: One.

GOVERNEMENT OF WEST BENGAL
LABOUR DEPARTMENT.

No. 3616 (2)- 1R
1R/8L - 7/57.

From:- Sri N.R. Sircar,
Assistant Secretary, to the Government of West Bengal.

To:

1. The Factory Manager, M/S. Kesoram Cotton Mills Ltd. 42, Garden Reach Road, Calcutta-24.

2. The General Secretary, Garden Textile Workers' Union, Q 77, Akra Road, Calcutta-24.

Dated, Calcutta, 27th August 1958.

Subject: Allegation of non-implementation of agreement dt. 6.12.1956.

Sir,

With reference to the recent discussion held by the Labour Minister with the representatives of both the parties in the above matters, I am directed to say that it appears that each worker having completed 60 days' work is entitled to receive 9.67 percent of his earning as Bonus. In clause 1 of the agreement there is no provision for payment of bonus at reduced rates to the workmen who have worked for less than 220 days or more than 60 days .

Yours faithfully,

Sd/- N.R. Sircar,

Asst. Secretary.

Government of West Bengal.

185

GARDEN REACH TEXTILE WORKERS' UNION.

Q, 77, Akra Road, Calcutta-24. Phone 45-4092.

Secretary,
All India Trade Union Congress,
4, Ashok Road,
~~Kaixukka~~ New Delhi.

Re: QUESTIONNAIRES (I.U.Record dt. 20.1.58)

Dear Comrade,

Non-implementation of the ~~xx~~ terms of settlement ~~xk~~ by Kesoram Cotton Mills Ltd., (Birla Bros.)

1. As per terms of settlement with the management of the above mills in reppect of Bonus for the year 1955-56 & 1956-57, the management were to pay all workers Bonus at ~~xx~~ the rate of 9.67 % of the total annual earnings of each worker.

The settlement (tripartite) was signed on 6.12.1956 which runs as follows:-

" Bonus at the rate of 9.67 % of the total annual earning of each worker will be paid for the year 1955-56. "

But the management have paid less Bonus ~~than~~. They paid the bonus in the following lines:

If 'X' be the total annual earnings of a worker and he has put in 200 days work in the particular year, the management have paid Bonus :

$$\frac{X \times 9.67}{100} \times \frac{200}{365}$$

By the above formulea the workers have been deprieved a good amount from their due Bonus.

2. For the year 1956-57, the Textile Tribunal recomanded Bonus in the same basis of that of 1955-56. The management paid Bonus in the same manner as before.

3. The management have refused to pay Casual leave wages for the year 1957 though it is long overdue.

4. For the realisation of the above two workers are agitating for the last 10 months. The Labour Directorate of West Bengal failed so far to compel the management to implement the above terms.

5. With a view to crush the agitation of the workers the management Suspended 1,700 workers in the month of November 1957.

6. The Labour-management relation has become very strained over the above two issues.

We would request you to please take up the matter and see the above terms are being implemented by the management.

With greetings,

Yours Fraternally,

General Secretary.

(185)

October 3, 1958

General Secretary,
Prakash Engineering & Rolling Mills
Mazdoor Union,
Union Building, Collectorate Road,
Agra.

Dear Comrade,

In reply to our letter of September 6, 1958, a copy of which was sent to you, the Government of India has sent us the following letter on the unfair labour practices by the management in your case:

"The matter is being investigated through the Implementation & Evaluation Machinery of the Government of Uttar Pradesh. A further communication will follow soon."

With greetings,

Yours fraternally,

(K.G.Sriwastava)
Secretary

No.E&I Dy No.1490
Government of India
Ministry of Labour & Employment

...

- 3 OCT 1958

From

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

To

The Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the

Subject:- Alleged unfair labour practices by the management of Praksash Engineering Co. & Rolling Mills, Agra.

...

Dear Sir,

I am directed to refer to your letter of September 6, 1958 on the above subject and to say that the matter is being investigated through the Implementation & Evaluation Machinery of the Government of Uttar Pradesh. A further communication will follow soon.

Yours faithfully,

for Joint Secretary.

"D.A.Nil"
DAYAL

16 SEP 1958

GOVERNMENT OF INDIA

No. E&9-1490

Dated the September 13, 1958 (15 SEP 1958)

Subject :—

The undersigned is directed to ~~invite attention to the communication~~ acknowledge the receipt of your letter

No. NIL, dated 6/9/58 ~~noted in the margin and to the favour of an early reply.~~

request ~~that the return of the file be expedited.~~ enquiry how the case stands.

which is receiving attention.

(185)

(S. NARAIN)
Section Officer 13/9
Ministry of Labour & Employment.
Tele No 24347

S. 10.

MFP—591 General/772—(C-598)—27-5-57—5,000,000.

ON INDIA GOVT. SERVICE

To

The Secretary,

All India Trade Union

Congress.

4 Ashoka Road

New Delhi

29 SEP 1958 139

BOMBAY STATE TRADE UNION COMMITTEE

(A. I. T. U. C.)

President: K. N. Joglekar
General Secretary: S. Y. Kolhatkar

166, KHANDELVAL BHAVAN,
DADABHOY NAOROJI ROAD,
BOMBAY 1,

Ref. No. AI/20/58

27th Sept. 58

The General Secretary,
All India Trade Union Congress,
4, Ashok Road,
New Delhi.

Dear Comrade,

I am enclosing herewith 2 copies of memorundum prepared by Bombay State Committee on 25th July General Strike for submission to Shri R.L.Mehta, Evaluation and Implementation Officer.

Greetings,

Yours fraternally,

S.Y.Kolhatkar

(S.Y.Kolhatkar)
General Secretary.

Leo this to Mehta
By hand.
MO
30/9/58

Enc.

MIILL MAZDOOR UNION
(RED FLAG)

BAPURAO JAGTAP
President

S. G. PATKAR
Gen. Secretary

Dalvi Building,
Parel, Bombay 12.
Tel. 63674

29 SEP 1958

185

September 27, 1958.

Shri R.L. Mehta, I.A.S.,
Joint Secretary,
Ministry of Labour,
(Evaluation & Implimentation Division)
NEW DELHI.

Dear Sir,

Sub:- Enquiry into the Bombay General Strike of July 25th 1958.

Ref:- Your D.O. No.RA/JSE/58 of September 10th 1958.

1. We are in receipt of your above communication x and thank you for the same.

The strike was organised by the Joint Action Committee of Trade Unions, comprising of representatives of State Committees and Unions affiliated to AITUC, HMS, UTUC and independent organisations.

.....2

The strike was in protest against the labour policies of the State Government and their supporters at the Centre, and in sympathy with the workers of the Premier Automobiles who were the recent outstanding victims of these.

The case of the Premier workers will be submitted by the Engineering Mazdoor Sabha that led the struggle of the Premier workers and the HMS to which that organisation is affiliated.

We would also leave it to the Joint Action Committee to explain why a call for general strike was deemed necessary.

We would here restrict ourselves to submitting why our Union supported the call, and participated in the strike.

2. The position in the textile industry has been deteriorating since the beginning of 1957, and markedly after March 30th, on which day the Government of India set up a Central Wage Board for the industry.

We would not go here into the plunder made by the industry during the two decades past, the fabulous profits it garnered during the second world and the Korean wars and the Plan Boom, the prosperity of the Industry and the deterioration into the living standards of the workers owing to continually rising cost of living, their production effort during the Plan period and the worsening of their working conditions etc. For that we would refer you to the case submitted by the Textile Committee of the AITUC before the Textile Wage Board.

3. The profiteering by the Mills and the Trade finally led the Government to enhance as a special measure the excise duties on cloth with effect from September 1st 1956.

At this the much paraded 'crisis' in the industry made it's first appearance. The industry began to curtail production and throw it's hands out of employment. The D.A. paid to the workers also came under attack, and 'productivity' schemes began to be pushed ahead by the Mill Owners in clear violation of the Dheli Tripartite Agreement of 1956.

The trade unions saw this offensive as an attempt by the Mill Owners to maintain the level of their high profits by imposing the burden of their difficulties on the workers, and to utilise the unemployment created as a pressure screw to wring concessions from the Government.

4. The trade unions represented the matter to the Government - both State and Central. While speaking on the Demands for Grants for the Labour Ministry Shri B.D. Jagtap and Shri S.G. Patkar, the President and the General Secretary respectively of this Union pinpointed the issue in the State Vidhan Sabha.

Shri S.A. Dange, the General Secretary of the AITUC highlighted, on a similar occasion, the problem of growing unemployment in the industry in the Loksabha.

Attention of the Union and the State Governments was sought to be drawn to the worsening situation, also through a number of 'adjournment' and 'calling attention' motions.

Representations to individual Ministers of the State Government - the Chief Minister and the Minister for Labour in particular - were made by the Union, prominent M.L.A.s, leaders of public opinion and the workers in distress - times without number.

News papers sympathetic to the cause of the workers carried articles and commented editorially concerning the working conditions in the industry, and the need for immediate relief.

The demands were simple - that the Government use the powers vested in them under the Industries (Development & Regulation) Act and other legislation to take over the management of the closed units and run them without loss to the workers till they are passed on to others willing to run them. The other demand was for expeditious payments to ~~xxx~~ starving unemployed workers from their Provident Fund accumulations.

These, certainly, can not be regarded as extravagant or unreasonable demands.

5. On April 20th 1958 the All-India Textile Committee of the AITUC, of which this Union is a member, submitted a memorandum to the Union Minister for Labour. The Memorandum set forth in details the position obtaining in various centres, and urged immediate reference of the crisis to the Textile Wage Board for an interim report, and urgent effective action to relieve distress.

The position was particularly acute in Bombay City and State, which accounts for some 70 per cent of the cloth production of the country. In the City one Mill had totally closed down while over a dozen had closed down one or more of the shifts. The entire complement of Badli workers was axed.

Some 30,000 textile workers were expected to be unemployed in the City, then.

6. To meet this offensive the textile unions in the City came together and formed the Anti-unemployment Samiti. The Samiti organised an anti-unemployment conference in December 1957. The resolution of the Conference embodied it's demands and was duly sent to the Government.

The clamour however met with a lack of any effective action on the part of the Government, and the situation continued to deteriorate.

On May 2nd 1958 the Anti-unemployment Samiti submitted a Memorandum to the Union Minister for Labour and Employment and Union Minister for Commerce and Industry to suggest certain concrete steps for immediate action by the Government, and urged thex Government to convene a joint conference of representatives of employers and trade unions in the industry in the City for a discussion of the problem.

Failing any action in this regard, the Samiti affirmed that it would be constrained to call a protest strike of the City Textile workers on May 16th.

7. The date of the proposed strike was later changed to May 19th to suit with the date of the general strike which the Joint Action Committee of Trade Union proposed to call in the City, to protest against the anti-labour policy of the State Government.

.....5

8. On May 12th Shri S.M. Joshi and the two Secretaries of the Samiti viz. Sjts. S.G. Patkar and M.R. Dandawate received telegrams from the Ministry of Labour, New Dehli inviting them to the Tripartite Conference opening at Nainital on May 19th which was to discuss among others the question of closures.

The Samiti met to consider this development and decided, in view of the intervention made in the problem by the Government, to send it's representatives to Nainital as invited and postpone the strike action till the outcome of the conference was known.

9. The Nainital Conference discussed the issue of closures and unemployment caused thereby, ~~xxxx~~ threadbare. The AITUC and the other organisations representing labour put forth several proposals to bring about a speedy improvement in the situation.

The deliberations at Nainital, the Labour leaders felt, were a step forward in many respects. They therefore decided to hold back the action to give the Agreements a fair trial. They wanted to see whether relief could be had for the workers, without their having to resort to direct action.

10. The representatives of the labour, however, soon saw that the employers did not mean fulfilling their part of the agreements. Thus even before the ink of the agreements would dry, the employers started flouting them.

The Union took this violation with the Ministry of Labour vide it's representation to the Union Minister dated May 26th, but without any result.

The All India Textile Committee of the AITUC represented to the Union Minister for Labour, again on May 28th drawing his attention to the further deterioration that had set in, in the situation.

11. The Nainital Conference had decided to set up a small tripartite committee to investigate into the causes of closures in the textile industry, and suggest remedies.

After all that was discussed at Nainital, we felt that knowing the two prominent trends in the textile labour the Government would not shut the AITUC from the composition of the Committee.

.....6

Even before the composition was announced this Union had taken this up with the Union Minister for Labour through its letter of May 27th.

We understand that the AITUC as well had sent telegrams to the Union Minister for Labour and Union Minister for Commerce and Industry, and demanded representation on the proposed Committee.

Yet ~~when~~ when the composition of the Committee was announced, the AITUC was found excluded from it.

You can imagine the exasperation caused to the workers led by the AITUC, by this.

12. On return from Nainital Shri S.A. Dange, and the leaders of Anti-unemployment Samiti tried to pursue with the leaders of the Rashtriya Mill Mazdoor Sangh of INTUC certain proposals discussed at Nainital to reopen the Seksaria Mills. This however did not meet with success, and the Samiti had to demand that the Government take over the management of the Mills and run it, as the only alternative left to reopen the Mill. The demand was communicated to the Union and the State Governments vide the Samiti's letter dated June 1958

13. While the problem of the Seksaria Mill was thus hanging fire, two other Mills viz. the Dhanraj and the Moon closed doors, while yet more like the Apollo took to further curtailment of production.

With a view to discuss this deterioration in the situation the Union wrote to the State Labour Minister on June 3rd and requested for an interview.

The State Labour Minister however refused the interview on the fantastic plea that the representative union led by the INTUC had already apprised the Minister of the position.

We leave it to you to decide whether such refusal was in consonance with the spirit of the Code of Discipline.

At our instance the All India Textile Committee of the AITUC raised this with the Union Minister for Labour, and requested him to record this as an instance of violation of the Code ~~xxxxxxxxxxxxxxxx~~ ~~xxxxxxxxxxxxxxxx~~ by the State Government.

14. Despite the attitude taken by the State Labour Minister, the Union submitted him a Memorandum on June 9th, concerning the grievances of the workers and their demands.

While the State Government observed a studied silence concerning the Anti-unemployment Samiti's proposal to take over the Seksaria Mill and run it, the State Labour Minister offered to a deputation of the workers of the Mill to take over and run it within 15 days, should the workers approach him direct over the head of all Unions and the Anti-unemployment Samiti.

We leave it to you again to consider how far this approach of the State Labour Minister fitted in with the spirit of the Code.

We can produce the workers who went into the deputation, should you like to examine them to ascertain the veracity of this.

15. Seeing the unhelpful attitude of the State and the Union Government and with a view to bring to an end the distress of the workers, the Anti-unemployment Samiti agreed to the workers' running the Seksaria Mill on the Narsing Giraji Pattern of Sholapur. But when the leaders of the Samiti saw the Minister-in-charge together with a deputation of workers to urge immediate action in this regard, they were told that it would take some months to restart the Mill, even on this basis.

16. The distress of the Seksaria workers was aggravated because the Provident Fund authorities would not release expeditiously payments from even the P.F. accumulations of the workers. The Mill closed down in February 1958, but the workers were without wages since January. The workers naturally asked to be permitted to draw on their P.F. balances. Numerous representations were made, deputations sent to wait on the Regional P.F. Commissioner and the State Labour Minister and even peaceful demonstrations organised by the workers to convince the P.F. authorities of their apparent distress, and the need to be allowed to draw on their own savings. Nothing however came out of this, and the issue came in for a serious discussion at Nainital. The need for quick action was then accepted. But the Union had once again to represent this to the AITUC, and Shri S.A. Dange had to take this up with the

Union Labour Minister vide his telegram of June 11th to Shri Nandaji, before the P.F. authorities could come forward with the first instalment.

Even after this the payment of these instalments was never in accordance with either the requirements or the convenience of the workers. And both the Union and the Anti-unemployment Samiti had to keep on their struggle to secure for the workers at least some relief. As an instance we may cite in this behalf the Anti-unemployment Samiti's communication to the Regional P.F. Commissioner of June 24th. Copies of this were sent to the State and the Union Governments, as also to the State and the Union Governments, as also to the Central Provident Fund Commissioner, but both the sanctioning and payment of further instalments continued to be in very much the same dilatory manner.

With a view to give a fair trial to the Tripartite agreements, however the Union did not call for a direct action by the workers to win even their pressing demands.

17. While the workers were thus abiding by the obligations under the Code, and the Government passively watched it's violation by the employers, the employers stepped up their offensive against the workers. The Millowners' Association, Bombay filed an application in the Industrial Court of Bombay towards the end of June for being permitted to cut the dearness allowance of the textile workers by one third.

You can imagine what impact the news of this could have on the workers, already facing critical conditions and with the cost of living index soaring sky-high.

18. The meeting of the functionaries of the union held on July 9th considered all these developments since Nainital, and decided to call for a token protest strike on the day on which the application by the Millowners' Association would come up for hearing in the Industrial Court. Copies of the resolution were sent both to the State and the Union Government.

.....9

19. While the textile unions were thus fighting with their problems the Joint Action Committee of trade unions met on July 8th to consider the grievance of the Premier workers which still continued unredressed.

The Committee received a proposal to call for a token general strike in the City to voice the protest of the working masses against the policies of the Government and in sympathy with the workers.

The representatives of our Union as also of the State Committee of the AITUC expressed inability to support the call, before consulting their leading bodies.

20. The Textile Enquiry Committee appointed by the Union Government had virtually concluded it's deliberations at this stage. Reports reaching us indicated that the Committee set up at the insistence of trade unions had recommended a number of concessions to the industry, and favoured introduction of rationalisation schemes, instead of suggesting measures to reopen immediately the closed units. The recommendations of the Committee were thus to give moral sanction to the efforts of the millowners to blow up the Delhi Tripartite Agreement (1957) on rationalisation.

21. The Working Committee of the Union met on July 11th under such conditions to consider the proposal of the Joint Action Committee and decided unanimously to support it.

The Working Committee viewed the grievance of the Premier workers as arising out of the anti-labour and discriminatory policies of the State Government, and their supporters at the Centre. Since the textile workers were the worst victims of these very policies, the Working Committee decided to uphold the proposal of the Joint Action Committee. Considerations of working class solidarity also dictated this course of action.

22. Since the Millowners' Association do not recognise our Union, the question of giving them advance notice did not arise.

23. We may add here a few words about the utter discriminatory and if we may be permitted to say that, vicious policy adopted by the State Labour Minister towards the unions affiliated to AITUC in general and this Union in particular.

.....10

We would not go here into the most undemocratic and anti-working class nature of the Bombay Industrial Relations Act, which the Minister continues to fasten on the textile workers of the City. The issue has been sufficiently debated at Nainital, to which proceedings we may refer you, in this behalf.

Our grievance here is that out of the animus and the prejudices the Minister carries against the AITUC, he and naturally the Department under him follow a policy of blind discrimination and victimisation in respect of every thing that has any relation with the AITUC. Representations made concerning even stark violation of existing labour laws, or conventions or Tripartite Agreements or unfair labour practices such as grotesque victimisation are not attended to, and are just suppressed. In fact we have reasons to believe that in several cases he has encouraged victimisation of our functionaries at the hands of the Mill managements.

In instance of this we quote the following sample pieces:

i) In the Sayaji and Prakash Mills here the Mill managements have been exacting 'begar' i.e. forced labour from several workers, mx notably from the Weaving Department. This stark violation of Factories Act was brought to the notice of the Chief Inspector of Factories, Bombay on July 18th and again on August 9th.

ii) In India United Mill No.1 new hands coming through the representative union were recruited in the third shift started in Spinning and Roving Department in instead of reemploying workers retrenched by the same Mill a few months back, when the 3rd shift was closed. This violation of the Industrial Disputes Act, (Section 25 F) was brought to the notice of the Commissioner for Labour Bombay.

iii) In India United Mills No.4, Shri Robert Gomes, a worker since 17 years past in the Weaving Department and a Vice-President of this Union was implicated in June 1958 in Departmental proceedings. Enquiries conducted thrice could not show sufficient guilt to justify his discharge. Reports reaching us however indicated that pressure was being brought upon

the Management in the Mill to discharge Shri Gomes. This discharge was later secured.

Copies of all these representations were duly sent to the State Labour Minister.

We regret, however, to have to state that these were not even acknowledged - let alone any action thereon.

You can imagine the irritation and exasperation that this non-recognition and contempt on the part of the authorities causes to workers and their organisations.

Organisations affiliated to H.M.S., U.T.U.C. and even independent have time and again voiced their protest against the openly partisan and anti-labour policies of the State Labour Minister.

Last year leading trade unions in the City affiliated to AITUC, HMS and even independent organised a powerful demonstration on the Government Secretariat on April 27th 1958 demanding the dismissal of the Minister from the State Cabinet.

Even a motion of no-confidence was moved in the State Vidhan Sabha against the Minister.

We are writing this to explain how the conditions that finally led to the action of July 25th, were developing.

24. In a meeting on July 15th of the representatives of all the trade unions called by the Joint Action Committee the representatives of the Union, accordingly, supported the proposal. From the speeches made at the meeting by the leaders of the Transport, Engineering, Port & Dock, Silk, Municipal, Insurance and Bank workers it became clear that workers in other trades as well were smarting under the burden of unrestricted profit greed of the employers, and the partisan policies of the Government. The decision to organise the strike was announced in the press.

In view of the special position that the hospital and the fire-fighting services hold in the life of the City, the Joint Action Committee decided to exclude them from the contemplated action. The Committee specially exhorted on these services to continue on duty on the strike-day.

25. The strike took place on July 25th, as scheduled. Over 5,00,000 industrial and office employees participated in it.

Even the sections of the Press not known for their support or sympathies for the working class were led to report the strike as having attained "wild Success". Further, the action was completely peaceful.

We can refer you to even the State Government and the Press concerning the success or the peaceful character of the action.

26. The above account of x events would make it abundently clear that the Union did not in the least violate the Code.

In the Tripartite Conference and the Committee which discussed the Code, the representatives of the AITUC had made it clear, that unless the employers and the Government observed their part of the Code, it would be impossible for the trade unions to continue to abide by it.

Such observance on the part of employers necessarily includes recognition of the trade unions and readiness to negotiate with them.

It is for you to consider whether the Millowners' Association, Bombay have observed the Code in this sense.

Further the account above would show that the Union

1) tried at every stage to secure the redressal of the grievances of the workers through every normal means;
ii) tried to utilise every agency open to it for this;
iii) resorted to direct action only when it became unavoidable.

27. It is rather our contention that it is the employers that have violated the Code in letter and spirit, worked actively to blow up the tripartite agreements which impose certain obligations upon them, and have compelled the unions to take to direct action by leaving no other alternative to get the workers' grievances redressed.

We contend that the Bombay Millowners have violated the Code by: i) not recognising the Union supported by the majority of workers;

ii) interfering with the right of employees to enroll and continue as members of union of their choice by refusing permission to all unions except the Representative union

to enrol members on the floors of the Mill;

iii) practising victimisation of employees who are members of unions whose policies they do not approve;

iv) not taking prompt action on grievances of workers;

v) trying to increase workloads in violation of the Dehli Tripartite agreement and cut the wages of the workers;

vi) and resorting to unfair practice such as curtailing operations and throwing workers out of employment with a view to break their resistance to their designs, and wring concessions from the Government.

28. We feel that even the Government - the State as also the Union - did not play the ball, and create conditions which could encourage and enable the trade unions to abide by the Code.

The crisis in the textile industry is being debated and discussed since over 15 months past. A number of representations and Memoranda have been addressed to the Government in this behalf - both the State and the Union. But hardly any action as could bring some immediate relief to the workers has been taken on these. Even a modest demand of unemployed and starving workers for payments from their own Provident Fund accumulations is not conceded for months together, and without a struggle. The pwoers under even the existing legislation are not utilised to bring the fraudulent or recalcitrant employers round or to help the workers.

These partisan policies have only emboldened the employers to attack the working and living conditions of the workers, and their gains of the Delhi and Nainital Tripartitás. In fact they seem to be set on reversing the whole trend of the economy as preached by the Plan.

29. We have explained at length above how the unhelpful policies of the Government and the Millowners made it impossible for us to avoid the direct action of July 25th.

Under the circumstances we feel that the responsibility for the action rests squarely on the shoulders of the employers and the Government.

30. This much for our explanation for our participation in the strike action.

We are aware that the task entrusted to you of sifting the truth concerning the circumstances leading to the strike action is a difficult one.

We hope you succeed in it.

We enclose herewith copies of various representations and communications referred to above for your ready reference.

Thanking you,

Yours faithfully,

Enclosures – Appendices 'A' to 'H'

(S.G. Patkar,
M.L.A.)
GENERAL SECRETARY.

Copy with compliments to:

1) Shri S.A. Dange, M.P.,
General Secretary, A.I.T.U.C.,
4, Ashok Road, NEW DELHI.

2) The Secretary,
All India Textile Committee of A.I.T.U.C.,
R.L. Trust Building, 1st floor,
55, Girgaon Road, BOMBAY-4.

3) The General Secretary,
The Bombay State Committee of A.I.T.U.C.,
Khandelwal Bhuvan, 1st floor,
166, Dadabhainavroji Road, BOMBAY-1.

4) The Secretary,
~~xxxix~~ Anti-unemployment Samiti,
Bombay.

5) The Secretary,
The Joint Action Committee of Trade Unions,
Bombay.

- 1 OCT 1958

185

No.E&I-35(38)/58
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
All India Trade Union Congress,
4, Ashoka Road, New Delhi.

Dated New Delhi, the

Subject:- Law-lessness in Orissa Mineral Development Company Limited Borbil.

Sir,

I am directed to refer to this Ministry's letter of even number, dated the 2nd September 1958 on the above subject and to request you to let this Ministry know the action taken by you in the matter.

Yours faithfully,

for Joint Secretary

d.a.nil
N.Ram/29/9

No.185/BS/58
September 30, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi

Sub: Enquiry into General Strike
in Bombay - July 25.

Dear Sir,

With reference to your D.O. No.PA/JSE/58 dated 10th September 1958, and the proposed study of the circumstances leading to the General Strike in Bombay on July 25, particularly with reference to the Code of Discipline, we forward herewith a Memorandum prepared by our Bombay State Committee on this subject.

Please acknowledge receipt.

Yours faithfully,

Now
30-9-58

(K.G.Sriwastava)
Secretary

Encl:

No. E&I- 2(12)/58.
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,
All India Trade Union Congress,
4- Ashoka Road
New Delhi.

Dated New Delhi, the 29 September,1958.

Subject:- Conventions adopted by the Indian Labour Conference regarding recognition of Trade Unions.

Sir,

I am directed to refer to your letter No. PWU/185/58 dated the 10th September, 1958 on the above subject and to say the matter is being examined in consultation with the Government of Madras and you will be apprised of the position on hearing from the State Government.

Yours faithfully,

(K.M. Tripathi)
for Joint Secretary

28 SEP 1958

143

No.E&I-43(1)/58
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,
Indian National Trade Union Congress,
17, Janpath, New Delhi.

The Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

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

The Secretary,
United Trade Union Congress,
249, Bowbazar Street,
Calcutta-12.

25 SEP 1958

Dated New Delhi, the

Subject:-Evaluation & Implementation of labour enactments, agreements, settlements, awards etc.
- - -

Dear Sir,

I am directed to refer to this Ministry circular letter No.E&I-2(1)/58 dated the 13th January 1958 on the above subject, wherein you were requested to furnish to this Ministry replies to the questionnaires every alternate month. As replies for the period ending 30th September, 1958 are due to be received in this Ministry by the 10th October, 1958, I am to request that steps may kindly be taken to ensure that the requisite information is furnished by the stipulated date. In case there is no information to furnish a 'Nil' report may kindly be sent.

Yours faithfully,

Nigam

(S.B.L. Nigam)
for Joint Secretary.

'D.A.NIL'
J.S.25/9/58.

M. Veerabhadram
SECRETARY.
Andhra Pradesh Trade Union Congress.

23 SEP 1958

VISAKHAPATNAM-1.

D/ 21st Septr. 1958.

Dear Com.Sriwatsava,

Your letter of 16-9-1958.

Regarding the payment of 'honorarium' we discussed with the local authorities and recorded our protest against this as corrupting the mind of the worker. However, there is no use of carrying on correspondance on this subject with the authorities but this can be used as material to expose the Govt. for indulging in bad practices. I do not have the exact number but I am told that a few of the LOYAL workers were given this honorarium but not all.

With regard to non-implementation of AWRD by the Management of Vizagapatam Sugars & Sugars Refinery, Anakapalli I am enclosing the date in the prescribed form. Regarding the other case I will collect the same and pass the same to you.

Some time back I had written to you about that affiliation of Vizagapatam Co-operative Motor Transport Society Employees Union and I have yet to receive acknowledgement and the exact position of the union regarding the affiliation.

With greetings,

Yours fraternally,
M. V. Bhadram.

NON IMPLEMENTATION OF AWARD.

i. Yes.

ii. (a) The Vizagapatam Sugars & Refinery Ltd., Anakapalli, Visakhapatnam district, Andhra Pradesh.

(b) When there was a dispute between the management and the workmen regarding the payment of bonus and reinstatement of 10 dismissed workmen the Government of Andhra Pradesh, have in their G.O.Ms. No.898, dated 2nd September 1957 referred the dispute to the Industrial Tribunal, Hyderabad, for adjudication. The Tribunal in their award which was published in G.O.Ms.No.1734 Home (Labour-II) dated 15th July 1958 awarded one month's wages as bonus and ordered reinstatement of six workers. The award was published in Andhra Pradeh, Gazette dated 24th July 1958 and became enforceble on 24th August 1958.

(c) Issues covered bonus and reinstatement of dismissed workers.

iii. The main reason for non-implementation is due to the managements hostile attitude towards the union and the workers. They filed a Writ Petition in the High Court of Andhra Pradesh, Hyderabad under Article 226 of Constitution Act. They also obtained a temporary stay of implementation of the award. Hence the matter is under appeal.

iv. The relations between the management and the workers have already strained due the hostile attitude of the management and this non-implementation further worsens the situation.

v. If some pressure is brought on the management to honour the award of the Industrial Tribunal and if it is implemented it will improve the situation.

. . . . . .

LE 8/1 cul.

mm/Fix

185

No.185/SK/58
September 24, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Non-implementation of labour laws in Chhikhli Mines, Bhilai Steel Project.

Dear Sir,

We are informed by the Samyukta Khadan Mazdoor Sangh, Tirodi, M.P., that labour legislations are not being implemented properly in the Chikhli Mines, Bhilai Steel Project.

(1) In the Chikhli Mines, workers are being subjected to work for more than nine hours a day, in violation of the Mines Act.

(2) There are 3000 to 3500 workers in the mine, but there is no permanent doctor allotted to look after them. Workers are not properly treated when they fall ill and no sickness wages are given to them.

(3) There is no proper arrangements for supply of drinking water.

(4) First Aid boxes are not provided in sufficient number in the colliery.

We would request you to inquire into the above complaints.

Thanking you,

Yours faithfully,

Sep 24.

(K.G.Sriwastava)
Secretary

3 OCT 1958

185

GOVERNMENT OF INDIA.

Ministry of Labour & Employment ~~Office/Deptt.~~

No. F.11.1188/58 Dated the, the 1 OCT 1958

The undersigned is directed to acknowledge receipt of your letter/memo. No. 185/SW/58 dated 24/9/58 which is receiving attention.

(S. NARAIN)
Section Officer
Ministry of Labour & Employment
Tele. No. 34387

file
No/
31/8

India Service Post Card.

(This side reserved for address, with signature and official designation of sender.)

To

The Secretary,
All India Trade Union
Congress, 4, Ashok
Road, New Delhi

S. 49.

MFP—584 General—6811—(M-608)—13-12-51—1,800,000.

22 SEP 1958

No. 17(19)/58-L. Ind.
Government of India
Ministry of Commerce and Industry.

New Delhi, the 19 September, 1958.
Bhadra, 1880.

From

Shri R. Kalyanasundaram,
Under Secretary to the Govt. of India.

To

The Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

Subject:- Imminent closure of Katihar Match Works (P) Ltd., Katihar.

Sir,

I am directed to acknowledge receipt of your letter No. KMW/171/58 dated the 21st August, 1958, on the above subject, and to say that the matter is receiving the attention of the Government.

Yours faithfully,

(R. Kalyanasundaram)
Under Secretary to the Govt. of India.

KAPOOR
17.9.'58.

I

Sanyukt ~~United~~ Khadan Sangh.
Tirori

Regd. No 267

To,
The Inspector of mines - Chindwara.

Subject:- Regarding excessive work-load on the workers & other difficulties of the works.

Sir,

This is to inform you that
(1) in Chikhali mines under the Bhillai Steel project, workers are being subjected to work for more than nine hours a day, in violation to the Mines Act.,
(2) Workers (even old ones) are not being given quarters, inspite of the fact that many quarters are lying vacant.

(3) There are 3000 to 3500 workers in the mine, but there is no permanent doctor attached to them. Workers are not properly treated when they fall ill, no sickness wages are given to them and they are made to work even when they are ill.

(4) There is no proper arrangement of drinking water.

(5) Workers are badly treated and are not free to move about. The gate system should be abolished.

(6) First aid boxes are not installed at the mines.

We request you to remove these difficulties.

Yours.

Acting President
Sanyakt Khaan Mazdoor Sangh.

[1]

Copy to :-

1. Chief Inspector of Mines Dhanbad
2. Labour Minister Govt. of India. New Delhi
3. General Secty A.I.T.U.C.
4. Shree Srivastava General Manager Bhilai Steel Project Bhilai

C/R/10/58.
9/9/58.

23 SEP 1958

संयुक्त खदान मजदूर संघ
वि रो डी.
रजिस्टर्ड नं० 2546.

चिरवली माईन.

श्री० इन्सपेक्टर आफ माईन्स - छिंदवाड़ा

विषय: भिलाई स्टील प्रोजेक्ट की चिरवली माईन (राजहरा) में कामगारों द्वारा ज्यादा काम लेना तथा अन्य दिक्कतों बाबत.

महाशय,

आपको सूचित किया जाता है कि भिलाई स्टील प्रोजेक्ट की चिरवली माईन में कामगारों से माईन्स एक्ट के खिलाफ की कार्यवाही होती है। इसलिये आप उचित जाँच कर कानूनी कार्यवाही करने का कष्ट करें।

(1) यहाँ के कामगारों से प्रतिदिन 9॥ साढ़े नौ घन्टा काम लिया जाता है जबकि एक्ट के अनुसार 8 घन्टे काम लेना चाहिये।

(2) कैम्प के अन्दर कई क्वार्टर खाली हैं पर पुराने कामगारों को टपरे के अन्दर ही रखा गया है जिससे काफी तकलीफ बढ़ जाती है। रात में पानी बारिश आगया तो रात भर एक कोने में बैठकर ही रात काटनी पड़ती है।

(3) खदान में करीब 3 हजार से लेकर 3500 हजार लेबर तक काम करता है। पर यहाँ पर कोई परमेनेन्ट डाक्टर नहीं है। तथा कामगारों का ठीक तरह से इलाज तक नहीं होता सिर्फ पेजेस नहीं मिलता इन्सान को चोट लगने के बाद भी खदान पर काम करने जाना होता है।

(4) कामगारों को पीने का पानी का काफी तकलीफ होता है।

(5) कामगारों को अन्दर बाहर जाने के लिये एक जबरदस्ती प्रोजेक्ट की तरफ से गेट बनाया गया है कामगारों को कैद के समान रखा गया है। यहाँ तक कि कामगारों को कभी कभी अपने माँ बाप अपने रिश्तेदारों से भी मिलने से वंचित रहना पड़ता है। कुछ कर्मचारियों का व्यवहार कामगारों के साथ बहुत ही बुरा है।

P.T.O.

इसलिये गेट की प्रथा खत्म होनी चाहिये।

(६) माईन्स पर फर्स्ट एड बाक्स वगैरा नहीं रहते किसी कामगार को चोट लगने पर उसका इलाज नहीं होता जिसमें कई कामगारों ने चोटों में अपना रूप बदा बना लिया है जिससे उनसे काम नहीं होसकता।

हमारी आपसे प्रार्थना है कि आप जल्दसे जल्द एक बार इस खदान का दौरा करें कामगारों को उचित राहत पहुचायें।

आपका
कार्यकारी अध्यक्ष
संयुक्त खदान मजदूर संघ

दिनांक वगैरा

जिन स्थानों को प्रतियाँ

(१) श्री० चीफ इन्सपेक्टर आफ माईन्स, धनबाद
(२) श्री० श्रम मंत्री महोदय केन्द्रीय शासन, नई दिल्ली
(३) श्री० एस. ए. डांगे जनरल सेक्रेटरी अखिल भारतीय ट्रेड यूनियन कांग्रेस
(४) श्री. श्रीवास्तव जी. जनरल मैनेजर भिलाई स्टील प्रोजेक्ट भिलाई

आपका
(कृष्णा मोदी)
कार्यकारी अध्यक्ष
संयुक्त खदान मजदूर संघ
C/o गंगा चौबे
बैगापारा दुर्ग. म.प्र.

दिनांक वगैरा

September 30, 1958

General Secretary,
Petroleum Workers' Union,
12/13 Angappa Naicken Street,
Madras-1

Dear Comrade,

Please refer to our letter of 10th September and the enclosures.

We have now received the following reply from the Labour Ministry:

"I am directed to refer to your letter No.PWU/185/58 dated the 10th September 1958 and to say that the matter is being examined in consultation with the Government of Madras and you will be apprised of the position on hearing from the StateGovernment."

We shall write again on further developments. Please keep us informed if there are any new moves on the part of the employers or Government.

With greetings,

Yours fraternally,

Sep 30.

(K.G.Sriwastava)
Secretary

185

----------S.S.Mirajkar

Sept 10, 1958

General Secretary,
Petroleum Workers' Union,
12/13 Angappa Naicken Street,
Madras 1.

Dear Comrade,

We enclose herewith copies of correspondence between the Labour Ministry and ourselves, on the question of the recognition of your union.

As suggested by the Labour Ministry, please apply to the employer, in the name of the decision of the 16th Indian Labour Conference, to grant recognition to your Union. You may also submit proof of your having more than 15% membership in the establishment, if not already done.

Please keep us informed of the developments.

With greetings,

Yours fraternally,

(K.G.Sriwastava)
Secretary

Encl:

Copy of letter from

MINISTRY OF LABOUR & EMPLOYMENT, GOVT OF INDIA

dated Sep 9, 1958

To

General Secretary, AITUC.

Sub: Code of Discipline - Petroleum Workers' Union, Madras.

Sir,

I am directed to refer to your letter No.PWU/185/58 dated the 14th August 1958 on the above subject and to say that the Indian Labour Conference at its 16th Session held at Nainital in May 1958 laid down certain conventions for the voluntary recognition of trade unions by employers. A copy of the relevant decision of the Conference is enclosed. If the Petroleum Workers Union fulfills the criterion for recognition it may kindly be advised to follow the procedure laid down by aforesaid tripartite conference and to take up the matter with the Government of Madras.

Yours faithfully,

Sd.

NOTE: Re.16th ILC decision on recognition of Tus, please see SIXTEENTH TRIPARTITE, AITUC Publication, page 18-19.

185

Sept 24, 1958

Secretary,
Metal Labour Union,
~~Kula~~ Junction Road,
KULAPULLY, Shoranur, Kerala State.

Dear Comrade,

Sometime back you had written to us about certain difficulties experienced by M/s.Metal Industries Ltd. Shoranur, in getting steel scrap and about the consequent retrenchment proposed. We have now received the following reply from the Government on this question:

> "I am directed to refer to your letter dated 7th July 1958, on the above subject and to say that M/s.Metal Industries Ltd. Shoranur are getting regular allocation of steel from the Central Steel Pressing Industries quota on the basis of assessed capacity and availability of steel in each period. The firm, it is understood, has not so far represented to the Development Wing of the Ministry of Commerce & Industry for increasing its quota.
>
> "If however the firm requires Railway Scrap, it may be advised to approach the Railway Board in the matter."

With greetings,

Yours fraternally,

(K.G.Sriwastava)
Secretary

24 SEP 1958

150

No.E&P-5(33)/58
Government of India
Ministry of Labour & Employment

Dated New Delhi, the 23 September,'58

From

Dr. S.B.L. Nigam,
Assistant Economic Adviser.

To

Shri K.G.Srivastava,
Secretary,
All-India Trade Union Congress,
4-Ashoka Road,
New Delhi.

Subject:- Threatened closure of M/S Metal Industries Ltd., Shoranpur, Kerala.

Dear Sir,

I am directed to refer to your letter dated the 7th July 1958, on the above subject and to say that M/S Metal Industries Ltd. Shoranpur are getting regular allocation of steel from the Central Steel Pressing Industries quota on the basis of assessed capacity and availability of steel in each period. The firm, it is understood, has not so far represented to the Development Wing of the Ministry of Commerce & Industry for increasing its quota.

If however the firm requires Railway Scrap, it may be advised to approach the Railway Board in the matter.

Yours faithfully,

M. Hegde

(M. Hegde)
for Assistant Economic Adviser.

185

Sept 23, 1958

Dear Com.Patkar,

I am enclosing herewith copy of a letter received from Shri G.L.Nanda on the points raised in your letter re. Inter-Union Code of Conduct, about which I had written to him earlier.

With greetings,

Yours fraternally,

KGS 24 IX 58

(K.G.Sriwastava)

P.S

What about security matter?

K: [illegible] Why [illegible] Shri?

KGS 24 IX 58

COPY

D.O.No.E&I-40(3)/58

MINISTER FOR LABOUR

New Delhi, the 22nd Sept 1958

My dear Shri Sriwastava,

Kindly refer to your letter of September 8, 1958 regarding the complaints made by the Mill Mazdoor Union, Bombay. I am pursuing the matter and shall write again in due course.

With kind regards,

Yours sincerely,

Sd.

(G.L.Nanda)

Shri K.G.Sriwastava,
Secretary,
All-India Trade Union Congress,
4 Ashok Road,
New Delhi

23 SEP 1958

D.O.No. E&I-40(3)/58

MINISTER FOR LABOUR

New Delhi, the 22nd ~~September~~ *1958.*

My dear Shri Srivastava -

Kindly refer to your letter of September 8, 1958 regarding the complaints made by the Mill Mazdoor Union, Bombay. I am pursuing the matter and shall write again in due course.

Yours sincerely,

(G.L.Nanda)

Shri K.G. Sriwastava,
Secretary,
All India Trade Union Congress,
4, Ashok Road,
New Delhi.

23 SEP 1958

152

प्रकाश इंजीनिरिंग एण्ड रौलिंग मिल्स मजदूर यूनियन आगरा

Prakash Engineering & Rolling Mills

MAZDOOR UNION

(Regd. No.....)

कैलाशचन्द्र वकील सभापति
केशवचन्द्र गुप्ता मन्त्री

क्रम संख्या.....

185

यूनिस बिल्डिंग्स
कलक्ट्रेट रोड,
आगरा

22.9.58

To
The General Secretary,
A.I.T.U.C., 4, Ashoka Road, New Delhi.

Sir,

We are very much thankful to you for your letter to the under Secretary to Govt. of India, It is requested that you would be kind enough to press the matter of this union with the higher authorities.

The managements are very much harassing the workers . About 47 old workers are out of employment and he is recruiting new labours inspite of our protest. On the notice the workers went to the gate but they were not allowed to join their duties. Most of the labours, who are out, are the active union workers. Here the authorities are not doing any thing.

Please do the needful.

Yours faithfully,
Mohan Lal.
Joint secretary.

file

23/11

22-9-58

185

Sept 22, 1958

Com.K.N.Joglekar,
No.1 Krishna Building,
Parel, Bombay 12.

Dear Comrade,

Yours of 15th inst.

In spite of reminders, we have not as yet received any further communications from the Ministry on the Barsi Light Railway question. We are however pursuing the matter.

Hope by now you have fully recovered from the after-effects of the illness.

With greetings,

Yours fraternally,

Nov
Sep 22

(K.G.Sriwastava)
Secretary

16 SEP 1958

Tele { Gram : Railwayman
Phone : 6 2 0 5 2

NRMU

National Railway Mazdoor Union

K.N.Joglekar
Vice President

Seva Sadan,
Supari Bagh Rd.,
Parel, BOMBAY - 12.

Ref. No.....

Date.....15th Sept., 1958.

Com. K.G.Shrivastav
Secretary, A.I.T.U.C.
4, Asoka Road,
New Delhi.

Dear Comrade,

Re:- Restoration of continuity of service to Ex B.L.Rly.men.

Further to mine of the 5th of August 1958, I write this to enquire how far we have been able to push the matter up for final conclusion. I was expecting to be in Delhi while the Parliament Session was on; but unfortunately I had an attack of typhoid which has kept me confined indoors since 22nd August. Now I am recovering, but the after effects of the illness rendere me considerably weak.

It is the usual practice of the Rly. Board and the Rly. Administration to simply sit tight and delay matters. In our case too, they have accepted, in principle, to recognise the service of the men rendered to Ex-B.L.Rly.Administration and restore continuity of service and accordingly adjust seniority etc. This they did on 21-1-58. Further on 21-7-58 they also accepted to restore the five hundred and odd men, who were taken on reduced wages, to the wages they drew on 31-12-53, the eve of the take over of their services on 1-1-54. However, till now neither the seniority is adjusted nor the demotions have been restored.

Nor have they restored the loss of annual increment suffered by the men because they were then treated as new entrants as from 1-1-54, which however, now on recognition of their past service in continuity and restorations of wage cuts, becomes an unjustifiable loss of increment.

At the same time, as I wrote to you on the 5th of August, you know, I also addressed the Rly. Board for a date to discuss the matter and carry it to final conclusion. They have, however, not even acknowledged the receipt of the letter.

Please, therefore, pursue the matter with the h

help of some of our M.P.s, if necessary, while yet they are th
there and inform me of the developments.

With greetings,

Yours Comradely

K.N. Joglekar

(K.N.Joglekar)

Sy. We have asked we are
since the next
pressing.
MMO
16/1X

20 SEP 1958

प्रेषक: -

प्रकाश इंजनियरिंग कंपनी एण्ड रोलिंग मिल मजदूर यूनियन
कलक्टरी रोड, आगरा

सेवामें: - ऑलइंडिया ट्रेड यूनियन कांग्रेस
नियू दहली

दिनांक १८-९-५८ ई०

श्रीमान जी,

सेवा में निवेदन है कि प्रकाश इंजनियरिंग कंपनी में नोटिस तारीख ८-९-५८ को और दूसरा नोटिस लगाया था कि तारीख १५-९-५८ तक सब कर्मचारी काम पर वापिस आजावे। तारीख १५-९-५८ को करीब ५८ आदमी मील के फाटक पर गयेथे उन आदमियों में से कुल दस आदमीयों को लिया था बाकी सब आदमियों को पाच लोगों ने मना कर दिया था आज कल मील में आदमियों को पाच लोग लेते है, मील के पाचों के नाम चुन्नीलाल, कैलाशनाथ, ईश्वरदास, सोहनलाल, ओमप्रकाश यह लोग जो मील में करते है वही होता है, और पाचो के साथ मालिक खडा हुवा था, और पंच लोगों ने मालिक से कहा कि और किसी को नहीं लेते है मालिक ने मान लिया और दस आदमी जो १५-९-५८ को लिये थे उनमें से एक चन्दन नाम के आदमी को चार बजे शाम तक काम लिया और शाम को कह दिया कि तुमको हम नहीं रखना चाहते है इसलिये आदमियों को बेइज्जती के साथ मील के बाहर निकाल दिया जाता और इस समय मील में आदमियों को मालिक व पंच लोग आदमी को तंग कर रहे है।

हम आपसे प्रार्थना करते हैं कि हमारी सुनवाई की जाय और कहते हैं कि तुम्हारी तरक्की और बोनस जब मिलेगी तब तुम हमको लिखकर दो कि हम यूनियन से कोई ताल्लुक नहीं रखेंगे, और जो हमारे केस चल रहे है उनसे मीहमारा कोई ताल्लुक नहीं है यहां तक आदमियों को तंग किया जारहाहै।

P.T.O

आपका
जौन सेक्रेटरी 18.9.58 Mahendra

ट्रकापी

(१) रीजनल कान्सलेशन ऑफिस आगरा

(२) ऑलिवल भारतीय ट्रेड यूनियन कांग्रेस नियू दहली

(3) जिला धीस आगरा

(४) लेबर कमिश्नर कानपुर

१- शामीलिया वल्द धूराम

२- जैनीलाल वल्द कस्तूरचन्द

३- फूलसिंह पुत्र सुन्दर लाल

४- ठाकूमल वल्द कलमल

५- निन्नूराम वल्द रामचन्द

६- साबुद्दीन वल्द मौहम्मदखां

७- मौहनलाल वल्द देबीदयाल

८- दयाराम वल्द ठाकूमल

९- ग्यानीराम वल्द नंदराम

१०- पातीराम नं०१ वल्द करुवा

११- रामकुमार वल्द सिद्धिनारायण

१२- दीपाराम नं०१ वल्द मेटे

१३- नत्थीलाल नं०१ वल्द धूरेलाल

१४- मिहीलाल वल्द सूरजन सिंह

१५- तिलक सिंह वल्द भोकमसिंह

१६- चादखां वल्द मौदूखां

१७- गोतमसिंह वल्द चिरंजीलाल

१८- प्रेमचन्द वल्द किशोरीलाल

१९- रामसिंह नं०३ वल्द हीरासिंह

२०- लोगमल वल्द लेखूराम

२१- नंदराम वल्द देबीराम

२२- सादूराम वल्द डरुवा

२३- प्रतापसिंह वल्द नत्थीलाल

P. T. O.

२४- रामदयाल वल्द जोरावरसिंह ।

२५- रामचरन वल्द लेखराज

२६- रामबासरे वल्द नेपाली

२७- हीरालाल नं०२ पुत्र प्यालीराम

२८- बंगाली सिंह नं०२ पुत्र गुबी

२९- तुरन्ती वल्द खरबू

३०- फ्रौडी वल्द कसपीन

३१- पीतम वल्द मुल्लन

३२- रामसिंह नं०६ वल्द दानसहाय

३३- प्रभूदयाल वल्द दलसईया

३४- पूरनसिंह वल्द पोतीराम

३५- श्यामलाल नं०३ वल्द टोढीराम

३६- स्वामीप्रसाद वल्द श्यामलाल

३७- हीरालाल वल्द रामपाल

३८- दीपाराम नं०२ वल्द सुखाराम

३९- विधाराम वल्द देवीराम

४०- फतेरनसिंह नं०१ वल्द तोताराम

४१- कप्तानसिंह वल्द मोतीराम

४२- रामदास वल्द परमेश्वर

४३- रामरतन नं०१ वल्द डरुआ

४४- चिरमौली वल्द मुल्लीराम

४५- रामसिंह नं०५ वल्द भरतसिंह ।

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185

Sept 16, 1958

Com.S.V.Subbaraju,
Sudarshan Company Employees Union,
VIJAYAWADA-2

Dear Comrade,

We enclose herewith copy of the reply received from the Ministry of Labour in relation to the non-implementation of awards by the Sudarshan Company about which we represented on the basis of report from you.

Please let us have your comments on the Ministry's reply.

With greetings,

Yours fraternally,

(K.G.Sriwastava)
Secretary

Encl:

COPY OF LETTER
FROM THE MINISTRY OF LABOUR & EMPLOYMENT

No.E&I.43(16)/58 dated 15 Sep 1958

To
The Secretary, AITUC.

Sub: Non-implementation of awards- complaints made by Sudarshan Company Employees' Union, Vijayawada.

Dear Sir,

I am directed to refer to your letter dated the 7th August 1958 on the above subject and to say that the proprietor of M/s.Sudarshan Company, with whom the matter was taken up, has intimated to this Ministry that he has appealed against the award of the Industrial Tribunal, Hyderabad, and Labour Court, Guntur, to the High Court of Andhra Pradesh, Hyderabad. He has, however, stated that Award No.375 (On the file of the Labour Court, Guntur) has already been implemented by him. As the other awards are under dispute and the matter is sub judice, it will be appreciated that no action can be taken at present to secure their implementation. The Government of Andhra Pradesh who is the appropriate authority for the purpose of enforcement of the awards, has, however, been addressed in the matter for taking necessary action.

Yours faithfully,

Sd.

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

No. E&I.43(16)/58 Dated New Delhi, the th Sept.,1958.

From

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Govt. of India.

To

The Secretary,
All-India, Trade Union Congress,
4-Ashok Road, New Delhi.

Subject:- Non-implementation of awards - complaints made by Sudarshan Company Employees' Union, Vijayawada.

Dear Sir,

I am directed to refer to your letter dated the 7th August, 1958 on the above subject and to say that the proprietor of M/S. Sudarshan Company, with whom the matter was taken up, has intimated to this Ministry that he has appealed against the award of the Industrial Tribunal, Hyderabad, and Labour Court, Guntur, to the High Court of Andhra Pradesh, Hyderabad. He has, however, stated that Award No. 375 (On the file of the Labour Court, Guntur) has already been implemented by him. As the other awards are under dispute and the matter is subjudice, it will be appreciated that no action can be taken at present to secure their implementation. The Government of Andhra Pradesh, who is the appropriate authority for the purpose of enforcement of the awards, has, however, been addressed in the matter for taking necessary action.

yours faithfully,

(S.B.L. Nigam)
for Joint Secretary.

185

Sept 16, 1958

Dear Com.Bhadram,

Thank you for your letter of Sept.13.

2. Please let us know the result of your talks with the authorities which were to take place on 15th or 17th inst. Also let us know how many employees have been paid this 'honorarium', to enable us to represent the matter with the authorities concerned.

3. M.P. comrades have their own difficulties re. work. However, I am trying to persuade either Coms.Vithal Rao or Raj Bahadur (if they stay here) to take up the case of the workers of M/s.S.A.Ackermans & Van Herren India Ltd.

4. We have represented the case of hospital employees. A copy has been endorsed to you.

With greetings,

Yours fraternally,

KGS Sep 16

(K.G.Sriwastava)

M. Veerabhadram
SECRETARY.
Andhra Pradesh Trade Union Congress.

15 SEP 1958

VISAKHAPATNAM-1,

D/ Septr. 13, 1958.

Dear Com.Sriwatsava,

Your letter of Sept.6th is to hand.

I will be sending the details regarding non implementation of awards.

Regarding the payment made to the 'Loyal' workers in Vizag port I can rest assure you that there is no subjective factor. The then Port Administrative Officer had sanctioned the said amounts as HONORARIUM to those workers for working in trying circumstances and standing by the administration during the strike. It was done openly but not under any disguised way. A copy of a letter of the P.N.G.Staff Association on the subject is enclosed which further clarifys the position. I reliably understand that the Audit people of the Port have raised objections for giving these amounts. The amounts were paid under rule made by the Administrative Officer himself. We have taken up the matter with the local authories which will be discussed either on 15th or 17th next.

I have sent you a copy of my letter addressed to the Chief Commissioner of Labour regarding the dispute between M/ S.S.A.Ackermans & Van Harren India Ltd., Visakhapatanam and their workmen on the question of bonus. I just received a letter from the ministry of Labour declining to refer the dispute for adjudication. From the reasons given therein I understand there will be no better spokesman of the managment than the Ministry of Labour. However, I am addressing them a letter but I am afraid that may not produce the desired result. Hence I am enclosing the copies each of the letter of the ministry of labour and mine to them. Please entrust this to one of our M.P.Comrades to contact the concerned authorities including the Minister and see that the dispute is referred to adjudication to an Industrial Tribunal..

Regarding the non implementation of settlement in the Hospital I have already sent the required information together with copy of G.O.Ms.No.565 Health dt. 28-3-1956 of Government of Andhra. And you might have already received the same.

Yours fraternally,
M. V. Bhadram

Com.K.G.Sriwatsava,
Secretary, A.I.T.U.C.,
4, Asoka Rd., New Delhi.

THE VIZAGAPATAM PORT NON-GAZETTED OFFICERS' ASSOCIATION.

(Registered under the Indian Trade Unions' Act of 1926)
No. 533.

To

No.15/58-59, d/8-9-1958.

The Port Administrative Officer,
Vizagapatam Port, VIZAGAPATAM.

Sub:- HONORARIUM TO LOYAL WORKERS WHO STOOD TO THEIR POSTS DURING ALL MAJOR PORTS STRIKE DURING JUNE, 1958.

Dear Sir,

We have been receiving representations from a number of Class III staff that distinction has been made by the administration when according sanction to the grant of honorarium to certain Class III staff of certain departments who stood to their posts and served loyally during the All India Major Ports Strike for about 10 or 11 days in the month of Juen, 1958.

As far as is known to this Association, the question of grant of honorarium to such loyal workers appears to be an issue of an all India nature since all the Major Ports were involved in the strike and it would appear that it is a question of policy to be decided by the Govt. of India, whether or not to grant any such relief in the matter of grant of honorarium to all loyal workers of all Major ports. Whether this aspect of the question has been borne in mind by the administration when granting honorarium only to a section of staff in Class III & IV who attended during the strike period, the Association strongly feels that from the representations received from many loyal workers who were denied this honorarium and left out without any recognition of their loyalty.

We therefore strongly urge that the question be reviewed and if necessary, a reference made to the Govt. of India and square deal meted out to all loyal workers who stood by the administration.

Yours faithfully,

Sd. B.DHARAMARAO.

Secretary,
Vizag. Port N.G.O.S' Association

Copies to:-

The Secretary, MOT & C.
Transport Dept.,
Transport Wing.
Govt. of India, NEW DELHI.

P.T.O.

2. Departmental Officers, V.Z.P.
3. Harbour & Port Workers' Union, Vizag.

/ True Copy/

158

Government of India

Ministry of Labour and Employment

. . . . . .

No.LR.IV.28(37)/58 Dated New Delhi-2, the 11 Sep 1958.

From

Shri R.C.Saksena,
Under Secretary to the Government of India.

To

The President,
Visakhapatnam Harbour and Port Workers Union,
Visakhapatnam.

Subject:- Industrial dispute between the management of M/S.S.A. Ackermans and Van Harren, Visakhapatnam and their workmen.

. . . . . .

Sir,

In continuation of this Ministry's letter No.LR.IV.28(37)/58, dated 28th August 1958, on the subject noted above, I am directed to say that it is not considered fair to demand bonus from the firm on the basis of the financial results of a single contract. In view of this, it is not proposed to refer the dispute for adjudication to an Industrial Tribunal.

Yours faithfully,
sd. R.C.Saksena
Under Secretary.

/True Copy/

Ref.No.CLM-29/58.

Visakhapatnam-1,
September 13, 58.

From
M.V.Bhadram,
President,
The Vizagapatam Harbour & Port Workers Union,
Harbour Approach Road, Visakhapatnam-1.

To
The Secretary to Govt. of India,
Ministry of Labour & Employment,
New Delhi-2.

Sir,

Sub: Industrial dispute between the management of M/S. S.A.Ackermans and Van Harren, Visakhapatnam and their workmen.

Ref: Your letter No.L.R.IV.28(37)/58 dated 11-9-1958.

- - - - - - - - -

With reference to your letter cited above I wish to bring it to your notice that the Govt. of India thro' the Port Administrative Officer, Visakhapatnam Port, have entrusted the work of dredging in the port area to M/S.S.A.Ackermans & Van Harren India Ltd., Visakhapatnam. The work was completed and the concern, except a skeleton staff, left India. According to our information the total amount paid to this concern was Rs.71,55,325 (ruppes seventy one lakhs fifty five thousand thre hundred twenty five). The total wage bill for a month of the workers was about Rs.8,000/-. The total period of work for which the workers were paid was for about(2½) two and a half years. That is to say the amount paid as wages was Rs.2,40,000/-. Even conceding Rs.3,00,000 on this account it would only be 1/24 of the total amount paid by the Govt. to this concern. Hence our union claimed bonus.

As it is well known the question o-f payment of bonus is liked up with the net profits of the concern and not on the fact whether the concern is contractor or not, It does not depend on whether the profits derived on a single contract or several contracts. As a matter of fact it is not a single contract in the present case. In this connection I would like to state that the Lummus Company-India undertook the contruction of Caltex Oil Refinery at Visakhapatnam and the said company existed during the period of construction of the refinery here. When there was a dispute regarding payment of bonus between the management and the workmen of the said company the Government of Andhra Pradesh in their G.O.Ms.No.567 Social Welfare & Labour dated 29-7-1957 referred the dispute for adjudication. The Industrial Tribunal, Hyderabad had awarded bonus and the said award was embodied in G.O.Ms.No.1260 Social Welfare & Labour dated 30-11-1957.

Under the circumstances and particularly in view of the fact that the concern earned huge profits it is not fair to reject reference of the dispute for adjudication. Hence I request you to reconsider your decision and refer the said dispute for adjudication.

Yours faithfully,
M. V. Bhadram
M.V.Bhadram.

Copy to AITUC.

Sept 15, 1958

Com.Monoranjan Roy,
Calcutta.

Dear Comrade,

With reference to the violation of the Code of Discipline in Kamala Tea Estate about which you reported to us sometime back, we have received the following reply from the Labour Ministry:

"The Government of W.Bengal have been requested to investigate the complaint and to take appropriate action in the matter under intimation to you."

We shall revert to the matter further when we hear from the Government of W.Bengal.

With greetings,

Yours fraternally,

(K.G.Sriwastava)
Secretary

13 SEP 1958

No.E&I.35(44)/58
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,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

12 SEP 1958

Dated New Delhi, the

Subject:- Code of Discipline in Industry - Alleged violation by Kamala Tea Estate, Siliguri.

....

Dear Sir,

I am directed to refer to your letter of July 29, 1958, on the above subject and to say that the Government of West Bengal have been requested to investigate the complaint and to take appropriate action in the matter under intimation to you.

Yours faithfully

for Joint Secretary.

Sent copy to M. Roy.
13/IX

Shri K.M. Tripathi, 160
Research Officer.

D.O.No.E&I-35(26)/58

Telegrams :—
"LABOUR"

MINISTRY OF LABOUR &
EMPLOYMENT.

New Delhi, the 12th Sept 1958

15 SEP 1958

13 SEP 1958

Dear Shri Sriwastava,

Apropos the telephonic talk about the alleged assault of a worker by two officers of Delhi Cloth Mills, I send herewith a copy of the reply received from the Delhi Cloth Mills, Delhi in continuation of this Ministry's letter of even number dated the 4th September, 1958.

Yours sincerely,

K.M. Tripathi

(K.M. Tripathi)

Shri K.G. Sriwastava,
Secretary,
All-India Trade Union Congress,
4-Ashok Road,
New Delhi.

Copy of the letter No.1197 dated the 21st August, 1958 from Delhi Cloth Mills to the Ministry of Labour & Employment.

Ref: Your endorsement of your letter No.E&I-35(26)/58 of the 14th August. 1958 to the Secretary, All India Organisation of Industrial Employers, New Delhi.

Sub: Code of discipline - alleged assault of worker by two officers of Delhi Cloth Mills.

We are surprised to receive this reference. The allegation is totally false. The facts of the case are as follows:-

A worker Shri Leela Dhar in the Reeling Department of the Delhi Cloth Mill had been on sick leave and returned to duty after discharge by the Medical Authorities. On the night of 7th July he had duty in the shift which began at 10-30 p.m. He reported for duty and he was directed by the mistry to take up a particular work. He refused to take up the work and entered the office premises of the shift in charge, Shri Garg, who was the officer for that shift. The worker took a seat in a chair adjacent to the chair in which Shri Garg was seated and the pressed his request. On being refused he assaulted Mr. Garg by catching hold of his throat. The time was just when the shifts were changing. The officer of the previous shift, Shri Khullar, who was still in the room went to the rescue of his collegue and tried to disengage the two persons. Foiled in his attempt the worker turned on Mr.Khullar who was leaving the premises. The worker chased this officer and eventually succeeded in catching him by the ankle in front of the First Aid Room which is at a short distance from the Reeling Department Office. In the ensuing melee the worker received, on account of his posture and position, certain abrasions of the skin on back side of his elbows and on the front of his knees.

Realising the gravity of the offence of the worker, he and other workers have concocted this story in order to escape the consequences.

The matter came to the knowledge of the Senior Officers and the Management immediately and the facts were checked at once.

The Management could have and would have taken very severe notice of this act of indiscipline on the part of the worker. But in view of the higher interest of industrial relations the management, after discussion with the representatives of the Union did not take any action. A court of enquiry was constituted on the demand of the workers but the representatives of the Union realising the gravity of the matter discussed the case with the General Manager and did not press for the enquiry.

We may add that the worker and the officer and the department concerned in general are working normally.

13 SEP 1958

No.E&I-7(2)/58
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,
All India Trade Union Congress,
4, Ashoka Road, New Delhi.

12 SEP 1958

Dated New Delhi, the

Subject:- Non-implementation and partial implementation of agreement - Representation by the keonjhar Mines and Forest Workers' Union (All India Trade Union Congress), Barbil (Orissa).

...

Sir,

In continuation of this Ministry's letter of even number dated the 20th June 1958, I am directed to say that the agreement dated the 23rd September, 1956 was not a formal agreement under the Industrial Disputes Act, 1947 and, therefore, it is not legally enforceable. Even if it is taken as a mutual agreement, it will not be legally binding on the parties as the amended definition of "Settlement" vide Section 2(p) of the said Act did not come into force on the 23rd September, 1956. In this connection, I am to invite your attention to the award of the Industrial Tribunal, Orissa dated the 20th February, 1958 which has held:-

"i) There was a strike on the 20th April, 1956 and it was illegal, and

ii) The lock-out declared by the Company on the 20th April, 1956 was justified for reasons stated in the body of the award and as such the workmen concerned are not entitled to any relief."

In the circumstances, it is regretted that no action can be taken on the breach of clause b(ii) of the agreement reported by the Kenojhar Mines and Forest Workers' Union. Had the Union made a mention of the award of the Industrial Tribunal which was given on February, 20, 1958, it would have helped us to dispose of this case earlier.

Yours faithfully,

for Joint Secretary.

Send copy to the Union for comments

13/9

"D.A.Nil"
DAYAL

12 SEP 1958

TVS&RWU

The Vizagapatam Sugars & Refinery Workers' Union

Established 1945 | Registered No 346 | Recognised 1946

President: sri.K.Govindarao.

THUMMAPALA
Via ANAKAPALLE
[Visakhapatnam Dt]

Secretary: sri.P.V.Subbaraju

Ref No 58/58.

Dated.6-9-58

To
The Commissioner of Labour,
Andhrapradesh,
Hyderabad.

Sir,

Sub:- Non-implimentation of -Agre ments and Awards by Management of Vizagapatam Sugars & refinery Ltd.,Anakapalle Visakhapatam district-necessary action requested.

This is to draw youf attention to the chronic practice of the management of the Vizagapatam sugars &refinery Ltd,AnakapalleThummapala sugar factory(Andhrapradesh) to the non-implementation of awards of industrial tribunals and on certain occassions even agre ments arrived at between workmen and themselves.

But, unfortunately,however due tolack of any strong action against the management in spite of the repeated requested the management getting more and more emboldened to comit fresh violations whenever an Award is found against their interests. The workmen on the other hand are forced to a helples position from time to time in consequence,they are compelled to make some compromises not very favourable to workmen. The following facts confirm amply what is stated above.

(i)The direction of the Tribunal's Award passed as long back as in 1948, in respect of the issue of discrimina-tion between Andhra and non Andhra sections of workmen has not been implimented by the management for a period of nearly a decade and due to lack of any action against the management,The workers were forced to arrive at a settlement sacrifiing certain benifits due to the workmen as per the Award.

(ii)Wages have revised for the workmen raising the basic minimum wages to Rs.19-8-0 per month and a uniform increase of Rs.6-8-0 for a l other categories, as per the Narasimhacharier's Award of 1949(G.O.Ms.No.[illegible], Development dated 16-[illegible]-1949)

But while the management raised the basic minimum wages to Rs.19-8-0, they did not carry out the remaining part viz the direction giving an increase of Rs.6-8-0 for all other sections which entailed in a loss of nearly 1½ lakhs for workmen. Even after Labour Appellate Tribunal categorically held that this increase should be applied to all categories,still the management did not pay and instead filed a rit in the high court at Madras. Finally the workmen had to make a costly sacrifice in return

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Secretary:

[Visakhapatnam Dt]

Ref No.

sacrifice in return for the employment of some dismissed workmen.

(iii) A recent case is that of one worker Dekkali Pydaiah who was dismissed without enquiry. This case came up before the Hon'ble Industrial,Tribunal Hyderabad in the miscellaneous petition 112/57 in T.D.No.15 of 1957 filed by the management praying for approval of their action taken was during the pendency of the proceedings before Tribunal.

The Tribunal categorically stated in its order No 1017/58 that "as dismissal was made without an enquiry it cannot be approved of"

But what is most amazing,is that the management have sought not merely to violat this order openly but alsohave chosen to start an enquiry now, and a charge sheet has been framed against the said worker at this stage. It is clear that it is ridiculous to start an enquiry at this stage after the decision of the Industrial, in utterdisrespect for the order of the Hon'ble Tribunal. Now the worker is not reinstated and continues to be out of job.

(iii) In as much the same way, memoranda of settlement were signed between the management and the workers union ,one on 7-5-1956 and the other on 19-6-1958 in which an understanding was reached about the categorisation of work men and the seniority list of helpers.

But suddenly, in gross violation of both the agreements cited above the management retrenched Two Laboratory Boys(1)Boddapati Sanyasi (2)Kadimi Appalanaidu and Two helpers (1) Injarapu Satyam and (2) Yelusuri Appanna with effect from 29-8.1958.

All these instances are sufficient proof of the attitude of the management who are violating the Awards as well as the agreements arrived at from time to time.

May we request you once again with all seriousness to do some thing effective to see that they are honoured?

YOURS FAITHFULLY.

SECRETARY.

Copies to:-

1. Labour officer Visakhapatnam.
2. Hon'ble Minister for Labour(House ii--Labour) Hyderabad.
3. Maqdoom Mohiddin M.L.C.Andhrapradesh Trade Union Congress Himayetnagar,Hyderabad,
4. Sri.S.A.Dange,M. .All india Trade union congress No.4 Asoka road,New Delhi.
5. Sri, Guljarilal Nanda,Hon'ble Minister for Labour union Government,New Delhi.

185

Sept 12, 1958

URGENT

Dear Com.Joshi,

You had agreed to come and work on the Implementation Committee papers last Saturday and Sunday but till date we haven't heard from you.

As you will realise, the first meeting of the Implementation Committee will be quite an important one for us and we should therefore be adequately prepared. We hope you will therefore arrange to give some good time to the job, without any further delay.

With greetings,

Yours fraternally,

(K.G.Sriwastava)

P.S. We tried to contact you on phone but failed repeatedly.

September 11, 1958

Dear Coms.Kolhatkar/Patkar,

I am giving below extracts from a letter from the Ministry of Labour & Employment, re. the Premier Automobiles and the General Strike on July 25:

> "I am desired by the Governments of India and Bombay State to undertake a study of the circumstances leading to the recent strike in the Premier Automobiles and the strike of July 25 in Bombay State, particularly with reference to the Code of Discipline. In this connection I hope to reach Bombay shortly. But, before I do that, I shall be grateful to have your version of the various events connected with these strikes and any other relevant facts that you may like me to know. An awareness of all points of view will, I think, facilitate an on-the-spot study.
>
> "Ishall be glad to have this information as soon as possible and, in any case, not later than September 22, 1958
>
> - R.L.Mehta, Joint Secretary."

2. As the Union in the Premier Automobiles was affiliated to HMS, my opinion is that at this stage, we should not say anything.

3. Re. 25th July strike, we were a party to it and will have to submit a case.

Then when Mr.Mehta visits Bombay, he may discuss with all you comrades.

So, will you please prepare our case justifying 25th July strike keeping in view the Code of Discipline and the Code of Conduct and send it on to me by 20th September 1958 definitely.

With greetings,

Yours fraternally,

(K.G.Sriwastava)

R.L.Mehta,IAS.,
Joint Secretary.

165

Telegrams :-
"LABOUR"

MINISTRY OF LABOUR &
Employment

New Delhi, the Septr. 10, 1958

D.O.No.PA/JSE/58.

The General Secretary,
All-India Trade Union Congress,
4, Ashok Road, NEW DELHI.

Dear Sir,

I am desired by the Governments of India and Bombay State to undertake a study of the circumstances leading to the recent strike in the Premier Automobiles and the strike of July 25 in Bombay State, particularly with reference to the Code of Discipline. In this connection I hope to reach Bombay shortly. But, before I do that, I shall be grateful to have your version of the various events connected with these strikes and any other relevant facts that you may like me to know. An awareness of all points of view will, I think, facilitate an on-the-spot study.

I shall be glad to have this

information as soon as possible and, in any case, not later than September 22, 1958.

Yours faithfully,

R.L.Mehta

(R.L.Mehta)

No.185/LM/58
September 11, 1958

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

Sub: Code of Discipline in Industry
- Implementation thereof.

Dear Sir,

Ref: Your letter No.E&I.35(17)/58
dated 9 September 1958

We have published the Code of Discipline in full in our organ, the Trade Union Record dated April 5, 1958 and then again reported on it in the issue of June 5, 1958. In the subsequent issue of this journal dated June 21, 1958, in which the directives issued by the Working Committee of the AITUC to the Unions on "Organisational Tasks" were published (page 9), item II of the "tasks" related to the observance of the Code of Discipline and Inter-Union Code of Conduct.

In the AITUC publication, Sixteenth Tripartite, in which full texts of the Code of Discipline and Inter-Union Code of Conduct are published, we have again stressed on the need for the implementation of the two Codes.

Besides the above, by way of organisational tours, lectures, reports, etc. at different industrial centres, the officials of the AITUC have widely popularised the Code of Discipline.

Yours faithfully,

(K.G.Sriwastava)
Secretary

-4 SEP 1958

No. E&I- 35(17)/58
Government of India
Ministry of Labour & Employment
*****

From

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

To

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

2. The Secretary,
Indian National Trade Union Congress,
17, Janpath, New Delhi.

3. The Secretary,
All India Trade Union Congress,
4, Asoka Road, New Delhi.

4. The Secretary,
United Trades Union Congress,
249, Bow Bazar Street, (1st Floor)
Calcutta.

3 SEP 1958

Dated New Delhi, the

Subject:- Code of discipline in industry- Implementation thereof.

Dear Sir,

I am directed to refer to this Ministry's letter of even number dated the 10th July 1958 and to request that this Ministry may kindly be apprised of the action taken in the matter.

Yours faithfully,

for Joint Secretary.

d.s.nil.
h.s.1.9.

Not Traceable

11 SEP 1958

IMMEDIATE.

No.E&I.35(17)/58
GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

From

Shri K.M. Tripathi,
Research Officer.

To

The Secretary,
All India Trade Union Congress,
4, Ashoka Road, New Delhi.

Dated New Delhi, the 9 SEP 1958

Subject:-Code of Discipline in Industry - Implementation thereof.

Dear Sir,

With reference to Shri K.G. Srivastava's discussion with Shri R.L. Mehta, I.A.S., yesterday I am desired to send herewith a copy of this Ministry's letter of even number dated the 10th July, 1958.

Yours faithfully,

K.M. Tripathi

(K.M. Tripathi)
Research Officer.

d.a.refd.to
a.s.b.9.9.58

Copy of letter No.E&I.35(17)/58, dated the 10th July, 1958 from the Ministry of Labour and Employment, to the Secretary, Employers' Federation of India (1958), Bombay House, Bruce Street, Fort, Bombay, etc. etc.

Subject:-Code of discipline in industry - Implementation thereof.

I am directed to refer to this Ministry's letter No. E&P-25(3)/58-IV, dated the 19th March, 1958 forwarding a copy of the Code for Discipline in Industry which has been ratified by all Central Organisations of employers and workers and to say that it is presumed that your organisation has already brought the contents of the Code to the notice of its affiliated units and impressed upon them the need for following the Code in its true spirit. If, however, this has not been done so far, I am to request that the Organisation may kindly take steps to do the same at an early date and let this Ministry know the details of the action taken. A copy of the Code of Discipline is enclosed for ready reference.

CODE FOR DISCIPLINE IN INDUSTRY

I. TO MAINTAIN DISCIPLINE IN INDUSTRY

there has to be (i) a just recognition by employers and workers of the rights and responsibilities of either party, as defined by the laws and agreements (including bipartite and tripartite agreements arrived at all levels from time to time) and (ii) a proper and willing discharge by either party of its obligations consequent on such recognition.

The Central and State Governments, on their part, will arrange to examine and set right any shortcomings in the machinery they constitute for the administration of labour laws.

To ensure better Discipline in Industry.

II. MANAGEMENT & UNION(S) AGREE

(i) that no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level;

(ii) that the existing machinery for settlement of disputes should be utilised with the utmost expediency;

(iii) that there should be no strike or lockout without notice;

(iv) that affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration;

(v) that neither party will have recourse to (a) coercion, (b) intimidation, (c) victimisation or (d) go-slow;

(vi) that they will avoid (a) litigation, (b) sit-down and stay-in strikes and (c) lock-outs;

(vii) that they will promote constructive cooperation between their representatives at all levels and as between workers themselves and abide by the spirit of agreements mutually entered into;

(viii) that they will establish, upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to settlement;

(ix) that they will abide by various stages in the grievance procedure and take no arbitrary action which would by-pass this procedure and

(x) that they will educate the management personnel and workers regarding their obligations to each other.

III. MANAGEMENT AGREE

(i) not to increase work-loads unless agreed upon or settled otherwise;

(ii) not to support or encourage any unfair labour practice such as (a) interference with the right of employees to enrol or continue as union members, (b) discrimination, restraint or coercion against any employee because of recognised activity of trade unions and (c) victimisation of any employee and abuse of authority in any form;

(iii) to take prompt action for (a) settlement of grievances and (b) implementation of settlements, awards, decisions and orders;

(iv) to display in conspicuous places in the undertaking the provisions of this Code in the local language (s);

(v) to distinguish between actions justifying immediate discharge and those where discharge must be preceded by a warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such disciplinary action should be subject to an appeal through normal grievance procedure and

(vi) to take appropriate disciplinary action against its officers and members in cases where enquiries reveal that they were responsible for precipitate action by workers leading to indiscipline.

IV. UNION(S) AGREE

(i) not to engage in any form of physical duress;

(ii) not to permit demonstrations which are not peaceful and not to permit rowdyism in demonstration;

(iii) that their members will not engage or cause other employees to engage in any union activity during working hours, unless as provided for by law, agreement or practice;

(iv) to discourage unfair labour practices such as (a) negligence of duty, (b) careless operation, (c) damage to property, (d) interference with or disturbance to normal work and (e) insubordination;

(v) to take prompt action to implement awards, agreements, settlements and decisions;

(vi) to display in conspicuous places in the union offices, the provisions of this Code in the local language(s) and

(vii) to express disapproval and to take appropriate action against office-bearers and members for indulging in action against the spirit of this Code.

185

167

No.PWU/185/58
September 10, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Convention adopted by 16th ILC on recognition of trade unions

Dear Sir,

Ref: Your letter No.E&I-2(12)/58 dated 9.9.58

Petroleum Workers' Union, Madras, fulfills all the conditions set out in the decision of the 16th Indian Labour Conference regarding recognition of trade unions.

We hereby lodge a complaint against the employer, M/s.Caltex (India) Ltd. in not implementing these decisions of the 16th Indian Labour Conference in regard to the recognition of the union.

May we request the Evaluation and Implementation Cell, Ministry of Labour & Employment to use their good offices to make the employees carry out the decisions of the 16th Indian Labour Conference voluntarily and recognise the union and thus help ease the situation.

Thanking you,

Yours faithfully,

Vmo
Sep 10

(K.G.Sriwastava)
Secretary

No.E&I-2(12)/58
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,
All India Trade Union Congress,
4, Ashoka Road,
New Delhi.

Dated New Delhi, the 9 SEP 1958

Subject:-Code of Discipline - Petroleum Workers' Union, Madras.

- - - -

Sir,

I am directed to refer to your letter No.PWU/185/58 dated the 14th August 1958 on the above subject and to say that the Indian Labour Conference at its 16th Session held at Nainital in May, 1958 laid down certain conventions for the voluntary recognition of trade unions by employers. A copy of the relevant decision of the Conference is enclosed. If the Petroleum Workers Union fulfills the criterion for recognition it may kindly be advised to follow the procedure laid down by the aforesaid tripartite conference and to take up the matter with the Government of Madras.

Yours faithfully,

for Joint Secretary.

'D.A.Refd.to'
H.S/3/9/58.

168

Extract from a copy of the relevant decision of the Conference held at Nainital (19th-20th May 1958).

X X X X X X X X

vii) Recognition of trade unions and verification of memberships

It was agreed that certain conventions should be evolved for the voluntary recognition of trade unions by employers. The criteria agreed to for such recognition were as follows:-

a) 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.

b) The membership of the union should cover at least 15% 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.

c) 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% of the workers of that industry in that area.

d) When a union has been recognized, there should be no change in its position for a period of two years.

e) Where there were several unions in an industry or establishment, the one with the largest membership should be recognized.

f) 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.

g) As regards the procedure for verification of the strength of unions, the suggestions contained in pargagraph 16 of the memorandum on Industrial Relations were approved. It was further agreed that the verification procedure for the determination of the representative character of a union should be made more adequate. Where the results of verifications by the departmental machinery were not accepted by the parties, a committee composed of the representatives of all central trade union organizations should go into the question and resolve the dispute. For this purpose, the central trade union organizations, which could act as a standing machinery, would provide the necessary panels of persons for different localities. If this machinery failed, the question should be left to the decision of an agreed independent agency or a tribunal. The State Governments also should evolve similar procedures concerning industries within their sphere.

h) In the case of trade union federations which were not affiliated to any of the four central organizations of labour, the question of recognition would have to be dealt with separately.

i) 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.

185

October 4, 1958

Com.M.V.Bhadram,
Secretary, APTUC,
Visakhapatnam-1.

Dear Comrade,

We enclose herewith copy of a letter received from the Ministry of Labour (E&I Division) in reply to ours of 13th September, re. employees of K.G.Hospital.

Please keep us informed of the developments.

With greetings,

Yours fraternally,

(K.G.Sriwastava)
Secretary

Encl:

No.185/HV/58
Sept. 13, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Government of Andhra Pradesh and Demands of King George Hospital, Visakhapatnam.

Dear Sir,

Please refer to your letter No.E&I-7(1)58 dated August 11, 1958 in reply to ours of 15th March 1958, in which it is stated that there is no case of non-implementation of settlements since the decisions concerned were "tentative", as far as the dispute between the King George Hospital, Visakhapatnam and their workmen is concerned.

We fail to understand why an order of the Government of Andhra Pradesh (G.O.Ms.No.565 Health dated 28.3.1956) which clearly stated "The Government have already decided to increase the workers (Nursing orderlies, thoties, etc.) by 10% so as to enable the workers either to have a reduction in their hours of work by one hour or get a holiday once in days", should now be described as a "tentative" decision subject to "sanction of additional staff." We do not know if a Government which has "already decided to increase" the number of workers should require an additional "sanction" for the same purpose.

We hope you have received a copy of the G.O. referred above from the Government of Andhra Pradesh, so that the points on which the Government of Andhra Pradesh had agreed to, may be clearly noted. If your Ministry has, however, not received a copy, we could send you the same.

May we also point out that it would indeed be a strange plea if a Government should plead "financial stringency" in order to disallow certain elementary rights of workers as a weekly holiday. Moreover, we would also invite your attention to the decision of the 16th Indian Labour Conference on disputes relating to hospital employees which recommended setting up of an effective machinery for the speedy redress of their grievances.

We would therefore request that your Ministry may impress upon the Andhra Pradesh Government on the need to abide by its own earlier decisions.

2. As for the supply of uniforms, we understand that the dispute has now been settled. We may only point out that it would be rather difficult for the workers to produce the fragments of uniforms which were supplied four years earlier and this has now been recognised by the authorities.

Yours faithfully,

(K.G.Sriwastava)

M. Veerabhadram
SECRETARY.
Andhra Pradesh Trade Union Congress.

11 SEP 1958

VISAKHAPATNAM-1,

D/ 5th Septr. 1958.

Com. K.G.Sriwastava,
Secretary, A.I.T.U.C.,
No.4 Asoka Road, New Delhi.

Sub: Regarding the implementation of the agreement between the Management and the workmen of K.G.Hospital, Vizag.
Ref: Your letter dated August 27, 1958.

- - - - - - - - - - -

Dear Comrade,

The services in the King George Hospital, Visakhapatnam were declared as public utility services under Sec.2(vi) of Industrial Disputes Act, 1947 and this has been the position for the last four years. When a notice of strike was given in July 1955 the Labour Officer conducted conciliation proceedings under sec.12 of the act. As per the provisions of the said section the conciliation should result either in a settlement of the disputes or in a failure. No failure report was sent by the conciliation officer to the government. On the other hand an agreement was reached on the points of dispute and the same was signed by the Superintendent, representing the management of the hospital, by me representing the workmen and the Conciliation Officer on 25-8-1955. The State Industrial Disputes Rules did not prescribe a form for the memorandum of settlement to be drafted and was named as minutes of the meeting. Agreement on certain points was reached no doubt subject to the sanction of the Government. Even accepting that they were tentative decisions they were so on the date of signing the agreement. But subsequently the Government of Andhra State have accepted all the important items of the agreement which were contained in G.O.Ms.No.565 Health dated 28-3-1956. A copy of the same is herewith enclosed for your information. Hence it would be absurd to contend at this stage that the agreement of the decisions are TENTATIVE.

It is nearly 2 years and a half passed since the said G.O. had been issued. The important items of it have not yet been implemented. (Items 2, 3, 4,5,11, 12 and 16 of the G.O.). Items 2, 4, 5, 12 and 16 are linked up with the question of increase of staff. The increase of staff that was agreed to was in accordance with the prescribed scale. As it is not implemented the work load has been increased double. If the said G.O., let alone the agreement was not implemented even after two and half years I do not know the sanctity of the same.

Regarding the supply of uniforms, I would like to state that when they were not supplied for years together i.e. for four years it is unreasonable to expect the employee to return the torn pieces. The clause relating to production of torn ones concerns to years subsequent to the one when uniforms are given first. However, the uniforms are being supplied without the production of the torn ones. Hence there is no dispute in this respect.

It is a fact that we approached the Labour Court which had taken a very legalistic view of the whole matter. Whatever the Labour Court might have decided regarding the agreement I would like to know whether the Sate Government of Andhra Pradesh have the moral obligation to implement and honour their own ORDER in the matter.

With greetings,

Yours fraternally,
M. V. Bhadram.

GOVERNMENT OF ANDHRA.
Health and Local Administration, Department.

G.O.Ms.No.565 Health dated 28th March 1956.

ABSTRACT.

Establishment-Hospital Workers-Grievances-Redressal of-Orders passed-

-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x

Read the following:-

From the President, Hospital Employees' Union, Visakhapatnam, strike notice dated 22-7-55.

From the Commissioner of Labour, letter No.H.2.30023/55 dated 21-12-55.

From the Director of Medical Services, D.O.Ref.No.48943/E/55 dated 31-12-55.

From the Director of Medical Services, Ref.No.48943-E-2/55 dated 25-2-1956.

ORDER.

In the letter first cited the president and the Vice-president of the Hospital Employees' Union, Visakhapatnam served a strike notice listing out 18 demands and stated, that if the Government failed to concede their request, the employees would go on strike after 14 days from the date of receipt of the above notice. The Labour Officer, Visakhapatnam thereupon conducted conciliation proceedings. The Director of Medical Services held a conference at Visakhapatnam when the Commissioner of Labour, District Labour Officer and the Superintendent, King George Hospital, Visakhapatnam and considered the demands of the union and the report the conciliation officer and submitted a joint report to the Government. The Government have examined the conciliation report and pass the following order:

1. Withdrawal of orders of the Superintendent, King George Hospital, transfering Sri P.Suryanarayana and Sri B.Pydi-Raju, Secretary and Assistant Secretary of the Union to Araku Valley and Araku.

It has been stated in the conciliation report that the matter has been settled. No further action is, therefore called for.

2. Withdrawal of item No.6 in G.O.Ms.No.866 Health dt.4-8-54.

It has been stated in the conciliation report that the work of the Nursing orderlies is more akin to the type of work that is now done by the lascars and to relieve them of this work it is necessary to increase the number of lascars. As it is there are only 20 lascars, and it may be necessary to increase the number of lascars, at least to 40. But, again, it is understood that the type of work that is allotted to lascars viz. to clean the ward etc. Is done by the sweepers. It has therefore been suggested that that the number of sweepers may be increased by 20 more immediately and by an additional 20 when class of lascars is altogether abolished. This works out to the s ame scale as for the male nursing orderlies or any other suitable posts without affecting their pay. The Government generally aree with the above suggestions. The Director of Medical Services is requested to submit detailed proposals in this regard.

3. Abolition of the system of recovery for the missing and broken articles from the pay of the employees.

The Government have examined the matter and decided that besides the periddical check, whenever there is any change in the personal the articles in the wards may be checked and if there is anything missing the matter should be taken up then and there and not after the worker is relieved. It is also desided not to abolish the system of recovery for the missing and broken articles The recoveries may be made on the basis of the present value of the last articles instead of replacement cost. The Director of Medical Services is Requested to follow the above procedure while effecting recoveries from the employees.

4. No employees should be allowed or required to work more than eight hours, and

5. Every employee should be given one day rest after every six days.

Demand No.4 has been settled in the conciliation proceedings. The Government have already decided to increase the workers (Nursing orderlies, Thoties etc.) by 10% so as to enable the workers either to have a reduction in their hours of work by one hour or get a holiday once in ten days. The Director of Medical Services is requested to submit detailed proposals in this regard expeditiously.

6. No worker should be paid a basic wage less than Rs.30/-P.M. and

7. Scales of pay are to be revised as suggested in the memorandum presented to the then Health Minister on 5-1-54.

It has been decided at the conciliation proceedings that the question of increaseing or revising the scales of pay have to be deferred as these matters are of a general nature. The Government agrees with the above suggestion.

8. The right of the Union to represent individual cases be recognised.

It has been decided at the conciliation proceedings that in the case of dismissals, the appellet authority may hear the representations of the union before final orders are passed. This does not debar the union taking up greivances with the Labour Officer under the Industrial Disputes Act. The Labour Officer will use his discretion to see whether they are matters relating to the managerial functions or otherwise and take up only such matters with the hospital authorities which requires his intervention. The Government accept the decision arrived at the conciliation proceedings.

9. Andhra Provincial Hospital Employees' Union and its Branchs to be recognised.

It has been decided at the conciliation proceedings that this cannot be taken up as a demand as this is if a general nature. No action is called for.

10. Two pairs of uniforms be supplied to all employees annually.

It has been suggested in the conciliation proceedings that on production of the old uniforms new uniforms may be supplied to the workers at the rate of two pairs per worker. The Government accept the above suggestion.

11. Non-essential services like the Carpenter, Painter etc. be given off on weekly (Sunday) holiday and public-holidays.

It has been recommended in the conciliation proceedings that an assistant carpenter and an assistant electrician may be sanctioned as there is too much work for the existing carpenter and electrician. The Government accept the above recommendation and sanction the employment of the above two posts in the King George Hospital, Visakhapatnam temporarily for a period of one year from the date of appointment, on the usual scales of pay and allowances

12. The staff (Nursing orderlies, Lascars, Thoties, etc.) to be increased in proportion to the number of in-patients.

The Government have decided in G.O.Ms.No.754 Health, dated 14-5-55 to increase the staff in proportion to the strength of the patients. Proposals have been received from the Director of Medical Services and they are under consideration of the Government.

13. The present Lascars are to be exempted from producing Vth standard certificates for promotion.

As it has been recommended for abolition of the category of lascars in demand No.2 the question of producing Vth standard

certificate does not arise.

14. Vacancies are to be filled up strictly on the basis of seniority.

It has been recommended in the conciliation proceedings that the demand of the union cannot be accepted as promotions have to be made taking all things into consideration. The Government accept the above recommendation.

15. Reconstruction of the quarters in which the Thoties are at present living, be taken up immediately.

The Government have already issued orders instructing the Director Of Medical Services to provide accommodation for the hospital servants in two out of the five blocks of the new servants quarters which are now occupied by the ministrial staff. The proposal to reconstruct the A.R.P. quarters is under the active consideration of the Government.

In the meanwhile, the Director of Medical Sevices is requested to explore the possibility of providing temporary accommodation to the workers and submit a report to the Government expeditiously.

16. To enable every employee to avail the privilege leave and casual leave. The staff has to be increased to the extent necessary and the casual leave be recognised as a matter of right.

In the conciliation proceedings it has been suggested that whenever any person goes on privilege leave, the Superintendent may appoint a substitute if it is in excess of the leave reserve and the rules relating to the appointment of substitutes may be further examined. The Government accepts the above suggestions. The Director of Medical Services is requested to submit detailed proposals in this regard.

17. <u>The contributory provident fund scheme be introduced to the employees.</u>

It has been recommended in the conciliation proceedings that the lower grade staff may be allowed to join the contributory provident fund scheme as this is a reasonable demand. The Government have examined the recommendation and consider it not advisible to take up the question now as the grant of the benefit to the last grade servantmen in the medical department will have serious repurcussions on other departments.

18. <u>Withdrawal of charge sheet given to Sri K.Gurumurty (it was promissed by the Director of Medical Services).</u>

It has been decided in the conciliation proceedings that this cannot be considered.

(BY ORDER OF THE GOVERNOR)

sd/ K.N.Anantharaman,
Secretary to Government.

To
The President, Hospital Employees' Union, Visakhapatnam.

The Director of Medical Services, Andhra, Madras-31.

The Accountant General, Andhra, through Finance.

Copy to Finance Department.
" " Industries, Co-operation and Labour Department.
" " the Commissioner of Labour, Andhra, Madras.
" " D.Section.

/True copy forwarded by order/

sd/ N.S.R.Murty.
29-3-56.
Superintendent.

(TRUE COPY)

- 9 SEP 1958

185

R.L.Mehta,IAS.,
Joint Secretary.

MINISTRY OF LABOUR & EMPLOYMENT

Dated,New Delhi,September 8,1958.

D.O.No.E&I-35(31)/58.

Dear Shri Kalyan Roy,

Kindly refer to your letter dated 29th August, 1958 regarding the East Jemehari Colliery. Shri Sriwastava, Secretary, A.I.T.U.C., had a discussion with me this morning regarding this matter. It was agreed that if a suitably worded undertaking is drawn up, he would request you to advise the workers to sign it. For this purpose,I understand both R.L.C., Dhanbad and Shri Mallick, Hon.Secretary, Indian Mining Federation, are trying to bring the parties together. It is hoped that you would extend your co-operation to them both so that the workers may go back to work as soon as possible.

Yours sincerely,

Sd/-

(R.L.Mehta)

Shri Kalyan Roy,
Secretary,
Indian Mine Workers Federation,
G.T.Road,

ASANSOL.

Copy to Shri K.G.Sriwastava,Secretary,A.I.T.U.C., 4, Ashok Road, New Delhi.

Joint Secretary.

He is trying to be
overmast. He was
agreed he will write
to RLC to move & I have
write to Com K. Roy whether
our advice. I made it clear
that there is no agreement
at this stage except to allow
the parties to talk again.

9.9.58

(19)

No.MMU/185/58
September 8, 1958

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

Dear Sir,

Kindly refer to the letter dated September 2, 1958 addressed to you by the General Secretary, Mill Mazdoor Union, Bombay on the violation of the Code of Conduct by the Rashtriya Mill Mazdoor Sangh, an affiliate of the INTUC, in Bombay.

We wish just to remind you of the fact that Shri S.A.Dange, M.P., our General Secretary, in the course of the discussion he had with you on August 30, referred to the dismissal of Shri Robert Gomes and the extent to which the INTUC affiliated union in Bombay textiles is indulging in activities contrary to the Code of Conduct. The letter from the General Secretary of the Mill Mazdoor Union would give you details of the case.

We hope you will give this matter your immediate attention.

Yours faithfully,

Mro
Sep 8

(K.G.Sriwastava)
Secretary

185

September 6, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Unfair labour practices by management of Prakash Engineering Co. & Rolling Mills, Agra.

Dear Sir,

It has been reported to us by the Prakash Engineering & Rolling Mills Mazdoor Union, Agra, that the management of Prakash Engineering Co. & Rolling Mills, Freeganj, Agra has, ever since the formation of a trade union in the factory, been following a policy of harassment, victimisation and other unfair labour practices.

2. On 3.7.58 and 17.7.58, the management turned out of job Shri Thakumal and Shri Karan Singh respectively, on unfounded allegations. Following a tool-down strike by the workers on both occasions, the discharged workers were taken back.

3. From 28.7.58, the management refused to take on duty 58 unconfirmed workers and three days from that date, declared them played off. The play off was unjustified and this is proved by the fact that the management hired 16 new hands simultaneously. In addition, it is reported to us, the management tried to organise violence on members of the trade union and created a serious situation.

4. Faced with the above situation, the workers abstained from work on 2nd August but later, on the assurances given by the District Magistrate and the R.C.O. that all workers would be taken back and none victimised, reported for duty on 5.8.58. But instead of abiding by the advice of the officials,

the management declared lock-out of the factory from 5th August.

The lock-out is still continuing.

5. On 13.8.58, the Regional Labour Conciliation Officer tried to bring an amicable settlement but could not resolve the deadlock due to the adamant attitude of the management. The management insisted on their "right" to dismiss active trade unionists from among the workers, as a pre-condition for settlement.

We would like to point out that all these acts by the management amount to violation of the Code of Discipline and hence we would request that suitable steps be taken to put an end to such a state of affairs. We do not know to which of the employers' organisation, the Prakash Engineering Co. & Rolling Mills belong but we hope an inquiry will be made by your Ministry and the management of the concern impressed upon the need to abide by the Code.

It is also of utmost importance that steps are taken to see that the lock-out is lifted and that production is maintained and the trade union concerned has expressed its whole-hearted support to any step Government might take to bring about an amicable settlement.

Yours faithfully,

(K.G.Sriwastava)
Secretary

I 400 workers of the Prakash Engineering and Rolling Mills are on strike since the 2nd August 1958. The management of the above mill has declared a lock-out since August 5, 1958, in violation of the previous assurances given to the District Authorities and in contravention of the Legal procedure.

There have been false charge sheets, wrongful dismissals of the workers, and particularly the active union members have been subjected to this repressive policy of the management, ever since the ~~new~~ Prakash Engineering and Rolling Mills Mazdoor Union came into being.

On 3rd July 1958, the management illegally sacked ~~one~~ a worker, Thakur mal. The workers spontaneously downed their tools in sympathy with the ~~ab~~ above worker, Thakur mal. Again on 17th July ~~58~~ 1958, the management turned out one Karan Singh, and again there was a tool down strike. The management had to take back these workers.

Having failed to intimidate the workers and union activists, the management resorted to foul practices, such as, trying to create divisions among the workers and inciting them against each other. But the workers remained united.

~~Next, the management declared a~~

On 28th July 1958 the management declared a lay off in case of the 58 unconfirmed workers and refused to take them on duty. Consequently all the confirmed workers struck work in sympathy with the 58 unconfirmed workers who were laid off. The management gives the reason for this laying off as the breakdown in the 9" mill. But immediately after the laying off they recruited 16 new hands and took them on duty.

On 2nd Aug, 58, a notice was put up at the gate of the mill informing the confirmed workers, to report for duty within three days otherwise it would be presumed that they were not desirous of serving the mill.

Accordingly the representa-

lives of the workers ~~and~~ met the D.M. and the R.C.O. and on their assurance went to the mill gate where the Labour Inspector was present at 3 a.m. But the management refused to take any workers on duty ~~on the ist~~ for all the three shifts i.e. 4 ~~am~~ a.m., 6 am and the 8 a.m. shift. This reporting on duty was within the ~~of~~ stipulated time of the notice.

On 13th Aug. the R.C.O. brought both the parties together to bring about a settlement and to end the dead-lock. But the talks failed due to the obstinacy of the management, which was bent upon victimizing the workers and practically all the ~~o~~ members of the union executive were on the list for victimization.

The union is very anxious to end the ~~dead-lock~~ illegal lock-out, which has endangered industrial peace and has been the cause of national loss.

— n —

प्रकाश इंजीनिरिंग एण्ड रौलिंग मिल्स मजदूर यूनियन आगरा

Prakash Engineering & Rolling Mills

MAZDOOR UNION

(Regd. No.....)

कैलाशचन्द्र वकील सभापति
केशवचन्द्र गुप्ता मन्त्री
यूनिस बिल्डिंग्स
कलक्ट्रेट रोड,
आगरा

2 3 AUG 1958

क्रम संख्या PEREU/MI/L-2/58

आगरा 18.8.58.

The Minister for Industries U.P. Govt.
The Minister for labour, U.P. Government,
Lucknow.

Dear Sir,

The above Mazdoor Union have the honour to submit the representation on behalf of the employees of the Prakash Engineering Co. & Rolling Mills Free ganj, Agra as below:-

1. That since the formation of the above Union by the employees of M/S Prakash Engineering Co. & Rolling Mills Agra, the Management of this Mill have started a heavy offensive against the Union activists in particular and Union members in general in the shape of false charge sheets, wrongful dismissal of workers and resorting to other foul and highly objectionable practices.

3. That on 3.7.58 the Management illegally turned out one Thakurmal from their Mill and the whole of the working force downed tools spontaneously in sympathy of the worker so wronged; similarly on 17.7.58 the Management again turned of the mill one Sri Karan singh and the workers were compelled to resort to tool down strike in his sympathy. On both these occasions the management acted illegally and gave provocation to workers and were compelled to take these workers back on duty.

3. That having failed on both these occasions to humiliate the workers, and having suffered set back and loss of prestige, the management resorted to creating divisions and discord amongst the workers; the Management demanded the unconfirmed workers to beat up the union activists and promised rich rewards and confirmation etc. in return, but to their utter amagement, the workers refused to accept this bait and would not beat their own brothern.

4. That in the meanwhile the management cooked up another case, gave false charge sheet to one Sri Longmal sectionman, i/c 6" Rolling mill and a Union activists, and induced almost all the employees particularly the the unconfirmed workers, to stand as witnesses against Sri Long mal but to their great dismay and utter biwilderment they could not find a single worker out of 400 workers to stand as witnesses in this false case, with the result that the Management illegally refused to take on duty all the 58 unconfirmed workers. This was on 28.7.58; these workers were again refused duty on 29,30,31 July and 1st Aug'58; it was through the intervention of R.C.O. that subsequently the Management declared a play off in case of these workers; but it is interesting that the play off was extended piecemeal and illegally; at the same time the management recruited about 16 new hands and took them on duty, gave them work and told the 58 unconfirmed workers, that since they did not beat the union activists and stand as witnesses against Sri Longmal they would all be dismissed; in fact one Ram Ratan has been illegally dismissed for the same reason. But the Management failed to create divisions and rift amongst workers.

5. That on 2.8.58 a critical situation was created by the management, a situation fraught with the most dangerous consequences to the individual peace and law and order situation. The Management so manipulated the situation that after having made sacrifice for the confirmed workers the unconfirmed 58 workers were induced in exchange to expect the confirmed workers not to go to their duty and if the latter refused, to break their head , with the result that the confirmed workers also could not go on duty. It was the solidarity of workers and far sightedness of the Union that ugly developments were averted.

6. That on the evening of 2.8.58 after 5 p.m. the Management put up a notice on the gate informing the workers(confirmed)to report for duty within 3 days else they would be presumed as not desirous of serving the Mill and would be treated as absent from duty.Accordingly the union representatives met the District Magistrate

continued to page 3.

and the R.C.O. and on their assurance- that the confirmed workers would be taken on duty(since there was play off in respect of 58 workers) they went to the Mill gate on 5.8.58 and the Labour Inspector was present at 3 a.m. but the Management refused to take any workers at 4 a.m.,6 a.m. and 8 a.m. shifts, and other shifts ~~xxx~~ this reporting on duty was within the stipulated ~~p~~ 3 day of the notice. The Management flagrantly violated their assurance to the District Authorities , went behind their own Notification and thus wrongly and illegally declared lock out since 5.8.8.58.

7. That the workers remained perfectly peaceful during all this period in fact of mounting provoca - tions given by the Management and the R.C.O. brought the parties together to talk on 13.8.58,, to resolve dead lock. But the talks failed due to the obstinacy of the Management which was bent upon victimizing the Trade Union workers in the shape of termination of their services as a condition precedent to the settle- ment, which the Union representatives naturally turned down, ~~xxxxxxxx~~ since the union could not agree to oblige the management by offering the services of almost all the members of its executive committee on a gold plater.

8. That the union is very anxious to end this unpleasent episode, this illegal lock out and the Distt. Authorities also are anxious to get the Mill opened but unfortunately they express their powerless to tackle this obstinate management who is a adamant in continuing this illegal lock out endangering industrial peace and also law and order and forcing the workers and their families to strave.

It is, therefore ~~xx~~ requested that your honour would be pleased to uphold the just cause of the workers, to take to task the Management for continued illegal and senseless lock out which~~s~~ is seriously menancing the 2nd 5 years plan and unnecessarily retarding the production of iron and steel which are indispensable for the fulfilment of the National Reconstruction plan.

Yours faithfully,

K.C.Gupta

(K.C.Gupta)
General Secretary.;

Copies to :-

1- Sri Gulzari lal Nanda Planning & Labour Minister New Delhi.

2. Sri Jawahar lal Nehru, Prime Minster Govt.of India New Delhi.

3. The Controller of Iron and steel Kanpur.
4. The Chief controller of Iron and steel, Calcutta.
5. Rolling Mills association, Clive street, Calcutta.
6. Labour Commissioner, Kanpur
7. Chief Inspector of Factories Kanpur.
8. Chief Minister U.P. Government Lucknow.
9. Minister of Ironand steel, Government of India, New Delhi
10. The D.M., Agra.
11. R.C.Q., Agra.
12. ~~xxxxxxxx~~ Secretary A.I.T.U.C., ~~xx~~
13. U.P.T.I., Kanpur.
14. Shri Jharkhandey Rai M.L.A., Darulshafa, Lucknow.
15. The Editor New Age.
16. The Editor of Janyug,
17. Trade Union Record, New Delhi.

Dear Comrade,

Today is the 20th day of Closure. All the 400 workers are still out due to Lock out. Workers are firm, and not prepared to go till the illegal lock out is withdrawn and all the workers are taken back without any victimisation. The workers picketted the Mills for the last 4 days due to which even loyalist workers did not remained out, but the proprietor is adamant. The blacklegs were being served with Puris & Halwas till now, which has been stopped now because the proprietor Kapoor could not run the mills in spite of Puris & Halwas with the help of the blacklegs.

Codes Used Bentley's Second Phrase.

Tele { Phone No. 669
Gram : 'PECO' AGRA

BANKERS :
THE PUNJAB NATIONAL BANK LTD., AGRA
THE CENTRAL BANK OF INDIA LTD., AGRA
THE MERCANTILE BANK LTD., NEW DELHI

Prakash Engineering Co. & Rolling Mills

MANUFACTURERS OF:—
Mild Steel Bars, Hoops, Flats, Gate Channels, Angles, Cane Crushers, Chaff Cutters & Other Agricultural Implements

FREEGANJ STREET
AGRA (INDIA)

Ref. No. P/57-58/6583

AGRA 25th August, 1958

U.P.C

26 AUG 1958

The District Magistrate,
AGRA

Dear Sir,

Subt- Letter No. PERMM/D/LI/6 dated 26.7.58 addressed to you by the so called Prakash Engg. Co. & Rolling Mills Mazdoor Union, Agra, copy to us.

We did not think the above 11 page typed letter addressed to you, with copies right upto the Honourable Prime Minister, using indecent language and accusing the proprietors with brandishing guns and revolvers over their workers, with threats to shoot them like pigeons, deserved to draw a reply from us.

However some outside communists have incited our workers to so much violence, that they have intimidated all the peaceful and sincere workers, abused them, beaten some of them and made their lives miserable. They had already been slowing down production, ~~and~~ they started breaking down machinery and equipment in the mills.

The 9" mill had to be closed on 26/7/58 for repairs due to these breakdowns, and 50 temporary hands ~~1~~ had to be laid off for a few days.

On 2/8/58, all permanent workers were incited to go on illegal strike by these communists.

The management warned them against going on illegal strike and advised them to return to works otherwise their services would be terminated. When they did not come back, and the situation became uncontrollable, the management was compelled to terminate their services and send their wages etc. by Money Order.

From 11/8/58 peaceful and sincere workers began to return to the works. Since then the ring leaders of this union have beaten a number of workers. One Mahabir was beaten so much on 11th and 12th August that he is still under treatment and on medical leave. His ear and cheek on one side got swollen and he has lost his hearing power from this ear.

Similiarly another worker Gajanand has been badly beaten for coming to work.

About half the workers had rejoined the mills by 16.8.58. This up-set the communists so much that from 17th evening they started picketing the mill gates and forcibly stopped peaceful workers from joining duty.

P.T.O.

Codes Used Bentley's Second Phrase.

Tele { Phone No. 669
Gram : 'PECO' AGRA

BANKERS :
THE PUNJAB NATIONAL BANK LTD., AGRA
THE CENTRAL BANK OF INDIA LTD., AGRA
THE MERCANTILE BANK LTD., NEW DELHI

Prakash Engineering Co. & Rolling Mills

MANUFACTURERS OF:—
Mild Steel Bars, Hoops, Flats, Gate Channels, Angles, Cane Crushers, Chaff Cutters & Other Agricultural Implements

FREEGANJ STREET

Ref. No. P/57-58/

AGRA (INDIA) 25th August, 1958

(Continued. -2-)

When this failed they stoned mill gates and have damaged mill property. Inspite of all these obstacles and violence, the peaceful and sincere workers have been coming to the works.

According to the communist plans of sabotage and breakdowns, intimidating of peaceful workers and disruption of works, they have done almost every-thing, at the same time to shield their activities, they have taken the offensive of advance accusations against the proprieters.

We request you to kindly use your Intelligence department for factual information and take necessary steps to give protection to peaceful and sincere workers from being beaten and obstructed in coming to the works so that industrial peace and production may be maintained.

It will not be difficult for the intelligence department to ascertain whether the proprietors have beeh brandishing guns and intimidating the communists or the communists have been breadsihing knives (prepared stealthily inside the works) , have been terrorising peaceful and sincere workers, and have broken down the 9" mill and a lot of equipment inside the mills.

Yours faithfully,

B. Nehgpla

GENERAL MANAGER.

Copies forwarded to:-

(1) The Hon'ble Prime Minister of India, New Delhi.
(2) Hon'ble Labour Minister, Govt. of India, New Delhi.
(3) The Chief Labour Commissioner, Govt. of India, Gurdwara Road, New Delhi.
(4) The Labour Minister, U.P. Govt., Lucknow.
(5) The Labour Commissioner, U.P. Kanpur.
(6) The Chief Inspector of Factories, U.P., Kanpur.
(7) The Senior Superintendent of Police, Agra.
(8) The Regional Conciliation Officer, Agra.
(9) The Factory Inspector, Agra.
(10) The Labour Inspector, Agra.
(11) The City Magistrate, Agra.
(12) The President, Prakash Engg. & Rolling Mills Mazdoor Union, Unis Bldg. Agra.
(13) The General Secretary, All India Trade Union Congress, 4, Ashoka Road, N. Delhi.
(14) The Station Officer, Police Station, Hariparwat, Agra.
(15) The Secretary, National Chamber of Commerce & Industry, Agra.

UNITED IRON & STEEL WORKERS' UNION.

Regd. No. 3389

Head Office:
Phone :— BARAKAR 133
KENDWA ROAD,
P. O. KULTI
DT. BURDWAN

-5 SEP 1958

BARI

Branch Office:
Phone :— ASANSOL 737
P. O. BURNPUR
DT. BURDWAN.

Ref. No. CIEC/8/58-1

Dated the 29th. Aug, 1958.

To

Com. B.D.Joshi,
Member, Central Evaluation &
Implementation Committee,
New Delhi.

Sir,

Please find attached herewith a copy of letter addressed to Deputy Labour Commissioner, West Bengal. On violation of agreement by Management, Indian Iron & Steel Co., Ltd., which will speak for itself.

Please do the needful and oblige.

Yours faithfully,

General Secretary.

N.B. A Copy of the agreement is enclosed herewith.

GRAM:

PHONE : BARAKAR 133

यूनाइटेड आयरन ऐंड स्टील वर्कर्स यूनियन

UNITED IRON & STEEL WORKERS' UNION

REGD. NO. 3389

BARI

Head Office : KENDWA ROAD, KULTI, BURDWAN.

Ref. No. DLC/UIS/8/58-2 *Dated,* 16th Aug 1958.

To
Sri S. N. Chatterjee
Deputy Labour Commissioner,
Govt. of West Bengal,
New Sectt. Building,
Calcutta.

Re: Violation of agreement by the Indian Iron & Steel Co. Ltd: Kulti Works.

Sir,

We beg to draw your urgent attention to a matter of grave import so that things may be set right in the interests of peace and order in this vital industry.

That you are perhaps aware of the fact an agreement was reached between Sri D. Chatterjee, Ex-Dy. Labour Commissioner and an ex-colleague of yours and the representatives of workmen re: absorption of Ex-Coke Oven workers. As per that agreement, seventy seven workmen were absorbed in permanent vacancies in different depts except 21 men who were employed temporarily at the Foundry Cleaning Dept.

That it was clearly stipulated in the agreement that they would be absorbed permanently at the first opportunity to suitable jobs.

That we are contrained to point out that though it is the fourth year passing after the agreement mentioned above, majority of them are still kept as temporary hands.

That an impartial enquiry will reveal that during this span of about 4 years many permanent hands have been recruited where these men could have been suitably absorbed.

That the New Spun Pipe Plant has been in operation since a year and many hands have been taken there,- both new recruits and by transfer from other depts, but these men, though suitable for filling up some of the posts, were not taken in.

That we maintain that these men were not absorbed in permanent posts by the management as a matter of policy. This men have been discriminated against quite deliberately for two reasons,- firstly, to harass them because of their trade Union activities which is not to the liking of the authorities and secondly to reward their yes-men for their disruptive activities.

Yes, we can prove that these men were not taken in jobs for which they were quite suitable. Simply a scrutiny of the posts filled up will prove our contention.

Contd... ... .

GRAM :

PHONE : BARAKAR 133

यूनाइटेड आयरन ऐंड स्टील वर्कर्स यूनियन

UNITED IRON & STEEL WORKERS' UNION

REGD. NO. 3389

BARI

Head Office : KENDWA ROAD, KULTI, BURDWAN.

Ref. No...... *Dated,*..... *195* .

-: Page two :-

If you ask for the list of WRP personnel and also the number of permanent vacancies filled up within a couple of years, the cat will be out of bag. That the workmen have from time to time made petitions to the Management for permanent absorption but to no purpose. (a copy of such a petition attached herewith)

In view of the above, we would request you to please use your good offices, so that all WRP men are absorbed permanently and given designations corresponding to the jobs so filled up.

Awaiting an early reply.

Yours faithfully,

for General Secretary.

Copy to Labour Minister, West Bengal

Asst. Labour Commissioner, Asansol

Evaluation Committee, New Delhi

Do, West Bengal.

TERMS OFFERED BY THE DEPUTY LABOUR COMMISSIONER, WEST BENGAL,

FOR SETTELEMENT OF THE DISPTE IN THE COKE-OVEN DEPARTMENT

OF THE KULTI WORKS.

(1) A & B Coke Oven Batteries will be closed down while C & D Batteries will continue to run at increased rate of production qualifying the remaining workers of C & D Batteries to get production Bonus as per Company's Notice No. WK/PER/5050, dated 7.5.54. The workers who will be rendered surplus by the shut down of A & B Batteries will be retained in employment on the following conditions:-

(a) They will be retained in employment as a reserve pool;

(b) They must be prepared to undertake to do work wherever they will be considered suitable by the Company and such work will have relation with their previous nature of job as far as practicable;

(c) So long they will remain in the Reserve pool they will get their present wages and D.A. and will be entitled to all existing benefits and amenities, except the Production Bonus;

(d) When they will be employed in any vacancy, temporary or permanent, they will get their present wages and D.A. or the wages or D.A. of the job whichever is higher and will be entitled to all benefits and amenities including Production Bonus as existent in the Department during the period they are employed there.

(e) They will have the first chance of filling vacancies of suitable permanent nature as they occur.

(2) If any of the surplus workers volunteers to accept retrenchment in terms of the amended I.D.Act, he will intimate to the Company his intention to accept such retrenchment benefits and he will be paid as per Company's notice of 7.5.54 (Ref. WK/PER/5050).

(3) By the shut down of the A& B Batteries only the workers of these two batteries will be affected, If however, any of such workers are to be absorbed in C & D Batteries such absorption will be made according to seniority of the men concerned.

There will be no victimisation in connection with this dispute.

(sd) D.Chatterjee

Deputy Labour Commissioner,
West Bengal.

Camp- Asansol,
Dated, May 19, 1954.

True Copy.

To
Md. Ibrahim & others;
Kulti Works,
Kulti.

Dear Sir,

Please refer to our discussion this morning in respect to absorption of the Ex-Coke Oven workers. The present position is that out of the workers rendered surplus as a result of the closing down of A & B Batteries, 69 have been permanently absorbed, 21 accepted retrenchment and 83 are still to be fixed up. For these 83 men a scheme for their absorption has been drawn up which has been finally discussed and approved (a copy of scheme is enclosed herewith for ready reference). As per this scheme 62 are being absorbed against permanent vacancies in different departments. The rest 22 of 21 (names supplied by you and enclosed herewith) will for the present be employed temporarily in the Foundry Cleansing Dept. The arrangement for this 21 men will continue for such time till permanent vacancies occur elsewhere and they are found suitable to fill up such vacancies.

It is therefore desirable that there will be no further case of refusal to accept jobs as per the present agreed arrangement.

This cancels my previous letter of even date.

Yours faithfully,

(sd) D.Chatterjee

Dy. Labour Commissioner,
West Bengal.

Camp- Asansol.
D/ 5.1.55

Memo No. dated 5th. January,1955

Copy with copies of scheme and of the list of 21 men forwarded to the Works Manager, Kulti Works, I.I.& S.Co.Ltd; for information and necessary action in persuance of our discussion with you this morning.

1.	Ramdas Dubey	(5) -	76.
2.	Mawalal.	(3) -	156.
3.	Rameswar.	(5) -	120.
4.	Baburam Ahir.	(5) -	82.
5.	Sartik.	(5) -	19.
6.	Mahabir Muchi.	(5) -	26.
7.	Gulia.	(6) -	136.
8.	Bansi Bhuia.	(5) -	97.
9.	Mahadeo.	(5) -	125.
10.	Ramojagir.	(5) -	28.
11.	Bachuram.	(5) -	119.
12.	Bishun Panth.	(7) -	115.
13.	Biswanath Pandey.	(7) -	114.
14.	Ramsarup	(3) -	115.
15.	Gur Sahai.	(5) -	96.
16.	Gopi.	(5) -	78.
17.	Rahim Ali.	(5) -	110.
18.	Bhagoo.	(5) -	23.
19.	Pandey Prasad.	(5) -	127.
20.	Somer Jeswara.	(5) -	50.
21.	Ramchander.	(5) -	167.

Proposed distribution of W R P Workers to

Existing.

	Grade.	Designation.	No.		Grade.	Designation
	3	Cleaner	2		2,3 & 4	Khalasi.
	4	Lutterman Crusher Driver Nozzle Cleaner Oilman	6			
I	5	C.C. Trolley	15			
		Doorman	9			
		Wizzerman	1			
		Junior Gasman	3			
		Bunker Driver	1			
		Tarlineman	1	30		
	5	Junior Gasman		3		
		C.C? Trolley		1		
				42		
	6	Valveman.		4	5	Rigger
	7	Senior Gasman		3		Pump attendant
II.	8	Ram Driver		2		
	8	S. A. Baker.		2		
				11		
	9	Tyndals.		5	9	Tyndals
III.		8 Fitters working in the septs to be shown as permanently attached to them.		8	7 & 9	Fitter
		One Oilman working in ME(COE)		1	4	Oilman
				14		
		Total of Group I, II & III		67		
		Spun Pipe Temporary.		17	2,3 &	Khalasi
IV.		G. C. Shop On trial.		14		"
		Total of Group I, II, III, & IV		98		

N.B. All these will be treated as personal posts and will be ceased with the departure of the incumbents.

different department for permanent absorption.

Disposal.			Remarks.
Nos.	Department		
40			
40	M.E. (LCM)	3	14 posts to be created
	M.P. Shop	1	
	Fdy. Clg.	21	Existing Vacancy.
	C.E.Perm.Way	10	
	Machine Shop	2	
	Blast Furnace.	1	
	E. E.	4	
		42	
10	M. E.	4	
1	M. E.	3	
	M. E.	2	Existing Vacancy.
	M. E.	1	
	Town	1	
		11	
5	Pigyard E. Fce.	8	Post to be created.
	Coke Ovens.	1	Existing Vacancy
	Foundry Clg.	1	Existing Vacancy.
8	Power	3	
	M.E./BFS	1	Personal posts to be created.
	ME/COE	1	
	ME/PE.	2	
1	ME/COE	1	Post to be created.
		14	
		67	
	Spun Pipe	17	- To be permanently kept attached to S P P.
	Foundry Cleaning.	14	If they are found suitable the question is solved, but if they are found unsuitable to the dept. they should be transferred to foundry cleaning as Khalasis till such time they can be absorbed elsewhere
		31	
		98	

185

No.185/NM/58
September 15, 1958

Shri R.L.Mehta, I.A.S.,
Joint Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: First Meeting of the Central Implementation and Evaluation Committee (New Delhi - 20th September 1958)

Dear Sir,

Ref: Your letter No.E&I-1(2)/B/58 dated 22. 8. 58

Shri T.B.Vittal Rao, M.P., will accompany our delegate on the Committee, Shri B.D.Joshi, as an adviser.

Please arrange to forward a set of documents relating to the above meeting to Shri Vittal Rao at the following address:

Shri T.B.Vittal Rao, M.P.,
Treasurer, AITUC,
4 Ashok Road, New Delhi.

Thanking you,

Yours faithfully,

(K.G.Sriwastava)
Secretary

EXPRESS DELIVERY

NO.E&I-1(2)/B/58
Government of India
Ministry of Labour & Employment

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

To

1. Shri Naval H.Tata,
Bombay House,
Bruce Street,
Bombay-1.

23 AUG 1958

2. Shri G.D.Somani, M.P.,
Shreeniwas House,
Waudby Road,
Fort, Bombay-1.

3. Shri P.Chentsal Rao,
Secretary All India Organisation of Industrial Employers, Federation House,
New Delhi.

4. Shri H.P.Merchant,
'Woodlands',
Peddar Road,
Bombay-26.

5. Shri Somnath P.Dave, M.P.,
C/O. Textile Labour Association,
Gandhi Majoor Sevalaya,
Bhadra, Ahmedabad.

6. Shri B.D.Joshi,
14, Queen Victoria Road,
New Delhi.

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

8. Shri Gur Bachan Singh,
United Trades Union Congress,
Bihar State Committee,
Bharati Press Buildings,
Mithapore, Patna-1.

Dated New Delhi, the 22nd August'58.

SUBJECT:- First Meeting of the Central Implementation and Evaluation Committee (New Delhi - 16th September 1958).

- - - -

Dear Sir,

In continuation of this Ministry's letter of even number dated the 19th August, 1958, on the above subject, I am directed to enclose memoranda on the following items of the agenda:

ITEM NO.1 OF THE AGENDA: Action taken on the conclusions of the sixteenth session of the Standing Labour Committee held in October, 1957 regarding

P.T.O.

The Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

evaluation and implementation of labour laws, awards, etc.,.

ITEM NO. 2 OF THE AGENDA: Cases of non-implementation or partial, delayed or defective implementation of (i)awards, agreements, settlements, and (ii) labour enactments received from State Governments, employers' and workers' organisations and action taken thereon.

ITEM NO. 3 OF THE AGENDA: Non-implementation of awards, agreements, etc., due to appeals to High Courts/ Supreme Court.

ITEM NO. 4 OF THE AGENDA: Implementation of the Code of Discipline in Industry.

2. Memoranda on the remaining two items will be sent shortly.

3. Receipt of this letter may kindly be acknowledged.

Yours faithfully,

(K. M. Tripathi)
For Joint Secretary.

'd.a.refd.to'
'Sadhu.21.8.'

No.E&I-1(2)/B/58 Dated New Delhi, the August'58.

Copy with enclosures forwarded for information to:-

1. All State Governments and Union Territories.
2. All India Organisations of employers and workers.
3. All Officers of this Ministry including Private Secretary to Labour Minister/Deputy Labour Minister/ Parliamentary Secretary/Secretary and Personal Assistants to Joint Secretary(G)/Joint Secretary(E).
4. All attached and sub-ordinate offices of this Ministry.
5. All Sections of this Ministry (except C.R., Cash, Adm., Library,O&M and Vigilance.)
6. Press Information Officer (Shri Kumar Dev) for favour of usual action.

(K. M. Tripathi)
for Joint Secretary.

'd.a.refd.to'
'Sadhu.21.8.'

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

Central Implementation & Evaluation Committee
(First meeting - New Delhi - September 16, 1958.)

ITEM NO.I ON THE AGENDA: Action taken on the conclusions of the 16th session of the Standing Labour Committee held in October, 1957 regarding evaluation and implementation of labour laws, awards, etc.,.

MEMORANDUM

The Standing Labour Committee at its 16th session held in October, 1957 at New Delhi recommended that arrangements should be made for evaluating the implementation of agreements, settlements and awards. It was agreed at the meeting of the Committee that the machinery for this purpose should be at three levels and should be tripartite in character. The composition of the machinery at different levels was laid down as follows:-

(i) At the Centre, there will be one representative each of the employers' and workers' organisations to be nominated by the organisations concerned. The Union Labour Ministry should arrange to convene these meetings and to provide a Secretariat for the purpose.

(ii) At the State Headquarters, a similar organisation will be set up with the State Labour Department in charge of convening the meetings and providing the Secretariat.

(iii) At the local level, there will be similar committees The representation to these committees will be given to important employers' and workers' organisations in the area. The local offices of the Labour Departmentment of the State should provide the Secretariat and, if possible, co-operation of some prominent person in the region secured as a convener.

2. It was emphasised that the Committee should necessarily be small and businesslike and there should be two-way exchange of experience between the Committees at the lowest levels and the National Committee. All points of importance arising at any level should be given wide circulation. The Committee also recommended that the immediate task of Implementation Committees will be to examine the extent of implementation of agreements, settlements and awards both by employers and workers

----------2-----contd.

and to advise the parties which are anxious to implement the award but are unable to do so because of certain difficulties. Another recommendation of the Committee was that the Ministry of Labour will appoint a Liaison Officer of sufficient seniority and with fair understanding of labour problems. The responsibility of this officer will be to go around the State Headquarters, to ensure how the above arrangements worked. The State Governments would similarly designate one of their officers to go to the regional committees within their jurisdiction for similar purpose.

3. The Standing Labour Committee also expressed that the tendency to have recourse to courts on unsubstantial grounds should be discouraged and the employers' organisations should devise some machinery to screen cases in which recourse to courts was contemplated by their members. It also recommended that parties to an award, settlement, etc., should report to the Evaluation Machinery within a period of 3 months from the date of enforcement whether in their view the implementation of an award, settlement, agreement, etc., had been proper and effective. The Committee, however, made it clear that before approaching the Evaluation Machinery for redress, the parties concerned should get together and reconcile the points of difference between them about the manner of implementation of awards, etc.

4. In pursuance of the recommendations of the Standing Labour Committee, referred to in the preceding paragraphs, Government of India have set up an Evaluation and Implementation Division in the Ministry of Labour & Employment to assess the extent of non-implementation of labour laws, awards, etc., and to evaluate the results achieved by such measures. A Central Implementation & Evaluation Committee comprising 4 representatives each of the central organisations of employers and workers has already been set up. The

State Governments were requested to set up similar machinery. According to the information available so far, the Governments of Punjab, Uttar Pradesh, West Bengal and Rajasthan have already set up Implementation Committees. They have also set up Implementation Cells in their Labour Departments. The Government of Bihar have accepted the proposal, in principle, and are taking steps to set up a Tripartite Standing Committee of 5 members representing employers and employees with the State Labour Secretary as Chairman. They have, however, already set up an Implementation Cell for looking into the cases of non-implementation of labour laws, etc.,. The Government of Mysore have stated that they do not consider it necessary to set up a separate committee and a sub-committee of the State Labour Advisory Committee will be appointed for the purpose. The Government of Bombay are of the view that as the number of cases of non-implementation in Bombay is not large a separate committee, as recommended by the Standing Labour Committee, is not necessary. The question of setting up a Committee considered will be taken up as and when a need arises in future. The State Government have, however, designated one of their officers to look into the cases of non-implementation, etc.,. The Tripura Administration have taken up the matter with their neighbouring States so that the Committee in one of those states might look into the cases in Tripura also. The Government of Kerala have decided to set up a committee while other states are considering the proposal. A statement showing the position of setting up of Evaluation Committees and Cells by State Governments is enclosed (Appendix I).

5. With a view to assessing the extent of non-implementation of awards, etc., and to make a full appraisal of theproblems, the Evaluation & Implementation Division issued circular letters in January, 1958 to all State Governments and to all-India Organisations of employers and workers requesting them to furnish in specified questionnaires, information regarding cases of

of non-implementation or partial, delayed or defective implementation of labour enactments, awards, etc.,. It is proposed to collect such information periodically, every two months, from the aforesaid agencies, so that any case of non-implementation or partial, delayed or defective implementation of an award or an agreement is immediately brought to the notice of the authority concerned and necessary action taken. Copies of circulars issued in this regard are enclosed (Appendices II and III). Members of Parliament were also requested to offer their suggestions in this connection and to bring to the notice of the Division any case of non-implementation of awards, labour laws, etc. So far about 400 cases of non-implementation of awards, agreements and settlements have been reported to the E&I Division. Of these, 144 or about 36% are pending in Courts. Of the rest, 26 cases were settled either through the intervention of State Governments or the E&I Division. The remaining cases are at different stages of examination and implementation. As regards non-implementation of labour enactments, 312, cases were reported. These have been brought to the notice of the authorities concerned and appropriate action is being taken to investigate them and to secure implementation as far as possible. In addition, about 164 suggestions were received for carrying out improvements in the working of various labour enactments. Details in this regard may be seen in t the Memorandum on item 2 of the Agenda.

6. The question of evaluation and implementation of labour enactments, awards, settlements, etc., was discussed at the Labour Ministers' Conference and Indian Labour Conference held in May, 1958 at Nainital. The Conferences emphasised the need for sending replies to questionnaires as early as possible and for making suitable permanent arrangement for furnishing the information to the Evaluation & Implementation Division.

The Conferences approved the suggestion that in certain cases for obtaining further particulars, the Division might write to the party concerned directly with a copy to the Central Organisation concerned. Later on, when the implementation work developed and the State Governments set up their own machinery, the State Governments might be requested to do this in the State sphere.

7. The work entailed in ensuring compliance of labour laws, awards, etc., throughout the country is enormous and success can be achieved only with the help and co-operation of all organisations concerned with labour and their welfare. The Evaluation & Implementation Machinery when set up in all States will be of considerable help as cases of non-implementation in the State sphere can be tackled efficiently only by them. The co-operation of employers and workers, both in bringing to the notice of the Government cases of non-implementation and removing causes of friction, cannot be over-emphasised. It has been pointed out that details of specific cases alone make it possible for Government to take action.

8. Government of India have recently issued a circular to all India Organisations of Employers and Workers drawing their attention to the recommendation of the Standing Labour Committee (October, 1957) which required that parties to an award, agreement, etc. should report to the Evaluation Machinery within 3 months of the date of enforcement whether in their view the implementation of award, settlement, etc., had been proper and effective. It has, however, been pointed out that before reporting to the Machinery, parties concerned should get together and take steps to settle their differences. They have been asked to send such reports to the Central Evaluation Machinery until the setting up of similar machinery in the States. Thereafter, such reports may be sent to State Governments concerned with a copy to the Central Evaluation Machinery. A copy of the circular issued in this regard is enclosed (Appendix IV).

9. One of the important functions taken over by the Evaluation & Implementation Division at the Centre comprises steps for ensuring observance of the Code of Discipline. Infringements of this Code which has been ratified by all central organisations of employers and workers is a case of non-implementation and instances of such infringements have to be brought to the notice of Evaluation & Implementation Division. Sofar, about 21 cases of infringements of the Code which relate to the period after march 15, 1958 have been taken up with the parties concerned; four of these have already been settled. The Officer-in-Charge of the E&I Division conducted a case study of the strike in TISCO, Jamshedpur. An evaluation of the strike in ports and docks, from the point of Code of Discipline has also been carried out. These reports are at present under Government's consideration. Fifteen cases of assaults on colliery managers and other officials and lawlessness in coal mines during the preceding one year have also been reported. Though all these cases relate to a period prior to the ratification of the Code, they are still being brought to the notice of the parties concerned so that their repetition may be avoided. Details in regard to cases under Code of Discipline are contained in the Memorandum on item 4 of the agenda.

10. The position stated in the preceding paragraphs is for the information of the Committee.

'SADHU' 19.8.58'

- - - -

APPENDIX I.

Statement showing the position regarding setting up of Evaluation Committees and Cells by State Governments

State	Position
1. Assam	Proposal under consideration.
2. Andhra Pradesh	Proposal under consideration.
3. Bihar	A tripartite Standing Committee of five members representing employers and workers is being set up. A Cell has already been set up.
4. Bombay	Does not consider it necessary to set up a Committee at present as there is no general complaint about non-implementation. May be set up later if need arises. For the present one of the State Government Officers has been appointed to look after the cases of non-implementation.
5. Delhi	Proposal under consideration.
6. Himachal Pradesh	Proposal under consideration.
7. Jammu & Kashmir	Proposal under consideration.
8. Kerala	Action being taken to set up evaluation machinery.
9. Madras.	Proposal under consideration.
10. Mysore	No separate Committee is considered necessary. A sub-committee of State Labour Advisory Committee is to function as Implementation Committee.
11. Madhya Pradesh	Proposal under consideration.
12. Manipur	Proposal under consideration.
13. Orissa	Proposal under consideration.
14. Punjab	An Implementation Committee and a Cell have been set up.
15. Rajasthan	An evaluation Committee with six divisional committees and a Cell have been set up.
16. Tripura	Matter has been taken up with Assam/West Bengal for a joint implementation committee with one of these States.
17. Uttar Pradesh	An Implementation Committee and a Cell have been set up.
18. West Bengal	An Evaluation Committee and a Cell have been set up.

- - -

Appendix II

No.E&I-1(1)/58
Government of India
Ministry of Labour & Employment

From

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

To

All State Governments &
Union Territories.

Subject:-Evaluation and implementation of Labour enactments, agreements, settlements, awards, etc.,

Dated New Delhi, the 13th January, 1958.

Sir,

I am directed to say that one of the recommendations made by the Standing Labour Committee at its 16th session held in New Delhi in October, 1957 was that a suitable arrangement should be made for evaluating the implementation of agreements, settlements and awards. Among the measures suggested for this purpose was the setting up of small unit under the Central Ministry of Labour & Employment. An Evalution and Implementation cell has accordingly been set up in this Ministry.

2. For a full appraisal of the problem it is necessary to collect detailed particulars of cases of non-implementation or partial, defective or delayed implementation of awards, enactments and other measures taken by Government of India from time time to improve labour conditions and promote better relations between labour and management. With a view to pursuing each such case, it is also necessary to have a brief history giving the reasons for partial implementation and its repercussions on labour-management relations. I am to request, therefore, that the organisations of employers and employees in your state may be consulted for collecting the aforesaid particulars. Two questionnaires are enclosed(Annexure I & II). It will be appreciated if information, as asked for in them under the following heads is furnished so as to reach this Ministry by the 20th February, 1958:-

(a) Labour enactments.
(b) awards.
(c) agreements/settlements at tripartite labour conferences and insutrial committees.

3. The State Government/Union Territories may being to the notice of this Ministry any other problems connected with non-implementation of labour enactments etc., which in their opinion, it is necessary for this Ministry to consider.

4. I am directed to say further that it is essential to collect such information regularly so that the matter could be reviewed constantly. It is, therefore, requested that a suitable aggangement may kindly be evolved at the State level so that information on the lines indicated in second para may be supplied

P.T.O.

to this Ministry regularly by the 10th of every alternate month.

Yours faithfully,

R.L. Mehta
Joint Secretary to the Government of India.

No. E&L.1(1)/58 Dated the 13th January, 1958

Copy forwarded for information to:-

(1) Chief Labour Commissioner.

(2) Employment & Planning Section

(3) LR-I Section

K.M. Tripathi
for Joint Secretary

Annexure I

Questionnaire regarding non-implementation or partial, delayed or defective implementation of labour enactments.

(i) Have you experienced any administrative difficulty in the implementation of any of the labour enactments?

(ii) If so, please furnish a brief account of the relevant section of the Act or the Scheme, as the case may be, and the difficulty experienced.

(iii) What are the repercussions of such non-implementation etc., on labour-management relations?

(iv) What are your suggestion for remedying the situation? Do you consider it necessary to carry out any amendment to the Act/Scheme? if so, please furnish your proposals in that regard.

(v) Have you received any complaint from employers' or workers' organisations also in regard to the non-implementation, partial, delayed or defective implementations of labour enactments? If so, please furnish a brief account of each such case giving comments thereon,

(vi) Have you any other observations to make in this regard?

Annexure II

Questionnaire regarding non-implementation of partial, delayed or defective implementation of awards, agreements, settlements, etc.

(i) Please furnish the following information regarding the industrial awards commencing from the year 1953:-

Name of Industry	No. of awards during				
	1953	1954	1955	1956	1957
.....					
.....					
.....					

(ii) Have you come across any cases of non-implementation, partial or delayed implementation of awards? If so, please furnish details of each case giving an account of the date of enforcement, items which could not be implemented, reasons for such non-implementation or partial implementation-comparising technical defect in the award, matter being under appeal, etc.,

(iii) What are the likely repercussions of such non-implementation etc., on labour-management relations?

(iv) What are your suggestions for remedying the situation?

(v) Has any case of non-implementation, partial, delayed or defective implementation of agreements, settlements made at tripartite labour conferences/ industrial committees come to your notice? If so, please furnish detailed particulars in each case covering at least the following aspects:-

(a) Nature of agreement/settlement, its scope and date of enforcement.

(b) Nature of non-implementation, etc.,

(c) Reasons for such non-implementation, etc.,

(d) Suggestion for remedying the situation.

(vi) Have you any other observations to make in this regard?

Appendix III

No.E&I-1(1)/58.
GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

...

From

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

To

1. The Secretary,
Employers' Federation of India,
Bombay House, Bruce Street,
Fort, Bombay.

2. The Secretary,
All India Organisation of Industrial Employers,
28, Ferozeshah Road,
New Delhi.

3. The Secretary,
All India Manufacturers' Organisation,
4th Floor, Co-operative Insurance Building,
Sir P.M. Road, Bombay-1.

4. The Secretary,
Indian National Trade Union Congress,
17, Queensway, New Delhi.

5. The General Secretary,
All India Trade Union Congress,
4, Asoka Road, New Delhi.

6. The Secretary,
Hind Mazdoor Sabha,
Servants of India Society's Home,
Sandhurst Road,
Bombay 4.

7. The Secretary,
United Trade Union Congress,
249, Bow Bazar Street (1st floor)
Calcutta - 12.

Subject:- Evaluation and implementation of labour enactments, agreements, settlements, awards, etc.,.

Dated New Delhi, the 11th January 1958.

.....

Sir,

I am directed to say that one of the recommendations made by the Standing Labour Committee at its 16th session held in New Delhi in October, 1957 was that a suitable machinery should be created for evaluating the implementation of agreements, settlements and awards. Among the measures suggested in this direction was the setting up of a small unit at the Centre. An Evaluation and Implementation Cell has accordingly been set up in this Ministry. This Cell will undertake an objective evaluation of the results achieved by various labour enactments, awards, agreements, etc.,.

2. In order that this Ministry may assess the

extent of the problem, it is necessary to collect detailed particulars of cases of non-implementation or partial, defective or delayed implementation of awards, enactments and other measures taken by Government of India from time to time to improve labour conditions and promote better relations between labour and management. In this connection, it is essential to have a brief history of each such case giving the reasons, which in the opinion of the Organisation, have led to partial implementation or non-implementation and its repercussions on labour-management relations. Two questionnaires are enclosed (Annexures I & II). It will be appreciated if information, as asked for in them under the following heads is furnished so as to reach this Ministry by the 20th February, 1958:-

(a) labour enactments
(b) awards
(c) agreements/settlements at tripartite labour conferences and industrial committees.

3. The Organisations may bring to the notice of this Ministry any other problems connected with non-implementation of labour enactments etc., which, in their opinion, it is necessary for this Ministry to consider.

4. With a view to keeping this matter under constant review it is necessary to collect information on this subject regularly. It is, therefore, requested that the Organisations may kindly evolve a suitable procedure to collect all relevant information from their affiliated units and pass it on to this Ministry by the 10th of every alternate month.

Yours faithfully,

(R.L. Mehta)
Joint Secretary to the Government of India.

No.E&I-1(1)/58 Dated, the 11th January, 1958.

Copy forwarded for information to:-

(1) Chief Labour Commissioner.

(2) Employment & Planning Section.

(3) Labour Relations Section.

(K.M. Tripathi)
for Joint Secretary.

ANNEXURE-I

Questionnaire regarding non-implementation or partial, delayed or defective implementation of labour enactments.

(i) Has any instance of non-implementation or partial, delayed or defective implementation of labour enactments come to your notice?

(ii) If so, please furnish details of the sections of the Act/ Scheme concerned.

(iii) How long has this case of non-implementation etc., been continuing?

(iv) What are the reasons, in your opinion, responsible for such non-implementation, etc.,?

(v) Are you aware of any steps taken so far to remedy the situation? If so, give a brief account.

(vi) What are the repercussions of such non-implementation, etc., on labour-management relations?

(vii) What amendments do you suggest to the Act or the Scheme concerned for remedying the situation?

(viii) Have you any other remarks to make in this regard?

Annexure II

Questionnaire regarding non-implementation or partial, delayed or defective implemantation of awards, settlements, agreements, etc.,.

(i) Has any case of non-implementation of an award, settlement, or agreement come to your notice?

(ii) If so, please furnish details of such cases covering particularly the following aspects:-
a. Name of the establishment,
b. Nature of award, settlement or agreement, and date of enforcement.
c. Issues covered, such as wages, allowance, bonus, provident fund, gratuity, conditions of service, etc.,

(iii) Are you aware of the reasons which are responsible for non-implementation, etc.,? If so, please furnish a brief account. In particular, state whether such a contingency is due to
a. a technical defect in the award,
b. the matter being under appeal,
c. any other difficulty in its implementation.

(iv) What are the likely repercussions of such non-implementation, etc., on labour-management relations?

(v) What are your suggestions for remedying the situation?

(vi) Have you any other remarks to make in this regard?

N.B. Please furnish information for each award, settlement, agreement, etc., separately.

APPENDIX IV.

No. E & I-5(16)/58
Government of India
Ministry of Labour & Employment.

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From

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

To

All Central Organisations of Employers and Workers.

Dated New Delhi, the 4th June, 1958

Subject:- Non-implementation or partial, defective or delayed implementation of awards, agreements, settlements, etc.

...

Sir,

In continuation of this Ministry's circular letter No. E & I-2(1)/58, dated the 13th January 1958, I am directed to say that the Standing Labour Committee at its 16th session held at New Delhi in October, 1957 had recommended that parties to an award, agreement, settlement, etc., should report to the Evaluation Machinery, within three months from the date of enforcement, whether in their view the implementation of the award, agreement, settlement, etc., has been proper and effective. It was, however, stressed that before approaching the Evaluation Machinery for redress they should get together and reconcile the points of difference between them about the manner of implementation of awards, etc. I am to request, therefore, that attention of all youraffiliated organisationsmay kindly be drawn to the aforesaid recommendations and they be advised to act upon them.

2. I am also to request that Reports on compliance or otherwise of awards, etc., be forwarded to the Evauation and Implementation Division of thisMinistry whether they relate to central or State sphere. The State Governments are considering the setting up of Evaluation Machinery in the States and as soon as such machinery comes into being complaints regarding awards, etc., falling within the State sphere may be forwarded to the State Evaluation Machinery, with a copy to this Ministry.

3. An acknowledgement isrequested.

Yours faithfully,

Sd/-R.L. Mehta
Joint Secretary to the Government of India.

Copy with a copy of letter referred to above is forwarded to all State Governments andUnion Territories for information.

Sd/- K.M. Tripathi
for Joint Secretary to the Government of India.

Federation of India and All India Manufacturers' Organisation)

GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

Central Implementation & Evaluation Committee
(First Meeting-New Delhi - 16th September 1958)

ITEM NO. 2 ON THE AGENDA: Cases of non-implementation or partial, delayed or defective implementation of -
(i) Awards, agreements, settlements;
(ii) Labour enactments
received from State Governments, employers' and workers' organisations and action taken thereon.

MEMORANDUM

(i) Awards, agreements and settlements

The Evaluation & Implementation Division circulated questionnaires to all State Governments and all-India employers' and workers' organisations for collecting instances of non-implementation or partial, delayed or defective implementation of labour enactments, industrial awards, agreements, settlements, etc., so as to assess the extent of the problem and to take remedial measures. Parties to an award, agreement etc., were also asked to report to the Evaluation Machinery, within a period of 3 months from the date of enforcement, whether in their view the implementation had been proper and effective. It was, however, pointed out that before approaching the Evaluation Machinery for redress they should get together and reconcile the points of difference between themselves about the manner of implementation.

2. In response to these circular letters, replies from eight State Governments/Administrations viz., Andhra Pradesh, Bihar, Kerala, Orissa, Punjab, Uttar Pradesh, Delhi and Tripura have so far been received. The Government of Assam have no case of non-implementation to report.

3. All the three central organisations of employers (i.e. All India Organisation of Industrial Employers; Employers' Federation of India and All India Manufacturers' Organisation) and the four Central Organisations of workers (i.e. Indian National Trade Union Congress, All India Trade Union Congress, Hind Mazdoor Sabha and United Trades Union Congress) have furnished instances of non-implementation or partial, delayed or defective implementation of awards, agreements, etc.,. Such cases have been furnished also by other workers' organisations,

viz., Indian National Mine Workers' Federation, Federation of Martin Burn and Associate Companies' Workers' Union, Petroleum Workers' Union, Standard Vacuum Employees' Union, Atlas Cycle Workers' Union, Bhulanbarareo Coal Company Workers' Union, Delhi Press Workers' Union, Talcher, Doulbera, Deura and Villiers Collieries Karamchari Union, etc., Individual workers have also approached the E&I Division for the redress of their grievances about non-implementation of awards, etc.,. In all these cases, action has been taken in consultation with the authorities concerned.

AWARDS

4. According to the information furnished by State Governmentss there were 271 cases of non-implementation or partial, delayed or defective implementation of awards. In addition to this, the Mica Mines Welfare Fund Organisation cited 5 cases relating to mica mines. An analysis of these cases is given below:-

(i) Implementation in respect of 23 cases was started either only after the issue of show cause notices by the State Governments concerned or after negotiation with the managements or after rejection of appeals;

(ii) There are 40 cases in which either negotiations with the managements for implementation are being continued or they are under Government's consideration;

(iii) Four complaints were either not substantiated or were not mature for implementation; no action was necessary in these cases;

(iv) Prosecutions or recovery proceedings have been instituted in 23 cases where negotiations failed to persuade the managements to implement the awards;

(v) In 18 cases the question of initiating prosecution proceedings against the managements concerned is being considered by State Governments;

(vi) There are as many as 128 cases of non-implementation (or 47% of the total cases reported by State Governments) which are pending in courts due to stay orders or because of appeals; those pending in High Courts or Supreme Court being 71;

(vii) Eighteen awards could not be implemented due to closure of mills or non-availability of workers; and

(viii) Ten awards were declared invalid by the Labour Appellate Tribunal. The State Government concerned are exploring the possibility of referring these cases for adjudication.

It would thus be seen that necessary steps are being taken to reduce the number of cases of non-implementation of awards reported by State Governments.

5. The employers' and workers' organisations have also furnished instances of non-implementation of awards. The number of awards

which, according to them, have not been implemented is 90; eleven of these are reported to be pending in High Courts or the Supreme Court. Thirty -one awards which fall under State sphere were referred to State Governments concerned for necessary action under intimation to the E & I Division. Two of these cases have since been disposed of. One case related to payment of certain dues under an Adjudicator's Award of 1953 to an employee of a factory in Agra. The matter was taken up with the State Government. Instructions have since been issued by the State Government to the collector concerned for making payment to the complainant. In the other case, the complaint made by an employee of a textile mill in Delhi related to non-payment of retrenchment compensation. An investigation revealed that the claim for compensation under an Award of 1956 was not justified. There are 44 cases of non-implementation of awards which come within the Central sphere. These are being examined in consultation with the authorities concerned.

AGREEMENTS AND SETTLEMENTS

6. Thirty-four cases of agreements/settlements having not been implemented have been reported to the E & I Division. Four of these are pending in courts, 11 have been referred to State Governments for necessary action while 8 are under consideration in consultation with the authorities concerned. In 5 cases the question of non-implementation has been taken up with the managements, and in 2 the question of initiating prosecution proceedings is under consideration. There are 3 other agreements which have not been implemented for one reason or the other. In one case there was disagreement about the interpretation of certain provisions of the agreement but it was settled amicably through arbitration.

7. Nearly 50 percent of the cases of non-implementation of awards, etc., reported to the E &I Division relate to Assam and U.P. In Assam these cases relate to March, 1958-Award of Supreme Court regarding Rice Cut Compensation, 1956-Settlement regarding wages, 1956-Bonus Agreement, 1957-Settlement regarding maternity benefit, etc.,. In

most of these cases of non-implementation, workers were unable to secure implementation despite repeated representations to the State Government. As these cases fall within the State sphere the matter has been taken up with the Government of Assam and is being actively pursued to get them settled. In U.P., certain employers of Kanpur are reported to have adopted delaying tactics in regard to implementation of awards, agreements, etc.,.

8. It would be seen from the preceding paragraphs that as many as 144 awards, settlements and agreements forming 36% of the total of 400 cases reported - are pending in Courts. The Governments of Punjab, Rajasthan, Uttar Pradesh and West Bengal have set up Evaluation Committees to look into the cases of non-implementation, etc., and the Governments of Bihar, Kerala, Mysore and Tripura have decided to do so shortly. With more States constituting these Committees the number of cases of non-implementation is bound to go down.

9. The main difficulty in the implementation of a large number of awards has been the tendency of employers to go to High Courts or Supreme Court. While in some cases there may be genuine difficulties or doubts in implementing awards and a recourse to higher courts inevitable, in many others this procedure is reported to have been adopted only for delaying implementation. Other causes of non-implementation are financial difficulties of employers, closure of mills, non-availability of workers in respect of whom the award is required to be implemented, etc.,.

10. The general tendency of employers to go in appeal, against industrial tribunal awards, to High Courts or the Supreme Court has created a sense of distrust and frustration among workers and is a fruitful source of labour disputes. The delay involved makes workers lose faith in constitutional methods of settlement of disputes as well as in their employers. That is how they start adopting unconstitutional methods for the redress of their grievances. The Standing Labour Committee at its sixteenth session held in October, 1957 recommended that the tendency to have recourse to law courts on unsubstantial grounds should be

discouraged and that the organisations themselves should devise some sort of machinery to screen cases in which recourse to Courts was contemplated by ther members. It is not known whether any action has been taken in this direction by the employers' organisations. It is desirable that action be initiated in this regard if it has not already been taken.

11. It has also been reported that very often awards are given in general terms. Difficulties and delays, therefore, occur in computing the money value of benefits to individual workers. In many cases this leads to fresh references to adjudicators.

(ii) Labour Enactments

12. An analysis of the complaints regarding non-implementation of labour enactments made by employers' and workers' organisations, State Governments, etc., shows that they can be broadly divided into ~~to~~ two categories:-

(i) Cases of non-implementation or violation of certain provisions of the Act on which some administrative action is necessary;

(ii) Cases where the organisations have pointed out certain inherent defects in the enactments which can be remedied only by undertaking amendment of the law.

The nature and extent of these two types of complaints are discussed in the succeding paragraphs.

CASES REQUIRING ADMINISTRATIVE ACTION

13. In all, 312 complaints regarding non-implementation of labour enactments have been received. Most of the complaints have been made by workers' organisations though a few are from employers' organisations. Of these complaints, 163 relate to Industrial Disputes Act, 33 to Employees' Provident Funds Act, 22 to Minimum Wages Act, 28 to Plantations Labour Act, 15 to Mines Act and 14 to Factories Act. These six Acts alone account for 88% of the complaints made. After a preliminary examination in the E &I Division they were referred to Administrative Authorities and State Governments concerned for necessary action. As a result of action taken by the Authorities and amicable settlement has been brought about in one case under the Minimum Wages Act and management has agreed to pay a sum of Rs.25,000/- to its workers as difference of wages. In another case where a union complained of non-payment or irregular payment of wages; the payment has since been made. In the third case, as a result of persuation the management has promised to use its good offices to ensure that dues of workers under supply agents are paid correctly, punctually and regularly. The workers concerned

have been asked to watch the position and report, in future, cases of delay, if any. One labour Union complained of violation of the provisions of Mines Act relating to drinking water, sanitary facilities, canteen, etc. In all these cases, the management is taking action to remove the causes of complaint. Other cases are either under investigation or consideration. An analysis of the main complaints enactment-wise is contained in the Appendix to memorandum on item 5 of the agenda.

14. While action is being taken to secure speedy compliance of labour laws with the help of State Governments and other authorities concerned as well as to carry out amendments wherever necessary it may be mentioned that in many cases the main cause of delay in dealing with the cases is that specific cases of violation, etc., and the names of the parties along with their affiliation with the Central Organisation are not furnished. Very often a general complaint is made on which no specific action can be taken and experience has shown that specific instances when called for are either not furnished or they are furnished after considerable delay.

CASES REQUIRING AMENDMENTS

15. Apart from the cases of non-implementation of Labour enactments, referred to above, about 164 suggestions for amendments to various labour enactments have been received in the E & I Division. Of these, 46 relate to Industrial Disputes Act, 19 to Payment of Wages Act, 18 to Minimum Wages Act and 11 each to Workmen's Compensation and Employees' State Insurance Acts. These 5 Acts alone account for 61 percent of the total number of suggestions made. An indication regarding the nature of complaints has been given in the Memorandum on item 5 of the agenda dealing with evaluation of labour enactments, disputes etc.,. Of the total number of suggestions made 64 are under active consideration of Government - in 55 cases, it is either proposed to amend the Act or amendment proposals are under consideration, in 4 cases administrative action has been taken or is proposed to be taken to remove the difficulties and in 5 cases the matter has been discussed by some tripartite Committees or conferences and action is being taken ontheir recommendations. In 45 cases, no amendment of enactments is considered necessary. In 7 cases, the parties concerned have been requested either to cite specific instances of non-implementation or furnish other details. Seven cases were referred to State Governments for necessary action. The remaining 41 cases are under examination of the administrative sections

of the Ministry of Labour and Employment.

16. To reduce the number of cases of non-implementation of labour awards, agreements, settlements and enactments the following main suggestions have been made:-

(i) The Constitution may be amended to take away the right of appeal to higher courts in the cases of industrial tribunals awards;
(ii) A separate Bench of the High Court be created to expedite cases of appeals against industrial tribunal awards;
(iii) The process of realisation of dues as arrears of land revenue generally takes a very long time. Departmental kurk-amins should be appointed for the purpose, and, in the meantime instructions be issued to Collectors to accord priority to the realisation of dues arising out of the claims of industrial workers;
(iv) Magisterial powers to prosecute the management for non-implementation of awards, etc. may be given to officers of the Labour Department;
(v) Non-implementation of awards/agreements in collieries being confined generally to small units, they may be amalgamated into bigger units;
(vi) Time limit be fixed for completion of investigation and submission of Inspector's report to the Regional Labour Commissioner and the latter should inform the disputant party within a month as to what step is being taken by Government for getting the dispute settled.

17. It is difficult to get the Constitution amended for depriving the parties concerned to appeal to higher courts against the awards of industrial tribunals as it would be a drastic step and would infringe the fundamental rights. The question of expediting disposal of cases pending before High Courts/Supreme Court was considered some time back. In pursuance of the recommendations of Labour Ministers' Conference (October, 1957), steps have been taken for quick disposal of cases and of late there has been some improvement. The suggestions made in sub-paras (iii) to (v) are being examined in consultation with the appropriate authorities. As regards the last suggestion (sub-para vi) the Central Industrial Relations Machinery has already issued executive instructions in this regard so as to avoid delay in the settlement of disputes. The Labour Inspectors do not, however, handle disputes and it is only the Conciliation Officer who is entrusted with this work. The Industrial Disputes Act already prescribed a time limit of two weeks for the submission of a report to the appropriate Government on the result of conciliation proceedings.

18. The Committee may like to:-

(i) Offer its view on the suggestions made in paragraphs 16;
(ii) impress upon the organisations, to which the members belong, the need to evolve a machinery for screening cases wherein a recourse to law courts is contemplated, as recommended by the Standing Labour Committee at its 16th Session (October, 1957);

(iii) request the organisations concerned to advise their constituent units to cite only specific cases of non-implementation, etc., giving full details about parties involved, their affiliation to the Central Organisation and particular provision/s of enactments/awards infringed; and

(iv) offer any other suggestions regarding implementation of awards, agreements, enactments, etc., particularly in the coal and mica mining industries which alone account for majority of cases of non-implementation or partial implementation, etc.,.

'SADHU' 20.8.58

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

CENTRAL IMPLEMENTATION & EVALUATION COMMITTEE
(FIRST MEETING - NEW DELHI - 16th SEPTEMBER 1958)

ITEM NO.3 OF THE AGENDA: Non-implementation of awards, agreements, etc., due to appeals to High Courts/ Supreme Court.

(Suggested by United Trades Union Congress)

MEMORANDUM

Complaints have been received from certain organisations that a large number of awards, agreements and settlements remain unimplemented due to a general tendency on the part of employers to go in appeal to High Courts or the Supreme Court. It is contended that these Courts often take a long time in deciding cases with the result that justice is delayed and workmen suffer. It is also said that while in some cases there may be genuine difficulties or doubts in implementing awards and agreements and a recourse to higher courts inevitable, in many cases this procedure is adopted only to delay implementation.

2. Precise information regarding the number of awards as percentage of total awards during a particular period, referred to higher courts in different States and the time taken in their disposal, is not readily available. State Governments have been asked to make an assessment of the problem, but it will be some time before the information is collected. However, from the information regarding implementation of awards, agreements, etc., furnished to the Evaluation and Implementation Division by certain State Governments, it is revealed that out of about 400 cases of non-implementation, 144 or roughly 36% are pending in different courts, out of which 82 or about 20% are pending in High Courts/Supreme Court. Though, these figures do not give a complete picture as they relate only to a few States*, they do reveal the magnitude of the problem.

*Bihar, Kerala, Delhi, Orissa, Punjab, Tripura and U.P.

3. It is understandable that recourse to appeals by employers, who are by and large in a better bargaining position, should create a sense of distrust and frustration among the working class and lead to frequent labour trouble. In many cases it tires out the patience of workers and encourages them to resort to threats of strike for the redress of their grievances.

The threat of strike from September 5, 1958 given by the All India Petroleum Workers' Federation is a case in point. The Industrial Tribunals in Delhi, Calcutta, Madras, Punjab, etc., gave awards regarding the payment of bonus to workers of petroleum companies. The managements in each case went up in appeal to the Supreme Court. The workers' unions in retaliation, formed an Action Committee and to force the issue have given a strike notice. The example is given not to justify the strike notice - in fact all threats of physical duress are against the spirit of the Code of Discipline - but to show how too frequent a resort to appeals to higher courts results in strained labour management relations.

4. One of the suggestions made for avoiding delay in the settlement of industrial disputes is that the Constitution should be amended to take away the right of appeal against industrial awards to High Courts and the Supreme Court. This is not a practical suggestion. The purview of the Supreme Court must remain Supreme. The 14th Labour Ministers' Conference (October, 1957) considered this question and as recommended by it, steps have been taken to request the High Courts and the Supreme Court to expedite cases of industrial disputes pending with them. It is understood that of late there has been some improvement in the matter. The State Governments have been requested to bring to the notice of Government of India the number and duration of cases pending in their High Courts so

that, if necessary, these courts could again be requested to expedite the disposal of cases. It is also proposed that the E&I Division should assess the extent of this problem. After the necessary statistics have been collected a more comprehensive analysis would be placed before the Committee at a subsequent meeting.

5. It is only through voluntary restraint that the tendency to go in appeal to higher courts has to be minimised. What is needed in this case, as in other cases of labour management relations, is a change of heart and attitude of employers and workers towards each other. The implementation of awards of Industrial Tribunals, etc., in good faith and with grace, will to a large extent eliminate causes of friction and discontentment. It is only in the case of technical flaws in an award that an appeal to a higher courts may be justified. It was in this spirit that the Standing Labour Committee at its 16th Session held in October, 1957 recommended that the tendency to have recourse to law courts on unsubstantial grounds should be discouraged and that the organisations themselves should devise some sort of machinery to screen cases which their members contemplate referring to higher courts. If this screening is done properly and in a spirit of mutual give and take, it would remove a potent source of irritation in labour-management relations.

6. The members of the Committee may like to impress upon the constituent units of the organisations to which they belong, the need for setting up, as early as possible, a suitable and effective screening machinery referred to in para 4 above.

'Sadhu 21.8.'

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

Central Implementation & Evaluation Committee
(First Meeting - New Delhi - 16th Sept. 1958)

ITEM No.4 ON THE AGENDA: Implementation of the code of Discipline in Industry.

MEMORANDUM

The Indian Labour Conference at its 15th Session held in July,1957 considered the subject of discipline in industry and felt that there was need for both employers and workers to adhere to certain agreed principles in the matter of discipline. The Conference laid down the basic principles in this regard and set up a Sub-Committee on Workers' Participation in Management and Discipline in Industry to suggest measures for improving discipline in industry. The Sub-Committee met in August, 1957 and evolved a Code of Discipline in Industry.

2. The Standing Labour Committee which considered the Code in detail at its 16th session held in October, 1957 adopted it with some modifications. It was agreed at the meeting of the Standing Labour Committee that breaches of the Code would not be ventilated publicly by either party till the agency constituted for the purpose had gone into the matter and given its decision. The following steps were recommended in regard to the action to be taken by organisations against their constitutents who committed breaches of the Code:-

(i) to ask the unit to explain the infringement of the Code;

(ii) to give notice to the unit to set right the infringement within a specified period;

(iii) to warn and, in cases of a more serious nature, to censure the unit concerned for its action constituting the infringement;

(iv) to impose on the unit any other penalties open to the organisation; and

(v) to dis-affiliate the unit from its membership in the case of persistent violation of the Code.

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3. The Committee was also of the view that grave, wilful and persistent breaches of the Code by any party should be widely publicised and that the employers' and workers' organisations should give no countenance to members who did not observe the Code. It was also clarified that the Code was applicable equally to the public sector. One of the recommendations of the Committee was that the Central and State Governments would maintain panels of names of employers' and workers' representatives who would be available for constituting teams to investigate breaches of the Code of Discipline and to evaluate the progress of implementation of awards, etc.

4. The Code of Discipline in Industry adopted by the Standing Labour Committee was further considered by the Sub-Committee on Workers' Participation in Management and Discipline in Industry and was finalised at its meeting held in March, 1958. The Code has since been ratified by the representatives of all central organisations of workers and employers. A copy of the Code of Discipline in Industry, as ratified, is enclosed (Annexure I).

5. The Evaluation & Implementation Division has recently taken over the work connected with the enforcement of the Code of Discipline in Industry by various parties. Whenever a complaint is received about an infringement of the Code, the central organisation to which the establishment or the union, as the case may be, is affiliated is addressed in the matter. In some cases, reports from State Governments are also called for. On receipt of a report from the party, which is alleged to have violated the Code, the whole question is examined with a view to fixing responsibility. By the end of July, 1958 21 cases of infringements of the Code which threatened industrial peace or seriously jeopardised harmonious labour-management relations were taken up with the parties concerned. Information so far

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collected by the Division reveals that the responsibility for infringements of the Code in all these cases is to be shared equally by workers and employers. In general, infringements of the Code by workers are due to agitation and satyagrah at factory gates causing interference of work, rowdyism, provocative speeches, abusive language against management, violence, assault on management officials, strike without notice, etc.,. On the part of employers, the infringements comprise stubborn attitude and non co-operation with workers in settlement of disputes, non-implementation of awards and enactments, lock-out without notice, coercion and unfair labour practices, such as creating split in the union, etc.,. All these cases are, at present, being examined in consultation with the parties concerned. Four of these cases have, however, been settled. Two related to non-implementation of award/agreement by textile mills in Coimbatore. It was possible to secure compliance by the managements concerned in these cases through the good offices of the Southern India Mill Owners' Association. The third case related to satyagrah and agitation by the union in a textile mill in Kerala. This agitation was started over the transfer of certain workers from one section to another. The matter was taken up with the State Government. Subsequently, the dispute was amicably settled at a conference of representatives of the labour union held by the State Labour Minister. The fourth case concerned a mica mine in Andhra Pradesh where the labour union had resorted to strike without notice. This infringement of the Code was brought to the notice of the central labour organisation concerned to which the union was affiliated. The matter ended in a settlement between the management and the union 'to give prior notice hereafter either for lock-out, dismissal or for strike'. In two cases of major strikes in Jamshedpur

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and Ports and Docks case studies were conducted to investigate if there had been breaches of the Code by any party.

6. Experience has shown that in cases of infringements of the Code there is a general tendency to justify the part played by one party by putting the blame on the other for some remote cause or immediate provocation. While there can be little justification for the policy of meeting one wrong by committing another it is essential for the success of the Code that its provisions should be followed more in spirit than in the letter and the organisations concerned take suitable steps to prevent infringements of the Code, as far as possible.

7. The Code of Discipline is a new venture and has been evolved as a result of mutual agreement between the employers' and workers' organisations. The Code will serve its purpose only if it is faithfully adhered to by all concerned at all levels. While the Central Evaluation and Implementation Division will take steps to bring infringements of the Code of Discipline to the notice of parties responsible for such infringements, it would be more efficacious if organisations evolve their own sanctions against their constituents which do not play the game. It may be mentioned, in this connection, that in Sweden, Federations have powers to impose penalities on dissident members who go against the agreements entered into by the main organisations. Experience in other countries is not different. There is no reason why similar procedure should not work in India.

8. It is proposed to place before the Central Implementation & Evaluation Committee, at its future meetings, major cases of infringement of the Code of Discipline in Industry for their consideration and for suggesting ways to set right the infringements as well as to reduce their future occurrence. In this task, however, the co-operation of organisations of employers and workers is essential without

which it would be difficult to ensure proper and effective observance of the provisions of the Code. A copy of the Code has already been circulated to all organisations of employers and workers requesting them to bring the contents of the Code to the notice of their constituent members and to impress upon them the need for adhering to the provisions of the Code.

9. The Committee may like to:-

(i) request the various Central Organisations of Employers and Workers to persuade their constituent units to honour the Code in letter as well as in spirit rather than justify their infringements by ascribing them to provocation by the other parties;

(ii) ask the various Central Organisations of Employers and Workers to take steps effectively, mentioned in para 2 above, for setting right any breach of the Code and for taking suitable action against recalcitrant members; and

(iii) offer its views on the recommendation of the Standing Labour Committee regarding maintenance of panels of names of employers' and workers' representatives for investigating breaches of the Code;

(x) that they will educate the management

Annexure 5

CODE FOR DISCIPLINE IN INDUSTRY

I. TO MAINTAIN DISCIPLINE IN INDUSTRY

there has to be (i) a just recognition by employers and workers of the rights and responsibilities of either party, as defined by the laws and agreements (including bipartite and tripartite agreements arrived at all levels from time to time) and (ii) a proper and willing discharge by either party of its obligations consequent on such recognition.

The Central and State Governments, on their part, will arrange to examine and set right any shortcomings in the machinery they constitute for the administration of labour laws.

To ensure better Discipline in Industry.

II. MANAGEMENT & UNION(S) AGREE

(i) that no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level;

(ii) that the existing machinery for settlement of disputes should be utilised with the utmost expediency;

(iii) that there should be no strike or lockout without notice;

(iv) that affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration;

(v) that neither party will have recourse to (a) coercion, (b) intimidation, (c) victimisation or (d) go-slow;

(vi) that they will avoid (a) litigation, (b) sit-down and stay-in strikes and (c) lock-outs;

(vii) that they will promote constructive cooperation between their representatives at all levels and as between workers themselves and abide by the spirit of agreements mutually entered into;

(viii) that they will establish, upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to settlement;

(ix) that they will abide by various stages in the grievance procedure and take no arbitrary action which would by-pass this procedure and

(x) that they will educate the management personnel and workers regarding their obligations to each other.

III. MANAGEMENT AGREE

(i) not to increase work-loads unless agreed upon or settled otherwise;

(ii) not to support or encourage any unfair labour practice such as (a) interference with the right of employees to enroll or continue as union members, (b) discrimination, restraint or coercion against any employee because of recognised activity of trade unions and (c) victimisation of any employee and abuse of authority in any form;

(iii) to take prompt action for (a) settlement of grievances and (b) implementation of settlements, awards, decisions and orders;

(iv) to display in conspicuous places in the undertaking the provisions of this Code in the local language (s);

(v) to distinguish between actions justifying immediate discharge and those where discharge must be preceded by a warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such disciplinary action should be subject to an appeal through normal grievance procedure and

(vi) to take appropriate disciplinary action against its officers and members in cases where enquiries reveal that they were responsible for precipitate action by workers leading to indiscipline.

IV. UNION(S) AGREE

(i) not to engage in any form of physical duress;

(ii) not to permit demonstrations which are not peaceful and not to permit rowdyism in demonstration;

(iii) that their members will not engage or cause other employees to engage in any union activity during working hours, unless as provided for by law, agreement or practice;

(iv) to discourage unfair labour practices such as (a) negligence of duty, (b) careless operation, (c) damage to property, (d) interference with or disturbance to normal work and (e) insubordination;

(v) to take prompt action to implement awards, agreements, settlements and decisions;

(vi) to display in conspicuous places in the union offices, the provisions of this Code in the local language(s) and

(vii) to express disapproval and to take appropriate action against office-bearers and members for indulging in action against the spirit of this Code.

185

No.E&I-1(2)/B/58
Government of India
Ministry of Labour & Employment

From

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

To

All members of the Central Implementation and Evaluation Committee.

Dated New Delhi, the 28th August, 1958.

Subject:-First Meeting of the Central Implementation and Evaluation Committee (New Delhi - 20th September 1958).

Dear Sir,

In continuation of this Ministry's letter of even number dated the 22nd August, 1958, on the above subject, I am directed to enclose memoranda on the remaining two items of the agenda:

ITEM NO.5 of the Agenda: Evaluation of Labour enactments, awards, agreements, disputes, etc.,.

ITEM NO.6 of the Agenda: A review of some typical cases of non-implementation.

2. Receipt of this letter may kindly acknowledged.

Yours faithfully,

(K.M.Tripathi)
for Joint Secretary.

Copy forwarded for information to:-

1. Shri P.P.Agarwal, I.C.S., Joint Secretary, Planning Commission.
2. All State Governments and Union Territories.
3. All India Organisations of employers and workers.
4. All Officers of this Ministry including Private Secretary to Labour Minister/Deputy Labour Minister/Parliamentary Secretary/Secretary and Personal Assistants to Joint Secretary(G)/Joint Secretary (E).
5. All attached and sub-ordinate offices of this Ministry.
6. All Sections of this Ministry (except C.R., Cash, Adm., Library, O & M., and Vigilance).
7. Press Information Officer (Shri Kumar Dev) for favour of usual action.

(K. M. Tripathi)
for Joint Secretary.

GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

CENTRAL IMPLEMENTATION & EVALUATION COMMITTEE
(FIRST MEETING-NEW DELHI, 20TH SEPTEMBER, 1958)

ITEM NO.5 ON THE AGENDA: EVALUATION OF LABOUR ENACTMENTS, AWARDS, AGREEMENTS, DISPUTES, ETC.

MEMORANDUM

While the work of getting awards, agreements, and enactments implemented by various parties has been undertaken by the E & I Division, an objective evaluation of their present position regarding implementation is essential if we are to make any long term contribution towards their better and more effective implementation. With this object in view the State Governments and Employers' and Workers' Central Organisations were requested to indicate defects in the existing labour enactments, awards, etc., which stood in the way of their implementation and their suggestions for improving them. An analysis of suggestions for amendment and complaints regarding non-implementation of different labour enactments received in the E & I Division is given in Annexure I. Apart from the suggestions for amendments of labour enactments, some complaints and suggestions have also been received in respect of implementation of awards, agreements, etc., the details of which have been given in the memorandum on item 2 of the agenda. In the light of all these suggestions, studies will be undertaken to evaluate the working of specific enactments, awards, agreements, etc., primarily with a view to finding out whether the objectives for which they were enacted or given, are being achieved. The studies are of two types:-

(a) Short-term ad-hoc studies; and

(b) Relatively long-term planned studies.

(a) AD-HOC STUDIES

2. The Ad-hoc studies will include enquiries into the causes of important strikes, lock-outs, disputes, etc., and their evaluation in the light of the Code of Discipline. Two such studies which have recently been made by the E & I

Division cover (i) the Jamshedpur strike, and (ii) the ports and docks strike. The ad-hoc studies may also include the work of 'observers' or 'observation teams' which may be appointed in pursuance of the recommendations of the 16th Session of the Standing Labour Committee, to investigate, among other things, the breaches of the Code of Discipline. This work is to be taken up as and when occasion arises and will basically be in the nature of case studies.

(b) PLANNED STUDIES

3. These studies include evaluation of labour enactments, awards, decisions, etc., with a view to finding out:

(i) The defects/obstacles in their efficient working;

(ii) Whether they have achieved the objectives for which they were enacted or given; and

(iii) The lines on which amendments/ improvements are necessary.

4. The planned studies will be in the nature of relatively long-term analytical surveys. One such study which has already been undertaken by the E & I Division is the evaluation of the working of Multi-Purpose Institutes under the Coal Mines Welfare Fund Organisation. The report is under preparation and will be submitted to Government shortly. Some of the other subjects which the Division proposes to take up for evaluation are mentioned below:-

(4) A W A R D S

Evaluation of important awards will be undertaken to find out the extent of non-implementation its causes and the bases adopted by different courts for deciding various issues. This analysis will be useful in evolving 'norms' for various items commonly under dispute.

(B) LABOUR ENACTMENTS

(i) Employees' State Insurance Act:

It has been decided to entrust the evaluation of the Employees' State Insurance Scheme to a team of experts to be obtained from Colombo Plan Countries.

(ii) Employees' Provident Fund Act:

The working of this Act in exempted factories may be evaluated.

(iii) Minimum Wages Act:

The following aspects of this Act may be reviewed:-

(a) Working of the enforcement machinery under the Act.
(b) Assessment of the working of the Act in its application to employment in agriculture.

(c) Assessment of the economic effects of minimum wages on employment, prices, wages, etc.

(iv) Industrial Disputes Act, 1947:

The following aspects of this Act may be examined:-

(a) Works Committees - assessment of their working; their functions, vis-a-vis, those of joint councils, productivity councils, etc.

(b) Assessment of industrial relations machinery in public sector undertakings.

(C) DECISIONS, GENERAL QUESTIONS, ETC.

The following problems are proposed to be evaluated:-

(i) Assessment of the enforcement of labour laws (based on a sample survey), in:

(a)Coal mines, and
(b)mica mines.

(ii) An analysis of strikes and lock-outs - organisations, State and industry-wise - reasons for high incidence in certain areas, organisations or industries.

(iii) Analysis of time taken in the disposal of labour cases by different labour courts, High Courts and the Supreme Court.

5. This programme of work is for the information of the Committee. They may like to suggest any other item which may be taken up for evaluation.

'S'S'19.8.'

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ANNEXURE I

AN ANALYSIS OF SUGGESTIONS FOR AMENDMENT AND COMPLAINTS REGARDING NON-IMPLEMENTATION OF DIFFERENT LABOUR ENACTMENTS RECEIVED IN THE EVALUATION & IMPLEMENTATION DIVISION

As mentioned in Memorandum on item No.2 on the Agenda the complaints regarding non-implementation or partial implementation of labour enactments received in the Evaluation & Implemention Division are broadly of two types -(a) where non-implementation is due to defects in enactments and suggesgions have been made for their amendments and (b) where non-implementation is due to violation of certain provisions of the Act and on which administrative action is called for. In this note, a resume of important complaints and suggestions in respect of these two types of cases is given.

A. SUGGESTIONS REGARDING AMENDMENTS

About 170 suggestions for amendments to various labour enactments have been received. On examination, it has been found that amendment is not necessary or possible in 27 per cent. of the cases. In respect of 30%, amendments are under consideration while 25% cases are under examination in consultation with the organisations and the authorities concerned. In the remaining cases, the matter has either been discussed already at some tripartite conference or it has been referred to State Government for necessary action.

Suggestions regarding each enactment are discussed below:-

1. INDUSTRIAL DISPUTES ACT, 1947

The largest number of complaints and suggestions (46 in number) have been received in respect of this Act. The outstanding among them are:-

i) Section 25H

It has been complainted that section 25H which requires employers to give notice to all retrenched persons ~~everytime~~ vacancies have to be filled even though the workers do not report for re-employment or intimate the reasons therefor presents a real difficulty to employers.

The difficulty being genuine, action has been taken to amend the relevant Central Rule to provide that if the retrenched workman does not offer himself for re-employment in spite of having

received intimation from the employer, he need not intimate to him the vacancies that may occur subsequently.]

ii) Section 33C

Complaints have been received regarding delay in the realisation of dues from employers under section 33C. It is true that the procedure for realisation of dues under this section is elaborate and time consuming and one of the reasons for delay may be the provision of section 33C(2) which requires the Labour Court to compute the money value of the benefit. It has been suggested in this connection that the appropriate Government should be empowered to compute the value of benefit up to Rs.5,000 and cases involving a higher amount should go to the Labour Court.

[It is proposed to place the matter before the forth-coming session of the Standing Labour Committee with a view to curtailing the delay in the settlement of disputes.]

iii) It has been pointed out that conciliation officers cannot enforce production of documents and attendance of parties which causes delay in the settlement of cases. It has, therefore, been suggested that conciliation officers should be vested with necessary powers for this purpose.

[The Conciliation Officer can launch criminal prosecution against the party who intentionally refuses to produce a document required by him; but enforcement of attendance of parties presents a real difficulty and the matter has been brought to the notice of the Administrative Section for being placed before the next meeting of the Standing Labour Committee.]

iv) Some of the other suggestions received are:-

a) Retrenchment compensation should be paid to an employee discharged for continued ill health;

b) Appointment of judges to tribunals should be confined to men in service;

c) Teachers should be regarded as workmen under the Act;

d) Reference of disputes to tribunals should not be left to the discretion of Government - it should be available on asking; and

e) The conciliation proceedings should be completed within 14 days and a provision made in the Act for punishing conciliation officers for delay.

[It is not possible to accept these suggestions for various reasons. A person who is not retrenched cannot obviously claim retrenchment benefit; there is little reason why retired men should not be appointed as judges of tribunals particularly when there is scarcity of judges to man labour tribunals. This question was

an industry within the meaning of the Industrial Disputes Act and teachers cannot, therefore, be considered as 'workmen'. As regards reference of disputes to tribunals on asking [[[[it will be appreciated that the appropriate government is required to undertake some preliminary examination to decide whether a case is fit for adjudication and some sort of screening is obviously necessary. Very often, conciliation proceedings are adjourned on the request of the parties concerned and it would not be proper to make any general provision for punishing conciliation officers for the delay.]

II. INDIAN TRADE UNIONS ACT, 1926

The important suggestions received are:-

i) As in the absence of any penal provision, no action can be taken against a union for non-observance of rules framed by it, it has been suggested that the registration of the union should be cancelled for such an offence.

[On a reference being made to the Ministry of Law, it has been confirmed that the registration of a union cannot be cancelled for such an offence under the existing law. The Administrative Section was, therefore, approached to consider an amendment of the Act and they are considering the matter.]

ii) Provisions should be made for recognition of trade unions and for empowering the Registrar of Trade Unions to inspect the books of the unions.

[Both these suggestions were placed before the last session of the Indian Labour Conference and necessary action is being taken to implement the conclusions reached there.]

III. PAYMENT OF WAGES ACT, 1936

The main suggestions received under this Act are:-

i) Delay in the disposal of claim applications;

ii) Inability of inspectors to prosecute employers for delay or non-payment of wages when payment, though delayed, has been made.

iii) Absence of clear directions under the Act regarding jurisdiction of the Payment of Wages Authority.

iv) Inadequacy of the compensation of Rs.10/- provided under section 15(3).

[All the above difficulties are proposed to be removed by amending the Act. In order to remove the difficulty mentioned at (i), it is proposed to appoint Industrial Court or Tribunal also as

'authority' to hear and decide claims under section 15. State Governments were recently asked to consider the desirability of appointing authorities in each Tehsil or Sub-division and most of them have complied with the request.]

IV. MINIMUM WAGES ACT, 1948

Some of the important suggestions under this Act are:-

i) Administrative difficulties are being experienced in enforcing provision for payment of wages for weekly-off days.

ii) There are difficulties in computing the average wage for the purpose of weekly-off for piece-rated workers.

iii) Provisions of section 20(4) authorising the Authority to impose penalty on persons filing malacious or vexatious claim applications acts as deterrent to an inspector taking up the case.

[It proposed to amend the Act/Central Rules to remove the defects mentioned above.]

iv) Government's power under section 26 to exempt a class or classes of employees should be withdrawn.

[The retention of provision under section 26 is necessary for administrative reasons as sometimes a class of workers may have to be exempted on the ground that it is otherwise getting equally satisfactory benefits.]

v) Occupational nomenclatures should be standardised as employers sometimes try to evade payment of minimum wages by preferring wrong designation to occupations.

[It is not possible to standardise all occupations coming under the purview of the Minimum Wages Act. The party concerned has, however, been requested to cite specific cases of violation so that the matter may be examined further.]

V. EMPLOYEES' PROVIDENT FUNDS ACT, 1952

The main complaints and suggestions in respect of this Act are:-

i) Provident fund contribution should be given first preference over all other creditors of employers.

[It is proposed to amend the Act suitably for the above purpose.]

ii) There should be provision for compulsory imprisonment when the accused is a previous convict.

[Penal provision already exists in the Employees Provident Funds Act. No labour enactment provides for compulsory punishment of

imprisonment for persons who have defaulted under the Act only once and it is not considered desirable to make any such provision in the Employees Provident Funds Act.]

VI. MINES ACT, 1952

Some of the important suggestions in respect of this Act are:-

i) Provision should be made for enhanced rate of payment for overtime work.

ii) Better leave facilities for mine workers should provided.

[It is proposed to amend the Act suitably to meet the above points.]

iii) Workers should not be deprived of leave privilege for participation in an illegal strike.]

[It is obviously not possible to accept this suggestion as under the law, interruption of service brought about by an illegal strike constitutes a break in continuity of service. This is as it should be.]

VII. MINES MATERNITY BENEFIT ACT

The important suggestions in respect of this Act are:-

i) Sections 2(b) and 2(c) need an amendment so as to bring relevant definitions upto date with reference to the Mines Act, 1952.

[The amendment suggested has been agreed to by the Administrative Section and necessary changes will be made in the Act in due course.]

ii) It should be provided that not only the owner or the manager could be prosecuted under the Act but the agent of the mine could also be prosecuted in line with the similar provision of the Mines Act, 1952.

[The suggestion has been agreed to and the Act will be amended suitably in due course.]

iii) Some of the minor suggestions are in respect of enhancement of maternity benefit, bonus payable under section 6 of the Act for the services of a qualified mid-wife and raising the maternity benefit period from four weeks to six weeks.

[These suggestions are already covered by the proposed amendments to the Act.]

VIII. WORKMEN'S COMPENSATION ACT, 1923

Some of the important suggestions received in respect of this Act are:-

i) Schedule IV of the Act which lays down the rate of compensation payable in case of death and disablement should be revised.

ii) A reasonable time limit not exceeding 3 months should be prescribed within which period the employers must deposit the amount of compensation with the Commissioner for Workmen's compensation.

iii) The time limit for making a claim for compensation should be raised from 1 to 3 years.

[All the above suggestions are covered partly or fully by the amendment proposals that are already under Government's consideration. Thus, it is proposed to

i) revise Schedule IV;

ii) to make the employer liable to pay (a) interest on compensation at 6% per annum if it is delayed for more than 3 months and (b) a further compensation not exceeding 50% of the amount due if the delay is wilful;

iii) to raise the time limit of one year for preferring claims to two years.]

iv) The Act should be made applicable to clerical staff.

[It does not appear necessary to include clerical staff as they are not generally engaged in occupations which are exposed to employment injury.]

IX. EMPLOYEES STATE INSURANCE ACT, 1948

Some of the important suggestions in respect of this Act are:-

i) The waiting period of two days in the case of a sickness benefit should be abolished.

[The provision of waiting period is almost universal in all social insurance schemes. However, the suggestion is being examined by the Employees State Insurance Corporation.]

ii) Medical benefits should be extended to the family of the insured employee.

[The Corporation has already decided to extend medical benefit to families. Action is being taken to provide medical benefit to families as early as possible.]

iii) Provision should be made for old age pension.

[This is being considered by the Group appointed by Government for evolving an integrated scheme of social security.]

iv) Employers should be made responsible for paying compensation for employment injuries with an assurance by the Corporation that such payments would be re-imbursed to them.

[As this suggestion involves legal as well as administrative complications, it is not possible to accept it. The Corporation has already set up a number of local offices in the areas where the scheme is in operation and payments for employment injury etc., are made

through these local offices.

B. CASES REGARDING NON-IMPLEMENTATION OF ENACTMENTS

About 320 cases of non-implementation of various labour enactments were reported to the E & I Division. In 61% of the cases, the matter has already been settled or the parties concerned have been asked to cite specific instances with full details so that necessary remedial action might be taken. In respect of 25%, State Governments have been approached for taking necessary action as the cases fall within the State sphere and can appropriately be looked after by the State Evaluation & Implementation Cells/Committees. The remaining cases are being investigaged by this Ministry. Complaints regarding some of the important enactments are discussed below:-

I. MINIMUM WAGES ACT, 1948

There are 22 complaints relating to non-payment of minimum wages, leave wages, non-payment for the weekly off day, non-display of notices or maintenance of registers, etc.,. Of these, 13 have been referred to State Governments for necessary action. Of the 9 cases in which action was remained to be taken by Central Government, amicable settlement has been arrived at in one case and the management has agreed to pay a sum of Rs.25,000/- as difference of wages to workers. Three cases relate to non-payment of wages for the weekly-off day under Rule 23 of the Minimum Wages (Central) Rules. There are certain difficulties in the implementation of this Rule. The matter will be placed before the Central Advisory Board. The remaining 5 cases are under investigation.

II. PAYMENT OF WAGES ACT, 1936

Only 9 complaints relating to non-payment or irregular payment of wages have been received under this Act. Of these, two relate to State Government and the rest to the Central Government. Of the 7 cases relating to Central Government, settlement has been brought about in two cases. In one case the management has paid the wages due. In another case as a result of persuation the management has promised to use its good offices to ensure that the dues of workers under supply-agents are paid correctly, punctually and regularly. In one case of non-payment of wages, it is proposed to file a claim under Section 15 of the Act. In another case the organisation concerned has been asked to cite specific instances of non-implementation. Three

cases are under investigation.

III. MINES ACT, 1952

There are 15 complaints relating to inadequate arrangement for drinking water, conservancy, canteen, etc.,. As a result of our taking up the matter, necessary action has been or is being taken by the management in 3 cases; in another 2 cases, the parties concerned have been asked to cite specific instances in support of the complaints made. In three cases the complaints on investigation were found to be baseless. In another case the workers were found to be excluded from the purview of the Act and hence not entitled to the benefit about which the complaint was made. The remaining cases are under investigation.

IV. EMPLOYEES' PROVIDENT FUND ACT, 1952 AND THE SCHEMES FRAMED THEREUNDER

Three organisations have complained of non-implementation of the Act and the Scheme. In one case it has been stated that the scheme is not being implemented in 31 mines in Keonjhar and Singhbhum Districts. In another case, it has been alleged that some quarry workers are being deprived of the benefit of the Scheme. In the third case there are allegations regarding infringement of the conditions of exemption by certain jute mills in West Bengal. An enquiry into the first case involving 31 mines shows that the allegations are not true in all the cases and the number of defaulters are only a few. The remaining two cases are under investigation.

V. PLANTATIONS LABOUR ACT, 1951

Twenty-eight complaints regarding non-implementation or delayed implementation of the provisions of the Plantation Labour Act in Assam have been reported by one workers' organisation. The complaints relate to drinking water, conservancy, medical facilities, recreation and education facilities, housing, etc.,. All these cases are being investigated by the State Government.

VI. INDUSTRIAL DISPUTES ACT, 1947

About one hundred and sixty-three complaints regarding non-implementation of legal provisions of this Act were received. These include complaints made by one organisation of non-settlement of 140 disputes in Barbil mining area, complete

details of which were not furnished by the organisation. About 30% of these cases have been investigated and the result of the investigation communicated to the organisation concerned; in other cases, details have been asked for. Of the remaining 23 complaints which relate to non-payment of retrenchment and lay-off compensation and non-formation of works committees, 14 were referred to State Governments for necessary action. Of the 9 cases in which the Central Government is required to take action, one has already been disposed of; in five cases, the complaints were general and parties have been asked to furnish specific instances of non-implementation. The remaining three are under investigation.

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'Sadhu 26.8.'

GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

Central Implementation & Evaluation Committee
(First Meeting - New Delhi, 20th September, 1958)

ITEM NO.6 ON THE AGENDA: A review of some typical cases of non-implementation.

Of the various cases of non-implementation reported to the Evaluation and Implementation Division, a large number - about 39% - relate to mines - coal, mica and others. A broad outline of the nature of these cases has been given in Memoranda on Item Nos. 2 and 5. In this note, typical cases of non-implementation of enactments, awards, etc., in mines are discussed more with a view to bringing out the difficulties experienced by the Division in getting remedial action taken by the parties/authorities concerned.

A. Coal Mines.

(i) Coal Award: One of the workers' organisations informed the Division on May 10, 1958 that small collieries in Bagmara, Chandore, Magma, Nirsa, Patherdih and Tisra areas of Jharia coal fields had not fully implemented the Coal Award. Names of 10 collieries were cited in this regard. An investigation of these cases revealed that three mines had already implemented the Award fully, while in other cases legal action by way of proceedings under the Industrial Disputes Act could not be initiated as employers had filed an appeal in the Supreme Court against the Labour Appellate Tribunal's decision and its implementation was stayed by the Court. The appeals pending before the Court were withdrawn by the employers only in May, 1958 and since then the question of taking legal action for non-implementation of the Award in appropriate cases has been taken up.

Some other complaints against the colliery owners related to evasion of legal provisions by getting the work done through contractors, non-payment of minimum guaranteed wages to piece-rated workers, non-implementation of the provisions of the Coal Award as modified by the Labour Appellate Tribunal's decision, payment of dearness allowance at enhanced rates, etc. All

these complaints were of a general nature and no specific instance was cited. According to investigations made by Chief Labour Commissioner, about 90% of the working collieries in Dhanbad region have already started paying enhanced rates of dearness allowance from May, 1958 onwards and the question of ensuring payments by remaining collieries has already been taken up by the Regional Labour Commissioner with the managements concerned. The union was accordingly advised to furnish specific instances of non-implementation so that the matter could be taken up with the managements concerned, but no reply has so far been received.

(ii) Employees' Provident Funds Scheme: One of the workers' organisations reported non-implementation of the Employees' Provident Funds Scheme in 31 mines and quarries in Keonjhar (Orissa) and Singhbhum (Bihar) areas. An investigation of the complaint revealed that of the eleven mines in Bihar reported to have not implemented the Scheme, three had already complied with the provisions of the Scheme, two are closed and six are not located in Bihar - two of these are actually in Orissa and are reported to have implemented the Scheme. In the absence of information about the exact locations of the remaining four mines, the complaint could not be substantiated. Of the twenty mines in Orissa, reported to have not implemented the Scheme, eight have already provided Provident Fund benefits to their workers. Another eight are not covered by the Act as their employment strength is below 50 while in respect of the remaining four, notices have been served on the managements to explain why the Scheme has not been implemented by them.

B. Mines in Barbil area

A complaint regarding non-settlement of 140 cases of individual disputes relating to mines in Barbil mining area was received. These cases were reported to be pending with the Conciliation Officer and the Chief Labour Commissioner. The disputes generally covered claims for gratuity, wages, bonus, leave, revision of rates, dismissal, retrenchment, etc.,. An investigation of fifty-six cases revealed that fourteen of them had already been closed by the Conciliation Officer after giving final replies to the Union concerned. In many of these cases, the claim for

gratuity, leave, wages, etc., was not considered justified. In certain others, repeated reminders to the unions failed to secure information sought by the Conciliation Officer for settling the matter. In five cases, there was no justification for any grievances as they were closed after arriving at a settlement and the union was apprised of the position by the Conciliation Officer. One of these cases was settled as early as November, 1957 while another case of dispute which related to Charter of Demands was closed at the instance of the union. Seven cases referred by the Union to the Conciliation Officer should have been appropriately referred to the Chief Inspector of Mines as they related to Mines Maternity Benefit Act. The Union was advised to take up these cases with the Authority concerned. It, however, intimated to the Conciliation Officer that that the Chief Inspector of Mines had asked it to take up these cases with him (Conciliation Officer). When the Union was asked to furnish a copy of the letter from the Chief Inspector of Mines, making this suggestion no reply was sent. The Union did not press this demand thereafter. In another four cases, the union had already been informed of the Government decision that these were not fit for adjudication and there was nothing that could be done further in the matter. In four cases, the union did not approach the Conciliation Officer for the settlement of the disputes but addressed the managements. As the officers of the Central Industrial Relations Machinery were not asked by the union to intervene in the matter, no action was taken by them.

In respect of the remaining 84 cases, difficulty was experienced in investigation as details regarding letter number, date of reference made by the union to the Conciliation Officer, exact nature of infringement, etc., were not available. The union has, therefore, been asked to furnish these details so that the matter could be investigated.

C. Mica Mines.

Complaints were received that Shri Jeejeebhoy's Award (July, 1948) which is still in operation in all mica mines in Bihar, is not fully implemented by mica mine owners in respect of supply of 4 gallons of water to each mine worker - (names of ten mines were

cited in this regard) - payment of retrenchment relief and of attendance bonus. An investigation of these cases revealed that provision regarding supply of drinking water is being implemented by majority of mines. As regards payment of retrenchement relief no specific instance of violation was cited. An enquiry into the matter, however, disclosed that retrenchment relief had been paid in every case and so far no suit had been filed for the recovery of amounts under section 33 C of the Industrial Disputes Act. Again, majority of mica mine owners are paying attendance bonus and only a few employers are irregular in making such payments. As regards house-rent allowance, it may be mentioned that it is payable only when quarters provided to workers residing in mines are not upto the standard. This allowance is also being paid by a majority of mica mine owners and no case of dispute has been received in this connection. The union did not cite any specific instance of non-implementation in this regard.

D. Other Awards/Agreements:

Five cases of non-implementation of other/Awards/Agreements by colliery owners were cited, but details of the nature of non-implementation, etc., were not furnished. An enquiry, however, revealed that in one case, the management and the workers had themselves asked for more time to settle their differences by mutual agreement; in two cases, the matter could not be examined for want of particulars; in one case the question of recovery of the amount due to the worker concerned is being considered while in the remaining one case no action is possible as the dispute is pending in the High Court.

It will be seen from the above that not all the complaints were justified. Many of them were either incorrectly mentioned or were incomplete in particulars. In several cases, complaints had already been settled and replies had been sent to the unions concerned. Investigation of the complaints meant looking into old records, reference to different field authorities, etc.,. Much time and labour could have been saved if the accuracy of the complaint had been verified and complete details furnished to the Division. Thus the point sought to be made out in this Memorandum

are that:-

1) in some complaints the facts are not correct or are unduly exaggerated;

2) in the other complaints the allegations are not supported by details or specific instances;

3) some complaints have been considered and disposed of by competent authority.

The suggestion for the consideration of the Committtee is that the Central Organisations of Workers and Employers may set up small bodies to scrutinise major complaints before passing them on to the E & I Division. This would not only facilitate the task of the Division but enable it to look into and resolve genuine grievances more speedily.

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-9 SEP 1958

No.E&I-1(2)B/58
Government of India
Ministry of Labour & Employment

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From

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

To

All members of the Central Emplementation and Evaluation Committee .

Dated New Delhi, the 8th Sept.'58.

Subject:- First Meeting of the Central Implementation and Evaluation Committee (New Delhi - 20th September 1958).

....

Dear Sir,

In continuation of this Ministry's letter of even number dated the 28th August 1958, on the above subject, I am directed to say that the enclosed Statement showing up-to-date position regarding setting up of Evaluation Committees and Cells by State Governments may kindly be substituted for Appendix I to the Memorandum on item I of the agenda circulated vide this Ministry's letter of even number dated the 22nd August 1958.

2. Receipt of this may kindly be acknowledged.

Yours faithfully,

for Joint Secretary.

Copy with a copy of enclosure forwarded for information to :-

1. Planning Commission (Shri Tarlok Singh I.C.S.)
2. All State Governments and Union Territories.
3. All India Organisations of Employers & Employees.
4. All Officers of this Ministry including Private Secy. to Labour Minister/ Deputy Labour Minister/Parliamentary Secretary/ Secretary and Personal Assistants to J.S(G)and J.S.(E).
5. All attached and subordinate offices of this Ministry.
6. All Sections of this Ministry (except CR, Cash, Adm, Library, O&M and Vig).
7. Press Information Officer (Shri Kumar Dev) for favour of usual action.

for Joint Secretary.

"D.A.Refd.to"
DAYAL
9/9/58.

Appendix I

Statement showing the position regarding setting up of Evaluation Committees and Cells by State Governments

	State	Position
1.	Assam	Proposal under consideration.
2.	Andhra Pradesh	Proposal under consideration.
3.	Bihar	A tripartite Standing Committee of five members representing employers and workers is being set up. An official Cell has already been set up.
4.	Bombay	Does not consider it necessary to set up a tripartite Committee at present as the magnitude of the problem of non-implementation is stated to be not great. But one officer has been designated to look into cases of non-implementation.
5.	Delhi.	Proposal under consideration.
6.	Himachal Pradesh	Proposal under consideration.
7.	Jammu & Kashmir	Proposal under consideration.
8.	Kerala	Has decided to set up a tripartite committee consisting of 4 representatives each of employers and workers with the Labour Commissioner as Chairman. An official Cell is also being created.
9.	Madras	Proposal under consideration.
10.	Mysore	A Sub-committee of the State Labour Advisory Committee is to be appointed to function as Implementation Committee. Information regarding the creation of an official Cell has been called for.
11.	Madhya Pradesh	The State Labour Advisory Board, when constituted will also function as the Implementation Committee. Information regarding the creation of an official Cell has been called for.
12.	Manipur	Does not consider it necessary to set up a Committee as there are no labour problems.
13.	Orissa	Proposal under consideration.
14.	Punjab	Both an Implementation Committee and a Cell have been set up.
15.	Rajasthan	An Implementation Committee with six divisional committees and a Cell have been set up.
16.	Tripura	Matter has been taken up with Assam/West Bengal for a joint implementation committee with either of these States.
17.	Uttar Pradesh	An Implementation Committee and a Cell have been set up.
18.	West Bengal	An Implementation Committee and a Cell have been set up.

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12 SEP 1958

178

GOVERNMENT OF INDIA

Office/Deptt.

E48 No. 44.(4)/58 New Delhi the 11th Sept 1958.

letter/memo. The undersigned is directed to acknowledge receipt of your No. RMW4, dated 1/5/58 which is receiving attention.

K. Sripaten
11/9/58

India Service Post Card

(This side reserved for address, with signature and official designation of sender.)

To
The General Secretary,
All-India Trade Union Congress
4, Ashoka Road
New Delhi

S. 49.

MFP—98[illegible]neral—6811—(M-1021)—16-9-54—2,600,000.

185

1 Lockout

~~a letter from mills.~~

Premier Automatics,
Dale Foundry.

2. [illegible] –

Aug. 21, 1918

3. Mills – Cuor..

Aug 27.

4. Another witness.

5. Beatties – Bldg

6. Arming name of employer's org:

7. Details.

— Right of employer to T & A
Cannot be taken disciplinary action

— Bill to wreck.