

LOK SABHA

अभियुक्त

भारत सरकार द्वारा प्रस्तुत

विधेयक

अध्याय १
प्रस्तावित विधेयक का संक्षेप

A
BILL

further to amend the Industrial Disputes Act, 1947.

श्री राम कृष्ण गुप्ता

(Shri Ram Krishan Gupta, M.P.)

Bill No 44 of 1959

THE INDUSTRIAL DISPUTES (AMENDMENT)
BILL, 1959

(AS INTRODUCED IN LOK SABHA)

BILL

furth^r to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 19

Short title and commencement.

5 (2) It shall come into force at once.

14 of 1947. 2. In section 3, after sub-section (2) of the Industrial Disputes Act, 1947 the following new sub-sections shall be inserted, namely:—

Amendment of section 3.

10 (3) Subject to the provisions of this section, the Works Committee shall be entitled to exercise all such powers as the employer is authorised to exercise and to do all such acts and things as the employer is authorised to do in the matters of production, workers' amenities and facilities provided under the various provisions of the Factories Act, 1948 and any matter of common interest:

63 of 1948.

15 Provided that it shall have no say in the purchase or sale of any goods or property on behalf of the industrial establishment but all accounts shall be placed in the meeting of the Committee.

64 of 1947.

20 (4) The Works Committee shall decide all industrial disputes provided in the schedules of Industrial Disputes Act, 1947 and unanimous decision of the Committee shall be final and binding upon all the parties and no appeal shall lie against the orders of the Committee.

25 (5) Where the dispute is not settled, the Works Committee may in writing refer it to a Tribunal for adjudication, the decision of which shall be binding and no appeal shall lie against the order of the Tribunal."

STATEMENT OF OBJECTS AND REASONS

Under Section 3 of the Industrial Disputes Act, 1947 the functions and powers of the Works Committee are very limited.

The purpose of the present Bill is to provide that these Committees shall be associated with the management of the concerns in respect of production, workers' amenities and facilities, that they shall decide all disputes between employers and employees and that their unanimous decision shall be final.

RAM KRISHAN GUPTA.

NEW DELHI;
The 21st May, 1959.

ANNEXURE

EXTRACT FROM THE INDUSTRIAL DISPUTES ACT, 1947.

* * * * *

3.—(1) In the case of any industrial establishment in which one hundred or more workmen are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute in the prescribed manner a Works Committee consisting of representatives of employers and workmen engaged in the establishment so however that the number of representatives of workmen on the Committee shall not be less than the number of representatives of the employer. The representatives of the workmen shall be chosen in the prescribed manner from among the workmen engaged in the establishment and in consultation with their trade union, if any, registered under the Indian Trade Unions Act, 1926 (16 of 1926).

(2) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employers and workmen and, to that end to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.

1132
11321

No. LRI.52(19)/59.
Government of India
Ministry of Labour & Employment.

Urgent.

From Shri A. L. Handa,
Under Secretary to the Government of India.

To All Members of the Tripartite Committee on
Works Committees.

Dated New Delhi, the

14/11/59

Subject:- Works Committees - Tripartite Committee to go into the
functions of - Meeting at New Delhi on the 30th November '59

Sir,

I am directed to forward herewith a copy of Memorandum
containing the views of the Indian Institute of Personnel Management
on the functioning of Works Committees for your information.

Yours faithfully,



(A. L. Handa)
Under Secretary.

Copy with a copy of the Memorandum is forwarded to:-
1. All State Governments.

P.T.O.

2. All Central Organisations of Employers.
3. All Central Organisations of Workers.
4. Chief Labour Commissioner, New Delhi.
5. LC Section/E&P Section/Research Division.

A. L. Handa

(A. L. Handa)
Under Secretary.

Copy also to the Hony. Secretary, Institute of
Personnel Management, Artistry House, 15, Park Street, Calcutta-16
with reference to his letter No. 46/3274, dated the 20th October
1959.

A. L. Handa

(A. L. Handa)
Under Secretary.

k. s.
d. a: refd. to
13.11.59

INDIAN INSTITUTE OF PERSONNEL MANAGEMENT

WORKS COMMITTEES

1. (a) The Institute is strongly of the opinion that in spite of adverse criticism, the Works Committees should be retained as a statutory body as at present. This will encourage joint consultation which is still in its infancy in the Indian Industries and Commercial establishments.
 - (b) The law as it stands at present leaves the initiative regarding formation of the Works Committee in the hands of the appropriate Government. The Institute is of the opinion that where any Works Committee has been or will be formed in compliance with the rules of the appropriate Government on a voluntary basis, it should be given recognition in order to encourage voluntary efforts at setting up joint consultation machineries.
 - (c) In order to further encourage joint consultation on a voluntary basis recognition should be accorded to Works Committees set up voluntarily in factories with less than 100 employees, provided the elections were conducted in accordance with the rules of the appropriate Government.
 - (d) Similarly if Joint Consultative Committees are set up in commercial establishments in conformity with the principles laid down for the Works Committees by the appropriate Governments, these should receive recognition.
2. (a) Regarding the responsibility for conducting the elections the Institute is of the opinion that the management might continue to remain responsible as under the new set of rules. But whenever either of the parties concerned i.e., the management or the workmen and/or the union(s) representing the workmen, request the Labour Directorate on reasonable grounds to take up the responsibility of conducting the elections, the appropriate Government should agree to depute its officers for the purpose.
 - (b) It is the strong recommendation of the Institute that there should be no division of constituencies on the basis of union voters and non union voters. One of the causes of some of the failures of the Works Committees has been the opposition from the unions which look upon Works Committees as rival bodies in the matter of collective bargaining and joint consultation. The provisions relating to representation, division of constituencies and further the reference to the appropriate Governments regarding the strength of the unions, etc. will only aggravate this jealousy and will not contribute to the development of sound joint consultative machinery. The basic aim of a Joint Consultative Machinery is to ensure adequate representation of all groups, trades, occupations etc., among employees in order that no interest is neglected. The Institute is therefore of the opinion that the Works Committee as a Joint Consultative Machinery shall have possibilities of successful operation if elections are conducted on the basis of representation of all types of interests, groups and trades in establishments.

3. The Institute is of the opinion that the Chairman of the Works Committee occupies a very important position and in him depends the success or failure of this body to a large extent. The present rules by the Union Government and several State Governments provide for rotation of the position among employer and employee representatives. It must be admitted that in the present stage of education and training of our employees in industries and in the absence of any convention or experience in joint consultative machineries the provision for election of an employee as the Chairman of the Works Committee is very ambitious and though well meaning, might contribute materially to the failure of this body. It is therefore the strong recommendation of the Institute that the post of the Chairman should be occupied by an employers' representatives for at least the next five years. It may be provided however, that where the Management feels that there is a suitable representative among the employees who can conduct the proceedings of the Works Committee successfully, they may decide to have an employee representative as the Chairman. In other words the provision for rotation should be recommendatory and not mandatory.
4. The Institute is of the opinion that the scope and functions of the Works Committee should remain flexible as at present. Whilst it is most desirable that where there is a representative and recognised union there should be an agreed demarcation (on a bi-partite basis at the plant level) of the jurisdiction between the Works Committee and the Union, as recognition of union is not the general rule at present and as representative unions are not always available in all establishments, the forum of joint consultation should not be stifled by any statutory limitation.
5. If it is the intention of the Government to give some guidance regarding the scope and functions of the Works Committee, it is the strong recommendation of the Institute that this should be of a broad nature and not incorporated in the Statute.
6. The Institute is strongly of the opinion that the Works Committee should meet at least once a month. The Union Government rules and many of the State Government rules provide for meetings at least once in three months. The Institute feels that meeting once a month should be mandatory.

Memorandum by Indian Instt of
Personnel Mgt.

Meeting of Tptil Com.

30.11.59

NOTE TO THE AITUC REPRESENTATIVE ON THE TRIPARTITE
COMMITTEE ON FUNCTIONS OF WORKS COMMITTEES.

1. DECISIONS OF THE WORKS COMMITTEE:

According to the provisions of the Industrial Disputes Act in respect of Works Committees, which are now in force, decisions of a Works Committee are purely recommendatory and the management concerned is not bound to act upon or implement such decisions. It has been our experience that a majority of such decisions are simply ignored by the managements with the result that a Works Committee which should play an important and effective role in promoting healthy employer-employee relations has been rendered an absolutely ineffective and useless forum. The need of the hour is that there should be some provision in the Act making the decisions of a Works Committee mandatory.

2. SCOPE OF WORKS COMMITTEE:

There should be no restriction on the Works Committee to discuss any subject affecting workmen. There is a tendency among the representatives of the management on the Committee to disallow any discussion on many matters on pretexts that they are not within the scope of the Committee or that they belong to the management and Union sphere.

3. COMPANY'S REPRESENTATIVE SHOULD HAVE POWERS:

Very often the representatives of the Company on the Works Committee express their inability to give any decisions on behalf of the Company. They shirk their responsibility on the plea that they would have to consult higher authorities. It is, therefore, necessary that the representatives of the Company on the Committee should be clothed with sufficient powers to give immediate decisions.

4. POWERS FOR THE CHAIRMAN WHO IS WORKMEN'S REPRESENTATIVE:

The law now provides that a representative of the Workmen can also be Chairman of the Works Committee. However, it has been noticed that where the Chairman of a Works Committee is a representative of Workmen his rulings given at a meeting of the Committee are ignored by the management and the representatives of the Company treat such rulings rather with a contempt. It is, therefore, necessary that there should be some provision in the Act or the rules framed thereunder to make the rulings and decisions of such Chairman mandatory on the management and its representatives.

5. PROTECTION TO WORKMEN'S REPRESENTATIVES:

There have been instances where the representatives of the workman who vigorously advocate the cause of the workman are victimised for that. Because of this apprehension on the part of the representatives of the workman it is not possible to have a free and frank discussion in the Works Committee meetings. As such there should be some provision in the law to protect and safeguard the representatives of workmen on the Committee against victimisation.

6. A PLACE AND CONCESSIONS FOR WORKERS' REPRESENTATIVES:

It is a general practice among the workmen that they take their grievances and complaints to their elected representatives on the Works Committee during working hours. To facilitate this and to avoid any interruption in the normal work of the representatives of the workmen, the management should provide a separate place where the representatives of workmen can meet and allow them to meet at such place at least for half an hour every day so that they can receive the grievances or complaints of the workmen at that place and during that time.

7. WORKS COMMITTEE SHOULD BE A GRIEVANCE BODY:

A Works Committee should be forum not only to discuss and decide the grievances of workmen but also to discuss and decide any action which the management may propose to take against a workman. Before a Charge-Sheet is issued to a workman the matter should be brought before the Works Committee which should try to settle it. If the Works Committee decides that a Charge-sheet should be issued, then only the workman concerned should be charge-sheeted. After an enquiry is held into the Charge-Sheet, the findings of the Enquiry Officer should be placed before the Works Committee which should discuss and decide what punishment, if any, should be awarded to the workman concerned. Such procedure will remove the general feeling among the workmen that the action of the management is often arbitrary. It will also create a sense of security among the workmen and will promote healthy industrial relations.

(I) Copy of Com. Ramsen's representation dated 13-1-60 which is referred to in his letter dated 29-1-60 to A.L. Handa is not available.

(II) The main objection in the latter letter has not been accepted. The objection is to the decisions being taken as conclusive.

(III) The second major objection in the above letter has also not been taken into consideration. The objection relates to elections to the Works Committees. Com. Ramsen had registered serious objections to the present procedure and rules relating to the ~~conduct~~ ^{conduct} of the elections by the employers.

Some concession is there that though employers will ordinarily ~~can~~ be responsible for the elections, in case of a dispute a conciliation officer deputed by the Government should conduct the elections.

(IV) The third major objection regarding the Chairmanship of the Works Committee has also not

been accepted. The decision as summarised
is vague and ^{self} contradictory.

(V) Finally his request ^{that} the conclusions
of the 1st meetg should be confirmed in
the next meetg has not been paid
any heed to — and the conclusions
are taken as final.

1.2.3
Ram Sen,
A.I. T. U. C.
11/5, Andul 2nd Byelane,
P.O. Botanic Garden,
Howrah.

29.1.60.

To
Shri A.L. Handa
Under Secretary to the Govt. of India
Ministry of Labour and Employment
New Delhi

Sub: Works Committee - Summary of
proceedings and provisional
conclusions of the meeting held
at New Delhi on the 30th
November, 1959.

Dear Sir,

Further to my representation dated 13.1.60, I write to draw your attention to the following in the above matter for necessary action.

I feel it necessary to mention again that the decision of the 1st meeting held on the 30th November, 1959, should not be considered as conclusive decision on the subject taken up for discussion by the Tripartite committee on the following amongst other grounds:-

(a) The discussion was started on the subject before any proper investigation by the Tripartite committee on the present problems regarding the composition and functioning etc., of the Works Committee in different industries of both private and public sector.

The materials made available to the committee at the 1st meeting were confined to only a survey undertaken by N. C. Corporation (Private) Ltd., Bombay. I am still of the opinion that the said report of the N. C. Corporation cannot reveal the actual representative picture of the problems relating to the composition and functioning of the works committee.

So the T.P. Committee had no sufficient materials necessary to draw up 'guiding principle' for the correct solution of the problem and improvement of the functioning of the Works Committee in the country.

2. The draft for discussion being placed on the 30th November, 1959, the members of the committee could not get opportunity of discussion with its organisation. You will appreciate that the discussion of the 30th November was confined to the issues raised in the draft and hence there was practically no proper scope of discussion on any other issue relating to problems and suggestions not covered by the draft.

3. Summary of proceedings and provisional conclusions of the meeting

1) The draft regarding summary of proceedings and provisional conclusion of the meeting, is totally silent on ~~the~~ one important issue:-

(a) "Responsibility for conducting the election of workers representatives in the Works Committee"

The said matter was raised and discussed in the meeting of the Tripartite committee on 30th November, 1959, and I recorded my serious objection to the present procedure and rules relating to the conduct of the election of the Works Committee.

We are of definite opinion that free and fair election will not be possible if employers are now given the right to interfere in the matter of election of workers representatives in the Works Committee.

b) Further I like to point out that the trend of discussion in the committee on the 30th November, 1959, has not been properly reflected in your draft on "Summary of proceedings and provisional conclusions of the meeting".

In this connection, I may refer here the para in item No. 5 - regarding the issue "Chairmanship of Works Committee".

It was felt that there should not be any change in the central Industrial Disputes Rules, which might amount to curtailment of any existing basic right given to the workmen in the matter of Works Committee.

It was agreed that without prejudice to workmens' right to the office of Chairman under the present Central Industrial Disputes Rules, for the next three years, the Chairman

should be from the management's side who should be head of the organisation or the factory. It goes without saying, that the above arrangement for three years was considered as temporary measure. The question of " if suitable persons were available from the side of workmen, does not arise at all".

However, I think, that the conclusions of the 1st meeting of the Tripartite Committee should be confirmed in the next meeting where further scope should be extended for discussion on any other matters including suggestion relating to privileges to works committee members i.e. the benefit of protected workmen etc.,

Hope you will be pleased to place our views before the Chairman of the Committee for due consideration.

Thanking you,

Yours faithfully,

Raja Sen

24
- 3 MAR 1960

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No. LRI-52(19)/59-II
Government of India
Ministry of Labour & Employment

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From Shri A. L. Handa,
Under Secretary to the Government of India

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

Dated New Delhi, the 2 MAR 1960

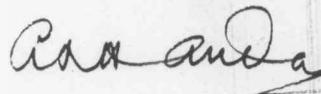
Subject:- Works Committees - Conclusions of the Tripartite
Committee appointed by the 17th session of the
Indian Labour Conference.

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Sir,

In continuation of this Ministry's letter of even
number, dated the 2nd January 1960 on the above subject, I am
directed to forward a copy of the final conclusions of the
Tripartite Committee appointed by the 17th session of the Indian
Labour Conference, to go into the functioning of works committees,
which met on 30th November 1959, for your information. Copies of
the conclusions have also been forwarded direct to those who
represented the different interests.

Yours faithfully,



(A.L. Handa)
Under Secretary

RE

1/2 P.L. Study is in
the letter 2 attached notes
& cover are in the file,
& am objections have been
taken into account.
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The meeting of the Tripartite Committee
to go into the functions of Works Committees
(New Delhi, 30th November, 1959)

The Committee met in accordance with the decision of the 17th Session of the Indian Labour Conference held at Madras in July 1959 to examine the material on the subject of Works Committees and draw-up "guiding principles" relating to the composition and functioning of Works Committees. The following members were present:-

CENTRAL GOVERNMENT

Ministry of Labour and Employment

1. Shri P.M.Menon, I.C.S.,
Secretary. Chairman
2. Shri B.N.Datar,
Labour and Employment Adviser.
3. Shri Teja Singh Sahni,
Deputy Secretary.
4. Dr. B.R. Seth,
Deputy Secretary.
5. Shri S.P. Mukherjee, I.A.S.,
Chief Labour Commissioner (Central).
6. Shri A.L.Handa,
Under Secretary.
7. Shri S.B.Kale,
Regional Labour Commissioner (Central).
8. Shri Nardeo Singh,
Research Officer.

Ministry of Works, Housing & Supply

9. Shri O.T.J. Zacharias,
Officer on Special Duty (Labour).

Ministry of Commerce & Industry

10. Shri V. Natesan,
Under Secretary.

Ministry of Defence.

11. Shri G.A. Ramrakhiani,
Deputy Secretary.

Ministry of Food and Agriculture.

12. Shri J.G.Anand,
Assistant Economic & Statistical Adviser,
Directorate of Economics & Statistics.

STATE GOVERNMENTS

Bihar

13. Shri S.N.Pande, I.A.S.,
Labour Commissioner.

Bombay

14. Shri D.G.Kale,
Deputy Commissioner of Labour (Admn)
Pramji Cowasji Institute Building, Dhobi Talao,
Bombay.

Uttar Pradesh

15. Shri J. Prasad,
Deputy Labour Commissioner,
Uttar Pradesh, Kanpur.

West Bengal

16. Shri S.N.Chatterjee,
Deputy Labour Commissioner,
Calcutta.

EMPLOYERS

Employers' Federation of India, Bombay

17. Shri P.N.K. Pillai,
Personnel Manager,
Indian Aluminium Co., Ltd.,
31 Chowringhee, Calcutta-16.
18. Dr. K.S. Basu,
Director, Hindustan Lever Ltd.,
Scindia House, Ballard Estate, Bombay-1

All-India Organisation of Industrial Employers, New Delhi

19. Shri S.K. Asthana,
Labour Adviser,
Engineering Association of India,
India Exchange Place, Calcutta-1

All India Manufacturers' Organisation, Bombay

20. Shri K. Naoroji,
Messrs Godrej & Boyce Mfg. Co (P) Ltd.,
Lalbaug, Parel, Bombay-12

WORKERS

Indian National Trade Union Congress

21. Shri Ghanshyamlal Oza, Member Parliament,
New Delhi.

All India Trade Union Congress

22. Shri Ram Sen,
C/O West Bengal Committee of the
All India Trade Union Congress,
249, Bowbazar Street, Calcutta-12

Hind Mazdoor Sabha

23. Shri H.K. Sowani,
General Secretary, Cotton Mill Mazdoor Sabha,
39, Patel Terrace, Parel,
Bombay-12

United Trade Unions Congress

24. Shri Sisir Roy,
General Secretary,
United Trades Union Congress,
General Office,
249, Bowbazar Street, (1st Floor)
Calcutta-12

O T H E R SIndian Institute of Personnel Management, Calcutta

25. Shri P. Ghosh,
E.R. Manager,
Standard Vaccum Oil Co.,
New Delhi.

Observer

After discussion, the Committee came to the following main conclusions:

1. Functions of Works Committees

It was agreed that it was not practicable to draw up an exhaustive list of the functions of Works Committees. There should be some flexibility of approach for the system to work properly. Illustrative lists of items which the Works Committee should normally deal with and those which it should not normally deal with were drawn up and approved (List appended). It was agreed that the demarcation would not be rigid and the approved lists were flexible.

2. Units in which the Works Committee should be formed.

It was agreed that no change was called for in the existing statutory provisions in the Industrial Disputes Act limiting the number of workmen to 100 for the purpose of the formation of a Works Committee.

3. Composition of the Works Committee

It was agreed that no change in the existing provisions of the Industrial Disputes Act or Rules regarding the number of members of the Works Committee was necessary. As regards the number of representatives it was felt that at times the management found it difficult to produce equal number of representatives as that of workers. But as, however, this was permissible even under the existing rules, no change therein was recommended.

4. Composition of the Workers' side of the Works Committee.

- (i) It was considered that the workers' representatives on the Works Committee should be elected by the workers without

the constituencies being divided between workers who are members of a Union and those who are not members of a Union. The existing provisions regarding representation for different departments or sections should continue. As for election, the consensus of opinion was that ordinarily the employers should be responsible therefor but that where there is a dispute or an apprehended dispute or where either the employer or the workers make a specific request to the appropriate Government, a Conciliation Officer/Labour Officer deputed by that Government should supervise the election.

5. Chairmanship of Works Committee

It was agreed that the present provision in the Central Industrial Disputes Rules regarding the compulsory rotation of the Office of the Chairman between employers and workers should be removed. At the same time it was felt that the workers' representatives should not be barred from holding that office, if suitable persons were available from their side. It was agreed that for the next three years, the Chairman should be from the management side, who should, as far as possible, be the head of the organisation of factory. It was also decided that the position should be reviewed after three years.

6. Periodicity of the meetings.

It was agreed that the present provision i.e. having a meeting at least once in a quarter needed no change. Meetings should be held more frequently if necessary.

7. Facilities to Works Committees' members.

It was agreed that the Secretary of the Works Committee should have the privilege of putting up notice regarding the work of the Works Committee on the notice board of the establishment.

8. General - The question was raised whether works committees should be established in commercial establishments also and not in factories only. It was pointed out that according to the existing provisions in the Act, Commercial establishments might form the Works Committees whenever required.

A P P E N D I X

I. Illustrative list of items which Works Committees will normally deal with

1. Conditions of work such as ventilation, lighting, temperature and sanitation including latrines and urinals.
2. Amenities such as drinking water, canteens, dining rooms, creches, rest rooms, medical and health services.
3. Safety and accident prevention, occupational diseases and protective equipment.
4. Adjustment of festival and national holidays.
5. Administration of welfare and fine funds.
6. Educational and recreational activities such as libraries, reading rooms, cinema shows, sports, games, picnic parties, community welfare and celebrations.
7. Promotion of thrift and savings.
8. Implementation and review of decisions arrived at meetings of Works Committees.

II. List of items which the Works Committees will not normally deal with.

1. Wages and allowances.
2. Bonus and profit sharing schemes.
3. Rationalisation and matters connected with the fixation of workload.
4. Matters connected with the fixation of standard labour force.
5. Programmes of Planning and development.
6. Matters connected with retrenchment and lay off.
7. Victinisation for trade union activities.
8. Provident Fund, gratuity schemes and other retiring benefits.
9. Quantum of leave and national and festival holidays.
10. Incentive schemes.
11. Housing and transport services.

No.353/A/60
March 12, 1960

Dear Com.Ram Sen,

You must have received the "final conclusions" of the sub-committee on Works Committees. We find that in finalising the conclusions, the objections made by you have not been largely taken into consideration. This is so particularly with regard to the finalisation of the conclusion itself. Election procedure seems to have been somewhat modified insofar as where there is a "dispute", the labour relations officers are to supervise the elections. The question of chairmanship remains as it is.

Please let us have your comments on these questions so that, if necessary, we may take up the matter with the Labour Ministry.

2. We are informed by letter ^{No.} ~~dated~~ LR-I 52 (19)/59 dated March 5, 1960 that "instructions have since been issued for payment of actual expenditure incurred by Shri Ram Sen in connection with his journey in November 1959." You may therefore arrange to collect the TA, if not done already.

With greetings,

Yours fraternally,

K.G.
(K.G.Sriwastava)

From:-

**Ram Sen,
A.I.T.U.C.,
11/5, Andul 2nd. Bye Lane,
P.O. B.Garden,
Howrah.**

To

**Sri P.M.Menon, I.C.S., Secretary,
Chairman - Tripartite Committee
on works committee,
Ministry of Labour & Employment,
New Delhi.**

**Sub:- Note of dissent by Sri Ram Sen,
of A.I.T.U.C.**

Sir,

Having no response to the suggestions in my letter dated 29. 1. 1960, I feel it necessary to draw your attention to the following matters for necessary steps.

It ~~ix~~ must be stated again that the discussion in the 1st. meeting of the T.P. Committee held on the 30th. November, 1959, cannot be considered as final.

1. The Tripartite Committee was appointed by the 17th. Session of the Indian Labour Conference (I.L.C.).

- (a) to examine the materials on the subject of Works committee.
- x (b) to draw up 'guiding principle' relating to the composition and functioning etc. of such committee.

Members of the Tripartite committee took the view that a survey undertaken by N.C. Corporation Private Ltd. was confined to Bombay City only and that could not reveal the actual picture relating to the Works Committee of even the entire Bombay state.

Further....

Further, there had been no other attempt for study of the actual position and problem relating to the composition, functioning etc. of the works committee in other important industrial states of the country.

So the T.P. Committee had no sufficient materials to be examined, for drawing up "guiding principle relating to the composition functioning etc. of the Works Committee.

It was therefore suggested that steps should be taken for proper study of the problems of the Works committee in different States, before arriving at the conclusion on the issue referred to the T.P. committee.

2. One draft was placed for discussion in the meeting which was not available to the members, before the date of the meeting held on the 30th. November, 1959.

The said draft does not cover many important matters relating to the composition and functioning etc. of the Works committee.

In the first meeting on the 30th. November 1959, there being practically no scope of discussion besides the ~~the~~ items of the draft, many ~~an~~ important issues on the subject could not be discussed at all in that 1st. meeting.

The Tripartite committee in view of the above, could not examine and discuss fully the materials and problems relating to the composition and functioning etc. of the Works committee in the first meeting on the 30th. November 1959.

Further I already pointed out in my previous representation that the trend of the discussion in the meeting of the 30th. November 1959, was not properly reflected in the draft on "summary of proceedings and conclusion of the meeting".

I suggested for another meeting for (1) confirmation of the summary of the proceedings" of the meeting held on the 30th. November, 1959.

(1) for further discussion on the materials and problems relating to the composition and functioning of the works committee, not covered by the discussion in the meeting of the 30th. November, 1959.

I feel that the very purpose of setting up such T.P. committee will be defeated if the conclusion of the committee is drawn in such a way ignoring the suggestions of the members.

In view of the above, I regret I am unable to be a party to any official final decision in this matter, and therefore, I hereby record my note of dissent.

I should further request you to place my view before the I.L.C. if further meeting of the T.P. committee is not arranged which is necessary for further discussion and finalisation of the decision on the subject.

Yours faithfully,

Dated,
the 20th. June, 1960.

24/6

Sof- Ram Sen

353

Sept 30, 1960

Dear Com.Ram Sen,

Bejoya Greetings!

So after I wrote to Com.Siddhant, I got the note of dissent sent by you to the Labour Ministry along with the acknowledgment received. Thanks for the same.

We insisted at the ILC, in the informal meeting that the subject of Works Committees should be discussed as a separate item and not as arising out of the decision of the last meeting. It was acceded to by Shri Nanda but as you know, in this meeting only the strike was discussed and this item could not be brought on the agenda. However, I am writing to Shri Nanda that this subject should be discussed afresh in the ILC or in its Committees or in the next Standing Labour Committee. Your note will be quite helpful because otherwise there is an impression going round that the decisions were almost unanimous.

With greetings,

Yours fraternally,

Umo
(K.G.Sriwastava)

Com.Ram Sen
11/5 Andul 2nd Bye Lane,
P.O. BOTANIC GARDENS, Howrah

Government of India
Ministry of Labour and Employment

New Delhi, the 14th October, 196

From

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

To

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

Subject: Study of Defunct Works Committees and Works
Committees which have not yet been constituted.

Sir,

I am directed to inform you that the N.C. Corporation (P) Ltd., Stadium House, 3rd Floor, 81-83, Veer Nariman Road, Bombay-1, has been entrusted with the above Statistical Study. For the due performance of the work entrusted to the Corporation letters have been issued to the Regional Labour Commissioner (Central), Bombay and Labour Commissioner, Bombay and the Central Organisation of employers to extend due cooperation and help to the N.C. Corporation in the matter of this study. A general letter of authority meant to be produced to industrial units which the Corporation might like to visit in connection with the study has also been issued. I am enclosing a copy of the same for your information and shall be grateful if you on your part will likewise extend whatever help and cooperation that the N.C. Corporation may like to avail of from you or your affiliated unions in connection with the study.

Yours faithfully,

K.D. Hajela

(K.D.Hajela)
Under Secretary.

*See copy M.R.T.C.
L.M.
17/12*