

186.1

IMMEDIATE
EXPRESS DELIVERY

NO. 41/1959
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 members of the Central Implementation and
Evaluation Committee.

Dated, New Delhi, the 5th Aug. 59

SUBJECT:- Second meeting of the Central Implementation and
Evaluation Committee (New Delhi - August 13, 1959)

Dear Sir,

In continuation of this Ministry's letter of even number dated the 27th July, 1959 on the above subject I am directed to say that the second meeting of the Central Implementation and Evaluation Committee will be held at 9.00 A.M. on August 13, 1959, in Committee Room A, First Floor, North Block Secretariat, New Delhi. A copy of the final Agenda of the meeting is enclosed.

2. Memoranda on items 2, 6 and 8 of the agenda are sent herewith.

*concerned
central
employers'
and workers'
organisations

3. As regards item 6 of the agenda you may kindly consider the desirability of requesting the representatives of the parties concerned to be available when cases of infringement of the Code in East Jemehary Colliery and Bikaner Gypsums Jamsar are discussed by the Committee. They will not, however, be entitled to Travelling Allowance etc.

4. The names of persons attending the meeting may kindly be intimated to this Ministry urgently.

Yours faithfully,

Arnigam
for Joint Secretary

d.a.refd.to.
b.k.m.5/8

Copy with enclosures forwarded for information to:-

1. All State Governments and Union Territories.
2. Planning Commission (Shri Tarlok Singh, I.C.S.)
3. All Central Organisations of Employers and Workers.
4. Private Secretary to Labour Minister/Deputy Labour Minister/Parliamentary Secretary/Secretary and Personal Assistants to Joint Secretary (G)/Joint Secretary(E)/Labour & Employment Adviser and all Deputy Secretaries/Chief Labour Commissioner
5. L.C. Section and Research Division.
6. Press Information Bureau (Shri Kumar Deo)

Arnigam
for Joint Secretary

Central Implementation and Evaluation Committee

(Second Meeting - August 15, 1958 - New Delhi)

A G E N D A

1. Action taken on the decisions of the first meeting of the Central Implementation and Evaluation Committee held on September 20, 1958.
2. A review of the working of the Code of Discipline.
3. Report on an enquiry into the strike in Premier Automobiles Ltd., Bombay under Code of Discipline.
4. Analysis of appeals relating to Industrial Disputes decided by Supreme Court during 1957 and 1958.
5. Progress of out-of-court settlement of industrial disputes pending in High Courts/Supreme Court.
6. Cases of infringement of the Code of Discipline in the following mines:
 - (i) East Jamehari Colliery, Dhanbad
(Suggested by All India Trade Union Congress)
 - (ii) Bikaner Gypsums, Jansar, Rajasthan
(Suggested by Hind Mazdoor Sabha)
7. Constitution of ^{La}tripartite Screening Machinery to scrutinise appeals to High Courts/Supreme Court on industrial disputes.

(Suggested by All India Trade Union Congress)
8. A review of the working of Central and State Evaluation and Implementation Machinery.

Proposals for inclusion in the agenda
for second meeting of
Central Implementation & Evaluation Committee

Item I : STUDY UNDER THE CODE OF DISCIPLINE BY A TRIPARTITE
BODY INTO THE FOLLOWING CASES REFERRED TO THE
E&I DIVISION BY THE AITUC:

- (1) Unfair Labour Practices in East Jemehary colliery;
- (2) Violation of the Code of Discipline by the management of Kemoram Cotton Mills, Calcutta;
- (3) Denial of Registration to Trade Unions affiliated to AITUC in Bihar, and
- (4) Violence against AITUC affiliates in Sirpur-Kaghaznagar and Singareni Collieries.

MEMORANDUM

A brief recital of each of the above cases is given below.

1. UNFAIR LABOUR PRACTICES IN EAST JEMEHARY COLLIERY: The Colliery Mazdoor Sabha (AITUC), Asansol in a letter dated 11/13 June 1958 addressed to the Minister of Labour and Employment stated that a tense situation has arisen in the East Jemehary Colliery, Ranigunj, following the refusal of the employer to retain 118 workers in employment unless they signed a humiliating bond. The AITUC also referred this case to the Union Labour Ministry on June 23, 1958, and requested for their intervention. Meanwhile, the E&I Division wrote to the AITUC on June 12, 1958 and August 21, 1958 that the Colliery Mazdoor Sabha (AITUC), Asansol, is allegedly indulging in violent activities at the East Jemehary Colliery, Ranigunj. The allegation was denied and it was pointed out that there existed a tense situation in the colliery, which was due to the refusal of the management to give work to 118 miners from 30th May 1958 onwards until they signed the above-referred bond. After a good deal of correspondence and discussions, the AITUC had with the E&I Division, and according to an agreement which the Regional Labour Commissioner (Central) was able to arrive at with the management on September 18, 1958, "it was agreed that the management would take back 30 workers immediately, 67 workers in batches of 10 to 15 as and when vacancies arose, within a period of 15 to 20 days and 21 workers who had been arrested by the police for violence after their acquittal." (vide Ministry of Labour & Employment letter No.E&I-35(31)/58 dated October 7, 1958). Since then the case

of alleged violence launched against 34 workers has been set aside and the workers acquitted of all charges. However, the position today is that 49 workers are even now kept out of employment. What has been extremely disconcerting is the fact that the E&I Division informed the AITUC on March 3, 1959 that only 15 workers were kept out of job because no suitable vacancy existed, that is, clearly counting out the 34 workers who were assured of reinstatement once the cases against them were disposed off. There is evidence to show that the employer concerned was deliberately avoiding reinstatement of the workers to their old jobs on the plea of no vacancy. Again, the Dhanbad Tribunal in his decision of 27th November 1958 has upheld that the management had indulged in a lock-out by refusing to re-employ the workers after May 30, 1958. When such a clear case of unfair labour practices in violation of the Code of Discipline has remained unsettled for nearly an year now, there is bound to be serious unrest in the colliery area.

2. VIOLATION OF THE CODE OF DISCIPLINE BY THE MANAGEMENT OF

KESGRAM COTTON MILLS, CALCUTTA: This case is before the E&I Division from October 1958, as far as violation of certain provisions of an agreement was concerned. Another glaring instance of unfair labour practice in preventing the functioning of elected Works Committees in the same establishment was also reported earlier on July 27, 1958. The position has not only not improved since then but the management of the mills have taken a more provocative attitude. They are utilising anti-social elements to create an atmosphere of terror, in order to crush the AITUC union. The W.Bengal Committee of the AITUC (vide letter dated February 14, 1959) has also brought before the attention of the E&I Division an instance of the violation of inter-union code of conduct on the part of the INTUC union in the above establishment. The mills are owned by the House of Birlas, one of the largest industrial combines in the country, and hence the trade unions would naturally interpret their actions as generally representative of all employers.

3. DENIAL OF REGISTRATION TO TRADE UNIONS AFFILIATED TO AITUC IN BIHAR:

This question has been raised repeatedly in several tripartite bodies by the AITUC and has also been raised with the E&I Division. The refusal to register AITUC unions in Bihar is notably in the case of United Mineral Workers Union, Gua (Singhbhum), and the Chaibasa Cement Mazdoor Union, Jhinkpani. The latter even got a writ of mandamus issued by the High Court to expedite registration. However, the Registrar without assigning any reasons has denied the registration.

The AITUC believes that the Bihar Government is, in these cases, guided by certain considerations other than strictly legal and procedural questions and is deliberately discriminating against the AITUC. This is, indeed, a grave charge but we are forced to record it as such since the action of the Bihar Government is otherwise inexplicable. The unions concerned are actively functioning and have majority backing, and denying even registration to them should be tantamount to violation of the Code of Discipline by the Bihar Government. The AITUC therefore demands a tripartite study into this allegation.

4. VIOLENCE AGAINST AITUC-AFFILIATED UNION IN SIRPUR KAGHAZNAGAR

AND IN SINGARENI COLLIERIES (ANDHRA PRADESH): On June 24, 1958, the AITUC reported to the Minister for Labour and Employment, Government of India that in the last week of May and early June 1958, there had been several instances of organised violence against office-bearers of the AITUC-affiliated Sirsilk Factory Workers Union, in Sirpur Kaghaznagar, Andhra Pradesh. The INTUC leaders responsible for these organised attacks were named in the letter. However, barring an acknowledgement from the Minister for Labour and Employment, the AITUC has as yet no knowledge of any action taken by the Labour Minister on this matter.

On October 13, 1958, the AITUC also referred to the Union Labour Minister, another instance of violence against its affiliate in Singareni Collieries. On this complaint, the E&I Division has made a counter-allegation that the AITUC affiliate has also instigated violent activities.

NOTE: The demand for tripartite study under the Code of Discipline on the above cases is made in the context of the conclusions of the 17th Session of the Standing Labour Committee (Item 8, (v)).

Item II: CONSTITUTION OF A TRIPARTITE SCREENING MACHINERY TO SCRUTINISE APPEALS TO HIGH COURTS AND SUPREME COURT ON INDUSTRIAL DISPUTES.

Memorandum

In the first meeting of the Central Evaluation & Implementation Committee, it was decided that central organisations of workers and employers should be advised to set up a screening machinery on their own to restrain appeals to High Courts and Supreme Court on industrial disputes. [Item 3, (ii)]

Experience since then has shown that this recommendation has not achieved the desired results. Several disputes are now before the Supreme Court on appeal against industrial awards. As was revealed by Shri G.B.Pant, Home Minister, Government of India, in reply to a question in the Rajya Sabha on February 19, a total number of 172 cases are pending as on February 1, 1959. Of these, the Home Minister stated, 5 cases are pending since 1956, 75 since 1957 and 92 of 1958 are pending.

Thus, while speedy action should be taken by the Government of India to bring about settlements out of court, it is essential that a tripartite committee to scrutinise the appeals is set up immediately. The AITUC had demanded, vide letter No.174(5)/TC/58 dated November 21, 1958, the constitution of such a tripartite screening machinery, and the Central Evaluation and Implementation Committee had also suggested setting up a tripartite committee if the procedure suggested on Item 3, (ii) did not succeed.

186.2

135-A

No. EAI-22(1)/59
Government of India
Ministry of Labour & Employment

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From

The Joint Secretary to the Government of India,
Evaluation & Implementation Division,

To

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

15 SEP 1959

Dated New Delhi, the

Subject,- Implementation of the decisions taken at the
2nd meeting of the Central Implementation &
Evaluation Committee - Post check of Labour
appeal cases filed in higher courts.

Dear Sir,

At the second meeting of the Central Implementation
and Evaluation Committee held on the 13th August, 1959, it
was decided that the Central Organisations should themselves
screen cases and if necessary a post check of cases filed in
higher courts may be made. In order that a post check may
be made I am desired to request you to let this Ministry have
every month a statement (as per profoma enclosed) giving
details of cases screened by your Screening Machinery.

2. I shall be grateful if the first statement in
respect of August 1959, is sent to us at an early date.

Yours faithfully,

Bernjan
for Joint Secretary.

d.a. refd. to
m.m.s./12-9

*Issue a circular
to the T.U. that
cases when referred to
High or Supreme Court
should be referred to the
AIPE Council & the STPC
before final orders are given
of appeal. Also the AIPE
should be sent to settle it outside
the court.
The Secretary of AIPE
will screen it & it has to be
sent to the Ministry of Labour
very much of such cases.*

*10/9
21/9*

3 SEP 1959

No. E&I-8(13)/59.
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT.

From

The Joint Secretary to the Government of India,
Evaluation & Implementation Division.

To

All Members of the Central Implementation
and Evaluation Committee.

Dated New Delhi, the 28-9-59

Subject:- Second Meeting of the Central Implementation and
Evaluation Committee - August 13, 1959 - conclusions.

Dear Sir!

In continuation of this Ministry's circular of even
number dated the 20th August, 1959, on the above subject I am
directed to say that the conclusions of the second meeting of the
Central Implementation and Evaluation Committee have been finalised
in consultation with the members concerned. A copy of the revised
statement of conclusions is enclosed for your information.

2. An acknowledgement is requested.

Yours faithfully,

Mingam
for Joint Secretary.

Enclosure: One

Copy with enclosure forwarded for information to:-

- (1) All Central Employers' and Workers' Organisations.
- (2) All State Governments; and Administrations (Delhi, Himachal Pradesh, Manipur and Tripura)
- (3) All State Implementation Officers;
- (4) P.S. to L.M./D.L.M., P.A. to Parliamentary Secretary,
P.S. to Secretary, P.As to J.S.(G)/J.S.(E), LEA, DS(L) and
CLC.
- (5) Research Division/LR.I/LR.IV Sections.

Mingam
for Joint Secretary.

k.s.
d.a.refd.to
24.9.59

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

Write to Gen BA P...
17 minutes are...
... ..

CENTRAL IMPLEMENTATION AND EVALUATION COMMITTEE
(SECOND MEETING - AUGUST 13, 1959)

CONCLUSIONS

Item 1: Action taken on the decisions of the first meeting of the Central Implementation and Evaluation Committee held on September 20, 1958.

Wherever possible, the Statement of action taken on the decisions of the previous meeting should give more factual information.

Item 2: A review of the working of the Code of Discipline.

(1) As recommended by the Indian Labour Conference at its 17th session held in July, 1959, the Central Organisations of Employers and Workers should impress upon their member-units to take as far as possible. Matters of local interest, not having any wider repercussions, should, as a rule, be settled through arbitration. Cases where parties do not adopt this procedure, should be reported to the Central/State Implementation Machinery as well as to the concerned Central Organisations of Employers or Workers.

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increased recourse to mediation and voluntary arbitration.

(2) A panel of arbitrators should be drawn up in consultation with State Governments, State Implementation and Evaluation Committees and the Central Organisations of Employers and Workers. The list of arbitrators already drawn up in the Ministry in consultation with the State Governments, should be circulated to Central Organisations of Employers and Workers.

(3) The Central Organisations should impress upon their member-units, the desirability to keep the Central Organisation of the defaulting party in the picture, while reporting cases of non-implementation, breaches of Code, etc., to the Implementation Machinery.

(4) The Central Organisations should advise their member-units to refer complaints of non-implementation, breaches of Code of Discipline, etc., falling in the State sphere to the concerned State Implementation Officer. They should also be advised to report only specific breaches of Code, etc., and give full information about the parties involved, their affiliation to the Central Organisation, particular provisions of the Code infringed, etc.

(5) The Central Organisations of Employers and Workers should take effective steps to publicise the Code as widely as possible and to educate their members about their rights and responsibilities under the Code.

(6) A meeting of the representatives of the employing Ministries may be convened to discuss questions relating to non-implementation of labour enactments, awards, applicability of Code of Discipline, greater recourse to mediation and arbitration, etc., in public sector undertakings.

Item 3: Report on an enquiry into the strike in Premier Automobiles Ltd., Bombay under Code of Discipline.

The Premier Automobiles Ltd., Bombay should send its comments on the observations made by the representative of Hind Mazdoor Sabha on Shri R. L. Mehta's report. The Union Labour Minister will thereafter personally look into the case in the light of the observations of both the parties.

Item 4: Analysis of appeals relating to Industrial Disputes decided by Supreme Court during 1957 and 1958:

A comprehensive analysis of all cases of industrial disputes, decided by Supreme Court over a longer period, should be made. The analysis should also bring out the number of cases which were not defended by the workers or their unions.

Item 5: Progress of out-of-court settlement of industrial disputes pending in High Courts/Supreme Court.

The progress of out-of-court settlement of pending cases, as indicated in the memorandum, was noted. It was agreed that the Central Organisations of Employers and Workers should impress upon their member-units to extend their full co-operation to Central and State Implementation Machinery in the matter. It was felt that at least in cases where monetary gain involved was insignificant or where only one or a few workers were concerned and no general principle of law or policy was involved, there should be a wide scope for out-of-court settlement.

Item 6(i): Cases of infringement of the Code of Discipline in East Jamshari Colliery, Dhanbad.

It was appreciated that as the mine was getting exhausted it was not possible to do anything further in the matter. However, it was felt that as the management were honour bound to take back the remaining workers if and when vacancies arose the vacancies of miners filled in by the management by transferring loading mazdoors should have been offered to the unemployed workers in order of their seniority. The management may accordingly be requested to set right the position.

Item 6(ii): Cases of infringement of the Code of Discipline in Bikaner Gypsans, Jansar, Rajasthan.

The representative of Hind Mazdoor Sabha will discuss the case with Shri R. L. Mehta for any further action he would like the Government to take.

Item 7. Constitution of a tripartite Screening Machinery to scrutinise appeals to High Courts/Supreme Court on industrial disputes.

It would not be practicable to set up a Central Committee to screen cases before they are taken in appeal to higher courts. The Organisations themselves should screen cases and, if necessary, a post-check of cases filed in higher courts, may be made.

Item 8: A review of the working of the Central and State Evaluation and Implementation Machinery:

The progress indicated in the memorandum was noted. Government of Rajasthan may be requested to inform the concerned Central Employers' Organisation about the lack of interest shown by Employers' representatives in the work of State and Local Implementation Committees.

Item 9: General.

(1) The Committee may discuss important individual cases of infringement of Code to enable it to assess, among other things, the general trend of its working.

(2) The Central Employers' Organisations should impress upon their member-units, the need to redress the grievances of workers expeditiously so as to encourage them to settle disputes mutually instead of adopting an agitational approach.

(3) When requests are made by recognised or representative unions or by works committee, managements should supply to them published documents in respect of their establishments.

(4) Liaison should be maintained between Central and State Implementation Machinery. Periodical reports about the working of State Implementation Machinery should be obtained by the Central Evaluation and Implementation Division.

(5) State Implementation Committees should be made fully representative. If in any State, the Central Organisations feel that the Committee is not fully representative, they may take up the matter with the concerned State Government under intimation to the Central E&I Division. The State Implementation Officers should be of sufficient seniority and should deal exclusively with the implementation work. Local Committees should be set up by State Governments as early as possible.

(6) If a member of the Committee desires to refer to an individual case in the meetings of the Committee, advance notice thereof should be given to Government and to the Central Organisation concerned.

October 1, 1959

Com. B. D. Joshi,
General Secretary,
Delhi State Trade Union
Congress,
Gau Shala Gate,
Double Phatak Road,
Kishanganj, Delhi.

Dear Comrade,

We have received a copy of the revised statement of conclusion of the Second meeting of the Central Implementation and Evaluation Committee, held on August 13, 1959. Please let us know whether the minutes are correct.

And also please get us a copy of the Premier Automobiles Strike Enquiry Reports of Shri R. L. Mehta.

With greetings,

Yours fraternally,

K.G.
118
(K. G. Sriwastava)
Secretary

26 OCT 1959

No. E41.8(13)/59
Government of India
Ministry of Labour & Employment

From

The Joint Secretary to the Government of India,
Evaluation and Implementation Division.

To

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

Dated New Delhi, the

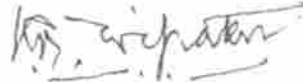
24 OCT 1959

Subject:- Second meeting of the Central Implementation and
Evaluation Committee (August 13, 1959)- Conclusions.

Dear Sir,

I am directed to refer to this Ministry's letter of even number dated the 1st October 1959 on the above subject and to request that the details of action taken on each item of the conclusion may kindly be intimated to this Ministry at an early date.

Yours faithfully,



for Joint Secretary

replied

d.a.nil

26 OCT 1959

No. E&I-8(13)/59
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

.....

From

The Joint Secretary to the Govt. of India,
Evaluation and Implementation Division.

To

Shri B. D. Joshi,
General Secretary, All India Trade Union
Congress, 4, Ashok Road, New Delhi.

24 OCT 1959

Dated New Delhi, the

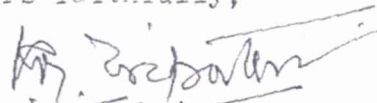
Subject:- Conclusions of the second meeting of the Central
Implementation and Evaluation Committee (August 13,
1959).

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Dear Sir,

I am directed to refer to this Ministry's letter
of even number dated the 27th August 1959 on the above subject
and to request that the information asked for therein may
kindly be sent to this Ministry at an early date.

Yours faithfully,



for Joint Secretary.

replied

28 OCT 1959

No. E&I.22(1)/59
Government of India
Ministry of Labour & Employment.

From

Joint Secretary to the Government of India,
Evaluation & Implementation Division.

To

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

27 OCT 1959

Dated New Delhi, the

Subject:- Implementation of the decisions taken at the
2nd meeting of the Central Implementation &
Evaluation Committee- Post Check of labour appeal
cases filed in high courts.

Dear Sir,

I am directed to refer to this Ministry's letter of
even number dated the 15th September 1959 on the above
subject and to request that the information asked for therein
may kindly be furnished to this Ministry at an early date.

Yours faithfully,


for Joint Secretary.

ko.

No. XAI-5(1)/59
Government of India
Ministry of Labour & Employment

From

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

To

Shri B.D. Joshi,
14, Queen Victoria Road, New Delhi.

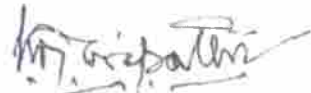
Dated New Delhi, the 17th July, 1959.

Subject:- Second meeting of the Central
Implementation and Evaluation
Committee.

Dear Sir,

In continuation of this Ministry's letter of
even number dated the 16th July, 1959 on the above subject
I am directed to send herewith a memorandum on item 3 of
the agenda.

Yours faithfully,



(K.M. Tripathi)
for Joint Secretary.

CONFIDENTIAL

Central Implementation & Evaluation Committee

(Second Meeting - August 13, 1950 - New Delhi)

Item 2: Report on an enquiry into the strike in Premier Automobiles Ltd., Bombay under the Code of Discipline.

A copy of Shri R.L. Mehta's report - A study of the strike in the Premier Automobiles Ltd., from the point of the Code of Discipline - is enclosed for the consideration of the Committee.

SECRET

A STUDY OF THE STRIKE IN THE PREMIER AUTOMOBILES LTD.
FROM THE POINT OF VIEW OF THE CODE OF DISCIPLINE

C O N T E N T S

PART I- BEFORE THE STRIKE

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P A R T . I

BEFORE THE STRIKE

CHAPTER 1

The Engineering Mazdoor Sabha

The Engineering Mazdoor Sabha is affiliated to Hind Mazdoor Sabha (HMS). It is the majority union in the Premier Automobile. It has never been formally recognized, though it has represented the workers in negotiations with the Company since 1952. The Company has, from time to time, signed agreements with it.

Past record

Shri Asoka Mehta is its President and Shri R.J. Mehta, its Secretary and Treasurer. Shri Asoka Mehta is seldom in Bombay and never for any length of time. Shri R.J. Mehta, therefore, functions as also the de facto President of the Sabha. Not only in day-to-day matters, but also in major issues like giving a strike notice, signing an agreement, launching a strike or calling it off, he acts independently of all authority. When so much power is concentrated in a single person, the plural society which a trade union represents perishes to give way to the monolithic. This partly explains Shri R.J. Mehta's hold on the workers of Premier Automobile, who number about 5,000.

The Sabha has had many disputes with the Management. Some of these disputes were referred to adjudication and others settled through private arbitration. There are also small settlements affecting sections or groups of workers. All these disputes involved agitation by the

workers. The agitation took various forms. Some times demonstrations continued for a whole week during which practically no work was done. Sometimes token strikes were organised, and sometimes threats of strikes were given.

NOTES

1 * "A week of demonstrations was observed by the workmen from 29th October to 5th November 1953. During the week, the Secretary (Shri R.J. Mehta) and other representatives of the workmen used to address workmen inside the plant during the recess hours". (Statement filed by Shri R.J. Mehta).

2 p "A successful strike of all daily-rated and monthly-rated staff on Sunday, the 29th September 1957, gave a rude shock to the Company". (Statement filed by Shri R.J. Mehta).

3 * "The Company was not willing to have private arbitration, but accepted the same when workmen threatened to resort to constitutional agitation". (Statement filed by Shri R.J. Mehta).

CHAPTER 2

Events Leading Up To The Strike

Arbitration refused

The present dispute began in February 1958 when the Sabha asked for the settlement of its claim for bonus for 1956-57 and demanded private arbitration. In the past the Sabha had rarely sought the help of the conciliation machinery of the Labour Department of Bombay. In this dispute too it relied on its own strength to deal with the Management. On March 12, it reduced to writing its demands and asked for an early reply. The demands included a request for private arbitration. On March 29 the Management replied that they could not accept the Sabha's request. The reply is laconic. It does not give any reasons for not entertaining the Sabha's demands. At that time some other matters raised by the Sabha earlier were also pending consideration by the Management, e.g., re-classification of the monthly-rated clerical staff and daily rated workmen, the non-grant of annual increments which had been due for some time, non-provision of uniforms which had been promised to be issued to members of the Traffic Department by the end of January 1959 and so on. To settle these matters and the bonus issue, the Sabha sought an appointment with the Management and April 5, 1 p.m. was fixed for a meeting with the General Manager.

The letter of April 5

In the meantime, the Management decided that they would have nothing more to do with Shri R.J. Mehta. Accordingly, on April 3, the Staff Manager warned Shri R.J. Mehta that the General Manager would not be able to see him on April 5. Shri R.J. Mehta replied that the warning notwithstanding, he

* "No direct approach or request was made by the Sabha to the Commissioner of Labour for his intervention in the dispute". (Shri R.J. Mehta's letter No. S/M/PA/614, dated October 31, 1958).

would keep his appointment with the General Manager at the pre-arranged time and should the promised interview be refused, he would bring out the workmen and stage a demonstration. In a letter the Management explained to Shri R.J. Mehta why they could not see him any more. This letter was delivered to him as he arrived at the gate of the factory on April 5. It bans Shri R.J. Mehta's entry into the premises of the Company and withdraws the facilities hitherto given to him to negotiate with the Management on behalf of the workers. Among the reasons it sets forth for this decision are Shri R.J. Mehta's abuse of the privileges granted to him, his policy of keeping alive an atmosphere of restlessness and discontent among the workers by following one set of demands and grievances by another, his habit of playing to the gallery by shouting abuses at the Management and threatening to let loose hell at the slightest provocation. All this, the Management alleged, was calculated to undermine discipline and respect for the Management and make workmen feel that Shri R.J. Mehta and not the Management were in control of the factory. The letter gives one or two instances of the use of foul language by Shri R.J. Mehta. He is alleged to have called an officer of the Company "a bastardly person". Reference is made to a pamphlet issued by him on March 27, 1958 in which he is stated to have described another officer as a pigmy whose "type may bark like street dogs". For officers in general his description in this pamphlet is "heinous plotters and clique-wallahs. Plotters pledge themselves as true Congressmen. But when the time comes for action, they forget all except money". A few more scurrilous and defamatory innuendoes contained in this pamphlet are mentioned. In view of this behaviour of Shri R.J. Mehta the Management said that they had decided not to have anything more to do with him, or even the Sabha, so long as he was its leader. But, this, the

letter added, did not mean that the workmen's elected representatives could not discuss with the Management "in a proper spirit of co-operation any grievances that the workers may have."

Simultaneously with the delivery of this letter to Shri R.J. Mehta, the workmen's representatives were explained why Shri R.J. Mehta's entry into the premises of the Company was prohibited. A Marhatti translation of the letter was read out to them.

The sit-down strikes

As soon as Shri R.J. Mehta received this letter he rang up the Staff Manager from the gate and threatened a lightning strike if he was not allowed in immediately. He even talked of bloodshed. The Management paid no heed to these threats.

Shri R.J. Mehta was as good as his word. Within an hour began a sit-down strike. Reason: the Management's refusal to allow Shri R.J. Mehta to enter the premises of the Company. By 3 p.m. work in the plant was at a standstill. This strike continued for two more days. On April 8, it was withdrawn and, in the words of Shri R.J. Mehta "a regular notice was served on the Company". This notice was for 21 days at the end of which the Sabha would go on strike if by then "all their outstanding demands including demands for restoration of recognition of the Union and the demand for strike pay (that is, from April 5 to April 8) were not met".

Incidentally, "restoration of recognition of the Union" really meant the restoration of Shri R.J. Mehta as the sole bargaining agent on behalf of the workers since, as already said, the Sabha was never formally recognized by the Management. Anyhow, the strike notice was not allowed to run its full course. On April 11, at 5 p.m., the Company served discharge notices on ten workmen for absenting themselves on March 21 and 29. The next morning, April 12, began another sit-in strike. Its immediate cause was the discharge of ten workmen.

Certain departments closed

On April 14, the Management put up a notice appealing to workmen to resume work immediately. On April 15, under Standing Order No. 19, "as a security measure" the Management closed down certain departments of the factory in view of the "striking workmen either sitting inside the departments or squatting on the premises of the factory or loitering inside the factory premises". The order clarified that "this notice of closure under Standing Order 19 is only intended to prevent the strikers coming in and squatting inside the departments or on the premises of the factory and this notice by itself shall not have the effect of terminating the contracts of employment of the striking workmen". The order also promised that "a notice will be put up as to when work will be resumed".

Various notices from time to time were put up urging workers to resume duty. A few workers - but only a few - answered the call. In the main the strike continued till July 29 when it was withdrawn unconditionally. A detailed account of what happened during the strike will be found in Chapter 4.

CHAPTER 3

Responsibility For These Events

In the recital of the events leading up to the strike in the last Chapter I have not analysed the responsibility of the parties concerned.

R.J. Mehta - a union in opposition

From a perusal of the statements filed by the Sabha and the Management and from listening to the witnesses who deposed before me, including Shri R.J. Mehta and the top officials of the Management, I feel that though the Engineering Mazdoor Sabha enjoyed de facto recognition from 1952, all along it behaved like a union in opposition. For instance, early in April 1957, the Management drew Shri R.J. Mehta's attention to the threatening tone of his letter to Seth Lalchand Hirachand, the Chairman of the Company. In reply, Shri Mehta wrote:-

"For your information we may state that it is not the policy of the Sabha to threaten any one. If it finds that direct and militant actions were necessary in any dispute the Sabha resorts to the same without giving threats to any one".

Again, during the same month, the Company complained about go-slow tactics of some workmen, their unpunctuality and indiscipline. Shri R.J. Mehta wrote back:-

"Party which submits the demand should go to the other for discussions. We are, therefore, to request you to call at our office at any time convenient to you with all facts and figures to substantiate your demands which have been termed as complaints by you".

On July 9, 1957 Shri Mehta held a meeting in the Company's premises without first obtaining permission from the Management. When this irregularity was brought to his notice, he replied:-

"A serious view has been taken by us on your introducing a new rule for the Sabha by asking it to take permission in writing before holding any meeting...we make it clear to you that we shall not do the same in future too".

Writing to the Labour Officer of the Company during

the same month, Shri R.J. Mehta said:-

"We feel that you should refresh your memory which seems to have weakened due to innumerable problems that you are to resolve in the Company. We only wish that we should not be made victim of your weak memory".

On October 6, a notice in Marhatti was put up by the Sabha in the traffic garage stating that

"all traffic colleagues are hereby informed that when Mr. R.J. Mehta is coming on 11th October 1957 at 3.30 p.m. they should remain present - BY ORDER".

On November 3, 1957 the Sabha staged a demonstration in front of the house of Shri P.M. Shah, the Deputy Staff Manager, and shouted, "P.M. Shah Mor dabad". When this impropriety was brought to Shri Mehta's notice, he wrote back:

"The demonstrations staged at the residence of Shri P.M. Shah have nothing to do with conditions of service in your factory and/or with any other industrial disputes. Hence you have no business whatsoever to address the letter to the undersigned on this subject matter and much less to hold out the threat on behalf of Shri P.M. Shah that if any untoward incident takes place, the undersigned shall be made responsible. The writer takes a serious view of your letter and reserves the right to take necessary action against you".

On March 8, 1958 in a heated discussion in the office of the Labour Officer Shri R.J. Mehta called the Labour Officer and Shri P.M. Shah "scoundrels" within the hearing of the latter who sat next door.

R.J. Mehta's attitude towards Management

Shri R.J. Mehta hailed the settlement of February, 1954 reached after three months of bitterness, suffering and loss on both sides, as "a victory over Management". One would have normally expected an all-round eagerness for better relations after a long period of mutual recrimination and unrest. One wonders if remarks like the one quoted above, did not ruin whatever chances of rapprochement a settlement offered. To take

*Statement filed by Shri R.J. Mehta

another example, immediately after the bonus settlement for 1955-56 Shri R.J. Mehta claimed that he had "bullied down" the Management. The Management complained that this kind of attitude put them on the horns of a dilemma. If they did not yield to his demands, they were dubbed as "heartless capitalists adamant in their attitude towards workers". If, on the other hand, they accepted his demands, they were supine creatures who were easily browbeaten.

Demands in quick succession

No sooner was settlement reached over one set of demands than another set was put forward. 1953 is a typical year in this regard. Early in the year there was agitation over lay-off in certain departments. Soon after a dispute over paid holidays, allowances, overtime payment, etc., was raised. No sooner was it referred for adjudication than "a strong agitation for securing bonus for the year 1951-52 and 1952-53" was started. "A week of demonstration was observed by the workmen from 29th October to 25th November 1953". This was followed by a strike and a lockout from November 8, 1953 to February 6, 1954. Thus, it went on from year to year. Conflict between the Sabha and the Management seems to have become an immutable law of nature.

Some good may have accrued to workers from these non-stop disputes. But it is the kind of thing that can be overdone. If there is no respite from agitation in a factory, production is bound to suffer and there is the risk of the goose that lays the golden egg being starved.

R.J. Mehta's inclusion in the Works Committee

Some times agitation was organised on less important matters. For instance, so far back as 1952, Shri R.J. Mehta

*Statement filed by Shri R.J. Mehta

got the Members of the Works Committee of the factory to agitate for his presence in all its meetings. The Management yielded to pressure and thenceforward Shri Mehta participated in all the deliberations of this Committee. This was an unusual concession. It struck at the root of the basic idea of Works Committee as the first step towards participation in management by workers. An efficient Works Committee tends to bring the workers and the management together and helps to build an atmosphere of mutual trust. But by becoming their spokesman and advocate in the Works Committee, Shri Mehta reduced participation by workers to participation on their behalf by a non-working official of the union, a professional trade unionist. The first step in a joint adventure by the Management and the workers became another trade union activity - a travesty of what Works Committees are meant to be. But Shri R.J. Mehta's comment on this "achievement" is:

"Sometime in August, 1952 elected representatives of the workmen on the Works Committee secured the right of calling the Secretary of the Sabha to the Works Committee meetings."

"Secured the right"!

The boss of the bosses

A good deal of evidence was adduced before me in the course of the inquiry to show that in his personal contact with the Management Shri R.J. Mehta was always brusque. Every time he went to see one of the Management, he would be accompanied by a large number of workmen. In their presence he would argue his point not only loudly, but in a language in which threats, innuendoes and even contumely were indiscriminately mixed. The presence of workers, the Management alleged, was meant to serve two purposes - to overawe the Management by numbers and to overawe these numbers by the tone and the content of the language used. The Management ~~was~~ ^{were} not to be allowed to forget that Shri R.J. Mehta had the backing of workers and the workers were meant to see for themselves that Shri Mehta was the boss of the bosses.

he came to see me for the first time in the course of the enquiry, Shri Mehta was accompanied by a number of workers. The size of the room and the limited number of chairs in it, however, kept most of them out. But Shri R.J. Mehta saw to it that they heard most of the conversation - at least Shri Mehta's part of it.

The use of provocative language in correspondence and personal dealings with the Management, demands in quick succession and interference with problems which concern the administration of the factory engendered a perpetual state of war. When it was not a shooting war, it was a cold war - a war of nerves. Such a state could not last long. It made relations so strained that they were bound to snap sooner or later. When they did, Shri R.J. Mehta was caught napping; he made mistakes.

The mistakes

When he suddenly found on the morning of April 5, that he was denied admission to the factory in which he had held unquestioned sway for five years, he called a lightning sit-down strike, little realising that a strike on a personal matter - to rehabilitate himself with the Management - had no meaning as an industrial dispute. This was his first mistake. It took him two days to see it.

When he withdrew the strike on April 8, he revised his old charter of demands to include his own rehabilitation in it and served it on the Management. Three days later on April 11, 10 workmen were discharged for repeated absence from duty. Without first moving the machinery provided by Government for resolving disputes between employers and workers Shri Mehta called another strike. Not to have invoked the relief machinery provided for the purpose was Shri Mehta's second mistake. He never recovered from it. In fact, it led to other mistakes, which eventually cost him his leadership.

The main weakness of the Management

The main weakness of the Management in dealing with the

situation as it developed till the eve of the strike lay in the business of the intermediate level of its administration. Under the Staff Manager and the Deputy Staff Manager there is only one Labour Officer - a very junior person both in status and salary and comparatively young. He has three Welfare Officers to assist him. But one of them does other than welfare work. Thus, the actual day-to-day handling of a working force of about 5,000 men was left to a Labour Officer and two Welfare Officers. This staff too was not appointed till a few months before the strike began. Till then there was practically no welfare personnel. No wonder, therefore, the Management did not know their men nor their pulse. While dealing with the Management Shri R.J. Mehta disregarded the Labour Officer and his Assistants and they, taking the line of least resistance, did nothing to assert themselves or otherwise make their presence felt. Yet, in every encounter with the Sabha, the Management first pushed forward the poor Labour Officer. When I pointed to the Management the folly of having so weak a vanguard in their dealings with the Union, they suggested that something was better than nothing, little realising that to encourage a gardener to tackle a wild elephant with an air gun on the plea that something is better than nothing is the best means of getting rid of not the elephant, but the gardener.

In matters concerning labour-management relations it is the officer in direct touch with workers who counts. If this contact is weak, or if the officer is unable to pull his weight, his advice is neither dependable nor is it respected. In the administrative set-up of Premier Automobile, both these weaknesses are obvious and explain the mistakes made by the Company in handling the situation. These mistakes were: (a) in pursuance of a policy of appeasement, the Management went so far as to make any change in this policy impossible; (b) when the Management decided to give up its policy of peace-at-any-cost and to get tough with the Sabha,

it did so in a manner that a head-on collision became inevitable; and (c) the Management unnecessarily delayed fulfilling their commitments with the union.

Its policy of appeasement

Earlier in this Chapter I have quoted extensively from Shri R.J. Mehta's letters to the Management to show that he treated them with scant courtesy. Occasionally they whimpered or lodged a mild protest. But, by and large, they put up with insults, threats and even braggadocio for a number of years. They explained this by saying that they did so in an attempt to buy peace. They had the same explanation for yielding on the question of Shri R.J. Mehta's presence at the meetings of the Works Committees. But gradually they discovered that giving in to pressure in the form of offensive language and insulting behaviour in pursuit of a policy to appease brought ^{them} ~~him~~ respect nor mercy from the Sabha. The peace thus bought, they found, was expensive in the long run. It was the peace of the timid and the frightened. Its price increased at each encounter till they realized that they could afford it no longer. So they decided on a volte face early in April 1958.

A head-on-collision became inevitable

I am inclined to agree with the Management that when they made up their mind on April 3 to break with the past, the break had to be complete and sudden. No half measures can succeed in a matter like this. I cannot, therefore, take exception to the Management's letter of April 5 to Shri R.J. Mehta forbidding his entry into the factory. And, as it was, the Management won the first round. The strike that was launched in consequence of this letter was hurriedly withdrawn after two days, and a 21-days notice served. Here I think was an opportunity to pause and to take stock of the situation and not to rush things for a second round.

There was enough time to bring in the conciliatory machinery of the State Government or to open direct negotiations with the workers. This was certainly not the time to precipitate matters by discharging ten workmen, unless the Management were anxious for a show-down. If they were, then they must share with the Sabha the responsibility for the strike and what followed. If, on the other hand, they did not want a show-down, they must take the blame for an untimely and unwise act. Whatever the justification for the discharge of these ten men - this is discussed in the Chapter on the Code of Discipline - the time chosen for the issue of the discharge notices was wrong. Feelings were running high. A 2-day strike had just ended. Bad blood engendered during these two days had not yet had time to cool down. To churn it up again so soon, unless deliberate, was a mistake. Anybody could have guessed that the Sabha's reply to this move of the Management would be another strike. So it was.

Delay in fulfilling commitments

Atmosphere had been further vitiated by delays on the part of the Management in implementing their obligations under various settlements with the Sabha. In the course of the inquiry the following instances of avoidable delays were brought to my notice. The Management had no satisfactory explanation for them.

(1) In January 1958, the Company agreed to provide three sets of uniforms to the members of the Traffic Department. These uniforms, however, had not been supplied even in March.

(2) In January 1953, an award had made certain recommendations regarding acting allowance. These recommendations were not being implemented fully.

(3) The question of re-classification of certain daily-rated workmen had been pending for long. A large number of workmen who were designated as "helpers" were actually doing the work of skilled men. Similarly many employees called 'number takers' were working as clerks, but not being paid as such. There were also discrepancies

in the basic wages of some other workmen doing identical work.

In sum, its weak personnel department was all right so long as the Management followed a policy of buying peace. The moment it tried to get tough its 'appeasing' chickens came home to roost, and added to the discontentment caused by delays in implementing agreements and the refusal to refer the claim for bonus for 1956-57 to private arbitration. A head-on collision was inevitable.

P A R T : II

DURING THE STRIKE

CHAPTER 4

The Sequence of Events

Events during the first strike

The first strike which lasted from April 5 to April 8 was not without ugly scenes. In the afternoon of April 6 workers lay in front of the main office, thus preventing officers from going home for two hours. The tyres of the cars of the Deputy General Manager and the Staff Manager were deflated and they (the Managers) were subjected to a good deal of hooting and jeering.

On April 7 a procession marched to the Deputy Staff Manager's house, shouting "P.M. Shah Mor dabad". The same day the Management appealed to the workers through a notice to desist from squatting and loitering inside the factory and asked them to resume work. They did not listen to this appeal, but later in the day when Shri S.M. Joshi advised them to end the strike, they did.

The second strike

The course of the second strike was long. It ran for 110 days, from April 11 to July 29, 1958. Its record of acts of violence, assault, coercion, and intimidation, therefore, is proportionately long. According to my calculations acts of major violence and rioting number about 30; occasions on which workers were incited in public speeches to resort to direct action are at least 7; speeches in which undignified and provocative language was used are numerous; obstruction was caused to others on several occasions; on 3 occasions demonstrations were organised which resulted in violence. The statement filed by the Engineering Mazdoor Sabha is silent on these activities. When I pointed this omission

to Shri R.J. Mehta he promised to let me have his version of acts of violence. It has not come yet. My report on these incidents, therefore, is based on police records, the files of Bombay Government and the information collected from the witnesses examined by me. All these sources tell the same tale. In addition, I listened to tape-recordings of some of Shri R.J. Mehta's speeches.

A few typical incidents

A brief account of a few typical incidents is given below:-

(1) On April 15, officers and monthly rated staff were prevented from attending office and factory. Stones and brick-bats were thrown at the police posted at the gates. Eight officers and 18 men were injured. ^{Two} The police vehicles and 1 private car were damaged. The windows of the Deputy General Manager's car were smashed and Shri S.R. Bhagwe, a driver-cum-mechanic, who was driving the car was pulled out and badly belaboured. The police resorted to a lathi charge and arrested 5 persons for rioting.

(2) On April 19, the milk supplier to the canteen was assaulted and his milk pot thrown away. This provoked the milk-men who lived in a nearby colony. In a body they attacked the union office at Kurla later in the day and beat up, among others, Shri Dayanand Suvarna. Shri R.J. Mehta escaped through the back door. Shri Suvarna died five days later in a hospital. Fourteen milk-men were arrested.

The Sabha's statement on this issue enlarges on the attack on the union office and Shri Suvarna's death, but is completely silent on its genesis - the assault on the milk supplier to the canteen.

(3) Led by Shri R.J. Mehta and Shri S.M. Joshi, a procession of strikers was going towards Kangar Maidan, Parel, for a meeting on May 1. On the way some processionists entered "Cafe Amrit", which is owned by the canteen contractor of Premier Automobile. The

processionists picked up a quarrel with the Manager over not getting drinking water promptly. Then the inevitable happened. Glasses and soda-water bottles were broken and furniture damaged. A boy was injured.

(4) On the morning of June 3, the strikers threw acid bulbs and stones on two vehicles carrying workmen to the factory. Eleven workmen sustained acid burns. Three of these were serious.

(5) On June 7 the strikers dragged out the driver of a car of the Company which was parked on the G.B. Road to pick up some officials of the factory. Stones were also pelted at the car smashing the wind-screen and the rear window. The driver and the occupant were injured.

(6) At 10 p.m. on June 13, the police were subjected to a barrage of stones from the strikers. As soon as the police arrested 3 workers, about 300 strikers made a determined effort to overpower the police under cover of stones. The lights at the gates of the factory and the approach roads were smashed and the road barricaded with boulders and tree trunks, making reinforcements impossible. An attempt was made to set fire to the police jeep; the policemen's beddings were burnt and acid bulbs thrown at them. The police had to open fire. Not till nine rounds had been fired did the mob disperse.

(7) At about 2.30 a.m. on July 28 the police got a wireless message that there was heavy barricading to the approach road to the factory and that there was persistent stone-throwing. As the approach to the factory is a public thoroughfare, the police cleared off the barricade despite a continuous shower of brickbats. Eleven members of the police, including 1 Deputy Commissioner and 1 Inspector were injured.

In addition to the above incidents, there were many instances of stray assaults on supervisory and clerical staff of the Company,

way-laying of workers not on strike, coercion, intimidation and violent picketing and incitement to violence.

Abuses and threats

The use of undignified language in the speeches made by labour leaders was also common. These speeches were made at the daily meetings of the workers. A few extracts are given below:-

1. "P.M. Shah has arranged to bring goondas and he himself is a thief... Col. Ajit Singh[@] is a fat pig which should be minced... (Shri Janardhan Gunde[£], June 10).

2. "P.M. Shah desires a split in our camp. This scoundrel does not know that all workmen and their wives are cut today". (Shri Janardhan Gunde, May 6).

3. "Seth Lalchand is a poisonous serpent..." (Shri R.J. Mehta, June 2).

4. "Meswani is a goonda No. 1... We also have goondas on our side. These goondas may have a battle of Panipat inside the factory and also finish off Mr. Meswani... We shall look forward to seeing this... We shall see that Lalchand will fall on our feet. Today he holds his head high on account of his riches but tomorrow he may come to our houses to cleanse our utensils". (Shri R.J. Mehta, June 5).

Occasionally, threats were also held out, e.g.,

1. "Those who are trying to take such signatures (signature of workers on a typed application to return to work) are warned that they are working against the union and for that they would have to face consequences". (Shri R.J. Mehta, July 12).

2. "One person was observing us through binoculars yesterday. Let him know that one day the binoculars will not remain in his hands; the glasses will be thrust in his eye sockets." (Shri R.J. Mehta).

3. "Nowadays the Congress Party is fast weakening and if Lalchand will not make an early settlement, he will be no more, just like the Congress Party in Kerala". (Shri R.J. Mehta, May 21).

4. "Pradhan[%] should leave aside his dirty tactics, as he also has a family". (Shri Janardhan Gunde, May 24).

*Deputy Staff Manager.

@ In charge, Watch and Ward and Traffic Department.

£ Member of the Works Committee and a turner in the Machine Shop of the Factory.

& General Manager.

% The Labour Officer

5. "If Mr. Tayde does not mind his own business, he will meet the same fate as Bhagwat". (Shri Janardhan Gunde, June 9).

The Bombay Labour Minister was arraigned at these meetings almost every day for, what they called, his anti-labour, pro-capitalist and partisan policy, e.g.,

"Shri S.M. Joshi has said that he would urge in Delhi that Shri Shantilal Shah should change his policy. But I said to him that that was not necessary. He (Shri Shantilal Shah) is worthless... So long as he will not go away several strikes will occur. The dog would never change his policy." (Shri R.J. Mehta, July 21).

"So long as Shantilal Shah will remain our Labour Minister workers are never to get any benefits. He is a very mean-minded man and I have never seen such a man. He is not fit for this post." (Shri S.J. Patkar, July 21).

"Shri Shantilal Shah has long hair on his ears. So he cannot hear us. We shall have to go to the sixth floor of the Sachivalaya and bring him down and make him listen to us." (Shri R.J. Mehta).

Aid from outside

As soon as on April 15 the factory was closed down except for essential services and the Works Committee was told that the Management was determined not to submit to any pressure this time, the Sabha realised that they were in for a prolonged struggle. But, they knew that alone they could not sustain it. Assistance from outside was necessary. There were only two sources: The All India Trade Union Congress (AITUC) and the Samyukta Maharashtra Samiti (SMS). They had both shown active interest in the strikers fairly early in the struggle.

SMS and CPI enter the fray

So early as April 15 Shri M.D. Mokashi, the Secretary of the Kurla branch of the Samyukta Maharashtra Samiti, addressed the strikers and promised Samiti's support in their struggle by suggesting a general token strike in Greater Bombay. The idea of a token strike appealed to

@ A Police Officer.

£ The driver who was beaten up badly on April 15.

the strikers. A gesture in their favour by other workers, they thought, should advance their cause. But, according to various witnesses who appeared before me, it seems that for the Samiti leader, a general token strike carried a different meaning. He thought that if the workers in Bombay who are mostly Maharashtrians could be brought under one banner even for a day, their support could, in due course, be enlisted for the establishment of a Sanyukta/State. So the Samiti mooted the idea of a token strike and the Engineering Mazdoor Sabha took it up as early as April 15 - but for different reasons. The point, however, is that the idea caught on immediately. This encouraged Shri R.B. Nalwade and Shri Korpade, both from the Kurla branch of the Sanyukta Maharashtra Samiti, also to address the strikers on two consecutive days - April 18 and 19. In fact, on April 19, Shri Nalwade was in the chair and the meeting was organized under the auspices of the Samiti. An open attempt was made to shift the emphasis from the Premier Automobile as the villain of the piece to the Bombay Government by alleging that the Bombay Labour Minister was responsible for the adamant attitude of the Management. Shri Datta Deshmukh, MLA (IM), who also addressed the workers, stressed this point.

On April 23 the Communist Party of India* (CPI) also entered the fray. A meeting of the strikers was organised by the Chembur branch of CPI. Among other speakers Shri V.D. Deshpande, MLA (CPI), addressed the audience. The Management ~~was~~ ^{were} blamed for adopting backdoor tactics to support a company union in the factory. No one asked how these allegations were likely to help the strikers - their demands, the reinstatement of discharged workers, the restoration of Shri R.J. Mehta as the recognised leader of the members of the Engineering Mazdoor Sabha. The quarrel was being broadened far beyond the workers'

*The Communist Party and the Jana Sangh are active members of the Sanyukta Maharashtra Samiti

comprehension and new leaders were taking over. The initiative was passing out of the hands of Shri R.J. Mehta.

On April 29, Shri Gulabrao Ganacharya (CPI & SMS) alleged that the Labour Minister of Bombay was pursuing an anti-labour policy, which he condemned. Next day, Shri Baburao Jagtap, MLA(CPI), also criticized the Bombay Labour Minister. On May 1, Shri P.K. Kurane (SMS), a Municipal Corporator, blamed the Bombay Government for being ~~pro~~-capitalist.

On May 8, the Sanyukta Maharashtra Samiti party, which dominates the Bombay Municipal Corporation brought a resolution in the Corporation supporting the struggle of the strikers.

Soon after the meeting of the Corporation, Shri B.S. Dhume (CPI and SMS), Shri S.S. Tawde (SMS) and Shri M. Harris (SMS) told the workers that the only opposition they feared to their resolution in the Corporation was from the Congress members of the Corporation. This, according to some witnesses was meant to draw workers closer to the Samiti and estrange them from the Congress.

On May 12, Shri S.A. Dange (CPI) speaking to the workers, criticized the Bombay Government and announced a donation of Rs.500/- on behalf of AITUC. By now the workers were beginning to feel more enthusiastic about fighting the Bombay Labour Minister than the Management of the Premier Automobile, more anxious to have a Sanyukta Maharashtra State than the satisfaction of their demands; the slogans at the daily meetings were now not only against the Management and for the demands, but also for the establishment of a Sanyukta Maharashtra State in Bombay and against the policy of the Bombay Labour Minister.

Both the Sanyukta Maharashtra Samiti and AITUC leaders continued to speak to the workers almost every day on the twin subjects of a general token strike and the anti-labour policy of the Bombay Government. Shri S.S. Tawde (SMS) spoke again on May 13, Shri Gajanian Bagwe (SMS) on May 15 and Shri Prabhakar

Kunte (SMS) on May 16, Shri V.R. Tulla, MIA(SMS) on May 19, Shri V.G. Deshpande, MP (Hindu Mahasabha and Pro-SMS) on May 29, Shri B.S. Dighe (SMS) and Shri Randas Kalaskar (Jan Sangh and Pro-SMS) on June 2.

I have not so far mentioned Shri S.M. Joshi though he entered the lists on the side of the workers fairly early in the struggle because, in addition to being a well known Samiti leader, he is also a leading trade unionist. To begin with, his support of the Sabha was purely from the trade union point of view. Later, however, when he saw other possibilities he too acquiesced in the use of strikers for political purposes.

On July 2, Shri Dutta Deshmukh, MLA(SMS), returned to the charge that Bombay Government was in collusion with capitalists. In fact, from now on he and Shri S.G. Patkar (CPI) took as leading a part in guiding the strike as Shri S.M. Joshi (SMS). The three of them among others, addressed the workers on July 21 and their attack on the Bombay Labour Minister was more vehement than before. Things were coming to head. Ranks had to be closed and the propaganda machinery geared for the final onslaught. The combined oratory of Shri Datta Deshmukh (SMS) and Shri S.G. Patkar (CPI) was again brought to bear upon the workers the next day. The burden of the song was the general token strike to demonstrate the unity of the workers against the Bombay Government and disapproval of the partisan and anti-labour attitude of the Bombay Labour Minister. The Bombay Branch of the Communist Party of India which met at Dalvi Building privately on July 21 evening also decided to give full support to the token strike.

Preparations for the Token Strike

On July 22 the Mill Mazdoor Union (Red Flag) organised a meeting where Shri Gulabrao Ganacharya (SMS) and others spoke about the token strike and its objectives. Along with the Mill Mazdoor Union (Red Flag) came in many other labour organisations

controlled by INTUC or having SMS leanings to support the idea of a token strike. Some of them were the Insurance Employees' Federation; the Bombay State Bank Employees' Federation, the BEST Workers' Union and the Municipal Mazdoor Union. A joint meeting of the first two was addressed, among others, by Shri S.M. Joshi and Shri M.G. Kotwal (PSP) on July 23. The same day the BEST workers heard Shri Dutta Deshmukh (SMS), Shri S.M. Joshi, Shri S.G. Patkar (CPI) and others. There was complete unanimity on the question of a general token strike to bring home to Government that labour could no longer tolerate what they called "the oppressive partisan labour policy of Shri Shantilal Shah". By now the support of the Transport and Dock Workers had also been enlisted and July 25 fixed for the token strike. An Action Committee had been formed earlier and volunteers enrolled. Street corner meetings were held all over and leaflets distributed. The Mill Mazdoor Union (Red Flag) alone organised 6 such meetings in the mill areas. Batches of volunteers visited different factories and warned them that they could remain open on July 25 at their own peril. It was made out that all trade unions in Bombay except those controlled by INTUC were prepared to come to the rescue of the Premier Automobile Workers. Appeals were made to the textile workers, particularly of the Swadeshi Mill Co. (Kurla) to participate in the proposed strike. To leave nothing to chance it was arranged to send batches of 50 men in the early hours of the 25th morning to see that no buses left the Kurla Bus Depot, no shops opened and no industrial concern functioned. In a speech on July 23 Shri S.M. Joshi cast all caution to the winds and made public the real purport of this agitation. He declared:

"Since the issue involved in the strike is the labour policy of the Bombay Government, there is nothing wrong if the strike is motivated by political ends".

The labour dispute had now openly become a political issue.

On July 24 the excitement and preparations for the strike reached their peak. A rally of 10,000 workers was held

under the auspices of the Action Committee. At Nare Park where it converged in the evening, it was addressed by Shri S.M. Joshi (SMS), Shri George Fernandes (HMS), Shri S.G. Patkar, MLA (CPI), Shri Krihan Desai (SMS), Shri P.B. Dondé (BEST Union), Shri S.A. Dange (CPI) and others. While most speakers spoke about the anti-labour policy of the Bombay Government, Shri S.A. Dange, the General Secretary of the AITUC declared that the INTUC was planning to take up the challenge against the decision of the working class to stage a token strike and had decided to run some factories at Worli and oil installations at Sewri and exhorted the audience to see that the INTUC plans were frustrated.

How transport was paralysed on July 25

As arranged beforehand, from early hours of the morning of July 25, picketing began at the gates of the various BEST Depots. From about 12-30 A.M., 30 to 50 workers owing allegiance to the H.M.S. controlled BEST Workers' Union and the AITUC-controlled BEST Workers United Front Union staged continuous demonstrations in front of the various depots. They shouted slogans and intimidated and obstructed others from going in. Some non-strikers were even manhandled.

The President of Municipal Workers Union, had warned BEST workers in a speech on July 23 that whoever went to work on July 25 would be beaten up. Their women folk were also told that if they desired the safety of their men, they should not let them go out to work on July 25. The Bombay Municipal Corporation which owns the BEST had also advised the Management not to run any buses or trams on July 25. The Management, however, decided to run a skeleton bus service, but no trams, as possibility of sabotage in trams by interference with brakes, is greater. Besides, being track-bound, they are easily immobilized by unruly elements. Only 281 buses fitted with weld-mesh or expanded metal guards all round its passenger saloon and driver's cabin were available on July 25,

against the usual complement of 714 in the morning peak hours and 732 in the evening peak hours. More than enough men to run this skeleton service turned up for work, in fact 11,718 out of the total strength of 18,593. A large number of them had slept in the depots so as to escape picketers in the morning. But while intimidation, coercion and even violence were perpetrated against them, the unarmed police that was provided on request generally held a watching brief. Out of the 160 buses that were turned out in the morning some returned after running for about 100 yards because of stone throwing and obstruction; others were damaged so badly or their drivers so incapacitated by injuries that they had to be abandoned. Operation staff were freely assaulted and passengers forcibly evicted from the buses. Satyagraha was also offered from about 9 A.M. outside the exits of the different depots. This prevented the turning out of more buses in service and also rendered impossible the sending out of relief crew to the buses already in service. At places the situation got out of control. Shri Dutta Deshmukh rang up the Chairman of BEST from Dadar that if the Chairman did not promise immediately to take the buses off the road, Shri Deshmukh would not be responsible for what might happen.

Thus, the attempts of the Management to run even a skeleton bus service were thwarted. By 1 P.M., all buses were stopped.

Success of the Token Strike

A good deal of the success of the token strike must be attributed to the paralysis of all road transport brought about by picketing and violence in which workers from AITUC and HMS

*For one day's absence from duty the Engineering staff of BEST dealing with transport lose 4 paid offs. Fearing that the General Manager may apply this rule to absentees on July 25, the Corporation passed a resolution asking the General Manager to consider the desirability of seeing that nobody who absented himself on July 25, loses more than one day's wages.

controlled unions, including the Transport and Dock Workers Union, freely indulged. To a large extent they were encouraged by the helplessness of unarmed police who witnessed breaches of law and order being committed under their very nose but could not do much to stop them. As the stoning of buses was greater in the labour areas viz. Parel, Lalbaug, Sewree and Worli, the few buses out of the skeleton service meant to run in these places could do so only spasmodically. A large number of workers who were not on strike did not stir out of their houses for fear of being molested; those who did, failed to report for duty for lack of transport.

Other means were adopted in those factories in which absence of transport was not likely to keep workers from going to work. In the textile industry which employs the bulk of labour in Bombay, intense propaganda in favour of the strike had been carried on for days. The Mill Mazdoor Union (Red Flag) and the Cotton Mill Mazdoor Sabha (HMS) had posted pickets at the gates of various mills. The majority of the mills were, therefore, closed. In some, workers came out because of persistent pressure from agitators inside or stone-throwing from outside. The mills which had to be closed because of stone-throwing were the Bradbury Mills, the Dawn Mills and the Century Mills. Only the Sassoon Spinning and Weaving Co., Mazgaon, and the Shree Ram Cotton Mills worked with a fair complement.

Similarly the Banks and Insurance Companies in Greater Bombay were affected. So were the Silk Mills, the Engineering Industry and the petroleum installations. Most of the port and dock workers too abstained from work as also did the employees of the Bombay Municipal establishments. But both the refineries at Trombay worked normally. So did the railways.

Having got the various industries closed the strikers moved in processions in their respective areas. They shouted slogans in support of the token strike and Sanyukta Maharashtra and against the Labour Minister, Bombay. Little was heard about the demands of the workers of Premier Automobile or ejection therefrom

of Shri R.J. Mehta. When they converged on the Oval Maidan, the processionists numbered about 5,000. Apparently a number of processions from the mill areas did not go to Oval Maidan. They dispersed earlier.

The strikers were addressed by Shri S.Y. Kolhatkar, [Docks (PSP)], Shri B. Jagtap [(CPI), Mill Mazdoor Union (Red Flag)], Shri M.G. Kotwal (PSP), Shri Datta Deshmukh (SMS), Shri S.A. Dange [AITUC (CPI)], Shri S.M. Joshi (SMS), Shri S.H. Deodhar, Shri S.R. Kulkarni (PSP) and Shri R.J. Mehta. The speakers denounced the labour policy of the Bombay Government and claimed success for the token strike. A deputation saw the Chief Minister who advised them to call off the strike in the Premier Automobile in order to create a favourable atmosphere for the settlement of the demands of the workers.

The workers went home.

Acts of violence on July 25

The day passed off, but not without ugly scenes. There was a serious case of stone-throwing near the Stock Exchange Building. Several other incidents of stone-throwing, intimidation, obstruction (by lying prostrate in front of buses etc.) which necessitated intervention by police were reported. In a few cases a mild cane charge was also made. In all 124 persons were arrested.

July 26 - an anti-climax

On July 26 all the workers of Greater Bombay went back to work except the workers of Premier Automobile. They felt like shorn lambs. Most of the AITUC and SMS leaders who had led the strike of the previous day went their different ways. The short alliance between them and the Premier Automobile workers seemed to have ended.

In the meantime the workers who had deserted the ranks of the strikers and had rejoined Premier Automobile and the new recruits had organised themselves into The Premier Automobile Workers' Representative Saniti. On July 27 they brought out a leaflet informing

the strikers that the Management had conceded majority of their demands and withdrawn some of the show-cause notices served on the strikers. The leaflet also said that the factory would open soon.

For this reason and to stop more fresh recruits from entering the factory there was a serious clash between the strikers and the police in the early hours of the 28th morning. Later in the day the Premier Automobile Workers' Representative Samiti announced that the factory would reopen on July 29.

Unconditional surrender

On July 29 the strikers announced an unconditional withdrawal of the strike. The next day 3,000 of them swarmed the factory gates wanting to be admitted all at once. It was, however, explained to them that it takes a few days for all sections of a factory which has been closed for so long to pick up full production and that they would be taken in section-wise. That day 656 workers were admitted. The rest dispersed peacefully.

Shri Asoka Mehta

The bringing in of CPI and SMS leaders was one of the many ways in which the Sabha tried to prop up the sagging morale of the strikers. The others were introduction of women into the struggle and when things looked particularly gloomy, playing with the magic name of Shri Asoka Mehta to raise hopes of the promised land. Wives of workers and other women were brought in to participate in processions, to picket and even to preside over meetings. The moral was obvious. If women could do this why not men.

During his brief visits to Bombay in the course of the strike, Shri Asoka Mehta addressed the workers only once - May 20 - and that was to clear a misunderstanding created by Shri R.J. Mehta. The latter had accompanied Shri Asoka Mehta to one of his meetings with Shri ^{Tulsidas Kishachand} Lalchand Hirachand to negotiate a settlement of the dispute. Shri ^{Tulsidas Kishachand} Lalchand Hirachand did not know Shri R.J. Mehta by appearance and came to know of his presence at the meeting only when he heard

a garbled version of its deliberations given at a meeting of workers by Shri R.J. Mehta. Shri Lalchand Hirachand, therefore, complained to Shri Asoka Mehta that Shri R.J. Mehta had made improper use of the discussions they had had together and at which Shri R.J. Mehta was present without his knowledge. Shri Asoka Mehta felt it his duty to clear this misunderstanding. So he addressed the workers. On the day of the token strike - July 25 - Shri Asoka Mehta again happened to be in Bombay. He was approached to address the workers. He refused to do so.

These incidents bring out in sharp relief the difference of approach towards the Premier Automobile dispute ~~between~~ Shri Asoka Mehta and Shri R.J. Mehta and pose the eternal problems of ends and means, of rectitude and expediency. They also show that though he is the President of the Engineering Mazdoor Sabha, Shri Asoka Mehta does not generally interfere in its affairs. Nonetheless he met Shri Lalchand Hirachand, the Bombay Labour Minister and even the Union Labour Minister quite a few times in an attempt to find a settlement of the dispute. Shri R.J. Mehta made use of these meetings in his speeches to workers to keep up their morale. Though these references always helped to tide over an immediate crisis, sometimes when they were not very tactful they had the effect of quering Shri Asoka Mehta's pitch in his negotiations. For instance, talking about an impending meeting between Shri Asoka Mehta and the Bombay Labour Minister and Shri Lalchand Hirachand, Shri R.J. Mehta said that if a settlement was ~~not~~ reached in Bombay, he would get one from New Delhi. These constant allusions to New Delhi in a dispute which was the concern of the local Government, must have caused unnecessary irritation in Bombay and made settlement more difficult.

The Balance Sheet

Though the Management lost production and sales worth Rs. 5 crores, the loss to workers in wages and salaries was also considerable - Rs. 30 lakhs. Loss of ~~business~~ to ancillary industry is difficult

to calculate. On the credit side there is nothing for the strikers. Their surrender was unconditional; even Shri R.J. Mehta agreed to give up the offices of Secretary and Treasurer of the Engineering Mazdoor Sabha, if that would rehabilitate the Sabha with the Management. The new alliance between Shri S.A. Dange and Shri S.M. Joshi and the formation of the Mumbai Girni Kamgar Union are direct outcomes of the token strike of July 25.

CHAPTER 5

The Code of Discipline

Discipline is essential to the well-ordered conduct of any activity, even if that activity be a strike. In the Premier Automobile, however, indiscipline bedevilled industrial relations long before the strike was launched. It became worse during the strike and did not improve even after it was called off. In this Chapter an attempt is made to fix responsibility for acts which are banned under the Code of Discipline. Since the Code of Discipline became effective from June 1, 1958 strictly speaking only events that took place after that date can come within the purview of the Code. In this connection, however, the following extract from a letter of Oct. 4, 1958 from Shri Bagaram Tulpule, General Secretary, Hind Mazdoor Sabha is relevant:

"I would state that on technical grounds we could side step any inquiry under the Code by claiming that the whole episode started prior to the Nainital session of the ILC, and is therefore outside the purview of the Code. However, we are anxious that the authority and spirit of the Code should be established and in that spirit we are not raising any technical grounds against the inquiry. We trust that the other parties to this inquiry will also approach it in the same spirit. If, however, any of them are inclined to plead merely technical reasons for wriggling out of their obligations or consequences of their actions, it will only mean that they do not really accept the spirit of the Code",

Infringement of the Code Before the Strike

As already indicated in Chapter 2, long before the strike began, in his correspondence, interviews and negotiations with the Management, Shri R.J. Mehta undermined respect for them and their officers and kept up a spirit of discontent and restlessness among the workers. In doing this he breached Clause IV (iv) (e) of the Code of Discipline.

The Management, on their part, "for the sake of buying peace and goodwill tried to placate the Sabha". But when they found that this policy did not yield results, on March 29 they refused to refer the bonus dispute for 1956-57 for arbitration. This was a

departure from previous practice. Bonus disputes for 1954-55 and 1955-56 were settled by arbitration. For this departure the Management gave no reasons. It is possible that Shri R.J. Mehta had exhausted the patience of the Management, that they had come to the end of their tether and were longing for a show-down. But the main purpose of the Code is to reduce to the minimum possibilities which lead to show-downs; they are expensive hobbies - expensive for the nation, for the workers and for the employers. That is why the Code bans unilateral action in industrial matters and recommends the utmost expedience in the utilisation of the existing machinery for the settlement of disputes. This machinery includes mutual negotiations, conciliation and voluntary arbitration. The Management's summary dismissal of the Sabha's request to allow arbitration on the bonus issue disregarded the provisions of clauses II (i), (ii) and (iv) of the Code, and was responsible for further deterioration in their relations with the Sabha.

In this connection the Management raised the question that considering the unhelpful attitude of Shri R.J. Mehta, they had no alternative but to refuse to have anything more to do with him. The answer to this is that, to begin with, they should not have leaned over backwards as they did to appease Shri R.J. Mehta even if the purpose was "to buy peace". Secondly, when they decided to swing to the other direction, they should have done so after weighing all the pros and cons of their action. To have nothing to do with a trade union leader is one thing. The letter of April 5 served this purpose well. But to refuse arbitration on this score, in contravention of an established practice is to create suspicion in the minds of the workers and make them an easy prey to agitation. Why the Sabha did not make an issue of this refusal is not easy to understand.

The First Strike

The strike of April 5 was against the Code. The Code prohibits stay-in and sit-down strikes in particular.

[Clause II(vi)] It was also illegal, for it was without notice and was over a personal issue - disciplinary action taken by the Management against the Union's Secretary for his behaviour towards the Company's officials and not over any industrial question of wages or bonus or similar claim. Besides at that time an adjudication reference was pending before a Bombay Industrial Tribunal.

Shri R. J. Mehta argued before me that the Sabha was forced to go on strike when the Company refused to have anything to do with its representatives. The answer to this argument is contained in the last paragraph of the Company's letter to Shri R.J. Mehta:-

"We would like to make it particularly clear however that if there are any genuine grievances felt by the workmen, their own representatives are at all times free to/ the management in proper spirit of presentation and negotiation and consistently with discipline and respect. Further, the ordinary peaceful channels and machinery of conciliation etc. provided by the law for the express purpose of maintaining industrial peace will naturally remain open, and therefore there will be no justification whatsoever for the workmen to adopt anything but a peaceful approach whenever necessary either to the Management or to the Government as the case may be".

The Company refused to deal with Shri R.J. Mehta, but not with the workers; its refusal to have anything to do with the Sabha was only so long as Shri R.J. Mehta was its leader. A peaceful approach could still be made to solve the dispute.

The Second Strike

The strike which began on April 12 was also illegal. The notice for 21 days which Shri R.J. Mehta served on April 8 had run for 3 days only. And the strike had nothing to do with the demands contained in the notice. Besides as already stated, an adjudication reference was at that time pending before a Bombay Industrial Tribunal - reference No. 172 of 1955 made at the instance of the Sabha. This strike was also against the Code not

Existing provision has changed by the wild employment

[approach] No direct contact made between office bearing the burden of the workers.

Company - strike has to be against management

only because it was illegal, but also for other reasons. The immediate reason for calling it was the dismissal, on April 11, of 10 workmen. The justification or otherwise of this discharge order is discussed later, but an immediate strike on this account cannot be justified under the Code. The machinery which the Code would like to see used "with the utmost expedition" was completely ignored. The only weapon that was used "with expedition" was strike which, according to the Code, should be resorted to only when everything else has failed. If "mutual negotiations" were not possible, the aid of the conciliation machinery of the State Government could have been invoked* or an appeal against the discharge order made to the Management under the Standing Orders. By deciding on direct action the Sabha violated clause II(ii) of the Code.

Discharge of 10 workmen

The daily-rated workmen in the Premier Automobile Factory have 5 paid holidays in a year, as against 12 for the monthly-rated staff working in the office of the Company. The daily-rated staff attached to the office thus lost 7 working days as compared with their counterparts in the factory. Therefore, they asked for, and were allowed, to work on certain Sundays and holidays.

The monthly-rated office workers choose their own 12 holidays. For 1958 they did not include March 21 (Gudi Padra) and March 29 (Ram Naumi) in this list. So, on March 21 and March 29 the following departments, among others, were working:-

- (1) Service Maintenance,
- (2) Parts, Stock Room, and
- (3) Sales, Storage.

*Shri R.J. Mehta's reason for not doing so was two-fold, as he explained in his evidence. Firstly, the State conciliation machinery takes inordinately long to decide an issue and, secondly, there was no hope of this machinery taking up the Sabha's cause because of the illegal strike from April 5 to April 8. It seems that the practice in Bombay is that if you go wrong once, you are out of court for a year or so. In any case no reference was made to the State Government, to help resolve the dispute.

The rest of the factory was closed. The daily-rated workers of these three departments were told to come to work on these days. On March 18 Shri R.J. Mehta wrote to the Company suggesting that the daily-rated workers be allowed holidays on these two days and substitute work be arranged for them on Sundays. The Management argued that since these departments are attached to the office the daily-rated workers of these departments could work only on days when the office was open and not on Sundays or weekly holidays when the office was closed. The Company, therefore, advised the daily-rated workers attached to these departments to report for work on both these days by a letter addressed to Shri R.J. Mehta and by notices put up on the notice boards. Accompanied by some of the workmen of these departments, Shri R.J. Mehta saw the Staff Manager, tore to pieces his letter and threw it on the Manager's table and told the workers not to report for duty on March 21 and March 29. The workers absented themselves on March 21. They were warned. On March 29 they repeated the offence. On April 11, at about 5 p.m. the Company served discharge notices under Standing Order No. 21(1) on 10 workmen out of about 200 who were guilty of absence on these two days. I think the Company was right in insisting on the workers turning up for work on March 21 and March 29 and Shri R.J. Mehta wrong in inciting them to flout the Company's orders. If daily-rated workers in departments attached to the office want additional work, they obviously can have it only on days on which the office functions and since the office staff have the choice of their holidays the daily-rated workers in departments attached to the office must sink or swim with them. They cannot have it both ways - ask for more work and also dictate the days on which they will do it. Shri R.J. Mehta's stand on this issue was wrong and his manner of making it known to the Management, objectionable. He is guilty of encouraging

insubordination among workers and thereby infringing clause IV(iv) of the Code.

Of the 200 workers involved in this episode, only 10 were discharged. Invariably Managements succumb to the temptation to use such occasions to weed out those who have been thorns in their side and leave the rank and file alone. As discriminatory disciplinary action always leads to trouble on a wide scale, I do not see the advantage of it. Discharge may be symbolic or exemplary. Trouble is never so. Coercion and intimidation turn a partial strike into a complete strike over-night. On the other hand, symbolic or exemplary action smacks of victimization, particularly if no charge-sheets are served and no opportunity afforded to workers to explain their case. Therefore, a fair number of delinquents should have been charge-sheeted and after enquiry those found seriously involved discharged. Since this was not done, the Management must be held guilty under clauses III(ii)(b) and (c) of the Code. In fact, in this case the Management admit victimization. In their letter of November 1, 1958 addressed to me, they say:

"Regarding 10 discharged workmen, when we decided to take action against some of the workmen to make an example we decided to take such action against 10 workmen out of a total of about 200 men.

"In consultation with the departmental heads, these 10 workmen were selected as undesirable from the point of view of work and behaviour".

So these 10 workmen were discharged not so much because they disobeyed orders, as because they were "undesirable from the point of view of work and behaviour". Through their own mouth the Management stand condemned on this issue.

If disciplinary action leading to discharge is not "subject to an appeal", it would attract clause III(v) of the Code. But in this case there was provision for appeal. Standing Order 26 says "any question arising out of or in connection with or incidental to these Standing Orders shall be subject to an appeal to the

authority superior to the Manager notified on this behalf". ^{By not} taking advantage of this procedure, the Sabha infringed clause II(ix) of the Code.

R.J. Mehta and the Code

It is hardly necessary to repeat here the indisciplined behaviour of Shri R.J. Mehta during the strike and the encouragement to indiscipline and violence he gave to workers by his speeches and otherwise, which again render him guilty under clause IV(iv)(e) of the Code.

Indiscipline during the First Strike

During the first sit-down and stay-in strike from April 5 to April 8, there was no question of the Management importing fresh workers or the police giving them protection. Despite absence of any provocation the strikers indulged in rowdy demonstrations, nicketing, coercion and intimidation of willing workers among the monthly-rated staff and officers.

When, on April 8, work was resumed, there was a definite and deliberate attempt at go-slow. All this involves breaches of various clauses of the Code, e.g., IV(ii) (rowdism in demonstrations), II(v)(a) and (b) (coercion and intimidation), II(v)(d) (go-slow).

Indiscipline during the Second Strike

The first two days of the second strike were uneventful. On April 14, the Management appealed to the workers to resume work immediately. On their failure to do so, they were virtually locked out on the morning of April 15. Anticipating breach of peace, the police was present at the factory gates. The strikers prevented officers and monthly-rated staff from entering the factory. The police intervened. The strikers retaliated by throwing stones. Some policemen were injured. A lathi-charge followed. Among the persons manhandled was an officer of the Company, Shri P.G. Patel.

*Shri Janardhan Gunde who admitted 'go-slow' in the course of his evidence before me, explained it by saying that the Management deliberately supplied wrong material. To spite their check they cut their nose!

Among the property damaged was Deputy General Manager's car. A monthly-rated mechanic-cum-driver, Shri Bhagwe, who was driving the car was dragged out and beaten up.

In indulging in other acts of indiscipline, coercion, assault, etc. the Sabha breached the Code in various ways. The Management had given no provocation, nor had the police unless it be by its presence. But had the police not been present, the law and order situation would have taken an uglier turn.

Such incidents were frequent throughout the strike. Some of them have been described in Chapter 4. There was no justification for any one of them. Cars were stoned, individual workers waylaid and assaulted, and acid bulbs thrown at new recruits and old willing workers. Officers attending to essential services were interned and monthly-rated staff prevented from attending office. Roads were blocked and tyres of cars deflated. Rowdy demonstrations and rallies were convened at which often undignified language was used. About 60 persons were injured by acid bulbs and about 125 by stones. All this violence, physical duress, coercion, intimidation, rowdiness and the use of undignified language, are condemned by the Code.

Fresh recruits

The Sabha, however, contended that a good deal of this violence was forced on them by the Management trying to engage fresh recruits to run the factory. Even if it is conceded for the sake of argument that the Management was wrong in engaging fresh recruits (among whom must be included deserters from among the strikers), there is still a good deal of violence which was unprovoked and for which the Code must condemn the strikers unequivocally. After all, the Management did not bring in fresh recruits till May 16 and by then many ugly demonstrations had been held, much abuse hurled at the Management and the Bombay Government and many non-strikers assaulted, intimidated and obstructed and others, including policemen, hurt by stones and acid bulbs and so on.

Coming now to the Sabha's argument that the Management's attempt to engage fresh recruits was enough justification for strikers to take law into their own hands, I find that it does not carry conviction. The facts are that on the evening of May 14, the Management put up a notice informing the strikers attached to the Service Maintenance and Assembly Inspection Departments that none of them had resumed work so far despite the notice of April 30 asking them to do so. The Management further informed them to resume work within 7 days, failing which their vacancies would be filled up by new hands and they would lose their jobs. An earlier notice had also said that the Management had decided to start work from May 15 in the Assembly Line Department and its allied sections in view of some of the old workers having expressed willingness to resume work. The strike had been going on for over a month and there was yet no sign of its being given up in the near future. Matters were further complicated by the Sabha not having so far sought the assistance of the Labour Department of Bombay Government to resolve the tangle. In fact, the general policy of the Engineering Mazdoor Sabha all along had been to try direct negotiations with the Management, and when these failed, to take the matter to private arbitration without the intervention of the conciliation machinery of the State Government. To this must be added another complication, the declared policy of the Bombay Labour Department that if a union ignores the conciliation machinery of the Government and resorts to a trial of strength, Government do not interfere. In this case Government had declared the strike illegal. It is too much to expect the Management to sit back and watch the enforced idleness of the factory. The Management's attempt to engage fresh recruits was, therefore, justified. After all, there is nothing to stop the strikers from taking up temporary or part-time work while on strike. In fact, many do. Others go home to their fields. Why shouldn't the Management then engage fresh hands and, with the

assistance of non-strikers and those who are willing to return to work, re-start the factory. To condemn them for doing so would be wrong, particularly when it is borne in mind that the strike had been declared illegal and there were no signs of its being called off in the near future.

The Code of Discipline and the State Government

In addition to laying down rights and responsibilities for workers and Management, the Code requires the Central and State Governments to "arrange to examine and set right any short-comings in the machinery they constitute for the administration of labour laws". In pursuance of this directive the Central Government has set up an Evaluation and Implementation Division. It is an official organisation that functions unofficially and is particularly useful in situations in which the formal official machinery cannot or does not operate. The Division is assisted in its work by a tripartite Committee. Most State Governments have also set up similar organisations. Bombay has not so far. It had not even nominated an officer to deal with cases of non-implementation when the strike in the Premier Automobile began or while it lasted. Quite a few State Governments had done so by then. As discussed already, the avowed policy of the Labour Department of Bombay is not to intervene in a labour dispute in which the parties have already entered upon a trial of strength. Nor does it volunteer its services if they are not specifically asked for. In the present case neither party had sought the assistance of the Labour Department for conciliation. Arbitration through official agency requires that both parties sign an agreement under section 10(a) of the Industrial Disputes Act and forward copies of it to Government and the Conciliation Officer. Neither party had done this or anything else to stir the Labour Department. The proposal for voluntary arbitration had been turned down

by the employers. Thus, while the Labour Department was hors de combat because of its declared policy and the Sabha, complascent in the conciousness of its strength, stood on prestige and refused to make a formal approach for the intervention of Government, the implementation machinery, particularly its tripartite committee, had one been set up, would have at once taken cognizance of the dispute and stepped in. Whether it could have resolved the dispute it is difficult to say, but it would have certainly provided a forum for a discussion of the problem and possible imposition of a cease-fire. Thus the stalemate would have been broken and further deterioration of the situation arrested. A senior official of the Bombay Labour Department, in charge of the State Implementation and Evaluation machinery, would have taken the matter in hand and saved it from being exploited by other parties. But, unfortunately, no such machinery has so far been set up in Bombay and so long as it is not established, the Bombay Labour Department can be blamed for not "setting right shortcomings in the existing arrangements for the administration of labour laws" as required by the Code of Discipline.

The Union Labour Minister

This is, however, not to suggest that nothing was done by either Delhi or Bombay to resolve the dispute. As early as the second week of May the Union Labour Minister invited Shri S.M. Joshi and others for consultations to Nainital. The Bombay Labour Minister was already there for the meetings of the Indian Labour Conference. This effort averted the one-day token strike in Greater Bombay which had been fixed for May 19, but it did not end the main strike in Premier Automobile. Further efforts continued to be made by the Union Labour Minister to solve the tangle and on a number of occasions he conferred with Shri Asoka Mehta and with Shri Nath Pai and the top management of the Company. He also spoke to the Bombay Labour Minister

The Bombay Labour Minister

Similarly the Bombay Labour Minister, in his personal capacity, tried to resolve the dispute. On April 30 a meeting was held at his residence where Shri Asoka Mehta and Shri Tulsidas Kilachand, a Director of the Premier Automobile, were present. The meeting was abortive. Various permutations and combinations to resolve the dispute were discussed, but none seemed acceptable to both Shri Asoka Mehta and Shri Tulsidas Kilachand.

On May 20, 1958 in reply to a speech made by Shri Asoka Mehta, the Bombay Labour Minister wrote to him:-

"Though in my opinion the strike is illegal and the Government should not intervene, I am still willing personally to do what I can to find a solution".

Again, on May 27, the Labour Minister met representatives of the Sabha and the Management at Poona in an attempt to resolve the dispute.

On June 27, a tentative agreement was drawn up between Shri Asoka Mehta and the Management in the presence of the Bombay Labour Minister. The terms of the agreement are given below:-

"A) There will be no victimisation of workers.

B) The Management will be free to take appropriate action under the Standing Orders against those who have indulged in violence e.g.

(i) Attacks on supervisory and other members of the staff and workers of the Company including obstructions, insults and surroundings.

(ii) Obstruction or so-called 'Satyagraha' near the factory and threats to officers, staff and workers at their homes and on the way.

(iii) Speeches by workers in support of or inciting or justifying any of the above acts.

C) In case any worker has a grievance against the management for action taken against him, the same may be discussed between Shri Asoka Mehta and Shri Tulsidas in the same way as in the case of other matters.

D) Shriyut Asoka Mehta and Tulsidas may, if they so agree ask the Company and the Union to refer to arbitration or adjudication such of the matters in the dispute including those under (C) as are agreed upon between them".

There are two versions why this agreement did not go through. According to Shri Asoka Mehta and Shri R.J. Mehta, the agreement came to nothing because of the wrong interpretation put on clause (B) by the Management. In his letter No. S/ML/PA/786 dated December 17, 1958, Shri R.J. Mehta says:-

"Before the Sabha could put the terms of the Agreement before the workmen for their approval, the Company sent chargesheets dated 30th June 1958 to more than sixty-five workmen.

"This act on part of the Company created grave doubts about its bonafide. Clause B of the tentative agreement provided for punishment under Standing Orders in respect of those who were charged prior to the agreement being reached. That is how we interpreted the agreement. The act of serving chargesheets after 27th June 1958 was an afterthought".

The Management, on the other hand, say that though acceptable to Shri Asoka Mehta, the agreement was not acceptable to Shri R.J. Mehta. Seeing in it an appeaser he quickly backtracked and sabotaged it. The fact, however, is that the tentative agreement remained a dead letter.

The Code and the General Strike of July 25

The incident of July 25 was an interlude in the tragedy which the strike in the Premier Automobile was; it was a play within the play to serve a particular end. The ostensible reason for the token strike of July 25 was to express sympathy for the Premier Automobile workers. But, as already discussed, the Premier Automobile workers got nothing out of it. Sympathy for them was merely a cloak to serve other ends. Two questions, therefore, arise: (1) How far in a planned economy the dislocation caused by such "sympathetic" strikes is justified? (2) How far are workers on strike entitled to commit all sorts of penal offences against others, in the act of picketing?

One can understand the "right to strike" if it is for the redress of one's legitimate grievances after the machinery

provided by Government for the purpose has failed. But, if this "right" is exercised to gain an advantage over a rival party under the guise of "sympathy" for some one else, then it is not only abuse of the "right" but also an infringement of the Code of Discipline.

Secondly, the "right to strike" is invariably interpreted to include a right to prevent others from working. The right to work according to a contract accepted on either side, is a right guaranteed by the Constitution in Article 19. Those who infringe this right by preventing non-strikers from going to work by intimidation, coercion and violence not only breach the Code of Discipline, but also act against the law of the land. Finally, it is waste of national resources to allow any organisation to disrupt production wherever it likes by twisting round its little finger the greatest single element among all that go to make production, viz., man-power. The whole idea of token strikes like the one organised on July 25 is against the letter and the spirit of the Code. The propaganda and the agitation organised for it were undemocratic.

So far as the Premier Automobile workers are concerned, the token strike made no difference to them. It solved nothing. On the other hand, it inveigled them and others, particularly the BEST Workers' Union, into committing serious acts of violence. These have already been described in detail and these must be condemned under the Code, as the Code must also condemn the workers for their last scene of violence enacted in the early hours of July 28.

After the Management put up a notice on July 29 that the factory would re-open by stages, Shri R.J. Mehta and Shri S.M. Joshi addressed the workers. Shri S.M. Joshi explained why the strike was being called off and exhorted the workers not to view the end of the strike as a defeat. Shri R.J. Mehta, however, sounded his usual

note :

"The Action Committee of the Engineering Mazdoor Sabha is not in favour of calling off the strike. But we are bowing to the decision of the leaders who have all along been supporting our cause".

To Sum Up

Thus, it would appear that though both the Management and the Sabha infringed the various provisions of the Code, the Sabha's share of the infringements is greater. The Management must be blamed for not providing enough staff for looking to the day-to-day problems of the workers and for not implementing agreements with expedition. They are also guilty under the Code for refusing arbitration. But they were perfectly justified in withdrawing from Shri R.J. Mehta the facilities which they had given him. It was wrong on Shri R.J. Mehta's part to advise the Factory Committee (consisting of representatives of workers of various departments) to launch a strike on this account. The strike was illegal as well as against the Code and so were the various acts of indiscipline, rowdyism, etc. committed by the strikers during the few days it lasted. The discharge of 10 workmen, coming when it did, was an indiscreet step. Besides, to make an example of "10 workmen out of a total of about 200" was against the Code. But an instantaneous strike was not the answer to this. Two wrongs do not make a right. The discharged workers could have appealed to higher authorities; they could have sought redress by approaching the conciliation machinery of the State Government. Strike should have come after all these steps had been tried and found wanting. What followed infringed almost all canons of the Code. In the end, to keep up the sagging morale of the strikers, the leaders of all the parties opposed to Government were brought in at a very heavy cost. The demands of the workers were bartered away for a demand for a Samyukta Maharashtra State and an attack on the Bombay Labour Minister. This trading of labour interests is an unfair practice which both the letter and the spirit

of the Code condemn. After reaping their harvest on July 25, these leaders left the strikers to their own fate. The strikers reverted to their old ways. Like the last flicker of the lamp before it goes out altogether, on July 28 the strikers staged a grand finale in which they reconstructed on a miniature stage all they had done during the 110 days the strike had lasted - stonethrowing, obstruction, barricading, fighting the police and so on. Then the strike died of sheer exhaustion; the workers surrendered unconditionally.

In gratitude

Before I conclude this report I feel I must express my gratitude to the Bombay Government who agreed to my undertaking this study and provided facilities for it. I am also grateful to H.M.S., A.I.T.U.C. and I.N.T.U.C. and their unions for their courtesy and cooperation. To the General Manager and other officials of the B.E.S. T. Undertaking I am particularly obliged for bearing with me while I interrogated them and their workmen. The Management of the Premier Automobile were good enough to take me round their factory and let me examine their files and listen to tape-recordings of some of the speeches of Shri R.J. Mehta during the strike. I am thankful to them also. Lastly, though this debt is the greatest of all, I am grateful to Shri Asoka Mehta for the frankness with which he gave me his version of this marathon strike and to Shri R.J. Mehta, the main actor in this drama, for the efficiency and patience with which he compiled for me almost a book which gives an account of the events connected with the strike from his point of view. But for the assistance received from all these quarters my task would not have been so pleasant as it was.

Sd/--

(R.L. MEHTA)
22,4,59

SUMMARY OF PROCEEDINGS OF THE
CENTRAL IMPLEMENTATION AND EVALUATION COMMITTEE
(FIRST MEETING, NEW DELHI, SEPTEMBER 20, 1958)

PRESENT

Shri G.L. Nanda,
Union Minister for Labour
& Employment and Planning.

Chairman

Shri Abid Ali,
Deputy Labour Minister.

Shri L. N. Misra,
Parliamentary Secretary to the
Union Minister for Labour & Employment.

I. CENTRAL GOVT.

1. Shri P.N. Menon, I.C.S.,
Secretary.
2. Shri K. N. Subramaniam, I.C.S.,
Joint Secretary.
3. Shri R. L. Mehta, I.A.S.,
Joint Secretary.
4. Shri B. N. Datar,
Labour & Employment Adviser.
5. Shri S. P. Mukerjee, I.A.S.,
Chief Labour Commissioner.
6. Shri Teja Singh Sahni,
Deputy Secretary.
7. Dr. B. K. Bhattacharya,
Deputy Secretary.
8. Dr. S. B. L. Nigam,
Asstt. Economic Adviser.
9. Shri R. C. Saksona,
Under Secretary.
10. Shri H.K.D. Tandon,
P.S. to Minister for Labour & Employment.
11. Shri S. Kumar Dev,
Information Officer.
12. Shri K. M. Tripathi,
Research Officer.
13. Shri S. S. Mukerjee,
Research Officer.

II. EMPLOYERS.

(a) EMPLOYERS' FEDERATION OF INDIA.

1. Shri Naval H. Tata,
M/S Tata Industries (P) Ltd.,
Bombay House, Bunge Street

Member

2. Shri R. M. Macdonald)
 3. Shri J.D. K. Brown)
 4. Shri T. S. Swaminathan)
 5. Shri V. S. Pandit)
- Advisers

(b) All-India Organisation of Industrial Employers.

- (1) Shri G. D. Sarin, M.A., I.C.S.)
55, Suraj Park, New Delhi.) Member
- (2) Shri P. Chittaral Rao,)
Federal House,) Member
Barakhamba Road, New Delhi.)

(c) All-India Manufacturers' Organisation

- (1) Shri H. P. Merchant,)
Woodlands' Poddar Road,) Member
Bombay - 26.)
- (2) Shri K. Naoroji)
Adviser

III Workers

(a) I.N.T.U.C.

- (1) Shri Kanti Mehta,)
Alternate Member
- (2) Shri H. D. Mukerjee)
Adviser

(b) AITUC

- (1) Shri B. D. Joshi)
14, Queen Victoria Road,) Member
New Delhi.)
- (2) Shri T. B. Vittal Rao, M.A.,)
Adviser.

(c) H.M.S.

- (1) Shri Bagaram Tulpule)
General Secretary, H.M.S.,) Member
Servants of India Society's Home)
Sardar Patel Road,)
Bombay-4.)
- (2) Shri D. D. Vasisht)
Adviser

(d) U.T.U.C.

- Shri Gur Bachan Singh,)
Bihar State Committee of U.T.U.C.,) Member
Bharati Press Building,)
Mithapore, Patna-1.)

A G E N D A

- ITEM NO. 1. 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.,.
- ITEM NO. 2. 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' Organizations and action taken thereon.
- ITEM NO. 3. Non-implementation of awards, agreements, etc., due to appeals to High Courts/Supreme Court.
- ITEM NO. 4. Implementation of the Code of Discipline in Industry.
- ITEM NO. 5. Evaluation of the working of labour enactments, disputes, etc.,.
- ITEM NO. 6. A review of some typical cases of non-implementation.

General Session
(September 20, 1958)

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The Chairman delivered the following speech:-

" This meeting is linked up with a very important effort that has been made in the course of the last two years the outcome of which is the Code of Discipline. Whenever I had occasion to speak to workers, their representatives or leaders of the working class organisations, I pointed out to them various developments which were happening in the industrial field and which were not conducive to better production and were neither in the interest of the workers themselves nor of industrial relations. These were cases of violence, intimidation, etc. I was told that the major cause of these incidents and the lack of goodwill and amicable relations was the fact that awards and agreements were not implemented. What was the use in having a system, an Act providing for conciliation, arbitration and adjudication when even agreed decisions were not given effect to? It appeared to be a matter which deserved very serious consideration, particularly the extent to which the evil prevailed and the ways which should be adopted to set matters right. While we were thinking of taking other measures mutual discussions, deliberations etc: to improve the atmosphere and remove the various difficulties which beset our course, we also proceeded in the direction of exploring ways of mitigating this evil of non-implementation of awards and agreements, etc.,. Ultimately, we decided and I declared in the Parliament that we were going to establish a special machinery both official and non-official at the Centre and in the States because mere official efforts in matters like this would not take us very far. It has to be only with the help of the representatives of the parties and with their full collaboration and appreciation of the seriousness of the issues and of the urgency of doing something about them that we could make progress in these matters. It was

very satisfactory to us - a matter for gratification that this was appreciated by the representatives of the parties and we agreed to work out a method of dealing with this evil which would have the active support and co-operation of the leading representatives and organisations from the two sides.

2. This being the first meeting of the Central Implementation & Evaluation Committee, it has a special importance. Prior to this meeting, some work has been done in pursuance of the declarations that were made and also in pursuance of certain undertakings given at the time of the Indian Labour Conference. The Code of Discipline, as I said, has this other counter-part that discipline can be enforced, obligations can be expected from the parties provided something is done to realize what is due to them or to meet their claims. The experience that we have had so far of the working of this machinery, which we have set up here is, I think, not discouraging, it is indeed hopeful in the sense that there has been a very free and full co-operation in its task from all sides. We have had complaints of non-implementation, from those affected and their organisations of and on our side we have also tried to bring these complaints to the notice of the parties concerned. It is just a beginning and we cannot say that the whole machinery has been geared to the task and is functioning smoothly at various levels because in some States they are still making necessary arrangements for putting it in position. So, we have not yet had a taste of the full working of the machinery at all levels.

3. Whatever we have attempted to do here has created an impression that it is going to be a useful and helpful procedure. The mechanism that has been provided now will, in course of time, probably lead to smoother relations and more peaceful conditions. It will pave the way for bigger things that we may have in view. I have got before me some facts and figures. There are about 960 cases of non-implementation throughout the country. Cases of non-implementation of labour awards, are a little more than 300 while those of agreements and settlements do not exceed 40.

These are by no means very large figures but they may not give a complete picture. In certain industries like Mines, Plantations etc., the problem is more acute. I am sure, with the vigorous efforts of the Division, this Committee, the State Evaluation Machinery, etc., before long this problem will be brought under control. We have figures for the public sector also but we cannot draw any conclusions from them, one way or the other, because this is only a small part of the industrial field. Even regarding the public sector, the fact is that there are cases of non-implementation and the Division and this Committee have to take a serious view of any feeling of shortcomings in this direction as in other directions.

4. I find from the note before me that a certain proportion of the cases of non-implementation arises out of the fact that there is no proper understanding of all the things to be done and of the obligations to be discharged. That is the difficulty, though it is relatively a simple matter for as soon as parties are enlightened regarding their rights and obligations, things will be put right. But there is another type of non-implementation which is not so simple and straightforward, where in order to escape the burdens which might arise out of awards and agreements some parties try to evade them. It is here that resentment arises and bad feelings are created. The whole atmosphere is thus spoiled and if it is spoiled in one place it has reactions in other places also. Therefore, the effort has to be that all such cases are eliminated and avoided. A peculiar factor which has been mentioned adversely in many places and on many occasions is the recourse to courts. The High Court is being approached for help. There may be justification where a party feels aggrieved over some fundamental question as regards its rights for it to go to a higher court. Or it may want to get things clarified. Once they are clarified in the Supreme Court that puts an end to the uncertainty regarding certain matters for a long time but most of the cases which

go to these courts are not the correct ones. They simply go to gain time and to tire out the other party and may be to test out its staying power. Their attitude is "I have more resources. I can go to courts and can spend money. The other party cannot". If this impression - even if it may not be true in all cases - is created that there is no desire to settle and to give a fair deal and carry out obligations but there is an attempt to circumvent, and not a genuine effort to get redress, then conditions are created which will not help in promoting industrial peace. We have given this matter thought and for obvious reasons we cannot propose abolition of higher courts. These are matters of fundamental rights and there is the Constitution. But we have other ways of reducing the incidence of this kind of approach to the courts, restricting the cases which are genuine and bonafide and cutting out other cases where the stake is not very big, where one way or the other, it may not be very material if a little more is given or a little bit less. One might rest content what the court has given as a decision. It is such cases which we have to screen and where the efforts of the parties have to come into play so that the machinery does not come into disrepute and the faith of the people in approach that we have adopted is not shaken. This is very important. It may be that in a few cases the party may get a respite, may get a little time and delay in making payments or carrying out of certain obligations. On the whole, ultimately, it does not help the industry. It becomes a very important duty of the representatives of the Central Organisations to see that this tendency is curbed and checked and brought under control. This is a matter of such importance that I thought I should stress it here.

5. The cases of non-implementation, breaches, etc., are very much connected with the proper observance of the Code of Discipline. It is only when there is a reciprocal regard for mutual obligations that this new tradition can develop and grow.

It should not, however, be considered that because one party, on any occasion, failed to carry out its obligations or operated strictly, that the door is open for the other party to have its own way in complete disregard of its obligations of the various norms and standards of conduct that have been laid down in the Code of Discipline. This is very important, otherwise reactions start. If a little suspicion or fear that the other party has not acted properly, gives license to the opposite party to behave in a manner which goes against the provisions of the Code, then that is ~~an~~ end of the Code.

6. This is the whole basis. It may be that somebody has not done his part. We have to see that we take recourse to methods which will bring to book the party at default and not that we on our part start creating new breaches. I can understand that there is a limit to ~~endurance~~. But this is not simply a question of indefinitely putting up with breaches. There is a machinery provided for rectifying these breaches and as long as that machinery has not been made use of fully, no justification arises for any party to pursue its own ends regardless of the Code to violate it. Proper implementation of the Code is extremely important. When complaints arise about some other person or party is not observing the Code properly then before anything is done the various procedures that are laid down should be adopted including recourse to the machinery, of implementation & evaluation.

7. Well, I have tried to explain the major aspects which I had in view, of what we are going to discuss and I request that very full use should be made of the machinery that has been created; full in this sense that it is always better to take notice of small violations or departures because ^{otherwise} later are likely to create an unhealthy atmosphere. It is necessary therefore that new attitudes are created, new habits are formed and this can be done by a succession of efforts. I do not expect this to happen immediately. There will be opposition

from all sides. There may be ignorance or even disregard for the Code, etc.,. But we should take notice of it in proper spirit, in the spirit to persuade the other party to see that it is wrong and to redress it, **and** if things are not set right then to suggest what further machinery should be set up. I have asked that a proforma should be circulated regarding the Code and if there is a strike or a lockout in violation of the procedure that has been laid down it should be reported; the information should be conveyed to the other parties concerned for necessary action and an enquiry may be made about intimidation, violence or other breaches so that anything that occurs in violation of the standards laid down is taken notice of, reported and enquired into without any spirit of revenge or punishing the other party but to see that gradually things improve and we get as near full implementation of the Code as possible."

The Chairman then invited observations from members

Shri Bagaram Tulpule (HMS) said that the Chairman's remarks about the Code were most interesting and he assured that he subscribed to the Code in all earnestness and hoped that it would provide a channel for regulating industrial relations on individual basis which would solve the problems more satisfactorily than the mere provisions of law. He pointed out that a good deal depended upon the effectiveness of the Implementation machinery. Referring to the procedure adopted by the E & I Division in dealing with the complaints of non-implementation, etc., he urged that before sending final replies to the complainant, the Division should itself ascertain the facts and decide about the correctness of the replies. He also referred to the case of dispute between Bharat Sugar Mills in Bihar and its workmen which was pending in the Supreme Court and desired that steps be taken to settle the dispute

between the parties outside the Court. He desired that the E & I Division should take action under the Code of Discipline to impress upon the employers not to resort to unnecessary litigation.

Shri Tulpule also mentioned a case where a Union to wrote an employer for recognition under the Convention with a copy to the State Government. The State Government replied that as the question of recognition was voluntary, they could do nothing in the matter. He complained that such an attitude would hardly be conducive to a better atmosphere and desired that the matter be taken up with the State Government. In this connection, he stressed the need for proper orientation of the attitude of State Governments towards the problem of non-implementation and referred to the promulgation by the Government of U.P. of certain rules regarding approval of Unions and Federations and restrictions in this regard. He desired that it might be considered if such restrictions and additional conditions would be in conformity with the spirit of the Code or the Nainital Conventions. He added that the trade union organisation in U.P. had challenged the Rules in the High Court of Allahabad. He also referred to a bill circulated by the U.P. Government which sought to substitute the Indian Trade Unions Act and wherein certain conditions for registration were contrary to the Nainital agreement, for instance the membership for registration was fixed at 10%. Shri Tulpule desired it to be examined if these provisions conformed with those of the Code. Referring to the practice of taking labour disputes to courts, Shri Tulpule said that in certain cases of breaches of the Code by an employer resulting in obstructions in the functioning of the trade union, such as withdrawal of recognition or victimization of principal workers, without following the procedure laid down in Code, or persistent refusal of an employer to follow the Code there would be no alternative for a union except to

act in retaliation.

The Chairman said if the refusal on the point of the employers persisted over a long period, Government or the E&I Division could be informed.

Shri Tulpule then referred to the amendments to the Code and pointed out that they were not quite complete in respect of sanctions against the public sector, as a whole, although this principle had been accepted at a meeting of the Sub-Committee on Workers' Participation in Management and Code of Discipline in Industry.

The Chairman explained that the words 'public sector' had already been inserted in the preamble to the Code and these had to be properly understood and defined. Public sector included those establishments, factories, etc., where they were not being run as government departments or where the civil servant (i.e. Government employee) was not involved. He said that a meeting would be held shortly to consider this question. He further clarified that the whole of the Code applied to the public sector and there was no particular reason for any differentiation.

Shri Kanti Mehta (INTUC) wanted to know the position regarding cases in which the tribunal had given an award in favour of workers and wherein the matter had gone to the High Court. There were instances where an award had been given (e.g., the Bonus Scheme for Coal Mines) that the Chief Labour Commissioner's interpretation would be final, but the management did not implement his interpretation of the scheme and insisted that the matter should be taken up for arbitration.

Shri R. L. Mehta pointed out that the decision of the Nainital Labour Conference was that all the Central Organisations of employers and employees would set up a screening machinery and check up references to courts at the source.

The Chairman said that in order to ascertain facts E & I Division had to bring complaints to the notice of the other party. The States were setting up their machinery and the

organisations were required to set up theirs. These steps might bring better results.

Shri Kanti Mehta added that there were a number of collieries which had not implemented the award inspite of an increase in the price of coal and their applications before the High Court had been withdrawn. He wanted to know what action had been taken against those collieries that had reported non-implementation but Government could not do anything at that time because the matter was before the Court.

The Chairman appreciated this difficulty and said that no member of the association ought to have withheld full implementation by taking shelter behind such artificial protection.

Shri Kanti Mehta said that another matter which he would like to mention and which was earlier brought up before the Industrial Committee on Coal Mines related to the contract system. He thought that alone was responsible for most of the confusion and if a proper enquiry was made in coal industry it would reveal the employers' tendency to increase the contract system. He wanted the Committee to consider and evolve some method by which evasion could not take place in respect of contract workers.

The Chairman pointed out that this matter had been dealt with before and would again come up before the Industrial Committee.

Shri Naval H. Tata (EFI) thought that the word 'non-implementation' was very confusing. According to him a party could be deemed guilty of non-implementation only if it accepted an award and then did not implement it afterwards. He argued that most of the cases of non-implementation were in respect of small employers in coal mines although all employers were generally accused of not implementing their obligations. He thought that the causes of non-implementation were more important than the actual act of non-implementation and stressed the need for constituting industrial tribunals properly so that they

could be fully equipped to deal with accounting matters. He suggested that this difficulty could be overcome by associating with them neutral auditors, as assessors. He pointed out that where the employers brought in their own auditors, the judgment might be considered as prejudiced, whereas if in a tribunal it was a permanent feature, that feeling would not be there.

The Chairman said that he was himself thinking that when so much power was placed in the hands of tribunals and their awards might affect the fortunes on both sides, the tribunals ought to be well equipped for the purpose. One of the things the Government could do in this direction was to bring out the experience of the last few years about the lack of sufficient realization of the implications of certain thing by adjudicators or the tribunals.

Shri Tata then referred to the right of appeal to High Courts and said that there was always the right to go to higher courts. There were frivolous references to High Courts also but they could not be stopped when an employer felt that he must take his case to a higher court.

The Chairman pointed out that if there was such a strong feeling, that there was something very vital, then nobody would come in his way but the Associations function was to see that there was a check. He warned that the attitude of going to higher courts because an employer had enough means to do so was not desirable. He said that he would like an analysis to be made of the cases of successful appeals against industrial awards to determine the advantage secured both in terms of money and as a vindication of principles.

To a clarification sought by Shri Tata regarding the ratification of the Code of Discipline and its application to TISCO Strike of May, 1958, the Chairman said that Jamshedpur strike did not come within the purview of the Code as it had occurred before the finalisation of the Code at Nainital Labour Conference in May, 1958. The Code would be deemed to

be effective from June 1, 1958. He also said that the Code should be publicised extensively so as to bring its contents to the notice of all concerned.

Shri Tata said that as Government were going to enquire into the causes of the general strike in Bombay which involved various principles he desired that Government ought to do something to prevent the recurrence of such strikes.

The Chairman said that it would depend upon the understanding of rights and wrongs by various parties.

Shri Tata suggested that some kind of machinery, on a voluntary basis, might be created where both the parties could meet and resolve the differences instead of going straight to courts. Such machinery might be bi-partite or tripartite and include a representative from the Implementation & Evaluation Division. It would help in creating a moral force.

The Chairman appreciated the idea.

Shri B. D. Joshi (AITUC) welcomed the setting up of the Evaluation and Implementation Division and appreciated the difficulty in its working due to the absence of State Implementation machinery in all States and an investigating machinery of its own on which the Division could depend for implementing its decisions. He referred to the dispute between K.G. Hospital of Vizagapatam (Andhra Pradesh) and its employees and complained that although the State Government had accepted the agreement made between its officers and the union on issues relating to working hours supply of uniforms, etc., it did not implement the agreement on the plea that it was not binding on it. He desired this matter to be examined further. He thought that the reasons advanced by the Bombay Government for not setting up an Implementation Committee were not convincing in view of the recent 105-day strike in Premier Automobiles. He desired that the State Governments should speed up the setting up of Implementation machinery. He refuted Shri Tata's statement that only small employers were going in appeal, against labour awards and agreements, to High Courts/Supreme Court and

referred to the case of Tata Oil Mills wherein the management had taken up the matter to the High Court.

Shri Joshi also referred to the closure of Kaleeswaran Mills and the deteriorating labour situation in Coimbatore. The Chairman however pointed that he was already seized of the problem. Referring to the recent legislature measure taken by the Bombay Government for taking over and remaining closed textile mills. Shri Joshi wanted the Central Implementation and Evaluation Committee to be consulted wherever any undertaking was sought to be exempted from the operation of any existing labour laws.

Shri G. D. Somani (AIOIE) stressed the need for both sides to abide by not only the letter of agreements but also to the spirit. He said that even where a breach was committed, it was very easy for the other party to deny it and argue that there was some technical difficulty and that no breach had taken place. He pleaded that there should be a genuine effort on both sides to implement agreements that had been reached by them. Referring to cases of non-implementation of awards, mentioned in the memorandum, he said that the problem was not at all serious and that all these cases could not be appropriately considered as those of non-implementation as long as the right to approach the High Courts/Supreme Court was available. He, however, appreciated that persuasive methods could be used to avoid recourse to courts. He thought that statistics indicated that on the whole, employers had been implementing the awards, agreements, etc., throughout the country. He pointed out that certain employers might have genuine financial difficulties in implementing an award or agreement and it was necessary to consider each case on merits to determine if the employer was deliberately delaying implementation. Referring to the general strike of July, 1958 in Bombay, he said that it was not necessary to investigate it as it was known to everybody how it was organised. He wanted to know if in a case where a

employees to paralyse the whole industry for a number of days, only to force the hands of that employer or the Government.

The Chairman explained that the enquiry into the strike would go into the whole question and determine the responsibility for breaches of the Code if any.

Shri Somani suggested that more publicity from both sides ought to be given to the Code of Discipline.

The Chairman referred to the resolution requiring this to be done at every unit level and said that both the employers' and workers' organisations might bring the contents of the Code to the notice of all their members.

Shri Gur Bachan Singh (UTUC) said that implementation could not be effectively carried out by the Central Committee alone, and it was necessary that committees be formed promptly at local levels by all State Governments. He stressed the need at the State and for setting up local committees, particularly for sugar and electricity industries in Bihar. He referred to the problem of litigation and said that although the Labour Appellate Tribunal was abolished with a view to reducing litigation, it was found that 4% of awards, as reported by State Governments, had not been implemented; non-implementation being due to cases pending in higher courts. He complained that even in minor cases where the issue concerned was the discharge of one or two workmen, the employers were taking the matter to courts. He said that very few unions had the resources to face the employers in a High Court or the Supreme Court and by and large they could not afford to engage lawyers. This, he said, had resulted in the grant of stay orders in a large number of cases. Besides, the Supreme Court took years to decide these cases. He cautioned that unless an effective way of reducing litigation was found the Code of Discipline would not be enforced effectively. Referring to the Calcutta Tramway Workers' Strike and the Bombay strike he said that the latter was already under investigation and the former in no way involved by breach of the Code of Discipline as it had not been without notice.

The Chairman wanted to know the reasons which led the Union to refuse adjudication.

Shri Gur Bachean Singh said that adjudication was not mentioned in the Code of Discipline and that Government had not declared the strike unjustified.

The Chairman pointed out that item II(ii) of the Code envisaged that the existing machinery for settlement of disputes would be utilised with the utmost expeditiousness and that therefore it included adjudication.

Continuing Shri Gur Bachean Singh said that there should be a broad agreement between employers and employees that unless a very important principle was involved there would not be an appeal to the higher court as the policy accepted while abolishing the Labour Appellate Tribunal was that so far as industrial disputes were concerned the verdict pronounced by a court or Tribunal would be accepted.

Shri H. P. Merchant (AIMO) suggested that an analysis might be made of the awards which were not implemented. He said that his organisation had already prevailed upon its members to observe the Code of Discipline both in spirit and in practice. He urged the Government to go into each case of strike of non-industrial character and take steps to discourage it. He welcomed the idea of formulating a committee at the organisation level to screen cases of industrial disputes which might be taken to higher courts.

The Chairman appreciated the suggestion for taking action to prevent major strikes and said that it might be considered by the Evaluation and Implementation Division.

Shri R. L. Mehta said that it would be possible to do so as soon as the State machinery was also set up. The State Governments would be asked to take steps to prevent the recurrence of strike in the State sphere.

Shri Merchant further suggested that the amendments to enactments arising out of non-implementation might be circulated for comments to employers' organisations.

The Chairman requested Mr. Brown (AIOIE) to give an account of the Calcutta Tramway Workers' Strike.

Mr. Brown (AIOIE) welcomed the opportunity to express a feeling of dissatisfaction amongst employers in W. Bengal although they had cherished the hope of better industrial relations with the advent of the Code of Discipline. Referring to the Tramway strike he said that the West Bengal Government referred the matter to the tribunal but there were more than one Union involved; four of these said that they had nothing to do with the tribunal. The Company had an agreement according to which even if it increased fares three times, it could not get a single penny for itself.

The Chairman invited all the members to nominate one representative from each organisation to form a committee to make an on-the-spot study of the Tramway Workers' Strike and said that Shri R. L. Mehta would represent the Central Government. He desired that the Government of West Bengal should be consulted in the matter immediately.

All the members agreed to the suggestion.

The after-noon session commenced with Shri Abid Ali in the chair. The Committee started discussion of each item on the agenda:-

Item 1: Action taken on the conclusions of the sixteenth session of the Standing Labour Committee held in October, 1957 regarding evaluation and implementation of labour laws, awards, etc.,

Shri R. L. Mehta: said that members wanted to know the latest position regarding the setting up of Evaluation and Implementation Committees at State levels. He said that Delhi, Punjab, Rajasthan, U.P. and West Bengal, had already set up implementation committees and cells while Bombay, Bihar and Mysore had set up implementation cells. The majority of the States had thus already set up an implementation machinery and the others were taking steps to do so.

Shri Tuljule: said that in Mysore the State Labour Advisory Committee which was to be entrusted with the work of the State E & I Committee was not constituted on the same basis as the

Central I & E Committee, i.e. it did not have one representative of the employer's organisation and one of the trade union organisation. He doubted the effectiveness of such a committee unless it was made as representative as the Central Committee. He urged the Centre to give a directive to the State Governments to include representatives of Central Organisations in the State Implementation Committees.

After some discussion the Chairman agreed that the suggestion made by the workers' representatives that the State Evaluation and Implementation Committees should be as representative as the Central Implementation and Evaluation Committee would be forwarded to State Governments for their consideration and adoption.

Item 2: 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.

Shri Naval H. Tata (EFI) said that if the names of employers who had not fulfilled their obligation of implementing an award were communicated to the Central Organisation concerned they could do something about it.

Shri R. L. Mehta said that it was being done invariably.

Shri Vittal Rao (AITUC) suggested that it might be conveyed to the employees' organisations also.

The Chairman accepted the suggestion.

Shri Kanti Mehta (INTUC) urged that some solution might be found to deal with the problem of delay in the payment of wages and bonus and referred to a case of non-payment of bonus since 1947.

The Chairman said that government were seized of this problem and were considering it in consultation with the State Governments which were being approached to appoint more magistrates or authorities for speedy disposal of cases. He said that this question would be examined.

Shri Vittal Rao (ITUC) suggested that the Mining Inspectors'

reports should be exhibited in the colliery premises so that the workers could know that violations of the Act had been taken note of.

The Chairman: said that the suggestion would be examined.

The following decisions were reached:-

(i) Complaints of non-implementation of labour laws, etc., relating to the Central sphere should be referred to the Central E & I Division and those falling in State sphere to State Governments concerned. In either case references to the Implementation machinery at the Centre or in the States should be made only after the existing machinery under the Union Labour Ministry or the State Labour Departments had been fully utilized.

(ii) Organisations would advise their constituent Units that when they referred cases of non-implementation to the Implementation machinery of the Centre and in the States they should give full details about the provisions violated, parties involved and their affiliations to the Central Organisation, etc., For this purpose, it was suggested that information regarding the members of Central Employers' Organisations should be supplied to Central Workers' Organisations so as to enable them to quote the central affiliation of the parties concerned.

(iii) While reporting cases of non-implementation, etc. to the E & I Division, the parties should, at the same time, send a copy of the complaint to the Central Organisation of the employer or the worker concerned, as the case may be.

Item 3: Non-implementation of awards, agreements etc., due to appeals to High Courts/Supreme Court.

Shri B. D. Joshi (AITUC) suggested that the State Government might attempt to bring about a settlement between the parties concerned, outside the Courts, in respect of appeals filed in Courts during the last 4-5 months i.e. after the Nainital Labour Conference (May 1958).

The Chairman: appreciated the idea and said that it could be done although there might be some difficulties where an organisation might not agree to come to a compromise. He, however, said that

Central Government might do so in respect of cases falling in the Central sphere and the State Government in respect of cases in the State sphere.

Shri Chentrol Rao: (AIOIE) wanted to know if the Organisations were required to set up screening machinery after an analysis of cases pending in Courts was made by the E & I Division.

Shri P. M. Hanon: explained that the screening committee was required to screen cases of appeals which might be filed hereafter and to ensure that unnecessary appeals were not filed.

Shri Taba: (EFI) suggested that a tripartite standing committee might be set up to exert some sort of moral force on the parties concerned to avoid references to higher courts.

Shri Joshi: (AITUC) supported this suggestion and said that if such a committee were set up at the Centre and the States the matter could be expedited.

The Chairman: said that the suggestion could be given effect to after three months or so if the other suggestion for attempt to compromise on a voluntary basis between the parties did not succeed.

The following decisions were reached:-

(i) Workers' and employers' organisations should take early steps to set up a machinery to screen cases before it is finally decided to take them up to higher courts.

This procedure might be tried for some time and if it did not succeed, the question of setting up a standing tripartite screening committee for this purpose might be considered.

(ii) As regards cases of appeals against industrial awards and agreements, relating to undertakings in central sphere, already pending in courts, the Central Government might explore the possibility of bringing the parties together with a view to settling disputes outside the court. Similar action might be taken by State Governments in respect of cases falling in the State sphere.

(iii) The question of appointing assessors, as assessors, with the industrial tribunals so as to provide them with expert advice on accounting matters might be considered.

(iv) An analysis of the cases of successful appeals against industrial awards might be made to determine the advantage secured, both in terms of money and as vindication of principles.

Item 4: Implementation of the Code of Discipline in Industry.

Shri Joshi: (AITUC) suggested that the Central and the State Governments might get the Code printed in good wall posters of art paper and distribute it to the Unions.

The Chairman: said that it would be more effective if the employers' and employees' Organisations did that otherwise it would remain an effective poster.

Shri Tata (EFI) said that unless the reports of the ad-hoc study of strikes were placed before the Committee there utility would be limited. He referred in this connection to the enquiry conducted in respect of the Strike at Jamshedpur.

Shri R. L. Mehta: clarified that a Press Note was sent out some time back wherein it was stated that in the case of strikes which took place before the ratification of the code sanctions provided in the Code would not be applied but the Labour Minister would send for the parties concerned and discuss with them infringements of the Code.

The Chairman: said that the Jamshedpur strike had nothing to do with the Code as it was not binding on the parties at that time. It was formally ratified after the Strike.

Shri Tulpule: (HMS) said that it was originally proposed at the last meeting of the Standing Labour Committee that important investigations would be conducted by a panel of persons that would include representatives of labour, employers and the Ministry.

The Chairman: said that whatever the Labour Minister had said in the morning would hold good.

The following decisions were reached:-

(i) The Code having been formally ratified at the sixteenth session of the Indian Labour Conference held at Ranchi in May, 1958, would be deemed to have come into effect from June 1, 1958. It would, therefore, not be correct to apply the sections of the Code to cases of infringements that occurred prior to that date.

(ii) The need for following the Code in letter and spirit and for publicising its provisions, as extensively as possible, was emphasised. It was agreed that the organisations of employers and workers would ask their member units to display the Code at convenient places.

(iii) An on-the-spot-study under the Code of Discipline, by a tripartite body comprising nominees of the members of the Central Implementation and Evaluation Committee, of the Calcutta tramway workers' strike should be conducted. The Government of West Bengal should be consulted in the matter immediately.

(iv) In addition to its present functions, the Implementation machinery, both at the centre and in the States should organise itself to take preventive action before a major strike takes place.

Item 5: Evaluation of labour enactments, awards, agreements, disputes, etc.,

Shri Gur Bachan Singh: (IITUC) pointed out that among the subjects mentioned for evaluation there was no mention about the working of the Factories Act.

Shri Mehta: pointed out that the list was not exhaustive but only illustrative other subjects would be added to it.

Shri Sonani: (AIOIE) referring to the setting up of an Expert Committee under the Colombo Plan said that it should be a tripartite Committee. He said that as there were complaints regarding the services rendered under the Scheme it would be better to associate both the employers and workers with the Committee.

The Chairman: said that instead of setting up a separate Committee it would be better to leave the matter to the Employees' State Insurance Corporation which is a tripartite body.

Shri Sonani agreed to the suggestion.

The following decision was reached on this item:-

The programme for evaluation drawn up in the memorandum was accepted and it was agreed that the evaluation of Factories Act might also included in the programme.

Item 6 : A review of some typical cases of non-implementation.

The Chairman: said that this item was for information.

Shri Joshi: (AITUC) referred to a government order in U.P. where works committees had been disbanded as far back as 1950 and hundreds of representations from workers were coming up. He said that this matter might be taken up with the State Government.

Shri Bagaram Tulpulo:(HMS) also supported this suggestion and urged that an investigation might be made in this regard.

The need for a scrutiny of major complaints before passing them on to the E & I Division by the Central Organisations of workers and employers was appreciated.

The meeting thereafter came to a close.